



University of Huddersfield

REF2021

EQUALITY BRIEFING FOR
EXTERNAL ASSESSORS OF
RESEARCH OUTPUTS

Research Excellence Framework: Equality briefing for External Assessors

Executive Summary

This document is partly based on the equality briefing for panels (REF 2018/05, available at www.ref.ac.uk) and reflects the policies described in the University of Huddersfield's draft REF 2021 Code of Practice.

As well as reading this document, internal and external assessors are invited to read the training materials which have been used for face to face training of staff with key roles in the REF preparation process e.g. Associate Deans Research and Enterprise and Unit of Assessment Coordinators. These are available in Appendix 1.

Purpose

1. This document provides a briefing on equality issues for external assessors (hereafter, 'Assessors') of the research outputs proposed for REF 2021 submission by the University of Huddersfield and reflects the guidance of paragraph 36 of the Guidance on codes of practice ([REF 2019/03](#)) where it is advised that external advisors should be briefed during any mock REF exercise on applying a draft Code of Practice.
2. It deals specifically with equality issues in relation to the carrying out of assessments for mock REF and final REF exercises.

Key Points

3. The UK higher education funding bodies require eligible higher education institutions (HEIs) participating in REF 2021 to submit all their staff members with significant responsibility for research.
4. Following the recommendations of the Stern review, outputs will be decoupled from staff, within the boundaries of submitting a minimum of one output per submitted staff member up to a maximum of five. HEIs will be able to include any individuals whose circumstances have significantly constrained their ability to research productively through the period, and who therefore do not have the required minimum of one output during the REF publication period. These circumstances include issues covered by equalities and employment legislation.
5. Within this approach, the funding bodies strongly encourage transparency and fairness in decisions made by HEIs to represent the excellent work of all their staff with significant responsibility for research.
6. The funding bodies' aim is to support equality and diversity in research careers. The REF team have guided main and sub-panels in the development of assessment criteria and working methods that are aligned with this aim. This briefing document sets out the legislative framework of which Assessors should be aware.
7. Participating HEIs are required to develop, document and apply an internal code of practice on the fair and transparent processes for identifying staff with significant responsibility for research (where they are not returning 100% of staff meeting the core eligibility criteria), determining research independence, and on selection of outputs for inclusion in REF submissions..
8. Assessment of the quality of submitted research outputs will be in terms of their 'originality, significance and rigour', with reference to international research quality standards.
9. Specific guidance on the REF is available in the 'Guidance on submissions' ([REF 2019/01](#)) and the 'Guidance on the panel criteria and working methods' ([REF 2019/02](#)).

The legal framework for the REF

10. Across the UK, equalities legislation encompasses all functions of higher education institutions (HEIs) and of the UK higher education (HE) funding bodies, including REF 2021.
11. At all stages of the planning and implementation of the REF, HEIs must meet legal requirements. HEIs may be open to external scrutiny and challenge in respect of their operation of the law.
12. Assessors should be aware of the implications of current equalities and employment law.
13. Table 1 summarises the requirements of current equalities legislation in England.

Table 1 - Summary of equality legislation

(taken from the Guidance on codes of practice [REF 2019/03](#) January 2019)

<p>Age</p>	<p>All employees within the HE sector are protected from unlawful age discrimination, harassment and victimisation in employment under the Equality Act 2010 and the Employment Equality (Age) Regulations (Northern Ireland) 2006. Individuals are also protected if they are perceived to be or if they are associated with a person of a particular age group.</p> <p>Age discrimination can occur when people of a particular age group are treated less favourably than people in other age groups. An age group could be, for example, people of the same age, the under 30s or people aged 45-50. A person can belong to a number of different age groups.</p> <p>Age discrimination will not be unlawful if it is a proportionate means of achieving a legitimate aim. However, in the context of the REF, the view of the funding bodies is that if a researcher produces excellent research an HEI will not be able to justify not selecting their outputs because of their age group.</p> <p>It is important to note that early career researchers (ECRs) are likely to come from a range of age groups. The definition of ECR used in the REF (see 'Guidance on submissions', paragraphs 148 to 149) is not limited to young people.</p> <p>HEIs should also note that, given developments in equalities law in the UK and Europe, the default retirement age has been abolished from 1 October 2011 in England, Scotland, Wales and Northern Ireland.</p>
<p>Disability</p>	<p>The Equality Act 2010, the Disability Discrimination Act (1995) (Northern Ireland only) and the Disability Discrimination (Northern Ireland) Order 2006 prevent unlawful discrimination, victimisation and harassment relating to disability. Individuals are also protected if they are perceived to have a disability or if they are associated with a person who has a disability (for example, if they are responsible for caring for a family member with a disability).</p> <p>A person is considered to have a disability if they have or have had a physical and/or mental impairment which has 'a substantial and long-term adverse effect on</p>

	<p>their ability to carry out normal day-to-day activities'. Long-term impairments include those that last or are likely to last for at least 12 months.</p> <p>Cancer, HIV, multiple sclerosis and progressive/degenerative conditions are disabilities too, even if they do not currently have an adverse effect on the carrying out of day-to-day activities. An impairment which is managed by medication or medical treatment, but which would have had a substantial and long-term adverse effect if not so managed, is also a disability.</p> <p>The definition of disability is different in Northern Ireland in that a list of day-to-day activities is referred to.</p> <p>There is no list of day-to-day activities for England, Scotland and Wales but day-to-day activities are taken to mean activities that people generally, not a specific individual, carry out on a daily or frequent basis.</p> <p>While there is no definitive list of what is considered a disability, it covers a wide range of impairments including:</p> <ul style="list-style-type: none"> • sensory impairments • impairments with fluctuating or recurring effects such as rheumatoid arthritis, depression and epilepsy • progressive impairments, such as motor neurone disease, muscular dystrophy, HIV and cancer • organ specific impairments, including respiratory conditions and cardiovascular diseases • developmental impairments, such as autistic spectrum disorders and dyslexia • mental health conditions such as depression and eating disorders • impairments caused by injury to the body or brain. <p>It is important for HEIs to note that people who have had a past disability are also protected from discrimination, victimisation and harassment because of disability.</p> <p>Equality law requires HEIs to anticipate the needs of people with disabilities and make reasonable adjustments for them. Failure to make a reasonable adjustment constitutes discrimination. If a researcher's impairment has affected the quantity of their research outputs, the submitting unit may return a reduced number of outputs (see 'Guidance on submissions', Part 3, Section 1, 'Staff circumstances').</p>
<p>Gender reassignment</p>	<p>The Equality Act 2010 and the Sex Discrimination (Gender Reassignment) Regulations (Northern Ireland) 1999 protect from discrimination, harassment and victimisation of trans people who have proposed, started or completed a process to change their sex. Staff in HE do not have to be under medical supervision to be afforded protection because they are trans and staff are protected if they are perceived to be undergoing or have undergone related procedures. They are also protected if they are associated with someone who has proposed, is undergoing or has undergone gender reassignment.</p> <p>Trans people who undergo gender reassignment will need to take time off for appointments and, in some cases, for medical assistance. The transition process is</p>

	<p>lengthy, often taking several years, and it is likely to be a difficult period for the trans person as they seek recognition of their new gender from their family, friends, employer and society as a whole.</p> <p>The Gender Recognition Act 2004 gave enhanced privacy rights to trans people who undergo gender reassignment. A person acting in an official capacity who acquires information about a person's status as a transsexual may commit a criminal offence if they pass the information to a third party without consent.</p> <p>Consequently, staff within HEIs with responsibility for REF submissions must ensure that the information they receive about gender reassignment is treated with particular care.</p> <p>If a staff member's ability to work productively throughout the REF assessment period has been constrained due to gender reassignment, the unit may return a reduced number of research outputs (see 'Guidance on submissions', Part 3, Section 1, 'Staff circumstances'). Information about the member of staff will be kept confidential as described in 'Guidance on submissions', paragraph 195.</p> <p>HEIs should note that the Scottish government recently consulted on, and the UK government is currently consulting on, reform of the Gender Recognition Act 2004, which may include streamlining the procedure to legally change gender.</p>
<p>Marriage and civil partnership</p>	<p>Under the Equality Act 2010 and the Sex Discrimination (Northern Ireland) Order 1976 as amended, individuals are protected from unlawful discrimination, harassment and victimisation on the grounds of marriage and civil partnership status. The protection from discrimination is to ensure that people who are married or in a civil partnership receive the same benefits and treatment in employment. The protection from discrimination does not apply to single people.</p> <p>HEIs must ensure that their procedures and decision-making processes in relation to REF 2021 do not inadvertently discriminate against staff who are married or in civil partnerships.</p>
<p>Political opinion</p>	<p>The Fair Employment and Treatment (Northern Ireland) Order 1998 protects staff from unlawful discrimination on the grounds of political opinion.</p> <p>HEIs must ensure that their procedures and decision-making processes in relation to REF 2021 do not inadvertently discriminate against staff based on their political opinion.</p>
<p>Pregnancy and maternity</p>	<p>Under the Equality Act 2010 and the Sex Discrimination (Northern Ireland) Order 1976 women are protected from unlawful discrimination, harassment and victimisation related to pregnancy and maternity.</p> <p>Consequently, where researchers have taken time out of work, or their ability to work productively throughout the assessment period has been affected, because of pregnancy and/or maternity, the submitting unit may return a reduced number of research outputs, as set out in 'Guidance on submissions', paragraphs 169 to 172.</p> <p>In addition, HEIs should ensure that female researchers who are pregnant or on maternity leave are kept informed about and included in their submissions process.</p>

	<p>For the purposes of this summary it is important to note that primary adopters have similar entitlements to women on maternity leave.</p>
Race	<p>The Equality Act 2010 and the Race Relations (Northern Ireland) Order 1997 protect HEI staff from unlawful discrimination, harassment and victimisation connected to race. The definition of race includes colour, ethnic or national origins or nationality. Individuals are also protected if they are perceived to be or are associated with a person of a particular race.</p> <p>HEIs must ensure that their procedures and decision-making processes in relation to REF 2021 do not discriminate against staff based on their race or assumed race (for example, based on their name).</p>
Religion and belief including non-belief	<p>The Equality Act 2010 and the Fair Employment and Treatment (Northern Ireland) Order 1998 protect HEI staff from unlawful discrimination, harassment and victimisation related to religion or belief. Individuals are also protected if they are perceived to be or are associated with a person of a particular religion or belief.</p> <p>HEIs must ensure that their procedures and decision-making processes in relation to REF 2021 do not discriminate against staff based on their actual or perceived religion or belief, including non-belief. 'Belief' includes any structured philosophical belief with clear values that has an effect on how its adherents conduct their lives.</p>
Sex (including breastfeeding and additional paternity and adoption leave)	<p>The Equality Act 2010 and the Sex Discrimination (Northern Ireland) Order 1976 protect HEI staff from unlawful discrimination, harassment and victimisation related to sex. Employees are also protected because of their perceived sex or because of their association with someone of a particular sex.</p> <p>The sex discrimination provisions of the Equality Act explicitly protect women from less favourable treatment because they are breastfeeding. Consequently, the impact of breastfeeding on a woman's ability to work productively will be taken into account, as set out in 'Guidance on submissions', Part 3, Section 1, 'Staff circumstances'.</p> <p>If a mother who meets the continuity of employment test wishes to return to work early or shorten her maternity leave/pay, she will be entitled to shared parental leave with the father or her partner within the first year of the baby's birth. Partners may also be eligible for shared parental leave or pay. Fathers/partners who take additional paternity or adoption leave will have similar entitlements to women on maternity leave and barriers that exist to taking the leave, or as a result of having taken it, could constitute unlawful sex discrimination. Consequently, where researchers have taken additional paternity and adoption leave, the submitting unit may return a reduced number of outputs, as set out in 'Guidance on submissions', Annex L.</p> <p>HEIs need to be wary of implementing procedures and decision-making processes in relation to REF 2021 that would be easier for men to comply with than women, or vice versa. There are many cases where a requirement to work full-time (or less favourable treatment of people working part-time or flexibly) has been held to discriminate unlawfully against women.</p>

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

Action required

14. This document is aimed at Assessors to inform their implementation of the assessment process for research outputs and to raise awareness of the need to operate in an objective manner.
15. The specific criteria to be used for the assessment of research outputs are to be found in the 'Guidance on the panel criteria and working methods' (REF 2019/02) Section 3, paragraphs 190 – 205.
16. Please refer to the section of relevance to the Panel and Unit of Assessment associated with the outputs you have been asked to review. For reference the REF Panels and Units of Assessment are listed in Appendix 2.

Further information

17. Assessors should direct any queries on the assessment of outputs to the Unit of Assessment Coordinator who has sent the research output(s) to them for assessment.
18. Queries relating to equality and diversity should be directed at the Head of HR at the University – r.sivori@hud.ac.uk

Appendix 1 – University of Huddersfield training materials



Context and aim of training

University of HUDDERSFIELD
Inspiring tomorrow's professionals

- The Funding Bodies have embedded equality and diversity requirements into the REF
- Training on equality and diversity is a REF requirement for staff responsible for identification of staff to be submitted and for selection of outputs to ensure:
 - We fulfil our legal obligations
 - We promote equality and non discriminatory practice
 - Individuals responsible for selection do not inadvertently make discriminatory assumptions

Inspiring tomorrow's professionals

Concerns from RAE2008

University of
HUDDERSFIELD
Inspiring tomorrow's professionals

- 'Selection of Staff for Inclusion in RAE 2008' (HEFCE, 2009) found:
 - Selection rate for staff with declared disability lower than staff without declaration (but low declaration rate)
 - 67% of male permanent academic staff selected but only 48% of women (but lower proportion of women had research record)
 - Women aged 30-50 particularly low rates of selection
 - Selection of staff in black ethnic group lower than other groups (remains unexplained)
 - Women and BME staff less likely to be cited

Inspiring tomorrow's professionals

Concerns from REF2014

University of
HUDDERSFIELD
Inspiring tomorrow's professionals

- 'Selection of Staff for Inclusion in REF 2014' (HEFCE, 2015) found:
 - Selection rate for staff with declared disability lower than staff without declaration
 - 67% of male permanent academic staff were selected but only 51% of women
 - The selection gap between men and women increased with age
 - EU and non-EU staff experienced higher selection rates than UK staff
 - Selection of staff in Black and Asian UK and non-EU nationals were lower than in other ethnic groups
 - ECRs had a selection rate of 80%, significantly higher than for non-ECRs 58%. Sex disparity in selection rates is less at the start of careers
 - Staff with contracts of <1FTE were significantly less likely to be selected

Inspiring tomorrow's professionals

Summary paragraph from HEFCE 2015 report

University of
HUDDERSFIELD
Inspiring tomorrow's professionals

“Despite the progress in some areas, the remaining equality challenges that remain have been thrown into sharp relief by this analysis. These include the continued under-selection of many black and minority ethnic staff (particularly black staff) and staff with disabilities, and the increase with age in the selection gap between men and women. The detailed analysis contained in this report will inform wider equality and diversity work in the sector, as well as being taken into account in preparations for any future REF.”

Inspiring tomorrow's professionals

Equality Act 2010

University of
HUDDERSFIELD
Inspiring tomorrow's professionals

- Protected characteristics:
 - Age
 - Disability
 - Gender Reassignment
 - Race
 - Religion or belief
 - Sex
 - Sexual Orientation
 - Marriage and Civil Partnership
 - Pregnancy and Maternity

Inspiring tomorrow's professionals

- A member of staff is not identified as having Significant Responsibility for Research because their Head of Department thought they are in their 30s and would consequently have a less established research record than an older colleague.
- **Discrimination by perception**
 - Acting or behaving in a discriminatory way towards a person due to the belief that they have a protected characteristic, whether or not they have such a characteristic.

Inspiring tomorrow's professionals

- A member of staff is not identified as having Significant Responsibility for Research because they are undergoing treatment for cancer. Their manager does not want to worry them about work related activities at this point in time.
- **Discrimination arising from a disability**
 - Treating a disabled person unfavourably because of something arising from their impairment.

Inspiring tomorrow's professionals

- A member of staff is openly undergoing gender reassignment but does not want to declare it for REF purposes. Their HoD approaches them to discuss the matter and when they refuse to declare, they are persistently pursued by staff responsible for the University's REF submission
- Harassment
 - Unwanted conduct related to a person's protected characteristic(s) which has the purpose or effect either of violating a person's dignity or of creating an intimidating, hostile, degrading, humiliating or offensive environment for that person

Inspiring tomorrow's professionals

- A member of staff questions why their colleague's outputs were not selected for the REF and thinks this might be because the colleague is gay. When the member of staff complains they are seen as a 'trouble maker' and their submission is restricted.
- Victimisation
 - Treating a person unfavourably because they have taken (or might be taking) action under the Equality Act or supporting somebody who is doing so

Inspiring tomorrow's professionals

- Methods used to communicate REF processes have not been developed in consideration of the requirements of different staff groups. This results in some women who are on maternity leave not being considered in the selection process.
- Indirect discrimination
 - A practice of policy which may at first appear neutral in its effects, but at closer examinations disproportionately and adversely effects a person's protected characteristic.

Inspiring tomorrow's professionals

- Including outputs from a BAME member of staff in the submission because of their ethnicity.
- Positive discrimination
 - Unlawful action taken by a University to overcome disadvantage for some protected groups who are socially or economically excluded.

Inspiring tomorrow's professionals

- A member of staff is not identified as having Significant Responsibility for Research because their partner is a Reverend.
- Discrimination by association
 - Where a person does not have a protected characteristics themselves but is treated less favourably because of their relationship with someone who does.

Inspiring tomorrow's professionals

- A man took an extended period of parental leave and a woman took a period of maternity leave – both periods were 6 months, they were both in the same unit of assessment and both met criteria for submission. The man is not submitted because he took extended parental leave.
- Different treatment of two individuals where the reason for the difference in treatment is a protected characteristic.

Inspiring tomorrow's professionals

Appendix 2 – REF Panels and Units of Assessment for REF 2021

Main Panel	Unit of assessment	
A	1	Clinical Medicine
	2	Public Health, Health Services and Primary Care
	3	Allied Health Professions, Dentistry, Nursing and Pharmacy
	4	Psychology, Psychiatry and Neuroscience
	5	Biological Sciences
	6	Agriculture, Veterinary and Food Science
B	7	Earth Systems and Environmental Sciences
	8	Chemistry
	9	Physics
	10	Mathematical Sciences
	11	Computer Science and Informatics
	12	Engineering
C	13	Architecture, Built Environment and Planning
	14	Geography and Environmental Studies
	15	Archaeology
	16	Economics and Econometrics
	17	Business and Management Studies
	18	Law
	19	Politics and International Studies
	20	Social Work and Social Policy
	21	Sociology
	22	Anthropology and Development Studies
	23	Education
	24	Sport and Exercise Sciences, Leisure and Tourism
D	25	Area Studies
	26	Modern Languages and Linguistics
	27	English Language and Literature
	28	History
	29	Classics
	30	Philosophy
	31	Theology and Religious Studies
	32	Art and Design: History, Practice and Theory
	33	Music, Drama, Dance, Performing Arts, Film and Screen Studies
	34	Communication, Cultural and Media Studies, Library and Information Management