

# The impact of the process to promote equality and diversity in the Research Assessment Exercise 2008

Research report 2009



Equality Challenge Unit

# Foreword

At the conclusion of the Research Assessment Exercise 2008 (RAE2008), the Higher Education Funding Council for England (HEFCE), on behalf of the four UK Funding Councils, undertook to review the impact of the RAE2008 on different equality groups, in particular women, black and minority ethnic staff, disabled staff, and early-career researchers.

Equality Challenge Unit (ECU) was commissioned to carry out this review by way of a qualitative analysis of the procedures in the RAE2008, to complement an analysis of staff submitted for inclusion in RAE2008, which HEFCE itself was conducting (HEFCE 2009/34).

This research report describes the results of ECU's review. Based on document reviews from 32 selected higher education institutions, and interviews with senior staff from a sample of those institutions and with main and sub-panel members, it describes how the codes of practice relating to equality were developed and used, how HEFCE's guidance was used, what equality training was provided, how impact assessments were carried out, and the approaches of main and sub-panels to personal circumstances. Overall, this report presents an evidence-based account of how the procedures worked in practice within institutions.

The project was overseen by a steering group comprising Professor Paul Olomolaiye from the University of Wolverhampton, Chris Hale from Universities UK and myself. We were supported throughout by Victoria Waite, Mark Gittoes and Hannah White from HEFCE and Nicola Dandridge, Chief Executive of ECU. My thanks go to all of them for their excellent advice and commitment to the project.

Particular thanks are also due to the thorough and authoritative work of Dottore Simonetta Manfredi and her team at Oxford Brookes University, who carried out the research and wrote this report.

Finally, we are especially grateful to the 32 institutions who gave Dottore Manfredi and colleagues open access to numerous internal documents relating to their RAE2008 submission, and who granted interviews with a range of senior managers within their institutions.

Together with HEFCE's statistical analysis, the report will assist us in analysing the impact of the procedures in RAE2008 and their effects on the different equality groups. More importantly, it will contribute to development of the Research Excellence Framework, ensuring that all excellent researchers, throughout the UK, can contribute to the research process on behalf of their institution, whatever their circumstances.

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# Equality Challenge Unit

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# Executive summary

## Background to this study

1. Between 2005 and 2007, the four UK Funding Councils issued guidance to panels and higher education institutions (HEIs) (RAE 01/2005, RAE 02/2005, RAE 03/2005 Annex G, RAE 01/2006, RAE 02/2007) to promote equality and diversity in the Research Assessment Exercise in 2008 (RAE2008). In particular, each submitting HEI was required to develop a code of practice to ensure all excellent researchers were submitted, including those whose volume of research was limited due to equality-related considerations such as disability, part-time status, periods of absence from work for maternity leave or illness, and for other equality-related reasons.

2. This study was undertaken to investigate the methods adopted by HEIs to implement the RAE2008 equality guidance; to assess whether the guidance was sufficient to promote equality and to comply with the requirements of the equality legislation; and to inform the development of the Research Excellence Framework (REF) to ensure that equality and diversity continue to be promoted positively. This research complements a concurrent quantitative study of RAE2008, undertaken by the Higher Education Funding Council for England (HEFCE), to investigate how ethnicity, gender, disability and age related to the selection of staff for inclusion in the latest exercise (HEFCE 2009/34).

## Methodology

3. The study is based on a sample of 32 institutions, selected across a range of RAE2001 ratings, having regard to their size and geographical location as well as their staff mix in terms of gender and ethnicity, drawn from Higher Education Statistics Agency (HESA) data. The research involved a desk-based review of codes of practice and other documentation, 24 interviews with Unit of Assessment (UoA) leaders within HEIs and Pro Vice-Chancellors for Research, and eight interviews with main panel and sub-panel chairs, secretaries and advisers, in order to gain some insight into how HEIs and both main and sub-panels implemented the equality guidance and dealt with personal circumstances.

### Key findings

#### *Review of codes of practice and other RAE equality-related documentation*

4. The documentation showed that all HEIs developed codes of practice to comply with the equality guidance, and in several institutions robust procedures were adopted to ensure transparency and consistency of approach in their internal selection processes.

5. Most codes of practice required UoA leaders, and members of committees involved in the selection of staff for inclusion in the RAE2008, to have undertaken equality training. The most effective training materials used by HEIs had an RAE-specific focus and made use of case studies.

6. Of the 32 institutions participating in this study, 22 provided evidence of having undertaken an equality impact assessment (EIA). There were significant variations in the quality of this documentation and, save for a few notable exceptions, the quality of the EIAs provided was mostly poor.

7. Several EIAs showed that the selection rate of women was lower than that of men; some indicated that further investigation would be undertaken, but the outcomes are not known. This was broadly consistent with the findings of the HEFCE study (HEFCE 2009/34). No significant differences were noted with regard to ethnicity, but these results may have been affected by the fact that in most cases the data also included non-British nationals. Numbers of staff with a disclosed disability were so small that it was not possible to draw any meaningful conclusion from the data made available.

8. Most codes of practice outlined an independent appeal process to deal with equality-related issues in the context of the RAE2008. A few HEIs did not set up a bespoke appeal process, but referred to their existing grievance procedure to deal with any formal appeal.

9. Most of the HEIs provided information about appeals. Overall, 46 appeals were lodged, but only four were reported to be on equality-related grounds, and only one of these was upheld.

### *Findings from interviews with Unit of Assessment leaders and Pro Vice-Chancellors for Research*

10. Effective communication of the code of practice to all eligible staff was key to ensuring they all had an equal opportunity to disclose any personal circumstances that might have affected their research productivity during the census period. Several HEIs adopted a proactive approach to eliciting information about any relevant equality-related personal circumstances, for example by circulating a form to all eligible staff asking them to disclose any relevant circumstances confidentially.

11. In the RAE2008, individual sub-panels provided different equality guidance in their panel criteria statements, particularly with regard to the treatment of early-career researchers. In the view of Pro Vice-Chancellors, such variations were not justified by differences in the subject areas. Ambiguity in the sub-panel guidance might have led to exclusion of some staff from an RAE submission if it was felt 'unwise' to return them with fewer than four outputs. Some UoA leaders felt that it would have been helpful to receive more guidance from individual main panels and sub-panels on how to adjust esteem indicators when personal circumstances applied.

12. Interviewees reported that the most common types of personal circumstances that were taken into consideration to justify submissions with fewer than four outputs were early-career researchers, maternity leave, part-time employment, periods of absence due to ill health or disability, periods of absence to care for an adult dependant, and bereavement. Most of them said that the most complex types of personal circumstances to assess in terms of their impact on an individual's research performance were those related to ongoing illness or mental health issues.

### *Findings from interviews with main panel and sub-panel chairs, secretaries and advisers*

13. There was general consensus among those interviewed that the equality guidance issued by the Funding Councils for panels was clear and sufficient.

14. Main panel and sub-panels took different approaches to dealing with personal circumstances which were not discipline-related. By and large, sub-panels dealt with the issues presented by personal circumstances without reference to the main panels. An alternative model was for main panels to hold meetings where

## Executive summary

sub-panel chairs discussed more problematic cases, including those involving personal circumstances, which allowed them to share how they dealt with these. Panel secretaries also had a key role to play to ensure consistency of approach in implementation of the guidance among sub-panels.

15. The majority of submissions involving personal circumstances were those of early-career researchers, although the other grounds were also present. Claims about personal circumstances were usually accepted, and if panels had queries, further clarification would be sought from HEIs. Examples of cases where personal circumstances were not accepted included periods of absence that were unclear or not long enough to justify fewer than four outputs, and those cases where personal circumstances were not equality-related.

16. Concern was expressed about staff on fractional appointments submitted with four publications.

### *Main recommendations*

17. The Funding Councils should review the guidance for HEIs to produce a statement of intent for the selection process for including staff in the REF.

18. HEIs should review their methods of communication of any code of practice that may be required for the REF, to ensure all eligible staff are aware of its content.

19. Clearer guidance should be provided to HEIs by the Funding Councils and ECU regarding self-disclosure of personal circumstances, particularly in sensitive areas such as ongoing illness and mental health issues. Institutions should have robust procedures in place to facilitate self-disclosure of personal circumstances. Sharing good practice developed in the previous RAE can help to achieve this.

20. Equality training provision should focus on the REF and make use of case studies to explore and understand the implications of dealing with personal circumstances in the process of selecting staff for inclusion.

21. Although the Equality Bill ([www.equalities.gov.uk/equality\\_bill.aspx](http://www.equalities.gov.uk/equality_bill.aspx)), when implemented, may make it no longer mandatory to undertake EIAs in the future, HEIs should be encouraged to continue to use them as a tool to inform action plans to develop research careers in the run-up to the REF. More guidance should be provided by ECU in the form of a template to help HEIs collect their data in a

consistent and meaningful way, to help them address equality issues in relation to research performance.

22. All HEIs should ensure that any future equality-related appeal process will allow explicitly for a timely resolution of any complaint within the time frame for the REF submission.

23. There should be greater consistency in the equality guidance issued by different main panels and sub-panels, particularly regarding the treatment of early-career researchers, and guidance on how to adjust any other indicators of research quality that will be adopted in the REF when personal circumstances apply.

24. The Funding Councils and ECU should investigate whether, in the case of small fractional appointments, a pro-rata submissions policy would be practicable and fair.

# Part 1 About the project

## 1.1 Introduction

Between 2005 and 2006, the four UK Funding Councils issued guidance to panels and higher education institutions (HEIs) (RAE 01/2005, RAE 02/2005, RAE 03/2005 Annex G, RAE 01/2006, RAE 02/2007) to promote equality and diversity in the Research Assessment Exercise 2008 (RAE2008).

The HEFCE study of the RAE2001 (HEFCE, 2006), while demonstrating that the process itself was generally sound from the equalities perspective as then defined, had raised significant questions about the possibility of deep-seated structural inequalities within the research careers of staff. These may have had an effect on the selection of staff for the RAE2001, but they could not be wholly addressed within the operation of the RAE, for example by modification of its criteria. It nonetheless remained possible that some amelioration could be achieved within the RAE framework by clarifying the criteria and adjusting the operational rules, particularly given the opportunities offered by the legal changes since 2001, including the introduction of positive duties in relation to race, disability and gender. These require the adoption of policies and action plans, as well as the monitoring and assessment of the impact of all institutional policies and practices with regard to race, disability and gender.

It was clear that the RAE2008 would need to be conducted in accordance with the requirements of the positive duties for race, disability and gender. Therefore the Funding Councils developed guidelines that involved an implementation framework, including the development of a code of practice, and an equality impact assessment (EIA), supported by appropriate information and training and by a systematic communication strategy. In particular, each submitting institution was required to ensure all excellent researchers would be submitted, including those whose volume of research was limited due to equality considerations relating to race, gender, disability, sexual orientation, religion or belief, age, and equality of treatment for part-time and fixed-term staff.

## 1.2 Project aims and objectives

This study was undertaken to investigate the methods adopted by HEIs in implementing the RAE2008 equality guidance; to assess whether the guidance issued by the Funding Councils was sufficient to promote equality and more

generally to comply with the requirements of the equality legislation; and to inform the development of the Research Excellence Framework (REF) to ensure that equality and diversity continue to be positively promoted. The research focused on institutional responses to complying with the equality guidance, and did not include any investigation of individual academics' experiences and perceptions of the selection process of staff for inclusion in the RAE2008. This research complements a concurrent quantitative study of the latest RAE, undertaken by HEFCE, to look at how ethnicity, gender, disability and age related to the selection of staff for inclusion in the latest exercise (HEFCE 2009/34). More specifically, this research investigated the implementation and effects of the equality framework required for RAE2008 at the level of HEIs, examining in particular:

- = the methods adopted by HEIs to implement the equality guidance issued by the Funding Councils for RAE2008, and more generally to comply with the requirements of the equality legislation
- = the development and dissemination of the code of practice and the processes set up for its implementation
- = consistency of application of the code of practice across Units of Assessment (UoAs) within HEIs
- = elements of good practice that could be shared within the sector as a whole
- = whether HEIs, main panel and sub-panels found the equality guidance sufficient to deal with equality-related personal circumstances.

The following section describes in detail the methodology adopted to achieve these objectives.

### 1.3 Methodology

A potential sample of 36 institutions were selected and invited to participate in this study, drawn from a range of ratings from RAE2001 regarding:

- = their staff equality profile in terms of gender and ethnicity, drawn from Higher Education Statistics Agency (HESA) 2006–07 data
- = their size, to include a mixture of larger and smaller institutions
- = their geographical location, to ensure the sample would be representative of the higher education sector in the UK as a whole. Of these 36 institutions, 32 agreed to take part in this research. The identity of participating institutions and interviewees is not revealed in this report for confidentiality reasons.

## Part 1 About the project

This study took a qualitative approach that involved desk-based research, in order to review codes of practice and other documentation produced by these institutions to implement the equality guidance issued by the Funding Councils for the RAE2008. The review of documentation was complemented by a series of interviews undertaken with senior academics who had been involved in the selection of staff for inclusion in the RAE2008, and with both main and sub-panel chairs, secretaries and advisers who had been involved in the 2008 assessment.

### *1.3.1 Desk-based research*

The review started with a pilot based on the RAE equality-related documentation of six institutions out of the total sample of 32, to ensure a consistent approach and to define a series of criteria against which to evaluate the content of the documentation submitted against the equality guidance issued by the Funding Councils, in particular RAE 03/2005 Annex G. Once the pilot had been completed, a list of criteria was developed to provide a framework for systematic and consistent review of all the documentation submitted.

### *1.3.2 Interviews with senior academics*

Twenty-four interviews were undertaken with UoA leaders across a range of disciplines in the humanities and social sciences and in science, engineering and technology, in eight of the participating institutions. Pro Vice-Chancellors for Research or their equivalent, who had an oversight of an entire institution's submission, were also interviewed in six of these eight institutions. The institutions were selected broadly following the same criteria used for the selection of the overall sample, and interviewees were recruited in each institution by reference to a range of UoAs as outlined above. Semi-structured interviews were conducted to explore the implementation of the codes of practice, how consistency of application of the code was achieved across UoAs, how institutions handled personal circumstances in practice, and whether they found that the equality guidance issued by the Funding Councils was sufficient. Eight interviews were also undertaken with main and sub-panel chairs, secretaries and advisers across a range of disciplines, in order to gain some insight into the way both main and sub-panels implemented the equality guidance and dealt with personal circumstances.

The interviews were piloted to test the research instruments, and were recorded, transcribed and analysed using a thematic approach.

The research was conducted in consultation with the project steering group:

- = Professor Dianne Berry, Pro Vice-Chancellor (Research) at the University of Reading, Chair of HEFCE's RAE Panel for Psychology, and a member of HEFCE's Strategic Research and Innovation Committee (Chair of the Steering Group)
- = Professor Paul Olomolaiye, Dean of Engineering at the University of Wolverhampton
- = Chris Hale, Policy Adviser at Universities UK
- = Victoria Waite, Higher Education Policy Adviser, HEFCE (as an adviser to the Steering Group)
- = Nicola Dandridge, Chief Executive of ECU (as an adviser to the Steering Group).

## Part 2 Project findings

This section presents results from the review of the codes of practice and other documentation developed by participating institutions to comply with the Funding Councils' equality guidance in conducting their internal selection processes. These findings are discussed with reference to the main aspects of the equality guidance (RAE 03/2005); where relevant, they are also complemented by findings from the research interviews.

### 2.1 The development of codes of practice

All the institutions developed a code of practice as required by the equality guidance (RAE 03/2005 Annex G: 7). The overwhelming majority of institutions had put a significant amount of effort into preparing their code and developing methods to ensure it was implemented consistently across the institution. Several institutions provided clear evidence that their code of practice had been developed with the involvement of equality officers and other senior university practitioners, and that it had been approved following wide consultation with senior academic management, and in some cases university-wide equality and diversity committees. Relatively few institutions, however, indicated that there had been consultation with all academic staff or their trade union representatives in developing their code. During the course of the interviews, we asked whether the equality guidance had been issued sufficiently in advance to allow timely development of the code with reference to their internal selection processes. The majority of interviewees felt that the equality guidance had been issued in good time in order to inform their internal selection process.

#### *2.1.1 Decision-making process*

A large majority of the codes of practice outlined clear internal selection processes, providing details of the roles and responsibilities of individuals, as well as of the committees involved in the preparation of submissions for RAE2008. A clear rationale was provided for selecting these individuals, usually related to their institutional role with regard to research as well as their knowledge and expertise. In several cases, RAE-specific committees were set up within existing institutional management structures. There were, however, a few less-transparent examples, where the codes simply listed senior staff and committees responsible for their internal selection process without providing any further information about

the rationale for their composition and where they fitted into the institutional management framework.

There were broadly two institutional approaches to the RAE decision-making process: a devolved approach and a centralised approach. The devolved approach appeared to be adopted mainly by institutions that managed a higher volume of returns. In this category, decisions about threshold quality standards and the inclusion of staff in the submission were taken at UoA and faculty/school level, although ultimately central university committees, usually chaired by the Pro Vice-Chancellor for Research, would retain responsibility for making final decisions about submissions. In contrast, a more centralised approach was adopted by institutions that submitted a smaller number of UoAs and, overall, handled a smaller volume of returns. Here the threshold quality standard was set at university level, and Pro Vice-Chancellors had more direct involvement in the preparation of submissions to individual UoAs.

Most institutions also included in their codes a detailed time scale to undertake selection of staff, to carry out at least one 'dry run', and to inform staff about their status with regard to the RAE submission.

### *2.1.2 Guidance for UoAs to ensure transparent selection of staff and consistency of approach*

The equality guidance from ECU and the Funding Councils (RAE 03/2005, Annex G: 18) stated that 'each unit of assessment should produce a statement of intent giving information about how it will carry out its selection and submission process'. Several institutions, however, did not include this statement in their codes of practice, and in some other cases, while a 'statement of intent' was mentioned in their code, there was no evidence that UoAs had actually produced one. In some instances, UoAs simply published a list of names of those who would be involved in the selection of staff for inclusion, without offering any explanation of the criteria used in the choice of these decision-makers. Only a few institutions developed a 'statement of intent' template that could be followed by all UoAs. The interviews confirmed that only a few UoA leaders had produced a statement of intent, while it was clear that others had not been instructed by their institution to produce this document, and did not appear to be aware that this was stated in the equality guidance issued by the Funding Councils. The best examples of statements of intent clearly outlined how the selection process would be carried out at UoA level;

## Part 2 Project findings

however, no evidence has emerged from the documentation review or from the interviews that such statements had any additional impact on the internal selection process.

Several codes of practice contained a clear definition of eligible staff; in most institutions, this included all academic staff employed by the university to undertake teaching and research, and other research staff who could be defined as independent researchers according to the RAE2008 guidance (RAE 03/2005: 79–83). A few institutions expressly excluded academic staff employed on teaching-only contracts.

### *2.1.3 Selection for inclusion of eligible staff*

A clear process for the selection of staff for inclusion in the RAE2008 was outlined in many codes of practice. A few institutions made it explicit in their codes that, when considering staff for inclusion in the RAE, UoA leaders should first assess the quality of publications, and then look at the quantity. Where staff appeared to have fewer than the required number of outputs, any mitigating personal circumstances should have been considered. It appeared from the interviews with UoA leaders that this approach had not been internalised by selectors: when asked how they undertook the selection of staff for inclusion in the RAE, the majority mentioned quantity of outputs first.

### *2.1.4 Consistency of approach to selection of staff*

Consistency of approach to selection of staff for inclusion and the application of the code of practice was achieved through different methods, depending on the decision-making model adopted by institutions. In those institutions where a more devolved model had been adopted, selection of staff was undertaken at two levels: UoA or departmental level, and school/faculty level. Committees at school/faculty level included senior academics representing different UoAs, and usually at least one representative from the central university research committees. The devolved framework provided scope for a degree of moderation to take place across different UoAs, and for close liaising with central university RAE committees. Institutions where a more centralised model had been adopted achieved consistency through more direct involvement of the Pro Vice-Chancellor for Research at UoA level. One example of a method to ensure consistency of approach across UoAs involved the appointment of 'equality contacts' at faculty level, with responsibility for ensuring that the code of practice would be adhered to within the faculty.

### 2.1.5 Key findings

- = A significant amount of effort went into the development of codes of practice to meet the equality guidance. Some institutions produced more robust procedures for selection of staff for inclusion in the RAE2008 than others.
- = Only few institutions produced a statement of intent. No evidence emerged as to whether this had any impact on internal selection processes.
- = Several codes of practice contained a clear definition of eligible staff that, in most institutions, included all academic staff. Only a small number of institutions explicitly excluded from their definition staff on teaching-only contracts.
- = Many codes of practice outlined a clear procedure to be followed for the selection of staff for inclusion in the RAE2008. This was often initiated by a 'dry run' to establish staff RAE status.

## 2.2 Equality training provision

The equality guidance from ECU and the Funding Councils (RAE 03/2005 Annex G: 12 and 14) stated that codes should include details of the steps taken to ensure that all senior staff responsible 'for conducting aspects of the RAE' were well informed and/or had undertaken equality training.

Most codes of practice included a requirement for equality training for all senior staff with decision-making responsibilities with regard to the RAE2008 submission. In several cases the training was mandatory. A small number of institutions, however, either did not include any reference to equality training in their code of practice, or were vague about this requirement and did not provide any evidence of having delivered it. While the majority of institutions provided examples of the type of training developed, the documentation received revealed significant differences in the type and quality of training delivered. Over half the institutions in the sample provided equality training that was applied explicitly to the context of the RAE. The best examples of training were those developed by a number of institutions that used case studies, which typically presented hypothetical scenarios where a number of equality issues were explored in the explicit context of selection of staff for inclusion in the RAE. These also offered participants the opportunity to practise implementation of the equality guidance contained in their institutional code of practice, and facilitated a common understanding of how to deal with personal circumstances.

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A significant number of institutions provided a more generic kind of equality training. This typically involved either online self-completion equality training, or equality briefings outlining legal obligations under the current equality legislation. In a few cases, institutions relied on equality training that staff received as part of induction or general training on staff recruitment and selection procedures, rather than providing RAE-focused training.

Most of the senior academics interviewed reported that they had undertaken equality training as part of the preparation for RAE2008. Those who had received generic equality training said they did not find it very relevant, whereas those who had received RAE-focused equality training were more likely to say that they found it useful and relevant.

These findings indicate the importance of bringing together equality and academic expertise to deliver RAE-focused equality training to all those involved in the decision-making process, including academic-related research staff.

### 2.2.1 Key findings

- ⇒ Most institutions had developed and delivered equality training to those involved in the selection of staff for inclusion in the RAE2008. Only a few institutions did not provide evidence of having delivered any training.
- ⇒ The best examples of training materials were those developed specifically with a focus on the RAE, and those that used case studies to explore equality issues in the explicit context of the selection of staff for inclusion in the RAE.

## 2.3 Identification and handling of equality-related personal circumstances

Guidance from the Funding Councils and ECU stated that:

‘In common with the panel guidance, the institutional code of practice must also include the standard list of circumstances that the institution and the panels will take into account.’ (RAE 03/2005: 42)

All the codes of practice reviewed included the ‘standard list’, and a few also mentioned additional circumstances, such as absences for religious observance and those identified by individual panels. The interviews with UoA leaders and other senior academics provided a useful insight into how selectors identified and

handled personal circumstances that could have affected an individual's research output during the census period. Selectors followed two sets of guidance: one provided by their specific UoA sub-panel, and one provided by their institution through the code of practice. The guidance from a specific UoA sub-panel was followed to decide to what extent personal circumstances justified a submission with fewer than four outputs, while the guidance from their own institution's code of practice provided a framework to enable them to elicit information about an individual's personal circumstances, and likewise to enable individuals to make selectors aware of them. Thus effective communication of the code of practice to all eligible staff was important in facilitating the disclosure of equality-related personal circumstances that may have required special consideration. The following section examines in detail how institutions dealt with issues relating to the disclosure of personal circumstances.

### *2.3.1 Disclosure of personal circumstances*

The disclosure of personal circumstances affecting submissions to the RAE2008 raised two main issues: the need to ensure all eligible staff had an equal opportunity to disclose any relevant personal information, and the need to strike a balance between protecting an individual's right to confidentiality and ensuring selectors were fully informed about circumstances requiring special consideration. All participating institutions made their code of practice available on their website, and also used other means of internal communication such as newsletters and open briefings to disseminate it. However, the most effective method of communication to facilitate disclosure seemed to be that adopted by a number of institutions: circulating a form to all eligible staff asking them to outline any personal circumstances that they thought might have affected the quantity of their research outputs during the census period. These forms also served the purpose of documenting agreement by an individual about disclosure of personal circumstances in the RAE submission.

With regard to the issue of protecting staff confidentiality, a few institutions stated in their code of practice that staff could disclose in confidence any personal circumstances to the university equality and diversity officer, rather than to their UoA leader or head of department. The equality and diversity officer would then report in confidence about the information received to the appropriate university RAE committee in order to advise the individual whether there was a *prima facie* case for special consideration. This method was reported to be particularly useful to

## Part 2 Project findings

encourage disclosure of sensitive information such as ongoing mental health issues that staff did not wish to communicate to their immediate colleagues.

Several institutions did not seem to have put in place a clear process to allow for the disclosure of personal circumstances. In these cases, codes of practice were typically either unclear about the process that would be followed for eliciting information about relevant personal circumstances, or delegated this responsibility to UoA leaders or heads of departments/schools. In some of these institutions, questions relating to disclosure were explored further through interviews. Several interviewees explained that all eligible staff would have had the opportunity to disclose any relevant personal circumstances during the course of a conversation usually held with their UoA leader or head of department about their possible inclusion in the RAE. It was not clear from some of these accounts when and how such conversations would have been initiated. Moreover, some selectors appeared to have relied on prior knowledge of their colleagues' personal circumstances, particularly in institutions that managed a smaller volume of returns, or on information provided by central human resources departments. These methods suggest a poor appreciation of the issues around disclosure, particularly with regard to sensitive and confidential information where there has not been any consent to disclosure for these purposes. There are limitations on the type of data that human resources departments can provide, such as information relating to periods of absence that might have occurred when an individual was employed at a different institution.

Other findings from the interviews suggested that there was a perception among some female academics that disclosure of personal circumstances could have a negative impact on their research profile. A few interviewees in different institutions reported that some of their female colleagues felt uneasy about disclosing personal circumstances relating to their childcare responsibilities, as they were concerned that this might have amounted to 'declaring themselves unfit for submission'. It was commented that this proved the importance of communicating effectively the existence of the code of practice and its purpose.

### *2.3.2 Handling of personal circumstances at institutional level*

Among interviewees who had an oversight of submissions to several UoAs (due to their institutional role as Pro Vice-Chancellor or Head of Faculty), there was general consensus that there should have been greater consistency in the guidance that

sub-panels provided for dealing with personal circumstances, particularly in the case of early-career researchers, and that the variations were not justified by differences in the subject areas. It was commented that ambiguity in the sub-panels' guidance might have led to the exclusion of some staff from a submission if it was felt 'unwise' to return them with fewer than four outputs. Some UoA leaders felt it would have been helpful to receive more guidance by individual sub-panels on how to adjust esteem indicators when personal circumstances applied. It was also commented that, although esteem indicators often represented a small percentage in terms of overall scoring, a lack of clarity about them meant that selectors often spent disproportionate time deliberating how they should be interpreted.

The most common types of personal circumstances that were taken into consideration included, in order: early-career researchers, maternity leave, part-time employment, periods of absence due to ill health or disability, and periods of absence to care for an adult dependant.

Most selectors reported that the most problematic cases to deal with were those involving prolonged ill health and ongoing mental health issues, in particular where there had not been any previous disclosure. Although these circumstances did not always involve a prolonged absence from work, they could have affected an individual's productivity during the census period, and in these situations it was not easy to assess an appropriate level of output compared with cases involving maternity leave or part-time work. It was also commented that handling cases involving ill health required a lot of sensitivity, and the code of practice provided a helpful framework to deal with them.

In terms of assessing appropriate quantities of outputs in cases where an individual's personal circumstances had to be taken into account, the pro-rata rule adopted by some UoA sub-panels was found by selectors to be clear and helpful (for example, if staff had been available for 20–40 per cent of the time during the census period they could be submitted with one output, or with two outputs if they had been available for 40–60 per cent of the time). Although this involved a rather mechanistic approach, selectors also found it useful to apply in cases involving disability or ongoing medical conditions, as it helped them to think of an appropriate level of research output in pro-rata terms.

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It was evident from these interviews that the clarity of sub-panels' guidance with regard to personal circumstances was important in giving selectors the confidence to submit staff with a reduced number of outputs when equality-related personal circumstances applied. If they felt the guidance was ambiguous, they were not prepared to take risks as they were concerned that their submissions could be penalised.

### 2.3.3 Key findings

- ⇒ Effective communication of the code of practice to all eligible staff appeared to be central to ensuring that all had an equal opportunity to disclose any personal circumstances that might have affected their research productivity during the census period.
- ⇒ An example of good practice is the proactive approach to eliciting information about equality-related personal circumstances by circulating a form to all eligible staff, inviting them to disclose any relevant circumstances in confidence.
- ⇒ All Pro Vice-Chancellors and other senior academics who had an oversight of submission to several UoAs thought that variations in the equality guidance provided by individual sub-panels, particularly with regard to the treatment of early-career researchers, were not justified by differences in the subject areas. Some selectors would have liked to receive more guidance from main panels and sub-panels on how to adjust esteem indicators when personal circumstances applied.
- ⇒ The most common types of personal circumstances taken into consideration to justify submissions with a reduced number of outputs included, in order: early-career researchers, maternity leave, part-time employment, periods of absence due to ill health or disability, and periods of absence to care for adult dependants. All interviewees reported that the most complex types of personal circumstances to assess were those related to ongoing illness or mental health issues.
- ⇒ The pro-rata rule adopted by some sub-panels to deal with cases where equality-related personal circumstances applied was found to be helpful and clear to apply.

## 2.4 Approaches adopted by main panels and sub-panels to deal with equality-related personal circumstances

In order to gain some insight into the way both main and sub-panels implemented the equality guidance and dealt with personal circumstances in practice, a series of interviews were undertaken with panel/sub-panel chairs, secretaries and advisers. There was general consensus among these interviewees that the equality guidance provided by the Funding Councils was clear, sufficient and fit for purpose. All main panel and sub-panel chairs were briefed by ECU early in the process about the content of the guidance and the implications of the equality legislation for RAE2008, and these sessions were found to be helpful. In some disciplines, given the increased number of women entering the profession, issues around career breaks and part-time work, and how these could affect an individual's research performance, were considered by members of one main panel well in advance of the Funding Councils' equality guidance.

The impact of the different approaches to personal circumstances adopted by main panels and sub-panels was explored in the interviews. Some panels took a pro-rata approach, and expected all their sub-panels to follow this rule unless discipline-specific circumstances justified the adoption of a different method. For those panels where all disciplines were sufficiently homogeneous, it was relatively easy for members of the sub-panels to follow the same set of rules. Those who adopted the pro-rata rule found that it worked well in practice, and avoided complex discussions such as whether a period of absence occurring at the beginning of the census period might have had a greater impact on an individual's research performance, compared with a similar period of absence at the end. Other panels took a more flexible approach, and although they did not identify any difficulties, it appeared that this method led to more discussion within the main panels and sub-panels on how to deal with personal circumstances, with the inherent potential for less-consistent approaches being taken across sub-panels.

All interviewees said that the majority of submissions involving personal circumstances concerned early-career researchers. These were viewed very positively by both main and sub-panel chairs as, in their view, they provided an indication of the 'sustainability of the discipline' by showing 'a balanced unit' that included a mixture of more established researchers as well as early-career researchers. Other circumstances involved part-time staff, maternity leave, and

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periods of absence due to ill health, which on the whole were considered to be straightforward cases to deal with. All interviewees reported that most of the personal circumstances were assumed to be genuine and were accepted at face value; where sub-panels had queries, they would refer back to institutions for further clarification rather than making assumptions. It was commented that members of both main and sub-panels in the RAE2008 were well aware of the equality guidance, and that the existence of a more robust equality legislative framework had raised public and professional consciousness about these issues. Some interviewees expressed concern that staff on small fractional appointments who could have been submitted with fewer outputs were returned with four publications, and this appeared to be an area where clarification in any future guidance would be helpful.

Interviewees were asked whether any moderation process was adopted by main panels *vis à vis* the sub-panels to ensure a consistency of approach in dealing with personal circumstances. It was reported that, by and large, sub-panels dealt with the issues presented by personal circumstances without reference to the main panels. An alternative model was for main panels to hold meetings where sub-panel chairs discussed more problematic cases, including those involving personal circumstances, which allowed them to share how they dealt with these. Panel secretaries also had a key role to play to ensure consistency of approach in implementation of the guidance among sub-panels.

Interviewees were also asked about those cases where personal circumstances were not accepted, and these included periods of absence that were unclear or not long enough to justify fewer than four outputs. However, the majority of cases that were rejected were not equality-related (for example, involving individuals submitted with a reduced number of outputs for reasons attributable to their workload as course leader or other non-equality-related circumstances).

Overall, there was a lot of support for the idea of focusing on outputs rather than individuals, as it was felt that this was a more objective and fairer approach that supported equality of opportunity.

Although institutions were not given feedback on personal circumstances that had not been accepted, interviewees were asked whether it would have been helpful to provide institutions with some form of feedback about these cases to help them to

develop a better understanding of how to deal with equality-related issues. There was general support for the idea of more feedback on special circumstances, and panel chairs were sympathetic to this idea. It was acknowledged, however, that this might not be easy to do in practice, although it might be possible to provide institutions with an overview report that, without breaching any confidentiality, would explain why sub-panels felt the evidence provided about personal circumstances was either sufficient or insufficient.

### 2.4.1 Key findings

- = There was general consensus that the equality guidance issued by the Funding Councils and ECU was clear and sufficient.
- = Main and sub-panels took different approaches to dealing with personal circumstances. Some adopted a pro-rata mechanism, while others took a more flexible approach.
- = By and large, personal circumstances were dealt with by sub-panels, but some main panels held meetings where sub-panel chairs discussed more problematic cases, including those involving personal circumstances, and shared how they dealt with them. Panel secretaries also had a key role to play to ensure consistency in implementation by sub-panels.
- = The majority of submissions involving personal circumstances were those of early-career researchers. Other cases involved maternity leave, part-time working, prolonged illness and disability, and career breaks to care for an adult dependant. Personal circumstances were usually accepted, and further clarifications would be sought from HEIs only if panels had queries.
- = Examples of cases where personal circumstances were not accepted as mitigating factors for a submission with reduced outputs included periods of absence that were unclear or not long enough to justify fewer than four outputs, and cases where personal circumstances were not equality-related.
- = Concern was expressed about staff on small fractional appointments submitted with four publications.

## 2.5 Equality impact assessment review

The equality guidance for the RAE2008 (RAE 03/2005 Annex G: 20) states that:

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‘Each HEI should also provide an equality profile – in terms of disability, gender and ethnicity – of staff who are eligible for submission and indicate those who are submitted and those who are not. If any prima facie imbalance is found relative to the total potential pool, then the HEI may be required to account for it. HEIs may consider undertaking impact assessments at lower levels, for example if they perceive imbalance in particular UOAs.’

General guidance from ECU on undertaking EIAs (ECU, 2007) states that a full EIA should:

- = gather relevant qualitative and/or quantitative internal and/or external data (including consultation data, informal feedback, etc., as appropriate)
- = analyse data for differential impact, then for adverse impact
- = identify approaches to addressing any adverse impact (where appropriate), and an impact assessment review date after these have been implemented identifying approaches and missed opportunities to enhance positive impact.

Of the 32 institutions participating in this study, 22 provided documented evidence of having undertaken an EIA of staff submitted in the RAE against the profile of the potential pool. Some of the universities that did not provide an EIA together with their code of practice explained that they were still in the process of undertaking a post-RAE EIA.

Among those institutions that provided an EIA, there were very wide variations in the nature and quality of the documentation submitted. The majority of EIAs consisted of tables or charts with very limited or no explanation or contextual commentary. They also ranged in length from one to 16 pages. A number of institutions included a clear definition of eligible staff that, in some cases, expressly excluded staff on teaching-only contracts and research assistants, while many others did not provide a definition. Different mechanisms were used to display and analyse the data presented, including:

- = comparing the profile of staff submitted with the profile of eligible staff by equality group
- = identifying the percentage of those eligible in each equality group that were submitted/not submitted
- = calculating the equality profile of those submitted and not submitted.

Only six of the 22 institutions that undertook an EIA provided any context or explanation for the EIA. Fewer than half the institutions undertook the EIA at a level below that of the entire university, although the equality guidance suggested that 'HEIs may consider undertaking impact assessments at lower levels, for example if they perceive imbalance in particular UOAs' (RAE 03/2005 Annex G: 20). All the institutions undertook their EIA on gender, but only 18 included ethnicity and 16 disability. Few institutions drew a clear distinction between British minority ethnic staff and ethnic staff from other nationalities.

Very few institutions provided a commentary on or analysis of their EIA results, but some potential differences were identified in some of the analyses, and could also be seen in the data of some institutions, mainly in relation to gender in the relative equality profiles of those submitted versus those eligible. No significant differences were noted with regard to ethnicity but, as noted, these data might be affected by the fact that in most cases they also included non-British nationals. Numbers of staff with a disclosed disability were so small that it was not possible to draw any meaningful conclusion from the data made available.

In only a few cases was any attempt made to explain the possible reason(s) for the apparent differences. Only one interviewee expressed the intention to undertake some focus groups with female academics to investigate the reasons for their lower selection rate in his institution. None of the EIAs contained what could be described as a formal action plan, but a few institutions indicated what further work would be undertaken to ascertain the cause of any difference identified. However, even in these cases, there was no indication of when the work would be undertaken or how it would be reported.

Interviews with UoA leaders and Pro Vice-Chancellors offered the opportunity to try to explore the reasons for such inconsistent implementation of this aspect of the equality guidance. The findings from the interviews highlighted a general lack of understanding and engagement with the EIA process, particularly at UoA level. This was demonstrated by the fact that many interviewees were not aware whether an EIA had been undertaken at UoA or institutional level.

### *2.5.1 Key findings*

= Of the 32 institutions participating in this study, 22 provided evidence of having undertaken an EIA. There were significant variations in the quality of this

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documentation and, save for a few notable exceptions, the quality of the EIAs provided was poor.

- Several EIAs showed that the selection rate of women was lower compared with that of men; a few indicated that further investigation would be undertaken, but the outcomes are not known. No significant differences were noted with regard to ethnicity, but these results might have been affected by the fact that, in most cases, the data also included non-British nationals. Numbers of staff with a disclosed disability were so small that it was not possible to draw any meaningful conclusions from the data available.

### 2.6 Appeals

The majority of codes of practice provided for bespoke, independent appeals processes, some of which included the appointment of external advisers, to deal with complaints on the grounds of potential discrimination within the context of the RAE. Several institutions also allowed appeals on other grounds, such as academic judgement or other non-equality-related reasons. Typically, an appeal procedure involved an attempt to resolve the matter informally at departmental/ UoA level, and if this was unsuccessful then a formal appeal could be made to the Pro Vice-Chancellor for Research, or to the university RAE committee. A clear timetable was often outlined to deal with appeals to ensure timely resolution of a complaint within the time frame of the RAE submission. A few institutions instead referred to their existing grievance procedure to deal with any formal appeal. It was not clear whether this approach would have allowed for timely resolution of an appeal within the time frame for the RAE submission.

The institutions participating in this study were asked whether they received any equality-related formal appeals. Twenty-nine universities provided information about appeals: of these, 18 reported that they had not received any appeal, while 11 together received an overall total of 46 appeals. Of these 46 appeals, only four were reported to have been on equality grounds. One was based on an early-career researcher status, and was upheld; one was based on personal circumstances related to ill health, but was not upheld; and the specific grounds of the other two equality-related appeals are unknown for confidentiality reasons. The remaining 42 appeals were based on academic judgement or other grounds (in six cases the appeals grounds had not been specified), and 20 of those appeals were upheld.

### 2.6.1 Key findings

- = The majority of codes of practice provided for a bespoke, independent appeals process, which included a clear timetable for the resolution of any complaints within the time frame of the RAE submission.
- = Only four of the appeals were on equality-related grounds, and only one of these was upheld.

## Part 3 Conclusions

There was general consensus among all the senior academics interviewed that the equality guidance provided for the RAE2008 was much clearer than that for the previous exercise in 2001. Many interviewees commented that, while in the previous exercise 'there was nervousness' about the way submissions with fewer outputs would be viewed by panels, this time selectors felt more confident. This supports the supposition advanced by Rees (2004: p. 118) that in the 2001 exercise, doubts about the interpretation of the equality guidance issued at the time might have led institutions to exclude staff who otherwise could have been submitted pro rata, in order to 'play safe'. Thus equality guidance that is as unambiguous as possible is important to ensure selectors feel confident about submitting staff with fewer high-quality research outputs where equality-related personal circumstances apply. Nonetheless, although the equality guidance issued by the Funding Councils and ECU was found to be clear and sufficient to inform institutions' internal selection processes, senior academics highlighted the need for greater consistency in the specific guidance provided by individual main and sub-panels in defining those cases where it would be appropriate to return staff with fewer outputs.

The pro-rata method adopted by some main and sub-panels to deal with equality-related personal circumstances appears to have the advantage of clarity, although possibly the disadvantage of being rather mechanistic and restrictive in some situations. Although a more flexible approach may be less restrictive, it may be more open to subjective interpretation, and so overall, in the light of the experience of RAE2008, the pro-rata method seems to be the most advantageous. The Funding Councils and ECU should investigate the impact of such an approach on equal opportunities and consider its potential effectiveness in promoting equality and diversity in the REF. In any event, it would be helpful to identify a default common method that could be adopted by all main and sub-panels in the future REF to deal with equality-related personal circumstances, with the proviso that a different approach should be taken only where there are clear reasons for its use.

At an institutional level, robust codes of practice and procedures had been developed to comply with the equality guidance. Several institutions had put in place sound mechanisms to ensure consistency of approach across UoAs in their internal selection processes of staff for inclusion in the RAE, and in implementing

the code of practice. In a few institutions, however, the code of practice appeared to have been more of an 'empty shell' (Hoque and Noon, 2004), as it was not clear from the interviews with UoA leaders how this had been implemented. By and large, equality training was provided to senior staff managing internal selection processes, and the best examples were those that used case studies to explore equality issues within the specific context of the selection of staff for the RAE.

A few areas were identified where the Funding Councils and ECU should issue more robust guidance to help institutions to improve their practices and ensure they are perceived by all academic staff as fair and transparent. These areas include the need for more proactive communication of the code of practice to all eligible staff, and methods to facilitate the confidential disclosure of any relevant equality-related personal circumstances. Compliance with EIA was found to be inconsistent across institutions, save for a few notable exceptions, in particular with regard to a lack of analysis and commentary relating to the submission rates of staff with different equality profiles. Although the Equality Bill, when implemented, may make it no longer mandatory for EIAs to be undertaken, HEIs should be encouraged to continue to use EIA as a useful diagnostic tool that can identify imbalances in the research performance of staff from different equality backgrounds, so that these can be investigated and addressed as part of the development of research careers.

Despite the findings from this research indicating that the equality guidance issued by the Funding Councils for the RAE2008 was followed, the concurrent quantitative research undertaken by HEFCE about the rates of staff selection from different equality profiles still shows (similarly to the previous study of RAE2001) significant differences in submission rates for different groups. An analysis of the causes of any imbalance in the submission rates across equality grounds was outside the scope of this research, although it appears that broader social and structural issues may be responsible for creating inequalities in the numbers of staff from different equality groups who have produced sufficient research of submissible quality. For example, a substantial body of research has highlighted a series of possible causes for differences in the research selection rate of men and women. These include: gender occupational segregation, both horizontal in terms of disciplines and vertical in terms of academic grades and research experience (Doherty and Manfredi, 2006); work–life balance issues (Brouns and Addis, 2004; Ackers, 2007); a tendency for women to have greater teaching, pastoral care and administrative working loads compared with their male colleagues (Bagilhole,

## Part 3 Conclusions

1993; Wells, 2002); and lower application rates for research funding (Blake and La Valle, 2000; Ackers and Millard, 2009).

Several initiatives have been undertaken at sector level to address equality issues on gender and race grounds, such as ECU's Athena SWAN Charter ([www.athenaswan.org.uk](http://www.athenaswan.org.uk)), the HEFCE-funded project on flexible employment options (Scott, 2008; [www.staffs.ac.uk/feo](http://www.staffs.ac.uk/feo)), and the HEFCE-funded Race Forum ([www.ecu.ac.uk/our-projects/race-forum](http://www.ecu.ac.uk/our-projects/race-forum)) coordinated by ECU, looking at the experience of black and minority ethnic staff in higher education (for initial literature review see Leathwood *et al.*, 2009). There have also been many excellent initiatives undertaken by individual HEIs to address these issues. However, there is a need for more systematic investigations and intervention at an institutional level to try to tackle imbalances in relation to the submission rates for different groups.

Although this research has suggested various areas where the guidance could be improved, it is clear that the approach taken in RAE2008 provided greater confidence that equality-related personal circumstances would be taken into account in assessing the quantity of research undertaken by individuals, and similar mechanisms should be carried forward to the REF.

To help the sector to build on the experience of RAE2008 in preparation for the REF, a number of examples of good practice have been selected from the review of the codes of practice and other equality-related documentation. These can be viewed at [www.ecu.ac.uk/our-projects/research-assessment-exercise-2008-equality](http://www.ecu.ac.uk/our-projects/research-assessment-exercise-2008-equality).

### 3.1 Recommendations

- = The Funding Councils should review the guidance to HEIs to produce a statement of intent for the selection process of staff for inclusion in the REF.
- = HEIs should review their methods of communication of any code of practice that may be required for the REF, to ensure all eligible staff are aware of its content.
- = Clearer guidance should be provided to HEIs by the Funding Councils and ECU about self-disclosure of personal circumstances, in particular with regard to sensitive areas such as ongoing illness and mental health issues. Institutions should have robust procedures in place to facilitate self-disclosure of personal circumstances. Sharing good practice developed in RAE2001 can help to achieve this.

- ⇒ Equality training provision should focus on the REF, making use of case studies to explore and understand, for instance, the implications of dealing with personal circumstances in the process of selection of staff for inclusion.
- ⇒ Although the Equality Bill, when implemented, may make it no longer mandatory to undertake EIAs in the future, HEIs should be encouraged to continue to use them as a tool to inform action plans to develop research careers in the run-up to the REF. More guidance should be provided by ECU in the form of a template to help HEIs collect their data in a consistent and meaningful way in order to help them address equality issues in relation to research performance.
- ⇒ All HEIs should ensure any future equality-related appeal process will allow explicitly for timely resolution of any complaint within the time frame for the REF submission.
- ⇒ There should be greater consistency in the equality guidance issued by different main panels and sub-panels, particularly with regard to the treatment of early-career researchers, and guidance on how to adjust any other indicators of research quality that will be adopted in the REF when personal circumstances apply.
- ⇒ The Funding Councils and ECU should investigate whether, in the case of small fractional appointments, a pro-rata submissions policy would be practicable and fair.

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