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Achieving “Transparency, Consistency and Fairness” in English HE Admissions: Progress since Schwartz?

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Abstract

In 2004 the Schwartz Review advised English HEIs that their admissions systems should: be transparent; select students who are able to complete their courses based upon achievements and potential; use assessment methods which are reliable and valid; minimise barriers to applicants; be professional, and be underpinned by appropriate institutional structures and processes. These five principles were only expressed as recommendations, reflecting the reluctance of policymakers to interfere with individual HEIs’ admissions policies. In this paper we analyse the results of a research project which reviewed the progress which English HEIs had made in implementing the Schwartz recommendations and assess whether a more interventionist stance is required to achieve ‘fair admissions’.

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1. Introduction

In 2003 the then Secretary of State for Education and Skills established an independent review of admissions policies of English HEIs. The recommendations of the Schwartz Review were published in “*Fair Admissions to Higher Education: Recommendations for Good Practice*” (Admissions to Higher Education Steering Group, 2004). English HEIs were advised that their admissions systems should: be transparent; select students who are able to complete their courses based upon achievements and potential; use assessment methods which are reliable and valid; minimise barriers to applicants; be professional; and be underpinned by appropriate institutional structures and processes. These five principles were only expressed as recommendations and this reluctance of policymakers to interfere with individual HEIs’ admissions policies continued, perhaps surprisingly, with the introduction of variable tuition fees and the creation of the Office for Fair Access (OFFA). However, in 2009 the Higher Education Funding Council for England requires that as part of their new ‘Widening Participation Strategic Assessment’ reports, HEIs show both how their admissions policies ensure “transparency, consistency and fairness” and how they contribute to their widening participation strategies (HEFCE, 2009).

In this paper we analyse the results of a research project (SPA, 2008) which reviewed the progress which English HEIs had made in implementing the Schwartz recommendations. Whilst the terms ‘fairness’, ‘fair admissions’ and ‘fair access’ have

figured prominently in recent debates about HE admissions, as McCaig and Adnett (2009) point out, they remain undefined by policymakers and OFFA has effectively condoned a system where each institution unilaterally sets its own criterion for the desired composition of its student intake. Indeed more generally, there has been a general reluctance among HE policymakers to accept that, given the very high participation rate of qualified entrants, widening participation policies should increasingly be targeted at the distribution of non-traditional students across HEIs, rather than in raising the system-wide participation rate.

In the following section we start our analysis by revisiting the importance of ‘fair’ admissions policies, reviewing the limited research which has addressed admissions practices in English HEIs and exploring the key issues which emerged from the Schwartz review.

2. The Importance of Fair and Transparent Admissions

The Schwartz review argued that a fair and transparent admissions system was essential because of the economic benefits associated with HE entry. Recent studies have confirmed that on average these benefits remain significant even after recent expansions of participation rates (see the survey by Adnett and Slack, 2007 and Walker and Zhu, 2008), but some studies also suggest that these returns differ substantially dependent upon the course studied (McGuinness, 2003, Bratti et al., 2008) and institution attended (Chevalier and Conlon, 2003, Hussain et al., 2009). Hence, the particular importance of admissions policies in courses and institutions where there is substantial excess demand for the places available, what Hodgson et al.

(2005) termed 'selector' as opposed to 'recruiter', institutions and courses. In addition, given the high participation rate amongst those qualified to enter HE, individual institution's admissions policies are crucial in delivering the diverse student bodies espoused by governments (DfES, 2006).

In the Schwartz Review "fair admissions" was viewed as largely about achieving greater transparency and the need to be seen to be fair. A fair admissions policy was one that provided: "... equal opportunities for all individuals, regardless of background, to gain admission to a course suited to their ability and aspirations." (page 5). The Report continued: "Everyone agrees that applicants be chosen on merit: the problem arises when we try to define it" (page 5). The Schwartz Group wrestled with this problem, citing both evidence that, other things being equal, students from state schools performed better at undergraduate level than students from public schools, and their own survey that had shown strong support among senior HE managers for a movement away from sole reliance on the previous educational attainment of applicants. The Groups' conclusion was expressed in the following four paragraphs:

The Steering Group does not want to bias admissions in favour of applicants from certain backgrounds or schools. The Group does, however, believe that it is fair and appropriate to consider contextual factors as well as formal educational achievement, given the variation in learners' opportunities and circumstances. The Group also wants to ensure that the factors considered in the assessment process are accurate and relevant and allow all applicants equal opportunity to demonstrate achievements and potential. This is facilitated by 'holistic assessment,' or taking into account all relevant factors, including the context of applicants' achievements, backgrounds and relevant skills. 'Broad brush' approaches are generally not appropriate; applicants must be assessed as individuals.

The Group recognises that there are practical limitations in the short term on such a comprehensive approach and recommends that, initially at least, institutions apply holistic assessment to borderline applicants and applicants for over-subscribed courses. The Group believes that it is desirable for even the first sift to consider contextual factors in some way, but this will require the standardised provision of agreed information on application forms.

The Group believes it is justifiable for an institution to consider an applicant's contribution to the learning environment; and that institutions and courses which confer particular benefits upon their graduates have an obligation to make reasonable efforts to recruit a diverse student community. The presence of a range of experiences in the laboratory or the seminar room enriches the learning environment for all students. A diverse student community is likely to enhance all students' skills of critical reasoning, teamwork and communication and produce graduates better able to contribute to a diverse society. The Group is aware of a recent decision by the US Supreme Court upholding a university's 'compelling interest in obtaining the educational benefits that flow from a diverse student body'.

Fairness does not mean that the Government should choose students. The Steering Group wishes to affirm its belief in the autonomy of institutions over admissions policies and decisions. Moreover, it should be clearly recognised that it is perfectly legitimate for admissions staff to seek out the most academically excellent students.

(paras: 4.4 -4.7 from Schwartz Report, 2004)

In response to this Report, the Quality Assurance Agency reviewed and updated its Code of Practice, Section 10 on admissions to HE (QAA, 2006). The Agency encouraged institutions to be explicit about the rationale behind their admissions policies and procedures and to monitor practice and policies and ensure the competency of staff involved. The code was intended to help HEIs assure themselves,

and others, that their admissions policies and procedures were fair, transparent, consistent and effective.

Since the publication of the Schwartz Review there has been much research undertaken addressing the barriers facing 'non-traditional' students progressing to HE (see for example the review by Gorard et al., 2007), but surprisingly little related specifically to admissions. Much of the latter has been undertaken for governmental agencies and HE interest groups (including those published by Supporting Professionalism in Admissions Programme (SPA) and the Delivery Partnership). The acceptability of non-traditional A-levels and new qualifications in selecting institutions has been the subject of some debate. Hodgson et al. (2005) examined the way in which HEIs responded to the Curriculum 2000 reform of advanced qualifications (A-Levels). They found that while admissions statements indicated that institutions supported advanced level reforms, this was less evident in the actual admissions decisions made. The issue of institutional autonomy has been explored more recently in relation to reforms to 14-19 education, more specifically the proposed changes to GCE A-levels and the introduction of the Extended Project and Advanced Diplomas (1994 Group, 2008). Amongst other issues, this research looked at the impact the reforms may have on undergraduate admissions among the members of the 1994 Group. The differential influence of recruiting/selecting programmes was evident in the conclusions that the A* grade at A-level will allow research intensive institutions to select with more discrimination among applicants (i.e. of interest to 'selecting' courses), whilst the nascent Advanced Diplomas are often to be in subject areas where there are currently low numbers of well-qualified applicants to undergraduate courses (i.e. of interest to recruiting courses).

Research conducted around the time of the Schwartz report suggested that some admissions staff lacked clear guidance on the overall position and priorities of their institution. The Fair Enough project (Universities UK, 2003) found that while there was overt support for fair admissions from Vice-Chancellors, Principals and academic boards, some admissions staff were unclear on what their HEI's view was on widening participation. As a result they were hesitant to change their practices, for example, by making lower offers to applicants as a result of taking into account factors such as if the applicant had experienced educational disadvantage.

Parry et al. (2006) argue that the issues raised in the Schwartz Review around fairness and transparency are particularly pertinent in relation to medical admissions because demand from applicants exceeds the supply of places. The authors cite earlier work carried out by Lumsden et al. (2005) which suggested that medical school admissions processes in the UK were frequently shrouded in secrecy and differed from one institution to another. Parry et al. conclude that although the stated criteria for admissions show commonality across the schools involved in their study, institutions apply these differently and use different methods to select students. Similarly, Dhillon (2007) found that the professional entry requirements for admission to social work programmes were interpreted differently across the HEIs she studied.

The Schwartz Review and the research reviewed above suggested that the admission policies and processes of HEIs may be a factor contributing to apparent segmentation in the English Higher Education 'market'. HESA publishes annual widening participation indicators for each HEI (HESA, 2008), each institution having an

individual benchmark representing the expected participation for each group of under-represented entrants given the particular characteristics of the students it recruits (subject of study, age and entry qualifications). The National Audit Office (2008) concludes that post-1992 institutions generally perform at or significantly above their widening participation benchmarks whilst the 16 English Russell Group institutions generally perform at or significantly below their benchmarks.

3. Methodology

In 2008 the Department for Innovation, Universities and Skills (DIUS) commissioned a report in response to a recommendation to Government that the Schwartz Report on *Fair Admissions to Higher Education: Recommendations for Good Practice* (2004) be reviewed after three years. This review was managed by the Supporting Professionalism in Admissions Programme (SPA) and carried out by a team of independent researchers with inputs from senior specialist admissions administrators. The emphasis was upon how the recommendations outlined in the Schwartz Report have been implemented, what changes have occurred in admissions processes in HE in response to the Schwartz recommendations, and whether the implementation of the recommendations has supported the five principles of fair admissions (system transparency; the ability to select students able to complete courses; the use of reliable and valid assessment methods; to minimise barriers to participation; and to be professional in terms of institutional structures and processes). The review used quantitative survey data and qualitative case studies.

Senior managers with responsibility for admissions at all Higher Education Institutions (HEIs) and Further Education Colleges providing HE (non-HEIs)

members of the Universities and Colleges Admissions Service (UCAS) database (a total of 309 institutions) were surveyed in February and March 2008. The overall response rate was 52%, with 64% of HEIs (n = 102) and 31% of non-HEIs (n = 49) responding (there were a further nine anonymous responses). The sample was broadly representative of English HE providers. The questions asked in the original Schwartz consultation were used for benchmarking purposes. In addition, the websites of all UCAS member universities and a sample of member colleges were tested for applicant-friendliness by researchers who were asked to locate course information, analyse the content of course information pages, and locate and analyse the contents of institutional admissions policy statements. Finally, ten case studies were selected from English institutions that responded to the survey. In this paper we concentrate upon the survey results to develop an answer to our central question concerning whether progress has been made in achieving greater transparency, consistency and fairness in HE admissions in England.

4. Review of Main Survey Results

The analysis of survey responses indicated that a number of the principles and recommendations in the Schwartz Report have been successfully adopted by the sector, particularly in relation to areas of transparency, staff development, some other aspects of professionalism and the use of technology to share resources and information.

In terms of its overall impact many institutions claim that the Report was not a major influence on the development of their admissions policies and process, however

where practice and policy has changed the evidence suggests much of this change relates directly to fulfilment of the Schwartz principles. The revised QAA Code of Practice Section 10 on Admissions to HE was seen by most respondents as more directly influential, as has been the progress of both of the SPA Programme and the HE sector-led Delivery Partnership. As we have noted the revised QAA Code was a direct result of the Schwartz review whilst the latter two programmes were established in 2006 in response to recommendations in the Report. The development of new pre-HE qualifications and the need for institutions to respond to these in terms of transparency and clarity in entry criteria was also recognised by respondents as a contributory factor in changes since 2004.

Consistent with the findings of other recent research (e.g. 1994 Group, 2008), the survey found evidence of a slow movement towards more centralised admissions decision-making. Under a quarter of respondents stated that all admissions decisions continued to be taken at school, department or faculty level (Table 1), with a third indicating that their decision-making had become more centralised since the Schwartz Report (Table 2).

Table 1. Location of admissions services by HEI, Non-HEI and all institutions.

	Non-HEI		HEI		All	
	N	%	N	%	N	%
All handled centrally	25	51	23	22.5	51	31.9
Combination: Some local, some central	15	30.6	59	57.8	76	47.5
All handled by school/faculty/department	9	18.4	20	19.6	33	20.6
Total	49	100	102	100	160	100

Table 2. Has the degree of centralisation of your admissions department changed since Schwartz?

	Degree of centralisation changed since Schwartz?							
	Yes, become more centralised		Yes, become more decentralised		No		Other	
	n	%	n	%	n	%	n	%
All	53	33.5	2	1.3	93	58.9	10	6.3
Non-HEI	6	12.2	1	2.0	39	79.6	3	6.1
HEI	45	45	1	1	48	48	6	6

Even within more decentralised systems responses indicated that there has been a move towards greater standardisation and codification of admission practices, including the introduction of Service Level Agreements that devolved schools/departments admissions groups have to sign up to. The survey responses suggest that Schwartz was a significant factor in increasing this centralisation of admissions. However, there are still variations in the nature and extent of staff development activities relating specifically to applicant interviewer training and the sharing of electronic data (between schools/departments and between institutions and applicants) and these issues are more prevalent in decentralised systems.

Transparency has been enhanced partly in response to the Schwartz recommendation for improved clarity in entry and admissions decision-making. Such transparency involves publicising admissions procedures and course information on websites, in prospectuses and on UCAS entry profiles. Entry Profiles are written by HEIs and are located on the UCAS Course Search website. They give prospective applicants to HE more information about the courses they want to study by providing details about entry qualifications, entry criteria and desirable personal characteristics etc. which may include the relative importance of the criteria plus the process detailing how admissions decisions are made, all on one website.

Responses indicate that there is little stated difference in the qualifications that institutions accept, however there are significant variations in the extent, and how, the accepted qualifications are publicised. For example, whilst most institutions indicated that they accepted most Level 3 qualification types, they did not always publicise this information in their websites, prospectus or UCAS Entry Profiles. For example, only 88% of respondents indicated that their website specified that BTEC qualifications were accepted and just 72% of English HEIs publicised their acceptance of Scottish Highers. The survey findings indicate that incomplete transparency on qualifications accepted was more frequently to be found amongst non-HEI HE providers.

Respondents in 15% of institutions stated that there were some A-level subjects which were not accepted for certain courses. Amongst those who stated that they did not accept certain qualifications there was a lot of variation as to whether this was publicised or not. Variations in how institutions valued transparency reflect, in part, institutions own missions. Respondents from predominantly selecting institutions were more likely to identify benefits from being able to identify attainment more easily (thus allowing them to avoid risk by enrolling students that may fail the course), while those from recruiting institutions were more likely to respond that improved transparency would widen the demand base of applicants. The results of the survey suggest a continuing need for greater understanding and acceptance of a wider range of qualifications that institutions accept in accordance with the Schwartz Report recommendations.

It was not clear from this research whether institutions felt that they were getting better in their ability to select those students who can complete their studies. There

seems to be more monitoring of admissions processes and outcomes, but less evidence of their evaluation, this also true of the use of assessment methods.

Responses provided evidence of an increased use of admissions data, both internal and national, to inform and update admissions policy. However, monitoring of course performance was the method most used to evaluate the reliability and validity of admissions decision-making, notwithstanding inherent sample selection problems associated with this method.

There are some admissions tests designed to differentiate qualified applicants such as the national UKCAT for medicine, veterinary medicine and dentistry at 24 institutions and the subject specific admissions tests developed for use by individual institutions including Oxford and Cambridge. However, as most have only been adopted in the last few years it is too early to draw significant conclusions about the usefulness and appropriateness or their overall impact on 'fair' admissions to English HE.

Senior managers' responses indicated that there are significant differences in the development of the principles and processes of admissions practice between institutions that have mainly selecting courses and those that have mainly recruiting courses. A further area where this is evident is in the use of contextual information. Whilst respondents indicated that in most cases personal contextual information does not inform decision-making, almost half of institutions will consider long-term illness and family problems in some circumstances. More generally, whilst two-thirds of respondents from Russell Group institutions used other sources of information in addition to application forms to inform decision-making, only a fifth of respondents from Million + indicated that they did so (see Table 3 below). Specifically,

institutions that have mainly selecting courses more frequently use contextual information to differentiate between highly qualified applicants who meet or exceed the entry requirements for high demand courses. Contextual factors such as the overall performance of an applicant’s school or evidence of a disadvantaged background are considered in order to widen participation to underrepresented groups. In contrast, institutions that have mainly recruiting courses are more likely to use contextual information to identify applicants that will need additional support to succeed once accepted.

Table 3: The use of information sources other than the application form to gather information about potential students, by mission group

Mission Group	Yes	No	N
1994 Group	85.7	14.3	14
GuildHE*	61.5	38.5	13
Million+	20.0	80.0	20
Russell Group	66.7	33.3	15
University Alliance	41.2	58.8	17

* GuildHE is not a mission group but a representative group speaking for HE colleges, specialist institutions and some universities.

There are increasing and complex interactions between admissions, widening participation and marketing, both in the interaction of staff and policies. There seems to be a trend for centralised admissions services’ processes and decision-making to more closely reflect institutional missions and their marketing, recruitment and widening participation imperatives. This is sometimes reflected in organisational changes which have brought these different functions under a single manager, a practice found in well over half of 1994 and Russell Group respondents, but in less than a quarter of the other groups of respondents (see Table 4).

Table 4: Does the same line manager manage the admissions and widening participation staff? Breakdown by mission group

	Yes	No	N
1994 Group	64.3	35.7	14
GuildHE	25.0	75.0	12
Million+	25.0	75.0	20
Russell Group	53.3	46.7	15
University Alliance	23.5	76.5	17

Perhaps as a result of this increased tendency for centralised admissions policies to reflect more closely institutional missions, there is evidence to suggest that senior manager's views regarding the nature of a 'fair' admission policy have significantly changed since Schwartz. These views have generally changed in a way which is perhaps more risk averse, placing greater emphasis on actual rather than potential educational attainment. Respondents were asked whether they thought it was important that universities and colleges have students from a wide range of backgrounds. 98% of respondents agreed that this was an important issue, a slight increase on those responding in the same way to the Schwartz 2004 consultation questionnaire. Of the 61 open comments, 41 were supportive of diversity as a goal in itself, six referred to their specific WP missions, while nine were supportive of diversity but only if standards are maintained.

Of those responding yes to the previous question (that it was important to have students from varied backgrounds) only 15% believed that universities and colleges should choose students partly in order to achieve a social mix, a significant fall from the 48% who expressed this opinion in 2004¹. Respondents from institutions that are

¹ The sample used in the 2004 Schwartz consultation differed from the 2008 Schwartz review carried out by the authors. The figures presented here are the results returned only by FE Colleges, other HE institutions and Universities whilst the 2004 consultation included a number of bodies in addition to colleges and HEIs (e.g. Connexions, FE Colleges, schools, Students Union, Trade Unions).

members of GuildHE and the Russell Group were the most likely to state that universities and colleges should choose students in order to achieve such a mix (Table 5).

Table 5 If you think it is important to have students from varied backgrounds, should universities and colleges choose students partly in order to achieve such a mix? Breakdown by mission group

	Yes	No	Not sure	N
1994 Group	28.6	35.7	35.7	14
GuildHE	45.5	45.5	9.1	11
Million+	25.0	50.0	25.0	20
Russell Group	46.7	33.3	20.0	15
University Alliance	31.3	62.5	6.3	16

There were 80 open comment responses of which 20 institutions reported that ability, motivation and potential to thrive should be the overriding criteria for selection; four others said that in addition, institutions should try to widen opportunity for underrepresented groups by offering different courses, i.e. vocational, by taking prior experience into account and by removing barriers for applicants.

Nineteen institutions reported that WP activities and policies were the way to ensure a greater mix of applicants to HE, rather than admissions policy alone. Four respondents that believed ability, motivation and potential were the major criteria also believed in the need for WP policies to widen the social mix of applicants, but 19 others believed that while WP was important they were against the idea of social engineering, positive discrimination and quotas, two of which argued that preserving academic integrity should be the paramount over social mixing. Five institutions

reported that fairness through the application of institution-wide policies, rather than considering applicants on an individual basis, would ensure a fair social mix, while conversely four reported the view that all applications should be judged on their individual merits.

Almost half of institutions felt that it was unfair for a university or college to make a lower offer to some applicants than to other applicants on the basis of achieving a mixed student body, a nearly four-fold increase on the comparable 2004 figure (see Table 6)

Table 6. Is it fair for a university or college to make a lower offer to some applicants than to other applicants for the same course to achieve a social mix?

		Yes		No		Not Sure		Total	
		n	%	N	%	n	%	n	%
Schwartz 2004	All	113	76	20	13	16	11	149	100
2008 Schwartz Review	All	43	28.5	75	49.7	33	21.9	151	100
	Non-HEI's	7	15.2	26	56.5	13	28.3	46	100
	HEIs	35	36.1	43	44.3	19	19.6	97	100

Of the 76 open comments related to this question, 55 respondents said it should be allowed for a variety of reasons relating to context such as: nature of the school; social class; for illness; if applicants had participated in WP activities with the HE provider; and at Clearing. These factors were frequently rationalised on social justice and fairness grounds so long as the decision remained fair and evidence based within a framework of rules. Eighteen respondents were against this on the basis of equity,

fairness or to avoid social engineering. Three institutions reported that it was not an issue for them.

Over half of HEI respondents felt that an applicant's educational context (the type and nature of school or college attended was specified in the question) should be considered in admissions decision making. Overall, only 41% of respondents (and over half of HEI respondents) felt that an applicant's educational context should be considered in admissions decision making, a significant drop since 2004 when 65% of respondents felt that it should be (Table 7).

Table 7. Should an applicant's educational context, for example, type and nature of the school or college attended, be considered in admissions?

		Yes		No		Not sure		Total	
		N	%	n	%	n	%	n	%
Schwartz 2004	All	99	65	31	20	22	14	152	99
2008 Schwartz Review	All	64	41	59	37.8	33	21.2	156	100
	Non-HEIs	10	20.8	27	56.3	11	22.9	48	100
	HEIs	51	51.5	27	27.3	21	21.2	99	100

(% may not total 100% due to rounding)

5. Discussion and Policy Implications

The responses to the survey outlined above indicate significant progress towards more transparent and consistent admissions systems in English HE, but raise further concerns about their appropriateness and effectiveness in addressing 'fair access'. If following Schwartz we define fair access as the achievement of "...equal opportunities for all individuals, regardless of background, to gain admission to a course suited to their ability and aspirations." (page 5), then the failure of HEIs to

move on from a focus on prior academic attainment is worrying. The possibility that the promotion of increasing the transparency and consistency in admissions policies may result in a decrease in the emphasis placed on context was not anticipated by the Schwartz Committee. Though the use of contextual factors is more prevalent among Russell Group and other research-intensive selecting institutions, its use varies across and within those institutions. Among recruiting institutions contextual data is not used in the admissions process (though it often is used to identify the transitional needs of accepted applicants for example), because such institutions already accept a much wider range of pre-entry qualifications and do not have the same need to differentiate between applicants in order to widen participation.

This apparent conflict in the original Schwartz Report has allowed some (selective) institutions to tailor their own criteria for the composition of their student bodies by maintaining high entry requirements consisting of applicants that have taken a relatively narrow pathway (ie A levels) that excludes applicants from backgrounds less likely to enter the A level route, but who may have, by means of other qualifications, achieved sufficient UCAS points. By failing to adequately publicise that they accept alternative qualification routes such institutions narrow, rather than widen, the pool of applicants to their institutions. Of course, they can then use contextual data to differentiate among equally qualified applicants in order to enrol students from a more varied social back ground (ie those with problems associated with underrepresented groups such as coming from low participation neighbourhoods and attending 'failing' schools) and thus appear to widen participation to their institution.

In this sense Schwartz and the general tendency for more professionalised admissions policy reflects and supports OFFA's effective endorsement of a bursary support system so loosely defined as to allow institutions to maximise their room for manoeuvre within the context of 'widening participation' (McCaig and Adnett, 2009). Why then have two major policy initiatives, 'fair access' and the introduction of OFFA access agreements designed by policymakers to widen participation failed to achieve their aims? In part the answer may reflect the increased importance of geographical factors, with high achieving students being much less likely to attend a high status university if there was no such university in their locality (Mangan et al., 2009). However, to answer this question more fully we can revisit the intentions of the Secretary of State when variable tuition fees were introduced and OFFA established.

Changes to the funding of HE were designed to ensure that the introduction of variable tuition fees in England did not conflict with the Government's aims of promoting widening participation and 'fair access' to HE. Specifically, those HEIs wishing to charge above the minimum fee were required to agree access agreements with OFFA which specified the proportion of their additional fee income which they would distribute in financial support to students from low income families and on additional outreach activities.

The Government's draft recommendations for good practice in HE, *Fair access to Higher Education*, (DfES, 2004) equated "fairness" to "equal opportunity for all individuals, regardless of background, to gain admission to a course suited to their ability and background" (para 4.1). However, the OFFA, the body created to police fair access, has no remit to consider the admissions criteria of individual HEIs. Hence

as Watson (2006) points out, Government continues to avoid the issue of how to ration places in over-subscribed HEIs and courses, which was the historical motivation to address fair access.

In the Secretary of State's Letter of Guidance (2004) to OFFA the emphasis is again on under-represented groups, the Director of Fair Access was reminded that:

“...the philosophy behind the creation of OFFA is that institutions that decide to raise their fees above the current standard level should plan how they will safeguard and promote access. In particular, there is an expectation that they will plough some of their extra income back into bursaries and other financial support for students, and outreach work. This is a general expectation for all institutions. *However, I would expect that you would expect the most, in terms of outreach and financial support, from institutions whose records suggest that they have the furthest to go in securing a diverse student body.*” (para. 2.1 italics added).

Later in the Secretary of State's letter, it is revealed that 'securing a diverse student body' is not to be directly addressed, indeed:

“..institutions that generally attract a narrower range of students may want to put more money into outreach activity to raise aspirations, in addition to bursaries and financial support. I appreciate that much of this work may not result in recruitment directly to the HEI carrying it out, and sometimes has a long lead time. Therefore, I would not expect an institution's efforts on outreach to be necessarily measured by, or reflected in, changes in its own applications.” (para 6.3.1)

Together these instructions seem to have little to do with the promotion of fair access, indeed as noted above OFFA has no remit to consider admissions criteria and its three current core aims, OFFA (2005, 2007) make no mention of fair access or promoting diverse student bodies within an HEI, nor does it appear among the Key Objectives in HEFCE's updated *2006-11 Strategic Plan* (HEFCE, 2007). This reluctance to even address the concept of fair access and the unwillingness to target the degree of diversity of an HEI's student body when taken together with the non-prescriptive nature of Schwartz confirms the reluctance of government, and its appointed regulatory bodies, to interfere with institutional autonomy. Indeed our analysis of OFFA access agreements (McCaig: 2006, McCaig and Adnett: 2009) finds that institutions regularly choose to measure their progress towards underrepresented groups in relation to their own performance against sector wide benchmarks, rather than emphasising representation 'in higher education as a whole' as OFFA had hoped.

Conclusion

If neither the Schwartz Report into fair admissions nor OFFA access agreements have led to outcomes that match some of the aspirations of government in relation to achieving 'transparency, consistency and fairness' we should not be too surprised given the vagueness of these terms. In the absence of governmental *fiat* and the presence of a highly competitive marketplace and declining demographics, different types of HE institutions appear to work to different definitions of widening participation. Indeed, this latter term has become an arena for institutional marketing, as expressed in such public documents as admissions policies, access agreements, mission statements and prospectuses. The Schwartz Report and developments since

then do appear to have enhanced transparency and consistency in admissions decision making, but largely through the application of more centralised and ‘professional’ admissions processes that have tended to enable institutions to position themselves more precisely in the market. Whether these changes have enhanced fairness in admissions policy remains more uncertain.

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