

November 2020

# **REF 2021 Equality and Diversity Advisory Panel**

Codes of Practice in REF 2021

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## Foreword

In 2012, the REF Equality and Diversity Advisory Panel (EDAP) published a report on Codes of Practice that were submitted for REF 2014. In the foreword to the report, I commented on the improvement over codes that were produced for RAE 2008, noting that there was much more evidence of Equality and Diversity (E&D) being embedded in REF processes.

The current EDAP has reviewed the Codes of Practice that were submitted for REF 2021 and, as chair, I again read all of them. I am delighted that so many institutions have built on what they put in place for the previous exercise, so that E&D is not only fully embedded in their REF processes but is also playing a more central role throughout the institution and the way it operates. However, it is clear that there are institutions where there is still scope for improvement in terms of fully integrating E&D into REF processes and systems, as well as more broadly across their institution. My reading also showed that whereas most institutions had already made considerable progress in implementing the necessary processes to support E&D throughout REF 2021, a small number appeared to have made much less progress at the time the code was submitted. Interestingly, I also noted a few codes which still adopted 'REF 2014 terminology' when outlining processes for the current exercise, for example referring to 'staff selection' and 'complex and clearly defined circumstances'.

The following report, from my panel, reflects much of the good practice that is now evident across the sector, and also notes areas where some institutions fell short of the required standard.

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Chair, REF Equality & Diversity Advisory Panel

November 2019.

This report relates to EDAP's review of codes of practice in 2019, following the submission of codes by HEIs in June of that year. Therefore, the report does not address any effects on, or changes made to, codes resulting from the revisions to the REF following COVID-19.

## **Introduction**

1. In summer 2019, the REF Equality & Diversity Panel (EDAP) reviewed a total of 157 Codes of Practice, and was impressed by their overall quality and the extent to which most institutions have engaged so positively with the process of developing and documenting their codes. The vast majority (79%) were judged to adhere to the guidance, although a good proportion of these included one or more minor omissions (which needed to be rectified) or were still awaiting staff agreement for their proposed processes for identifying staff with significant responsibility for research at the time of submission. It is pleasing to note that the proportion of codes adhering to the guidance was notably higher than in 2014.

2. The length of codes varied considerably, and this did not appear to relate to the size of institution, nor the extent to which the codes demonstrated good practice. Many codes included a large number of annexed documents which also added notably to the length. It may be appropriate to include word limits for the main text and annexes in any future REF guidance. There was also wide variation in the format and overall readability of codes. The stronger ones tended to be reader-focused rather than written as a document for the Funding Bodies. Some of the stronger ones used a question and answer format, or included text boxes highlighting what specific aspects meant for individual researchers, or provided a glossary of terms at the start of the document. Several also included clear process diagrams taking researchers step by step through particular processes. They also included contact details of one or more people who could provide further information or explanation if required.

3. The most common areas where codes tended to fall short of the guidance were in processes for identifying significant responsibility for research (SRR), appeals procedures, failing to outline their approach to considering the outputs of former members of staff, and procedures for handling individual staff circumstances. Several institutions failed to outline their approach to adjusting expectations of staff contributions to the output pool in relation to individual circumstances, and others failed to document the basis on which cases for unit reduction requests would be made, although they were not asked to make amendments in relation to the latter given that the requirement was not sufficiently explicit in the template guidance. These shortcomings, however, need to be balanced with the high number of codes that exemplified good and, in some cases, excellent practice in one or more areas. Where EDAP judged codes to fall short of the guidance, the advice was passed to the relevant funding body, which corresponded directly with the institution concerned.

4. This report highlights notable examples of good practice, as well as practices in need of improvement, for each of the key areas the codes were required to address.

## **Broader institutional context**

5. The vast majority of institutions provided full information on how their code relates to broader institutional policies / processes that support equality and diversity (E&D), including details of relevant committees and staff network groups. Unless they were entering REF for the first time in the current exercise, the majority also included a full update on actions taken since 2014. EDAP was particularly impressed by the progress made in promoting and supporting E&D in institutions since the last REF. This included new funded posts (e.g. Deans for E&D) and positions (e.g. Department E&D leads), new network groups, improved promotion and reward processes that take explicit account of personal circumstances, enhanced support for early career researchers and staff with families, and new mentoring programmes, as well as increased engagement with charters and frameworks such as Athena Swan, Race Equality Charter, Stonewall, and Disability Confident.

6. Virtually all codes demonstrated how they were addressing the core principles of Transparency, Consistency, Accountability and Inclusivity. It was clear that many institutions had put considerable thought into how to embed these principles throughout their REF processes and ways of working; a notable improvement over what was observed in 2014 codes of practice.

7. Similarly, the vast majority of institutions provided full and clear information on how the code was consulted on during its development, as well as plans for making it available to all relevant staff once it had been approved. However, as in REF 2014, a small number failed to include information about communicating with staff on leave of absence. Several of the stronger codes outlined how staff were invited to sessions to discuss the draft code, as well as to provide written input. A good number also outlined how they would be developing web pages with further information, including FAQs, as well as plans to disseminate the codes in different formats to aid accessibility. Again, there was a notable improvement in communication plans over what was outlined in the 2014 codes.

## **Staff, committees, and training**

8. The majority of institutions provided full information about the staff and committees involved in their REF-related processes and decision making. Much of this information was detailed in various annexed documents. Most made it clear whether the different individuals / groups had decision-making responsibility or were working in an advisory capacity. Apart from in the largest institutions, most codes outlined a centralised process, with decision making responsibility largely falling to one central committee, usually chaired by the Pro-Vice-Chancellor for Research (or equivalent). This central committee typically received recommendations from sub-groups of staff focusing on a particular area of responsibility (e.g. research independence, or individual circumstances), or from Unit of Assessment leads or panels (particularly in relation to output selection). Some of the stronger codes outlined how they had put out open calls for membership of REF-related committees and panels, and how they were taking representativeness into account when selecting members. Some also included one or more members of specific equality-related groups on each committee / panel.

9. All codes provided information on training, but the extent and quality of this was more variable. A few simply referred to staff being required to complete mandatory E&D on-line training, but many provided details of broader programmes which included a number of different types of training (e.g. E&D related, unconscious bias, REF processes) and modes of delivery (e.g. on-line, workshops, etc). Some of the strongest codes explained the purpose of the different types of training, and what the intended learning outcomes were. A good number also made it clear which individuals / groups were required to complete which types of training.

### **Significant responsibility for research**

10. Around 60% of institutions do not intend to submit 100% of eligible Category A staff and therefore completed the section of the template relating to SRR. According to REF guidance, staff with SRR are those for whom explicit time and resources are made available to engage actively in independent research, and that is an expectation of their job role. As identification of SRR is new to REF 2021, it is not surprising that a number of different approaches were outlined by institutions. It is clear though that the majority have engaged thoughtfully with the exercise and have put in place processes that are inclusive and supportive of developing researchers, together with a commitment to develop greater clarity around employment expectations.

11. In setting out their processes, several institutions described a wider context of, firstly, developing means to designate expectations of staff in relation to research. This typically involved putting in place frameworks for allocating academic staff to different pathways, with one or more pathway being associated with designated time for research, or to align the allocation of time for research with membership of university research centres or institutes. Interestingly, institutions varied considerably in what they determined to be an appropriate proportion of time to allocate to research activities, with this ranging from 5% to 30% across the codes we reviewed, with 20% being most commonly used. As a second step, institutions then used pathway allocation or centre membership to establish who has SRR for REF 2021. Clearly, the first part of these processes (working out to whom research support should be provided) is a matter for institutions according to their own criteria. However, the REF guidance states that identification of staff with SRR should be based on the expectations of staff as a function of their employment and not on the quality or volume of what has been delivered as a result of that employment function. Unfortunately, there were a number of codes where the products of research activity were an integral element of the process for identifying SRR, and were accordingly judged not to adhere to the guidance. Several codes also failed to clarify whether or not processes for establishing SRR had been agreed with staff through appropriate staff representation mechanisms, and were therefore required to provide the missing information.

### **Research independence**

12. The vast majority of codes outlined clear processes for assessing research independence in relation to staff employed on research-only contracts. Many of these used the criteria set out in the REF guidance, or an amended version of these, and then documented the processes by which independence would be judged against the stated

criteria, including details of the group responsible for making the judgement, as well as the associated appeals process. Several included an annexed copy of the form which research staff would be required to complete to provide the required information, with stronger codes documenting what evidence researchers would be required to provide and how the accuracy of the submitted information would be verified, and how final decisions would be made and communicated. A smaller number evidenced good practice by anonymising the forms before they were assessed, and by ensuring that decisions were made irrespective of job title or salary.

13. Some institutions looked at research independence as part of their processes for determining SRR, as not all teaching and research staff were considered to be independent researchers. A small number of institutions based their judgement of research independence (either for research-only or teaching and research staff) on just one criterion, which related to research outputs, and were therefore required to amend their procedures. REF guidance states that researchers should not be deemed to have undertaken independent research purely on the basis that they are named on one or more research outputs.

14. Consideration of whether or not researchers were considered to be working independently (according to REF guidance) was normally carried out at Unit of Assessment or School level, with final decisions being made by a central committee.

### **Output selection**

15. Institutions were required to document their policy and procedures for the fair and transparent selection of outputs. Most codes provided relatively full information about the staff / groups involved in the selection and about how they assessed the quality of staff outputs. Several referred to the use of responsible metrics, citing their institution's wider commitment to this. Others referred to appointing external assessors, with stronger codes detailing how they were ensuring that assessors had received appropriate training. Fewer codes provided detailed information about their selection criteria and how these were applied. However, some of the stronger codes identified a number of stages of selection and explained how particular criteria would be applied at each stage. Where information was provided, it is clear that output quality was the primary criterion for selection, with coverage of discipline and E&D related considerations often being used as secondary criteria.

16. Codes were also required to provide information on how the outputs of former staff, including those made redundant, were taken into account in selecting outputs. The information provided in relation to former staff was variable, with almost 10% of institutions not providing any relevant information. Where codes did provide the requested information, a good number made it clear that they would not be including outputs of staff who were made redundant. In addition, some of the stronger codes outlined processes whereby all former staff were written to and asked if they wanted to nominate outputs to be considered in the selection process, and only outputs of those who gave their consent were to be considered for selection.

## Individual staff circumstances

17. A relatively large proportion of codes needed to clarify or add further detail in relation to one or more of their processes for supporting staff with equality-related circumstances. This may in part reflect the new aspects of the requirements since the last exercise, and the fact that the requirements were revised following the consultation on the draft REF guidance.

18. In line with the guidance, virtually all institutions documented safe and supportive processes to enable their staff to declare voluntarily their individual circumstances, although a small number were not explicit about how they are ensuring that confidentiality is upheld. As recommended in the guidance, most are putting in place a centrally run process, and are planning to use a tailored version of the template declaration form and draft guidance that is available on the REF website. In order to limit the number of staff having access to confidential information, many are establishing a small panel to consider circumstances and make recommendations (without passing on the detailed information) to a larger higher-level committee with decision-making powers. As required by the guidance, the majority of institutions are planning to collect information about all eligible circumstances using this same process. However, a small number of codes outlined processes whereby some information (e.g. about ECR status, or family leave) would be taken directly from HR records, and were thus not considered to adhere to the guidance. Codes which evidenced good practice wrote this section of the document in a user-focused way, explaining how staff might benefit from declaring relevant information, sources of support available for staff with circumstances, what action to take if their circumstances change following declaration, and who to contact if they want to speak to someone in confidence.

19. The area that was most variably covered in codes was recognising the effect of declared circumstances on a staff member's ability to contribute to the output pool at the same rate as other staff, and adjusting expectations accordingly. A number of institutions stated explicitly that they had no set expectations for staff and therefore did not need to make any adjustments. However, others made no mention of adjusting expectations, although some did append a version of the standard template guidance (which refers to the adjustment of expectations). Where institutions did provide relevant information in the template, it is clear that some had assumed that expectations of staff who have declared circumstances only need adjusting if a request to remove the minimum of one requirement, or to reduce the total number of outputs required for a unit, is being made. However, as the guidance makes clear, the adjustment of expectations is expected to be a distinct process, whether or not any requests for reductions are made<sup>1</sup>. In contrast, the strongest codes outlined procedures that applied to all staff who had disclosed circumstances to determine whether appropriate action had been taken to adjust the expectations placed them.

20. Information provided about the approach to making unit reduction requests was also variable, with a number of codes failing to make reference to how they would go about

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<sup>1</sup> As a result of these misunderstandings, the Chair of EDAP and the Chair of the Funding Bodies' REF Steering Group wrote a letter aimed at clarifying the procedures for handling individual staff circumstances. This was sent to all participating institutions and published on the REF website in September 2019. The letter is available here: <https://www.ref.ac.uk/about/equality-and-diversity/>

determining whether or not to make one or more unit requests. In contrast, stronger codes not only provided information on those involved in decision making but also outlined the basis on which decisions would be made; for example, referring to the proportion of staff affected by circumstances and / or the size of the requested reduction in relation to the size of the potential output pool. Some also made reference to unit environment templates and the intention to outline how approved reductions are linked to selection of outputs.

21. Finally, virtually all institutions outlined clear processes for soliciting and handling requests to remove the minimum of one requirement, where a staff member's circumstances had an exceptional effect on their ability to work productively throughout the assessment period so that the individual had not been able to produce an eligible output.

## **Appeals**

22. Institutions were required to have in place an appeals mechanism relating to processes for determining SRR and for research independence. The guidance states that the processes should be appropriate and timely, with clear criteria, and with outcomes known before the REF submission deadline. Furthermore, those hearing appeals should be independent of the original decision in relation to SRR and research independence, and should have received appropriate training. Our review of the codes showed that virtually all institutions are putting in place REF-specific appeals procedures, rather than using their existing grievance procedures. Stronger codes included information on membership of the appeals panel, eligible grounds for submitting an appeal, stages of consideration, and timing of outcomes of the various stages. However, several codes failed to provide information as to whether or not the outcome of appeals would be known by the REF submission date. In addition, in a small number of cases, one or more members of the appeals panel were also involved in the original REF decision-making processes and therefore not sufficiently independent.

23. Although not required by the guidance, it was clear that many institutions are also putting in place appeals processes in relation to consideration of individual staff circumstances, with stronger codes again providing information about membership of the appeals panel, grounds for appeal and timescales.

## **Equality Impact Assessments**

24. Institutions were required to conduct equality impact assessments (EIAs) on their policy and procedures for identifying staff with SRR, determining research independence, and output selection. Some presented the information in one discrete section of their code, whereas others included information on EIAs in each of the separate sections relating to SRR, research independence and output selection. Many institutions also outlined their approach to conducting the final EIA to be completed post-submission. In general, information on the use of EIAs in relation to output selection (including linking the timing of these to mock exercises) was more detailed than for SRR and research independence. Stronger codes included information on which particular groups of staff they would be including in their EIAs and how they would be analysing any data. Many intended to analyse data primarily at university level, only making comparisons at main panel or UOA level where



sufficient data was available. The strongest codes also outlined what steps would be taken should any disparities become evident. A small number of universities provided documentation of already completed EIAs in an annex.

## **Final Reflections**

25. As noted at the outset, it is pleasing to see that so many institutions are clearly investing considerable effort in ensuring that E&D is fully supported throughout their REF preparations. It is important that these codes remain living documents with E&D continuing to be fully embedded during the remainder of the exercise. There is also a need to identify additional ways of sharing the many areas of good practice that we identified in our review more broadly across the sector, particularly as our review revealed that there are still some institutions where there is scope for further improvement in supporting and promoting E&D throughout their REF processes and more broadly across their organisations.

26. We noted that a number of smaller and / or specialist institutions either failed to adhere to the guidance or had more than one minor issue to address in their codes. This should be considered further in planning for any future REF. One suggestion would be to include a representative from Guild HE on any future EDAP. The Funding Bodies might also want to consider requiring institutions to document their processes for ensuring that E&D is appropriately supported throughout the development and selection of impact case studies in any future exercise. Interestingly, a number of institutions did reference this in their codes for the current exercise, despite it not being a formal requirement. In addition, the Funding Bodies might want to review the time schedule in relation to the publication of the final version of the guidance and the date for submission of Codes of Practice in any future REF. We noted that several institutions had already undertaken mock assessment exercises and / or collected information about staff circumstances by the time the codes were submitted and reviewed.

27. Finally, we very much look forward to reading the Equality Impact Assessments that will be submitted following the submission deadline<sup>2</sup>, as well as the 'people' sections of the environment templates, where we hope to learn more about institutional plans for furthering their progress in supporting and advancing equality and diversity.

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<sup>2</sup> The REF submission deadline is now 31 March 2021, following a pause to the exercise in response to the COVID-19 pandemic. For further information please see <https://www.ref.ac.uk/news/march-deadline-confirmed-for-submissions-to-ref-2021/>