

2020 UKRI Open Access Review consultation: a British Academy comment

May 2020

UK Research and Innovation (UKRI) has, since its establishment in 2018, been the overarching body which incorporates the disciplinary Research Councils. It also incorporates Research England, responsible for the distribution of unhypothecated, quality-related (QR) block grant funding to universities in England, which is allocated on the basis of the outcomes of the periodic Research Excellence Framework assessment exercise (REF). The REF is UK-wide, and Research England manages the exercise on behalf of its fellow funding bodies in Northern Ireland, Scotland and Wales, who distribute the QR grant in their respective jurisdictions.

As one of its relatively early tasks, UKRI has sought to establish a set of clear and updated rules for Open Access (OA) for publications resulting from UKRI funding. UKRI has consulted widely over the last year and more, to see how best to draft its own formal consultation, and the British Academy has welcomed the opportunity to participate in and contribute to aspects of it. The formal consultation on OA policy in respect of outputs from Research Council grants has now begun, with the consultation document issued on 13 February 2020.¹ The deadline for responses was to have been 17 April. We welcome UKRI's decision, in response to the COVID-19 crisis, to push the deadline for responses back to 29 May 2020. We are aware that some stakeholders may still find it difficult to assemble their evidence and formulate their views in the current disrupted circumstances. We would add, given the clear signs of a major financial crisis for the whole HE sector as a result of the COVID-19 pandemic, that it will be essential that UKRI does not generate any OA policies which may unduly add to the financial or workload burden on the sector.

The British Academy will in due course make its own formal submission to the consultation. But we believe that it may be helpful to set out some of the issues here, as we see them, at greater length than the consultation documents permit, focusing on matters which seem to us of particular importance for researchers in Humanities and Social Sciences (HSS) disciplines. We will comment on some of the major new policies implied in the consultation document; and then, more briefly, look at some of the longer-term implications of UKRI's proposals, concerning the 'REF-after-REF 2021'. These are not the only issues which concern us, but they are the main ones – the others we will discuss in our formal submission, which we will also make public.

¹ 'UKRI Open Access Review: Consultation' (13 February 2020, updated 25 March 2020, hereafter 'UKRI Consultation'), www.ukri.org/files/funding/oa/open-access-review-consultation/

Some key aspects of UKRI's proposed OA policies

Relationship to Plan S

UKRI has been a strong supporter of Plan S, the ambitious proposals by 'cOAlition S' (a coalition of research funders, supported externally by Science Europe, which include UKRI) to require full and immediate OA for all publications funded by research grants from its participating organisations.² For example, in the proposals that it has now presented for consultation, UKRI has adopted one of the Plan's core elements, that all research articles should be publicly available on day 1 of their journal publication – either in the version of record on the journal's website, or in the form of the pre-copyedited 'author's accepted manuscript' in a university or subject-specific OA repository (the so-called 'Green' route). But it is fair to say that UKRI has not adopted into its proposals all of Plan S's policies, and has framed discussion of some of the more contentious ones as open questions. Some of the differences are highly technical – although still important – such as the dropping of a criterion that all article repositories and OA platforms should have full-text availability in XML format or similar (a welcome easing, if not a surprising one, given that few repositories currently have such a capability). Conversely, UKRI has decided to propose a set of policies for monographs and book chapters, which cOAlition S has not yet developed (although Science Europe has begun to do so).³ The specifics of Plan S may therefore be of less direct relevance to UKRI-funded researchers, and we will focus here on what is contained within this consultation.

Hybrid journals

First, it is important that UKRI has not required that all journal articles arising from Research Council-supported research be published in OA-only journals, as some would advocate. Instead, the consultation asks whether publication in OA-only journals should be favoured, or whether UKRI should still provide financial support for OA publication in any 'hybrid' journals that are not part of a 'transformative agreement' (discussed below).⁴ The term 'hybrid' is used to describe a journal which publishes *both* OA articles (usually directly funded by article processing charges, APCs, the so-called 'Gold' route) *and* articles that are available to libraries or individuals who pay the subscription for the journal. It is important to stress that these hybrid journals dominate research (they make up over 85% of all journals, with no significant differences in this respect between Medicine, STEM, and HSS),⁵ and they continue to play a key role as a vehicle for OA articles.

Within HSS disciplines, for which the British Academy speaks, only a relatively small proportion of research is funded by Research Councils – broadly (for accurate figures are hard to establish) between 5% and 40% of research, depending on the discipline. This is partly because, by its nature, much HSS research does not require larger-scale project funding. But in the UK context this is also because of how UKRI research funding is shared across the Research Councils: although they cover more than half of all UK academic staff, the Arts and Humanities Research Council (AHRC) and Economic and Social Research Council (ESRC) together only receive 11% of that funding, so they would not be in a position to fund the research of a majority of HSS academics. Consequently, in most HSS disciplines, journals still contain only a minority of articles by authors who might have access to funds for APCs. That

² The British Academy's past statements on aspects of Plan S (November 2018, February 2019, July 2019) are available via www.thebritishacademy.ac.uk/british-academy-and-open-access

³ 'Science Europe Briefing Paper on Open Access to Academic Books' (September 2019), www.scienceurope.org/media/qk2b1cq4/se_bp_oa_books_092019.pdf

⁴ 'UKRI Consultation', paragraph 80 and Q24.

⁵ Information from *At the crossroads of open access to research: An assessment of the possible consequences of Plan S for publishing, research quality and research environments* (November 2018).

in itself means that journals in most HSS disciplines are unlikely ever to ‘flip’ (i.e. switch once-and-for-all) from the subscription model to OA-only, as they would not be able to continue publishing sustainably. If the funds that UKRI provides to support OA could not be used to pay APCs for publication in hybrid journals – which is aired as a possibility in the consultation – that would mean, in HSS, that Research Council-supported research would be driven to appear in a few compliant OA-only outlets, not all of which offer the same level of rigorous peer review. We would not support such a perverse limitation on author choice, and we could not support causing such potential harm to the research ecosystem. We are relieved that UKRI has posed this issue neutrally in its consultation. But we would go further and urge UKRI to commit to providing adequate funding for Gold OA publication of articles from Research Council-supported work, whether in OA-only or hybrid journals.

Transformative agreements

The UKRI consultation document refers to ‘transformative agreements’ for journals, as already noted above. Discussions on this subject initially envisaged that such agreements would involve journals simply ‘flipping’ to Gold OA-only publishing. But UKRI in its consultation⁶ embraces the principle of ‘read and publish’ agreements between journal publishers and HEIs and parallel institutions (in practice, the libraries of such institutions). Under these agreements – to simplify and to generalise very considerably – journal publishers offer free OA publishing in their journals to academics in the HEIs that enter into the deals. The UKRI consultation document seems keen to promote such deals – while noting that these are very early days (indeed, two years ago the concept did not exist). We think, however, that it may overestimate the generalisability of such deals, and the degree that they would in reality save money. We also think that they will risk the perverse effect of strengthening the hold over journals of the bigger journal publishers, for the latter have the capacity to contemplate large-scale ‘read and publish’ agreements; yet the power of such publishers, perceived as excessive and a significant contributing factor in the rising combined cost of APCs and subscription charges, was something which drove Plan S in the first place. The British Academy thinks that it may be likely that such agreements – or something similar, as yet un-worked-out – represent one future for journal publishing, and it is in favour of the broad direction which they represent. But they are complex, and there are likely to be imbalances between the ‘read’ and ‘publish’ elements that may make them unsuitable for some institutions (or, indeed, looking more globally, for whole countries).⁷ They cannot be used as the sole solution for an OA policy that is due to start in January 2022. APCs for Gold OA journal articles will remain the default for some time, and – as we have already argued – UKRI should recognise that in its funding plans. And, above all, such agreements will not, for a long time yet in our view, replace hybrid journals, which, to repeat, are the great majority of journals.

Monographs and book chapters

A welcome feature of the various discussions that UKRI has organised over the last year or so about extending OA to monographs has been the recognition that there is a wholly different publishing model for books, and that academic publishers play a particular role in adding value.⁸ It is therefore not surprising that, in respect of monographs and book chapters arising from Research Council grants, UKRI offers a less circumscribed set of alternatives than for journal articles. UKRI also offers a set of exceptions to the rule that OA publication is required

⁶ ‘UKRI Consultation’, paragraph 74.

⁷ And there is a danger that such deals may disadvantage particular types of academics, including early career researchers and retired scholars, who may not have secure access to institutional OA support.

⁸ The British Academy’s report on ‘Open Access and Book Chapters’ (October 2019) draws attention to the role that publishers can play in the construction of coherent edited collections, www.thebritishacademy.ac.uk/publications/open-access-book-chapters-report

– including trade books and scholarly editions⁹ – which seem to us broadly helpful and sensible.

UKRI's approach to extending OA to monographs, book chapters and edited collections is to propose an embargo period – i.e. a clear window in which revenue from book sales can be earned before any OA version becomes available – of 12 months. That OA version may be the publisher's version of record, but it could just be the author accepted manuscript in a repository. The figure of 12 months has come as a surprise: it seems unsupported by the recent UUK report on 'Open access and monographs' which suggested that '70% of publisher sales take place in the first two years after publication, with 80% of sales taking place in the first three years'.¹⁰ Indeed, we would add a caution that these existing sales patterns cannot be guaranteed if short embargo periods lead to changes in buyer behaviour that reduce sales revenue further – we recommend that more research should be undertaken here. We firmly believe that it is unrealistic to expect publishers to be able to recoup sufficient costs from sales revenue if there is an embargo period of only 12 months – in fact, we are not convinced that 24 months is long enough either. The sustainable publication of any academic book will be undermined if too short an embargo period is imposed on it, and we are concerned that Research Council-supported academics faced with meeting such an OA requirement would find it harder to secure publication of their long-form outputs. We believe that some major publishers may shun OA publication of monographs unless it is adequately funded.

If UKRI wishes to achieve 'delayed OA' for monographs, then we urge it to provide proper funding, through book processing charges (BPCs) for the version of record to be made available in due course. Indeed, we note that Question 40 of the consultation seems to invite an interesting discussion about sliding scales of BPCs for different lengths of embargo periods, which may offer UKRI more affordable solutions.

Need for clear financial model

Our discussion of UKRI's policies for both journals and books highlights a key issue: the need for a clear financial model for the proposed OA requirements. APCs, to pay for the Gold publication of the version of record, have been seen as the default for publishing OA journal articles, even though UKRI and its predecessor, RCUK, have been concerned about spiralling costs. The UKRI document makes little reference to APCs, however, beyond asking about their cost increases. It mentions the equivalent for books – book processing charges (BPCs) – only once, in a paragraph which lists other OA models, and states that 'UKRI's proposed policy does not have a preferred route to OA for books'.

UKRI may have concerns about the cost of paying APCs and BPCs, but it is preferable that the version of record (which has been copy-edited, and is properly citable) should be made available, rather than the author accepted manuscript – particularly in the case of books. Indeed, if an adequate BPC was available, any monograph could be available as the version of record on day 1 of publication. UKRI has not made proposals for other models – other than embargo periods for books, and we have already expressed our concerns about the framing of that proposed policy. It is important to stress here: *publishing is not, and never will be, cost-free*. We repeat our view that UKRI should endeavour to provide the funding needed so that outputs from Research Council-supported work can be made available as the version of record. If, in the monograph context, UKRI does not wish to pay BPCs to publishers and instead

⁹ Also included in the list of 'out of scope' types of publication are 'exhibition catalogues'. We recommend that this should be expressed more clearly to be a general exemption of highly illustrated scholarly 'catalogues' of visual corpora: a scholarly *catalogue raisonné* of an artist's original work or body of works is similar in character and function to a scholarly edition of an author's original work or body of works.

¹⁰ 'Open access and monographs: Evidence Review: A report from the Universities UK Open Access Monographs Group' (September 2019), p. 4, www.universitiesuk.ac.uk/policy-and-analysis/reports/Documents/2019/UUK-Open-Access-Evidence-Review.pdf

prefers to pursue Green OA, then it will have to allow embargo periods which are long enough to enable publishing costs to be covered through sales.

In terms of UKRI mechanisms for funding OA, APCs for articles arising from Research Council-supported research are currently paid for out of the OA block grant that UKRI makes available to universities and other research organisations. If UKRI ceases to fund APCs through this OA block grant (which, we warn, many universities already find inadequate), it will have to require future APC costs to be built into each grant application. In respect of books, the AHRC and ESRC both currently allow publication costs – including monographs, critical editions and catalogues – to be included in grant applications as ‘directly incurred costs’.¹¹ This, by implication, includes funding for BPCs. It seems to us sensible for BPCs, when needed, to continue to be included in funding applications. But UKRI is not explicit about the mechanisms that will exist in the future. The document thus does not offer any future framing for research costings in general, unlike its clear proposals in other areas.

Creative Commons licensing

The consultation document also articulates UKRI’s policy on use of the ‘No Derivates’ (-ND) element of the Creative Commons licence.¹² The great majority of HSS academics who have looked into the issue are adamant that only a CC BY-ND licence protects text in a number of our disciplines from potential distortion by subsequent users. Assurances that this is inaccurate, which we have heard at intervals, do not convince. The CC BY 4.0 licence, which UKRI prefers, does not offer those safeguards. We are concerned that the integrity of academic argument, which often depends on careful and precisely phrased formulations, would be at risk. And we are very concerned that, where a publication uses orally-gathered material – some of which is of great ethical sensitivity, for example first-person accounts by people with mental health issues, survivors of trauma, or refugees – there would be a risk of changes to their testimony which would go far beyond ethical guidelines. We therefore continue to advocate strongly for the retention of this licence. We strongly welcome the fact that UKRI’s proposed policy provides blanket permission for use of the CC BY-ND licence in monographs, book chapters and edited collections. UKRI’s policy in respect of research articles seems a more grudging concession, with its proposal that permission for an -ND licence be made on a case-by-case basis. This is likely to put considerable pressure on hard-pressed Research Council personnel, particularly in the AHRC and ESRC, where such requests will be common, and we welcome the informal indications that any process should not be onerous and should presume that permission will be granted. But we would go further and advocate that each Research Council should be able to decide on whether to allow the -ND licence automatically or not.

¹¹ AHRC ‘Research Funding Guide’ (Version 4.8, February 2020), p. 41: ‘Publication costs associated with research outputs other than journal articles and conference papers, such as books, monographs, critical editions, catalogues etc. may, however, continue to be included in grants as a Directly Incurred Other Cost’. Similarly, the ESRC ‘Research Funding Guide’ (April 2020), p. 26, allows the following as eligible ‘directly incurred costs’: ‘Predicted costs for certain types of publication, e.g. monographs, books, critical editions, volumes, catalogues, or forms of non-peer-reviewed material’.

¹² The different Creative Commons licences are explained at <https://creativecommons.org/share-your-work/licensing-examples/>

The REF-after-REF 2021

The UKRI consultation document does not contain OA policy proposals for outputs that do *not* arise from Research Council-funded work. We are pleased that the Working Party which wrote the document has made it quite explicit that the proposed policies do not relate to work that is supported by UKRI solely through unhypothecated ‘quality-related’ (QR) funding.¹³ The regular cycle of REF quality assessment, by contrast, must by its nature assess all research, including research not funded by Research Councils – which, as we have made clear above, is the norm in most HSS disciplines. We are told that ‘no later than six months after the UKRI policy is announced’ there will be a separate consultation about OA policy for the REF-after-REF 2021. But the current document does contain ‘high-level’ questions about how far the Research Council rules might align with those required in the REF, and how far they might diverge. Here, it is important to emphasise that the two exercises are in many ways incommensurable.

UKRI is right to seek some basic patterns of alignment between the OA policy adopted for the REF and that for work funded by Research Councils – which research outputs are in, or out, of scope, for example. But, above all when it comes to embargo periods, those formulating the OA policies for the REF-after-REF 2021 must be prepared to be far less draconian than the Research Councils can be, given that the latter can in principle provide funding to support Gold OA. It is inconceivable in the present financial climate that UKRI could pay APCs and BPCs (and, for book chapters, the neologism CPCs) for the entire research outputs of UK research and higher education, and we see no sign that it wishes to consider such a move. Green OA is likely to be the default here for a very long time. So, given that *publication is not, and never will be, cost-free*, there will have to be an alternative that allows publishers – of whichever type, for new entrants with new models of publishing will still have at least to break even – to continue to cover their costs through subscriptions and sales. (Publishers which do not need to cover costs, because they are funded by, for example, universities, exist elsewhere in the world, and they are admirable examples of public-spiritedness where they exist; there are some examples in the UK too, but these do not account for the heavy lifting of the great bulk of academic publishing, and this solution is not in our view scalable at present.) Until transformational agreements and their analogues have got far further than is at present imaginable, this means embargo periods for both journal articles and books which are substantially longer than those proposed in the present consultation document. How long the embargo periods will need to be to avoid articles and books not being published at all, will have to be considered very seriously and systematically, by UKRI (here Research England) and publishers alike.

We do not believe, at all, that UKRI is unaware of this. Indeed, the ‘high-level’ questions it asks in the current consultation document show that it is aware of it, at least in principle. But there is a danger that policy which has been established for one purpose can be carried over into future policy for quite different purposes. In our view, it is important that the sector fully appreciates the need for there to be appropriate divergence between the two sets of OA policies. If we get the policy which applies to future REF exercises wrong, the UK research and publishing landscape as a whole will be at risk.

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¹³ This is confirmed by ‘UKRI Consultation’, footnote 12.