

UCL UCU response to UCL Draft Code of Practice for REF 2021

Responses from the UCL REF Team are highlighted in blue.

Our understanding of the purpose of a REF Code of Practice is to ensure that the policies and procedures used by UCL in the preparation and submission of its Evidence portfolio for the 2021 REF exercise do not have any negative or discriminatory effect on UCL staff members. Our feedback and recommendations follow from this point.

- 1) The key to achieving this is that the first principle of the code of conduct should be one of 'No Detriment' i.e. that no member of staff will be adversely or negatively affected by the process or decisions made with regard to their selection as eligible for entry to the REF and/or which of their outputs will be submitted to the REF. Whilst it could be argued that words to this effect are present in the code of Practice Document it is not expressed clearly as a principle and the COP would be strengthened as a result of doing so.

Point 35 states: "It should be noted that exclusion or inclusion in UCL's REF2021 submission will not be considered as part of appraisal or performance management processes, or in the assessment of a staff member's eligibility for future promotion." This is a key principle of the CoP and should be stated very clearly at the beginning of the document, not buried on p. 12.

The COP contains a considerable amount of redundant and unnecessary statements about UCL principles and commitments. These are already widely stated elsewhere and should be taken as read. The REF decision making will be devolved to UoA level, Dept level etc. and it is here that staff may be vulnerable to detrimental or discriminatory decisions. The COP should therefore focus on making very clear to local level decision makers their responsibilities with regard to 'no detriment' and no discrimination.

Recommendation 1: The principle of no Detriment should be adopted and the COP should be rewritten to make clear from the beginning the key principles and actions that are required to ensure no detriment and no discrimination.

UCL REF Team response:

We accept this principle. Although we cannot re-write the COP in its entirety, we have added the principle of 'no detriment' at the following points in the COP:

- **Para.3 of Introduction**
- **1.4 Para 20.c Main panel working groups**
- **Appendix C Terms of Reference for Main Panels**
- **Appendix D Responsibilities of the UoA Leads**

- 2) Our understanding of the REF 2021 requirements are that HEI must enter all eligible staff and that all eligible staff should have a minimum of 1 REF output. The wording used in the COP however refers to HEFCE staff categories and therefore is not going to be clear to UCL staff who do not use these categories in their everyday working life. It is our understanding

that UCL intends to enter all staff with 'Academic Contracts' (i.e in a non-selective way 100% of these staff) and selected staff who have 'Research Contracts'. It is not clear to us what will happen with regard to research outputs produced by staff with Teaching Fellow contracts.

Recommendation 2: The COP should make clear UCL selection policy using the terminology used for staff contracts within UCL.

UCL REF Team response:

We have added para 32 to 'Part Two: Identifying staff with significant responsibility for research' as a clarification:

"Staff on 'teaching only' (HESA academic employment function 1) contracts are not eligible for the REF submission and their outputs cannot be included"

- 3) With respect to the Principle of no detriment it appears that staff with 'Academic' Contracts are most likely to be at risk as they 'must' be entered according to REF requirements. A key question is what will happen to people in this category who are not seen to have the one required submission and/or one that is 'good enough'. This is explicitly mentioned in principle 1 that states

'At UCL we should work on the principle that all staff who meet core eligibility criteria as defined by Research England will be submitted to REF2021 with ≥ 1 research output. All those who are on 'research only' and 'teaching & research' contracts who are not producing outputs, and have not been required to produce research, may be required to have their responsibilities reviewed by their Department in conjunction with the Human Resources Division before the census date. If additional support is required to help staff in developing at least ≥ 1 research output that meets the GPA threshold expected of the submitting department then reasonable adjustments should be agreed with Heads of Departments to help in achieving that goal.

In a small number of cases, staff may agree that it is appropriate for them to change responsibilities and / or contracts to better reflect the work that they are carrying out. This would only be considered if it is felt to be appropriate and any such discussions would be undertaken in conjunction with HR. It should be noted that QR funding is derived from both the quality of work and the FTE submitted to REF and ultimately it is advantageous for UCL to submit all eligible staff.'

There is a danger that individual members of staff will be pressured to change from an academic contract to either 'Research' or 'Teaching Fellow' contracts. In UCL the latter contracts do not have the same entitlements and protection as 'Academic' contracts. Thus this would constitute a 'detriment' to the member of staff concerned and thus breach the no detriment principle.

Recommendation 3:

- a) **Academic staff should always first be supported to produce the required REF outputs, whether through allocating a proportion of their time for research, in line with institutional practices, supporting their requests for study leave, or offering support in preparing funding applications, and**
- b) **Departments should be adequately resourced to support staff to do this**
- c) **Staff should not be forced to change contractual status**

- d) There should be full consultation between staff, HR and Trade Unions about any proposed change of contract status as in effect such a change constitutes the redundancy of an academic post.
- e) There should be ongoing monitoring with immediate effect of any changes of Contract status of academic staff.

UCL REF Team response:

The Core Principles for output selection, was a discussion paper for REFSG and to guide those undertaking early stage assessment reviews which has now been superseded by the Code of Practice. The document did not propose the forcing of staff to change contracts; it proposed that in the instances where someone had not produced outputs – for any of a number of reasons – that they should have their responsibilities discussed in consultation with HR and their HoDs. As QR funding is derived from quality of work X FTE it is advantageous for UCL to submit all eligible staff.

To avoid any confusion we have removed the Core Principles for Output selection from the appendices.

We have also broadly accepted the points related to your recommendation 3 – see paragraph.69 of the COP with regards to changes to staff contracts.

- 4. The COP currently states “UOA Leads may wish to consider the outputs of all former members of staff who published while at UCL during the REF publications census period. Reasons for departure are not always publicly available, therefore without disclosure of sensitive information, it may not be possible to know if staff left due to redundancy or for other reasons”.

Staff who have been or will be made redundant have clearly already suffered a detriment. Redundancy is a ‘public’ recorded action made by the University with no implication of individual fault by the employee. It is disingenuous to argue that this information is not available and/or is ‘sensitive’. The fact that submissions from employees who are made redundant is permitted does not pay sufficient regard to the principle of no detriment.

Recommendation 4: UCL should adopt the principle that outputs from staff made redundant will not be submitted by UCL.

UCL REF Team response:

We do not accept this recommendation.

There are many reasons as to why someone may have been made redundant. In the vast majority of instances with research staff it is that they are on a fixed term post where the funding has run-out. Staff on those posts are employed by the institution and the funder to produce research for the HEI and it is not unreasonable for the institution to wish to consider that work for the REF.

With the output portability rules of the current REF, where outputs can be submitted by both the former and present institution, the researcher is not being dis-advantaged by the institution submitting the outputs of former members of staff

There is also a strong case that many staff that have been made redundant will want their outputs to be submitted by their former institution. Under the current portability rules there is no detriment to this, and being able to point to work submitted to the REF may be used to show any future employer that they are producing research regarded as high-quality.

UCL has not undertaken a compulsory redundancy programme.

These combined factors mean that on balance we view it reasonable to consider the outputs of staff who have been made redundant.

5. Part Four, Policies and Procedures 68 states that "the REF assessment is not a performance management exercise. Neither the number of outputs attributed to staff in the final submission, nor the scores given to outputs as part of the internal output review process, will be considered in performance management or appraisal processes, or in any assessment of a staff member's eligibility for future promotion."

Given the significance of this point, we suggest that there needs to be a far more explicit statement on data security in this context, especially regarding internal processes of mock REF exercises and departmental assessments of outputs.

Recommendation 5: The following statement should include explicit assurance that individual scores and assessments collected during internal REF processes will not be available to any third party for use for purposes other than the REF: "Data stored in the RPS Internal Assessment Module will be accessible only to UoA reviewers, UoA Leads and the REF team. The data will be retained for audit purposes until early 2022, after which it will be permanently deleted."

UCL REF Team response:

We accept this recommendation and have added to paragraph 47a-vii the following:

"The output assessment scores collected during the REF internal processes will not be available to any third party for use for purposes other than the REF."

Further points of clarity/editing:

- The list of protected characteristics in 8. does not include "sex", which is a protected characteristic under the Equality Act. This should be amended, and "gender" (which is not a protected characteristic) should be replaced with "gender reassignment" (which is).

Accepted: We have amended the list of protected characteristics in para.8

- Notwithstanding UCL's commitment to cross-disciplinary research, it is not at all clear how this is reflected in decisions about which panel staff outputs are submitted to. The Main Panel Working groups correspond to the REF 2021 Main Panels, which are: A: Medicine, health and life sciences; B: Physical sciences, engineering and mathematics; C: Social sciences and D: Arts and humanities. The Unit of Assessment Leads correspond to the REF Units of Assessment. Yet some academics work in disciplines or sub-disciplines that do not fit clearly into any of these units of assessment. For example, Education, as a UoA, is situated within C, Social Sciences, and all IOE staff are presumably submitted under this UoA. Yet some researchers working in Education are not social scientists. It would be good to provide some clarity as to who decides which UoA a staff member's work is submitted to.

Accepted: We have added this to the final bullet point in para 70

- Connected to the above point, 67. states: "UoA structures are likely to be different from existing department structures. It is important that information on the profile of UoAs is understood and communicated via MPWGs". This is a bit opaque. The general question of who decides which UoA a member of staff has their work submitted to needs to be clarified early on.

Clarification: The reference to 'profile' in this section (now para 66) is a reference to the EDI profile of the unit and not a reference to the decision around which UoA a member of staff is submitted into

- Staff circumstances and appeals: A sentence should be added here to clarify that the REF Appeals Panel will only be notified of the reduction of outputs, if any, which should be applied to a member of staff whose appeal has been upheld; no information relating to the individual circumstances of the appeal should be disclosed.

Accepted: Added to para. 101

- It should also be a requirement that everybody serving on the Appeals Panel has undergone Equalities training.

Accepted: Please see para. 82

- 2.2. "Evidencing a substantive connection". The text states, regarding providing statements for staff on 0.2. – 0.29 contracts, and exemptions for those with caring responsibilities, etc. "Individual staff do not need to provide these statements: this process will be led by the UoA Lead in consultation with the individual staff member where required." This should be changed to: "This process will be led by the UoA Lead in consultation with all the individual staff members concerned" or something similar; nobody should have a statement submitted about them without their consultation.

Accepted: See 2.2 para 33

- 43. "A brief supporting statement will be generated for each staff member determined to be an independent researcher detailing the evidence on which these judgements are based." It should be clarified that these statements are to be prepared in consultation with the individual staff member concerned.

Not Accepted: This would simply would not be practical in the larger units of assessment. The UoAs Leads / Departments have a responsibility for consulting only where practical. See section 3.4 for decisions and communications to research staff, and how the appeals process will work for those staff who have not been included.

- 46. "UoA Leads will review the list of research only staff and assess which staff meet the criteria to be determined as an independent researcher. This will be done in collaboration with Heads of Research Departments, other relevant stakeholders, and in consultation with the individual researcher where this is deemed appropriate and practical." Why only "where this is deemed appropriate and practical"? This phrase should be deleted.
- **Not Accepted: As above, consultation with all research only staff would simply not be practical in the larger units of assessment (where in some instances there are circa 300 research associates) it would also go against the spirit of the Stern review of burden saving, for every research associate to be consulted with. Although we recommend**

consultation wherever possible, and we are open as to how the appeals process will work, there has to be some flexibility in this to accommodate the unit-level differences in scale.

- 3.3 Data management and governance: More details are needed as to how the data will be stored, encrypted, etc. it is not clear whether current data bases (PURE etc) satisfy these conditions.
55 states: “Record-keeping of both the REFSG and MPWGs is facilitated by the REF Team with data stored on a central secured shared-drive” Will this be totally separate from existing research data bases used for other purposes?
Clarification: Scores stored in RPS are kept in a separate module. All REF related data is store in our secure S-Drive.
- 76. “Output selection decisions will not be subject to an appeals process and this is in-line with the REF Guidance. “ Where is this Guidance stated? It’s not clear what exactly this refers to.
Clarification: There is no requirement in the Guidance of submissions or the Guidance on Code of Practice for an appeal on output selection. It is stated through its omission and there is no expectation in the Code of Practice template to provide details of appeals for output selection (although details of appeals for independence are requested). We will change the words “REF Guidance” to “expectation of the HEFB’s”
- 80. “There is no formal process.....UOA Leads will be encouraged to conduct their internal review process in a consultative manner”. This should be more strongly stated. Staff should be fully informed as to which of their outputs are selected and the review process and feedback should be shared with staff.
Not accepted: We have not recommended that it is mandatory to share scores or output selection decisions, because this is the feedback that we have received from the academic community. It is felt by many that the sharing of scores could be disruptive and would lead to false grade inflation in order not to upset colleagues. We have made our recommendation about transparency as strong as we could within the boundaries of feeling from the community.