

Top-up fees: the MPs to watch

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The Government is in an even deeper hole over top-up fees than it first appears.

By the morning of 1 December, 132 Labour MPs had signed EDM 7, tabled by Ian Gibson:

That this House recognises the widespread concern about the effects variable tuition fees and the perception of debt may have on access to universities, particularly among students from families on modest or lower middle incomes; notes that there are alternative models of funding higher education, which the Department for Education and Skills has considered and which do not involve variable top-up fees; and calls on the government, therefore, to publish full details of these alternatives to facilitate proper, informed debate and understanding before proceeding with legislation to reform the higher education funding system.

Although the EDM is deliberately widely drawn (and does not actually reject the Government's policy) the fact that so many Labour MPs have already signed it is not welcome news for the Government. As a result, the Bill is now said not to be introduced until after Christmas, and the Government are already in open discussion about the changes that they would be willing to make to the Bill.

Yet the scale of the problem for the Government is exacerbated by two factors. The first is the composition of those 132 MPs. The second is the large number of Labour MPs who are opposed to top-up fees but who have not (yet?) signed the EDM.

The signers

MPs do not like defying their party line: the various ties of socialisation and party loyalty make it something to be avoided if at all possible. But MPs who have already rebelled once are more likely to be willing to do so again compared to those who have yet to defy their whips.

The problem for the Government is that all but 14 of the 132 MPs who have signed EDM 7 have already voted against their whips since 2001. Over top-up fees, therefore, the Government faces just 14 rebellion 'virgins', but 118 MPs who are battle-hardened.

Table 1 (below) lists the 132 MPs signers of EDM 7, splitting them by the number of major issues over which they have been prepared to vote against the Government since 2001.[†] They range from the 14 who have yet to do so at all to the three (whose names will not be a surprise) who have done so on all 11 issues. The table makes clear the extent to which opposition to the policy extends beyond those often described (usually dismissively) as the 'usual

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[†] Because MPs are able to rebel multiple times on some issues, but only once on others, it makes more sense to split the MPs by broad issues rather than by the number of rebellions they have participated in. The 11 issues cover the major rebellions of the Parliament to date. For more information, see: <http://www.essex.ac.uk/ecpr/standinggroups/parliaments/papers/cowley1.pdf>

suspects'. Instead, it extends into the large mass of Labour MPs who have already defied their whips – and who are therefore more likely to do so again.

The second complicating factor for the Government is the intensity of opposition. In addition to Ian Gibson's EDM this session, there were three separate anti-top up fees EDMs (listed in the appendix) during the last session.[‡] The shading in Table 1 indicates the number of EDMs that the would-be rebels have signed on this issue. Dark grey indicates that the MP concerned has signed all four of the EDMs; the lighter grey indicates that he or she has signed three of the four EDMs (that is, EDM 7 plus two others). Of the 132 MPs listed, 23 have signed four of the EDMs, another 53 have signed three.

The majority of these MPs therefore have a long-standing opposition to top-up fees, expressed publicly and repeatedly over the last year. Whilst it might be (relatively) easy for an MP to sign EDM 7 and then not rebel against the Government, it will be much harder for an MP who has signed multiple EDMs against the policy to do so. The problem for the Government is that even if we only consider an MP who has signed at least three out of the four EDMs to be strongly opposed to its policy, there are still 76 such Labour MPs.

The non-signers

The second reason that the Government is in a worse position than it first appears is because of the identity of some of those who did *not* sign EDM 7.

If 132 would-be rebels is considered bad enough, then consider the 190 MPs who have signed any one of the four EDMs against the Government over this issue during the last year.

Excluding the 132 who signed Ian Gibson's EDM 7, this leaves 58 Labour MPs who signed one of the previous EDMs but who have not (yet?) signed EDM 7.

These 58 are listed in Table 2, which divides them according to the number of anti-top up fees EDMs they signed in the last session. Of the 58, six have since entered Government, and are thus (barring resignation) bound by collective responsibility to support the Government. These six are in parentheses in the table.[§]

Whereas just 11 per cent of the signers of EDM 7 were rebellion virgins, a full third (19) of these 58 – listed in italics in Table 2 – have yet to defy the Government. All six promotions all came from this group, leaving 13 Labour MPs who signed at least one previous motion but who did not sign EDM 7 and who have not yet voted against the Government. Of all the MPs to have expressed opposition to the Government's plans, this group must be the least likely of any to vote against when the Bill eventually comes before the Commons.

But this still leaves 38 Labour MPs in receipt of the whip and on the backbenches who have previously said that they are unhappy with the Government's Higher Education policy *and* who have previously voted against the Government, but who have just not yet signed EDM 7. This includes 16 MPs who signed two of the

[‡] In addition, although not about top-up fees *per se*, 94 Labour MPs signed EDM 426 (2001-02) calling for the Government to 'introduce grants for low-income students and end the current system of tuition fees'.

[§] In addition, George Galloway is listed here as signing, since he did so as a Labour MP. By the time of EDM 7 he had been expelled from the party and – although he did sign – he did not do so as a Labour MP.

previous motions and four who signed all three. An unknown number of these MPs – including people like Graham Allen – may have changed their minds about the issue since signing, but this still leaves a fair-sized group (say, 20 at a minimum?) who must be considered likely potential rebels.

Conclusion

The problem for the Government is therefore clear. Of those who have signed the most recent EDM, most have 'form' – having been willing to vote against the Government before – and the majority have a long-standing, and often-expressed, opposition to the policy. The number of Johnny-come-latelys is small. And on top of that, there is another smaller, but still sizeable, group who have expressed opposition to the policy but who have not signed the most recent EDM.

Of course, there is no fixed relationship between the number of MPs to sign an EDM and any rebellion. In 1999, an EDM criticising the Government's Immigration and Asylum Bill was signed by 61 Labour MPs, prompting *The Times* to claim that the Government was facing potential defeat over the issue.** But after the then Home Secretary, Jack Straw, amended the legislation, the putative rebellion crumbled, and a total of just 17 Labour MPs voted against any part of the legislation. By contrast, just 20 signed an EDM in the last session over the firefighters' dispute, but more than double that number rebelled over the issue.

Moreover, the pressures on Labour MPs to vote with the Government will increase as the possibility of a Government defeat increases. After the Foundation Hospital vote in May, Simon Carr of the *Independent* wrote the following:

What a relentless disappointment these Labour rebels are. All they needed was 82 votes and they'd have brought down this flagship Bill. They've got – at the present time of counting – 60. They were short on the Iraq vote by just enough to make a point without endangering the Government; and the same has happened here. If they needed six votes to bring the Government down, they'd get four. If they needed one, they wouldn't get it. They shrink to fit.††

This is a touch unfair, if only because this observation does not just apply to Labour MPs since 2001 but to all MPs, Labour and Conservative, and throughout the entire post-war period. When defeat is very unlikely, MPs will find it easier to vote against the party line. (Similarly, once defeat becomes certain, the pressure to stick to the party line will become less pronounced.) But the pressure on an MP to stick to the party line will increase as the prospect of defeat becomes more likely, and as it becomes more likely that their vote will be the one that makes the difference. This may be particularly so in the case of the current PLP, since the Government has not yet been defeated on a whipped vote in the Commons, and only a microscopic handful of Labour MPs (those elected before 1979) have experience of defeating their own Government in the division lobbies.

This paper is not being written by Mystic Meg, and so it makes no claims about the overall scale of any rebellion – and the eventual outcome of any vote. But it is clear that the Government is in a hole – and a larger hole than it at first appears. The MPs discussed in this paper will be the MPs who will decide whether the issue of top up fees will produce this Government's first Commons defeat – or whether this will be another shrink-to-fit rebellion.

** *The Times*, 10 June 1999.

†† Simon Carr, 'Shrink-to-fit rebels fall short once more in hour of need', *The Independent*, 8 May 2003.

Table 1: The past behaviour of EDM 7 signers

Number of issues rebelled on so far this Parliament											
0	1	2	3	4	5	6	7	8	9	10	11
Clive Betts	John Battle	Tony Banks	Ann Clywd	Iain Coleman	Roger Berry	Harold Best	Ronnie Campbell	Diane Abbott	John Austin	Harry Barnes	Kelvin Hopkins
Nick Brown	Bob Blizzard	Helen Brinton	Valerie Davey	Ian Davidson	Martin Caton	Gordon Prentice	Michael Clapham	Andrew Bennett	Neil Gerrard	Jeremy Corbyn	John McDonnell
Tony Colman	Keith Bradley	Richard Burden	Hilton Dawson	Gwyneth Dunwoody	Frank Cook	David Taylor	Harry Cohen	Ian Gibson	Alice Mahon	Lynne Jones	Dennis Skinner
Jon Cruddas	Kevin Brennan	Colin Burgon	Andrew Dismore	Clive Efford	Jim Cousins	Mike Wood	John Cryer	Kate Hoey	R. Marshall-Andrews	Brian Sedgemore	
Barbara Follett	Anne Campbell	Tony Clarke	Frank Dobson	Dai Havard	Ann Cryer				Alan Simpson		
Stephen Hesford	David Clelland	Terry Davis	David Drew	Doug Henderson	Denzil Davies						
Brian Jenkins	Robin Cook	Janet Dean	Eric Illsley	Tony Lloyd	Mark Fisher						
John Mann	Frank Doran	Paul Farrelly	Jon Owen Jones	Linda Perham	Paul Flynn						
James Plaskitt	Angela Eagle	Win Griffiths	Julie Morgan	Jon Trickett	David Hinchcliffe						
John Smith	Huw Edwards	Fabian Hamilton	George Mudie		Glenda Jackson						
Gisela Stuart	Louise Ellman	Joan Humble	Desmond Turner		Peter Kilfoyle						
Mark Tami	Hywel Francis	Andy King	Joan Walley		Christine McCafferty						
Dennis Turner	John Grogan	Alan Meale			Kevin McNamara						
Keith Vaz	Lindsay Hoyle	Martin O'Neill			Gwyn Prosser						
	Brian Iddon	Diana Organ			Rudi Vis						
	Helen Jackson	Albert Owen									
	Martyn Jones	Ken Purchase									
	Kevan Jones	Malcolm Savidge									
	Helen Jones	Chris Smith									
	David Lepper	Gerry Steinberg									
	Ian Lucas	George Stevenson									
	Iain Luke	Paul Truswell									
	Khalid Mahmood	Betty Williams									
	Rob Marris										
	Ann McKeichin										
	John McWilliam										
	Eddie O'Hara										
	Stephen Pound										
	Martin Salter										
	Clare Short										
	Marsha Singh										
	Brian White										
	Alan Williams										
	Tony Worthington										
	Derek Wyatt										

Table 2: Non-signers to watch out for

<i>Number of EDMs signed</i>		
1	2	3
Graham Allen	Vera Baird	Jim Cunningham
Joe Benton	Kevin Barron	Bill Etherington
Karen Buck	Michael Connarty	Jane Griffiths
David Crausby	Tom Cox	Phil Sawford
Tam Dalyell	Jim Dobbin	
George Galloway	Brian Donohoe	
Patrick Hall	Jeff Ennis	
Jimmy Hood	David Heyes	
Andrew Mackinlay	Terry Lewis	
Jim Marshall	Austin Mitchell	
Eric Martlew	Dr Doug Naysmith	
Denis Murphy	Peter Pike	
Kerry Pollard	Joan Ruddock	
John Robertson	Paul Stinchcombe	
Debra Shipley	Robert Wareing	
Llew Smith	Alan Whitehead	
Geraldine Smith	<i>Hugh Bayley</i>	
James Wray	<i>(David Borrow)</i>	
David Wright	<i>Wayne David</i>	
<i>Janet Anderson</i>	<i>Bruce George</i>	
<i>Candy Atherton</i>	<i>(Ashok Kumar)</i>	
<i>Peter Bradley</i>	<i>(Syd Rapson)</i>	
<i>(Tony Cunningham)</i>	<i>(Tom Watson)</i>	
<i>Geraint Davies</i>		
<i>Mike Gapes</i>		
<i>Jim Knight</i>		
<i>Judy Mallaber</i>		
<i>(Stephen McCabe)</i>		
<i>Laura Moffat</i>		
<i>Bill Olnier</i>		
<i>Greg Pope</i>		

Appendix: Anti-Top Up Fee EDMs from 2002-2003

EDM 2 (tabled by Paul Farrelly):

That this House notes with concern that a number of elite universities are making contingency plans for top up fees, which would create a two tier university system; and urges the Government to adhere to its policy of ruling out such extra charges in this and successive future parliaments.

EDM 799 (tabled by John Grogan):

That this House supports the National Union of Students' campaign against student top-up fees; agrees that the Government's proposals for top-up fees will mean access to university is based on ability to pay not ability to learn; and urges the Government to abandon its plans for top-up fees which will lead to a two-tier higher education system.

EDM 994 (tabled by Anne Campbell):

That this House welcomes the extra Government money announced in the White Paper 'The Future of Higher Education'; further welcomes the end of up front tuition fees; supports the reintroduction of grants for students from poorer backgrounds; recognises the improvements outlined for the repayment of debt, but believes that differential fees will deter students from low-income backgrounds from applying to the top academic institutions and to certain courses; and, if extra money is required, urges the Government to implement a measured increase in fees across the board, whilst maintaining the full or partial exemption from fees for students from low income backgrounds.