

## **THE HIGHER EDUCATION AND RESEARCH BILL: JULY 2016**

### **INTRODUCTION**

This is a briefing note from the Academy of Social Sciences and its Campaign for Social Science about the **Higher Education and Research Bill**. [The timetable for the Bill is here](#).

**Parliamentary consideration of the Bill will take place under particularly challenging circumstances, due to the referendum decision to leave the European Union. Despite this, if the Bill proceeds, it is essential that the Bill receives detailed Parliamentary scrutiny.**

The referendum decision has potentially enormous implications for UK science and research and for the health of our higher education institutions (see [the Academy and Campaign briefing note](#)). After six years of flat funding from the UK government, we now contemplate the prospect of a significant reduction in research funding from Europe: the UK is a net beneficiary in research funding to the tune of €3.4 billion between 2007 and 2014, most of which goes to universities. Freedom of movement has meant that more than one in seven academic staff are EU-domiciled, as are 6% of students. International collaborations have grown, resulting in higher quality research with more impact. These funds and international collaborations are now at risk. This has implications for all areas of research but the social sciences are likely to be particularly affected (see [Professional Briefings 8: The Implications of EU Referendum for UK Social Science](#) [pdf]).

**With uncertainty over the shape of the post-referendum settlement, the major changes to university regulation, monitoring of teaching quality and research infrastructure proposed in the Bill require special scrutiny to ensure they are suitable under a number of scenarios if the strengths of UK research are to be protected.**

**This paper sets out concerns about Part 3 of the Bill**, which establishes a new infrastructure for publicly-funded research, including the proposed creation of UKRI (UK Research and Innovation). Comparatively little attention has been paid to Part 3, except for the inclusion of Innovate UK in UKRI. Some exceptions are: [a Guardian article by Lord Rees](#); and [a series of articles on the Wonkhe site](#) by Professor James Wilsdon, Chair of the Campaign for Social Science.

## **THE WHITE PAPER: SUCCESS AS A KNOWLEDGE ECONOMY: TEACHING EXCELLENCE, SOCIAL MOBILITY & STUDENT CHOICE**

The Academy of Social Sciences and its Campaign for Social Science recognise there are a range of views about the proposed changes to the UK research infrastructure set out in the May 2016 White Paper. **Our aim here is to examine the specific provisions of the Bill in the light of the aspirations and assurances set out in the White Paper.**

The White Paper makes a number of positive statements about existing UK research, and sets out aspirations for strengthening it further. These include:

1. Numerous expressions of ‘commitment to the **dual support system** within England’, with promises to enshrine this dual support system for research funding in law (for instance, p.17, para. 45; p. 20, last bullet point; p. 69, para 27).
2. Confirmation of ‘the Government’s **commitment to the Haldane principle.**’ by which it means “that decisions on individual research proposals are best taken by researchers themselves through peer review” (p. 17, para. 45), noting further that “the prioritisation of spending within an allocation for an individual research discipline is not a decision for Ministers,” (p. 67, para 20). While the Government does not promise to enshrine this understanding in the Bill, it says “we are formally restating the Government’s commitment to the Haldane principle” (p.20, last bullet point) and that the Haldane principle would be ‘reflected in the design of UKRI.’ (p.71, para. 36)
3. Pledging that ‘the seven **research discipline areas will continue to have strong and autonomous leadership**’ (p.18, para. 45).
4. A commitment to structures that will promote more agile **inter-disciplinary and multi-disciplinary research** (page 16, paras. 42-44).
5. A promise that ‘**funding recipients will see little change except for a simplification of processes.** The peer review assessment and decision making will, as now, be undertaken by discipline experts.’ (p.17, para. 46)
6. In relation to the creation of **UKRI**, the White Paper promises:
  - 6.1. That under UKRI, ‘the names and brands of the Research Councils and Innovate UK will be retained.’ (p. 20)
  - 6.2. That there will be a ‘legislative requirement for the Secretary of State to consider the need for both academic and business representation and expertise on the Board’ of UKRI (p.62, eighth bullet point)
  - 6.3. That the Government will seek to ‘retain and strengthen leadership in specific research discipline areas, innovation and England only research funding by establishing **nine Councils within UKRI with delegated autonomy and authority.**’ (p.20; see also Box 3.5 on pp. 72-73), and that a ‘key principle underpinning this structure is the requirement to protect the autonomy of research and innovation leaders.’ (p. 74)
  - 6.4. That these nine ‘Councils will be responsible for the strategic leadership of their disciplines and on scientific, research and innovation matters.’ (p. 63)
  - 6.5. That ‘the Secretary of State will set budgets for each of the nine Councils through an annual grant letter.’ (p.72)

# THE HIGHER EDUCATION AND RESEARCH BILL 2016-17

The Academy of Social Sciences and its Campaign for Social Science are concerned that there are important disjunctions between the White Paper and Part 3 of the *Higher Education and Research Bill*.

## 1. 'Haldane Principle'

- 1.1. Despite the White Paper, the 'Haldane principle' is not mentioned in the legislation. We recognise that there is no stable definition of the Haldane principle, and we are not seeking insertion of the phrase 'Haldane principle' into the Bill, precisely because it has so many possible interpretations. (See [POST](#); [David Willetts' statement](#); and [David Edgerton's discussion](#)).
- 1.2. But as commonly understood, the invocation of 'Haldane' refers to the proper relationship between the control or direction of science (including social science) by government, by the wider community and by scientists. We appreciate that public funding for science, including social science, requires democratic legitimacy, exercised both by Government and Parliament, and by public discussion. There have long been subtle interactions between research councils, Government (both with departmental and cross-departmental input) and public consultations (run by the Research Councils) in setting strategic plans.
- 1.3. We see no reference to this process in the Bill, but instead a focus only on the powers of the Secretary of State, the UKRI Chief Executive and the UKRI Board in setting strategic aims, with no mention of the roles of the Research Committees and their constituent research communities in agreeing strategic agendas or influencing the allocations between them.
- 1.4. The social sciences have particular cause to be concerned about this. As departmental spending on research and evaluation programmes has been cut (see [Research Excellence Framework 2014: Overview report by Main Panel C, p.24](#)), the terrain around 'Haldane' – to what extent should government departments fund their own departmental research directly, and to what extent should research council spending be directed to do so – can become even more contested. Under the current wording of the Bill, the Secretary of State, with agreement of the UKRI Chief Executive and Board, could direct funding to meet particular short-term government social policy priorities, or rule out certain subjects, with little discussion with scientific communities or the public.
- 1.5. We do not argue for any rigid demarcation of what should be the responsibility of governmental departmental spend, nor for a rigid distinction between basic and applied research (which again has a distinct lack of usefulness in the social sciences). We welcome the creation of interdisciplinary 'grand challenge' strategic themes. **But the Bill as currently drafted refers only to a 'top down' process for setting strategic goals and allocating resources between them, and the narrowness of the interpretation of the 'Haldane Principle' set forth in the White Paper does not assuage our concerns.** We return to this with some concrete suggestions in section 3 below.

## 2. Dual Support

- 2.1. 'Dual support' refers to the fact that Government supports research both by funding grants and capacity building through the Research Councils, while the UK's

Funding Councils provide block grant funding to support research infrastructure and enable institutions to undertake research of their choosing. This funding provides capacity to undertake research funded by the private sector, Government Departments, charities, the European Union and other international bodies, all for public benefit research. It is distributed on the basis of the excellence of individual departments in higher education institutions, using the results of the Research Excellence Framework (REF), and is therefore responsive to departmental and disciplinary performance. This allows individual Higher Education Institutions to take their own strategic decisions, and covers not only the ‘well-found laboratory’ but the funding for data labs and so on in the social sciences, increasingly important if UK social science is to make better use of the growing potential of a wide range of data to support social science research and public policy and practice. There is much evidence that this pluralism – with the provision of infrastructure funding to allow institutions to take different decisions – underpins the excellent performance of UK science and research. (See [www.hefce.ac.uk/news/newsarchive/2014/Name,100780,en.html](http://www.hefce.ac.uk/news/newsarchive/2014/Name,100780,en.html); [www.hefce.ac.uk/pubs/rereports/Year/2014/qrreview/Title,101530,en.html](http://www.hefce.ac.uk/pubs/rereports/Year/2014/qrreview/Title,101530,en.html))

- 2.2. More recently, HEFCE (the Higher Education Funding Council for England) has had a role in discussions about ‘strategically vulnerable subjects’, including many science disciplines, area studies and language skills. As these relate both to research capacity and teaching, including undergraduate teaching, they fall outside the remit of the Research Councils as currently constituted. Without ‘directing’ the behavior of individual HEIs, the funding councils have exercised a useful function in coordinating national discussions and directing funding to support initiatives to address these issues. Examples in the social sciences include the support of HEFCE for the Q-Step initiative, led by the Nuffield Foundation and also supported by the ESRC, to improve quantitative skills in UK social science undergraduates, and initiatives in area studies, to ensure national capacity in social, economic and political understanding of e.g., the Middle East.
- 2.3. Section 95 (3) of the Bill refers to a ‘balanced funding principle’ between the new Research England and the research committees under UKRI, with the balance between them to be set by the Secretary of State with advice from UKRI. (The Bill covers only that part of the dual support system currently provided by HEFCE, not its devolved counterparts in Scotland, Wales and Northern Ireland). Section 89 of Part 3 of the Bill, the only section which addresses the role of Research England (the proposed successor to HEFCE) states “UKRI must arrange for Research England to exercise such functions of UKRI as UKRI may determine for the purpose of giving financial support...for the undertaking of research by the provider; or the provision of facilities, or the carrying out of other activities, by the provider which its governing body considers it is necessary or desirable to provide or carry out for the purposes of, or in connection with, research.”
- 2.4. Far from enshrining dual support, the Bill leaves the decision wholly to UKRI (as agreed by the Secretary of State) about the appropriate balance, and seems to envisage no role for research or teaching communities to influence strategic capacity building which straddles research and teaching. **We think detailed Parliamentary consideration should be given to the issue of whether this is sufficient protection for the dual support system.**

### 3. Strategic Planning

- 3.1. The AcSS and CfSS have real concerns about the strategic planning model set forth in the Bill and its implications for autonomy and leadership of the research discipline areas, which appears different from the tone of the White Paper.
- 3.2. A primary question is where the exact lines of authority and responsibility lie across the Secretary of State, the UKRI Chief Executive, the UKRI Board and the Executive Chairs of the Research Committees (previously known as the Research Councils). The Bill is careful to enumerate the *explicit rights* of Secretary of State and UKRI Chief Executive in regards to strategic planning and ministerial appointment of UKRI Board, but these are nowhere matched by an *explicit duty* to consult with Research Committees or their constituent research communities.
- 3.3. The danger is that this could lead to a top down model of research, with little mediation, which could undermine innovative and beneficial research, and which could undermine autonomy.
- 3.4. We recognize that BIS (and its predecessors) have always had a role in developing strategic research themes, but the actual process is supple and nuanced in ways that the current Bill draft does not capture. The Bill detaches the Executive Chairs of Research Committees from direct contact with the UKRI Board and from Ministers. It does not recognize that the current process of strategic research planning involves continuing two-way conversations between BIS, the research councils and their constituent research communities.
- 3.5. **We believe that a duty to consult with research communities should be enshrined in law.** This could take the form of a provision in the Bill that UKRI and the Secretary of State have ‘a duty to consult with the Research Committees and their research communities’ before strategic plans are set by UKRI.
- 3.6. The Academy and its Campaign also believe that all main areas of Research Committee endeavor, including the social sciences, should be represented on the board of UKRI, and that this would best be achieved by ensuring the inclusion of the Executive Chairs of all the Research Committees on the UKRI board, as recommended in the Nurse Review. There is no explanation in the White Paper as to why this recommendation was not followed.
- 3.7. While Schedule 9 of the Bill states that the Secretary of State in appointing the UKRI Board must “have regard to the desirability of the members (between them) having experience of: research into science, technology, humanities and new ideas; the development and exploitation of science, technology and new ideas; and industrial, commercial and financial matters”, it risks detaching the Executive Chairs of the Research Committees from strategic planning and decisions about resource allocation (which will now be, in the main, the responsibility of UKRI, not BIS, though the Secretary of State “may make grants to UKRI of such amounts, and subject to such terms and conditions, as the Secretary of State considers appropriate”). This could also insulate the UKRI Board from hearing the views of diverse research communities. It vests considerable power in the Chief Executive of UKRI and a Board with no representation of Research Committees and no duties to consult their constituent research communities.
- 3.8. **We recommend that the Bill should be amended to follow the recommendations in the Nurse Review that the Executive Chairs of the Research Committees are *ex officio* members of the UKRI Board.**

#### 4. *Remit of the Research Committees/ Councils*

- 4.1. The Academy of Social Sciences and its Campaign for Social Science are concerned about **the narrowness of the proposed remit of UKRI and its Research Committees**. Paragraph 87, part 4) states that they should: “have regard to the desirability of (a) contributing to economic growth in the United Kingdom and (b) improving quality of life (whether in the United Kingdom or elsewhere)” (PP. 87, Sec. 4).
- 4.2. We believe that the language of ‘quality of life’ is too limiting. Much social science research may have an indirect link to ‘quality of life’ but still be of public benefit. For instance, does descriptive research on the implications of government economic policies such as that carried out the Institute of Fiscal Studies lead to a direct improvement in quality of life? Does funding for the British General Election Studies, or basic research on child development? Does research on ‘public understanding of science’, which has led to greater appreciation of the need for continuing engagement and debate? Yet these are clearly of public benefit, not only in contributing to scientific understanding but in helping governments and the public understand the implication for future policies and changes in professional practices. We commend the Government’s proposed approach to ‘public benefit research’ in its [draft Data Sharing Bill](#).
- 4.3. We therefore recommend that the language of the Bill be amended so that the second duty is “public benefit research”, or “research for public good” instead of or in addition to ‘quality of life’.**

#### 5. *Definition of ‘science’*

- 5.1. While Paragraph 102 of the Bill (‘Definitions’) makes it clear that the definition of “science” includes social science’, the language of the Bill focuses repeatedly on ‘research into science, technology, humanities and new ideas’ (Part I, PP 85, 99, and Schedule 9, PP 2). We see no reason why this should be left to a single clause in the Bill.
- 5.2. We believe that it right that the formulation in throughout the Bill (PP 85, 99) should explicitly reflect all relevant fields, and better reflect the Research Committees listed in PP 87. This is particularly important given the powers to change the names and numbers of research committees proposed in the Bill.
- 5.3. We believe that the Bill should be amended to include the term ‘social science’ throughout PP 85, 99 and Schedule 9.**

#### 6. *Royal Charter Issues and protection for the Research Committees*

- 6.1. The Bill provides, in reference to the schedule laying out the Research Councils and their activities, that ‘The Secretary of State may by regulations — (a) amend the first column of the table in subsection (1) in consequence of provision made by regulations under section 84; (b) amend the second column of that table’ (PP 87).
- 6.2. This means that the Secretary of State may change or alter the Research Councils at any time simply through regulation, unlike Research England or Innovate UK. This

does not provide protections consonant with those given by the current Royal Charter status of the Research Councils. We have been told that BIS believes an 'affirmative resolution' would be needed, giving both Houses 21 days to request a debate. But this is still far from the current Royal Charter protections that provide that any changes in the naming or remit of the proposed Research Committees proposed by a Secretary of State would, in law, *require* Parliamentary debate. According to 107 (2) (e), any such changes will need to be made through 'A statutory instrument ... laid before, and approved by a resolution of, each House of Parliament.' Given the volume of such statutory instruments, changes could end up being 'rubber stamped' in an undebated vote, with little or no public consultation.

6.3. We do not suggest that nothing could or should ever change in the naming or remit or structure of the Research Committees. We appreciate that legislation is drafted for the long term and needs to envisage future changes.

**6.4. But we believe that any such change should take place only after consultation and a parliamentary debate, as is envisaged for Research England and Innovate UK and do not see why all the component parts of the proposed UKRI should not be subject to the same procedures for change. We therefore believe that an amendment to this effect is necessary.**