



Code of Practice on the selection of staff for REF 2014

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1. Background to the Code of Practice

The University is required by the Funding Councils to develop, document and apply a Code of Practice on selecting staff to include in its Research Excellence Framework (REF) submission. The selection is made on the basis of the quality of the research outputs of individual members of staff in accordance with the published REF guidance, including the REF Panel criteria and working methods document published in January 2012 (REF 01.2012, available at <http://www.ref.ac.uk/pubs/>). The Code of Practice provides the framework and principles that the University will use to support its decision-making processes in drawing up its submission to REF 2014.

The Code aims to promote equality, diversity and inclusivity in the REF preparation processes in order to provide a fair and transparent means to identify through a consistent framework all eligible staff who are conducting excellent research, to comply with legislation and to avoid discrimination (see Part 4 of the Assessment framework and guidance on submissions document published in July 2011, REF 02.2011 available at <http://www.ref.ac.uk/pubs/>). The Code of Practice required approval by the Higher Education Funding Council for England in advance of its use during the compilation of the REF submission. The draft Code was submitted in July 2012 and was confirmed as approved in October 2012.

The draft Code was first communicated to staff in April 2012 following consideration by Senate Research Committee, the University REF Steering Group (see page 5), the University Executive Team, the University Senate, the University Equality Committee and the University Executive Committee which acts as the senior management body advising the Vice-Chancellor and whose membership includes the Deans of all of the University's academic Schools. It was then used to support the University REF rehearsals which took place in April and May 2012. The City UCU branch also provided feedback on this version of the Code.

The draft submitted to the Funding Council for approval was amended in the light of the responses to these consultations, considered through the same committees and approved by the Vice-Chancellor. It was then communicated to staff pending the response from the Funding Council. This document now sets out the Code in its final approved form.

The Vice-Chancellor is required to confirm adherence to the approved Code in making the University REF submission. The Code will be published by the Funding Councils with other components of the submission after the REF results are published.

2. The University's legal responsibilities

As both an employer and a public body, the University needs to ensure that its REF procedures are in compliance with the Equality Act 2010 and do not discriminate unlawfully against individuals because of age, disability, gender identity, marriage and civil partnership, race, religion or belief, sex or sexual orientation or because they are pregnant or have recently given birth. As well as prohibiting direct discrimination, the Act prohibits indirect discrimination – following a policy that, although applied equally to everyone, is harder for those with a protected characteristic to comply with. Indirect discrimination is however not a breach of the Act if it is a proportionate means of achieving a legitimate aim. Direct discrimination on the grounds of age will not be unlawful if it is a proportionate means of achieving a legitimate aim.

With the exceptions of marriage and civil partnership and pregnancy and maternity, protection from discrimination extends to people who are perceived to have or are associated with someone

who has a protected characteristic. For example, if a researcher is treated less favourably because they care for their disabled parent, that could be unlawful disability discrimination. Similarly to previous legislation, it is lawful to treat a disabled person more favourably than a non-disabled person, and public bodies including HEIs are required to make reasonable adjustments for disabled people.

The University also needs to be mindful that under the fixed-term employee and part-time workers regulations, fixed-term employees and part-time workers have the right not to be treated by an employer any less favourably than the employer treats comparable employees on open contracts or full-time workers. The relevant regulations are the Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000 and the Fixed-term Employees (Prevention of Less Favourable Treatment) Regulations 2002.

In addition, as a public sector organisation, in order to show compliance with the requirements of the public sector equality duty of the Equality Act 2010, the University needs to consider and understand the effect of its REF policies on equality. Equalities legislation in Northern Ireland and Wales places a specific duty on HEIs to conduct equality impact assessments on new and existing policies. Consequently, the funding bodies require all UK HEIs to conduct equality impact assessments on their policies for selecting staff for the REF. Institutions are expected to publish their equality impact assessments after submissions have been made.

The REF Panels have been instructed to develop working methods and assessment criteria that encourage HEIs to submit the work of all of their excellent academic and research staff, including those whose ability to produce four outputs or work productively throughout the assessment period has been constrained for reasons covered by equality legislation.

3. Equality and diversity at City

City University London is committed to creating a culture in which diversity and equality of opportunity are promoted actively and in which unlawful discrimination is not tolerated. The University is also committed to building and maintaining an environment which values the diversity of its students, employees and all its community. The University also employs an Equality and Diversity Adviser to provide expert advice and guidance. Staff can find further information on the University Equality and Diversity Strategy and related policies and procedures at <https://intranet.city.ac.uk/staff/hr/policies/equality-diversity/equality-and-diversity.html>

The University's policies and guidelines on the Equitable Treatment of Fixed-Term Staff and on Flexible Working provide specific guidance on fixed-term and part-time working to ensure these groups of staff, including contract research staff, receive fair and reasonable treatment across the University. The University bases decisions on whether to grant requests for non-full-time working on clear objective reasons and ensures that all reasonable adjustments are considered to facilitate any change in working pattern. Further information on this is available at <https://intranet.city.ac.uk/staff/hr/policies/equality-diversity/fixed-term-staff.html> <https://intranet.city.ac.uk/staff/hr/policies/parental/maternity.html> (Part 8, Guide to Flexible Working).

In relation to the Research Excellence Framework (REF), the University is committed to ensuring that equality and diversity are promoted in the REF preparation processes in order to provide a fair and transparent means to identify all eligible staff who are conducting excellent research, to promote an inclusive environment, to comply with legislation and to avoid discrimination.

In particular, the University will ensure that all eligible staff are provided with information on REF requirements and preparations and the basis on which they may be included in the REF submission and/or may have any individual circumstances taken into account to establish whether their research profile meets the requirements for inclusion. The University will also ensure that procedures for the selection of staff are applied consistently across the University, although the quality threshold for inclusion in the submission may vary in some respects between Units of Assessment, allowing for differences between academic disciplines.

Steps will be taken to identify eligible staff who are absent from the University for an extended period, for example on secondment or on maternity leave, and to communicate the information on requirements and processes for considering inclusion to them. Similarly, steps will be taken to communicate information to hourly-paid staff who may be eligible for consideration for inclusion.

Information on how the REF panels will consider individual staff circumstances is available at http://www.hefce.ac.uk/research/ref/pubs/other/equality/REF_equality.pdf.

The University has established a REF microsite on its website at www.city.ac.uk/ref which is updated by the University Research Office and serves as an additional mechanism for the provision of information to staff on eligibility and requirements, University REF preparations and the process for staff to be considered for inclusion in the REF submission, particularly in cases where individual circumstances may apply. The Code of Practice is available to staff via the microsite. It is recognised that the Code is a very detailed document which, while necessary to document the process to be followed, will not serve in itself as a vehicle for communicating the information it contains to staff in a form which can be readily absorbed. The key components of the Code will therefore be presented individually to staff via the REF microsite and through email and other communications in order that relevant information can be found as and when it is needed at the different stages of the REF preparations.

4. Eligibility for REF 2014

Category A staff (the main category of staff for submission to REF) are defined as academic staff with a contract of employment of 0.2 FTE or greater and on the payroll of the submitting HEI on the census date of 31st October 2013, and whose primary employment function is to undertake either 'research only' or 'teaching and research'. Staff appointed under research terms and conditions are eligible as Category A in defined circumstances related to the role which they are employed to undertake and will be considered individually to establish whether they may be submitted, in order that they can be included where the requirements are met.

Category C staff (for whom outputs may also be included in the submission) are defined as individuals employed by an organisation other than the University, whose contract or job role (as documented by their employer) includes the undertaking of research, and whose research is primarily focused in the submitting Unit of Assessment (UoA) on the same census date. They may be employed by the NHS, a Research Council unit, a charity or other organisation except for a higher education institution. Visiting staff who hold a substantive appointment at another higher education institution are not eligible as Category C.

Links to further information and advice can be found on the University REF microsite (www.city.ac.uk/ref). Schools will be supported by the University Research Office in ensuring that all eligible staff are identified for consideration.

5. Responsibilities for decision-making on selection

The identification of those staff who will be involved in decision-making on the selection of staff, outputs and impact case studies and other content for REF submissions will be determined on the basis of relevant subject knowledge and research expertise and seniority. They will include the Dean of the School, the School Associate Dean for Research, Heads of Academic Departments or equivalent, the Unit of Assessment (UoA) Leads and School/UoA Impact Champions.

Each School Executive Committee will agree the roles and names of those involved, and the mechanism by which decisions will be reached within the School, setting out the level(s) at which any REF groups or committees will operate (for example, a group per Unit of Assessment, reporting to a School-level group established for the REF preparations and/or an existing School committee). Consideration will be given as far as possible to the composition of the REF groups or committees with a view to the need to address matters of equality and diversity. Once finalised, the details for each School will be submitted to the University for approval by the University REF Steering Group. The local details will then be circulated to all academic and research staff in the School concerned. This information will also be published alongside the Code of Practice via the University REF microsite.

The University REF Steering Group was established in 2011 with terms of reference and membership approved by the University Executive Committee. Details have been published on the University REF microsite and are included here at Appendix 3. The Steering Group's responsibilities include ensuring that agreed University procedures are followed consistently across the University in accordance with this Code of Practice. Schools will be asked to report on this at an appropriate stage in the submission preparations.

All staff involved in formal decisions regarding REF submissions will receive training in equality and diversity issues for REF to ensure that they have a suitable level of understanding of the University's equal opportunities policies, the Code of Practice for the selection of staff and the relevant legislative context, including Data Protection issues. The training will take the form of briefing sessions and written guidance and will be provided by Human Resources and the Research Office. It will be compulsory for those staff involved in consideration of complex circumstances cases. Four briefing sessions were provided in June 2012 and additional sessions will be arranged in the autumn term 2012 for any new staff involved in the process and those who were unable to attend the earlier dates offered.

6. The role of external reviewers

Schools have been asked to seek input on their draft submissions from external reviewers during the REF rehearsal period in 2011/12 and again during 2012/13 as appropriate. External reviewers are selected on the basis of relevant research expertise and seniority in the field and may be asked to comment on individual outputs and/or the narrative components of the submission. One or more reviewer(s) may be appointed for each Unit of Assessment as appropriate to the subject needs and the volume of work anticipated in order to form a judgement. They will be asked only to comment on the quality of the research and the presentation of the submission and will not participate in decisions on selection or be given any information on individual staff circumstances. They should also be briefed on the Code of Practice and asked to take care in relation to any comment on the work of individual staff in relation to equality and diversity matters.

7. Establishment and communication of quality thresholds for inclusion

It is already known that, following the REF, recurrent funding for research from the Funding Council (known as QR funding) will only be provided for activity rated 3* and 4* (defined as quality that is internationally excellent and world-leading respectively). The ratio of funding between 3* and 4* activity will not be known until after the REF results are published but it is anticipated that activity rated 4* will be funded at a level significantly higher than activity rated 3*. The University will be seeking to maximise the proportion of activity rated at these levels in its REF outcome and will only include staff with outputs considered to be of 3* or 4* quality in its submission. The assessment of quality will be made by senior staff in the relevant subject area within each School, with calibration of the assessments provided by external reviewers as appropriate, primarily through the University's Annual Research Quality Monitoring (ARQM) process. Further details of the criteria for inclusion are set out under 'Criteria and terms of reference for REF decision-making bodies' (sub-section 4) later in this document.

While the REF guidance on submissions defines eligibility and the number of outputs expected to be submitted for an individual member of staff, the determination of the appropriate quality threshold for inclusion of staff in the REF submission is a matter for individual universities. As indicated previously, this may vary across UoAs and Schools have therefore been asked to provide further information on the basis on which they will determine the inclusion of staff for each UoA, for approval by the REF Steering Group and subsequent communication to the staff concerned. This will include publication via the University REF microsite of the criteria to be used in the selection process and the names of those involved in the process for each School. In drawing up this information, Schools will refer to the published criteria to be used by the relevant REF Main Panel but may wish to supplement this further according to the strategy to be adopted for a particular UoA.

Staff may request that an external review of an individual output is carried out, where this has not already been undertaken, if they reasonably consider that the relevant specialist expertise is not represented within the group undertaking the assessment of quality in the School.

8. Criteria and terms of reference for REF decision-making bodies

The following terms of reference will be adopted by all bodies making formal decisions regarding REF submissions within Schools:

1. To consider and approve the draft and final versions of the REF 2014 submission relating to one or more Unit(s) of Assessment, for forwarding as required to a School and/or University level body for final approval.
2. To agree and to communicate to staff the mechanism and timescale for the development of the submission, to allow for discussions with individual members of staff as needed, including any staff who may be absent from the University for an extended period for reasons such as secondment or maternity leave, and to meet deadlines for the provision of information laid down by the School and the University.
3. To ensure that discussions on submissions take place in accordance with the Code of Practice on the selection of staff for REF 2014, that decisions are appropriately recorded,

taking cognisance of Data Protection issues, and in particular that access to sensitive personal information is restricted to as few people as possible.

4. In drawing up the submission, to scrutinise the inclusion or non-inclusion of individual members of staff in the submission, ensuring that all relevant information is obtained to inform decisions and taking account of the following criteria along with any further criteria for the Unit of Assessment which have been agreed by the University:

(i) Staff for whom four outputs are required for submission without penalty: Outputs deemed to be of a quality that does not meet the definition of 3* or 4* (as set out in the published REF guidance), or which do not meet the published definition of research for the purposes of the REF, will not normally be included unless there is a strategic reason for a member of staff with no individual circumstances as set out in 4 (ii) below to be included in the submission with fewer than four outputs of 3* or 4* quality. Indicators used to judge research outputs will include originality, significance and rigour, with reference to international research quality standards, across the spectrum of applied, practice-based, basic and strategic research, and taking account of any further indicators of research quality provided by the relevant REF Panel. Research outputs will also be required to fit the overall strategy for the presentation of research activity within the relevant Unit of Assessment submission in order for staff to be included.

(ii) Staff for whom individual circumstances may apply: In the event that a member of staff has some outputs meeting the requirements indicated in 4(i) above, but fewer than four, they may nonetheless be included in the REF submission provided that individual staff circumstances have been identified which meet the requirements for a reduction in the number of outputs that can be submitted without penalty according to the published REF guidance. These may be either (a) clearly defined circumstances, which are:

- qualifying as an early career researcher (meeting the criteria to be selected as Category A or Category C staff on the census date of 31st October 2013 and having started their career as an independent researcher on or after 1st August 2009);
- part-time working;
- maternity, paternity or adoption leave. (Note that maternity leave may involve related constraints on an individual's ability to conduct research in addition to the defined period of maternity leave itself. These cases can be returned as 'complex' as described at sub-paragraph b below, so that the full range of circumstances can be taken into account in making a judgement about the appropriate number of outputs that may be reduced without penalty);
- secondments or career breaks outside of the higher education sector, and in which the individual did not undertake academic research;

or (b) circumstances that are more complex and require a judgement about the appropriate number of outputs that can be reduced without penalty. These circumstances are:

- disability (as defined in the Equality Act 2010);
- ill health or injury;
- mental health conditions;

- constraints related to pregnancy or maternity, in addition to a clearly defined period of maternity leave (these may include but are not limited to: medical issues associated with pregnancy or maternity; health and safety restrictions in laboratory or field work during pregnancy or breastfeeding; constraints on the ability to travel to undertake fieldwork due to pregnancy or breast-feeding);
- childcare or other caring responsibilities;
- gender reassignment;
- other circumstances relating to the protected characteristics defined in the Equality Act 2010 (in addition to disability, pregnancy and maternity and gender reassignment, these are age, marriage and civil partnership, race, religion or belief, sex and sexual orientation – further details are set out in Appendix 1 to this document).

As in the case of staff for whom no individual circumstances apply, staff with some outputs judged to be clearly of 3* or 4 * quality, but not the full number required without incurring penalty after taking account of any individual circumstances, may nonetheless be included in the submission where there is a strategic reason for doing so.

5. To ensure that academic and research staff who are eligible for submission to the REF are kept informed of progress in formulating submissions and receive individual feedback on the inclusion or otherwise of their work in the submission and that communications with staff on REF preparations allow for any difficulties staff may have in attending meetings as a result of part-time working or childcare responsibilities.
6. To ensure that individual members of academic staff who are to be included in a submission with fewer than four outputs for reasons set out in 4(ii) above are consulted on the inclusion of information in the submission which relates to their personal circumstances. Involvement in the drawing up of this section of the submission (REF1b) should be restricted to as few people as possible. A form will be provided to document agreement by the member of staff to the wording to be used in the submission for cases that involve the inclusion of personal information beyond factual details such as start dates or full-time equivalence which are recorded elsewhere in the submission.
7. To ensure that any advice received from an external reviewer, or reviewers, is fully considered in the drafting of the submission.

9. Procedure for notification of individual circumstances by staff

Information on the options available for inclusion in the REF submission and the procedure to be followed in the case of either clearly defined or complex circumstances will be communicated to all eligible staff. Staff will be encouraged to bring forward any individual circumstances which may have impacted on their research publication record and may make them eligible for consideration for inclusion with fewer than four outputs. A standard form will be used to document cases put forward for formal consideration. This will also document permission being granted by the member of staff for their information to be processed and stored securely as part of the REF preparations and will advise them on how any information included in the submission will be dealt with by the REF Panel. Guidelines on evidence to be supplied by staff to support the consideration of their case will also be provided along with information on the process for consideration of cases within the University and the timetable for the provision of information. The

onus will then be on individual members of staff to ensure that they provide any relevant information in time for it to be considered. Staff are under no obligation to declare individual circumstances but should be aware that choosing not to bring forward relevant information may mean that they cannot be included in the REF submission if they do not otherwise meet the agreed selection criteria.

In line with the REF guidance the process for dealing with individual circumstances will be handled centrally with appropriate communication with Schools. Some of the information which staff may provide (in particular that relating to complex circumstances as defined above) will be classified as sensitive personal data under the Data Protection Act and the University is required to limit its circulation as far as possible. In order to support staff who may wish to have previously undisclosed complex circumstances considered for REF purposes, it has been agreed that this will be dealt with by the REF Co-ordinator (the Director of the University Research Office) rather than through Human Resources staff whose roles are more closely linked to employment matters within the School. Staff will be invited to seek an informal discussion with the REF Co-ordinator in the first instance to receive guidance on their individual circumstances in the context of preparing a case for consideration. They may of course also discuss these issues with their line manager and/or other senior staff in their School involved in the REF preparations as they wish.

In the case of clearly defined circumstances, the details required for the presentation of the case (for example, dates and locations of other employment or dates of maternity leave or other absence) will be confirmed and documented in the format needed for inclusion in the REF submission through liaison between the member of staff, the School and the REF Co-ordinator.

In the case of complex circumstances, where staff have already discussed any relevant health-related issues with the University's Occupational Health Service in the course of their employment, the University Occupational Physician will be asked to confirm this and to contribute to the drawing up of the relevant information for the case. Where staff wish to have a case considered in relation to matters affecting their health which have not previously been disclosed, they may choose to discuss this with the University Occupational Physician in the first instance in order that he or she can then assist in drawing up the case. Any documentation required as evidence will be handled through Occupational Health and need not be disclosed more widely.

In some cases of complex circumstances, to enable the University to provide the necessary assurance to the Funding Councils that it has taken reasonable steps to verify the information being put forward, input from the School concerned will be needed to inform consideration of the impact of the circumstances on the individual's ability to produce four outputs or to work productively during the assessment period within their School and subject context. Staff will be advised by the REF Co-ordinator where this is considered to be necessary before any such steps are taken, to allow them to confirm their decision to proceed with the case on this basis. The member of staff will also be notified of any additional information being put forward from the School in relation to the formal consideration of their case.

If at any stage it becomes necessary to disclose information beyond those individuals already identified as playing a part in the process, agreement to do so will be sought from the member of staff bringing the case. The member of staff is entitled to refuse permission and in this case the University will use its best endeavours to conclude consideration of the case by other means. However, in some circumstances the consequence of this decision may be that it is not then possible for the University to establish a case for the inclusion of the member of staff in the REF submission.

A University panel will be established to consider all cases involving complex circumstances. The information provided to the panel will include the UoA of the member of staff concerned, but will not include their name. Once the panel has considered the circumstances presented and reached a conclusion on whether a case can be made which will satisfy the REF requirements for submission of fewer outputs without penalty, the School concerned will be informed of the outcome of the case in terms of the number of outputs required for the member of staff to be included in the submission. Access to the detailed circumstances will be restricted as far as is possible while meeting the requirements of the REF preparations process.

The composition of the University panel will reflect the principles underlying that of the national REF Equality and Diversity Advisory Panel. The latter includes individuals with expertise in equality and diversity issues affecting research careers, with experience in research leadership and management and members drawn from across the four REF main panel areas. The membership of the University panel will therefore include a senior member of academic staff from each School. The panel will be chaired by the Pro Vice-Chancellor (Research and Enterprise) as Chair of the REF Steering Group and advised by the REF Co-ordinator, the University Occupational Physician and the University Equality and Diversity Adviser.

To address any prior difficulties between individuals and noting that while cases can be anonymised this will not prevent them being recognisable in some instances, a member of staff bringing forward complex circumstances may object to a particular member of the panel being involved in consideration of their case. A designated alternative member will be identified from each School and in the case of an objection relating to the panel member for their School will attend the panel meeting to consider the particular case in the place of the official School member.

The members of the University panel will not also serve as members of the REF Appeals Panel and the Chair of the University panel to consider complex circumstances will similarly be distinct from the Chair of the REF Appeals Panel.

Once finalised and agreed, the names of the members of the University panel and the designated School alternative members will be published via the University REF microsite.

In relation to the production of form REF1b once a case has been agreed for inclusion in the University's REF submission, the exact form of words relating to their circumstances to be included in the submission will be agreed with the member of staff concerned. This agreement will be documented through a further standard form.

10. Communication with staff regarding inclusion or non-inclusion in the submission

The University will draw up a standard statement which will be used as part of the communication with staff regarding inclusion or non-inclusion, to explain the strategic nature of the approach taken and to address the position for staff who are excluded, particularly those whom the University wishes to continue to encourage to pursue research excellence.

11. Appeals or complaints

Any appeals or complaints by an individual member of staff in relation to their inclusion or non-inclusion in the REF submission on the grounds of (i) potential discrimination and/or (ii) a failure to follow the agreed process for the selection of staff as set out in the Code of Practice will be considered in the first instance by both the Dean and the Associate Dean for Research of the School concerned to determine whether the issue can be resolved on a more informal basis.

If discussion within the School does not result in a resolution of the matter to the satisfaction of the individual member of staff, it may then be referred by them, in writing giving full details of the basis for their appeal, to the Deputy Vice-Chancellor (International and Development) (formerly the Deputy Vice-Chancellor (Research)) who will serve as the Chair of the REF Appeals Panel.

Decisions on the inclusion of work and/or individuals on the basis of academic quality or overall contribution will rest with the School responsible for the Unit of Assessment concerned. Appeals or complaints will not be considered through the REF process unless they relate to matters of equality or diversity or of failure to follow the agreed process for the selection of staff as set out in the Code of Practice. Staff have access to the University's grievance procedures in the normal way for any other matters.

The Chair of the REF Appeals Panel will request a written response from the Dean and Associate Dean for Research of the School before reaching a conclusion. Where there is any potential conflict of interest, another member of the REF Steering Group may be asked to consider the case.

The Chair of the REF Appeals Panel or designated member of the REF Steering Group may either refer the matter to a panel hearing, or provide a response to the member of staff who will have the right to request that a panel hearing is held if they are not satisfied with the outcome following this stage. Details of the REF appeals procedure are set out in Appendix 2 to this document. This includes deadlines for each stage of the selection and appeals procedures which will allow sufficient time for any appeals to be considered and the outcome taken into account in the submission in good time ahead of the final submission deadline of 29th November 2013. The REF appeals procedure may also be invoked at an earlier stage if decisions are reached in advance of the relevant deadlines.

The Vice-Chancellor has final responsibility for the University's REF submission and will act in the best interest of the University where an appeal has been upheld and the Appeals Panel recommends an amendment to the relevant UoA submission. Advice on an equality issue from the Appeals Panel will be an important part of the Vice-Chancellor's decision-making. Schools will not be permitted to disregard an amendment required to a UoA submission on this basis.

The procedure for appeals will not apply to any eligible staff joining the University after 1st January 2013. Discussions for this group of staff regarding their possible inclusion in the REF submission will take place during the recruitment process.

12. Data Protection issues

City University London has an obligation to provide some personal information on staff for the purposes of the REF. The University will only share information which it is under an obligation to provide. In exceptional circumstances where the public interest outweighs the individual's rights to privacy, the information may be released under the auspices of the Freedom of Information Act

2000 to third parties. Further details in relation to the use of personal data can be found on the University's web site at www.city.ac.uk/dataprotection. Any queries concerning Data Protection and Freedom of Information should be addressed to the Head of Information Compliance and Policy.

Staff have a right of access to data held which relates to them personally and due care should therefore be taken in record-keeping during REF preparations by all those involved to ensure that what is recorded is accurate and defensible, particularly as regards any matters of opinion rather than fact. Staff involved in consideration of cases involving complex individual circumstances will be required to take particular care in the handling and storage of the information concerned. Documents disclosing individual circumstances which have been produced only for REF purposes will be destroyed once they are no longer required in support of the REF processes, including any requirements for audit and verification.

Staff should be aware that the REF submissions will be published by the Funding Councils after the results of the exercise are determined. This will not include staff contractual information or details of individual circumstances but will include the names of submitted staff and the details of their submitted publications along with the written text components of the submission on environment and impact which may refer to individual staff.

13. Equality impact assessment

As a public sector organisation, in order to show compliance with the requirements of the public sector equality duty of the Equality Act 2010, the University needs to consider and understand the effect of its REF policies on equality. Equalities legislation in Northern Ireland and Wales places a specific duty on HEIs to conduct equality impact assessments on new and existing policies. Consequently, the funding bodies require all UK HEIs to conduct equality impact assessments on their policies for selecting staff for the REF. Institutions are expected to publish their equality impact assessments after submissions have been made.

To support the initial stages of the equality impact assessment, data gathered through the REF rehearsals held in April and May 2012 have been used to undertake a numerical analysis of staff identified as meeting or potentially meeting the requirements for inclusion in the submission against the full complement of eligible staff, based on all of the protected characteristics data held in the Human Resources records. The data have been considered at University, School and UoA levels, taking account of the smaller numbers of staff involved at the level of the Unit of Assessment, including a comparison with the position following the RAE 2008 submission.

In order to allow for possible issues to be identified, Schools were encouraged to include information in the rehearsal data on staff who do not yet fully meet the threshold for inclusion in relation to outputs but for whom there is the prospect of doing so by the relevant deadline in 2013. This included an indication, where known, of those staff who either already met or could meet the requirements for a reduction in the number of outputs submitted without penalty for clear reasons such as part-time working, qualifying as an early career researcher or having had a period of maternity leave. Detailed information about individual staff circumstances was not sought as part of the rehearsal process. In addition, the four REF equalities training sessions which were held during June 2012 for staff involved in the selection process, also attended by UCU representatives, both informed the development of the Code of Practice itself and provided an opportunity to consider any equalities issues which might arise.

The initial equalities analysis has to date been considered by Senate Research Committee, the REF Steering Group, the University Executive Team and the University Executive Committee. The analysis has identified the need to complete work already underway within the University to clarify the roles of individual academic staff in order to ensure that the data are not being distorted by the inclusion of staff who are not employed to undertake research and are therefore not eligible for submission to the REF. A further analysis of the data will be undertaken in 2013 based on final staff selection decisions and following this clarification of roles. The experience of dealing with individual staff circumstances and any appeals related to inclusion during 2013 will also inform the full equality impact assessment.

14. Finalisation of the Code of Practice

The Code is now disseminated to staff in its final form following the receipt of Funding Council approval.

Any comments or queries regarding the Code should be addressed to Jo Bradford, Research Office (j.bradford@city.ac.uk).

Final approved Code October 2012

Appendix 1: Summary of equality legislation (REF guidance on submissions para. 201)

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 will be 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 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 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</p>

	described in paragraph 98.
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 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>
<p>Sex (including breastfeeding and additional paternity and adoption leave)</p>	<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 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>
<p>Sexual orientation</p>	<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>

Appendix 2 – REF Appeals Procedure

Staff employed by the University prior to 1st January 2013 will receive formal notification of the provisional decision on their inclusion in the submission by 15th January 2013. This may be subject to conditions such as the publication in time of an eligible output of the necessary quality.

The latest date by which staff must provide formal notification of any individual circumstances they wish to be considered in support of their inclusion in the submission is 31st January 2013. Earlier provision of relevant information is strongly encouraged.

The University panel to consider any complex circumstances cases will meet on one or more dates to be arranged during February 2013 and will advise Schools on the basis on which staff may be included in the submission with a reduced number of outputs. Staff in this category will be formally notified of any further decisions made by Schools in the light of the advice received from the University panel no later than 15th March 2013.

Decisions on the inclusion of work and/or individuals on the basis of academic quality or overall contribution will rest with the School responsible for the Unit of Assessment concerned. Appeals or complaints will not be considered through the REF process unless they relate to matters of equality or diversity or of failure to follow the agreed process for the selection of staff as set out in the Code of Practice. Staff have access to the University's grievance procedures in the normal way for any other matters.

Any appeals or complaints by an individual member of staff in relation to their inclusion or non-inclusion in the REF submission on the grounds of (i) potential discrimination and/or (ii) a failure to follow the agreed process for the selection of staff as set out in the Code of Practice will be considered in the first instance by both the Dean and the Associate Dean for Research of the School concerned to determine whether the issue can be resolved on a more informal basis.

If discussion within the School does not result in a resolution of the matter to the satisfaction of the individual member of staff, it may then be referred by them, in writing giving full details of the basis for their appeal, to the Deputy Vice-Chancellor (International and Development) in his or her capacity as Chair of the REF Appeals Panel. The latest date by which any written appeals from individual members of staff must be submitted for consideration within the REF process is 19th April 2013.

The Chair of the REF Appeals Panel will request a written response from the Dean and Associate Dean for Research of the School before reaching a conclusion. Where there is any potential conflict of interest, another member of the REF Steering Group may be asked to consider the case. The deadline for the receipt of a written response from the School in respect of any staff appeal on inclusion is 3rd May 2013.

The Chair of the REF Appeals Panel or designated member of the REF Steering Group may either refer the matter to a panel hearing, or provide a response to the member of staff. The latest date by which this action will be taken is 17th May 2013. The member of staff will have the right to request that a panel hearing is held if they are not satisfied with the outcome following this stage. This request must be made within 10 working days of the date of the response. Any panel hearings required will be held no later than June 2013 in order that the outcome can be taken into account in the final REF submission.

The procedure for the REF appeals panel hearing is as follows.

Applicants wishing to request that a panel hearing is held must do so in writing to the REF Co-ordinator (the Director of the University Research Office) within 10 working days of the date of the response from the Chair of the REF Appeals Panel or designated alternative.

The REF Appeals Panel will be chaired by the Deputy Vice-Chancellor (International and Development) (or designated alternative) if he or she has referred the appeal directly to a panel hearing, or by another member of the REF Steering Group if the appellant has requested that a panel hearing is held following a response from the Chair of the REF Appeals Panel or designated alternative. Any alternative Chair will not be from the School of the appellant.

The Panel will further comprise:

- i. An additional member of the REF Steering Group who is not from the School of the appellant and, where the case involves complex circumstances, has not served as a member of the University panel to consider complex circumstances cases.
- ii. A senior member of academic staff who is not from the School of the appellant, who has an active role in the selection of staff for REF 2014 within their own School and, where the case involves complex circumstances, has not served as a member of the University panel to consider complex circumstances cases.

If it is not possible to identify a member of the REF Steering Group who can fulfil the conditions set out in (i) above, the Panel will instead comprise a second senior member of academic staff as defined in (ii) above.

The process will be supported by the Director of the Research Office or his or her nominee who will act as Secretary.

Notice

The appellant and the Dean and Associate Dean for Research of the School should be given a minimum of 10 working days' notice of the time, date and place of the hearing.

Information

The information submitted to the Chair of the REF Appeals Panel both by the appellant and by the Dean and Associate Dean for Research of the School shall form the basis of the appeal and shall be provided to all parties no less than 7 working days before the date of the appeal hearing.

Hearing

The appellant shall be entitled to attend throughout the hearing and to be accompanied by a trade union representative or work colleague.

The REF Appeals Panel will consider the initial written submissions along with:

- Any further oral submissions by the appellant or made on the appellant's behalf by a trade union representative or work colleague; and/or
- Any further oral submissions made on behalf of the School.

The Panel may call any relevant person to clarify evidence.

The order of the hearing will be as follows:

1. The appellant (or representative) shall put the case for the appeal in the presence of the other parties.
2. The REF Appeals Panel shall have the opportunity to ask questions of the appellant.

3. The Dean, Associate Dean for Research or nominated representative of the School shall put the case for the decision taken in the presence of the appellant (and representative).
4. The REF Appeals Panel shall have the opportunity to ask questions of the Dean, Associate Dean for Research or nominated representative of the School.
5. The Dean, Associate Dean for Research or nominated representative of the School followed by the appellant (or representative) shall have the opportunity to sum up their cases.

Decision

The REF Appeals Panel, with the advice and assistance of the Secretary, shall deliberate in private. The Secretary shall record the decision.

The REF Appeals Panel may:

- a) dismiss the appeal;
- b) allow the appeal and recommend to the Vice-Chancellor that the relevant UoA submission should be amended in the light of this decision;
- c) make such other recommendations or take such other action as may be appropriate in all the circumstances.

The findings of the REF Appeals Panel will be final. In the case of (b), the Vice-Chancellor's decision will be final.

Appendix 3 - REF Steering Group Terms of Reference and Membership

Terms of Reference

1. To oversee the strategic management of the REF 2014 submission across the University, including responses to HEFCE on REF issues.
2. To ensure that agreed University procedures are followed consistently across the selected Units of Assessment in accordance with the Code of Practice on the selection of staff (to be approved) and the relevant legislative framework.
3. To address strategic issues and matters of policy regarding the approach to submissions both at University and at Unit of Assessment level, including the determination of the minimum quality threshold to be applied for an individual Unit of Assessment.
4. To consider requests from Schools for any resources needed to support REF preparations and to make recommendations on these to UET/ExCo.
5. To receive advice from the REF Impact Advisory Panel to be established in October 2012.
6. To oversee communications to the wider University community on REF preparations.
7. To consider any issues which arise relating to the inclusion or non-inclusion of individual members of staff in the submission, including any appeals from staff, ensuring that all relevant information is obtained to inform decisions and taking account of the criteria set out in the code of practice.
8. To monitor progress within Schools against the agreed submission schedule, to address any difficulties and to ensure that the submission is made in good time.
9. To address any issues that cannot be resolved at School level, including in particular any matters relating to Units of Assessment which involve staff from more than one School or more than one organisational unit within a School.
10. To hold final editorial control over submissions in conjunction with the Vice-Chancellor.
11. To make regular reports to UET/ExCo.

Membership (as at October 2012):

Chair (Pro Vice-Chancellor (Research and Enterprise):	Professor John Fothergill
University REF Co-ordinator:	Jo Bradford, Director, Research Office
Deputy Vice-Chancellor (International and Development):	Professor Dinos Arcoumanis
ExCo Members:	Professor Ken Grattan, Graduate School Professor Stanton Newman, SHS Professor Susan Nash, CLS
Associate Deans (Research):	Professor Peter Ayton, SASS (Professor Martin Conway during 2012/13) Professor Carol Cox, SHS

Professor Igor Filatotchev, Cass
Professor Nick Karcianas, SEMS
Professor George Spanoudakis, SOI
Professor Lorna Woods, CLS

REF Impact Advisory Panel Chair: Professor John Solomos
Secretary: Jeremy Barraud, Research Office

The Steering Group may also co-opt additional members from amongst the expected new academic appointments where these are identified as having valuable relevant strategic experience. Professor Richard Verrall, Pro-Vice-Chancellor (Strategy and Planning), will attend meetings where appropriate.