

# Higher Education and Research Bill

## Commons Committee stage

### Questions raised by the research proposals

24 August 2016

The [Higher Education and Research Bill](#) was introduced to the House of Commons in May. It includes proposals to create a new research and innovation funding body, UK Research and Innovation (UKRI), as well as changes to the higher education landscape in England, as outlined in the White Paper [Success as a Knowledge Economy](#). The UK National Academies produced a map of the proposed changes, available [here](#).

The UK National Academies are working together to ensure that these changes will strengthen the UK's internationally outstanding track record of excellence in research and innovation, maintaining the UK's attractiveness for people from around the world to work, collaborate and invest.

The proposed changes to the UK's research landscape are covered in Part 3, Clauses 84 to 103, Schedule 1, Clause 2 and Schedule 9 of the Bill. This document highlights the following questions raised by the proposed changes and provides a list of probing amendments that could be used to seek further clarification.

- What is the relationship between Government, UKRI, its Councils and the Funding Councils of the devolved nations? How will the proposed governance arrangements be implemented and what will be the division of responsibilities?
- Is the Bill consistent with the Haldane Principle?
- Does the Bill reflect the full spectrum of research and innovation activities and their economic, social and cultural benefits?
- Are there plans for a common research fund, as originally proposed in the Nurse Review?
- Does the proposed enshrining of the Dual Support System, the foundation of the UK's excellent research base, provide sufficient protection?
- How will research and teaching interact within the proposed new structures?
- Will Innovate UK retain its business focus and be able to operate new financial products when integrated in to UKRI?

Probing amendments do not seek to make changes to the wording of the Bill, but trigger a discussion during Committee stage for clarity or explanation on existing points in the Bill. All of the below are suggested as probing amendments to seek further clarification at this stage.

Clause number and title	Proposed probing amendment	Amended clause	Rationale	Background
84 - The Councils of UKRI	Page 51, line 39, after "Secretary of State" insert "following consultation"	(2) The Secretary of State, <b>following consultation</b> , may by regulations amend subsection (1) so as to— (a) add or omit a Council, or (b) change the name of a Council.	To establish whether there will be a process of consultation before any changes are made to the Councils of UKRI.	<b>This probing amendment seeks to clarify the relationship between government and UKRI and its Councils</b>  The current wording of the Bill would allow the Secretary of State to add or omit Councils or change the name of a Council by issuing a statutory instrument subject to affirmative resolution procedure. This means it will automatically be debated in parliament and must be approved by both Houses. However, the current wording of the Bill does not require the Secretary of State to undertake public consultation before adding, omitting or changing the name of a Council.
85 - UK research and innovation functions	Page 52, line 8, after "humanities" insert "social sciences, arts"  Page 52, line 10, after "humanities" insert "social sciences, arts"	(1) UKRI may— (a) carry out research into science, technology, humanities, <b>social sciences, arts</b> and new ideas, (b) facilitate, encourage and support research into science,	To confirm that UKRI's functions extend across the full breadth of research.	<b>This probing amendment aims to clarify that the government intends the Bill to reflect the full spectrum of research and innovation</b>  While Part 3, Clause 102 of the Bill ('Definitions') makes it clear that the definition of "science" includes social

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	<p>Page 52, line 12, after “technology” insert “humanities, social sciences, arts”</p> <p>Page 52, line 14, after “humanities” insert “social sciences, arts”</p> <p>Page 52, line 16, after “humanities” insert “social sciences, arts”</p>	<p>technology, humanities, <b>social sciences, arts</b> and new ideas, (c) facilitate, encourage and support the development and exploitation of science, technology, <b>humanities, social sciences, arts</b> and new ideas, (d) collect, disseminate and advance knowledge in and in connection with science, technology, humanities, <b>social sciences, arts</b> and new ideas, (e) promote awareness and understanding of science, technology, humanities, <b>social sciences, arts</b> and new ideas, (f) provide advice on any matter relating to any of its functions, and (g) promote awareness and understanding of its activities</p>		<p>science and “humanities” includes the arts, the language of the Bill focuses repeatedly on ‘research into science, technology, humanities and new ideas.</p> <p>In the Academy of Social Science/Campaign for Social Science <a href="#">briefing note on the Bill</a> it is proposed that the Bill should be amended to include the term ‘social science’ throughout clauses 85, 99 and Schedule 9.</p>
85 - UK research and innovation functions	Page 52, line 18, after “activities” insert “(h) facilitate, carry out, encourage, support and support the exploitation of interdisciplinary research	(1) UKRI may— (a) carry out research into science, technology, humanities and new ideas, (b) facilitate, encourage and support research into science, technology, humanities and new ideas, (c) facilitate, encourage and support the development and exploitation of	To probe whether a common research fund will be established and it’s proposed focus.	<p><b>This probing amendment probes government’s intention to establish a common research fund.</b></p> <p>The Nurse Review proposes that a common research fund should be established to support cross-cutting activity across the Research Councils including inter-, multi- and cross-</p>

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		<p>science, technology and new ideas, (d) collect, disseminate and advance knowledge in and in connection with science, technology, humanities and new ideas, (e) promote awareness and understanding of science, technology, humanities and new ideas, (f) provide advice on any matter relating to any of its functions, (g) promote awareness and understanding of its activities, and</p> <p><b>(h) facilitate, carry out, encourage, support and support the exploitation of interdisciplinary research</b></p>		<p>disciplinary research and challenged research.</p> <p>The White Paper takes the Nurse Review’s suggestion forward and adds that UKRI is to manage both a common research fund and “funds with cross-disciplinary impact”. However, the White Paper provides no further detail, and the Bill does not mention either the Global Research fund, the common research fund, or any other funds with cross-disciplinary impact.</p> <p>There is a precedent for common research funds. In the 2015 Spending Review the government announced the Global Challenges Research Fund (GCRF), a £1.5bn funding stream over the next 5 years, to ensure that UK research takes a leading role in addressing the problems faced by developing countries. Elements of the GCRF are unallocated while others are allocated to certain Research Councils. The whole fund is challenged. The roll-out of the GCRF provides an opportunity to test the need for common research funds as well as the</p>

Clause number and title	Proposed probing amendment	Amended clause	Rationale	Background								
				<p>mechanics of operating a UKRI-wide funding programme.</p> <p>It is not clear whether the Common Research Fund is also intended to be challenge-led. Not all inter-, multi- and cross-disciplinary research is challenge-led; it may be discovery-driven and exploratory, and have knowledge goals that evolve over time. As outlined in the Nurse Review, both research approaches are valuable and can generate useful knowledge that “<i>enhances our culture and civilisation and can be used for the public good</i>”.</p>								
87 - Exercise of functions by science and humanities councils	Page 53, line 20, after “physics” insert “nuclear physics, space science”	<table border="1"> <tr> <td colspan="2" data-bbox="810 895 1216 927">(1)</td> </tr> <tr> <td data-bbox="810 927 1014 1000">Council</td> <td data-bbox="1014 927 1216 1000">Field of Activity</td> </tr> <tr> <td data-bbox="810 1000 1014 1193">Arts and Humanities Research Council</td> <td data-bbox="1014 1000 1216 1193">Arts and humanities</td> </tr> <tr> <td data-bbox="810 1193 1014 1377">Biotechnology and Biological Sciences Research Council</td> <td data-bbox="1014 1193 1216 1377">Biotechnology and biological sciences</td> </tr> </table>	(1)		Council	Field of Activity	Arts and Humanities Research Council	Arts and humanities	Biotechnology and Biological Sciences Research Council	Biotechnology and biological sciences	To highlight an incomplete definition in the drafting of the Bill	The Bill does not currently provide an accurate overview of the activities and responsibilities of the Science and Technology Facilities Council.
(1)												
Council	Field of Activity											
Arts and Humanities Research Council	Arts and humanities											
Biotechnology and Biological Sciences Research Council	Biotechnology and biological sciences											

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		Economic and Social Research Council	Economic and other social sciences		
		Engineering and Physical Sciences Research Council	Engineering and physical sciences		
		Medical Research Council	Medicine and biomedicine		
		Natural Environment Research Council	Earth sciences and ecology		
		Science and Technology Facilities Council	Astronomy, particle physics, <b>nuclear physics, space science</b> , and provision of research		

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			facilities in relation to any areas of activity specified in this column		
87 - Exercise of functions by science and humanities councils	Page 53 Line 34, after “life” insert “and social and cultural wellbeing”	(4) Arrangements under this section must require the Council concerned, when exercising any function to which the arrangements relate, to have regard to the desirability of— (a) contributing to economic growth in the United Kingdom, and (b) improving quality of life <b>and social and cultural wellbeing</b> (whether in the United Kingdom or elsewhere).		To explore whether the current wording of the Bill adequately reflects the full breadth of research and innovation and their benefits for humanity	<p><b>This probing amendment aims to clarify that the government intends the Bill to reflect the full spectrum of research and innovation</b></p> <p>Outstanding research and innovation not only benefit the UK’s economy but also advance our social and cultural wellbeing and our health.</p>
87 - Exercise of functions by science and humanities councils	Page 53, line 36, after “State” insert “following consultation”	(5) The Secretary of State, <b>following consultation</b> , may by regulations— (a) amend the first column of the table in subsection (1) in consequence of provision made by regulations under section 84; (b) amend the second column of that table.		To establish whether there will be a process of consultation before any changes are made to the Councils of UKRI.	<p><b>This probing amendment relates to the relationship between Government and UKRI and its Councils</b></p> <p>The current wording of the Bill would allow the Secretary of State to change the name or responsibilities of a Council by issuing a statutory instrument subject to affirmative</p>

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				<p>resolution procedure. This means it will automatically be debated in Parliament and must be approved by both Houses. However, the current wording of the Bill does not require the Secretary of State to undertake public consultation before changing the name or responsibilities of a Council.</p>
88 – Exercise of functions by Innovate UK	Page 54, line 8 after “relate” insert “ to maintain its business facing focus and”	(3) Arrangements under this section must require Innovate UK, when exercising any function to which the arrangements relate, <b>to maintain its business facing focus and</b> to have regard to the desirability of – (a) benefitting (whether directly or indirectly) persons carrying on business in the United Kingdom, and (b) improving quality of life in the United Kingdom	To establish how Innovate UK’s business-facing focus will be enshrined in law.	<p><b>This probing amendment seeks clarification that Innovate UK is intended to maintain its business facing focus as a Council of UKRI</b></p> <p>The White Paper states that Innovate UK’s “business facing focus would be enshrined in future legislation, which would replicate the functions in Innovate UK’s current charter”</p>
89 - Exercise of functions by Research England	Page 54, line 19, replace “either” with “one” and “both” with “all”.  Page 54, line 25, after “research” insert “(c) knowledge exchange”	(2) Financial support is within this subsection if it is given to the governing body of an eligible higher education provider in respect of expenditure incurred, or to be incurred, by the provider for the purposes of <b>either one or both all</b> of the following—	To clarify how knowledge exchange activities will be supported.	<p><b>These probing amendments relate to the division of responsibilities between UKRI and its Councils</b></p> <p>In the White Paper it says Research England will be responsible for knowledge exchange but the Bill does not currently reflect this. The White Paper says:</p>

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		<p>(a) the undertaking of research by the provider;</p> <p>(b) the provision of facilities, or the carrying out of other activities, by the provider which its governing body considers it is necessary or desirable to provide or carry out for the purposes of, or in connection with, research</p> <p><b>(c) knowledge exchange</b></p>		<p><i>“Research England, will be established to undertake the England only functions in relation to research and knowledge exchange that are currently performed by HEFCE.”</i></p> <p>As part of HEFCE’s knowledge exchange activities it is responsible for administering the Higher Education Innovation Fund (HEIF). On 30 June, Jo Johnson confirmed that Research England and the Office for Students would be jointly responsible for delivering HEIF under the new system. He said:</p> <p><i>“HEIF is an essential mechanism to support universities in effectively contributing to UK growth. Research England and the new Office for Students will act together to deliver HEIF, as an example of the joint working between the two bodies and their shared remit to support business-university collaboration.”</i></p>
89 - Exercise of functions by Research England	Page 54, line 33, after “appropriate” insert “including relevant bodies	(4) Arrangements under this section must require Research England, when exercising a function for the purpose of giving	To establish how Research England will coordinate with its devolved counterparts.	<b>This probing amendment seeks to clarify how UKRI will work with the devolved funding councils.</b>

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	in the devolved administrations”	financial support, to consult such persons as Research England considers appropriate, <b>including relevant bodies in the devolved administrations</b> , before determining any terms and conditions to be imposed in relation to the financial support.		<p>The UK’s dual support system underpins its excellent research base, It consists of two complementary streams, one targeted at specific discipline areas and the other a block grant to institutions. Currently, the former is disbursed by the 7 Research Councils and the latter through HEFCE and its devolved counterparts: the Scottish Funding Council (SFC), Higher Education Funding Council for Wales (HEFCW) and the Department for the Economy in Northern Ireland (DfE NI).</p> <p>The proposed reforms would bring the 7 Research Councils and the England only research funding functions of HEFCE, in the form of Research England, into UKRI. SFC, HEFCW and DfE NI will remain the same, sitting outside UKRI.</p>
91 - UKRI’s research and innovation strategy	Page 55, line 8, after “approval” insert “(c) consult with a Committee of Executive Chairs of Councils in the development of UKRI’s strategy”	(1) UKRI must— (a) if requested to do so by the Secretary of State, prepare a strategy for the exercise of its functions during the period specified in the request, and	To establish whether UKRI’s governance structure will include a Committee of the Executive Chairs of the Councils	<p><b>This probing amendment seeks further information about the governance of UKRI.</b></p> <p>The White paper and the Bill outline the governance arrangements of UKRI and its 9 Councils. UKRI’s board will</p>

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		<p>(b) submit the strategy to the Secretary of State for approval</p> <p><b>(c) consult with a Committee of Executive Chairs of Councils in the development of UKRI's strategy</b></p>		<p>consist of the CEO, CFO and Chair of UKRI, as well as 9 to 12 representatives of academia and industry. Each of the Councils will be headed by an Executive Chair with 5-9 ordinary Council Members. The Executive Chairs of the Councils do not sit on UKRI's board.</p> <p>The Nurse Review recommends that there be a committee of the Executive Chairs of the Councils, which would include the CEO of UKRI, providing a link to UKRI's governing board. The governance arrangements proposed in the White Paper and the Bill do not include an Executive Committee, but the Bill does provide UKRI with the power to establish one (Schedule 9 Clause 9 (1), page 94, line 19).</p> <p>It would be helpful to have clarification about how the Executive Chairs of the Councils are intended to contribute to the strategic direction of UKRI.</p>
94 - Secretary of State's power to give directions to UKRI	Page 56, line 24, replace "directions" with "recommendations"	(1) The Secretary of State may give UKRI <b>directions recommendations</b> about the allocation or expenditure by UKRI	To clarify the extent of the Secretary of State's powers to influence UKRI's funding decisions	<b>This probing amendment seeks to confirm that this legislation is consistent with the Haldane Principle.</b>

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		of grants received under section 93.		<p>The White Paper restates the government’s commitment to the Haldane Principle. This means Ministers provide overall strategic direction for funding, while experts identify exactly which research proposals should be supported as those at the cutting edge of their field are best placed to make such technical decisions.</p> <p>Our understanding is that ‘the power to give directions’ is rarely invoked but is frequently included in legislation to allow government to take control in exceptional circumstances. We are seeking clarification that our understanding is correct.</p>
95 - Balanced funding and advice from UKRI	Page 57, line 4, removed “reasonable”	(3) The “balanced funding principle” is the principle that it is necessary to ensure that a <b>reasonable</b> balance is achieved in the allocation of funding as between— (a) functions exercisable by the Councils mentioned in section 87(1) pursuant to arrangements under that section, and (b) functions exercisable by Research England	To establish what a reasonable balance between Quality Related funding and project-specific funding is.	<p><b>This probing amendment seeks to clarify how the dual support system will be protected by this legislation.</b></p> <p>The UK’s dual support system underpins its excellent research base, It consists of two complementary streams, one targeted at specific discipline areas and the other a block grant to institutions. Currently, the former is disbursed by the 7 Research</p>

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		pursuant to arrangements under section 89		<p>Councils and the latter through HEFCE and its devolved counterparts: the Scottish Funding Council (SFC), Higher Education Funding Council for Wales (HEFCW) and the Department for the Economy in Northern Ireland (DfE NI). The proposed reforms would bring the 7 Research Councils and the England only research funding functions of HEFCE, in the form of Research England, into one umbrella body. SFC, HEFCW and DfE NI will remain the same, sitting outside UKRI.</p> <p>While we welcome legal protection of the dual support system, it would be helpful to understand what a ‘reasonable’ balance between the two funding streams is and how this principle will operate in Scotland, Wales and Northern Ireland.</p>
103 - Cooperation and information sharing between OfS and UKRI	Page 59, line 10, after “functions” insert “The OfS and UKRI must cooperate with one another on - (a) the health of disciplines (b) awarding of research degrees	(1) The OfS and UKRI may cooperate with one another in exercising any of their functions. <b>The OfS and UKRI must cooperate with one another on - (a) the health of disciplines (b) awarding of research degrees</b>	To establish how UKRI and the OfS will cooperate on issues at the interface between teaching and research	<p><b>This probing amendment relates to the interconnectedness of teaching and research.</b></p> <p>There are concerns within the research and higher education communities that the splitting of HEFCE into separate teaching (OfS)</p>

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	(c) post-graduate training (d) shared facilities (e) knowledge exchange and (f) skills development”	<b>(c) post-graduate training</b> <b>(d) shared facilities</b> <b>(e) knowledge exchange and</b> <b>(f) skills development</b>		<p>and research (Research England) bodies will mean that issues and activities at the interface of teaching and research, such as the health of disciplines, awarding research degrees, post-graduate training, shared facilities, knowledge exchange and skills development, might not be effectively identified and supported. These concerns have been reinforced by the recent division of teaching and research responsibilities between the Department for Education and the Department for Business, Energy and the Industrial Strategy.</p> <p>It would be helpful to clarify how government plans to ensure a strong interface between research and teaching. This amendment proposes one mechanism by which this could be achieved.</p> <p>It would also be helpful to seek assurance that the requirement for OfS and UKRI to cooperate will be included in governance documents for both organisations (including operating frameworks, strategic plans, and other relevant documents).</p>
Schedule 1				

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2 - Membership of OfS	Page 63, line 18, after “members” add “(e) at least one member of the UKRI Board with at least observer status”	The OfS is to consist of the following members appointed by the Secretary of State – (a) a chair (“the Chair”) (b) the Chief Executive Officer (c) the Director for Fair Access and Participation, and (d) at seven and not more than twelve other members (“the ordinary members”) <b>(e) at least one member of the UKRI Board with at least observer status</b>	To establish how OfS and UKRI will cooperate.	<p><b>This probing amendment seeks clarification of how research and teaching will interact within the proposed new structures.</b></p> <p>There are concerns within the research and higher education communities that the splitting of HEFCE into separate teaching (OfS) and research (Research England) bodies will have a negative impact on areas where teaching and research overlap. These concerns have been reinforced by the recent division of teaching and research responsibilities between the Department for Education and the Department for Business, Energy and the Industrial Strategy.</p> <p>It would be helpful to clarify how government plans to ensure a strong interface between research and teaching. This amendment proposes one mechanism by which this could be achieved.</p> <p>It would also be helpful to seek assurance that the requirement for OfS and UKRI to cooperate will be included in governance documents for</p>

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				<p>both organisations (including operating frameworks, strategic plans, and other relevant documents). This amendment mirrors the amendment for Schedule 9, Clause 2(1)</p>
Schedule 9				
2 - Membership of UKRI	Page 92, line 11, after “members” insert “(e) at least one member of the OfS Board with at least observer status”	(1) UKRI is to consist of the following members appointed by the Secretary of State — (a) a chair (“the chair”), (b) the Chief Executive Officer (“the CEO”), (c) the Chief Finance Officer (“the CFO”), and (d) at least nine and not more than twelve other members <b>(e) at least one member of the OfS Board with at least observer status</b>	To establish how OfS and UKRI will cooperate.	<p><b>This probing amendment seeks clarification of how research and teaching will interact within the proposed new structures.</b></p> <p>There are concerns within the research and higher education communities that the splitting of HEFCE into separate teaching (OfS) and research (Research England) bodies will have a negative impact on areas where teaching and research overlap. These concerns have been reinforced by the recent division of teaching and research responsibilities between the Department for Education and the Department for Business, Energy and the Industrial Strategy.</p> <p>It would be helpful to clarify how government plans to ensure a strong interface between research and teaching. This amendment proposes</p>

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				<p>one mechanism by which this could be achieved.</p> <p>It would also be helpful to seek assurance that the requirement for OfS and UKRI to cooperate will be included in governance documents for both organisations (including operating frameworks, strategic plans, and other relevant documents).</p> <p>This amendment mirrors the amendment to Schedule 1, Clause 2.</p>
Schedule 9, 12 - Delegation of functions by UKRI	Page 95, line 26, replace “any” with “some”	(1) UKRI may delegate <del>any</del> <b>some</b> of its functions to— (a) a member of UKRI, (b) an employee authorised for that purpose, (c) a Council or a Council sub-committee, or (d) a general committee.	To clarify which functions UKRI intends to delegate to its Councils.	<b>This probing amendment relates to the relationship between Government and UKRI and its Councils - it seeks clarification of the division of responsibilities between UKRI and its Councils.</b>
Schedule 9, 16 - Supplementary powers	Page 97, line 1, remove “not” and “except with the consent of the Secretary of State”	(3) UKRI may <del>not</del> do any of the following <del>except with the consent of the Secretary of State</del> — (a) borrow money; (b) enter into joint ventures; (c) form, participate in forming or invest in a company, partnership or other similar form of organisation; (d) invest sums.	To understand how UKRI will work with the private sector	<p><b>This probing amendment relates to the relationship between Government and UKRI and its Councils</b></p> <p>The Research Councils can currently enter in to contracts to conduct spin-out activity and form companies, for example MRC Technology. This</p>

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				<p>activity is extremely valuable to research and innovation.</p> <p>In the 2015 Spending Review it was announced that Innovate UK would convert £165m worth of its grants in to new financial products. It would be helpful to clarify the extent to which the Secretary of State's consent would be needed to operate these new financial products and any future products Innovate UK might develop, such as equity investments.</p>

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