ECU_RGB logo.tifECU_3 Line Strapline RGB.tifCodes of Practice

Each institution making a submission to the Research Excellence Framework (REF) 2014 is required to develop, document and apply a code of practice on selecting staff to include in their submissions. The four UK funding bodies anticipate that many HEIs will use their codes of practice from the Research Assessment Exercise (RAE) 2008 as a starting point for the REF 2014. However, the requirements and guidance have changed and the purpose of the information on this website is to clearly set out what has changed, to assist HEIs in developing their REF codes of practice.

HEI are required to submit their codes of practice to the REF team on or before 31 July 2012. The Equality and Diversity Advisory Panel (EDAP) will examine the codes of prECU_RGB logo.tifECU_3 Line Strapline RGB.tifactice. Where the EDAP advises the REF team that an institution’s code of practice does not meet the requirements of the guidance, the four UK funding bodies will take appropriate action. Heads of institutions will be required to confirm adherence to their institution’s code of practice when making the submission.

# **The purpose of a code of practice**

The [Assessment framework and guidance on submissions](http://www.hefce.ac.uk/research/ref/pubs/2011/03_11/) (REF 02.2011, July 2011) emphasises that it is the HEIs responsibility to ensure that their codes of practice and the manner in which they participate in the REF are lawful. An REF code of practice will assist HEIs embed the principles of equalities and diversity legislation and other relevant legislation in their decision making process on submissions. The requirements of equalities and other relevant legislation are laid out in sections 198 – 201 of the guidance on submission.

While a code of practice should assist HEIs in fulfilling their legal obligations, it should ultimately be designed to ensure fairness in REF processes. A code of practice based on the principles of transparency, consistency, accountability and inclusivity as highlighted in the guidance, should ultimately ensure that all REF processes are fair from the outset.

# The difference between codes of practice requirements for the RAE 2008 and the REF 2014

Each institution making a submission to the Research Excellence Framework (REF) 2014 is required to develop, document and apply a code of practice on selecting staff to include in their submissions. This table is intended to highlight the key differences between the requirements for the RAE and the REF codes of practice. It is designed for institutions to use when planning their REF work and in staff training. Institutions should use this document alongside the REF [Assessment framework and guidance on submissions](http://www.hefce.ac.uk/research/ref/pubs/2011/03_11/) to develop their codes of practice.

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|  | **REF 2014** | **RAE 2008** |
| Submission requirements | All HEIs are required to submit their codes of practice on or before 31 July 2012. The Equality and Diversity Advisory Panel (EDAP) will examine codes of practice and will advise the UK funding bodies if an institution’s code does not adhere to the REF [Assessment framework and guidance on submissions](http://www.hefce.ac.uk/research/ref/pubs/2011/03_11/). Action will be taken by the funding bodies where the requirements of the guidance are not met.  Heads of institutions to confirm their institution’s adherence to its code.  Paragraph 188 | Heads of institutions to confirm that their institution has developed, adopted and documented an appropriate internal code of practice which reflects all relevant equalities legislation in force on the submission date.  Provisions for HEIs to be asked to submit their Codes of Practice for verification. |
| Legislative context | Requirements based on the Equality Act 2010 and relevant employment law. The Equality Act strengthens and harmonises previous equalities legislation and consequently, places additional responsibilities on HEIs.  Paragraphs 198 – 201 and Table 2: Summary of equality legislation | Requirements based on equalities legislation that has been repealed by the Equality Act 2010 and relevant employment law. |
| Purpose and principles | Requirement to develop a code of practice to ensure fair processes for the selection of staff. The code of practice should be based on the principles of:   * Transparency * Consistency * Accountability * Inclusivity   Paragraph 204 | Requirement to develop a code of practice covering all processes concerned with the selection of staff for inclusion. |
| Transparency | Within this key principle, the need for institutions to consider the accessibility of their codes of practice in relation to:   * its format * how it is communicated to all staff including those who are absent * where it is published   Paragraph 204a | Transparency formed a basic principle but less information is provided on what this entailed. |
| Consistency | The policy for staff selection to the REF should be consistent across the institution and the code of practice implemented uniformly. The code of practice must therefore state the principles that will be applied to all aspects/stages of the staff selection process within the institution.  Paragraph 204b | The requirements are similar. |
| Inclusivity | This key principle makes clear that the code should promote an inclusive environment [insert link to FAQ].  Paragraph 204d | This principle was not included in the RAE. |
| Information required on the role of staff and committees | Recognition that structural differences between HEIs will result in different processes for selecting staff to submit. However, requirement for code to contain:   * Details of the process for selecting designated staff responsible for REF processes and decision making. Including: * details of the equalities training provided or planned following the introduction of the Equality Act 2010 and; * their role in relation to the institutional management framework.   The equalities training provided must be tailored to REF processes.  Information on committees with designated REF responsibilities and information on their mode of operation including their criteria for submissions and timescales for selecting staff, providing feedback and appeals.  Paragraphs 205 – 211 | Recognition that structural differences between HEIs will result in different processes for selecting staff to submit. However, requirement for code to contain:   * Details of the process for selecting senior staff responsible for RAE processes and decision making. Including the equality and diversity training that they will be required to undertake and information on their role. * Information on all Committee’s with RAE responsibilities including their terms of reference; the training provided to their members and how their decision making is communicated. * Guidelines for Unit of Assessment coordinators, faculties and departments on procedures for staff selection and submissions. This included a requirement for each unit of assessment to produce a statement of intent. * A statement drawing attention to the fact that each panel’s guidance document has an equal opportunities statement. |
| Individual staff circumstances | An extensive list of individual staff circumstances that should be taken into consideration when determining which staff are included in REF 2014 submissions.  The code must contain:   * a list of circumstances that will be taken into account and details of the mechanisms through which they will be considered by the panels and the institutions; * Details of robust proactive procedures (ideally centralised) to enable staff to disclose their circumstances in confidence; * a statement drawing staff attention to the [guidance](http://www.hefce.ac.uk/research/ref/pubs/other/equality/REF_equality.pdf) on how REF panels will consider individual circumstances.   Paragraphs 88 – 95 and paragraphs 219 - 223  Also see [panel criteria](http://www.hefce.ac.uk/research/ref/pubs/2011/03_11/) | Less extensive list of personal circumstances that could be taken into consideration when determining which staff were included in the RAE 2008 submissions.  The code should have contained:   * A standard list of personal circumstances that will be taken into consideration by panels. * A standardised institution wide definition of which absences e.g. career breaks and secondments will be taken into consideration |
| Fixed-term and part-time staff | Requirement to include a statement on how the institutions supports its fixed-term and part-time staff, including contract research staff, in relation to equality and diversity.  Paragraph 224-225 | The requirements are the same. |
| Feedback and appeals | Emphasis on appropriate and timely procedures for feedback to staff who are not selected and for appeals to be considered before the final selection is made.  Requirement to include details of appeals procedures in code of practice. Caution is emphasised on the use of existing appeals mechanisms.  Paragraphs 227 – 228 | Requirement to include details of how appeals and complaints will be handled. |
| Publication | The REF team will publish institutions’ codes of practice as part of the submissions.  Paragraph 230 | HEIs to make clear the existence of the code and to ensure copies are freely available. |
| Equality impact assessment | All HEIs are required to conduct equality impact assessments on their policies and processes for selecting staff. EIAs should inform the institution’s code of practice and be kept under review as submissions are prepared.  The funding bodies expect HEIs to publish the EIAs, after submissions have been made, as a matter of good practice.  Paragraphs 212 - 218 and ECU briefing on Equality Impact Assessments and the REF [insert link]. | HEIs required to conduct impact assessment on the policies and processes outlined in their Codes of Practice in relation to disability, gender and race. |

# **Frequently asked questions**

## Who should be involved in the development of a Code of Practice?

ECU recommends that Codes of Practice are developed by senior management with the involvement of REF managers, equality and diversity advisers and other relevant senior practitioners. In addition and where appropriate, HEIs may wish to involve trade union representatives.

## My institution already has a code of practice. Is this sufficient?

HEIs may already have a code of practice governing their REF submissions or a code of practice from the Research Assessment Exercise 2008. Where HEIs already have codes it is important that they review them to ensure that they are reflective of the requirements of the Equality Act 2010 and the REF. The requirements of equalities and other relevant legislation are laid out in paragraphs 198 – 201 of the [Assessment framework and guidance on submissions](http://www.hefce.ac.uk/research/ref/pubs/2011/03_11/) and the requirements of the UK funding bodies are at paragraphs 202-230.

The Equality and Diversity Advisory Panel (EDAP) will examine HEIs’ codes of practice prior to the submissions deadline. Where the EDAP advises the REF team that an institution’s code of practice does not meet the requirements of the guidance, the UK funding bodies will take appropriate action.

## How can I promote an inclusive environment through my institutions Code of Practice?

The requirements and recommendations within the [Assessment framework and guidance on submissions](http://www.hefce.ac.uk/research/ref/pubs/2011/03_11/) will assist institutions in promoting an inclusive environment. However, institutions also need to be mindful of ensuring that staff experience is in line with the principles, policies and procedures outlined in their codes of practice. Equality and diversity training that is required for staff with responsibility for REF processes will help to realise this. However, it is also important for institutions consider the information communicated to staff in advance of the development of their code of practice and the impact that the attitudes of managers can have.

Institutions can also consider how different groups of staff are involved and represented in REF processes. For example, are meetings held at times that are convenient for part time staff and staff with childcare commitments? How are staff who are on extended leave e.g. maternity or disability related leave going to be kept informed of REF developments? Are REF materials, including training materials representative of a range of staff? Are staff and committees responsible for selecting staff representative of research staff within the institution and the UK higher education sector as a whole? See Equality Challenge Unit’s annual statistical report Equality in Higher Education [www.ecu.ac.uk/our-projects/equality-in-higher-education-statistical-report-2011](http://www.ecu.ac.uk/our-projects/equality-in-higher-education-statistical-report-2011) .

Institutions may wish to emphasis their commitment to equality more broadly. For example, they may wish to highlight awards that they have or are working towards to ensure equality for staff and their overarching equalities policies.

### Should quality thresholds be included in my institution’s Code of Practice?

The funding bodies encourage HEIs to submit the work of all their excellent researchers. It is for institutions to determine what standards of excellence they expect of their staff, for inclusion in REF submissions. If an institution applies a quality threshold in their selection procedures, this should be stated in their codes of practice, in order to ensure transparency about the criteria for selection. They should also ensure that in applying any such threshold, they take account of individual staff circumstances, and apply the criteria fairly to staff that may be submitted with fewer than four outputs.

Failure to consider equalities in the development of standards of excellence could leave an institution vulnerable to claims under the Equality Act 2010.

### Can we use our normal appeals mechanism?

Institutions should only use their existing appeals mechanisms if they are appropriate for REF purposes. When considering whether or not your existing appeals mechanism is appropriate you will need to consider if staff will have time to appeal after they have received feedback. In addition, their appeal will need to be considered before the final selection of staff is made. In addition, the appeals process should be handled by individuals who are independent of the decision to select staff and have received appropriate training. ECU recommends that the training include equalities training.

### Should we use our code of practice in mock exercises?

The funding bodies encourage institutions to use any mock exercises that are carried out to inform their codes of practice. Testing your institution’s code of practice in mock exercises should provide you with information that can inform the development of the code as well as your equality impact assessment on the policies and procedures for selecting staff.

### Should the code of practice cover an external assessor’s role?

If institutions use external assessors, their role should be outlined in the code of practice. Assessors should not decide which staff are to be submitted to the REF nor should they be given any information relating to individual staff circumstances. Assessors should be asked to comment on the quality of an individual’s research only.

### When will the panel criteria be known?

The final panel criteria will be published in January 2012. In the meantime institutions can use the draft panel criteria as a guide <http://www.hefce.ac.uk/research/ref/pubs/2011/03_11/>.

### What is the most effective way to deliver equality training for staff responsible for selection?

ECU’s research into ‘The impact of the process to promote equality and diversity in the RAE’ highlights that case studies are an effective form of training delivery. Training that outlines the requirements of the Equality Act and other relevant legislation will not necessarily assist staff in understanding how equalities should be considered in their REF roles. Consequently, the funding bodies recommend the use of case studies in training to explore equality issues in the explicit context of selection of staff for the REF. This offers staff the opportunity to practise implementing their institutional code of practice and helps to facilitate a common understanding of how to deal with personal circumstances.

Example case studies of individual staff circumstances and panel responses will be available following the publication of the final panel criteria in January 2012 at: [www.ecu.ac.uk/our-projects/REF](http://www.ecu.ac.uk/our-projects/REF).