

Open University REF 2021 Code of Practice

Research, Enterprise and Scholarship Unit
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Part 1: Introduction

- 1.1 The Research Excellence Framework (REF) is an assessment of research in UK higher education institutions carried out by the national funding bodies. The outcome of the REF informs the allocation of quality research related funding (“QR”). It contributes to the accountability for public funding and demonstrates the benefits of public investment in research and impact.
- 1.2 It is a requirement of **REF 2021** that each submitting institution develops, documents and implements an internal Code of Practice (**CoP**) that covers its processes for REF 2021, including (i) the fair and transparent identification of staff with significant responsibility for research; (ii) determination of who is an independent researcher; and (iii) the fair selection of research outputs from each Unit of Assessment (**UOA**) output pool. This Code of Practice is based on the advice and recommendations within the Guidance on Submissions and Guidance for Code of Practices developed and published by Research England on behalf of the UK’s higher education funding bodies.
- 1.3 This CoP outlines the policies and procedures that will apply to the REF selection, submission and review process. It aims to make the procedures during the REF process clear, transparent, inclusive and consistent across the University and will aid the University in promoting equality and diversity (**E&D**), complying with legislation and avoiding discrimination (including unconscious bias), when preparing its submission.
- 1.4 In line with the University’s (**OU**) **Equality Scheme 2016-2020** objectives (see below) and the UK Equality Act 2010 (see Appendix 1 for a summary of relevant, UK current Equality legislation), the University seeks to include in its REF submissions the in-scope work of all staff with significant responsibility for research (see Part 2), including those whose individual circumstances have significantly constrained their ability to meet the minimum number of outputs required by Research England (**RE**) during the REF publication period. These circumstances include issues covered by equality and employment legislation.

Open University Equality Scheme and actions since REF 2014

- 1.5 The University has an institutional Equality Scheme that aims to prevent unlawful discrimination, advance equality of opportunity for all, and promote good relations between people with different characteristics. Policies, projects and papers submitted to formal committees are required to be assessed for equality implications with the outcomes used to inform decision-making. Staff receive mandatory training with further training scheduled for specific groups according to need. For example, the OU Vice-Chancellors Executive (VCE) received training on unconscious bias in 2017.
- 1.6 The Equality, Diversity & Inclusion Steering Group is chaired by a member of the VCE and is supported by a specialist Equality, Diversity and Inclusion Team. The University publishes data annually on the participation and outcomes for staff and students for the characteristics of age, disability, gender, ethnicity, religion and sexual orientation as well as data on participation in governance and data on the gender pay gap.
- 1.7 The University is committed to reducing specific inequalities through its institutional equality objectives which were reviewed in 2018 to focus effort and resource on the following challenges:
 - Black and minority ethnic student retention
 - The gap between black and minority ethnic and white students in the award of good degrees (first or upper-class second degree)

- Under representation of black and minority ethnic, disabled and female employees in senior roles
 - Line manager capability in recruiting and developing individuals and teams from diverse backgrounds
- 1.8 All units are required to report against the Equality Scheme providing evidence according to key performance indicators in this area, which are well-developed. The Council Diversity Policy also includes specific targets for achieving and maintaining diverse leadership of the institution.
- 1.9 In addition to specific objectives and policies, the University actively participates in a number of external equality charters and benchmarks. These include:
- the Disability Standard operated by the Business Disability Forum
 - the Carer's Kitemark operated by Carer Positive Scotland
 - the Workplace Equality Index operated by Stonewall (sexual orientation and gender identity equality)
 - the Athena Swan Charter (gender equality)
 - the Race Equality Charter
- 1.10 Since REF 2014, The University has attained Disability Standard Bronze Status in 2016, in recognition of efforts and success in ensuring that students and staff are fully supported whatever their individual needs and circumstances. The OU is one of only two UK universities that currently hold Disability Standard Bronze, Silver or Gold status and plans for attaining Silver Status are under development and the University has also previously been recognised at the UK Excellence in Diversity Awards for its efforts in advancing equality in higher education.
- 1.11 Also, since REF 2014, we have retained our institutional bronze award through the Athena Swan Charter, obtained 4 School-level bronze awards and one silver School-level award. We are currently working on submission of our application for an institutional silver award and further school level awards. Institutional actions to support women's research careers since REF 2014 have included projects on improving mentoring and updating maternity leave policies to represent best practice within the sector (including a new parental portal). The OU also have a Women's network (Women@OU) and participates in the Leadership Foundation for Higher Education Aurora programme.
- 1.12 The University is also currently preparing a submission for bronze status to the UK Race Equality Charter and to this end has recently held a number of events to engage with OU communities to gain their input. Post REF 2014, a number of actions were implemented to further support our black academics (a survey and workshops to understand issues and identify possible solutions) with their research careers, with specific objectives around black and ethnic minority staff subsequently incorporated into the University's Equality Scheme 2016-20.

Open University REF 2021 Code of Practice

- 1.13 The guidance in this CoP is for all staff involved in the OU's REF preparations, including individual researchers. Those with REF management responsibilities must read it and act upon it.
- 1.14 Once finalised and approved, this CoP will be widely disseminated and publicised within the University and published on the University intranet and external research website. Heads of Units (or their delegates) are responsible for ensuring that academic and research staff who

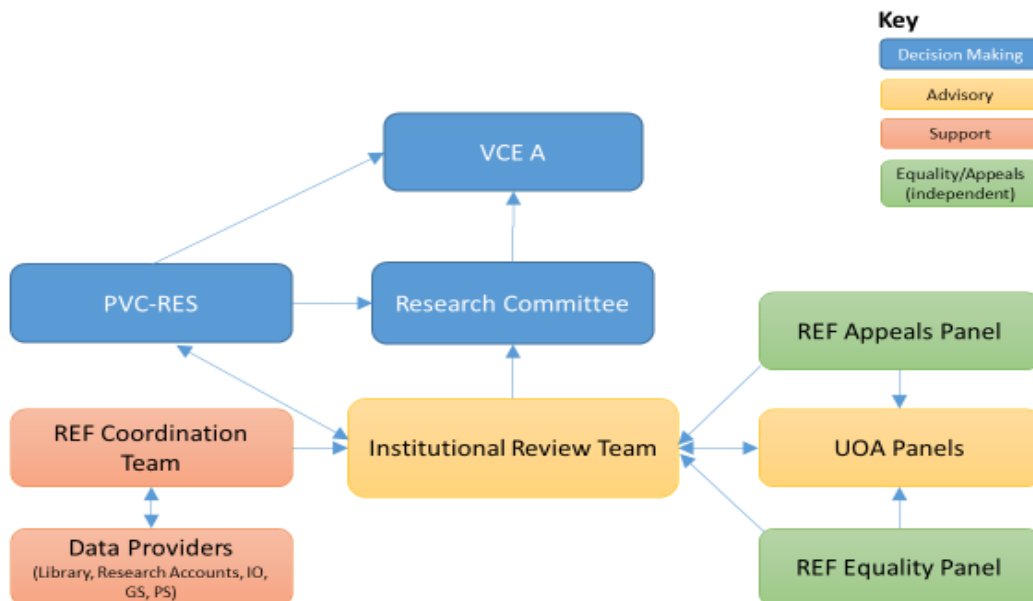
are away from the University on long-term absence for any reason, receive a copy of the Code.

- 1.15 Prior to submitting the CoP to the national REF team in June 2019 for consideration by the Equality and Diversity Advisory Panel (EDAP) and use for the REF 2021 submission, its refinement has been informed by:
- Testing through its application in the OU's Mock REF exercise.
 - Feedback from across OU communities through engagement in the internal consultation on the draft Cop
 - Further clarification from Research England through the publication of final version of REF 2021 guidance.

Governance & management Structures

- 1.16 The governance and management for the development and sign-off of the institutional REF submission is described below and in Figure 1 overleaf.
- 1.17 The **Pro Vice-Chancellor (Research, Enterprise and Scholarship) (PVC-RES)** is the Sponsor for the REF submission and is the senior officer of the University accountable for the University's REF submissions process, with input from Executive Deans, Associate Deans (Research) (ADR) or their equivalent, the Institutional Review Team (IRT) and UOA Panel Chairs.
- 1.18 The project management and quality assurance of the REF will be overseen by the **Director of Research and Enterprise (DoR&E)**, as Senior Accountable Executive for the University's REF submission. This includes ensuring that adequate resource is made available for the development of the submission, monitoring progress against key milestones, managing any risks and issues identified. The DoR&E will be responsible for escalating significant risks and issues to the PVC-RES. At a day-to-day level, responsibility will be delegated to the Head of Research Strategy and Governance (**HoRSG**).

Figure 1. Summary chart of committees and groups involved in OU REF preparations.



- 1.19 A central **REF Coordination Team** provides administrative support, including:
- Answering queries from individuals.
 - Providing data and reports for University Unit of Assessment (UOA) Panels.
 - Administrative support for the Institutional Review Team (IRT) in their review process.
 - Organisation of equality training for IRT, UOA Panels and others (see Appendix 1).
 - Equality impact assessments (**EIA**); including collation of equality monitoring data, analysis of that data and publication of the findings and actions.
 - Providing guidance to ensure clear records of UOA Panel processes and decisions are kept.
- 1.20 The Team is supervised by the institutional REF Manager, who is also the designated REF technical contact. The REF Manager will report to the HoRSG. The HoRSG is responsible for the work of the REF Coordinating Team overall and the designated institutional REF contact.
- 1.21 Members of the REF Coordination Team are listed on the OU's REF intranet site. The Team will work closely with 'Data Providers', including People Services (PS), Information Office (IO), Library Services, Research Accounts Office (RAO), Graduate School (GS) and the Communications Unit.

Formal Committees and Advisory Bodies

- 1.22 The **Vice-Chancellor's Executive Academic (VCE-A)** has overall institutional management responsibility for the OU's REF submission and will make recommendations to Research Committee.
- 1.23 The University's **Research Committee** approved both the draft CoP for use in the Mock REF exercise (Nov 2018) and the final version for submission to Research England (May 2019) for use in the actual REF submission. It will approve the OU's REF 2021 submission intentions (Nov 2019) and the final OU REF submission (Mar 2021). The mode of operation, terms of reference and membership of Research Committee can be found in Appendix 4.

Institutional Review Team (IRT)

- 1.24 Detailed review of the REF 2021 submission will be undertaken by the Institutional Review Team (**IRT**), chaired by the PVC-RES. The IRT reports to Research Committee. Its mode of operation, terms of reference and membership were approved by Research Committee in November 2018 and are provided in Appendix 5. The Team's role is to review the quality of the University's REF submission, make recommendations on its development and content and provide feedback to the University UOA Panels to inform their preparations for the REF submission. The IRT has a reasonable balance in terms of experience of research management, peer review or strategic activities linked to the assessment of research quality, and discipline expertise; careful consideration has been given to its membership and operation to promote equality and diversity and minimise any unconscious bias in decision making.
- 1.25 The IRT can call upon external experts where necessary, subject to approval by the PVC-RES. These will be selected on the basis of relevant research expertise and seniority in the field, which must include:
- A research CV of world-leading or internationally excellent quality
 - High-level peer review experience

- A high level of familiarity with REF 2014/2021 procedures

External experts involved in the review phase of the OU's REF 2021 submission will receive an equality briefing and be required to abide by this CoP. They will sign a contract stipulating the need for confidentiality and submit a written report of their findings.

University UOA Panels

1.26 The UOA Panels are responsible for developing the UOA's draft REF 2021 submission. They will be required to:

- Comply with the approved institutional Code of Practice for REF 2021, including its use in identifying the cohort of Category A submitted staff, and selecting outputs for submission.
- Keep clear records of agreed processes and decisions.
- Undertake Equality and Diversity training.

The UOA Panels' mode of operation, terms of reference and membership were approved by Research Committee in November 2018 and are available as Appendix 6.

1.27 The configuration confirmation of UOA Panels for the University REF 2021 submission will be discussed by the IRT and confirmed by Research Committee in autumn 2019. Notwithstanding the usual staff turnover, it is envisaged that these will be led by the current UOA Panel Chairs. Relevant Executive Deans will be consulted on Panel Chair and membership nominations as required. Full details of final University UOA Panel memberships will be made available on the University REF intranet site. As well as ensuring appropriate discipline expertise, careful consideration has been given to its membership to promote equality and diversity and minimise any unconscious bias in decision making.

1.28 The UOA Panel Chair is the main contact point between the UOA Panel and the REF Coordination Team, and IRT and will manage activities associated with the preparation of the UOA's REF submission, including consultation with staff, normally via relevant Heads of School (HoS) and/or Executive Deans and Directors. The Panel Chair will also be responsible for ensuring all relevant eligible staff are considered, in liaison with the REF Coordination Team¹.

REF Equality Panel

1.29 The **REF Equality Panel** (see Appendix 7) will receive and consider individual cases for individual circumstances that may have impacted on an individual's productivity during the REF period. With the aim of ensuring maximum confidentiality and consistency, the Panel will include representatives from People Services, the Equality & Diversity Management Group and Faculties. Two senior research leaders, neither of whom are involved in the IRT or a UOA Panel, will represent the Faculties.

REF Appeals Panel

1.30 The **REF Appeals Panel** (see Appendix 8), chaired by a member of VCE-A, will consider individuals' appeals against the recommendation and decisions of UOA Panels, the IRT and REF Equality Panel. The basis for an appeal is (i) on the grounds of procedural irregularities (including non-compliance with this CoP), (ii) to override the placement or

¹ Accountability for the operation of the UOA Panel (including ensuring appropriate record keeping) resides with the relevant Executive Dean, with day-to-day responsibility delegated to the relevant Associate Dean Research.

exclusion of an individual in the Category A submitted cohort (either due to the judgement on researcher independence or significant responsibility for research) when sufficient and auditable evidence to the contrary is presented, or (iii) to override the REF Equality Panel's assessment of individual circumstances. Individuals may not raise an appeal on the grounds of academic judgement regarding, for example, staff allocation to a UOA, or decisions regarding selection of outputs.

- 1.31 Following internal appeal, where individuals consider that the CoP has not been appropriately followed, there is the opportunity to complain, in confidence, directly to the funding bodies. The process for making a complaint to the funding bodies will be published in Autumn 2019. The process will be communicated to all staff and published on the OU's intranet.

Training

- 1.32 All staff involved in decision making for REF 2021, including applying the threshold for significant responsibility for research, determination of research independence, selection of outputs, consideration of individual circumstances and appeals will have had appropriate REF-specific equality training before the formal REF process commences. This is in addition to generic staff training provided and/or mandated by the University on E&D and unconscious bias. See Appendix 2 for further details.

Record keeping and Data Protection

- 1.33 Throughout the REF process any discussions and decisions concerning the determination of an individual's status as a Category A eligible staff member (including research independence) (Section 3); the determination of whether a Category A eligible staff has significant responsibilities for research (Section 2), or the selection of outputs for submission to the REF from the output pool² (Section 4) must be documented formally by UOA panel and the IRT. Detailed guidance on record keeping will be provided by the REF Coordinating Team³.

Data Protection and Freedom of Information issues

- 1.34 The University has an obligation to provide to Research England (i) some personal information on staff, (ii) some information on the research, its outputs and resultant impact that is commercially confidential or restricted under contract (e.g. externally funded research) for the purposes of the REF. It will only share information which it is under an obligation to provide. The University REF 2021 Privacy Notice and a statement on data collection of OU staff and non-OU staff data (e.g. impact evidence testimonials) are attached as Appendix 9 and are also available on the REF intranet page and external website.
- 1.35 Further details on the General Data Protection Regulations (EU **GDPR**) and the Data Protection Act 2018, including who to contact if you have a query, can be found on the OU's intranet.
- 1.36 Individuals have the right to access data held which relates to them personally and due care will therefore be taken in record-keeping during REF preparations to ensure that accurate records of decisions are kept and that these are defensible, particularly as regards

² Output pool is the potential pool of research outputs eligible for the REF, from which a subset will be submitted to the REF to fulfil the required volume of outputs.

³ Accountability for IRT record keeping resides with the DoR&E, with day-to-day responsibility delegated to the HoSRG. Accountability for UOA Panel record keeping resides with the relevant Executive Dean, with day-to-day responsibility delegated to the relevant Associate Dean Research.

to any matters of opinion rather than fact.

Communication and consultation

- 1.37 There has been extensive internal communication and consultation with staff in preparing the OU's REF CoP. Its development has also taken account of input from a number of groups including the Equality and Diversity Management Team, and staff representative groups to ensure that the processes described are fair, transparent, inclusive and consistent.
- 1.38 The summary consultation plan is included as Appendix 3. Methods of consultation with staff have included: five focus groups at our Walton Hall main campus (targeted at different categories of staff), roadshows at the OU's Scotland and Belfast Nation offices (all other Nations and Regional offices were also offered a roadshow), an online consultation survey and two informal drop-in sessions. Additionally, all Faculty Assemblies were visited through February and March and monthly meetings have been held with the OU branch of the University and College Union (OUBUCU) (since November 2018).
- 1.39 OUBUCU, the OU's academic staff representative group, accepted the CoP in principle (and confirmed their membership to be in agreement), in May 2019. However, it withheld final formal approval to leverage assurances from the wider University management that long-standing issues relating to academic workload planning would be reviewed. The University has now agreed a project with OUBUCU to review academic workload planning and OUBUCU has now provided its formal agreement to the CoP and the approach outlined within it. A formal letter of agreement is appended as Appendix 10 to the CoP.
- 1.40 The draft CoP has been used for the Mock REF and knowledge gained has informed this final draft. Once approved by RE, the CoP will be published on the OU intranet with communication on its availability circulated to all staff, including those away from the University for an extended period, e.g. long-term sick leave, parental leave, sabbatical or secondment.

Part 2: Identifying staff with significant responsibility for research

Policies and procedures

2 Significant Responsibility for Research

2.1 In adopting the recommendations from Lord Stern's review of REF2014, the design of REF2021 is purposefully more inclusive. This is in part, driven by the desire by the funding bodies to better understand the scope and scale of research in the sector and provide a fuller evidence base when justifying levels of government funding to academic research. Consequently, all staff defined as Category A eligible staff who have significant responsibility for research⁴ are to be submitted (Category A submitted staff) to REF 2021. For universities, including where the approach set by the funding bodies to determine Category A eligible status (Figure 2) results in a cohort of staff for whom NOT ALL have significant responsibility for research, they can apply a process to identify and discount those individuals from submissions where significant responsibility for research is not a given expectation.

The Open University Approach

2.2 The funding bodies have accepted that although staff maybe have contracts of employment that include research, employment practices differ across the sector in terms of what this means in practice. It is therefore recognised that not all academic staff may be significantly research active. Across the Open University, we have three contracts where research is included:

- The Central Academic contract
- The Regions and Nations Academic contract
- Research staff contract

2.3 Whilst all these roles theoretically all include provision for research activity, the extent to which staff are expected to actively engage in research, and therefore have significant responsibility for research, varies. For example, some staff may have a primary focus of teaching and teaching-related scholarship, professional practice or knowledge exchange.

2.4 In keeping with the inclusive spirit of REF2021 but recognising the diversity of roles across our academic and research staff, all OU staff identified as Category A eligible will be included in the OU's REF submission unless, for specific individuals, there is not the expectation for significant responsibility for research.

2.5 The University's approach to identifying staff where there is an expectation for significant responsibility for research is two-fold:(i) the automatic inclusion of Cat-A eligible staff exceeding a threshold allocation of research time, (ii) a judgement for those below the threshold (but above a minimum) using agreed indicators of significant responsibility. It is the interpretation of the University that those Cat-A eligible staff significantly below the threshold do not have significant responsibilities for research.

2.6 The University's primary approach to determine 'significant responsibility' for research is using a research time allocation threshold. Using Academic Workload Management (AWM)

⁴ Staff with significant responsibility for research are those for whom explicit time and resources are made available to engage actively in independent research, and that is an expectation of their job role. It is not related to the generation of research outputs.

data, a threshold tariff of 0.15 research-FTE⁵ will be applied to all Cat-A eligible staff. Those meeting or exceeding this threshold will be automatically included in the Cat-A submitted staff cohort.

- 2.7 The OU will use a 3-year averaged value of academic workload allocations when applying the 'significance' tariff to Cat-A eligible staff⁶. The rationale for this approach is the context of the University's unique (in the sector) workload allocation model whereby the academic teaching time for the bulk of its academic staff is predominantly through course/module production for delivery to taught students off site. The production cycle of modules is multi-year with significant spikes/troughs year-on-year, in contrast to the more steady-state teaching load in other universities to students taught face-to-face (e.g. lectures). This will negate the consequence of a single-year approach whereby individuals with the expectation for significant responsibility for research are excluded because their workload allocation on the census date (31 July 2020) happens to be teaching heavy. It will also negate the inclusion of staff who would NOT normally be expected to have significant research responsibility over the period but are temporarily exceeding the tariff on the census date.
- 2.8 The 3-year period will include academic years 2017/18, 2018/19, and 2019/20. Prior to this point, the notion of significant responsibility was not socialised within the sector. Extending the average beyond 3 years is not viewed to make a material impact on the outcome, with most module production cycles within this 3-year range. Workload allocations for staff joining the University mid-year, will be pro-rated.
- 2.9 This approach also mitigates opportunity for gaming through moderation of workload allocations on 31 July 2020 to predetermine the 'submit' status of staff.
- 2.10 In recognition that a single pan-university threshold could result in perverse outcomes in specific circumstances, the University will overlay an additional approach whereby Cat-A eligible staff below but close to the 0.15FTE threshold will be considered for inclusion where there is evidence of expectation that they significantly engage in independent research.
- 2.11 For Cat-A eligible staff in the range 0.1-0.15 research-FTE, the following are the institutionally agreed indicators of significant responsibility for research. Two or more examples from this list are required to indicate significant responsibility for research:
- (i) Leading/acting as PI (or equivalent) on an externally funded research project or bid for external funding⁷.
 - (ii) Holding an independently won, competitively awarded, externally recognised fellowship where research independence is a requirement.
 - (iii) Leading a (recognised) research group or substantial research work-package.
 - (iv) Formal lead or co-lead PGR supervisor(s), excluding delegated responsibility.
- For Panels C and D only (additional indicators):
- (v) Being named as a Co-I on an externally funded research grant/award or bid for external funding⁸.

⁵ Research-FTE: Contract hours expressed in FTE (as provided by the Faculties in AWM actuals) multiplied by fraction of contract allocation to research. Averaged over 3 years. Expectation to be based on 217 days per year accounting for local differences where necessary, to be confirmed prior to application.

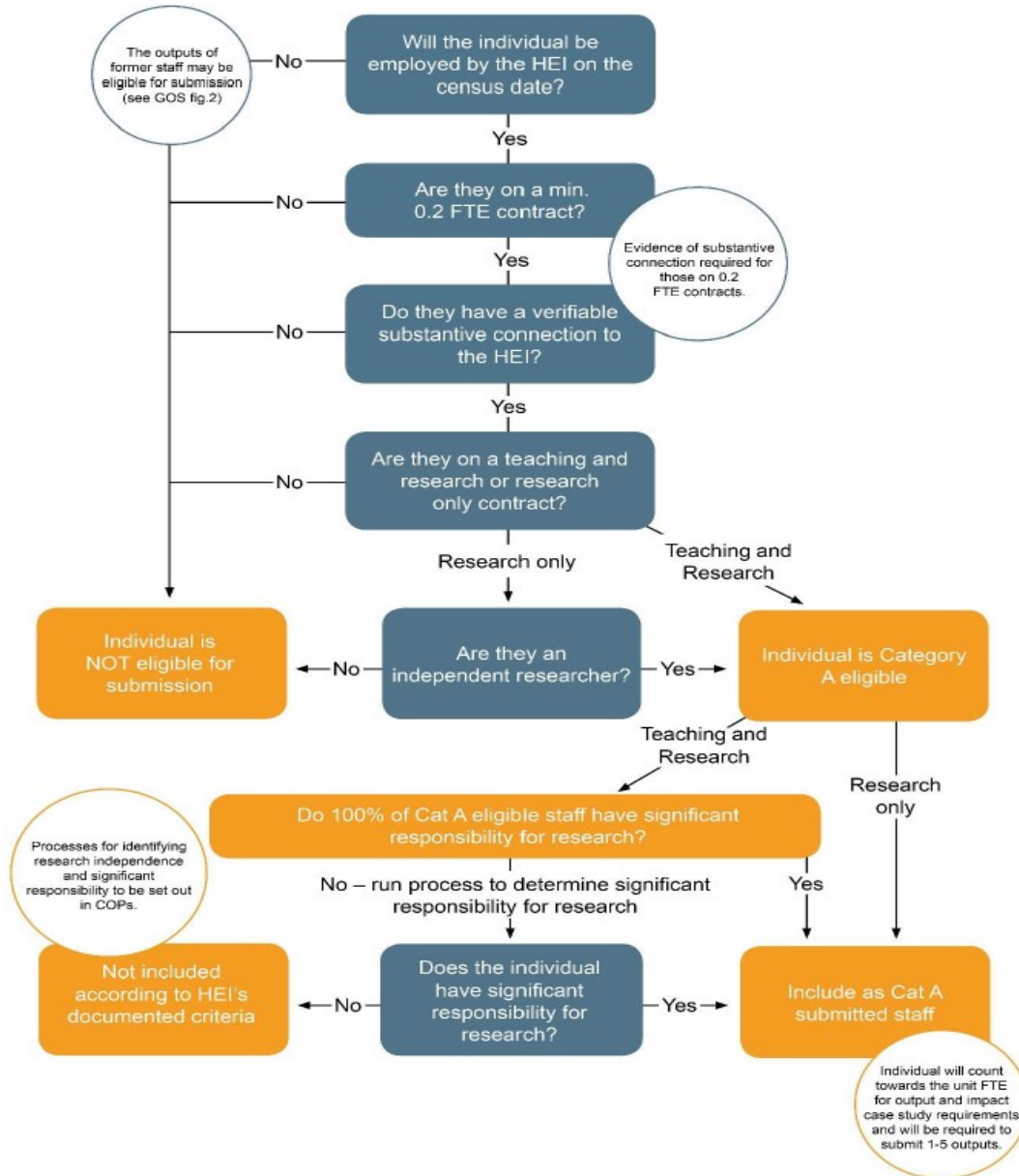
⁶ Or less where the individual has been at the OU less than 3 years.

⁷ This excludes minor, non-project bids and awards such as small travel or conference grants, however it is noted in some disciplines, notably the arts and humanities, some small grants may indicate significant responsibility for research and/or research independence.

(vi) Having significant input into the design, conduct and interpretation of research.

2.12 Cat-A eligible staff below 0.1 research-FTE are interpreted as having research responsibilities below which significant responsibility is expected and consequently, will not be submitted (unless through a process of appeal, see paras 2.26 onwards).

Figure 2. Staff eligibility in REF 2021⁹



Decision making

2.13 UOA Panels will be provided with academic workload data of Category A eligible staff on Teaching & Research contracts in October/November 2019 (initial review) and October 2020 (final review). Staff meeting or exceeding the 0.15 research-FTE average threshold will be identified as having significant responsibility for research and included in the OU's Category A' submitted cohort'.

⁸ This excludes minor, non-project bids and awards such as small travel or conference grants, however it is noted in some disciplines, notably the arts and humanities, some small grants may indicate significant responsibility for research and/or research independence.

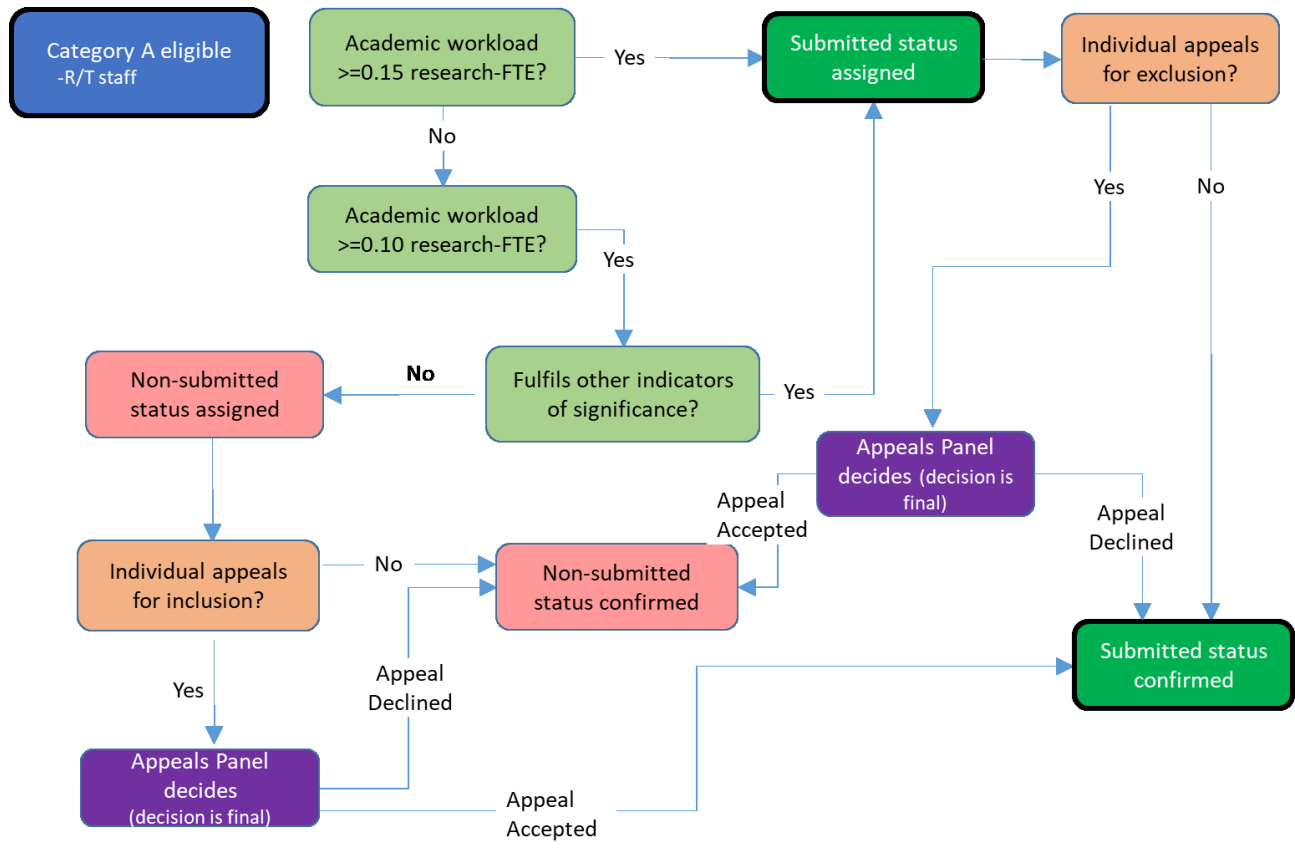
⁹ Guidance on Submissions, Figure 1, p.45 (Research England, REF 2018/01, January 2019).

- 2.14 For staff between 0.1-0.15 research-FTE the UOA Panel will apply the criteria outlined in 2.11. This may require UOA Panels to consult with individuals. Where individuals meet 2 or more of the criteria these staff will be identified as having significant responsibility for research and included in the OU's Category A' submitted cohort'.
- 2.15 The UOA Panel will provide the IRT with a list of staff identified as having significant responsibility for research as well as a list of those staff identified as not having significant responsibility for research. The REF Appeals Panel will consider and decide on any individual appeals (see 2.26 onwards).

Communications

- 2.16 All Category A eligible staff meeting the significance test (either through the automatic inclusion or application of additional criteria for those just below the threshold) will be informed of their REF submitted status in writing from their UOA Panel Chair (initial status) or PVC RES (final status) within **20 working** days of the relevant UOA submission being considered (copied to the HoS, ADR) (Figure 3 and Table 1).

Figure 3: Decision and Communication flowchart - significant responsibility for research



- 2.17 Category A eligible staff not meeting the significance test (either through the automatic inclusion or application of additional criteria for those just below the threshold) will be informed of their REF non-submitted status in writing from their UOA Panel Chair (initial status) or PVC RES (final status) within **20 working** days of the relevant UOA submission being considered (copied to the HoS, ADR) (Figure 3 and Table 1).
- 2.18 Included in the communications to all staff will be information on the institutional appeals process.
- 2.19 Communication on the decisions of the REF status of individuals will be limited to the minimum requirements of preparing the REF submission, and will include the individual,

their UOA Panel, the IRT, the REF Coordination Team, the Appeals Panel (where relevant), the HoS, ADR (or equivalent), Director RES, PVC-RES.

- 2.20 It is important to emphasise that the University values all research, teaching and teaching-related scholarship activities supporting the OU and its mission, whether or not the staff undertaking these activities are included in the REF submission. Non-inclusion in the OU's REF2021 submission will not adversely affect an individuals' career progression at the Open University.

Table 1: Timeline for determining Significant Responsibility for Research and associated appeals

<i>Initial review period:</i>	
Nov 2019 - Jan 2020	UOA Panels determine the initial eligible/submitted staff pool
By end of Feb 2020	Staff informed of initial decisions on REF status
By end of March	Any appeals to be submitted
By end of April 2020	Appeals process completed
By end of May 2020	Staff informed of appeals outcome
By end of May 2020	UOA Panels informed of any changes to individuals' REF status
To July 31 st 2020	Ongoing process to 31 July 2020 for any new staff
<i>Final Review period</i>	
By early November 2020	UOAs determine the final eligible/submitted staff pool
By 13 th November 2020	Staff informed of any change to initial status
By 11 th December 2020	Any appeals to be submitted
By mid-January 2021	Appeals process completed
By end of January 2021	Staff informed of appeals outcome
By end of January 2021	UOA Panels informed of any changes to individuals' REF status

Development of process(es)

- 2.21 Scoping and progressive development of the approach and criteria has involved extensive consultation with the university community. Appendix 2 provides a summary of the multifaceted and multi-modal engagement, which included proactive engagement with Faculty management and academic communities through face-to-face meetings, centralised and devolved communications, as well as more passive communications such as questionnaires, intranet site, FAQs, and an open-door approach.
- 2.22 Due to the multi-site location of OU academics, the approach included visits to the Nations offices. This was particularly important for the engagement of OU Staff Tutors (regional/nations academics), the bulk of whom would be considered to have expectations of research responsibilities below that of 'significant'.

- 2.23 Initial consultation was held with Faculty ADRs and UOA Panel Chairs to reach a high level of consensus of approach sufficient for testing through the Mock REF exercise (December 2018 – June 2019). Alongside this, the formal and wider consultation ran from start-December 2018 to end-March 2019.
- 2.24 Monthly meetings have been held with the OU branch of the University and College Union (OUBUCU) (since November 2018), to discuss both the process and criteria for identifying staff with significant responsibility for research and the CoP more broadly. A final meeting will be held with OUBUCU to obtain its agreement on the final draft of the CoP.

Staff, committees and training

- 2.25 See Section 1 and Appendices.

Appeals

Grounds for appeal

- 2.26 Appeals will only be considered on the grounds of:
- (i) procedural irregularities (including non-compliance with the published OU REF CoP), or
 - (ii) incorrect placement or exclusion of an individual in the Category A submitted cohort due to an incorrect judgement on significant responsibility for research or research independence.
 - (iii) incorrect judgement by the Equality Panel of whether the person was able to work productively during the REF period (individual and exceptional circumstances).
- 2.27 Appeals will not be considered on the grounds that an individual considers that they should have been (historically and currently) provided with more time for research within their workload allocations. This is a staff management matter and outside of the remit of this CoP.

Process

- 2.28 If considering an appeal, individuals are recommended to discuss their concerns with the relevant UOA Panel Chair in the first instance to ensure that any simple administrative errors can be corrected before a formal appeal is pursued.
- 2.29 Following the informal approach outlined above, where staff consider that the criteria for identifying staff with significant responsibility for research (or research independence) have been incorrectly applied to them, the AWM data used has been an inaccurate record of their actual responsibilities for research over the period (i.e. time allocated for research has been incorrectly recorded) resulting in them inappropriately meeting or not meeting a threshold for significant responsibility for research, or that the processes outlined in the CoP have not been appropriately followed, they should write to the Secretary of the independent REF Appeals Panel within **20 working days** of the notification of their REF status.
- 2.30 The independent **REF Appeals Panel** will be made up of:
- A member of VCE-A, but not PVC-RES.
 - A senior research-active professor from a cognate discipline not previously associated with the UOA Panel concerned.
 - Head of People Services (or delegate).
 - A member of the Equality & Diversity Management Group

- A member (on academic terms and conditions) elected by and from the OU Senate (not associated with any other REF decision making group).
- A member external to the University.

2.31 This Panel will review the case by considering:

- The appellants AWM record (for significant responsibility for research appeals).
- The appellant's research activity profile (drawn from relevant IT systems, e.g. Awards Management System for info on bidding and awards).
- The minutes of the relevant UOA Panel and IRT meetings.
- The communication to the individual informing them of their REF 2021 status.
- If appropriate, the appellant's disclosure form for individual circumstances.
- A statement from the appellant (maximum 500 words).
- A summary from the UOA Panel on its recommendation concerning the appellant (maximum 500 words).

2.32 The documents made available to the REF Appeals Panel will also be sent to the individual concerned. There will be the option for an appeal to be held via a face-to-face meeting, upon request and subject to Appeals Panel availability.

2.33 Where an appeal is upheld by the REF Appeals Panel, the individual will be included or removed from the OU REF submission, as appropriate.

Communication of outcomes

2.34 The Appeals Panel secretary will send the decision in writing to the individual within **10 working days** after the appeal has been considered by the Appeals Panel (copied to the UOA Panel Chair, ADR, HoS, PVC-RES). It will outline the reasons for the decision.

2.35 The Appeals Panel's decision will be final as far as the OU's procedures are concerned, however where an individual considers that the CoP has not been appropriately followed, there will be the opportunity to complain, in confidence, directly to the funding bodies. The process for making a complaint to the funding bodies will be published in Autumn 2019 and included in the communication of the appeal outcome.

Equality impact assessment

Analysis

2.36 In preparing policies and procedures for the identification of staff on whom there is an expectation of significant responsibility for research, the OU has, from the outset, considered whether their application is likely to result in any differential impact on particular groups of academics or researchers.

2.37 An Equality Impact Analysis (EIA) will be carried out at key stages in the University's REF 2021 preparations, including as part of the Mock REF exercise. Whilst the purpose of the EIA is not to direct the identification of staff with significant responsibility for research, independent researchers or the selection of outputs, its purpose is to illuminate any material bias in the representation of:

- Staff in the submitted cohort as compared to the Category A eligible pool overall.
- Staff in the submitted cohort as compared to the wider community of T/R and R-only staff.
- Selection of outputs associated with the submitted staff.

- 2.38 As well as identifying any significant differential impacts on staff, the EIA will also include appropriate mitigating actions. This analysis will be considered by the IRT and VCE-A and approved by Research Committee. It will inform the approach to equality issues in the REF 2021 and incorporation of arising actions within existing E&D action plans.
- 2.39 Where significant skews in the analysis are identified, the UOA Panel and Faculty ADR will be asked to respond on measures implemented to mitigate imbalances in the representation of staff. These will be considered by the Research Committee and REF Equality Panel, and cross referenced in the UOA Environment sub-profile. Coherence and sustained endeavour with actions identified through the REF2014 EIA will be considered.
- 2.40 As part of the Mock REF we have undertaken an EIA comparing the overall profile of all current central academics, regional/nations academics and research staff against those provisionally identified as Category A submitted staff. An analysis against protected characteristics has also been undertaken. These analyses are being undertaken at institutional level in the first instance and used to inform the suitability of the approach to identify staff with significant responsibility for research.
- 2.41 On the whole, the Mock-REF EIA shows that variances between the cohort identified as Category A submitted and the overall eligible staff population are low, indicating that the diversity of the OU's staff base will be well-represented in its REF 2021 submission and that the criteria outlined within the CoP have not had a detrimental, disproportionate impact on the representation of individuals with characteristics protected by law. The only area of concern is regarding contract-type. The OU has three academic contract types (paragraph 2.2). The regions/nations academic staff cohort, who are provided with less time contractually for research, and the expectation to undertake research is generally significantly lower than other academic staff types, is predominantly women (70%) thus creating a gender-based disparity/impact. Whilst the allocation of research time to individuals is a staff management issue that is outside of the scope of the REF exercise, the Mock REF EIA recommends some possible actions to mitigate against this differential impact, including using additional criteria to determine significant responsibility for research for those meeting a threshold of between 0.10 and 0.15 research FTE (see para 2.11), carefully reviewing the allocation of future workloads, considering in particular the workloads of regional/nations staff who have career aspirations to be research active but are not currently expected to be significantly research active and hence are not allocated the time to have significant responsibility for research.
- 2.42 The final OU REF EIA, along with the outcomes of any actions taken to prevent discrimination and advance equality, will be published on the OU website, after the submission has been made.

Part 3: Determining research independence.

Policies and procedures

3 Indicators of independence

- 3.1 Staff on Teaching and Research academic contracts are considered to be independent researchers. REF 2021 guidance stipulates that staff on research-only contracts must be independent researchers to meet the definition of Category A eligible (see Figure 2). Consistent with the REF 2021 Guidance on Submissions, an independent researcher is one undertaking self-directed research, rather than carrying out another individual's research programme.
- 3.2 The following indicators would be expected to indicate independence (applied to research-only staff). Two or more examples from this list are required.
- (i) Leading/acting as PI (or equivalent) on an externally funded research project or bid for external funding¹⁰.
 - (ii) Holding an independently won, competitively awarded, externally recognised fellowship where research independence is a requirement.
 - (iii) Leading a (recognised) research group or substantial research work-package.
 - (iv) Formal lead or co-lead PGR supervisor(s), excluding delegated responsibility.
- For Panels C and D only (additional indicators):
- (v) Being named as a Co-I on an externally funded research grant/award or bid for external funding¹¹.
 - (vi) Having significant input into the design, conduct and interpretation of research.

Application of criteria, decision making and communicating outcomes

- 3.3 Linked to 2.13 UOA Chairs (copied to ADRs) will be provided with a list of staff meeting the other requirements of Category A status to which they, using local knowledge of Research-only colleagues, will assess for independence.
- 3.4 For some staff where the availability of information is not readily available to the UOA Panel or ADR to make an informed decision at the outset, the UOA Panel will consult with the individual to ascertain independence from the available evidence.
- 3.5 The UOA Panel will provide the IRT with a list of research staff identified as being independent researchers as well as a list of those research staff identified as not being independent. The REF Appeals Panel will consider and decide on any individual appeals (see 2.26 onwards).
- 3.6 Those Research-only staff deemed research independent will receive communication as described in para 2.16. Staff deemed non-independent will be notified as described in para 2.17. See also Figure 4 and Table 2 below.

¹⁰ This excludes minor, non-project bids and awards such as travel or conference grants, however it is noted in some disciplines, notably the arts and humanities, some small grants may indicate significant responsibility for research and/or research independence.

¹¹ This excludes minor, non-project bids and awards such as travel or conference grants, however it is noted in some disciplines, notably the arts and humanities, some small grants may indicate significant responsibility for research and/or research independence.

Figure 4: Decision and Communication flowchart – independent research

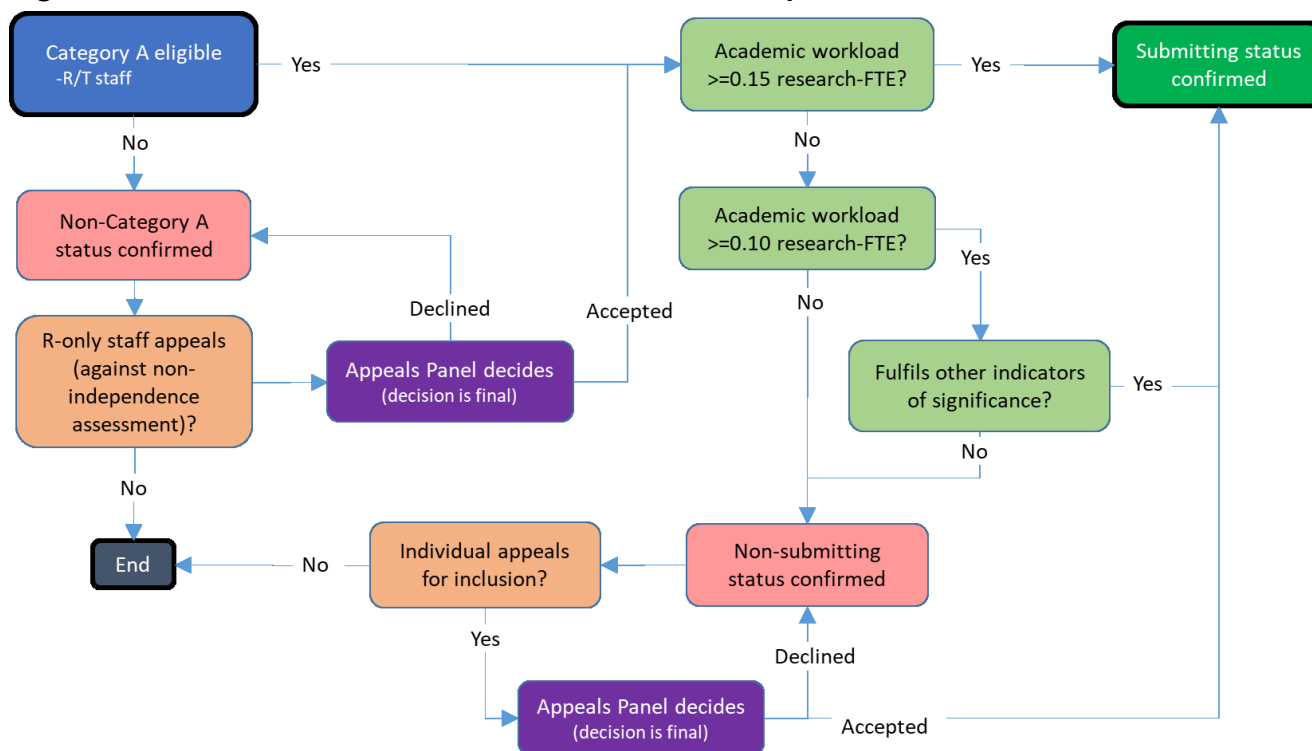


Table 2: Timeline for determining Research Independence and associated appeals

Initial review period:	
Nov 2019 - Jan 2020	UOA Panels determine the initial eligible/submitted staff pool
By end of Feb 2020	Staff informed of initial decisions on REF status
By end of March	Any appeals to be submitted
By end of April 2020	Appeals process completed
By end of May 2020	Staff informed of appeals outcome
By end of May 2020	UOA Panels informed of any changes to individuals' REF status
To July 31 st 2020	Ongoing process to 31 July 2020 for any new staff
Final Review period	
By early November 2020	UOA determine the final eligible/submitted staff pool
By 13 th November 2020	Staff informed of any change to initial status
By 11 th December 2020	Any appeals to be submitted
By mid-January 2021	Appeals process completed
By end of January 2021	Staff informed of appeals outcome
By end of January 2021	UOA Panels informed of any changes to individuals' REF status

Staff, committees and training

3.7 See Section 1 and Appendices.

Appeals

3.8 See section starting para 2.26 (*Appeals*), and Figure 4.

Equality impact assessment

3.9 See section starting para 2.36.

Part 4: Selection of outputs

Policies and procedures

4 Outline of process for identification of Outputs

4.1 Our rationale for adopting the following processes is to optimise our REF submission; show-casing the highest quality outputs whilst also ensuring that our submission is representative of the diversity within our academic staff base. In overview, the process will entail:

Identification of the potential output pool

4.2 Most, but not all authors self-deposit outputs in the University OA repository, Open Access Online (ORO), in line with the current University OA Policy. Further capture of the potential output pool by ORO is achieved through an integrated auto-harvesting tool. Beyond ORO, remaining outputs are held in other institutional repositories, subject-specific repositories, or are readily available through gold-open access.

4.3 To identify the eligible output pool, UOA Panels will be provided with ORO output data by author. Authors, through their associated UOA (or Faculty in instances where a UOA assignment is pending) will be tasked to verify the totality of REF-eligible outputs associated with them, add missing REF-eligible outputs, and then identify and rank the strongest 6 REF-eligible outputs.

4.4 In the first instance, this will be completed for all existing Category A eligible staff. Specific staff cohorts for extra due diligence are summarised below:

- i. For seconded staff and staff on extended leave, the UOA Panel will be responsible for contacting individuals and securing author verification of the output pool where possible.
- ii. For eligible individuals that were Category A staff when the output was published but are no longer at the University (on the census date), the UOA Panel will be responsible for identifying the output pool and assessing quality without author verification¹².
- iii. The outputs of former members of staff who have been made compulsorily redundant by the University (other than those staff reaching the end of a fixed-term appointment) will not be included in the Open University submission.

4.5 Through a process of verification by authors this process will seek to ensure the potential pool of outputs eligible for the REF is as complete as practically possible.

4.6 For the (up to) 6 strongest REF-eligible outputs, the UOA Panels/authors will be asked to identify:

- Outputs co-authored with OU collaborators (so that the UOA Panel is aware of outputs potentially impacted by the attribution limits set by REF 2021, i.e. submission of co-authored, double weighted publication that reflects large scale or intensive collaborative research, or exceptionally, single weight co-authored outputs in Main Panel D submissions, only).

¹² Where the outputs of former members of OU staff are included in the OU submission, reasonable endeavours will be made to inform individuals of this subject to availability of up-to-date contact details. A Data Collection Statement (for non-OU staff) is included in this CoP as an appendix and will be published on the OU's external website.

- Outputs in-scope for Open Access (**OA**) compliance and denote those which are (i) compliant, (ii) those for which an exception to either the deposit, discovery or access requirements is sought, (iii) confirmed non-compliant. Where an exemption is sought, the Panel/author will need to provide auditable evidence to Library Services to verify whether an exemption can be applied.
- Confidential outputs, prior permission from the sponsoring organisation will be required. Panels/authors should flag outputs where this is a feature.
- Outputs where double weighting is sought and provide an optional reserve output.

4.7 Panels/authors should also add and label outputs pending publication that are due to be published between the submission date and the end of the publication period (27/11/20 – 31/12/20).

New outputs post-Mock

4.8 New outputs from existing staff too late for inclusion in the Mock REF will continue to be published. New staff will bring with them eligible outputs. Based on assessment of quality outlined above, they will displace outputs of lowest quality from the provisional list of outputs identified in the Mock. The same applies to the strengthening of Impact Case Studies (**ICS**) and the emergence of new ICS ready for REF 2021.

Verification of minimum 1 output and selection of remaining outputs required

4.9 The UOA Panel will review the outputs preselected and ranked by the authors and verify the strongest output (that meets the minimum 1 requirement).

4.10 The UOA Panel will take note of the additional information sought in 4.6. UOA Panels, supplemented with external disciplinary experts where appropriate, will be responsible for reviewing and ascertaining indicative quality of individual outputs in order to select those strongest from the remaining output pool necessary to meet the required volume.

Use of citation data and external peer review

4.11 Citation data will only be used in REF 2021 as indicated in the REF 2021 guidance. It will only be used as an indication of academic '*significance*' to inform the assessment of output quality. The absence of citation data for an output will not be taken to mean an absence of academic significance.

4.12 Consistent with the approach above, The OU will only use citation data for UOAs indicated by the guidance and where it is practical to obtain, against the output pool to supplement assessment of '*significance*' by the UOA Panel. Noting the reliability of citation data as an indicator of significance is sometimes questionable, citation data will be used only where there appears to be an inconsistency between the assessment of significance as assessed by peer review and that suggested by the citation data. The consequence will be for the UOA Panel to double check their assessment of significance by peer review for those selected outputs.

4.13 It will be for each UOA Panel to agree what 'significant irregularities' looks like between the peer review rating of 0*-4* and citation count, accommodating disciplinary norms for citation counts, and the volume of instances to reassess within finite resource. The outcome should however, ensure a level of confidence in the internal assessment of quality for the range of outputs.

4.14 External experts in the field will contribute to the assessment of output quality in order to calibrate the internal assessors in the UOA Panels. External experts involved in the assessment of outputs will receive an equality briefing and be required to abide by this

CoP. They will sign a contract stipulating the need for confidentiality and submit a written report of their findings.

- 4.15 For each UOA, a maximum of 5% of in-scope outputs that do not meet the Open Access (OA) requirements or do not have an eligible exception applied can be submitted. Where the draft cohort of submitting outputs exceed the 5% tolerance, the UOA Panel will decide whether to exchange an output within that cohort for an (OA compliant) output from the wider output pool of lower quality OR accept the risk that the output is assessed as ineligible by RE and result in an unclassified score. Where issues relating to OA compliance are material in aggregate for a UOA, approval of the approach favoured by the UOA Panel will need endorsing by IRT.
- 4.16 The UOA Panel/author is responsible for providing auditable evidence, with support from Library Services, to justify an exemption to the OA requirements for an in-scope output shortlisted from the output pool for submission.

E&D representation through the submitted outputs

- 4.17 The REF submission will include a breakdown of the numbers and percentages of Cat-A staff submitted, including Early Career Researchers (ECRs) and former staff against the number of outputs attributed to them. This information will be considered within the context of the information provided in REF5b (environment template) in terms of how the UOA demonstrates due regard to E&D issues in the construction of its REF submission, including the selection of the output portfolio, and how data on the distribution of outputs across staff relate to the UOA's approach to supporting E&D.
- 4.18 UOA Panels are challenged to both identify the strongest outputs from the output pool whilst also ensuring the resultant aggregate profile of the associated authors is a fair representation. Fairness is sought in relation to the distribution of outputs across the submitted staff. Fairness is also sought in terms of the extent to which E&D characteristics of authors for submitted outputs are as reasonably representative as possible in comparison to the Category A eligible pool and the disciplinary community more broadly.
- 4.19 It is envisaged that in the process of identifying the outputs for submission, where outputs are assessed of equal quality, favour is given to the output that results in a fairer representation of the Category A submitted cohort; then the Category A eligible pool and the wider disciplinary community, especially in regard to protected characteristics.

Optimal UOA for individuals/outputs

- 4.20 In preparation of the University submission, decisions will need to be made on the optimal (UOA) placement of Cat-A submitted individuals, particularly i) researchers (some interdisciplinary), whose research and outputs are relevant to more than one UOA, or ii) individuals whose optimal placement is not initially obvious. Considerations include:
- Alignment to other research and impact within each potential UOA. Impact of inclusion on the coherence/integrity of the existing UOA (all sub-profiles).
 - Consistency with the wider context: where is the individual located in the organisational structure (inc. source of resources, facilities, line management, staff appraisal and objective setting, peer community), as articulated in the environment sub-profile.
 - The relative degree of anticipated uplift/drop in the *output* sub-profile quality of both UOAs and where this positions each UOA in the sector. In isolation, this factor would favour the UOA whose GPA (informed from REF 2014 results) is tightly bunched amongst peers (i.e. a slight improvement in GPA would have material uplift

in ranking) or positioned towards the top of a peer group (i.e. to mitigate a fall down the ranking).

- Impact on the ability of both UOAs to fulfil the required output volume.
- The size of the respective UOAs (noting that the outputs will account for a greater fraction of the *output* sub-profile in smaller UOAs).
- Note – The same co-authored output can be submitted in more than one UOA corresponding to placement of the associated co-authors, and impact underpinned by collaborative research can be submitted into multiple UOAs on the same basis. The same individual can only be returned once in the OU submission (except where secondments apply).

4.21 UOA Panel Chairs and Faculty ADRs are primarily responsible for identifying the optimal placement of individuals into UOAs. This is a management decision for the University to best present its research.

4.22 The process will entail:

- (Level 1) If the alternative UOAs are in the same Faculty, the respective UOA Panel Chairs should review the outputs; and provide advice to the ADR who will decide on the UOA placement of the individual.
- (Level 2) Where the alternative UOAs are in separate Faculties, the respective ADRs should consider the advice of the UOA Panel Chairs and collectively make a recommendation(s) to the IRT on the UOA placement of the individual(s). The IRT will make the final decision on the placement of the individual(s).
- (Level 3) Where the IRT is unable to reach a consensus decision, the PVC-RES will arbitrate and exercise overall authority to decide.

4.23 Individuals will be informed in writing by the UOA Panel Chair within **20 working days** of a decision and an explanation of the decision. [The UOA Panel chair will be informed no later than 10 days of a decision (either at level 2 or 3)].

4.24 The UOA allocation for all Category A submitted individuals will continue to evolve up until the submission in March 2021 in response to the intrinsic turnover of the OU academic staff base; new research and impact; evolving research portfolio and resultant outputs and impact. For some individuals, this could result in shifts in the UOA allocation. The UOA Panel Chairs are responsible for ensuring changes to the UOA associations are appropriately communicated to the individual concerned.

Staff, committees and training

4.25 See Section 1 and Appendices.

Disclosure of circumstances

Individual circumstances

4.26 The REF 2021 approach allows for a reduction in the number of outputs submitted by a UOA in recognition of circumstances that effect the research productivity for specific individuals (and the UOA overall in certain circumstances). This approach is in commitment to supporting and promoting equality and diversity and responds to the various reasons why an excellent researcher may have fewer outputs attributable to them in the assessment period. Compared to REF 2014, fewer individual circumstances requests are anticipated,

due to the reduction from 4 outputs per submitted FTE to 2.5 outputs per FTE and a minimum of 1 per submitted individual.

4.27 The applicable circumstances recognised by Research England are:

- a) Qualifying as an early career researcher
- b) Absence from work due to secondments or career breaks
- c) Qualifying periods of family-related leave
- d) Other circumstances that apply in UOAs 1–6
- e) Circumstances equivalent to absence, that require a judgement about the appropriate reduction in outputs, which are:
 - i. Disability: this is defined in Appendix 1 under 'Disability'
 - ii. Ill health, injury, or mental health conditions
 - iii. Constraints relating to pregnancy, maternity, paternity, adoption or childcare that fall outside of – or justify the reduction of further outputs in addition to – the standard allowances made¹³
 - iv. Other caring responsibilities (such as caring for an elderly or disabled family member)
 - v. Gender reassignment
 - vi. Other circumstances relating to the protected characteristics listed in Appendix 1, or relating to activities protected by employment legislation

4.28 For circumstances under e) the University will need to make a judgement on the effect the circumstances have had in terms of the equivalent period of time absent and resultant expectations on the individual in terms of their contribution to the output pool guided by the tariffs in place for requesting reductions.

4.29 Additionally, where the nature of the individual's circumstances has had an exceptional effect on their ability to work productively throughout the period 01/01/14-31/07/2020, so that the individual was not able to produce the required minimum of 1 eligible output, the minimum 1 requirement can be removed. The instances are:

- An overall period of 46 months or more absence from research, due to one of more of the circumstances set out in para 4.27 a) to d) (such as an ECR who has only been employed as an eligible staff member for part of the assessment period).
- Circumstances equivalent to 46 months or more absence from research, where circumstances set out at para 4.27 e) apply (such as mental health issues, caring responsibility, long-term health conditions);
- Two or more qualifying periods of family-related leave.

Note: Exceptional circumstances requests (i.e. removal of the minimum 1 output requirement) cannot be made for individuals that can meet the minimum of 1 output requirement.

Procedures

- 4.30 Where a reduction to the output pool or removal of the minimum 1 requirement is sought, prior approval from RE is required (deadline for requests is March 2020). This requires the University to have concluded the identification of individuals with individual circumstances, considered the evidence, provision for appealing against the decision of the Equality Panel to the Appeals Panel and prepare approved requests prior to this deadline (see Figure 5 and Table 3 below).
- 4.31 The individual staff member is best placed to consider whether equality-related circumstances, such as those indicated in 4.27, have affected their productivity during the REF assessment period. It is important to note that individuals should not feel under pressure to declare their circumstances, should they not wish to do so. For all circumstances listed in 4.26 RE has provided a template to use to gather the information that they require to make their decision regarding output reductions. All academic staff will be invited to complete it should they wish, but the OU will highlight that the completion of the form is entirely voluntary.
- 4.32 Information will be collected by the Secretary to the REF Equality Panel, information will be kept secure and confidential and will be viewed by the lowest possible number required to process the information. The OU understands that some information will be sensitive and may include information that has never been declared previously. This information will not be shared outside of the REF Equality Panel and its secretariat, except to send it to Research England for the purpose of approving a reduction in outputs. This information will not be shared with the IRT, UOA Panels, Faculties or with People Services.
- 4.33 No undue pressure will be placed on staff to declare their circumstances, disclosure is totally voluntary. A staff circumstances training presentation (see Appendix 2) will take place in early Autumn 2019 for those involved in the process. The process of inviting staff to complete the disclosure form (voluntarily), collecting and processing forms will be handled by the REF Equality Panel secretariat and will not require any intervention from UOA Panels, Research Managers or other staff endeavouring to be helpful.

Figure 5: Individual Circumstances

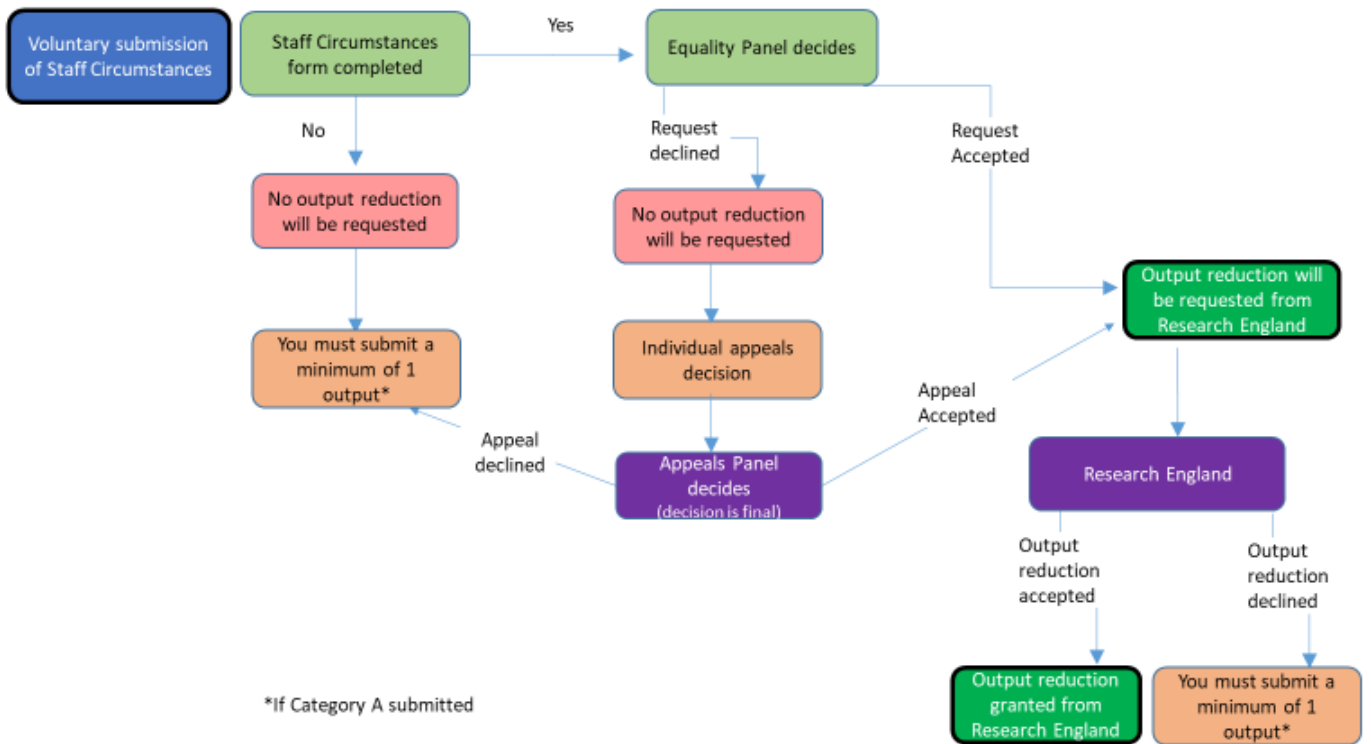


Table 3: Timeline for consideration individual staff circumstances and associated appeals

Phase 1 Review Process:	
October 2019	Invitation to submit individual staff circumstances
December 2019	Deadline for individual circumstances submissions
Dec 2019 - Jan 2020	OU REF Equality Panel considers submitted circumstances
February 2020	Staff informed of decisions
February 2020	UOAs informed of potentially allowable output reductions
March 2020	Reduction requests included in March 2020 submission to Research England
Phase 1 Appeals Process	
March 2020	Any appeals to be submitted
April – May 2020	Appeals considered and individuals informed
April – May 2020	UOA Panels informed of any additional potentially allowable output reductions
March 2021	Reduction requests included in final REF2021 submission to Research England
Phase 2 Review Process	
Mid-August 2020	Final deadline for submission of circumstances
September 2020	Final meeting of OU REF Equality Panel
By end September 2020	Staff informed of decisions
By early October 2020	UOAs informed of potentially allowable output reductions
March 2021	Reduction requests included in final REF2021 submission to Research England
Phase 2 Appeals Process	
By 23 rd October 2020	All final appeals submitted
By end of November 2020	All final appeals considered and individuals informed
By early December 2020	UOA Panels informed of any additional potentially allowable output reductions
March 2021	Reduction requests included in final REF2021 submission to Research England

Decision making and communication

- 4.34 The form will be circulated in Autumn 2019 to all academic and research staff alongside an invitation to voluntarily submit details of individual circumstances, **A single direct reminder** will be sent to all individuals before each of the internal deadlines in Winter 2019 and late Summer 2020, however there will be regular, general publicity on internal intranet sites and via newsletters about the opportunity to submit details of individual circumstances.¹⁴ The individual will provide verifiable evidence (which will be handled with tact and care and in accordance with data protection law) to the REF Equality Panel Secretary who will process the information for the REF Equality Panel. The OU's REF Equality Panel will verify the request, make a judgement around either individual and/or unit reduction before recommending a reduction request is submitted to Research England.

The individual will receive notification from the Equality Panel within 10 working days of the consideration of the request and have the option of appealing the decision of the Equality Panel (see 2.26 for the appeals process).

Appeals

- 4.35 Appeals will only be considered on the grounds of incorrect judgement of whether the person was able to work productively during the REF period.
- 4.36 Appeals will be rejected if they do not meet the Research England criteria for a reduction in outputs.

Process

- 4.37 If considering an appeal, individuals are recommended to discuss their concerns with the Secretary of the Equality Panel in the first instance to ensure that any simple administrative errors can be corrected before a formal appeal is considered. However, this is not a requirement, particularly if the staff member does not feel comfortable disclosing personal information.
- 4.38 Following the informal approach outlined above, where staff consider the eligibility for a reduction in output recommendation to RE has been incorrectly assessed, they should write to the secretary of the REF Appeals Panel within **20 working days** of the notification of the outcome of their individuals circumstances disclosure.
- 4.39 This Panel will review the case by considering:
- The appellant's disclosure form for individual circumstances.
 - Evidence gathered from Occupational Health or People Services Records (such as sickness or leave records).
 - The appellants AWM record (if deemed relevant).
 - The minutes of the relevant Equality Panel meeting.
 - The communication to the individual informing them of the outcome of their individuals circumstances disclosure.
 - A statement from the appellant (maximum 500 words).

¹⁴ Academic and research staff joining the OU after winter 2019 but before the REF 2021 census date, will also be provided with the opportunity to submit information on individual circumstances.

- 4.40 The documents made available to the REF Appeals Panel will also be sent to the individual concerned. There will be the option for an appeal to be held via a face-to-face meeting, upon request and subject to Appeals Panel availability.
- 4.41 Where an appeal is upheld by the Appeals Panel, the individual will be notified regarding an output reduction request being made to Research England, as appropriate.

Communication of outcomes

- 4.42 The Appeals Panel secretary will send the decision in writing to the individual within **10 working days** after the appeal has been considered by the Appeals Panel. It will outline the reasons for the decision.
- 4.43 The Appeals Panel's decision will be final as far as the OU's procedures are concerned, however where an individual considers that the CoP has not been appropriately followed, there will be the opportunity to complain, in confidence, directly to the funding bodies. The process for making a complaint to the funding bodies will be published in Autumn 2019 and included in the communication of the appeal outcome.
- 4.44 Notification of any reduction in outputs requests will be provided to the UOA in early 2020, ahead of submission to Research England. Where the UOA Panel judges the number of circumstances within the UOA have had a disproportionate effect on the overall UOA research endeavour, continuity, cohesion or momentum, the UOA can request a reduction in the total number of outputs required for submission beyond the removal of the minimum 1 for individuals with exceptional circumstances.
- 4.45 The UOA Panel will receive confirmation of acceptance by Research England (after March 2020) within 20 working days of the University receiving notification. The Category A submitted individual disclosing their circumstances will be notified of the outcome from the UOA Panel within 20 working days of its consideration.
- 4.46 Research England and the University are sensitive to the potential for distress that disclosure of circumstances may cause individuals, particularly where circumstances are not easy to raise and troubling to evidence. All cases will be treated sensitively and treated with tact and discretion. Information will be shared with the minimum number of individuals to determine validity and submission to Research England. Information will be held by the RCT solely for the REF and deleted once Research England has completed its audits of universities following the institutional submission.
- 4.47 Requests for the consideration of individual circumstances will be processed prior to the identification of the strongest quality outputs from the potential pool.

Equality impact assessment.

- 4.48 An EIA will be undertaken of authors associated with the outputs selected for submission to provide assurance of appropriate representation of the diversity of the OUs academic and research staff. The IRT will approve the cohort of submitted outputs in knowledge of the EIA. See section starting para 2.36 for further information.

Part 5: Appendices

- *Appendix 1 – Summary of UK Equality Legislation*
- *Appendix 2 - Training Requirements*
- *Appendix 3 – Consultation Plan*
- *Appendix 4 – Terms of Reference – Research Committee*
- *Appendix 5 – Terms of Reference – Institutional Review Team (IRT)*
- *Appendix 6 – Terms of Reference – UOA Panels*
- *Appendix 7 - Terms of Reference – REF Appeals Panel*
- *Appendix 8 – Terms of Reference – REF Equality Panel*
- *Appendix 9 – Data collection statement and Privacy Notice*
- *Appendix 10 – Letter of agreement from the Open University Branch of the University and College Union*

Appendix 1
Summary of UK Equality Legislation

<p>Age</p>	<p>All employees within the HE sector are protected from unlawful age discrimination, harassment and victimisation in employment under the Equality Act 2010 and the Employment Equality (Age) Regulations (Northern Ireland) 2006. Individuals are also protected if they are perceived to be or if they are associated with a person of a particular age group.</p> <p>Age discrimination can occur when people of a particular age group are treated less favourably than people in other age groups. An age group could be, for example, people of the same age, the under 30s or people aged 45-50. A person can belong to a number of different age groups.</p> <p>Age discrimination will not be unlawful if it is a proportionate means of achieving a legitimate aim. However, in the context of the REF, the view of the funding bodies is that if a researcher produces excellent research an HEI will not be able to justify not selecting their outputs because of their age group.</p> <p>It is important to note that early career researchers (ECRs) are likely to come from a range of age groups¹⁵.</p> <p>HEIs should also note that, given developments in equalities law in the UK and Europe, the default retirement age has been abolished from 1 October 2011 in England, Scotland, Wales and Northern Ireland.</p>
<p>Disability</p>	<p>The Equality Act 2010, the Disability Discrimination Act (1995) (Northern Ireland only) and the Disability Discrimination (Northern Ireland) Order 2006 prevent unlawful discrimination, victimisation and harassment relating to disability. Individuals are also protected if they are perceived to have a disability or if they are associated with a person who has a disability (for example, if they are responsible for caring for a family member with a disability).</p> <p>A person is considered to have a disability if they have or have had a physical and/or mental impairment which has 'a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities'. Long-term impairments include those that last or are likely to last for at least 12 months.</p> <p>Cancer, HIV, multiple sclerosis and progressive/degenerative conditions are disabilities too, even if they do not currently have an adverse effect on the carrying out of day-to-day activities. An impairment which is managed by medication or medical treatment, but which would have had</p>

¹⁵ The definition of Early Career Researcher used is not limited to young people. For the purposes of the REF, they are defined as members of staff who meet the definition of Category A eligible on the census date, and who started their careers as independent researchers on or after 1 August 2016.

	<p>a substantial and long-term adverse effect if not so managed, is also a disability.</p> <p>The definition of disability is different in Northern Ireland in that a list of day-to-day activities is referred to.</p> <p>There is no list of day-to-day activities for England, Scotland and Wales but day-to-day activities are taken to mean activities that people generally, not a specific individual, carry out on a daily or frequent basis.</p> <p>While there is no definitive list of what is considered a disability, it covers a wide range of impairments including:</p> <ul style="list-style-type: none"> • sensory impairments • impairments with fluctuating or recurring effects such as rheumatoid arthritis, depression and epilepsy • progressive impairments, such as motor neurone disease, muscular dystrophy, HIV and cancer • organ specific impairments, including respiratory conditions and cardiovascular diseases • developmental impairments, such as autistic spectrum disorders and dyslexia • mental health conditions such as depression and eating disorders • impairments caused by injury to the body or brain. <p>It is important for HEIs to note that people who have had a past disability are also protected from discrimination, victimisation and harassment because of disability.</p> <p>Equality law requires HEIs to anticipate the needs of people with disabilities and make reasonable adjustments for them. Failure to make a reasonable adjustment constitutes discrimination. If a researcher's impairment has affected the quantity of their research outputs, the submitting unit may return a reduced number of outputs see CoP, Part 4, paras 4.26-4.50, 'Disclosure of circumstances'.</p>
<p>Gender reassignment</p>	<p>The Equality Act 2010 and the Sex Discrimination (Gender Reassignment) Regulations (Northern Ireland) 1999 protect from discrimination, harassment and victimisation of trans people who have proposed, started or completed a process to change their sex. Staff in HE do not have to be under medical supervision to be afforded protection because they are trans and staff are protected if they are perceived to be undergoing or have undergone related procedures. They are also protected if they are associated with someone who has proposed, is undergoing or has undergone gender reassignment.</p> <p>Trans people who undergo gender reassignment will need to take time off for appointments and, in some cases, for medical assistance. The transition process is lengthy, often taking several years, and it is likely to be a difficult period for the trans person as they seek recognition of their new gender from their family, friends, employer and society as a whole.</p>

	<p>The Gender Recognition Act 2004 gave enhanced privacy rights to trans people who undergo gender reassignment. A person acting in an official capacity who acquires information about a person's status as a transsexual may commit a criminal offence if they pass the information to a third party without consent.</p> <p>Consequently, staff within HEIs with responsibility for REF submissions must ensure that the information they receive about gender reassignment is treated with particular care.</p> <p>If a staff member's ability to work productively throughout the REF assessment period has been constrained due to gender reassignment, the unit may return a reduced number of research outputs (see CoP, Part 4, paras 4.26-4.50, 'Disclosure of'). Information about the member of staff will be kept confidential as described in.</p> <p>HEIs should note that the Scottish government recently consulted on, and the UK government is currently consulting on, reform of the Gender Recognition Act 2004, which may include streamlining the procedure to legally change gender.</p>
<p>Marriage and civil partnership</p>	<p>Under the Equality Act 2010 and the Sex Discrimination (Northern Ireland) Order 1976 as amended, individuals are protected from unlawful discrimination, harassment and victimisation on the grounds of marriage and civil partnership status. The protection from discrimination is to ensure that people who are married or in a civil partnership receive the same benefits and treatment in employment. The protection from discrimination does not apply to single people.</p> <p>HEIs must ensure that their procedures and decision-making processes in relation to REF 2021 do not inadvertently discriminate against staff who are married or in civil partnerships.</p>
<p>Political opinion</p>	<p>The Fair Employment and Treatment (Northern Ireland) Order 1998 protects staff from unlawful discrimination on the grounds of political opinion.</p> <p>HEIs must ensure that their procedures and decision-making processes in relation to REF 2021 do not inadvertently discriminate against staff based on their political opinion.</p>
<p>Pregnancy and maternity</p>	<p>Under the Equality Act 2010 and the Sex Discrimination (Northern Ireland) Order 1976 women are protected from unlawful discrimination, harassment and victimisation related to pregnancy and maternity.</p> <p>Consequently, where researchers have taken time out of work, or their ability to work productively throughout the assessment period has been affected, because of pregnancy and/or maternity, the submitting unit may return a reduced number of research outputs, as set out in 'Guidance on submissions', paragraphs 169 to 172.</p> <p>In addition, HEIs should ensure that female researchers who are pregnant or on maternity leave are kept informed about and included in</p>

	<p>their submissions process.</p> <p>For the purposes of this summary it is important to note that primary adopters have similar entitlements to women on maternity leave.</p>
Race	<p>The Equality Act 2010 and the Race Relations (Northern Ireland) Order 1997 protect HEI staff from unlawful discrimination, harassment and victimisation connected to race. The definition of race includes colour, ethnic or national origins or nationality. Individuals are also protected if they are perceived to be or are associated with a person of a particular race.</p> <p>HEIs must ensure that their procedures and decision-making processes in relation to REF 2021 do not discriminate against staff based on their race or assumed race (for example, based on their name).</p>
Religion and belief including non-belief	<p>The Equality Act 2010 and the Fair Employment and Treatment (Northern Ireland) Order 1998 protect HEI staff from unlawful discrimination, harassment and victimisation related to religion or belief. Individuals are also protected if they are perceived to be or are associated with a person of a particular religion or belief.</p> <p>HEIs must ensure that their procedures and decision-making processes in relation to REF 2021 do not discriminate against staff based on their actual or perceived religion or belief, including non-belief. 'Belief' includes any structured philosophical belief with clear values that has an effect on how its adherents conduct their lives.</p>
Sex (including breastfeeding and additional paternity and adoption leave)	<p>The Equality Act 2010 and the Sex Discrimination (Northern Ireland) Order 1976 protect HEI staff from unlawful discrimination, harassment and victimisation related to sex. Employees are also protected because of their perceived sex or because of their association with someone of a particular sex.</p> <p>The sex discrimination provisions of the Equality Act explicitly protect women from less favourable treatment because they are breastfeeding. Consequently, the impact of breastfeeding on a woman's ability to work productively will be taken into account, as set out in the OU CoP, Part 4, paras 4.26-4.50, 'Disclosure of circumstances'.</p> <p>If a mother who meets the continuity of employment test wishes to return to work early or shorten her maternity leave/pay, she will be entitled to shared parental leave with the father or her partner within the first year of the baby's birth. Partners may also be eligible for shared parental leave or pay. Fathers/partners who take additional paternity or adoption leave will have similar entitlements to women on maternity leave and barriers that exist to taking the leave, or as a result of having taken it, could constitute unlawful sex discrimination. Consequently, where researchers have taken additional paternity and adoption leave, the submitting unit may return a reduced number of outputs, as set out in (CoP, Part 4, paras 4.26-4.50, 'Disclosure of circumstances'.</p>

	<p>HEIs need to be wary of implementing procedures and decision-making processes in relation to REF 2021 that would be easier for men to comply with than women, or vice versa. There are many cases where a requirement to work full-time (or less favourable treatment of people working part-time or flexibly) has been held to discriminate unlawfully against women.</p> <p>HEIs should note that there are now requirements under UK and Scottish legislation for public authorities (including HEIs) to report information on the percentage difference amongst employees between men and women's average hourly pay (excluding overtime).</p>
Sexual orientation	<p>The Equality Act 2010 and the Employment Equality (Sexual Orientation) Regulations (Northern Ireland) 2003 protect HEI staff from unlawful discrimination, harassment and victimisation related to sexual orientation. Individuals are also protected if they are perceived to be or are associated with a person who is of a particular sexual orientation.</p> <p>HEIs must ensure that their procedures and decision-making processes in relation to REF 2021 do not discriminate against staff based on their actual or perceived sexual orientation.</p>
Welsh language	<p>The Welsh Language Act 1993 places a duty on public bodies in Wales to treat Welsh and English on an equal basis. This is reinforced by the provisions of the Welsh Language (Wales) Measure 2011 and the Welsh Language Standards (No 6) Regulations 2017.</p> <p>The arrangements for the assessment of outputs in the medium of Welsh by the REF panels are set out in 'Guidance on submissions', paragraphs 284 and 285.</p>

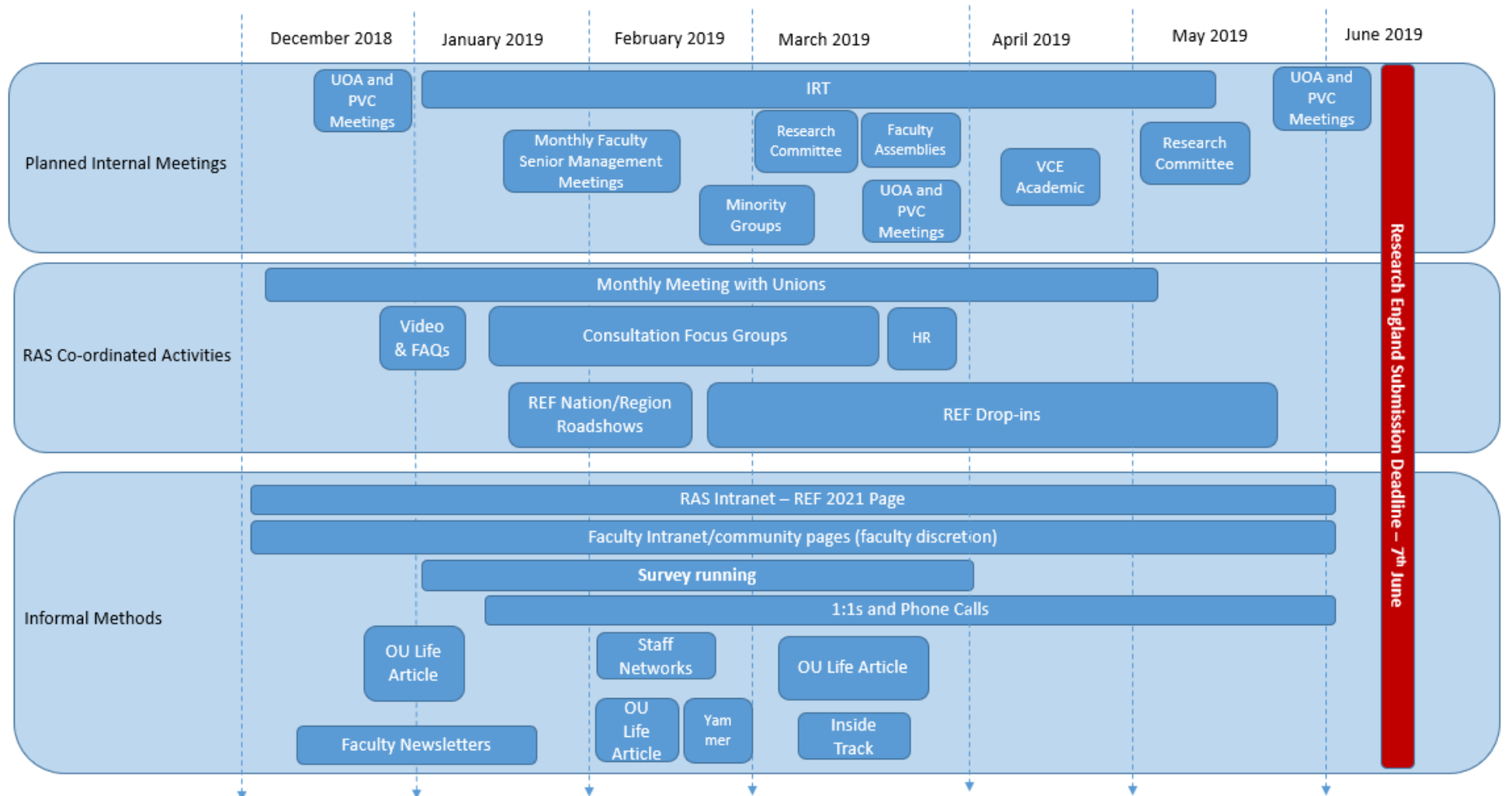
Appendix 2 – Training Requirements

All those staff members (including administrators and note-takers) identified within Figure 1 of the OU REF 2021 CoP, which summarises the committees and groups involved in REF decision making, will be provided with REF specific training as detailed below.

Training	Audience	Mode of Delivery	Timescale
Record-keeping (REF specific)	IRT, UOA Panel Chairs, RCT, Research Managers, ADRs, Equality Panel, Appeals Panel and note-takers.	Workshop	By December 2019
Minute-taking (REF specific)	As above.	Workshop	By December 2019
Communicating outcomes	As above	Workshop	By December 2019
Equality and Employment Legislation	As above	Workshop	By December 2019
Equality Essentials	As above	Online (via MyLearningCentre)	By December 2019
Unconscious Bias	As above	Online (via MyLearningCentre)	By December 2019
GDPR	As above	Online (via MyLearningCentre)	By December 2019
Staff Circumstances	As above	Workshop	By December 2019
Mop-up sessions covering all above	As above	Workshops/online	January and February 2020 and as required
Additional optional training:			
Data sharing – legal and ethical		Online (via MyLearningCentre)	
Working with students/staff with mental health difficulties		Online (via MyLearningCentre)	
Welsh Language Standards		Online (via MyLearningCentre)	
Training for Senior Managers on LGBT		Presentation	

Appendix 3 – Consultation Plan

Consultation on Internal OU REF Code of Practice (CoP)



RESEARCH COMMITTEE

CONSTITUTION – UPDATED 01.01.2019

Purpose

The Research Committee is responsible to the Senate for strategy and policy relating to research, the delivery of impact from research and research degrees and higher doctorates in the University in accordance with the University's strategic objectives.

The Committee has responsibility for monitoring standards and promoting excellence within research at the University.

The Committee shall meet as required and shall report after each meeting to the Senate

Terms of Reference

Setting policy and strategy agreeing plans and priorities

1. To recommend to the Senate strategies relating to:
 - a) research and the research environment;
 - b) the delivery of the impact of research;
 - c) research degrees and higher doctorates.
2. To approve policies relating to:
 - a) research and the research environment;
 - b) the delivery of the impact of research.
3. To approve regulations relating to:
 - a) research and the research environment;
 - b) the delivery of impact from research;
 - c) research degrees and higher doctorates.
4. To approve applications from organisations wishing to become Affiliated Research Centres and other similar collaborations on recommendation from the Research Degrees Committee.
5. To promote innovation in research and to disseminate good practice.

Monitoring, and reviewing, actions and institutional performance

6. To monitor the effectiveness of strategies, policies and regulations relating to:
 - a) research;
 - b) the delivery of the impact of research;
 - c) research degrees and higher doctorates.
7. To monitor:
 - a) processes for enhancing the quality of research within the University;

- b) standards set for research activities within the context of external research integrity requirements and quality monitoring.

Making governance arrangements e.g. appointing to other committees

- 8. To appoint:
 - a) the Chair and Deputy Chair of the Research Degrees Committee;
 - b) the Chair and Deputy Chair of the Human Research Ethics Committee.

Membership

- 1. The Pro-Vice-Chancellor (Research, Enterprise and Scholarship), Chair, *ex officio*.
- 2. One associate dean or equivalent with a relevant portfolio from each central academic unit, *ex officio*, or nominee.
- 3. An Executive Dean nominated by the Executive Deans.
- 4. The Chairs of any committees reporting to the Committee.
- 5. The Director of Graduate School, *ex officio*, or nominee.
- 6. The Director, Research and Enterprise, *ex officio*, or nominee.
- 7. One member of academic and research staff, elected from and by the Senate.
- 8. One registered full-time research student and one registered part-time external student, appointed by the Open University Students' Association (OUSA).
- 9. Two members of the research staff elected by and from such staff.
- 10. A maximum of three co-opted members as required to broaden the range of perspectives taken by the Committee, for example to provide relevant expertise across the four nations of the UK and/or to increase Committee diversity.

In attendance

A representative from Library Services

The Finance Division lead, Research and Academic Strategy

The Associate Director, Academic Development, Learning and Teaching Innovation

The Head of Research Strategy and Governance

The Secretary

REF 2021. Institutional Review Team: Terms of Reference

PURPOSE

1. The primary purpose of the Institutional Review Team (**IRT**) is as an advisory group with core members drawn from senior academic staff working across the University. The Team will:
 - a) Report to the Research Committee through the Pro-Vice-Chancellor Research, Enterprise & Scholarship (PVC-RES).
 - b) Support the PVC-RAS in developing an institutional strategy for the University's submission to the 2021 Research Excellence Framework (REF) in 2020.
 - c) Act as the formal Steering Group for the OU REF preparations, providing oversight, challenge and governance of the project management of the REF 2021 submission.
 - d) Be required to work closely with the REF Coordination Team.

MEMBERSHIP AND CONFIDENTIALITY

2. The Team is required to possess a balance of research and research management experience, and experience of peer review and strategic-level activity:
 - a) Membership of the Research Board:
 - a. PVC-RES¹⁶ Chair
 - b. Deputy Chair of Research Committee
 - c. Associate Deans (Research) (as delegate of Exec Deans) for each Faculty.
Director Research for LTI-Academic
 - d. Director of Graduate School
 - e. Director of Research and Enterprise
 - f. Head of Research Strategy and Governance
 - g. Group Accountant, Finance
 - h. In attendance: Senior Manager, Research Excellence (REF Manager), Secretary and also representation from the REF Coordination Team
 - b) REF academic lead
 - c) University Lead on Engaged Research
 - d) Professor Jane Seale

¹⁶ PVC (Research, Enterprise and Scholarship) from January 2019

- e) A Senate-elected member of the Research Committee
 - f) One external assessor (TBD),
 - g) One other member of research-active professorial staff, not in a management position (to be agreed by Chair with Executive Deans)
 - h) Early Career Researcher
3. All Team members will be bound by a strict duty of confidentiality.
 4. Any external member of the Team will be required to sign a contract stipulating the need for strict confidentiality and submission of a written report of their findings and/or recommendations.
 5. Each member of the Team will be required to complete the OU's REF specific equality and diversity training before formal REF review activities commence.

MODE OF OPERATION

1. The Team will exercise its collective knowledge, judgement and expertise to develop and make recommendations relating to the University's REF 2021 submission. These will relate to the size and structure of the submission and action to be taken to support the University's competitiveness.
2. The Team will base its considerations, discussions and recommendations on its review of reports received from OU Unit of Assessment (UOA) Panels and information collected and collated by the REF Coordination Team.
3. The Team will also provide feedback to the OU UOA Panels.
4. The Team will review and approve the REF 2021 project plan and monitor delivery against it, including monitoring achievement of milestones and the REF 2021 Risk Register and Issues Log on a quarterly basis.

October 2018

Note - Approved by Research Committee November 2018 (revised RC-2018-06-12B Appendix C)

PURPOSE

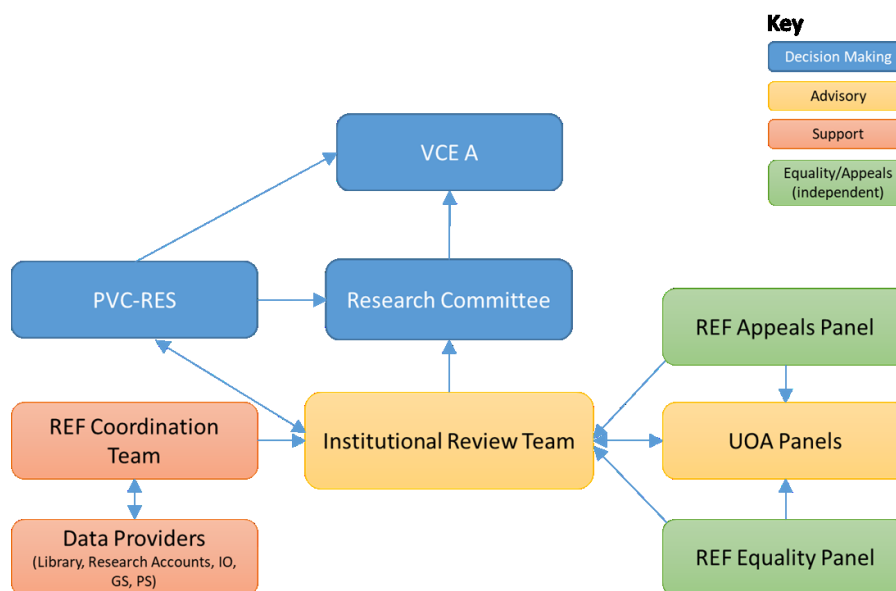
1. The primary purpose of the UOA Panel is to coordinate and lead the UOA preparations and submission. This includes:
 - a. Responsibility for drawing up a draft submission for the Mock REF and final UOA submission, including relevant staff/outputs outside the 'home' School/Faculty,
 - b. Identification of staff within scope of the sub-panel descriptors at the University,
 - c. Assessment of research independence for research-only staff; application of the University tariff for significant responsibility for research and the fair selection of outputs to submit from the output pool.
 - d. Liaising with individuals on appeals (related to 'c' above),

MEMBERSHIP AND CONFIDENTIALITY

1. Breadth: The Panel Team is required to possess a balance of research that covers the areas of research at the OU within scope of the sub-panel descriptors listed in the *Panel Criteria and Working Methods*. The membership should balance research and research management experience, and experience of peer review and strategic-level activity.
2. Size: The size of the Panel is expected to reflect the size of the UOA, such that the breadth of research is covered and the extent of work on Panel Members is broadly consistent across the UOAs.
3. External expertise: the use of external consultants is anticipated to i) provide assurance in the quality assessment of internal members, ii) fill niche capability gaps in the existing membership. Externals are expected to assist in the quality assessment of outputs and Impact Case studies.
4. Confidentiality: All Team members will be bound by a strict duty of confidentiality. Any external member of the Team will be required to sign a contract stipulating the need for strict confidentiality and submission of a written report of their findings and/or recommendations.
5. Training: Each member of the Team will be required to complete the OU's REF specific equality and diversity training before formal review activities commence.
6. Conflict of interest: Panel members will declare any conflicts of interest in advance. The chair may decide that they should not take the lead or other responsibility for assessing aspects of the submission. Given the inevitability of prior interactions between panel members and submitting researchers, prior collaboration, mentoring, appraisal, or management interaction will not of themselves be considered conflicts of interest.

MODE OF OPERATION

1. The Panel will work in full compliance of the university REF CoP and guided by the criteria and working methods for the REF subpanel according to Research England’s Panel Criteria & Working Methods.
2. Coordination and Communications: The Panel will report to the IRT (Institutional review team):



3. The Panel will work closely with the relevant ADRs in delivering its *Purpose*.
4. Panel decisions will be communicated to individuals in accordance with the CoP.
5. Evaluation: In assessing the quality of outputs, each output nominated by the individual will be evaluated by at least two Panel members. Where necessary, the Panel members may seek further information from the individual to evaluate quality.
6. Record keeping and data protection: The panel will minute decisions relating to 1b-e (above) in order to provide an auditable track record. Information will be suitably protected in line with standard university procedures and consistent with the REF Privacy Notice,
7. Evidence for submission: The Panel Chair will coordinate with their Faculty administration to arrange for the collation and curation of underpinning evidence of impact and evidence for the justification of exemption to in-scope outputs not fulfilling the Open Access requirements.
8. Training: The Panel Chair will ensure and record that all Panel members receive E&D training prior to undertaking ‘1b-e’ above.

October 2018

Note - Approved by Research Committee November 2018

Appendix 7

Research Excellence Framework 2021 (REF2021) REF Appeals Panel Terms of Reference

Role

The purpose of the **REF Appeals Panel** is to consider and make decisions on individual appeals against the decisions and recommendations made by the Open University Unit of Assessment (UOA) Panels, the Institutional Review Team (IRT) and REF Equality Panel.

Mode of Operation

1. The Panel will receive and consider appeals against the decisions made by the Open University UOA Panels, the IRT and the REF Equality Panel.
2. Grounds for appeal are limited to:
 - (i) procedural irregularities (including non-compliance with the published OU REF CoP),
 - (ii) incorrect placement or exclusion of an individual in the Category A submitted cohort due to an incorrect judgement on significant responsibility for research or research independence, or
 - (iii) incorrect judgement by the Equality Panel of whether the person was able to work productively during the REF period (individual and exceptional circumstances).
3. The Panel will only consider appeals that are made by the individual concerned.
4. The Panel will only consider appeals that are notified to the Secretary of the Panel in writing within 20 days of the individual being informed of their REF status / consideration of individual circumstances.
5. For appeals regarding significant responsibility for research or research independence, the Panel will review the case by considering:
 - The appellant's AWM record (for significant responsibility for research appeals).
 - The appellant's research activity profile (drawn from relevant IT systems, e.g. Awards Management System for info on bidding and awards).
 - The minutes of the relevant UOA Panel and IRT meetings.
 - The communication to the individual informing them of their REF 2021 status.
 - A statement from the appellant (maximum 500 words).
 - A summary from the UOA Panel on its recommendation concerning the appellant (maximum 500 words).
6. For appeals involving individual circumstances the Panel will review the case by considering:
 - The appellant's disclosure form for individual circumstances.
 - Evidence gathered from Occupational Health or People Services Records (such as sickness or leave records).
 - The appellants AWM record (if deemed relevant)
 - The minutes of the relevant Equality Panel meeting.

- The communication to the individual informing them of the outcome of their individual's circumstances disclosure.
7. The documents made available to the REF Appeals Panel will also be sent to the individual concerned.
 8. Appeals will normally be paper based and conducted remotely. However, there will be one face-to-face meeting of the Panel held. Appellants can request that their appeal is considered in person at the face-to-face meeting. Requests for a face-to-face consideration should be submitted in writing to the Secretary.
 9. Individuals will be notified of the outcome of their appeal within 10 working days after the appeal has been considered.
 10. Where an appeal is upheld by the REF Appeals Panel, the individual will be included or removed from the OU REF submission, as appropriate. For appeals on the judgement of individual circumstances, the individual will be notified regarding an output reduction request being made to Research England, as appropriate.
 11. The REF Appeals Panel's decision will be final as far as the OU's procedures are concerned, however where an individual considers that the OU's REF2021 Code of Practice has not been appropriately followed, the individual can complain, in confidence, directly to the funding bodies.

Membership

12. No member of the Appeals Panel can be involved in any other aspect of the University's REF2021 preparations. All members of the Panel will have undergone REF Equality and Diversity training.
13. The independent REF Appeals Panel will be made up of:
 - A member of VCE-A, but not PVC-RES (Chair).
 - A senior research-active professor from a cognate discipline not previously associated with the UOA Panel concerned.
 - Head of People Services (or delegate).
 - A member of the Equality & Diversity Management Group
 - A member (on academic terms and conditions) elected by and from the OU Senate (not associated with any other REF decision making group).
 - A member external to the University.

May 2019

Note - Approved by Research Committee May 2019

Appendix 8

Research Excellence Framework 2021 (REF2021) Equality Panel Terms of Reference

Role

The **REF Equality Panel** receives and considers individual cases for individual circumstances that may have impacted on an individual's productivity during the REF2021 period.

Mode of Operation

1. Receive and consider individual staff circumstances forms.
2. Apply the definitions of individual staff circumstances provided by Research England.
3. Assess whether the circumstances are admissible, seeking further information from individuals where there is insufficient information to reach a conclusion.
4. Determine the reduction in the number of outputs allowable by referring to the guidance set out by Research England, including the removal of the minimum 1 output per submitted individual.
5. Inform the REF Coordination Team of any recommended output reduction request to be submitted to Research England.
6. Inform the member of staff concerned of the Panel decision.

Membership

7. With the aim of ensuring maximum confidentiality and consistency, the Panel will include representatives from People Services, the Equality & Diversity Management Group and Faculties. Two senior research leaders, neither of whom are involved in the IRT or a UOA Panel, will represent the Faculties. Each member of the Panel will be required to complete the OU's specific REF equality and diversity training before the work of the Panel begins and be bound by a strict duty of confidentiality.
 - Chair (a senior research leader who is not a member of IRT or any UOA Panel)
 - 2 members of the Equality and Diversity Management Group
 - 2 representatives from People Services
 - 2 senior researchers who are not members of IRT or any UOA Panel (one STEM and one non-STEM)
 - Secretary: Senior Manager in a research support or governance role, not involved in other aspects of the OU REF 2021 submission process.
8. Notes/records of meetings will be kept by the Secretary and will not be kept by Panel members.
9. The minimum number of members attending any meeting for it to be quorate, will be the Chair, and at least 1 member from each membership category.

May 2019

Note - Approved by Research Committee May 2019

Appendix 9

- **OU REF2021 Data collection statement (for OU staff)**
- **OU REF2021 Data collection statement (for non-OU staff, e.g. evidence testimonials of 3rd parties)**
- **OU REF2021 Privacy Notice**

Open University: REF 2021 Data Collection Statements

Data Collection Statement (for OU Staff)

The purpose of the Research Excellence Framework 2021 (REF2021) is to assess the quality of UK research and to inform the selective distribution of public funds for research by the four UK higher education funding bodies. The REF is managed by the REF team, based at Research England (RE), on behalf of the four UK higher education funding bodies. RE is part of UK Research and Innovation (UKRI), and under this arrangement UKRI has the role of 'data controller' for personal data submitted by the OU (REF Coordination Team) to the REF.

If you have been included as part of our submission to the REF 2021, we will send some of the information we hold about you to UKRI for the purpose of the REF2021. The information will not be in coded form and your name and details such as your date of birth, research groups, and contract dates will be provided along with details of your research. If you are submitted with individual circumstances that allow a reduction in the number of outputs submitted, without penalty, some details of your personal circumstances will be provided.

You can find further information about what data are being collected on the REF website, at www.ref.ac.uk in particular publication 2019/01, 'Guidance on submissions'.

Sharing information about you

UKRI may pass your data, or parts of it, to any of the following organisations that need it to inform the selective distribution of public funds for research and to carry out their statutory functions connected with funding higher education:

- Department for the Economy, Northern Ireland (DfE)
- Higher Education Funding Council for Wales (HEFCW)
- Scottish Funding Council (SFC).

Some of your data (Unit of Assessment, HESA staff identifier code and date of birth) will also be passed to the Higher Education Statistics Agency (HESA) to enable it to verify coded data returned to it as part of our HESA staff return (see www.hesa.ac.uk). Data returned to the REF will be linked to that held on the HESA staff record to allow UKRI and the organisations listed above to conduct additional analysis into the REF and fulfil their statutory duties under the Equality Act 2010 (England, Wales and Scotland) or the Northern Ireland Act 1998 (Northern Ireland).

UKRI and the organisations listed above will use the information to analyse and monitor the REF2021. This may result in information being released to other users including academic researchers or consultants (commissioned by the funding bodies), to carry out research or analysis, in accordance with the Data Protection Act 2018 and the General Data Protection Regulation (GDPR) (Regulation (EU) 2016/679). Where information not previously published is released to third parties, this will be anonymised where practicable.

UKRI will require that anyone who has access to your data, held in UKRI's records, paper or electronic, will respect its confidentiality and will only process it in accordance with instructions issued for the purposes specified by UKRI.

Parts of your data will be passed to the REF expert panels and the Equality and Diversity Advisory Panel (whose members are independent of UKRI) for the purpose of conducting a systematic evaluation of submissions, in accordance with predetermined criteria and methods. Panels will make judgments about the material contained in submissions and will not form quality judgments about individuals. All panel members are bound by confidentiality arrangements.

Publishing information about your part in our submission

The results of the assessment exercise will be published by UKRI, on behalf of the four UK higher education funding bodies, in December 2021. The published results will not be based on individual performance nor identify individuals.

Those parts of submissions that contain factual data and textual information about research activity will also be published by UKRI, on behalf of the four UK higher education funding bodies, and will be made available online. Published information is likely to include **textual information including impact case studies in which you may be referenced**. Your name and job title may be included in this textual information. Other personal and contractual details, including your date of birth and all information about individual staff circumstances will be removed. Personal information (other than names and job titles) will normally be removed from impact case studies, environment statements and other textual information in the redacted version(s) that are submitted. This process will involve your Faculty administration and the OU REF Coordination Team. UKRI will also publish a list of the outputs submitted by the OU in each UOA. This list will not be listed by author name.

Data about personal circumstances

You may voluntarily disclose personal circumstances, which could permit the OU to submit your information to the REF without the 'minimum of one' requirement (without penalty), or to submit a reduced number of outputs without penalty for your UOA. If (and only if) we apply either form of reduction of outputs, we will need to provide UKRI with data that you have disclosed about your individual circumstances, to show that the criteria have been met for reducing the number of outputs. Please see the 'Guidance on submissions' document (paragraphs 151-201) for more detail about reductions in outputs and what information needs to be submitted.

Submitted data will be kept confidential to the RE REF team, the Equalities and Diversity Advisory Panel, and main panel chairs. All these bodies are subject to confidentiality arrangements. The RE REF team will destroy the submitted data about individuals' circumstances on completion of the assessment phase.

As set out above, unless redacted, the information to be published by UKRI, on behalf of the four UK higher education funding bodies, will include a single list of all the outputs submitted by the OU. The list of outputs will include standard bibliographic data (including the author name) for each output but will not be listed by author name.

Accessing your personal data

Under the Data Protection Act 2018 and the GDPR, you have the right to see and receive a copy of any personal information that UKRI holds about you. Further information about the Act and GRPR, and guidance on making a subject access request, can be found on the RE web-site at <https://re.ukri.org/about-us/policies-standards/foi-data-protection/>

If you have any concerns about your information being used for these purposes, please contact:

Data Protection Officer
UK Research and Innovation
Polaris House
Swindon, SN2 1FL

Email: dataprotection@ukri.org

Data Collection Statement (for non-OU Staff¹⁷)

About the REF

The purpose of the Research Excellence Framework 2021 (REF2021) is to assess the quality of UK research and to inform the selective distribution of public funds for research by the four UK higher education funding bodies. The REF outcomes are used to calculate about £2 billion per year of public funding for universities' research and affect their international reputations. The results also inform strategic decisions about national research priorities. The next REF will be undertaken in 2021.

The REF was first carried out in 2014, replacing the previous Research Assessment Exercise. It included for the first time an assessment of the broader impact of universities' research beyond academia: on the economy, society, culture, public policy and services, health, the environment and quality of life – within the UK and internationally.

Impact is assessed through the submission of case studies, which describe the changes or benefits brought about by research undertaken by researchers at the institution. Impressive impacts were found across all disciplines, with 44 per cent of submissions judged to be outstanding. A database of case studies submitted in 2014 can be found here:

<https://impact.ref.ac.uk/>.

Data collection

The REF is managed by the REF team, based at Research England (RE), on behalf of the four UK higher education funding bodies. RE is part of UK Research and Innovation (UKRI), and under this arrangement UKRI has the role of 'data controller' for personal data submitted by the OU (REF Coordination Team) to the REF.

You may have provided information for one or more impact case studies or environment statements as part of our submission to the REF 2021. In March 2021 we will send information about impact case studies and environment statements to UKRI for the purpose of the REF2021. The information will not be in coded form and your name - and details such as your job title and organisational affiliation - may be provided in these narrative statements. We refer to this information about you as 'your data'.

You can find further information about what data are being collected on the REF website, at www.ref.ac.uk in particular publication 2019/01, 'Guidance on submissions. Annex G of that document sets out the data that we will be required to share with UKRI.

Sharing information about you

UKRI may pass your data, or parts of it, to any of the following organisations that need it to inform the selective distribution of public funds for research and to carry out their statutory functions connected with funding higher education:

- Department for the Economy, Northern Ireland (DfE)
- Higher Education Funding Council for Wales (HEFCW)
- Scottish Funding Council (SFC).

¹⁷ e.g. impact evidence testimonials

UKRI and the organisations listed above will use the information to analyse and monitor the REF2021. This may result in information being released to other users including academic researchers or consultants (commissioned by the funding bodies), to carry out research or analysis, in accordance with the Data Protection Act 2018 and the General Data Protection Regulation (GDPR) (Regulation (EU) 2016/679). Where information not previously published is released to third parties, this will be anonymised where practicable.

UKRI will require that anyone who has access to your data, held in UKRI's records, paper or electronic, will respect its confidentiality and will only process it in accordance with instructions issued for the purposes specified by UKRI.

Parts of your data will be passed to the REF expert panels and the Equality and Diversity Advisory Panel (whose members are independent of UKRI) for the purpose of conducting a systematic evaluation of submissions, in accordance with predetermined criteria and methods. All panel members are bound by confidentiality arrangements.

Publishing information about your part in our submission

The results of the assessment exercise will be published by UKRI, on behalf of the four UK higher education funding bodies, in December 2021.

Those parts of submissions that contain factual data and textual information about research activity will also be published by UKRI, on behalf of the four UK higher education funding bodies and will be made available online. Published information is likely to include **textual information including impact case studies in which you may be referenced**. Your name and job title may be included in this textual information. Other personal details will normally be removed from the redacted version submitted by the OU.

Accessing your personal data

Under the Data Protection Act 2018 and the GDPR, you have the right to see and receive a copy of any personal information that UKRI holds about you. Further information about the Act and GRPR, and guidance on making a subject access request, can be found on the RE web-site at <https://re.ukri.org/about-us/policies-standards/foi-data-protection/>

If you have any concerns about your information being used for these purposes, please contact:

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Email: dataprotection@ukri.org

Research Excellence Framework (REF2021) Privacy notice

Scope

This is a supplementary Privacy notice to the University's generic Privacy notice for [Staff and Students](#)¹⁸.

This document sets out what we do with your personal data in relation to the preparation and submission into the REF 2021. It applies to central or regional academics, research staff and postgraduate research (PGR) students.

Who we are

The Open University is the data controller in relation to the processing activities described below. This means that the Open University decides why and how your personal information is processed.

What information do we collect about you, and how do we collect it?

No further information is collected beyond that covered in the generic OU Privacy notice. Data from existing datasets are collated and analysed for the REF submission. Broadly, this comprises data in annual HESA returns, HR records (for staff) and PGR record information (for postgraduate research students). For the staff group, the data is supplemented with information on research outputs (primarily publications held in ORO and 3rd party repositories), research external income data (in annualised HESA returns) and academic workload management information (held in AWM).

Information that you give to us

1. Data we hold on you may include:
 - Personal details such as name, date of birth, gender;
 - Information you submit relating to sickness, leave and absence, etc.
 - Your ethnic origin and disability information, but you can choose not to disclose this.

Information that we create or collect

2. During your engagement with us, we may create or collect information which includes
 - Contract and employment history
 - Sickness and absence records
 - Workload or work allocation, working hours, attendance
 - An email address which identifies your name

¹⁸ <http://www.open.ac.uk/about/main/strategy-and-policies/policies-and-statements/website-privacy-ou>

Information that we collect automatically

3. Some of our systems and processes automatically collect personal information. These include
 - Participation and completion of online training
 - Author associations of research outputs deposited in ORO and referenced in research impact evidence.

Information that we receive from third parties

4. We may receive some information about you from third parties:
 - Names of co/authors of research outputs and associated bibliometric information of those outputs. This may include your Orchid personal identifier.
 - Information from third parties relating to the research that maybe associated with you. The information would be evidence relating to the research undertaken (e.g. testimonials from stakeholders of the impact of the research) rather than of the individuals who undertook the research.
 - Institutional performance data from HESA
 - Institutional performance data from the national funding councils for the previous institutional assessment in REF 2014.

How do we use your personal information?

Activities carried out in our legitimate interest

5. We use personal data to plan, design and refine our REF2021 institutional submission:
 - Equality monitoring and analysis (which includes special category data, if you have given it to us, but is not used to make decisions about individuals)
 - Work planning and management including recording time spent on different tasks, staff budget and forecasting
 - Producing statistical information for publication
 - Benchmarking our activities against other organisations
6. Public universities undertaking research are obliged to submit into the REF for strategic necessity and public accountability. We collect and process a broad range of personal data about you in order to develop and submit the strongest possible submission to Research England.
7. Specifically, the data collected is used to:
 - Identify staff that meet the REF definition (set by Research England) of Category A staff.
 - Identify staff from the above cohort that meet the criteria for 'significant responsibility for research' as defined in the OU REF 2021 Code of Practice (to be approved by Research England in 2019).
 - Undertake an equality and diversity impact analysis to make visible any material distortions in our submission and ensure the reviewer panels are representative of their communities.
 - Identify the strongest possible cohort of eligible research outputs sufficient to attain the required volume stipulated by Research England, balanced against the expectations of inclusivity articulated by Research England.

- Ensure those individuals responsible for the fair selection of outputs and consideration of exceptional circumstances are suitably trained on equality and diversity and unconscious bias.
 - Evidence the research and significance of claims of research impact, for example from external testimonials of end users of that research.
 - Evidence the research underpinning an impact case study.
 - Ascertain the key performance indicators for the discipline UOA environment sub-profile (primarily external research income and completed PGR students). **Note** PGR data is anonymised and aggregated (e.g. 10FTE, 11 headcount) and not the submission of personal data.
 - Use of information provided by individuals who voluntarily submit disclosure of personal circumstances.
8. We carry out activities to facilitate compliance in relation to the REF:
- To ensure, working with the individual researchers, that research outputs are compliant with Research England's requirements on Open Access, as a precondition for submission.
 - We have a legitimate interest to respond to Freedom of Requests in relation to the REF that may make use of personal data in the preparation of the response. Anonymised and aggregated data is envisaged in the output, but there will be consultation with the University's Information Rights team on this.
9. As noted in para. 11, this entails processing of 'special category' data (age, gender, ethnicity, health, disability) for the purposes:
- Ensure that review panels responsible for selection of research outputs are reflective (as far as reasonably possible), to the academic staff population they represent.
 - Ensuring that the cohort of Category A submitted staff is comparable to the Category A eligible staff (i.e. the thresholds for 'significant responsibility for research' do not have a detrimental effect on the overall diversity of academic staff represented).
 - Ensuring that the review panel responsible for consideration of Exceptional Circumstances can make informed and balanced decisions in regard to reduced expectations of research performance.

Who do we share your information with?

10. We are required to submit some personal data to Research England (within UKRI) as part of the REF2021 submission. Research England have produced a Privacy Notice for the REF2021 detailing what personal data they collect and for what purpose <https://www.ref.ac.uk/submission-system/privacy-notice/>.
11. We will use third party suppliers to provide external disciplinary expertise and domain expertise (e.g. research impact) to review draft submissions. This is to inform the University and disciplinary REF strategy, benchmark against peer UOAs in other universities and calibrate expectations, provide an impartial expert critique and inform future priorities to achieve a stronger REF 2021 submission.
12. When we use third party service providers, we only disclose to them any personal information that is necessary for them to provide their service and we have a contract in place that requires them to keep your information secure and not to use it other than in accordance with our specific instructions.

Do we transfer information outside the EEA?

13. See parent Privacy notice.

How long do we keep your personal information for?

14. The length of time we keep your personal information is determined by a number of factors including our purpose for using the information and our legal obligations.
15. We have a retention schedule for information and keep identifiable records only for as long as they have a legal or business purpose.
16. The REF cycle covers several years (REF 2021 covers activity from 1st January 2014 to 31st December 2020). Your personal data therefore would be held for the relevant REF period spanning several years.
17. After the REF 2021 submission in March 2021, Research England reserves the right of auditing our submission and underlying data. More generally, Research England would be expected to dipstick audit a cohort of Universities in the sector to provide assurance of due process. Therefore, data collected for the preparation and REF2021 submission will be retained until completion of that process.
18. Personal data collated for individual circumstances or submitted voluntarily by the individual for consideration of exceptional circumstances would be retained until Research England had concluded its post-submission audit.
19. Legitimate business purposes to retain personal data beyond this would relate to either:
 - Ongoing longitudinal analysis of the university and UOA performance, (for example to inform refinement of the university research strategy and priorities),
 - External and internal communications of the University and UOA performance,
20. In both cases, the output information would be anonymised and aggregated at disciplinary or university level.
21. Personal data used in REF 2014 would also be relevant in the preparations for REF 2021, for example, the attribution of staff to UOAs would be comparable. We would also want to ensure that research outputs and claims of impact (new impact case studies or additional impact on existing impact case studies) are not inadvertently double claimed in two REF periods.

Your rights

22. See OU Privacy notice.

Contact us

23. Our Data Protection Officer is E A Powis. Please direct any queries about this policy or about the way we process your personal information using the contact details below.

- Email data-protection@open.ac.uk
- Telephone +44 (0)1908 653994
- By post: The Data Protection Officer, PO Box 497, The Open University, Walton Hall, Milton Keynes MK7 6AT.



Open University Branch of the UCU
Room 015, Wilson C Block
The Open University
Walton Hall
Milton Keynes
MK7 6AA

Tel: 01908 653069
Email: ucu@open.ac.uk
Web: www.ucu.open.ac.uk

Professor Josie Fraser
Acting Deputy Vice-Chancellor
The Open University
WH 017
Walton Hall
Milton Keynes
MK7 6AA

18 September 2019

Dear Professor Fraser,

In our role as representative of the academic staff, UCU confirms agreement with the approach to REF outlined in the OU's REF2021 Code of Practice. This agreement follows from a joint REF working group through which discussion took place via regular monthly meetings and sharing of data from the university's REF preparations.

In addition to agreeing the Code of Practice we are pleased the university has made a commitment to undertake additional work with us on further improving the allocation and take-up of research time.

Yours sincerely,

A handwritten signature in black ink that reads 'Caitlin Adams'.

Dr Caitlin Adams
Branch President