

**Letter to Dame Janet Finch on the Government Response to the
Finch Group Report: “Accessibility, sustainability, excellence: how
to expand access to research publications”**

Dear Janet,

Please find enclosed the Government’s response to your excellent report on open access to published research.

We are firmly committed to improving access so the Government accepts the proposals in your report, except for one specific point on VAT. Reference was made to the issue of VAT being applied to e-journals but not printed books and journals. Consideration has been given to this, but, in consultation with Treasury it has become evident that current VAT rules agreed at EU level preclude a reduced or zero rate for e-journals. The enclosed note sets out our response in more detail.

I welcome the OA policies being announced by funding bodies. I also welcome the publishers’ proposed initiatives for improving access for SMEs and for the public libraries.

You have suggested that your Group should reconvene in a year’s time to reflect on progress. That is an excellent idea. I would be pleased to join you for that meeting to review progress made with implementing your excellent report.

Thank you for all you have done to help us open up our world-class research base to more people, which will no doubt benefit all of the UK. Please pass on my thanks to the other members of your group and Michael Jubb (Director RIN) who supported you.

David Willetts

Government Response to the Finch Group Report: “Accessibility, sustainability, excellence: how to expand access to research publications”

We are grateful to the Finch group for their constructive investigation and we welcome the report. We wish to extend open access to research and so accept all the conclusions in the report (except for one involving tax which will be considered further).

Taking each of the Group’s recommendations in turn:-

i. a clear policy direction should be set towards support for publication in open access or hybrid journals, funded by APCs, as the main vehicle for the publication of research, especially when it is publicly funded;

ii. the Research Councils and other public sector bodies funding research in the UK should establish more effective and flexible arrangements to meet the costs of publishing in open access and hybrid journals;

The Government agrees with both of these recommendations. We recognise that whilst Open Access (OA) means free access to the user and full right of search, it does not follow that OA has no cost. Support for publicly funded research institutions will be needed to pay the cost of APCs this funding will come out of existing research funds.

Funding bodies are now in the process of publishing their respective policy positions on OA, which will include provision for the funding of APCs. Details of the precise funding mechanisms will be included in their respective announcements though they are also co-operating with each other to ensure a co-ordinated approach.

RCUK currently provides support for APCs through both direct and indirect costs as part of grant funding. They will now put in place a simpler, more flexible and transparent mechanism that will allow institutions to set up publication funds to cover such charges. The most suitable payment mechanism is currently under discussion and includes options such as direct cost within a grant application (either open to applicants to make a case or through a formula) or as a block grant to universities.

In all cases universities upon receipt of funding should transfer these charges to their institutional publication fund. A university can then use these funds to pay for APCs for any article resulting from research council funding. Research Councils will monitor compliance with its policies at grant level through its outputs systems.

Once Research Councils have established the payment mechanism, operational details will be set in discussions with the academic community.

iii. support for open access publication should be accompanied by policies to minimise restrictions on the rights of use and re-use, especially for non-commercial purposes, and on the ability to use the latest tools and services to organise and manipulate text and other content;

The Government welcomes this recommendation which is consistent with our aspirations for implementation of the Hargreaves recommendations. Where APCs are paid to publishers, the Government would expect to see unrestricted access and use of the subject content and the details of how this should be best achieved will be addressed in the detailed policy statements to be published by funding bodies.

In relation to Hargreaves, the Government believes any exception on copyright – on which decisions are yet to be taken – must be compatible with the broad approach of the Finch report.

iv. during the period of transition to open access publishing worldwide, in order to maximise access in the HE and health sectors to journals and articles produced by authors in the UK and from across the world that are not accessible on open access terms, funds should be found to extend and rationalise current licences to cover all the institutions in those sectors;

The Government understands and supports the objectives behind this recommendation. The extent to which funds can be made available for this purpose will be a matter for the independent funding bodies.

v. the current discussions on how to implement the proposal for walk-in access to the majority of journals to be provided in public libraries across the UK should be pursued with vigour, along with an effective publicity and marketing campaign;

The Government welcomes this imaginative and valuable initiative by the publishing industry. We encourage the working group that has already been set-up to address it, which includes public library representation, to press ahead and implement the proposed two-year pilot scheme at the earliest opportunity. We hope it will become a permanent feature of the UK's public library service.

vi. representative bodies for key sectors including central and local Government, voluntary organisations, and business should work together with publishers, learned societies, libraries and others with relevant expertise to consider the terms and costs of licences to provide access to a broad range of relevant content for the benefit of consortia of organisations within their sectors; and how such licences might be funded;

vii. future discussions and negotiations between universities and publishers (including learned societies) on the pricing of big deals and

other subscriptions should take into account the financial implications of the shift to publication in open access and hybrid journals, of extensions to licensing, and the resultant changes in revenues provided to publishers;

The Government encourage the various stakeholders to pursue these two recommendations. We look to JISC to contribute its long-standing experience in this field to help in such negotiations and particularly with regard to implementing at the earliest opportunity the proposed extension of licensing to high-technology Small and Medium Sized Enterprises (SMEs).

viii. universities, funders, publishers, and learned societies should continue to work together to promote further experimentation in open access publishing for scholarly monographs;

The Government welcomes this recommendation.

ix. the infrastructure of subject and institutional repositories should be developed so that they play a valuable role complementary to formal publishing, particularly in providing access to research data and to grey literature, and in digital preservation.

The UK Research Councils have already invested in a number of successful repositories. Notable examples include the Economic and Social Research Council's Research Catalogue (see <http://www.esrc.ac.uk/impacts-and-findings/research-catalogue/index.aspx>) and UKPubMed which has been funded by the Medical Research Council (MRC) and the Biotechnology and Biological Sciences Research Council (BBSRC), the Chief Scientist Office, part of the Scottish Government Health and Social Care Directorates and other funding bodies (see <http://ukpmc.ac.uk/About>). Indeed, in 2010 just over 40 per cent of the articles published that year, or almost 70,000 articles in real numbers, were Open Access (OA) see <http://ukpmc.blogspot.co.uk/2012/05/increasing-proportion-of-ukpmc-articles.html>.

The Government has recently provided £150 million for the development of e-infrastructure that should benefit these OA objectives. It has also committed £75 million to the development of the ELIXIR project at the European Bioinformatics Institute, Hinxton, to create a world-leading repository in bioinformatics but, generally, the development of infrastructure for subject and institutional repositories will primarily be a matter for institutions themselves. Even so, the Government wish to ensure that the UK secures the greatest added value from such developments. The 'Gateway to Research' being developed by RCUK will provide an additional tool to sign and facilitate public access to the full body of research funded by the UK Research Councils by late 2013.

x. funders' limitations on the length of embargo periods, and on any other restrictions on access to content not published on open access terms, should be considered carefully, to avoid undue risk to valuable

journals that are not funded in the main by APCs. Rules should be kept under review in the light of the available evidence as to their likely impact on such journals.

The Government has listened carefully to what publishers, learned societies and the Finch Group collectively have had to say on this issue. We prefer the 'gold' over the 'green' model, especially where the research is taxpayer funded so the Government agrees with the sentiment expressed in the Finch Report. Embargo periods allowed by funding bodies for publishers should be short where publishers have chosen not to take up the preferred option of their receiving an Article Processing Charge (which provides payment in full for immediate publication by the 'gold OA' route). Where APC funds are not available to the publisher or learned society, for the publication of publicly-funded research, then publishers could reasonably insist on a longer more equitable embargo period. This could be up to 12 months for science, technology and engineering publications and longer for publications in those disciplines which require more time to secure payback. Even so, publications with embargo periods longer than two years may find it difficult to argue that they are also serving the public interest.

BIS 16 July 2012