

HEFCW circular W20/01HE: Annex B



Cyngor Cyllido Addysg
Uwch Cymru
Higher Education Funding
Council for Wales

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Research
England



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

This document sets out for consultation, a draft process for the management of complaints and investigations relating to the implementation of the Codes of practice produced by higher education institutions for the Research Excellence Framework 2021.



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REF 2021 Codes of practice complaints and investigations process

To	<ul style="list-style-type: none"> - Heads of Higher Education Institutions in the UK - Staff at higher education institutions in the UK
Of interest for	<ul style="list-style-type: none"> - Those responsible for research - Those conducting research in higher education institutions
Reference	<ul style="list-style-type: none"> - W20/02HE
Publication date	<ul style="list-style-type: none"> - 8 January 2019
Enquiries	<ul style="list-style-type: none"> - researchwales@hefcw.ac.uk

Executive summary

Purpose

1. This document sets out for consultation a draft process for the management of complaints and investigations (C&I) relating to the implementation the Codes of practice produced by HEIs for the Research Excellence Framework (REF) 2021.
2. The final process will be published in summer 2020.

Key points

3. Each institution making a submission to REF 2021 is required to develop, document and apply a COP on the fair and transparent processes used for making key decisions in their submissions to the exercise.
4. During 2019 the UK funding bodies assessed and approved the COP of each institution intending to participate in REF 2021. To provide assurance to the UK funding bodies that COPs are being applied as set out by institutions participating in REF 2021, the funding bodies committed to providing a C&I process.
5. The C&I process is being set up to consider cases where it is alleged that the processes set out in an approved COP have not been followed. The funding bodies will not provide

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adjudication upon matters beyond this remit, which do not concern a potential breach of COP process.

6. This document sets out the draft process for the UK funding bodies' management of complaints and investigations regarding the implementation of institutions' COP for REF 2021.

Action required

7. Please respond to this consultation by **noon, 6 March 2020** using the online form. This can be accessed alongside this document at <https://www.surveymonkey.co.uk/r/YFG7DSM>.

Further information

8. For further information about REF 2021 see www.ref.ac.uk

9. For further information about the REF COP see <https://www.ref.ac.uk/publications/guidance-on-codes-of-practice-201903/>

10. Other enquiries should be addressed to researchwales@hefcw.ac.uk

Introduction

11. In the REF 2021 publication 'Guidance on codes of practice' (REF 2019/03), the UK funding bodies committed to putting in place measures to enable individuals to make a formal complaint where it is believed that the agreed processes set out within a COP are not being followed by an HEI.

12. The COPs will aid institutions in their responsibilities in respect of promoting equality and diversity, complying with legislation and avoiding discrimination when preparing submissions to REF 2021. The purpose of the C&I process is to provide assurance to the UK funding bodies that COPs are applied as set out by institutions participating in REF 2021. This assurance helps meet the obligations of the UK funding bodies concerning equality, diversity and inclusion.

13. This consultation provides an opportunity for the sector to provide their view on a draft of the REF 2021 C&I process. The UK funding bodies are seeking the views of the sector on the appropriateness and clarity of the C&I process, to ensure that a range of views from a variety of stakeholders are considered in finalising the process.

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Responding to the consultation

14. The questions for consultation are set out throughout this document and a summary of questions is available at Annex A to HEFCW circular W20/01HE. Responses to this consultation are invited from any organisation, group or individual with an interest in the conduct, quality, funding or use of research. Responses should be completed online via the above link **by noon Friday 6 March 2020**.

15. Only responses received through the online form will be reviewed and included in our analysis. All responses made through the online form by the deadline will be considered.

16. Following the deadline, responses will be copied to Research England, the Scottish Funding Council, the Higher Education Funding Council for Wales and the Department for the Economy, Northern Ireland. Responses may also be copied to externally commissioned consultants for the purpose of analysis. In such an instance any external agency will be contractually bound to the confidential management of any information arising from this consultation.

17. The UK funding bodies will commit to read, record and analyse responses to this consultation in a consistent manner. For reasons of practicality, usually a fair and balanced summary of responses rather than the individual responses themselves will inform any decision made. In most cases the merit of the arguments made is likely to be given more weight than the number of times the same point is made. Responses from organisations or representative bodies with high interest in the area under consultation, or likelihood of being affected most by the proposed process, are likely to carry more weight than those with little or none.

18. The UK funding bodies will publish an analysis of the consultation responses and an explanation of how they were considered in our subsequent decisions. We may publish individual responses to the consultation in the summary. Where we have not been able to respond to a significant material issue, we will endeavour to explain the reasons for this.

19. All responses may be disclosed on request under the terms of the relevant Freedom of Information Acts across the UK. The Acts give a public right of access to any information held by a public authority; in this case the four UK funding bodies. This includes information provided in response to a consultation. We have a responsibility to decide whether any responses, including information about your identity, should be made public or treated as confidential. We can refuse to disclose information only in exceptional circumstances. This means that responses to this consultation are unlikely to be treated as confidential except in very particular circumstances. For further information about the Acts, see the Information Commissioner's Office website, www.ico.gov.uk or, in Scotland, the website of the Scottish Information Commissioner www.itspublicknowledge.info/home/

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20. For further information relating to UK Research and Innovation's Privacy notice, please visit <https://www.ukri.org/privacy-notice/>. Information relating to HEFCW's Privacy notice is available at https://www.hefcw.ac.uk/home/hefcw_privacy.aspx.

Complaints & investigations process overview

21. Each institution submitting to REF 2021 is required to develop, document and apply a COP on the fair and transparent processes for;

- a. identifying staff with significant responsibility for research (where an HEI is not submitting 100 per cent of Category A eligible staff);
- b. determining who is an independent researcher; and
- c. the selection of outputs, including approaches to supporting staff with circumstances.

22. In the REF 2021 'Guidance on codes of practice' the UK funding bodies committed to putting in place measures to enable individuals to make a formal complaint where it is believed that the agreed processes set out within a COP are not being followed by an HEI.

23. The purpose of the complaints and investigations process is to provide assurance to the UK funding bodies that COPs are being applied as set out by institutions participating in REF 2021 and provide assurance to the UK funding bodies of the accuracy of submissions to REF 2021. This assurance helps meet the UK funding bodies' obligations concerning equality, diversity and inclusion.

24. C&Is will not concern the adequacy or suitability of a COP itself, only the application of the COP.

25. In the first instance, the funding bodies expect that complaints will be resolved through the internal HEI appeals process documented within each COP. The funding bodies expect HEIs to provide access to routes which settle an issue under the authority of the university (e.g. a board committee, arbitration) and reserve the right to recommend such actions as an outcome of this process. The funding bodies will provide a robust and independent process to consider complaints that concern an alleged breach of COP process and take appropriate action where resolution has not been possible through an HEI's internal processes. The funding bodies will not provide adjudication upon matters that are viewed not to concern a breach of COP process and reserve the right to refuse complaints on such a basis.

26. Where complaints or investigations are upheld and an HEI is found to have breached their COP it may be appropriate for the funding bodies to apply remedies to an institution's REF 2021 submission. To ensure that such issues do not arise again the funding bodies may apply remedies relating to future research assessment exercises. Remedies will be appropriate and

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proportionate to the scale of a COP breach and are discussed in more detail in paragraphs 53 – 58 and Table 1, in this consultation document.

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

Investigations

Q1 – Investigations

- a. Overall, the approach set out in this section is **appropriate**
 - Strongly Agree
 - Agree
 - Neither Agree nor disagree
 - Disagree
 - Strongly disagree
- b. Overall, the approach set out in this section is **clear**
 - Strongly Agree
 - Agree
 - Neither Agree nor disagree
 - Disagree
 - Strongly disagree
- c. Where it adds value, please provide your rationale for your answers

28. The purpose of investigations will be for the UK funding bodies to determine whether a REF 2021 COP has been breached. In cases where it is determined that a COP has been breached, investigations will determine the extent of the breach and its impact upon an institution's submission to REF 2021. Investigations will ensure that an HEI has effectively and consistently applied its COP. Investigations will assure the funding bodies of the accuracy of REF 2021 submissions.

29. Should a funding body investigation conclude that there is insufficient evidence that the COP has been effectively adhered to, the relevant funding body will employ proportionate measures to address this (as detailed in paragraphs 53 – 58 and Table 1, in this consultation document).

30. There are two possible types of investigations as part of this C&I process:

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

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Individual Complaints

Q2 – Individual Complaints

- a. Overall, the approach set out in this section is **appropriate**
- Strongly Agree
 - Agree
 - Neither Agree nor disagree
 - Disagree
 - Strongly disagree
- b. Overall, the approach set out in this section is **clear**
- Strongly Agree
 - Agree
 - Neither Agree nor disagree
 - Disagree
 - Strongly disagree
- c. Where it adds value, please provide your rationale for your answers

Q3 – Complaints out of scope (paragraph 32)

- a. Overall, the criteria for complaints out of scope are **appropriate**
- Strongly Agree
 - Agree
 - Neither Agree nor disagree
 - Disagree
 - Strongly disagree
- b. Overall, the criteria for complaints out of scope are **clear**
- Strongly Agree
 - Agree
 - Neither Agree nor disagree
 - Disagree
 - Strongly disagree
- c. Where it adds value, please provide your rationale for your answers
- d. Please propose any additional criteria for complaints that you feel should be out of scope

31. Complaints may be submitted by any party. The C&I process will only investigate complaints that concern a potential breach of a COP. Complainants are advised to make themselves familiar with both the relevant HEI's COP and the 'Guidance on codes of practice' to satisfy themselves that they believe a breach of the code has taken place before they make a complaint.

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

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

33. The funding bodies will ensure that complainants are well-informed about the use of their personal data and any information that they provide. This includes the potential sharing of information (including that which may potentially identify individuals) between funding bodies and with the HEI(s) to which the complaint applies.

34. Wherever possible the funding bodies will not share information that would identify individuals, unless it is necessary to the consideration of the complaint or part of an investigation. Complainants will be informed that their information may be used in such a way.

35. The UK funding bodies may consider requests to maintain privacy in exceptional circumstances. Such instances will be managed on a case by case basis. In some instances the ability of the funding bodies to investigate a complaint may be prevented by the desire of the complainant to maintain confidentiality, as full investigation of the issue may not be possible without specific details.

Systemic breach

Q4 – Systemic Breach

- a. Overall, the approach set out in this section is **appropriate**
 - Strongly Agree
 - Agree
 - Neither Agree nor disagree
 - Disagree
 - Strongly disagree
- b. Overall, the approach set out in this section is **clear**
 - Strongly Agree
 - Agree
 - Neither Agree nor disagree
 - Disagree
 - Strongly disagree
- c. Where it adds value, please provide your rationale for your answers

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36. A systemic breach refers to a recurrent non-adherence to a COP. Rather than a single isolated breach, a systemic breach may be typified by an impact upon multiple people, indicating a routine or widespread misapplication of a COP.
37. Where a systemic breach is suspected, the funding bodies may investigate.
38. The REF Director may trigger a funding body systemic breach investigation where they determine that a systemic breach of an HEI's COP may have occurred. The REF Director will determine that a systemic breach may have occurred where they consider that one of the following applies:
- a. An issue raised in a complaint could have an impact on people beyond the parties to the complaint; and/or
 - b. A complaint, or pattern of complaints, indicates that an HEI's practice may not be in line with its published COP; and/or
 - c. A referral by REF audit or the REF Equality and Diversity Advisory Panel (EDAP) indicates that an HEI's practice is not in line with its published COP.
39. Potential systemic breaches may be brought to the attention of the REF Director through the following routes:
- a. Individual complaints
 - b. A referral by REF audit or the REF Equality and Diversity Advisory Panel (EDAP).
40. Systemic breaches may occur at submission level within a single unit of assessment (UOA), across multiple UOAs, or at an institution-wide level. The funding bodies will consider the extent of a potential systemic breach as part of any investigation and the application of associated remedies.

The Complaints and investigation process

41. The C&I Process has three stages;
- Stage 1: REF team process
 - Stage 2: Funding body process
 - Stage 3: Appeals process

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Stage 1: REF team process

Q5 - Stage 1: REF Team Process

- a. Overall, the process set out in this section is **appropriate**
 - Strongly Agree
 - Agree
 - Neither Agree nor disagree
 - Disagree
 - Strongly disagree

- b. Overall, the process set out in this section is **clear**
 - Strongly Agree
 - Agree
 - Neither Agree nor disagree
 - Disagree
 - Strongly disagree

- c. Where it adds value, please provide your rationale for your answers

42. Stage 1 (the REF team process) is designed to determine whether or not an individual complaint, or a possible systemic breach of a COP, should be investigated by the funding bodies.

43. For context, the REF Team is jointly funded by the UK funding bodies and runs the REF on behalf of all four. The REF Team is located at Research England.

Individual complaints

44. The following process will be followed for individual complaints:

- a. Complainants may submit their COP complaint via email, directly to the REF Team.
- b. Complaints will be initially managed by a REF team panel. This panel will consider whether a complaint falls within scope of the C&I process (as outlined in paragraphs 31 - 35) and whether there is sufficient information to investigate. The REF team panel will aim to reach an outcome within five working days. There are three potential outcomes from the REF team panel assessment:
 - i. **It is determined that the complaint is not within scope of the COP C&I process** - the complaint will not be taken forwards and the complainant will be informed via email.
 - ii. **There is deemed to be insufficient evidence to investigate the complaint** – The REF team panel may request further evidence from the complainant. Other than in exceptional circumstances, the complainant will have ten working days within which to provide this further evidence. Where additional

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evidence is provided by a complainant, the complaint will be assessed again by the REF team panel.

iii. The complaint is deemed to meet the criteria for investigation.

- c. Complaints that meet the criteria for investigation and with sufficient evidence to investigate, will be passed to the REF Director. Complaints that are not in scope will not be taken forward.
- d. The final decision on whether a case is referred to the funding bodies for investigation will be taken by the REF Director, based upon the evidence presented and the REF team panel's advice.

45. Partial complaints may be considered where only certain elements of a complaint are determined to be out of scope, or there is insufficient evidence to investigate part of the complaint.

46. Overall, this stage of the process is expected to take place within an estimated 25 working days and complainants will be informed of outcomes.

Systemic breaches

47. In cases of suspected systemic breaches, the REF Director may refer a case for a funding body investigation. As determined by the criteria set out in paragraphs 36 - 40.

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Stage 2: Funding body process

Q6 – Stage 2: Funding Body Process

- a. Overall, the process set out in this section is **appropriate**
 - Strongly Agree
 - Agree
 - Neither Agree nor disagree
 - Disagree
 - Strongly disagree
- b. Overall, the process set out in this section is **clear**
 - Strongly Agree
 - Agree
 - Neither Agree nor disagree
 - Disagree
 - Strongly disagree
- c. Where it adds value, please provide your rationale for your answers

48. The funding bodies will be informed about a case by the REF Director who will advise that:
 - a. There is insufficient evidence to warrant investigation and no action is required, OR
 - b. There is sufficient evidence to warrant investigation.

49. Where the REF Director considers that there is sufficient evidence to warrant investigation the following process will be followed:

- a. The case will be considered by a funding body panel. A case may concern an individual complaint or suspected systemic breach of a COP. If there is a complainant, they will be informed of the progression of their case.
- b. The funding body panel will invite the head of the institution concerned to provide full evidence in relation to a case. The HEI will be provided with the information contained in the complaint, or upon which an investigation is based, in order to aid their gathering of evidence. The HEI will have ten working days to provide this information.
- c. The funding body panel will consider the evidence submitted by the HEI and will aim within 15 working days to make a recommendation to the relevant funding body, on whether a case should be upheld and any remedies applied (remedies are discussed in paragraphs 53 – 58 and Table 1, in this consultation document).
- d. Should the funding body panel require advice or additional information in order to reach a decision (such as legal advice, advice from EDAP and / or the REF Main

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- Panel Chairs) and it is possible that seeking this advice will take longer than the intended 15 working days, the relevant funding body will aim to notify the affected HEI and any complainant of a delay.
- e. The relevant funding body will then write to the HEI and complainant, should there be one, with the final decision and recommendations. It will be made clear at the outset of any investigation that details of the outcome and any remedy will be shared in full with the complainant.
 - f. Overall, the funding body panel will aim to process complaints at this stage within 35 working days.

Stage 3: Appeals process

Q7 – Stage 3: Appeals process

- a. Overall, the process set out in this section is **appropriate**
 - Strongly Agree
 - Agree
 - Neither Agree nor disagree
 - Disagree
 - Strongly disagree
- b. Overall, the process set out in this section is **clear**
 - Strongly Agree
 - Agree
 - Neither Agree nor disagree
 - Disagree
 - Strongly disagree
- c. Where it adds value, please provide your rationale for your answers

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

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

52. Appeals will follow the following process

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- a. Appeals must be made by the appellant to the most senior officer of the relevant funding body¹ within ten working days of the issuing of the original C&I process outcome.
- b. Appeals will be considered by a senior cross funding body appeals panel. The appeals panel will be independent of the funding body panel that considered the original complaint.
- c. The appeals panel may decide to call for additional evidence from the HEI or complainant. In such cases five working days will be permitted for this evidence to be provided. The panel may seek legal advice, or advice from EDAP and / or the REF Main Panel Chairs.
- d. The appeals panel may make a recommendation to:
 - i. Revoke the initial outcome
 - ii. Amend the initial outcome
 - iii. Confirm the initial outcome
 - iv. Confirm the initial outcome, on different grounds.
- e. Overall the appeals panel will aim for appeals to be considered within 15 working days of receipt.
- f. The relevant funding body will then aim to write to the HEI and complainant within five working days of the appeals panel recommendations, with the outcome of the appeals process. It will be made clear at the outset of the C&I process that the outcome and remedy will be shared in full with the HEI and complainant.

¹ Chief Executive for the Higher Education Funding Council for Wales, Chief Executive for the Scottish Funding Council, Executive Chair for Research England and Director of Higher Education for the Department for the Economy Northern Ireland.

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Remedies

Q8 - Remedies

- a. Overall, the rationale set out regarding remedies is **appropriate**
 - Strongly Agree
 - Agree
 - Neither Agree nor disagree
 - Disagree
 - Strongly disagree
- b. Overall, the rationale set out regarding remedies is **clear**
 - Strongly Agree
 - Agree
 - Neither Agree nor disagree
 - Disagree
 - Strongly disagree
- c. Overall, the specific example remedies set out in Table 1 are **appropriate**
 - Strongly Agree
 - Agree
 - Neither Agree nor disagree
 - Disagree
 - Strongly disagree
- d. Overall, the specific example remedies set out in Table 1 are **clear**
 - Strongly Agree
 - Agree
 - Neither Agree nor disagree
 - Disagree
 - Strongly disagree
- e. Where it adds value, please provide your rationale for your answers
- f. Are there additional remedies that should be considered by the funding bodies?

53. It may be appropriate to apply remedies where complaints or investigations are upheld and an HEI is found to have breached its COP. Remedies will be proportionate to the COP breach.

54. A joint funding body process will help maintain consistency across the UK. Remedies will necessarily take into account the nature of devolved powers and so some variations may apply.

55. Remedies will be decided on and imposed by the relevant funding body, though they may be implemented in some cases by the REF team.

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56. Remedies will be issued in order to correct the impact of a breach of a COP and provide the UK funding bodies with sufficient assurance that such a breach is less likely to occur in the future. It will not be possible to seek retrospective remedy of a breach in the case of complaints or investigations carried out after the publication of REF results. Remedies in this instance will concentrate on reducing the risk of similar issues occurring in the future.

57. Table 1 outlines proposed remedies for breaches of COPs. Each breach contains a range of possible remedies which may be used separately or in conjunction depending on the nature and severity of the breach. All remedies will be applied after the REF 2021 submission deadline in order to minimise variation in the application and impact of remedies. The funding bodies recognise that in practice this will allow opportunity for C&I process outcomes issued prior to the REF 2021 submission deadline to influence HEIs' final submissions. As the purpose of the C&I process is to assure the accuracy of REF 2021 submissions, this is in keeping with that purpose.

58. While attempting to minimise the variation between applied remedies, the funding bodies reserve the right to apply remedies according to the nature and timing of a COP breach. As a result the funding bodies may vary remedies according to circumstance when it is judged to be reasonably required.

Table 1: Example remedies for COP breaches.

Code of practice breach	Remedies
Process for identifying staff with SRR not implemented accurately (staff with SRR not submitted / staff not meeting SRR criteria submitted)	<p>Volume measure adjusted to include staff with SRR, who were incorrectly added / omitted from submission</p> <p>Removal of outputs associated with wrongly submitted staff and unclassified score for missing outputs</p> <p>Where output numbers or FTE calculations are amended, this may affect the number of required impact case studies. In such instances data will be adjusted accordingly and unclassified impact case studies may be applied where FTE thresholds are met, due to remedies.</p>
Process for determining research independence not implemented accurately (eligible staff not submitted / ineligible staff submitted)	<p>Volume measure adjusted to include all research independent staff, who were incorrectly added / omitted from submission</p> <p>Removal of outputs associated with wrongly submitted staff and unclassified score for missing outputs</p> <p>Where output numbers or FTE calculations are amended, this may affect the number of required impact case studies. In such instances data will be adjusted accordingly and unclassified impact case studies may be applied where FTE thresholds are met, due to remedies.</p>

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<p>HEI has not followed COP process for output selection</p>	<p>If pre-publication of REF results and where a breach concerns accuracy of submitted output data, such data is amended proportionately</p> <p>Where a breach concerns the delivery of a fair and transparent process, the funding bodies will apply appropriate and proportionate remedies in relation to the nature of the breach. Examples of such remedies include:</p> <ul style="list-style-type: none"> • If pre-assessment and where narrative data in the environment statement(s) are inaccurate, the inaccurate data will be disregarded by the panels in the assessment <p>Greater controls required from the relevant HEI for subsequent research assessment exercises, such as</p> <ul style="list-style-type: none"> • HEI required to improve internal processes by developing an action plan with the relevant funding body, subject to regular monitoring • The funding body reserves the right to define the submission population for the next exercise. • The institution must deploy the equivalent of a minimum percentage (TBD) of their allocation to supporting environment interventions to improve support for researchers across careers stages. Where the issue identified is across the institution, support must be defined across the institution as a whole. The activity must be agreed with the relevant funding body.
<p>Inaccurate evidence provided to the funding bodies concerning the delivery of the COP process.</p> <p>(E.g. Failure to consult with staff on COP, failure to secure staff agreement for SRR)</p>	<p>Greater controls required on the relevant HEI for subsequent research assessment exercises, such as:</p> <ul style="list-style-type: none"> • HEI required to improve internal processes by developing an action plan with the relevant funding body, subject to regular monitoring • The funding body reserves the right to define the submission population for the next exercise. • The institution must deploy the equivalent of a minimum percentage (TBD) of their allocation to supporting environment interventions to improve support for researchers across careers stages. Where the issue identified is across the institution, support must be defined across the institution as a whole. The activity must be agreed with the relevant funding body.
<p>Failure to follow/deliberate frustration of internal COP appeals process within HEI</p>	<p>To prevent similar issues arising in future research assessment exercises, the funding bodies will employ greater controls on the relevant HEI for subsequent exercises, such as:</p> <ul style="list-style-type: none"> • HEI required to improve internal processes by developing an action plan with the relevant funding body, subject to regular monitoring • The funding body reserves the right to define the submission population for the next exercise. • The institution must deploy the equivalent of a minimum percentage (TBD) of their allocation to supporting environment interventions to improve support for researchers across careers stages. Where the issue identified is across the institution, support must be defined across the institution as a whole. The activity must be agreed with the relevant funding body.

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

<p>Q9 – Complaint and Investigation Outcomes</p> <p>a. Overall, the approach set out in this section is appropriate</p> <ul style="list-style-type: none"> • Strongly Agree • Agree • Neither Agree nor disagree • Disagree • Strongly disagree <p>b. Overall, the approach set out in this section is clear</p> <ul style="list-style-type: none"> • Strongly Agree • Agree • Neither Agree nor disagree • Disagree • Strongly disagree <p>c. Where it adds value, please provide your rationale for your answers</p>

59. Aggregated information about complaints, investigations and outcomes will be published by the funding bodies. Published information will protect the identity of complainants. The funding bodies may consider a joint publication of aggregated data where it is considered that this will

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help protect complainants or other individuals. Publication will ensure transparency in the delivery of public funding and will help demonstrate the UK funding bodies' commitment to equality, diversity and inclusion.

60. Wherever possible, each case will be published with the same level of detail to ensure consistency. The funding bodies will reserve the right to publish exceptional cases in an exceptional manner where doing so is deemed to be in the best interest of protecting the identity of individuals.

Confidentiality and data protection

61. The nature of the C&I process necessitates consideration of confidentiality and compliance with the current UK data protection legislation. All parties involved in the C&I process must comply with data protection legislation in their handling of personal data in relation to complaints or investigations.

62. The funding bodies will ensure that complainants are well-informed about how their information, and information about them, will be treated. This includes the potential sharing of information (including information that would potentially identify individuals) between funding bodies and with the HEI(s) to which the complaint applies.

63. Wherever possible the funding bodies will not share information that would identify individuals unless it is necessary to consideration of the complaint or part of an investigation. Complainants will be informed from the outset that their information may be used in such a way.

64. The funding bodies will aim to allow for exceptional circumstances in which they may grant requests to maintain privacy, if that is possible. Such instances will be managed on a case by case basis. In some instances, the ability of the funding bodies to investigate a complaint may be prevented by the desire of the complainant to maintain confidentiality.

65. In the investigation of complaints, the funding bodies may request information from an HEI. Foreseeably, HEIs may decide that they are unable to provide the necessary information required to fully inform an investigation due to issues of confidentiality and data protection. Such instances will be considered on a case by case basis. Legal advice may be sought in such instances. HEIs will be informed that it is for them to determine whether they are permitted to disclose personal data and if such information cannot be lawfully disclosed to the funding bodies a conclusion will be reached without it.

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Timelines

<p>Q10 – Timelines</p> <p>a. Overall, proposed timelines are appropriate</p> <ul style="list-style-type: none"> • Strongly Agree • Agree • Neither Agree nor disagree • Disagree • Strongly disagree <p>b. Overall, proposed timelines are clear</p> <ul style="list-style-type: none"> • Strongly Agree • Agree • Neither Agree nor disagree • Disagree • Strongly disagree <p>c. Where it adds value, please provide your rationale for your answers</p>

Table 2 – Timetable

Date	Code of practice complaints and investigation process schedule
8 Jan – 3 Mar 2020	Consultation period
Mar – Aug 2020	Consultation analysis.
Late summer 2020	Publication of final COP complaints and investigations process and response to the consultation
Late summer 2020	COP complaints and investigation process opens
27 Nov 2020	REF 2021 submission deadline
Jun 2021	Processes close for complaints that do not depend upon the publication of outputs
Oct 2021	All 'pre-publication' complaints & investigations resolved
Nov 2021	All issued remedies are applied
Dec 2021	Publication of REF 2021 outcomes
Jun 2022	Processes close for complaints concerning published outputs

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Oct 2022	All complaints and investigations resolved and issued remedies applied
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Annex A – consultation questions

Q1 – Investigations

- a. Overall, the approach set out in this section is **appropriate**
 - Strongly Agree
 - Agree
 - Neither Agree nor disagree
 - Disagree
 - Strongly disagree
- b. Overall, the approach set out in this section is **clear**
 - Strongly Agree
 - Agree
 - Neither Agree nor disagree
 - Disagree
 - Strongly disagree
- c. Where it adds value, please provide your rationale for your answers

Q2 – Individual Complaints

- a. Overall, the approach set out in this section is **appropriate**
 - Strongly Agree
 - Agree
 - Neither Agree nor disagree
 - Disagree
 - Strongly disagree
- b. Overall, the approach set out in this section is **clear**
 - Strongly Agree
 - Agree
 - Neither Agree nor disagree
 - Disagree
 - Strongly disagree
- d. Where it adds value, please provide your rationale for your answers

Q3 – Complaints out of scope (paragraph 29)

- a. Overall, the criteria for complaints out of scope are **appropriate**
 - Strongly Agree
 - Agree
 - Neither Agree nor disagree
 - Disagree
 - Strongly disagree
- b. Overall, the criteria for complaints out of scope are **clear**
 - Strongly Agree
 - Agree

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- Neither Agree nor disagree
 - Disagree
 - Strongly disagree
- c. Where it adds value, please provide your rationale for your answers
- d. Please propose any additional criteria for complaints that you feel should be out of scope

Q4 – Systemic Breach

- a. Overall, the approach set out in this section is **appropriate**
- Strongly Agree
 - Agree
 - Neither Agree nor disagree
 - Disagree
 - Strongly disagree
- b. Overall, the approach set out in this section is **clear**
- Strongly Agree
 - Agree
 - Neither Agree nor disagree
 - Disagree
 - Strongly disagree
- c. Where it adds value, please provide your rationale for your answers

Q5 - Stage 1: REF Team Process

- a. Overall, the process set out in this section is **appropriate**
- Strongly Agree
 - Agree
 - Neither Agree nor disagree
 - Disagree
 - Strongly disagree
- b. Overall, the process set out in this section is **clear**
- Strongly Agree
 - Agree
 - Neither Agree nor disagree
 - Disagree
 - Strongly disagree
- c. Where it adds value, please provide your rationale for your answers

Q6 – Stage 2: Funding Body Process

- a. Overall, the process set out in this section is **appropriate**
- Strongly Agree
 - Agree
 - Neither Agree nor disagree
 - Disagree

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- Strongly disagree
- b. Overall, the process set out in this section is **clear**
- Strongly Agree
 - Agree
 - Neither Agree nor disagree
 - Disagree
 - Strongly disagree
- c. Where it adds value, please provide your rationale for your answers

Q7 – Stage 3: Appeals process

- a. Overall, the process set out in this section is **appropriate**
- Strongly Agree
 - Agree
 - Neither Agree nor disagree
 - Disagree
 - Strongly disagree
- b. Overall, the process set out in this section is **clear**
- Strongly Agree
 - Agree
 - Neither Agree nor disagree
 - Disagree
 - Strongly disagree
- c. Where it adds value, please provide your rationale for your answers

Q8 - Remedies

- a. Overall, the rationale set out regarding remedies is **appropriate**
- Strongly Agree
 - Agree
 - Neither Agree nor disagree
 - Disagree
 - Strongly disagree
- b. Overall, the rationale set out regarding remedies is **clear**
- Strongly Agree
 - Agree
 - Neither Agree nor disagree
 - Disagree
 - Strongly disagree
- c. Overall, the specific example remedies set out in Table 1 are **appropriate**
- Strongly Agree
 - Agree

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- Neither Agree nor disagree
 - Disagree
 - Strongly disagree
- d. Overall, the specific example remedies set out in Table 1 are **clear**
- Strongly Agree
 - Agree
 - Neither Agree nor disagree
 - Disagree
 - Strongly disagree
- e. Where it adds value, please provide your rationale for your answers
- e. Are there additional remedies that should be considered by the funding bodies?

Q9 – Complaint and Investigation Outcomes

- a. Overall, the approach set out in this section is **appropriate**
- Strongly Agree
 - Agree
 - Neither Agree nor disagree
 - Disagree
 - Strongly disagree
- b. Overall, the approach set out in this section is **clear**
- Strongly Agree
 - Agree
 - Neither Agree nor disagree
 - Disagree
 - Strongly disagree
- c. Where it adds value, please provide your rationale for your answers

Q10 – Timelines

- a. Overall, proposed timelines are **appropriate**
- Strongly Agree
 - Agree
 - Neither Agree nor disagree
 - Disagree
 - Strongly disagree
- b. Overall, proposed timelines are **clear**
- Strongly Agree
 - Agree
 - Neither Agree nor disagree
 - Disagree
 - Strongly disagree
- b. Where it adds value, please provide your rationale for your answers