

TRINITY LABAN CONSERVATOIRE OF MUSIC & DANCE

RESEARCH EXCELLENCE FRAMEWORK 2014

CODE OF PRACTICE FOR THE SELECTION OF STAFF

Document Record

Document Title	REF 2014 Code of Practice
Version	2.2
Person responsible	Head of Research (HofR)
Author	JC/HB
Document date	November 2011
Last amended	June 2012
Effective from	June 2012
Review date	
History	<p>Consultation with Head of Research, Director of Dance Nov 2011;</p> <p>Consideration and approval by Equality and Diversity Committee; Trinity Laban Research Board, Feb 2012;</p> <p>Consideration and approval by Joint Negotiation Committee, Mar 2012.</p>

CODE OF PRACTICE ON THE SELECTION OF STAFF – REF 2014

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REF 2014 Code of Practice

1. The Code and its Context

(1) Trinity Laban is committed to creating a culture in which diversity and equality are embedded and in which discrimination is not tolerated. In particular, Trinity Laban is committed to building and maintaining a research environment that supports the diverse activities of its research active staff in accordance with the institutions Equality and Diversity Policy and Codes.

(2) Trinity Laban believes in principles of social justice, acknowledges that discrimination affects people adversely, and is committed to challenge all forms of inequality. To meet this objective, Trinity Laban will ensure that:

- Individuals are treated fairly, with dignity and respect regardless of their age, disability, sex, gender reassignment, pregnancy, maternity, race (which includes colour, nationality and ethnic or national origins), sexual orientation, religion or belief, or because someone is married or in a civil partnership.
- Everyone is given the opportunity to fulfil their potential
- It promotes an inclusive and supportive environment for staff, students and visitors
- It recognizes the various contributions to the achievement of Trinity Laban's mission made by individuals from diverse backgrounds and with a wide range of experiences

(3) This Equality and Diversity Policy is wholly supported by Trinity Laban's Executive and has been subject to consultation with our recognised Trade Unions. Trinity Laban is committed to monitoring the impact and effectiveness of this Policy to assess whether any discrimination is occurring and, if appropriate, act to ensure it is eliminated.

(4) In developing its submission to REF 2014, Trinity Laban has developed and adopted the Code of Practice documented below, which attended to all relevant equal opportunities legislation and employment law, including:

- Equality Act 2010;
- 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;
- Public Interest Disclosure Act 1998 ('Whistleblowers' Act).

(5) The principles of the Code of Practice will remain extant following the submission to REF 2014 in October 2013 in so far as each member of staff will be able to ascertain their final REF 2014 submission status and obtain information about how the decision was reached.

(6) In its preparations for REF 2014 Code of Practice including the selection for submission of researchers and their work, Trinity Laban will adhere to the Policy and the principles underlying it.

(7) Should any member of staff have any particular concerns, they are asked to contact the Disability Coordinator, James Hitchins (J.hitchins@trinitylaban.ac.uk) in the first instance.

2. Scope of the Code of Practice

(8) The overarching principle of this Code of Practice is that each member of staff, both full and part-time who is eligible to be included in Trinity Laban's submission should readily be able to find information on the following: how a decision is taken regarding their inclusion in the exercise, who will be taking this decision, how the decision can be discussed and/or appealed against, and the outcome of any such decision. Any staff member who believes that they may be the target of discrimination (whether direct or indirect) or victimisation will be protected under Trinity Laban's appeals procedures. Specific information about the appeals process regarding inclusion or otherwise of staff in the REF 2014 exercise can be found in Section 9 of this document.

(9) The Code of Practice will be applied consistently across Trinity Laban. Decisions concerning the selection of staff members for inclusion within the REF 2014 submission will be fully in accordance with this Code of Practice. Direct responsibility for the successful implementation of the Code or Practice will fall on the REF Advisory Panel, the HofR and the Principal.

3. The REF Advisory Panel

(10) The REF Advisory Panel has been set up to guide and support the Trinity Laban's REF 2014 selection and submission process. It reports directly to the HofR through the Trinity Laban Research Board. The REF Advisory Panel will consist of:

- Dr Jonathan Clark (Head of Research)
- Mirella Bartrip (Director of the Faculty of Dance)
- Dr Sophie Fuller (MMus Programme Leader, Faculty of Music)
- Professor Helen Thomas (External Advisor)¹
- Hazel Bothma (Learning and Teaching Coordinator and Chair of the Trinity Laban Equality Diversity and Access Committee)
- Professor Anthony Bowne, Principal

(11) The Advisory Panel also has the provision to co-opt members of academic staff, as required. All staff on the Advisory Panel have been chosen owing to extensive prior experience in both research activity and research management, including familiarity with previous exercises in research assessment (RAE 2008 etc.).

(12) The Advisory Panel is responsible for:

- Decisions relating to which members of staff will be submitted to the REF 2014 exercise. The Trinity Laban Research Board will scrutinise and endorse these decisions prior to final approval by the Principal;
- Implementing the REF 2014 Strategy contained in the Trinity Laban Three-Year Research Plan 2011-14 and ensuring its communication throughout the institution;
- Ensuring quality and robustness of Trinity Laban's total REF 2014 submission, including implementing the Code of Practice on Staff Selection.

¹ Professor Helen Thomas: Director of Doctoral Programmes, University of the Arts London; formerly Head of Research and RAE 2008 lead, London College of Fashion).

(13) The Membership and ToFR for the REF Advisory Group will be noted by the Trinity Laban Research Board, and communicated to staff via the Trinity Laban VLE. Further details on Trinity Laban's governance and management arrangements for Research are set-out in the both the Three Year Research Plan 2011-2014 and the Trinity Laban Academic Strategy (2010-2015) documents.

(14) The Research Administrator, Angela Kerkhoff (A.Kerkhoff@trinitylaban.ac.uk) will act as the Unit of Assessment (UOA) Coordinator and will be responsible for overseeing timely submission of all data required by panels.

3.1 Key Staff Responsible for Staff Selection

- Head of Research, who will: provide leadership in preparation for REF 2014; Chair the REF Advisory Panel and Trinity Laban Research Board; oversee the selection of staff and advise the Principal on this selection;
- Principal, who will liaise with the Head of Research on the preparation of the REF 2014 submission, and have the final decision on staff inclusion and approval of the main documentation;
- Co-opted Senior Members of Academic Staff and External Advisor, who have prior experience of RAE exercises, will advise the HofR as appropriate.

4. Approval of the Code

(15) This code has been approved by: the Trinity Laban Research Board (Feb 2014); the Equality and Diversity Committee (Feb 2014); the Joint Negotiation Committee (Mar 2014). It has the full support of Trinity Laban's Senior Executive. The Code is now uploaded to the Trinity Laban VLE. Staff identified as being absent from the institution will be sent the Code by post.

5. Briefing, Guidance and Training

(16) Those staff in key decision-making roles, including members of committees mentioned above will be offered detailed guidance on the operation of the criteria of the Code of Practice. In addition, the same staff will receive specific training based on the guidance published by the Equality Challenge Unit.

(17) Details of the REF 2014 process and how Trinity Laban will manage it, including the appeals process will be published and made available to all members of Trinity Laban via the VLE.

6. Selection and Grounds for Special Consideration

(18) Trinity Laban aims to submit the work of all its excellent researchers, consistent with the basic principles set out in this Code of Practice.

(19) The decision on whether to include a member of staff in the submission will be made on the grounds of three key criteria:

- **Eligibility** for the exercise, under two categories: a) 'Category A' staff, defined as those who have a contract of employment with Trinity Laban of 0.2 FTE (or greater), and who are on the payroll of Trinity Laban on the Census Date (31/10/2013) and whose primary function is

to undertake either 'research only' or 'teaching and research'); b) 'Category C' staff, defined as those individuals employed by an organisation other than Trinity Laban whose contract or job role includes the undertaking of research which is primarily focused in the submitting unit on the census date;

- **Quality of research activity** in terms of the three REF criteria: Outputs (assessed in terms of originality, significance and rigor); Impact (reach and significance); Research Environment (contribution to);
- **Volume of research outputs.** REF 2014 requires four outputs per member of staff disseminated between 1/1/2008 and 31/12/2013 as a normal basis for submission (fewer outputs may be submitted based on individual circumstances- see (23));

(20) In its preparations for the REF 2014 including a mock-exercise in October 2012, Trinity Laban will apply those grounds that the Trinity Laban REF 2014 Advisory Panel have agreed to convey eligibility for an individual to be returned with a reduced number of outputs. All will be considered as long as an explanation is provided as to the way in which they are said to have impacted on the individual's ability to produce the expected volume of research outputs.

(21) All decisions made by the REF 2014 Advisory Panel will be communicated to the Principal of Trinity Laban and the Research Board. Members of staff not submitted will be informed by email of that decision as soon as practicable and offered the opportunity to meet with a member of the REF 2014 Advisory Panel in order to receive feedback and discuss the rationale for the decision made.

(22) In preparing the REF 2014 submission, staff identified as meeting the criteria specified above will be invited to disclose, in full confidence to the HofR, any special circumstances that may have resulted in their completing fewer than the expected number of outputs. Any recommendations to the Principal regarding inclusion or non-inclusion of such a member of staff will subsequently be considered anonymously by the REF 2014 Advisory Panel. Data requirements specified at REF 02.2011 (paragraph 96) will be followed in all cases.

(23) Grounds for special consideration include (but are not limited to):

- Status as an Early Career Researcher (ECR) as defined by HEFCE. These are members of staff who meet the criteria to be selected as Category A or C staff and who started their careers on or after 1/8/2009, and are eligible for a reduction in outputs;
- Maternity. Researchers in this category may reduce the number of submitted outputs by one, for each period of maternity leave taken during the REF period;
- Paternity or adoption leave;
- Secondments or career breaks;
- Part-time, fixed-term, or research contract staff. In these cases the expected number of outputs to be submitted can be reduced by a number that is calculated in terms of FTE fraction. This calculation will proceed as follows:

FTE Fraction	Number of outputs that may be reduced without penalty by up to:
0.801-1	0

0.601-0.8	1
0.301-0.6	2
0.3 or less	3

(24) As recommended by the Equality briefing for Panels (ref: HEFCE: Research: REF 02.2011, July 2011) for more complex circumstances (for example, ill health) that require a judgement about the appropriate reduction in outputs, the REF 2014 Advisory Panel will make decisions about the appropriate reduction in outputs, on the advice of the HofR.

(25) A decision not to submit a member of staff will not necessarily indicate unsatisfactory research performance. Decisions relating to inclusion or non-inclusion will not impact designated research time where it has been agreed, and will not affect standard appraisal and promotion procedures.

7. Confidential Personal Circumstances

(26) If any individual does not want, for whatever reason, to share details with any member of the Advisory Panel of why they should be eligible for special consideration, they are advised to contact the Disability Coordinator, James Hitchins (J.hitchins@trinitylaban.ac.uk) The Disability Coordinator will make a confidential record of the circumstance, and then liaise with the HofR to determine whether the circumstances would be valid under the terms of the Code of Practice. In those cases with valid circumstances the HofR will produce a summary of how the circumstances adversely affected the individual's contribution to research. This summary will then be provided to the members of the REF 2014 Advisory Panel.

8. Equality Impact Assessment

(27) Trinity Laban will undertake a mock REF assessment in October 2012, using suitably qualified external advisors. The outcome of this exercise will inform judgments on which UOAs will be submitted for assessment in REF 2014, and will provide evidence to the Advisory Panel that will be used to guide their decision on staff selection. In order to ensure that no staff member producing excellent research is discriminated against, the mock exercise will seek to identify all research active staff producing eligible outputs as specified above.

(28) The list of staff included in the mock submission, as well as those identified as research active but excluded from the return will be analysed by the Trinity Laban's Equality Diversity and Action Working Party against Human Resources data to allow any equality issues to be identified and investigated by the REF 2014 Advisory Panel. Before submission, the Equality Diversity and Action Working Party (or Disability Coordinator) will prepare an equality profile of staff eligible for submission which identifies who is and who is not to be submitted. A final check will be made that (a) staff not to be submitted have all been subject to an equal opportunities check and all appeals procedures concluded; and (b) that all staff to be included have been subject to an equal opportunities check and appropriate details provided.

(29) The mock exercise will conclude with a full equality impact assessment. This will analyse the results of the dry run for differences in submission rates when potentially eligible staff are grouped by characteristics such as gender, ethnic group, national origins or disability. The outputs of this

impact assessment will be used to consider possible future initiatives to promote equality of opportunity.

(30) Individuals will be able to ascertain from the HofR whether or not their outputs and other contributions are likely to be included in Trinity Laban's return on or after 1st November 2012.

(31) Appropriate consultation with staff including the Chair of the Equalities Diversity and Action Committee and members of the Equality Diversity and Action working party will be an integral part of the mock exercise and will form part of the evidence considered during the impact assessment. The results of the equalities impact assessment will be reported to the REF 2014 Advisory Panel as part of the review of the mock exercise and the Code of Practice will be modified as necessary.

(32) This published information will include the outcomes of any actions taken to prevent discrimination or advance equality.

9. Appeals and Appeal process

(33) By early September 2013, staff will be readily able to determine whether or not their outputs and other contributions are expected to be included in the 2014 REF submission. This will constitute the final decision. The Head of Research will confirm the final members of staff to be included at an (extraordinary) meeting of the Research Board in September 2013. If they wish, the opportunity will be available to discuss the decision about their work with the Head of Research. Full details of the appeals process are provided. This is intended to be the means by which academic staff can review the Trinity Laban's decision in a fair and transparent way, in advance to the final submission being agreed.

(34) Appeals are possible only against a decision not to include an individual's outputs and contributions in Trinity Laban's submission, it is expected that appeals would be made only in relation to equal opportunities issues, or where there are grounds for special consideration. In such cases, an appeal could be lodged by an individual for them to be returned with fewer than the expected four outputs.

(35) The appeals process will be handled in the first instance by the Human Resources Department (Hazel Lindley Milton; HR Advisor) to whom an intending appellant should submit a written appeal within 10 working days of being informed of the decision against which they are appealing. The written appeal should include details of the grounds for the appeal and any supporting evidence. The appeal will be considered by a convened Appeals Panel, which will comprise an independent group of three senior academics to undertake a review of each case. These academics will not be members of the REF Advisory Panel and will not have been involved in the decision to exclude the individual from the submission.

(36) The appellant will be invited to appeal in person before the Appeals Panel and may be accompanied by a fellow employee of Trinity Laban or their trade union representative.

(37) The panel will meet within 21 days of the submission of the appeal, and provide the appellant with written notification of the result of the appeal within 10 working days of the meeting.

(38) The panel will either uphold or dismiss the appeal. The Panel's decision is final.

(39) If the appeal is upheld, the REF 2014 Selection Panel & Steering Group will be asked to consider the appellant's case.

(40) All members of the Appeal panel will have received appropriate training which includes equality training.

10. Equalities Training

(41) All staff involved in making decisions on staff to be submitted or excluded will have had Equal Opportunities training. As recommended by the ECU's research into [The impact of the process to promote equality and diversity in the RAE 2008](#), it was highlighted that case studies are an effective form of training to explore equality issues in the explicit context of selection of staff for the REF.

(42) All staff involved in the selection of staff members for inclusion in the REF submission; and all staff on the Appeals committee will have REF-tailored equalities training, relative to their role and responsibilities, in line with this Code of Practice.

(43) The tailor made training offered relevant staff the opportunity to practice implementing their institutional code of practice and helped to facilitate a common understanding of how to deal with personal circumstances. The training also included making staff aware of the extent and relevance both of the law relating to personal characteristics and of applicable employment provision by which HEIs are bound in preparing their submissions.

11. Review

(44) The effectiveness of this Code of Practice will be reviewed as required by the REF Advisory Panel and may be amended from time to time in response to external drivers.

(45) 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.

12. Contact Details

(46) For further information or guidance regarding any of the issues covered in the Code of Practice, please contact:

REF 2014	Dr Jonathan Clark Head of Research J.Clark@trinitylaban.ac.uk
Equality and Diversity Issues	Hazel Bothma, Learning and Teaching Coordinator

13. Accessible Format Information

(47) This document can be made available in large print and electronically upon request. If you required another alternative format please contact the Disability Coordinator, James Hitchins to discuss your requirements.