



**Research
England**

Summary of responses to the consultation on Research England Terms and Conditions of Grant 2021-22

1. We have updated the terms and conditions (T&Cs) for Research England (RE) funding to apply from August 2021. 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 2021.
2. 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 are intended to either clarify ambiguity or are couched as expectations rather than new conditions.
3. Through the Higher Education and Research Act 2017, we are required to consult on any changes to our terms and conditions. A consultation on the substantive amendments and additions included in the 2021-22 revision was conducted during June and July 2021. These amendments formed the basis of 4 questions in a consultation survey. The survey was circulated widely, including to sector representative bodies UUK and GuildHE, in line with the section of the terms and conditions (paragraphs 87-89) which describes how we will approach revisions to the T&Cs.
4. We welcome the suggestions received and have taken them on board. The following summary captures the key themes from the consultation feedback, along with our responses to those themes, including providing additional clarity where it was sought and identifying where we have amended our proposed changes. We will also incorporate the feedback into the development of future versions of our terms and conditions.



Summary of responses

Question 1:

The consultation document set out the substantive amendments and additions to the 2021 - 22 terms and conditions compared to the 2020-21 document. These included clarification around our expectations and requirements related to GCRF monitoring; an ongoing requirement to subscribe to JISC's network package; wording to reflect the shift from EU state aids to a subsidy control framework following Brexit; and further clarification around our Freedom of Information condition.

The proposed approach is to update these expectations in line with national policy development, employment and sector good practice or legislative change, or as may be notified separately by Research England.

Do you agree with this approach?

Consultation responses:

- The majority of respondents agreed with the approach to align the terms and conditions with national policy development, employment and sector good practice and legislative changes. There was agreement with the ongoing requirement to subscribe to JISC's network package. However, there were requests for guidance in support of the actions providers should take in response to the shift to a subsidy control framework following the separation from the European Union. Responses were also broadly welcoming of the changes to the conditions around GCRF, although it was noted that further information on potential changes to the monitoring reports would be helpful.

Research England's reply:

- We will continue to work alongside colleagues in UKRI, the sector representative bodies and other relevant organisations to further identify how new legislation and requirements concerning the subsidy control framework may be applicable to our funding, including consideration of developing or citing associated guidance as may be appropriate.
- Should there be any changes to the GCRF monitoring, providers will be notified separately and in due course. Separate terms and conditions governing the use of GCRF funding are available on Research England's website:
<https://re.ukri.org/documents/2019/gr-gcrf-tcs-pdf/>

Question 2:

The updates we have made to our terms and conditions are intended to reflect policy developments within UKRI and to ensure we are as aligned as possible in our requirements. In developing these terms and conditions we continue 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

Therefore, we have further aligned our requirements around bullying and harassment to support the development and adoption of new UKRI policies. This is not intended to add to our requirements of providers, but to provide clarity around our expectations.

Do you agree with this approach?

Consultation responses:

- Respondents were supportive of the inclusion of an explicit reference to the requirements on tackling bullying and harassment and appreciated that this is an important expectation and crucial to creating positive and equitable research cultures. However, there were requests for clarity on why specific guidance documents had been referenced, with respondents considering that the inclusion of a limited list of additional guidance was not necessarily helpful as it could be superseded and require further changes.
- Some concerns around our expectations of provider training were raised from the perspective of smaller and specialist universities, where processes and associated training may not be uniformly well established. There was a desire to avoid a situation where institutions are not clear on what is expected and are therefore unable to meet conditions of funding or purchase training which is not fit for purpose.
- It was noted more generally that a great deal of burden had been shifted to providers over time and reviewing whether all requirements are appropriate would be welcomed.

Research England's reply:

- References to specific guidance such as the Advisory, Conciliation and Arbitration Service's (ACAS) 'Bullying and Harassment in the Workplace: A Guide for Managers and Employers' had been included as it is considered reflective of the broad nature of the providers Research England funds. However, we agree that citing specific guidance limits the inclusion of new and emerging important additional practice that we can refer to. Therefore, we have amended the wording in paragraph 41 of the terms and conditions to reflect this.
- Alongside prevention, it was suggested that we might also consider specifying providers have a clear and accessible approach for responding to disclosures and reports of bullying and harassment. Responding to disclosures is covered in [UKRI's Preventing Harm \(Safeguarding\) in Research and Innovation Policy](#), and we have also amended the wording on our terms and conditions to make reference to it.
- Neither Research England nor UKRI define what appropriate training should be in this context. That is for the provider to determine in support of their institutional policies on managing bullying and harassment, according to their own need. However, Research England recognises the issues that were raised in the consultation responses and commits to working alongside UKRI, sector representative bodies and other funders to provide additional clarity and support in this area.

Question 3:

Research England strongly supports open research through existing policy levers such as the Research Excellence Framework 2021 Open Access (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 Open Access. Therefore, as well as including a statement of support for open research, we will also be providing clearer statements of where UKRI open access requirements apply to RE funding. These changes will not change the current requirements for providers; rather they are intended to clarify where the policies apply.

Do you agree with this approach?

Consultation responses:

- There was broad support for the proposals around Open Access and for policies which are sensitive to the different and various research environments, disciplinary specialisms, and intensity at the full diversity of institutions. Some responses requested a clearer definition of what constitutes an output of UKRI funding, including a differentiation between the requirements of the UKRI Open Access Policy and REF policy.
- A number of recipients were concerned that there would be a requirement to delineate between funding that is in scope of the policy, and the un-hypothecated Quality Related research funding.

Research England's reply:

- The forthcoming UKRI Open Access policy (expected to be published in summer 2021) will define which types of publication fall within scope of the UKRI OA policy requirements. We have amended the proposed wording to further clarify that most Research England¹ funding is deployed by universities at their discretion and is not intended to lead to specified outputs. In such cases, outputs cannot be attributed directly to Research England funding and no acknowledgement of Research England funding is expected or necessary. Such outputs are therefore out of scope of the UKRI Open Access policy.
- Where funding is given for particular purposes, and where that funding leads directly to particular research outputs, those outputs will be subject to the UKRI Open Access policy and providers will be required to include acknowledgement of Research England's funding. Accordingly, text will be included in Research England's competitive funding grant award letters to clarify the position of each competitive scheme in this regard.

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).

- The OA policy for a future national research assessment exercise will be determined by the UK Higher Education funding bodies in due course. The REF 2021 OA policy should be followed until further notice.

Question 4:

As described in the consultation document, there are areas where external factors will have a bearing on future iterations of our terms and conditions. Most notably where we include any future alignment to UKRI policies and terms and conditions. Where applicable and appropriate to do so, we will always engage with UKRI in the development and consultation on any new or revised policies that apply to our funding. The words we consult on in our revised terms and conditions will therefore always be subject to that prior process of development and consultation.

We are also mindful of the need to avoid unnecessary additional bureaucratic burden or duplication of reporting; and we are mindful of the pressures of other external factors on providers, such as the COVID 19 pandemic, for example.

The questions in this consultation address both the revisions to the 2021-22 T&Cs and the approach we will take in developing the future versions. In addition to those areas already covered, what other factors are there which you feel should be considered in developing future terms and conditions?

Consultation responses:

- Respondents commented that terms and conditions that result in an additional monitoring and/or audit burden on institutions must be commensurate to the scale or potential impact of the issue or risk that the change in terms and conditions is designed to address. It was further suggested that in developing policies that lead to conditions of funding, Research England should engage with the sector not only through consultation on the resultant conditions but also during the development of the policy itself.
- The use of the phrase “are expected to exceed all relevant legal obligations” in relation to equalities, diversity and inclusion (EDI) in paragraph 46 of the terms and conditions was queried, specifically how this will be monitored and what the phrase means in practice.

Research England’s reply:

- Research England, whether in tandem with UKRI policies or developing our own policies will, as necessary and appropriate to do so, continue to engage the sector as part of that



**Research
England**

process, whether that is via the representative bodies or by other means. In developing our conditions of funding, we are always mindful of our two guiding principles of complementarity and continuity, where complementarity means replicating similar frameworks operated by other bodies and utilising existing sources of assurance where possible; and continuity means avoiding unnecessary major changes in the relationship between Research England and the providers it funds. This includes avoiding unnecessary additional burden. We will only align with UKRI or other policies where it is appropriate and proportionate to do so, particularly given the nature of our un-hypothecated funding.

- The use of the phrase 'exceeds' in relation to EDI is intended to signal that our expectation is for recipients of our funding to not only meet the minimum legal obligations in this area, but to strive to achieve the highest possible standards and practices where possible and practicable, and therefore exceed the basic requirements. We have not developed a definition of exceeds, nor will we develop measures to check that providers are exceeding the requirements of law. However, we will work with UKRI and representative bodies to identify and signal good practice where applicable and appropriate to do so.