

# What Rules the Campus: Academic Freedom or the Corporate Bottom Line? We must debate and oppose the Green Paper



The Conservative Government's Green Paper, *Fulfilling our Potential: Teaching Excellence, Social Mobility and Student Choice*,<sup>1</sup> represents the Tory vision for Higher Education. It can be summed up in one word – **privatisation**.

It should not be a surprise that a Tory government is ideologically committed to privatisation. What is shocking is just how brazenly the Green Paper proposes a process to allow private companies to sell university degrees.

In the US, HE privatisation has been big business, worth billions of dollars. The 'for-profit' sector was hit by a series of scandals following an exposé by the PBS broadcaster in 2010<sup>2</sup>. But it is still worth billions.

Many of the ideas in this Green Paper are a resurrection of elements from the HE White Paper that was abandoned in 2011. The Government has bided its time to allow the £9K tuition fee to 'bed in'. Now it is proposing the next stage of privatisation.

## The NHS: a model of privatisation

What has happened to the National Health Service is instructive for those of us in HE. During the period of the last government, there was a continual expansion in the number of private providers that set themselves up in competition with hospitals and PCTs, and which also made money from 'the NHS market' by tendering for profitable NHS services.

The picture is predictably complex, from the high-profile retreat of Circle Holdings from Hinchingsbrooke Hospital NHS trust, to the less headline-grabbing cherry-picking of service contracts. The Kings' Fund reports that private-sector mental health providers increased their income by 12% in just two years between 2010 and 2012, while mental health spending declined over the same period.<sup>3</sup> The barriers to private companies making money from government-directed public-sector healthcare contracts have been dramatically reduced.

## What does it mean for UK Higher Education to be 'privatised'?

Until now, Higher Education has not been subject to the kind of serial market experimentation of the NHS.

Universities have maintained an effective monopoly on government research and HE teaching funding.

Universities are not parts of the State, but are various forms of not-for profit Chartered or Incorporated institutions. They are 'private' already. What is there to be concerned about?

There are well-established educational and social reasons for ensuring that research funding is allocated to publicly-accountable, if not publicly-owned, universities. Many scientists, in both the university and private sector, are well aware of the problem of commercial priorities taking precedence over scientific priorities. To take just one example, so-called 'Big Pharma' has a poor record in prioritising funding in science (spending twice their

research investment in marketing<sup>4</sup>) or sharing scientific breakthroughs with their potential competitors (actively blocking generic alternatives). The Green Paper does not remove the university monopoly on research funding, but it does undermine government protections for academic freedom in the name of 'deregulation'. If private companies can become 'universities', then over time they will be permitted to bid for research funding.

Many of the same arguments apply to university teaching. What is at stake is the idea that a university undergraduate degree is intended to be a qualification that equips students to question received wisdom. It is not just that research should inform teaching. University students are critical learners. 'Teaching to the test' has had a hugely detrimental impact on secondary education. The Green Paper proposes, in however an occluded manner, to extend the same principle to higher education.

## The Green Paper and the TEF

The Green Paper begins with a long section on the new proposed 'Teaching Excellence Framework' (TEF). The TEF first emerged as a proposal circulated by HEFCE in the summer of 2015. Without any debate or discussion with staff, many institutions' Senior Management Teams are now treating the TEF as if it is ready to be implemented and 'gamed'.

The Green Paper treats Higher Education teaching, not as a complex process with innumerable variations afforded by disciplinary requirements, but as a commodity which can be described in terms of a small number of dimensions (metrics), and the quality of which can be measured by each university's 'performance'. The Green Paper mentions 'students' and 'teaching' multiple times, but nothing in the Green Paper bears any relation to educational theory.

The key mechanism of the Green Paper is an external body (the *Office for Students* or 'OfS', a HE version of 'Ofsted') capable of running teaching assessment of all university degrees in order to create a set of market values which can be transposed into licences to raise tuition fees. Ofsted, as the model for this approach, spent many years at war with schools and educational professionals in the secondary sector. The metrics used were changed after intense opposition from the teachers' unions and from parents.

Colleagues from the Campaign for the Public University have produced an excellent detailed analysis of the TEF, and we strongly recommend that colleagues circulate this document for debate.<sup>5</sup> The question remains: *what is the point of the TEF?* What is 'broken' and why does it need 'fixing'?

The answer, from the Government's point of view, is that universities are the last bastion of public-sector monopoly. The TEF proposal accompanies two other

<sup>1</sup> <http://tinyurl.com/ucul-gp1> (Links shortened for space reasons.)

<sup>2</sup> <http://tinyurl.com/ucul-gp2>

<sup>3</sup> <http://tinyurl.com/ucul-gp3>

<sup>4</sup> <http://tinyurl.com/ucul-gp4>

<sup>5</sup> <http://tinyurl.com/ucul-gp5>

chapters of the Green Paper.<sup>6</sup> Part A is the TEF; Part B sets out proposals to allow private companies to set themselves up as universities (including, revealingly, protection for providers to rapidly ‘exit’ the sector, when, as with Circle in Hinchingsbrooke NHS Trust, expected profit margins do not materialise). Part C dismantles the regulatory system that protects universities and their staff. The Green Paper asserts that ‘The existing regulatory framework does not provide a level playing field for new providers.’ It claims that deregulation protects ‘institutional autonomy’, but it will be at the expense of staff rights and academic freedom.

### **Deregulation and the threat to academic freedom**

The Green Paper’s premise is that market competition with new providers will trigger a series of restructuring and closures within the University sector. Indeed, even without wholesale competition from new providers, the existing tuition fee regime is already intensifying competition for students, and thus pressure to restructure provision and its administration, and to cut part of existing educational provision.

Noting that private-sector providers are not restricted by academic Statutes or articles of incorporation but may merely be limited companies, the Green Paper’s proposal is to remove regulations that limit the ability of existing universities to cut staff and to restructure in the manner of their competitors. Even though the numbers of private-sector universities are currently very small, and their market share insignificant, the Green Paper proposes extensive deregulation that would empower Senior Management Teams to engage in market competition, and to hire and fire staff accordingly.

Kings College London used to have an Academic Statute that was so restrictive that it ultimately took six years to make one academic redundant. Abolishing that statute allowed them to embark on a series of redundancy programmes of academic staff from 2010 onwards. On the other hand, in 2012, staff at University College London campaigned against the dilution of their Academic Statute and won, a victory that was helped in part by the fact that the University governing body was required to seek Privy Council approval for their removal. The Green Paper seeks to limit the role of the Privy Council.

The Government argues that academic freedom will be ‘protected’ by its new *Office for Students* quango. How exactly, the OfS will carry out this function is not explained, but since the Green Paper is premised on the aim that private companies should be entitled to call themselves ‘universities’ with limited regulation, the restrictions on existing universities that prevent management interference to direct programmes of study, interfere in curricula, redirect research foci, determine which research groups will exist, and to dismiss academic staff, will rapidly face challenge in the interests of a ‘level playing field’.

Entirely absent from the perspective of the Green Paper is any consideration of the purpose and role of

academic freedom. UNESCO’s *Recommendation concerning the state of Higher Education Teaching Personnel*,<sup>7</sup> states that ‘the right to education, teaching and research can only be fully enjoyed in an atmosphere of academic freedom and autonomy for institutions of higher education and that the open communication of findings, hypotheses and opinions lies at the very heart of higher education and provides the strongest guarantee of the accuracy and objectivity of scholarship and research.’

Public preparedness to fund the university sector depends on confidence that academic independence exists, and that expert opinion is not inflected by special pleading, corporate obligations and debts, or government whims and interests. Corporate scientific scandals, from Thalidomide to Volkswagen, ultimately depend for their exposure on publicly funded, independent researchers in our universities, and the training of specialists in engineering, law, culture and the mass media both in the technical requirements of their professions, and in the social responsibilities that these entail. Just as the struggle by junior doctors to defend their contracts is also a defence of the NHS and of patient safety, the defence of academic freedom is central to what it is that defines a university. That is the sense in which the Green Paper constitutes the announcement of a systematic assault on what the idea of a university has come to mean.

### **What you can do**

Members of UCU Left, and many others, are currently working with members of the *Campaign for the Public University* and the *Council for the Defence of British Universities*, and with the UCU nationally, to try to create the broadest possible opposition to the Green Paper.

The plan is to encourage colleagues to engage in developing critiques of the Green Paper, to promote debate and discussion within universities and among the wider public, and to pressure institutions to mount a critical opposition to the proposals.

The formal deadline for consultation on the Green Paper is 15 January 2016.

All UCU Left supporters are urged to do four things:

- **Campaign electronically.** Circulate links to the Green Paper and critiques, and encourage colleagues to consider their own view.
- **Organise on YOUR campus.** Organise open union meetings to discuss the Green Paper, the TEF and the privatisation agenda, before the end of this session.
- **Seek institutional opposition.** Encourage academic boards to debate and oppose the Green Paper, and debate motions about it at all College or School or Faculty board meetings. In negotiations, but also publicly, call on the management team and the governing body of your HEI formally to oppose the Green Paper.
- **Coordinate national resistance.** Come to the *Second Convention for Higher Education* which will take place at UCL, Central London, in February 2016. See <http://heconvention2.wordpress.com> for up-to-date information and links to critiques of the Green Paper.

<sup>6</sup> Strictly, three others. Part D on Research proposes ‘simplification’ of the REF, but appears to be mostly consequential on the other proposals.

<sup>7</sup> <http://tinyurl.com/ucul-gp7>