Understanding How and Why Policy Design Matters: the policy design dynamics of governance reforms in Higher Education. England, Italy and the Netherlands compared

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Abstract

In the past 3 decades, all European HE systems have been exposed to the mantra of reforming governance in higher education. European governments’ HE policies have attempted to converge toward a common template of systemic governance: the so-called “steering at a distance” model. The basic policy tools of this strategy consist of institutional autonomy, new competitive funding mechanisms, and the assessment of the quality of research and teaching. In order to pursue this strategy, most European governments have tried to re-design the systemic dynamics of governance. It has been a complex and demanding process in which policy design has been at the centre of governments’ endeavours. Some governments have proven more effective than others, and have produced genuinely successful governance designs. Other governments have been less effective and have produced weak policy designs or even no policy design at all. This paper compares the dynamics of the policy design pursued in the higher education section in three different countries (Italy, England and the Netherlands), to try and understand how and why policy design develops over the course of time. This comparison of national policy design dynamics aims to show not only that similar policy instruments can produce different content and quality of policy design, but also that good or bad policy design, although contingently driven, depends significantly on the capacity of governments to create a design space for their actions.

1. Introduction

Governments have continuously adjusted their higher education policies over the last three decades in order to make universities more efficient (achieving more by spending less), and more effective (by increasing the percentage of graduates, by reducing the number of university drop-outs, and by focusing more on the ‘third mission’). At the core of governmental endeavours to reform higher education, lies the re-design of the governance mode: through reiterated decisions, governments have not only changed the general principles of higher education governance, but they have also continuously changed the mix of those policy instruments they have chosen to adopt.

Thus, from a policy design perspective, the governance shifts in higher education represent an extremely interesting topic for analysis. In higher education policy, governments have maintained a pivotal role in governing the system – also during those years in which the focus was emphatically placed on the prevalence of horizontal governance. Furthermore, governments have consciously developed strategies designed to modify the actual governance mode in their system, albeit by means of different goals, and timing. These endeavours have not consisted in any one-off design, but rather a lengthy process in which the initial policy design has often been modified in response to specific feedback or to changes in governmental goals.

Furthermore, such attempts at reforming higher education governance have seen governments displaying diverse ranges of design capacity, and thus effectiveness. In some countries, they have been able to pursue genuine designs (based on learning from previous experience, evidence-based knowledge, the coherence of goals and the consistency of those policy instruments adopted). In other countries, they have displayed very weak or poor design capacities, since they have not managed to overcome the policy legacy or the pressures from contingent politics, and thus have made inconsistent decisions.

So from this point of view, governance shifts in higher education represent an important opportunity for analysing policy design over the course of time. This temporal perspective (focusing on the analysis of the diachronic sequence of the most important phases of the formulation of national policy-making) enables us to describe and understand the features of policy design dynamics, that is, the diachronic evolution of policy design itself and its characteristics in terms of stability and change, and high or low effectiveness. At the same time, by combining the inter-temporal comparison within one country with a comparative analysis of different countries, more consistent explanatory hypotheses about the drivers of policy design dynamics may be formulated.

The second section of the paper will focus on the main features of governance modes in the field of higher education (which is considered the dependant variable of
policy design dynamics). The third section presents a theoretical framework based around the concept of policy design dynamics, while the fourth section presents out empirical analysis. In the fifth section, we discuss the evidence emerging from the cross-national comparison. The concluding section offers some suggestions for future research.

2. Designing governance modes in higher education: the dependent variable

It should be pointed out that universities are the archetypical example of what are defined as “loose-coupled” institutions (Weick 1976; Orton and Weick 1990). Causal indeterminacy, internal fragmentation, fragmented external pressure and demands, are the most important features of this kind of institution. As a consequence, the systemic coordination of universities is an extremely complex, ever-present conundrum. Given such intrinsic institutional properties, the design of systemic governance needs to implement certain tightening-up mechanisms in order to ensure that these institutions pursue the public interest and satisfy social requirements in a coherent manner. Different approaches have been adopted to resolving such problems, depending on the national traditions in question (Clark 1983; Van Vught 1991; Goedegebuure et al. 1993; Braun and Merrien 1999; Shattock 2014).

Periodically, however, governance modes in higher education have undergone significant changes. To understand such changes, and thus to explain what policy design in higher education consists in, we need to define what governance modes in this field actually are.

In this paper, I have adopted the definition of governance as the “way by which” public policies are steered. At a higher level of abstraction, there are very few general coordinating principles on the basis of which policies, also in higher education, may be addressed and steered, as is clear from the typologies of governance modes offering certain ideal-typical general principles of policy coordination and steering (Huismans 2009; Paradeise et al. 2009). Such principles concern the concepts of hierarchy, market and network. Each coordinating principle is assumed to bring together specific policy tools in keeping with the principle itself. In order to get a better grasp of how the three general principles of coordination actually work in higher education, they need to be operationalized within that specific context. By adopting a government-centric perspective, I assume that governance modes in higher education are a function of the government’s pursued goals and the means chosen to achieve such goals.

I shall give an example of how they could be operationalized at the governance mode level. This example is drawn from the following typology of systemic modes of higher education governance (Capano 2011).
Figure 1  Types of systemic governance modes in Higher Education Policy

Level of governmental specification of the means to be used

Procedural mode
Policy instruments:
- detailed national regulation of the procedures for recruitment of academic and non academic staff student access; curricula design
- item-line budget
- strict regulation on internal management working
- ex-ante evaluation

Hierarchical mode
Policy instruments:
- totally earmarked financing
- *numerus clausus* for student access;
- substantial content of degrees established at the national level
- direct substantial regulation on the output and the outcome to be pursued both in teaching and in research

Self-governance mode
Policy instruments:
- Sectorial coordination is "market-driven" and based on the institutionalization of relations between participants.
  Government is a kind of "hidden" stake-holder. It is involved in games of participation, funding, persuasion, negotiation, partnership and competition. However, it can intervene to shift the systemic mode of governance towards the other quadrants.

Steering at the distance mode
Policy instruments:
- financial incentives to pursue specific outputs and outcomes in teaching and research
- student loans
- accreditation
- ex-post evaluation done by public agencies;
- contracts
- benchmarking
- provisions by law for greater institutional autonomy
- structural constrains to institutional

Hierarchical and procedural governance represent the two traditional governance modes in which the State plays a pivotal commanding and controlling role. In the case of hierarchical governance, the command and control strategy covers both goals and
means, through those detailed directives that establish precisely which goals are to be pursued, and the means to be employed for this purpose. Government is a hegemonic actor, and as such it directly coordinates all aspects of policy-making.

The steering-at-a-distance and self-governance modes represent the two models whereby governmental influence is of an indirect nature, and where general market and network principles seem to be stronger. In the steering-at-a-distance mode, government is strongly committed to the pursuit of collective targets, but nevertheless leaves policy actors sufficient freedom to choose the means by which to reach those targets. In doing so however, government adopts certain specific policy strategies designed to encourage policy actors to comply with governmental objectives. In the self-governance mode, on the other hand, government chooses to leave the policy arena almost completely free. However, it is clear that government reserves the right to intervene when it deems this necessary, thus changing the governance mode and policy tools.

What is interesting here is that this typology is based on continua, and this means that every single national case can be characterized by a mix of general principles and policy tools: certain policy tools may be used in almost all of the four types of governance mode (although the adoption in different governance modes implies different ways of affecting reality).

Furthermore, it is quite clear that when governments want to change the actual governance of their higher education systems, they have to decide how to deal with goals and instruments, and to be effective they need to ensure that the goals they pursue and the instruments they adopt are in keeping with one another. In the end, as a result of governmental efforts to redesign the national governance mode in higher education, this mode shifts from one to another of the four quadrants in Figure 1.

3. Analysing policy design dynamics: a conceptual framework

3.1. Different types of design

According to the above typology, governance modes in higher education are the result of governmental efforts to steer the policy field, that is, to induce universities into behaving in the desired manner. In pursuing their due steering activities, governments are faced with a multi-dimensional conundrum consisting of the following diverse aspects: motivational (the presence of the real will to try and solve a policy problem); political (regarding consensus in the ruling party or coalition); knowledge (the quality of policy information at disposal); contextual (the specific socio-economic conditions which can prevent adoption of specific policy solutions); historical (the nature of diachronically institutionalized interests and expectations). The way in which this
multidimensional conundrum is addressed may lead to government generating a real policy design or a weak/null design.

According to the latest policy-design studies, in fact, a distinction needs to be made between design and ‘non-design’ processes.

Policy design oriented processes are characterized by the capacity of policy formulators to base their decisions mainly on evidence-based knowledge, learning, clear goals, and consistent, coherent policy tools (Bendor, Kuman, and Siegel, 2009; Sidney, 2007; Radaelli and Dunlop 2013; Howlett 2014; Howlett, Mukherjee, and Rayner 2014). On the other hand, there are those processes which are non-design oriented because they are exclusively the results of political dynamics (partisan/ideological conflict) or of the lock-in effects of previous policy decisions.

This does not mean that policy making based exclusively on political factors equates to no real policy, but simply that in the absence of any counter-forces (i.e.: a strong governmental policy-oriented attitude accompanied by the strong political capacity of governments themselves; a strong, evidence-oriented bureaucratic attitude), policy design remains the result of contingency, negotiation, bargaining and policy legacy, and thus may be very poor or null; moreover, even if there a strong will and political capacity to formulate a genuine policy design, the result may be very disappointing if government does not possess sufficient technical and knowledge driven capacities.

In figure 2, I subdivide governmental dimensions, in terms of the possible design spaces they may have, into: the instrumental capacity, and the technical capacity, to formulate a genuine policy design. The former (the capacity to pursue a design capable of actually solving problems) assumes that high capacity means not only strong instrumental intention but also strong political capacity; while low instrumental capacity can be the result of either limited instrumental intention or limited political capacity in the presence, however, of a strong instrumental commitment. Governmental technical capacity represents the actual presence of evidence-based knowledge (and thus of a structured process guaranteeing such knowledge) regarding the decisions to be made. This dimension is of fundamental importance, according to Pressman and Wildavski (1973), if an adequate causal theory is to be produced to drive policy design and effective subsequent implementation.
The result is the division of the design space in four areas in which the possible types of policy design are placed.

*Space 1* is the genuine policy design space in which government can freely pursue a new design. Obviously this freedom depends on the political context: thus government can design a new *package* - a new governance mode in my cases - and replace the existing one, or in presence of a strong policy legacy or potential political tensions, it can “*patch*” the existing governance mode by restructuring the adopted policy mix through a process of conversion - by curving it to new goals (Mahoney and Thelen 2010) - , but also by adding new policy instruments which are coherent with reforming actions (Howlett and Reyner 2013). Here the real difference between packaging and patching is that although both are forms of real policy design, the latter may be less coherent with the goals pursued, and less in keeping with the adopted instruments. *Smart Layering* is a type of policy design by which a significant design is pursued thanks to the adoption of a single new policy instrument.

*Space 2* is the poor policy design space. In this case, although government would really like to redesign the existing governance mode, its poor technical support and knowledge does not permit any real packaging (although a bad package is
theoretically possible) and thus government can only produce **tense layering** - by adding new policy instruments which are inconsistent with the pursued goals (Kay 2007; Kernand and Howlett 2009) - or it can aim for **bricolage** (that is, a kind of patching in which the new design is based on a random, poorly-informed choice of the ways in which policy tools are assembled).

**Space 3** is the capable political non-design space, that is, the situation in which government, although technically well supported, cannot overcome the problem of its own limited instrumental capacity (that is, above all its political weakness). In this case, policy design activity is inhibited and policy formulators can only *calibrate* the actual design, that is, add a few instruments, or change the balance of instruments in the existing design, in a coherent, consistent way, and this choice can have a significant impact in the medium term precisely due to the fact that it is based on substantial knowledge.

**Space 4** is where government scores poorly in both dimensions. Here the design can only proceed by way of **normal layering**, that is, by adding new instruments in an unconscious way, that is, without clearly reflecting on whether they are in keeping with the pursued goals and with the potential effectiveness of the chosen tool.

There is another formulation type, the **stretching** one, which can be adopted in cases of limited governmental instrumental capacity (regardless of whether technical capacity is high or low): this entails the continuous adoption of the same design (with only marginal changes made), although certain important features of the corresponding policy are radically changed.

Thanks to the classification presented in the figure 2, it is thus possible to establish which kind of policy design governments can decide to adopt, and above all under which conditions governments can pursue one type of design rather than another. So in this paper I am going to adopt the aforesaid typology as an explanatory tool in analysing policy design dynamics in higher education governance. I expect that over the course of time, the features of the adopted governance mode design will depend on governments’ levels of instrumental and technical capacity.

### 3.2. Policy design dynamics and governance modes in Higher Education

Policies constitute a dynamic phenomenon, and in order to understand them fully they need to be studied over the course of time. The same principle should be applied when studying the formulation stage of policy design. In fact, by adopting a diachronic perspective it is possible to understand whether, and how, policy design changes over time.
A dynamic outlook on policy design means not only verifying the explanatory power of the typology of design spaces, but also understanding:

- whether and how the content of what is designed changes, and also whether governments have changed the goals, ideas, informative sources on which they have based their decisions;
- whether and how governments have learned from the effects of the previous design, and thus have changed their way of formulating policy design;
- whether and how political and contextual factors constrain design capacity.

If seen from a comparative perspective, the focus on policy design dynamics can help us understand why, notwithstanding the fact that there is an apparent convergence towards the steering-at-a-distance mode (Braun and Merrien 1999; Paradeise et al. 2009; Huisman 2009; Shattock 2014), this trend seems to be less effective than expected. In all Western countries, higher education policies have been redesigned by adopting the same ideas and policy tools (which are supposed to be part of the steering at a distance mode), such as: systematic recourse to benchmark practices; the pursuit of improved performance and efficiency; greater institutional accountability; the strengthening of university executive leadership; the establishment of new agencies for evaluation purposes; the adoption of quality assessment practices; the allocation of funding based on performance (Gornitzka, Kogan, and Amaral 2005; Lazzaretti and Tavoletti 2006; Maassen and Olsen 2007; Trakman 2008; Capano 2011).

However, the results are very different in terms of the actual workings of the national governance mode (Capano 2011; Capano, Reyner, and Zito 2012; Dobbins and Knill 2014).

I assume here that these differences can be related to the dynamics of governmental design in response to the need to change the existing mode of steering higher education.

In reconstructing the policy design dynamics of governance modes in higher education (by focusing especially on the university sector), I shall focus on the sequence of important design decisions made with regard to the governance mode in higher education. This entails:

- establishing the point of departure of the analysis as the point at which the previous governance mode began to change;
- reconstructing design developments, that is: the main formulation phases and, for each of them, the governmental goals pursued; the way in which decisions have been formulated; the final design result (paying specific attention to the quality of design, its coherence with goals, and the consistency of the instruments used).
Thanks to this sequential reconstruction, it is possible to reason with regard to the features of policy design dynamics, and above all: the type of changes that have occurred and their directionality compared with the steering at a distance mode; the tempo of the dynamics; any changes in the independent variables of policy design (government’s instrumental capacity and technical capacity).

With regard to whether an incremental or a radical change occurred, it is clear that this should be ascertained on the basis of the prior status quo regarding the two fundamental dimensions of the dependent variable (general governance principles and the adopted policy mix), namely: the goals pursued and the policy instruments adopted. Directionality here refers to whether the policy design dynamics are linear or not, and thus whether the adopted design decisions have been reversed or not (Capano 2009; 2013).

The tempo aspect refers to the speed at which policy design dynamics produce an output that is significantly different from the previous one, in our case a new governance mode that is clearly distinguishable from the previous one.

This dynamic approach to policy design will be applied in order to compare three national cases: England, Italy and the Netherlands. The choice of these three countries is based on the fact that the apparent convergence towards the same governance mode template has been characterized by different point of departures due to very different previous governance experiences: in the English-speaking world, governments have started to indirectly regulate the university system, thus abandoning previous approaches based on institutional self-regulation, while in mainland Europe, governments have abandoned the inherited tradition of bureaucratic and hierarchic governance in favour of a softer form of regulation (Van Vught 1989; Capano 2011; Shattock 2014).

4. Policy design dynamics in 3 countries: design sequences

4.1. Points of departures

**ENGLAND**

The main driver of higher education policy in post-war England has been: “the increasing demand for places and the question on how to pay for them” (Shattock 2013, 15).

The English university system was characterised by substantial institutional autonomy and by its distribution of authority (a combination of faculty guilds and a modest amount of influence from institutional trustees - Clark 1983). So, it can be
considered an almost pure case of self-regulating governance: the UGC (University Grant Committee), controlled by universities, was responsible for allocating funds to individual universities without any interference from government. Basically, the university system itself governed the allocation of public funding, and was completely free to choose its goals, at the institutional level.

Universities had an elitist conception of their role, enjoying the freedom to choose their students and teachers, their *curricula* and their research guidelines. At the same time, this perception of their role was limited to the values held by academics: security of academic tenure, generous allocations of time, a standard salary structure, the interdependence of teaching and research, and the idea that academic specialisation is discipline-based rather than functionally-based (Henkel 1997).

The university system was quite capable of withstanding the pressures of massification of higher education, and the establishment of the binary system in 1965 (by grouping pre-existing colleges into polytechnics) was at the same time proof of this capacity but also a sign that the government did not think the university system was able to achieve all of its goals.

It should be pointed out that, during the 1970s, with the country weighed down by financial problems, UGC funding nevertheless remained intact while all governmental proposals to reduce university spending were rejected by the universities (Shattock 1994). This attitude of the universities and the UGC began to render the relationship between the university sector and the government increasingly difficult, and was to result in the political and public distrust of universities that was to be such an important resource for Margaret Thatcher’s policy reforms.

It is surprise then that the first decision to run counter to the inherited governance mode was a budgetary one: in accordance with the belief that the total grant to universities should be «cash-led rather than numbers-led» (Committee of Public Accounts 1981, Q.1073), in 1981 a cut of 15% in public expenditure in higher education was announced. After 30 years of incremental expansion of public funding, this cut represented a watershed in higher education policy, as well as an unexpected blow for academics who had come to completely rely on government funding. This event can thus be considered the point of departure of the ensuing lengthy process of the redesign of higher education governance by the British government (Capano 1999; Shattock 2012).

**ITALY**

As Burton Clark (1977) has pointed out, the Italian university system was characterised by centralised bureaucratic control and by a self-governing academic guild. Thus it was subject to a virtually pure type of bureaucratic governance (since the
The corresponding Ministry had control over personnel status, salaries, curricula, courses, budgets and the validity of degrees. The self-governing professorial body, based on the oligarchy of full professors - "the chair holders" - enjoyed almost total freedom (to teach, select junior staff, indeed, to do what they wanted, how they wanted and when they wanted). The special compromise between the coordination-control exercised by central bureaucracy, and the strong powers of the academic oligarchies, has meant that there was no room for any university autonomy. The most important decisions were determined by the institutionalised relations between the central bureaucracy and the most prominent chair holders or local professorial oligarchies.

As regards the cultural legacy, meaning the values and ideas concerning higher education that have become institutionalised within the sector, we need to remember how the transition from an elite system to a mass system came about during the 1960s. The battle between the egalitarians and those in favour of excellence, was won by the former: all upper secondary school tracks were standardised, thereby liberalising admission to Italy’s universities (Moscati 1991). That decision meant that a peculiar conception of higher education prevailed: the deep hegemonic values shared by policy-makers and the public, meant that equality was considered more important than excellence, and the unitary university model was seen as the best way of obtaining this.

During the 1960s through to the 1980s, Italy’s university system developed in an anarchical manner under the pressure of demand, without being governed at all by the political centre. As a result, at the end of the decade the situation was a truly chaotic one (Capano 1998).

Suddenly, after a brief parliamentary debate, the new Ministry of University and Technological Research (MUTR) was set up in 1989 by Act no.168. This act can be thought of as a watershed in higher education policy, and as the beginning of a process of radical innovation, at least at the legislative level. In fact, Act 168 provided for a general framework of didactic, organisational and scientific autonomy for every university, and thus can be considered the point of departure from the previous governance mode.

THE NETHERLANDS

The Dutch university system was also faced with the challenges of massification during the 1960s. From the governance point of view, the systemic governance mode was traditionally a bureaucratic and hierarchic mix. Under pressure from massification, in 1970 a national law was passed providing for the significant democratization of
institutional governance (Daalder 1982). Regarding policy development, it should be said that the modernization of Dutch Higher Education has been an important governmental and political issue since the early 1980s. The Netherlands was the first Continental European country to deal with the ineffectiveness of the traditional Continental model of higher education, which according to Clark’s typology (1983) implies a strong State and academic guilds, and limited institutional autonomy and responsiveness. Due to the evident dissatisfaction with higher education among the Dutch public from the mid-1970s onwards (van Vught 1991), higher education became a very salient policy issue.

At the beginning of the 1980s, the Dutch government took several decisions designed to rationalize the nation’s university system and render it more efficient and effective (and to support the vocational aspects of Dutch higher education). Through a series of strong central regulations, the government tried to rectify the system’s perceived inefficiencies. So, new procedural regulations were approved from 1981 to 1983, designed to increase graduation rates, to change the structure and content of curricula, to push for competitive research funding, and to rationalize the overall cost of the system (in 1983 a significant financial cut in public funding was introduced).

In 1985, a policy paper was published by the Ministry of Education (MOCW 1985) setting out the guidelines for the new reform strategy. This was a watershed not only in Dutch policy developments - with regard to which there was bi-partisan agreement - but also in the evolution of higher education in Continental Europe. This document is the first governmental declaration that the traditional strategy of command and control – which had characterized higher education for the previous century – had to be abandoned in favour of a “steering at a distance strategy”. Autonomy and quality assessment were the ideas/policy tools launched by that document. As we shall see, this new strategy was formalized by law in 1993 (Goedebuure and Westerheijden 1991).

4.2. Design development

ENGLAND

As we all know, in England policy making, and thus the corresponding policy design, is characterized by an initial formal step consisting in the publication of a White Paper by Government setting out details of future policy on a particular subject. A White Paper will often be the basis for a Bill to be submitted to Parliament. By means of white papers, Government can gather feedback in the question in hand before it formally presents policies in the form of a Bill. There were at least seven major policy reports and White Papers: the 1985 Jarratt Report - the first official statement
moving toward a vision of universities as “corporate enterprises” and new models of verticalized governance (CVCP 1985); the 1987 White Paper, which created the basis for the subsequent 1988 Reform Act (DES 1987); the 1991 White Paper that led to the 1992 Higher and Further Education Reform Act (DES 1991); the 1997 Dearing Report that led to the 1998 Teaching and Higher Education Act (NCIHE 1997); the Lambert Report that led to the 2004 Higher Education Act (DfE 2003); and the Brownie Report that led to the 2011 Act (ICSFF 2010).

Following the majority of the aforementioned white papers, the most important proposed changes in the design of higher education in England were made law. More specifically:

- The 1988 Act provided for: an increase in undergraduate and graduate numbers; pressure to introduce managerial criteria in the government of universities; the reduction of costs per unit; the designing of courses according to the needs of the socio-economic system; the search for external funding for research and teaching by selling services to, and collaborating with, industry; the abolition of university staff’s tenure rights; the removal of polytechnics and larger colleges (about 80 institutions) from Local Authorities’ ownership; the replacement of the two existing planning bodies, the UGC and the NAB, by two other bodies: the University Funding Council and the Polytechnics and Colleges Funding Council (numerically dominated by business people and explicitly designed to be instruments of government); the provision that the UFC provide funding for teaching and research independently; the introduction of a loan system for students; the introduction of the Research assessment exercise, and thus of the principle of competition for public funding on research.
- The 1992 Act led to the abandonment of the binary system, the ‘promotion’ of the polytechnics to university status, and the creation of a single higher education funding council in England.
- The 1998 Act provided the foundations of the current system of student support, introduced tuition fees and established the Student Loans Company.
- The 2004 Act increased maximum tuition fees to £3,000.
- The 2011 Act increased the fees cap to £9,000, and introduced a radical shift in the payment of tuition fees: from a grant coverage system to a student loan system (the result has been a dramatic reduction in public funding for teaching: from £4.7 billion in 2010-11 to £1.6 billion in 2014-2015).

As far as regards governmental goals, it should be pointed out that there has been a clear change in direction since the 1980s.

The 1988 Act structurally intervened to radically redesign the governance
system and to press for institutional governance. The main goal was that to increase the number of students and graduates. At the same time there was also a strong ideological, and thus political, goal which has influenced the decisions made: the idea that higher education should be more in keeping with the socio-economic needs of the country (Becher and Kogan 1992; Shattock 1994).

After the reforms introduced by the 1988 Act (together with the ending of the binary system in 1992), all subsequent design developments have focused on the financial issue. The problem (bi-partisan) of steering higher education has become that of ensuring sufficient financial support to maintain the quality of the system, whilst reducing public funding.

With regard to the use of financial tools, it should be pointed out that during the 1990s there was a clear shift away from the original market-driven idea of higher education policy, to a more “planned managerial model” (Becher and Kogan 1992) in which universities have become publicly-funded service stations (Tapper 2007), and it is hardly surprising that although the HEFCE (Higher Education Funding Council for England), established in 1992, provides block grants according to size, activities and research quality, the State has increased the earmarked funding in order to pressure the system into adopting specific systemic goals (based on governmental preferences). Furthermore, as of 1999 there has been a progressive re-launch of a market-driven strategy. In fact the introduction of fees in 1999 broke a kind of taboo, and led to the conviction that some degree of cost-sharing between taxpayers and students/graduates is necessary if the additional resources a high-quality higher education system needs are to be provided. The introduction of this new policy tool (new for England) has changed the instrument portfolio of designers, and has meant that tuition fees may now be seen as an means of protecting higher education from the worse (albeit necessary) cuts in public expenditure required to reduce the budget deficit. This break with the past was thus conducive to the 2011 reform.

So the dynamics of policy design have been characterized by a break with the past in the form of an initial package design. Following the patching design (represented by the 1992 Act), policy design has seen tense layering (the 1999 decision) followed in 2011 by another patching process (using two existing instruments, top-up fees and students loans, to redesign the way in which higher education is steered). The latter patching process has resulted in a significant change in the governance mode: the system has become more competitive and market-driven (Scott 2013; Palfreyman and Tapper 2014) and denationalized (Shattock 2013).

As far as the two independent variables are concerned, it is quite clear that governments have displayed considerable instrumental capacity as a result of their political capacity and their will to resolve policy problems. On the other hand, their technical capacity has been modified over the course of time, especially as a result of
the 2011 Act. In fact, the traditional white paper system meant that the committees in charge of reports then commissioned further research. This trend was abandoned in the case of the Browne Report. This lack of evidence-based knowledge, which has reversed a consolidated tradition, can be seen not only as an indicator of short-termism (Scott 2013), but also as a sign of the weakened evidence-based commitment of government (perhaps due to the inertial institutionalization of a one-sided way of defining higher education as a problem)\(^1\). Thus, the design by layering pursued over the last decade in England has resulted in strong contradictions and inconsistencies from both the financial and substantive points of view (Thompson and Bekhradnia 2012; Higher Education Commission 2014).

**ITALY**

The development of policy design in Italian higher education is characterized by constant legislation regarding higher education (understandable given that the original governance mode was highly centralized and bureaucratic).

To simplify policy development we may distinguish between the following stages in policy design (Capano 1998, 2008; Rebora and Turri 2009; Turri 2014a):

- **1994** – the budgetary law introduced the lump-sum budget, initially based on the coverage of traditional expenditure, but with a provision tying a part of State funding to an evaluation of institutional performance; the provision of supplementary funds linked to specific contracts agreed upon by the State and the universities; the establishment of a national body for the assessment of universities’ performance (the National Committee for the Evaluation of Universities), the creation of a ministerial advisory body; the setting up of internal assessment units within universities; the provision whereby the student fees of each university should not exceed 20% of the public funding received by Italy’s universities.

- **1995** - the budgetary law provided for universities’ freedom of choice in deciding upon the composition of their academic and non-academic staff; the introduction of the evaluation of institutional performance in allocating public funding (this provision was terminated in 2003 when the percentage to be allocated reached 7%).

- **1998** – a new law reformed the recruitment of academic staff by decentralising

\(^1\)It should be pointed out that the Browne Report recommended the abolition of any tuition fee cap, and that the final decision was a compromise reached by the Coalition Government (the Liberal Democrats’ electoral campaign in 2010 contained a commitment to abolishing tuition fees).
the existing system of national, centralized competitions for posts.

- 1999 – a ministerial decree provided for greater freedom in designing postgraduate courses.
- 1999 – a ministerial decree introduced a system of undergraduate/postgraduate curricula, and following the Bologna Declaration (in 2004 and 2007) this provision was partially reformulated.
- 2001 - the first exercise in university research quality control (based on publications from the period 2001-2003).
- 2006 - provision was made for the establishment of the ANVUR (*National Agency for the Evaluation of the University and Research System*) - and for the subsequent abolition of the two previous evaluation committees, the CNSVU and the CIVR - appointed to assess all university activities (research, teaching, management, and thus also quality assurance policy), although this provision was only implemented in 2011.
- 2008 – the budgetary law provides for the cutting of public funding to universities, especially through a cap on turnover (public funding was reduced by 20% between 2009 and 2014).
- 2010 - a new law reformed the institutional governance of universities, with the aim of encouraging their “corporate” behaviour and increasing their institutional accountability. The main changes provided for by this law were as follows:
  - the weakening of the historical symmetry of power between university boards and senates by giving the most important powers to the boards;
  - the strengthening of the role of the rector (still elected by the university community);
  - the abolition of faculties, with departments being provided with all of the most important powers regarding academic and teaching affairs;
  - the definitive establishment of the ANVUR (*Agenzia nazionale per la valutazione delle università e della ricerca*), a new national agency appointed to assess all university activities - research, teaching, management, and thus also quality assurance policy;
  - the provision of a national system of university accreditation, evaluation and self-evaluation;
  - the strong regulation of financial provisions covering the recruitment/upgrading of university lecturers and professors.
- 2013 - a new law established that public funding should be assigned through a competitive mechanism based on the teaching efficiency and the quality of research and recruitment. In the next few years up to 30% of public funding
could be assigned on the basis of the results of the national evaluation of research.

As can be seen from the long list of decisions made, Italian policy design dynamics in the field of higher education have been characterized by constant reforms of the existing governance mode.

The new governmental goal (to shift to a steering at a distance mode) has been justified more in ideological terms than from a practical point of view. In other words, the idea of giving universities greater autonomy does not derive from a perception of any specific systemic need to be pursued, but from the general ideas that the system could perform better if universities were more independent of bureaucratic, centralized control (Capano 1998; 2008). Consequently there was no clear idea about how to redesign the system according to the new governance mode, hence the constant changes to national regulation during the 1990s, designed to give greater powers to Italy’s universities.

However, the perceived performance of universities (especially in the teaching field) remained unsatisfactory, and thus a complete redesign of the features of institutional governance was approved in 2010 (based on the idea that by strengthening institutional governance, universities would perform better and could thus be genuinely steered at a distance). At the same time however, this attempt to correct the way the steering at a distance mode had worked in the previous twenty years, was accompanied by substantial financial retrenchment and the clear overregulation of financial and recruitment matters, together with the substantial bureaucratization of the accreditation processes (Capano 2014; Rebora and Turri 2013, Turri 2014b; Reale and Primeri 2014). So what emerges from the policy design dynamics is that Italian governments:

- have been very slow in developing the new governance mode, and have done so in an incoherent manner. Too often regulation has been contradictory (strong procedural regulation, unclear goals, ambiguous voluntary compliance; or strong regulation without any real warnings or sanctions for misconduct) . There has never been any package design, but only bricolage or layering. For example, the law reforming institutional governance is written in an ambiguous manner (the goal was to reinforce institutional accountability, and yet universities have been left considerable room to design their own forms of internal governance), and thus universities have had the chance to design institutional governance in a way that does not guarantee any greater institutional accountability (Moscati 2014; Capano, Regini, Rostan and Turri, 2014). Very often, new instruments layered onto
the existing governance mode have created tensions which have needed further government intervention.
- have never really specified their systemic targets (either in teaching or in research, with public documents speaking merely of “improving”).
- in some cases, have displayed a considerable instrumental capacity to formulate a genuine policy design, but has performed really poorly from the technical point of view. None of the most important design decisions have been made on real evidence-based knowledge. The main approach adopted to the formulation of a policy design is the typical one adopted by Italian governments: a selected few appointed by the minister in question, working with certain senior ministerial bureaucrats on the preparation of a first draft, which is then shared with an expert and discussed with the parties’ representatives. In the case of laws, the parliamentary stage of formulation has been characterized by governments’ need to deal with the customary splits within the parliamentary coalition. This process has never changed, and thus from a design perspective little has been learnt over the last 25 years.

THE NETHERLANDS

The Dutch higher education system has a binary structure, with around two-thirds of students enrolled at vocational institutions. Notwithstanding strong pressure from the non-university sector for the upgrading of such, Dutch governments have strongly resisted such a move.

Policy design developments in the Netherlands regarding the university system are as follows (Huisman and Hendriks 2013):

- in 1992 a new law was passed, after a couple of failed attempts to do so in previous years, formally implementing the principles of the 1985 HOAK report. The Wet op het hogeronderwijs en wetenschappelijkonderzoek (WHW) – Law on Higher Education and Research – represented an impressive transition from a system based on setting ex-ante standards and rules, to a system centered on post-hoc evaluation. Government decided to let universities program and decide themselves, whilst at the same time equipping itself with strong corrective and sanctioning powers.
- In 1997, after a lengthy debate on the inconsistency of universities’ behaviour vis-à-vis the governmental steering at a distance policy (DeBoer and Stensaker 2007), the section of the WHW was radically amended in terms of the following features: the introduction of a new governing body—the supervisory board (raadvantoezicht), comparable to a “board of trustees”—appointed by the Education Minister and with powers over
strategic decisions as well as over the appointment of the executive board (composed of three members, including the rector), which in the past had been appointed partly by the king and partly by the deans; strong managerial powers granted to the executive board (which is also responsible for appointing the deans); and a more central role for the deans themselves. The traditionally consensual system was completely abandoned in favour of a linear, hierarchical structure. With this reform the Dutch government forced universities to behave and decide as responsible corporate actors, and thus to improve their ability to operate in a more competitive, accountable way (De Boer 2007).

- In 2002 the WHW was amended to introduce the bachelor-master system.
- In 2002 the WHW was amended to establish the accreditation system by also setting up a national independent agency (NVAO) (a further amendment on this topic was introduced in 2011).
- In 2010 the WHW was amended in terms of the legal protection afforded to students.
- In 2011 a new funding regulation was introduced. The teaching portion of funding was mostly based on the number of students in a course for its legal duration, while the majority of the research portion was based on the number of PhD students. Furthermore, 7% of the funds targeted for teaching was given over to contracts stipulated between the ministry and the universities.

Furthermore, governments have constantly divulged their goals to the university system in the form of strategic plans.

As we can see, generally speaking there have been few design stages (compared with England and Italy) in the Dutch case. As of the mid-1980s, the Netherlands have been the front runners, in Continental Europe, in pursuing the steering at a distance mode of governance, and the country formally endorsed this approach with the 1992 Law (a genuine package) (Litjens 2005). However, the system reacted very sluggishly, and the reaction from universities was poor: in fact, they continued to govern themselves in the traditional distributive-consensual way (de Boer and Huisman 1999). Thus the 1992 Law was amended in 1997, to radically change the internal governance of universities. It is difficult to classify this reform: it would be considered a package if considered alone, but a smart layering/patching if seen from the point of view of the policy design dynamic. This reform not only rectified the incoherence of the previously-approved package, but it also represented a ‘stick regulation’ with immediate direct effects (de Boer, Enders and Leisyte 2007). Since then the governance mode has
stabilized, and Dutch government have proceeded by layering (changing the funding system, adding the performance/agreement contracts), but introducing new regulations where considered necessary. In this sense, the Dutch system may appear of an over-steered nature with a strongly regulated degree of autonomy. This over-steering is evident in the increasing portion of public funding that is earn-marked or project-based (Klumpp, De Boer, and Vossensteyn 2014), while strong regulation is clearly evident in the governments’ capacity to intervene in cases of poor performance and in the adoption of a coherent and consistent steering framework (Enders, De Boer, and Weyer 2013)

The goals of higher education reform have been clearly and repeatedly stated by government. They consist in: an increase in the graduation rate, the internationalisation (rather than the mere Europeanization) of the system, and profiling and institutional differentiation (MOCW, 1988, 1990, 1992, 2000, 2007, 2011). The emphasis may have changed over the course of time, but basically the same goals have been pursued and effectively communicated to the country’s universities.

With regard to the two dimensions of policy design, government’s instrumental capacity has always remained strong during the analysed period. This persistence is clearly due to the great desire to render systemic governance in higher education more effective, to the bi-partisan attitude to higher education, and also to the continuous involvement in the design process of the universities themselves (through their national association) and of other important stakeholders (Witte 2006). Technical capacity has always been very strong. This is due not only to the inclusiveness of the design process, but also to the constant pursuit of evidence-based information, through higher education research centers a highly skilled bureaucracy, and a complex organization involving many different advisory bodies (Ministry of Education, Culture and Science 2011) whose expertise and advice are taken very seriously by Dutch governments (Marginson et al. 2007).

5. Discussion

5.1. Findings

Table 1 attempts to summarize the main findings of the dual comparison (between countries, and within the same country, overtime) performed through the reconstruction of design processes in higher education policy.
Table 1: The main features of Policy Design dynamics in England, Italy, and The Netherlands

<table>
<thead>
<tr>
<th>COUNTRY</th>
<th>Actual governance Mode</th>
<th>Policy design dynamics</th>
<th>Change over time Directionality Tempo</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(1)</td>
<td>(2)</td>
<td>(3)</td>
</tr>
<tr>
<td>ENGLAND</td>
<td>Steering at the distance but significantly market oriented</td>
<td>Package: Layering (tense)</td>
<td>Radical Apparent linear Rapid</td>
</tr>
<tr>
<td>Self-regulation</td>
<td></td>
<td>Package: Patching:</td>
<td></td>
</tr>
<tr>
<td>Policy mix based on:</td>
<td></td>
<td>Patching:</td>
<td></td>
</tr>
<tr>
<td>- Earn-marked funding</td>
<td></td>
<td>Layering</td>
<td></td>
</tr>
<tr>
<td>- significant research performance funding</td>
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<td></td>
<td></td>
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<tr>
<td>- strong students loans system</td>
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<td></td>
<td></td>
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<tr>
<td>- strong systemic goals</td>
<td></td>
<td></td>
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<tr>
<td>Governance Effects:</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Competition</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Differentiation</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Institutional Managerialisation</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ITALY</td>
<td>Steering at the distance with strong bureaucratic re-address</td>
<td>Layering bricolage</td>
<td>Incremental Disconnected/reversed low</td>
</tr>
<tr>
<td>Bureaucratic</td>
<td></td>
<td>Layering</td>
<td></td>
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<tr>
<td>Policy mix based on:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Constrained Institutional autonomy</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Significant Research Performance funding</td>
<td></td>
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<tr>
<td>- Persisting bureaucratic regulation</td>
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<td></td>
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<tr>
<td>- Financial cuts</td>
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<td></td>
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<tr>
<td>- Weak systemic goals</td>
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<td></td>
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<tr>
<td>Governance effects:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Constrained competition</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>- Ineffective institutional governance</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>- Increasing deregulation</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>- Inertial and path dependant differentiation</td>
<td></td>
<td></td>
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<tr>
<td>THE NETHERLANDS</td>
<td>Steering at the distance but activation of hierarchy when needed</td>
<td>Package; Smart Layering/Calibratation</td>
<td>Radical Linear Rapid then slow</td>
</tr>
<tr>
<td>Bureaucratic/Hierarchic</td>
<td></td>
<td>Patching</td>
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<tr>
<td>Policy mix based on:</td>
<td></td>
<td>Layering</td>
<td></td>
</tr>
<tr>
<td>- Contracts</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>- financial incentives to pursue specific outputs and outcomes in teaching and research</td>
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<tr>
<td>- soft research evaluation</td>
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<tr>
<td>- verticalized institutional governance</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Governance effects:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Moderate competition</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>- Strong managerial autonomy of universities</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>- Strong institutional accountability</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Moderate institutional autonomy</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>- Persistent shadow of hierarchy</td>
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</tbody>
</table>
This table reveals some interesting findings, namely that:

1. Policy design dynamics have produced evident shifts in HE governance in the three analysed countries, and these shifts are mainly the result of governmental design activities.
2. These shifts indicate a partial convergence towards the steering mode, although they are characterised by a number of significant differences (which respect may be important in terms of the real nature of the governance mode in operation) that are the result of those specific policy instrument mixes adopted (column 1).
3. The trajectories of policy design dynamics reveal differences in the types of design adopted and show that national design trajectories can vary considerably, and that over the course of time different types of policy design can characterize governmental behaviour within the same country (column 2).
4. Policy design can produce different types, direction and speed of change. Governance modes can be radically redesigned not only by packaging but also by fast patching and layering (England) or package and then smart layering (the Netherlands). At the same time, governance redesign can be slow, reversible and tentative (Italy) (column 3).

Other relevant evidence emerging for the empirical cases studied here concerns governmental goals over time, and the government’s attitude to learning from previous experience, and thus to improving its technical capacities.

As far as concerns goals, as expected governments may change their goals over the course of time, and these changes may result in changes in their design. The type of design effect resulting from the shifting of goals concerns the clarity of the goal itself. In the English and Dutch cases, where at the beginning of the sequence the goals were quite clear and thus bearers of a package design, when governments have changed their goals, the new governance mode has been changed through effective design action (patching, tense layering, smart layering). In the Italian case, the vagueness of the goals has led to inconsistent, incoherent and often reversed designs.

Regarding governments’ capacity to learn, the empirical evidence reveals a number of very different pathways. The Dutch case is the simplest of the three: policy design has always been based on evidence-based knowledge, and has been used coherently over the course of time. Two clear examples of this are the decisions taken in 1997 and in 2010. In the first case, after the launch of the new steering at a distance framework which failed, however, to produce the expected results, the government immediately made radical changes to the design of institutional governance. In 2010, with the lowest ever percentage of students graduating within the allotted timescale,
the government decided to introduce strong financial regulation measures to encourage universities to pay due attention to this performance indicator. Moreover, in the Dutch case there has been progressive, incremental learning, whilst maintaining the original structure of the same initial package design.

In the English case, there is no doubt that the package/patching design introduced in the period 1988-1992 was based on research reports which had been widely discussed (Tapper; Shattock 2013; Scott 2013). However, the consequent changes, based on a shift in governmental goals (with a greater focus on the financial side of higher education), were based more on ideological principles than on knowledge/past experience (Scott 2013). The ideological/financial nexus has weakened the government’s capacity to handle experience and empirical knowledge.

In the Italian case, the capacity to learn from previous experience has been very limited. The continuous normal layering/bricolage content of policy design is an indicator of a short-term trial-and-error approach, whereby each time an anomaly emerged, it is dealt with by an ad hoc design action. No important policy design decisions have been based on empirical evidence or on publicly-debated reports. Such dynamics have resulted in constant contradictions within the actual governance design, and this design has nurtured and reinforced the dynamics of short-term adjustment. So, notwithstanding the significant stock of data and information available to government, it seems that the nexus between design decisions and knowledge-driven learning has been loose coupled. Data and empirical evidence do exist, but they are not clearly and directly used in any governmental design.

Finally, there are some interesting points regarding the nature of the policy mixes adopted in governmental design in the three countries. In fact, there is clear reason to believe that the governance design in England and in the Netherlands has been more effective, by intentionally sticking with the redesign of the governance. Although they have adopted different policy mixes, both England and the Netherlands have employed rather effective legal and financial incentives. This is because in these countries, the most important laws redesigning higher education governance have been immediately effective, without leaving any real room for their interpretation at university level. At the same time, the financial regulations adopted have been clear and have had a direct impact on the institutional behaviour of those countries’ universities.

In the Italian case, on the other hand, laws have been written in an ambiguous way, or have left a significant margin to universities regarding the latter’s chosen interpretation of such laws. In Italy it seems that the traditional lessons of the top-down implementation school are still being heeded today: effective policy design needs to structure implementation in such a way as to enhance compliance by the implementers (Pressman and Wildavski 1973; Sabatier and Mazmanian 1981). At the same time, the design solutions adopted have been effective, that is, they have proven capable of
genuinely pursuing the effective redesign of the governance mode, provided they pay attention to the coherence of the instruments mix (Grabosky 1995; Dunlop 2009; Howlett 2011). When the adopted instruments are incapable of developing complementarities, and thus tend to clash, than the chosen design risks becoming ineffective, in which case further intervention is required. From this point of view, it is quite clear how the most incoherent designs have been produced in the Italian case, while the English and Dutch designs appear to be highly coherent, although in the English case the ideological drift that sometimes characterizes the dynamics of such, has given rise to certain internal contradictions.

5.2. Governmental capacities and the trajectories of policy design dynamics

The comparison of policy design dynamics with regard to the governance of higher education in the three countries considered here, has confirmed the direct impact of the two governmental dimensions taken into account as causal drivers of the content of the design. Government’s instrumental and technical capacities make the difference in designing governance modes in higher education. It is quite clear, however, that these capacities should be put into context, since contextual and political factors influence government’s instrumental and technical capacities. At the same time, however, it is clear that if the political and contextual factors are stabilized, the features of the policy design are directly shaped by the two governmental capacities illustrated by the typology in figure 2.

The empirical analysis of policy design dynamics reveals another important aspect of governmental capacities, namely the effects of the dynamics themselves.

From this point of view, it is interesting to focus on the causal relationships between the different phases of policy design dynamics. What emerges is that feedback from previous design decisions can be seen not only as an intrinsic characteristic of the process (Pierson 2004), but also as a dimension which may be manipulated by the designers (Jordan and Matt 2014). In this sense, therefore, what matters is the capacity of governments to design governance modes which can be bearers of planned positive feedbacks. So the linearity or disconnected evolution of policy design dynamics is not only caused by unintentional positive or negative policy feedback, but is also an effect of the government’s capacity to plan the impact of the newly-adopted governance design.
6. Concluding remarks

In this paper I have tried to analyse the diachronic dimension of policy design by focusing on policy design dynamics in higher education from a comparative perspective. After presenting the features of governance modes in higher education, by means of a typology in which specific policy instruments have been attributed to each mode, I propose an explanatory typology of the spaces (and types) of policy design based on government’s instrumental and technical capacities. I then reconstruct the empirical sequence of design dynamics in three different countries. The results show not only that governmental capacities make a difference, but also that governments can adopt different types of design action depending on such capacities. So policy design matters more than would be expected, at least in the higher education sector.

The results of this analysis indicate a number of directions for further research into policy design, to be conducted from a dynamic, diachronic perspective, not only within higher education but also in other policy fields. Three possible topics for further research are:

- the capacity of designers to develop a governance design which can firmly address the behaviour of those involved. The real point here would be to better understand how this capacity (also including the capacity to mix policy instruments in a coherent manner) is favoured/constrained by political, bureaucratic or cognitive factors.

- the factors which favour or delimit the learning capacities of designers over time. More attention should probably be paid to both the ideological context and the organization of advisory systems.

- policy designers’ consideration of the timescale of their design activity. Do they work on the basis of a short or long timescale with regard to their goals and thus their instrumental choices?

In conclusion, I think that those who are interested in analysing ineffective policy design or politically driven non-design, in order produce any convincing analysis and subsequent recommendations for policy-makers, need to take a diachronic analysis of policy design into due consideration. Such an analysis would give them a better understanding not only of the causal relations among the different elements of policy design, but also of why different types of design (package, patching, bricolage, calibration, layering) are viable to a greater or lesser extent.
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