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The private higher education provider landscape in the UK

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ABSTRACT

The private higher education (HE) sector in the UK is subject to little oversight or regulation. Consequently, it remains a largely unknown quantity. Yet, the UK government is keen to foster the growth of private providers as a means of stimulating competition across the *entire* HE sector that will purportedly lead to ‘a greater choice of more innovative and better quality products and services at lower cost’ (DBIS 2016a, 8). We document the landscape of private higher education provision in the UK to assess whether private providers are likely to be able to perform the role envisaged for them by government. We analyse data for 802 private providers in the UK collected from provider’s websites and other publicly available sources in 2017. A latent class analysis indicates that the sector can be broken down into four distinctive types of providers: (1) for-profit providers principally offering business/IT courses at sub-degree level (c.50%) (2) or at bachelors or masters level (c.10%), (3) not-for-profit providers offering other kinds of specialist provision at bachelors and masters level (c.27%), and (4) longer-standing for-profit providers including those with their own degree-awarding powers delivering courses mainly at masters level (c.13%). Three of the four provider types offer little in the way of traditional bachelor degree provision, and the most common provider type is subject to virtually no regulatory oversight and highly vulnerable to ‘market exit’. These findings cast doubt on the capacity of private HE providers to replace or enhance publicly funded HE provision.

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UK; Private Education; Higher Education; University; Colleges

The purpose of the paper is to address the long-standing knowledge deficit concerning the UK’s private higher education sector in terms of both its size and composition and examine implications these have for the policy direction the UK government has imposed on both the private and public HE sectors.

Private higher education in the UK is negatively defined; that is, in terms of what it is not: it is not funded directly and recurrently with public money (Hefce 2017a). Consequently, without the necessity of accounting for public funds, there has been no compelling reason for the state to involve itself with the private HE sector. The result: little oversight or state regulation. The lack of official oversight means the sector has never been officially enumerated even in the most basic terms. Furthermore, with a few notable exceptions (Williams and Woodhall 1979; Fielden 2010; Middlehurst 2016) there has been little research concerning the UK’s private higher education sector itself. The most recent a DBIS (2016b) report found 713 private HE providers and summarised the sector as widening

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participation (enrolling a greater proportion of non-traditional students than the public sector) and not homogenous, but composed of six provider types, although this categorisation did not uniquely assign providers to any one category.

The absence of regulatory authority means the private sector in the UK continues to be subject to few legal restrictions. The titles University and University College along with degree awarding powers are legally protected: in England both were awarded by the Privy Council, but, since 2019, are granted by the Office of Students (OfS), with this authority resting in the devolved authorities in the rest of the UK (QAA 2018).¹ Other than this, private providers have been able to establish and run themselves without reference to any external educational authority.

The absence of regulatory authority has two important consequences. The first involves concerns about the quality of the provision offered in light of low course completion rates, as well as the sharp practice of some private providers around allowing ineligible international students to access government-backed student loans (NAO 2017; PAC 2015). The Quality Assurance Agency (QAA) is responsible for monitoring the standards of UK higher education (QAA 2019) and QAA reviews are necessary for any provider, private or otherwise, to be included on the OfS register, itself necessary for a provider to be eligible to offer 'designated courses', those that can enrol students with publicly backed tuition fee loans. However, only a minority of private providers are or are ever likely to be registered, leaving much of the sector without any form of quality assurance. Even the number of private providers operating in the UK is an unknown quantity, a similar situation also prevails in the US (Cellini and Chaudhary 2014).

In this regard, the UK private higher education sector has mirrored developments in the USA: latterly there has been increased academic attention paid particularly to the private for-profit institutions (Kinser and Zipf 2019; Levy 2009) covering areas such as low quality of provision (Connell 2016), student outcomes (Cellini and Chaudhary 2014), and poor return on investment (Cellini and Turner 2016). These developments in the USA and elsewhere have led to profound criticisms of the for-profit sector generally (Angulo 2016; Fain 2012).

The second likely consequence of the absence of regulation is diversity (Teixeira and Amaral 2018; DBIS 2016b): private providers have not been required to conform to any standard template nor have they been subject to sector-wide regulatory forces governing institutional form, pedagogic standards, or financial accountability. Tight government regulation and monitoring of public higher education institution in the UK has, in contrast, produced a distinct homogeneity. A system of block grants, a single funding body – the University Grants Commission was operational from 1919 to 1989 – and uniform regulation and accountability requirements (Shattock 1994) have resulted in a public university system in the UK exhibiting a high degree of similarity between institutions (Morphew 2009; Neave 1979).

While the degree of institutional diversity within the private higher provider landscape is likely to be greater than in the public sector the private sector has gone effectively un-enumerated throughout its history. This indicates one of the principal concerns of the present research: to identify and to enumerate all the private providers operating in the UK, and further, to capture the patterns of provision, specifically in terms of the prevalence of the levels at which qualifications are offered and the subjects, and, ultimately, to condense the entire sector, identifying the types of provider that compose it.

In the absence of reliable data, however, it is possible to apply theoretical accounts of how the two distinct sectors developed.

Theoretic foundations

Theoretically, the configuration of the UK, principally English private HE sector can be accounted for in terms of environmental factors, intuitional logics, and strategic positioning in a way that contrasts with the development of the public HE sector.

Globally the private HE sector largely plays a demand-absorbing role (Altbach 1998; Levy 2011; Buckner 2017). The UK private HE sector has not historically, and is unlikely in the future, to fulfil such a role. The English public HE sector's funding is now largely dependent on tuition fees (Palfreyman and Tapper, 2016), and the UK Government has removed the cap on recruitment numbers (excepting medicine and dentistry). Consequently, the public HE sector is both able and incentivised to expand to absorb the projected increase in demand for places over the 2020s (Hunt and Boliver 2020; Bekhradnia and Beech 2018).

Neo-institutional theory allows a ready means of conceptualising the public higher education sector by accounting for the coercive forces – principally state regulations – that have operated on it and further elaborates institutional isomorphism by incorporating the effect of mimetic and normative pressures. The former is essentially imitation, particularly under conditions of uncertainty, of established and successful institutions; the latter, standardised approaches to issues confronting the HE sector based on shared professional or managerial norms (DiMaggio and Powell 1983). Yet neo-institutional theory's organisation framework does not easily extend to a private higher education sector that is likely to exhibit much more heterogeneity. There is, for example, no restriction concerning the legal structure private providers can adopt in the UK, consequently they can operate as for-profit, not for-profit or specifically charitable foundations: this scope for diversity is simply not found in the public sector.

Institutional field approach (Scott 2010) allows us to apply a conceptual framework to the private sector that treats it as an organisation field, but that captures or can accommodate its potential diversity through the concept of institutional logics (Buckner and Zapp 2021; Scott et al. 2000; Friedland and Alford 1991). An organisation field is principally composed of presiding governance structures, social actors that can range from populations of organisations to individuals, their relations, and the beliefs and cognitive frameworks ('institutional logics') that guide their behaviour (Scott 2010, 2). Critically, the institutional logics can vary within a field. Gumpert (2002) has distinguished between social institutional and industrial logics relating to liberal arts and vocational education respectively. This distinction is reflected in that between appropriateness and instrumental logics – between logics relating to academic tradition (expertise and public service, along with career advancement and self-interest) and stripped-down market forces (Scott 2010). Both versions of this distinction are likely to be found in the UK private HE sector.

Institutional diversity in higher education has been accounted for in terms of the outcome of regulation and market forces (Birnbaum 1983). The way the private sector is configured within a field – the diversity exhibited – can be further accounted for in terms of *institutional positioning*: the strategic decisions institutions take to engage in activities and pursue resources for survival, in the manner as applied by Buckner and Gong (2022) to explain the form of private Universities in Ontario Canada.

Positioning itself occurs as a result of strategic activities the institution engages in, such as defining objectives, allocating resources, and taking purposeful action, and these activities' interaction with environmental opportunities and constraints, such as state regulation: rendering it both deliberate and emergent (Fumasoli and Huisman 2013; Fumasoli, Barbato, and Turri 2020). Resource are identified as playing a crucial role in intuitional positioning, in the case of UK private HE these are staff, and student-derived income in the form of tuition fees, and, in most cases private investment in start-up and running costs. The outcome of positioning is identified as follows:

Positioning is partly avoiding competition by carving out a sustainable niche in which it offers a mix of services, and partly competing on selected activities in different markets with a sub-set of higher education institutions ... How in the end institutional positioning affects diversity is – in our view – merely an empirical question. (Fumasoli and Huisman 2013, 162)

Institutional positioning places the explanation at the level of the individual institution and its scope for strategic action to locate themselves in specific niches within a regulatory environment.

Institutional positioning is important in the context of private HE because it operates as a nexus between the institution and the HE system, allowing the institutions to determine system diversity.

Private providers, unlike public universities, are not required to conform to the logic of a social institution tasked with preserving and advancing knowledge across a comprehensive range of disciplines, but instead can be expected to adopt an industrial logic emphasising response to market demand in the pursuit of revenue (Gumpert 2002).

Given the lack of data concerning the private HE sector and its likely diversity the research questions that concern this paper are what is the character of the UK private HE sector, and does it conform to any identifiable organising structure in terms of broad types of provider.

The previous attempts that have been made to capture the UK's private HE sector have been based on a questionnaire methodology, but these have foundered on poor participation/response rates, none reaching 40 per cent coverage of providers (Fielden 2010; Hughes et al. 2013; DBIS 2016b). Yet without a preceding account of the entire sector there was no way of establishing how representative such samples were, rendering any interpretation of the results problematic.

The present research replaces this approach and provides not a survey but an original census, allowing not just the scope of the sector to be accurately captured but its depth as well. This is realised by identifying all putative private HE providers in the UK and completing their details via their and other publicly accessible websites: This information can then be analysed to capture the scale and character of the sector – the diversity amongst institutions – and identify any underlying structure.

Policy background

The concerns of the paper have a contemporary relevance. The private higher education sector has now become the subject of government legislation designed to promote private providers, specifically to allow them to compete with public HE providers 'on a level playing field'. The ambitions the sector had were articulated in "New Providers." In Response to the Higher Education Green Paper' (Stockwell 2016); mapped out in the White Paper *Success as a Knowledge Economy*; and realised in the 2017 Higher Education and Research Act.

The aims expressed in the White Paper regarding HE generally was to 'make it quicker and easier for new high-quality challenger institutions to enter the market and award their own degrees' (DBIS 2016a, 6). More private higher education provision is expected to stimulate competition within the sector, leading to 'a greater choice of more innovative and better-quality products and services at lower cost' (DBIS 2016a, 8). Private providers are also seen by government to be more responsive to the changing skills needs of graduate employers, more flexible in the ways they deliver their provision to students, and well placed to meet continuing international student demand for a UK higher education (DBIS 2016a, 9). Institutional characteristics are an important determinant of student enrolment (Mundel 1974), and the legislation aimed at private providers was a clear effort to enhance these. Established political expectations were that elevating private and often profit-driven institutions would increase student choice (Teixeira and Amaral 2001). Latterly, a further White Paper *Levelling Up* (H.M. Government 2022) identified HE as an important means of effecting regional re-generation.

A further expectation was that private providers would be better-placed to widen participation, and indeed the recruitment of non-traditional, often older, students is a common characteristic of the private and particularly for-profit sector globally (Morey 2004; Shah and Lewis 2010; Teixeira et al. 2018). Taking into account the policy direction mapped out for the private and public sectors a further research question is whether private providers appear capable of fulfilling the UK government's expectations of them as quality enhancing 'challenger institutions', providing competition for public institutions and widening participation (HEPI 2015).

Methodology

The present research replaces the under-performing questionnaire methodology (Fielden 2010; Hughes et al. 2013; DBIS 2016b) in favour of an approach designed to maximise coverage of all private providers identified as operating in the UK HE sector. This entailed, first, the development of a long-list of possible private providers; second, a process of cleaning the long-list to remove incorrectly included entries and produce a final list; and third, the collection of data for each private provider on the final list drawing on information available in the public domain, particularly providers' websites. The starting point for our population list was the list of 732 private providers which DBIS (2016b) had developed from a previous list originally developed in 2011 to which we added candidates from additional lists, principally sourced from professional bodies listing approved teaching institutions.

From these sources a longlist of 1439 possible private providers was identified. The original list of 1439 was candidate institutions, *possibly* offering higher education qualifications, but of which little, if anything, was known. Examination of all candidate institutions' websites led to the removal of duplicates, organisations subsequently identified as non-private providers, non-HE but active Further Education (FE) providers (Further Education in the UK is typically below degree level for people above compulsory school age and is provided by a UK wide network of publicly funded colleges), overseas institutions, and the defunct, lead to the final total of 813.

It is possible using this approach that some subject areas were missed because associated professional bodies were not used as a source of information to construct the list. However, subject areas underrepresented in the dataset, STEM subjects and large sections of the humanities (excluding theology) have never had any detectable presence in the private sector, so their absence is unlikely to indicate providers specialising in these subjects have been missed out. Professional bodies may simply not have listed active associated providers, although this was not the only route for tracking down providers; but a provider's lack of internet presence may have resulted in their absence from the initial list. A more likely source of absent providers are those that were in the process of establishing themselves but not yet operational. University Academy '92, a high-profile soccer-orientated business, media, and physical education school, for example, falls into this category. Such providers will now be conspicuous by their absence from the final dataset.

Data collection

Data were systematically collected from the websites of each of the *eventual* 813 private providers included in our final list. The data collection was designed inductively. The websites of groups of ten providers, selected randomly from the list during its construction, were visited, and data collection fields were developed for items of information which were likely to reliably appear on provider websites in a form that was readily enterable into a database. From this scoping work it was also possible to discern areas where there was likely to be little or no information on provider websites, such as details about those teaching on the provider's programmes, and areas requiring interpretive judgements, such as the mission of the institution. The information collected through the web-based survey included the following:

Information about provider: name; website address; whether provider was still in existence; title of institution; type of provision (FE; FE and HE; HE only); address including postcode; countries in UK provider operates in; number and location of sites operated; year of foundation; total number of students and full-time students; charity registration number; company registration number; any parent company.

Details of courses offered: the subjects and qualification levels offered by the provider. In addition, details of example courses were collected, using the course offered at the highest educational level² as an illustrative case. The data gathered for each example course included:

qualification type and level, subject, method of delivery; mode of study; duration; tuition fee; validating/accrediting body, if any; plus, a free-text box for any additional comments.

Operational details: data collected included whether international students were targeted; reference to obtaining a visa; claims of tier 4 sponsorship; any validating institutions/bodies; any reference to a review conducted by an external organisation; plus, an open-ended section for any further institutional points of interest.

Fixed lists of response options were used where appropriate, for example in relation to subjects offered³, qualification levels⁴, and validating bodies.⁵ These fixed options removed a degree of ambiguity and ensured what was entered was recorded consistently.

Data collection took place between August and mid-October 2017 using the *Opinio* software, which fed the responses directly into a database. A webcrawler was used to make a digital copy of each provider's website. Where information could not be found, such as the number of students enrolled, the response option was left blank.

To ensure a high degree of data quality, a comprehensive examination of the entire data set was undertaken once the data for every listed provider had been entered. This involved checking the providers offered at least one level four course and checking the dataset for duplicates.

Data collected from provider websites was supplemented with information from each provider's entry at Companies House (the UK register of companies) and/or their entry on the Charities' Register as applicable. This information included the provider's company and/or charity number; for companies we also recorded legal structure (e.g. private limited company); and any indication that the company had liquidated or otherwise terminated. We also added information about the outcomes of all providers' QAA inspections since 2014, where applicable.⁶ We also added data collected by the Higher Education Statistics Agency for providers offering 'designated' courses (Hefce 2017b).

Results

We identified 813 private HE providers active in the UK in 2017, although only 802 have complete data and we restrict our reporting to this number. The descriptive data relating to each of the institutions' characteristics appear in Table 1.

Most private providers are relatively recent entrants to the UK higher education field, two-thirds are operating on a for-profit basis, and few hold the title of University or University College. Only a small minority offer courses eligible for student loans, and fewer still are licenced to sponsor international students. Many are specialist providers, most notably in the field of Business and IT courses, and most offer provision at sub-degree or postgraduate rather than undergraduate level. One-third are located in the nation's capital city. Most have some form of validation arrangement, typically with a university or other body, but most have not had their courses formally quality reviewed.

In order to identify any underlying structure to the private provider landscape, latent class analysis was applied to all 802 cases with complete data. Latent class analysis is a useful method for identifying distinctive sub-types within a set of cases based on patterns of association between multiple categorical variables. All the variables listed in Table 1, were included in the analysis on the basis that each captures an important and potentially consequential aspect of the nature of the provider and their provision; for example, for-profit providers and those without validation arrangements or quality reviews are known to be most at risk of sudden closure (Hunt and Boliver 2021). Model fit statistics indicate that a 4 latent class model is the best fit to the data (smallest AIC and BIC statistics) as shown in Table 2.

The four-class solution appears in Table 3.

The first type of private provider identified by the latent class analysis makes up half of all private providers in our data ($N = 407$). Ninety-six per cent are for-profit organisations with names that indicate their status as a private company. These providers tend to be relatively recent entrants to the UK higher education market specialising in the delivery of Business/IT courses (67%). Fifty per cent offered sub-degree level courses (level 5 or below), and only 16 per cent offered courses at

Table 1. Descriptive statistics – private HE providers in the UK.

	N	Col.%
Age		
Est. 10 years or less	252	31.4
Est. 11–20 years	225	28.1
Est. 21–35 years	170	21.2
Est. over 35 years	155	19.3
Legal status		
For-profit company	543	67.7
Not-for-profit company	71	8.9
Charity	188	23.4
Provider name		
University/University College	10	1.2
Academy/College/School	407	50.7
Company/Ltd	265	33
Other	120	15
Student loan status		
Approved for student loans	107	13.3
Not approved for student loans	695	86.7
Tier 4 visa status		
Licenced to sponsor tier 4 visas	86	10.7
Not licenced to sponsor tier 4	716	89.3
Subjects offered		
Business/IT specialist	371	46.3
Other specialist	146	18.2
Non-specialist	285	35.5
Highest level of study		
Level 5 or below	272	33.9
Level 6	178	22.2
Level 7 or above	352	43.9
Location		
London	284	35.4
South of England	94	11.7
Elsewhere In UK	424	52.9
Validation arrangements		
Validated by public university	269	33.5
Validated by qualifications body	84	10.5
Validated by other body	349	43.5
Not validated	100	12.5
Quality review status		
Quality reviewed	199	24.8
Not quality reviewed	603	75.2

degree level (level 6). Seventy per cent of these providers are located in areas of the UK other than London and the south of England. Their courses are typically externally accredited or assessed by a body that is not a university – only nine per cent had a validating relation with a university, and only 1.5 per cent had been subject to a QAA review.

The second type of provider makes up one-tenth of all private providers in our data ($n = 81$). Most are for-profit organisations with names – such as college or school – that indicate their status as education providers. These providers tend to be relatively recent entrants to the UK higher education market. Seventy per cent specialise in the delivery of Business/IT. Most (60%)

Table 2. Initial latent class analysis output.

Latent classes	AIC	BIC
1	14,163.68	14,257.42
2	13,107.76	13,295.24
3	12,915.79	13,201.70
4	12,791.75	13,166.72
5	12,992.96	13,363.24
6	13,011.25	13,390.90

Table 3. Four latent class solutions.

	1	2	3	4	All
Size of latent class	49.7%	10.5%	27.0%	12.8%	100.0%
Age					
Est. 10 years or less	0.474	0.481	0.105	0.000	0.314
Est. 11–20 years	0.327	0.366	0.205	0.190	0.281
Est. 21–35 years	0.178	0.039	0.310	0.283	0.212
Est. Over 35 years	0.021	0.120	0.380	0.527	0.193
Legal status					
For profit company	0.938	0.924	0.294	0.271	0.677
Not-for-profit company	0.033	0.059	0.201	0.089	0.089
Charity	0.028	0.017	0.505	0.640	0.234
Provider name					
University/University College	0.000	0.013	0.000	0.086	0.012
Academy/College/School	0.237	0.927	0.722	0.761	0.507
Company/Ltd	0.617	0.005	0.058	0.059	0.330
Other	0.146	0.055	0.219	0.094	0.150
Student loan status					
Approved for student loans	0.000	0.399	0.000	0.714	0.133
Not approved for student loans	1.000	0.601	1.000	0.286	0.867
Tier 4 visa status					
Licenced to sponsor tier 4 visas	0.017	0.248	0.104	0.348	0.107
Not licenced to sponsor tier 4	0.983	0.752	0.896	0.652	0.893
Subjects offered					
Business/IT specialist	0.666	0.692	0.180	0.081	0.463
Other specialist	0.030	0.056	0.358	0.451	0.182
Non-specialist	0.300	0.252	0.444	0.468	0.355
Highest level of study					
Level 5 or below	0.514	0.242	0.190	0.056	0.339
Level 6	0.158	0.152	0.370	0.215	0.222
Level 7 or above	0.328	0.607	0.440	0.729	0.439
Location					
London	0.177	0.954	0.406	0.440	0.354
South of England	0.111	0.020	0.139	0.175	0.117
Elsewhere in UK	0.712	0.026	0.455	0.385	0.529
Validation arrangements					
Validated by public university	0.090	0.457	0.478	0.886	0.335
Validated by qualifications body	0.106	0.376	0.047	0.000	0.105
Validated by other body	0.694	0.107	0.260	0.069	0.435
Not validated	0.109	0.060	0.216	0.045	0.125
Quality review status					
Quality reviewed	0.093	0.639	0.140	0.758	0.248
Not quality reviewed	0.907	0.361	0.860	0.242	0.752

Note: Modal categories are indicated in bold.

offer courses, at a postgraduate level (level 7 or above). These providers are overwhelmingly located in London. Forty-six per cent have their courses validated by a public university, and only four per cent have no validating or accrediting arrangements with an external body. Fifty-seven per cent have received a QAA review of their provision, but 36 per cent have not been quality reviewed at all.

The third type accounts for a quarter of all private providers in our data ($n = 219$). Most are charitable organisations or not-for-profit companies 73 per cent ($n = 139$), typically with names that indicate their status as education providers (though none hold the title of University College). These providers tend to be relatively longstanding players in the UK higher education market. They tend to offer non-specialist provision (46%) or else specialist provision in areas other than Business/IT courses (39%), with 81 per cent of all courses offered at Level 6 or above. These providers are concentrated in London (43%) and the South of England (14%). Fifty per cent have courses are validated by a public university; only 22 per cent have no accreditation or validation agreements, but 85 per cent have had no quality assessment at all, and only six per cent have been subject to a QAA review.

The final type makes up just over one-tenth of all private providers in our data set ($n = 96$). These providers tend to be the most longstanding private players in the UK higher education market. Sixty-five per cent are charitable organisations with names that indicate their status as education providers and includes all private provider granted the title of University or University College. These providers tend to offer non-specialist provision (46%) or else specialist provision in areas other than Business/IT courses (47%), with 76 per cent offering courses at Level 7 or above. Sixty-two per cent of these providers are located in London and the South of England. Eighty-nine per cent have their courses validated by a public university and 73 per cent have been quality reviewed by the QAA.

Across common administrative characteristics, none of the first or third type of provider are approved for publicly backed student loans; in contrast, 40 per cent and 70 per cent of the second and fourth type of provider respectively are. Additionally, all seven providers with institutional-level designation (i.e. student loan approval) belong to the fourth type.

Only eleven per cent of all providers made any claim to have Tier 4 status: the lowest rates were for the first type of provider: only two per cent ($n = 7$); 25 per cent ($n = 20$) of the second; 10 per cent ($n = 22$) of the third type; and 37 per cent ($n = 39$) of the fourth. The relative paucity of Tier 4 status institutions no doubt reflects the impact of the drive to remove this immigration route particularly from private providers.

There is no record, official or otherwise, of total student numbers at private providers, and, as providers' websites rarely indicated enrolment numbers. It's difficult, if not impossible to construct one; so accurately discussing total numbers itself becomes fraught.

Two previous studies of private or alternative providers have estimated the number of students at 160,000 in 2011 (Hughes et al. 2013) and between 245,000 and 295,000 in 2014 (DBIS 2016b). Reliable information about student numbers does exist but is limited to those private providers that offer courses – designated courses – that are eligible for publicly backed student loans. The number of students and certain learner characteristics on designated courses are recorded. There were 58,735 students on designated higher education courses at private providers in the academic year 2016/2017. This represents slightly over two per cent of the total number of students in UK higher education that are officially recorded: 2,564,470 (HESA 2018a). The data relating to learner characteristics, presented in Table 4 indicates that students with public loans at private providers, compared to those at public providers tended to be older, more likely to be from an ethnic minority, and more likely to be male, although in both private and public institutions females formed the majority.

The patterns apparent in the composition of the student body echo those of the 2014 DBIS (2016b) survey. There is then evidence that private providers are maintaining widening access to participation in higher education, at least with respect to those characteristics identified above.

Conclusion

The findings of the present research capture the UK private higher education sector at a fine level of detail concerning provider characteristics such as the age of institutions, their legal structure, their relations with external agencies, and the subjects and levels at which they are taught. Furthermore, as a census rather than sample it maps the sector comprehensively, in a way that had not been achieved previously. Yet rather than simple summaries of characteristics and distinctions between

Table 4. Learner characteristics at public and designated private providers 2016/2017 (%).

Institution	Learner characteristics							
	Gender		Ethnicity		Age		Disability	
	Male	Female	White	BME	Under 30	30 or more	Yes	No
Public	43	57	77	23	80	20	12	88
Private	48	52	50	50	60	40	10	90

them, between for-profit and not-for-profit providers, for example, the analysis presented integrates the available data. We identify an underlying structure – of four distinct types of provider – in the sector’s apparent diversity. This not only allows us a cohesive overview but establishes the foundations for future research.

The private higher education provider landscape in the UK

The first type identified is of considerable importance, not least because such providers account for almost 50 per cent of the entire sector, these tend to offer accredited qualifications – often recognised by the Office of Qualifications and Examinations Regulation (Ofqual: regulates qualifications, examinations and assessments). – in low-cost popular subjects, such as business or management, typically below degree level. Yet despite being HE providers they are more likely to be in competition with the FE sector.

However, few of the private providers have had any contact with any official forms of regulation; nor is this likely change under the new Office for Student’s system of higher education oversight. This system of oversight incorporates both public and private providers, indeed it was introduced specifically to accommodate private providers in a single system of oversight, yet it is now estimated that it will only include around 120 of them (DfE 2020) down from initial estimates of 145 (DBIS 2016c), and so is likely not just to exclude the majority of private providers but leave out an entire category or type of provider. In this case this type of provider, typically small-scale and for-profit, is not just the most numerous, but represents that area of provision likely to demonstrate growth and churn; that is, most likely to enter the market and exit it (Hunt and Boliver 2021). Consequently, this part of the sector is where regulation to safeguard student’s investment is most acutely required, but where it will be almost entirely absent.

The second type of provider, in all probability, represents, those most likely to seek DAPs and University titles. Able to recruit publicly funded students, relatively recent entrants, and focused on profit, DAPs and University title would offer a boost to the provider’s profile and marketability, yet they only represent a tenth of the sector. Furthermore, they tend to specialise in business/IT: so offer specialisation in an already crowded market place, further limiting such provider’s scope for expansion.

The third type of provider is far less numerous but represents a more stable element of the private sector: longer established and not-for-profit institutions that generally show greater longevity than do for-profit providers. These providers tend to be niche, specialising in particular areas, ranging from performing arts to theology. This type includes some longstanding and remarkably prestigious institutions, such as the Royal Academy Schools (schools of fine arts, founded 1769): their (entirely) postgraduate education provision is minute – approximately 50 – but such institutions – and there are several longstanding Royal institutions – have the potential for growth, even if this is far from a priority.

The fourth type of provider, again only a tenth of all providers, stands as the established, perhaps recently established core of the private sector: it includes those granted the title University/ College. Yet this type indicates a fundamental weakness inherent in the private sector, at least if it is considered as a competitive alternative to the public sector: with the exception of Buckingham University, the remaining high-profile providers are largely providers of professional or vocational training, specialising in subjects, or areas of subjects, that have, historically, been excluded from university curricula due to insufficient academic orientation. This is most clear in the case of law, where, historically, university law departments offered degrees in the subject, but not exams that would allow an individual to qualify to practice as a lawyer, either a solicitor or barrister. These qualifying course were offered by private providers – crammers – specifically meeting individuals’ demand for tuition (Leighton 2015).

The structure identified in the private sector is realised through an integration and ordering of what would otherwise be an undifferentiated aggregation of various provider characteristics. This

not only allows a coherent view of the compositional elements of the sector but provides the basis or grounding for a cohesive theoretical treatment.

Theoretical implications

The private HE sector on the UK has, as the results of the present research indicate, developed heterogeneously; the lack of constraints has allowed a degree of diversity across the sector not mirrored in the public HE sector. There is clear evidence of social institutional logics with particular types of providers teaching to examination standards set by external bodies acting as gatekeepers to their professions – such as law, accountancy, and architecture. Also, industrial logics, whereby providers are primarily driven by market forces, hence the high prevalence of business and IT courses. These are popular and relatively cheap to establish, with a wide number of Ofqual qualifications at various levels available, however this has led to a crowded marketplace and a greater likelihood of market exit for the providers (Hunt and Boliver 2021).

The institutional positioning of providers in the private sector explains the paucity of first degrees, which have a long-established and overwhelming presence in the public sector – 2020/2021 there were 2,008,525 undergraduate students in the UK (HESA 2022) – and the prevalence of professional qualifications in the private sector, which were largely absent from public HE. Both of these are likely to have contributed to the observable structure of the private HE sector identified in this research. The structure of the private HE sector, in terms of its four component type of provider, renders it distinct from the public sector. The consequence is that it is poorly positioned to provide direct competition.

Policy implication of the findings

Despite the apparent diversity embodied in the private sector in certain respects, there is little that meets the ambitions the government placed upon it. A key component of the government's Higher Education and Research Act (H.M. Government 2017) was the restructuring of the system of higher education oversight, the changes were specifically designed to incorporate private providers into a common regulatory framework along with the established public providers (OfS 2018).

This was intended to increase competition in the sector: confronting public with private, challenger institutions on a level playing field and so raising quality and efficiency throughout the sector. However, as noted there is a distinct lack of institutions constituted to provide broad competition with public providers; where this is likely to occur it's in terms of specialist provision, yet these providers are often already long established as mainstream providers within their specialism.

One interesting development involves competition confronting the private sector, itself a possible consequence of the government drive for increased competition: these competitors might also stand as a fifth type of private provider, or quasi-type, that emerged from or was a product of the public sector. The cap on student loans applied to the private sector – set at £6000 compared to £9000 in the public sector – did not significantly expand the undergraduate enrolments (Willets, 2019). Yet marketisation was realised, although not in the form the government envisaged: less between private and established public providers, but rather with public providers effectively competing with private providers in the guise of 'satellite campuses' (Brooks and Waters 2018). Outposts of provincial universities largely located in the capital, satellite campuses offer a stripped-down tuition in a few, typically popular, low-overhead subjects with reduced tuition fees, effectively mimicking private providers. Originally concerned with enrolling international students they have proved adept at recruiting students abandoned by failing private providers (Coventry University Group, 2019; Morton, 2019).

The types of provider captured in the analysis provides the foundation for future empirical research, in terms of a basis for both the stratification of any sample design, and for assessing the adequacy of any achieved sample. The four provider types provide an exhaustive and non-overlapping account of the sector, and their prevalence indicates the relative proportions required of each

type to render the sample directly representative. Any future return rate on a survey, for example, can now be assessed in terms of its adequacy: whether it is representative of the sector in its diversity, and the degree to which a sample represents the different proportions of provider type in the sector. The same applies to smaller-scale research: it becomes possible to determine which type of provider features in any case study, and so, with a degree of precision, what kind of interests they represent.

Conducting research concerning private providers in the UK faces a number of problems; they are effectively unremunerated, and unclassified. The lack of legislation covering their form or conduct mean they can vary considerably, consequently even a thorough going account of the sector can leave it appearing disordered or confused.

This research, constructing a comprehensive dataset, and applying latent class analysis has allowed not just the sector to be enumerated, in terms of both providers and characteristics but to determine a degree of structure inherent in the sector that would be otherwise obscured.

Notes

1. Nominally the Privy Council retains its authority, in practice it passes applications to the Scottish (Berry 2011; QAA 2016) and Welsh (QAA 2017a) governments respectively; during suspension of the Northern Ireland (NI) Assembly the process is mediated by the NI Department for the Economy. All nations refer to the Quality Assurance Agency (QAA), although it does not have decision making powers.
2. The Framework for Higher Education Qualifications for England, Wales and Northern Ireland (FHEQ) (QAA, 2014) applies to all types of HE qualification for these countries, which are distributed across levels 4 to 8. A traditional undergraduate/ bachelor degree is located at level 6. Below this at levels 5 are qualifications such as High National Diplomas, at level 5 and Higher National Certificates at level 4: both these types of qualification have a distinct vocational component or bent, and cover a variety of subjects, including: agriculture, computing/IT, performing arts, retail, and sport. These qualifications can often serve as a route to a degree programme. Scotland has a different but equivalent metric, with qualifications arranged over 12 levels (SCQF 2021). There are also numerous professional, largely vocational qualifications decidedly tertiary and now principally post-graduate but not occupying a fixed point on the FE/ HE scale. These qualifications are the product of the independent bodies that regulate specific professions. They determine entry to a professional and an individual's subsequent development. The courses leading to these qualifications have seldom attracted public funding, and, due to their vocational nature, have a long history of tuition outside the publicly funded university sector.
3. Joint Academic Coding of Subjects 3.0 (JACS3). <https://www.hesa.ac.uk/support/documentation/jacs/jacs3-principal>.
4. The Register of Regulated Qualifications England and Northern Ireland: <https://register.ofqual.gov.uk/>. Qualifications in Wales: <https://www.qiw.wales/>. Scottish Qualifications Authority: <https://www.sqa.org.uk/sqa/58062.3806.html>
5. Recognised Bodies: <https://www.gov.uk/check-a-university-is-officially-recognised/recognised-bodies>. Supplemented with accrediting bodies BTEC/ Pearson/ Excel and City & Guilds, and an 'Other' option.
6. <http://www.qaa.ac.uk/reviews-and-reports>

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