February 2019

To: Principals of Scottish HEIs

Dear Principal

REF 2021: Process for reviewing Codes of Practice

1. I am writing to explain the Scottish Funding Council’s arrangements for reviewing codes of practice on the fair and transparent identification of staff and outputs for submission to the 2021 Research Excellence Framework (REF 2021).

2. These arrangements have also been agreed by the higher education (HE) funding bodies for England, Wales and Northern Ireland who are writing to their own institutions in similar terms.

Background

3. The REF ‘Guidance on submissions’ (2019/01), which the UK REF team published on 31 January 2019, requires that each university submitting to the REF develops, documents and applies a code of practice on the fair and transparent identification of staff and outputs for REF submissions. To support higher education institutions (HEIs) in meeting their own obligations in law, the UK REF team also set out detailed guidance (in REF 2019/03) on drawing up codes of practice: that guidance provides a common framework for institutions’ development of policies and procedures within the REF, but does not generate obligations beyond those that HEIs will in any case need to address. It is the responsibility of HEIs to ensure that their codes of practice, and the manner in which they participate in the REF, are lawful.

4. The REF requirements, and associated guidance, have been developed following advice from the Equality and Diversity Advisory Panel.
Reviewing codes of practice

5. Each institution must submit its code of practice to the UK REF team **no later than noon, 7 June 2019** and the funding bodies will publish all codes of practice by the end of 2019. If we need to ask an institution to amend its code of practice, the resubmitted code will be published. Submission of a Code of Practice is a mandatory eligibility requirement to take part in REF2021, as it has been on previous occasions.

6. Paragraphs 9 to 14 explain the process that we will follow for reviewing each code of practice and how we will liaise with an institution if its code does not meet the published requirements. The timetable we will follow is as follows (all dates for 2019 unless otherwise stated):

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
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<tbody>
<tr>
<td>Institution submits code of practice to UK REF team</td>
<td>By noon, 7 June</td>
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<tr>
<td>Funding bodies notify institutions that code of practice meets REF requirements; or requests resubmission of the code of practice</td>
<td>By 16 August</td>
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<tr>
<td>Institution resubmits code of practice to funding bodies</td>
<td>By 20 September</td>
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<tr>
<td>Funding bodies notify institutions that code of practice meets REF requirements; or requests a second resubmission of the code of practice</td>
<td>By 8 November</td>
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<tr>
<td>Institution resubmits code of practice to funding bodies</td>
<td>By 15 November</td>
</tr>
<tr>
<td>Funding body notifies institution whether or not code of practice meets REF requirements</td>
<td>By 29 November</td>
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</tbody>
</table>

7. The timetable is intended to allow:
   - sufficient time for scrutiny of all institutions' codes of practice
   - adequate time for revision of codes by institutions, if this is required by us
   - a minimum 12-month period between us agreeing that a code of practice meets the REF published requirements and the actual REF submission deadline.

8. The timetable indicates the latest dates that we expect to respond to institutions at each stage in the process; if only a few cases require liaison with institutions we will aim to respond more quickly.

Process

9. The four HE funding bodies have agreed that all codes of practice submitted to REF 2021 will be reviewed by the REF Equality and Diversity Advisory Panel (EDAP) against the final requirements set out in the ‘Guidance on codes of practice’. EDAP will provide advice to the UK REF team, REF panel chairs and the
UK funding bodies on implementing the REF equality and diversity measures, particularly during the assessment phase. It comprises experts from the sector and members of REF panels. Updated terms of reference and membership for the submission and assessment phases of the REF are available on the REF website (www.ref.ac.uk).

10. EDAP will advise the funding bodies on the adherence of institutions' codes of practice to the REF guidance. Thereafter each funding body, rather than the UK REF team, will liaise with its institutions directly.

11. Following the submission deadline, and taking account of EDAP's advice, if we judge that a code of practice meets the REF published requirements, we will advise the head of institution of this within 10 weeks.

12. If a code of practice does not meet the published requirements:

   a. We will write within 10 weeks to inform the head of the HEI of exactly the nature of the shortcomings and what needs to be done to comply with the requirements.

   b. We will ask the institution to address this feedback and to submit to SFC within four weeks:

      i. a revised code of practice; and

      ii. a description of how the institution has or will communicate to its staff and implement any necessary changes in its procedures in the period before it finalises its REF submission.

   c. We will then review the revised code of practice and within eight weeks from the date of re-submission either:

      i. advise the head of institution that the revised code has met the REF published requirements; or

      ii. advise the head of institution and the chair of the board of governors that the code still does not satisfy the published requirements, and explain what needs to be done to satisfy them.

   d. We will ask the institution to address this new feedback and to submit to SFC within one week:

      i. a newly revised code of practice; and

      ii. a description of how the institution has or will communicate to its staff and implement any necessary
changes in its procedures in the period before it finalises its REF submission.

e. We will review the newly revised code of practice and within two weeks from the date of its submission will advise the head of institution whether or not the newly revised code has met the REF published requirements.

f. If an institution's code of practice still does not meet the REF published requirements after two attempts by us to help it to do so, we reserve the right to inform the institution that it is ineligible to enter the REF 2021. In this case, we would write to notify the head of institution and chair of the governing body as soon as reasonably possible, subject to any further advice we may need to take.

13. We have set out the timetable so there is full visibility of the process. On previous occasions the universities have each worked effectively to produce an agreed code of practice which takes account of advice and guidance from the UK REF team and funding bodies.

14. Our guidance on codes of practice and the process of approval are designed to help ensure that we and the other three HE funding bodies conduct the REF in accordance with our duties under the Equality Act 2010. Institutions have their own legal obligations and it is the responsibility of institutions to ensure that their codes of practice and the manner in which they participate in the REF are lawful.

Further information

15. Please address any queries about this letter to:

   • Morag Campbell, Assistant Director, Research and Innovation (mcampbell@sfc.ac.uk, 0131-313 6530); or
   • Keith McDonald, Assistant Director, Research and Innovation (kmcdonald@sfc.ac.uk, 0131-313 6674)

Yours sincerely

Dr Stuart Fancey
Director of Research and Innovation
0131-313 6559
sfancey@sfc.ac.uk