

**Government Response to the
House of Lords Science and Technology Committee Report:
'Implementation of Open Access'**

See [appendix I](#) for Research Councils UK (RCUK) response

The Government welcomes the Science and Technology Committee's report on the implementation of Open Access (OA). The Committee's acknowledgement that OA publishing is revolutionising scholarly communication accords with the Government's OA policy objective, to expand free access to research publications beyond those members of academic and research institutions that benefit from journal subscriptions.

2. The Open Access (OA) policy for publicly-funded research is based on the principle that the taxpayer should have free access to the published findings of research that they have funded. Better access should result in a more productive research process and greater use of research findings, with more economic and social benefits being realised from the results of research.

3. The UK is taking a world-leading position on OA as part of the Government's transparency, and still developing, open data agendas. The Government has therefore welcomed the UK Research Councils' ('RCUK's) promotion of OA for the research that they support, and is pleased to note that their implementation of the Government's policy has benefited from the discussion and findings of this Inquiry. Discussion stimulated by the Inquiry has been of benefit in shaping the revised RCUK policy and supporting guidance document published by RCUK [on 8 April]. This revised document has also responded to the further points raised by Lord Krebs, as Chairman of the House of Lords Science and Technology Committee, in his (published) letter of 20 March to RCUK.

4. As requested by Lord Krebs, the RCUK's final policy and guidance document includes clearer language to describe the embargo periods referred to in the revised decision tree, which, as the Committee wished to see, is now embedded in the guidance document. RCUK's guidance document also makes explicit reference to unintended consequences of the policy that will need to be considered during future RCUK reviews. The Government welcomes RCUK's adoption, during the five year transition period, of the Government's more flexible position on embargo periods, as illustrated in the agreed Publishers Association decision tree. The Government accepts that, as proposed by RCUK, research papers in biomedicine should be published with an embargo period of no longer than six months since this has been the Medical Research Council's mandated policy since 2006 and the Government agrees that it is important to ensure that biomedicine research should be published in the shortest possible timescale.

5. The Government also welcomes the collaborative approach that RCUK is now taking for managing a five-year transition period for OA from April 2013, during which the RCUK's revised OA policy will increasingly apply. Lessons have been learnt from this first phase of implementation of the policy, as the Committee had been concerned should be the case. On-going engagement with stakeholders, the rapid establishment of OA publication funds in Higher Education Institutions (HEIs) and RCUK's proposed reviews of progress on implementation in 2014, and subsequent years (probably 2016 and 2018) should ensure a successfully implemented Government policy.

6. The Government has also noted the Committee's views on the economic basis of its OA policy. An Economic Analysis of different routes to OA was undertaken internally by BIS prior to decision on policy. This analysis has been published¹, but as recommended by the Committee further consideration will need to be given to how best to determine and evaluate the economic impact of the Government's policy position for OA. Further feasibility work will be necessary in response to the Committee's conclusions on this point.

7. The Government is aware that it will be necessary to monitor both the desired and unintended consequences of OA policy implementation. The Government will monitor such consequences actively, through continuing dialogue with stakeholders. As a first step, re-convening the Finch Group in late 2013 will enable a review of progress on the Government's policy and response to the Finch Report. Subsequently, as stated above, RCUK will hold further reviews on their implementation of the policy. The Government and RCUK will be keen to share their findings and to continue to impress on others any demonstrable benefits of the UK OA policy to inform policy makers internationally.

8. This Response focuses below on the conclusions and recommendations directed specifically at the Government. Conclusions and recommendations directed specifically at RCUK (namely recommendations 1, 2, 5) have been addressed separately by RCUK in their response to this Inquiry.

Response to Conclusions and Recommendations for Government

We commend RCUK's commitment to monitor international developments in open access—for example, whether gold is adopted by other countries—and willingness to amend its strategy accordingly. The Government must co-ordinate with other countries on open access policies (paragraph 20). (Recommendation 3)

9. The Government also commends RCUK's commitment to monitor developments internationally, and agrees that coordination with other countries on OA is important. The UK's OA policy is going with the grain of international take-up of OA, but the Government understands fully that a transitional cost will be borne while the rest of the world catches up with immediate or Gold OA.

10. The Government is already promoting the benefits of the UK policy actively to the European Commission, for example through the Competitiveness Council, where OA policy for the Commission's Horizon 2020 programme is being negotiated, and through direct dialogue with relevant Commissioners. UK Government officials have been invited to discuss the national policy directly with their Commission counterparts, and will be doing so this year. The principles of the Government policy will also be promoted as the framework for RCUK OA policy in other forums such as the Global Research Council's annual meeting in 2013, and to Science Europe. The Government is also monitoring developments of OA policies in the US and other countries. The Government is also considering whether a Royal Society-led science event being

¹ <https://www.gov.uk/government/publications/open-access-economic-analysis-of-alternative-options-for-the-uk-science-and-research-system>

planned around this summer's G8 Summit could provide an opportunity to promote the benefits of the UK OA policy as part of the transparency agenda.

11. However being ahead of the rest of the world also puts the UK at some 'first mover advantage', in that it could provide opportunity for future international leadership for policy, as well as strategic advantage for the UK research base and technological innovation. It also gives the UK's world leading publishing industry the opportunity to be in the vanguard of responding to technological and global OA policy change, and the UK's policy allows a transition period to accommodate the need for change.

12. The Government also refers the Committee to RCUK's response to this Inquiry, for further reply to this conclusion.

Whilst we would not wish to recommend that the Government should distort the market in this area, we urge the Government to consider how they can support learned societies in this transition. We are pleased that Mr Willetts is meeting representatives from learned societies for this very purpose (paragraph 28). (Recommendation 4)

13. In his oral evidence to this Inquiry, the Minister for Universities and Science, the Rt Hon David Willetts MP, stated that "there is no public expenditure at the moment" for additional support for the Learned Societies. Even so, the Minister will continue to listen to their concerns and it is fully recognised that the UK's Learned Societies are an integral and highly valued part of the UK research ecosystem. Open Access (OA) will ultimately strengthen this role further, by strengthening the uptake and further use of research from the disciplines that they support. Learned Societies will be encouraged to recoup their publication costs through making appropriate Article Processing Charges (APCs). The Government is making no attempt to set a floor or ceiling for APCs since it believes that the market will determine what charges should apply based on the costs incurred by Learned Societies and publishers, and the research community's willingness to pay. If APCs cannot be paid, Learned Societies and publishers will be able to recover their costs through use of the longer embargo periods permissible under the Government's OA policy, as now reflected in RCUK's guidance. The only exception to this facility would be for biomedicine in respect of the MRC's policy discussed above. It will be for researchers and their HEIs to decide as to whether, or not, to agree to a Learned Society/publisher putting its article behind a pay-wall for longer than the normally expected six-months' to two years' embargo period, having balanced the needs of the Learned Society, and the community it serves, against the wider public interest.

14. The key point in considering the Learned Societies is that the Government and RCUK are continuing the journey towards Open Access. This journey is measured, in that the revised RCUK policy applies to a five year transition period starting now, and will be monitored by evidence-based reviews in 2014, and subsequent years. The Government will also ensure that this issue is discussed further in the Open Access progress review meeting with the Finch Group that BIS will be convening on 24th September 2013 and further meetings with Learned Societies as key stakeholders.

We recommend that the Government undertake a full cost-benefit analysis of the open access policy, particularly given the current economic climate and the consequent pressures on the public purse. This analysis must be updated to reflect actual rather than projected costs during the transition period (paragraph 30). (Recommendation 6)

15. The Finch report stated that, “there will be additional costs during a period of transition which may last for several years; but we cannot be certain about the total costs of all the measures we recommend, particularly with regard to open access publishing.” It also made it clear that past efforts to model the costs and benefits of OA have been hindered by limited data and by the uncertainties and complexities surrounding the issue.

16. Nevertheless, the Government agrees that it is desirable to have as full an understanding as possible of the costs and benefits, and will commission a full review of the literature on the economic impacts of OA policy and on the best methods for estimating and monitoring the impacts of the policy. This feasibility assessment, to be commissioned in 2013 and completed by early 2014, will consider timescales and best practice methodologies for obtaining reliable valuations of all the costs and benefits of expanding access, which have national and international scope. Taking into account already known challenges raised in recent literature, the feasibility assessment will aim at providing a roadmap of work for analysis of the UK OA policy.

In the light of the significant confusion and perceptions that RCUK, at worst, "acted unilaterally", or, at least, consulted inadequately in devising its open access policy, we recommend that BIS undertake a review of how RCUK consulted over this significant change in policy with the scientific and publishing communities, to ensure that lessons are learnt (paragraph 33). (Recommendation 7)

17. The Government agrees that the stakeholder consultation process for RCUK's OA policy implementation should provide lessons for the future. In the interest of the most effective use of resources, the Government will not be conducting a dedicated review of the process. Even so, the Government will want to ensure that the Committee's concern is addressed in future. It should also be noted that, in the case of Open Access policy, RCUK was in effect implementing a policy which had already resulted from a consultation process through the Finch Group. The Finch Group included representation from the full range of stakeholder interests. As a result it effectively developed a consensus approach involving compromises from all sides. In addition RCUK may choose to comment in their own response on the extent to which they had issued their own draft OA policy position for consultation in parallel with the Finch process.

18. The Government is confident from recent interactions with RCUK that lessons on stakeholder engagement will be learnt, and indeed have already been learnt. For example, since the autumn 2012, RCUK have held several meetings with key stakeholders (including universities and publishers), and have given presentations at meetings specifically arranged to discuss OA. RCUK have also worked to ensure, subsequent to this Inquiry, that draft policy guidance was published for open consultation on 6th March 2013 with a two week window for responses by all affected stakeholders. It is evident that the final version of the published guidance has taken such helpful and informative feedback into account.

19. The Government believes that it is more constructive to look forward and, as stated, avoid duplication of activity or expend finite resources on a dedicated review. Nonetheless, the Government will take advantage, where possible, of relevant on-going review processes, for example the Triennial Review of the Research Councils and a Review of Communications in BIS Partner Organisations that includes RCUK.

20. Triennial Reviews, which are a Cabinet Office mandated process, form an important part of the BIS's wider governance programme and help to ensure that the department's portfolio of Partner Organisations (POs) remains both relevant and effective. Research Councils are undergoing a Triennial Review currently, to conclude in late 2013. How they are structured to be best able to jointly consult on, communicate and effectively implement policy will be a feature of that review. The Review of Communications in BIS POs will also want to take into consideration how communication resources can be used to best effect to achieve the most effective stakeholder engagement in the implementation of broad ranging policy developments.

21. The Government welcomes the Committee's acceptance of the Government's commitment to the policy reflected in the Finch Group's recommendations and trusts that in the light of its recent Inquiry the Committee now feels more comfortable that implementation of OA policy by RCUK is heading in the right direction, with future review opportunities for corrective action.

May 2013

Appendix I

Research Councils UK (RCUK)

Response to the House of Lords Science and Technology Select Committee Report: *The Implementation of Open Access*

I. Research Councils UK (RCUK)

i) Research Councils UK (RCUK) is a strategic partnership of the UK's seven Research Councils which each have a Royal Charter and together annually invest around £3 billion in research. We support excellent research, as judged by peer review, which has an impact on the growth, prosperity and wellbeing of the UK. To maintain the UK's global research position we offer a diverse range of funding opportunities, foster international collaborations and provide access to the best facilities and infrastructure around the world. We also support the training and career development of researchers and work with them to inspire young people and engage the wider public with research. To maximise the impact of research on economic growth and societal wellbeing, we work in partnership with other research funders including the Technology Strategy Board, the UK Higher Education Funding Councils, business, Government, and charitable organisations. Further details are available at www.rcuk.ac.uk.

ii) This response is submitted by RCUK and represents its independent views. It does not include, nor necessarily reflect, the views of the Department for Business, Innovation and Skills (BIS). The response is made on behalf of all seven Councils:

- Arts and Humanities Research Council (AHRC)
- Biotechnology and Biological Sciences Research Council (BBSRC)
- Engineering and Physical Sciences Research Council (EPSRC)
- Economic and Social Research Council (ESRC)
- Medical Research Council (MRC)
- Natural Environment Research Council (NERC)
- Science and Technology Facilities Council (STFC)

2. RCUK response to the House of Lords Science and Technology Select Committee Report: *The Implementation of Open Access*

RCUK welcomes the House of Lords Science and Technology Select Committee's report on the implementation of Open Access and the Committee's acknowledgement that this fast moving policy area is bringing significant change to scholarly publishing.

A key principle that underpins the RCUK Policy on Open Access is that the ideas and knowledge derived from publicly-funded research must be made available and accessible for public use, interrogation and scrutiny, as widely, rapidly and effectively as practicable. The Research Councils have a responsibility to ensure the widest possible dissemination of the research we fund, from academics to SMEs, and from the general public to individual innovators. With maximal openness and accessibility to the outputs of research comes maximal opportunity to read and to exploit research, and thus maximal opportunity for innovation. And from innovation comes growth, and benefit to the UK as a whole.

Detailed responses to the report's recommendations are made below.

3. Response to the conclusions and recommendations in the report for RCUK

3.1 The lack of clarity in RCUK policy and guidance, and the consequent confusion, especially given the imminent start date of 1 April 2013, are unacceptable (paragraph 14).

RCUK acknowledges that there was some unintended initial confusion around the policy and its implementation. Working closely with the research community and other stakeholders, we have clarified the guidance and introduced a Frequently Asked Questions document to ensure that any further uncertainty is minimised. We will continue to work with Research Organisations, the wider research community and other key stakeholders, including publishers, to ensure that implementation of the policy, in accordance with the revised guidance, is as smooth as possible in a fast moving, transformative policy area.

3.2 We welcome RCUK's clarification of its stance on the length of embargo periods in evidence to us, and its willingness to be flexible about the implementation of open access. We recommend that RCUK revise section six (implementation and compliance) of its policy guidance notes to include reference to the "five-year implementation phase" and state explicitly that it will take an incremental approach to compliance in this period. Furthermore, the guidance must make reference to the Publishers Association decision tree in order to dispel the widespread confusion about embargo periods (paragraph 16). (Recommendation 1)

RCUK published its revised Policy and Guidance document on the 8th April 2013. To reflect input from both the Committee and wider stakeholders, we have incorporated a number of revisions across the document that clarify our commitment to flexibility throughout the transition period in the implementation of our revised policy on Open Access. In addition, the Publishers Association decision tree and further information about flexibility with regards to embargo periods during the transition period have been incorporated into section 3.6 "Embargo Periods". On this issue, one exception to the general rule relates to the requirement that research papers in biomedicine should be published immediately or with an embargo period of no longer than six months. This has been the MRC's mandated policy since 2006 and RCUK believes that it would be a retrograde step to not retain this requirement to ensure that researchers and users of research can make the best possible and timely utilisation of health-related research in the national interest.

3.3 We recommend that RCUK gather evidence about the suitability of the creative commons attribution (CC-BY) licence for different disciplines (paragraph 18). (Recommendation 2)

We agree with the Committee that the use of licences is one area where further evidence, especially around the impact on different disciplines, would be welcome. RCUK has made a commitment to examine this issue in more detail as part of the 2014 review and any subsequent reviews. We would encourage research organisations and the broader research community to ensure that any relevant evidence on this issue is made available to inform the reviews.

3.4 We commend RCUK's commitment to monitor international developments in open access—for example, whether gold is adopted by other countries— and willingness to amend its strategy accordingly. The Government must coordinate with other countries on open access policies (paragraph 20). (Recommendation 3)

RCUK welcomes the Committee's commendation for our commitment to monitor international developments in open access. We are continuing to be engaged in on-going discussions around Open Access through fora such as Science Europe and the forthcoming Global Research Council meeting scheduled for the end of May 2013. We are also continuing to engage with colleagues in other countries, such as the US, as policies are being developed, revised and implemented.

RCUK also refers the Committee to the Government's response for further detail in response to this recommendation.

3.5 It is vital that RCUK closely monitors implementation of the Finch Group recommendations to ensure that the move to open access does not damage the UK's international reputation for scholarship—both for outstanding research and globally respected journals...

...RCUK must remain vigilant beyond the planned 2014 review. We recommend that it commit, as a minimum, to a further review of the implications of its open access policy in 2016 and an end-stage assessment in 2018 (paragraph 29). (Recommendation 5)

RCUK welcomes the Committee's suggestions as to key areas for focus for the 2014 review and has incorporated them, along with suggestions from other key stakeholders, into the revised list now published, in section 3.13, as part of the guidance. We agree with the Committee that a solitary review in 2014 will not give a full picture of the changing landscape over time. RCUK has committed to further reviews, potentially in 2016 and 2018, the timings of which will be informed by the outcomes of the 2014 review. Also, the 2014 review will have an independent chair and include independent membership.

3.6 In the light of the significant confusion and perceptions that RCUK, at worst, "acted unilaterally", or, at least, consulted inadequately in devising its open access policy, we recommend that BIS undertake a review of how RCUK consulted over this significant change in policy with the scientific and publishing communities, to ensure that lessons are learnt (paragraph 33). (Recommendation 7)

RCUK acknowledges that lessons have been learnt throughout the process of revising the policy on Open Access and these lessons will be applied when considering future revisions of other areas of cross-Council policy. RCUK, however, does not accept that it "acted unilaterally" or had inadequate engagement with stakeholders during the policy revision. RCUK recognises that the perceptions of some stakeholders may be different and this is something that will continue to be addressed through even closer dialogue, particularly for similarly complicated issues.

This is a particularly fast moving and transformative policy agenda, where there are numerous interests being represented. It is clear to RCUK that there has been considerable lobbying on behalf of those interests, including at times misinterpretation of the policy and guidance, which

has made it difficult to ensure that clear and coherent policy messages are being heard accurately.

The Research Councils have had policies on Open Access since 2005/6, including the mandates that the MRC and the Wellcome Trust had had since that time. The revised policy builds on those, informed by the findings of the Finch Report², and brings them together in a single, cross-Council policy.

Although the Research Councils did not hold a formal consultation before the revised Policy on Open Access was launched, RCUK was involved in the Finch Group and the revisions made to the policy reflected the findings and recommendations of that group. The draft policy was circulated in March 2012 to a variety of stakeholders in order to get feedback and input in the development of the policy. These stakeholders included representatives of the Russell Group and other HEIs, through the members of the Finch group; Learned Societies such as Academy of Medical Sciences; and other groups such as UKPMC (now 'Europe PMC') Funders Group. The draft policy was also mentioned in several blogs including Casey Bergman³; Peter Suber⁴; @cces⁵; and Intellectual Property Watch⁶ as well as by various other media including Research Fortnight (16th March 2012), Times Higher Education (22nd March 2012), The Guardian (11th April 2012) and Nature⁷.

Following the launch of the policy, in July 2012, RCUK has been keen to engage with stakeholders on the implementation of the policy as we recognise that this is both a fast-paced and transformative agenda.

RCUK staff have given numerous talks to explain the policy and engage with HEIs and members of the research communities. These include (but not an exhaustive list): AHRC Subject Associations meeting (June 2012); Imperial College Science Communication Forum (September 2012); Westminster Briefing (September 2012); London School of Hygiene and Tropical Medicine Open Access Week event (October 2012); Exeter University (October 2012); British Academy 'Open Access for the Humanities and Social Sciences' (October 2012); Standing Conference of Physics Professors (November 2012); Research Libraries UK (November 2012); meeting between Royal Historical Society, AHRC and BIS (November 2012); meeting with Wiley and Palgrave (November 2012); British Ecological Society Annual Conference (December 2012); meeting with Taylor and Francis (January 2013); Open Access in Europe meeting at the European Research Council (February 2013); Royal Society, AMS, RSC and IOP event *Open access in the UK and what it means for scientific research* (Feb 2013); Open Access Humanities Colloquium (March 2013); and various Research Council regional engagement sessions with universities and other stakeholders. Earlier this year, we convened and were involved in various roundtables to engage with specific stakeholders such as the 1994 Group (October 2012), the Russell Group (December 2012 and January 2013) and the publishers.

² <http://www.researchinfonet.org/publish/finch/>

³ <http://caseybergman.wordpress.com/2012/03/18/comments-on-the-rcuks-new-draft-policy-on-open-access/>

⁴ <https://plus.google.com/109377556796183035206/posts/Y8zPSf5DP5W#109377556796183035206/posts/Y8zPSf5DP5W>

⁵ <http://access.okfn.org/2012/04/05/comment-on-the-rcuk-draft-policy-on-open-access/>

⁶ <http://www.ip-watch.org/2012/04/16/changes-coming-for-open-access-to-research-in-europe/>

⁷ <http://blogs.nature.com/news/2012/03/uk-research-funders-suggest-liberated-open-access-policy.html>

Regarding publishers, together with the Wellcome Trust RCUK staff have held bilateral meetings with Royal Society of Chemistry, Oxford University Press, Taylor & Francis, Wiley-Blackwell and Elsevier. In addition, again in conjunction with the Wellcome Trust, RCUK have met regularly with the publisher trade bodies – these are the Publishers Association (PA), Association of Learned and Professional Society Publishers (ALPSP), Open Access Publishers Association (OASPA) and the International Association of Scientific, Technical & Medical Publishers (STM). We have also talked on the RCUK policy at the annual OASPA conference (September 2012) and at a Taylor & Francis seminar (April 2013). The outcomes of these meetings and discussions have included the introduction of CC-BY by Taylor & Francis, OUP, Wiley-Blackwell and Elsevier across most of their journals with, in addition, adjustment to their embargo periods to bring them into line with the Government Policy of 12/24 months.

In addition, RCUK organised a workshop on 13th November 2012, shortly after the details of the block grant had been announced, in order to answer questions and to engage with representatives from Universities (and some other interested parties) on the details of the policy.

Input from all of these different activities informed the revisions made to the Policy and Guidance, published on 6th March. Again, we acknowledged that there may still be some areas where further clarity might have been needed and invited further comment from stakeholders. We received 55 responses to this call for input and have incorporated the feedback as far as possible into a revised policy and guidance document, published on 8th April 2013. We have also created a separate Frequently Asked Questions document that will continue to evolve as further questions from stakeholders are received.

We are committed to continuing to engage with stakeholders, including research organisations, the wider research community, learned societies and publishers throughout the implementation of the policy. It is important to us that the 2014 review is thorough and as independent as possible, and we will be engaging with stakeholders as widely as possible to gather evidence.

4. Conclusion

RCUK welcomes the Committee's engagement with Open Access agenda and the recommendations that the Committee have made both through the report and subsequently through the Committee's response to RCUK's call for input on the revised guidance.

As part of our on-going stakeholder engagement, we have been responsive in introducing further flexibility around implementation of the policy. Many of these adaptations reflect the Committee's recommendations and we hope that, following this inquiry, the Committee is comfortable with our direction of travel. We look forward to continuing to engage with the House of Lords Committee, the House of Commons BIS Committee, and a broad range of stakeholders both within the UK and internationally, as we move forward on the basis of a stronger relationship with all concerned, helped in part by the inquiry process, with the implementation of the policy.

7 May 2013