

## BILETA CONSULTATION RESPONSE

### **5. What practical challenges may institutions face in implementing these changes?**

The shift to using HESA data as the principal source for determining volume-contributing staff presents a few practical challenges for institutions. Primarily, they must guarantee the precision, completeness, and timeliness of their HESA data – although institutions will of course wish to deliver these goals in any event, the link with REF and staff changes, could create additional staff training and modifications to existing systems to ensure accurate data capture. This will likely require resource.

Furthermore, the updated guidelines stipulate a broad representation in submissions. While there are many benefits which can arise from this, this will also involve new cultural approaches across institutions, including the preparation of institutional Codes, which will also take time and resources.

### **6. How might the funding bodies mitigate against these challenges?**

Organising training sessions and workshops focused on the new HESA data entry requirements and other changes will be beneficial. These sessions could cater to administrative staff and researchers, ensuring everyone understands the new processes and goals. Complementing this approach, establishing dedicated support teams can ensure that institutions have a direct point of contact for queries and concerns. Nonetheless, there is a need to ensure that the overall approach of the REF is not to penalise particular researchers, as noted in our answers below. The use of funding bodies could be to provide an air of impartiality to a process that could be viewed as favouring established bodies of research.

### **7. What would be the impact of these changes on individual researchers and particularly those with protected characteristics or other underrepresented groups?**

Traditional academic recognition and approaches, anchored in individual achievements like publications and citations, might be overshadowed in this new model which has more of a focus on culture and inclusion and colleagues who are more familiar with traditional approaches may require guidance. While the direct pressure on individual performance might diminish, researchers could feel a subtle push to mould their work according to what is deemed institutionally valuable. This can be particularly restrictive for those whose research is intrinsically tied to their identity, especially for those from underrepresented backgrounds. It would be helpful for the focus on an inclusive approach, reflecting the research direction of the School as a whole, to be stressed in relation to the selection of outputs. Perhaps, to some degree, the San Francisco Declaration on Research Assessment could provide inspiration for a more inclusive, less metric driven approach.

Historical opacity in REF submission decisions raises concerns about transparency, especially for marginalised groups. It is suggested that it should be required that institutional Codes make clear how decisions are going to be made regarding submission and the drafting of narratives within, of course, the wider focus on inclusion and culture.

## **8. What would be the impact of these changes on individual researchers and particularly those with protected characteristics or other underrepresented groups?**

Details of protected characteristics can be found at:

<https://www.equalityhumanrights.com/en/equality-act/protected-characteristics>

We consider the main impact to be:

- ‘Star’ researchers being cultivated for REF submissions
- School ‘tails’ being relegated to, in effect, non-research related roles

While the previous REFs often suffered from staff being penalised for non-submission, the proposed process could result in large numbers of academic staff being relegated to, in effect, teaching only roles. The impact on UK university research could be considerable and there is a risk that the proposed approach will be extremely damaging for many academic careers. The new approach could potentially lead to cost cutting. Much of the original world leading research comes from academics who are thinking outside of the traditional concepts, and this new approach could be a considerable hit to their ability to do so.

Similar damage is likely to occur to those with protected characteristics or under-represented groups. Staff who are on maternity leave, have suffered a disability, who have not declared a protected characteristic could have reduced protection under the proposals, if there is no need to submit an output.

In short, the proposals on outputs could be unintentionally damaging for future research in the UK.

## **9. What impact would these changes have on institutions in preparing output submissions? For example, what may be the unintended consequences of allowing the submission of outputs produced by those on non-academic or teaching-only contracts?**

There is the possibility that some institutions might take the view that submitted outputs might need to be perceived as ‘non-risky’ and thus submission by staff on non-academic or teaching only contracts might simply result in ‘managing out’ if they do not produce traditional academic style works. This could mean, for example, that a member of teaching staff producing practitioner-based works not meeting the required REF criteria and consequently being ‘managed out’ of academia. Again, this proposal has the potential to be extremely damaging for research in the UK.

## **10. Should outputs sole-authored by postgraduate research students be eligible for submission? If so, should this include PhD theses?**

No. Any move towards REF submission of PhD thesis could result in extra pressure on those writing PhDs to meet the perceived REF mould to obtain subsequent academic jobs. By suggesting that students could be eligible, the academic freedom that postgraduate researchers

enjoy could be considerably eroded. It could also place further pressure on any researcher who already experiences considerable stress. In addition, other metrics exist, e.g., completion rates, to identify PhD outputs and progress made in supporting the PhD cohort.

**11. What would be appropriate indicators of a demonstrable and substantive link to the submitting institution?**

There is a risk that institutions will employ members of staff purely for large numbers of REF submissions at small levels of FTE.

**12. Do the proposed arrangements for co-authored outputs strike the right balance between supporting collaboration and ensuring that assessment focuses on the work of the unit?**

As a law focused research organisation, the issues of multiple co-authorship are not analogous to that found in the sciences. For Law the main issue remains that co-authored pieces can only be submitted by one member of an institution. Whilst there is a need to prevent institutions gaming the system, we feel that a certain number of two co-authored articles could be allowed per institution.

**13. Are there any further considerations around co-authored outputs that need be taken into account?**

Not for Law.

**Case Studies:**

**14. What will be the impact of reducing the minimum number to one?**

Overall, this could be a very welcome development. BILETA is an association of diverse institutions, ranging from large universities and law schools to small ones. Several of our members were unable to submit to the previous REF assessment due to the minimum number of two case studies. This has had a significant impact on their staff and the institution as whole.

We believe that reducing the minimum number to one could benefit our members. This will encourage smaller institutions and less research-intensive institutions to submit an impact study as some institutions may not have the resources and the number of research staff to work on several impact case studies.

This will not affect larger units of assessment adversely and it will open a submission pool to a larger number of units and make the assessment more equitable.

That said, it is necessary to be aware that institutions could manage out members of staff who do not meet the ideal unit of submission regardless of their category of employment, if they are eligible for submission. We propose that there should be guidance and/or codes issued to combat such a possibility, in conjunction with the people, culture and environment aspects of the REF. Perhaps an approach such as that used by the San Francisco Declaration on Research Assessment could be used as inspiration.

## **15. What will be the impact of revising the thresholds between case study requirements?**

We believe that a lower threshold will increase inclusivity of the assessment and provide an environment which is supportive of impactful research that is not necessarily and only based on 2\* publications. As noted above, hopefully, this will encourage and enable relatively small institutions to submit impact case studies as the number of case studies required in each submission is determined by the average FTE of volume-contributing staff in the unit. For instance, a relatively small institution with an average 8 FTE staff members will only be required to submit one case study which is less time consuming and far more attainable.

Staff in our member institutions provide research that is often not easily quantifiable with the REF star rating and a lot of that research is valuable, used in the 'real world' and generates change and impact.

We agree that gathering evidence for 2\* quality was burdensome and could have been based on questionable institutional approaches such as the use of publication venue or citation data as proxies for quality. We also agree that it was problematic for some institutions to regard research on local or regional issues to be ineligible. We suggest that there be clearer guidance provided in relation to "reach" aspects of impact. We believe that the inclusion of wider evidence of valuable research will open the assessment up to a more diverse pool of interesting and significant impact case studies. Furthermore, a lot of impactful research in our area (technology law) is often based on interdisciplinary research, which could be perceived as challenging for standard REF star rating. We suggest that more guidance should be provided to panels and institutions about the approaches to be taken with interdisciplinary work (see further at Q17 below)

## **16. To what extent do you support weighting the impact statement on a sliding scale in proportion to the number of case studies submitted?**

The requirements for the explanatory statement are unclear and we acknowledge that further work is required to identify suitable metrics/data/indicators. We agree that there is a need for more detailed consultation on this matter in late 2023 and 2024, as suggested in the consultation document.

The current proposal is that the structured statement will make up at least 20% of the quality subprofile for the statement. The intention to weight the statement on a sliding scale, proportionate to the number of case studies submitted to ensure that its contribution to the subprofile is no less than that of a single impact case study is thus still unclear due to the vague nature of the statement and its metrics.

In principle, we support weighing the impact statement on a sliding scale in proportion to the number of case studies submitted. However, the sliding scale remains the same for an institution with the average 40 FTE of volume contributing staff as opposed to a relatively large institution with an average of 170 or more FTE volume contributing staff. Arguably, giving the same weight to both institutions with significant different staff numbers could be perceived as unfair. Perhaps the sliding scale and the weighing of impact statement could be subject to further review. Irrespective of that proposed further review, we need to see more detail on the proposed statement metrics and evaluation and the sliding scale itself.

**17. If the UoA structure is relevant to you/your organisation, please indicate clearly any changes that you propose to the UoA structure and provide your rationale and any evidence to support your proposal.**

As an organisation we encourage the recognition and note the importance of interdisciplinary work. While the UoA structure is set to be retained, there are some concerns about the value given to interdisciplinary research in the initial decisions surrounding REF 2028. As an organisation committed to law, technology, and education, while much of the work of our members will fall within one dominant discipline and UoA e.g., UoA 18 or UoA 23, there is less clarity around work which has technology at its disciplinary core, and which does not per se have a natural UoA. This concern remains for work which is interdisciplinary and which may naturally spread across UoAs and Panels. It would therefore be of use and value to see a UoA with technology at its core included in the structure for REF 2028.

While both Law and Education fall within Main Panel C – which alleviates some concerns surrounding interdisciplinary work on legal education, there is little scope at present for technology to fall within the same Main Panel. We note that work may be submitted to different panels by different UoAs where it is interdisciplinary, but this nevertheless makes it somewhat more difficult for a consistent view to be taken of work spanning law, education and technology, where one of the triumvirate (technology) is missing within a Main Panel.

**18. What is your view on the proposed measures to take into account the impact of the Covid pandemic?**

This is a welcome initiative. The deadline for REF 2021 submissions, which fell on March 31, 2021, was clearly insufficient in capturing the full extent of the pandemic's ongoing impact on academic research.

The proposed measures—such as retaining the COVID-impact statements from REF 2021 and requiring consideration of how COVID-19 impacts have been addressed in output people selection—are laudable steps in the right direction.

However, arguably these measures, while beneficial, may not be comprehensive enough. Given that the effects of the pandemic are both dynamic and long-lasting, additional strategies may need to be incorporated. Moreover, consideration should be given to the inequitable ways in which the pandemic has affected various demographics within academia, ensuring that the assessment process does not inadvertently exacerbate existing disparities, or Covid-related ill-health. It also should be noted that Covid may have impacted individual staff differently (e.g. if a member of staff had a heavy student facing workload at the time of Covid) and this should also be taken into account.

In summary, while the proposed measures are a good start, there is a need for a more expansive, adaptive, and equitable evaluation framework that can respond to the evolving challenges and legacy of the COVID-19 pandemic.

## **19. What other measures should the funding bodies consider to take into account the impact of the Covid pandemic?**

In alignment with the Research Excellence Framework 2028, it is crucial to address the uneven impact of the COVID-19 pandemic on academic productivity across different disciplines and demographics. Particularly noteworthy is the disproportionate burden shouldered by academics (especially female) with caregiving responsibilities, who faced the dual challenges of increased workloads and home-schooling obligations.

To remedy these disparities, the following additional measures could be considered:

**1. Positive Action Documentation:** Institutions should provide a detailed account of the specific support measures they have implemented to assist researchers most affected by the pandemic. This could include flexible working arrangements, mental health support, or targeted funding for those who have faced exceptional challenges.

**2. Specific Catch-up Plans:** A section could be incorporated that outlines the institution's short-term to medium-term action plans for helping affected researchers catch up on lost time and opportunities. This could involve mentorship programs, extended research grants, or even sabbatical and/or research leave opportunities specifically designed to counterbalance the setbacks caused by the pandemic.

**3. Monitoring and Accountability:** There should be a framework in place for tracking the effectiveness of the above-mentioned measures and holding institutions accountable. This could involve periodic reviews and the potential for adjustments to funding based on the success of implemented strategies.

In summary, while the proposed measures in the REF 2028 framework document are a commendable starting point, there needs to be a wider consultation on this. The proposed measures need to be augmented by a more comprehensive and nuanced set of strategies. These should aim to address the systemic inequities exacerbated by the pandemic, ensuring a more fair and inclusive research landscape moving forward.