

Response ID ANON-1JJU-4G7C-F

Submitted to Research Excellence Framework 2028: issues for further consultation following the initial decisions
Submitted on 2023-10-03 14:50:57

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Organisation/Institution:
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Organisation/Institution

Volume Measure

5 What practical challenges may institutions face in implementing these changes?

This is an open text field:

Though the move towards total decoupling of outputs from individual researchers is well-intentioned, we are concerned that it has the capacity to allow 'gaming' of the REF system by certain institutions. In particular, we are concerned that it would incentivise some institutions to adopt 'research quick fixes' by buying in so-called 'star researchers' to boost the appearance of output volume instead of making sustained, long-term investments of resource and support to enable the range of colleagues across schools to develop their careers. This would entrench division between high-profile academics and other less senior academics with consequences for the equality, diversity and inclusion (EDI) of institutions. Furthermore, socio-legal research, which is now of at least equal significance alongside 'blackletter law' in law schools, tends to be more expensive (either because of the costs involved with empirical work or because inter-disciplinary research tends to have longer completion times). Support and capacity building across the breadth of law school staff, and in those non-law departments where socio-legal work is also done, is essential to the sustainability of our field. We are keen to ensure that the REF system does not act to inadvertently disincentivise socio-legal research as this would narrow the diversity of research concerning law and would have a negative effect on EDI across institutions.

6 How might the funding bodies mitigate against these challenges?

This is an open text field:

We think the requirement of a minimum 6 month period at 0.2 contract is an inadequate basis for qualifying a researcher's outputs for submission by an institution. A researcher on such a contract would have a very limited stake in the ongoing, long-term research and research culture of a school. The connection between researcher and school must be more meaningful, significant and genuinely embedded rather than remote and fleeting. In short, this minimum requirement demonstrates too weak a connection between school and researcher to serve as a basis for REF eligibility. Again it raises the risk of creating perverse incentives for UoAs to invest in a few 'stars' rather than making longer term and fairer investments in careers and capacities across their staff. The panel needs to go back to the drawing board, re-think and strengthen this requirement.

7 What would be the impact of these changes on individual researchers and particularly those with protected characteristics or other underrepresented groups?

This is an open text field:

As per the responses to questions 5 and 6, we are concerned that these changes may inadvertently create barriers for researchers by fostering a short-termist two-tier system of 'star researchers' bought temporarily into schools and all other researchers. Early career researchers, those with caring or child-care responsibilities and those with protected characteristics would likely be worst hit by such a 2-tier system. EDI is a further and compelling reason to reconsider these proposals.

Output Submission

8 What would be the impact of these changes on individual researchers and particularly those with protected characteristics or other underrepresented groups?

This is an open text field:

Fully breaking the link between individual staff members and unit submissions, while well intentioned, will have a negative impact on individual researchers in several ways, including how they are valued, promoted, and rewarded. The pressure on individual researchers to produce REF outputs will remain and not decrease, but a complete lack of minimum/maximum requirement will lead to toxic competition amongst researchers to ensure that their outputs are included in the REF.

Being included in the REF plays a significant/outsized role in driving career progression, including the recruitment, promotion and rewards process, as well as in broader notions of value attributed to/associated by individual researchers. Exclusion from contributing REF outputs would be very damaging to individual researchers. While no researcher will want to be excluded, yet many, particularly unrepresented groups and those with protected characteristics, may face the possibility of complete exclusion and little say in internal selection processes.

Institutions will be incentivised to allocate resources to high performing individual researchers, even more so than in the last REF. There will be little incentive to invest in or support struggling researchers, or researchers with teaching heavy workloads who would benefit from time and support for their research. Instead, there will be strong institutional reasons to focus on the time of 'research stars' who offer the potential for multiple outputs to be submitted to REF, at the expense of a research inclusive culture. This will also affect institutional behaviour in terms of who they recruit (high performing researchers exclusively for REF; contrasted with more teaching fellows for teaching). It will lead to an even more hierarchical research environment, creating/deepening a two-tier system of research 'haves' and 'have-nots'.

Within an even more hierarchical system, existing inequalities within the selection process for REF will be intensified as those with protected characteristics are more likely to fall under the second tier of research 'have-nots' e.g. women whose careers have been interrupted by child-bearing and childcare and academics with disabilities. Extant racial inequalities within the output selection process will also worsen.

Again we urge reconsideration in light of REF 2028's declared and no doubt sincere commitment to EDI, a commitment which we and the wider socio-legal community share.

9 What impact would these changes have on institutions in preparing output submissions? For example, what may be the unintended consequences of allowing the submission of outputs produced by those on non-academic or teaching-only contracts?

This is an open text field:

Allowing output submissions from those who are on teaching only contracts may have both positive and negative consequences.

It may give those with teaching only contracts a motivation to be included within REF, and consequently, a pathway to progress to a role/job that specifically allows, and pays for, the time to undertake research activities.

On the other hand, this motivation may create significant pressure on individuals to essentially produce 'free' research outputs for the institution while only being paid to teach (and while having significant teaching workloads). Such individuals are likely to be early career scholars, and the pressure to undertake research in their own time, may also have negative implications for their well-being. Institutions may also start viewing the production of this 'free research' as an informal job expectation and as being necessary for securing better contracts or jobs, yet without having any incentive or necessity to invest money and resources in supporting such research.

This will increase the inequalities produced by the hierarchical system noted above. As such, while enabling those on teaching-only contracts to be eligible for REF may, in principle, be well-intentioned, it needs further reflection in the context of employment structures, workload allocation, and support mechanisms for research, within law schools.

Again, as an association with over 2,000 members, we note the specific concern within our discipline of socio-legal studies regarding ongoing and sufficient support for research capacity development and their specific relevance to the employment context. We urge REF 2028 to engage with university leadership, unions, and learned societies, in order to make appropriate progress on this point, guided by principles of inclusion, support, sustainability and fairness at work.

10 Should outputs sole-authored by postgraduate research students be eligible for submission? If so, should this include PhD theses?

This is an open text field:

Outputs sole-authored by postgraduate research students, including PhD theses, should not be eligible for submission.

Such 'eligibility' will put pressure on socio-legal doctoral researchers to produce outputs early while writing their thesis, or compel them to write their thesis with a view to REF. It will particularly exacerbate the challenges of undertaking socio-legal research during doctoral studies. For instance, undertaking interdisciplinary work and empirical socio-legal work is time-consuming, unpredictable, and often necessitates acquisition of specialised knowledge and skills during the PhD, particularly for students from law backgrounds (e.g. who may lack sufficient foundation in research methods or interdisciplinary research). The need for extensive support and training is recognized by ESRC which funds dedicated socio-legal pathways and masterclasses through its Doctoral Training Partnerships, and through our own work on SLSA post-graduate conferences and seminars.

The competing pressures of writing a thesis for the purposes of completing a PhD which may also count as a suitable REF output, will have a significant and detrimental impact on the time and space available to develop strong socio-legal work. This may make socio-legal research less attractive say in relation to doctrinal research, and ultimately affect the health of socio-legal studies as a field, jeopardizing the extensive social and economic impact of our community.

Doctoral researchers are absolutely crucial to capacity building in the socio-legal research and it remains important that the PhD process remains a space

for learning with outcomes and outputs that are relevant to achieving a doctoral degree.

11 What would be appropriate indicators of a demonstrable and substantive link to the submitting institution?

This is an open text field:

We would suggest an employment relationship of at least one year; and an FTE of at least 0.1. The eligibility threshold could be graduated from those baselines. ie a longer period of employment would 'permit' a lower FTE, and vice versa. See our specific comments on non-research staff (eg T&S) staff participating. This needs to be handled with care and proposals should be the subject of further careful consultation. As indicated, postgraduate researchers should not be included.

12 Do the proposed arrangements for co-authored outputs strike the right balance between supporting collaboration and ensuring that assessment focuses on the work of the unit?

This is an open text field:

We support the proposals made in relation to co-authored outputs. REF rules should not constitute a disincentive to co-authorship.

13 Are there any further considerations around co-authored outputs that need be taken into account?

open text box:

We have no further comments to make on this.

Impact Case Studies

14 What will be the impact of reducing the minimum number to one?

This is an open text field:

We are in agreement with this proposal as a way of reducing pressure on smaller UoAs. We note that it is vital for socio-legal research that engagement and impact, broadly defined, are valued and nurtured by UoAs. We see this proposal as a constructive contribution towards that.

15 What will be the impact of revising the thresholds between case study requirements?

This is an open text field:

We also welcome the proposals made under this head, on the understanding that any changes will reduce rather than increase the number of impact case studies required.

16 To what extent do you support weighting the impact statement on a sliding scale in proportion to the number of case studies submitted?

This is an open text field:

We believe such a weighting is necessary to ensure that UoAs submitting fewer case studies continue to value and support impact and engagement work more widely (ie beyond 'stars' and selected case study authors), and are required to evidence this as part of REF 2028. A sustainable, inclusive and supportive environment is essential for impactful work in the longer term and (again) in order to ensure development of capacity in our field.

Unit of Assessment

17 If the UOA structure is relevant to you/your organisation, please indicate clearly any changes that you propose to the UOA structure and provide your rationale and any evidence to support your proposal.

This is an open text field:

We support the proposed UoA structure in so far as it concerns the socio-legal field. The work of the majority our members and the wider community has been very well accounted for and assessed through law sub-panels in REF 2014 and REF 2021. We are keen for this continue. We note also that a significant number of our members are located in non-law departments. This is particularly true given the inherently interdisciplinary nature of socio-legal field. We are strongly supportive of any strengthening of systems for cross-referral, use of external expertise, and sensitization of panel members (and their selection) with a view to cross-, multi- and interdisciplinarity.

Impact of the Covid-19 pandemic

18 What is your view on the proposed measures to take into account the impact of the Covid pandemic?

This is an open text field:

We support the ongoing measures to take account of the lingering negative impacts of Covid-19 on research and research cultures in UK universities. Though lockdowns were restricted to the two years 2020 and 2021, the effects of Covid-19 on universities and research have extended far beyond this period in two key ways. First, lockdown and cancellation of conferences, visiting scholarships and related travel resulted in a loss of research momentum

for many academics in early- or mid-level career stages. This is momentum that has taken (and will take) many years to rebuild. Second, in September 2020 many institutions were faced with student intakes that significantly exceeded capacity due to the 'A-level debacle' that resulted in the award of teacher-predicted grades. In affected institutions this has caused severe staff, accommodation and other resourcing challenges that have undermined research as that cohort goes through the 3-year undergraduate system. Cumulatively, these factors have created a 'tail' of prolonged negative impacts on research, and have impacted most seriously upon researchers with student-facing roles (such as programme managers and module leaders). As elsewhere, they are more likely to have an impact on currently and historically disadvantaged groups in academia. It is equitable that such circumstances are accounted for in the REF process.

19 What other measures should the funding bodies consider to take into account the impact of the Covid pandemic?

This is an open text field:

We approve of the measures proposed and await additional detail in further consultations.

Cymraeg in HEFCW

20 What positive or adverse effects will the proposals have on opportunities for persons to use the Welsh language and treating the Welsh language no less favourably than the English language?

This is an open text field:

We recommend further consideration of the ways in which members of our community can be sure that submission of outputs published in Welsh will be taken fully seriously. In particular, consultations with our Welsh-speaking members suggests an apprehension about the likelihood of such work been considered of 'international standing'. We would welcome reassurance on this during the current process and from panel members. This goal can be furthered through referral to appropriately qualified scholars with linguistic competence.

We also recommend similar measures be taken in relation to outputs published in Scottish Gaelic and Irish.

21 Could the proposals be changed to increase positive effects, or decrease adverse effects on opportunities for persons to use the Welsh language and treating the Welsh language no less favourably than the English language?

This is an open text field:

See above.