

ABERYSTWYTH UNIVERSITY

Code of Practice on preparing submissions for REF2014

For further information or if you have any questions please contact research@aber.ac.uk

Introduction

The Research Excellence Framework (REF) is the new system for assessing the quality of research in UK higher education institutions (HEIs). It replaces the Research Assessment Exercise (RAE) and will be completed in 2014, with a closing date for submissions of 29 November 2013. The REF will be undertaken by the four UK higher education funding bodies, and will:

- inform the selective allocation of research funding to HEIs
- provide benchmarking information and establish reputational yardsticks
- provide accountability for public investment in research and demonstrate its benefits.

The funding bodies and REF team take their duty to promote and support equality and diversity seriously. As such, they are developing a number of mechanisms tailored to the REF to encourage the submission of all excellent researchers. The code of practice will be submitted to the REF team on or before 31 July 2012. The Equality and Diversity Advisory Panel (EDAP) will examine the codes of practice.

The Aberystwyth University Code of Practice aims to ensure that all members of staff are made aware of the processes and timescale involved in our preparation for REF2014, and that these processes are carried out in a spirit of equality, transparency, consistency and fairness. The Code supplements our existing policies on Equality and Diversity. It also takes account of available guidance on equality and diversity issues for REF, and in particular, the Code recognises and builds on examples of good practice highlighted in a report commissioned from the Equality Challenge Unit (ECU) following RAE2008 (see <http://www.ecu.ac.uk/publications/equality-and-diversity-in-the-rae2008>; and a related, more quantitative report at http://www.hefce.ac.uk/pubs/hefce/2009/09_34/). Further information on REF can be found at www.ref.ac.uk.

1. Equal opportunities context

1.1 The preparation of the University's REF submissions will be conducted in accordance with the university Strategic Equality Plan and in conformity with its legal obligations as a public body.

1.2 Staff providing advice and selecting staff for inclusion in a REF submission must adhere to the Strategic Equality Plan's commitment to providing equality of opportunity which is free from discrimination and ensure compliance with statutory obligations in relation to all protected characteristics (previously equality strands). Our 'Statement of Intent' states that: "Aberystwyth University is committed to promoting equality and diversity, and endeavours to be inclusive, valuing the diversity of its staff, students and community". The University is committed to a comprehensive policy of equality and diversity in which staff are selected, developed, appraised, promoted and otherwise treated on the basis of their merits, experiences, abilities and potential. Please refer to <http://www.aber.ac.uk/en/hr/equalopp/> for more information.

1.3 The Strategic Equality Plan includes the protected characteristics of Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex (meaning gender) and Sexual Orientation. The Equality Act 2010, which strengthens and merges previous legislation, sets out new general duties for public authorities to:

- eliminate unlawful discrimination, harassment and victimisation;
- advance equality of opportunity between different groups; and
- foster good relations between different groups.

A summary of equality legislation is available in Appendix 1.

2. Policy on selecting staff and research outputs for submission

2.1 In accordance with the terms of reference of the REF exercise, the University will submit excellent research (using the definition of research included in REF 01.2011, paragraph 18a, see Annex 1) and research impact case studies embedded within research units with a high quality research environment, to the unit of assessment in which the research submitted will have the highest benefit to the University.

2.2 In selecting staff for inclusion in a REF submission, the aim will be to maximize the proportion assessed as being of **3 star quality or above**. This quality threshold is intended to maximize benefit to the University, the paramount consideration being the consolidation of our reputation as a world-class, research-led institution.

2.3 Outputs in the Welsh language will be assessed for inclusion on an equal basis as those in the English Language. It will be the quality of an output which will deem its inclusion within the REF2014 submission. In respect of the Welsh Language Act 1993, specific provision for the assessment of outputs in the Welsh language will be made by the REF2014 Panels.

2.4 In order to qualify for inclusion in a REF submission, individual members of staff must normally have four research outputs, which when taken together and paying due regard to the criteria of the relevant REF panel/sub-panel, would produce a quality profile for the individual researcher corresponding to at least a Grade Point Average of 2.75. In calculating the number of outputs of the requisite quality, which are eligible for submission by a particular individual, the REF Submission Strategy Group (RSSG) (see paragraph 3.1), will follow the guidelines on the treatment of co-authored work and output double-weighting issued by the relevant REF sub-panel.

2.5 In accordance with the University's Strategic Equality Plan, and having due regard to the stated criteria of the relevant REF panel and sub-panel, certain staff may still be submitted if they meet or exceed the quality threshold, but have produced fewer research outputs than are normally required by that panel for demonstrable reasons of equality and diversity. Relevant individual circumstances might include the following:

- a. Family and domestic matters, including:
 - i. Absence on maternity, paternity, parental or adoption leave and arrangements on return to work following these periods of leave.
 - ii. Part-time working or other flexible working arrangements.
 - iii. Time spent acting as a carer or other domestic commitments.
- b. Disability, ill-health and injury, including:

- i. Any disability to which the Equality Act 2010 applies.
 - ii. Absence from work on the advice of a registered medical practitioner.
- c. Engagement on long-term projects of significant scale and scope.
- d. Status as an early career researcher: Early career researchers are defined as members of staff who meet the criteria to be selected as Category A or Category C staff on the census date (31 October 2013), and who started their careers as independent researchers on or after 1 August 2009. For the purposes of the REF, an individual is deemed to have started their career as an independent researcher from the point at which¹:
 - i. They held a contract of employment of 0.2 FTE or greater, which included a primary employment function of undertaking 'research' or 'teaching and research', with any HEI or other organisation, whether in the UK or overseas;
 - ii. They undertook independent research, leading or acting as principal investigator or equivalent on a research grant or significant piece of research work. (A member of staff is not deemed to have undertaken independent research purely on the basis that they are named on one or more research outputs.)
- e. Prolonged absences (absences for more than six months consecutively in the assessment period) which were agreed by the individual with the institution but which do not fall in to one of the categories above. They include:
 - i. Secondment to non-academic positions outside the higher education sector.
 - ii. Career breaks for purposes unconnected with research, teaching or other academic duties.
- f. Other absences which the institution is legally obliged to permit, such as absences for religious observance or absence arising out of involvement as a representative of the workforce.
- g. Any other personal circumstances which are considered to have had a significant impact on an individual's ability to produce the expected volume of research outputs in the assessment period.

Fixed-term and part-time staff

In the light of the Fixed-term and Part-time Regulations (Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000), consideration will be given by the University to individual circumstances affecting part time and fixed term staff. Such circumstances might for example include pro rata consideration of the application criteria for submission in the case of part time staff and breaks. (See Annex 2 for the University's support for fixed term and part-time staff with a contractual obligation to undertake research).

2.6 In each case in which it is proposed to submit an individual with fewer than the maximum required outputs because of personal circumstances or special considerations, it will be necessary to be able to demonstrate to the relevant panel, and in accordance with its criteria, that the length and timing of the periods of leave, the illness, injury or disability or other relevant circumstances have placed necessary constraints on the individual's ability to produce the **quantity** of outputs required whilst not impairing the **quality** of the outputs that have been produced. Each case will be assessed on its own merits, but judgements on the kinds of circumstances to take into account, e.g. the length of the period(s) of absence etc., will be guided by the specific criteria of the relevant REF sub-panel.

2.7 Where a department is not being submitted to REF for strategic reasons, efforts will be made to assign individuals to an alternative Unit of Assessment where appropriate, though it is recognised that this may not always be feasible. Where this is not possible, staff with a

¹ Main Panel A will provide further details in its criteria document about how junior clinical academics meet this definition.

contractual obligation to undertake research who have produced research outputs of sufficient quality and quantity during the review period, but who are not selected for inclusion in the REF submission for strategic reasons, will receive a letter from the RSSG confirming their eligibility for submission.

3. Process

3.1 The ultimate responsibility for making decisions about which staff and units to include in REF submissions and on the sub-panel to which their work should be submitted will rest with the **REF Submission Strategy Group (RSSG)**. This group is chaired by the Vice-Chancellor and includes the PVC for Research, the Faculty Deans, the Dean of Post Graduate Studies, the Head of the Research Office, and the Human Resources Equalities Advisor. The Research Monitoring Officer will be in attendance. This group will also consider the research environment, the proposed impact case studies and impact strategy of any submitting unit, along with the research monitoring forms and recommendations received from departments. Minutes will be kept of the RSSG's decisions and the reasons underlying them.

3.2 A REF submission strategy phase will be held by the RSSG following each round of research monitoring. Within this phase, decisions regarding which departments and staff to submit to the REF will be made and communicated to departments and individuals.

3.3 Paying due regard to the panel criteria and the information which it has collected on and from departments since RAE2008, the RSSG will decide, following the third scheduled REF submission strategy phase, and by the end of January 2013, which departments or units are to be submitted to REF. If the RSSG decides that a particular department is not to be submitted, it will consider whether an individual (or individuals) or a research group (or groups) within that department should be submitted to an alternative Unit of Assessment, with staff from another department or University. The final decision will be taken following consultation with the proposed receiving department(s) and will be communicated by the end of March 2013.

3.4 All Departments selected for submission to the REF must have a committee whose purpose is to consider the research activity database returns submitted by members of the department and any others to be included as part of their submission, and to offer advice to the RSSG on the quality of the research outputs of individual staff and (where relevant) research groups. These department research committees will determine whether individual researchers will have met or exceeded the quality threshold of 2.75 Grade Point Average across their range of outputs by the end of the publication period for the REF (31 December 2013).

3.5 A Departmental REF Committee should normally consist of the Head of Department, the Departmental Director of Research and at least one other senior member of staff; the gender composition of this Committee should be representative of the gender profile within the department. Such committees must meet individually with each member of staff with a contractual duty to undertake research and discuss the nature and quality of his/her likely REF submission in the context of the assessment criteria of the relevant panel. Notes should be kept of these meetings. It is open to departments to involve an external assessor in making or moderating quality judgements where they wish to do so.

3.6 If the Departmental committee decides on quality grounds that a particular member of staff will not be included in the REF, it can make such a recommendation to the RSSG, who will make a decision during one of the scheduled REF submission strategy phases and notify the department and the individual concerned in writing at an early stage, giving clear

reasons. Again this process will be formally noted. Where a member of staff with a contractual duty to undertake research has not met the quality threshold for REF submission, whether or not there is a sufficient number of publications, this will be a matter for further discussion through the performance and research monitoring processes. Appeals against these judgements on research quality can be made only on procedural grounds, and must be lodged with the REF Submission Appeal Panel (RSAP) (see paragraph 3.8) via the Director of Human Resources no more than one month after the communication of a decision.

3.7 All staff eligible to submit to REF are required to complete an 'Individual staff circumstances disclosure form', which must be returned by the end of May 2012 to the Director of Human Resources, as per the ECU's Staff disclosure of individual circumstances recommendation (<http://www.ecu.ac.uk/documents/ref-materials/staff-disclosure-of-individual-circumstances>). Changes in circumstances can be notified by re-completing the form, which is available in the Self Service section of the AU Human Resources website [<https://staffrecord.aber.ac.uk/en/login.php>]. Staff with no individual circumstances can provide a nil return. Where a member of staff has met or exceeded the quality threshold, but does not have the requisite number of publications for submission and has reported individual circumstances, an initial meeting with the University's Equalities Advisor and another member of the RSSG will be arranged to discuss the nature and severity of the circumstances. All information disclosed will be strictly confidential to the Director of HR, the RSSG, the RSAP (if an appeal is subsequently lodged). The Head of the relevant academic department and their Director of Research will be advised if an individual's circumstances make them eligible for a reduced number of outputs, but will not be advised of the circumstances. The RSSG will decide which individuals declaring special circumstances are to be submitted to REF, and will inform all those who have made a case, in writing, by 30 September 2012. Any new member of staff with special circumstances or those members of staff with subsequently occurring special circumstances will be reviewed at the next scheduled REF submission strategy phase and informed of the outcome at the end of March 2013 or the end of September 2013.

Appeals

3.8 An individual who considers that in its treatment of his/her case the University has not followed its own Code of Practice on Preparing REF Submissions or its Strategic Equality Plan, will have a right of appeal to the RSAP, consisting of the following members and attendees of the Equal Opportunities and Diversity Committee: a PVC who does not serve on the RSSG (chair); the Director of Human Resources; two members of Council, one of which shall be a lay member, and a Head of Department with no vested interest in REF. The Research Monitoring Officer will be in attendance. If this Panel finds in the appellant's favour, it will refer his/her case back to the RSSG for reconsideration, stating how (in its view) the RSSG has breached the Code of Practice or the Strategic Equality Plan.

Equality Impact Assessment (EIA)

3.9 The REF funding bodies require all HEIs to conduct an equality impact assessment (EIA) on their methods used for the selection of staff for submission to REF. This EIA will enable a HEI to identify where discrimination may inadvertently occur within their REF processes. In light of this, the Director of HR will provide the RSSG with an equality profile in terms of gender, ethnicity, disability and age of all staff whose contracts make them eligible for consideration for selection for submission in REF by April 2012. An analysis will be made of those staff selected for REF submission following the first REF submission strategy phase, against this overall profile, and the RSSG will then consider any implications of these equality profiles and take action as appropriate.

3.10 HR will undertake further analyses on the equality profiles of all staff selected for entry to REF, after each REF submission strategy phase and one month prior to the census date.

Again, the RSSG will consider any implications of these equality profiles and take action as appropriate.

3.11 The results of this EIA will be published after the REF2014 submission has been made in line with the legal obligation to do so present within Wales. This published information will include the outcomes of any actions taken to prevent discrimination or advance equality.

3.12 The University is committed to embedding the Strategic Equality Plan into its policies, procedures and practices. This Code of Practice has been equality impact assessed in accordance with the Strategic Equality Plan.

3.13 Staff who feel they may be potentially disadvantaged because of their 'Protected Characteristic' can access support from the University's Equalities Advisor [opp@aber.ac.uk] based in Human Resources.

3.14 Information on the selection and equality training of the staff involved in selection is explained in Annex 3.

4. Communication Plan

4.1 The communication objectives are to ensure that all Aberystwyth University (AU) REF eligible staff are aware of:

- The REF exercise and how it is conducted;
- AU's internal governance structure for the REF;
- AU's internal preparation plans, including preparation exercises;
- The rules regarding eligibility and AU's criteria for the selection of staff;
- What constitutes equality and diversity considerations, how they can be raised and how staff with individual circumstances can disclose these;
- The appeals procedure.

4.2 A draft version of the AU REF Code of Practice was presented to the University Executive and the Joint Consultative and Negotiating Committee (JCNC), at which the University and all recognised Trade Unions are represented, for their input.

4.3 The final draft version of the AU Code of Practice was submitted to HEFCW in April 2012 and was made available to all staff in this draft form. This version will be examined by the Equality and Diversity Advisory Panel who will then advise HEFCW on the adherence of the Code to the published REF requirements. HEFCW will then liaise with AU directly to either confirm that the Code meets the requirements, or to request amendments/resubmission. Once finally approved, the Final Version will be made available and its content communicated to all staff as advised in the table below. All communication activities will be managed by the REF and Research Monitoring team in the Research Office and supported by the Communications and Public Affairs department.

Date	Item	Communication Format	Purpose
February 2012	REF Processes	Open invitation presentation and Q&A to all staff by members of the REF Selection Strategy Group, including the PVC Research to update on REF preparations at AU, including the Code of Practice. Video of presentation and slides made available on-line for later viewing.	To ensure all REF-eligible staff are aware of the AU REF processes.
Late April 2012	Final Draft of REF Code of Practice	Made available on the Research Office website. Email sent to all REF eligible staff to advise such.	To share the draft Code of Practice with all staff
May 2012	Declaration of individual circumstances	Email to all research active staff requesting that all staff complete the on-line declaration of individual circumstances. Also to update personal demographic details.	To provide information that informs the REF Selection Strategy Group. To provide a bench mark for the EIA.
June –July 2012	Declaration of individual circumstances follow up	Follow up with non responders by posting a letter requesting completion to their registered contact address. Followed up with a phone call if necessary.	To provide information that informs the REF Selection Strategy Group. To provide a benchmark for the EIA.
September 2012	Final Version of REF Code of Practice	Updated on the Research Office website. Email sent to all REF eligible staff advising of the Code's availability in different formats including Welsh. Email address provided for questions. Ascertain which staff are absent from work and post copies of the Code of Practice and general information.	To share the Code of Practice with all staff and provide an access route fro questions.
October 2012	Final Version of REF Code of Practice	Open invitation presentation and Q&A to all staff by members of the REF Selection Strategy Group, including PVC Research updating on REF preparations and the final REF Code of Practice. Video of presentation and slides made available on-line for later viewing.	To update all staff and provide an open forum for Q&A

Communications specific to the operation of AU's REF processes.

Research Monitoring	November/December 2011
<p><i>REF Submission Strategy: Phase 1</i></p> <ul style="list-style-type: none"> <i>RSSG to meet and decide on the first phase REF submission strategy</i> 	<i>From January to end of April 2012</i>

<ul style="list-style-type: none"> • <i>RSSG to meet with departments and inform of the strategy</i> • <i>Follow up meeting with the Research Committee to discuss the strategy</i> • <i>RSSG to inform staff (cc. the Head of Department and Director of Research), who are identified as not meeting the required quality threshold for submission to REF in writing. (Staff to receive a copy of the 'individual staff circumstances disclosure form).</i> 	
<i>Deadline for staff appeals in relation to above</i>	<i>15 June 2012</i>
<i>Response from appeals process to staff member by the REF Submissions Appeal Panel</i>	<i>30 July 2012</i>
Equality Impact Assessment & Disclosure of Individual Circumstances	
<i>Human Resources to supply a profile of all REF eligible staff to RSSG for analysis against those selected for REF submission</i>	<i>By April 2012</i>
<i>Completion of disclosure of individual circumstances forms by all eligible staff</i>	<i>31 May 2012</i>
Research Monitoring	<i>June/July 2012</i>
<i>REF Submission Strategy: Phase 2</i> <ul style="list-style-type: none"> • <i>RSSG to meet and decide on the second phase REF submission strategy</i> • <i>RSSG to meet with departments and inform of the strategy</i> • <i>Follow up meeting with the Research Committee to discuss the strategy</i> • <i>RSSG to inform staff (cc. the Head of Department and Director of Research), who are identified as not meeting the required quality threshold for submission to REF in writing.</i> 	<i>July to October 2012</i>
<i>Deadline for staff appeals in relation to above</i>	<i>30 November 2012</i>
<i>Response from appeals process to staff member by the REF Submissions Appeal Panel</i>	<i>11 January 2013</i>
Equality Impact Assessment	
<i>Human Resources to supply a profile of all REF eligible staff to RSSG for analysis against those selected for REF submission</i>	<i>November 2012</i>
Research Monitoring	<i>November/December 2012</i>
<i>REF Submission Strategy: Phase 3</i> <ul style="list-style-type: none"> • <i>RSSG to meet and decide on the third phase REF submission strategy</i> • <i>RSSG to meet with departments and inform of the</i> 	<i>January to end of March 2013</i>

<p><i>strategy</i></p> <ul style="list-style-type: none"> • <i>Follow up meeting with the Research Committee to discuss the strategy</i> • <i>RSSG to inform staff (cc. the Head of Department and Director of Research), who are identified as not meeting the required quality threshold for submission to REF in writing.</i> 	
<i>Deadline for staff appeals in relation to above</i>	<i>30 April 2013</i>
<i>Response from appeals process to staff member by the REF Submissions Appeal Panel</i>	<i>10 June 2013</i>
Research Monitoring	March 2013
<p><i>REF Submission Strategy: Phase 4</i></p> <ul style="list-style-type: none"> • <i>RSSG to meet and decide on the fourth phase REF submission strategy</i> • <i>RSSG to meet with departments and inform of the strategy</i> • <i>Follow up meeting with the Research Committee to discuss the strategy</i> • <i>RSSG to inform staff (cc. the Head of Department and Director of Research), who are identified as not meeting the required quality threshold for submission to REF in writing.</i> 	<i>April to end of June 2013</i>
<i>Deadline for staff appeals in relation to above</i>	<i>30 July 2013</i>
<i>Response from appeals process to staff member by the REF Submissions Appeal Panel</i>	<i>28 September 2013</i>
Equality Impact Assessment	
<i>Human Resources to supply a list of REF eligible staff to RSSG</i>	<i>By 30 September 2013</i>
Research Monitoring – final submission	September/October 2013
<i>Final RSSG meeting</i>	<i>October 2013</i>
Census date for staff eligible for selection	31 October 2013
Closing Date for REF Submissions	29 November 2013

Annex 1 on REF 2014 approach to equity of research:

All types of research and all forms of research output across all disciplines shall be assessed on a fair and equal basis. Panels have been instructed to define criteria and adopt assessment processes that enable them to recognise and treat on an equal footing excellence in research across the spectrum of applied, practice-based, basic and strategic research, wherever that research is conducted; and for identifying excellence in different forms of research endeavour including interdisciplinary and collaborative research, while attaching no greater weight to one form over another. The REF aims to assess all types of research without distorting the activity that it measures or encouraging or discouraging any particular type of research activity, other than providing a general stimulus to enhancing the overall achievements of the UK research base.

Annex 2 on Aberystwyth University's support for fixed-term and part-time staff with a contractual obligation to undertake research:

1. Part-time staff with a contractual obligation to undertake research as part of their duties have the same access to research support as their fulltime colleagues.

2. There are two main categories of fixed-term staff whose contracts include research duties: (i) Fixed term lecturers who are appointed as temporary replacements for staff on maternity leave or secondment; (ii) contract research staff attached to particular research grants. Staff in category (i) would normally have the same access to departmental and central university research support as staff on open-ended contracts. For a post in this category being of more than three years duration, the post-holder would normally also have access to the departmental research leave scheme. Staff in the second category have access to research support included in the research grant from which they are funded. Contract Research staff are also supported by a full programme of personal and career development overseen by the Centre for the Development of Staff and Academic Practice office, which works with the Research Office to implement the University's Policy Statement for the Recruitment, Management and Development of Research Staff, which takes account of the provisions of the Concordat to support the Career Development of Researchers (2008).

Annex 3 on the selection and training of the designated senior member of staff with major responsibility for making key decision regarding the REF:

Key decisions regarding the REF will be taken by the REF Submission Strategy Group (RSSG) as described in 3.1 and 3.2 above. Ultimate responsibility for these decisions will lie with the Vice-Chancellor in her *ex officio* capacity as chair of the RSSG.

The membership of the RSSG is based on the Executive role of the Vice Chancellor, the Research remit and Executive role of the Pro-Vice Chancellor Research, the Research role of the Deans and the Head of the Research Office and their on-going monitoring of departments and staff in the biannual departmental research monitoring meetings, and the equality and diversity expertise of the Human Resources Equalities Adviser. The PVC Research, the Deans and the Head of the Research Committee are also the core component of the University's Research Committee, which has one of its remits as 'To develop the institution's strategic approach to REF, and to monitor departments' REF

preparations and readiness.

All members of the RSSG, the Departmental Research Committees and the REF Submissions Appeal Panel will take/re-take the updated (Dec 2011) University on-line Diversity training and test, in line with the University's Strategic Equality Plan, and will receive specific Equal Opportunities training in relation to REF and the ECU guidelines. This will include the use of case studies provided by the Quality Challenge Unit, and other sources, to explore equality issues in the explicit context of selection of staff for the REF. The intention is to promote and assure equity and consistency through facilitating a common understanding of personal circumstances, so these can be elicited and discussed, and decisions subsequently made, with appropriate sensitivity and fairness

Appendix 1:

Summary of Equality Legislation

(source REF 02.2011, July 2011 Assessment framework and guidance on submissions, page 35, paragraph 201.)

A summary of the equality legislation with which institutions have to comply generally, and which they should take into account when preparing REF 2014 submissions is included in Table 2. Panel chairs, members and secretaries have received a briefing about this legislation (see 'Equality briefing for REF panels' available at www.ref.ac.uk under 'Publications'). The briefing instructs them to develop working methods and assessment criteria that encourage HEIs to submit the work of all of their excellent researchers, including those whose ability to produce four outputs or work productively throughout the assessment period had been constrained for reasons covered by equality legislation.

Table 2: Summary of equality legislation

Age	<p>All employees within the higher education sector are protected from unlawful age discrimination in employment under the Equality Act 2010 and the Employment Equality (Age) Regulations (Northern Ireland) 2006. Individuals are also protected if they are perceived to be or if they are associated with a person of a particular age group. (These provisions in the Equality Act 2010 are partially in force, but should be fully in place by April 2012.)</p> <p>Age discrimination can occur when people of a particular age group are treated less favourably than people in other age groups. An age group could be for example, people of the same age, the under 30s or people aged 45-50. A person can belong to a number of different age groups.</p> <p>Age discrimination will not be unlawful if it is a proportionate means of achieving a legitimate aim. However, in the context of the REF, the view of the funding bodies is that if a researcher produces excellent research an HEI will not be able to justify not submitting them because of the their age group.</p> <p>It is important to note that early career researchers are likely to come from a range of age groups. The definition of early career researcher used in the REF (see paragraph 85) is not limited to young people.</p> <p>HEIs should also note that given developments in equalities law in the UK and Europe, the default retirement age was abolished from 1 October 2011 in England, Scotland, Wales and Northern Ireland.</p>
Disability	<p>The Equality Act 2010, the Disability Discrimination Act (1995) (Northern Ireland only) and the Disability Discrimination (Northern Ireland) Order 2006 prevent unlawful discrimination relating to disability. Individuals are also protected if they are perceived to have a disability or if they are associated with a person who is</p>

	<p>disabled, for example, if they are responsible for caring for a disabled family member.</p> <p>A person is considered to be disabled if they have or have had a physical and/or mental impairment which has ‘a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities’. Long-term impairments include those that last or are likely to last for at least 12 months.</p> <p>Cancer, HIV, multiple sclerosis and progressive/degenerative conditions are disabilities too, even if they do not currently have an adverse effect on the carrying out of day-to-day activities.</p> <p>The definition of disability is different in Northern Ireland in that a list of day-to-day activities is referred to. There is no list of day-to-day activities for England, Scotland and Wales but day-to-day activities are taken to mean activities that people, not individuals, carry out on a daily or frequent basis.</p> <p>While there is no definitive list of what is considered a disability, it covers a wide range of impairments including:</p> <ul style="list-style-type: none"> • sensory impairments • impairments with fluctuating or recurring effects such as rheumatoid arthritis, depression and epilepsy • progressive impairments, such as motor neurone disease, muscular dystrophy, HIV and cancer • organ-specific impairments, including respiratory conditions and cardiovascular diseases • developmental impairments, such as autistic spectrum disorders and dyslexia • mental health conditions such as depression and eating disorders • impairments caused by injury to the body or brain. <p>It is important for HEIs to note that people who have had a past disability are also protected from discrimination, victimisation and harassment because of disability.</p> <p>Equality law requires HEIs to anticipate the needs of disabled people and make reasonable adjustments for them. Failure to make a reasonable adjustment constitutes discrimination. If a disabled researcher’s impairment has affected the quantity of their research outputs, they may be submitted with a reduced number of outputs (see paragraphs 90-100 and the panel criteria).</p>
Gender reassignment	<p>The Equality Act 2010 and the Sex Discrimination (Northern Ireland) Order 1976 protect from discrimination trans people who have proposed, started or completed a process to change their sex. Staff in HE do not have to be under medical supervision to be afforded protection because of gender reassignment and staff are protected</p>

	<p>if they are perceived to be undergoing or have undergone gender reassignment. They are also protected if they are associated with someone who has proposed, is undergoing or has undergone gender reassignment.</p> <p>Trans people who undergo gender reassignment will need to take time off for appointments and in some cases, for medical assistance. The transition process is lengthy, often taking several years and it is likely to be a difficult period for the trans person as they seek recognition of their new gender from their family, friends, employer and society as a whole.</p> <p>The Gender Recognition Act 2004 gave enhanced privacy rights to trans people who undergo gender reassignment. A person acting in an official capacity who acquires information about a person's status as a transsexual may commit a criminal offence if they pass the information to a third party without consent.</p> <p>Consequently, staff within HEIs with responsibility for REF submissions must ensure that the information they receive about gender reassignment is treated with particular care.</p> <p>Staff whose ability to work productively throughout the REF assessment period has been constrained due to gender reassignment may be submitted with a reduced number of research outputs (see paragraphs 90-100, and the panel criteria). Information about the member of staff will be kept confidential as described in paragraph 98.</p>
Marriage and civil partnership	<p>Under the Equality Act 2010 and the Sex Discrimination (Northern Ireland) Order 1976 as amended, individuals are protected from unlawful discrimination on the grounds of marriage and civil partnership status. The protection from discrimination is to ensure that people who are married or in a civil partnership receive the same benefits and treatment in employment. The protection from discrimination does not apply to single people.</p> <p>In relation to the REF HEIs must ensure that their processes for selecting staff do not inadvertently discriminate against staff who are married or in civil partnerships.</p>
Political opinion	<p>The Fair Employment and Treatment (Northern Ireland) Order 1998 protects staff from unlawful discrimination on the grounds of political opinion.</p> <p>HEIs should be aware of not making any judgements about the selection of staff for REF submissions based on their political opinion.</p>
Pregnancy and maternity	<p>Under the Equality Act 2010 and the Sex Discrimination (Northern Ireland) Order 1976 women are protected from unlawful discrimination related to pregnancy and maternity.</p> <p>Consequently researchers who have taken time out of work or whose</p>

	<p>ability to work productively throughout the assessment period because of pregnancy and/or maternity, may be submitted with a reduced number of research outputs, as set out in paragraphs 90-100 and in the panel criteria documents.</p> <p>In addition, HEIs should ensure that female researchers who are pregnant or on maternity leave are kept informed about and included in their submissions process.</p> <p>For the purposes of this summary it is important to note that primary adopters have similar entitlements to women on maternity leave.</p>
Race	<p>The Equality Act 2010 and the Race Relations (Northern Ireland) Order 1997 protect HEI staff from unlawful discrimination connected to race. The definition of race includes colour, ethnic or national origins or nationality. Individuals are also protected if they are perceived to be or are associated with a person of a particular race.</p> <p>HEIs should be aware of not making any judgements about the selection of staff for REF submissions based on their race or assumed race (for example, based on their name).</p>
Religion and belief including non-belief	<p>The Equality Act 2010 and the Fair Employment and Treatment (Northern Ireland) Order 1998 protect HEI staff from unlawful discrimination to do with religion or belief. Individuals are also protected if they are perceived to be or are associated with a person of a particular religion or belief.</p> <p>HEIs should be aware of not making any judgements about the selection of staff for REF submissions based on their actual or perceived religion or belief, including non-belief. 'Belief' includes any structured philosophical belief with clear values that has an effect on how its adherents conduct their lives.</p>
Sex (including breastfeeding and additional paternity and adoption leave)	<p>The Equality Act 2010 and the Sex Discrimination (Northern Ireland) Order 1976 protect HEI staff from unlawful discrimination to do with sex. Employees are also protected because of their perceived sex or because of their association with someone of a particular sex.</p> <p>The sex discrimination provisions of the Equality Act explicitly protect women from less favourable treatment because they are breastfeeding. Consequently the impact of breastfeeding on a women's ability to work productively will be taken into account, as set out in paragraph 90-100 and the panel criteria documents.</p> <p>From 3 April 2011, partners of new mothers and secondary adopters will be entitled to up to 26 weeks of additional paternity and adoption leave. People who take additional paternity or adoption leave will have similar entitlements to women on maternity leave and barriers that exist to taking the leave, or as a result of having taken it, could constitute unlawful sex discrimination. Consequently researchers who have taken</p>

	<p>additional paternity and adoption leave may be submitted with a reduced number of outputs, as set out in paragraphs 90-100 and in the panel criteria documents.</p> <p>HEIs need to be wary of selecting researchers by any criterion that it would be easier for men to comply with than women, or vice versa. There are many cases where a requirement to work full-time (or less favourable treatment of people working part-time or flexibly) has been held to discriminate unlawfully against women.</p>
Sexual orientation	<p>The Equality Act 2010 and the Employment Equality (Sexual Orientation) Regulations (Northern Ireland) 2003 protect HEI staff from unlawful discrimination to do with sexual orientation. Individuals are also protected if they are perceived to be or are associated with someone who is of a particular sexual orientation.</p> <p>HEIs should be aware of not making any judgements about the selection of staff for REF submissions based on their actual or perceived sexual orientation.</p>
Welsh Language	<p>The Welsh Language Act 1993 places a duty on public bodies in Wales to treat Welsh and English on an equal basis. This is reinforced by the provisions of the Welsh Language (Wales) Measure 2011.</p> <p>The arrangements for the assessment of outputs in the medium of Welsh by the REF panels are set out in paragraphs 128-130.</p>