*What Justifies the Use of Contextual Data in University Admissions?[[1]](#footnote-1)*

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University education is a highly valuable good. Those who receive it benefit from developing their skills and often increasing their expected earnings and job opportunities.[[2]](#footnote-2) Wider society also benefits from the public goods that university education produces, such as more widely disseminated knowledge, and increases in productivity. In addition, universities shape our society and its major institutions. Furthermore, graduates disproportionately end up in positions of influence in society.[[3]](#footnote-3) However, not everyone who would like to go to university, or who would benefit from doing so, can be offered a place.[[4]](#footnote-4) As with any scarce and valuable good, access to it should be fair.

Historically, places at university have been allocated on the basis of prior attainment, where those with the highest grades have the best chance of admission to the most competitive courses. However, increasingly UK universities are tweaking this model in the name of Widening Participation by using contextual data in the admissions process.[[5]](#footnote-5) The use of contextual data typically means that applicants who are identified as being disadvantaged, for example because they live in a low participation neighborhood or who received free-school meals, can be made an offer of a place on the basis of lower prior attainment than someone who is not identified as disadvantaged. However, there remains little discussion of the fundamental normative principles that govern university admissions more generally, and the use of contextual data in particular, in contemporary political theory. Although debates about equality of opportunity and fairness are long-standing and sophisticated, they are not often applied to the real world problem of university admissions.[[6]](#footnote-6) Furthermore, empirical studies of university admissions often appeal to standards of fairness that do not stand up to criticism, while the Higher Education Statistics Agency’s (HESA) own benchmarks cannot be grounded in any plausible principle of fairness and provide no basis for the use of contextual data in admissions. This leaves a gap in our understanding of how to guide and assess university admissions in terms of fairness and why the increasingly popular use of contextual data in university admissions in the UK is a justified policy to that end.

In this paper, I ask what normative principle could underpin fairness in university admissions and justify the use of contextual data. Once we have a clearer understanding of what justifies the use of contextual data, we will be better able to guide and assess its growing use. I will argue that the use of contextual data in university admissions is best grounded in a revised version of Rawls principle of Fair Equality of Opportunity, which I call Non-Ideal Fair Equality of Opportunity, and based on this principle I suggest changes to the way contextual data is currently used by UK universities. The paper contributes to our understanding of the grounds of an important feature of the UK higher education policy landscape and sets out a novel understanding of equality of opportunity for addressing real world injustices.

The paper is structured as follows. In Section One, I explain in further detail how contextual data is currently used and explain the defects of existing standards used to evaluate university admissions. In Section Two, I argue that Fair Equality of Opportunity is an attractive principle for both determining fairness in university admissions and possibly grounding contextual data use. I also note some ways in which the theory is ill-suited to the real world problem before us. In Section Three, I argue that some revisions of Fair Equality of Opportunity are required for it to be a suitable guide to fairness in university admissions and to justify the use of contextual data as an approach to addressing existing injustice. In Section Four, I draw out the implications of this approach for measuring fairness and evaluate the use of contextual data and make some proposals for change. Section Five concludes.

1. *The Use of Contextual Data and Existing Standards*

Contextual data, as used by many UK universities in offer-making, is information about an applicant’s background that indicates some disadvantage. There are three general categories of data that are used. First, there are individual level indicators such as those around personal circumstances, such as bereavement or disability, and those around socio-economic circumstances, such as low-household income or eligibility for free school meals. Second, area-level indicators include an applicant’s school’s historic average performance in terms of attainment and of progression to university. Third, many universities run their own widening access schemes, where individuals identified as disadvantaged in the above ways i.e. attend school with low rate of progression to university, typically within the same area as the university, are able to participate in a scheme run by the university which if completed successfully will earn them a reduction on the standard offer. The reduction made in light of indicators of disadvantage is usually one grade lower than the standard offer, but can be more.[[7]](#footnote-7) For example, if the standard offer to study Politics, Philosophy, and Economics at the University of Oxford, is AAA, then a disadvantaged student could be offered a place on the basis that they achieve AAB if a one grade discount is offered, ABB or AAC, if a two grade discount is offered, and so on. At the heart of the use of contextual data is the assumption that prior attainment must be viewed in the context of the applicant’s disadvantages to be properly understood. Any justification for the use of contextual data in university admissions, therefore, must provide an explanation for why disadvantage obscures whatever prior attainment is supposed to be a proxy for. But more than that, it must be independently plausible as a demand of fairness in the distribution of valuable opportunities.

University admissions are currently assessed in accordance with standards that fail on both counts. They are unable to provide a justification for the use of contextual data and are implausible in their own right. Two standards are worth discussing briefly and their shortcomings are instructive.

First, the Higher Education Statistics Agency’s (HESA) Standard Key Performance Indicator (KPI) sets benchmarks for university cohorts. The benchmark is determined by the sector average level of representation of particular groups among its admitted cohort (by social class and ethnic origin for example).[[8]](#footnote-8) This KPI is often used to group together similar universities rather than compare them all since comparisons of dissimilar institutions are not considered valid. To make more meaningful comparisons, HESA also has an adjusted list but the underlying idea is the same: given some group of relevantly similar universities and the students they admit, each university ought to share members of certain groups evenly between them. So, for example, if there are two similar universities we should not expect one to admit double the proportion of privately educated or Black, Asian and Minority Ethnic (BAME) students to the other. To the extent that members of these groups are more evenly shared between the universities, as a proportion of their intake, the universities would have succeeded in coming closer to this benchmark and, one might infer from this, are more fair.[[9]](#footnote-9)

While KPIs do explain that huge disparities at otherwise similar universities in their admission of students from disadvantaged groups are highly problematic, as a goal of university admissions, and a standard of fairness, these benchmarks face a major problem. The KPI takes as a given, and therefore leaves beyond criticism, the question of who gets admitted in the first place. So long as members of particular groups who are admitted to any of the universities are evenly distributed it does not matter how that cohort is determined. Access to university is unfair even when this benchmark is fully satisfied since it is inevitably satisfied if universities only admit white or privately educated students, regardless of their qualification or merit. This KPI is fundamentally flawed and rides roughshod over plausible demands of fairness. Indeed, as long as the universities within the comparison class are all equally biased against certain groups this benchmark can be met, but that doesn’t imply that it is fair. Furthermore, the standard offers no rationale for the use of contextual data in discounting standard offers for disadvantaged students. It thus fails both as a plausible account of fairness and as a possible justification for the use of contextual data in university admissions.

Another account of fairness has been used in the empirical literature on university admissions. Sociologist Vikki Boliver has used a widely held and intuitively appealing standard in her work on fair access to “prestigious” universities.[[10]](#footnote-10) Boliver takes as her working definition of fairness: equal access for those who are equally well qualified by prior attainment given that they applied to prestigious universities. In other words, fairness requires that those who apply to the same university with the same prior attainment should have the same chance of being admitted, regardless of socio-economic background, ethnicity etc.[[11]](#footnote-11) Certainly, this captures something of fairness. In a competition where prior attainment is explicitly the ground for success, those with the same attainment should have equal chances regardless of other factors. Boliver’s findings, that there are different acceptance rates for those from different ethnic and socio-economic backgrounds with the same attainment, are that the universities in question fall short of this standard. However, this standard of fairness has important blind spots and digging a little deeper will help to show where.

Underpinning the equal prior attainment standard is a familiar meritocratic account of equality of opportunity. This underpins much of our practice around hiring and the allocation of university places and can be summarized by the following slogan: “the best qualified applicant should be appointed, regardless of sex, race, socio-economic background etc.” Advantageous positions should be formally open to all, selection is fair so long as one’s “merit” determines success and no other feature. Something like this view could underpin the idea that prior attainment should determine chances of success, not race, sex, or social background, and those with greater prior attainment having a greater chance than those with lesser prior attainment. This principle combines an anti-discrimination element, excluding certain characteristics as irrelevant to success, and a seemingly neutral focus on ‘merit’ as the uniquely relevant grounds for success. Whoever you are, whatever your background, if you are the most qualified you should be appointed. If Meritocratic Equality of Opportunity is correct, then something like the standard that Boliver applies would be an accurate marker of the fairness in university admissions. But this account of equality of opportunity that focuses exclusively on prior attainment and qualification cannot possibly justify the use of contextual data in university admissions. It takes prior attainment at face value, without requiring further information for context.

One reason to doubt that Meritocratic Equality of Opportunity is a sound account of fairness in the allocation of advantageous positions is that there is unfairness in opportunities to earn qualifications, achieve prior attainment and develop ‘merit’. The more and better educational opportunities an individual has prior to applying for university, the more opportunities to develop ‘merit’ that person has, but then a meritocratic distribution focused on attainment can be a manifestation of unfairness.[[12]](#footnote-12)

To see more clearly what is wrong with a narrow focus on Meritocratic Equality of Opportunity and therefore a focus on prior attainment, imagine that all the top university places have been awarded to members of the upper class through cronyism and that a progressive new government is suddenly elected into power and enforces Meritocratic Equality of Opportunity.[[13]](#footnote-13) After generations of consolidating superior education, jobs and wealth the upper-classes are in a far better place, particularly if private schooling is available, to ensure that their children end up being the most meritorious, thereby preserving vast social inequalities between members of different classes. Although opportunities are formally open to all, regardless of social background, race or sex, opportunities to develop ‘merit’ are not distributed equally. Intergenerational transmission of opportunities to cultivate merit generate a deeply divided and unequal society, which we would rightly think is at odds with equality of educational opportunity. Meritocratic equality of opportunity is blind to the unfairness that certain privileged groups are disproportionately the most “meritorious”. For this reason, it is not plausible to think that fairness requires that advantageous positions be distributed in this way when there is a background of unfairness.

Moreover, it is this defect that the use of contextual data is attempting to correct for. In recognition of the fact that opportunities to develop ‘merit’ are themselves unequally and unfairly distributed, contextual data is used to compensate for that. The justification for using contextual data alongside prior attainment is that disadvantage makes prior attainment an unreliable guide to, something like, true merit or ability. The context in which an applicant achieves their grades tells us something important about how we should interpret those grades as an indicator of their ‘merit’. A seriously disadvantaged application who achieves an AAB or ABB is certainly at least as meritorious as an applicant from an advantaged background who achieves AAA. A principle of fairness that takes the grades of the disadvantaged and advantaged alike at face value cannot possibly ground contextual data and without any contextual information to interpret grades we will replicate and reinforce that unfairness. This tells us something about the sort of principle that could justify contextual data: it must be concerned with something other than prior attainment, something more like potential or ability as ‘merit’ as a more fundamental focus.

One final point on the current state of university admissions and related empirical studies is that many empirical studies on fair access to UK universities do not provide much discussion of what fairness is, nor do they cite the philosophical literature to anchor discussions of fairness in values, often deferring to government reports for a definition or standard.[[14]](#footnote-14) The 2004 Schwartz Report, which is widely cited in the empirical literature on UK university admissions and is referenced in many university admissions policies[[15]](#footnote-15) states that “Everyone agrees that applicants should be selected on merit; the problem arises when we try to define it” and that “interpretation of merit is a matter for individual institutions.”[[16]](#footnote-16) Allowing universities to define merit for themselves is highly problematic. Much more needs to be said about precisely what merit is and how it matters for fair admissions.[[17]](#footnote-17) I propose that theories of equality of opportunity from debates in political theory are well placed to inform our definition of merit.[[18]](#footnote-18) There may be good reasons for empirical researchers to have focused on the standards that they have. For instance, it may be that the empirical research in question aims only to test whether universities are living up to the standards they espouse or the standards set for them, regardless of whether this standard coincides with what true fairness demands. Indeed, what true fairness demands, at the most fundamental level, is a philosophical rather than empirical question. Alternatively, it might be that the philosophical literature does not yet have a practically useful standard of fairness that can be operationalized in empirical studies, and in the next section I will offer some support for this belief. But if we are to test university admissions against the standard of fairness in the near future through empirical studies, then we require a better sense of why contextual data should be used in admissions to that end. That further work will involve interrogating theories of equality of opportunity as developed in political theory as a first step.

1. *Fair Equality of Opportunity and University Admissions*

In order to justify the use of contextual admissions we need a principle that helps us to explain why prior attainment must be considered alongside contextual data about disadvantage for us to interpret prior attainment as an indicator of ‘merit’, properly understood. To do so, the principle must identify ‘merit’ as something beyond ‘prior attainment’ as what matters for determining admission and it must explain why disadvantage warrants adjustment to the standard offer. In addition, the principle must be independently plausible as an account of the demands of fairness.

I will now present John Rawls’ principle of Fair Equality of Opportunity as an account that can meet both of these criteria. This account gives a prominent role to the idea of underlying potential in determining fairness and thus provides a critical capacity lacking in the commonly used standards discussed above. It has therefore something to contribute to debates about university admissions and the use of contextual data. Moreover, unlike many other accounts of equality of opportunity, Fair Equality of Opportunity retains some meritocratic credentials through its permissive attitude to inequality stemming from differential talent, judging inequalities between those with differential talent as capable of being just and fair.[[19]](#footnote-19) An account of equality of opportunity that did not refer to merit, but rather simple lotteries for places would also not be able to justify the use of contextual data. This makes Fair Equality of Opportunity well suited to our task of confronting an existing injustice in the real world by finding an account for measuring realistic and incremental improvements to fairness in admissions as the use of contextual data aims to do. This is because the meritocratic aspect of university admissions is very much ingrained.

Some will consider it a mistake for someone concerned with fairness to narrow their focus in this way. The starting point should leave it open that universities should be abolished or that they should confer on individuals different sorts of goods than those that they currently do. To narrow the focus in the ways that I have, they might add, is to leave a critical blind spot and to fail to acknowledge existing injustice. An attempt to articulate a utopian (realistic or otherwise) or perfectly fair and just society should not narrow its focus in these ways, true. But I think a different sort of enterprise is also distinctly valuable and an important task for political theorists.

My aim is to examine how the current system, or something like it, could be fairer and what the fairest admissions system could be, within certain constraints. This is for two reasons. One, radical social reform that is required to make society fully just is not forthcoming and so it is worthwhile asking which of the more incremental changes we should pursue. This does not commit me to the view that we should pursue incremental change at the expense of radical change, only that, from some set of alternatives we should pursue some rather than others. Second, and again in lieu of radical social reform, a failure to assess the more incremental changes in terms of a defensible account of fairness at best denies us the sort of critical thinking that is required to ensure our policies are fair as well as sensitive to other sorts of relevant considerations. At worst it leaves a vacuum for muddled thinking and for non-fairness based ideas, such as efficiency or democratic positioning, to masquerade as fairness. So even if radical social reform is required by ideal fairness, when our options are likely to be constrained in certain ways, it is important to ask what standard we should use for more incremental changes here and now and ask what this means for the policies we should favour. The argument is an exercise in non-ideal theory.

Fair Equality of Opportunity requires that offices and positions of advantage, such as well-paid job opportunities, are formally open to all and that individuals should have a fair chance to be the most qualified for those positions.[[20]](#footnote-20) Fair chances are had by all when those who are similarly naturally talented and motivated have an equal chance to attain these positions. So, our social institutions, including universities, should be designed so that, regardless of socio-economic origin or schooling, those who have the same natural talent and motivation have similar chances. This principle may support compensatory educational measures that close the attainment gap between the naturally talented rich and the naturally talented poor. This is because naturally talented students from poorer backgrounds should fare as well as naturally talented students from wealthier backgrounds. If native talent is distributed evenly across the social classes, then a society fully satisfying Fair Equality of Opportunity would likely see proportional representation of those social classes in the cohort of students admitted to universities.[[21]](#footnote-21)

Note that, unlike proponents of Meritocratic Equality of Opportunity, proponents of Fair Equality of Opportunity can criticize pre-university inequalities in opportunities to develop merit among the equally naturally talented, because it focuses on underlying or natural talent. Also derived from this principle we could get an admissions procedure that encourages universities to make offers to ensure that those with equal natural talent and motivation have an equal chance of an offer, regardless of their socio-economic background, how they are racialized, and their prior attainment even. Fair Equality of Opportunity says something quite significant about how the cohort of students should be formed and not merely about how the members of that cohort can be fairly shared among the institutions, as HESAs KPIs would have us do. It therefore satisfies the requirement of being able to justify contextual data’s use in university admissions and offers a promising and attractive account of fairness in the distribution of opportunities, one that can account for the way that inequality in social backgrounds makes distributions unfair while retaining a focus on talent or merit as the basis for success in pursuit of those opportunities.

However, without further revision Fair Equality of Opportunity is poorly suited to the non-ideal problem university admissions poses. When Fair Equality of Opportunity is applied to currently unequal societies, like our own, there is a good objection to Fair Equality of Opportunity: it neglects the importance of developed talent and potential ability at the point of entry to the fair allocation of advantageous positions. This is true even if we think that Fair Equality of Opportunity, if perfectly realized, would characterize the distribution of opportunities in a perfectly just or fair society.

1. *Non-Ideal Fair Equality of Opportunity*

To see why focusing only on natural talent in determining fairness is not defensible, consider the following: If we ensure that those with equal natural talent and ambition have an equal chance of a university place, as Fair Equality of Opportunity seems to require, in our currently unjust world we should offer places to students who have dropped out of high school without any qualifications at the expense of offering places to those with good grades and above average tariff levels. After all, those who dropped out could have equal or even higher native talent than those who receive exceptional grades. Few people believe that we should give opportunities to those who have the best underlying but uncultivated ability at the expense of those who have less underlying ability but have higher levels of developed talent, even if, in an ideal world, underlying ability would always be developed.[[22]](#footnote-22) It is also implausible to treat those cases equally for the purposes of admissions, even if we should recognize the inequality as an unfairness requiring rectification in some other way. It is a sad fact, but one that a non-ideal account of fairness must take account of, that by the time universities make offers it is already too late to close some of these gaps. Distributing opportunities as if there were no unjust inequality in the background is not the solution. To that extent Fair Equality of Opportunity is not defensible with respect to guiding current university admissions in the real world because an applicant’s ability and potential at the point of application do matter. We must challenge, rather than ignore, that injustice.

It may seem that we should therefore reject Fair Equality of Opportunity, but this is too quick. Fair Equality of Opportunity can be made more defensible in these non-ideal circumstances, while retaining much of what is attractive about it. I suggest that in real world cases we supplement Fair Equality of Opportunity with a requirement pertaining to ‘merit’ thus creating a non-ideal account of Fair Equality of Opportunity that permits inequality among the equally naturally talented on the basis of a renewed understanding of ‘merit’.

I will now survey some ways of understanding ‘merit’ that we could use instead of developed talent and prior attainment that could supplement native talent in making Fair Equality of Opportunity suitable for use in addressing non-ideal problems. This discussion will disentangle and examine some conceptions of merit before incorporating them into our understanding of Fair Equality of Opportunity so that it is defensible as a standard to use in the real world.

The way that we have been thinking about ‘merit’ so far is in terms of the qualifications or prior attainment. According to this view of ‘merit’, those who have equal prior attainment should have equal chances of success. We should make offers to the applicants who have the most tariff points or best qualifications. If we fail to do so, and offer places to those with inferior qualifications at the expense of those with superior qualifications, then we perpetrate an unfairness according to this view. The most qualified who miss out will have a justified complaint. I shall call this idea ‘Merit as Best Qualified’. It echoes the sort of guidance that would be given by Meritocratic Equality of Opportunity.

Another understanding of admission based on ‘merit’ is the idea that the one who, with the appropriate level of investment and support, is expected to reach the highest level of achievement should be chosen over anyone else. So, with respect to the university, we would choose those who we have most reason to believe will do best on the degree in terms of the degree itself, assuming that these standards are morally innocent. In this way we choose the applicant with the greatest potential, which may not be the one with the highest prior attainment. In particular, when opportunities to develop talent prior to standardized tests are distributed very unequally we would expect highest prior attainment and greatest potential to provide very different rankings of applicants. Under perfect Fair Equality of Opportunity there would be no difference, but the problem as we currently face it requires a more nuanced understanding. I shall call this understanding of merit ‘Merit as Greatest Potential’ and accepting this conception of ‘merit’ is required by the intuitive plausibility of a focus on ability and by the non-ideal nature of the task given how ingrained meritocracy is in the mission of universities and their social purpose.

Finally, consider the role that ‘merit’ would play if understood as requiring individual applicants to be at least minimally qualified to take advantage of the opportunity. So, for instance, it would be wrong to give a person who was illiterate a place on a demanding degree program that requires high standards of literacy, whatever their potential ability at birth. To avoid objectionable implications like this we must adopt this understanding of merit as well. This understanding of merit jettisons the ‘maximizing’ idea that is implicit in the other three conceptions of merit. I shall call this ‘Merit as Competence’.[[23]](#footnote-23)

Drawing on Fair Equality of Opportunity, I suggest that we reject the popular ‘Merit as Best Qualified’ as both an inadequate definition of any attractive account of merit and as incapable of justifying the use of contextual data in admissions and instead adopt ‘Merit as Greatest Potential’ as being of importance as derived from Fair Equality of Opportunity’s focus on native talent. ‘Merit as Best Qualified’ is only valuable as a reliable guide to who has the greatest potential, and it can only perform that role well in a more equal society than we currently have. If the best qualified person would do very poorly in terms of the course, it would be wrong to admit them over someone who would do very well. An explanation of why ‘Merit as Best Qualified’ plays such a powerful role in existing institutions is that it has been taken, for too long, to be an adequate proxy of potential. Against an unequal background of opportunities to develop talent and potential, qualification is clearly not an adequate proxy. This is what makes Meritocratic Equality of Opportunity is indefensible in non-ideal circumstances at least.

‘Merit as Greatest Potential’ also directs us to invest in better ways of identifying underlying potential that are sorely needed in an unequal society like ours. One obvious way is the use of contextual data in interpreting prior attainment and adjusting offers in line with that interpretation. Moreover, focus on greatest potential provides a strong defence against accusations that measures taken to improve fairness lead to ‘dumbing-down’ or would be cruel to students admitted who have been set up to fail.[[24]](#footnote-24) This is because those with lower prior-attainment are not necessarily or even likely to be less intelligent or less able to learn. A sentiment that is not only fully consonant with the use of contextual data, but that appears to motivate it.

It is important to explain the difference between “Merit as Greatest Potential” and those with the greatest natural talent, which is also a key and attractive feature of Fair Equality of Opportunity. Natural talent is one’s potential ability when born or created or some other early stage of life, given some baseline level of individual investment and favourable environment.[[25]](#footnote-25) One’s potential, for the purpose of determining greatest potential should be determined just before admittance. While potential is the same as natural talent at the very early stage of life, our potential can change later in life. For example, imagine an extreme case of a person who is a highly intelligent child but in early adulthood contracts an illness or is involved in an accident the consequences of which are severe brain damage. At this point the person’s potential is drastically diminished, but her natural talent score may be very high if taken from birth or prior to the brain damage. I take it that it can be fair to favour a less naturally talented person at the start of their life who has more potential at the point of application to university. Of course, there are all sorts of unfair ways that a person’s potential can be stunted, poor schooling, material deprivation, epigenetic considerations etc. and this should be acknowledged in a complete account of fairness.[[26]](#footnote-26) But for our purposes, in this non-ideal context, fairness should also be concerned with Merit as Greatest Potential. And Merit as Competency should act as a constraint on any position combining concern with Merit as Greatest Potential and native talent.

A further feature of Fair Equality of Opportunity does not appear to be helpful when faced with a real world problem. Recall the directive to give equal chances to those with equal native talent or to give priority to those with the greatest potential may not be particularly easy to follow in practice due to constraints our knowledge of native talent in particular. To improve the usefulness of this approach we will need to make assumptions in the absence of better knowledge. I think we should assume that native talent at birth is not unevenly distributed across groups, even though it plausibly is unevenly distributed across individuals. [[27]](#footnote-27) This is for two reasons relating to how defensible our account of equality of opportunity is. First, any assumption that members of some groups are naturally less talented than others would be highly pernicious and threaten to violate our duties of respect to each other.[[28]](#footnote-28) Second, any inequalities could be explained by racist or otherwise prejudiced ways of determining success of degree courses. It is not at all clear how we can test ability controlling for the presence of injustice in the background.[[29]](#footnote-29)

If, then, we assume that natural talent is evenly distributed throughout the different social classes and other important groups, then we would expect proportional representation of those groups admitted to universities. Efforts should be made to represent different categories of schooling because we know that inequality in development of native talent stems, at least partly, from inequality in schooling. So, we should expect selective, private and high-achieving state schools to be represented at no more than proportional levels.[[30]](#footnote-30)

We also have other reasons to favour proportionality in cohorts, which might also be relevant to the plausibility of the account as an account of fairness. Universities shape society not only by their research and other work, but also by the kind of students they produce and who are likely placed leadership positions in that society. Insofar as universities significantly influence who occupies elite positions and insofar as diversity and proportional representation are important for the composition of such elites, we do well to look for ways that universities can affect fairness through how they shape future society. This is explained by Elizabeth Anderson’s account of fair opportunity in education.[[31]](#footnote-31) Anderson describes an ideal conception of a democratic ‘elite’ and then claims that education must be distributed to achieve this composition. This requires that elite membership be composed along all lines of social inequality, meaning that the elite must have representatives from the different groups in society and not merely at token levels. We should therefore aim for a proportionate cohort representing different disadvantaged groups alongside competency and greatest potential.

But there are two further problems. First, even if native talent is evenly distributed, competence will not be evenly distributed in an unequal society due to present injustice and inequality. Second, even the sufficiently talented will make different choices about whether and which universities to apply to and what subjects, as a consequence of social norms and expectations, some of which will result from unjust stereotyping and adaptive preference formation. Should we be blind to these injustices?

While socialisation presents a major obstacle to achieving perfect fairness and although expanding the diversity of applicants is something that universities should aim to do admission could be fair, and certainly fairer than we are, by meeting a benchmark that is tailored to those who apply. Our benchmark for admission should focus on those who apply to universities and are sufficiently qualified and focus particularly on those who likely suffered education disadvantage. But other measures, not only from universities, should be taken to increase the representativeness of the cohort. In addition, if Non-Ideal Fair Equality of Opportunity is taken up it may make admission to universities seem much more accessible to members of historically under-represented groups and therefore challenge socialisation to some extent. Now, let’s turn to the specific guidance that Non-Ideal Fair Equality of Opportunity might provide for the design of university admissions procedures and the use of contextual data.

1. *Applying Non-Ideal Fair Equality of Opportunity to the Use of Contextual Data*

Non-ideal Fair Equality of Opportunity states that, in unequal societies three things matter 1) that no one who lacks competency at the point of admission should be admitted; 2) that those with the same native talent and ambition[[32]](#footnote-32) have the same or similar prospects for success in pursuit of advantageous positions, such as university places, and 3) that those with greater potential at the point of admission should have priority. I propose the following two criteria for determining admitted cohorts from competent applicants:

*Proportionality*: Because of the relevance of natural talent, which we assume is equally distributed across groups, we should seek proportional representation across the relevant set of social groups.[[33]](#footnote-33)

*Greatest Potential*: Because of the relevance of Merit as Greatest Potential, we should prioritize those who are expected to do best, which is not necessarily the same as those who are most “qualified.” This retains a meritocratic element, which is in keeping with current practices, resisting ‘dumbing down’, convictions about fairness, and the ingrained nature of appeals to ‘merit’.

We already have enough in these criteria that is useful and defensible to make a good deal of progress, beyond KPIs and other simplistic standards of meritocratic equality of opportunity and equal chances for equal prior attainment. But there is some indeterminacy in how to weigh the two criteria. I will now suggest how these might be resolved.

There are two ways of applying these criteria by appealing to lexical priority ordering. First, we could give Proportionality lexical priority over Greatest Potential and always favour a more proportionate cohort over a less proportionate one, but within the set of equally proportionate cohorts we should favour the cohort that contains the most applicants with Greatest Potential. The drawback of this approach, if it is one, is that applicants with greater potential would miss out on places because they are awarded to those from groups that would otherwise not be proportionally represented. This will be the case so long as even a slight improvement in proportionality can be achieved by displacing someone with much greater potential. Second, we could give Greatest Potential lexical priority over Proportionality and favour the cohort which contains the most students with the Greatest Potential, but of possible cohorts equally great potential we should give priority to a more proportionate cohort. The drawback of this approach, if it is one, is that cohorts would be less proportionate than they might otherwise be, because they insist on admitting applicants with greatest potential. This will be the case so long as there are applicants who have even slightly greater potential whose admittance would make the cohort very disproportionate.

A further, less clear cut, but nevertheless determinate way of proceeding is to attach a value to improvements with respect to Proportionality and Greatest Potential so that they can be weighed against one another. So, perhaps similar sized gains in proportionality and merit should be weighed equally or perhaps gains in proportionality should be given double weight. This seems like a better approach than adopting lexical priority since it allows us to avoid sacrificing large gains in Proportionality in order to make almost trivial gains in terms of Greatest Potential, and *vice versa*.

A practical way of resolving this might be to rank universities in terms of Proportionality and then separately in terms of Greatest Potential then combine their performance taking the weighted average of their position in each to determine fairness of their admissions procedures. It could be used as a benchmark much like the HESA KPIs are by higher education regulators, or the industry press or some think tanks, lobby groups, and charities.[[34]](#footnote-34) Their widespread use might generate further incentives for universities to improve fairness. The fact that this lends itself to use in sociological studies and journals speaks to its value as a real world, but nevertheless principled, intervention.

These proposals depart from existing thinking and require us to look in different places for relevant information. In particular, we should create more opportunities to display potential, for example with individual entrance tests and foundation years capable of making up for less competitive pre-university tests, which muddy the waters. This will be a key part of making the idea of Merit as Greatest Potential more operational.

The use of contextual data typically means that applicants who are identified as being disadvantaged, for example because they are from a particular post-code where participation in higher education is relatively low, or who received free-school meals, can be made an offer of a place on the basis of lower pre-university attainment, as an indicator of their potential. So, their disadvantage earns them a discount on the grades required relative to non-disadvantaged applicants. The basic idea behind contextual admissions is that to determine applicant potential at the point of entry their prior attainment should be judged within the context of the disadvantage faced by the applicant. To offer a crude and simplistic example, a student who attended a very prestigious and well-equipped private school and received grades AAA may have no more, and perhaps a lot less, underlying potential than someone who attends a poor performing school and received AAB or perhaps much lower grades. The achievement of certain grades, at least partly, reflects the level of advantage or disadvantaged an individual faces and not merely their ability. The use of contextual data, therefore fits well with my proposed shift from a focus on “Merit as Best Qualified” to a focus on “Merit as Greatest Potential”. In addition, our use of contextual admissions should be guided by Proportionality, as supported by the equal native talent requirement, and constrained by “Merit as Competency”, which may itself support some contextual reading of prior attainment. So, contextual admissions should be used to vary the lowest level of prior attainment that indicates competency, and would enable as close to proportional admittance as possible. Depending on the appropriate balance of Proportionality and Greatest Potential, we should see more radical discounting of admissions offers for disadvantaged applicants.

Presently the size of the discount given to disadvantaged applicants is modest with most who use contextual data in admissions lowering the requirements by one or two grades. In rare cases, the requirements are lowered by four.[[35]](#footnote-35) But given the scale of inequality and disadvantage, this modest discount does not make much of a difference to the proportionality of the cohort of university entrants. Those who are admitted from sometimes very disadvantaged backgrounds on a single grade discount are low hanging fruit. For someone from a disadvantaged background to achieve AAB for instance, shows an heroic effort and enormous potential to success. So would achieving much lower grades even. The arguments I have provided hold that the discounts should be used so that those who apply are equally likely to be admitted if they are competent, allowing for proportionality and ability. The thinking behind it is that for someone from a disadvantaged background can display equal potential to someone from an advantaged background by achieving lower grades.

A recent research briefing produced by the Durham University Evidence Centre for Education, “Using contextualised admissions to widen access to higher education: a guide to the evidence base”, has suggested a number of ways in which the goal of widening participation can be achieved by a more radical use of contextual data in university admissions.[[36]](#footnote-36) In particular their focus on the Office for Students’ aim to achieve proportional participation levels for those from the highest and lowest quintiles of neighborhood participation in university (POLAR) by 2038-39.[[37]](#footnote-37) My final remarks in this paper will be to discuss the ways that the benchmark I defended may offer support to those proposals and how they may support revisions to them.

The authors of the research briefing make three key recommendations, but the most relevant recommendation for my purposes is the following. Even the most competitive course at elite Universities, such as the Sutton Trust 30, should

“Set separate minimum entry requirements for contextually disadvantaged learners. The evidence suggests that these could be as low as BCC for contextually disadvantaged learners entering higher-tariff universities, without inevitably setting such students up to fail.”[[38]](#footnote-38)

The authors take seriously the idea of competence as a prerequisite for avoiding high failure rates. The authors’ approach to the minimum level is driven by the concern that the lowering of grades required for admittance may set some students up to fail on their courses, which clearly isn’t acceptable and can be derived from what was objectionable about Fair Equality of Opportunity, remedied by inclusion of Merit as Competence in Non-Ideal Fair Equality of Opportunity. The authors arrive at a minimum required from looking at data on completion rates and the degree classification. It is important to note that at least some students will fail to graduate and fail to secure a “good degree”, defined as a 2:i or first class. Some of those with the highest grades on entry will fail in these respects, but the failure rate is higher for those with lower entry grades. The authors identify the relevant question here as being what chance of failure/success is tolerable? They take 50% chance of success as the lowest tolerable level consistent with not setting up applicants to fail, but also suggest that 70% could also be used and be consistent with very significant gains.[[39]](#footnote-39) The framework developed here does not commit to such a level, but no objection flows from it either. The authors’ remarks about how using more fine-grained data and providing much more support for students during the degree would improve the chances of success are certainly well taken.

Moreover, once the entry requirements are significantly lowered it would enable, though not ensure, greater proportionality across different groups. Such proposals could therefore be supported by the framework I have defended here. However, there are a few ways in which the arguments I have made will require the proposal in the research briefing to be supplemented or may, depending on the empirical reality, point us in a different direction.

Two important supplements may be required depending on which groups must be proportionately represented in universities. The focus in these studies is on social class and economic disadvantage, but we know that other characteristics, such as race, are correlated with unfair treatment independently of economic situation.[[40]](#footnote-40) It is therefore reasonable to hold that BAME applicants should be proportionally represented and so a richer set of measures should be used to admit students, and importantly within BAME attention must be paid to particular sub-groups as well since a proportional representation of all BAME can mask a disproportionate representation of some sub-groups at the expense of others. It may therefore, be preferable to focus instead on Indian, Bangladeshi, Pakistani, Chinese, Black, and Gypsy/Traveller/Irish Traveller. The second way in which Non-Ideal Fair Equality of Opportunity would suggest this proposal needs to be supplemented is with a greater focus on identifying those with the most potential, beyond competence. As I have argued that Merit as Greatest Potential is relevant to fairness, we should consider differences in potential within the cohort of applicants when making offers of places. There is no discussion of these sorts of judgements being made in the proposals, which is a shame because the idea of Merit as Greatest Potential clearly is a necessary component of any argument for using contextual data in the first place and potential occurs on a continuum. The premise for the use of contextual data is that prior attainment is not a good way of making judgements of relative potential without the context of disadvantage being taken into account. Those in the most disadvantaged groups therefore, should be given the largest discounts while those in the less disadvantaged groups, but still disadvantaged, could be given smaller discounts. Some discount for disadvantage or possibly a higher cost for advantage would occur along a continuum so that all applicants can be assessed together. So long as this did not render the proposals practically useless, it is called for by the idea of Merit as Greatest Potential since disadvantage, and its effect of making prior attainment less reflective of potential, will vary depending on the extent of disadvantage. It may be possible to offer increasingly large discounts based on existing data on the POLAR quintile, which looks at the Participation of Local Areas, or more individual-level data categories, even family income and wealth because they are not binary, unlike other measures, such as eligibility for Free School Meals.[[41]](#footnote-41) We might vary the level of discount then in line with the degree of local participation in higher education. There are challenges to doing so, but there are also important opportunities to improve fairness.

*Conclusion*

In this paper, I have sought to find a justification for the use of contextual data in university admissions by reflecting on theories of equality of opportunity and merit from political theory. First, I argued that the currently used standards were unfair and incapable of grounding contextual data use in university admissions. Second, I argued that we should adopt a revised version of Fair Equality of Opportunity, which I call Non-Ideal Fair Equality of Opportunity. This account gives due weight to considerations of native talent, greatest potential and competency in determining a fair allocation of advantageous positions. I then derived from these commitments criteria that can be used to assess or benchmark university admissions procedures. From the commitment to giving equal chances to the equally naturally talented I derived the proportional representation requirement, because it would be both groundless and pernicious to assume some groups in society had more natural talent than others. This means that university admissions cohorts should be proportional relative to the cohort that applies to those universities. From the commitment to Merit as Greatest Potential, I derived a requirement to make offers to those who have the greatest potential where this can be derived from prior attainment adjusted for various disadvantaged. These two criteria should be given weight in our assessment. I added to this a constraint that no one who lacks the competency to do well on a degree should be admitted. I then discussed the some very recent and radical proposals for revising the use of contextual data and showed that my arguments can offer a justification to those proposals in general, but also point towards further refinement or supplementation.

1. I am very grateful to Tim Keyon, Vikki Boliver, Stephen Jones and Julian Skryme for their help and advice with this paper. I am also grateful to Catherine Robb and the audiences at the University of Sheffield politics seminar series and at the CEPALS conference, ‘Critical work in critical times’ at the University of Manchester for helpful feedback. [↑](#footnote-ref-1)
2. According to Department for Business Innovation and Skills, Research Paper No. 112, “The Impact of university degrees on the lifecycle of earnings”, August 2013. Available: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\_data/file/229498/bis-13-899-the-impact-of-university-degrees-on-the-lifecycle-of-earnings-further-analysis.pdf, Male graduates earn 250k and female 165k more than non-graduates in their life time. For a critique of focussing narrowly on income, which seems broadly sympathetic to my own treatment, but goes much further is characterizing the distinctive value of university see Kotzee, B., and Martin, C. "Who should go to university? Justice in university admissions." *Journal of Philosophy of Education* 47.4 (2013): 623-641. [↑](#footnote-ref-2)
3. See the Elitist Britain 2019 report from the Sutton Trust: <https://www.suttontrust.com/wp-content/uploads/2019/06/Elitist-Britain-2019.pdf>. See p. 15 Fig. 3 for the statistic that 84% of those in elite positions held a degree, compared with 19% of the working age population of the UK. 49% of elites held a degree from a Russell Group University, compared to 6% of the working age population. And 24% of elite held a degree from Oxford or Cambridge University, compared with 1% of the working age population. [↑](#footnote-ref-3)
4. Even after lifting caps on numbers there are still limits to how many students any university, and the sector as a whole, can educate in any given year because of resources of all kinds. [↑](#footnote-ref-4)
5. Boliver, V., Crawford, C., Powell, M. and Craige, W. “Admissions in Context: the use of contextual information by leading universities”, *Sutton Trust*, October 2017. Available: https://www.suttontrust.com/wp-content/uploads/2017/10/Admissions-in-Context-Final\_V2.pdf [↑](#footnote-ref-5)
6. There is quite a lot more discussion of university admissions in the US context and the policy of affirmative action, much of it however is legal or empirical rather than works of applied normative theory. For example, Bowen, William G., and Derek Bok. The Shape of the River. Long-Term Consequences of Considering Race in College and University Admissions. Princeton University Press, California/Princeton Fulfillment Services, 1445 Lower Ferry Road, Ewing, NJ 08618, 1998; Bowen, William G., Matthew M. Chingos, and Michael S. McPherson. Crossing the finish line: Completing college at America's public universities. Princeton University Press, 2009; Guinier, Lani. The tyranny of the meritocracy: Democratizing higher education in America. Beacon Press, 2015; Liu, Goodwin. "Affirmative action in higher education: The diversity rationale and the compelling interest test." Harv. CR-CLL Rev. 33 (1998): 381. Exceptions to this tend to give university admissions only a small role. For example, Wilkins, David B., Kwame Anthony Appiah, and Amy Gutmann. *Color conscious: the political morality of race.* (1998): 139-147; Dworkin, R., *Sovereign Virtue*. Harvard University Press, 2002: 386-426; Fishkin, Joseph. *Bottlenecks: A new theory of equal opportunity*. Oxford University Press, 2014: 147-149 and 205-211; Jacobs, Lesley A. *Pursuing equal opportunities: the theory and practice of egalitarian justice*. Cambridge University Press, 2004: 83-114 [↑](#footnote-ref-6)
7. Boliver, V., Crawford, C., Powell, M. and Craige, W. “Admissions in Context: the use of contextual information by leading universities”, *Sutton Trust*, October 2017. Available: https://www.suttontrust.com/wp-content/uploads/2017/10/Admissions-in-Context-Final\_V2.pdf [↑](#footnote-ref-7)
8. See HESA, “Guide to the UKPIs”. Available: https://www.hesa.ac.uk/data-and-analysis/performance-indicators/guide. [↑](#footnote-ref-8)
9. See Ibid, Table T1a for participation of under-represented groups in HE 2014/15. University of Sheffield state schools or colleges Benchmark is 82.5%, location adjusted benchmark 83.3%.. Actual: 86.5%. But about 93% go to those schools. Manchester is benchmark: 82.8% and adjusted benchmark: 83.6%. Actual: 82.4%. Social class: Sheffield: Benchmark: 24.2%, Adjusted: 24%, Actual: 21.2% Manchester: benchmark 24.6%, adjusted 24.9% Actual, 21.5%, [↑](#footnote-ref-9)
10. Boliver, V. "How fair is access to more prestigious UK universities?." *The British journal of sociology* 64.2 (2013): 344-364. [↑](#footnote-ref-10)
11. Boliver states that, after controlling for prior attainment applicants from manual class and state school background continue to be only around two-thirds as likely as their higher professional/managerial and private school counterparts to receive admissions offers from Russell Group universities (0.72 and 0.66 to 1, respectively) (Boliver, 2013: 357). So, even those with exactly the same prior attainment, even controlling for A level subject, have different chances of success in getting an offer from a prestigious university depending on non-merit factors, such as schooling, ethnicity and social class. [↑](#footnote-ref-11)
12. See for example Chambers, C. "Each outcome is another opportunity: Problems with the moment of equal opportunity." *Politics, Philosophy & Economics* 8.4 (2009): 374-400. [↑](#footnote-ref-12)
13. Williams, Bernard. “The Idea of Equality” in Laslett, P. and Runciman, W. G., ed.s *Philosophy, Politics, and Society*, London: Basil Blackwell, 1962: 110-131. [↑](#footnote-ref-13)
14. Zimdars, A., "Fairness and undergraduate admission: a qualitative exploration of admissions choices at the University of Oxford." *Oxford Review of Education* 36.3 (2010): 307-323. [↑](#footnote-ref-14)
15. An initial look at Russell Group Universities I found that the report is mentioned in the student admissions policies of University of Manchester, University of Leeds, University of Liverpool, University of Cardiff, University of Exeter, University of Bristol, University of Glasgow. [↑](#footnote-ref-15)
16. Schwartz, S. *Fair admissions to Higher Education: Recommendations for good practice*. The ‘Schwartz Report', Report of the Admissions to Higher Education Steering Group. Nottingham, 2004: DfES. [↑](#footnote-ref-16)
17. Some similar problems have been identified with prevalent definitions of fairness by empirical studies in Australia. See Pitman, T. “Understanding ‘fairness’ in student selection: are there differences and does it make a difference anyway?”, *Studies in Higher Education*, 21. 8 (2016): 1203-1216. [↑](#footnote-ref-17)
18. More radical approaches to university admissions could lead us to reject any idea of merit whatsoever. I don’t argue here that such a radical approach should not take place, as this paper is an exercise in non-ideal theory that takes as its practical focus changes to the existing policy of using contextual data in admissions, a more feasible and realistic application. [↑](#footnote-ref-18)
19. For example Equality of Opportunity for Welfare or Luck Egalitarianism, which seeks to equalise the effects of both natural and social luck, including both types of luck as determinants of ability and potential, while Fair Equality of Opportunity only seeks to equalize the effects of social luck, such as family background, on ability or potential. See Knight, C. *Luck egalitarianism: Equality, responsibility, and justice*. Edinburgh University Press, 2009

    and Lippert-Rasmussen, K. *Luck egalitarianism*. Bloomsbury Publishing, 2015. [↑](#footnote-ref-19)
20. Rawls, J. *Justice as Fairness a restatement*, Harvard University Press, 2001: 42-4. [↑](#footnote-ref-20)
21. It may be advisable to control for morally innocent differences in application rates, such as authentic preferences that are not the result of adaptation to unjust social norms. [↑](#footnote-ref-21)
22. Miller, D. “Two Cheers For Meritocracy”. *Journal of Political Philosophy*, 4, no. 4 (1996): 277-301. [↑](#footnote-ref-22)
23. The ideas of merit as competency and merit as greatest potential makes sense of the statement in the 2003 White Paper, DfES 2003,The Future of Higher Education, London, HMSO. It states that “all those who have the potential to benefit from higher education should have the opportunity to do so.” This is something that Boliver herself observes and admits that her definition of fairness is a conservative one, but one that is justified because of the limited data that we have. Boliver notes that “the use of the phrase ‘potential to benefit’ in the 2003 White Paper… marks the beginning of a growing acceptance of the idea that prior attainment in formal examinations may not be a reliable indicator of prospective ability without some consideration of the socio-economic context in which that attainment came about.” (2013, 346). [↑](#footnote-ref-23)
24. It is worth noting that many universities use contextual data in admissions. For a survey of the use of contextual data by highly selective UK universities see Boliver, V., Crawford, C., Powell, M. and Craige, W. “Admissions in Context: the use of contextual information by leading universities”, *Sutton Trust*, October 2017. Available: https://www.suttontrust.com/wp-content/uploads/2017/10/Admissions-in-Context-Final\_V2.pdf [↑](#footnote-ref-24)
25. For discussions of potential in the context of Fair Equality of Opportunity applied to education see Clayton, M. “Education” in Olsaretti, Serena, ed. *The Oxford Handbook of Distributive Justice*. Oxford University Press, 2018: 438-459; Mason, A. "Fair equality of opportunity and selective secondary schools." *Theory and Research in Education* 14.3 (2016): 295-312; and Vallentyne, P. "Of mice and men: Equality and animals." *The Journal of Ethics* 9.3-4 (2005): 403-433. [↑](#footnote-ref-25)
26. On epigenetics see Loi, Michele, Lorenzo Del Savio, and Elia Stupka. "Social epigenetics and equality of opportunity." *Public health ethics* 6.2 (2013): 142-153. [↑](#footnote-ref-26)
27. For a more radical reform of university admissions that emphasizes part-time study and an open admissions process, which is motivated by a wide range of considerations and not merely those of fairness, see Sperlinger, T., and McLellan, J., *Who are universities for?: Re-making higher education*. Policy Press, 2018. [↑](#footnote-ref-27)
28. On the stigma that may arise as a result of revelations see Wolff, Jonathan. "Fairness, respect, and the egalitarian ethos." *Philosophy & public affairs* 27.2 (1998): 97-122. For more on the problems of intelligence tests, and issues of race see Gomberg, P. "IQ and Race: A Discussion of Some Confusions." *Ethics* 85.3 (1975): 258-266. For an exploration of scientific racism see Chase, A. *The legacy of Malthus; the social costs of the new scientific racism*. University of Illinois Press, (1980). [↑](#footnote-ref-28)
29. Success on a course may be an inappropriate benchmark for that reason. Success at universities, for example completion rates and higher degree classification may be linked to coming from a higher social class or otherwise advantaged background. [↑](#footnote-ref-29)
30. Shields, L. "Private school, college admissions and the value of education." *Journal of Applied Philosophy* 35.2 (2018): 448-461. [↑](#footnote-ref-30)
31. Anderson, E. "Fair opportunity in education: A democratic equality perspective." *Ethics* 117.4 (2007): 595-622: 596. Anderson describes an ideal conception of a democratic ‘elite’ and then claims that education must be distributed to achieve this composition. This requires that elite membership be composed along all lines of social inequality, meaning that the elite must have representatives from the different groups in society and not merely at token levels. This is important because an elite composed solely of those from the same background, say wealthy, private school-educated, white men, is likely to lack knowledge of the interests of those they serve, including working class Muslim women living in rural areas, and is likely to lack a disposition to serve them. Members of the elite are likely to stereotype those they do not know and so miscalculate their interests. The cognitive deficits Anderson associates with unqualified elites worsen the position of the least advantaged in society and minority groups by enacting and creating ill-informed policy. Whether the elite are well-qualified and well-constituted or ill-qualified and ill-constituted has far-reaching effects on the lives of all in a democracy and so we all have an interest in having a well-qualified elite. Anderson explains the role of elites in the following passage. ‘In a democratic society, elites must be so constituted that they will effectively serve all sectors of society, not just themselves. They must perform in their offices so that the inequalities in power, autonomy, responsibility, and reward they enjoy in virtue of their position redound to the benefit of all, including the least advantaged. This requires that elites be so constituted as to be systematically responsive to the interests and concerns of people from all walks of life.’ [↑](#footnote-ref-31)
32. ‘ambition’ here to be understood not in terms of the strength of the desire to attend university, or outlook more generally, but rather in terms of whether someone has the ambition of attending university at all. It is therefore moot as i focus only on applicants here and that’s why it is isn’t examined further. [↑](#footnote-ref-32)
33. What the relevant disadvantaged groups is to be determined, but I provide some remarks about this later. [↑](#footnote-ref-33)
34. Different priority rules will yield different results. Those that prioritize proportionality over merit as greatest potential will advocate positive discrimination. Those that prioritize merit as greatest potential will not. For a rejection of objections to positive discrimination in the context of English University admissions see Clayton, M., "On widening participation in higher education through positive discrimination." *Journal of Philosophy of Education* 46.3 (2012): 414-431. [↑](#footnote-ref-34)
35. See Boliver, V., Crawford, C., Powell, M., & Craige, W. (2017). “Admissions in context: the use of contextual information by leading universities”. Sutton Trust. Accessed 28th Nov. 2019: https://www.suttontrust.com/wp-content/uploads/2017/10/Admissions-in-Context-Final\_V2.pdf. [↑](#footnote-ref-35)
36. Boliver, V., Gorard, S., and Siddiqui, N., “Using contextualised admissions to widen access to higher education: a guide to the evidence base”, Research Briefing No. 1, DECE, 2019. Available: https://www.dur.ac.uk/resources/dece/ContextualisedHEadmissions.pdf; Boliver, V., Gorard, S. and Siddiqui, N., “How can we widen participation in higher education? The promise of contextualised admissions”, pp.95-110 in Deem, R. and Eggins, H. (Eds.) *The University as a Critical Institution*, Boston: Sense Publishers (2017). [↑](#footnote-ref-36)
37. See Office for Students, young participation by area. Available: <https://www.officeforstudents.org.uk/data-and-analysis/polar-participation-of-local-areas/> [↑](#footnote-ref-37)
38. Boliver, V., Gorard, S., and Siddiqui, N., “Using contextualised admissions to widen access to higher education: a guide to the evidence base”, Research Briefing No. 1, DECE, 2019: 7. Available: https://www.dur.ac.uk/resources/dece/ContextualisedHEadmissions.pdf [↑](#footnote-ref-38)
39. Ibid. p. 5 and Boliver, V., Gorard, S. and Siddiqui, N. (2017) How can we widen participation in higher education? The promise of contextualised admissions, pp.95-110 in Deem, R. and Eggins, H. (Eds.) *The University as a Critical Institution*, Boston: Sense Publishers p. 107. Completion rates at UK universities tend to be higher than 70% currently. See Carly Minsky, “Mock TEF: the best UK universities for completion rates” in *Times Higher Education*, 23rd June 2016. Available online: https://www.timeshighereducation.com/student/advice/mock-tef-best-uk-universities-completion-rates [↑](#footnote-ref-39)
40. Boliver, "How fair is access to more prestigious UK universities?." [↑](#footnote-ref-40)
41. I am grateful to Vikki Boliver for this suggestion [↑](#footnote-ref-41)