

# University of Sheffield

## Research Excellence Framework (REF) 2014: Code of Practice on Submissions

This document sets out the University of Sheffield's approach to ensuring equality of opportunity for eligible staff in each Unit of Assessment (UOA) to be selected for submission to the Research Excellence Framework. All decision-making bodies will adhere to the principles of this code, ensuring equality, transparency, consistency and accountability.

### **1. Introduction**

At the heart of the Sheffield Academic Statement is a professional commitment to:

*'the pursuit of research excellence in relation to questions of high significance and public value in different fields of study, through the provision of intellectual leadership, support of the professional practice of the research community and the display at all times of the highest standards of research ethics and integrity'.*

This confirms the value placed, both by individual academics, and by the University collectively on its research reputation. The University reflects this value within its Strategic Plan by aspiring "to be recognised worldwide for excellence in research-led learning and teaching and for research and innovation of the highest international quality". One of the key objectives to achieving this vision is to "enhance our position in external assessments" and prepare "for a REF2014 performance that exceeds the RAE2008 outcomes".

As part of REF2014, the four UK higher education funding bodies (led by the Higher Education Funding Council for England (HEFCE)) require, via 'Assessment Framework and Guidance on Submissions' (REF 02.2011<sup>1</sup>), that all institutions develop, document, and apply a code of practice on selecting staff to include in their REF2014 submissions. This is to aid institutions in ensuring that the principles of equality, fairness, transparency, consistency, accountability and inclusion are observed, and in complying with legislation and avoiding discrimination.

The University is fully committed, in all of its activities, to the principles of equality of opportunity, and to eliminating all forms of unfair discrimination, harassment and victimisation; to advancing equality of opportunity; and to fostering good relations between persons who share a relevant protected characteristic (protected characteristics are outlined in section 3, below) and persons who do not. The University remains dedicated to treating all people with dignity and respect equally, irrespective of age, disability including mental health, gender reassignment, marriage and civil partnership, pregnancy and maternity, parental status, race, religion or belief, sex, and sexual orientation. The University will also ensure that the impact of the REF2014 process on different protected characteristics is assessed at key points via data analysis of staff submissions. Our research community is at the forefront of the mission to discover and understand, and it makes a huge contribution to the vitality of one of the UK's most dynamic, innovative and entrepreneurial learning environments. The University thus welcomes both HEFCE's commitment to achieving equal opportunities through, inter alia, the REF2014 selection process, and also the encouragement that all institutions should submit the work of all their excellent researchers.

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<sup>1</sup> The 'Assessment framework and guidance on submissions' (REF 02.2011) is available at <http://www.ref.ac.uk/pubs/2011-02/>

## **2. Scope**

This Code of Practice is applicable to all eligible staff, as defined in Section 4.3 below, and will be applied consistently throughout the University. Decisions concerning the selection of staff for inclusion within the REF2014 submission will be at the discretion of the University, and will be in line with this Code of Practice.

The University expects all departments to constitute UOA Management Teams (see Section 8.4 below) to communicate clearly to all departmental staff eligible for inclusion in REF2014 their strategy for maximising the outcomes in that submission. UOA Management Teams should also communicate their interpretation of their respective panel and, where applicable, sub-panel guidance. When making recommendations on staff inclusion, UOA Management Teams will take cognisance of both this Code of Practice and their strategy, as communicated to staff. Further information on the responsibilities of UOA Management Teams is provided in Section 8.4.

## **3. Legislative Context**

Since the RAE2008 there has been an increase in the scope and application of anti-discrimination legislation that encompasses all functions of a Higher Educational Institution (HEI) including REF2014. Consequently, throughout all stages of the planning and selection processes of REF2014, the University must meet key legislative requirements.

The Equality Act 2010 has replaced previous equality legislation, harmonising discrimination law and strengthening it to support progress of equality. Legal provision extends to nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

In each of these areas the University has a legal responsibility to advance equality of opportunity, to eliminate all forms of unfair discrimination, and to foster good relations between people who share a protected characteristic and people who do not. In addition, pursuant to the Fixed-Term Employees (Prevention of Less Favourable Treatment) Regulations 2002 and the Part-Time Workers (Prevention of Less Favourable Treatment) Regulations 2000, the University should not treat those employed on fixed-term contracts and those staff working part-time less favourably than a comparable permanent full-time employee.

Appendix I lists all relevant employment and anti-discrimination legislation which must be applied to the selection of staff for submission to REF2014.

## **4. Selection of Outputs**

In line with the objective of being recognised worldwide for excellence in research-led learning and teaching and for research and innovation of the highest international quality, the University will seek to maximise the quality of the profile in each UOA in which it submits, with a view to maximising both the resulting HEFCE quality-related (QR) funding and the potential use of the results in promoting its position as world-leading. REF2014 guidance encourages institutions to submit the work of all their excellent researchers. Consequently, and in line with this statement and with the University's strategy, all staff who will be submitted will be required to have outputs of sufficient quality to enhance the outcome of their UOA submission, though the volume of requisite outputs may be mitigated by particular Equal Opportunities (EO) issues, as detailed below in Section 6.

#### **4.1. University Definition of “Research Excellence”**

The University defines the standard of research excellence to be applied to the selection of staff for submission to REF2014 to be:

*Research, as evidenced by outputs and, where appropriate, contributions to research environment and impact, in which a proportion of activity submitted is likely to be assessed as being of internationally excellent quality.*

Consistent with the REF2014 definitions of the quality ratings, “internationally excellent” in this context relates to, “quality that is internationally excellent in terms of originality, significance and rigour” (*Assessment Framework and Guidance on Submissions*).

In judging research excellence, it is recognised that there may be some variation of approach between UOAs resulting from:

- REF2014 published panel-specific criteria and working methods.
- Discipline-specific issues either sector-wide or specific to the University.
- UOA-specific circumstances, such as competitive position, tactics, and future strategy.

Each UOA Management Team will propose a submission strategy, which will be subject to approval by the REF Steering Group and the UEB, before it is communicated to staff eligible for return within that UOA.

#### **4.2. Over-arching Selection Principles**

The following over-arching principles of equality and fairness will be applied consistently, and throughout all stages of REF2014. The University’s Equal Opportunities Policy can be found at [www.sheffield.ac.uk/hr/az/eopolicy](http://www.sheffield.ac.uk/hr/az/eopolicy) and wider equality information can be found at: [www.sheffield.ac.uk/hr/equality](http://www.sheffield.ac.uk/hr/equality) and [www.sheffield.ac.uk/hr/equality/focus/eti](http://www.sheffield.ac.uk/hr/equality/focus/eti).

##### *4.2.1. Equality*

The University of Sheffield is fully committed in all of its activities to advancing equality of opportunity, to eliminating all forms of unfair discrimination, and to fostering good relations between people who share a protected characteristic and people who do not. All University staff eligible for submission will be treated fairly and with dignity and respect, irrespective of age, disability including mental health, gender reassignment, marriage and civil partnership, pregnancy and maternity, parental status, race, religion or belief, sex, and sexual orientation.

The particular circumstances of all staff will be judged by reference to clearly defined criteria, and decisions will be taken by managers with relevant knowledge and expertise and awareness of equality legislation, supported by internal expertise.

##### *4.2.2. Transparency*

The University welcomes HEFCE’s requirement for institutions to have in place transparent processes, and commits to being open and transparent about its processes for selecting staff for submission. This will be achieved primarily through the implementation of this code (which will be published on the Department of Human Resources’ website and communicated to all eligible staff, including those who are currently absent) by making available to staff in each UOA information about how decisions will be made, the mechanisms in place to reach these decisions, and by providing appropriate feedback following the exercise.

#### 4.2.3. Consistency

All decisions taken with regards to inclusion in REF2014 will be based upon evidence of excellence in research and impact. Robust decision-making processes are in place to ensure that all eligible staff are treated fairly and consistently within and across departments.

#### 4.2.4. Accountability

The roles, responsibilities and modus operandi of all individuals and bodies involved in REF2014 management and selection processes are set out in Section 8 and made available on the University's REF website: [www.sheffield.ac.uk/ref](http://www.sheffield.ac.uk/ref).

#### 4.2.5. Inclusion

The University is committed to an inclusive approach to equal opportunities, promoting an environment that is inclusive of all members of its community, and extends this principle to REF2014. Eligibility for submission will be based on REF2014 definitions of eligible staff (see '*Assessment Framework and Guidance on Submissions*', paragraph 78 and Section 4.3. below). Part-time and fixed-term contract staff are also eligible for submission and individual circumstances, which may have had a material impact on an individual's ability to produce the required number of high quality outputs, will be taken into consideration, as appropriate, and as per Section 6 below.

### 4.3. Eligibility for Inclusion

The funding councils have defined eligibility for inclusion as category A staff in the REF2014 in the '*Assessment Framework and Guidance on Submissions*', paragraphs 78-81.

In summary, the following staff will be eligible for return as category A across the University:

- Staff who are employed on academic contracts, and who are contractually required to undertake research.
- Staff on research only contracts, who can demonstrate that they are also independent investigators (evidence of which would include indicators such as holding an externally funded fellowship, being Principal Investigator on an externally funded research grant or leading a significant work package in a wider programme of research such as an FP7 consortium), but only where they meet the UOA quality threshold.

For the avoidance of doubt, in line with the '*Assessment Framework and Guidance on Submissions*', teaching specialists are ineligible for inclusion. Such staff will be employed on teaching-only contracts, and will have been appointed specifically to teach.

The University's normal expectation is that four high quality outputs will be required in order for an individual to be selected for inclusion in REF2014. However, any member of staff producing excellent research, as defined in Section 4.1 above, but whose volume of research output has been limited due to individual circumstances as defined in Section 6, will not be disadvantaged in the selection process.

### **5. Selection Process**

UOA Management Teams have undertaken a staff verification exercise to create a pool of eligible individuals from which selections can be made. This list will form the basis of the eventual REF1a (information on staff included in the submission) and REF1c (details of Category C staff) submission.

By December 2012, UOA Management Teams should have formed an initial view of which individuals will be submitted, and advised those staff of any actions required to strengthen their submission. They must provide their initial recommendations to the appropriate Faculty REF Coordinator(s), together with a brief evidential statement on how the recommendations will meet the UOA strategy. These recommendations should detail the following, with appropriate brief rationale:

- Staff who are recommended for inclusion.
- Staff who are still being considered for recommendation for inclusion pending the publication of particular outputs or other attainments.
- Staff who will not be recommended for inclusion.

The REF Steering Group will assess these submissions in January 2013. In the case of staff falling in the second of the above three categories, or any other changes, UOA Management Teams are expected to advise the REF Steering Group of the final outcome by no later than the end of July 2013.

The University expects all UOA Management Teams to be open, transparent and clear in their processes for staff selection.

### **5.1. Feedback to Staff**

The University is committed to supporting and developing its researchers and to ensuring that each member of staff reaches his/her potential in this regard. It is recognised that clear and timely feedback is key to providing this support.

UOA Management Team Chairs (or their delegate) will be ultimately responsible for feeding back to staff any decisions relating to their inclusion in REF2014. Feedback will be given individually and promptly.

## **6. Factors affecting an individual's ability to produce four high quality outputs in the assessment period**

In line with the University's commitment to both submitting world-leading and world-class research, and to equality of opportunity for all, individual staff circumstances will be considered, where appropriate. Individual circumstances are here regarded as those relating to career and equal opportunities issues and which may have had a material impact on an individual's ability to produce four high quality outputs in the assessment period. However, in all cases where fewer than four outputs are accepted for submission, the UOA quality threshold will nonetheless be applied.

### **6.1 Clearly defined circumstances**

Clearly defined circumstances, as defined by HEFCE (see '*Panel Criteria and Working Methods*' (REF 01.2012), Part 1, para 69<sup>2</sup>), are:

- Qualifying as an early career researcher (started their career as an independent researcher after 1 August 2009).
- Part-time working (minimum 0.2 FTE).
- Qualifying periods of maternity, paternity or adoption leave.
- Absence from work due to secondments or career breaks outside of the higher education sector and in which the individual did not undertake academic research.

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<sup>2</sup> The '*Panel Criteria and Working Methods*' (REF 01.2012) is available at <http://www.ref.ac.uk/pubs/2012-01/>

- Other circumstances that apply in UOAs 1-6 – Category A staff who are junior clinical academics (clinically qualified academics who are still completing their clinical training in medicine or dentistry and have not gained a Certificate of Completion of Training or its equivalent prior to 31 October 2013) and Category C staff who are employed primarily as clinical, health or veterinary professionals.

In these circumstances, the HEFCE guidance provides tariffs to determine the permissible reduction in outputs without penalty. Across all panels, a reduction of one output per qualifying period of maternity leave taken during the REF2014 period will be permissible. The tariffs are available in Part 1 of the '*Panel Criteria and Working Methods*' (para 72-87) and are reproduced in Appendix II. An output reduction calculator is available at [www.sheffield.ac.uk/ref](http://www.sheffield.ac.uk/ref).

## **6.2 Individual circumstances (known as 'complex' circumstances in the HEFCE guidance)**

Circumstances that are more complex, and require a judgement about the appropriate number of outputs that can be reduced without penalty, include:

- disability
- ill health or injury
- mental health conditions
- constraints related to pregnancy or maternity in addition to a clearly defined period of maternity leave
- childcare or other caring responsibilities
- gender reassignment
- other circumstances related to the protected characteristics (as listed in Appendix I).

In these circumstances, the University will need to make a judgement on the appropriate permitted reduction in the required number of outputs. The University will convene a REF Equality Advisory Panel (EAP), chaired by the Pro-Vice-Chancellor (International) and comprising senior members of academic staff, and supported by HR, to ensure decisions related to individual circumstances and reduction in outputs are consistent, transparent and robust.

The Equality Challenge Unit (ECU) has developed examples of complex circumstances. These are available at <http://www.ecu.ac.uk/documents/ref-materials/complex-circumstances-examples>.

The procedure for disclosing individual circumstances mirrors that to be employed by HEFCE during REF2014. Individual staff members will be invited to self-disclose, in confidence, any individual circumstances that they feel have adversely affected their ability to produce four high quality outputs, by completing a standard 'Individual Circumstances Self-Disclosure' proforma which must address one of the above listed individual circumstances. The proformas will be available on the Department of Human Resources' website and at [www.sheffield.ac.uk/ref](http://www.sheffield.ac.uk/ref). Each case will be considered by the EAP and a judgement made as to the appropriate permitted reduction in the number of outputs submitted. The individual and relevant UOA Management Team Chair will then be informed of the recommendation.

Any information disclosed will be used exclusively for determining an appropriate reduction in outputs for REF2014, and to form the basis of the case submitted to HEFCE. It will not be used for any other purpose, unless the individual explicitly asks for a member of HR to contact them to discuss their circumstances and the support that the University may provide. Any information disclosed during this process will be seen by the EAP and the Research & Innovation Services REF Team. These individuals will observe confidentiality and information will be stored securely in

accordance with the Data Protection Act 1998. UOA Management Teams will be informed only of the permitted reduction in outputs, and not of the individual circumstances.

Where a case for individual circumstances permitting submission of fewer than four outputs is not upheld, the individual may wish to appeal under the REF2014 appeals process, which is detailed in Section 7 below.

## **7. The REF2014 Appeals Process**

### **7.1. Grounds for Appeal**

The appeals process documented here relates to a discrete procedure pertaining solely to REF2014. The potential grounds for appeal under this procedure are limited to the following:

1. The individual can evidence that they have not received appropriate guidance on their own publication and other research priorities;
2. The UOA has not adhered to the procedures detailed in this Code of Practice or to its own additional guidance;
3. The REF Equality Advisory Panel rejects a case for the consideration of “individual circumstances” relating to an individual’s ability to produce the required volume of high quality outputs.

An appeal will not be heard however if the ground for that appeal is that an individual simply disagrees with the UOA Management Team’s collective view that their outputs or other contributions are of insufficient quality. Nor will an appeal be heard to consider other grounds for which there exist other University procedures for redress (such as the University’s Grievance Procedure).

### **7.2. Process of Appeal**

#### *7.2.1. Informal*

Attempts should always be made to resolve matters by informal approaches in the first instance before triggering the formal appeals process.

#### *7.2.2. Stage 1*

An individual who wishes to have their recommendation for selection for REF2014 reviewed under points (1) or (2) in Section 7.1 must write to their Faculty REF Coordinator in the first instance, clearly stating the reasons for requesting a review. A standard proforma for Stage 1 can be downloaded from the Department of Human Resources’ website and at [www.sheffield.ac.uk/ref](http://www.sheffield.ac.uk/ref). Following a request to review a recommendation, the Faculty REF Coordinator should contact the Department of Human Resources for further guidance.

The Faculty REF Coordinator may also, if deemed appropriate and taking into account the need to protect confidentiality, consult other senior members of academic staff, such as the Head of Department.

An individual who wishes to have their case for a reduction in outputs reconsidered under point (3) in Section 7.1 must write to their Faculty HR Manager in the first instance, clearly stating the reasons for requesting a review. If the Faculty HR Manager feels an appeal is warranted, they will refer the case back to the REF Equality Advisory Panel, together with their rationale.

### 7.2.3. Stage 2 – University Appeals Panel

Where resolution has not been possible under Stage 1, an individual may then formally appeal to the University's Appeal Panel. It is expected that most matters will be considered by written representation, although an appeal can be heard in person if preferred by the individual (please see the standard proforma for Stage 2 which can be downloaded from the Department of Human Resources' website and at [www.sheffield.ac.uk/ref](http://www.sheffield.ac.uk/ref)). Should the University Appeals Panel need to meet an individual, the individual may be accompanied by a work colleague or trade union representative.

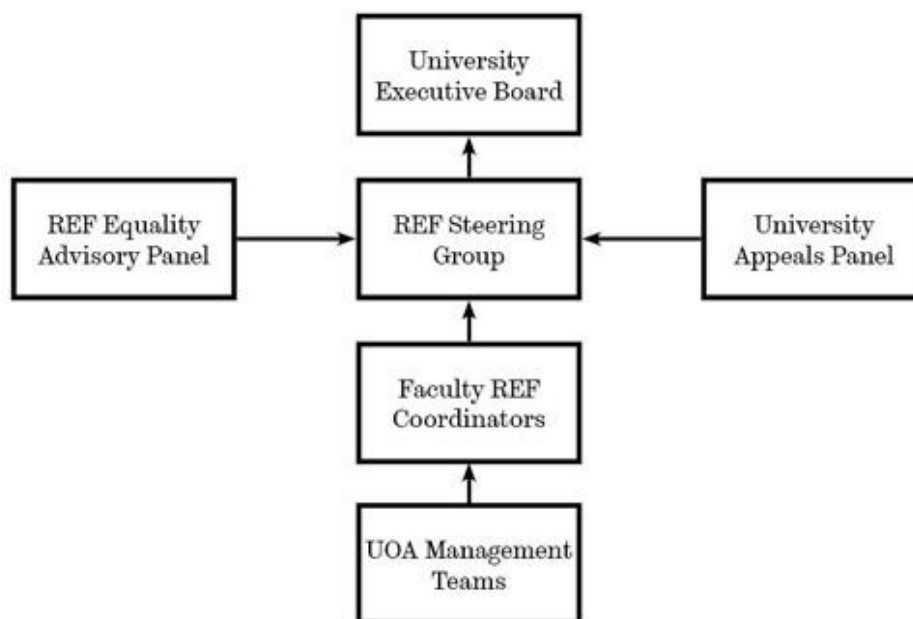
The University Appeals Panel may uphold an appeal, in which case the UOA Management Team or the REF Equality Advisory Panel will be directed to review their original recommendation, or may dismiss an appeal, in which case the original recommendation will stand. There will be no further right of appeal under this REF2014 Appeals Process against the decision taken by the University Appeals Panel nor, if a case is referred back to a UOA Management Team, against their final decision.

### 7.2.4. Unresolved Appeals

For any matters not resolved by the REF2014 Appeals Process, normal University procedures for raising and resolving grievances are available.

## **8. Decision-Making Bodies**

In reaching decisions pertaining to REF2014, the University draws on existing Faculty structures, together with REF-specific committees and individuals with senior-level responsibility for REF matters.



All of the decision-making bodies comprise members who have appropriate knowledge and experience, and committees are permitted to exercise their professional judgment in choosing to seek advice from others, both internal and external to the University.

The remits of key decision-making bodies and individuals are summarised below.



### **8.1. The University Executive Board (UEB)**

The UEB is the executive body of the University. Chaired by the Vice-Chancellor, it includes all Pro-Vice-Chancellors, the Registrar and Secretary and the Directors of Finance and Human Resources. The UEB will determine the overarching principles to guide REF2014 strategies and will approve the final submission. The UEB will be the ultimate decision-making body in all aspects of REF2014.

### **8.2. The REF Steering Group (RSG)**

The RSG reports to the UEB. Chaired by the Pro-Vice Chancellor for Research & Innovation, Professor Richard Jones, its membership includes the five Faculty REF Coordinators (see below); Sarah Fulton (Director of Research & Innovation Services); and the Research & Innovation Services REF team of Deborah McClean and David Jones.

The remit of the RSG is to:

- Oversee the University's REF2014 preparations and provide a regular corporate overview to the UEB.
- Ensure Faculty and UOA strategies are synonymous with the principles outlined by the UEB.
- Interpret HEFCE guidance and provide a steer for its implementation.
- Responsible for making recommendations to UEB following review and scrutiny of UOA recommendations for staff selection, impact and environment.
- Oversee the peer review process for impact templates and case studies, and environment templates.

### **8.3. Faculty REF Coordinators**

Each Faculty has nominated an academic REF Coordinator. They are:

- Arts & Humanities: Professor Andrew Linn
- Engineering: Dr Neil Sims
- Medicine, Dentistry and Health: Professor Paul Hellewell
- Science: Professor Terry Burke
- Social Sciences: Professor Peter Jackson (interim)

Their remit is to:

- Oversee the preparations of the UOA Management Teams within their remit and provide regular updates to the RSG.
- Consider the strategies proposed by the UOA Management Teams and whether they are synonymous with the Faculty's overall objectives.
- Review and scrutinise staff selection recommendations.
- Chair the peer review panels for impact templates and case studies and environment templates.
- Consider appeals brought under Stage 1 of the REF2014 appeals procedure.

### **8.4. UOA Management Teams**

To ensure transparency and equality in the selection of staff for inclusion in REF2014, there is in place a UOA Management Team for each UOA to which the University intends to submit.

Their key responsibilities are to:

- Consider progress and change since the outcome of RAE2008.
- Recommend a submission strategy aligned with UEB and Faculty priorities.
- Communicate the strategy to all eligible staff.
- Regularly update the Head(s) of Department.
- Ensure a robust output assessment process and constantly encourage improvement.
- Assess outputs in terms of the UOA strategy and select those to be returned, with a view to maximising the output profile for the submission.
- Recommend staff selections to the Faculty Coordinator and RSG.
- Coordinate the drafting of the impact template and case studies and the environment template.

For UOAs that map neatly on to one department, then the Chair of the UOA Management Team should be appointed by the Head of Department. For UOAs that involve multiple departments, the Chair should be mutually agreed amongst the constituent Heads of Departments. Where there are multiple departments, then each department should be represented.

Each UOA Team should be comprised of staff with an appropriate range of research expertise. The size of the Team should be relative to the size of the UOA. Membership of the UOA Management Teams is available on [www.sheffield.ac.uk/ref](http://www.sheffield.ac.uk/ref).

### **8.5. REF Equality Advisory Panel (EAP)**

The EAP will be chaired by the Pro Vice-Chancellor International, Professor Rebecca Hughes. The role of the EAP is to consider self-disclosures of individual circumstances and determine the appropriate permitted reduction in the number of outputs submitted. The full membership of the EAP will be available on the Department of Human Resources' website and at [www.sheffield.ac.uk/ref](http://www.sheffield.ac.uk/ref) in due course.

### **8.6. University Appeals Panel**

The University Appeals Panel will be drawn from senior academics and will be supported by an Assistant Director of HR. The primary purpose of this panel is to consider appeals brought under the REF2014 appeals procedure. The full membership of this Appeals Committee will be available on the Department of Human Resources' website and at [www.sheffield.ac.uk/ref](http://www.sheffield.ac.uk/ref) in due course.

## **9. Training**

All staff involved in the REF2014 decision-making process will be briefed on the implications of the Equality Act 2010 and on how to apply equal opportunities legislation to REF2014. This will be led by the Department of Human Resources and done via existing Faculty and departmental structures such as Research & Innovation Committees, REF preparation committees and Faculty Executive Boards.

A specific briefing will also be provided to members of the REF2014 University Appeals Panel, and members of the EAP, and a dedicated Assistant Director of Human Resources will be involved in considering all appeal cases at the University Appeals Panel level, and all cases submitted to the EAP.

The University acknowledges the importance of equal opportunities training, and web-based guidance and case studies will be made available on the Department of Human Resources' website and at [www.sheffield.ac.uk/ref](http://www.sheffield.ac.uk/ref).

## **10. Equality Impact Assessments**

The University will draw up an equality profile of staff both eligible for submission to REF2014 and those actually submitted. The profile will include age, disability, gender, ethnicity and contractual status (i.e. part-time and fixed-term contracted staff).

The first stage of the equality impact assessment will be undertaken in May 2012, with subsequent analysis undertaken following initial UOA recommendations. The data will be further reviewed at key stages of the selection process to enable the University to investigate any areas of concern prior to the submission deadline.

The Equality Impact Assessment will be reviewed by the EAP and reported to the University Council through existing structures. It will also be published on the University's website after the REF2014 submission has been made.

**Department of Human Resources and Research & Innovation Services**

**April 2012**

## Appendix I

### Employment and anti-discrimination legislation which must be applied to the selection of staff for submission to REF2014

#### **The Equality Act 2010**

The Equality Act came into force in October 2010. The aim of the Act was to reform and harmonise discrimination law, and to strengthen the law to support progress on equality. It replaced the following equality legislation:

- Equal Pay Act 1970
- Sex Discrimination Act 1975
- Race Relations Act 1976
- Disability Discrimination Act 1995
- Employment Equality (Religion or Belief) Regulations 2003
- Employment Equality (Sexual Orientation) Regulations 2003
- Employment Equality (Age) Regulations 2006
- Equality Act 2006, Part 2
- Equality Act (Sexual Orientation) Regulations 2007

#### **Protected Characteristics**

The Equality Act covers the same groups that were protected by previous equality legislation and now refers to these as 'protected characteristics':

##### **1. Age**

**All employees within the University are protected from unlawful age discrimination in employment under the Equality Act. Individuals are also protected if they are perceived to be or if they are associated with a person of a particular age group.**

Early career researchers will be considered as having an individual circumstance which may have had an impact on their ability to produce the expected volume of high quality outputs in the assessment period. The definition of early career researcher used in the REF (see paragraph 85, 'Assessment Framework and Guidance on Submissions', REF 02.2011<sup>3</sup>, July 2011) is not limited to young people. The default retirement age has also now been abolished, so those who had previously been scheduled for retirement before the census date, should not be assumed to be ineligible.

##### **2. Disability**

**The Equality Act prevents 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 (e.g. if they are responsible for caring for a disabled family member).**

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 twelve months.

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<sup>3</sup> The 'Assessment framework and guidance on submissions' (REF 02.2011) is available at <http://www.ref.ac.uk/pubs/2011-02/>

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.

Day-to-day activities are taken to mean activities that people, not individuals, carry out on a daily or frequent basis.

While there is no definitive list of what is considered a disability, it covers a wide range of impairments including:

- 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

If a disabled academic or researcher's impairment has affected the quantity of their outputs, they may be submitted with a reduced number of outputs.

### **3. Gender Reassignment**

**The Equality Act protects from discrimination trans people who have proposed, started or completed a process to change their sex. Staff 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.**

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.

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. Consequently, staff with responsibility for REF submissions must ensure that the information they receive about gender reassignment is treated with particular care.

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 outputs. Information about the member of staff must be kept confidential.

### **4. Marriage and Civil Partnership**

**Under the Equality Act 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.**

In relation to the REF the University must ensure that their processes for selecting staff do not inadvertently discriminate against staff who are married or in civil partnerships.

## **5. Pregnancy and Maternity**

**Under the Equality Act women are protected from unlawful discrimination related to pregnancy and maternity.**

Consequently academics and 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 outputs. Primary adopters have similar entitlements to women on maternity leave.

In addition the University should ensure that female academics and researchers who are pregnant or on maternity leave are kept informed about and included in the submissions process.

Partners of new mothers and secondary adopters are 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 academics and researchers who have taken additional paternity and adoption leave will be considered for submission with a reduced number of outputs.

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, for example doing lab work, may be taken into account.

## **6. Race**

**The Equality Act protects 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.**

The University should be aware of not making any judgements about the selection of staff for REF submissions based on their race or assumed race (e.g. based on their name).

## **7. Religion or Belief**

**The Equality Act protects 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.**

The University 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. Prolonged leave due to pilgrimage would be one example of where this might become a factor.

## **8. Sex**

**The Equality Act protects 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.**

The University needs to be cautious of selecting academics and 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.

## **9. Sexual Orientation**

**The Equality Act protects staff from unlawful discrimination in relation to sexual orientation. Individuals are also protected if they are perceived to be or are associated with a person who is of a particular sexual orientation.**

The University should be aware of not making any judgements about the selection of staff for REF submissions based on their actual or perceived sexual orientation.

### **Other Relevant Legislation**

#### **1. Fixed-Term Contracts**

Under the Fixed-Term Employees (Prevention of Less Favourable Treatment) Regulations 2002, a fixed-term employee has the right not to be treated by his or her employer less favourably than the employer treats a comparable permanent employee. Academics and researchers producing outputs of sufficient quality and quantity during the assessment period should be submitted, irrespective of their contractual status.

#### **2. Part-Time Working**

Under the Part-Time Workers (Prevention of Less Favourable Treatment) Regulations 2000, a part-time worker has the right not to be treated less favourably than a comparable full-time worker. Part-time staff will be able to submit with a reduced number of outputs.

### **Types of Discrimination**

#### **Direct Discrimination**

Direct discrimination occurs when someone is treated less favourably than another person because of a protected characteristic they have or are thought to have or because they associate with someone who has a protected characteristic.

#### **Indirect Discrimination**

Indirect discrimination can occur when there is a condition, rule, policy or even a practice that applies to everyone but particularly disadvantages people who share a protected characteristic.

#### **Discrimination by Association**

This is direct discrimination against someone because they associate with another person who possesses a protected characteristic.

#### **Perception Discrimination**

This is direct discrimination against an individual because others think they possess a particular protected characteristic. It applies even if the person does not actually possess that characteristic.

#### **Victimisation**

Victimisation occurs when an employee is treated badly because they have made or supported a complaint or raised a grievance under the Equality Act; or because they are suspected of doing so.

## **Harassment**

Harassment is 'unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual'. Employees will now be able to complain of behaviour that they find offensive even if it is not directed at them, and the complainant need not possess the relevant characteristic themselves. Employees are also protected from harassment because of perception and association.

## **Department of Human Resources**

**April 2012**



## Appendix II

### HEFCE guidance and tariffs on reducing outputs due to clearly defined circumstances

This a reproduction of the HEFCE guidance and tariffs on reducing outputs due to clearly defined circumstances, as available in Part 1 of the '*Panel Criteria and Working Methods*' (Part 1, para 70-87<sup>4</sup>).

#### **Clearly defined circumstances**

70. Where an individual has one or more circumstances with a clearly defined reduction in outputs, the number of outputs that may be reduced should be determined according to the tables and guidance in paragraphs 72-86 below. All sub-panels will accept a reduction in outputs according to this guidance and will assess the remaining number of submitted outputs without any penalty.

71. In REF1b, submissions must include sufficient details of the individual's circumstances to show that these criteria have been applied correctly. The panel secretariat will examine the information in the first instance and advise the sub-panels on whether sufficient information has been provided and the guidance applied correctly. The panel secretariat will be trained to provide such advice, on a consistent basis across all UOAs. Where the sub-panel judges that the criteria have not been met, the 'missing' output(s) will be recorded as unclassified. (For example, an individual became an early career researcher in January 2011 but only one output is submitted rather than two. In this case the submitted output will be assessed, and the 'missing' output recorded as unclassified.)

#### **Early career researchers**

72. Early career researchers are defined in paragraphs 85-86 of 'guidance on submissions'. Table 1 sets out the permitted reduction in outputs without penalty in the assessment for early career researchers who meet this definition.

Table 1: Early career researchers: permitted reduction

<b>Date at which the individual first met the REF definition of an early career researcher:</b>	<b>Number of outputs may be reduced by up to:</b>
On or before 31 July 2009	0
Between 1 August 2009 and 31 July 2010 inclusive	1
Between 1 August 2010 and 31 July 2011 inclusive	2
On or after 1 August 2011	3

#### **Absence from work due to part-time working, secondments or career breaks**

73. Table 2 sets out the permitted reduction in outputs without penalty in the assessment for absence from work due to:

- a. part-time working
- b. secondments or career breaks outside of the higher education sector, and in which the individual did not undertake academic research.

Table 2: Part-time working, secondments or career breaks: permitted reduction in outputs

<sup>4</sup> The '*Panel Criteria and Working Methods*' (REF 01.2012) is available at <http://www.ref.ac.uk/pubs/2012-01/>

Total months absent between 1 January 2008 and 31 October 2013 due to working part-time, secondment or career break:	Number of outputs may be reduced by up to:
0-11.99	0
12-27.99	1
28-45.99	2
46 or more	3

74. The allowances in Table 2 are based on the length of the individual's absence or time away from working in higher education. They are defined in terms of total months absent from work. For part-time working, the equivalent 'total months absent' should be calculated by multiplying the number of months worked part-time by the full-time equivalent (FTE) not worked during those months. For example, an individual worked part-time for 30 months at 0.6 FTE. The number of equivalent months absent =  $30 \times 0.4 = 12$ .

### **Qualifying periods of maternity, paternity or adoption leave**

75. Individuals may reduce the number of outputs by one, for each discrete period of:

- a. Statutory maternity leave or statutory adoption leave taken substantially during the period 1 January 2008 to 31 October 2013, regardless of the length of the leave.
- b. Additional paternity<sup>5</sup> or adoption leave lasting for four months or more, taken substantially during the period 1 January 2008 to 31 October 2013.

76. The approach to these circumstances is based on the funding bodies' considered judgement that the impact of such a period of leave and the arrival of a new child into a family is generally sufficiently disruptive of an individual's research work to justify the reduction of an output. This judgement was informed by the consultation on draft panel criteria, in which an overwhelming majority of respondents supported such an approach.

77. The funding bodies' decision not to have a minimum qualifying period for maternity leave was informed by the sector's clear support for this approach in the consultation; recognition of the potential physical implications of pregnancy and childbirth; and the intention to remove any artificial barriers to the inclusion of women in submissions, given that women were significantly less likely to be selected in former RAE exercises.

78. The funding bodies consider it appropriate to make the same provision for those regarded as the 'primary adopter' of a child (that is, a person who takes statutory adoption leave) as the adoption of a child and taking of statutory adoption leave is generally likely to have a comparable impact on a researcher's work to that of taking maternity leave.

79. As regards additional paternity or adoption leave, researchers who take such leave will also have been away from work and acting as the primary carer of a new child within a family. The funding bodies consider that where researchers take such leave over a significant period (four months or more), this is likely to have an impact on their ability to work productively on research that is comparable to the impact on those taking maternity or statutory adoption leave.

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<sup>5</sup> 'Additional paternity or adoption leave' refers to leave of up to 26 weeks which is taken to care for a child where the person's spouse, partner or civil partner was entitled to statutory maternity leave or statutory adoption leave, and has since returned to work. The term 'additional paternity leave' is often used to describe this type of leave although it may be taken by parents of either gender. For the purposes of the REF we refer to this leave as 'additional paternity or adoption leave'.

80. While the clearly defined reduction of outputs due to additional paternity or adoption leave is subject to a minimum period of four months, shorter periods of such leave can be taken into account as follows:

- a. By seeking a reduction in outputs under the provision for complex circumstances, for example where the period of leave had an impact in combination with other factors such as ongoing childcare responsibilities.
- b. By combining the number of months for shorter periods of such leave in combination with other clearly defined circumstances, according to Table 2.

81. Any period of maternity, adoption or paternity leave that qualifies for the reduction of an output under the provisions in paragraph 75 above may in individual cases be associated with prolonged constraints on work that justify the reduction of more than one output. In such cases, the circumstances should be explained using the arrangements for complex circumstances.

### **Combining clearly defined circumstances**

82. Where individuals have had a combination of circumstances with clearly defined reductions in outputs, these may be accumulated up to a maximum reduction of three outputs. For each circumstance, the relevant reduction should be applied and added together to calculate the total maximum reduction.

83. Where Table 1 is combined with Table 2, the period of time since 1 January 2008 up until the individual met the definition of an early career researcher should be calculated in months, and Table 2 should be applied.

84. When combining circumstances, only one circumstance should be taken into account for any period of time during which they took place simultaneously. (For example, an individual worked part-time throughout the assessment period and first met the definition of an early career researcher on 1 September 2009. In this case the number of months 'absent' due to part-time working should be calculated from 1 September 2009 onwards, and combined with the reduction due to qualifying as an early career researcher, as indicated in paragraph 83 above.)

85. Where an individual has a combination of circumstances with a clearly defined reduction in outputs and complex circumstances, the institution should submit these collectively as 'complex' so that a single judgement can be made about the appropriate reduction in outputs, taking into account all the circumstances. Those circumstances with a clearly defined reduction in outputs should be calculated according to the guidance above (paragraphs 72-84).

### **Other circumstances that apply in UOAs 1-6**

86. In UOAs 1-6, the number of outputs may be reduced by up to two, without penalty in the assessment, for the following:

- a. Category A staff who are junior clinical academics. These are defined as clinically qualified academics who are still completing their clinical training in medicine or dentistry and have not gained a Certificate of Completion of Training (CCT) or its equivalent prior to 31 October 2013.
- b. Category C staff who are employed primarily as clinical, health or veterinary professionals (for example by the NHS), and whose research is primarily focused in the submitting unit.

87. These allowances are made on the basis that the staff concerned are normally significantly constrained in the time they have available to undertake research during the assessment period. The reduction of two outputs takes account of significant constraints on research work, and is normally sufficient to also take account of additional circumstances that may have affected the individual's research work. Where the individual meets the criteria at paragraph 86, and has had significant additional circumstances – for any of the reasons at paragraph 69 – the institution may return the circumstances as 'complex' with a reduction of three outputs, and provide a justification for this.