

# Report on the REF Codes of Practice Complaints and Investigation Process

March 2023

## Introduction

1. The purpose of the REF codes of practice (COPs) complaints and investigations (C&I) process was to provide assurance to the UK funding bodies that COPs were applied as set out by institutions participating in REF 2021 and provide assurance to the UK funding bodies of the accuracy of submissions to REF 2021. The process was developed following the publication of the 'Guidance on codes of practice' (REF 2019/03), in which the four UK higher education funding bodies committed to putting in place measures to enable individuals to make a formal complaint where it is believed that the agreed processes set out within an institution's COP were not being followed.
2. The process was developed by the four funding bodies during 2019. We ran a consultation with the higher education sector on the proposed process in early 2020, through which we received 100 responses. This included 79 from universities. Following consultation analysis and further revision to incorporate feedback, the final process was launched on 1 April 2021<sup>1</sup>. This timing reflected the delay to the REF 2021 submission deadline – from November 2020 to March 2021 – in response to Covid-19.
3. A C&I process document was published on the REF website when the process was launched. This set out the details by which complaints should be submitted, would be reviewed and the type of remedies that might be applied in cases of upheld complaints. The process set out two deadlines by which any complaints should be submitted – the first in November 2021 and the second in June 2022, following publication of the results. This later deadline was subsequently extended by two weeks to account for the later publication of the REF results, which was adjusted from April to May 2022 due to the pre-election period in place throughout April and early May.
4. The REF C&I process has now closed, and all investigations have concluded. This report provides a summary of the C&I process, including data on complaints received, investigated and upheld, common issues arising and reflections for future consideration. It has been compiled by the 2021 REF team, with input from the funding body panel who undertook the investigations, and oversight from the REF Steering Group<sup>2</sup>.

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<sup>1</sup> Full details of the REF 2021 Codes of Practice complaints and investigations process are available at [www.ref.ac.uk](http://www.ref.ac.uk), under 'About the REF'.

<sup>2</sup> <https://www.ref.ac.uk/about-the-ref/governance/ref-steering-group/>

## Summary of complaints

### Assessment phase

5. No in-scope complaints were received during the assessment phase of REF 2021 (running from 1 April 2021 until the publication of the results in May 2022).

### Publication phase

6. Over 80,000 staff (by headcount) were submitted in REF 2021 across 157 institutions, out of a total eligible pool of over 105,000 staff. Four complaints were received following the publication of the results in May 2022 and the final deadline for the C&I process on 15 July 2022. All four complaints were investigated by the funding bodies.

7. Two complaints, relating to one institution, were upheld (with aspects of one of these partially upheld only). One aspect of the upheld complaint was deemed to be “systemic”, in that it related to the operation of a central process by the institution, highlighting a misinterpretation of the REF guidance in applying the approved code of practice processes. The other aspects that were upheld related to timeline or human error issues in relation to individual cases.

8. Three remedies were applied in relation to the upheld aspects of the complaints. These remedies were forward-looking in nature, focused on reducing the risk of similar issues occurring in the future. These were determined in accordance with paragraph 47 of the C&I process document, relating to complaints or investigations carried out after the publication of REF results. This recognises that it is not possible to determine in retrospect whether there would have been any effect on the volume or quality of submissions resulting from identified breaches.

9. Of the remaining cases (where complaints were not upheld), one investigation outcome was appealed. The appeal was not upheld.

### HEI outcomes

10. A summary of upheld complaints and remedies applied by institution is set out in Table 1.

Table 1

Institution name	No. of complaints upheld	Remedies applied
Liverpool John Moores University	2 (1 partially)	<ol style="list-style-type: none"><li>1. Work in dialogue with Research England (RE) on eligibility matters in a future exercise (where applicable)</li><li>2. RE to provide guidance on managing processes in a future exercise</li></ol>

		3. Provide more detail on appeals processes in a future exercise and ensure their effective communication.
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## Common complaints and issues arising from the C&I process

11. As only a small number of complaints were received through this process, there is only a limited degree to which any trends in the alleged issues can be observed.
12. One common theme observed related to communication of the code and its related processes, and the extent to which complainants were or were not aware of these and/or the wider C&I process.
13. A further observation related to the evidence received, which in some instances highlighted where formal records had not been produced in contexts where the funding bodies would have expected these to exist.
14. These observations highlighted scope for improvement around communications with staff in future, both within institutions (including in particular where staff are returning from periods of long-term leave) and by the funding bodies in relation to highlighting the existence of a complaints process; and for improvements in the way that formal processes are documented within institutions.

## Reflections for future consideration

15. Following the conclusion of the C&I process, the funding body panel reflected on its operation and considered where improvements could be made in future. The panel's reflections are set out below.

### Guidance

16. The panel considered that the process overall worked effectively and that the guidance in the process document was appropriate and helpful.
17. The panel also found helpful the briefings provided by the REF team during the investigation process, particularly advice on what was and was not within scope of the funding body panel and C&I process to investigate.

### Evidence

18. The panel noted challenges associated with volume of evidence that needed to be requested and reviewed in relation to individual cases. In some cases, not all of the material provided was relevant to the specific issues under investigation; however, the panel noted the challenges inherent in being able to identify what would be relevant in advance.

19. In reflecting on the evidence it had reviewed, the panel agreed that formal records evidencing the implementation of documented processes had been useful in investigating complaints. The panel agreed that more informal evidence, often held in email trails, in lieu of documented or recorded decisions were not helpful. Long email trails in particular proved difficult to follow and extract the relevant information from. However, the panel also recognised that in some cases, particularly for complainants, there may only be limited evidence available.

20. In considering how improvements could be made in this area in a future process, the panel explored the following areas:

- Consider providing more guidance and examples to institutions and individual complainants around the types of evidence that are helpful to provide in support of cases. However, the panel recognised that it will not always be possible to avoid the need to request further evidence in relation to individual cases.
- A future funding body panel could consider holding a meeting at the outset of the investigation process to review referred cases, rather than by correspondence, to help specify and refine the evidence to be requested.
- In administering the investigation process in future, further thought could be given to how the panel could be more supported in navigating between multiple concurrent complex cases and in revisiting cases with multiple stages of review.

## **Remedies**

21. The panel noted the issues in applying remedies where complaints were made after the end of the exercise – these can only ever be forward-looking and subject to decisions made about a future research assessment process.

22. The panel agreed that the publication of information and data on complaints received for REF 2021 will aid transparency and may encourage good practice for the future.

## **Communications**

23. The panel reflected on the low number of complaints received for REF 2021. This provides reassurance in some regard about the wider processes implemented across institutions. However, in the context of the communication issues noted in the 'Common complaints' section, there is some indication that the communication of the C&I process could have been improved.

24. For a future process, the funding bodies should consider opportunities to publicise the process more widely, including through working on this with institutions as well as considering channels beyond those that are institutionally-managed (for example, through subject bodies).

25. Communications will need to ensure clarity around the scope of the process and what issues the panel can investigate and what it cannot.

### **Administration of process**

26. The timetable for undertaking the investigations was quite extended, involving multiple steps in some cases. The duration of the process made it challenging for the panel to keep track of the detail of each case, requiring in-depth re-review where there were multiple steps.

27. While the C&I process document did set out some broad guidance on timeframes, this could be more clearly defined in future – including in relation to requests for further information or evidence – to help keep the investigation of complaints on track for completion over a shorter time period.

28. The panel noted some challenges around resourcing the administration of the process following conclusion of the exercise and the consequent redeployment of the REF team. Any future complaints process should aim to more explicitly plan for resource to cover a post-exercise period.

29. As this was the first time such a process was run by the funding bodies, there was little by way of precedent to support its administration and management. Approaches for capturing operational details should be considered, to allow learning from this exercise to be drawn on in the delivery of any similar process in future.

30. The resource-intensity of the administration of the process was noted, particularly in relation to the low number of complaints received. Should any increase in volume be expected in a future process, then greater systems support should be considered. For example, through using a case management system.

31. The panel reflected on its composition and noted the advantages in knowledge and experience held by those who had been closely involved in the wider oversight and delivery of REF. In appointing representatives to any future panel, the funding bodies may wish to aim for continuity of experience in appointing representatives, where possible.