

## Trust in HE policymaking

### Introduction

In this chapter we focus on system-level governance changes in higher education (HE) policymaking processes across the past 25 years and in particular the role of academics within such processes. We illustrate these changes with a specific focus on the latest white papers in England and Norway, as our two sites of study. Furthermore, we ask the question: to what extent might this lead to an erosion of trust among the involved stakeholders, especially from the perspective of academics? We argue that changes in the very process of policymaking in HE have far-reaching consequences for whole HE systems because of the central role of academics.

Our underlying assumption is that the latest governance changes in English and Norwegian HE have modified the policymaking process and thereby the degree of involvement of different stakeholders. Central to governance changes in both countries has been the issue of accountability and moves towards so-called quasi-market-based systems (see e.g. Brown 2015), though to different degrees in each country. In particular, debates around tuition fees can be seen as a central element in the quasi-marketization of HE, shifting the primary burden of paying for HE from the state to the individual. The nature of a HE sector in England in which students contribute to the costs of their education has fundamentally changed the relationship both students and the wider public have with the system, which has been extensively explored in debates around consumerisation, marketization and neo-liberalism (see e.g. Olsen and Peters 2005). As a result of such changes, trustworthiness has become an ever-more important ongoing concern for institutions (Kharouf et al. 2014). In contrast, in Norway, the HE sector is characterised by a high degree of public elements and a relatively low degree of market instrumentation. Continuous reform attempts and changes in the sector can be seen as a response to overall societal changes, both nationally and internationally. As a result, the Norwegian HE sector is typified by a growing number of (mainly public) actors that contribute increasingly to a more horizontal-type of policymaking process. This is in-line with a general high level of public trust in state institutions, and certain (public) scepticism in market-like elements, especially in (higher) education (Lægneid et al. 2013).

Modern HE systems such as those of England and Norway face numerous challenges; of particular concern in the context of this chapter is the ever-expanding massification of both systems, with an ever growing number of actors and stakeholders (Trow 1973; Maassen and Cloete 2002). From special interest groups and unions to (public) agencies dealing with quality assurance or ethics councils: governance at the system level has become more complex (Chou et al. 2017). In other words, we hold that the HE sector has experienced a growing plurality of opinions as well authorities when it comes to policymaking. An important question we consider is whether a general erosion of trust can be perceived due to the growing number of (unknown) actors and stakeholders and the challenge of each maintaining an input and influence over HE policymaking. Specifically, our focus here is on the role of academics within this process and, although Norway and England have had distinct journeys to the current point, we argue they have both reached comparable situations. This chapter will explore both their journeys and their current positions in order to shed light on the role that academics play in conceptions of trust in HE policymaking.

Policymaking and policymakers function at the intersection in that respect between overall societal needs and higher education institutions (HEIs). They ensure and assure accountability through the above mentioned instruments, like performance agreements, performance-based funding, or strategic plans and agreements. Changing the rules of policymaking leads to uncertainties, as the new modus operandi has to be explored and experienced by stakeholders first. This transition period can present a burden to formerly established trust. In the negotiations and discussions of policymaking processes, factual occurrences might be mixed with misconceptions, and inevitably the acceptance, modification or opposition to new mechanisms can take considerable time.

Our assumption is that the level of trust in HE is very different when it comes to policymaking in both countries. In Norway the involvement of academics (and other stakeholders) in HE policymaking has remained relatively static, although one could claim that there have been some far-reaching changes in the organizational, funding and governance conditions under which Norwegian HEIs function/operate. As a consequence there is no reduction in the level of trust in policy making (as can be observed e.g. in the nature and content of the policy hearings). Whereas, in England there has been a definite shift away from the involvement of academics – which erodes trust in this context.

The next section in this chapter provides some background to the HE policy environments in both England and Norway, as well as some background to the quasi-marketized approach which has become so prevalent. There then follows a discussion specifically around the policymaking processes that have developed and their relationship to trust, along with two case studies – one each from England and Norway – based around recent HE white papers. The chapter ends with a comparison between the countries and a discussion around the role of academics within the policymaking process and the resultant effect on trust in HE policymaking.

## Background

In the past decades, English and Norwegian HE have undergone several system reforms similar to a number of other European HE systems. One of the first profound changes came with the general public sector and performance crisis of public institutions in the 1970s (Blum 2009). The reorganisation of the public sector coincided with an ever-growing HE sector and led to the modification of traditional steering and governance arrangements. Following the neoliberal nature of the state reform trends of the 1970s/1980s in the Anglo-Saxon world, HEIs required greater autonomy in order to act within a competitive environment based on market forces and to fully exploit their capacity. Under an assumption that universities would know best what to do and how to achieve it, and to enable them to respond more flexibly to the market, it was viewed as important to shift more authority to the institution (Huisman et al. 2009). However, HE was simultaneously regarded as too important for both state and national purposes to be left alone to the whims and dangers of a pure market.

Because of this dilemma nation states have introduced quasi-markets for their HE sectors (Dill 2013). In these environments, the sector is confronted with competition in order to overcome problems with efficiency and effectiveness; yet, the supply and demand nature of the market is regulated by governments. Performance-based funding with agreements on goals and aims between

HE and the state has become the norm: public money is now increasingly distributed on the basis of performance indicators and measurements (Texeira and Dill 2011). Focusing on the European context one can observe variation among those indicators that are considered as important and the instruments used to measure them. Independent from differences in layout, structure and parameters: the rationale underlying performance-based funding is that the money is not otherwise spent efficiently; and even though HEIs require a certain degree of freedom, the state as the principal desires to hold the university accountable in areas that are of national interest, like the number of graduates or overall system performance. In other words: what is the value one gets for public money spent in HE? For these reasons, a number of adjustments and negotiations around institutional autonomy are often perceived as a deceit from an institutional point of view, because they imply freedom but demand, in fact, more accountability. Some would even argue that due to this, actual institutional autonomy has diminished, even though it appears to have increased in formal terms (Christensen 2011). This can be also read as an erosion of trust in the university and its ability to fulfil society's expectations.

With regards to the English HE sector, there has been a shift in at least three different ways over a period of around 50 years, with HEIs moving from private control to state control; policy moving from being driven largely by the sector itself, to being shaped predominantly from the centre, by politicians; and HE moving from being seen as a public good to largely a private benefit. We will focus on changes in the sector, in terms of both policy and policymaking, over predominantly the last 25 years. Firstly, slightly before this period, in the 1980s universities shifted from being privately to publically governed (Brown 2013) – described by Shattock as the 'absorption of universities into the machinery of the state' (2008: 184) – precipitated by a regime which now held them formally accountable for the funding they received. As such, policy in the sector altered 'from being intrinsic to the issues that actually arose out of HE to being derived from a set of public policies designed for the reform and modernisation of the public sector of the economy' (Shattock 2008: 181-182). Secondly, there was a shift in the actors who actually drove policy around HE. Originally the University Grants Committee (UGC) allocated funding to universities, a body largely composed of academics themselves – what Palfreyman and Tapper described as 'inbred' (2014: 21). However, as the sector and issues around funding of HE became more politicised (see the Dearing Report of 1997 (NCIHE)) so too did the policy decisions to the point where the policy agenda was exclusively driven by the government of the day (i.e. politicians and party politics). Funding councils replaced the UGC and have, as Filippakou and Tapper note, taken on more of a regulatory role (2016) acting as 'agents of government...to implement government's predetermined objectives through second order politics' (Scott 1995). Speaking from direct experience, Brown noted that whereas previously civil servants were the main advisers on policy, 'now [they] have to share this role with political advisers, the political parties, various 'think tanks', and of course the media' (2013: 120).

Similarly to England, the HE sector in Norway has been also confronted with a number of governance changes over the past decades, most profoundly also with regards to the general crisis of Western public administrations in the 1970s and 1980s. However, the strong welfare-state orientation tended to blur or modify NPM-reforms and market-oriented mechanisms, leading to a distinct Nordic approach in modern public administration (Painter and Peters 2010). A more recent development in Norwegian HE were the changes at the end of the 1990s, when an expert commission installed by the government (the so-called Mjøs-committee), looked into the challenges of a continuous massified HE system (Kwiek and Maassen 2012). The results were manifested in

comprehensive HE reforms (the Quality Reform 2003) and a new university law in 2005 (Bleiklie 2009). As the student and staff bodies at universities grew, so too did the importance of various stakeholders, actors, and interest organisations around HE (Pinheiro et. al 2014). A key development in that respect has been the emerging role of state agencies administering the public mandate in specific policy areas within HE (e.g. quality assurance, international program coordination, digitalisation of HE, etc.). This pluralisation of public policy-making identities in HE created new interests that needed to be accommodated and integrated. At the same time Norwegian HEIs gained substantial institutional autonomy which promoted the development of a more coherent organizational identity (Gornitzka and Maassen 2012). The new ‘confrontation’ lines now did not only run along groups’ interests (e.g. those of academics, students or politicians) but also increasingly along a growing number of organisational identities (e.g. university colleges striving for university status) (Krücken and Meyer 2006). In a system that emphasizes the equality and legitimacy of every voice and concern (Lægreid et al. 2013) the accommodation of manifold interests in the policy-making process therefore presents a specific challenge.

#### Policymaking, markets, and trust

Dramatic changes to the policymaking sphere – and particularly to those who played a central role in policy creation – has led to the prominence of policy based upon ideological lines, and specifically in England, ideological belief in the creation of a (quasi-) market in HE (Radice 2013). Such a stance owes its routes to the Robbins Report of 1963; was the rationale for the 1992 Further and Higher Education Act which removed the binary divide; and which lays at the heart of the introduction of tuition fees, the introduction of variable fees and the legislation following the Browne Review (2010) which increased fees substantially:

*Our proposals are designed to create genuine competition for students between HEIs, of a kind which cannot take place under the current system. There will be more investment available for the HEIs that are able to convince students that it is worthwhile. This is in our view a surer way to drive up quality than any attempt at central planning (Independent Review of Higher Education Funding and Student Finance 2010: 8).*

The 2010 reforms in England were described by Brown and Carasso as: ‘the latest but also the most significant and far-reaching, stage in a long process of marketization under which, through the policies of successive governments of all political parties since 1979, British higher education...has increasingly been provided on market or ‘quasi-market’ lines’ (2013; 2).

Policy in HE has more recently been made through a complex web of inter-governmental relationships (Shattock 2012), in particular encapsulating the Treasury as well as variously renamed departments for education, skills, business, science and industry. As Shattock notes, ‘policy more often emerged from the interactions and dialogues within and between different parts of Government than specifically from the department formally charged with responsibility for higher education’ (Shattock 2012: 5).

But a fundamental criticism which underlies this whole approach, and the shift to a marketized system, is that the market created does not (and cannot) operate as a ‘pure’ market (Brown and Carasso 2013) – there has to be some level of government control retained. Why would a

university offer a more expensive resource-intensive course that is difficult to recruit to (but is important for society and our economy more generally, e.g. chemistry) if they can only charge the same in fees as they would get from a low-resource course? And so the 'public good' nature of at least some elements of HE necessitate that the market cannot operate as a pure free market. Ultimately trust in policymaking is arguably eroded because of the shift towards a quasi-market, the shift in the way policy is made, and the inherent problems with this ideological approach that underpin higher education policy. As Shattock states:

*It is hardly surprising that the higher education policy literature has been permeated with a sense of injustice over funding policies, resentment at increased bureaucracy and grievance about isolation from the decision-making process whether at the local institutional level or about national issues (Shattock 2008: 185).*

Criticisms of government and politicians can be taken as criticisms of the policymaking process too, Pritchard suggests that 'government rhetoric has become inconsistent with its practice' (2011: 145), while Brown and Carasso state that 'in higher education as elsewhere, political decisions are not always the rational conclusion to a reasoned debate' (2013: 179).

In Norway, in contrast, market type elements in HE are generally met sceptical but also seen as an unavoidable necessity by a number of stakeholders (Lægreid et al. 2013). A special challenge in that respect is the competition discourse and a drive towards creating excellent HEIs in an increasingly interconnected world. However, movements towards more market-orientation like in other countries have so far been weakened by overall favourable framework conditions for the HE system, consisting of the general positive financial situation of the state budget and the continuous importance of higher education as a public good. This seems to reduce the pressure of introducing more market-like elements.

Policy-making in HE tends to be more professionally oriented rather than ideologically. One possible explanation can be given with regards to the overall administrative system and tradition: unlike e.g. in the Germanic bureaucracy, career paths and staffing are less party-determined (Painter and Peters 2010). The effects of ideological confrontations in policy-making processes are therefore mitigated by professional considerations (Bleiklie and Mikkelsen 2013). Still, these traditions are not embedded in an ideology-free environment. One persistent, underlying discourse, for instance, has been that HE ought to be free to its citizens and international students (West 2013).

Another important aspect refers to the role of expert committees and commissions in the policymaking process which, in fact, present a key feature in the formulation of governmental policies. On a regular basis, commissions are established in order to generate input on a specific policy-problem. These commissions consist of renowned experts from the sector (amongst others distinguished academics) that formulate policy suggestions based on input and talks with stakeholders in the sector. In the white paper that is discussed below, there was not a direct expert commission involved but also a broad consultation process initiated, requesting input on a discussion of the notion of quality culture in HE (Regjeringen.no 2016).

This underlines the continuous importance of (academic) expertise in policymaking. An undermining of the role of academics in policy-making processes is therefore not directly related to a political pushback but a consequence of a growing pluralisation of organisational identities and

opinions which are juxtaposed to the input of academics. Arguably, this might be a consequence of indirect market-logics as growing systems create new actors/stakeholders that occupy certain niches (e.g. representatives of university colleges, international students, union for administrators, etc.) (Maassen and Stensaker 2011). This is, however, also a question of how much weight is assigned to different opinions. It is, for instance, fair to assume that input from the traditional universities of Oslo and Bergen have more importance than rural colleges. In general one could argue that academic expertise is formally acknowledged as a crucial contribution to policy-making processes. By taking these opinions and considerations in a broad and transparent way into account, legitimacy and acceptance are secured. This has created a system that tends to be strong in identifying and analysing the problems of current policy issues. Yet, the question remains if that also translates into successful policy implementation.

### *An English example*

To focus on the recent changes in England, 2015-2017, as a means to demonstrate the policymaking process and the input of various institutional actors; this process began with the publication in 2015 of a green paper – ‘Fulfilling our Potential: Teaching Excellence, Social Mobility and Student Choice’ (DBIS 2015) – which was put out for consultation. Responses to this consultation were summarised and published (DBIS 2016a) and a formal government response appeared as a white paper – ‘Success as a Knowledge Economy’ (DBIS 2016b). Sector comments on this document immediately after its publication were generally positive:

*In maintaining its focus on these areas, the views of the sector have not been ignored by government. The responses to the Green Paper have clearly helped shape the way these core objectives will be taken forward. For example, a revised timetable for the TEF has been put forward, called for by the sector, which will facilitate a more measured implementation (UUK 2016).*

*The HEA welcomes the White Paper as an important contribution to rebalancing and reinvigorating HE’s focus toward teaching and research-informed teaching. We are pleased that a number of suggestions made by members of the HEA’s PVC network have had influence on BIS thinking underpinning White Paper policy. These include a reduction in TEF levels from four to three to avoid undue complexity, the inclusion of Commendations to further acknowledge and encourage distinctive approaches to excellence and the inclusion of qualitative evidence in support of TEF submissions – something the HEA has argued for since day one (HEA 2016).*

Indeed, the summary of statements from the sector by the specialist HE policy/news site WonkHE (2016) is awash with senior figures and bodies ‘welcoming’ the paper – although there is certainly the question of maintaining influence and whether these figures needed to adopt such a position in order to continue to have such influence/project to their members and constituents such influence. Notably the NUS and UCU were both more cautious/critical:

*Despite repeated warnings from UCU about the danger of opening up UK higher education to private, for-profit providers, the government is setting out on a clear course to privatise higher education (UCU 2016).*

*The overarching narrative of the proposals sets out the most aggressive reforms to open up the higher education sector to new providers for decades. New entrants or “challenger*

*institutions”, as they are described in the paper, will no longer have to prove a strong track record, or meet other key requirements before getting degree awarding powers, raising significant concerns for students. NUS will be mounting a challenge to these plans (NUS 2016).*

While the NUS stated that the white paper ‘represents some solid wins for students’ unions and the NUS’ (2016) the paper is clearly, at least in part, self-congratulatory in order to emphasise the success of their lobbying.

Alongside the white paper a consultation was published on the TEF, and subsequently a government response emerged, which did largely seem to take on board sector feedback on its specific set of questions (DfE 2016). Ultimately the white paper led to the Higher Education and Research Bill and subsequently to the Higher Education and Research Act 2017 when this was passed into law. However, the passage of this bill into law was fraught with difficulties and challenges: around 500 amendments were tabled in the House of Lords (Cuthbert 2017), making it arguably one of the most contested pieces of legislation of recent times.

Crucially, despite the response from the sector more widely, and from bodies claiming to represent the interests of the sector, the bill/law was heavily criticised by academics, who suggested that it was ‘a direct threat to the autonomy of our existing institutions’ (Curry 2016) and would result in an ‘American-style catastrophe’ (Alison Wolf quoted in Ratcliffe 2016).

#### *A Norwegian example*

The latest white paper in Norwegian HE (“Culture for quality in higher education”) was launched in January 27<sup>th</sup> 2017 and aimed at offering:

*[...] the option for institutions to set own intake criteria, instruments related to increasing the status of education by creating mechanisms for awarding merit for excellence in education, higher requirements of pedagogical competence when applying for professor positions, a new portal for quality, and peer review of education to name a few.” (Quality of Norwegian Higher Education, 2017a)*

In 2016 the process for input to the white paper started which was in essence a follow up on preceding white papers (the ‘Long-term plan for research and higher education 2015-2024’ and ‘Quality concentration – structural reform in the university and higher education sector’). The white paper itself was succeeded up by a number of hearings and revisions in the HE law (e.g. about the role of the Norwegian Agency for Quality Assurance (NOKUT), recruitment and promotion in teaching and research positions, etc.) (Regjeringen.no, 2017).

Input to the white paper was requested from all institutional actors related to higher education. This included public and private HE institutions, unions, agencies, umbrella organisations, associations, etc. In general, different types of organizations and actors were approached (in total 154) that are connected to higher education and training to a different extent, either linked directly to the main activities (e.g. teaching and training) or more indirectly (e.g. interest representation and policy-making). Eventually, 91 organizations are listed to have given a response (Regjeringen.no, 2016).

The white paper was in principle well received, especially because it emphasized the role of education and introduced instruments that are expected to lead to a more prestigious role of education in the system. Student and study related groupings, like the Norwegian Student Organization were rather positive about the proposed changes. In their view, the government finally emphasized the equal importance of teaching/education next to research, with appropriate incentives to institutionalise this approach (Student.no, 2017). The academic side was more sceptical in that respect. The Norwegian Association of Researchers, for instance, welcomed a stronger emphasis on a quality culture but criticized the ministry that it places too much responsibility on the institutions without raising necessary resources (Forskerforbundet.no, 2017). The criticisms of the rectors of the University of Oslo and the University College of Oslo and Akershus were going in a similar direction but were expressed harsher, questioning the ways quality is measured and relevance defined (universitas.no, 2017). Experts groups were rather more moderate in their assessment, presenting some sort of middle ground. They asserted that the white paper presents a continuation of processes and practices in the HE system that already have been at place before. In that respect, the paper is not introducing new drastic measures (Quality of Norwegian Higher Education, 2017b)

In general, one could argue that the paper was not abandoned categorically. Legitimization was achieved beforehand by a thorough consultation process, and there was general agreement on the need of discussing these issues. Since the final results did not go into a complete different and radical direction, critical voices were more related to specific incentives or ways of measurements. This seems, though, like an expected development, given the number (and variety) of actors and stakeholders who were involved in the consultation process.

#### Comparing the latest white papers: an erosion of trust in policymaking?

The two case studies serve as recent examples of policymaking in each context and provide a useful barometer in terms of both process and reception. It is notable that both papers were largely received positively by many sectoral agencies and representative bodies, while in both countries the more vocal criticisms largely came from academics themselves.

The processes of policymaking in both England and Norway usually involve a consultation stage, which are detailed in the above case studies. However, ‘to be consulted about the direction of higher education policy is not the same as having a voice that determines what that policy will be’ (Palfreyman and Tapper 2014: 196) – and arguably academics in both countries have less trust in policymaking because they have less influence than previously.

Either as a result of the shifts in HE described in this chapter, or underlying them, higher education in England has moved from being seen as essentially a public good to a private one – benefitting individuals rather than society as whole. As Williams suggests, as well as financial and socio-political factors, ideological pressures have ‘played a part in bringing about the shift of higher education away from being treated as a public service towards becoming a marketable commodity subject to the laws of supply and demand by individuals and organized groups’ (2016: 132-133). When variable fees were introduced in England, in 2012, ‘the critical issue was the switch away from subsidising institutions to subsidising students. This reflected the view, also held by the Browne Committee, that student education was now essentially a private good’ (Brown and Carasso 2013:

93). This has been driven by the move towards marketization: 'higher education has been reimagined, moving from a set of public agencies to a set of HEIs as private corporations competing with each other in a market' (Marginson 2016: 5). HE in Norway remains a predominantly public good with the explicit notion of benefiting the individual and eventually society. For this reason, tuition fees are not an issue in HE policies. Market forces in general are greeted with scepticism but competition is perceived as a necessary systemic feature. Due to the growing number of actors and stakeholders in the sector, academics are one of many voices in the policymaking process, however because of the approach to include all affected actors in policymaking, the absolute influence of academics has been diluted and thus reduced. However, it could be argued that in contrast to the English system, the reduction of academics' influence in Norway is somewhat mitigated by their status within the HE system, which does still secure them some relative power.

The role of academics within the policymaking processes in English and Norwegian HE has evolved and changed in recent years, alongside wider sectoral changes. While the HE sectors differ greatly, the relative position of academics in both countries can be seen to be diminished, although for different reasons. As a result, and somewhat evidenced by recent developments in each jurisdiction, academic trust in the policymaking process is compromised.

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