

**Private providers in UK and continental Europe: competition and collaboration**

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**Abstract:**

Private providers of higher education (for-profit and not-for-profit) have become increasingly prominent in UK higher education in the last five years. Concerned about their impact on the mainstream publicly-funded sector, Universities UK commissioned research to identify the main providers, analyse the market context in which they have emerged, examine the nature of their relationships with higher education institutions and assess the implications for policy and practice at university and sector levels. The study included a small-scale comparison of private providers in four continental European countries and was informed by wider global trends. This paper reports on the main findings of this study.

## **Private providers in UK and continental Europe: competition and collaboration**

### **Introduction**

The growth of private providers in tertiary education is a global phenomenon, albeit with important regional differences (Hahn, 2007; Larocque, 2007, Levy, 2009). Levy and his colleagues suggest that growth in private higher education is so strong in many countries - even when public sector growth remains strong in absolute numbers - that perhaps 30% of global higher education is now private (Guruz, 2008, quoted in Levy, 2009, p8). Regionally, the private sector is strong in East Asia and Latin America and less prominent in the Middle East. The United States has the largest absolute number of students in private higher education and its 22% share of the total enrolment is one of the highest in a developed country, only exceeded by Japan and Korea (Levy, 2009); and India is not far behind the US. Western Europe - with the exception of Portugal (Teixeira & Amaral, 2001) and Belgium - has been the region with the least exposure to date to private sector providers of higher education. Central and Eastern Europe, on the other hand, saw very rapid expansion from zero to substantial numbers of providers in the first half of the 1990s (Slantcheva & Levy, 2007) but with limited growth in the following ten years, except in the non-university sector that trains professionals and attracts non-traditional students. OECD data (2008) also point to the growth of private higher education provision, particularly in 'Tertiary B' private institutions (that is, those that offer more practical, technical and occupationally-specific programmes).

The UK was until recently an exception to this picture of private sector growth, with only one private university (the University of Buckingham) established in 1973 as a not-for-profit company. However in recent years, there has been a visible increase in the number of private providers entering the UK higher education market. A recent publication by the Council for Validating Universities in the UK (Vickers, 2008) also points to the growth of partnerships between publicly-funded higher education institutions (HEIs) and private providers from 2000 onwards. The growing 'visibility' of the private sector in UK higher education prompted Universities UK (the representative body for publicly-funded universities) to commission a mapping study in 2008-9 to examine the nature, scale and scope of the providers and provision that were emerging and to assess whether these providers presented a competitive threat – or not - to publicly-funded universities and colleges in the UK. This paper presents the main questions and policy related findings from this study, setting them in the wider context of 'privatization' and debates about 'marketization' and 'commercialisation' in higher education.

### **Context**

The growth of private sector providers in higher education is part of a wider context of 'privatization' that also extends into other parts of education (Ball & Youdell, 2008). In a recent cross-country analysis of four countries, Brazil, Mongolia, the Netherlands and the Ukraine undertaken by the Institute for Higher Education Policy in Washington DC (IHEP, 2009), the authors argue that 'privatization' is one of the main global trends in higher education. They also note that privatization may be total, involving complete withdrawal of government funding of institutions or it may involve partial funding or quasi-privatization. Again, regional differences apply, with many Asian countries experiencing total privatization, while in countries in Eastern Europe and Africa, quasi-privatization is more common.

Based on their analysis of the wider literature as well as practices in the case-study countries, the IHEP team highlight several different forms of privatization (IHEP, 2009, p2). These include:

#### *Private institutions*

Private institutions may be for-profit or proprietary institutions, or not-for-profit institutions. Globally, Levy (2009) reports that the not-for-profit private providers have the largest share of the total market. However, he also highlights that the for-profit providers have been the fastest growing segment of the HE market in the US (which already has an established private sector). He estimates that they have now reached almost 10% of all enrolments in higher education, or at least one third of total private enrolment, albeit concentrated in programmes of one or two years (Levy, 2009, p20). The IHEP authors comment that “the proprietary institutions - with their market-driven and profit-seeking behaviour, centralized and business-like management systems, and weakened academic culture – are considered to be the pure form of privatization” (IHEP op cit, p2).

#### *Privatization as cost-sharing*

The cost of higher education may be fully or partly shifted from the state to the consumer who will pay fees for tuition. In parallel, the state may decrease funding to institutions and increase financial support for students. Cost-sharing may be achieved by governments through ‘cost-recovery’ (fees students pay for their education) or by ‘delayed payment’ whereby students repay loans after their education is finished.

#### *Privatization of services at public institutions*

This involves publicly-funded or publicly-owned institutions contracting for the delivery of various services from the private sector. In the UK, for example, this includes catering, travel, bookshops, student residences, car park management, as well as professional services’ and facilities’ management. The reasons for outsourcing of this kind include cost savings and income generation, quality improvement and the acquisition of technical expertise, human resources or different staffing models.

#### *Diversification of revenue sources and stabilization of income*

To meet the shortfalls in funding caused by the shrinking of state funding for higher education, or cuts in state funding, institutions world-wide are encouraged to seek alternative income streams. These may include a range of services including research services, testing and evaluation services, various types of consultancy and training, renting of facilities, sale of assets, stock exchange operations with endowment funds and the production of goods. Many authors suggest that the more diversified the revenue streams of an institution, the more stable its financial state (see Clark, 1998, for example).

#### *Management efficiency*

Privatization puts pressure on institutions to operate efficiently, in a business-like, market-oriented way, to employ professional managers and to respond to consumer demands. It may also challenge academic culture as many authors in the UK and elsewhere suggest (Deem & Brehony, 2008; Ferlie et al, 2008). The requirements of ‘efficiency’ mean that institutions in many countries are re-

considering their staffing strategies, including shifting towards part-time or adjunct professionals and hybrid models (Gordon & Whitchurch, 2010). This is a matter of concern, also, to trades unions and associations representing academic staff. At the same time, governments, including the European Union, are encouraging this reform or modernisation agenda.

#### *Corporatization of universities*

As a measure of management efficiency, there is also a trend towards the corporatization within institutions where new units with different structures are set up. The IHEP authors give examples of financial centres in many universities in Africa; the foundations created by public universities in the US and Brazil to raise money for university purposes; and the distance learning or continuing professional development units of universities. A classic example that existed for a few years in the late 1990s and early 2000s was 'Melbourne University Private' which was set up by Melbourne University, creating controversy within the publicly-funded sector and among regulators at the time.

#### *Publicly financed privatization and private finance for public institutions*

This includes voucher schemes for student aid so that students have a choice of providers. Several countries use this approach and others are experimenting with it including Brazil, Russia, Kazakhstan and the Netherlands. Public money may also finance research, student loans and grants at private institutions (as in Germany in some states). Private finance in a variety of forms, for example, the sale of bonds linked to credit ratings of universities, is a mechanism for bringing private finance into public institutions.

#### *Stages of privatization*

A further important and relevant categorisation of privatization processes is offered by Teixeira and Amaral (2001) in their study of private higher education and diversity. The researchers identify an early and a late process of privatization. The early form, they suggest, pre-dates the arrival of mass higher education while the later process is an answer to the demands of massification. In the US, colleges such as Harvard, Yale, Princeton and Brown were all created as private institutions in the colonial era. Following Geiger (1996), the authors state that these institutions are now part of 'the noble' sector of higher education. Some of the early Catholic private universities in Spanish and Portuguese Latin America and in parts of Asia would also fit this category, and indeed, the ancient and elite universities in the UK such as Oxford and Cambridge, were also established by Royal Charter as private universities. These early private institutions are different from those that have come into existence as part of the later process of privatization associated with massification. Teixeira and Amaral observe that the different waves of privatization can be seen in the same system as governments pursue two strategies for private higher education: a first generation of elite private institutions is succeeded by the establishment of a larger number of lower quality private institutions committed mainly to teaching – and a narrow range of subjects - rather than to research and the teaching of a wider range of subjects. These observations that emerged from their analysis of Latin America, Portugal and parts of Eastern Europe are also relevant to our UK study.

### *Marketization and commercialisation debates*

In much of Western Europe, with the exception of Portugal, privatization has meant diversification of funding sources, including sale of services, introducing tuition fees or outsourcing services to the private sector (Teixeira & Amaral, 2001). It has also meant increased competition between institutions as governments have sought to develop quasi-market structures for higher education (Meek & Wood, 1998) accompanied by pressures to increase management efficiency and responsiveness to customers, clients and stakeholders. The UK has already experienced various forms of 'privatization' and 'marketization' in higher education (relative to other Western European countries) since successive governments of different political persuasions have pursued a similar trajectory in these domains since the mid-1980s. All but the first forms of privatization listed above have been operating for at least 25 years; however, it is this first form that is now emerging and was the focus of our research.

Analyses of the concept and practice of 'privatization' are closely connected to discussion of the role and nature of 'markets' in higher education (Jongbloed, 2003; Slaughter & Rhoades, 2004; Teixeira et al 2004). Within the ideology of neo-liberalism, market mechanisms are widely touted by governments as vehicles to increase efficiency, improve quality, increase diversity of products and services between institutions and extend consumer choice (Steier, 2003). Equally, there are strong debates as to whether, in practice, these arguments hold good in the context of higher education and if so, under what conditions, and with what effects (Dill & Beerkens, 2009; Brown, 2010). Also relevant are discussions concerning the commercialisation of higher education and the perils associated with excessive and inappropriate commercialisation in the publicly-funded sector. (Bok, 2003).

### **Typologies relating to the private sector of higher education**

Just as there are different types of privatization, so there are different approaches to categorising 'private sector institutions' or private providers in higher education. Levy and his colleagues (2009) use a typology that is about roles (such as increasing access) and mission (for-profit, not-for-profit, and religious); this also includes ownership (family-run, other proprietary, business-owned including corporate universities, publicly-traded, international chains) and management (concentrated in boards and CEOs).

As described above, another common typology is based around elite, religious or demand-absorbing private HE provision (Geiger, 1996; Marginson, 1997). In his overview report for the UNESCO World Conference on Higher Education, Levy argues for some reconfiguration of these three commonly-used categories into elite/semi-elite; religious/cultural and non-elite/demand-absorbing. He also points out that there is cross-over between the categories and that all three can function within countries. In addition, for-profit higher education and private-public partnerships represent emerging and growing categories. For-profit providers tend to overlap with the 'non-elite' category of private provider. They may also exhibit multi-faceted international dimensions; for example, the Apollo Group and Laureate Education are international businesses operating in several countries. Public-private partnerships can also be sub-divided into partnerships between publicly-funded HEIs and private colleges (not-for-profit and for-profit non-elite institutions) and partnerships involving 'private students' studying in publicly-funded institutions (Levy, 2009, p21-22).

Other approaches to categorisation have been suggested by Dima (2004), separating private organizations by funding, by control, by mission, by size and by disciplinary structure. Knight (2005) in her analysis of cross-border providers (which are usually considered to be private entities in the country they move into) separates these providers into recognised higher education institutions, non-recognised HEIs, corporate HEIs, commercial company HEIs, cross-border collaborative networks and affiliations, and virtual HEIs.

There are clearly differences between researchers in how they choose to dissect the field. However, there are two areas of broad agreement; the private sector is heterogeneous and it is becoming increasingly difficult to draw clear distinctions such as public and private or for-profit and not-for-profit (Tight, 2006). Throughout the world, old boundaries are breaking down and categories are blurring, with new configurations emerging. Using concepts identified in reports on this developing world of 'borderless education' (Cunningham et al, 2000; CVCP, 2000), the analytical categories adopted in our UK study were based on 'unbundling' the higher education process to identify the different ways that the private sector played a part. In this way, private provider 'activities' and 'functions' were used to create four broad headings with some subsidiary classifications, as in Table 1 below. However, this classification was not water-tight since some providers straddle several categories. Kaplan, for example, is an educational conglomerate with activities in several of the subsidiary areas.

**Table 1: Classification of UK private providers by function**

<b>Function</b>	<b>Sub function</b>
<b>1. Delivery of academic content</b>	Offering own degree (using UK degree awarding powers)
	Offering own non-UK degree (with accreditation overseas)
	Offering own award in partnership with a UK institution
	Offering an award from a UK partner institution
	Offering own certificated module within (or alongside) a partner university's degree programme
	Offering own (overseas) online awards (with no UK face-to-face support)
	Partnership in online course delivery
<b>2. Academic support for international students</b>	English language and study skills training

	Foundation year programme
	First year programmes
	Pre-Master's programmes
<b>3. Partnership in providing content</b>	Production of course materials under subcontract
	Provision of online learning modules to fit within an institution's virtual learning environment
<b>4. Other types of relationship</b>	Partnerships with the private sector in continuing professional development design and delivery for third party clients
	Contracted tutorial support in the uK and overseas
	Educational testing and assessment services in specialist fields
	Granting of accreditation or quality assurance services in professional or technical fields
	Agreed articulation into a university's degree programmes from qualifications awarded by a private provider

### **Parameters and methodology for the UK study**

The UK study was intended to inform policy discussions at sector and institutional level with respect to the role of private providers in the delivery of higher education in the UK. It was commissioned by the Long-term Strategy Group of Universities UK and was conducted over a period of eight months. The project aimed to identify the main providers, their operations and relationships with the publicly-funded sector and to analyse the market context in which they emerged. Wider European and global comparator contexts were to be taken into account. The analysis also needed to identify the key challenges that these providers might pose for publicly-funded universities in the UK and the impact on their main student markets.

The methodology adopted for this short policy-focused study included a survey of all publicly-funded providers in the UK to identify the scale and nature of their involvement with private sector providers under various categories of activity (181 institutions across the university and college sectors in membership of the two main representative bodies for higher education). 71 responses were received representing a 39% response rate. Follow-up telephone interviews were undertaken with a selection of 14 institutions to explore further particular types of partnerships and the nature of relationships between private providers and publicly-funded institutions. The themes discussed included the rationale for developing partnerships, management and organisational issues, quality

assurance, relationship management, the perceived benefits and challenges of these partnerships and advice for other institutions seeking to engage in such partnerships<sup>1</sup>.

A second core element of the study involved face-to-face interviews with three groups of stakeholders: private providers of different kinds (based on our classification), quality assurance or validating agencies, and national policy-makers and agencies. 34 individuals from these groups were interviewed. Subsequent to these two elements of data collection, the study involved a small workshop for 20 people drawn from all the stakeholder organisations and from publicly-funded institutions that had responded to the survey and telephone interviews. The workshop was used to test emerging propositions and to debate policy questions about the growth of the private sector in the UK. Analysis of all the data and information collected was undertaken first independently and then collectively by the three members of the research team. Members of the steering group also participated in final workshop.

Desk research was conducted to gather data and information from the academic and policy literature, from policy reports and the media on the wider context of private providers in higher education, globally and in Europe. For global perspectives, two leading experts on private higher education located in the US were engaged as advisers and advice was also sought from J.P. Morgan. In addition, the Observatory on Borderless Higher Education (OBHE) as part of the overall study, undertook a short desk-based review of publicly available information that focused on the activities of private providers in five continental European countries, Finland, Germany, the Netherlands, Poland and Sweden.

### **Types of private providers and their relationships with publicly-funded HEIs in the UK**

Like others, we found the private HE sector to be heterogeneous. We also found it impossible to identify the exact size and scale of the sector since there is no comprehensive national data collected about the operations of private providers in the UK. In addition, we were not able to get comprehensive data from HEIs about their partnerships and links to private sector providers since some of this information was regarded as confidential and market-sensitive. Our findings therefore present a snapshot of the situation in a rapidly evolving scene.

Using our classification of providers by function, we identified four providers offering UK degrees, with their own degree-awarding powers (there are now five with others in the pipe-line). There are a large number of foreign providers offering non-UK degrees; we estimate that there are between 50 and 70 overseas' universities with bases in the UK. The most common category of private provider in our study were those private colleges that offer an award that is validated by a UK HEI; 60% of university respondents that reported private sector links in our survey had arrangements of this kind. A number of private providers are also accredited by overseas' agencies. Many universities offer certificated modules from particular industries (such as Microsoft or CISCO); almost half of all respondents to our survey had links of this kind. Eight institutions in our survey reported

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<sup>1</sup> The survey questionnaire is presented in Appendix 4 of the Research Report: Fielden, J., Middlehurst, R. & Woodfield, S. (2009). *The growth of private and for-profit higher education providers in the UK*, London, Universities UK. This paper does not report on the detailed findings from the institutional survey and related interviews. These are the subject of a forthcoming paper (Woodfield & Middlehurst).



that they were working with private providers to deliver some of their courses on-line, including with large education businesses such as Laureate and Kaplan. A relatively new group of private providers has made rapid in-roads into partnerships with publicly-funded institutions in the past five years. Five companies provide recruitment services and foundation level training and education for international students to gain admission to UK degrees in year one or sometimes year two; some companies also provide preparation for entry to Masters' level. Thirty-three UK universities now have collaborative arrangements with these companies. Four of the companies are for-profit and three are foreign-owned.

We were able to obtain some data on student numbers from the British Accreditation Council, the largest of the accrediting agencies for private colleges operating in the UK. 177 of BAC-accredited colleges offer some higher education programmes. These colleges have links to sixty UK HEIs and fifty-five overseas' universities. There are 25,880 students studying for UK university validated awards and most of these students are international. Each of the colleges has relatively small student numbers, in the range 1-2,000, with 5,000 being the largest; they are a mix of not-for-profit and for-profit. This is a pattern also found in other European countries in our study such as Poland. The companies vary as to whether they are mainly serving UK and EU students. Those with UK degree-awarding powers are offering a range of professional and business-related subjects and are serving 'domestic' European students. This is also the case in the Netherlands, where in 2004, there were 62 privately funded and approved institutions that enrolled about 13% of all students, mainly in business and professional subjects. In the UK, providers that offer certificated modules within UK degrees and those that are partners in on-line delivery also serve this market. On the other hand, those offering foreign degrees and validated degrees from UK universities are predominantly serving the international student market.

It was interesting to note that several of the organisations offering the awards of UK HEIs did so with tuition fees for international students that were lower than the one levied by the awarding university. For example, an international student at the EThames Graduate School will pay £6,945 in 2009-10 for an MBA awarded by a UK university, compared with £10,750 which would be payable if the student enrolled at that university. A further point is that some of the private colleges offer different qualifications for each year of study. St Patrick's College, London, offers students with only GCSE's (not a university entry qualification), a pathway from Higher National Certificates to a Higher National Diploma and then to a BSc honours degree for modest fees compared with the standard international tuition fees charged at the universities. For international students, some of these colleges offer competitive fees and fast routes to qualifications.

### **Policy questions and issues**

An important part of our study sought to examine the regulatory environment in the UK as it affected private providers. A number of findings emerged. Firstly, in contrast to a number of other countries, the UK does not have a clear and comprehensive regulatory framework designed specifically to regulate the private sector. What regulations exist have emerged piecemeal, as policy has developed or as issues have arisen. For example, in England, Wales and Northern Ireland (but not Scotland), in 2004, new legislation opened the door to different kinds of providers being able to apply for degree-awarding powers. These powers are for six years only in the first instance, not in perpetuity as with other publicly-funded universities in England. However, this legislation treats all

providers with these powers in a similar way, despite differences of financial status, ownership and accountability requirements. The quality assurance arrangements that are associated with the granting of degree-awarding powers were designed for publicly-funded HEIs with a particular culture of institutional autonomy and of a vibrant academic community; arguably, they are either inappropriate or inadequate (or both) when applied to the sometimes far-reaching and wide-ranging educational businesses that are part of the private sector in the UK. With reference to international students, the new powers of the UK Borders' Agency (with regard to visas and immigration) have resulted in a strengthening of the accreditation processes and powers of agencies such as the British Accreditation Agency. However, such regulatory powers are designed for different purposes than regulating quality and standards in higher education.

A second and related issue is that the UK has limited information about the private sector at national level; there is no requirement to supply government agencies with information on staff, student numbers, turnover or other data. The accrediting bodies do collect this information, but it is not publicly available, nor are the quality assurance reports of these agencies made public automatically (as is the case with publicly-funded HEIs). There are many claims about high and low quality within the private sector, but hard evidence, including comparative evidence across sectors, is hard to find.

A key policy question for our study was whether the quality of private sector provision was adequately assured? Our respondents from the quality and accreditation agencies reported that they found high quality provision, educational services and levels of service to students among reputable accredited private providers that could match, or surpass, what was available in the publicly-funded sector. In other cases, provision was reportedly of high quality but very different, particularly in terms of the range of support services available (such as extra-curricular activities for students). Gaining a degree, as one commentator noted, is not the same as gaining a university experience. The agencies pointed to a wide range of guidance and codes of practice that underpinned quality assurance arrangements, but our interviewees in both publicly-funded and private sectors suggested that implementation could be strengthened. Our own conclusions on this question suggest that there was considerable scope for reviewing and strengthening regulatory and quality assurance arrangements to match the emerging and changing HE landscape. We also suggested that there was an urgent need for more public information about the operations of private providers, from student and staff numbers to the quality of students' experiences and graduate outcomes.

At the heart of our study lay the policy question of whether the growth of private HE providers in the UK presented a threat or an opportunity (or neither) to the publicly-funded sector? The heterogeneity of the sector meant that the answer was not straightforward. Some kinds of providers posed a potential or actual threat in terms of taking market share for certain programmes and subjects (such as professional and business-related subjects) from universities, in other cases, partnerships were successful in growing market-share for both parties (as in the case of some of the foundation-level private providers serving international students as well as the collaborative arrangements for on-line learning). Our conclusion here was that potential threats could be managed where publicly-funded institutions 'controlled the terms of trade'. Such control might be exercised through contracts, validation agreements and financial arrangements in public-private partnerships and through regulatory controls at sector level, such as rules applying to degree-awarding powers or access to public funds and services. Clearly due diligence, close monitoring and

relationship management are also needed. In our report, we set out those cases where universities are in a position of control, based on our findings, and those where a competitive market exists because universities cannot exercise such control. The four main areas in the latter category include situations where:

- Private providers with degree-awarding powers offer their own awards in the UK and international markets
- International providers offer their own awards in the UK
- Private providers accredited by publicly-funded institutions (UK or international) offer their awards in the UK to national and international students
- Private providers offer their own online awards in the UK, with virtual support.

The first three cases already exist in the UK and were part of our study. We do not have the evidence to know whether the fourth is present, or how widespread it may be, but evidence from other countries suggest it is likely to be present in the UK.

## **Conclusions**

Our study considered the market conditions that could affect the further growth of the private sector in the UK, as the basis for exploring a range of scenarios that could emerge in the next five to ten years. These conditions included several that have now arrived such as a change in government policy (the arrival of a new government); an increase in student demand and a reduction of supply in the publicly-funded sector; a change in market conditions or regulatory environments in other countries; changes in European or international regulations (such as competition law or the General Agreement on Trade in Services); severe pressures on public funds; technological developments that create new market opportunities ; and changes in public attitudes towards taxpayer support for publicly-funded universities that are deemed to be at risk in quality or financial terms.

These changing conditions could give rise to many different scenarios, but those we identified included:

*Scenario 1:* The development of a more diverse HE sector in the UK with a mix of different types of institutions and with competition and collaboration existing between providers.

*Scenario 2:* One or more publicly-funded institutions are acquired in whole or in part, by for-profit private sector education businesses or venture capitalists, subject to their statutes and other governance restrictions.

*Scenario 3:* Funding councils are allowed to make public funding available to private providers for teaching on a similar or equal basis to the publicly-funded institutions.

*Scenario 4:* Student funding is changed in ways that give UK/EU students still more choice over where and how they study through mechanisms such as vouchers that can also be used to access private HE provision.

*Scenario 5:* As in Australia or China, publicly-funded institutions develop or acquire private colleges and deliver their programmes to full fee-paying domestic students in parallel with publicly-funded students.

*Scenario 6:* Negotiations between countries within GATS regain momentum. Real pressure is brought to bear on restrictions on 'educational trade' or unfair competitive advantages accruing to publicly-funded HEIs in the UK and elsewhere such that market conditions change still further.

We observed in our report that whether any of these scenarios came to pass depended on the responses of politicians, policymakers, institutional leaders and governing bodies to the market conditions and contextual factors described above. It is salutary to note that several of the factors identified are now present in the UK, including severe pressures on public funds and a change of government with new policy directions that favour opening up the HE sector still further to private providers and public-private partnerships. In this context, several of our scenarios are now becoming more plausible, even likely. The next few years could see yet more competition and collaboration between publicly-funded and private sectors in the UK, with consequences that are as yet not fully understood. The UK will need to watch closely developments in other parts of the world, particularly in the US and Australia where there are many similar policy developments and directions.

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