

Code of Practice on the Selection of Staff for the REF

1. Introduction

This document sets out the University's Code of Practice (CoP) on preparing its submission to the Funding Councils' Research Excellence Framework including the process by which staff will be selected for inclusion in the University's submissions. A key aim of the CoP is to demonstrate the University's commitment to fairness and transparency in its mechanisms for the selection of staff and the principle that they should be selected on the basis of demonstrable research excellence.

2. Equality Legislation

The processes outlined in this document have been designed within the context of all relevant equality legislation enacted since the RAE2008 submission, namely, the Equality Act 2010 which came into force on 1 October 2010 and the public sector Equality Duty from 5 April 2011 - <http://www.ecu.ac.uk/publications/public-sector-equality-duty-specific-duties-for-england> . The Equality Act consolidates and brings together previous anti-discrimination law into one piece of legislation. The Equality Act established nine 'protected characteristics' on the grounds of which it is unlawful to discriminate (either directly or indirectly) against a person. These are stated in the Act as:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

Please see Annex 1 for further details and specific guidance on each protected characteristic.

In addition, for the purpose of the REF, the following additional factors or circumstances shall be taken into account:

- Part-time and fixed-term employment status
- Early career researchers as defined in the REF Guidance on Submissions
- Other relevant personal factors (which could include, for instance, bereavement of an immediate family member). Assessment of such cases will be based on the severity of the issue and the impact it has had on the ability of the eligible member of staff to produce research outputs.

3. Principles of the Code of Practice

The process of selection covered by the CoP seeks to identify all eligible staff who have produced excellent research for submission to the REF. In line with REF guidance, the CoP seeks to demonstrate fairness to staff by adhering to certain principles described below:

- a. **Transparency:** All processes for the selection of staff for inclusion in REF submissions should be transparent. The code of practice has been drawn up and made available in an easily accessible format and shall be publicised to all academic staff across the institution, including on the staff intranet, and drawn to the attention of those absent from work. There shall be a programme of communication activity to disseminate the code of practice and explain the processes related to selection of staff for submission. The codes of practice shall also be published on the University's external website, and it will be published by the Funding Councils' REF team as part of the submissions.
- b. **Consistency:** Process in respect of staff selection shall be consistent across the institution and the code of practice shall be implemented uniformly. The code of practice sets out the principles to be applied to all stages of the process at all levels within the institution where decisions will be made.
- c. **Accountability:** Responsibilities are clearly defined, and individuals and bodies that are involved in selecting staff for REF submissions have been identified by name or role. The CoP outlines what training individuals who are involved in selecting staff will have had. Operating criteria and terms of reference for individuals and committees are outlined in the CoP.
- d. **Inclusivity:** The CoP aims to promote an inclusive environment, enabling the University to identify all eligible staff who have produced excellent research for submission to the REF.

4. Special Staff Circumstances

Staff Eligibility

The definitions of eligible staff in categories A and C are described in paragraphs 78 to 80 of the Guidance on Submissions - <http://www.ref.ac.uk/pubs/2011-02/> . Heads of Departments will be required to inform research and teaching-only staff who do not meet the HEFCE definition that they are ineligible for the REF.

The REF2014 main panels and sub-panels have produced guidance on how they will deal with particular circumstances that might have had an effect on an individual's ability to produce research outputs during the assessment period. Each panel has also adopted an equal opportunities statement, further details can be found at:

<http://www.ref.ac.uk/pubs/2012-01/>

As a key measure to support equality and diversity in research careers in all units of assessments, individuals may be returned with fewer than four outputs without penalty in the assessment, where their individual circumstances have significantly constrained their ability to produce four outputs or to work productively throughout the assessment period. The University is allowed to list a maximum of four

outputs against any researcher, irrespective of their circumstances or the length of time they have had to conduct research. A minimum of one output must be listed against each individual submitted to the REF. In order to provide clarity and consistency on the number of outputs that may be reduced without penalty, there is a clearly defined reduction in outputs for those types of circumstances listed below:

- Qualifying as an early career researcher (see Annex 3, Table 1).
- Absence from work due to working part-time, secondments or career breaks (see Annex 3, Table 2).
 - Women returning to part-time work after maternity leave in the period 1 January 2008 to 31 July 2013.
 - Adoptive parents returning to part-time work after adoptive leave in the period 1 January 2008 to 31 July 2013.
- Qualifying periods of maternity, paternity or adoption leave – (see Annex 3, Table 3).
- Other circumstances that apply in Units of Assessments 1-6 (see Annex 3, Table 4).

In addition, when making submissions to Units of Assessment that are laboratory-based, the University is required to be mindful of health and safety restrictions imposed on pregnant and breastfeeding women which may have prevented them from undertaking some types of research during the period 1 January 2008 to 31 July 2013. Similar consideration will be given to the restrictions that pregnancy and nursing might place on fieldwork.

Fixed Term and Part-time Staff

This CoP confirms the University's commitment to equality of opportunity for those on fixed-term and part-time contracts, which includes contract research staff. The selection criteria will take account of special circumstances for staff members on such contracts including the proportion, in FTE, across the assessment period that the individual has been contracted and how this might have affected the volume of research they have produced.

Commencement of Career as an Independent Researcher

For the purposes of the REF paragraphs 78, 80 and 81 of the Guidance Submissions describe that an individual is deemed to have started their career as an independent researcher from the point at which:

- a) 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
- b) They undertook independent research, leading or acting as principal investigator or equivalent on a research grant or significant piece of research work. (A member of staff is not deemed to have undertaken independent research purely on the basis that they are named on one or more research outputs).

See Annex 3, Table 4 for definition of junior clinical academics.

Where an individual has disclosed one or more circumstances with a clearly defined reduction in outputs as specified in Annex 3, the Director of Management Information & Planning will advise on the

appropriate reduction in the number of outputs submitted, for consideration by the Special Circumstances Group (see below).

Circumstances that are more complex will require a judgement about the appropriate reduction in outputs and arrangements are in place for complex circumstances to be considered on a consistent basis through the Special Circumstances Group. Complex circumstances requiring a judgement about the appropriate reduction in outputs would be:

- Disability
- Ill health or injury
- Mental health conditions
- Constraints relating to pregnancy, maternity, paternity, adoption or childcare that fall outside of – or justify the reduction of further outputs in addition to – the allowances
- Other caring responsibilities (such as caring for an elderly or disabled family member)
- Gender reassignment
- Other circumstances relating to the protected characteristics, or relating to activities protected by employment legislation.

Where staff have had one or more complex circumstances – including in combination with any circumstances with a clearly defined reduction in outputs – the University, through the Special Circumstances Group, will make a judgement on the appropriate reduction in the number of outputs submitted, and will provide a rationale for its judgement.

As far as is practicable, the information supplied by the University to REF will provide an estimate – in terms of the equivalent number of months absent from work – of the impact of the complex circumstances on the individual’s ability to work productively throughout the assessment period, and state any further constraints on the individual’s research work in addition to the number of months absent. A reduction will be made according to Table 2 in Annex 3, in relation to estimated months absent from work, with further constraints taken into account as appropriate. To assist with this process the University Special Circumstances Group will make reference to worked examples of complex circumstances published by the ECU.

5. Decision Making Bodies

The REF Executive & Operational Steering Groups

The responsibility for co-ordination and compilation of the University’s REF submission lies with the REF Executive & Operational Steering Groups, (REFESG and REFOSG respectively).

The REFESG is the overarching body which steers REF institutional strategy and policy; it does not meet with academic departments. REFESG’s membership and terms of reference, listed below, was approved by the University’s Senate Steering Committee on behalf of the Senate. Further details on how the University is governed including the terms of reference of the Senate Steering Committee can be found at: www2.warwick.ac.uk/services/gov/howgoverned/

Deputy Vice-Chancellor (Chair)

Pro-Vice-Chancellor (Research - Arts and Social Sciences)

Pro-Vice-Chancellor (Knowledge Transfer, Business Engagement and Research – Science and Medicine)

Chairs of the Boards of the:

Faculty of Science

Faculty of Arts

Faculty of Social Sciences

Faculty of Medicine

Director of Management Information & Planning (Secretary)

The membership of the REFOSG, which meets directly with Heads of Departments and REF Coordinators, comprises a sub-set of the REFESG membership:

The Pro-Vice-Chancellor (Research - Arts and Social Sciences) shall chair meetings with departments in the Faculties of Arts and Social Sciences. The Pro-Vice-Chancellor (Knowledge Transfer, Business Engagement and Research – Science and Medicine) shall chair meetings of departments in the Faculties of Science and Medicine. The requisite Chair of the Faculty Board shall also be present as a member of the Group, with the exception of the Medical School where the Chair of the Board of the Faculty of Science rather than Medicine shall be a member of the Group to avoid the conflict of interest that arises as the Dean of Medicine is also Chair of the Board of the Faculty of Medicine. The Director of Management Information & Planning shall serve as Secretary to the Group. From 2013 the Deputy Vice-Chancellor shall also chair the REFOSG and the Pro-Vice-Chancellors Research shall become members of the REFOSG.

The Terms of Reference of the REF Executive Steering Group are:

- a) On behalf of the Senate Steering Committee, to have oversight of the University's preparations for the Research Excellence Framework 2014 (REF).
- b) To develop overarching policies and strategies for managing the University's submission to the REF.

The Terms of Reference of the REF Operational Steering Group are:

- a) To approve quality level ratings for research outputs and confirm decisions on the eligibility of staff for the REF. The REF Operational Steering Group decisions on eligibility are final.
- b) To consider and approve reports from the Special Circumstances Group on the proposed reduction in outputs of members of eligible staff having special circumstances.
- c) To act as the sole decision making body on the inclusion or exclusion of staff in the University's REF submission*.
- d) To consider and ultimately sign-off departments' draft submissions to units of assessment.

The Group will meet regularly and dates for meetings are scheduled in Annex 2.

The membership of the REFESG and REFOSG has been drawn from professorial staff who are members of the University's senior management. Further detail on the roles listed above, including the names of current post holders can be found at:

www2.warwick.ac.uk/services/gov/universitymanagement/

Heads of Departments and REF Coordinators are senior members of staff in academic departments who meet with the REFOSG. They are involved in the drafting of submissions to units of assessment. A list of Heads of Departments and REF Coordinators can be found at:

www2.warwick.ac.uk/services/mip/researchassessment/ref2014/

*NB Heads of Department, REF Coordinators and other departmental representatives or groups will explicitly not make decisions on the inclusion or exclusion of staff.

REF Special Circumstances Group

The responsibility for considering the special or complex circumstances of eligible members of staff lies with the REF Special Circumstances Group. The membership of the Group is:

Pro-Vice-Chancellor with responsibility for Equality and Diversity (Chair)
Pro-Vice-Chancellor (Research – Arts and Social Sciences)
Pro-Vice-Chancellor (Knowledge Transfer, Business Engagement and Research – Science and Medicine)
Director of Management Information & Planning
Assistant Registrar (REF & Research Planning)
HR Manager – Equality and Diversity (Secretary & Advisor)

The Terms of Reference of the REF Special Circumstances Group are:

- a) To consider, in a consistent manner, all cases of complex and clearly defined special circumstances submitted by staff eligible for the REF in accordance with the criteria and details outlined in the Funding Councils' Assessment Framework and Guidance on Submissions (GoS) and the Panel Criteria and Working Methods (PCWM).
- b) In accordance with the criteria set out in the GoS and PCWM, to recommend to the REFOSG any reduction in the number of research outputs required to be submitted by individuals arising from special circumstances that have impeded their capacity to produce four outputs. Justification of the recommendation would remain confidential.
- c) To communicate decisions on the number of outputs to be submitted by individuals with special circumstances during the assessment period to Heads of Departments.
- d) To communicate decisions on the number of outputs to be submitted to the individual members of staff returning details of special circumstances that have affected them during the assessment period.

- e) To determine the appropriate information required in order to make informed decisions including, where necessary, referral to Occupational Health.

The Special Circumstances Group will meet as required to discuss special cases. Dates are scheduled as shown in Annex 2.

Appeals Panel

Staff who believe a decision to exclude them from the University's REF submission has been discriminatory with respect to equality legislation have the right to appeal. Appeals will not be permitted on the basis that an eligible member of staff disagrees or objects to the quality level rating assigned to their research outputs. Approval of quality level ratings of research outputs is the responsibility of the REFOSG and its decision is final.

A Pro-Vice-Chancellor, not otherwise involved in selection of staff for the REF, will be appointed to help and advise potential appellants. Members of staff who are considering making an appeal are encouraged to discuss their case with the Pro-Vice-Chancellor. Appellants should contact the HR Advisory Equality and Diversity (refappeals@warwick.ac.uk) to arrange to meet with the Pro-Vice-Chancellor.

Appellants are requested to complete the Appeals pro forma which can be found at Annex 6.

The appeals process will be completed prior to the final submission to the REF2014. The membership of the Appeals Panel is as follows:

- Registrar or his nominee (Chair)
- A representative of the Senate
- Director of HR – Ms Jo Horsburgh
- A Lay Member of Council

The Terms of Reference of the Appeals Panel are:

- a) To consider cases of eligible members of staff who have appealed against the decision of the REF Operational Steering Group to exclude them from the University's submission on the basis of the decision being discriminatory.
- b) To re-examine how the decision was reached to exclude the eligible member of staff and to seek further evidence, where necessary, in order to confirm or change the REF Operational Steering Group's decision.

The Appeals Panel will meet (as required, and depending on the number of appeals) in good time in advance of the Funding Councils' submission deadline. Dates are scheduled as shown at Annex 2.

6. Communication of the Code of Practice

The CoP will be sent to all Heads of Departments who will be required to disseminate it to all staff eligible for submission to the REF. The Director of Management Information and Planning will seek confirmation from all Heads of Department that the CoP has been disseminated. The Code will also be published on

the University's REF website to allow all staff to easily access the document: www2.warwick.ac.uk/services/mip/researchassessment/ref2014/ . Following approval from the Funding Councils, the publication of the CoP will be announced on the homepage of Insite, the University's intranet. Staff absent through maternity/adoption/study/sick leave/career break or any other form of absence will be sent a copy of the CoP through the post by the Human Resources Office.

7. Preparation of Submissions & Selection of Staff

Adhering to the principles of the CoP, all staff at Warwick who are, in accordance with the GoS, eligible will be considered for submission to the REF2014. All eligible staff will be proactively encouraged to complete a special staff circumstances pro forma so they can detail any circumstances that have adversely affected their ability to produce research outputs during the assessment period. Details of relevant individual staff circumstances have been described above, and can be found in the individual staff circumstances form in Annex 4; extracts from the Funding Councils' criteria can be found at Annex 3.

External Review

Some departments may choose to have individual research outputs externally reviewed. In all cases it is the individual outputs that are the subject of review and not the eligible member of staff. External review is used as an aid to help Heads of Departments prepare submissions through gaining a more comprehensive understanding of the overall quality of the unit's submission. Departments choosing to undertake external review as part of their REF preparations will be required to liaise with the Human Resources Office and ensure reviewers are provided with the CoP.

Method of Disclosure of Individual Staff Circumstances

In line with the ECU's guidelines and template on Special Circumstances disclosures, the University has adapted the template to collect robust information on special circumstances. This disclosure form can be found at Annex 4 and Heads of Departments will be required to provide it to all eligible members of staff so they have an opportunity to disclose any special circumstances they might have. The pro forma will also be easily accessible at www2.warwick.ac.uk/services/mip/researchassessment/ref2014/ . When individuals complete these forms, they will submit them to the HR Adviser (Equality and Diversity) in the Human Resources Office, either by internal post or by confidential email: refcircumstances@warwick.ac.uk). All members of the Special Circumstances Group are bound by confidentiality requirements, and acceptance of the confidentiality requirements is a condition of their appointment to the role. Information relating to individuals will only be shared with those who have a legitimate requirement to see the documentation as part of the REF process. No information relating to identifiable individuals' circumstances will be published by the University. All data collected, stored and processed by the Special Circumstances Group will be handled in accordance with the Data Protection Act 1998.

In line with the principles of the CoP, as described in Section 3 above, Heads of Departments will provide the REFOSG with regular reports on information that will potentially be included in submissions. Heads of Departments will, in preparation for the REF submission deadline, compile full draft submissions (March – July 2013) at the request of the REFOSG.

The REFOSG will take the final decision on which staff will be included in the University's submission. The REFOSG will consider the following factors in making decisions on the inclusion or exclusion of staff members in the University's submission:

- a) Eligibility – according to the individual's contractual status and the Funding Councils' document entitled 'Assessment framework and guidance on submissions' REF: 02.2011 (July 2011): <http://www.ref.ac.uk/pubs/2011-02/>
- b) Quality of research outputs in the public domain during the assessment period.
- c) Volume of research outputs produced during the assessment period. Individual special circumstances which have affected the volume of research submitted will be taken into account and recommendations made by the Special Circumstances Group.
- d) Where an individual's research does not naturally fit into a particular Unit of Assessment submission, the REF Executive Steering Group may seek cross referral to a relevant Unit of Assessment.

Decisions on the selection of staff will be made through reference to the factors described above and will be made in the context of the relevant REF panel assessment criteria and working methods and the University's REF submission strategy.

Communication of Decisions to Excluded Staff

Where the REFOSG resolves that an individual shall be excluded from the University's submission they will be informed, by the Deputy Vice-Chancellor, in writing by August 2013. The letter will outline the reason for their exclusion from the University's submission. Heads of Department will be required to meet with excluded members of staff, provide them with the letter of exclusion and shall also explain the reasons why they have been excluded from the University's submission. Excluded staff will have the right of appeal on discriminatory grounds only. The appeals process is described in Section 8 below.

8. Appeals Procedure

Staff who believe that a decision taken to exclude them from the University's REF submission has been discriminatory have the right to appeal on the grounds of any of the protected characteristics. If, after having been provided with feedback, the individual believes that s/he has cause to appeal, they should submit their case, using the pro forma at Annex 6, to the Director of Human Resources within 14 days of the date of receipt notification of the decision. This request should detail the grounds for appeal. The Appeals Panel membership and terms of reference is described in Section 5 above.

9. Training

In line with the general duty of the Equality Act 2010 to promote equality, the University offers training sessions on Equality and Diversity to all staff, which include the Equality Act 2010 and the related protected characteristics. Information on training is available through induction material, the Learning and Development website and through regular communications of new courses via the University's

intranet site. Staff are encouraged to attend training sessions as part of their professional and personal development, and invited to attend the termly Equality and Diversity Network meetings. Post-doctoral research staff have representation on the Equality and Diversity Committee, which reports into the University Steering Committee, Senate and Council.

Prior to decisions being made on the selection of staff, Heads of Departments, REF Coordinators and members of the REF Executive and Operational Steering Groups, the Special Circumstances Group and the Appeals Panel shall be specially trained on equal opportunities legislation and legal compliance, with particular attention being paid to the Funding Councils' guidance provided by the ECU and in the GoS and the PCWM. The undertaking of this training by decision makers is mandatory. The Human Resources Office will maintain a register of staff who have completed training to ensure all staff required to undertake the training have done so.

The University will utilise and make available a variety of methods of training. The Equality and Diversity training workshop, tailored to the REF, has been scheduled for June 2012. The workshop will cover the content of the Equal Opportunities CoP on preparing REF submissions and the legislation and compliance of the Equality Act 2010. The training sessions will include case studies produced by the ECU that explore issues such as the implications of dealing with personal circumstances in the process of selecting staff for inclusion in the submission. The University will also provide on-line Equality and Diversity Training via an e-learning module entitled 'Diversity in the Workplace'.

On completion of the training session, staff will have been provided with a comprehensive knowledge and understanding of the Equality Act 2010 and the implications of special circumstances associated with protected characteristics and how these can impact on the number of outputs that an individual may be entitled to submit to the REF.

10. Equality Impact Assessment (EIA)

A thorough and systematic EIA will be conducted on the policy and procedures for selecting staff for the REF. The University will monitor the profile of its submission in terms of all the protected characteristics of those staff eligible for submission and those staff included and not included in the submission. The EIA form can be found at Annex 5. As one element of the EIA, statistical analyses of the diversity characteristics of submitted and excluded staff will be undertaken after each scheduled round of REFOSG meetings with departments. The REF Executive Steering Group will consider these management information reports during the course of 2013. Any *prima facie* imbalances will be investigated by the REF Executive Steering Group. If any imbalance is subsequently judged to be the result of inequality, the REF Executive Steering Group shall address the matter prior to making its submission to the Funding Councils in 2013. Full details of the EIA will also be made available to the Appeals Panel.

The REFESG will keep the EIA under review as the University's submission is prepared, and will make any necessary changes to prevent discrimination or promote equality prior to the submission deadline.

The final version of the REF EIA will be published on the University REF web page after the submission has been made, and will include the outcomes of any actions taken to prevent discrimination or advance equality.

ANNEX 1: Summary of equality legislation

Age	<p>All employees within the higher education sector are protected from unlawful age discrimination in employment under the Equality Act 2010 and the Employment Equality (Age) Regulations (Northern Ireland) 2006. Individuals are also protected if they are perceived to be or if they are associated with a person of a particular age group. (These provisions in the Equality Act 2010 are partially in force, but should be fully in place by April 2012.)</p> <p>Age discrimination can occur when people of a particular age group are treated less favourably than people in other age groups. An age group could be for example, people of the same age, the under 30s or people aged 45-50. A person can belong to a number of different age groups.</p> <p>Age discrimination will not be unlawful if it is a proportionate means of achieving a legitimate aim. However, in the context of the REF, the view of the funding bodies is that if a researcher produces excellent research an HEI will not be able to justify not submitting them because of their age group.</p> <p>It is important to note that early career researchers are likely to come from a range of age groups. The definition of early career researcher used in the REF (see paragraph 85) is not limited to young people.</p> <p>HEIs should also note that given developments in equalities law in the UK and Europe, the default retirement age will be abolished from 1 October 2011 in England, Scotland, Wales and Northern Ireland.</p>
Disability	<p>The Equality Act 2010, the Disability Discrimination Act (1995) (Northern Ireland only) and the Disability Discrimination (Northern Ireland) Order 2006 prevent unlawful discrimination relating to disability. Individuals are also protected if they are perceived to have a disability or if they are associated with a person who is disabled, for example, if they are responsible for caring for a disabled family member.</p> <p>A person is considered to be disabled if they have or have had a physical and/or mental impairment which has ‘a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities’. Long-term impairments include those that last or are likely to last for at least 12 months.</p> <p>Cancer, HIV, multiple sclerosis and progressive/degenerative conditions are disabilities too, even if they do not currently have an adverse effect on the carrying out of day-to-day activities.</p> <p>The definition of disability is different in Northern Ireland in that a list of day-to-day activities is referred to. There is no list of day-to-day activities for England, Scotland and Wales but day-to-day activities are taken to mean activities that people, not individuals, carry out on a daily or frequent basis.</p> <p>While there is no definitive list of what is considered a disability, it covers a wide range of impairments including:</p>

	<ul style="list-style-type: none"> • sensory impairments • impairments with fluctuating or recurring effects such as rheumatoid arthritis, depression and epilepsy • progressive impairments, such as motor neurone disease, muscular dystrophy, HIV and cancer • organ-specific impairments, including respiratory conditions and cardiovascular diseases • developmental impairments, such as autistic spectrum disorders and dyslexia • mental health conditions such as depression and eating disorders • impairments caused by injury to the body or brain. <p>It is important for HEIs to note that people who have had a past disability are also protected from discrimination, victimisation and harassment because of disability.</p> <p>Equality law requires HEIs to anticipate the needs of disabled people and make reasonable adjustments for them. Failure to make a reasonable adjustment constitutes discrimination. If a disabled researcher’s impairment has affected the quantity of their research outputs, they may be submitted with a reduced number of outputs (see paragraphs 90-100 and the panel criteria).</p>
Gender reassignment	<p>The Equality Act 2010 and the Sex Discrimination (Northern Ireland) Order 1976 protect from discrimination trans people who have proposed, started or completed a process to change their sex. Staff in HE do not have to be under medical supervision to be afforded protection because of gender reassignment and staff are protected if they are perceived to be undergoing or have undergone gender reassignment. They are also protected if they are associated with someone who has proposed, is undergoing or has undergone gender reassignment.</p> <p>Trans people who undergo gender reassignment will need to take time off for appointments and in some cases, for medical assistance. The transition process is lengthy, often taking several years and it is likely to be a difficult period for the trans person as they seek recognition of their new gender from their family, friends, employer and society as a whole.</p> <p>The Gender Recognition Act 2004 gave enhanced privacy rights to trans people who undergo gender reassignment. A person acting in an official capacity who acquires information about a person’s status as a transsexual may commit a criminal offence if they pass the information to a third party without consent.</p> <p>Consequently, staff within HEIs with responsibility for REF submissions must ensure that the information they receive about gender reassignment is treated with particular care.</p> <p>Staff whose ability to work productively throughout the REF assessment period has been constrained due to gender reassignment may be submitted with a reduced number of research outputs (see paragraphs 90-100, and the panel criteria). Information about the member of staff will be kept confidential as described in paragraph 98.</p>

<p>Marriage and civil partnership</p>	<p>Under the Equality Act 2010 and the Sex Discrimination (Northern Ireland) Order 1976 as amended, individuals are protected from unlawful discrimination on the grounds of marriage and civil partnership status. The protection from discrimination is to ensure that people who are married or in a civil partnership receive the same benefits and treatment in employment. The protection from discrimination does not apply to single people.</p> <p>In relation to the REF HEIs must ensure that their processes for selecting staff do not inadvertently discriminate against staff who are married or in civil partnerships.</p>
<p>Pregnancy and maternity</p>	<p>Under the Equality Act 2010 and the Sex Discrimination (Northern Ireland) Order 1976 women are protected from unlawful discrimination related to pregnancy and maternity.</p> <p>Consequently researchers who have taken time out of work or whose ability to work productively throughout the assessment period because of pregnancy and/or maternity, may be submitted with a reduced number of research outputs, as set out in paragraphs 90-100 and in the panel criteria documents.</p> <p>In addition, HEIs should ensure that female researchers who are pregnant or on maternity leave are kept informed about and included in their submissions process.</p> <p>For the purposes of this summary it is important to note that primary adopters have similar entitlements to women on maternity leave.</p>
<p>Race</p>	<p>The Equality Act 2010 and the Race Relations (Northern Ireland) Order 1997 protect HEI staff from unlawful discrimination connected to race. The definition of race includes colour, ethnic or national origins or nationality. Individuals are also protected if they are perceived to be or are associated with a person of a particular race.</p> <p>HEIs should be aware of not making any judgements about the selection of staff for REF submissions based on their race or assumed race (for example, based on their name).</p>
<p>Religion and belief including non-belief</p>	<p>The Equality Act 2010 and the Fair Employment and Treatment (Northern Ireland) Order 1998 protect HEI staff from unlawful discrimination to do with religion or belief. Individuals are also protected if they are perceived to be or are associated with a person of a particular religion or belief.</p> <p>HEIs should be aware of not making any judgements about the selection of staff for REF submissions based on their actual or perceived religion or belief, including non-belief. 'Belief' includes any structured philosophical belief with clear values that has an effect on how its adherents conduct their lives.</p>
<p>Sex (including breastfeeding and additional paternity and adoption)</p>	<p>The Equality Act 2010 and the Sex Discrimination (Northern Ireland) Order 1976 protect HEI staff from unlawful discrimination to do with sex. Employees are also protected because of their perceived sex or because of their association with someone of a particular sex.</p> <p>The sex discrimination provisions of the Equality Act explicitly protect women from less favourable treatment because they are breastfeeding. Consequently the impact of breastfeeding on a women's ability to work productively will be taken into account, as set</p>

leave)	<p>out in paragraph 90-100 and the panel criteria documents.</p> <p>From 3 April 2011, partners of new mothers and secondary adopters will be entitled to up to 26 weeks of additional paternity and adoption leave. People who take additional paternity or adoption leave will have similar entitlements to women on maternity leave and barriers that exist to taking the leave, or as a result of having taken it, could constitute unlawful sex discrimination. Consequently researchers who have taken additional paternity and adoption leave may be submitted with a reduced number of outputs, as set out in paragraphs 90-100 and in the panel criteria documents.</p> <p>HEIs need to be wary of selecting researchers by any criterion that it would be easier for men to comply with than women, or vice versa. There are many cases where a requirement to work full-time (or less favourable treatment of people working part-time or flexibly) has been held to discriminate unlawfully against women.</p>
Sexual orientation	<p>The Equality Act 2010 and the Employment Equality (Sexual Orientation) Regulations (Northern Ireland) 2003 protect HEI staff from unlawful discrimination to do with sexual orientation. Individuals are also protected if they are perceived to be or are associated with someone who is of a particular sexual orientation.</p> <p>HEIs should be aware of not making any judgements about the selection of staff for REF submissions based on their actual or perceived sexual orientation.</p>

ANNEX 2

Scheduled Meetings

REF Executive Steering Group

March 2012

December 2012

March 2013

July 2013

Other meetings may be held beyond July 2013 if required.

REF Operational Steering Group

November 2012

March 2013

June 2013

Other meetings may be held beyond June 2013 if required.

Special Circumstances Group

10 April 2013

18 April 2013

26 April 2013

Appeals Panel

18 September 2013

26 September 2013

ANNEX 3

Table 1: Early Career Researchers: permitted reduction in outputs

Date at which the individual first met the REF definition of an early career researcher:	Number of outputs may be reduced by up to:
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

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

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

Table 3: Qualifying period of maternity, paternity or adoption leave 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* or adoption leave lasting for four months or more, taken substantially during the period 1 January 2008 to 31 October 2013.

*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 purpose of the REF we refer to this leave as 'additional paternity or adoption leave'.

Table 4: Other circumstances that apply in Units of Assessment 1-6

In Units of Assessments 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.

Table 5: Combining clearly defined circumstances

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.

Where Table 1 above 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.

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 the highlighted paragraph above.

For further information please see: Part 1: Generic Statement of the REF2014 Panel Criteria and Working Methods: <http://www.ref.ac.uk/pubs/2012-01/>

Table 6: Complex Circumstances

Where staff have had one or more complex circumstances – including a combination with any circumstances with a clearly defined reduction in outputs – the University will need to make a judgement on the appropriate reduction in the number of outputs submitted, and provide a rationale for this judgement. The Equality Challenge Unit have published worked examples of complex circumstances, which indicate how calculations can be made and the appropriate reduction in outputs for a range of complex circumstances. These are available from: <http://www.ecu.ac.uk/documents/ref-materials/complex-circumstances-examples> .

For further information on the process please see: Part 1: Generic Statement of the REF2014 Panel Criteria and Working Methods: <http://www.ref.ac.uk/pubs/2012-01/>

ANNEX 4

UNIVERSITY OF WARWICK

STRICTLY CONFIDENTIAL

REF2014

Individual Staff Circumstances Disclosure Form

Name	
Staff Number (found on your University Card)	
Department	
Unit of Assessment	

Section one:

Please select one of the following:

I have individual circumstances that I wish to make known but I am not seeking a reduction in outputs. (Please complete sections two and three)

In completing this form I am seeking a reduction in research outputs. (Please complete sections two and three)

Section two:

Please select as appropriate:

I would like to be contacted by the HR Adviser for my department to discuss my circumstances and requirements and/or the support provided by Warwick University. My contact details for this purpose are:

Email	
Telephone	
Preferred method of communication	

Section three

I wish to make the University aware of the following circumstances which have had an impact on my ability to produce four outputs or work productively between 1 January 2008 and 31 October 2013:

Please provide information required on relevant circumstance(s) and continue onto a separate sheet of paper if necessary:

Circumstance	Notes and Information required
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<p>Early career researcher (started career as an independent researcher on or after 1 August 2009)</p>	<p>Please describe the role you occupied that first qualified you as an independent researcher (see paragraphs 78, 79, 80 and 81 of the REF Guidance on Submission for details http://www.ref.ac.uk/pubs/2011-02/):</p> <p>Please specify the exact date on which you became an early career researcher in the format dd/mm/yyyy.</p>
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<p>Information</p> <p>First role as an independent researcher:</p> <p>Date at which you first occupied the role described above (dd/mm/yyyy):</p>	
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<p>Junior clinical academic staff Certificate of Completion of Training [This applies to Units of Assessment 1 and 2 within Main Panel A]</p>	<p>Please specify date of completion.</p>
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<p>Information</p> <p>Completion date (dd/mm/yyyy):</p> <p>Staff that will not have acquired the Certificate of Completion of Training by 31 October 2013 should mark this box with a cross <input type="checkbox"/></p>	
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<p>Part-time employee</p>	<p>Full-time equivalent (FTE) and duration in months at that FTE</p>
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<p>Information</p>	
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<p>Career break or secondment outside of the higher education sector</p>	<p>Dates and duration in months</p>
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<p>Information</p>	
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Maternity leave, statutory adoption leave, or additional paternity leave (taken by partners of new mothers or co-adopters)	For each period of leave state which type of leave was taken and the dates and duration in months
Information	

Disability (including conditions such as cancer and chronic fatigue)	Impact on ability to fulfil contractual hours and other impacts on ability to undertake research. Duration in months
Information	

Mental health condition	Impact on ability to fulfil contractual hours and other impacts on ability to undertake research. Duration in months
Information	

Ill health or injury	Impact on ability to fulfil contractual hours and other impacts on ability to undertake research. Duration in months
Information	

Constraints relating to pregnancy, maternity, breastfeeding, paternity, adoption or childcare <i>in addition</i> to the period of maternity, adoption or additional paternity leave taken.	Impact on ability to fulfil contractual hours and other impacts on ability to undertake research. Duration in months
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Information

Other caring responsibilities (including caring for an elderly or disabled relative)	Impact on ability to fulfil contractual hours and other impacts on ability to undertake research. Duration in months
---	--

Information

Gender reassignment	Impact on ability to fulfil contractual hours and other impacts on ability to undertake research. Duration in months
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Information

Other exceptional and relevant reasons, not including teaching or administrative work	Impact on ability to fulfil contractual hours and other impacts on ability to undertake research. Duration in months
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Information

- I confirm that the information provided is a true and accurate description of my circumstances.
- I recognise that the information provided will only be shared with those who have a legitimate requirement to see the documentation for purposes of administering and managing the REF.
- I realise that it may be necessary to share information with the UK funding bodies' REF team, who may make the information available to REF panel chairs, members and secretaries and/or the Equality and Diversity Advisory Panel. I recognise that if a joint submission is made, information may be shared with another institution. Where

permission is not provided the University of Warwick will be limited in the action it can take.

- As personal information collected in this exercise has been obtained solely for REF purposes, anyone wishing the information to be included in their University records should contact the HR Adviser for their department.

Signature: Date:

(Staff member)

Please email completed forms no later than Friday 1 February 2013 to refcircumstances@warwick.ac.uk or mail to

Sandra Beaufoy
Human Resources
University of Warwick
Coventry
CV4 8UW

For official use only

Following consideration of the personal circumstances described above, the Special Circumstances Group:

- Will progress the staff member's consideration for the REF submission with [] of research outputs. Rationale for the proposed number of outputs:

e.g. this decision is based on the tariffs outlined in the panel criteria.

- ECR
- Junior Clinical Staff
- Maternity/Adoption/Additional Paternity Leave
- Career break/secondment
- Disability
- Mental Health condition
- Ill Health/Injury
- Constraints relating to pregnancy, maternity, adoption etc.
- Other caring responsibilities
- Gender reassignment
- Other
- Requires further information of the circumstances described as follows:

e.g. please provide information from your occupational health assessment on the effectiveness of reasonable adjustments provided.

- Does not feel that the staff member meets the criteria outlined within the REF 'Panel criteria and working methods' and 'Assessment Framework and Guidance on Submission' for submitting fewer than four research outputs. The reason(s) for this decision are:

e.g. circumstances detailed are not recognised within the assessment framework and guidance on submissions.

Signature: Date:

(Pro-Vice-Chancellor for Equality and Diversity)

Signature: Date:

(Director of Management Information & Planning – Dr Giles Carden)

ANNEX 5

EQUALITY IMPACT ASSESSMENT FORM

The University is legally obliged to eliminate unlawful discrimination on the grounds of gender and disability. In addition it is obliged to promote good race relations, promote positive attitudes towards disabled persons, and encourage participation by disabled persons in public life. Please complete this form considering the **six equality strands of age, disability, gender, race, religion or belief and sexual orientation**. **This form will be required by committees approving new policies.**

Names of policy/practice/procedure	Equal Opportunities Code of Practice on Preparing REF Submissions
Stage 1 – identifying policies, practices and procedures, data gathering, assessing likely impact	
What are you trying to achieve through the policy/practice/procedure?	<i>To create a clear and concise Code of Practice that informs staff of the procedure for selecting staff for inclusion in REF submissions. The Code of Practice is intended to demonstrate fair and transparent mechanisms for staff selection.</i>
Who is intended to benefit from the proposals and how?	<i>Academic and research staff who may belong to one of the protected characteristics groups.</i>
How relevant is this to the University's duties to promote equality and diversity? (If not applicable please explain why.)	<i>Very relevant – staff will be given the opportunity to confidentially disclose any special circumstances that they consider have impacted on their ability to produce the required number of outputs for the REF. The University intends for the Code of Practice to eliminate discrimination, harassment and victimisation and to advance equality.</i>
What information do you have on the people this policy/practice/procedure will affect? (Please attach copies where necessary.)	<i>For monitoring purposes the University has information on staff who have disclosed disabilities, taken maternity, adoption and long term sick leave or who have had a career break. The Special Circumstances Form which will be issued to staff eligible to be entered into the REF will give staff a further opportunity to complete outlining any mitigating factors and will also provide an opportunity for staff to disclose a disability or 'other' special circumstances that they may have not previously disclosed.</i>
Taking into account the information you have gathered what is the likely impact on each of the nine protected characteristics? There are some sample questions shown below but these are not exhaustive.	
<p>Age – is there anything which excludes any particular age group?</p> <p>Think about terminology/tone to ensure you do not alienate any one group.</p> <p>Does the practice reinforce or challenge stereotyped perceptions of individuals of any age group?</p>	<p><i>Early Career Researchers, who have not had the length of service to enable them to fully meet the specified number of outputs.</i></p> <p><i>It should be noted that an individual can be of any age to be considered an 'early career researcher', but the higher percentage of these appointments tend to be individuals under 30 years of age.</i></p> <p><i>The outputs for Early Career Researchers are factored in under the Special Circumstances process.</i></p>
<p>Disability - are there any barriers for individuals with a disability either physical</p>	<p><i>Staff with disabilities (who have previously disclosed or not) will have the opportunity to disclose factors that may have hampered their output in terms of the REF.</i></p>

<p>or non-physical?</p> <p>Is there anything that means individuals with a disability will not be able to participate or will be less successful?</p> <p>Think about the terminology and the format information is presented in and whether it is available in different formats e.g. braille, audio.</p>	<p><i>These factors will be disclosed only to the Special Circumstances Group for consideration. This information will be treated in strict confidence.</i></p> <p><i>The Code of Practice and Special Circumstances form will be made available both electronically and hard copy.</i></p>
<p>Sex - are men/women disadvantaged by the policy and practice? What is the make-up of the people affected by the policy?</p> <p>Have you thought about factors such as childcare, flexible working?</p> <p>Does the practice reinforce or challenge stereotyped perceptions of women and men?</p>	<p><i>Maternity and Adoption leave has been factored into the reduced output plan as proposed by REF. Female staff within the University do have the opportunity to request flexible working hours.</i></p>
<p>Race - Are people disadvantaged because of their ethnicity or nationality? e.g. language</p> <p>Consider cultural differences e.g. eye contact, body language.</p> <p>Do eligibility criteria reduce the participation of different ethnic groups?</p>	<p><i>Support may be required when English is not the first language for employees to meet the required standards.</i></p>
<p>Religion and belief - factors affecting dress e.g. uniforms; factors affecting food.</p> <p>Elements that may affect religious festivals/prayer times e.g inability to take annual leave or breaks at particular times.</p> <p>Consideration of different beliefs e.g extended bereavement times</p>	<p>N/A</p>
<p>Sexual Orientation – does the practice reinforce or challenge stereotyped perceptions of sexual orientation?</p> <p>Are all the “benefits” of the policy, practice or procedure available to all staff or students? Eg not just having something available to wives or husbands, but partners as well.</p> <p>Think about the terminology used.</p>	<p>N/A</p>

<p>Gender Reassignment – if a person is undergoing or intends to undergo or who has undergone gender reassignment (the transition from one gender to another) how will this policy, practice or procedure affect them?</p> <p>Consider people who may be absent from work due to this reason.</p>	<p><i>Gender Reassignment has been factored into the reduced output plan as proposed by REF.</i></p>
<p>Marriage and Civil Partnership – marriage is defined as a ‘union between a man and a woman’. Same sex couples can have their relationships recognised as ‘civil partnerships’ therefore under legislation civil partners must be treated the same as married couple.</p> <p>Will this policy/procedure impact upon someone in a civil partnership the same way as a married couple?</p> <p>Consider that single people are not protected by the legislation.</p>	<p>N/A</p>
<p>Pregnancy and maternity – Pregnancy refers to the period of time when a woman is expecting a baby; maternity refers to the period of time after the birth and is linked to maternity leave in the employment context.</p>	<p><i>Maternity and Adoption leave has been factored into the reduced output plan as proposed by REF.</i></p>

<p>Stage 2 – responding to the results, feedback and publishing</p>	
<p>If you have identified an adverse impact what changes do you intend making to mitigate the impacts?</p>	
<p>If you do not intend making any changes please give your justification here (NB you must consult HR before choosing to do this)</p>	<p><i>A clear framework has been supplied by HEFCE REF and the Code of Practice reflects these requirements. Individual special circumstances will be given consideration by a Committee who have undertaken Equality and Diversity Training and who have a clear understanding of issues that may impact on an employee’s output.</i></p>
<p>What methods have you used to gather feedback about the final policy/procedure/practice?</p>	<p><i>Feedback will be through staff consultation and through acceptance of the Code of Practice by the appropriate HEFCE REF panels.</i></p>
<p>How have you published the results within your department? (Please copy this form</p>	<p><i>The results of this EIA will be published on the REF website of the University of Warwick and will also</i></p>

electronically to Sandra Beaufoy HR who will publish it on the EIA website.)	<i>accompany the REF Code of Practice which will be distributed to employees eligible for the REF.</i>
Stage 3 – monitoring and review	
When will you next monitor and/or review this EIA? (NB. You must carry out an EIA once every three years as a minimum.)	The review of this process will be ongoing through the timeframe of the REF exercise.
Date of assessment	21 February 2012
Assessment carried out by:	Sandra Beaufoy

ANNEX 6 REF Appeals Pro Forma

Staff who believe that a decision taken to exclude them from the University's REF submission has been discriminatory have the right to appeal on the grounds of any of the protected characteristics set out in the Equality Act 2010. Appellants should submit their case, using the pro forma below.

Name:	Department:
Email address:	Telephone number:
Please specify below the reasons why you believe the decision taken to exclude you from the University's REF submission has been discriminatory. Please continue onto other pages if necessary.	