

Summary of responses to the consultation on Research England Terms and Conditions of Grant 2020-21

1. We have updated the terms and conditions (T&Cs) for Research England (RE) funding to apply from August 2020. The terms and conditions have been updated to reflect new policy changes in line with UKRI and to ensure continued accountability for Research England funding beyond 31 July 2020.
2. The updates to the terms and conditions for the 2019-20 period were significant and reflected wider changes in the regulatory landscape, arising from the implementation of the Office for Students' regulatory framework and register of providers¹
3. In contrast, the revisions to the 2020-21 terms and conditions are fewer and less substantial in nature than last year's changes. For consistency of approach, where possible and appropriate to do so, we have sought to align with the broader UKRI position on a range of matters. However, where those UKRI policies are still in development, and where the final implementation will come into effect during the course of the 2020-21 RE terms and conditions, we have framed our T&Cs in a way that reflects this.
4. Given our focus on complementarity and continuity, and given the additional pressures the sector is facing due to COVID-19, the majority of this year's changes either clarify ambiguity or are couched as expectations rather than new conditions.
5. Through the Higher Education and Research Act 2017, we are required to consult on any changes to our terms and conditions. However, given the nature of the changes for this year, and given the additional capacity pressures the sector is facing due to COVID-19, and as stated in the section of the terms and conditions which describes how we will approach revisions to the T&Cs (paragraphs 90-92 of the terms and conditions), the most feasible and proportionate approach to consultation this year was predominantly through the representative bodies, UUK and GuildHE, alongside additional, separate engagements with other appropriate bodies.

¹ https://www.officeforstudents.org.uk/media/1406/ofs2018_01.pdf



6. A consultation on the substantive amendments and additions included in the 2020-21 revision was conducted between 11 June to 10 July 2020. The documents consulted on included the revised T&Cs and proposed detailed guidance on reporting research misconduct (published here: <https://re.ukri.org/research/supporting-research-integrity/>).
7. The substantive amendments formed the basis of 4 questions in a consultation survey. We welcome the suggestions received and have taken them on board. The following paragraphs summarise the key themes from the feedback we have received, along with our responses to these themes. No further substantive changes were required to the T&Cs following the consultation apart from an update to paragraphs 55 & 56 of the terms and conditions to reflect the updated HEIF guidance. This change was notified as part of the consultation (see question 3, below).
8. The following summary seeks to provide additional clarity where it was sought and indicates where we have reflected the responses to the consultation in the final terms and conditions of funding for 2020-21. We will also incorporate this consultation feedback into the development of future versions of our terms and conditions.

Summary

9. For ease of reference, the following paragraphs highlight the substantive amendments and additions. Paragraph references in brackets refer to those in the terms and conditions for 2020-21:

Question 1: In response to feedback, we have attempted to clarify the above areas of ambiguity in our terms and conditions. Do you agree with the approach set out in a-d, below?

General clarifications (paragraphs 10 & 19)

- a. We have clarified that where the terms and conditions indicate a policy applies to research funding being directly or indirectly supported, they do so because where an institution receives un-hypothecated QR funding and uses that to support its research facilities generally, any research that makes use of any such resource can be said to be indirectly supported unless it can be shown to be funded from some other source on a full cost recovery basis, rather than marginal cost basis.
- b. We have updated the wording around our expectations of compliance with state aid legislation to align with UKRI's latest terms and conditions of grant.



Research Integrity Concordat (paragraph 37 - 38)

- c. Sector wide mechanisms to confirm compliance with the Concordat to Support Research Integrity and the related function of the Research Integrity Committee are still in development. Therefore, the condition for compliance with the Concordat to Support Research Integrity remains relatively unchanged. Paragraph 38 has been re-worded to clarify ambiguity around the point at which providers should report cases of misconduct to Research England.

- d. In order to increase transparency and to simplify our reporting requirements in the context of the continuing development of the Research Integrity Committee, we will create a Research Integrity page on the RE website providing full details of the requirements of any misconduct notification, including the type of information, how the information will be handled, stored and used, and how the requirement to report misconduct to Research England relates to other reporting mechanisms (i.e. the Research Integrity Committee). For ease of reference, this information is provided at Annex 2 of this document.

Consultation responses:

- There was agreement that more clarity was required with respect to the medium to long-term compliance requirements for the Concordat to Support Research Integrity and the related function of the Research Integrity Committee. The creation of a dedicated Research Integrity page with additional guidance was welcomed. There was a general support for the efforts made by research funders to provide full details of information requirements, how these interact with other reporting mechanisms and how the data is to be used. The importance of joining our requirements with other areas of UKRI's work, such as the establishment and role of the Research Integrity Committee was noted.

- There was cautious support for the requirement to report formal allegations of academic misconduct for indirectly funded research support, and some concern was expressed that the unhypothecated nature of our funding meant that it covers a broad area within HEIs, which may in turn impose a large burden on smaller HEIs.

- There were also questions in relation to indirect funding and how censure is applied to individuals, noting that in the case of UKRI grants, future application support can be suspended, which raised questions about whether or not institutional sanctions could be imposed if there were a large number of cases.

- Responses also raised the related issue of research ethics processes, particularly for smaller providers who may lack the capacity to have a separate, independent ethics complaint processes.

Research England's reply:

- Research England will continue to work with colleagues across UKRI and with the sector representative bodies in the development of the Research Integrity Committee. We will seek to align with the constituent bodies of UKRI once the Committee is operational and will, wherever possible, aim to amend our reporting requirements to ensure there is no duplication of effort or increase in burden for the sector.
- Higher education providers are not expected to report cases to Research England where funding from other councils of UKRI supports the activity, and which are already reported by higher education providers to the appropriate Research Council. We would also not expect cases to be reported where the higher education provider can evidence that the activity is not supported, directly or indirectly, by our funding.
- In the case of individuals, full guidance on the type of information we require and how it will be handled are set out in our integrity reporting guidance [insert link]. We do not normally need to know the name of individual(s) (the respondent), but where cases are deemed by the provider to be serious, we may require this additional information. Our default position is not to take responding action during the higher education provider's investigation, but to await the conclusion of local due process. Where any case has the potential for very serious implications for Research England or there is an obvious need to take action, we will make the higher education provider aware of this and discuss any actions with them in advance.
- On the issue of research ethics processes more generally, we are currently working with colleagues in UKRI to develop a complementary position and we will seek to engage with the sector in that process.

Question 2: Following the principle of complementarity and aligning with existing policies where appropriate, particularly UKRI's, do you agree with the approach set out in e-i, below?

Preventing and addressing exploitation, abuse and harm (paragraphs 39-43) and career development (paragraph 44)

- e. The T&Cs now reference UKRI's bullying and harassment position statement (pending development of UKRI's wider bullying and harassment policies).
- f. In line with UKRI's terms and conditions we have included an expectation for providers to adopt the guidance set out in the 2019 Concordat to Support the Career Development of Researchers.



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Open Access and responsible research assessment (paragraphs 45-47)

- g. We have clarified Research England's position in relation to the UKRI Open Access review. The clarification reflects wording published in the Open Access Review consultation document.
- h. Additionally, we have included an expectation that the institutions we fund will comply with the principles of the San Francisco Declaration on Research Assessment (DORA) or equivalent. This may be further updated in future versions of the T&Cs pending the outcome of the Open Access Review.

Freedom of Information Act 2000 and Environmental Information Regulations 2004 (paragraphs 84-89)

- i. We have included a new section to provide clarity and guidance on how we handle providers' data in relation to the Freedom of Information Act. This is in line with UKRI's approach to information handling and data requests.

Consultation responses:

- Respondents welcomed the principle of complementarity and aligning with existing policies where appropriate, particularly UKRI's. The reference to UKRI's bullying and harassment position was welcomed. Alignment with UKRI terms and conditions was also welcomed, including on the 2019 Concordat to Support the Career Development of Researchers, although clarity around monitoring was requested. Respondents suggested any efforts research funders might collectively make to align existing policies across the ecosystem were welcome.
- Clarity on how providers' data is used in relation to the Freedom of Information Act was welcomed.
- Some concern was expressed about the requirement comply with the principles of DORA or its equivalent, with questions raised about how such a condition might impact universities of different types and what monitoring of this requirement would look like.
- There was a request for further consultation on how the revised Open Access policy would be embedded in the terms and conditions before implementation.

Research England's reply

- We may seek to strengthen the newly included expectation for providers to adopt the guidance set out in the 2019 Concordat to Support the Career Development of Researchers, by requiring providers to be signatories. We will work with sector

representative to consider how this may be monitored to ensure complementarity of approach with other funders.

- On the Open Access Review, the development of the policy has been subject to a full and open consultation and we will seek to engage with sector bodies on how compliance with the policy, once announced, is reflected in any future versions of our terms and conditions. We will also produce further guidance on our expectation of compliance with the principles of DORA or its equivalent, which we will seek to publish on the Research England website in due course.
- Respondents questioned the use of the phrase “are expected to exceed all relevant legal obligations” in relation to Equalities, Diversity and Inclusion in paragraph 48. This is intended to signal that we would seek for recipients of our funding not only to meet the minimum legal obligations in this area, but to strive for excellence and to exceed the basic requirements. We will work with the sector bodies throughout the course of 2020-21 to consider the matter further and identify how we might clarify this statement in the next iteration of the terms and conditions.

Question 3: As changes to policy or guidance may be subject to review during the period covered by these terms and conditions, we have indicated where guidance and associated terminology may be subject to change, pending further notice. Do you agree with this approach?

Higher Education Innovation Fund (HEIF) and the Knowledge Exchange Framework (KEF) (paragraph 55 & 56)

- j. HEIF guidance and related monitoring arrangements are currently being updated and will be in place during the period covered by these terms and conditions. Therefore paragraphs 55 & 56 included wording to indicate that terminology around the guidance and monitoring may be updated pending separate notification by Research England.
- k. Research England is committed to reforming HEIF and, as asked by government, we have stated that it will be based on the KEF. There will be a full consultation on a KEF based method, but prior to that, and to form the basis of the future consultation, we may require providers to submit information to the KEF in 2021-22. We have included a statement to that effect.

Consultation responses

- Advanced notice on where guidance and terminology might be subject to change was welcomed. It was noted that in general, institutions need as much notice as possible

where terms and conditions may be changed and that terms and conditions should only be changed where this is unavoidable.

- There was support for the principle of reforming HEIF based on the KEF, which it was felt would create a more level playing field across the sector. However, there was a request for recognition that some providers who have not previously been in receipt of HEIF funding are disadvantaged in relation to KEF metrics. It was suggested that previous UKRI investment should be benchmarked in the KEF so that the value-added factor of those providers who have funded their own investment and support for this area of activities is acknowledged.

Research England reply

- We have now updated the wording in paragraphs 55 and 56 to reflect the revised HEIF guidance. The changes have been made to reflect the new monitoring terminology, but there are no material changes to tone and no new conditions beyond a requirement to comply with the revised guidance.
- We will work with the sector and its representative bodies to find ways to enable all eligible providers to participate in the KEF.

Question 4: In order to increase transparency, we have harmonised our generic competitive grant terms and conditions and included them in a single terms and conditions document. Do you agree this is the right approach?

Standard conditions relating to competitive grant funding (Annex A of the terms and conditions document)

- I. A new annex has been included bringing together standard conditions that relate to funding that is not allocated by formula, i.e. hypothecated competitive grant funding. These additions are derived from existing conditions of Research England governed competitive funds, although this is the first time that they have been placed alongside the general RE conditions of grant. The intention is to reduce the number of separate terms and conditions documents and to harmonise the common conditions into one over-arching T&C document.

Where a fund has separate, scheme specific compliance criteria, they will be stated in the relevant award letter. These conditions do not replace previously issued competitive grant terms and conditions unless otherwise stated, neither do they contradict them. Specifically, terms and conditions for the Strength in Places Fund, the UK Research Partnership Investment Fund and the Global Challenges Research Fund are out of scope of this harmonisation exercise. These conditions are in addition to, and do not

replace, the Research England Conditions of Grant set out in the main body of the T&C document at annex 1.

Response

- There was broad agreement that this was a sensible approach. The intention behind this exercise is to reduce the number of separate terms and conditions. We have indicated that where a fund has separate, scheme specific compliance criteria, they will be stated in the relevant award letter, but this will not amount to additional unnecessary bureaucracy or burden for applicants.