A. Summary

1. This document invites comments on revised terms and conditions of funding administered through Research England under section 97 of the Higher Education and Research Act 2017, forming part of an overarching accountability framework between Research England and the higher education providers we fund.

2. A summary of the proposed revisions to the 2021-22 Research England terms and conditions of funding is provided in the annex.

B. Introduction

3. The Higher Education and Research Act 2017 established UK Research and Innovation (UKRI) to oversee and support the majority of publicly funded research and innovation activity in the UK. Research England is the Council within UKRI with delegated funding and regulatory responsibilities for university research and knowledge exchange in England.

4. Research England’s role is to create and sustain the conditions for a healthy and dynamic research and knowledge exchange system in English universities. Working closely with the Research Councils and Innovate UK, and with our partner funding bodies in the devolved administrations, we ensure that our nation’s universities are effectively supported and encouraged to deliver excellent research with impact and world-leading knowledge exchange.

5. UKRI is a non-departmental public body. This means that while UKRI's remit (and the remits of its councils) are set by the Secretary of State for Business, Energy and Industrial Strategy, UKRI is not part of any government department. The 2017 legislation provides clear protections for academic freedom and provider autonomy under the Haldane principle and the ‘dual support’ system for research funding. These protections enable UKRI and its councils to make investments that deliver excellent research, that promote and incentivise impact, and that support high-performance knowledge exchange and business-led innovation. These protections also enable Research England to act as a broker between universities and the
Government ensuring the appropriate provider freedom for research and knowledge exchange.

6. Research England’s funding powers under the 2017 Act are linked to the definition of eligible higher education providers as set by the Office for Students (OfS) and prescribed in detail by the OfS’ regulatory framework.

C. Accountability framework

7. Our accountability framework, and the terms and conditions that fit within it, are intended to safeguard both higher education provider and academic autonomy, which are widely regarded as key factors in the success of English higher education. The principle of provider autonomy and the systems of regulation on which it depends rely on clear lines of accountability for the proper stewardship of public funds and on being able to demonstrate to Parliament and the public that, in the exceptional circumstance when something goes wrong, there is a clear mechanism to put it right.

8. Higher education in England is made up of a diverse range of providers of varying size and complexity. To give expression to the principle of autonomy, every higher education provider is headed by a governing body or equivalent which is unambiguously and collectively responsible for overseeing the provider’s activities, determining its future direction, and fostering an environment in which the provider’s mission is achieved and the potential of all students (including postgraduate research students) is realised. The governing body or its equivalent ensures compliance with the statutes, ordinances and provisions regulating the provider and its framework of governance. Research England’s funding is provided explicitly to the governing body as the higher education provider’s ultimate authority.

9. As accounting officer, the chief executive of UKRI has a personal responsibility to safeguard public funds and achieve value for money as set out in HM Treasury guidance, ‘Managing Public Money’. This includes responsibility for the public funds allocated by Research England to universities for research, knowledge exchange and associated purposes. The Executive Chair of Research England makes a clear personal contribution to fulfilling this responsibility, in line with the delegated responsibilities defined by legislation.

10. The approach to accountability described above draws on the expertise and diligence of governors, the effective academic management of higher education providers and a relationship of trust between Research England and English
universities. Research England, in turn, has a responsibility to promote and protect the wider public interest, particularly in relation to the funding we provide.

**D. Terms and conditions of funding**

11. The purpose of our terms and conditions of funding is to provide clarity and assurance around the formal funding relationship between UKRI (operating through Research England), governing bodies and heads of providers.

12. In updating these terms and conditions we have continued to focus on two key principles:

- **Complementarity**: replicating similar frameworks operated by other bodies and utilising existing sources of assurance where possible

- **Continuity**: avoiding unnecessary major changes in the relationship between Research England and the providers it funds

13. UK Research and Innovation regularly reviews its terms and conditions. We will strive to ensure that where our aims are the same as those of the rest of UKRI we do not generate additional conditions. Increasingly, the Research England conditions will focus specifically on areas where our distinctive model of assurance is fundamental to what we do, cross-referencing to other documents where we share interests with others.

14. Research England’s purpose is to create and sustain the conditions for a healthy and dynamic research and knowledge exchange system in English universities. Our role is in securing flexibility for universities and colleges to make their own judgements and take risks. We are responsible for the element of dual funding which protects the capacity of universities to respond quickly to opportunities central policymakers may not even be aware of and our approaches to funding will ensure that we do that. We are also responsible for ensuring that the research system across our universities is capable of sustaining its level of achievement. We will diverge from other existing accountability frameworks only in order to achieve these goals.

**E. Summary of updates for 2021-2022**

15. The proposed updates to the 2021-22 terms and conditions are intended to further align with UKRI and national policies. Due to the annual cycle of our terms and conditions revisions, there may be periods where our stated approach is slightly out
of sync with policy development elsewhere. However, as with previous iterations, where polices are still in development, and where the final implementation will come into effect during the course of the 2021-22 RE terms and conditions, we have framed our terms and conditions in such a way that they will not require further amendment in-year.

16. For 2020-21 we included a new annex which brought together standard conditions that relate to funding that is not allocated by formula, i.e. hypothecated competitive grant funding (annex A, page 23 of the 2020-21 T&Cs). This was done to reduce the number of separate terms and conditions documents and to harmonise the common conditions into one over-arching T&C document. This consultation also sets out the revisions to those competitive funding terms and conditions.

17. Given our focus on complementarity and continuity, and given the additional pressures the sector is facing due to COVID-19, the majority of the changes either clarify ambiguity or are couched as expectations rather than conditional requirements; or they signal RE’s intentions in anticipation of policy changes due to take place during the course of 2021-22.

18. The annexed table highlights the substantive amendments and additions to the 2021-22 Research England terms and conditions. Paragraph references in brackets refer to the current, published 2020-21 terms and conditions document for ease of comparison and reference.

**F. Responding to this consultation**

19. Responses to this consultation should be submitted via a survey (https://www.surveymonkey.co.uk/r/WP7PT5Y) by 25 June 2021.

20. We will finalise the terms and conditions in light of feedback received through consultation. We will publish the final document on our website, together with a summary of the feedback received, before 31 July 2021.

**G. Annex**

Table of substantive amendments for the 2021-22 RE Terms and Conditions
Annex: Table of substantive amendments for the 2021-22 Research England Terms and Conditions

<table>
<thead>
<tr>
<th>A. State Aid and Subsidy Control (RE T&amp;Cs, paragraph 10, and Annex A, paragraph 14)</th>
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<tbody>
<tr>
<td>Following the separation from the European Union (EU) on the 1st January 2021, EU state aid regulations will no longer apply to funding granted after this date. In order to maintain complementarity and alignment with UKRI's approach, we will be adopting the same wording currently used in the UKRI terms and conditions.</td>
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<tr>
<td>Continuing compliance with EU state aid regulations remains relevant when referring to T&amp;Cs issued with a grant offer letter which was returned as accepted before the 1st January 2021. In all such cases for RE funding, the T&amp;Cs that were issued at that time contained wording in relation to EU SA regulations and that wording still applies. This revised wording will only apply to any form of the RE T&amp;Cs issued from 1st August 2021.</td>
</tr>
<tr>
<td><strong>Proposed revised wording:</strong> “Higher education providers must ensure that their use of funding is compliant with any legislation applicable in the United Kingdom on or after 1 January 2021 that regulates the granting by a public sector body of any advantage which threatens to or actually distorts competition in the United Kingdom and/or any other country or countries (&quot;UK Subsidy Control Framework&quot;). Providers must inform Research England of any breach as soon as this becomes known to them. Providers acknowledge that if they breach any applicable legislation, UKRI may be required to recover some or all grant funding, together with interest.”</td>
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### B. Global Challenges Research Fund (GCRF) (RE T&Cs, paragraph 58 - 59)

<table>
<thead>
<tr>
<th>Statement</th>
<th>Proposed revised wording: “Where Research England allocates funding to higher education providers from the Global Challenges Research Fund (GCRF), these funds must be used to support Official Development Assistance (ODA) eligible activity and is subject to additional conditions. This means it must be used to support cutting edge research that addresses the challenges of economic development and well-being faced by developing countries on the Organisation for Economic Cooperation and Development (OECD) Development Assistance Committee (DAC) list. It is also a condition of funding that higher education providers in receipt of GCRF allocations comply with annual monitoring exercises of the fund conducted by Research England.”</th>
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<tr>
<td>We have clarified the ongoing monitoring requirements for 2020-21 GCRF funding during 2021-22:</td>
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### C. Subscription to Jisc’s core network package (RE T&Cs, paragraph 60)

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<td>In order to ensure a secure, unified network for the research community, we will be continuing the existing requirement for Higher Education Providers to subscribe to Jisc’s core network package, from August 2021 – to July 2024.</td>
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### D. Freedom of Information Act 2000 and Environmental Information Regulations 2004 (RE T&Cs, paragraphs 84-89)

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<th>Statement</th>
<th>Proposed new additional wording: “Where a provider has determined that information is</th>
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<td>The 2020-21 terms and conditions 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</td>
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line with UKRI’s approach to information handling and data requests. For 2021-22 we are proposing to further clarify our requirements.

exempt from a Freedom of Information request, they must be prepared to evidence why it satisfies an exemption.”

### E. Preventing and addressing exploitation, abuse and harm (RE T&Cs, paragraphs 39-43)

| The current 2020-21 terms and conditions reference UKRI’s bullying and harassment position statement and describe our expectations in relation to the UKRI Prevention Harm (Safeguarding) in Research and Innovation policy. Since their publication we have engaged with UKRI colleagues in the development of and consultation on the UKRI Bullying and Harassment Policy. In order to remain aligned with UKRI, the proposal is to incorporate the following text into our terms and conditions: |
| Proposed wording: “Our expectation is that providers must have clear, well-publicised policies, processes and training in place consistent with good practice as recommended by the Advisory, Conciliation and Arbitration Service’s (ACAS) ‘Bullying and Harassment in the Workplace: A Guide for Managers and Employers’ or equivalent framework. We expect you to take an organisation-wide approach to prevention, including appropriate leadership and management training and dedicated support on bullying and harassment. Where relevant you should take into account guidance and advice set out by:  
- 1752 Group, on addressing staff sexual misconduct  
- the Office for Students, on handling harassment and sexual misconduct in higher education  
- the Office of the Independent Adjudicator for Students in Higher Education, on handling student complaints and academic appeals.” |
F. Open Access (OA) – (RE T&Cs, paragraph 45-46)

Research England strongly supports OA through existing policy levers such as the Research Excellence Framework (REF) 2021 OA policy, cOAlition S, and (where applicable) the UKRI OA policy. Most of Research England’s funding streams are exempt from the UKRI OA policy requirements; however, this does not undermine Research England’s support for the principle of open research including OA. Therefore, we will be including a clearer statement of support for open research. This will not change the requirement for providers. Further information will also be included in the competitive funding T&Cs (see section G)

| Proposed revised wording: | “Research England encourages HEPs to support the principles of open research in their research environment. UKRI encourages OA for all research outputs that result from UKRI funding. UKRI recognises that it is difficult to directly trace research outputs that result from unhypothecated block grant funding provided by Research England to English HE providers. Therefore, where block grant funding\(^1\) from Research England is the only UKRI funding acknowledged on an output, it will be exempt from the UKRI OA policy requirements.” |

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G. Open Access – competitive fund T&Cs (no current paragraph reference)

| Proposed new wording: | “Exempt: Research England expects projects to consider the principles of open research in their research environment. Research England encourages open access to all outputs arising from its funding. However, outputs which acknowledge |

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\(^1\) This includes: Research Quality related funding (Mainstream QR; Research Degree Programme (RDP) Supervision; Charity support; Business Research; National Research Libraries; GCRF) QR Strategic Priorities fund, Formula-based research capital (HEI Research Capital England; Higher Education Research Capital (HERC) England), Specialist institution fund, and Higher Education Investment Fund (HEIF).
below will be included in relevant future grant award letters to clarify the position. We are including the language in this iteration of the T&Cs so that funded organisations know whether the UKRI OA policy will apply for outputs submitted for publication after 1 April 2022 (at the earliest) or not.

| only [insert funding stream name] UKRI funding are exempt from UKRI’s open access policy requirements.” |
|____________________________________________________________________________________|
| “**In-scope:** Research England expects projects to consider the principles of open research in their research environment. In-scope outputs which acknowledge [insert funding stream name] funding must comply with the UKRI OA policy.” |

**H. Acknowledgement of funding – (RE T&Cs, Annex A, paragraphs 27-28)**

We will amend the language in the publicity section of the competitive funding T&Cs to more clearly define our requirements.

| Proposed new wording: “We require providers to use the Research England logo on printed materials, signage and websites associated with projects that we have provided funding for. We expect Research England to be acknowledged in any promotion of the project and we may also wish to develop with providers joint press announcements of projects. We encourage providers to include acknowledgement of Research England’s funding in any research outputs directly resulting from the funding. We suggest that providers use this standardisation: ‘This work was supported by Research England under the X funding stream’.” |
|____________________________________________________________________________________|