

Chapter 5: Open access policy in the UK

Higher education funding and policy in the UK¹

Higher education finance in the UK is a complex mix of public and private funding. Public funding is provided via the Department of Business, Innovation and Skills (BIS) which funds both the higher education funding councils – led by the Higher Education Funding Council for England (HEFCE) – and the seven discipline-specific research councils (collectively known as RCUK). Since the reforms begun by the Conservative-led coalition government of 2010–15 – and extended by the current Conservative government – the system has been transitioning towards higher levels of private funding (McGettigan 2013).² Statistics collected annually by the Higher Education Statistics Agency (HESA) show how the proportion of higher education institution funding derived from public and private sources has been shifting as student tuition fee income has replaced teaching grants from the funding councils, a process that largely took place from 2012–15 as the government raised tuition fees for new undergraduate students from £3225 to £9000 starting from 2012 (Bolton 2015) and withdrew the recurrent teaching grant for humanities subjects. In the academic year 2013/14 higher education institutions in the UK received £30.7bn of which £13.7bn (44.5%) was from tuition fees and £6.1bn (19.8%) was from funding body grants (HESA 2015).

[I'm providing an image of stability which is really a snapshot of a system undergoing perpetual dynamic change.]

Education (No. 2) Act 1986 & Education Reform Act 1988 [88 & 92 Acts led to mass expansion: see Boliver (2011: 232).]

Further and Higher Education Act 1992

Education Act 1994

Teaching and Higher Education Act 1998

Higher Education Act 2004

(<http://wonkhe.com/blogs/analysis-bills-known-and-loved/>)

[see also Whyte (2015: e.g. 139) for historical detail. On endowments, see also Whyte p.198 and *No Such Thing As A Free Gift* and discuss Wellcome Trust. State grants: Shinn (1986) *Paying the Piper* and White (2015: 202).]

Three policy documents published in Autumn 2015 outline changes that are due to higher education funding and governance: the Green Paper *Fulfilling Our Potential: Teaching Excellence, Social Mobility and Student Choice* (BIS 2015), the Nurse Review of the research

1 [This section will have to remain incomplete until 2017 at the earliest...]

2 [say something about McGettigan's particular angle and biases.]

councils (Nurse 2015), and the Spending Review (HM Treasury 2015). The main changes include adjustments to various grants (to both students and institutions), the introduction of a Teaching Excellence Framework (TEF), and the reorganisation of the research councils under a single umbrella body to be called Research UK. Until now, the most recent act of parliament in this area was the Higher Education Act (2004);³ the recent changes made so far to higher education funding have been achieved without new legislation. The government had intended to introduce a Higher Education bill in 2012 but this did not come to pass (Gill 2012). In order to implement the reforms outlined in the Green Paper and Spending Review, however, new legislation will be necessary.⁴

[Green Paper p.68 (17) – an attempt to change the classification of institutions from public to private, which fits in with the changing narrative of funding outlined here.]

[See also House of Commons (2016).]

A follow-up White Paper was released on 16 May 2016 entitled *Success as a Knowledge Economy: Teaching Excellence, Social Mobility and Student Choice* (BIS 2016). This document confirmed the plan to introduce new higher education legislation; begin a TEF; reduce barriers to entry for new universities, dissolve HEFCE and create a new Office for Students; create an umbrella body for research called UK Research and Innovation which will incorporate all seven research councils, Innovate UK, and the research functions previously performed by HEFCE.

HEFCE provides various streams of funding to institutions, with the largest elements being teaching grants for STEM subjects – the recurrent teaching grant for humanities and social science subjects (or any disciplines not designate as 'high cost subjects') were phased out beginning 2012 (HEFCE 2012) – and research grants in the form of quality-related research (QR) funding, which is allocated according to institutions' performance in the Research Excellence Framework (REF).⁵ QR funding totalled £1.6bn in 2015/16 (HEFCE 2015). An additional £2.67bn also originated from BIS in the form of Research Council grants (RCUK 2015).

[Other HEFCE funding streams e.g. catalyst fund, capital grants. Write about dual support and its effects in terms of spreading vs concentration of research funding.]

[Higher education is a devolved matter in the UK so Scotland, Wales, and Northern Ireland all have different arrangements, particularly when it comes to charging tuition fees. Research funding, however, is still centrally determined [citation needed].]

3 See Farrington (2015) for a fuller view of higher education legislation in the UK.

4 [I'm not going to spend too long on analysis of all this at the moment because it will all change. Important to keep historical context of policy though.]

5 The REF is a research assessment exercise which takes place approximately every six years. Institutions submit their work to be assessed by panels of subject experts. QR funding is then allocated between institutions according to their performance. REF performance is also considered to be important for the reputation of both institutions and individual researchers.

Two other significant sources of research funding for UK higher education institutions are medical charities and the European Union. Among medical charities the Wellcome Trust plays a large role; it spent £674m in research grants and other charitable activities in 2014 (Wellcome Trust 2015), with a majority of this going to UK researchers [citation needed]. The EU funds a programme of research activities via the multi-year Framework Programmes organised by the European Commission.⁶

Statement on higher education and research following the EU referendum (Johnson 2016a). [Alternative providers – I (2016).

Government has taken ‘a proactive role in shaping the development of higher education’ since Keele in the 1950s (Whyte 2015: 224).] [The new 1960s universities all relied on state funding at their founding (Whyte 2015: 226). See also Carswell (1985) *Government and the Universities in Britain* and Shattock (2012) *Making policy in British Higher Education, 1945-2011*.]

What made all this expansion possible was ever-increasing state support. In 1946 just over half of the income received by the Redbrick universities came from the UGC. By 1961, that figure had risen above 70 per cent. Indeed, including tuition fees, which were overwhelmingly paid by the government, and research funding, the majority of which was also granted by the state, by the end of this period [1960s] more than 90 per cent of the universities’ income came from the Treasury. (Whyte 2015: 227)

[Discuss neoliberalisation of HE? e.g. competition focus. Overlaps with Chapter 2.] [Alternative providers (Fielden and Middlehurst 2017).]

REF compliance as capitalist realism (TINA) – Fisher 2013 ‘How to kill a zombie’ *OpenDemocracy*.

Open access policy in the UK: 2003–12

Prior to 2012 there were a number of open access policies in effect from individual research institutions, research councils, and medical charities such as the Wellcome Trust, with a steady growth in the number of these policies from 2003 onwards (Weller 2014: 49–51).⁷ There was little coordination between them, however, and aside from the Wellcome Trust many of them were not strongly enforced.

The UK began the transition to OA early, when Parliament recommended a shift to OA publishing in 2004 [House of Commons 2004]. The Wellcome Trust (the second largest charitable funder of scientific research in the world) began mandating that all its funded

⁶ We are currently in Framework Programme 8, known as Horizon 2020, covering expenditure for the years 2014–20.

⁷ The Registry of Open Access Repository Mandates and Policies (ROARMAP) service has been tracking the growth of open access policies and mandates since 2003 (Moskovkin 2008), and the SHERPA Juliet service has been monitoring research funders’ open access policies since 2006 (SHERPA 2006).

research should be made OA from April 2005' (Tickell 2016).

[Discuss growth in policy numbers, perhaps mentioning individual research council policies as they were brought in. [formulation/implementation/compliance] Why did they start? Was it internal RC decisions, or were universities/librarians/advocates pressuring them?]

Open access policy in the UK: 2012–

As discussed above, [a broad coalition of stakeholders had been advocating for] open access for a number of years by this point so the policy decisions of the Coalition Government took place in an established policy environment with numerous active actors. Despite this history, it can be argued that open access policy in the UK reached a turning point when David Willetts, the Minister for Science and Universities from 2010–14, significantly raised the profile of open access on the policy agenda.

In 2011 Willetts commissioned a working group led by Janet Finch to look into the possibility of transitioning towards open access. The resulting report, commonly known as the Finch Report (Finch Group 2012), made various policy recommendations designed to encourage greater uptake of APC-funded⁸ gold open access. RCUK acted on these recommendations by introducing an open access policy requiring all research that they fund to be made open access (RCUK 2013). Full compliance was not expected immediately; RCUK has provided block grants to institutions in order to pay for APCs covering five years from 2013/14, with the expectation that institutions will become progressively more compliant each year until Year Five of the policy (2017/18) by which time 75% of RCUK-funded articles must be made available through immediate gold open access (RCUK 2013a). RCUK provided funds to institutions to support this policy, starting with £16.9m in 2013/14 (RCUK 2014) and rising slightly each year.⁹

While the focus of this thesis is on the UK, it is important to take into account the international situation. A look at open access policy in other European Union nations is particularly instructive as there is significant similarity between [...]

At the time of the introduction of the RCUK policy the UK was an outlier among research-producing nations in terms of focusing on a gold policy. However, a few national funders have followed suit, for example the Austrian Science Fund (FWF n.d.),¹⁰ the Research Council of Norway (2014), and the Netherlands Organisation for Scientific Research (NWO

8 Article processing charges (APCs) are fees which are sometimes charged to an author, their institution, or their funder in order to make an article open access.

9 RCUK have not produced a list of these allocations covering multiple years in a machine-readable format, so I have done so here:

<https://docs.google.com/spreadsheets/d/1VGadiD3ui39heUsmcyI4RLIv7vlQHKZsOm8MTkRq-7s/edit?usp=sharing>

10 FWF also coordinates the Open Access Network Austria (OANA) which has produced a report with 16 recommendations of how to shift the academic publication system in Austria to full gold open access by 2025 (OANA 2015).

2015). These three countries policies' all allow green open access as a route to compliance but also provide funds to pay for APCs. [Also Max Planck.] In the Netherlands, the State Secretary for Education, Culture and Science – Sander Dekker – explicitly highlighted the UK as an example to follow when describing the Dutch position (Dekker 2014).¹¹

[Provocation: UK's first mover advantage has already diminished – Austria, Sweden, Denmark, Norway, and Finland all have plans to move to full gold open access by 2025 (OANA 2015: 2–3).]

[To what extent has there been policy transfer between nations/funders?]

[can RCUK policy be seen as a consolidation, advancement of earlier individual council policies (plus APC money)? Was it easy for them to do it because it aligned with what they already wanted to do anyway?]

HEFCE also responded to the Finch Report by announcing that they would introduce an open access policy. In contrast to the relatively quick policy implementation by RCUK with a strong preference for gold open access, HEFCE took longer to finalise their policy and settled on a self-archiving policy. The differing roles of these two bodies help to determine their policy positions. The research councils fund individual projects by awarding grants to researchers so it is relatively simple for them to attach new individual demands to grant recipients. HEFCE, on the other hand, primarily distributes research funding according to QR allocation determined by results in the Research Excellence Framework. HEFCE's open access policy requires that submissions to the REF must have been deposited in a suitable research repository within three months of acceptance, thus explicitly linking research assessment with open access. [the importance HEIs place on the REF makes this a strong sanction]

The Finch Report, RCUK policy, and HEFCE policy all generated vigorous debate about the relative merits of different approaches to achieving widespread adoption of open access. Concern about implementation of the RCUK policy led to an inquiry by the House of Lords Science and Technology Committee (House of Lords 2013). Extensive evidence submitted to the enquiry by a variety of actors (House of Lords 2013a) demonstrates the wide range of perspectives on the issue.

[also BIS Select Committee (2013).]

An important factor when analysing the implementation and effect of the RCUK and HEFCE policies is that the money is entirely focused on gold open access. RCUK's block grants have some leeway in how institutions spend them but they primarily go on APCs, and no extra money has been made available to implement the HEFCE self-archiving policy. The HEFCE policy was created with knowledge that almost all HEIs in the UK already had their own institutional repositories by that time.

¹¹ [Check when each of the aforementioned nations first began centrally supporting APCs.]

Much of the implementation of the HEFCE and RCUK policies has fallen to library and research office staff within higher education institutions, with support from bodies such as the higher education technology organisation Jisc.¹² For example, RCUK distributed its block grants of varying amounts to [100ish] research institutions and these funds were usually managed by either research support staff in the library, or research administrators. Each year institutions must report back to RCUK on the level of expenditure from these block grants in order to monitor compliance with the open access policy. Jisc's role includes supporting academic library staff so they have worked with RCUK to create a template for institutions to report their block grant APC expenditure in a standardised way (Jisc Collections 2015).

[library work, role of Jisc, author requirements, compliance monitoring... See below under the section 'Policy implementation and its effects'.]

[Burgess report (2015)]

Reasons for change

[There are multiple aspects to consider when trying to understand the reasons behind policy change. The political vision of decision-makers and their choices; the organisational constraints of existing organisations working within the area; the ebb and flow of trends among academics, journalists, and commentators;]

The reason given by BIS for commissioning the Finch Report was as follows:

The Government, in line with our overarching commitment to transparency and open data, is committed to ensuring that publicly-funded research should be accessible free of charge. Free and open access to taxpayer-funded research offers significant social and economic benefits by spreading knowledge, raising the prestige of UK research and encouraging technology transfer. At the moment, such research is often difficult to find and expensive to access. This can defeat the original purpose of taxpayer-funded academic research and limits understanding and innovation.

(Department for Business, Innovation and Skills 2011: 76)

One narrative that is used to describe the reasoning behind this decision is the personal view and experience of David Willetts. Willetts outlined how during the writing of his 2010 book *The Pinch* he had difficulty in accessing some of the research that he needed (Willetts 2013). This led to an awareness of general access issues around research articles and a conviction that open access would allow more efficient knowledge transfer. This narrative follows a simple progression from Willetts' ideas and decision, to the Finch Report, to the introduction and implementation of the Finch Group's recommendations by the UK's research funders. But how closely do HEFCE and RCUK need to follow BIS policy? According to the current

12 [mention Wilson review <https://www.jisc.ac.uk/about/corporate/background>]

Minister of State for Universities and Science, Jo Johnson, 'HEFCE and RCUK are non-departmental government bodies with independence from government to determine their publication policies' (personal communication). [Here it may be instructive to bring in policy network and multi-level governance (MLG) theory to discuss how independent these bodies are. MLG sees public policy as being shaped through both formal and informal channels; central government and arms-length bodies; public and private interests. Relevant points: the composition of the Finch Group (including publishers); whether its recommendations *needed* to be taken up by RCUK/HEFCE.]

We should also consider the possible influence of lobbying from commercial academic publishers. As revealed by a Freedom of Information request, the Universities and Science Minister and BIS officials regularly meet with the Publishers Association and individual publishing corporations such as Elsevier and Wiley (Whatdotheyknow.com 2015). The contents of these meetings is unknown. These publishers have largely been resistant to open access due to their continued annual large profits from the subscription business, so it is unlikely that they would be trying to influence the government to promote open access *per se*. However, the government's strong preference for gold open access rather than self-archiving is aligned with a competitive market logic that is consistent with commercial publishers' goals. This nexus of open access business models, corporate publisher interests, and the neoliberal agenda of the Coalition government is worth exploring in more depth.

[...]

[Can discuss relationship between BIS, universities (including e.g. UUK?), and publishers in terms of policy community/policy network.]

[the role of state bureaucracies and policy networks on the policy-making process]

It is worth considering the extent to which Willetts-era open access policy was a continuation and incremental extension of prior policy, rather than being a radical departure. As with all policy, decisions occurred within the broader context of the existing policy environment. In this case the institutions of BIS, HEFCE, RCUK, and individual higher education institutions were all involved to some degree in supporting open access. Perhaps the only key difference was prioritising gold over green, in line with the government's market creation policies for HE.

To an extent, Ministers rely on advice from policy experts from various governmental and non-governmental organisations. [lobbying]

How does Willetts' open access policy interact with his other policies?

Successful policy relies on implementation; this is not done by the top decision-makers.]

Of course, it is important to consider the government's broader openness and transparency agenda. The coalition's promotion of open access was not an isolated case of promoting openness in relation to government-produced or -funded resources. [Open data, open government partnership, open source software in government.] This apparent increase in

transparency occurred alongside continued high levels of secrecy in some areas [clarify] and moves to restrict use of Freedom of Information law [citation needed]. With the excuse that open government data was making more information about the workings of government available than ever before, the government could argue that Freedom of Information law was no longer necessary (or could at least be curtailed in scope). [cf. Ben Worthy] By pivoting from a reactive to a proactive system of transparency, the government could be consolidating power by making it easier to control what, when, and how information is released.

[Path dependence of ideas – 'it is not just institutions, but the very ideas on which they are predicated and which inform their design and development, that exert constraints on political autonomy' (Hay 2006: 65). If neoliberal ideology saturates the worldview of everyone involved in policymaking, then it acts as a structural constraint defining the boundaries of acceptable policies – anything outside of this ideology faces considerable barriers to even being considered as viable policy. Economic logic becomes the logic to which all policy must conform. This could go some way to explaining the Finch Group's decision to promote gold open access. It is only addressed if it is framed as an economic problem.]

['Our focus of analysis is the 'critical juncture' which marked the beginning of a particular path and reduced the feasibility of alternative policy choices (Pierson, 2000)' in (Cairney 2012: 107).

Is the critical juncture Willetts/Finch, or the decision of Finch to support APC-driven gold (and can we distinguish between these two things?)

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Policymaker attention is limited – there is only so much that they can focus on at any given time. Since the departure of David Willetts there has been a shift in the policy focus at BIS; Jo Johnson's focus is on other areas so open access has moved down the policy agenda.

[ideas versus power. Power is diffuse throughout society, instantiated in all social relations e.g. patriarchy, capital. If neoliberalism has become a mode of governance which permeates all society with its logic, then the 'ideas v. power' debate of public policy collapses – neoliberal ideas have become a form of diffuse power. Debates over whether ideas or power are primary make no difference to neoliberalism's pervasiveness because it is *both*.]

Policy implementation and its effects

Implementation of HEFCE's open access policy is largely devolved to individual higher education institutions because it is so closely tied to institutions' REF submissions. Although implementation of RCUK's open access policy is also similarly devolved – with funds being given to individual institutions to manage the costs of implementation themselves – the fact that the UK has a central negotiating body to manage journal licenses means that this organisation, Jisc Collections, can leverage this position to help financially support the

13 [Link back to Foucault's veridiction argument in Chapter 3, p.2. M.E.: 'What you might want to think is how certain sectors of the OA community also equate their open practices with truth. "If it isn't open, it isn't science" etc. in an era where science is the dominant paradigm of truth production.']

transition towards open access publishing. (Jisc's role in supporting institutions with their implementation of the HEFCE policy is largely a matter of providing technical infrastructure.)

One explicit result of the RCUK open access policy was the introduction of offset schemes. In this context, 'offsetting' is used to refer to the process of offsetting the costs of journal subscriptions and APCs against each other (Lawson 2015). Willetts expected deals to be made with publishers to progress this (Jisc Collections 2014; Willetts 2014). Jisc Collections' subsequent work to incorporate offset schemes into its negotiations with publishers around purchasing access to journal content can be viewed as the implementation of this policy.

Offsetting agreements are currently in place with Wiley, Springer, Taylor & Francis, Sage, Institute of Physics Publishing, and Royal Society of Chemistry.

These are multi-year agreements with sometimes long negotiation procedures involving numerous clauses and changes to consider. Therefore there was no way for offset agreements to be in place and making a difference to institutions' expenditure until well into the period of receiving RCUK block grants.

[After the upheaval during 2012–13, from 2014–18 we are in a period where open access policy in the UK is considered to be reasonably stable and is largely a matter of technical implementation, with no further big changes expected. This relatively low profile – especially given the policy changes underway in other areas of higher education, such as the TEF – is actually a crucial time for a critical look at existing policy and continued experimentation.]

[Sharp 2015]

The response of academics to open access policy is key – how do *they* see it? Do they see it as an administrative burden, as part of the neoliberal apparatus? If so, this must be taken seriously.

Tie to Chapter 1 - does it matter whether social justice open access goals are achieved by neoliberal means?

Joss Winn on possibilities for co-operative higher education in the new legislative framework: <http://josswinn.org/2016/06/22/he-white-paper-the-herb-and-co-operative-higher-education/>

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