



RESEARCH EXCELLENCE FRAMEWORK 2014

**CODE OF PRACTICE ON THE
SELECTION OF STAFF**

Document record

Document title	REF 2014 Equality Code of Practice
Version	1
Person responsible	Dean of Research & Enterprise (DRE)
Author	HQAE
Document date	November 2011
Last amended	April 2012
Effective from	April 2012
Review date	
History	<ul style="list-style-type: none">• Consultation with HR Department, DRE, KEM Nov 2011• Consideration and approval by REF Advisory Panel, Nov 2011• Consideration and approval by Research Committee, Feb 2012

REF 2014 CODE OF PRACTICE ON THE SELECTION OF STAFF		
Contents		Page
1	Introduction	4
2	Scope of the Code of Practice	4
3	Equality and Diversity at the RNCM	4
4	Definitions	5
5	Legal Framework	5
6	Grounds of Discrimination	5
7	Criteria for Selection of Staff	6
8	Roles and Responsibilities of Committees and Staff	7
9	Equalities Training	9
10	Individual Circumstances	9
11	Fixed-Term, Part-Time, and Contract Research Staff	10
12	Confidentiality	10
13	Impact Assessment and Monitoring	10
14	Review	11
15	Feedback to Staff on Inclusion	11
16	Appeals Procedure	11
17	Contact Details	13
18	Accessible Format Information	13

1. Introduction

The Royal Northern College of Music (hereinafter RNCM) is committed to an environment that values and celebrates the diverse nature of its research active population. This Code of Practice sets out the positive steps it will take to meet the requirements of the institutional mission and to achieve equality in the selection of staff for inclusion within the RNCM's submission for REF 2014, as required by the funding council.

RNCM recognises the importance and value of a code of practice which details responsibilities, operating criteria and processes and provides a framework for decision making which ensures:

- that all staff are treated fairly in accordance with the principle of equality;
- consistency of process across RNCM;
- transparency of process.

The code is freely available to all staff on the RNCM intranet. Hard copies are available on request.

2. Scope of the Code of Practice

This Code of Practice is applicable to all staff members involved in research activities and its management, both full- and part-time.

3. Equality and Diversity

The RNCM is committed to equality of opportunity for all staff and recognises and celebrates their diversity. Leadership and management in relation to equality are provided by the College's Directorate and a corresponding commitment sought from every member of staff. In practice this means that RNCM:

- is committed to providing an environment where all staff, including those falling within the protected characteristics contained within the 2010 Equality Act, are treated equally;
- has a research culture and environment in which diversity is celebrated;
- does not discriminate directly or indirectly against any member of staff;
- actively promotes equality and diversity.

The RNCM is committed to providing a positive working and learning environment free from discrimination, harassment, or victimisation on the grounds of the protected characteristics detailed in the 2010 Equality Act, where all staff are treated with respect and dignity.

The RNCM recognises the valuable contributions to research made by members of its diverse community.

The RNCM ensures that all staff have equal access to the full range of institutional facilities. Reasonable adjustments to working practices are considered wherever possible in order to accommodate a more diverse community.

The RNCM research community shares responsibility for the successful application of this Code of Practice. Specific responsibility falls on the REF Advisory Group, DRE and the Principal in ensuring that the selection and submission of staff members for the REF is free from discrimination, and in line with the principles set out in this Code of Practice.

This Code of Practice will be applied consistently across the RNCM. Managerial decisions concerning the selection of staff members for inclusion within the REF submission will be at the discretion of the RNCM and will be fully in accordance with this Code of Practice.

4. Definitions

Direct discrimination	Occurs when factors unrelated to merit, ability or potential of a person or group are used as an explicit reason for discrimination against them.
Discrimination	Takes place when an individual or a group of people is treated less favourably than others because of factors unrelated to their merit, ability or potential.
Indirect discrimination	Occurs when there are rules, regulations or procedures in place that have a discriminatory effect on certain groups of people.
Positive action	Is the deliberate introduction of measures to eliminate or reduce discrimination or its effects. It is not about special treatment for any one particular group but the fair treatment of all people.
Victimisation	Is punishing or treating an individual unfairly because they have made a complaint, or are believed to have made a complaint, or to have supported someone who has made a complaint.
'Whistleblowers' Act	Offers protection to workers who disclose information outside the organisation in cases where the matter has been raised internally and not been resolved as a result.

5. Legal Framework

The RNCM will comply with all the legal duties put upon it by the:

- Equality Act 2010;
- Part-Time Workers (Prevention of Less Favourable Treatment) Regulations 2000;
- Employment Act 2002 including Fixed Term Employees (Prevention of Less Favourable Treatment) Regulations 2002 and Fixed Term Employees (Prevention of Less Favourable Treatment) (Amendment) Regulations 2008;
- Public Interest Disclosure Act 1998 ('Whistleblowers' Act).

6. Grounds of Discrimination

In line with Equality and Diversity Policy, any staff member who believes that he/she may have been the victim of discrimination or victimisation in relation to the REF submission shall have full rights of protection under the RNCM's Grievance and

Appeals Procedures. All claims will be taken seriously. Further information on the procedure for dealing with complaints made in relation to decisions about the inclusion or non-inclusion of staff members in the REF submission can be found in Section 16 of this Code of Practice.

7. Criteria for Selection of Staff

RNCM values the contribution of all staff, whether this is through teaching, research, knowledge transfer and/or administration. Engagement in activities defined by the REF as research represents one aspect of the contribution staff may make to the work of RNCM. In selecting staff for inclusion in REF, RNCM will be as inclusive as possible, and will take into account individual circumstances which may have affected the member of staff's ability to produce four excellent outputs during the assessment period.

Following guidance issued by the funding councils, the following four key criteria will be employed by the RNCM in making decisions about the inclusion or non-inclusion of staff members in the REF submission:

(1) Eligibility

Eligible staff are those who hold a contract of employment with the RNCM of 0.2 FTE or greater and who are on the payroll on the census date and individuals who are employed by an organisation other than the RNCM but whose research is closely linked with RNCM.

(2) Quality of research activity

The quality of research activity carried out during the REF 2014 assessment period in terms of research outputs (assessed in terms of originality, significance and rigour), impact (reach and significance) and contribution to the research environment.

(3) Quantity (volume) of research outputs

The REF expects that four outputs per research active member of staff published between 1 January 2008 and 31 December 2013 should normally be included within a submission.

(4) Individual circumstances

Individual circumstances that significantly constrain an individual's ability to produce four outputs during the publication period will be taken into account. See Section 10 for further information.

7.1 Decision-Making Process

All decisions relating to selection and submission will refer to the four criteria set out below. The RNCM recognises that, for strategic reasons, not all eligible academic staff may be returned in the REF submission. Where there is a significant likelihood of non-inclusion, staff members concerned will be provided with feedback by DRE on their individual submissions. An Appeals Procedure has been formulated to apply in cases where it is alleged that a decision has involved unlawful discrimination (see Section 16).

The following processes for making decisions on submission to the REF will apply across RNCM. Those responsible for making such decisions will:

- endeavour to ensure that they have all the relevant facts relating to the individual about which they will make a decision;
- ignore irrelevant information;
- ensure that any relevant individual circumstances are fully considered and taken into account;
- keep full records of all decisions which affect individuals.

It should be noted that exclusion from the REF submission will not be taken to imply that particular staff members are not research active or that their research outputs are inadequate. Exclusion from REF will not in itself affect their time designated for research when it comes to annual workload balancing.

Decisions on REF inclusion on the one hand, and support for research activities on the other, are separate and involve different criteria. In the former, the overriding intention must be to maximise the overall benefit to the RNCM from its REF submission. In the latter, the concern is to harmonise individual research development with longer term institutional interests. Decisions relating to the REF submission will not be used to inform the RNCM's appraisal and promotion procedures.

8. Roles and Responsibilities of Committees and Staff

This section sets out the roles and responsibilities of staff and RNCM committees involved in the preparation and approval of the submission for REF 2014. It focuses on responsibilities in respect of the inclusion or non-inclusion of individual staff members within RNCM's submission.

Further details on the RNCM's governance and management arrangements for Research, including the remit and membership of the Research Committee and its sub-committees, are set out in the Research Strategy Document and in the RNCM's Quality Assurance and Enhancement Handbook.

8.1 Committees

8.1.1 REF Advisory Panel

Overall responsibility for establishing REF strategy and managing the RNCM's submission is held by the REF Advisory Panel; a sub-group of the Research Committee. Reporting to the Research Committee via DRE, the Group comprises the following staff:

- DRE (Chair);
- Associate DRE;
- Principal;
- Head of Quality Assurance and Enhancement;
- Knowledge Exchange Manager

with the provision to co-opt senior member(s) of academic staff as required.

Staff appointed to the group are senior staff within RNCM who are members of the Research Committee and who either have extensive research experience and/or experience of previous Research Assessment Exercises.

Each member of this group will receive appropriate equalities training tailored to the REF processes.

The remit of the REF Advisory Panel is to:

- Provide leadership for the RNCM's participation in REF 2014;
- determine RNCM REF strategy and ensure its effective communication throughout the institution;
- assure the quality and robustness of the RNCM's submission to REF 2014, including approving and ensuring the implementation of the Code of Practice on Staff Selection;
- discuss and agree staff for inclusion in the REF 2014 submission, with due advice from an external advisor. Final approval of staff for inclusion in the submission lies with the Principal.

The membership and terms of reference of the REF Advisory Panel will be noted by the College Research Committee and communicated to staff through the research pages on the College's VLE.

8.1.2 *Research Committee*

The REF Advisory Panel will report to the College Research Committee (RC) as required. RC will endorse the REF submission prior to final approval by the Principal.

8.2 *Staff Responsible for Staff Selection*

8.2.1 *Dean of Research and Enterprise*

Will be responsible for:

- Providing leadership in preparation for the REF 2014;
- Chairing the REF Advisory Panel;
- Overseeing the selection of staff for inclusion and advising the Principal on recommendations made in this regard;
- Providing feedback to staff not included in the submission in accord with the dates set out in Section 15.

8.2.2 *Principal*

Will be responsible for:

- Liaising with DRE on the preparation of REF 2014 submission;
- Approving the REF 2014 submission, including determining the inclusion of staff members.

8.2.3 *Co-opted Senior Member(s) of Academic Staff*

Will be responsible for:

- Advising DRE as required on staff selected for inclusion and non-inclusion.

9. **Equalities Training**

All staff involved in the selection of staff members for inclusion in the REF submission will have REF-tailored equalities training based on guidance from the Equality Challenge Unit, relative to their role and responsibilities, in line with this Code of Practice.

10. **Individual Circumstances**

Each main panel for REF 2014 have produced guidance on how they will deal with circumstances which might have affected an individual's contribution to the submission. In accord with this Code of Practice, the RNCM's commitment to equality of opportunity and the diverse nature of its research community, the following circumstances will be taken into account, in the selection of staff members for submission:

- (a) Clearly defined circumstances:
 - (i) qualifying as an Early Career Researcher (ECR)¹;
 - (ii) part-time working;
 - (iii) maternity, paternity or adoption leave;
 - (iv) secondments or career breaks outside of the higher education sector during which the individual did not undertake academic research.
- (b) Complex circumstances including, but not limited to, disability, ill-health and injury:
 - (i) any disability to which the Equality Act 2010 applies;
 - (ii) ill health or injury;
 - (iii) constraints related to pregnancy or maternity, in addition to a clearly defined period of maternity leave;
 - (iv) childcare or other caring responsibilities;
 - (v) gender reassignment.

¹ Staff who started their career as independent researchers on or after 1 August 2009. This is taken from the point at which they held a contract of employment of 0.2 FTE or greater, which included the primary employment function of undertaking 'research' or 'teaching and research', with any HEI or other organisation, whether in the UK or overseas, **and** they undertook independent research, leading or acting as principal investigator or equivalent on a research grant or significant piece of research work.

10.1 Mechanism for Disclosure of Individual Circumstances

In preparing the draft submission, staff identified as meeting the criteria for inclusion (see Section 7 of this Code of Practice) will be invited to disclose, in confidence to DRE, individual circumstances which may have resulted in their having fewer than four outputs. Information required under such a disclosure will be based on the individual staff circumstances data requirements specified in REF 02.2011: Assessment framework and guidance on submissions, paragraph 96.

In coming to a recommendation to the Principal on the inclusion and non-inclusion of staff individual circumstances identified through the process identified above will be considered anonymously by the REF Advisory Panel.

10.2 Consideration of Individual Circumstances by REF Panels

Main panels and sub-panels have clear criteria against which individual staff circumstances will be taken into consideration within submissions based on the applicable circumstances detailed in Section 10 above. For staff with clearly defined circumstances the REF clearly articulates the number of outputs that are acceptable in a given circumstance. This guidance will be followed by RNCM in considering such circumstances. For staff with more complex circumstances guidance from the Equality Challenge Unit will be used to aid both panels and RNCM in determining an appropriate number of outputs. In the REF submission, such cases will be considered by the REF Equality and Diversity Advisory Panel.

11. Fixed-Term and Part-Time Staff

In accord with this Code of Practice and the RNCM's commitment to equality of opportunity for those on fixed-term and part-time contracts, the selection criteria will take account of individual circumstances relating to staff members on fixed-term and part-time contracts, including contract research staff members, in the decision-making procedure for submission. This will relate to the proportion (FTE) of time in post across the REF assessment period as a whole, and how this might have affected an individual's capacity to produce the expected volume of four research outputs.

12. Confidentiality

The RNCM will protect the confidentiality of a staff member who discloses clear or complex individual circumstances as part of the REF 2014 and will safeguard any information disclosed voluntarily within the regulations set by the Data Protection Act 1998. The information will be used for statistical purposes only and the RNCM will safeguard the confidentiality of personal information disclosed. The Strategy Group will provide information related to the REF submission only to those members of staff specified in Section 8 of this Code of Practice.

13. Impact Assessment and Monitoring

The RNCM will monitor the equality profile of eligible staff members included or not included in REF submission as it develops. The RNCM will also monitor this equality profile in the context of all RNCM academic staff. The RNCM will investigate should any *prima facie* imbalance be found.

The monitoring process is an important way of determining whether anti-discrimination measures, such as this Code of Practice, are effective, and ensures that equality of opportunity is a reality within the RNCM.

Data monitoring will be carried out by the Human Resources Department on the protected characteristics in the Equality Act 2010 with these data being considered by the RNCM Equality and Diversity Committee. Information will be gathered sensitively, with appropriately worded questions, and confidentiality will be ensured. The RNCM will explain the purpose of monitoring and use the information gathered to create positive change.

14. Review

The effectiveness of this Code of Practice will be reviewed as required by the REF Advisory Panel and may be amended from time to time in response to external drivers.

When statutory employment law changes, this Code of Practice is held automatically to have been amended by that change and it will be updated as soon as practically possible.

15. Feedback to Staff on Non-Inclusion

Feedback will be provided to eligible staff not included in the REF submission by the DRE (see Section 16.1 below).

16. Appeals

The RNCM will ensure that, following feedback, staff members have the opportunity to appeal in regard to their non-inclusion in the REF submission on the grounds of discrimination. This section sets out the procedure through which the RNCM will respond to any appeal arising out of non-inclusion, investigating it in a fair and transparent manner.

All appeals and consequent outcomes will be monitored and reported through DRE to the REF Advisory Panel. Please see Section 13 for further information on monitoring.

It should be noted that there is no right of appeal against the academic or strategic judgement of those responsible for selecting staff members for inclusion in the REF submission (see Section 7) unless there are grounds for thinking that the judgement was exercised unfairly or in contravention of the principle of equality.

Appeals

16.1 Notification of Inclusion in REF 2014

Every eligible member of staff will be advised about the likelihood of their own inclusion in the REF submission and will receive feedback, including the ground(s) upon which the provisional judgement has been reached, as follows:

- an initial indication by early May 2013;
- a firm indication by early September 2013.

It is not anticipated that this *firm* indication will be changed but the RNCM reserves the right to take account of late strategic imperatives and exceptional individual circumstances.

The *final* schedule of members of staff to be included in REF 2014 will be confirmed by DRE by the date of the first meeting of the Research Committee of AY 2013-2014. Where the *firm* indication communicated by early September 2013 is changed, this *final* change will be communicated by DRE to the individual member(s) of staff involved.

At the *initial* and *firm* stages, each staff member will have the opportunity to provide additional information to DRE within 10 working days about their own circumstances and research profile, with most relevance to Sections **7, 10** and **11** of this Code of Practice. Following full consideration of any new information provided by the member of staff, the outcome in respect of inclusion or non-inclusion in the submission will be confirmed by DRE.

If non-inclusion in the submission is confirmed and the staff member believes that there is evidence of discrimination, he/she may decide to pursue the matter further under the REF Appeals Procedure detailed below. There is no other complaint or appeal procedure open to staff members in regard to exclusion from the REF submission.

16.2 Appeals Process

RNCM will adopt a two-stage appeals process for REF 2014.

Stage 1

An individual who wishes to have their recommendation for non-inclusion in the REF reviewed must write to DRE in the first instance clearly stating the reasons for requesting a review. This written appeal should be submitted within 10 working days of being informed of the decision against which they are appealing. The written appeal should contain details of the grounds for the appeal, referring to the criteria for staff selection in this code of practice and any supporting evidence. The request will be considered by DRE and the Vice-Principal within 15 working days.

Stage 2

Where resolution has not been possible under Stage 1, an individual may then formally appeal to the RNCM REF Appeal Panel comprising:

- Senior external advisor from another HEI (Chair);
- Dean of Performance Studies;
- Chair, RNCM Equality and Diversity Committee.

The individual making the appeal will be invited to appear in person before the Panel and may be accompanied by a work colleague or trade union representative.

The RNCM REF Appeals Panel may uphold an appeal, in which case the REF Advisory Panel will be directed to review their original recommendation, or may dismiss an appeal, in which case the original recommendation will stand. There will be no further right of appeal under this REF Appeals Process.

17. Contact Details

For further information or guidance regarding any of the issues covered in this Code of Practice, please contact:

REF 2014	Professor Richard Wistreich Dean of Research and Enterprise Richard.wistreich@rncm.ac.uk
Equality and Diversity issues	Mr Paul Hynes Director of Human Resources paul.hynes@rncm.ac.uk

18. Accessible Format Information

This document can be made available in large print and electronically upon request. If you require another alternative format please contact the Human Resources Department to discuss your requirements.