University and College Union
Higher Education

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To
HE Branch and local association secretaries

Topic
Research Excellence Framework – updated guidance

Action
To influence institutional codes of practice on REF submissions before 31 July 2012

Summary
Updated guidance on REF codes of practice; identifies best practice and key principles that branches/LAs should seek to include in codes of practice being developed by HEIs prior to 31 July deadline.

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Research Excellence Framework (REF) – Institutional Codes of Practice on Submission

The UK funding bodies have established a deadline of Tuesday 31 July 2012 for all HEIs to submit their codes of practice on the fair and transparent selection of staff for submission to REF2014.

Each HEI making a submission to the REF is required to develop, document and apply such a code. Heads of Institutions will be required to confirm adherence to this code when REF submissions are made.

UCU guidance (see UCUHE118 and UCUHE141) stresses the need for UCU branches/LAs to seek involvement in the drawing up of institutional codes of practice. See www.ucu.org.uk/circ/rtf/UCUHE141.rtf. This guidance also provided a number of specific action points for branches in relation to the development of codes of practice on the REF.

A number of draft codes of practice have been sent to UCU Head Office for analysis. Having analysed these draft codes, we have identified some common flaws and also elements of best practice. With these in mind, we recommend that branches/LAs urgently seek to ensure that the elements outlined below are reflected in their institutional codes of practice on REF submission, if not already included.

Michael MacNeil
National Head of Higher Education
REF Codes of Practice: Best Practice and Key Principles Identified by UCU

We recommend that branches/LAs urgently seek to ensure that the following points are reflected in their institutional codes of practice on REF submission, if not already included:

1) **Equality** – the official REF guidance produced by the funding councils sets out the various equality legislation that HEIs need to comply with in developing their submission processes (see [http://www.ref.ac.uk/pubs/2011-02/](http://www.ref.ac.uk/pubs/2011-02/)). CoPs should set out the institutional arrangements for equality monitoring of staff included and not included in the REF plans, and equality impact assessments of selection processes. There should be an institutional commitment to highlighting any areas of concern and possible discriminatory practices and to suggesting actions for rectifying these.

The CoPs should explain what specific training the HEIs is putting in place for those making decisions on REF submission. The official REF guidance produced by the funding councils states that individuals involved in making decisions on the REF should be receiving training in equality and diversity issues specifically designed for the REF, and this should be detailed in the CoP.

CoPs should include a commitment to ensuring that the relevant committees making decisions are balanced in terms of gender and reflect the diversity of staff.

Branches should also refer to the materials on the website of the Equality Challenge Unit, which have been developed to support the Funding Councils and REF panels in promoting equality in REF processes. See [http://www.ecu.ac.uk/documents/ref-materials](http://www.ecu.ac.uk/documents/ref-materials)

2) **Individual Circumstances** – the official documentation produced by the funding councils sets out the individual circumstances which will enable a reduced number of outputs to be submitted for particular members of staff.

This covers early career researchers, part-time staff and those who have taken career breaks, staff who have take maternity, paternity or adoption leave and other circumstances. These should be set out clearly in the Institutional CoPs.

Staff can also request that they be able to submit fewer outputs on the basis of more complex circumstances. The CoP needs to set out robust and confidential institutional procedures for dealing with the disclosure of sensitive information such as ongoing illness or mental health conditions. The official REF guidance recommends a centralised process within the HEI to allow individuals to disclose circumstances confidentially.

ECU have developed a template form which institutions are encouraged to send to all staff eligible for REF submission in which they are invited to disclose any individual circumstances they wish to be taken into consideration. The institutional
CoPs should refer to these or set out a similar process for disclosure. See [http://www.ecu.ac.uk/documents/ref-materials/staff-disclosure-of-individual-circumstances](http://www.ecu.ac.uk/documents/ref-materials/staff-disclosure-of-individual-circumstances)

ECU have also developed a series of case studies to illustrate complex circumstances, with example decisions on the reduction of outputs. These have been approved by the four Main panel chairs and by the REF Equality and Diversity Advisory Panel. CoPs should refer to these worked examples as a guide to institutional decision-making in relation to the consideration of complex circumstances. See: [http://www.ecu.ac.uk/documents/ref-materials/complex-circumstances-examples](http://www.ecu.ac.uk/documents/ref-materials/complex-circumstances-examples)

3) **Transparency** – the official guidance on the REF produced by the funding councils identifies transparency as a key principle in the REF process. Some institutions are interpreting transparency narrowly as publishing relevant documents (including the CoP) on the university website and making sure all staff and all those involved in decisions have access to them.

The official REF guidance from the funding bodies, calls for complete transparency in the constitution, membership and decision-making of committees and advisory groups. The official REF guidance also refers to the principle of accountability: this means responsibilities should be clearly defined and operating criteria and terms of reference for individuals, committees and other bodies involved in the selection process should be clearly set out.

We believe that the principle of transparency requires that there is transparency in all decision-making procedures. Selection procedures for the inclusion of staff in submissions, including criteria for selection, processes used to inform and make the selection and staff involved in the decision, need to be set out clearly in the CoP and properly explained to staff.

CoPs need to be both transparent and consistent (see below) in explaining how decisions are made: on what basis are decisions made and who makes them? how is quality judged, e.g. is peer review used? Is there an external review? It is not appropriate for such judgments to be at the discretion of a small number of individuals without clear, consistent processes set out for assessing suitability for submission. Whilst the nature of the exercise makes it difficult to avoid a degree of subjectivity, processes should be designed to be as objective as possible.

4) **Consistency** – the principle of transparency is linked to that of consistency (also identified as a key principle in the official REF guidance). Consistent selection processes need to be applied across different departments/Units of Assessment within an institution. Selection procedures should not be developed at the discretion of Heads of Departments/Research Directors or department research committees. This will lead to inconsistency across the institution and will be a
recipe for unfairness and possible discrimination. There should be consistent procedures applied across the institution spelled out in the CoP.

5) Appeals - the official REF guidance states that CoP should include details of the appeals procedures for decision regarding inclusion in the REF. We recommend that these should be separate from normal grievance procedures. Persons involved in hearing appeals should be separate from those involved in the original decision. There should be adequate time to appeal against decisions and a right to be accompanied by a UCU or other representative. Individuals should be able to challenge on the basis of the process used to select them (e.g. if a procedure has not being properly followed or is inconsistent) individual circumstances not being fairly considered, equality considerations and potential discrimination.

6) Treatment of fixed term researchers - the official REF guidance states that CoP should include a statement about how the institution supports its fixed-term and part-time staff. Branches/LAs should be drawing the attention of institutions to the REF assessment criteria for research environment, and the ‘people’ element within this. The statement within the CoP should thus set out how the institution promotes security of employment for ‘research only’ staff (often employed on fixed term contracts) and their career development. See separate UCU guidance on the REF and Research Environment (UCUHE151):

www.ucu.org.uk/circ/rtf/UCUHE151.rtf

7) No detriment – a number of CoPs include a statement on the treatment of eligible staff not included in the REF submission. These vary. UCU guidance on the REF stresses the need for branches/LAs to seek no detriment agreements at their HEIs which recognize that inclusion in the REF is not an accurate indicator of an individual academic’s ability to do his/her job. There may be a number of reasons why an individual is not included in the REF submission. No detriment statements should provide assurances that inclusion or non inclusion in the REF submission should not be used to measure performance. UCUHE141 provides more discussion on the no detriment issue and provides some suggested wording on no detriment. See www.ucu.org.uk/circ/rtf/UCUHE141.rtf

A good example of a no detriment clause from a CoP issued by one HEI is as follows:

‘The University does not intend to use staff selection or non-selection in any further decision-making processes. Where staff have not been included in an REF submission, this will not be used by the University as a measure of research performance of an individual member of staff, lead to any contractual changes nor will it be regarded as material to the University’s promotion procedures’.