

Consultation on the REF 2021 Codes of practice complaints & investigations process

Summary Document – 8th January 2020

Purpose

Consultation on the draft process for the management of complaints and investigations (C&I) relating to the implementation the Codes of practice produced by HEIs for the Research Excellence Framework (REF) 2021.

The purpose of the complaints and investigations process is to provide assurance to the UK funding bodies that COPs are being 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. This assurance helps meet the UK funding bodies' obligations concerning equality, diversity and inclusion.

Action required

BU to respond to this consultation by noon, 6 March 2020 using [an online form](#).

Complaints

Complaints can be submitted by any party. The C&I process will only investigate complaints that concern a potential breach of a COP.

Complaints of the following type do not fall within the scope of the C&I process and will not be investigated:

- a. Complaints that do not concern an HEI's application of its COP.
- b. Complaints regarding academic judgement.
- c. Anonymous complaints.
- d. Complaints regarding the conduct of specific staff members within an HEI.
- e. Complaints that have already been resolved through the funding bodies' COP C&I process and for which there is no new relevant evidence.

Research England expect that complaints will be resolved through the internal HEI appeals process documented within each COP in the first instance.

The funding bodies will consider complaints where resolution has not been possible through an HEI's internal processes.

The funding bodies will not provide adjudication upon matters that are viewed not to concern a breach of COP process and reserve the right to refuse complaints on such a basis.

Either party (the complainant or the HEI) may appeal a funding body's COP C&I outcome.

Investigations

The purpose of investigations will be to determine whether a REF 2021 COP has been breached. In cases where it is determined that a COP has been breached, investigations will determine the extent of the breach and its impact upon an institution's submission to REF 2021

Should a funding body investigation conclude that there is insufficient evidence that the COP has been effectively adhered to, Research England will employ proportionate measures to address this.

There are two types of investigation:

- a. Investigation of eligible individual complaints concerning the breach of a COP process
- b. Investigation of a suspected case of a systemic breach of a COP

A systemic breach refers to a recurrent non-adherence to a COP. Rather than a single isolated breach, a systemic breach may be typified by an impact upon multiple people, indicating a routine or widespread misapplication of a COP. Where a systemic breach is suspected, the funding bodies may investigate.

Draft complaints & investigations process

The draft C&I Process has three stages;

Stage 1: REF team process - This panel will consider whether a complaint falls within scope of the C&I process and whether there is sufficient information to investigate. There are three potential outcomes:

- i. It is determined that the complaint is not within scope of the COP C&I process - the complaint will not be taken forwards and the complainant will be informed via email.
- ii. There is deemed to be insufficient evidence to investigate the complaint – The REF team panel may request further evidence from the complainant.
- iii. The complaint is deemed to meet the criteria for investigation

Stage 2: Funding body process - Where the REF Director considers that there is sufficient evidence to warrant investigation the following process will be followed:

- a. The case will be considered by a funding body panel.
- b. The funding body panel will invite the head of the institution concerned to provide full evidence in relation to a case. The HEI will be provided with the information contained in the complaint, or upon which an investigation is based, in order to aid their gathering of evidence. The HEI will have ten working days to provide this information.
- c. The funding body panel will consider the evidence submitted by the HEI and will aim within 15 working days to make a recommendation to the relevant funding body, on whether a case should be upheld and any remedies applied (see table 1).
- d. Should the funding body panel require advice or additional information in order to reach a decision, Research England will notify the affected HEI and any complainant of a delay.
- e. Research England will then write to the HEI and complainant, should there be one, with the final decision and recommendations. It will be made clear at the outset of any investigation that details of the outcome and any remedy will be shared in full with the complainant.
- f. Overall, the funding body panel will aim to process complaints at this stage within 35 working days

Stage 3: Appeals process

A complainant or an HEI may choose to appeal a C&I process outcome.

Appeals may only be made based upon the management and application of the C&I process and not upon the suitability of outcomes or the action taken. All parties to the original complaint or investigation will be notified upon the receipt of an appeal.

Remedies

Remedies will be proportionate to the COP breach.

Remedies will be issued in order to correct the impact of a breach of a COP and provide the UK funding bodies with sufficient assurance that such a breach is less likely to occur in the future.

Table 1: Example remedies for COP breaches.

Code of practice breach	Remedies
Process for identifying staff with SRR not implemented accurately (staff with SRR not submitted / staff not meeting SRR criteria submitted)	<p>Volume measure adjusted to include staff with SRR, who were incorrectly added / omitted from submission</p> <p>Removal of outputs associated with wrongly submitted staff and unclassified score for missing outputs</p> <p>Where output numbers or FTE calculations are amended, this may affect the number of required impact case studies. In such instances data will be adjusted accordingly and unclassified impact case studies may be applied where FTE thresholds are met, due to remedies.</p>
Process for determining research independence not implemented accurately (eligible staff not submitted / ineligible staff submitted)	<p>Volume measure adjusted to include all research independent staff, who were incorrectly added / omitted from submission</p> <p>Removal of outputs associated with wrongly submitted staff and unclassified score for missing outputs</p> <p>Where output numbers or FTE calculations are amended, this may affect the number of required impact case studies. In such instances data will be adjusted accordingly and unclassified impact case studies may be applied where FTE thresholds are met, due to remedies.</p>
HEI has not followed COP process for output selection	<p>If pre-publication of REF results and where a breach concerns accuracy of submitted output data, such data is amended proportionately</p> <p>Where a breach concerns the delivery of a fair and transparent process, the funding bodies will apply appropriate and proportionate remedies in relation to the nature of the breach. Examples of such remedies include:</p> <ul style="list-style-type: none"> • If pre-assessment and where narrative data in the environment statement(s) are inaccurate, the inaccurate data will be disregarded by the panels in the assessment <p>Greater controls required from the relevant HEI for subsequent research assessment exercises, such as</p> <ul style="list-style-type: none"> • HEI required to improve internal processes by developing an action plan with the relevant funding body, subject to regular monitoring • The funding body reserves the right to define the submission population for the next exercise. • The institution must deploy the equivalent of a minimum percentage (TBD) of their allocation to supporting environment interventions to improve support for researchers across careers stages. Where the issue identified is across the institution, support must be defined across the institution as a whole. The activity must be agreed with the relevant funding body.
<p>Inaccurate evidence provided to the funding bodies concerning the delivery of the COP process.</p> <p>(E.g. Failure to consult with staff on COP, failure to secure staff agreement for SRR)</p>	<p>Greater controls required on the relevant HEI for subsequent research assessment exercises, such as:</p> <ul style="list-style-type: none"> • HEI required to improve internal processes by developing an action plan with the relevant funding body, subject to regular monitoring • The funding body reserves the right to define the submission population for the next exercise. • The institution must deploy the equivalent of a minimum percentage (TBD) of their allocation to supporting environment interventions to improve support for researchers across careers stages. Where the issue identified is across the institution, support must be defined across the institution as a whole. The activity must be agreed with the relevant funding body.
Failure to follow/deliberate frustration of internal COP appeals process within HEI	<p>To prevent similar issues arising in future research assessment exercises, the funding bodies will employ greater controls on the relevant HEI for subsequent exercises, such as:</p> <ul style="list-style-type: none"> • HEI required to improve internal processes by developing an action plan with the relevant funding body, subject to regular monitoring • The funding body reserves the right to define the submission population for the next exercise. • The institution must deploy the equivalent of a minimum percentage (TBD) of their allocation to supporting environment interventions to improve support for researchers across careers stages. Where the issue identified is across the institution, support must be defined across the institution as a whole. The activity must be agreed with the relevant funding body.

Systemic COP breach	<p>Systemic breaches may occur at a UOA or institution wide level. This level will determine the scale of the measures taken by the relevant funding body.</p> <p>Where a systemic breach is identified prior to the publication of results, the funding bodies may take measures to account for risks of inaccurate REF submission, such as defining the submission population on behalf of the HEI.</p> <p>To prevent similar issues arising in future research assessment exercises, the funding bodies will employ greater controls on the relevant HEI for subsequent exercises, such as:</p> <ul style="list-style-type: none"> • HEI required to improve internal processes by developing an action plan with the relevant funding body, subject to regular monitoring • The funding body reserves the right to define the submission population for the next exercise. • The institution must deploy the equivalent of a minimum percentage (TBD) of their allocation to supporting environment interventions to improve support for researchers across careers stages. Where the issue identified is across the institution, support must be defined across the institution as a whole. The activity must be agreed with the relevant funding body.
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