

REF 2021 Codes of practice complaints and investigation process consultation analysis

Background

On 8 January 2020 the UK funding bodies (UKFBs) jointly published a document set out for consultation, a draft process for the management of complaints and investigations (C&I) relating to the implementation of the Codes of practice produced by higher education institutions for the Research Excellence Framework (REF) 2021. The consultation closed 6 March 2020.

The consultation document can be accessed [here](#)

Method

The consultation presented ten main questions that sought the view of respondents upon the key elements of the C&I process. For each of these ten areas, respondents were provided with a combination of closed and free text questions, seeking a view as to extent that the outlined processes were appropriate and clear. Respondents were also provided with the opportunity to provide free text comments for each question.

Closed questions utilised a five-point Likert Scale, with available responses ranging from 'Strongly agree' to 'Strongly disagree'. Limits were not placed upon free text questions.

Results

Overview

100 responses were received to the consultation. The most frequently answered closed question was addressed by 84 respondents, the least frequently by 79. The most frequently answered free text questions was addressed by 52 respondents, the least frequently by 16.

Table 1 details the number of different types of respondents. 79% of respondents identified as responding on behalf of a higher education institution (HEIs) and 18% identified as individuals. As the consultation was communicated at an organisational level, this demonstrates that the consultation was successful in reaching its intended audience.

Table 1

Respondent Type	Count
Higher Education Institution	79
As an individual	18
Charity	1
Representative body	1
Other (Mission group)	1

Total **100**

Table 2 provides details of the relevant UKFB for respondents. The proportions of responses relating to each funding body demonstrated good coverage across the UK.

Table 2

Funding body	Count
DfENI	3
HEFCW	7
RE	70
SFC	15
None of the above	2
Don't know	3
Total	100

Table 3 provides the list of questions posed by the consultation. These should be read in the context of the consultation document.

Table 3

Q1a	Investigations	Overall, the approach set out in this section is appropriate
Q1b		Overall, the approach set out in this section is clear
Q1c		Where it adds value, please provide your rationale for your answers
Q2a	Individual Complaints	Overall, the approach set out in this section is appropriate
Q2b		Overall, the approach set out in this section is clear
Q2c		Where it adds value, please provide your rationale for your answers
Q3a	Complaints out of scope	Overall, the criteria for complaints out of scope are appropriate
Q3b		Overall, the criteria for complaints out of scope are clear
Q3c		Please provide your rationale for your answers.
Q3d		please propose any additional criteria for complaints that you feel should be out of scope
Q4a	Systemic breach	Overall, the approach set out in this section is appropriate
Q4b		Overall, the approach set out in this section is clear
Q4c		Where it adds value please provide your rationale for your answers
Q5a	Stage 1: REF Team process	Overall, the process set out in this section is appropriate

Q5b		Overall, the process set out in this section is clear
Q5c		Where it adds value, please provide your rationale for your answers
Q6a	Stage 2: Funding body process	Overall, the process set out in this section is appropriate
Q6b		Overall, the process set out in this section is clear
Q6c		Where it adds value, please provide your rationale for your answers
Q7a	Stage 3: Appeals process	Overall, the process set out in this section is appropriate
Q7b		Overall, the process set out in this section is clear
Q7c		Where it adds value, please provide your rationale for your answers
Q8a	Remedies	Overall, the rationale set out regarding remedies is appropriate
Q8b		Overall, the rationale set out regarding remedies is clear
Q8c		Overall, the specific example remedies set out in Table 1 are appropriate
Q8d		Overall, the specific example remedies set out in Table 1 are clear
Q8e		Where it adds value, please provide your rationale for your answers
Q8f		Are there additional remedies that should be considered by the funding bodies?
Q9a	Complaint and investigation outcomes	Overall, the approach set out in this section is appropriate
Q9b		Overall, the approach set out in this section is clear
Q9c		Where it adds value please provide your rationale for your answers
Q10a	Timelines	Overall, proposed timelines are appropriate
Q10b		Overall, proposed timelines are clear
Q10c		Where it adds value, please provide your rationale for your answers

Closed Questions

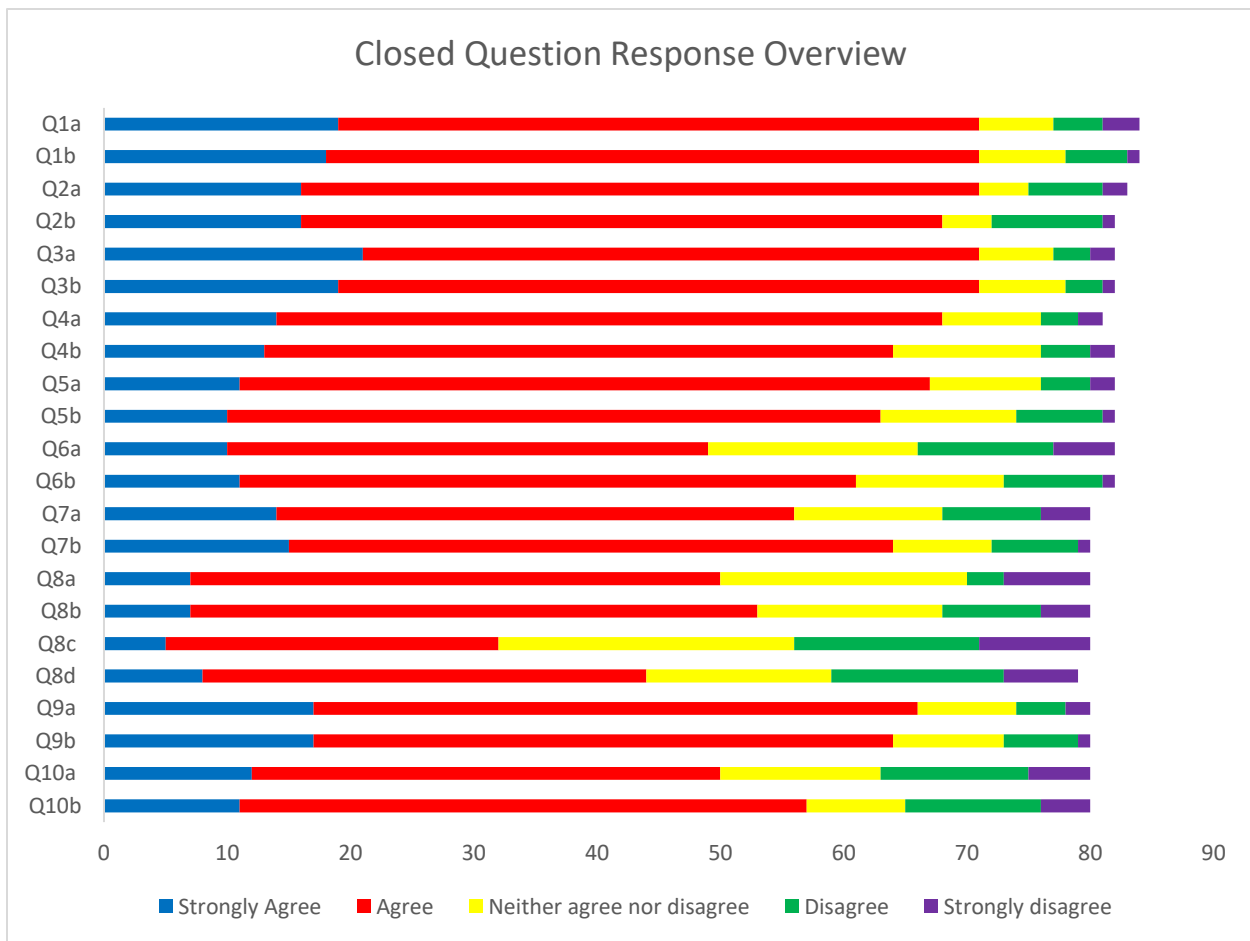
Chart 1 presents the responses received for closed questions. Overall there was good agreement with the processes set out in the consultation. For all questions the largest proportion of respondents agreed or strongly agreed with the C&I process.

Q8c (*Overall, the specific example remedies set out in Table 1 are appropriate*) had the largest proportion of respondents (30%) disagree or strongly disagree. Although it should be noted that the single largest proportions of respondents agreed or strongly agreed (40%) with Q8c and an

unusually large proportion of respondent neither agreed nor disagreed (30%). The free text question relating to this section, provides context for these views and is discussed in the following section.

The largest number of responses provided by individuals to a single closed question was eight and the lowest five. The responses received by individuals were consistently spread across the potential responses, with a slight weighting towards agreement with the consultation questions. Due to the low numbers and even spread of responses from individuals, separate analysis has not been conducted.

Chart 1



Free text Questions

Twelve consultation questions sought free text responses that provided opportunity for respondents to provide context to the topics covered by the closed questions.

Q1c – Investigations - Where it adds value, please provide your rationale for your answers

27 free text responses were received for Q1c. Broadly the topics discussed were

Definition of 'evidence'	A number of respondents discussed the relation of the C&I process with existing HEI mechanisms. The largest proportion of responses received concerned the definition of 'evidence' in the context of the C&I process. More information was requested around the types of evidence the UKFBs would require in relation to C&Is. Other respondents highlighted that placing the emphasis upon HEIs to provide evidence to demonstrate that a COP breach did not occur, creates additional burden upon institutions.
Relationship to existing HEI processes	A minority of respondents expressed the view that the role of the COP C&I process may only concern breaches of REF COP. However, breaches themselves may relate to broader issues with HEIs, where it would be beyond the remit of the C&I process to intervene. Some comments sought further clarity and emphasis placed on the UKFBs' expectation that complainants must exhaust the available internal HEI processes, as a prerequisite for consideration of a complaint. A minority of respondents asked how the UKFBs will assure that an HEIs internal processes have been exhausted.
Systemic breach	A small number of respondents suggested that it would be useful for this section to contain more information about systemic and individual breaches
Vexatious complaints	A minority of respondents discussed the need for clearer policy on the management of vexatious complaints.
Relationship to audit	A minority of respondents requested clarity around the relationships of the C&I process with REF audit.

Q2c – Individual complaints - Where it adds value, please provide your rationale for your answers

20 respondents provided a free text comment for question Q2c. The primary topics discussed were

Who can make complaints	The single largest topic discussed for this question, concerned who is able to make a complaint. The majority view arising suggested that only people who are affected by the delivery of a COP should be permitted to make a complaint. Many other responses requested more clarity around who can make complaints, suggesting that the phrase 'any party' is too broad.
Anonymity	A small number of respondents highlighted that in the case of small UOAs it may be difficult to preserve the anonymity of complainants.

Q3c – Complaints out of scope - Where it adds value, please provide your rationale for your answers

17 respondents provided a free text comment for question Q3c. The primary topics discussed were

Anonymous complaints	Anonymous complaints was the single most frequently discussed topic. Overall, responses suggested that greater clarity is needed around the exclusion of anonymous complaints - In particular the impact of this policy upon whistleblowers and in relation to maintaining privacy.
Exhausting HEI's internal procedures	A minority of responses touched upon the need to exhaust an HEI's internal procedures. It was suggested that the complaints out of scope should include those where an HEI's internal complaints procedure has not been exhausted. Clarity was also sought around whether former staff be required to exhaust internal HEI processes?
Academic judgement	A small number of respondents suggest that examples should be provided of matters of academic judgement.

Q4C – Systemic breach - Where it adds value, please provide your rationale for your answers.

21 respondents provided a free text comment for question Q4c. The primary topics discussed were.

Systemic breach referral	The largest single topic raised by respondents concerned the process of referral of a suspected systemic breach. Respondents suggested that the process for referral from REF Audit and EDAP should be better specified. It was also suggested that the REF Team panel should be able to refer suspected systemic breach to the REF Director. As with previous questions, clarity was sought around whether complaints may be made by other organisations and staff members who have left an HEI and whether individuals may make a complaint about a systemic breach of COP.
Systemic breach definition	Broadly, clarity was sought around the classification and determination of systemic breach. Respondents queried whether intention impacts the determination of a systemic breach and whether the REF Director's decision making will be based upon dialogue with HEIs. The scope of coverage of systemic breach investigations was also a discussed topic. A small number of respondents felt that the issues underlying a systemic breach may stem from areas beyond the remit of the REF and as such the C&I process is not an appropriate mechanism for these issues to be addressed. Alternatively a separate comment felt as though the scope of the C&I process should be widened to address other forms of game playing such as misclassification in HESA return.

Proportionality	Proportionality was discussed by a minority of respondents. The main point raised as a free text comment is the potential for greater impact upon small institutions or UOA. For small submissions, fewer complaints may represent a greater proportion of their submitted population and as more likely to be considered for as a systemic breach. Clarity was sought around how this issue will be considered.
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Q5C – Stage 1 REF Team process - Where it adds value, please provide your rationale for your answers.

28 respondents provided a free text comment for question Q5c. The primary topics discussed were.

HEI role	The largest single topic discussed by respondents in this section concerned the role HEI in the REF Team panel process. The primary theme arising indicated that HEIs should have greater involvement at this stage of the process. It was flagged by a number of respondents that HEIs should be informed when a complaint has been received, even if not taken forwards by the C&I process. It was suggested that it should be made clear how HEIs will be communicated with at this stage. This was commonly discussed in relation to verification that an HEIs internal resolution mechanisms have been exhausted.
Composition of the panel	A significant minority of respondents sought clear information on the composition of the REF Team panel.
Decision making process	Respondents discussed the decision making process during this stage. It was highlighted by a small number of respondents that decision making by the REF Director should be transparent. This should be facilitated by clear decision making criteria and consideration of the utilisation of more than one decision maker.
Timelines	A substantial proportion of respondents highlighted the need for clarity around timelines. In particular this should concern clear deadlines for complaint submission and the length of time taken for REF Team panel processes. A Small number of responses suggested that timelines are too short in this stage of the process and that there should be provision for extension of timeline in exceptional circumstances.

Q6C – Stage 2 Funding Body process - Where it adds value, please provide your rationale for your answers.

42 respondents provided a free text comment for question 6c. The primary topics discussed were

Timescales	A large number of responses discussed timescales. The primary view arising was that the timescales available for institutions to respond to the complaints process was insufficient – a clear suggestion was that timescales for HEIs should be equivalent to that available to the Funding body panel. Respondents expressed the view that the panel timescales should be fixed. Other responses highlighted that short timescales would equate to greater burden for smaller institutions – it was suggested that early communication with HEIs about the receipt and progress of a complaint would ameliorate this pressure, along with consideration of exceptional circumstances where additional time is required.
Complaints not taken forwards	Another prominent topic discussed by respondents concerned the proposal to inform the UKFBs of complaints not taken forwards. Respondents felt that this was not appropriate and the rationale unclear.
Composition of the panel	A large number of respondents sought clear information on the composition of the Funding body panel.

Q7C – Stage 3 Appeals process - Where it adds value, please provide your rationale for your answers.

36 respondents provided a free text comment for question Q7c. The primary topics discussed were.

Timescales	A strongly presented view arising from a large number of respondents, stated that the five days outlined to provide additional evidence in the case of an appeal, was far too short.
Appeal criteria	One of the most frequently raised themes concerned the criteria under which an appeal may be made. A common perspective recommended that appeals concerning the C&I process outcomes / remedies should be permissible, considering the large number of remedies and the lack of clarity around the circumstances in which specific remedies will be applied. Respondents also stated that appeals should be permitted where new information comes to light.
Composition of the panel	A large number of respondents sought clear information on the composition of the Appeals panel.
Appeal outcomes	A minority of participants expressed the view that it would be inappropriate for an appeals panel to maintain the initial funding panel outcomes, but on different grounds.

Q8e – Remedies - Where it adds value, please provide your rationale for your answers.

52 respondents provided a free text comment for question Q7c. The primary topics discussed were.

<p>Future oriented remedies</p>	<p>The majority of respondents discussed future oriented remedies (FORs), making it the most frequently discussed topic. For all FORs, the view was provided that greater clarity was required in relation to the circumstances in which specific remedies would be applied and how they related to a breach. Respondents presented the view that the long-term nature of such a remedy made the use of FORs inappropriate, in part, as it will not be possible to predict the rules of the next research assessment exercise.</p> <p>Greater clarity was requested around the employment of ringfencing a percentage of QR. Guidance was sought around how the percentage would be calculated and rationally related to breach, while remaining proportionate for smaller submissions. Respondents also focussed upon the FOR where the UKFBs would define a population submitted to the next research assessment exercise. Clarity was sought around how this would take place in practice and in what circumstances such a remedy would be applied. It was suggested that this should be developed with the institution in question, taking account the diversity of institutions.</p>
<p>Proportionality of remedies</p>	<p>A substantial proportion of respondents discussed the UKFBs approach to proportionality of remedies. The majority of these responses suggested that greater clarity is needed on the link between the scale of a breach and applied remedies and how such decisions will be made, and made consistently. Some responses highlighted that the same remedy applied across different institutions or UOAs would have disproportionate impact, depending upon the size of a submission. A small group of respondents felt that intention was an important consideration in determining the application of remedies. It was suggested that cases where isolated mistakes are made in submissions, should not result in the application of more severe remedies.</p>
<p>Impact Case Studies (ICS)</p>	<p>A substantial proportion of respondents discussed ICS. It was thought the application of unclassified ICSs, would negatively skew the representation of excellence in submissions, when in fact this would not be accurate. In particular it was felt as though there would be variation in whether or not this remedy would be applied and was also understood to impact small submissions disproportionately. A small number respondents sought clarification as to how it will be decided which ICS will be removed.</p>
<p>Outputs selection breach</p>	<p>A substantial minority of respondents discussed output selection breaches in their responses. Comments sought a clearer link between such breaches and remedies. Respondents most commonly reported that output selection breaches should not be remedied by information being disregarded from environment statements during the assessment process – as there did not seem to be a rationale for this. Multiple respondents also questioned the rationale for future orientated remedies applied as a result of an output selection breach.</p>
<p>Systemic breaches</p>	<p>A minority of respondents discussed systemic breach in relation to remedies. Primarily it was suggested that greater clarity is required on the approach to remedies in the instance of a systemic breach – in particular, how it would be determined whether breach was systemic or individual. Respondents highlighted that clearer link should be developed between type of</p>

	breach (systemic VS individual) and the remedies that might be applied in either circumstance.
Timing of remedies	<p>A substantial proportion of respondents discussed timing of remedies. Further clarity was requested around whether submissions may be altered, where a complaint is resolved prior to the submission deadline – suggesting that the process set out in the consultation was not clear. Further clarity was also requested around how remedies would vary dependent upon the timing of breach. A minority of respondent requested clarity around whether a systemic breach rectified prior to the submission deadline would be remedied.</p> <p>A minority view, though strongly stated, suggested that the application of remedies, pre-submission, pre-results and post-results would result in inequitable treatment for institutions. It was suggested that complaints should only be accepted when breaches can be remedied equitably.</p>
UK variation	<p>A small number of respondents discussed variation in the application of remedies across the UKFBs. The majority of these comments requested more detailed information around variation between the UKFBs. Other comments suggested that processes should be put in place to ensure consistency rather than accepting variation.</p> <p>One comment asked requested for HEIs in Scotland, if it is intended for the process of Scottish Funding Council Outcome Agreements to be used to apply remedies relating to action plans, defining the submission population and HEIs having to deploy a percentage of their allocation, it should be explicitly stated.</p>
Research assessment	A small number of respondents requested further clarity around how C&I information will be used in the assessment of research environment

Q8f – Remedies - Are there additional remedies that should be considered by the funding bodies?

16 respondents provided a free text comment for question Q8f. The primary topics discussed were.

Additional remedies	Respondents suggested a range of remedies including those aimed at vexatious complaints, publication of submission errors, QR formula adjustment for breaches identified post result publication, the ability for HEIs to submit new outputs / ICS rather than applying unclassified ratings.
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Q9c – Complaint and investigation outcomes - Where it adds value, please provide your rationale for your answers.

23 respondents provided a free text comment for question Q9c. The primary topics discussed were.

Publication	The majority of responses received in relation to this question sought details of what the UKFBs will publish. Whether specific information about HEIs would be made public? What would this look like? And would it include complaints not taken forwards?
Confidentiality	A minority of respondents discussed issues of confidentiality and sought clarity around how confidentiality will be maintained. It was thought that this issue was greater for small institutions, where individuals were more likely to be identifiable. A small number of respondents suggested that HEIs may not be able to fully provide evidence to the UKFBs in relation to C&Is due to their data protection responsibilities.
Exceptional C&I process outcome publication	A minority of respondents requested further clarity around the UKFBs' intention to publish cases in an exceptional manner, where it is required.

Q10c – Complaint and investigation outcomes - Where it adds value, please provide your rationale for your answers.

33 respondents provided a free text comment for question Q10c. The primary topics discussed were.

Further clarity required	The largest single theme discussed by respondents in this section sought further clarity in relation to this section. In particular with regards to deadlines in relation to publication of REF results and the REF submission deadline and the deadline for submission of complaints.
Timelines	The next most discussed theme presented the view that the timeline set out in the consultation are too tight and conflicted with other REF related tasks creating additional burden for institutions. Respondents suggested that HEIs should be able to request extensions as required.
Shortening the C&I period	A small number of respondents suggested that the process should not be open pre REF 2021 submission. This would ensure that all complaints and investigations are managed equally. A minority of respondents stated that the C&I process would be open for too long post publication of REF 2021 results and this should be reconsidered.