

Chapter 6: Open Access Policy in the UK

This chapter examines the state of open access policy in the UK and explores the political context behind it. Following the work in Chapters 4 and 5 that described what neoliberalism is and how it came to influence higher education so strongly, it can be seen that open access is now entangled in the institutions, procedures, and policies of the neoliberal academy.

The main focus of this chapter is on the policies of the UK government and its agencies during the years of the Conservative-led coalition government (2010–15). This time period has been chosen for several reasons: a governmental term is a useful unit of analysis for policy; and it broadly corresponds with David Willetts' term as Minister for Science and Universities, whose interventions can be seen as a pivotal moment for the UK's open access policy – most of the specific policies analysed herein were implemented as a result of these interventions. And despite the significant changes to UK higher education policy since 2015 (see below), open access policy has remained the same. The open access policies of other nations – especially within the EU – are also considered, although for reasons of space this discussion will be limited.

The chapter is divided into four sections. First, a short pre-history of open access policy, covering the period prior to 2010, provides some background context. This is followed by a discussion of the change in policy of the government and its research agencies during 2010–15, and considers some reasons for this change. The third section looks at the details of the RCUK and HEFCE policies and their implementation, and analyses the effect they have had on the extent of, and perception of, open access in the UK. Finally, the question of neoliberalism will be addressed: to what extent can the UK's open access policy be considered neoliberal? By drawing on the work in Chapters 4 and 5 about neoliberalism and its role in contemporary higher education, the links between neoliberalism and the government's version of openness are made clear, but [the case is made for rejecting an over-simplified view which dismisses the very real benefits that have occurred.]

Open access policy in the UK: 2003–10

As discussed in the introduction¹ and Chapter 3, open access emerged in the early days of the web and was formally recognised as a coherent movement with the Budapest Open Access Initiative (BOAI) in 2002. During the first decade of the twenty-first century, open access policies and mandates began to be introduced by individual research institutions, state

1 [Do I capitalise 'introduction' when it is referring the chapter called Introduction?]

research funders, and medical charities such as the Wellcome Trust,² with a steady growth in the number of these policies from 2003 onwards (Weller 2014: 49–51).³ As Prosser (2007) has noted, it was the Berlin declaration in 2003, rather than the BOAI, that marked the first time research funders explicitly acknowledged that open access was in their interests. There was little coordination between the various policies that emerged around this time, however, and aside from that of the Wellcome Trust, many of them were not strongly enforced.⁴

As Tickell reports, ‘The UK began the transition to OA early, when Parliament recommended a shift to OA publishing in 2004’ (Tickell 2016: 8). Parliament’s recommendations – in the form of a report by the House of Commons Select Committee on Science and Technology⁵ – were strongly in favour of supporting green open access by creating institutional repositories and mandating that funded research is deposited in them, as well as suggesting that ‘the Research Councils each establish a fund to which their funded researchers can apply should they wish to pay to publish’ (House of Commons 2004: 3).⁶ Since open access publishing models were in their infancy in 2004 – BioMed Central⁷ started charging APCs in 2002, PLOS launched its first journal *PLoS Biology* in 2003, and the first hybrid APC option from a major publisher was launched by Springer in 2004 (Björk 2017; Quint 2002; Willinsky 2006: 1) – it is not surprising that the emphasis was on green open access. Shortly afterwards, ‘The Wellcome Trust (the second largest charitable funder of scientific research in the world) began mandating that all its funded research should be made OA from April 2005’ (Tickell 2016: 8).

Following the Select Committee enquiry, ‘Research Councils UK (RCUK) initiated a policy review to investigate what action the UK Research Councils could take to promote greater dissemination of the research they fund [...] RCUK recommended a series of policy changes to the individual councils and during 2006 five of the seven Research Councils announced mandates requiring that a copy of all papers resulting from grants awarded from 1 October 2006 be deposited in freely accessible electronic repositories’ (Prosser 2007). Some councils also allowed APC costs to be included in grant applications (Finch Group 2012: 56).⁸

- 2 The Wellcome Trust was among the earliest research funders to show a strong interest in changes within journal publishing (see Wellcome Trust 2003).
- 3 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).
- 4 [citation needed]
- 5 Select committees are part of the constitutional governance structure of the UK Parliament. They are cross-party committees of MPs that have responsibility to scrutinise particular areas of UK government policy.
- 6 The report also recommended the monitoring of the journal publishing industry by the market regulator, the Office of Fair Trading: ‘We recommend that the Government Response to this Report provides information on the measures being taken by the Office of Fair Trading to monitor the market for STM journals. We urge the Office of Fair Trading to commit to biennial public reporting on the state of the market, including how STM publication prices are developing; how prices change following mergers and acquisitions in the sector and the impact of bundling deals upon competition’ (House of Commons 2004: 48).
- 7 The founder of BioMed Central, Vitek Tracz, claims that at its launch in 1998 it was the first open access publisher (Poynder 2005).
- 8 [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? It appears that the Research Council decisions resulted from the government enquiry, making it look like top-down decision-making. Is this true? Look into

The UK was not alone in seeing the introduction and growth of open access policies during this period. Research funders elsewhere in the world were also introducing policies around the same time, with the US National Institutes of Health (NIH) policy in 2005 (Willinsky 2006: 3),⁹ and many European research funders as well, mostly between 2006 and 2010 (Science Europe 2016: 10). Latin America has consistently been the region of the world with the most advanced open access policy environment and [greatest proportion?] of scholarly literature available open access (Alperin 2014).^{10 11}

Open access policy in the UK: 2010–15

By 2010, the Labour party had been in power for 13 years. Following the general election in May 2010, a coalition between the Conservative party and the Liberal Democrat party formed a government that lasted until the next election in 2015, after which the Conservatives have governed alone. So government policy in many areas changed significantly from 2010 onwards and higher education was no exception. 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 within an established policy environment with numerous actors. But despite this continuity, 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, a sociologist and former university Vice-Chancellor, to look into the possibility of transitioning the UK's academic publication output towards open access.¹² The group was tasked 'with recommending how to develop a model, which would be both effective and sustainable over time, for expanding access to the published findings of research' (Finch Group 2012: 2). The resulting report, commonly known as the Finch report (Finch Group 2012), made various policy recommendations designed to encourage greater uptake of APC-funded gold open access. The report envisioned a 'mixed economy' of APC-funded gold open access, subscription journals allowing green open access deposit of articles, and extended licensing, with 'Gold OA primarily funded by APCs' seen as 'ultimately delivering most successfully against our

who gave evidence in the enquiry. Who initiated it? Were they lobbied?]

9 Progress on open policies in the US is highly dependent on the ideologies of whichever administration is in power at the time; in 2013 Obama signed an executive order 'Making Open and Machine Readable the New Default for Government Information' (Obama 2013), whereas the Trump administration is working against openness and transparency in government (Joseph 2017). [Bollier argued that the NIH mandate 'is about universities trying to reclaim greater control over what they already produce and own. It's also about government, acting on behalf of taxpayers, trying to reclaim ownership of research that it has already paid for' (Bollier 2004: 3).

10 [mexico's policy/legislation is super neoliberal]

11 [mention somewhere in this chapter: in [early 20th century] the government gave grants to the Royal Society to fund its publications; is there a parallel with the government now funding publications through APCs? Though publishing is now much less tied to a national context.]

12 It is worth bearing in mind that a government-commissioned report, including an 'independent' one such as this, is not necessarily actually written by the person whose name is most prominently associated with it. In this case, the consultant Michael Jubb was the primary author (see Finch Group 2012: 2).

criteria' (Finch Group 2013: 2). Means of funding gold open access other than APCs, as discussed at length in Chapter 7, were dismissed as inconsequential (2012: 62). This is despite the fact that among gold open access journals listed in the Directory of Open Access Journals, '68% [...] do not charge APCs or other fees—and those free-to-submit journals published 43.0% of the articles in 2016' (Crawford 2017: 1).¹³ The Finch report set the policy direction with regards to open access for research organisations that receive funding from the state. For instance, RCUK acted on the report's recommendations by introducing an open access policy requiring all research articles¹⁴ that they fund to be made open access, preferably through the gold route, and releasing funds to enable this to happen (RCUK 2013). HEFCE also announced that it would introduce an open access policy, although this took longer to be developed. The rest of this chapter will analyse the aftermath of the Finch report with a focus on the RCUK and HEFCE policies and their implementation.

There are multiple aspects to consider when trying to understand the reasons behind policy decisions, from the political vision of policymakers, to the operational constraints of existing organisations working within the area, and the ebb and flow of trends among academics, journalists, and commentators. The reasons given by BIS¹⁵ for commissioning the Finch Report were 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)

This line of reasoning is fairly typical of the pragmatic arguments used by supporters of open access (see the Introduction). As such, it may reflect the influence of the prior work done by these supporters. The Finch report also explicitly lists pragmatic reasons in favour of open access, such as improved efficiency and increased return on investment, while ignoring any moral arguments (Finch Group 2012: 5). However, another narrative that is used to describe the reasoning behind the policy 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 situation led him to an awareness of general access issues around research articles and a conviction that open access would allow more efficient knowledge transfer. This narrative therefore follows a

13 The false equation of gold open access with the APC business model was subsequently carried over into evaluations of the policy such as Tickell (2016: 9).

14 RCUK took a phased approach rather than expecting 100% compliance immediately, as discussed below.

15 As mentioned in Chapter 5, the Department for Business, Innovation and Skills was the department responsible for universities and research at that time. Responsibility is now split between the Department for Education and the Department for Business, Energy, and Industrial Strategy.

simple progression from Willetts' experience and subsequent decision to do something about it, to the Finch Report, to the introduction and implementation of the Finch Group's recommendations by the UK's research funders.¹⁶

Another factor that should be considered is the possible influence of lobbying from commercial academic publishers. Public policy is shaped by various interest groups: political parties, private sector interests, government advisors, civil society organisations, think tanks, media pressure, and so on.¹⁷ The formal process of making law is not the only way in which these interest groups try to influence policy, which is why some argue that the legislative process should be 'taken to include pre-parliamentary consultation and lobbying as well as formal debate' (Pemberton 1977: 5). Government ministers rely on advice from policy experts from various governmental and non-governmental organisations; both state bureaucracies and also wider policy networks feed in to the policy-making process. For example, with regards to higher education policy, there is expertise within the government department itself; within arms-length sector bodies such as HEFCE/OfS, RCUK/UKRI, or Jisc; universities and their mission groups such as the Russell Group or UUK; academic expertise within relevant university departments; and private sector organisations who sell to the sector. Although there are ways within the formal legislative process for all of these organisations to make an input, such opportunities are rare, and policy influence is more frequently sought through the murky practices of lobbying. Lobbying is notoriously difficult to monitor accurately, but the scale of publisher lobbying in the US alone can be hinted at by the \$1.4m of publicly acknowledged expenditure by Elsevier in 2017 (Open Secrets [n.d.]).

As revealed by a Freedom of Information request, the Minister for Universities and Science and BIS officials regularly meet with the Publishers Association and individual publishing corporations such as Elsevier and Wiley (Whatdotheyknow.com 2015). The content of these meetings is unknown because no record has been kept.¹⁸ These publishers have largely been resistant to open access due to their continued large annual profits from the subscription journal 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. [Nexus of open access business models, corporate publisher interests, and the neoliberal agenda of the Coalition government.] The precise

16 The extent to which bodies such as HEFCE and RCUK need to closely follow government policy is not always clear. According to a later Minister of State for Universities and Science (2015-17), Jo Johnson, 'Research Council policies are not determined by Government' (Johnson 2016), and 'HEFCE and RCUK are non-departmental government bodies with independence from government to determine their publication policies' (personal communication). But it was very clear that they were expected to change their policies in direct response to the Finch report. One of the reasons for the re-organisation of the sector's governance under the Higher Education and Research Act may have been to make these organisations more directly accountable to, and under the control of, central government (see Boyd 2018).

17 [citation needed – Carney?]

18 Freedom of Information requests can only reveal information that exists, so naturally if a government wishes for information not to be revealed, it is convenient for there to be no record of its existence. In recognition of this, the Campaign for Freedom of Information in Scotland has launched a campaign to require that minutes, notes, and agendas must be taken of all Scottish Government meetings (CFOI 2018).

membership of the Finch group (see Finch Group 2012: 112–114) was very important. Publishers were able to influence the end result through their presence. So rather than the report offering an impartial analysis (if such a thing is possible) of the best course of action, it appears that certain interests managed to take precedence.¹⁹ There was an explicit aim to ‘balance the interests’ of different stakeholders, including the commercial interests of publishers (Tickell 2016: 9). Financial sustainability for existing publishers was explicitly included as a criteria for success in the Finch report, including their ability to generate profits for shareholders (Finch Group 2012: 61).

The open access policy of the coalition era ties in to other aspects of the government’s aims and legislative direction, especially the broader openness and transparency agenda (BIS 2011: 76–77). The coalition’s promotion of open access was not an isolated case of promoting openness in relation to government-produced or -funded resources – there were also moves towards open data, and using open source software in government.²⁰ This apparent increase in transparency occurred alongside continued high levels of secrecy in some areas [clarify] and unsuccessful moves to restrict use of Freedom of Information law (Quinn 2016; Syal 2015). 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). [cite Ben Worthy?] By pivoting from a reactive to a proactive system of transparency, the government could be trying to consolidate power by making it easier to control what, when, and how information is released.

Another sense in which the government’s open access policy is linked directly to its agenda in other areas of higher education is that the prioritising gold over green open access was in line with the government’s market creation policies for higher education. [fees, markets, choice, etc.]

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 already involved to some degree in supporting open access. ‘Path dependence’ is the term used in public policy analysis to refer to the way that the possibilities for future action often appear to be restricted by the way things have been done in the past (Greener 2005; Pierson 2000). As Cairney describes it, ‘when a commitment to a policy has been established and resources devoted to it, over time it becomes increasingly costly to choose a different path’ (Cairney 2012: 107). This applies not just to the operational constraints of institutions, but also ‘the very ideas on which they are predicated and which inform their design and development, that exert constraints on political autonomy’ (Hay 2006: 65). Path dependence

19 [To what extent was the outcome based on the perceived practicability of the recommendations, rather than whether they were ‘best’?]

20 [citation needed]

of ideas is a useful way of viewing the neoliberalisation of public policy: 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. To use the understanding of neoliberalism given in Chapter 4, this means that the logic of capital becomes the single logic to which all policy must conform. This – alongside publisher lobbying – could go some way to explaining what is perhaps the only major policy change that was instigated by the Finch report, which was the decision to promote APC-driven gold open access. If open access is framed only as an economic problem to which a market solution must be found, such a policy makes perfect sense.²¹

If it is correct to say that the single most significant policy change in the period under discussion was the promotion of APC-driven gold open access, then the ‘critical juncture’ can be identified, i.e. the point that ‘marked the beginning of a particular path and reduced the feasibility of alternative policy choices’ (Cairney 2012: 107; see also Pierson 2000). This point could be either the decision by Willetts to launch the Finch Group, or the decision of that group to support APC-driven gold open access. In reality, it is probably not necessary to distinguish between these two things; Willetts would not have started the Group, and the membership of the group would not have been approved, if it was not clear which direction they go.²²

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 breadth of perspectives on the issue. A separate inquiry was undertaken by the House of Commons Business, Innovation and Skills Select Committee (BIS 2013).²³

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 policies in other European Union nations is particularly instructive. At the time of the introduction of the RCUK policy, the UK was an outlier among research-producing nations in terms of prioritising gold open access. However, a few national funders have since followed suit, for example the Austrian Science Fund (FWF [n.d.]),²⁴ the Research Council of Norway (2014), and the Netherlands Organisation for Scientific Research (NWO 2015).²⁵ These three countries policies’ all allow green open access

21 [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?]

22 [do I need something more substantial to back up this view of ‘policy-based evidence making’?]

23 [expand]

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

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

as a route to compliance but also provide funds to pay for APCs.²⁶ 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). The evolving policy environment in Europe is significant for the success of the UK’s open access policy; even if the UK’s first mover advantage²⁷ has already diminished – Austria, Sweden, Denmark, Norway, and Finland all have ambitious plans to move to full gold open access by 2025 (OANA 2015: 2–3), and Hungary and Romania also have a preference for gold (European Commission 2015: 17) – the more widespread adoption there is of gold open access, the less burden will be placed on the UK to pay for it while also maintaining subscription access.

At the European level, the multi-year EU research programme, which for the period 2014–20 is known as Horizon 2020, also has a policy requiring open access (European Commission 2012). Exactly what effect the UK’s imminent exit from the European Union will have, including whether or not the UK will continue have access to EU research funding, is not yet clear (see Ayris 2017). The Finch group recognised that ‘Since the overall effectiveness and impact of OA policies in the UK depends on developments in the rest of the world, it is also important that the Government and funders should remain active in seeking to influence and co-ordinate policy at an international level’ (2013: 4). Whether Brexit’s lessening of UK influence in policy-making (Else 2017) leads to a change in open access policy will remain an open question for the time being.

Policy implementation and its effects

Successful policy relies on effective implementation, and this tends to occur much further down the food chain than the corridors of Whitehall. This section is about the implementation of the post-Finch open access agenda, with a particular focus on the RCUK and HEFCE policies. As will be made clear, a great deal of the work in this area falls to the support staff of individual higher education institutions.

The Finch report had recommended that:

a clear policy direction should be set towards support for publication in open access or hybrid journals, funded by APCs, as the main vehicle for the publication of research, especially when it is publicly funded; the Research Councils and other public sector bodies funding research in the UK should – following the Wellcome Trust’s initiative in this area but recognizing the specific natures of different funding streams – establish more effective and flexible arrangements to meet the costs of publishing in open access and hybrid journals

(Finch Group 2012: 7, see also 91–92, 97)

26 [The DFG/Max Planck Institutes in Germany as well.]

27 In terms of increasing the visibility of UK research above that of other nations, which is one of the attractions of policymakers to openly available research.

RCUK interpreted this recommendation by introducing a policy with a preference for gold open access, and has provided block grants to research institutions in receipt of RCUK funds in order for them to pay APCs for RCUK-funded research outputs (RCUK 2013: 1–3). The policy initially began in 2013/14 with grants guaranteed for five years.²⁸ Full compliance with the policy was not expected immediately; the intention was that institutions would become progressively more compliant each year until Year Five of the policy (2017/18) by which time all RCUK-funded articles must be open access, including at least 75% being made available through immediate gold open access (RCUK 2013, 2013a). Funding started at £16.9m in 2013/14, rising to £19.8m in 2014/15 and £22.6m in 2015/16 (RCUK 2017: 2, 2014, 2015).²⁹ For the fourth and fifth years of the exercise the amounts allocated were altered to take into account institutions' level of expenditure in previous years, leading the total to fall to £14m in 2016/17 (RCUK 2016) and [£XXm³⁰] in 2017/18.

Implementation of RCUK's open access policy is largely devolved to individual research institutions,³¹ with block grants of varying amounts being given to over 100 research institutions each year to manage the costs of implementation themselves. Therefore much of the work of managing these funds has fallen to either research support staff in the library, or research administrators within these institutions, with support from bodies such as the higher education technology organisation Jisc.³² There was a degree of freedom in choosing how to spend the funds, with the policy stating that the grant 'is intended principally to support the payment of APCs. However, Research Organisations may use the block grant in the manner they consider will best deliver the RCUK Policy on Open Access, as long as the primary purpose to support the payment of APCs is fulfilled' (RCUK 2013: 5). The amounts received by each institution are proportional to the level of research grants that RCUK awards that institution. 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 it has worked with RCUK to create a template for institutions to report their block grant APC expenditure in a standardised way (Jisc Collections 2015).

28 The policy took effect in April 2013 and then transitioned mapping onto the academic financial year, so the first 'year' of the policy was a long one from April 2013 until July 2014. In 2017, RCUK announced that APC funds will be extended to 2020 (see RCUK 2017a), although it is likely that the precise amounts will continue to only be revealed at the start of each year of the policy.

29 RCUK have not produced a document listing these allocations for multiple years in a machine-readable format, so I have done so at Lawson (2016). All sources cited here include a full breakdown of payments to each individual institution.

30 From 2017/18 the block grant payments were made every six months rather than annually. [The second 2017/18 payments have not yet been announced.]

31 The term 'research institutions' is used here rather than 'higher education institutions' because although the organisations that receive RCUK funds are mostly universities, they do also include some other research organisations such as the British Antarctic Survey and Royal Botanic Gardens Kew.

32 Originally part of HEFCE, following the Wilson review in 2010 Jisc became a separate not-for-profit company limited by guarantee (HEFCE 2010). Please see the Acknowledgements on page [X] for a note on Jisc's role in the funding of this thesis.

One explicit result of the RCUK open access policy was the introduction of offset agreements. 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). The Finch report had recognised the risk that under a new open access policy, the HE sector may ‘be unable to reduce its expenditure on subscriptions at the same rate as it increased its expenditure on APCs’ (Finch Group 2012: 75; see also Finch Group 2013: 4). [‘double dipping’.] Willetts expected deals to be made with publishers on this issue (Jisc Collections 2014; Willetts 2014: 1–2). The fact that the UK has a central negotiating body to manage journal licenses – Jisc Collections, which is also part of Jisc – means that this organisation can leverage its position to help financially support the transition towards open access publishing. 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. [cite Earney (2017)]

Offset agreements have been made with a number of publishers, and as of 2018 deals are currently in place with Wiley, Springer, Taylor & Francis, Sage, Institute of Physics Publishing, and De Gruyter ([Lawson 2018]³³). These are usually 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. Offsetting has been shown to be an effective way of increasing the number of open access articles but at the cost of entrenching big deals and the hybrid system (Lawson 2016b, 2017, [2018]). The practice offers savings compared to the amount that would be paid if no offset agreements were in place, but has not sufficiently contained the total cost of publication, as both subscription expenditure and APC expenditure have continued to rise (see also Jubb et al. 2017: 8, 40–41). With only partial rather than full offsetting, and no restrictions on using APC funds for hybrid journals, this is not surprising. Offset agreements have been taken up elsewhere in Europe as well, such as the Netherlands (see Eve, De Vries, & Rooryck 2017: 121–122; Waaijers 2017), and the Springer Compact agreement has been enacted in a number of countries [citations needed].

An intended effect of the policies recommended in the Finch report was to increase market competition (Finch Group 2012: 11, 102; Johnson 2016). In traditional market terms, this would require price sensitivity among purchasers, which is not the case here. With regards to journal subscription rates, it has been recognised [citation] that since the people who make the decision about where to publish – the authors – are shielded from the price of journals because they are paid by the library, they have no reason to choose cheaper journals. And with APC prices, since the money is provided by a research funder and administered by institutional support staff, this distance remains intact. Publishers themselves have noted that the APC price makes little difference to authors (Wakeling et al. 2017). In general, APC rates are not set according to how much it costs to produce and publish an article but rather by what

33 [forthcoming third annual offsetting report due by September 2018]

the market will bear (Wakeling et al. 2017³⁴). The explicit support in the Finch report for hybrid journals, combined with the lack of market price sensitivity and the continuing desire of authors to publish in the most prestigious venues, has inevitably led to patterns of APC expenditure that – far from instigating market competition – have seen increased market concentration and ever-increasing prices.

Hybrid journals, as discussed in the Introduction to this thesis, are subscription journals that have an open access option available to authors who pay an APC. This business model is not new:

The first documented hybrid journals were published by the Entomological Society of America in the late 1990s (Walker, 1998). The APCs were low by today's standards, a couple of hundred dollars. David Prosser wrote an interesting analysis in 2003, where he outlined hybrid journals as a risk free transition path towards full OA (Prosser, 2003). Then, in a bold move in 2004, Springer announced the hybrid option “Open Choice” for their full portfolio of over 1,000 subscription journals (Springer, 2004).

(Björk 2017)

Hybrid open access slowly became more common, and the number of subscription journals that offer a hybrid option appears to have increased dramatically in the years immediately after the Finch report, with the vast majority of subscription journals now hybrid [citation needed]. Hybrid APCs tend to be more expensive than APCs in full gold open access journals (Jubb et al. 2017: 15, 39; Pinfield, Salter, & Bath 2015; Pinfield, Salter, & Bath 2017: 2255; RCUK 2017: 4), so it is not surprising that hybrid articles are still a very small percentage of the global total number of articles [Björk 2017?]. The increase in hybrid APCs paid from RCUK funds (see RCUK 2017) means that uptake of hybrid is higher in the UK than elsewhere (Jubb et al. 2015: 30), so the UK makes up a disproportionately large amount of the world's hybrid output [based on Björk 2017?]. Both RCUK funds (RCUK 2017: 4; Pinfield, Salter, & Bath 2017: 2255; Shamash 2017) and Wellcome Trust funds (Wellcome Trust 2016) have seen 75–80% of the money spent on hybrid journals. This expenditure on hybrid APCs tends to be with a few of the largest publishers (Jubb et al. 2017: 42–43; Shamash 2017), thus increasing market concentration even further. In order to contain costs, some funders in Europe have open access policies that either exclude hybrid journals – including the European Union FP7 post-grant open access pilot (De Castro 2015: 237, 239), the Norwegian Research Council (Frantsvåg 2015), and the Netherlands Organization for Scientific Research (NWO 2018) – or have set a cap on the level of APC that they will fund, such as Austria's research funder FWF that set a cap of €2,500 for gold open access journals and €1,500 for hybrid journals (FWF [n.d.]; Tonta et al. 2015: 1).³⁵ The Wellcome Trust (2016) has considered withdrawing support for hybrid journals though for them the reason would be a result of poor service from publishers rather than about containing costs.

34 [find other citations to back this up]

35 [also DFG?]

Sartori and Kingsley (2017), of the Office of Scholarly Communication at the University of Cambridge, have been scathing about the effects of the RCUK policy and its failure to incentivize subscription journals to flip to open access.

[more on HEFCE policy – including library work, role of Jisc, author requirements, compliance monitoring]

HEFCE introduced its open access policy in March 2014. The policy required that in order ‘to be eligible for submission to the next Research Excellence Framework (REF)’, all ‘journal articles and conference proceedings accepted for publication after 1 April 2016’ – with a few exceptions – are required to be made open access (HEFCE 2015: 1; 2016: 1). The mechanism chosen to achieve this was green open access, i.e. deposit in an institutional or subject repository. Publisher embargoes were accommodated. Institutions were expected to be compliant with the policy by April 2016 (HEFCE 2015). The requirement for deposit within three months of ‘date of acceptance’ was controversial (Jones 2016: 16).³⁶ The policy was updated several times, in July 2015 (HEFCE 2015) and November 2016 (HEFCE 2016), in response to sector concerns. The main change was regarding date of acceptance: ‘To take account of the need for systems to be developed to support deposit-on-acceptance, during the first two years of the policy (1 April 2016–1 April 2018), outputs can be deposited up to three months after the date of *publication*’ (HEFCE 2016: 5, emphasis mine).

As with the RCUK policy, implementation of HEFCE’s open access policy is largely devolved to individual higher education institutions, because even more so in this case because the policy is so closely tied to institutions’ REF submissions.³⁷ (Jisc’s role in supporting institutions with their implementation of the HEFCE policy is largely a matter of providing technical infrastructure.) Monitoring and compliance have become a central role in institutions’ engagement with open access. [see HEFCE 2017 on compliance.] [see Johnson and Fosci (2016) on infrastructure. The infrastructure required to implement RCUK and HEFCE policies was not put in place before the policies came into effect.]

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,

36 [additional sources (from Jones):

HEFCE. 2014. *HEFCE 2014/07 Policy for open access in the post-2014 Research Excellence Framework Annex C: Summary of consultation responses.*

<http://www.hefce.ac.uk/media/hefce/content/pubs/2014/201407/HEFCE2014_07c.pdf>

HEFCE. 2015a. *Annual funding allocations for 2014-15: Funds for research.*

<<http://www.hefce.ac.uk/funding/annalocns/1415/research/>>

HEFCE. 2015b. *Open access in the next Research Excellence Framework: policy adjustments and qualifications.*

<http://www.hefce.ac.uk/pubs/year/2015/CL_202015/>

37 [mention devolved funding councils – policy applies to the four UK funding bodies, not just HEFCE]

on the other hand, primarily distributes research funding according to QR allocation determined by results in the Research Excellence Framework (see Chapter 5). 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]

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 [citation needed – DOAR/ROARMAP?].³⁸

[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. It has been argued that the HEFCE open access mandate makes people think about the REF continuously (Jones 2017). Is there non-anecdotal evidence about this?]

A plethora of reports have been produced monitoring the progress of post-Finch UK open access policy: the Finch Group's own follow-up report, *Review of Progress in Implementing the Recommendations of the Finch Report* in October 2013 (Finch Group 2013); *Counting the Costs of Open Access*, commissioned by London Higher and SPARC Europe, in November 2014 (Research Consulting 2014); an interim review of the effectiveness of the RCUK policy after one year, published in March 2015 (RCUK 2015a); an independent overview of the state of progress towards open access in February 2016 (Tickell 2016); and two reports commissioned by the Universities UK Open Access Coordination Group,³⁹ in August 2015 (Jubb et al. 2015) and December 2017 (Jubb et al. 2017), both entitled *Monitoring The Transition To Open Access*. These reports have focused more on the uptake of gold open access than green, perhaps reflecting the gold priority of the Finch report but mostly due to the effects of the RCUK policy being visible much sooner.

In terms of the quantity of research articles made open access a result of the policies, the consensus is that they can be judged to be successful. The RCUK report noted that 'of those institutions that provided compliance data, 94% reported that they had exceeded the 45% open access target set by RCUK for the first year of implementation', and 'the proportion of open access delivered by gold was greater than that by green' with 10,066 gold publications (RCUK 2015a: 10–12).⁴⁰ The first *Monitoring The Transition To Open Access* report stated

38 [Is the wider adoption of CRIS systems – the leading providers of which are all commercial, with links to other areas of the publishing industry – linked to the need to monitor open access output for the REF? Probably cite Penny.]

39 Willetts asked UUK to convene an Open Access Coordination Group (see Tickell 2016: 10–11), which is responsible for both of the *Monitoring* reports and also the Tickell report.

40 For comparison, Crawford (2017: 1) reports a total of 523,205 articles published globally in fully open access journals (i.e. excluding hybrid journals) in 2016, 43% of which were published without an APC

that a sample of 23 institutions ‘spent a total of £8,806,723 on centrally-managed APC payments. This amounts to a 550% rise in expenditure since 2012, flowing from an increase in the number of payments. It is reasonable to assume that large-scale increases will continue in the next three years as compliance rates for RCUK and COAF-funded research outputs increase’ (Jubb et al. 2015: 51; see also Pinfield, Salter, & Bath 2017: 2252). The projected growth in APC payments did occur, with the second *Monitoring* report – using data collected by Jisc (see Shamash 2017a) – showing that a sample of ten universities increased the number of APCs paid from 766 in 2012 to 4,200 in 2016, and the total paid in 2016 by a larger sample of 37 institutions reached at least £18.5 million (Jubb et al. 2017: 39–40). Overall, the report showed substantial growth in the open availability of UK-authored research articles over the period 2012–16: by 2016, the proportion of such articles published through gold open access rose from 12% to 30%, and for gold and green open access combined – i.e. all articles ‘accessible *immediately* on publication’ – rose from 20% to 37% (Jubb et al. 2017: 7, 23).⁴¹ This is well above the global average of 25%. The availability increases even further to 54% at 24 months after publication, compared to the global average of 32% (Jubb et al. 2017: 7–8, 26).⁴² Since the rate of increase in open access since 2012 has been so much higher in the UK than elsewhere, especially for gold and hybrid open access, it is clear that such a large increase can be directly attributed to the effects of the RCUK and HEFCE policies, if not wholly then at least significantly.⁴³

After the upheaval during 2012–14, from 2015–18 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.]

[Netherlands Organisation for Scientific Research (NWO) terminated their Open Access Incentive Fund in January 2018 (Sondervan 2017).]

Policymaker attention is limited – there is only so much that they can focus on at any given time. Following the departure of David Willetts as Minister there was been a shift in the policy focus with regards to higher education, with his successor Jo Johnson⁴⁴ focusing on passing the Higher Education and Research Act, so open access – which is not included in the Act – moved down the policy agenda. Open access was not mentioned at any stage of the parliamentary scrutiny process for the legislation so it is unsurprising that the sole mention of

needing to be paid.

41 [Annex 2 to the report, with projections for the next five years, is due to be published early 2018.]

42 A significant amount of the articles made available through the green route are posted on the scholarly social network ResearchGate in contravention to publisher policy. For more on the state of global open access, see Archambault et al. (2014), Crawford (2017), and Piwowar et al. (2017).

43 [open access levels are highest in gold countries: <https://peerj.com/preprints/3520/>]

44 There was another Minister in between these two, with Greg Clark holding the post of Minister for Universities, Science and Cities for 10 months prior to the May 2015 general election (gov.uk [n.d.]). Clark later became the Secretary of State for Business, Energy and Industrial Strategy.

open access in the evidence submitted to the committee (Lawson 2016a) received no response. However, this does not mean that the government has changed its stance or no longer supports open access in principle, as indicated by Johnson's positive response to the Tickell report (see Johnson 2016) and a later *Times Higher Education* piece (Johnson 2017) that reiterated his support. But the fact that open access was not included in the legislation means that open access policy will continue to be developed and enacted at a devolved level within sector agencies, and not strictly coordinated from the government department. [This is not an unusual situation; there are many policy areas that are not directly covered by primary legislation, and there been a general tendency towards UK governments (especially post-2010) using secondary legislation or statutory instruments to make policy changes rather than primary legislation.⁴⁵]

Since the part of HEFCE with responsibility for research and the REF has transferred to the new body Research England, which is a part of UKRI, both main strands of the UK's open access policy are now within the remit of a single organisation, UKRI. The first Chief Executive of UKRI is Mark Walport (UKRI [n.d.]) who was formerly the director of the Wellcome Trust when they first introduced an open access policy.

To what extent have external/library pressure groups influenced open access policy? Have they helped bring it into existence, but failed to shape the direction?

[American philanthropic foundations, e.g. Carnegie Corporation and Rockefeller Foundation (Arnove 1982).]

All movement in the US is about green, so an international gold flip will simply not happen. Effect of the neoliberal approach to open access on the rest of the world – e.g. pushing APCs that are unaffordable for most.

[Joss Winn on possibilities for co-operative higher education in the new legislative framework (Winn 2016).

Position open as an enabling strategy.]

Can/should the success of open access policy be reduced to an increased volume of openly licensed content? Is that all this is?

[Control is no longer about content but the control of workflows and infrastructure - cite penny

Neylon (2017) on policy as signalling.

'Policy entrepreneurship' (Arthur 2018).]

Including open access for books within government policy continues to be deferred to a later date, in part because it would be so expensive (Jubb 2017: 181–183; Tanner 2017), though HEFCE have indicated that open access for books may be required for the next REF after

45 [citation needed]

2021 (HEFCE 2016a: 36–38). Tanner (2017) has argued that ‘the current costs of Book Processing Charges (BPC) would not be feasible or sustainable in any future REF that required or mandated Open Access for all monograph submissions’, as HEFCE itself has recognised (HEFCE 2016a: 37). [cite Crossick report]
[financial transparency: see *JEP* 19(1)⁴⁶ on book publishing]

The neoliberalisation of open access?⁴⁷

In the introduction, one of the issues that this thesis set out to investigate was whether the social justice goals of open access can still be achieved if open access is co-opted for neoliberal ends. This section addresses the issue by examining to what extent the UK’s open access policy can be considered neoliberal, and then analysing whether the neoliberal elements of the policies are harming the broader progressive movement for open access or not. The conclusion that is reached is that although there are indeed neoliberal elements to the RCUK and HEFCE policies, and pressure should be made to alleviate the worst effects of these, there have still been very tangible benefits arising from the policies and a wholesale rejection of them could do more harm than good.

Demonstrating the ways in which the UK’s open access policy is aligned with neoliberal ideology does not mean that the framers of the specific policies were consciously attempting to design a neoliberal open access policy. As Chapters 4 and 5 made clear, neoliberalism has suffused all policy thinking – including research policy – to an overwhelming extent, to the point where neoliberal ways of thinking may simply appear as ‘natural’ and are unchallenged by alternatives. So whether or not policymakers are overtly aware of the neoliberal ideas that underlie policy goals, the outcome of the policymaking process ends up supporting these goals either way.⁴⁸

The previous section analysed some of the economic effects of the Finch report and subsequent RCUK policy, including the attempt to bring market logic to bear on open access and create a ‘free market’ in APCs. The result of the extra cash given to institutions for spending on APCs has been a large increase in the number of articles published as gold open access through the APC route, especially in hybrid journals from the major subscription publishers. The support of the Finch report for hybrid open access has been criticised for failing to address the high price of hybrid APCs and for providing an additional revenue stream for subscription journals that does not incentivise them to flip entirely to open access

46 [http://quod.lib.umich.edu/jjep/3336451.0019.1*?rgn=full+text]

47 [The introduction said: ‘By drawing on the work in Chapters 4 and 5 about neoliberalism and its role in contemporary higher education, the links between neoliberalism and the government’s version of openness are made clear, but the case is made for rejecting an over-simplified view which dismisses the very real benefits that have occurred.’]

48 [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*.]

(Shieber 2013: 35–37; [cite others]).⁴⁹ Offset agreements have only partially contained the increasing cost of subscriptions and APCs. In line with neoliberal orthodoxy, the Finch report assumed that if all journals were to offer an open access option for a fee, price competition would emerge between journals that would drive down the APC price. This approach fundamentally misunderstands the nature of the journal market, which operates as an adjunct of academia's prestige economy (see Chapter 1; also Eve 2014: 43–61). The journal market functions more like a luxury goods market in which the brand name carries the most weight in terms of purchaser's conception of value.⁵⁰ In addition, the dysfunctional nature of the subscription market has been exacerbated by the lack of price sensitivity caused by the way purchasing decisions are made – academics are the ones for whom journals are purchased, but it is library staff who actually make the purchases and manage the budget (Johnson et al. 2017: 17),⁵¹ thus shielding academics from the cost, particularly when journals are bundled together in big deals and not individually priced. The RCUK policy replicates this lack of price sensitivity in the APC market. By providing a lump sum of cash with no restrictions on how much can be spent on any given APC, most institutions have managed the funds on a first-come-first-served basis and paid whatever APC was required for the journals chosen by their authors (Sharp 2015: 5–6).⁵² There is some evidence that journals that are perceived as higher quality can charge higher APCs (Pinfield, Salter, & Bath 2017: 2256), but not that prices below the 'top tier' of high impact journals are being driven down by competition. This is made particularly clear when publishers have a flat fee APC across their journal portfolio, despite the wide variance in impact factor, and perceived quality, between journals. The only mechanism to date that has been shown to drive down the cost of publishing open access in journals from a particular publisher is the introduction of offset agreements (Lawson 2016b, 2017), but again this applies across a publisher's whole portfolio so is only tangentially related to the perceived quality of an individual journal.

It is important to note that what makes it possible to consider the RCUK policy as neoliberal is not merely its injection of cash into a market. Rather, it is the way it sets the conditions to force actors down a certain path, towards a situation where the individual financial transactions of APCs are the frame within which the publishing process is always conceived. When neoliberalism is understood as a political project to enforce market logic and to actively construct the conditions in which market-like transactions can occur, the APC model emerges as the single funding mechanism for scholarly publications that most closely fits this goal.

The HEFCE open access policy can also be considered to contain neoliberal elements, which although they appear to be of a very different nature, are still tightly related to market logic. The primary concern with the policy is the fact that it is tied to participation in the REF and

49 For more on 'flipping' journals from closed to open access, see Solomon, Laakso, and Björk (2016).

50 [cite other people who have said this]

51 [there is some duplication here with a paragraph in the previous section]

52 Based on a survey of fund managers, Sharp reports that a majority of institutions allow their authors to choose whether to pay an APC in a gold or hybrid journal. No evidence has emerged to date that open access policies have affected authors' decisions about which journals to submit their articles to.

framed in terms of compliance [cite Moore, etc.⁵³]. The REF, as discussed in Chapter 5, is ostensibly a mechanism for assessing the quality of research, but is often viewed by academics as a means of exerting control over their behaviour by both government and institutional managers.

Monitoring and enforcement [compliance and sanctions] are not unique to neoliberalism and are only neoliberal when used for neoliberal (i.e. market logic) ends. This makes the judgement as to whether the HEFCE policy can be considered neoliberal a complex one – the intentions of policymakers are relevant. On the one hand, the motivation behind the policy can be viewed as neoliberal. On the other hand, the actual end result of the policy is in alignment with the aims of social justice-driven open access advocates. So one way to settle the question is to focus on actual results, rather than intentions behind them.⁵⁴

[On incentives for academics to contribute to an institutional repository - Ostrom and Hess 2011: 55–56).

[cite Prosser (2014).]

[How is success judged?]

In their selection of evaluative criteria to assess outcomes of particular institutional arrangements, Ostrom and Hess list six criteria (Ostrom and Hess 2011: 62) and only one of these is ‘increasing scientific knowledge.’ So the HEFCE/RCUK open access policies may be successful when judged against this criteria[singular] but not against some of the others (especially equity). [expand]

Shieber has described the Finch report recommendations as ‘short-term prescriptions that will likely provide merely incremental access gains at a very high cost’ (2013: 32).

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53 [‘An interesting analysis of government OA policies that Sam Moore is developing would seem to finesse this argument somewhat. What Sam shows is how the large, top-down projects that are typical of governmental responses to OA--rather than promoting a diversity of approaches, including some that might encourage cooperation--aim to achieve a consensus between stakeholders that appeases those with the most (financial) power. In the end, what this produces is a form of OA that seeks to be “tolerable” rather than an OA that is capable of engaging with the political, sociological and economic motivations of a range of different scholarly communities. As he puts it, “the needs of researchers--particularly those from disciplines without extensive grant funding--are framed only in compliance terms in accordance with how much they will tolerate”.

If this analysis is correct, then it’s a situation that has serious implications for the adoption of OA in the humanities. In fact Sam’s argument is that there’s a real danger of government OA policies actively deterring humanities researchers from appreciating and adopting open practices. Many humanities researchers first come into contact with OA through the policy framework. Consequently, OA risks appearing as “something that is not for humanities researchers, as the RCUK policy implies through its actions, or a bureaucratic exercise to be complied with, as per the HEFCE policy.” As Sam says, the problem is, either way, there’s not much to “encourage an awareness of why open access is a good thing and how it relates to a critical reassessment of scholarly communications more generally’]

54 [I strongly believe that the way things are done is really important, but it is hard to argue against the view that actions should be evaluated in terms of their actual results.]

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