

Policy context: the political economy of access and success in the English market.

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Chapter 2 Policy context: the political economy of access and success in the English market

Colin McCaig

This chapter sets out the policy context for work to deliver and evaluate students' participation after access trajectories. It begins with a historical overview of how and why this context has changed and what this tells us about why this agenda has become more important in a marketised HE system. The chapter focuses on arguments used by policymakers to rationalise and justify policy shifts. In this case, from an emphasis on widening participation by widening access to the English HE system (which can be traced back to the Robbins Report of 1963) to a situation when government ministers state that it doesn't matter how many people from disadvantaged backgrounds get into the system, what matters is that students achieve good graduate outcomes (Donelan 2020, DfE 2022a). Hence our focus in this volume on participation *after* access.

The marketised context

How and why the state and HE providers widen access and participation cannot be fully understood without an awareness of the market drivers that form their context. Policy change can be seen as emanating from two main high-level imperatives in play for decades (McCaig, Rainford and Squire 2022): on the one hand a persistent emphasis on human capital maximisation through expansion in the face of international competition in the post-war era (Trow 1974, Teichler 1998); and on the other the drive to marketise the higher education system through competition, believed by policymakers to both facilitate expansion and ensure quality is maintained. This policy agenda was introduced by a Conservative government in the latter half of the 1980s and has evolved under all governments since that time.

In my 2018 book *The marketisation of English higher education: a policy analysis of a risk-based system* (McCaig 2018) I employed a policy discourse analysis (PDA, Fairclough and Fairclough 2013) of changing rationalisations for market reform. The importance of policy analysis is that it allows us to ask – and answer – questions about whether any given policy configuration is sustainable and coherent: in other words, to ascertain whether market reforms were likely to be successful on their own terms, and whether their introduction was necessary to continue a planned, linear marketisation project, or whether they were sometimes ad hoc responses to external factors. In this case the approach consisted of a close reading of 16 HE policy documents covering the period 1986 to 2017, through which I identified five distinct stages of marketisation policy, reflected in arguments used to justify reform.

Stage 1: efficiency, accountability and human capital (1986-1992)

This first stage in the process of introducing market thinking to the higher education system was exemplified by reforms highlighted in: the Jarratt Report (1985) on university

management and the Croham Report (1986) on the future of the University Grants Committee; the 1987 White Paper (DES 1987); the 1988 Education Reform Act (HMSO 1988); and the 1992 Further and Higher Education Act (HMSO 1992). Arguments deployed by the Conservative government of the day included the need for 'New Public Management' thinking, implying a greater role for entrepreneurialism among university and polytechnic leaders. University and polytechnic boards, and the new Universities Funding Council, would henceforth include business representatives; individual academics were also encouraged to be more entrepreneurial, selling their expertise as consultants. During this stage the binary divide (between autonomous universities and public-sector Polytechnics) was abolished in the hope that institutional competition between a much larger sector of autonomous institutions would ensue, offering different types and modes of HE study. This would draw on the untapped potential of a far wider range of the population, the better to meet the demand for highly educated human capital in the knowledge economy of the future.

Stage 2: diversity as a good (1992-2000)

Policy documents during the 1990s largely celebrated and encouraged diversity and the prospects for widening participation (HEFCE 1994; 2000). The new landscape of different types of institutions and modes of HE was seen as essential for expansion and lifelong learning needs, as well as addressing inequalities in access to HE. While the discourse shifted somewhat from stage 1, human capital needs were still to the fore. The Dearing Report (NCIHE 1997) encapsulated most of the debates around the future size and shape of the sector and how to fund expansion, also recommending the introduction of partial fees in order to fund growth in the number of places. Commissioned by the Conservatives, it reported to an incoming Labour government with its avowed social justice objectives and commitment to lifelong learning (Labour Party 1996).

Stage 3: diversity becomes differentiation (2003-2010)

The major policy statements covered in this stage – the 2003 White Paper (DfES 2003), 2004 HE Act, (HMSO 2004) and the 2009 White Paper (DBIS 2009) – introduced radically new justifications for a new purpose. Rather than celebrate system diversity for its own sake, the Labour government now encouraged institutions to differentiate their offer in the marketplace to attract applicant-consumers with different needs. At the same time, and responding to institutional pressures for more funding, government introduced a variable tuition fee, on the assumption that only the most highly-demanded universities would justify the higher fee of £3,000 per annum. The policy arguments used in this stage were mainly responsive; the Russell Group and 1994 Group of universities had long lobbied for 'top-up fees' (prior to the introduction of basic £1,000 fees by Labour in 1998), partly on the basis of actual costs, but also because they believed they needed to be differentiated in the market from 'other'

universities and types of HEIs, that, as ever, took on the largest proportion of non-traditional students.

Stage 4: competitive differentiation (2010-15)

This stage can be seen mainly as the continuation of the implications of the previous stage, but in the new context of public funding constraints after the 2008 financial crash – the arguments deployed in the Browne Review (2010) of HE funding and student finance (2010) and the 2011 White Paper *Students at the heart of the system* (DBIS 2011) dominated policy discourse. The need to have an efficient, responsive differential system reflecting a competitive fee distribution, in a dual-price mechanism (McCaig and Lightfoot 2019) to match fees with the UCAS points distribution between highly-demanded and less demanded institutions, became more critical in the era of £9,000 a year tuition fees (when students would take on the whole cost of tuition). This decision can be seen as the key driver of virtually all HE policy since 2010 because average tuition fees have remained stubbornly close to the maximum fee, well above the affordability level of £7,500 per year (defined by government as the point where the system would be affordable in resource accounting terms, DBIS 2011); with a maximum fee of £9,250, average fees across the English sector are currently around £9,100.

Stage 5: risk and exit: the completion of the market? (2016-)

The 2015 Green Paper (DBIS 2015) and 2016 White Paper (DBIS 2016) introduced proposals and legislative measures finally to actuate the variable tuition-fee market as envisaged as long ago as 2003, mainly by making it easier for new suppliers of HE to enter the market, and also signalled a departure from the discourse of improving ‘access to’ HE by focussing instead on the ‘quality’ of HE as experienced by students via the mechanism of the Teaching Excellence Framework (TEF). The Higher Education and Research Act (HMSO 2017) introduced a single regulator for all and any HE providers – the Office for Students (OfS) which manages, via quality oversight and funding incentives, the system of risk-based monitoring that is designed to encourage ‘exit’ for failing providers, to be replaced, if necessary, by new alternative providers encouraged in turn by lower Degree Awarding Powers and University Title barriers to market entry (McCaig 2019).

Initially, the concept of ‘risk’ employed in the White Paper and Act seemed mainly to be focused on the prospect of established HE providers failing financially, either due to price competition from new providers, or by persistently offering provision no longer demanded by applicant consumers due to its low quality or poor remuneration in graduate salary terms. This impression was reinforced by successive OfS and government statements (from OfS Chair Michael Barber, and successive Universities Ministers Sam Gyimah and Chris Skidmore) to remind the sector that they would not prop up a failing institution as HEFCE had done in the past (e.g. by encouraging mergers

or by offering emergency funding). However, while the HERA introduced the rhetorical notion of a 'risk-based system', the OfS was initially slow to develop mechanisms by which risk could be measured and penalties devised; subsequently a series of new regulatory conditions were introduced from 2022 alongside a greater discursive emphasis on alternatives to the traditional three-year degree in wider governmental discourses around the 'Skills Agenda' (DfE 2021; DLUHC 2022). These can be seen as deliberate attempts to decouple the unitary HE system, driving a wedge between post-1992 providers and the traditional (pre-1992) universities in terms of both their provision and in how they go about the business of widening participation (McCaig, Rainford and Squire, 2022). In order to set the scene for these developments it is important to briefly review what WP has developed from.

Development of widening participation policy

HE institutions, including many of the system's most prestigious universities, have long provided opportunities for students from beyond the traditional trajectories (Selby 2018; 2022). However, as autonomous institutions, enshrined in law as Exempt Charities (albeit with tuition costs funded by the state since 1919), such universities were free to decide how many, or what proportion of their total students, they would provide higher education for and on what conditions:

the main focus was in attracting adults to education in general, not specifically to higher education as such, though the ancient universities began to develop provision outside their campuses as early as 1867 (Selby 2022, 40)

Although theoretically aimed at the whole nation, such opportunities were primarily taken up by the middle classes, often women (Fieldhouse, 1996a: 37). In the first half of the twentieth century, following the establishment of the Workers Educational Association in 1903 and the growth of adult colleges, this was still mainly focused on the education of adults in general, with access to *higher education* as a discreet part of the offer, being restricted to a relatively small proportion of the provision (Selby 2022, 41-2). Even with post-war expansion, demand for HE – if determined by the number of school leavers qualified – still lagged far behind the supply of places (Committee on Higher Education (CHE), 1963:15). The establishment of the Committee on Higher Education (the Robbins review), in 1961, marked the first comprehensive survey of higher education in the UK. Robbin's famously recommended that: "*courses of higher education should be available for all those who are qualified by ability and attainment to pursue them and who wish to do so.*" (CHE 1963 :8). This statement implied much wider access, with no pre-determined upper target or limit, hence the substantial expansion of institutions and places.

From Robbins to Dearing: realising human capital growth through widening access.

While Robbins' committee recognised the need for system expansion and set ambitious targets to that end, it fell to the Labour government (1964-70) to make it happen. The

mechanism of building new universities (what became known as ‘plate-glass’ universities such as the Universities of East Anglia, Essex, Sussex, Warwick and York). These were augmented, after much deliberation by the Minister, Anthony Crosland and officials at the Department of Education and Science (DES), by the creation of 30 Polytechnics, formerly technical colleges now empowered to deliver higher education degrees and diplomas, awarded by a state body, the Council for National Academic Awards (CNAA). Funded by local education authorities, reflecting their major purpose of addressing localised labour market needs, this ‘public sector’ of HE (separate from the universities by the term ‘binary divide’) necessarily created an expanded system, but one in which it was clear where the prestige lay: Robbins himself decried the notion of creating a ‘second division’ of higher education (Kogan 1971, 193-4; Simon 1991, 249), not least because that would allow the traditional autonomous universities to continue unreformed, and still less likely to create additional opportunities for non-traditional student types. The opening of the Open University in 1970, was another mechanism of expansion and of widening participation (Rainford 2022), albeit analysis of its intake during its first decade suggested the OU did little to socially widen access to higher education; 70% of students were middle-class professionals trading up as more occupations became graduate-entry (teaching, accountancy etc) and it was widely seen as a cheap way to fund Robbin’s expansion (Kogan and Kogan 1983, 22).

Expansion was curtailed after the systemic shock of the oil-price crisis of 1974 and was only re-addressed at policy level in the early 1980s under a Conservative government (first elected in 1979) re-committed to human capital-driven expansion in the face of international competition (as noted in Stage 1 above). In this period the main mechanisms employed were reductions in the unit of resource (funding per student) which obliged the Polytechnics in particular to recruit more students, and the introduction of tuition fees for international students, which alleviated financial shortfalls among traditional universities.

By the mid-1990s there was an unspoken policy consensus that students would need to contribute to the cost of tuition if the system were to expand, and that the state would have to become more interventionist if it wanted to widen participation, especially given the fears that to do so may threaten or dilute the quality of HE, hence the commissioning of Lord Dearing to carry out a review in 1996. Taking on board most of the recommendations of the Dearing Review (NCIHE 1997), the incoming Labour government brought the state’s interests into play, funding various widening participation activities at local and national levels, culminating in the introduction of the Aimhigher programme from 2004 which obliged all HE institutions to participate in collaborative outreach programmes, working with other institutions in their region; this brought traditional universities into the business of widening participation for the first time. Within two years, a national evaluation of Aimhigher and WP showed how approaches to this work varied across the sector (HEFCE 2006); system differentiation,

reflecting different institutional missions and marketing needs, was already clear to see. This was also reflected in Access Agreements, which institutions had to agree with the new Office for Fair Access (OFFA) to be allowed to charge the new variable fee (up to £3,000) after the 2004 HE Act (HMSO 2004). Such agreements revealed differing outreach and marketing priorities and different levels of financial support for students from low-income households: bursaries were also legislated for in the Act, but rather than set a national bursary level, policymakers preferred competitive differentiation even here (Callendar 2009a; 2009b). (Chapter 5 of this volume presents a case study of the evaluation of bursaries and scholarships and explores the policy context in further detail).

Little policy attention was paid at this stage to supporting these new 'WP' (i.e. non-traditional students) once they were in the system. The long-standing expectation within existing pre-1992 universities was that these students had to adapt to HE as offered (albeit there were progressive ideas suggesting higher education should adapt to their needs, e.g. SRHE1983). Market competition in the early 2000s began to change this situation in two ways. Firstly, 18-year-old school leavers with decent GCSE A level grades became even more the focus of institutional (and collaborative) outreach (Rainford 2022), especially for selective institutions; secondly, mature and part-time students, long the core of many post-1992 institutions' intake, along with those with lower entry qualifications, became even more associated with attendance at these less-prestigious institutions. However, even here, competitive pressure has winnowed down the range of WP activities that were offered (McCaig 2015; HEA 2014) and where – centralised city campuses have often replaced localised provision, evening classes for part-time students have been discontinued, and efforts to develop vocational and workplace learning routes have been abandoned in favour of the recruitment of school leavers least likely to drop out as market pressures to conform (i.e. to become more like traditional universities) outweighed the riskier approach of developing and diversifying the sector (HEA 2014).

From diversity to differentiation in a competitive system: the market effect and the rise of regulatory interest

The importance of the tuition fee rise to a maximum of £9,000 per year in 2010 in changing the WP landscape is clearly evident in the changing discourses about access to and participation in HE. Published alongside the *Students at the heart of the system White Paper* (DBIS 2011), the Office for Fair Access issued guidance for new access agreements for the first year of the new fee regime, 2012/13 (OFFA 2011). For the first time, access agreements (which have to be agreed between institutions and OFFA before they could charge the variable fee) were to reflect the differentiated market in regulatory terms, with those (mostly recruiting or post-1992) institutions that had a good access track record but relatively high drop-out rates guided towards improving 'retention and success' measures. Conversely, those mainly selective pre-1992

universities were exhorted to improve the proportion of those from underrepresented or disadvantaged backgrounds that were enrolled, albeit of course OFFA had no leverage that might encourage institutions to lower their entry requirements, given their autonomy over admissions and what provision they choose to offer. Given evidence linking lower socioeconomic status to educational achievement (HEFCE 2010) and thus the numbers of disadvantaged applicants that would qualify, this new guidance further separated the two parts of the apparently 'unified' system in how they did WP work.

Key priorities for OFFA were now to be:

- *a greater focus on outcomes and targets*
 - *a greater focus on outreach, including collaborative working*
 - *a focus on retention for those with relatively low retention rates*
 - *higher expectations of those with furthest to go on access, particularly in terms of outcomes*
 - *emphasis on better targeted and more effective use of expenditure*
 - *annual approval of access agreements, at least for several years.* (OFFA 2011)
-

Improved targeting of disadvantaged cohorts, especially following the HEFCE targeting guidelines of 2007 (HEFCE 2007), enabled both institutions and the state to monitor performance more accurately, and there was a clear steer towards 'more effective use of expenditure' given that mandatory bursaries (in existence since 2006) were now discontinued. Institutions were instead guided to use a proportion of the additional fee income (AFI) on collaborative outreach (this in the year that Aimhigher, the state-funded collaborative outreach programme had been discontinued). In effect government has loosened the requirement for all institutions or indeed the whole sector to engage in generic aspiration raising – actively widening participation – and made it easier for pre-1992 institutions to focus on their own definition of 'fair access' (Bekhradnia 2003). Fair access steadily became the term of preference for selective pre-1992 institutions and policymakers, subsequently defined as access not denied on the basis of certain 'protected characteristics' as laid out in the Equality Act (2010). Notably, low-income status and attendant educational outcome differentials associated with this were omitted from the list of characteristics.

As noted above, to some extent, the 2011 policy reforms consolidated pre-existing differences in the way that pre- and post-1992 operationalised WP; based on time-series analyses of access agreements between 2006 and 2012 shows how much wider the concept of WP, finding that post-1992 institutions were more likely to engage in a range of activities that none of the sample pre-1992s were engaged in – the mapping of apprenticeship and other vocational/non-traditional routes to HE, collaborative curriculum development (Graham, 2013; Bowl and Hughes, 2013; McCaig, 2015).

HEFCE's evaluation of the Aimhigher programme (HEFCE 2006) found similar differential approaches between HEI types. The policy rationale for all this was laid out in the White Paper, with the new context for the sector built round enabling applicant-consumer choice (through greater provision of information); institutional responsibility for greater student experience and market dynamism in how this could be achieved:

... institutions must deliver a better student experience; improving teaching, assessment, feedback and preparation for the world of work. ... [Institutions] must take more responsibility for increasing social mobility. (DBIS 2011, Executive Summary, para 3)

We will move away from the tight number controls that constrain individual higher education institutions, so that there is a more dynamic sector in which popular institutions can grow and where all universities must offer a good student experience to remain competitive (ibid, para 7)

We will radically improve and expand the information available to prospective students, making available much more information about individual courses at individual institutions and graduate employment prospects (ibid, para 11)

Further underlining the shift in discourse from concerns about access to HE to concerns about quality, in a precursor of what only the HERA 2017 finally made possible:

We will put in place a new regulatory system that protects standards and quality, gives power to students to trigger quality reviews where there are grounds for concern, yet cuts back the burden of review for high performing institutions (ibid, para 14)

The shifting of tuition fee funding from the funding council to the individual student through repayable loans placed potentially enormous consumer power in the hands of applicants; henceforth their demands and preferences would (theoretically) determine not only the price but even the existence of supply. In terms of how this changed the day-to-day business of doing widening participation work (McCaig, Rainford and Squire 2022) institutions had to react to protect market share and be much more focused on where they were positioned in a differentiated market. As one Pro-Vice Chancellor at a large post-1992 noted, their role had been reduced to a focus on just '*recruit, retain, recruit, retain*'; other respondents spoke of trying to move upmarket by reducing their reliance on WP students, given how far above benchmark they were doing re ethnic

minority and students from low participation neighbourhoods (LPNs) (HEA 2014, pp34-5).

Consolidating the shift from access to quality: weaponising non-continuation

The 2014 Joint Strategy of OFFA and HEFCE (DBIS 2014) was one of many policy statements that further emphasised differential outcomes for various institutional and student types, making it clearer than ever for applicants where to apply for the most remunerative degree programmes – and where to avoid. Using the HEFCE language of ‘student lifecycle’ approaches (Selby 2022), the joint strategy stated that:

To maximise impact and effectiveness, it is crucial that all higher education providers and stakeholders take a broad view of widening participation encompassing a student’s entire lifecycle: preparing for and entering higher education, graduating successfully, and progressing to employment or postgraduate study. (DBIS 2014, p.9, para 13)

As well as highlighting widening gaps in access to HE participation for selected groups, the strategy focused on:

Retention and student success – the differences in experience and attainment for different student groups, for example, the persistent gap in the attainment rates for students from different ethnic minority groups, that cannot be explained by their entry profiles; the high non-continuation rates for part-time students intending to complete a full programme of study; the high non-continuation rates for full-time students at a number of institutions. (DBIS 2014, para 15)

Student retention is then discursively linked to outcomes:

Progression to further study or to/within employment – the clear differences in experience, outcomes and progression to further study or graduate employment for different groups of students in higher education. (DBIS 2014, para 15)

Elsewhere the strategy addressed key issues that formed part of the banner of the ‘student lifecycle approach’, again highlighting the link between access to HE and non-continuation:

Our aims: The strategy seeks to address the following key issues across the student lifecycle:

- Access – the wide gap in participation rates between people from advantaged and disadvantaged backgrounds in society, and between students with different characteristics, particularly at the most selective institutions.
- Retention and student success – the differences in experience and attainment for different student groups, for example, the persistent gap in the attainment rates for students from different ethnic minority groups, that cannot be explained by their entry profiles; the high non-continuation rates for part-time students intending to complete a full programme of study; the high non-continuation rates for full-time students at a number of institutions. (ibid, para 15)

Note that *access to HE* is henceforth mainly couched as an issue for selective pre-1992 institutions. These aims were then linked to graduate outcomes and future employment prospects:

- Progression to further study or to/within employment – the clear differences in experience, outcomes and progression to further study or graduate employment for different groups of students in higher education.

Nowhere is there a concern that graduates from selective institutions – least likely of course to enrol from these ‘different groups’ – are a concern when it comes to retention and success. Here the joint strategy is clearly creating a market signal to potential applicants about whether higher education attendance was the best option for certain ‘different groups of students’ based on the notion of a deficit – in this case the deficit is of *some* student types at *some* types of institutions. While this ‘deficit discourse’ can appear to be non-judgemental, and no-one would deny the policy gaze on differential outcomes is important in its own right, the market signalling was clear, reinforced by policies such as the ‘High Grade’ student number control regime (DBIS 2011) which actively sought to produce a cadre of HE institutions reliant on students with A level grades of AAB or above, while other institutions should lower tuition fees to better serve those from low-income backgrounds (with on-average lower UCAS tariff points (HEA 2014)).

Even a HEFCE report (HEFCE 2014), which that found that ‘the percentage of full-time students remaining in higher education after their first year is at an all-time high’ in academic years 2010-11 and 2011-12 was pejoratively used to help the applicant-consumer (and their parents) identify where access to HE for a larger number of those from WP backgrounds needn’t impact their own progress through the HE system to good graduate outcomes, with careful signalling:

This new HEFCE information confirms that non-continuation rates in England remain low relative to other countries and have improved despite the increase in participation during the last decade. There is, however, no room for complacency as we see very different rates for men, students with disabilities, students from certain ethnic minority groups and mature students, as well as variations by region and subject. (Professor Madeleine Atkins, HEFCE Chief Executive)

The implications were clearly highlighted in the accompanying press release: some subjects in some regions and at a 'number of institutions' are associated with non-continuation:

Low non-continuation rates have been a consistent feature of English higher education since the mid-1990s. The latest information shows that retention rates have improved, even though numbers entering higher education have increased and there are more students going to university from disadvantaged backgrounds.

These issues are presented in policy discourses (e.g. HEFCE 2015 on differential outcomes) as a by-product of massification. The clearly presented information tells the aspiring applicant:

- what type of student is least likely to enter and succeed in higher education
- which type of institution is most likely to have a preponderance of such students
- which subjects at which institutions it might be best avoiding if you don't have high entry grades

These are the kind of market signals alluded to in *Students at the heart of the system*, designed to create a divide along a quality/access continuum that impacts:

- how institutions are perceived by consumers
- where institutions should situate themselves in relation to price
- what kind of WP interventions institutions should pursue in order to consolidate their positions (i.e. aspiration raising outreach in local schools with low-participation levels or selection from a national pool of those with highest A level grades)

The emphasis on how and in which ways institutions should 'do' WP in this competitive market was reinforced by OFFA research (OFFA 2014) that implied that there was 'no evidence' of positive effects of student support bursaries on student retention from a statistical analysis of HESA data. Given this, institutions should redirect that funding

(bursaries, despite no longer being mandatory, still formed the largest proportion of AFI spending in access agreements) towards the new policy regime of ‘retention and success’.

The use of differential non-continuation outcomes as a means of separating different HEI types in policy was highlighted by Nick Hillman (one of the architects of 2012/13 fee regime) in a Higher Education Policy Institute report, noting that ‘there was more focus on non-continuation than at any point in living memory’ (HEPI 2021, p.3). This he attributed to: regulatory changes, specifically the change from a Director of Fair Access at OFFA to a Director of Access and Participation in the OfS means ‘*the access issue has broadened to become an access, retention and progression issue*’ (ibid, 4); resource issues within institutions which feel the loss of tuition fee income from students dropping out more than previously; and metricisation, mainly the linking of retention and outcome data in the TEF and websites such as Discover Uni and as part of the OfS quality regime (ibid, 6). Further linking these developments to the direction of ‘risk-based’ policy, Hillman mused:

UK non-retention rates are so low relative to some other countries that policymakers have been known to suggest in private that they could represent a policy failure rather more than a success. One way of reading the data is to regard the UK as taking insufficient risks in terms of who it enrolls in higher education. This is at one with the observation that ‘*The English style is to select and restrict entry, nurture carefully and expect high completion and low dropout rates*’. Michael Sanderson, ‘Higher education in the post-war years’, Contemporary Record, 1991, p.419.’ (HEPI 2021, 6)

In such ways, non-continuation has been weaponised as part of the policy regime that uses market differentials identified in data to justify a reduction in emphasis on widening access in favour of graduate outcomes for those lucky few from disadvantaged backgrounds that do make it into the system. After all, this was clearly signalled as the direction of travel by Michelle Donelan’s 2020 speech on what she called ‘true social mobility’ (DfE 2020):

... today I want to send a strong message – that *social mobility isn’t about getting more people into university. For decades we have been recruiting too many young people on to courses that do nothing to improve their life chances or help with their career goals.*

And universities do *need to do much, much more to ensure that all students - and particularly those from the most disadvantaged backgrounds - are recruited on to courses that will deliver good outcomes* and that they have the confidence to apply and the information they need to make informed choices.

.... The 2004 access regime has let down too many young people. *Since 2004, there has been too much focus on getting students through the door, and not enough focus on how many drop out, or how many go on to graduate jobs.* Too many have been misled by the expansion of popular sounding courses with no real demand from the labour market.

Quite frankly, our young people have been taken advantage of – particularly those without a family history of going to university. Instead some have been left with the debt of an investment that didn't pay off in any sense. And too many universities have felt pressured to dumb down – either when admitting students, or in the standards of their courses. We have seen this with grade inflation and it has to stop.

... We need to end the system of arbitrary targets that are not focused on the individual student's needs and goals. And let's be clear – *we help disadvantaged students by driving up standards, not by levelling down* (emphases added by author)

The University Minister's prescription was to redirect applicant-consumers away from traditional three-year academic degrees:

True social mobility is about getting people to *choose the path that will lead to their desired destination and enabling them to complete that path.* True social mobility is when we put students and their needs and career ambitions first, *be that in HE, FE or apprenticeships.*

Whatever path taken, I want it to lead to skilled, meaningful jobs, that fulfil their ambitions and improve their life earnings, whether that's as a teacher, an electrician, a lawyer, a plumber, a nurse or in business. *But don't get me wrong - higher education should be open to all, all those who are qualified by ability and attainment.* (emphases added by author)

The rhetorical allusion to the Robbin's principle may just be trolling, but the steering towards vocational HE for those routinely attending post-1992 HE providers to study traditional degrees is clear, and reminds us how long this agenda has been present: a previous Universities Minister, David Willets noted as far back as 2014 how quality and widening access might interact:

.... institutions could be inspected if they take on "unusual" numbers of "unplanned" extra students. ... an inspection by the Quality Assurance Agency could be triggered if there were questions over whether an institution had the "capacity" to take on so many new students, [Willets] explained. He also said that a "surge in dropout rates" could be a good proxy for the quality of education an institution was providing. ... I don't want to see a repeat of some

of the Australian and particularly American problems” around the retention of students (Times Higher Education, interview with David Willets, THE 2014b)

Of course, as Willets also noted at the time, much of this agenda would have to await legislation, which duly arrive with the Higher Education and Research Act in the form of the now familiar ‘risk-based approach’ (HMSO 2017). Adding to the risk that some institutions may struggle to afford the required levels of student support given the significant cut in HEFCE’s student opportunity (SO) allocation – previously known as the widening participation premium - to £332 million, down £34 million from 2012-13 (THE 2014a). So, while widening access to HE was assaulted on all sides – redirected AFI spending (HEFCE 2012 and 2013 report a shift from outreach to student support spending), the abolition of mandatory bursaries (DBIS 2011) and the reduction in SO allocations – even the new ‘retention and success’ imperative for non-selective institutions was assailed in both financial and rhetorical terms by an information flow that reinforced the notion that only a small proportion of English HE was really worth the opportunity cost for young people when they could be doing something else instead (i.e. working or doing an apprenticeship):

[The 2016 White Paper represented] a major discursive shift from the 2011 White Paper which extolled the financial benefits of higher education for the individual, something routinely expressed as a 'graduate premium' in every policy statement since Dearing and the introduction of fees in 1998. (McCaig 2018, 144)

OfS data on institutional expenditure on access and participation since the new funding regime (2012/13) (OfS 2023) indeed noted a shift in access spending among selective institutions:

Despite the small improvements in access from 2013-14 to 2017-18, spending has seen a significant increase in real terms. In 2013-14, more than £40 million was spent on access among the 29 high-tariff universities. In 2017-18, this figure rose to £66 million. ...

In the coming year, it will be crucial to see how universities intensify their efforts to improve access in response to the new regulatory regime. This year’s ranking affirms why a step change is needed. Across all 29 top universities, the average annual increase in the proportion of disadvantaged students at elite universities was just 0.24 percentage points over the last five years. (OfS 2023)

This clearly shows how the policy shift from access to participation outside of the ‘29 top universities’ had already begun to impact institutional behaviours before the full ‘risk approach’ effects of the HERA regime were implemented in the period after the Donelan speech.

From Access to Quality: the discourse of 'risk'

Following a policy interregnum immediately after the passing of the HERA in 2017, not least because the Conservative government fought and came close to losing an election in which the Labour opposition campaigned on a promise to abolish tuition fees, a flurry of new policy initiatives followed in the wake of the Donelan speech in 2020. Policy recommendations from the Augar Review, commissioned by the then Conservative Prime Minister Theresa May in February 2018 and reporting in May 2019, were not addressed until February 2022 when a consultation was launched into some of the recommendations (DfE 2022a; 2022b). Additionally, plans to offer vocational alternatives to three-year degrees were heavily promoted as part of the Levelling Up White Paper (DLUHC 2022), which was also expected to address the role of further and higher education, lifelong learning and apprenticeships in delivering additional opportunity for those in 'left behind' communities. Amidst and just preceding these high-level policy developments, OfS released a series of consultations and position statements on approaches to regulation, measuring outcomes and the Teaching Excellence Framework, each designed to shape the future business of HE and of widening participation specifically (DfE 2022b). The new Director of Fair Access and Participation, John Blake, made his first address in mid-February 2022, setting out his 'new' approach to access and participation, with a sharper focus on the evaluation of such activities (Crockford 2022).

Among responses to the Augar Review, launched in an effort to deal with the issue of tuition fees by 'making the market work more effectively' (Augar 2019) was the idea of restricting entry to HE for those without Minimum Eligibility Requirements for tuition loans (DfE 2022b, 19). Rationalised as 'tough regulatory action' by which government would be 'protecting students from being let down by these institutions' (Donelan 2022), this represented another indication of a hostile environment for institutions that continued to seek out and enrol students from low-income backgrounds. Planning for this went as far as developing a 'Proceed' measure, using HESA data and UK performance indicators (UKPIs), that describe outcomes from two relevant stages of the student lifecycle:

The measure, 'Projected completion and employment from entrant data' (Proceed) is derived by multiplying the percentage of students projected to complete their degree by the percentage who are in professional employment or study 15 months after graduation.

This work demonstrates the continuing priority that the OfS places on the quality of courses. The quality of higher education in England is generally high. But this data brings into sharp focus the fact that there are profound differences in outcomes for students, depending on where they study and the subject they choose (OfS 2021).

This went as far as suggesting thresholds below which ‘data should be treated with increased caution’ for selected subjects:

- The subjects where the Proceed measure is below 55 per cent are:
 - Sociology, social policy and anthropology – 48.1 per cent
 - Agriculture, food and related studies – 52.2 per cent
 - Business and management – 53.9 per cent
 - Psychology – 54.0 per cent
 - Media, journalism and communications – 54.8 per cent
 - Sport and exercise sciences – 54.8 per cent.

While the concept of MER and its attendant Proceed measures appear to have been dropped because it threatened institutional autonomy (over admissions and what courses institutions wish to provide), it once again illustrated the lengths that policymakers hostile to widening access are willing to go to impact the supply side in the name of maintaining their own definition of ‘quality’. However, in the meantime OfS had already been preparing another mechanism to assess risk, the Equality of Opportunity Risk Register (EORR) (OfS 2023) which consists of a series of risks to: access; on course; and progression, which need to be taken into account in the preparation of Access and Participation Plans (APPs, the successor to access agreements). These once again, like MER, focus on the preparedness of those young people institutions choose to enrol:

Access to higher education Risks 1 to 5 of the EORR address barriers to accessing higher education. Our regulatory guidance on access and participation plans includes the expectation that most higher education providers will consider risks to access to higher education, including knowledge, skill and attainment differences, by making ‘meaningful and effective contributions to supporting schools to raise pre-16 attainment for students who do not have equal opportunity to develop the knowledge and skills required for higher education (OfS 2023)

In addition, EORR puts an emphasis on non-traditional degree routes by raising the ‘*expectation that higher education providers should be ‘expanding and promoting pathways for study at Levels 4 and 5, and on higher apprenticeships and degree apprenticeships’*’ (OfS 2023). This was apparently based on the definition of risk laid out by OfS in 2022:

when an individual, because of circumstances that the individual did not choose, may have their choices about the nature and direction of their life reduced by the actions or inactions of another individual, organisation or system. (OfS 2022a, Annexe E)

As David Kernohan of Wonkhe has pointed out:

It is possible to argue that certain courses (or, indeed, certain courses at certain providers) may offer some groups students less choices about their lives than others – reading across to the B3 [conditions] dashboarding approach. Should providers, therefore, be discouraging groups that are less likely to get a benefit from a course from applying to that course? (Wonkhe 2022a)

This approach appears to be derived from OfS' Regulatory advice 15: Monitoring and intervention (OfS 2022b) which states that:

The OfS adopts a risk-based approach to monitoring compliance, targeting our work where it is most needed – on those *providers most at risk of breaching our conditions* and focusing on reducing burden for those that do not pose a specific regulatory risk. Regulatory advice 15 provides guidance for registered providers on how we monitor them in relation to their conditions of registration, *as well as the actions that we may take if we consider that a provider is at increased risk of breaching, or has breached, one or more of those conditions*. The requirement for providers in the Approved (fee cap) category wishing to charge up to the higher fee limit is that they must have an agreed access and participation plan, which will deliver continuous improvement. (OfS 2022b) (emphasis added)

This offers a different interpretation of risk to that implied in the 2017-18 period when specific conditions had not been set; then, as laid out in the white paper (DBIS 2016 and the HERA 2017 (HMSO 2017), the risk was borne by institutions (HE Providers as they are henceforth known) that either couldn't enrol enough students at their set tuition fee level to stay financially afloat, or which were outbid by cheaper alternative providers for those students. Thus, it makes sense to see this latest evolution of the concept of risk as yet another acknowledgment by government that average tuition fees across the sector are well above the affordability threshold of £7,500 set out in the *Students at the heart of the system* White Paper (DBIS 2011).

The attempt to introduce a workable risk-based system, however logically inconsistent it may appear to the outsider, including obliging HEPs to increase attainment in schools. It also, of course, demands that HEPs employ more staff to support those students they do enrol to progress to good graduate outcomes, on pain of fines and threats of loss of registration from the OfS. Participation after access, then, represents the ramping up of regulatory steering away from the core business of those HEPs deemed most at risk, as ever using the discursive rhetoric of 'quality'.

Guidance from the Secretary of State for Education Nadhim Zahawi to the new OfS Chair in October 2022 (DfE 2022) reiterated this and the hard steer towards a vocationalisation of higher education:

OfS should focus on delivering the government's skills mission, including significantly increasing the number of people successfully completing high

quality skills training, driving up quality (including tackling pockets of unacceptable poor provision), ensuring that it delivers equality of opportunity and real social mobility for students and minimises unnecessary regulatory burden and bureaucracy (DfE 2022).

The wider context is again couched in terms of the need to identify and eradicate anything that can be determined as poor quality HE:

We have made it clear that a key priority for government is to root out poor quality HE and so we welcome the OfS's recent consultation on quality and the proposals to set stringent minimum numerical thresholds for student outcomes on continuation and completion rates and progression to professional employment or further study as part of your principles-based quality requirements. (ibid)

Government has announced that, as part of our HE Reform Agenda, we are consulting on policies that will help to ensure every student can have confidence that they are on a high-quality course that will lead to good outcomes. This will build on the work the OfS itself is taking forward to set minimum numerical thresholds for student outcomes that are applicable to all students regardless of background and ensure that all students are entitled to the same levels of quality. We must not "bake in" an acceptance of lower quality for certain students because they are from disadvantaged or underrepresented groups. (ibid)

The guidance, and the accompanying OfS Press Release laid out the thresholds for those on full time study: *'80 per cent of students to continue into a second year of study; 75 per cent of students to complete their qualification; 60 per cent of students to go into professional employment or further study'* (OfS 2022). In relation to failing to meet these thresholds, the Secretary of State's guidance letter continues:

In the event that [HEPs] cannot convincingly explain and justify their student outcomes data, then this should provide the basis for generating robust regulatory investigation and action. In cases where low and unacceptable quality is confirmed, action should include, where appropriate, financial penalties and ultimately the suspension or removal of the provider from the register (and with it, access to student finance). (DfE 2022)

To reinforce these measures

Finally, we want to offer our support for the OfS proposals for a refreshed Teaching Excellence Framework (TEF) and, in particular, welcome the proposed introduction of the new ‘Requires Improvement’ category. We would also like the OfS to ensure that providers that are below the quality baseline, and so are not eligible to participate in the TEF, will be categorised appropriately to ensure that the information available to students on providers’, government and third party sites is as clear as possible. (DfE 2022)

The OfS Press Release included this note from the incoming chief executive Nicola Dandridge, clearly signalling the wider intentions of this new wave of reforms:

Changes to the TEF will help students identify the highest quality courses, inform their study choices and further improve the reputation of those universities offering their students excellent teaching and outcomes. (OfS 2022).

Chapter 3 of this volume, by Clements, further explores and contextualises the role of the new TEF regime in this space. All this seems a complete departure from the original ‘risk-based’ approach and the presumptions of the earlier waves of marketisation, in which applicants from certain backgrounds and wishing to study certain subjects were steered towards lower quality provision because it would be more affordable and thus lead to less graduate debt – the price mechanism model assumed at the time of 2011 White Paper and the ensuing HERA 2017 – has been replaced by a regime of punitive regulation. One could wonder, is this likely to enhance the quality of provision offered by the majority of HEPs which have been satisfying demand for decades? Jim Dickinson, in a Wonkhe blog at the time (Wonkhe 2022b), believed this set out a series of stark choices for providers, including:

You change the students you recruit by taking fewer risks on otherwise contextually talented students – focusing on the social backgrounds more likely to stay the course and have the family connections to get a graduate job; or, you slowly, quietly, carefully exit this provision. (Wonkhe 2022b)

Discussion/Conclusion

The main purposes of this chapter has been to examine staging posts on the journey from access to retention and success (Robbins to Augar and beyond) and how the last three decades of marketised competition between HE providers has interacted with the much longer policy driver of maximising the nation’s human capital coalesce around state involvement in widening participation (WP) in the shape of the Dearing Review of 1997. While the Dearing Report brought government into the business of autonomous HE institutions for the first time by trying to influence the ‘size and shape of the sector’ (NCIHE), in part by emphasising the need to widen participation by addressing the

historical inequalities of access, the concomitant growth in administrative oversight (monitoring of performance from the Higher Education Funding Council for England, HEFCE) was stimulated by wider contextual agenda of the marketisation of the system, ongoing since the late 1980s. As the system became more reliant on competitive behaviours between providers, especially after the introduction of variable tuition fees as part of the 2004 Higher Education Act, institutional policies to widen access and support students in higher education have been drawn into efforts to differentiate the sector.

While this has been a long-run and not necessarily linear process, the HE market – supposedly ‘finalised’ with the Higher Education and Research act of 2017 – has evolved further in the years since then as the Conservative government seemingly abandoned any concerns with enabling a wider section of society to access undergraduate study: a series of policy reviews and executive actions since 2018, ostensibly in the name of preserving the *quality* of higher education, have acted to deter whole cohorts of young people from the prospect of accessing HE in the traditional mode (full-time degree education) in part by raising the spectre of unaffordability for graduates rhetorically ‘saddled with debt’. It has also incentivised institutions to be careful of enrolling those most likely to drop-out (punitive OfS sanctions based on LEO data) and by emphasising that government cannot afford to subsidise such levels of access (via its underwriting Student Loan repayments); by creating alternative post-compulsory trajectories for some young people (Degree and Higher Apprenticeships) (Edge Foundation 2024). The effect of several decades of marketisation, ever more dependent on fierce competition (especially between institutions of the same type, as noted by HEA 2014) has been to distort discourses of widening participation: where once widening access was celebrated as a necessary diversification of those able to benefit from HE and of the types of HE provided, the era of competitive differentiation has distorted the rhetorical meaning of ‘quality’ and has most recently been employed as a wedge-issue designed to divert *some* young people from *some* backgrounds away from potentially transformative degree programmes, better to serve the ‘skills agenda’ (DfE 2021; DLUHC 2022). The market mechanism has shifted from the dual price model to diverting a large proportion of students from traditional three-year degrees to (presumed to be cheaper) vocational higher education, specifically, in the avowed intention of the former Universities Minister Rob Halfon, MP, to divert up to half of undergraduates to Degree Apprenticeships (University Alliance, 2023; HEPI 2024), with concomitant ramifications for how we deliver and evaluate participation after access. The Quality Assurance Agency for Higher Education explored how Degree Apprenticeships fit into the current delivery models of HEPs, finding that:

Degree apprenticeships offer their own challenges and opportunities. But they cannot be divorced from the broader operating environment within higher education where a declining unit of resource, a high level of regulatory burden

and new developments - such as the Lifelong Learning Entitlement and artificial intelligence - all compete for and require time and investment. Delivering high-quality degree apprenticeships adds another string to a provider's bow, but the resource and commitment required is another consideration in increasingly difficult times. (QAA 2024, P.3)

This situation is replete with difficulties when it comes to OfS' key requirement that providers meet their measurable definition of 'quality' (the B3 condition), but while providers of their own undergraduate provision have some autonomy in the way that quality is determined – for example, they control their own student intake, write their own syllabuses and use their own judgements in matters of pedagogy – this is not the case with Degree Apprenticeships. The QAA report found that, just in relation to quality assurance there is significant regulatory overlap:

The OfS has responsibility for quality and standards of degrees and undertakes the external quality assurance activity in relation to end-point assessments (to some extent separately from their other arrangements in relation to quality and standards), as well as making reference to apprenticeships in the arrangements for Access and Participation Plans and optional inclusion in Teaching Excellence Framework submissions. Ofsted has been given the responsibility for assessing the quality of the off-the-job training. Separately, the Institute for Apprenticeships and Technical Education (IfATE) manages the process of the development of the apprenticeship standards and has developed the framework that underpins the external quality assurance of the end-point assessments. (QAA 2024, P.5)

Notably, degree apprentices are recruited by their employers and only secondarily become students registered with a HEP (Edge Foundation 2024), so it becomes even more difficult to not only meet widening access priorities (the extent to which historic inequalities of access for certain groups can be addressed by outreach targeting) but to establish the belonging-ness of students that is heavily linked to retention and success (Engstrom and Tinto, 2008; Heller 2006; 2008). The vocationalisation agenda thus drives another wedge between institutional types; as noted by Dickinson (2022) above, post-1992 providers may find themselves increasingly occupying a different sector to other providers that have not been steered in this direction by changing interpretations of 'quality' in policy discourse. This would naturally leave the HE field to the traditional universities and their largely middle-class clientele, reimpose the binary divide and make sure the disadvantaged remain disadvantaged.

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