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Higher Education Governance in Crisis

Nationalisation, Fiduciary Reform,
and Epistemic Justice in UK Universities

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*An analysis of fiduciary opacity, trustee conflicts, and epistemic
clientelism in UK higher education, with proposals for nationalisation
and comprehensive fiduciary-epistemic reforms.*

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About the Publisher

Lex et Ratio Ltd provides research, advisory, and strategic consulting in governance reform, fiduciary accountability, and epistemic ethics. Our work integrates legal analysis, institutional theory, and practical reform strategies for public, corporate, and academic institutions.

Abstract

This essay critically examines the deepening governance crisis within UK higher education, specifically addressing fiduciary opacity, epistemic injustice, opaque lobbying, and administrative entrenchment. Through detailed analysis of an exclusive gathering involving charitable trustees, political figures, and higher education elites, it demonstrates how epistemic clientelism—defined as the strategic exchange of epistemic autonomy for selective benefits—perpetuates implicit conflicts of interest and fiduciary breaches. While acknowledging nationalisation ('un-privatisation') as a necessary measure to curtail overt financial misconduct, the essay argues explicitly that nationalisation alone remains insufficient without complementary fiduciary-epistemic structural reforms. Consequently, it proposes an integrated reform blueprint encompassing statutory amendments to the Charities Act 2011 and the Higher Education and Research Act 2017, rigorous fiduciary transparency mandates, mandatory disclosures of conflicts and lobbying activities, codification of an Academic Hippocratic Oath, and clear structural separation of administrative and educational roles. Ultimately, the essay contends that comprehensive fiduciary-epistemic reforms are indispensable to restoring democratic accountability, epistemic integrity, and sustainable governance in UK higher education institutions.

Keywords

Higher education governance, fiduciary duties, epistemic justice, epistemic clientelism, nationalisation, Charities Act 2011, Higher Education and Research Act 2017, administrative entrenchment, lobbying regulation, fiduciary transparency, conflicts of interest, Academic Hippocratic Oath, democratic accountability, stakeholder fiduciary duties, institutional reform, epistemic autonomy, public accountability, Brian Klaas, fiduciary openness, institutional sustainability, UK universities

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1. Introduction: Governance Crisis

1.1 Contextualising Financial Precarity in UK Higher Education

The UK higher education sector is facing a profound governance crisis, starkly illustrated by recent disclosures from the Office for Students (OfS), the sector's regulator. As highlighted by Phil Baty (Chief Global Affairs Officer at *Times Higher Education*), five higher education institutions were subjected to a 'student protection direction' in the past year due to a recognised 'material risk of closure'. Moreover, approximately one in six of the more than 400 registered institutions were placed under 'formal monitoring' by the OfS, entailing increased scrutiny, frequent engagement meetings, and bespoke data returns. Further exacerbating this bleak picture, the Department for Education now explicitly acknowledges institutional failure and closure as among the 'top-tier risks' confronting UK education {Baty 2025}. These alarming revelations underscore that financial instability within universities is no isolated occurrence; rather, it is symptomatic of broader systemic failings that extend far beyond mere fiscal mismanagement.

1.2 Thesis: Systemic Failures and the Roots of Institutional Collapse

In this essay, I argue that the current crisis of financial precarity and institutional instability in UK higher education is fundamentally attributable to pervasive governance failures rooted in compromised fiduciary accountability, opaque lobbying practices, epistemic injustice, and entrenched institutional leadership structures. The opacity surrounding the interactions between senior academic administrators, trustees of charitable organisations, and political figures not only fosters conflicts of interest but cultivates epistemic clientelism—where blind political loyalties are exchanged for financial and institutional favours. Crucially, these structural deficiencies undermine the fiduciary obligations higher education institutions owe to their students, the academic community, and the public at large.

Drawing on my earlier research in *Epistemic Justice and Institutional Responsibility in Academia* (Kahl 2025), I contend that systemic reform of higher education governance demands not merely reactive oversight but proactive fiduciary transparency, comprehensive lobbying regulation, explicit separation of administrative and educational functions, and the formal institutionalisation of an Academic Hippocratic Oath.

1.3 The Limits of Nationalisation as a Governance Remedy

The call for nationalisation—returning universities to explicit public ownership—has re-emerged as a prominent reform proposal amidst these governance crises. Indeed, nationalisation could partially mitigate certain overt forms of malpractice linked directly to privatised profit motives, such as financial corruption or explicit fiduciary abuses. However, it is imperative to stress from the outset that nationalisation, by itself, is inadequate to rectify the multifaceted nature of institutional rot. Even under public ownership, the underlying causes of epistemic injustice, implicit fiduciary conflicts, opaque lobbying, and entrenched leadership could persist or worsen unless complemented by far-reaching structural reforms in fiduciary governance and institutional accountability.

1.4 Caveats and Limitations of Scope

It is necessary to acknowledge explicitly that the analysis and proposals presented here, while robust, cannot cover every nuance or eventuality arising from nationalisation or comprehensive regulatory reforms. Moreover, given the entrenched and complex nature of the current governance ecosystem, the success of proposed reforms would depend significantly on sustained political will, institutional cooperation, and rigorous enforcement mechanisms. Thus, while advocating vigorously for these reforms, the essay recognises the practical limitations inherent in reforming deeply embedded institutional structures.

The following chapters will further substantiate this analysis, starting with a critical examination of explicit and implicit fiduciary conflicts and epistemic clientelism in contemporary higher education governance.

2. Case Study: The ‘Opaque Soirée’—A Visual Analysis of Epistemic Clientelism

2.1 Descriptive Analysis

On 23 July 2025, John Gill, CEO of *Times Higher Education*, publicly shared on LinkedIn (see screenshot in Figure 1) details of an exclusive gathering in London, describing it as ‘a privilege’ and highlighting the presence of influential political figures Simon Case, Vince Cable, and David Willetts. Gill framed the event as contributing to the dialogue on ‘innovation in higher ed’, emphasising its importance in addressing contemporary challenges facing UK universities {Gill 2025}. Despite Gill’s portrayal of this soirée as a necessary forum for advancing higher education discourse, closer scrutiny of the accompanying image suggests an altogether more troubling narrative of epistemic clientelism and elite insularity.

Visually, the attendees depicted represent a strikingly homogeneous demographic profile. The gathering comprised over a dozen individuals who appear exclusively white, predominantly middle-aged, and uniformly socio-economically privileged. The luxurious ambience—fine dining with meticulously arranged table settings, lit candles, and tasteful décor—is not incidental; rather, it visually underscores the exclusivity and opulence of the event. Such a setting, seemingly removed from ordinary public accountability or democratic accessibility, symbolises a broader detachment characteristic of the governance elite in UK higher education. Indeed, it vividly encapsulates the epistemic insularity critiqued by scholars of democratic epistemology, wherein elite actors occupy decision-making spaces devoid of meaningful public representation {Anderson 2006; Longino 2002}. This insularity further exemplifies what I have previously termed ‘epistemic injustice’, characterised by governance structures that marginalise public participation and transparency in higher education decision-making processes {Kahl, ‘Epistemic Justice and Institutional Responsibility in Academia’, 2025}.

Moreover, as I explicitly articulate in my recent work, *Epistemic Clientelism Theory: Power Dynamics and the Delegation of Epistemic Agency in Academia*, epistemic clientelism is inherently reinforced by such visually privileged and exclusionary networking events, symbolically affirming implicit political alignments and epistemic conformity pressures through selective symbolic recognition and material resources {Kahl, *Epistemic Clientelism Theory*, 2025, pp 13–14}.

2.2 Transparency and Fiduciary Issues

The opacity of this gathering is particularly problematic from both fiduciary and epistemic perspectives. Gill's LinkedIn post notably lacks crucial disclosures—no information about the precise funding sources, organisational sponsorship, or rationale behind the participants' selection is offered. Nor are minutes, transcripts, or detailed summaries of discussions available to the public. This absence of transparency raises significant governance concerns, especially when political figures and influential higher education stakeholders convene in such private and unaccountable forums.

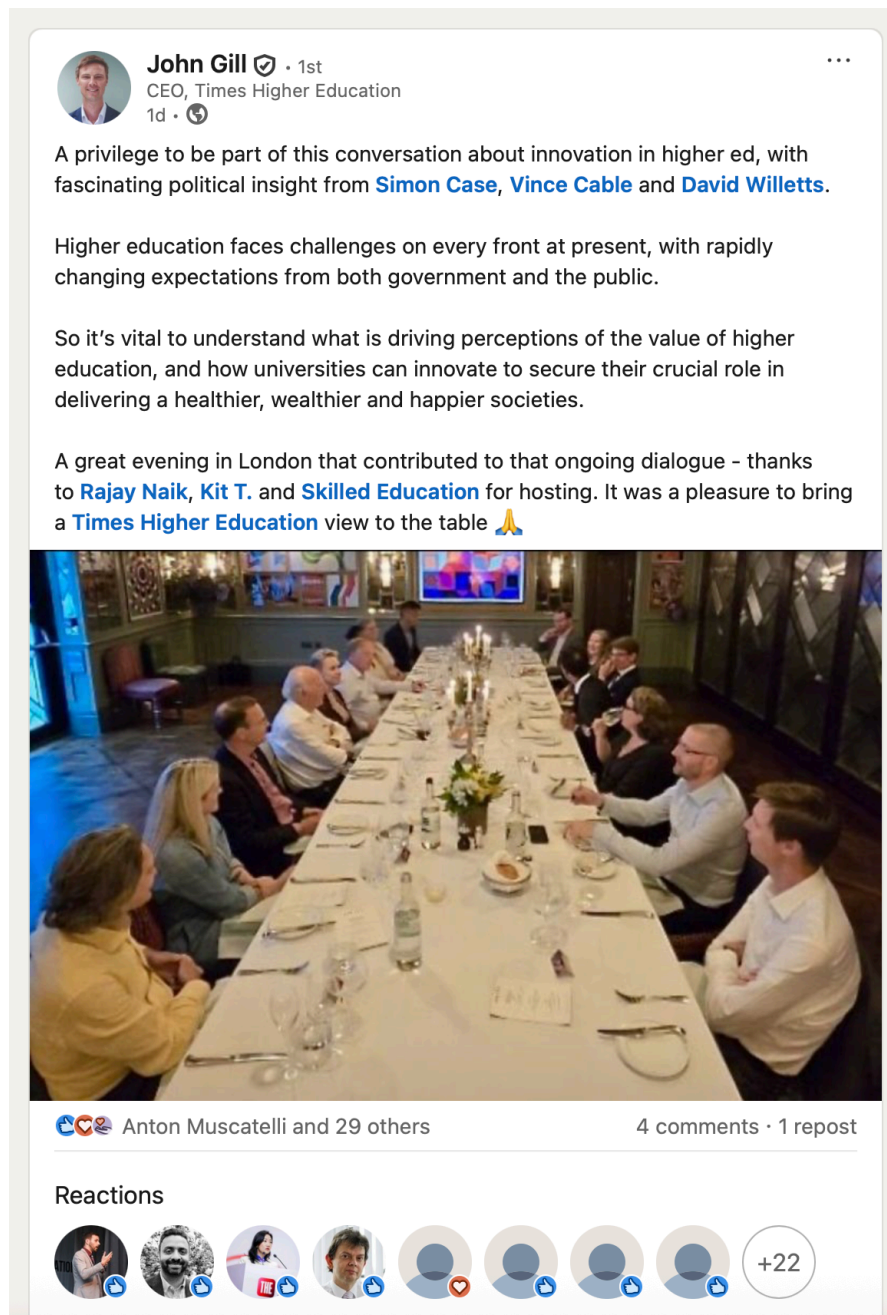


Figure 1.
Screenshot of John Gill's post on LinkedIn, as captured 24 July 2025.

It is important to explicitly acknowledge limitations in our knowledge regarding the attendees at this gathering. The identities and full affiliations of all participants are not publicly available. Consequently, we cannot definitively ascertain all fiduciary duties or material relationships they hold within the broader higher education

ecosystem. This uncertainty further highlights the need for transparency and mandatory disclosure of interests to enable rigorous assessment of fiduciary obligations and potential conflicts.

More critically, the event appears to have involved charitable trustees or representatives of organisations benefiting from charitable status, such as *Skilled Education*. Under English law, trustees of registered charities bear explicit fiduciary duties to act solely in the public interest and exclusively for charitable purposes {Charities Act 2011, ss 177, 181}. Using charitable resources—privileged through beneficial tax arrangements—for exclusive gatherings that implicitly or explicitly lobby influential political or governmental actors potentially constitutes a breach of these fiduciary duties. Indeed, when charitable trustees engage in opaque networking activities, particularly in luxurious settings detached from public scrutiny, they risk serving private or elite interests rather than the public benefit mandated by charity law.

Gill’s description of the event as contributing to an ‘ongoing dialogue’ only serves to accentuate the fiduciary ambiguity. While ostensibly framed as addressing public concerns regarding higher education, the lack of transparency surrounding the discussion topics, policy proposals, or potential outcomes leaves open troubling possibilities of implicit lobbying or policy capture. Without explicit and rigorous public disclosures—mandated under fiduciary governance principles—the charitable trustees involved risk undermining their ethical and legal obligations, perpetuating the very epistemic injustices and fiduciary opacity my previous research identifies as systemic within UK higher education governance {Kahl, ‘Epistemic Justice and Institutional Responsibility in Academia’, 2025}.

Furthermore, drawing explicitly upon my definition of epistemic clientelism, this scenario embodies the institutionalised strategic delegation or surrender of epistemic autonomy by stakeholders in return for selective professional, institutional, or epistemic benefits—including privileged networking opportunities with influential political figures. Such epistemic clientelism constitutes coercive political relationships wherein epistemic agency is subordinated to hierarchical power structures and strategic alliances, directly breaching fiduciary duties owed to the broader public interest {Kahl, *Epistemic Clientelism Theory*, 2025, pp 9–10}.

Thus, this seemingly innocuous soirée, when critically examined, becomes emblematic of the institutional rot at the heart of contemporary higher education governance—a troubling manifestation of epistemic clientelism sustained by opacity, unaccountable privilege, and systemic fiduciary failure.

3. Conflicts of Interest and Fiduciary Accountability

3.1 Charitable Trustees and Dual Fiduciary Duties

Under English law, trustees of charitable organisations are bound by stringent fiduciary obligations, primarily set forth in sections 177 and 181 of the Charities Act 2011. Section 177 explicitly mandates that trustees must avoid conflicts of interest, prohibiting them from placing personal or external interests ahead of their charity’s public benefit mission. Additionally, section 181 emphasises that trustees must ensure decisions and actions exclusively advance their organisation’s charitable purposes, consistently demonstrating fiduciary prudence and transparency.

Notwithstanding these statutory obligations, a troubling fiduciary phenomenon emerges when trustees assume dual and competing roles. Trustees frequently navigate between the charitable duty of delivering public benefit and simultaneous contractual duties owed to private paying members, funders, or corporate stakeholders. This

inherently generates what I term ‘double infidelity’: trustees become beholden to two distinct and often incompatible fiduciary masters. Such dual obligations further intersect with explicit directors’ duties under Companies Act 2006, section 172, which mandates directors to promote the success of their company for the benefit of its members as a whole. This introduces considerable complexity and fiduciary ambiguity.

While section 172 ostensibly prioritises member interests, a significant and growing body of contemporary scholarship argues persuasively for a broader interpretation, recognising implicit duties owed to a wide array of stakeholders, including employees, students, academic staff, the broader public, and epistemic communities. Indeed, in my own recent work, *Directors’ Epistemic Duties and Fiduciary Openness* (2025), I argue explicitly for the necessity of interpreting section 172 in a stakeholder-inclusive manner. This modern interpretation underscores directors’ fiduciary accountability not merely to private members but explicitly to all affected stakeholders, requiring fiduciary openness and epistemic accountability in governance decisions {Kahl, *Directors’ Epistemic Duties and Fiduciary Openness*, 2025}.

Consequently, when trustees or directors of educational charities engage in opaque lobbying or exclusive networking events—as exemplified by the luxurious gathering detailed previously (see chapter 2)—they risk prioritising narrow, private, or elite interests at the expense of broader stakeholder accountability. Such actions directly contravene fiduciary standards articulated under charity law {Charities Act 2011, ss 177, 181} and conflict with a modern interpretation of fiduciary duties under Companies Act 2006, section 172. Through this lens, these actions constitute clear fiduciary-epistemic breaches, reinforcing systemic epistemic injustices and governance failures, as I have previously theorised {Kahl, *Epistemic Clientelism Theory*, 2025, pp 17–18}.

This scenario thus presents a clear governance paradox. Charitable organisations derive substantial tax privileges precisely because their fiduciary accountability is presumed to serve unambiguously the public good {Charities Act 2011, s 2(1)(b)}. However, when trustees enter contractual relationships demanding exclusive loyalty to private funders or influential membership bases—explicitly reinforced by narrower interpretations of Companies Act obligations—their fiduciary conduct frequently becomes compromised. Without rigorous oversight, explicit stakeholder-inclusive interpretations, and clear regulatory interventions addressing these dualities, fiduciary ambiguity will continue to erode both the integrity and sustainability of charitable organisations within higher education.

3.2 Implicit and Visual Conflicts

Beyond explicit fiduciary breaches, implicit conflicts of interest persistently undermine institutional accountability. As vividly illustrated by the homogeneous and affluent demographic composition of attendees at the *Times Higher Education*-hosted soirée, visual representations of privilege and exclusivity reinforce implicit alignments with narrow, elite socio-political interests. Such implicit alignments constitute indirect fiduciary risks by implicitly prioritising perspectives and interests of already powerful groups, thereby marginalising alternative or underrepresented stakeholder voices in critical governance dialogues.

The failure of trustees and institutional representatives to publicly declare their interests exacerbates these visual and implicit conflicts. Without clear and transparent declarations, it is impossible to determine whether policy positions or advocacy activities promoted by these gatherings genuinely reflect charitable objectives and public interests, or whether they serve concealed economic, political, or personal agendas. This opacity, in turn, reinforces what I previously described as ‘epistemic clientelism’—a governance practice wherein mutual loyalties and interests are covertly traded among elite networks, eroding democratic epistemology and fiduciary accountability {Kahl, ‘Epistemic Justice and Institutional Responsibility in Academia’, 2025; Kahl, *Epistemic Clientelism Theory*, 2025}.

In sum, these implicit and visual conflicts, coupled with insufficient transparency mechanisms, significantly amplify existing fiduciary governance failures. Unless rigorously addressed through explicit regulatory requirements—such as mandatory conflict-of-interest declarations, stakeholder-inclusive interpretations of fiduciary duties, and transparent fiduciary audits—these implicit conflicts will continue to perpetuate epistemic injustice, exacerbate public mistrust, and undermine the foundational fiduciary integrity of higher education institutions.

4. Lobbying, Epistemic Clientelism, and Institutional Entrenchment

4.1 Political Alliance-building and Lobbying Charities

At the heart of the institutional rot within higher education governance lies a pervasive and structurally embedded practice of political alliance-building and opaque lobbying by charitable organisations. Charities, which benefit from significant public privileges—most notably tax exemptions granted under the condition of serving the public benefit—are increasingly active in covertly lobbying Members of Parliament, Lords, and senior government officials. These lobbying activities frequently occur behind closed doors, absent the rigorous disclosures required to ensure democratic scrutiny and fiduciary transparency. Consequently, policy dialogues that should be publicly accountable become private transactions, effectively reducing democratic participation to a façade.

Such lobbying activities are emblematic of ‘epistemic clientelism’, explicitly defined in my recent work as an institutionalised practice of strategic exchange, wherein epistemic autonomy is subordinated to hierarchical power structures through selective professional, institutional, or symbolic rewards {Kahl, *Epistemic Clientelism Theory*, 2025, pp 9–10}. Charities involved in these opaque interactions implicitly trade epistemic independence for political loyalty or material advantage, undermining transparent and democratically accountable decision-making. These implicit exchanges represent profound breaches of fiduciary-epistemic duties, systematically marginalising alternative epistemological voices, restricting epistemic autonomy, and eroding democratic epistemological ideals {Kahl, ‘Epistemic Justice and Institutional Responsibility in Academia’, 2025}.

Despite clear fiduciary standards outlined in the Charities Act 2011 and explicit requirements for trustees to avoid conflicts of interest, regulatory oversight of charitable lobbying remains notably deficient. Current charity law does not adequately mandate detailed public disclosure of lobbying engagements, funding sources, policy influence objectives, or the beneficiaries of these opaque political alliances. Without substantial reform, such as mandatory transparency measures and fiduciary audits explicitly recommended in my fiduciary-epistemic governance framework {Kahl, *Directors’ Epistemic Duties and Fiduciary Openness*, 2025}, these regulatory loopholes will continue enabling charities to operate as vehicles of covert political and epistemic influence. Such practices fundamentally undermine the very public benefit principles upon which their privileged status rests.

4.2 Institutional Longevity and Administrative Recycling

Further compounding epistemic clientelism within the higher education ecosystem is the widespread phenomenon of institutional entrenchment among university administrators. Leaders of universities frequently retain their positions of power for decades, a longevity vividly exemplified by cases such as Hester Bijl in the

Netherlands. Bijl’s extended tenure across multiple senior leadership roles exemplifies a broader pattern of administrators securing long-term governance influence through positional rotation rather than genuine renewal. By periodically shifting titles or roles—such as moving between positions of rector magnificus, dean, or administrative director—these administrators maintain entrenched power networks, giving a superficial impression of accountability and dynamism while reinforcing the very clientelism and epistemic stagnation that effective governance reforms seek to eliminate.

This cyclical rotation fosters what my recent work explicitly identifies as ‘institutional rigidity and entrenchment’: prolonged occupancy of influential positions consolidates epistemic authority, embedding established epistemic values and methodological orthodoxies deeply into institutional practices. Such practices produce self-reinforcing loops that significantly impede epistemic diversity, innovation, and democratic participation in knowledge production, exacerbating systemic epistemic clientelism {Kahl, *Epistemic Clientelism Theory*, 2025, pp 8–9}.

Moreover, as Brian Klaas persuasively argues in *Corruptible: Who Gets Power and How It Changes Us* (2021), prolonged periods of power systematically alter individuals’ behaviours, values, and ethical judgment, increasing susceptibility to fiduciary abuses, corruption, and epistemic distortions {Klaas 2021}. Institutional leaders entrenched within such cycles thus become disproportionately influential, resistant to external critique, ethically compromised by sustained power, and insulated from meaningful democratic oversight. The illusion of novelty created by periodic title changes masks deeper structural rigidity, further amplifying fiduciary opacity and epistemic injustice. Indeed, this entrenched leadership pattern ensures that critical governance decisions remain confined to narrow, trusted elite networks, systematically marginalising alternative voices, perspectives, and epistemic contributions.

In sum, without explicit fiduciary-epistemic regulatory reforms addressing both opaque lobbying practices of charities and entrenched administrative leadership—as proposed in my fiduciary-epistemic governance framework {Kahl, *Directors’ Epistemic Duties and Fiduciary Openness*, 2025}—UK higher education governance will remain vulnerable to the twin pathologies of epistemic clientelism and fiduciary opacity. These pathologies, if unaddressed, pose a continuing and substantial threat to institutional legitimacy, democratic accountability, and epistemic justice.

5. Evaluating Nationalisation as a Governance Remedy

5.1 Defining Nationalisation (‘Un-Privatisation’)

Nationalisation, or ‘un-privatisation’, refers explicitly to the process of transferring ownership and operational control of institutions from private entities back into public (state) ownership. Within the context of UK higher education, nationalisation implies reversing decades of market-oriented reforms and placing universities explicitly under public governance structures. Such an approach seeks to reorient institutional priorities away from private financial interests towards broader public and epistemic objectives, aligning university governance explicitly with public accountability, transparency, and the pursuit of democratic epistemic ideals.

Advocates for nationalisation argue it would inherently realign fiduciary duties, ensuring universities fulfil explicit obligations to serve the public good, support epistemic openness, and uphold democratic principles of knowledge production. By explicitly eliminating direct profit-driven incentives, proponents anticipate

reductions in explicit financial misconduct, conflicts of interest, and fiduciary abuses driven by private sector motivations.

5.2 Critical Analysis of Nationalisation's Limits

Notwithstanding the anticipated benefits outlined above, nationalisation alone remains insufficient as a comprehensive governance solution. While returning higher education institutions explicitly to public ownership may effectively mitigate certain overt forms of unlawful acts—such as explicit financial corruption or fiduciary abuses directly driven by private profit incentives—it is essential to recognise significant governance shortcomings that nationalisation, by itself, cannot adequately address.

As discussed extensively in preceding chapters, the institutional rot within higher education governance encompasses far broader and deeper epistemic and fiduciary failures than those stemming purely from profit motives. Epistemic injustices, opaque lobbying practices, entrenched administrative clientelism, implicit fiduciary conflicts, and systemic marginalisation of stakeholder voices constitute complex governance pathologies which nationalisation alone does little to resolve. In my foundational works, particularly *Epistemic Clientelism Theory* (2025) and *Directors' Epistemic Duties and Fiduciary Openness* (2025), I have explicitly demonstrated how maladministration and fiduciary opacity can persist or even worsen under bureaucratic or government-controlled institutional structures unless accompanied by rigorous epistemic and fiduciary governance reforms {Kahl, 'Epistemic Clientelism Theory', 2025, pp 17–18; Kahl, *Directors' Epistemic Duties and Fiduciary Openness*, 2025}.

For example, entrenched administrative recycling—where senior administrators sustain power through positional rotation rather than genuine renewal—could readily persist within publicly nationalised universities, continuing to foster epistemic insularity, clientelism, and conformity. Likewise, political lobbying and epistemic clientelism, although potentially reduced in commercial intensity, could simply be replaced by analogous forms of politically motivated epistemic conformity, now mediated explicitly by governmental or bureaucratic power dynamics rather than private interests.

Furthermore, without explicit structural reforms mandating fiduciary transparency, epistemic openness, stakeholder-inclusive fiduciary interpretations, and clear accountability measures such as independent fiduciary-epistemic oversight bodies, the underlying governance structures perpetuating epistemic injustices and implicit fiduciary breaches would remain largely intact. Nationalisation thus represents at best a partial remedy, insufficient to rectify deeper epistemic pathologies without robust complementary reforms explicitly aimed at dismantling institutionalised epistemic clientelism, enhancing fiduciary accountability, and restoring genuine democratic epistemological practices.

In sum, while nationalisation provides a necessary starting point for addressing explicit fiduciary abuses arising directly from profit motives, genuine restoration of public trust, democratic accountability, and epistemic justice demands explicit and comprehensive structural reforms. These must include fiduciary-epistemic transparency mandates, mandatory disclosure of lobbying activities, separation of administrative and educational roles, adoption of an Academic Hippocratic Oath, and clear stakeholder-inclusive interpretations of fiduciary duties as previously detailed. Without such comprehensive measures, nationalisation alone risks perpetuating rather than resolving the systemic epistemic and fiduciary injustices plaguing contemporary higher education governance.

6. Comprehensive Structural Reform Blueprint

In light of the systemic fiduciary and epistemic governance failures detailed in preceding chapters, this chapter explicitly sets forth a comprehensive structural reform blueprint. Drawing extensively upon the theoretical and practical frameworks established in my earlier research, this blueprint is explicitly designed to dismantle epistemic clientelism, enhance fiduciary transparency, and restore genuine epistemic justice within UK higher education governance.

6.1 Enhanced Regulatory Oversight of Lobbying Charities

Given the central role of opaque lobbying by charities in perpetuating epistemic clientelism and fiduciary ambiguity, explicit statutory enhancements to the Charities Act 2011 are recommended. These reforms would explicitly mandate rigorous transparency and fiduciary accountability, effectively dismantling covert lobbying practices. Specifically, reforms should include:

- Mandatory public disclosures of lobbying activities conducted by charities, including explicit identification of participants, funding sources, the nature of policy proposals discussed, and intended policy influence objectives.
- Independent fiduciary audits of charitable expenditure, explicitly focused on political lobbying and alliance-building events. Such audits must be publicly accessible, ensuring continuous scrutiny of whether charitable resources explicitly serve public interests and epistemic fairness as mandated by law {Charities Act 2011, ss 177, 181}.

Implementing these explicit measures would substantially enhance fiduciary transparency, significantly reducing opportunities for covert epistemic clientelism and related fiduciary abuses identified in previous analyses {Kahl, *Epistemic Clientelism Theory*, 2025, pp 17–18}.

6.2 Fiduciary Transparency and Accountability Mandates

To address persistent fiduciary ambiguities arising from implicit and explicit conflicts of interest among institutional trustees, directors, and leadership, robust fiduciary transparency and accountability mandates must be explicitly instituted. These measures include:

- Public declarations of conflicts of interest, explicitly mandatory for all trustees, directors, senior administrators, and key institutional decision-makers, updated regularly and publicly accessible.
- Mandatory disclosure of transcripts and detailed summaries of meetings involving Members of Parliament, Lords, charitable trustees, directors, and senior administrative personnel, particularly those focused explicitly on policy dialogues, institutional funding decisions, or governance strategies.

Such transparency mandates explicitly reflect my fiduciary-epistemic governance framework articulated previously, which stresses fiduciary openness as foundational to ensuring epistemic justice and institutional accountability {Kahl, *Directors' Epistemic Duties and Fiduciary Openness*, 2025}.

6.3 Academic Hippocratic Oath

A cornerstone of the structural reform blueprint is the explicit institutionalisation of an Academic Hippocratic Oath, analogous to ethical commitments in medicine. The oath would explicitly affirm ethical obligations of epistemic fidelity and institutional accountability, mandating adherence to fiduciary-epistemic principles articulated extensively in my foundational work {Kahl, 'Epistemic Justice and Institutional Responsibility in Academia', 2025}. Core components of the Academic Hippocratic Oath include explicit commitments to:

- **Epistemic fidelity ('do no harm')**: Explicitly mandating that educators, trustees, and institutional leaders prioritise epistemic openness, fairness, and autonomy, proactively resisting epistemic clientelism and conformity pressures.
- **Fiduciary responsibilities toward stakeholders**: Explicitly affirming duties owed to students, the broader public, epistemic communities, and democratic epistemological ideals, explicitly extending fiduciary duties beyond narrow institutional or private interests.
- **Accountability and transparency**: Explicitly committing to transparent governance practices, including open documentation of decision-making processes and rigorous disclosures of conflicts of interest, lobbying engagements, and policy influences

Formal adoption of such an oath explicitly operationalises fiduciary-epistemic principles, substantially strengthening institutional integrity and epistemic justice in higher education governance.

6.4 Structural Separation of Administrative and Educational Roles

Finally, explicit structural reforms must be instituted to clearly delineate administrative roles (responsible primarily for operational governance, fiduciary oversight, and strategic management) from educational roles (explicitly focused on research, pedagogy, and epistemic innovation). Such reforms explicitly address institutional entrenchment and epistemic clientelism caused by long-term administrative recycling. Specific proposals include:

- **Clearly defined administrative and educational career tracks**: Explicitly separating career paths to ensure that administrative fiduciary responsibilities do not compromise educational autonomy and vice versa, thereby minimising structural conflicts of interest and limiting the potential for epistemic clientelism.
- **Mandatory rotation of administrative leadership**: Introducing explicit term limits and mandatory rotations to systematically disrupt entrenched administrative clientelism and epistemic conformity patterns. As Klaas compellingly demonstrates in *Corruptible: Who Gets Power and How It Changes Us* (2021), prolonged periods of power significantly increase vulnerability to ethical compromise, corrupt behaviours, and distorted epistemic judgments, reinforcing the need for regular leadership rotations {Klaas 2021}.
- **Independent oversight bodies**: Establishing independent fiduciary-epistemic oversight bodies explicitly mandated to ensure epistemic integrity, autonomy, and accountability within higher education institutions. Such bodies would explicitly monitor compliance with fiduciary transparency, epistemic justice, and democratic epistemological practices, regularly publishing public accountability reports.

These structural separation measures explicitly reflect my recommendations in *Epistemic Clientelism Theory* (Kahl 2025), where I argued explicitly for disrupting administrative entrenchment as essential to restoring genuine

epistemic autonomy, institutional integrity, and epistemic pluralism [Kahl, *Epistemic Clientelism Theory*, 2025, pp 18–19].

In sum, this comprehensive structural reform blueprint explicitly integrates enhanced regulatory oversight, rigorous fiduciary transparency mandates, an Academic Hippocratic Oath, and structural separation of administrative and educational roles. Collectively, these reforms explicitly address the fiduciary and epistemic pathologies identified in previous chapters, ensuring robust epistemic justice, democratic accountability, and institutional sustainability within UK higher education governance.

7. Legislative and Policy Recommendations

In view of the systemic fiduciary opacity, epistemic injustices, and entrenched administrative clientelism detailed in previous chapters, explicit legislative and policy interventions are essential. These measures will provide robust statutory backing to the fiduciary-epistemic structural reforms proposed, ensuring rigorous implementation, accountability, and long-term governance integrity. Specifically, statutory amendments should be made explicitly to the Charities Act 2011, the Higher Education and Research Act 2017, and the regulatory frameworks overseen by the Office for Students (OfS).

7.1 Amendments to the Charities Act 2011

To explicitly address the pervasive issues of fiduciary opacity, conflicts of interest, and covert lobbying within charities involved in higher education governance, the following statutory amendments are recommended:

- **Fiduciary transparency mandate:**
Amend the Charities Act explicitly to require registered charities to publicly disclose comprehensive details of lobbying activities. This would include participants involved, precise funding sources, policy objectives pursued, and beneficiaries targeted, facilitating democratic scrutiny and fiduciary accountability.
- **Mandatory conflict disclosure:**
Statutory requirement that all charitable trustees explicitly and regularly declare conflicts of interest, with these declarations publicly accessible and independently audited.
- **Independent fiduciary audits:**
Introduce mandatory fiduciary audits for charities engaged explicitly in lobbying or political alliance-building, ensuring their compliance with fiduciary obligations to serve exclusively the public benefit.

7.2 Amendments to the Higher Education and Research Act 2017

To embed fiduciary and epistemic justice explicitly into higher education governance structures, amendments to the Higher Education and Research Act 2017 are proposed, including:

- **Codification of the Academic Hippocratic Oath:**
Introduce a statutory provision explicitly requiring higher education institutions receiving public funds to adopt and enforce an Academic Hippocratic Oath. This oath must explicitly affirm commitments to epistemic fidelity ('do no harm'), fiduciary openness, transparency, and ethical accountability to stakeholders—students, academic staff, and the broader public.

- **Structural separation of administrative and educational roles:**
Amend the Act explicitly to mandate clear institutional separation between administrative (fiduciary governance, strategic oversight) and educational roles (teaching, research, epistemic innovation), including explicit statutory term limits and mandatory rotations for senior administrative positions to disrupt entrenchment and epistemic clientelism.

7.3 Enhanced Regulatory Standards by the Office for Students (OfS)

To complement statutory amendments, explicit regulatory enhancements overseen by the Office for Students must be implemented, including:

- **Rigorous fiduciary accountability frameworks:**
Regulatory standards explicitly mandating fiduciary transparency in institutional governance processes, including mandatory publication of conflict-of-interest declarations, meeting transcripts involving policymakers, trustees, and senior administrators, and annual fiduciary-epistemic accountability reports.
- **Independent fiduciary-epistemic oversight body:**
Establish under OfS regulation an independent oversight body explicitly mandated to monitor institutional compliance with fiduciary transparency requirements, epistemic justice standards, and democratic epistemological practices. This body would publicly report annually on compliance, explicitly sanctioning institutions found to breach fiduciary-epistemic duties.
- **Stakeholder-inclusive fiduciary interpretation:**
Explicitly define fiduciary obligations within OfS regulatory standards to include broader stakeholder interests—students, epistemic communities, the public—as integral to institutional fiduciary accountability, aligned with the modern interpretations of section 172 of the Companies Act 2006 advocated explicitly in my recent work {Kahl, *Directors' Epistemic Duties and Fiduciary Openness*, 2025}.

Collectively, these explicit legislative and policy recommendations operationalise the fiduciary-epistemic governance framework outlined throughout this essay. Institutionalising fiduciary transparency, mandatory conflict disclosures, lobbying oversight, the Academic Hippocratic Oath, and structural separation of administrative and educational roles into statutory law and regulatory frameworks will effectively address the systemic fiduciary and epistemic injustices identified. These robust reforms explicitly reinforce institutional legitimacy, democratic accountability, and epistemic integrity, essential to restoring public trust and sustainability in UK higher education governance.

8. Conclusion: Beyond Nationalisation—Toward Genuine Epistemic and Fiduciary Reform

This essay has explicitly articulated the systemic governance failures at the heart of contemporary UK higher education, identifying fiduciary opacity, epistemic injustice, and entrenched administrative clientelism as profound and pervasive challenges. While nationalisation ('un-privatisation') has been proposed as a partial remedy—explicitly addressing overt financial abuses arising from market-driven governance—this essay has demonstrated comprehensively that nationalisation alone remains critically insufficient as a standalone solution.

As argued throughout, institutional governance pathologies extend far beyond issues directly attributable to profit motives. Epistemic clientelism, opaque lobbying, entrenched leadership structures, implicit fiduciary conflicts, and administrative entrenchment constitute complex governance crises that cannot be resolved merely by transferring ownership and control back to public institutions. Without explicit and rigorous complementary reforms—particularly those mandating fiduciary transparency, epistemic justice, and structural accountability—nationalisation risks perpetuating the very epistemic stagnation, maladministration, and fiduciary ambiguity it ostensibly seeks to resolve.

Therefore, this essay explicitly advocates the integrated fiduciary-epistemic reform blueprint set forth in earlier chapters. This comprehensive approach encompasses statutory enhancements to charity regulation, explicit fiduciary transparency mandates, mandatory conflict-of-interest declarations, codification of the Academic Hippocratic Oath, clear structural separation of administrative and educational roles, and independent fiduciary-epistemic oversight mechanisms. Collectively, these reforms explicitly dismantle epistemic clientelism, ensure fiduciary accountability, and restore democratic epistemological practices within higher education governance.

As demonstrated explicitly through my foundational works, particularly *Epistemic Clientelism Theory* (2025) and *Directors' Epistemic Duties and Fiduciary Openness* (2025), genuine epistemic justice, democratic accountability, and institutional legitimacy demand reforms explicitly designed to disrupt entrenched epistemic hierarchies and clientelist networks. Without these comprehensive measures, nationalisation risks replacing one form of epistemic and fiduciary pathology with another, leaving institutional governance vulnerable to ongoing abuses, epistemic conformity, and democratic erosion.

Ultimately, the integrated reform blueprint presented explicitly throughout this essay constitutes an urgent fiduciary and epistemic imperative. It not only restores public trust and democratic accountability but also revitalises epistemic pluralism, authenticity, and institutional integrity—qualities indispensable to a thriving, sustainable, and genuinely accountable higher education ecosystem in the United Kingdom.



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Revision History

Edition	Description of Changes	Epistemic Impact	Date
—	Initial release under title <i>“Rot at the Heart of Higher Education: Nationalisation, Fiduciary Reform, and Epistemic Justice in the Governance Crisis of UK Universities”</i>	None	2025-07-25
2	Layout and design of front page revised for clarity and consistency. Changed title to <i>“Higher Education Governance in Crisis: Nationalisation, Fiduciary Reform, and Epistemic Justice in UK Universities”</i> .	None	2025-08-19

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