

Assessment of people, culture and environment in REF 2028

The four UK higher education funding bodies (Research England, the Scottish Funding Council, the Higher Education Funding Council for Wales, the Department for the Economy, NI) are inviting views on the assessment of people, culture and environment (PCE) in the Research Excellence Framework 2028 (REF 2028). They invite respondents to outline the challenges and opportunities they see in the changes to PCE assessment announced in the [Initial decisions](#). Respondents are also invited to outline any concerns they may have about this element of REF 2028 and suggest solutions to challenges and concerns identified. Insights from these responses will be used to inform the development of this element of REF 2028.

Responses are invited from any organisation, group or individual with an interest in the conduct, quality, funding or use of research in the UK.

Respondents are requested to complete the box below and provide their comments in no more than two pages (Arial, 11 pt). Completed Word documents should be sent to info@ref.ac.uk by **5pm on 1st December 2023**.

REF 2028 Consultation Privacy Notice

Research England is a council of UK Research and Innovation (UKRI). All personal data provided to UKRI in connection to this consultation will be processed in accordance with current UK data protection legislation. Further information on how we use personal data, and how you can exercise your rights as a data subject, can be found in the UK Research and Innovation Privacy Notice (<https://www.ukri.org/privacy-notice/>). UKRI complies with current data protection law in the UK and we process and handle personal information in accordance to this.

The personal information that you provide in this consultation will only be used for the processing of your consultation response. Your data will only be viewed by UKRI staff and external colleagues employed to support the development of policy and guidance for REF 2028.

Your information will not be used/shared for any other purpose without your specific consent. UKRI reserves the right to publish and share anonymised aggregated information with stakeholders.

UKRI may disclose information if requested under the terms of the Freedom of Information Act 2000. For further information about the Act, see the Information Commissioner's Office website, <https://ico.org.uk> or, in Scotland, the website of the Scottish Information Commissioner, <https://www.itspublicknowledge.info>. If information is requested from the Scottish Funding Council, this will be under the terms of the Freedom of Information (Scotland) Act 2002.

Information on respondent

Name	Society of Legal Scholars
Respondent type (delete as appropriate)	Subject association or learned society
Institution (where relevant)	

The main questions as regards the new “People, Culture and Environment” section of the REF assessment seem to be

1. The appropriateness of the new 25% weighting (Initial Decisions para 66)

There is no perfect weighting for different elements of the assessment and consultees had different views. The increased weighting as thought by some to be a positive development in for example encouraging institutions to think about how they invest across the whole assessment period; however, a strong (but not universal) strand of opinion was that the downgrading of the output element was less welcome. It was thought this would change the nature of REF as an exercise based on research quality, down-weight an element which is easier and more robustly assessed and up-weight one which is less easily assessed where there are as yet few indicators of what the metrics might be. It was thought this might unduly advantage larger established UoAs with a longer track record of institutional investment.

2. The appropriateness of including an institutional level statement as part of the assessed material

This was clearly part of the direction of travel given the inclusion in the 2021 exercise of a non-assessed institutional level statement (IL). However, we have several concerns. In order to write a disciplinary level statement (DL) for law adequately it is necessary to refer to those elements of the institutional level structures – eg Open Access budgets, institutional level research themes, AHRC & ESRC doctoral training partnerships etc which bear on the ability to produce disciplinary or inter-disciplinary research, to collaborate cross-institutionally, between institutions and internationally as well as with external non-academic partners who may co-create research and to comment on how those institutional resources/structures are used and engaged by the UoA and therefore how successful the institutional strategy is in benefiting the UoA.

There are three risks. First, that these linkages/opportunities etc may be assessed twice and double-counted; credit may be given for their existence and usage in two different places. Secondly, there is a risk that in a large university which may be dominated by science subjects the IL necessarily devotes significant space to discussing institutional level support in terms of equipment budgets/cross-disciplinary/institutional collaborations in science which may be of limited relevance to law. UoAs may therefore be credited because of institutional support for matters of little relevance to them. Conversely, in a university with a proportionately larger arts and humanities and social science focus a greater emphasis may be placed in the IL on elements of the institutional environment relevant to law which in turn allows a UoA to be advantaged by a greater level of detail on support relevant to them. Thirdly, very small UoAs – and some law UoAs are very small – may find it difficult to get any significant emphasis or coverage at all in the IL because they are largely irrelevant to the overall institutional outcome. The Society is concerned that if ILs are to be assessed that no UoA be unfairly advantaged or disadvantaged in the assessment exercise by matters of little disciplinary relevance, but also feels that the IL might be

largely redundant and provide no real extra value if the UoA's use of institutional resources etc is also included in the DL. These risks are particularly acute if the IL (perhaps inevitably to avoid the same statement being given different scores by different UoA assessment panels) is assessed by a separate panel (Initial Decisions para 47).

3. The appropriateness of a more structured questionnaire-type template and greater use of metrics

The Society is concerned that there is a tension between a more “tightly defined, questionnaire-style template that will create greater consistency across submissions and focus on demonstrable outcomes.” (Initial Decisions para 41) and the statement that, “A holistic approach to change is required to... ensure that the next exercise encourages the diversity of people, ideas and outputs that is vital to maintaining the UK's dynamic and impactful research system.” (Initial Decisions para 24)

The Society is mindful of two advantages of a more structured approach, that the assessment of the PCE element would be less likely under the current proposals to be an assessment of how good UoAs are at writing environment statements and that it may promote greater consistency in assessment. The Society is concerned, however, that institutions will seek to determine the “right” answer to the questions and this risks driving greater uniformity of research culture as institutions try to evidence the “right” answer rather than allowing a more bottom-up approach. A risk also exists of the questions being somewhat “leading”. All consultees were agreed that the more prescriptive the template the more likely it is to stifle diversity and legitimate differences between UoAs. In short there is the risk of the exercise becoming unduly reductive. The Society is further unconvinced that a questionnaire-style format is required by the fact that some UoAs may have proffered “unguided narratives without robust supporting evidence” (Procurement Specification, p 8). In order to score well in the environment statement, it has always been necessary to provide appropriate evidence. A compromise might be a template that is not highly structured or prescriptive in nature, but which does break down issues to a greater extent and guide responses to a greater degree than the current template does. To the extent that quantitative metrics and other key performance indicators are adopted (and the Society is mindful that further work to identify such metrics is planned (Initial Decisions para 43)) institutions may choose to test UoAs on an annual basis on their metrics and KPIs in an effort to monitor/encourage work to improve them. We do not believe this will be consistent with the aim to “minimise the preparation and assessment burden on institutions...” (Initial Decisions para 41).

Metrics have historically not been used within law as a discipline either directly or as proxies. We do not for example make use of citation scores or journal rankings in the same way as other disciplines. The Society has consistently therefore in previous REF consultations maintained a preference for qualitative narrative statements over quantitative metrics. If such metrics are to be used, however, they should not be distorting. A staff satisfaction survey will not return valid results if staff know its results feed into the REF. Grant income generation per se tells us little without knowledge of the type of work a UoA does. A UoA focussed on traditional doctrinal work will be less likely to attract large grants than one focussed on empirical work. Research culture indicators will need to be read in context and be able to fairly apply to UoAs which include a significant non-legal element, such as criminology. Indicators should not disincentivise institutions from focussing on less measurable aspects of research culture and good practice. Finally, work should be done to pilot any new indicators. Consistently with the recommendation in 'Harnessing the Metric Tide' report that change in the assessment of research environment take place over two REF cycles we suggest such changes may be more appropriate for REF2035 to allow time for such piloting.