

# THE ALTERNATIVE WHITE PAPER FOR HIGHER EDUCATION



## **In Defence of Public Higher Education: Knowledge for a Successful Society**

A response to 'Success as a Knowledge Economy', BIS (2016)

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## Introduction

The present Conservative Government, like the Coalition Government that preceded it, has an ideological predisposition towards the market and its supposed benefits to consumers, but appears to have no vision of Higher Education and its benefits to students and to the whole of society.

These wider societal benefits can be summarised under three aspects:

- educating the next generation of the population
- carrying out research to address social and scientific challenges
- maintaining an independent platform for research into society and science to facilitate democratic debate.

The last of these, sometimes drawn under the umbrella of ‘academic freedom’, is the basis of the historic contract between Universities and the State. We contend, following the UNESCO *Recommendation* (1997), that academic freedom must be sufficient to guarantee the independence of scientific inquiry, commentary and teaching. Pressures from funding agencies and the state are usually cited as the principal threats to academic independence. The last decade has seen the rise of a third threat, namely an increasing managerial interference in academic life deriving from the introduction of market imperatives.

**“It is our view that this new funding model is wrong in principle and deficient in practice. The regulatory framework that is being introduced in its wake will undermine the declared aims to improve teaching quality, to enhance social mobility, and to improve access and achievement.”**

These three societal benefits are interconnected. Without independent research there can be no scientific independence and no cutting-edge teaching. Without a focus on critique and challenge, students may see ‘education’ as a mere process of accumulating ‘facts’ to meet test criteria. A narrow focus on the acquisition of qualifications undermines the education process itself. Employers have criticised graduate recruits for insufficient creativity, of being rote-taught and thus un-adaptable to a modern business subject to rapid technological change. Importantly, critical skills are necessary to meet the challenge of business and for inclusive democratic engagement.

The idea of a University that unites these three aspects is undermined by a new model of Higher Education Institution that sees the investment in human capital only as a private benefit.

The Government’s White Paper, *Success as a Knowledge Economy*, and associated legislative programme, consolidate a fee-loan (or debt-finance) model of funding which puts the costs of higher education onto new graduates and future taxpayers, while reducing taxes for current taxpayers – many of whom directly benefit from publicly-supported higher education, or from its wider public benefits.

The Government suggests that it is merely replacing direct public funding with one that places the ‘student at the heart of the system’. But it proposes that public funding should be directed towards the realisation of the private benefits of higher education, and it fails to acknowledge the wider public benefits that higher education affords. In truth, the proposals place the market at the heart of the system and subordinate the student as a consumer of higher education, with loans functioning as a voucher to present at a university of choice (providing that the student has the grades required).

It is our view that this new funding model is wrong in principle and deficient in practice. The regulatory framework that is being introduced in its wake will undermine the declared aims to improve teaching quality, to enhance social mobility, and to improve access and achievement. The extension of university title to for-profit providers will also threaten the wider public benefits of higher education, by allowing them to compete as single-function institutions, and giving them access to publicly-supported loans for their students without a guarantee of their longer term stability. This will intensify existing competition and encourage a 'race to the bottom'.

Our defence of an alternative vision of Higher Education takes place in the context of a dismal lack of leadership by the various mission groups representing universities in the sector – for example, Universities UK and the Russell Group – and other bodies responsible for the sector. Their willing advocacy of a fee-loan model of funding (to avoid possible cuts) has abdicated their leadership role in a proper debate on the values of public higher education.

This failure to defend the values of the very public higher education they are chartered to provide is in marked contrast to representations made by another group. Lobbyists on behalf of for-profit providers are seeking a supposed 'level-playing field' in undergraduate degree provision, despite having no track record of success in the UK, a disastrous record in the USA, and no desire to provide any wider public benefit of their existence.

The Government's position is also in marked contrast to public attitudes. The British Social Attitudes Survey (NatCen) has, before and since the introduction of tuition fee changes, regularly asked questions about public attitudes to higher education and inequality. The majority of the population has consistently opposed high levels of student debt, believed that education has a value beyond simply providing the means to a better job, and maintained that inequality in Britain is an obstacle to the fulfillment of opportunities.

Perhaps surprisingly, this commitment to the values of publicly-funded higher education is especially marked among those *without* graduate-level qualifications. Politicians who argue that the latter resent paying taxes to finance education for 'middle-class people' should seek evidence for this assertion. But the 'debate' among politicians, members of the BIS secretariat and corporate lobbyists over the issue has been remarkable for its superficial, un-evidenced character. It has also been remarkable for the absence of full public debate (Leach 2016).

This Alternative White Paper aims to correct this imbalance. We need a proper debate about the future of UK Higher Education.

## Higher Education and For-Profit Providers

The White Paper proposes to facilitate the entry of ‘for profit’ providers and to provide them with the title of ‘university’ with immediate effect. Moreover, they will be allowed to charge £9,000 fees. This is presented as establishing a ‘level playing field’ by incorporating them into regulatory arrangements that do not ‘advantage’ existing institutions.

However, this level-playing field will be created by re-defining the ‘university’ so that it no longer has to cater for a range of subjects, or combine teaching with research and other activities (for example, third sector activities). For-profit providers will not even have to provide library facilities to access the research produced in other universities, since government policies on Open Access will make that research freely available.

From the perspective of the wider social benefits described above, for-profit providers are stripped out institutions – what Michael Barber (Barber *et al* 2014), member of the Browne Review and chief education adviser at Pearson, describes as ‘unbundled’ – concentrating on a single teaching function delivered on a cost-effective basis. The level-playing field is open to ‘free-riders’.

“By failing to protect teaching standards and by allowing private providers to enter the market with no effective regulation, the Government proposals put at risk existing high-quality vocational and practice-based university education.”

These new providers are likely to compete for cost-sensitive, debt-averse students, and – because their model will be online course material with ‘local’ tutorial support – students who cannot afford to attend a residential university. But the model is also likely to affect staffing. The curriculum will be centrally provided – Pearson, for example is a curriculum provider at A-level – and taught by hourly-paid or teaching only contract staff, who will not have the contractual freedom to adapt their teaching to their strengths or to student need.

In this context, students’ protection (even as the ‘consumers’ Government believes them to be) will be placed below that of the interests of profit-maximising organisations. The real danger is that stripped-down teaching, aimed at maximising returns for

shareholders, will undermine quality, low-cost provision. There will be a reduced requirement on new providers to demonstrate a track record for quality of provision before degree-awarding powers or university title may be bestowed. New for-profit providers will be encouraged to serve at a specific end of a HE market, with low scale, lower fee and low quality provision. Two models are envisaged: a low fee (£6,000 cap) with lower regulation; and a high fee (£9,000 cap) with requirements to widening access. For-profit universities will also be able to charge higher fees and ‘pitch’ their price just below that of other universities, without the same range of benefits.

It is expected that for-profit providers will target skills training rather than university education within this HE architecture. Vocational training programmes, placement-based practice and narrow work-specific education will become the focus for these providers. The movement of vocational training in nursing, school teaching, social work or work-specific management, computer studies and so forth into universities has, until now, been recognised as a necessary requirement for the development of high-quality practitioners capable of adjusting to change over time in their professions. The replacement of higher education with ‘training’ will lead to a fundamental de-skilling and less flexible workforce in these and other key areas of employment.

We are of the considered view that the retention of robust and significant minimum requirements should remain as a condition for the granting of higher education degree-awarding powers and the university title. Similarly, the existing, minimum requirements for new entrants to provide higher education courses, whereby the provision of three years externally audited accounts is required (the minimum duration of an undergraduate degree), should not be an overly burdensome requirement.

Indeed, the Government's own recognition that student places in existing new providers has risen from 6,600 to 60,000 since 2010/11 suggests these barriers are not significant. By failing to protect teaching standards and by allowing private providers to enter the market with no effective regulation, the Government proposals put at risk existing high-quality vocational and practice-based university education.

The Government recognises that, in opening up the market in higher education the likelihood of institutions becoming bankrupt and exiting the market will increase. To characterise the lack of bankruptcy in the sector until now as 'failure' would seem perverse. But the deliberate establishment of a system whereby students' education will suffer from disruption or failure can only be considered as an abdication of responsibility on the Government's part.

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By suggesting that 'barriers' to exit should be low, the Government demonstrates a commitment to the profit maximisation of for-profit providers over that of student protection. Indeed, the earlier HE Green Paper (BIS 2015a) explicitly stated this subordinate position of student interest in this market: 'In designing student protection, we would seek to ensure that the regime does not create unnecessary barriers to exit' (2015a: 55).

The means by which student interests would be protected in such a scheme is one in which a major conflict of interest of the provider will exist. The Government's plans suggest that students should have protection of continuity of study (i.e. be permitted to complete), but how this continuity takes place will be for the exiting provider to determine. A new Office for Students (OfS) would play a role in determining the route by which an exit could take place, but the Government's new market structure ensures the paramount role of the OfS is that of monitoring market performance, not defending student wellbeing. These proposals leave students vulnerable and unprotected as consumers in this new open-market for higher education. Only public provision of higher education has the capacity to guarantee students have access to university education free from risk of exit, and this guarantee plays an important role in the high reputation that UK higher education has for students and parents.

Risk of exit will undoubtedly fall on new institutions that lack adequate financial backing and existing ones that face higher costs and lower income. Vulnerable existing institutions tend to be those with a strong focus upon widening access and, as a result, tend to have high levels of student support facilities. Thus the consequences of an intensification of the market for higher education is to increase the likelihood of exit for precisely those institutions which have made the greatest efforts towards inclusion and social mobility.

The consequence of the new market in higher education is one in which a polarisation of institutions will develop based upon either cost or quality. Low cost, low-quality provision will emerge as a major sector alongside a high cost, high-quality sector made

up of a minority of established dominant universities derived from the existing elite institutions. The bulk of UK universities will face difficulties distinguishing themselves in terms of either quality or price, and will become vulnerable to bankruptcy if they either accumulate high costs, are perceived to deliver low quality education, or tend to specialise in areas where student employment opportunities are limited.

The development of a market for higher education in the US to-date is not one in which confidence in the Government's approach to higher education finds much favour. Private providers in the US face court action over the falsification of student records, poor standards and programmes with little quality. In 2011, Kaplan faced court action, followed in 2015 by similar action against Trump University, after the New York State Attorney brought action for fraud. The Higher Education Policy Institute (2011) report identified a series of failings in the US sector arising from institutions focusing on excessive profit and relying on state funding for their survival, creating high failure and drop-out rates amongst students. Similar concerns and complaints have been raised in the UK about the, as yet, limited development of the for-profit providers.

In December 2014, the Public Accounts Committee robustly criticised officials from the Department for Business Innovation and Skills (BIS) for repeatedly ignoring warnings from the University and Colleges Union (UCU) and Higher Education Funding Council for England (HEFCE) about the for-profit sector. Its report was published in February 2015 (Committee of Public Accounts 2015) and makes for sober reading. The chair, Margaret Hodge MP, reported:

'Between 2010/11 and 2013/14, there was an extraordinary rise in the number of students claiming support for courses at alternative providers, from 7,000 to 53,000. The total amount of public money paid to these students, through tuition fee loans and maintenance loans and grants, increased from around £50 million to around £675 million.

'The Department pressed ahead with the expansion of the alternative provider sector without sufficient regulation in place to protect public money. In our view, the risks associated with proceeding without the necessary legislative powers were sufficiently great that the Accounting Officer ought to have sought a Ministerial Direction.'

The Public Accounts Committee also observed a number of apparent anomalies:

- half of the expansion was due to only five colleges, a fact that should have triggered more stringent quality assurance, or lead to a limit on student numbers;
- despite the stated aim of expanding provision to students in England, 40% of publicly-funded students attending alternative providers came from the EU (compared with 6% overall), and BIS's record of collecting loan repayments from EU students outside of the UK was noted to be poor;
- whistleblowers from the alternative provider sector even reported that students were being recruited on the streets – a practice heavily criticised in the US for-profit sector – and alien to the UK university sector and the UCAS processes.

This report directly mirrored criticisms of an earlier US Senate Report on for-profit providers (Harkin 2012), which identified a high numbers of students failing to gain credentials. In addition, the report noted that for-profit providers allocated large amounts of resources to non-education related spending, spending more revenue on both marketing and profit-sharing than on instruction.

## In Defence of Public Higher Education

The for-profit sector is the principal beneficiary of the White Paper. Existing chartered or incorporated universities are not, in the main, seeking a reduction in accountability for state (tuition fee) expenditure. On the other hand, the Teaching Excellence Framework (TEF), the reduction in hurdles for new entrants to set examinations and gain university title, and the easing of financial commitments to 'teach out' courses on failure, have one beneficiary in mind – the for-profit 'alternative provider' HE sector and its commercial backers. Given its record, we believe this sector should be placed under greater restraint, not unleashed in order to profiteer from a new generation of students and taxpayers.

## Higher Education, Fees, Loans and Sustainability

The Coalition Government embarked on the radical overhaul of higher education funding. It set out to remove almost all direct institutional funding for teaching and instead to fund individual students primarily through loans for tuition and maintenance support. Universities and colleges were allowed to raise their maximum tuition fee to £9,000 in 2012 in order to compensate for lost grant funding.

According to this model, grants go out into the world and are spent, loans go out into the world and a certain level of repayments come back. This altered the treatment of higher education financing in the national accounts and meant that replacing grants with loans was consistent with the political programme of ‘austerity’, which was the Government’s watchword in 2010. By this accountancy trick, government expenditure on higher education reduced, despite the fact that more cash was flowing from Whitehall to support undergraduate study.

Expenditure on higher education was further lowered through the pledge to abolish maintenance grants for those starting study after 2015-16. Again, the payment of grants has been replaced by a higher level of maximum maintenance loan (now more than £10,700 per year for those studying away from home in London). This measure removed one way in which English HE tried to mitigate the advantages of wealth during study.

In policy terms, this fee-loan regime has enabled the Government to lift all recruitment controls. Since September, undergraduate programmes can recruit as many Home and EU students as they are able. This end to central rationing is extolled as the great virtue of the new regime. It has been complemented by new announcements regarding the extension of the loan scheme to taught and research postgraduates: £10,000 and £25,000 respectively to be made available to those with places.

On the most recent projections, annual loan outlay is expected to hit £18 billion by 2020 for English HE. Repayments are only expected to rise to significant levels sometime after 2030 – they currently hover around £1.5bn annually and might reach £3bn by 2020. The Government covers the shortfall between annual outlay and annual repayments received by borrowing. Over the next parliament, close to £90bn will be added to the national balance sheet as a result of student loans. This is over and above the additional borrowing needed to finance each year’s ‘deficit’.

The new fee-loan regime therefore represents a significant commitment by government. It expects to see returns on this commitment. The Department for Business, Innovation and Skills (BIS) – responsible for higher education – wrote in this year’s annual grant letter to HEFCE:

‘In prioritising our investment in Higher Education we must ensure these resources are used efficiently, effectively and where they can offer the greatest strategic benefit.’ (BIS 2015b: 39)

The proposed Teaching Excellence Framework (TEF) will serve both to maintain some limit on annual cash outlay through control of fee levels and to open up to scrutiny what the Treasury gets for each pound spent. It should be noted that the recent Institute for Fiscal Studies (2015) report into graduate earnings relies on a dataset that can only record those who have taken out student loans.

Further, the Government has reiterated its commitment to publishing data on graduate earnings by course and institution. It is hoped that publication of this data will

encourage applicants to think differently about their choices and that the policy measures will ‘reward’ those institutions ‘that are delivering the strongest enterprise ethos and labour market outcomes for their students.’

In this way, the fee-loan regime represents the transition from a funding system based on the cost of provision to one based on the creditworthiness of individuals and institutions: ‘how much should we loan to this student with this background and these grades, doing this course at this institution?’ Or, to put it another way, ‘how much will they repay?’

In 2013-14 it became apparent that the Government had based its loan repayment forecasts on a series of questionable assumptions and had overestimated the speed with which the economy would recover from recession. A budgetary crisis for BIS was overcome by the creation of a new model for predicting repayments and a change in accounting and budgeting conventions.

More fundamentally, debate on the sustainability of the fee-loan regime was transformed in Autumn 2015 (BIS 2015b), when the new Conservative Government confirmed that it would freeze the loan repayment threshold at £21,000 for five years from 2017 (rather than increase it in line with average earnings, as had been promised in December 2010 when the scheme was introduced).

This change in terms and conditions was imposed *retrospectively* – all borrowers since 2012 will be affected. Such a move alters at root any discussion about the sustainability of the loan scheme: the Government has set a precedent by which the ‘book’ of all existing loans can be managed actively so as to improve repayments. The terms will be reviewed again in 2020 and any change could encompass the interest rate, the write-off policy, and the repayment rate as well as the threshold. The Government ran a consultation on the measure and rejected fixing the terms for future borrowers:

‘Fixing loan terms and conditions would give more certainty to borrowers, but would reduce the Government’s flexibility to manage the loan book in the future.’ (BIS 2015b: 117)

Freezing the threshold will always generate most additional payments from lower and middle earners, making it a regressive measure – a greater share of the additional repayments will come from middle and lower earners, indeed the very highest earners will pay less because they are likely to clear their loan balances sooner, thus saving on interest. Combined with the abolition of maintenance grants, the Government has also contrived to implement a tax on social mobility. Graduates from poorer backgrounds who go on to enjoy higher earnings may repay as much as £10,000 more than their student peers with richer parents. This is a new inequality in the English system.

While talk of future ‘black holes’ is mostly misplaced, there is uncertainty about what control mechanisms the Government has around loan outlay. Without recruitment caps, any Home or EU student with an undergraduate, postgraduate or research degree place can now access loans (excepting Equivalent and Lower Qualification restrictions). The Government has estimates about take-up this parliament, but it has not indicated what might happen if these prove to be underestimates. At the time of writing, BIS has still not received a budgetary allocation from the Treasury to cover estimated future loan non-repayment for loans issued in 2016/17 (the current financial year), let alone over

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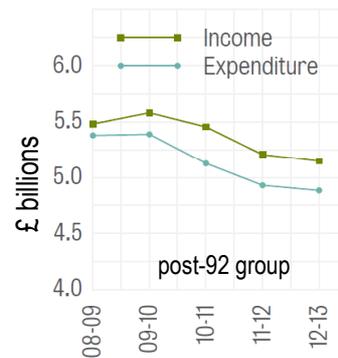
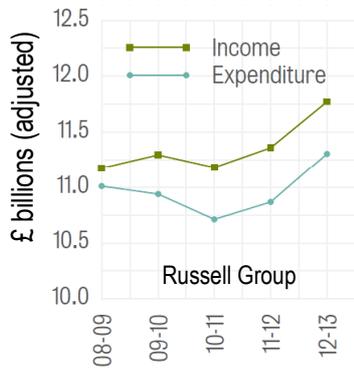
the course of this parliament. It is therefore not possible to ask the fundamental question regarding sustainability: has BIS been given enough resource to cover its commitments?

Besides the concern about budgeting and the knock-on consequences of ‘excess’ loan take-up, the Government needs to address the following three concerns about loans:

- is the maintenance support available adequate for full-time study (particularly in London)?
- how do repayments affect graduate disposable incomes?
- is the current funding scheme fair and progressive?

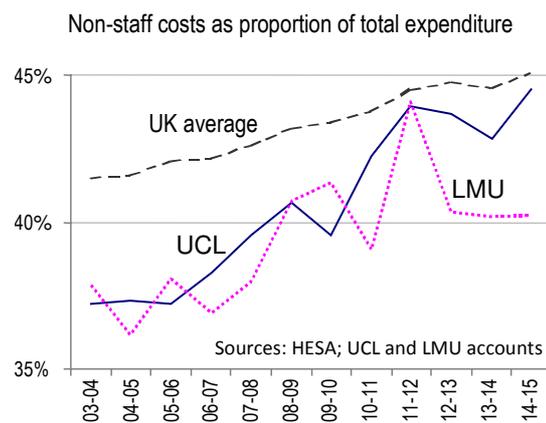
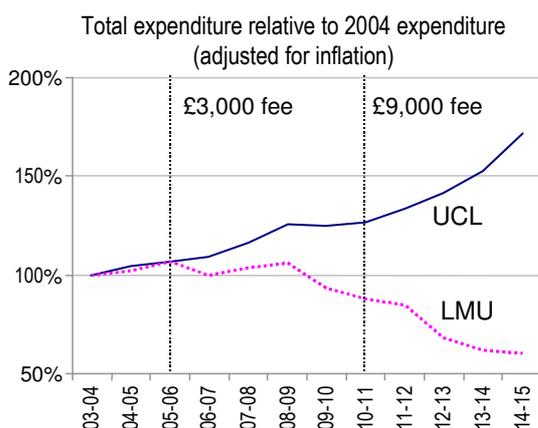
**Box: HEI winners and losers – and ballooning capital expenditure**

Funding changes over the last decade, and in particular the introduction of higher tuition fees, has intensified competition between universities, leading not to universal success but wide differences between institutions. Wolf (2015) compares the fortunes of two groups of universities. Russell Group ‘elite’ universities, below (left), saw their incomes and expenditures increase rapidly with the introduction of £9,000 tuition fees; the post-92 group of universities declined by about 10%.



Source: Figures 21, 23, in Wolf (2015), reproduced by permission.

If we examine the fortunes of individual universities, we see that University College London (UCL), a Russell Group university, increased in size by 70% (excluding mergers) between 2004-2015. Over the same period, London Metropolitan University (LMU), a post-92, approximately halved in size.



Sources: HESA; UCL and LMU accounts

Alongside this divergence in the fortunes of institutions, we have seen a second phenomenon: that ‘non-staff’ costs have increased as a proportion of outlay across the sector (above, right). UK-average data from the Higher Education Statistics Agency shows an 8.7% growth from 41.5% of expenditure in 2004 to over 45% in 2015. UCL grew its non-staff budget by almost 20% over this period. Whereas LMU’s ratio is more volatile, the upward trend is similar. Students and taxpayers might be forgiven for asking what their fees are supporting – the money is not being spent on employing teaching staff.

For 20 years, the official position has been that maintenance support is not meant to fully cover annual costs of living for full-time students. The loans provided are supposed to be supplemented by earnings or contributions from family. Too little attention has been paid to the other debts that students contract: overdrafts, credit card debt, commercial loans and payday loans. These borrowings all attract more onerous repayment terms.

There is also evidence that students are also increasing their hours in paid employment during term-time. This has implications for student attainment. A government claiming to be committed to social mobility should be far more concerned about the maintenance support it provides. Although the Government has raised concerns about senior pay in universities, it has made no comment on the excessive increases in rents faced by students in the private sector or in accommodation owned or controlled by universities. It needs to address this urgently.

Notwithstanding the recent Institute for Fiscal Studies report (Britton *et al* 2016), the Government has no reliable evidence on graduate disposable incomes – which are also increasingly reduced by rental payments. It has no idea as to what impact the repayment terms on the new postgraduate and research degree loans will have. These loans will be repaid concurrently with undergraduate student loans, meaning that borrowers could face repayment rates of 15% or 18% over the repayment threshold. And that's before we factor in the commercial borrowings mentioned above. This will affect the ability of those leaving university to save, take out pensions, and get mortgages: on a traditional view, the cornerstones of social mobility. As already noted, the active management of the loan 'book' involves measures that will always see the Government generating a greater share of repayments from middle and lower earners.

Although much of the debate surrounding the White Paper has focused on the likelihood of further tuition fee increases, the more fundamental problem of sustainability lies in maintenance support and student cost of living. We address these issues of widening inequalities brought about by the changes further in the next section.

## Higher Education and Inequality

The Government is systematically applying the market to higher education in the name of a 'knowledge economy' that no longer provides inclusive economic growth (OECD 2015). Inequality of incomes in Britain is greater than at any time in the past 40 years. Britain is now one of the most unequal countries in the world, with the top ten per cent having wealth around 100 times greater than the bottom tenth, and where someone just in the top ten per cent of wage-earners has earnings around four times higher than someone in the lowest ten per cent (NEP 2010). This level of earnings inequality, as well as the incidence of low pay, is high by international standards (OECD 2011).

The issue of students paying for their higher education arises precisely because of the high financial returns said to result from education and the changes in the tax system to benefit the better off. At the same time, deregulation of labour markets has undermined the returns on semi-skilled and unskilled jobs. This can make it seem that those in such jobs have no interest in the future of higher education and neither the means, nor, the Government believes, the incentive, to help pay for it. A shift from government paying the bulk of the costs of higher education, to individual students (and often, in effect, their families), is a shift from *all people in Britain having an interest in higher education*, towards it becoming something that is only sensibly embarked upon if it is in the private interest of an individual or their family.

**“Future... students are doubly burdened: required to pay back their student loans and be the taxpayers who will have to pay the costs of an unsustainable system, bearing the burden of the residual debts that will be written off after 30 years.”**

The shift to a fee-loan model of funding higher education had an immediate impact on the reduction of public debt, thereby reducing taxes for (current) taxpayers. But this was at the cost of an increased cash outlay on loans, driving up public debt and leading to attempts to sell the student loan book. As we have shown, there is no lasting financial saving to the country (only a temporary saving to current taxpayers, which must be recouped from future taxpayers). This suggests that the sole motive for the scheme is the misguided ideological belief that the extension of market principles into the provision of university education is itself sufficient justification.

Most other OECD countries are making greater public investment in higher education as a consequence of the global recession. The UK now has the highest average level of student fees in OECD countries. In addition, at the time that the changes were introduced, a report for the European Commission comparing different higher education systems found that Britain's was the best in research and teaching outcomes, and also top in terms of value for money (St Aubyn *et al* 2008).

The unfairness of the new system is not only evident in the way it will reinforce socio-economic inequalities. It also represents a form of generational injustice. The Government's general argument is that a failure to reduce the fiscal deficit would be unfair on future generations. Yet its means of reducing the deficit is to shift the burden of funding higher education from current taxpayers onto future generations of students. In fact, insofar as the savings are illusory, and build up a cost for future taxpayers, future generations of students are doubly burdened: required to pay back their student loans and be the taxpayers who will have to pay the costs of an unsustainable system, bearing the burden of the residual debts that will be written off after 30 years. At the same time, current taxpayers – including those who have benefited from public higher education – are rewarded by lower taxation.

## Higher Education, Social Mobility and Access

Wide inequalities bring social mobility to the centre of public concern, especially if there is no intention to reduce inequalities overall. In the absence of a commitment to inclusive economic growth, the Government says it wishes to increase social mobility. Yet widening inequality and static social mobility are related. In part, this is because a considerable part of social mobility is brought about by changes in the occupational structure, such that 'good jobs' grow in proportion to 'bad jobs'. If the upgrading of jobs ceases, then upward social mobility will depend upon corresponding downward mobility.

The fastest growing jobs in the UK fall into the category of 'bad jobs', which, in itself, derives in part from neo-liberal policies toward the labour market and regulation. The Government wants those degree programmes that lead to higher paying jobs to be able to charge higher fees, and that these should be aligned with particular high status, 'selective' institutions. At the same time, it recognises that those institutions are not just academically selective, but also socially selective. A significantly higher proportion of privately educated pupils than state educated pupils go to academically selective universities (Sutton Trust 2013).

This is the context in which the Government demands improvement in state-funded primary and secondary education, which mainly takes the form of exhortation to teachers and the forced academisation of schools. Yet the funding differences between state and fee-paying schools, with the latter having staff-pupil ratios between 75-110% better than the former, are the major explanation of differences in performance.

While the raw examination performance of fee-paying schools is better than that of the state sector (reflecting their greater resources), research from the National Foundation for Education Research (NFER 2010) shows that state-educated pupils perform better at university than those from private schools with the same A level grades. This is so across the university system, including the most selective universities. As the commentary by the co-funder of the research, the Sutton Trust, states: 'Comprehensive school pupils also performed better than their similarly qualified independent and grammar school counterparts in degrees from the most academically selective universities and across all degree classes, awarded to graduates in 2009.'

Furthermore, the discourses of 'social mobility' and 'raising aspirations' and 'choice' underpinning the proposed reforms are problematic. Various public policy experts point to the failure of higher education, alone, to contribute to increasing overall social mobility (Boliver 2011; Goldthorpe 2016; Vignoles 2013). The point here is not to detract from the value of widening participation, but to highlight the complexity of the factors contributing to ongoing social deprivation and to identify policies that make a difference. A recent report by Britton *et al* (2016) shows that graduate earnings differ for students from low income families in comparison with students from high income families completing the same degrees from the same universities.

The Government needs to employ a broader outlook in order to tackle this issue. Implicit in a social mobility discourse is the narrow idea that the only purpose of higher education is to gain employment. It reinforces a market mentality and a 'student as customer' attitude. However, there is ample research (for example, Brennan, Durazzi and Séné 2013; Watson 2014) illustrating the broader social impact of higher education that the narrow measures in the Teaching Excellence Framework (TEF) ignore.

In this context, ‘raising aspirations’ of widening participation students is a problematic discourse. It puts blame on the individual rather than the system and in so doing shifts attention away from poverty (Burke 2012). In noting that higher education has a broader function than providing a pathway to employment, it is important to ensure that widening participation students have options in terms of disciplinary areas as well as qualifications that actually ‘count’. Encouraging a tiered and segmented higher education system by way of the TEF may have unanticipated consequences in terms of the status of qualifications and this may not necessarily work to the benefit of students from disadvantaged backgrounds. It is important that the introduction of new higher education pathways, such as higher apprenticeships, and the inclusion of new educational providers do not result in the provision of low cost and second rate qualifications.

More importantly, Government proposals will direct students from disadvantaged backgrounds into low cost educational pathways because they cannot afford the fees at more elite institutions. The data on protected groups’ enrolments at private providers provided in Appendix A of the Green Paper (BIS 2015a: 86-87) suggest that this is already happening. Furthermore, a report by National Audit Office (Morse 2014) points to unscrupulous activity by private providers in the HE sector which led the Public Accounts Committee to recommend that ‘The Department needs to ensure that it has a much firmer grip on the quality of teaching and the standard the students can expect in private sector higher education colleges. It needs to identify poor performers and take appropriate action to protect students and the sector as a whole’ (Committee of Public Accounts 2015: 6).

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The Government plans to double the number of people from disadvantaged backgrounds commencing higher education study by 2020 and, during the same period, to increase the number of BME students going to higher education by 20%. The key strategies for enhancing widening participation will be: the introduction of the TEF; opening the sector to new providers, presumably with the aim of reducing the cost of degrees; and establishing the Office for Students (OfS), which will play a regulatory role in the reformed higher education system.

Eligibility for the TEF will be contingent on having measures in place to facilitate access and success of disadvantaged groups, including using retention and employment as a measure of teaching excellence. As well as being linked to the goal of widening participation in HE, the overarching rationale provided for the TEF is to ensure better value for money for students, employers and taxpayers. Value for money is a key concern for the Government, and it wants to provide ‘a clear signal to students from disadvantaged backgrounds on the value for money and potential employment outcomes’ of their institutional ‘choice’ (BIS 2015a: 22). It plans to expand the offer of degree apprenticeships as one way of achieving this goal. The OfS’s role is to monitor institutional performance.

While the concern with widening participation in higher education is to be applauded, there is an underlying tension throughout the White Paper between the call for enhanced widening participation on the one hand, and the function of the TEF as a mechanism for increasing fees on the other. In other words, the very mechanism the Government plans for the purpose of enhancing access and success for disadvantaged and underrepresented groups in higher education, i.e. the TEF, is the same tool that will

enable higher education institutions to potentially increase student fees by moving from Tier 1 to Tier 4 provision.

While the Government claims that increasing fees has not had a negative impact on widening participation, it *only* refers to statistics for 18 to 21 year old students. This overlooks the significant number of low income people from disadvantaged backgrounds that previously re-entered education via non-traditional routes as mature students, but who no longer access higher education since the introduction of increased fees in 2012. This raises the obvious question of *access for whom?*

The proposed policy deflects attention from a current crisis in widening participation, with almost 143,000 fewer part-time students studying at HE than in 2010-11. The underlying problem with the proposed policy is that it overlooks the relationship between poverty and ability to access higher education (Hillman 2015). There are many low-income mature people who simply cannot afford to take out the student loan, and the possibility that fees might continue to increase with the introduction of the tiered system will create further obstacles. Moreover, as the introduction of increased fees plays out, it is likely there will be a negative knock-on effect to enrolments of widening participation students on postgraduate degrees. It is unlikely that low income students burdened with debt from their undergraduate education will be prepared to take on even more debt to commence postgraduate study. Coupled with the cuts to the Student Opportunity Fund announced in the Government Spending Review in 2015, the future looks bleak for some of the most disadvantaged in society.

Indeed, the fact that courses at different universities will be differently-funded means that young people from less advantaged backgrounds will be even less able to achieve their potential than at present. There will be similar effects for adult returners to higher education.

In effect, the Government is creating a system in which education will function as a 'positional good' and those institutions with the greatest 'positional' effects will be disproportionately available to those able to pay (whether by virtue of the advantages bestowed by private schools, or by virtue of the disincentive effects of higher fees). The university system will no longer be a level-playing field that serves to ameliorate the consequences of the advantages of private education in primary and secondary education.

We propose the introduction of the following strategies:

- An emphasis on ensuring access for *all* disadvantaged and underrepresented groups, including mature students from disadvantaged backgrounds. This includes rethinking the current funding structure and providing financial support to low income, mature students in order to address the barrier they face when accessing higher education. One approach could be the introduction of a +24 loan, similar to that available to further education students, where the first year of study in access type level 4 programmes at university is written off when students successfully complete their degree programme.
- HE has an important role to play in tackling poverty but work is needed in interconnected policy domains. If overall social mobility is to be achieved then higher paid jobs need to be created in the UK and those on lower income need to be able to access these jobs (Britton *et al* 2016; Goldthorpe 2016)

- Resources to develop strong working relationships with community partners to ensure successful outreach work with the most difficult-to-reach and disadvantaged social groups. Callender *et al* (2014) report that this type of work makes a substantial difference to individuals, families and the broader community.
- Success needs to be measured more broadly than degree or employment outcomes. While it is critical to ensure that widening participation students are not being streamed into 'dead-end' qualifications, and are able to access postgraduate qualifications, it is also important to recognise that HE is not just about getting a job. Further research is required that takes into consideration what constitutes 'success' for the diversity of widening participation students studying in HE.

## Higher Education and the Community

Many vice-chancellors – especially those who believe that their university might be one of those in the top tier – are inclined to emphasise the global nature of higher education. But universities are not virtual entities. They exist in particular contexts and serve local and regional needs, as well as national and international ones. Both the British Academy (2010) and University Colleges Union (2010) have made observations about the wider social benefits that universities provide to local communities. And a report by the New Economics Foundation (2011) comments that:

‘Universities yield benefits way beyond the individual financial returns to students and human-capital gains for the economy... just three social outcomes – greater political interest, higher interpersonal trust and better health – contribute a benefit of £1.31 billion to UK society over and above the economic benefits.’

Universities are now fully integrated into the life of communities across the UK, with nearly every major town and city boasting at least one university that contributes in numerous ways both to the local economy and to the region’s cultural life. Universities enhance the life chances of local young people and those seeking a return to education later in life. This is especially so as rising fees and rents force students to attend local institutions so they can continue to live with their parents. But universities also provide broader facilities that contribute to the cultural life of the towns and cities in which they are located.

Many public universities are at the heart of their community, providing employment and contributing to a vibrant local culture. In many places, they have provided an alternative to the decline of other employment and industries, taking over derelict buildings and re-energising localities.

Yet the White Paper is sanguine about public universities going ‘bust’, and seeks to prepare for their ‘exit’. The implication of its approach is that such an eventuality would only mark the loss of a weak or a ‘marginal’ institution. In truth, it would be a consequence of an institution having been pushed to the margin by government policies and the instabilities it has caused. Waiting in the wings, however, will be for-profit providers seeking access to cheap ‘infrastructure’, able to take over ‘ailing’ public institutions in new ‘private-public’ partnerships. But a private, for-profit university would have neither an interest in meeting a broader public remit nor the interests of the local economy in which it is located – its primary responsibility will be to its owners, investors and shareholders.

The university sector is also very much bigger than a narrow group of elite universities. The bulk of England’s universities – more than 100 of them – are located in the regions. Every year, they accept thousands of students from poor and non-traditional backgrounds and support them through their studies. These universities train tomorrow’s nurses, paramedics, social workers, teachers and many other kinds of professionals – not to mention future business leaders and entrepreneurs.

Many of these institutions have excellent records of helping their students secure graduate employment opportunities that would not have been available to them if they had never gone to university. In short, it is local and regional universities that do the

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heavy-lifting on social mobility – not the most selective universities. They are *already* engines of social mobility. And in many parts of England, they are often engines of economic growth as well. The Government seems determined that universities should be engines for social and regional inequality instead.

Current universities whose financial viability may be threatened by the Government's proposals are not marginal institutions. They are providing very considerable benefits to their local economy and cultural life. They will be rendered marginal only as a consequence of a government policy that seeks to promote for-profit providers and their shareholders' interests, turning higher education into a market opportunity at the cost of wider public and social benefits.

## Higher Education and its Governance

Once it is accepted that a university, as properly defined, supports the three aspects identified in the introduction – a teaching function, a research function and freedom of academic inquiry, critique and publication – then it becomes necessary to enshrine a system of governance that protects these.

The most common institutional form of pre-92 ('old') universities is incorporation by royal charter. These have a charter and statutes that cannot be changed except by Privy Council. The White Paper proposes to abolish this protection – a move that will allow increasing managerial influence over academic activity in the name of market flexibility and will significantly undermine academic freedom.

Academic freedom is found in two main instruments of these institutions. The first is protection against arbitrary dismissal. If a university researcher publishes evidence that a car manufacturer's published nitrogen oxide readings are inconsistent with lab testing, then she or he risks losing funding from this manufacturer. The university itself may face retaliatory action. Similarly, if a scientist in an advisory position to government reports that government drugs policy is inconsistent with risks of injury to the public, then she or he may lose their position of influence in government circles, but also become *persona non grata* among funding agencies. In either case, the institution as employer may well consider it expedient to dismiss the unfortunate scientist rather than protect her or him from the consequences of adhering to their scientific duty. Academic freedom protections do not exist to privilege academics but to protect academic and scientific independence and authority.

The 1986 Education Act formally abolished the category of tenure from 1987. Universities across the UK enshrined a quasi-tenure protection by introducing a version of what is now generally termed 'The Model Statute'. As originally written, this Statute protected academic staff from easy and rapid dismissal, which also had the consequence that departments and research groups were relatively free from managerial interference from on high. If it is difficult to dismiss academic staff then it is difficult to close departments, difficult to replace older staff with younger, cheaper staff, and it is difficult to replace staff in order to maximise Research Excellence Framework returns.

The second way that academic freedom is protected in universities is through governing structures. In the past, within the institution, managerial structures were perceived to be mostly subordinate to, and supporting, academic staff governance structures. The principal structure in a typical university might have a different name ('Academic Board', 'Senate', 'Congregation', etc) but the arrangement was broadly similar – bodies met termly, professors were automatic members, and particular responsibilities might be devolved to subcommittees led by academic staff.

In 1992, the new universities were set up as Higher Education Corporations, with articles of incorporation that reflected the set of principles in the Model Statute, although without protecting academic staff from arbitrary dismissal to the same extent. In respect of the structures of governance, these newly incorporated institutions were formally distinct. The Education Reform Act of 1988 and the Further and Higher Education Act of 1992, set out the governance structure for the new universities in careful detail. In

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contrast to the older, 'chartered' universities, Boards of Governors were made sovereign in having the final say in determining the mission, and in overseeing all of the activities of, their institutions.

Usually, the Academic Boards of the post-92 universities have responsibility for matters relating to research, teaching and scholarship, including the development and future direction of the university's academic activities and advising the Board of Governors and Vice-Chancellor thereon, including the development of the corporate plan and advice on the resources required to support existing and planned academic activities. Yet, even in the cases where this explicit responsibility exists, there is an ambiguity between 'responsibility' and these Academic Boards' advisory role in relation to the Boards of Governors. In the governance structures below the Academic Boards are to be found both sub-committees of the Academic Boards and School Boards of Study or their equivalents.

Over the past decade, as competition within the sector has been intensified, and as new institutions unburdened by a requirement to protect academic freedom have entered the fray, we have seen increased processes of 'reform' within the university sector. These have not always been introduced as explicit changes to the allocation of Board or committee responsibilities and membership, proposed and then either adopted or rejected. Sometimes reforms have appeared as small incremental alterations and unnoticed changes, or via mechanisms such as the chair's co-option of members to alter the balance produced by constitutional provisions on membership.

The consequence of these changes have been two-fold:

- academic staff have lost collective influence and control over the nature and the direction of their institutions; and
- academic staff have lost individual protection for their academic freedom by the weakening of exacting dismissal processes once required by charter, or by the movement of such procedures to regulations and ordinances, where they can be much more quickly amended.

In respect of control and influence, this process has produced, in most of the old pre-92 universities, a shrinkage in the membership and a reduction in the powers of Academic Boards, with the predictable dissolution of their subcommittees, and their replacement by management teams.

In the post-92 universities the process has been different, although it has had a comparable effect. With the terms of incorporation bestowing sovereign control on the Board of Governors – to which the Academic Board formally acted only in an advisory capacity – this had always been a situation of only the appearance of academic control. The underlying reality was of senior managerial teams (Vice Chancellors and their deputies and Pro-VCs) appointed by self-selecting and self-reproducing Boards of Governors which then, in agreement with the Governors, would exercise largely unlimited powers and whose decisions and policies would then be endorsed by Academic Boards, sometimes after faux exercises in consultation.

Recent developments across the sector, i.e. across the pre- and post-92 sub-sectors, have had the effect of convergence on the post-92 model of oligarchic managerial control. The idea of a university as a self-managing scholarly community committed to the enhancement of knowledge and the dissemination of the skills necessary to apply and produce that knowledge, protected from the vicissitudes of cultural fashion or

political intrusion, has been lost. It is no longer the case in higher education institutions in the UK that the scholars and tutors in the academy possess the power to determine the direction of learning and research.

From academic chairs and the professoriate, through heads of departments and of schools, to newly appointed lecturers and researchers, academics all endure a regime in which their work is increasingly corralled by corporate strategic objectives, a situation only worsened by the residual elements of academic independence that preserve the facade of a self-managing scholarly community.

The practical effects of this process of corporate intrusion can be observed both in the composition of committees and in the nature of their work. Academic Boards are dominated by those occupying managerial positions, and carrying budget responsibilities for cost centres, and have only minority representation from the professoriate, from other academic staff, from non-academic staff and from students. Those committees or boards that do remain largely composed of academic members of staff simply receive, 'for information', decisions that have been arrived at elsewhere – determined by the senior management groups in conjunction with Boards of Governors, and notified to Academic Boards.

On such decisions, collective comment by the committee or board is irrelevant to policy or its implementation, and is at best an exercise in either resignation and mild protest, or at worst, of self-delusion. Those committees which do have, or which retain, the power to design how policies will be implemented are invariably dominated by technically competent administrative staff, led by a member of the senior management, and with only a minority of academic staff (and sometimes student representatives) whose presence on these committees is solely for confectionery purposes.

The rising proportion of expenditure under non-staff headings across the sector can also be read as a fiscal corollary of this increasing power of non-academic managers. These non-staff headings are also non-academic headings: teaching is a labour intensive rather than a capital intensive activity; research may be capital intensive in some areas but is not universally so. Much of the growth of capital expenditure can be placed under one heading: the Estate.

One measure of this degeneration of the idea of the university is the increasing expenditure on the fabric of the institutions, their buildings and atriums and architectural presence (either as late-modernist power statements in prestige-seeking mode, or as pastel-shaded, postmodernist play pens in cut-price versions). Another is the level of expenditure on the image of the institution (the cost of the corporate logo and its periodic redesign and realignment, the cost of the web image and the presentation of the 'university experience' as both a privatised investment for a prospective student's future, and as a consumer's lifestyle for three or four years). Dictated by the competitive requirements of a marketised system imposed on the sector from without, these are the self-imposed and collusive responses from the institutions in the sector from within. They are responses that result precisely and directly from the inescapable fact that it is the corporate management of universities that are in control of these once scholarly communities, and not the academic staff employed by them.

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In contrast to the HE White Paper, the Higher Education Governance (Scotland) Act recognised the need to make university governing bodies ('Courts' and 'Academic Boards') more accountable to the members of the university. The Act provides for some modest reforms: the Chair of Court to be elected, and for Court itself to have a minimum of two staff trade union representatives, two student representatives, and two alumni representatives. It additionally places constraints on the size of Academic Boards and their election, and includes a useful restatement of the need to protect academic freedom.

These reforms, enacted in April 2016, were established in the teeth of opposition from Scottish principals and chairs of governing bodies. It brought into the open the conflict between two opposing conceptions of what a 21st-Century university should be. As we have seen, University Senior Management Teams in England, Wales and Northern Ireland have long held ambitions to abolish the academic protections that the Scottish Act protects. Our point is that the frantic competition for tuition fees envisaged by the White Paper requires greater protection for academic freedom, not less.

It is not enough, however, to stop the White Paper and any consequential HE Bill. We need a prospectus for a wider review of governance of our universities.

To reestablish the principle that university governance is a matter of self-direction, related to the wider society and relevant communities, local, national and global – but not subservient to contingent, short-term demands of that context – requires a fundamental alteration of the governing structures of the institutions, and reforms that are fundamentally different to any even hinted at in the HE White Paper of 2016. These require, *inter alia*, something of the following:

- the preeminence and sovereignty of the Academic Boards (or Senates) in all matters concerned with the academic design, delivery, development and trajectory of the institutions, and in all matters (financial, organisational, contractual and presentational) that pertain to these responsibilities;
- the membership of Academic Boards to be composed of an elected majority of academic staff who are engaged in research and/or teaching, and who are not managers (in the sense of budget holders of cost centres), drawn from the professoriate and staff by programme or subject area (as appropriate), with at least 10% of its membership being elected representatives of the student unions and another 10% elected from the technical and administrative staff, and with the managers of schools and departments, plus the members of the senior management group, making up the residual membership;
- an associated committee of oversight of all non-academic managerial decisions composed of non-academic and academic staff representatives, students and heads of schools and departments, plus the senior management group;
- an appropriate mechanism for all elected representatives to report back to their constituencies on a regular basis;
- sub-committees of the Academic Board to be composed of a majority of elected academic staff;
- school boards of study (and departmental committees) similarly to be composed of a majority of elected members, and covering all of its areas of operations;

## In Defence of Public Higher Education

- school boards to receive policy papers, or proposals for the implementation of policy, for consultation and amendment prior to any decision by the Academic Boards;
- membership of Boards of Governors to be renewed, not by self-reproduction, but through the renewal of 33% of its membership every three years through a process of election by members of the Academic Board from a list of candidates drawn up by the Academic Board after advice from the senior management group.

These are neither exhaustive of the governance changes that are required, and nor are they proscriptive for particular institutions. They are rather indicative of the features that a properly academic community of scholars, and a properly independent university, ought to possess as the features of its governing structure. They thus indicate what would be required in order to reclaim 'the university' for the purposes to which its modern form was originally designed, and to preserve it from its current decline into 'corporatism', for which future generations will hold us responsible.

## Higher Education and its Student Unions

Universities have occasionally had a fractious relationship with their student unions. This tension is likely to become increasingly fraught if the proposals in the White Paper come to fruition.

As we have seen, the White Paper envisages a world in which institutions are able to ‘exit’ without being required to ‘teach out’ courses. That is, they will not be required, as they are at present, to employ staff to teach second- and third-year students when it is decided to end new recruitment. It envisages greater competition between institutions, and increasing numbers of courses provided by ‘alternative providers’ with no track record, with micro-campuses and no provision for collective student bodies.

Despite the pretence of the Teaching Excellence Framework (TEF) towards providing information for students, in reality an individual student can only evaluate the quality of a course during the educational process and by consulting fellow students – in other words by collective means. Here the role of the student union, student representatives on staff-student committees and in the governance of institutions, comes into conflict with the marketing-driven restructuring of courses.

“Any genuine higher education sector that wishes to raise quality and place students in a position to have a meaningful say in the teaching that is offered to them, must be prepared to allow students an independent collective voice.”

As any service provider is aware, in business, customer complaints are to be considered a business risk or cost. Such risks are managed, e.g. by rewriting contracts, reducing service obligations, or creating unclaimable guarantees. A good example of the latter is the proposed student guarantee scheme envisaged by the White Paper. This replaces a contractual requirement to teach out a course with a ‘guarantee’ of unspecified support to find another place for the student at a competing institution. Leaving aside the unrealistic nature of this proposition, what should be clear is that far from students being ‘at the heart of this system’, they are reduced to voiceless subjects of a business transaction.

Student unions and student representatives provide a necessary collective democratic forum for students. However, recently these bodies have been under continual internal attack from host institutions. Leverage over student representatives has been exercised in a number of ways since the introduction of £9,000 tuition fees in 2011. The most overt examples involve threats of discipline or removal. A more subtle method of pressure has been through the involvement of university-backed trustees, and threats to revoke charitable status.

Any genuine higher education sector that wishes to raise quality and place students in a position to have a meaningful say in the teaching that is offered to them, must be prepared to allow students an independent collective voice. This entails that the Government must insist that the National Union of Students and individual student unions, like the universities themselves, are protected from institutional interference or that of the state (e.g. via the misnamed ‘Office for Students’).

## Higher Education and Research

The Government proposals for research do not at first sight seem to be as dramatic as those for the introduction of a fee-loan model for funding undergraduate programmes of study. It remains committed to 'dual funding' ('Quality-Related', QR, money distributed via the Research Excellence Framework, REF; and direct Research Council funding of grant applications) and to the Haldane principle of independence of research funding decisions from direct political interference. But if the issues are less immediate than the Teaching Excellence Framework (TEF), they are no less significant. A market orientation is bearing down on research.

The expansion of higher education (including the incorporation of polytechnics in 1992) took place without an equivalent expansion of research resources. It is precisely this that required an elaborate system of competition to distribute it. The consequence has been to produce concentrated and selective distribution (via the audit measures of the REF and its predecessor, the Research Assessment Exercise, and changes to the funding formula) and lobbying by the Russell Group to increase the proportion going to them (Russell Group 2012).

Yet the market more broadly has also failed to incentivise investment in research and development. The greater emphasis on shareholder value in the private sector means an orientation to short-term returns. British private investment in R&D, having been among the highest among OECD countries in the 1970s, is now among the lowest (Jones 2013).

Universities are now being pressed to fill the gap. Whereas market logic used to mean that where there is a private beneficiary that beneficiary should pay (Rothschild's 'customer pays' principle of the 1970s), now the argument is that there should be no public funding unless there is a private or government beneficiary.

This, in essence, is the 'Impact Agenda' introduced by Research Councils and by the Higher Education Funding Council for England (HEFCE) for REF2014. This has placed university research at the same short-term imperative as commercial research. The Impact Agenda seeks to shorten the time from idea to implementation, with deleterious consequences for fundamental research (Mazzucato 2011; Mirowski 2011).

The increasing role of the Impact Agenda thereby involves government setting priorities for Research Councils in terms of strategic priorities. It is claimed that this adheres to the Haldane Principle because only excellent research evaluated through peer review is funded. However, the Impact Agenda brings users directly into the peer review process and, for large grants, this will include typically representatives of the Department for Business, Innovation & Skills (BIS), the Treasury and other government departments.

At the same time, university research strategies increasingly mirror those of the funding bodies. The same strategic priorities are reproduced across universities. The research environment becomes more monotone as universities conduct cutting-edge research *at the same edge*.

A second aspect is that the relationship between teaching and research is being dismantled. It is an open secret that many universities overstated the amount of their time spent on research activities through Transparent Approach to Costing (TRAC) in

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order to maximise their Full Economic Costing (FEC) charges (Holmwood 2011). This made it appear as if teaching was subsidising research.

Now universities refuse to argue that a portion of student income would properly be used to support scholarship. All student fees need to be demonstrated 'to enhance the student experience', which is no longer defined to include the scholarship and experience of those teaching them, but may include capital investment in shiny new buildings. This will be accentuated by the entry of teaching-only for-profit providers. Much is made of the need to level the playing field to allow proper competition, but they will be permitted to compete without meeting the broader functions of a university, thereby putting pressure on other universities also to strip out those functions.

There has been a large financial burden on institutions, and a bureaucratic burden on individuals, in sustaining REF. The Green Paper noted that the cost of REF2014 was £246 million, with £232 million of this borne by universities.

REF2014 had a number of negative outcomes. Many universities seeking 'sustainable excellence' responded by 'disinvesting' in subject areas that did not produce the desired number of 4\* 'outputs'. The target for 4\* outputs was often post-hoc and set in relation to universities deemed competitors, meaning that the REF entailed pressure for disinvestment even in subjects that performed well in terms of teaching and research.

When REF scores attract financial rewards, universities are coerced into making choices to maximise the return. The result is the closure of good departments, the end of research in some subjects and the decline in academic course provision for students. This process of game-playing with perverse outcomes is occurring across both STEM (science, technology, engineering and mathematics) and non-STEM subjects. It is happening in full view of the academic profession.

Research which is primarily geared to REF success will quickly lead to a risk-averse strategy. There will be a retreat to 'safe' research topics, again narrowing the range of topics that students will be exposed to. Academics will be disinclined to challenge orthodoxy. This has obvious consequences for academic freedom and the future of UK science and innovation.

## Higher Education and Teaching Quality

The centrepiece of the Government's White Paper is the proposed introduction of a Teaching Excellence Framework (TEF). This is supposedly necessary to rebalance teaching and research and correct 'lamentable' teaching. Institutions would be reviewed by panels of educational experts, employers and students, using narrative reports and supposed proxy metrics of teaching quality such as student satisfaction, retention and income in employment. However, low levels of student satisfaction and retention may reflect a difficult subject with a low pass rate or overzealous recruitment, rather than poor teaching. Low incomes on graduation may reflect a specialised scientific degree where the main employment offered is further university research, and so on.

Notwithstanding their lack of connection to academic achievement, TEF 'levels' would be awarded, permitting successful institutions to raise their fees, although initially only in line with inflation.

In addition, the Department of Business, Innovation & Skills (BIS) presents TEF as part of the marketisation of HE by providing indicators to help student-consumers choose where to study. As we shall see, it is unsuitable for this limited purpose.

The TEF would be disastrous for public higher education for several reasons.

First, it will actually reduce funding for teaching. Despite the introduction of £9,000 fees, teaching funding is already under serious strain, because the Government has eliminated all direct grants for teaching outside some STEM subjects, and universities are forced to hoard cash to offset the instabilities introduced by marketisation and to finance capital projects (where public funding has also been cut to zero).

Universities already spend 8 percent of their annual teaching budgets – around £1.1bn – on bureaucratic 'quality assurance' measures. Since the TEF duplicates the structures of the Research Excellence Framework (REF) – which, as we have seen, cost universities around £232m in 2014 – this figure will likely rise as universities spawn new bureaucracies and seek to 'game' the system. Yet even the maximum TEF level only allows fees to rise in line with inflation. Consequently, participation would involve a net financial loss: universities will have less to spend on teaching students than before.

Second, the proposed metrics of teaching quality are only vaguely related to teaching. The inevitable 'gaming' that would ensue will undermine teaching quality and the wider social purposes of HE. Research shows that students report greater satisfaction when courses are less challenging and they learn less (Poropat 2014), and that they exhibit bias against female and ethnic-minority instructors (Boring *et al* 2016; Bell and Brooks 2016).

- Boosting 'satisfaction' involves dumbing down, teaching to the test, grade inflation and skewing hiring practices in a regressive direction – practices guaranteed to undermine the reputation of UK universities for academic rigour, and thereby, to devalue the degree awarded.

**“The TEF would be disastrous for public higher education for several reasons. First, it will actually reduce funding for teaching... Second, the proposed metrics of teaching quality are only vaguely related to teaching. The inevitable ‘gaming’ that would ensue will undermine teaching quality and the wider social purposes of HE.”**

- Student retention is a function of students' personal lives and non-academic support services, so universities with a strong widening participation track record will inevitably suffer.
- Post-graduate employment depends on students' social capital and networks, and on wider economic dynamics – which, as we have shown, offer decreasing prospects for well-paid jobs.

Universities thus face being blamed for forces beyond their control. And, insofar as they can correct for these problems, they are likely to substitute specific skills-based, workplace-oriented 'employability' classes for the kind of curriculum that benefits society more widely – critical thinking, experimentation, originality and creativity.

Finally, since students from non-traditional backgrounds are more likely to drop out and less likely to secure 'good' jobs, universities taking these students will be penalised compared with more selective ones targeting students from wealthy families, thereby further retarding social mobility.

These costs are all the more pernicious given that there is simply no evidence that university teaching is of poor quality. As noted, European Commission research shows British universities to be the best in Europe for research and teaching outcomes (St Aubyn *et al* 2008). Student satisfaction scores have 'increased steadily' (HEFCE 2016), while BIS's own research found graduate employers were 'mostly satisfied with the graduates they had hired' (Pollard *et al* 2015: 13).

The Government is inventing a crisis to justify imposing a costly, bureaucratic system to increase its control over academics and students, turn universities into mere production lines for 'workplace-ready' employees, and create a marketplace for the for-profit providers to compete in. New providers can generate retention, satisfaction and employability statistics within the three-year timespan of a degree cohort. Academic reputation and the credibility of the degree offering takes rather longer to acquire.

The vast majority of academics care deeply about their students and are already committed to constantly improving their teaching. This needs supporting – not undermining – through measures that improve teaching resources and quality. Proper measures would include:

- additional public funding to reverse the worsening staff-to-student ratio, allowing universities to keep class sizes low and staff to support students properly;
- curbing academic staff workloads – currently in excess of 50 hours per week – to allow staff to devote more time to students, keeping up with developments in their field, and pedagogical innovation. This should involve cutting government-induced bureaucracy and tackling the 'publish or perish' culture generated by the government-introduced REF;
- a strengthened role and enhanced public funding for disciplinary teaching and learning networks to encourage the collegial sharing of innovations and best practices, rather than the destructive competition encouraged by the White Paper.

The proposed TEF metrics can usefully be contrasted with the current approach taken by the Quality Assurance Agency for Higher Education (QAA). The QAA Quality Code Part C<sup>1</sup> distinguishes between

- information for the public
- information for prospective students
- information for current students
- information for completing students
- information for those with responsibility for academic standards and quality (which may include commercially sensitive information).

The QAA points out that different user groups have different informational needs. To take an obvious example, prospective students generally make selection decisions on a per-subject basis, although overall reputation, the opportunities for extra-mural activities offered by the location, and proximity to parental home might also influence students. It matters little whether a university scores highly in an area irrelevant to them. The level of granularity of academic information relevant to an individual student is highly specific; the TEF on the other hand proposes institution-wide statistics with no academic value.

Compare this nuanced and sophisticated approach to information gathering with the TEF's proposed statistics. Indeed it appears that HEFCE's existing 'unistats' statistics mirror the unambitious TEF. The HEFCE website lists the following sources of information:

- a. Measures of student satisfaction, as determined by the National Student Survey, which is completed by more than 300,000 mainly final-year students in the UK each year.
- b. Measures of employment or further study, as determined by:
  - the Destination of Leavers from Higher Education (DLHE) survey , which is completed by students who gained a qualification from a university or college, six months after they left
  - the Long DLHE, which surveys a sample of those who responded to the DLHE 40 months after they left university or college
- c. Information provided by the HE provider, such as cost of student accommodation.<sup>2</sup>

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<sup>1</sup> See <http://www.qaa.ac.uk/assuring-standards-and-quality/the-quality-code/quality-code-part-c>

<sup>2</sup> See <http://www.hefce.ac.uk/reg/of/buildblock>

## Higher Education, Employment and Performance Management

The Green Paper (BIS 2015a) made frequent reference to metrics. Metrics for refreshing the REF mid-cycle; metrics for the Teaching Excellence Framework (TEF). We inhabit an era of ‘big data’, league tables for everything, and shifting financial incentives.

In a rush for ‘accountability’ and transparency, it is crucial that measures are accurate, meaningful and fit for purpose and are not misused for other purposes entirely. The metrics used in the Research Excellence Framework (REF) have already been misused to assess ‘academic performance’. When the criteria demanded by the REF (and the TEF) are factored into performance judgments, academic activity suffers. Academics are pressured into gaming a system of targets, ‘key performance indicators’ and tick-boxes, rather than addressing the specific intrinsic challenges in their research and teaching.

Metrics by their nature are ‘rough measures’. They may not be perfect, but if we obtain a number of REF scores and average them, then, by a well-known statistical principle, they tend to converge on a single stable measure, which might be used as a cipher for the performance of an entire department. But it does not follow that individual REF scores are a meaningful proxy for the academic performance of an individual.

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However, REF scores translate into income for departments. Universities looking to ‘game’ the system are increasingly motivated to try to reduce the number of staff whose contributions to the REF in a given year are seen to be below par. One of the primary methods used to game the REF has been the hiring of staff with high-quality resumés shortly before the assessment window closes (a move akin to buying Championship footballers and acquiring the goals scored for another team). In some cases, universities have created fictitious ‘non-departments’ to resile staff they wish to exclude.

These methods are costly. It would be much easier, reason university managers, if we could simply dismiss ‘low scoring’ staff and motivate the others to score more highly. Hence performance management.

At this point, performance management comes up against the complexity of academic activity. This activity necessarily involves collaboration between partners, a research cycle where publication rates are uneven and activities vary widely in terms of visibility (‘impact’), funding opportunities, etc. Academic ‘performance’ must necessarily be across multiple unmeasurable activities and protected by academic freedom. Every academic is different and their work is not directly comparable.

The proposed introduction of a more metricised REF in the social sciences and humanities to save money will intensify the problems described above. It will help normalise performance management and its negative consequences, by allowing for increased micro-management, based on the tracking of research ‘impact’ via spreadsheets and ‘dashboards’ acquiring data from publication records and the like. Academics will then be locked into an individualised performance management system that rewards academically counterproductive behaviour (such as premature publication, and refusal to collaborate with ‘competing’ colleagues) at the same time as funding is falling.

Having failed to observe the negative consequences of the REF, the Government now seeks to 'change behaviour' to increase the quality of teaching. As already noted, a Teaching Excellence Framework (TEF) is proposed which will link an 'excellent' rated TEF 'level' with an inflationary rise in the tuition fee. Although the fee rise is very limited at present, the implication is clear.

In the future, those teaching in universities will be encouraged to change their behaviour. Staff will be incentivised to game the system, with grade inflation both to guarantee good degree outcomes for students, and to ensure high 'student satisfaction' scores (self-assessed recorded by the National Student Survey) – directly contrary to the stated goal of tackling grade inflation. This can only compromise the reputation of the UK higher education sector for high academic standards.

TEF results may change over time, and so a student starting on a course with a high TEF level may find themselves later with a degree from an institution with a low TEF level. This insecurity over institutional reputation will also intensify the gaming, which will likely entail grade inflation.

Academics cannot readily meet the requirements to both produce more high REF-scoring ('4\*') outputs and ensure their teaching receives the highest TEF level by spending more time on teaching. The likely result will be more academic staff placed on 'performance management' sanctions for not meeting impossible targets, and then be replaced by casualised staff who may not be experts in the areas they teach. Over time we can expect to see an expansion of a tendency already found in our universities – this is one of a two-tier labour force, with increasing amounts of face-to-face teaching performed by junior academics on insecure contracts without any contractual opportunity or right to engage in research, and no chance of improving their station. Teaching and research will become divided into parallel career paths, and good all-rounders will be forced to choose.

By contrast, good scholarship and research flourish in environments with a high trust ethos and an approach to performance management that is identified as a stewardship approach. Such an approach is characterised by long-term outcomes, autonomy and a high trust environment.

Ironically, evidence from examining performance management culture in a commercial setting (Pink 2011) reveals that these schemes increase competition between staff, which is demotivating and leads to poor overall outcomes. Pink's meta-analysis is particularly pertinent to higher education, where individual autonomy and collaboration are crucial to effective working, but it has also led to City companies abandoning punitive performance management schemes.

We believe that scholars and researchers are more likely to sustain good quality work in the absence of audit and bureaucratic monitoring, and the culture of performance management and 'gaming' this creates. Wherever management-by-metrics is deployed, it will distort the process, fail to measure what should be measured, undermine staff morale, and gift another cudgel to vice-chancellors. Additionally, it poses an escalating threat to academic freedom and threatens to shape a cautious academic whose access to academic advancement is contingent upon satisfying the shifting benchmarks of 'performance'.

The Higher Education Funding Council for England report *The Metric Tide* (2015) had a chilling preface. It quoted the former Archbishop of Canterbury, Rowan Williams, who announced a 'new barbarity' in our universities.

## Conclusions

Public opinion and public trust in institutions, corporations and individuals, are increasingly key issues in complex modern societies.<sup>3</sup> It is not that people necessarily distrust a private corporation or a politician. But when complex issues are being discussed, it matters to people just *who* is arguing for a particular position, and whether they have undeclared personal or commercial interests in the outcome. For example, on the matter of ‘global warming’, the fact that a lobby group is funded by the oil industry is a salient matter. And the fact that a public policy is being criticised by a representative of a political party also plays a role in determining how that criticism will be evaluated.

“The future of public higher education matters, not only because higher education prepares individuals to participate as citizens in debate, to understand the nature of expertise and to understand its modes of authority, but also because it provides the space in which expertise is tested and made publicly available. Universities are, of course, also found in hierarchical and authoritarian societies; but democratic societies have a special need for universities, and a requirement for them to be open institutions that educate their students in the values of critical debate.”

Academics have no special virtues different from politicians, or journalists, and each of the different roles has a necessary function. Academics may strive for public recognition (and, thus, be competitive, in that sense<sup>4</sup>), but their primary orientation is toward collegial relations of peer review, to the testing of arguments and to public debate. The ‘private interest’ that an individual academic may have in her or his argument is always qualified by the need for that argument to be persuasive and stand the test of alternative claims and the mobilisation of new evidence. This is what Karl Popper meant when he called scientific knowledge produced within university contexts *critical knowledge* and associated it with the values of the ‘open society’ (Popper 1963).

This is also particularly true when a society must also negotiate a contested history of domination and exclusion. Inclusion requires recognition of different memories and histories and reconstruction of institutions. In the past, the university has functioned for democracy by a process of inclusion and reconstruction – albeit unfinished – around issues of gender and social class, a process that has involved addressing its own structures and processes as well as shedding light outwards. The globalisation of higher education also means addressing the legacy of colonialism and postcolonialism within the curriculum.

Critical knowledge serves a public good that is guaranteed by the character of the university as an *institution*. Universities are not *aggregates* of individuals, they are *epistemological communities*; that is, communities of scholars and researchers engaged together with issues of truth and validity. It is this that is threatened by the subordination of the university to the market. The new for-profit providers that the Government wishes to encourage have no obligations to the production of new knowledge, to serve public debate, or to the sector as a whole. In this way, the public function of higher education is threatened by making it appear that universities are like private corporations with a private interest.

<sup>3</sup> See, for example, the concerns expressed by the Royal Society about the ‘openness of science’: <http://royalsociety.org/news/Royal-Society-launches-study-on-openness-in-science/>.

<sup>4</sup> See the letter exchange between the Minister of State for Universities and Science and Howard Hotson in the London Review of Books on the nature of competition among academics. It is reproduced at: <http://publicuniversity.org.uk/2011/07/20/hotson-versus-willetts-the-debate/>.

The future of public higher education also matters, not only because higher education prepares individuals to participate as citizens in debate, to understand the nature of expertise and to understand its modes of authority, but also because it provides the space in which expertise is tested and made publicly available. Universities are, of course, also found in hierarchical and authoritarian societies; but democratic societies have a special need for universities, and a requirement for them to be open institutions that educate their students in the values of critical debate.

We end this review at a point close to where we began. 'Academic freedom' allows the state to have an arms-length relationship with a private academic individual by funding and protecting their position at a university. Private funders of research, similarly, are not in a position to ruin an academic who critiques their product or undermines their business position. As we have noted, academic authority comes from the scientific community in which academics are immersed. Academics have an enviable opportunity to study the world and, we would argue, a duty to speak the truth to power on behalf of those within society who are unable to do so, or who are not listened to when they do speak up. Whether it is in critiquing energy policy or public planning, university academic staff are a crucial aspect of a free, open and democratic society.

The Government White Paper proposes stricter government control over universities in the name of the market. What is at issue is both the intrinsic meaning of 'the university' as well as the social benefits it has hitherto secured.

We end with the principles of the university contained in the *Magna Charta Universitatum*:

The university is an autonomous institution at the heart of societies differently organised because of geography and historical heritage; it produces, examines, appraises and hands down culture by research and teaching.

To meet the needs of the world around it, its research and teaching must be morally and intellectually independent of all political authority and economic power.

Teaching and research in universities must be inseparable if their tuition is not to lag behind changing needs, the demands of society, and advances in scientific knowledge.

Higher education in England is now fully dependent on political authority and economic power.

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