

## Annex 3 – Free text analysis and process change log

Q1c – Investigations - Where it adds value, please provide your rationale for your answers				
Issue	Proposal	Adopted (Y/N/partially)	Recommendations	Amendments
<b>Definition of 'evidence'</b>	Respondents requested clarity on the definition of 'evidence' and the types of evidence the UKFBs would require in relation to C&Is. Other respondents highlighted that placing the onus upon HEIs to provide evidence that a COP breach did not occur, creates additional burden upon institutions.	Y	New paragraph included concerning the types of evidence that may be provided in relation to an investigation. New sentence included to state that the burden of proof and the need for evidence applies equally to all parties.	New para 15.
<b>Relationship to existing HEI processes</b>	<p>A minority of respondents noted that the role of the COP C&amp;I process would only concern a breach of a REF COP. However, the breaches themselves may relate to broader issues within HEIs, where it would be beyond the remit of the C&amp;I process to intervene.</p> <p>Some comments sought further clarity and emphasis placed on the UKFBs' expectation that complainants must exhaust the available internal HEI processes, as a prerequisite for consideration of a complaint. A minority of respondents asked how the UKFBs will assure that an HEI's internal processes have been exhausted.</p>	<p>Partially – additional clarity included in relation to broader issues outside of the remit of the C&amp;I process.</p> <p>Judged to be sufficient clarity</p>	Additional sentences added for both included amendments	Para 9 & 10

		<p>on the expectation that HEIs internal avenues to resolve are exhausted.</p> <p>Additional clarity included on how the FBs will judge whether internal processes have been exhausted</p>		
<b>Systemic breach</b>	A small number of respondents suggested that it would be useful for this section to contain more information about systemic and individual breaches.	N – Later section provides sufficient information.		
<b>Vexatious complaints</b>	A minority of respondents discussed the need for clear policy on the management of vexatious complaints, as this was viewed to be lacking in the consultation.	Y	Addressed in Q2C below	
<b>Relationship to audit</b>	A minority of respondents requested clarity around the relationships of the C&I process with REF audit – respondents felt as though the	Y	New paragraph included to explain the differences between audit and the C&I	New para 7

	consultation document did not explain this fully and highlighted that both functions aimed to ensure the accuracy of the REF submission.		process and that will be used together to assure the accuracy of the exercise.	
<b>Q2c – Individual complaints - Where it adds value, please provide your rationale for your answers</b>				
Issue	Proposal	Adopted (Y/N/partially)	Recommendations	Amendment location
<b>Who can make complaints</b>	The single largest topic discussed for this question concerned who is able to make a complaint. Many responses requested more clarity around who can make complaints, suggesting that the phrase ‘any party’ is too broad. The majority suggested that only those directly affected by the delivery of a COP should be permitted to make a complaint, due to vexatious, or malicious complaints.	Y	New sentence outlining that the directness of affect for a complainant will be taken into account.  Sentence included stating that where the funding bodies judge a complaint to be vexatious or malicious, the complaint will not be taken forwards	Para 17
<b>Anonymity</b>	A small number of respondents highlighted that in the case of small UOAs it may be difficult to preserve the anonymity of complainants.	N – Policy is <b>not</b> to accept anonymous complaints and as such the point made regarding small UOA is not relevant. This lessens the		

		likelihood of vexatious or malicious complaints and will enable the funding bodies to verify a complaint and for an HEI to be able to respond in an informed manner.		
<b>Q3c – Complaints out of scope - Where it adds value, please provide your rationale for your answers</b>				
<b>Issue</b>	<b>Proposal</b>	<b>Adopted (Y/N/partially)</b>	<b>Recommendations</b>	<b>Amendment location</b>
<b>Anonymous complaints</b>	Anonymous complaints was the most frequently discussed topic in responses to this question. Overall, responses suggested that greater clarity is needed around the exclusion of anonymous complaints, in particular the impact of this policy upon whistleblowers and in relation to maintaining privacy.	Y	Paragraph including outlining the rationale for the prohibition of anonymous complaints.	Para 20

<b>Exhausting HEI's internal procedures</b>	A minority of responses touched upon the need to exhaust an HEI's internal procedures before a complaint could be considered by the REF team panel. It was suggested that the complaints out of scope should include those where an HEI's internal complaints procedure has not been exhausted. Clarity was also sought around whether former staff should be required to exhaust internal HEI processes.	Y	Sentence added advising that complainants not directly employed by the HEI (including former staff) will be requested, but not required, to provide evidence that internal routes have been exhausted.	Para 9
<b>Academic judgement</b>	A small number of respondents suggested that examples should be provided of matters of academic judgement.	Y	Brief examples listed	Para 19b
<b>Q4C – Systemic breach - Where it adds value, please provide your rationale for your answers.</b>				
<b>Issue</b>	<b>Proposal</b>	<b>Adopted (Y/N/partially)</b>	<b>Recommendations</b>	<b>Amendment location</b>
<b>Systemic breach referral</b>	The largest single topic raised by respondents concerned the process of referral of a suspected systemic breach. Respondents suggested that the process for referral from REF Audit and EDAP should be better specified, as this was not viewed to be clear in the consultation document. It was also suggested that the REF Team panel should be able to refer suspected systemic breach to the REF Director. As with previous questions, clarity was sought around whether complaints may be made by other organisations and staff members who have left an HEI and whether individuals may make a complaint about a systemic breach of COP.	Partially	It is necessary to ensure that REF EDAP and Audit have the capability to respond flexibly to a suspected breach of a code of practice. Quite a broad sentence has been added to this effect.  The REF Panel and HEIs self-referral have been added to the list of potential referral sources	Paras 7, 17, 27b & c

			Clarity has been provided around who can make a complaint.	
<b>Systemic breach definition</b>	<p>Broadly, clarity was sought around the classification and determination of systemic breach. Respondents also queried whether intention impacts the determination of a systemic breach, those that did express a view, suggested that intention should be taken into account.</p> <p>Respondents queried whether the REF Director's decision-making will be based upon dialogue with HEIs. The scope of coverage of systemic breach investigations was also discussed. A small number of respondents felt that the issues underlying a systemic breach may stem from areas beyond the remit of the REF and, as such, the C&amp;I process would not be an appropriate mechanism to address these issues.</p> <p>Alternatively, a separate respondent suggested that the scope of the C&amp;I process should be widened to address other forms of game-playing such as miss-classification in HESA return.</p>	N	<p>Clear information on the classification and determination of systemic breach is already in place. It will not be possible for the funding bodies to determine whether a breach of a COP is intentional, however this concept is addressed in Amendments made in response to Q8e.</p> <p>The stance of the FBs regarding the issues highlighted in the C&amp;I process, into broader HEI functions (employment, grievances), is strengthened (Para 10).</p> <p>In this vein, the FBs cannot widen the scope of the C&amp;I process as suggested by some respondents.</p>	
<b>Proportionality</b>	<p>Proportionality was discussed by a minority of respondents. The main point raised was the potential for greater impact upon small institutions or UOAs. For small submissions, fewer complaints may represent a greater proportion of their submitted population and are more likely to</p>	N	<p>This issue relates more to remedies and is addressed in the response to Q8e</p>	

	be considered for as a systemic breach. Clarity was sought around how this issue will be considered.			
Q5C – Stage 1 REF Team process - Where it adds value, please provide your rationale for your answers.				
Issue	Proposal	Adopted (Y/N/partially)	Recommendations	Amendment location
<b>HEI role</b>	The largest single topic discussed by respondents in this section concerned the role of HEIs in the REF Team panel process. The primary theme arising indicated that HEIs should have greater involvement at this stage of the process. It was flagged by a number of respondents that HEIs should be informed when a complaint has been received, even if not taken forward by the C&I process. It was suggested that it should be made clear how the REF Team will communicate with HEIs at this stage. This was commonly discussed in relation to verification that an HEI's internal resolution mechanisms have been exhausted.	Partially	Paragraph added stating that HEIs will be informed when a relevant complaint has been received. The information is limited to this notification only, no further details will be provided at this point, so as to protect the complainant.  Verification that an HEI's internal resolution mechanism is exhausted will be carried out at the next stage of the process and has not been added here.	Para 33b
<b>Composition of the panel</b>	A significant minority of respondents sought clear information on the composition of the REF Team panel.	Y	Paragraph added including the composition of the REF Panel.	Para 32

<b>Decision making process</b>	Respondents discussed the decision-making process during this stage. It was highlighted by a small number of respondents that decision-making by the REF Director should be transparent. This should be facilitated by clear decision-making criteria, and the UKFBs should consider having more than one decision-maker.	Partially	Paragraph and criteria added for the basis of the REF Directors decision to progress.  As the REF Director will only decide whether an investigation will take place, rather than an outcome of the investigation. Additional decision makers will not be introduced.	Para 33e
<b>Timelines</b>	A substantial proportion of respondents highlighted the need for clarity around timelines. In particular, communicating clear deadlines for complaint submission and the length of time taken for REF Team panel processes. A small number of responses suggested that timelines are too short in this stage of the process and that there should be provision for extension of timelines in exceptional circumstances.	Partially	See question 10C for ammendments relating to timelines.  Extension of timelines in exceptional circumstances has not been included. This aim is to achieve a balance between allowing sufficient time and ensuring an effective process.	
Q6C – Stage 2 Funding Body process - Where it adds value, please provide your rationale for your answers.				
<b>Issue</b>	<b>Proposal</b>	<b>Adopted (Y/N/partially)</b>	<b>Recommendations</b>	<b>Amendment location</b>
<b>Timescale</b>	A large number of responses discussed timescales. The primary view arising was that the timescales available for institutions to respond to	Partially	Timescales increased for HEIs to respond to 15 working days, matching	Para 39c, d & g

	<p>the complaints process was insufficient – a clear suggestion was that timescales for HEIs should be equivalent to that available to the Funding body panel. A substantial minority of respondents expressed the view that the panel timescales should be fixed. Other responses highlighted that short timescales would equate to greater burden for smaller institutions – it was suggested that early communication with HEIs about the receipt and progress of a complaint would ameliorate this pressure, along with consideration of exceptional circumstances where additional time is required.</p>		<p>the time available for FB panel. Commitment for FB panel to a set timescale strengthened, to remove the word 'aim' in relation to timescales.</p> <p>Early communication issue addressed previous item Q5c Para 33b.</p> <p>Extension of timelines in exceptional circumstances has not been included. This aim is to achieve a balance between allowing sufficient time and ensuring an effective process.</p>	
<p><b>Complaints not taken forwards</b></p>	<p>Another prominent topic discussed by respondents concerned the proposal to inform the UKFBs of complaints not taken forward. Respondents felt that this was not appropriate and the rationale was unclear.</p>	<p>Partially</p>	<p>The funding bodies will be informed of complaints not taken forwards, as have legitimate interest in this information. However this will be numerical data only and provide no information on the HEIs against which complaints have been raised.</p>	<p>Para 38</p>
<p><b>Composition of the panel</b></p>	<p>A large number of respondents sought clear information on the composition of the Funding body panel.</p>	<p>Y</p>	<p>Paragraph added concerning the composition of the FB panel</p>	<p>Para 39b</p>

Q7C – Stage 3 Appeals process - Where it adds value, please provide your rationale for your answers.

Issue	Proposal	Adopted (Y/N/partially)	Recommendations	Amendment location
<b>Timescales</b>	A strongly presented view arising from a large number of respondents, stated that the five days outlined to provide additional evidence in the case of an appeal, was not sufficient.	Y	Wording amended to increase the time allowed to provide additional evidence to 10 days	Para 42d
<b>Appeal criteria</b>	One of the most frequently raised themes concerned the criteria under which an appeal may be made. A common perspective recommended that appeals concerning the C&I process outcomes / remedies should be permissible, considering the large number of remedies and the perceived lack of clarity around the circumstances in which specific remedies will be applied. A small minority of respondents also stated that appeals should be permitted where new information comes to light.		To be discussed.	
<b>Composition of the panel</b>	A large number of respondents sought clear information on the composition of the Appeals panel.	Y	Paragraph inserted concerning the composition of the Appeals panel	Para 42c.
<b>Appeal outcomes</b>	A minority of participants expressed the view that it would be inappropriate for an appeals panel to uphold the initial funding body panel outcomes, but on different grounds.	Y	Option removed	Para 42e

Q8e – Remedies - Where it adds value, please provide your rationale for your answers.

Issue	Proposal	Adopted (Y/N/partially)	Recommendations	Amendment location
<p><b>Future oriented remedies</b></p>	<p>The majority of respondents discussed future oriented remedies (FORs). For all FORs, greater clarity was requested in relation to the circumstances in which specific remedies would be applied and how they related to a breach. A minority of respondents strongly presented the view that the long-term nature of such a remedy made the use of FORs inappropriate, in part, as it will not be possible to predict the rules of the next research assessment exercise.</p> <p>Greater clarity was requested around ringfencing a percentage of QR. Guidance was sought around how the percentage would be calculated and rationally related to breach, while remaining proportionate for smaller submissions. Respondents also focussed upon the FOR where the UKFBs would define a population submitted to the next research assessment exercise. Clarity was sought around how this would take place in practice and in what circumstances such a remedy would be applied. It was suggested that this should be developed with the institution in question, taking into account the diversity of institutions.</p>	<p>Y</p>	<p>It is recommended that the FBs amend their approach to future oriented remedies, with an action plan approach.</p> <p>The comments from respondents request greater clarity in the relation of a breach to the application of remedies. This request spanned across the themes that arose in the responses to this question.</p>	<p>This change to approach is reflected in Table 1 and paragraph 46 &amp; 50</p>
<p><b>Proportionality of remedies</b></p>	<p>A substantial proportion of respondents discussed the UKFBs' approach to proportionality of remedies. The majority of these responses suggested that greater clarity is needed on the link between</p>	<p>Partially – not possible to account for every</p>	<p>Table 1 re-written</p>	<p>Table 1 &amp; Para 46 &amp; 50</p>

	<p>the scale of a breach and the applied remedies and how such decisions will be made, and made consistently. Some responses highlighted that the same remedy applied across different institutions or UOAs would have disproportionate impact, depending upon the size of a submission. A small group of respondents felt that intention was an important consideration in determining the application of remedies. It was suggested that cases where isolated mistakes are made in submissions should not result in the application of more severe remedies.</p>	<p>potential type of breach and their relation to remedies.</p> <p>Not possible for the FBs to understand the intention of those responsible for a breach.</p> <p>Discussed instead in terms of concerns about the culture leading a breach.</p>	<p>Paragraph added stating that not possible to pre-empt the nature of breaches and as such cannot provide exact relation.</p> <p>Paragraph added discussing the link between the scale of a breach and the remedies applied.</p>	
<b>Impact Case Studies (ICS)</b>	<p>A substantial proportion of respondents discussed ICS. It was thought that the application of unclassified ICSs would negatively skew the representation of excellence in submissions, and provide an inaccurate profile. In particular, it was felt that there would be variation in the application of this remedy and that it would impact small submissions disproportionately. A small number of respondents sought clarification as to how it will be decided which ICS will be removed.</p>	Y	<p>The carrying forwards of remedies impacting upon numbers of output, will not impact upon ICSs. This is in line with Audit and better represents research excellence in the sector, rather than operating punitively.</p>	Table 1

<b>Outputs selection breach</b>	A substantial minority of respondents discussed output selection breaches in their responses. Comments sought a clearer link between such breaches and remedies. Respondents most commonly reported that output selection breaches should not be remedied by information being disregarded from environment statements during the assessment process – as there did not seem to be a rationale for this. A minority of respondents presented the view that future orientated remedies should not be applied as a result of an output selection breach, as there did not appear to be a clear rationale for this.	Y	Section on output breaches removed as does not stand up as its own category. Selection of outputs will always concern academic judgement and therefore not managed by the C&I process. Where COP process has not been followed in relation to outputs, falls under the broader category of failing to deliver the COP as described.	Table 1
<b>Systemic breaches</b>	A minority of respondents discussed systemic breach in relation to remedies. Primarily it was suggested that greater clarity is required on the approach to remedies in the instance of a systemic breach – in particular, how it would be determined whether breach was systemic or individual. Respondents highlighted that a clearer link should be developed between type of breach (systemic VS individual) and the remedies that might be applied in either circumstance.	Partially	Systemic breaches linked with action plan for future research assessment exercise.  As we cannot predict the exact nature of breaches, we cannot exactly specify when specific remedies will be applied.	Para 46, 49 & table 1
<b>Timing of remedies</b>	A substantial proportion of respondents discussed timing of remedies. Further clarity was requested around whether submissions may be altered where a complaint is resolved prior to the submission deadline – suggesting that the process set out in the consultation was not clear. Further clarity was also requested around how remedies would vary dependent upon the timing of breach. A minority of respondents	Y	The C&I process has been amended to disallow complaints prior the REF submission date. This helps ensure the equitable treatment of HEIs in the process. This simplifies the process overall, negating the need for the	Deleted paragraphs in remedies section  Table 1 simplified with the removal of any mention of complaints

	<p>requested clarity around whether a systemic breach rectified prior to the submission deadline would be remedied.</p> <p>A minority view, though strongly stated, suggested that the application of remedies, pre-submission, pre-results and post-results would result in inequitable treatment for institutions. It was suggested that complaints should only be accepted when breaches can be remedied equitably.</p>		distinction between pre and post submission remedies.	managed prior to REF submission deadline.
<b>UK variation</b>	<p>A small number of respondents discussed variation in the application of remedies across the UKFBs. The majority of these comments requested more detailed information around variation between the UKFBs. Other comments suggested that processes should be put in place to ensure consistency rather than accepting variation.</p> <p>One comment requested that it should be made clear to HEIs in Scotland if it is intended for the Scottish Funding Council Outcome Agreements to be used to apply remedies relating to action plans, defining the submission population and HEIs having to deploy a percentage of their allocation.</p>	Y	Clarifying paragraph added, stating that remedies will be determined and applied consistently across the UK.	Para 44
<b>Research environment assessment</b>	A small number of respondents requested further clarity around how C&I information will be used in the assessment of research environment	N	This has been removed from the C&I process as it brings in variation into the application of remedies, where	Removed from table 1

			depending upon timing in relation to the assessment process.	
Q8e – Remedies - Where it adds value, please provide your rationale for your answers.				
Issue	Proposal	Adopted (Y/N/partially)	Recommendations	Amendment location
<b>Additional remedies</b>	<p>Respondents suggested a range of remedies, most suggestions were only made once, unless otherwise specified.</p> <ul style="list-style-type: none"> <li>- Two respondents suggested allowing HEIs to submit additional material rather than the application of missing scores</li> <li>- Removal of allowance of staff circumstances</li> <li>- Remedies to prevent malicious or vexatious complaints (not specified how)</li> <li>- Adjust REF data feeding into QR allocation</li> <li>- Requiring updated COP</li> <li>- Retraining of decision makers</li> </ul>	Partially	<p>Some recommendations adopted and include in Remedies table.</p> <ol style="list-style-type: none"> <li>1. Training for key decision makers</li> <li>2. Increased transparency</li> <li>3. Publication of the number of breaches / errors.</li> <li>4. For post REF results publication, the adjustment of REF data feeding into QR allocation.</li> </ol>	<p>Table 1</p> <p>Post REF results publication amendment to funding formula in Para 62.</p>

	<ul style="list-style-type: none"> <li>- Introducing new methods of communication to increase transparency</li> <li>- Publication of no of the inaccuracies / mistakes made by HEIs (rather than applying unclassified scores)</li> </ul>			
Q9c – Complaint and investigation outcomes - Where it adds value, please provide your rationale for your answers.				
Issue	Proposal	Adopted (Y/N/partially)	Recommendations	Amendment location
<b>Publication</b>	The majority of responses received in relation to this question sought details of what the UKFBs will publish. Whether specific information about HEIs would be made public? What would this look like? And would it include complaints not taken forward? Respondents did not present a clear view on what should be published.	Y	Sentences added providing details of the information that will be published by the funding bodies. This includes the number of complaints upheld and the remedies applied to specific HEIs. Included as a potential remedy in table 1.	Para 52 & table 1
<b>Confidentiality</b>	A minority of respondents discussed issues of confidentiality and sought clarity around how confidentiality will be maintained. It was thought that this issue was greater for small institutions, where individuals were more likely to be identifiable. A small number of respondents suggested that HEIs may not be able to fully provide evidence to the UKFBs in relation to C&Is due to their data protection responsibilities.	N	Paragraphs 71-75 provide good information on the approach to confidentiality. The statement states that instances where confidentiality is an issue will be managed on a case by case basis.	

<b>Exceptional C&amp;I Process outcome publication</b>	A minority of respondents requested further clarity around the UKFBs' intention to publish cases in an exceptional manner, where it is required.	Y	Sentence has been amended to be specific about publishing cases in a manner that protects the identity of individuals.	Para 53
Q10c – Timelines - Where it adds value, please provide your rationale for your answers.				
<b>Issue</b>	<b>Proposal</b>	<b>Adopted (Y/N/partially)</b>	<b>Recommendations</b>	<b>Amendment location</b>
<b>Further clarity required</b>	The largest single theme discussed by respondents in this section sought further clarity, in particular with regards to deadlines in relation to publication of REF results and the REF submission deadline and the deadline for submission of complaints.	Y	Re-developed timetable inserted and clarifying paragraphs added. Pre REF submission deadline complaints, no longer permitted, simplifying the process.	Paras 59 -62 added  Table 2 amended
<b>Timelines</b>	The next most discussed theme presented the view that the timeline set out in the consultation is too tight and conflicted with other REF-related tasks, creating additional burden for institutions. Respondents suggested that HEIs should be able to request extensions as required.	Partially	Additional time added for HEI responses during the 2 <sup>nd</sup> and 3 <sup>rd</sup> stage of the process.  Simplified timetable inserted.	Table 2
<b>Shortening the C&amp;I period</b>	A small number of respondents suggested that the process should not be open in advance of REF 2021 submission. This would ensure that all complaints and investigations are managed equally. A minority of	Y	Timeline and policy amended to reflect this. C&I process opens post REF submission deadline and time period	Table 2.

	respondents stated that the C&I process would be open for too long post publication of REF 2021 results and this should be reconsidered.		open post publication of REF 2021 results shortened from 6 to 3 months.	
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