



Royal College of Music



**Code of Practice
on the selection of staff**

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1. Introduction

The Royal College of Music (hereinafter RCM) is one of the world's leading conservatoires, whose global reputation is derived not least from its long-established commitment to research and innovation across practice and theory. Therefore, the College is committed to an environment which values and celebrates the diverse nature of its research-active population, as articulated in the RCM Research Strategy 2010-13.

This Code of Practice sets out the positive steps the RCM will take to meet the requirements of its institutional mission, and to achieve equality in the selection of staff for inclusion within the RCM's submission for the Research Excellence Framework (hereinafter REF) 2014, as required by HEFCE.

The RCM recognises the importance and value of a Code of Practice which details responsibilities, operating criteria and processes, and provides a framework for decision making which ensures:

- . that all staff are treated fairly in accordance with the principle of equality;
- . consistency of process across the RCM;
- . transparency of process.

The Code of Practice is freely available to all staff via the Human Resources pages on *MUSE*. Hard copies are available on request.

2. Scope of the Code of Practice

This Code of Practice is applicable to all staff members involved in research activities and its management, both full-and part-time, involved in research activities and its management.

3. Equality and Diversity

The RCM is committed to equality of opportunity for all staff, recognising and celebrating their diversity. Leadership and management in relation to equality are provided by the College's Directorate and a corresponding commitment sought from every member of staff.

In practice, this means that the RCM:

- . is committed to providing an environment where all staff, including those falling within the protected characteristics contained within the 2010 Equality Act, are treated equally;
- . has a research culture and environment in which diversity is celebrated;
- . does not discriminate directly or indirectly against any member of staff;
- . actively promotes equality and diversity.

The RCM is committed to providing a positive working and learning environment free from discrimination, harassment, or victimisation on the grounds of the protected characteristics detailed in the 2010 Equality Act, where all staff are treated with respect and dignity.

The RCM recognises the valuable contributions to research made by members of its diverse community.

The RCM ensures all that staff have equal access to the full range of institutional facilities. In order to accommodate a more diverse community, reasonable adjustments to working practices are considered wherever possible.

The whole research community of the RCM shares responsibility for the successful application of this Code of Practice. Specific responsibility falls to the REF Management Group, the Director of Programmes & Research and the Director in ensuring that the selection and submission of staff members for the REF is free from discrimination, and in line with the principles set out in this Code of Practice.

This Code of Practice will be applied consistently across the RCM. Managerial decisions concerning the selection of staff members for inclusion within the REF submission will be at the discretion of the RCM and will be fully in accordance with this Code of Practice.

4. Definitions

Direct discrimination: when factors unrelated to merit, ability or potential of a person, or group, are used as an explicit reason for discrimination against them.

Discrimination: when an individual or a group of people receive/s less favourable treatment than others because of factors unrelated to their merit, ability or potential.

Indirect discrimination: when there are rules, regulations or procedures in place that have a discriminatory effect on certain groups of people.

Positive action: the deliberate introduction of measures to eliminate or reduce discrimination or its effects. This is about the fair treatment of all people. It is not about special treatment for any one particular group.

Public Interest Disclosure Act: protection to workers who disclose information outside the organisation in cases where the matter has been raised internally and not been resolved as a result, see also 5. below.

Victimisation: punishing or treating an individual unfairly because they have made a complaint, or are believed to have made a complaint, or have supported someone who has made a complaint.

5. Legal Framework

The RCM will comply with all the legal duties put upon it by:

- . Public Interest Disclosure ('Whistleblowers') Act 1998;
- . Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000;
- . Employment Act 2002 including Fixed Term Employees (Prevention of Less Favourable Treatment) Regulations 2002 and Fixed Term Employees (Prevention of Less Favourable Treatment) (Amendment) Regulations 2008;
- . Equality Act 2010.

6. Grounds of Discrimination

In line with the RCM's Equal Opportunities Policy, any staff member who believes that s/he may have been the subject of discrimination or victimisation in relation to the REF submission shall have full rights of protection under the RCM's Staff Grievance procedure. All claims will be taken seriously. Further information on the procedure for dealing with complaints made in relation to decisions about the inclusion or non-inclusion of staff members in the REF submission can be found in 16. below.

7. Criteria for Selection of Staff

The RCM values the contribution of all staff, whether this is through teaching, research, knowledge exchange and/or administration. Engagement in activities defined by the REF as research represents one aspect of the contribution staff may make to the work of the RCM. In selecting staff for inclusion in REF, the RCM will be as inclusive as possible, and will take into account individual circumstances which may have affected the member of staff's ability to produce four excellent outputs during the assessment period.

Following guidance issued by UK national funding councils, the following four key criteria will be employed by the RCM in making decisions about the inclusion or non-inclusion of staff members in the REF submission:

- (a) **Eligibility:** eligible staff are those who hold a contract of employment with the RCM of 0.2 FTE or greater and who are on the payroll on the census date (31 October 2013) and individuals who are employed by an organisation other than the RCM but whose research is closely linked with the RCM.
- (b) **Quality of research activity:** the quality of research activity carried out during the REF 2014 assessment period in terms of research outputs (assessed in terms of originality, significance and rigour), impact (reach and significance) and contribution to the research environment.
- (c) **Quantity (volume) of research outputs:** the REF expects that four outputs per research-active member of staff published 1 January 2008 and 31 December 2013 should normally be included within a submission.
- (d) **Individual circumstances:** individual circumstances that significantly constrain an individual's ability to produce four outputs during the publication period will be taken into account, see also 10. below.

7.1 Decision-Making Process

All decisions relating to selection and submission will refer to the four criteria given below. The RCM recognises that, for strategic reasons, not all eligible staff may be returned in the REF submission. Where there is a significant likelihood of non-inclusion, staff members concerned will be provided with feedback by the Director of Programmes & Research or the Director on their individual submissions. An Appeals procedure has been formulated to apply in cases where it is alleged that a decision has involved unlawful discrimination, see also 16. below.

The following processes for making decisions on submission to the REF will apply across the RCM. Those responsible for making such decisions will:

- (a) endeavour to ensure that they have all the relevant facts relating to the individual about whom they will make a decision;
- (b) ignore irrelevant information;
- (c) ensure that any relevant individual circumstances are fully considered and taken into account;
- (d) keep full records of all decisions which affect individuals.

It should be noted that exclusion from the REF submission will not be taken to imply that particular staff members are not research-active or that their research is inadequate. Furthermore, exclusion from REF will not in itself affect time designated for research vis-à-vis annual workload balancing.

Decisions on REF inclusion remain distinct from support for research activities, and involve different criteria. In the former, the overriding intention must be to maximise the overall benefit to the RCM derived from its REF submission. In the latter, the concern is to synthesise individual research development with longer-term institutional interests. Decisions relating to the REF submission will not be used to inform the RCM's appraisal and promotion procedures.

8. Roles and Responsibilities of Committees and Staff

This section sets out the roles and responsibilities of staff and RCM committees involved in the preparation and approval of the submission for REF 2014. It focuses on responsibilities in respect of the inclusion or non-inclusion of individual staff members within the RCM's submission.

Further details on the RCM's governance and management arrangements for Research, including the remit and membership of the Research Committee and its sub-committees, are set out in the Research Strategy document and in the College's Quality Assurance Handbook.

8.1 Committees

8.1.1 REF Management Group

Overall responsibility for establishing REF strategy and managing the RCM's submission is held by the REF Management Group; a sub-group of the Research Committee. Reporting to the Research Committee the Group comprises the following staff:

- . Director of Programmes & Research (Chair);
- . Director;
- . Research Fellow in Performance Practice;
- . Head of the Centre for Performance Science

with the provision to co-opt senior member(s) of academic staff as required,

Persons appointed to the group are senior staff within the RCM who are also members of the Research Committee and who have either extensive research experience and/or experience of previous Research Assessment Exercises.

Each member of this group will receive appropriate equalities training tailored to REF processes.

The remit of the REF Management Group is to:

- . provide leadership for the RCM's participation in and submission to REF 2014;
- . determine RCM REF strategy and ensure its effective communication throughout the institution;
- . assure the excellence, quality and robustness of the RCM's submission to REF 2014, including approving and ensuring the implementation of the Code of Practice on the selection of staff;
- . discuss and agree staff for inclusion in the REF 2014 submission, with due advice from external advisors, see 8.2. below. Final approval of staff for inclusion in the submission lies with the Director.

The membership and terms of reference of the REF Management Group will be noted by the College Research Committee and communicated to staff through the RCM intranet, see 1. above.

8.1.2 Research Committee

The REF Management Group will report to the Research Committee as required. The REF Management Group will endorse the REF submission prior to final approval by the Director.

8.2 Personnel Responsible for Staff Selection

8.2.1 The Director of Programmes & Research will be responsible for:

- . providing leadership in preparation for the REF 2014;
- . chairing the REF Management Group;
- . overseeing the selection of staff for inclusion and advising the Director on recommendations made in this regard;
- . providing feedback to staff not included in the submission in accord with the dates set out in section 16.

8.2.2 The Director will be responsible for:

- . liaising with the Director of Programmes & Research on the preparation of REF 2014 submission;
- . selecting and appointing external assessors;
- . providing feedback to staff not included in the submission in accord with the dates set out in section 16;

- . approving the REF 2014 submission, including determining the inclusion of staff members.

8.2.3 The Research Fellow in Performance Practice will be responsible for:

- . assisting with preparations for the REF 2014 submission;
- . assisting with the selection of staff for inclusion and advising the Director and the Director of Programmes & Research on recommendations made in this regard;
- . liaising with external assessors;
- . information gathering, output and data collection;
- . managing and overseeing data entry.

8.2.4 Co-opted Senior Member(s) of Academic Staff will be responsible for:

- . assisting with REF preparations including information gathering, output and data collection;
- . advising the Director and the Director of Programmes & Research as required on staff selected for inclusion and non-inclusion.

8.2.5 External assessors will be responsible for:

- . acting only in an advisory capacity to the REF Management Group on the content and strategy of the components of the College's submission.

9. Equalities Training

All staff involved in the selection of staff members for inclusion in the REF submission will have specific REF Equalities Training relative to their role and responsibilities. Such training will be in accordance with directives specified for REF 2014 by the Equality and Diversity Advisory Panel (EDAP) and the Equality Challenge Unit (ECU).

10. Individual Circumstances

The REF 2014 Main Panels have produced guidance on how they will deal with circumstances which might have affected an individual's contribution to the submission. In accord with this Code of Practice and the RCM's commitment to equality of opportunity and the diverse nature of its research community, the following circumstances will be taken into account accordingly in the selection of staff members for submission:

(a) Clearly-defined circumstances:

- (i) qualifying as an Early Career Researcher (ECR);¹
- (ii) part-time working;
- (iii) maternity, paternity or adoption leave;
- (iv) secondments or career breaks outside of the Higher Education sector during which the individual did not undertake academic research.

(b) Complex circumstances, including but not limited to disability, ill-health and injury:

- (i) any disability to which the Equality Act 2010 applies;
- (ii) ill health or injury;
- (iii) constraints related to pregnancy or maternity, in addition to a clearly-defined period of maternity leave;
- (iv) childcare or other caring responsibilities;
- (v) gender reassignment.

10.1 Mechanism for Disclosure of Individual Circumstances

In preparing the draft submission, staff identified as meeting the criteria for inclusion (see 7. above) will be invited to disclose individual circumstances which may have resulted in them having less than four outputs, in confidence, to the Director of Programmes & Research or the Director. Information required under such a disclosure will be based on the individual staff circumstances data requirements specified in *REF 02.2011: Assessment framework and guidance on submissions*, paragraph 96.

Individual circumstances identified through the process identified above will be considered anonymously by the REF Management Group in coming to a recommendation to the Director on the inclusion and non-inclusion of staff.

10.2 Consideration of Individual Circumstances by REF Panels

Main Panel D and sub-panel 35 (Music, Drama, Dance and Performing Arts) have clear criteria against which individual staff circumstances will be taken into consideration within submissions based on the applicable circumstances detailed above. For staff with clearly defined circumstances the REF clearly

¹ Staff who started their career as independent researchers on or after 1 August 2009. This is taken from the point at which 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, **and** they undertook independent research, leading or acting as principal investigator or equivalent on a research grant or significant piece of research work.

articulates the number of outputs that are acceptable in a given circumstance. This guidance will be followed by the RCM in considering such circumstances. For staff with more complex circumstances guidance from the ECU will be used to aid both panels and the RCM in determining an appropriate number of outputs given the circumstances. In the REF submission, such cases will be considered by the REF Equality and Diversity Advisory Panel.

11. Fixed-Term, Part-Time and Contract Research Staff

In accordance with this Code of Practice and the RCM's commitment to equality of opportunity for those on fixed-term and part-time contracts, the selection criteria will take account of individual circumstances relating to staff members on fixed-term and part-time contracts, including contract research staff members, in the decision-making procedure for submission. This will relate to the proportion (FTE) of time in post across the REF assessment period as a whole, and how this might have affected an individual's capacity to produce the expected volume of four research outputs.

12. Confidentiality

The RCM will protect the confidentiality of staff member who discloses clear or complex individual circumstances as part of the REF 2014 and will safeguard any information disclosed voluntarily within the regulations set by the Data Protection Act 1998. The information will be used for statistical purposes only and the RCM will safeguard the confidentiality of personal information disclosed. The REF Management Group will provide information related to the REF submission only to those members of staff specified in 8. above.

13. Equality Impact Assessment and Monitoring

The Code of Practice has been subjected to an Equality Impact Assessment (EIA) and these results were reported to the RCM's Human Resources Department.

The REF Management Group and the RCM Welfare & Diversity Committee will monitor the equality profile of eligible staff when the initial staff selection has been undertaken (June 2013), and again when staff for inclusion have been confirmed (October 2013). This will be considered in the context of RCM academic staff based on data from HESA.

Data monitoring will be carried out by the Human Resources Department. Supplementary information will be gathered sensitively, with appropriately-worded questions, and confidentiality will be ensured. The RCM will explain the purpose of monitoring and use the information gathered to create positive change.

The REF Management Group will also seek feedback from staff selected for the mock REF exercise, including staff from protected groups.

The RCM will investigate should any *prima facie* imbalance be found.

The monitoring process is an important way of determining whether anti-discrimination measures taken, such as this Code of Practice, are effective. It also ensures that equality of opportunity is a reality within the RCM.

14. Review

The effectiveness of this Code of Practice will be reviewed as required by the REF Management Group and may be amended from time to time in response to external drivers.

When statutory employment law changes, this Code of Practice is held automatically to have been amended by that change, and it will be updated as soon as practically possible.

15. Feedback to Staff on Non-Inclusion

Feedback will be provided to eligible staff not included in the REF submission by the Director of Programmes & Research or Director, see also 16.1 below.

16. Appeals Procedure

The RCM will ensure that, following feedback, staff members have the opportunity to appeal with regard to their non-inclusion in the REF submission on the grounds of discrimination. This section sets out the procedure through which the RCM will respond to any appeal arising out of non-inclusion, investigating them in a fair and transparent manner.

All appeals and consequential outcomes will be monitored and reported through the Director of Programmes & Research to the REF Management Group, see also 13. above.

It should be noted that there is no right of appeal against the academic or strategic judgement of (see 7. above) of those responsible for selecting staff members for inclusion in the REF submission unless there are grounds for thinking that the judgement was exercised unfairly or in contravention of the principle of equality.

16.1 Notification of Inclusion in REF 2014

Every eligible member of staff will be advised about the likelihood of their own inclusion in the REF submission and will receive feedback, including the ground(s) upon which the provisional judgement has been reached:

- . an **initial** indication by June 2013;

- . a **firm** indication by October 2013.

It is not anticipated that this **firm** indication will be changed but the RCM reserves the right to take account of late strategic imperatives and exceptional individual circumstances.

The **final** schedule of members of staff to be included in REF 2014 will be confirmed by the Director of Programmes & Research by the date of the first meeting of the Research Committee of the 2013-2014 academic year. Where the **firm** indication communicated during October 2013 is changed, this **final** change will be communicated by the Director of Programmes & Research to the individual member(s) of staff involved.

At the **initial** and **firm** stages, each staff member will have the opportunity to provide additional information to the Director of Programmes & Research, within 10 working days, about their own circumstances and research profile, with most relevance to 7., 10. and 11. above. Following full consideration of any new information provided by the member of staff, the outcome in respect of inclusion or non-inclusion in the submission will be confirmed by the Director of Programmes & Research or the Director.

If non-inclusion in the submission is confirmed and the staff member believes that there is evidence of discrimination, s/he may decide to pursue the matter further under the REF Appeals Procedure detailed below. There is no other complaint or appeal procedure open to staff members in regard to exclusion from the REF submission.

16.2 Appeals Process

The RCM will adopt a two-stage appeals process for REF 2014.

Stage 1

An individual who wishes to have their recommendation for non-inclusion in the REF reviewed must write to the Director of Programmes & Research in the first instance clearly stating the reasons for requesting a review. This written appeal should be submitted within 10 working days of being informed of the decision against which they are appealing. The written appeal should contain details of the grounds for the appeal, referring to the criteria for staff selection in this code of practice and any supporting evidence. The request will be considered by the Director of Programmes & Research and the Deputy Director within 15 working days.

Stage 2

Where resolution has not been possible under Stage 1, an individual may then formally appeal to the RCM REF Appeals Panel comprising:

- . Senior external advisor from another Higher Education institution (Chair);
- . Artistic Director;
- . Chair of the RCM Welfare & Diversity Committee

The individual making the appeal will be invited to appear in person before the Panel and may be accompanied by a work colleague or trade union representative.

The RCM REF Appeals Panel may uphold an appeal, in which case the REF Management Group will be directed to review their original recommendation, or may dismiss an appeal, in which case the original recommendation will stand. There will be no further right of appeal under this REF Appeals Process.

17. Communication of Code of Practice

The RCM is committed to an open and transparency process in selecting staff for submission to REF. Effective communication of College policies and procedures for REF, including the Code of Practice on the submission of staff, is integral to this. The RCM will disseminate relevant information to staff as follows:

- (i) publication of the Code of Practice via the Human Resources pages on the RCM intranet - *MUSE*;
- (ii) an email from the Director of Programmes & Research will be circulated to all staff in November 2012 further to disseminate the Code of Practice;
- (iii) staff unable fully to access email, including part-time professional tutors, or those absent from work will receive a letter from the Director of Programmes & Research, explaining the Code of Practice and the process the RCM will follow in the selection of staff for REF.

Briefing sessions in support of this process for potentially-eligible staff will be held in the autumn term of 2012 by the Director of Programmes & Research, who also will explain the REF Code of Practice.

Changes to the Code of Practice will be disseminated to staff each time the Code is amended by email, through *MUSE* and for part-time staff by post.

18. Further Information and Contact Details

Further information concerning REF can be found in the following documents:

REF 01.2012 January 2012 Panel criteria and working methods

http://www.hefce.ac.uk/research/ref/pubs/2012/01_12/

REF 02.2011 July 2011 Assessment framework and guidance on submissions

http://www.hefce.ac.uk/research/ref/pubs/2011/02_11/

Persons seeking guidance or further information regarding any of the issues covered in this Code of Practice are kindly requested to contact:

REF 2014: Professor Colin Lawson, Director, clawson@rcm.ac.uk

Equality and Diversity issues: Hazel Pudney, Head of Human Resources, hazel.pudney@rcm.ac.uk

19. Accessible Format Information

This document can be made available in large print and electronically upon request. If you require another alternative format please contact the Human Resources Department to discuss your requirements.