



**THE EUROPEAN CHARTER FOR RESEARCHERS AND CODE OF
CONDUCT FOR THE RECRUITMENT OF RESEARCHERS:**

A UK HE SECTOR GAP ANALYSIS

Supported by:



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European Charter for Researchers and Code of Conduct for the Recruitment of Researchers: A Mapping Exercise on behalf of the UK HE Sector

Introduction

1. In March 2005 the European Commission adopted a European Charter for Researchers and a Code of Conduct for the Recruitment of Researchers (European Charter and Code). The Charter and Code aim to provide equal rights and obligations for individual researchers throughout Europe by specifying the roles, responsibilities and entitlements of researchers, as well as those of funders and/or employers of researchers. The guidelines of the Charter and Code address all European research organisations and universities, both public and private. Both documents are aimed at encouraging and developing good practice across Europe.
2. The principles of the Charter and Code represent best practice guidelines on which universities may seek to align their policies, and do not constitute a legal commitment. These principles are to be implemented on a voluntary basis, with full respect for diversity in the methods of implementation.
3. Both documents were drafted with the close involvement of employers, funders and researchers in the UK. The UK has also played a lead role in the discussion of the Charter and Code and advised on its implementation at the UK Presidency Conference (8-9 September 2005) and the Austrian Presidency Conference (1- 2 June 2006).
4. Currently, 45 organisations from 13 countries have adopted the recommendations in the Charter and Code. Undersigning organisations from the university sector include the Austrian Rectors' Conference, the Rectors' Conference of the French Universities, the Rectors' Conference of the French-speaking Community in Belgium, the German Rectors' Conference, the Rectors' Conference of Italian Universities and the Rectors' Conference of the Swiss Universities. Universities UK has broadly supported the principles underpinning the Code and Charter.
5. In order to consider what the European Charter and Code might mean within in a UK context, the UK HE Sector established a working group comprising of the key stakeholders in this area, including the HE Funding Councils, Quality Assurance Agency (QAA), UK GRAD, University and Colleges Employment Association (UCEA), the National Postgraduate Committee (NPC) and the UK Research Office (UKRO). Membership of the working group is attached at Annex A.

6. The remit of the working group was to map the Charter and Code against existing legislation, guidelines and good practice in the UK in order to provide a comprehensive gap analysis. This work is intended to help institutions, and policy makers at a national level, to identify where the UK stands in relation to the documents and what actions might need to be taken to align the UK with the broad principles outlined in the Code and Charter, where this is not already the case and is deemed appropriate and necessary. This document can also be used as a comprehensive reference guide.
7. The gap analysis demonstrated that in most cases the UK already meets the requirements of the European Charter and Code, through initiatives such as the [QAA Code of Practice](#), the [Research Careers Initiative](#), the [Concordat on CRS Career Management](#) and the implementation of the Roberts' recommendations in '[SET for success](#)'. Existing UK employment law, including wide-ranging anti-discrimination legislation, as well as sector-specific guidance such as the [JNCHES guidance on work-life balance](#), has also allowed the UK to fulfil and in some cases exceed the Charter and Code's requirements. It is recognised that many HEIs will also have their own internal policies that will cover many aspects of the European Charter and Code, although it is unlikely that every aspect is addressed in a single document. A full list of the legislation, guidelines and codes of practice considered as part of this exercise may be found at Annex B.
8. No major conflicts with current practice in the UK were identified, however, there were some aspects of the Charter and Code which would require further clarification, mostly with regard to their definition or wording. Whilst these individual points do not represent a barrier to UK HEIs wishing to adopt the Charter and Code in a more formal way, the UK HE Working Group has highlighted these issues within the gap analysis and has offered suggestions on how these recommendations may be interpreted within the UK context. The UK has sought clarity from the European Commission where definitions contained within the Charter and Code may be open to ambiguity or mis-interpretation.
9. It is worth noting that whilst the working group has sought to include all relevant legislation, guidance and codes of practice that relate to the Charter and Code, it is recognised that there may still be some aspects of current UK practice which are not yet reflected in the gap analysis. The gap analysis should be viewed as a working document which will be periodically updated and revised as HEIs start to adopt the principles of the Charter and Code. We would welcome feedback from the research community as to how this document might be improved.
10. The UK HE sector supports the European Commission's recognition that adopting the Charter and Code is a commitment to a continuous process by building on existing structures and mechanisms. The UK is keen to continue to engage in a constructive dialogue with the European Commission on how we can positively take forward these principles in order to make Europe a more attractive place for researchers.

Key Principles of the European Charter and Code

11. The European Charter and Code are a set of general principles and requirements which specify the roles, responsibilities and entitlements of researchers, as well as of employers and funders of researchers, encouraging greater consistency throughout the EU in these areas. The Charter and Code were put forward in a [European Commission Recommendation](#) in March 2005 as part of the EU's policy to create an internationally competitive European Research Area by 2010. The Commission recognises that world-class research requires a strong base of motivated, highly skilled researchers and has identified a need for an additional 700,000 researchers if the Lisbon objectives are to be made a reality.
12. The European Charter for Researchers covers researchers at all stages in their career, employed in any field of research, whether in the public or private sector. The Charter addresses contractual and legal obligations, accountability, good practice, the roles and relationships of and between students and supervisors, managerial duties and continuing professional development, as well as the provision of equal opportunities. The document is also intended to provide a framework for researchers in terms of both career management and employment prospects.
13. The Code of Conduct for the Recruitment of Researchers aims to improve recruitment methods by setting out recommendations for employers in order to make the processes fairer, more transparent and internationally comparable. The document includes guidance on recruitment procedures, selection, judging of merit, recognition of qualifications and postdoctoral appointments.
14. The ultimate goal for both the Charter and Code is counter the fact that research careers in Europe are fragmented at local, regional, national or sectoral level and to create a coherent, Europe-wide set of principles for conducting research, allowing Europe to make the most of its research potential.

The European Charter for Researchers and Code of Conduct for the Recruitment of Researchers

Key to the mapping document

The clauses in the European Charter for Researchers and Code of Conduct for the Recruitment of Researchers are contained within the shaded boxes. Key references are noted as footnotes (found at the bottom of each page). Examples of relevant legislation, guidelines and codes of practice, as well as comments and observations relating to the clauses are noted below each clause.

Comments highlighted in **red and with an asterix (*)** are considered by the working group to require serious consideration by any HEI seeking to adopt the European Charter and Code as they could be open to mis-interpretation. In these cases, the working group has sought to provide a guide as to how this could be interpreted within the UK context.

Comments highlighted in **green and with a cross (+)** represent areas either where the group considered that the UK HE sector could improve upon current practice or which should again be interpreted with some caution.

European Charter for Researchers

Research Freedom ¹ (Precepts 5a, 9, 10, 13)

Researchers should focus their research for the good of mankind and for expanding the frontiers of scientific knowledge, while enjoying the freedom of thought and expression, and the freedom to identify methods by which problems are solved, according to recognised ethical principles and practices.¹

Researchers should, however, recognise the limitations to this freedom that could arise as a result of particular research circumstances (including supervision/guidance/management) or operational constraints, e.g. for budgetary or infrastructural reasons or, especially in the industrial sector, for reasons of intellectual property protection. Such limitations should not, however, contravene recognised ethical principles and practices, to which researchers have to adhere.

1 —[QAA Code of Practice Code of practice for the assurance of academic quality and standards in higher education](#),

Section 1: Postgraduate research programmes

2 —[Research Council Grant Conditions](#)

3 —[Concordat to provide a framework for the Career Management of Contract Research Staff in Universities and Colleges](#)

4 —[Implemented through 'SET for success': The supply of people with science, technology, engineering and mathematical skills \(the 'Roberts review'\), April 2002](#)

Ethical Principles ¹ (Precepts 5a, 9, 10, 13) ² (RG 2 Ethics)

Researchers should adhere to the recognised ethical practices and fundamental ethical principles appropriate to their discipline(s) as well as to ethical standards as documented in the different national, sectoral or institutional Codes of Ethics.

[The proposed universal ethical code for scientists published by the Council of Science and Technology](#) will form a checklist of minimum standards for the content of more specific codes and could sit alongside existing organisational guidelines. The Code is expected to be published in Autumn 2006.

[Council for Industry and Higher Education's 'Ethics Matters: Managing Ethical Issues in Higher Education'](#) is designed to help UK higher education institutions (HEIs) tackle ethical matters within and throughout their organisations. It is written for anyone who wishes to develop or has responsibility for developing or revising an institution's approach to ethical issues, focusing on the ethical behaviour of an institution and its staff and students, rather than the teaching of ethics in the curriculum. Research undertaken for this project had suggested that there had been no coherent or consistent approach to documenting ethical policy in UK HEIs at present. This document sets out to raise questions, encourage debate and make suggestions on how HEIs might develop their own approach. The publication is intended as a starting point for thinking about ethical issues and is not intended to be prescriptive or definitive. It recognises that ethical issues and priorities will not be the same in all institutions and each HEI will need to tackle ethical concerns in a way that makes sense for its own organisation. The document notes that any ethical policy framework must evolve out of the institution's mission and values. It must also be consistent with and work alongside existing ethics-related documents.

Many professional and sector-specific organisations also have codes of conduct and ethical frameworks that are specific to their own needs.

Professional responsibility

i. 1 (Precepts 2, 5a, 9, 10, 13)

ii. 1 (Precepts 2, 5a, 9, 10 – but not related to relevance to society) ² (RG 2 Misconduct and Conflicts of Interest)

iii. (RG 8 Staff)

i. Researchers should make every effort to ensure that their research is relevant to society and does not duplicate research previously carried out elsewhere.

The UK HE sector is concerned that this clause may be open to misinterpretation. Some re-drafting would make clearer the intention behind this recommendation, i.e. not to prevent basic

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research or the accepted process of verifying the reproducibility of results (as recognised in the clause below), but to protect research ethics and prevent the unnecessary duplication of research.

ii. They must avoid plagiarism of any kind and abide by the principle of intellectual property and joint data ownership in the case of research carried out in collaboration with a supervisor(s) and/or other researchers. The need to validate new observations by showing that experiments are reproducible should not be interpreted as plagiarism, provided that the data to be confirmed are explicitly quoted.

The [UK Research Integrity Office](#) has now been established to: promote high standards of integrity in the leadership, governance and management of health and biomedical research across the university and NHS sectors; and provide practical support to employers and the research community in the prevention and effective management of research misconduct. A Code of Practice will provide university employers and the wider research community with guidance on the definition and implications of research misconduct, and practical advice on the issues which need to be addressed to enable employers to effectively discharge their responsibilities.

iii. Researchers should ensure, if any aspect of their work is delegated, that the person to whom it is delegated has the competence to carry it out.

This is recognised as good management practice in the UK.

Professional attitude i. 1 (precepts 5, 8-10)
ii. 1 (precepts 5b – timely submission, 9, 13)

i. Researchers should be familiar with the strategic goals governing their research environment and funding mechanisms, and should seek all necessary approvals before starting their research or accessing the resources provided.

ii. They should inform their employers, funders or supervisor when their research project is delayed, redefined or completed, or give notice if it is to be terminated earlier or suspended for whatever reason.

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Contractual and legal obligations ¹ (Precepts 5a, 5b – timely submission, 9, 10, 13) ² (RG 1 Responsibilities of the Research Organisation, RG 2 Research Governance, RG21 Commercial Exploitation)

Researchers at all levels must be familiar with the national, sectoral or institutional regulations governing training and/or working conditions. This includes Intellectual Property Rights regulations, and the requirements and conditions of any sponsor or funders, independently of the nature of their contract. Researchers should adhere to such regulations by delivering the required results (e.g. thesis, publications, patents, reports, new products development, etc) as set out in the terms and conditions of the contract or equivalent document.

Contractual and legal obligations are made clear in the contract of employment. Specific requirements in relation to intellectual property may be set out in a separate agreement with the employer.

Accountability ^{i. 1} (Precepts 9 and 10) ² (RG16 Expenditure statements, RG 17 Inspection)
^{ii. 2} (RG18 Final Report, RG 22 Research Monitoring and Evaluation)

i. Researchers need to be aware that they are accountable towards their employers, funders or other related public or private bodies as well as, on more ethical grounds, towards society as a whole. In particular, researchers funded by public funds are also accountable for the efficient use of taxpayers' money. Consequently, they should adhere to the principles of sound, transparent and efficient financial management and cooperate with any authorised audits of their research, whether undertaken by their employers/funders or by ethics committees.

Measures regarding accountability towards public funders and employers are generally set out in contracts of employment or conditions of the funding agencies, which outlines their reporting and auditing requirements. Private and charitable funders have similar requirements.

ii. Methods of collection and analysis, the outputs and, where applicable, details of the data should be open to internal and external scrutiny, whenever necessary and as requested by the appropriate authorities.

The Higher Education Funding Council for England (HEFCE) has enacted a [Financial Memorandum](#) with institutions, backed by an [Audit Code of Practice](#), which details institutions' responsibilities with respect to the proper use of public funding. This includes an obligation to cooperate with any authorised audit. The [Scottish](#), [Welsh](#) and [Northern Ireland Funding Councils](#) (the latter of which currently uses the 2003 HEFCE guidance) have similar arrangements. Institutions' financial responsibilities to the Funding Councils are formally held by the Chief Accounting Officer (usually the Vice-Chancellor) and not individual researchers.

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This is also addressed in '[Safeguarding good scientific practice \(a joint statement by the Director General of the Research Councils and UK Research Council CEOs\)](#) which refers to the requirement for institutions and principal investigators in receipt of funding to 'adhere to the codes of practice which have been promulgated' (section 2.9). It also requires that 'primary data as the basis for publications should be securely stored for an appropriate time in a durable form under the control of the institution of their origin' (section 2.6).

As outlined in the [Research Governance Framework for Health and Social Care](#), the Department of Health requires that research involving patients, service users, care professionals or volunteers, or their organs, tissue or data, is reviewed independently to ensure it meets ethical standards. Data collected in the course of research must be retained for an appropriate period, to allow further analysis by the original or other research teams subject to consent, and to support monitoring by regulatory and other authorities.

All research involving patients, service users, carers or care professionals and other staff, or their organs, tissue or data, is referred for independent ethical review to safeguard their dignity, rights, safety and wellbeing. When established, findings (including negative findings) are published in ways that allow critical review and dissemination to those who could benefit from them. Other researchers have access to the data on which the findings are based. A key responsibility of the Chief Investigator, investigators and other researchers lies in arranging to make findings and data accessible following expert review.

The Association of Medical Research Charities (AMRC) – representing 114 charities that fund medical and health research in the UK - has published its [Guidelines on Good Research Practice](#) which builds on those already published by [The Wellcome Trust](#), adding issues of particular concern to AMRC charities. Once research results have been published, AMRC expects researchers to make available relevant data and materials to other researchers, on request, provided that this is consistent with any ethics approvals and consents, which cover the data and materials and any intellectual property rights in them. Researchers are also reminded that they are accountable to the charity that supports them and should ensure that any charitable funds received are used for the purpose agreed.

Many scientific and learned societies, and other relevant professional and statutory regulatory bodies in the UK, have also published guidelines on standards of research practice, which address these issues.

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Good practice in research ¹ (Precepts 5a, 9 and 13) ² (RG 2 H&S and overall statements on Data Protection and FoI)

Researchers should at all times adopt safe working practices, in line with national legislation, including taking the necessary precautions for health and safety and for recovery from information technology disasters, e.g. by preparing proper back-up strategies. They should also be familiar with the current national legal requirements regarding data protection and confidentiality protection requirements, and undertake the necessary steps to fulfil them at all times.

The real obligation to ensure adequate health and safety provisions in the workplace lies with the employer rather than the employee in the UK. In the UK, all employers are legally obliged under the [Health And Safety At Work Act](#) to 'prepare and...revise a written statement of his general policy with respect to the health and safety at work of his employees and the organisation and arrangements for...carrying out that policy, and to bring the statement and any revision of it to the notice of all of his employees'. Students and employees also have a contractual obligation to follow the health and safety guidance issued by the employer. In the UK, the Principal Investigator (PI) or supervisor is considered to be a manager and has a responsibility to ensure adequate health and safety provision as the representative of the employer.

Data protection is ensured under UK law in the [Data Protection Act 1998](#) (which replaced the 1984 Act). The Act protects individuals about whom information is held and places obligations on those who record and use personal information to do so in a way which follows the enshrined principles of good information handling.

Dissemination, exploitation of results ¹ (Precepts 5a and 13) ² (RG 21 Commercial Exploitation & RG 23 Publication and Acknowledgement of Support)

All researchers should ensure, in compliance with their contractual arrangements, that the results of their research are disseminated and exploited, e.g. communicated, transferred into other research settings or, if appropriate, commercialised. Senior researchers, in particular, are expected to take a lead in ensuring that research is fruitful and that results are either exploited commercially or made accessible to the public (or both) whenever the opportunity arises.

+This clause is open to varying interpretations for several reasons. The UK HE sector is concerned about the implied emphasis on Science, Technology, Engineering and Mathematical (STEM) research, with a focus on exploitation and commercialisation of research results, which may not always be appropriate for other disciplines. It is also unclear how 'fruitful' is defined in this context.

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The UK HE sector working group considers that dissemination and communication of research results is implicit in academic culture. For HEIs, this section could be interpreted in the context of developing institutional guidelines for publication, facilitating contribution to workshops/conferences (whether external or internal) and building on existing mechanisms to encourage knowledge transfer.

Public engagement ¹ (Precepts 5a and 13 – implicit) ² (RG 20 Public Engagement)

Researchers should ensure that their research activities are made known to society at large in such a way that they can be understood by non-specialists, thereby improving the public's understanding of *science*. Direct engagement with the public will help researchers to better understand public interest in priorities for science and technology and also the public's concerns.

The UK HE sector working group suggested that a broad definition of 'science' should be adopted in interpreting this recommendation. In the [Science and innovation investment framework 2004–2014](#), the UK government noted that improving the UK's capacity for science and innovation depends upon public and private investment in the science base. The UK government refers to 'science' in its broadest definition, which includes the Arts and Humanities, as well as the Social Sciences.

Over recent years the focus of the UK Government's Science and Society public engagement activities has moved forward from simply promoting public understanding of science to the wider agenda of facilitating public engagement with science and its application. This has the aims of: government and scientists responding proactively to public priorities and concerns; people having greater confidence in the benefits offered by science; greater engagement with major issues facing society, such as climate change; and careers in science becoming more attractive to both adults and children. The Office of Science and Innovation's Public Engagement work programme addresses these issues by offering public engagement grants to widen participation in science across social groups in the UK, supporting science activities that can achieve a positive national impact and undertaking new research to identify public attitudes to science and scientists.

This agenda is currently pursued through a number of organisations, such as RCUK, representing the UK Research Councils, the Royal Society and other learned societies and the British Association for the Advancement of Science. For example, the [RCUK Science in Society Strategy](#) (published in March 2006) commits the UK Research Councils to a number of future actions aimed at encouraging researchers funded by the Councils to engage with the public and to participate in activities that benefit the relationship between science and society. In particular, the Councils commit themselves to supporting and rewarding researchers who take part in such

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activities. To this end, RCUK is working with HEFCE and other funders of UK research to set up a network of Centres for Excellence in Public Engagement, which will be launched in 2007. The Research Councils are also committed to developing a joint statement of expectation regarding public engagement which will apply to all research grants, ensuring that public engagement is recognised as an important part of UK research. This will run alongside the development of unified best practice guidelines for those involved in public engagement, a single programme of public engagement training, and a single public engagement Grant Framework.

Relation with supervisors

i. 1 (Precepts 9, 10, 13, 15) 3 (14i, ii, 17i, ii, iv & v)

ii. 1 (Precepts 9, 10, 13, 15-17)

i. Researchers in their training phase should establish a structured and regular relationship with their supervisor(s) and faculty/departmental representative(s) so as to take full advantage of their relationship with them.

+ It is important to note that this should be a two-way relationship. The UK HE sector working group would suggest that the intent of this clause is not to reduce the responsibilities supervisors also have in this area. Supervisors' responsibilities are emphasised in the precepts under the heading 'Supervision' in Section 1 of the QAA Code of Practice.

ii. This includes keeping records of all work progress and research findings, obtaining feedback by means of reports and seminars, applying such feedback and working in accordance with agreed schedules, milestones, deliverables and/or research outputs.

Supervision and managerial duties 1 (Precepts 11, 14) 2 (RG 8 Staff) 3 (14i, ii, 17i, ii, iv & v)

Senior researchers should devote particular attention to their multi-faceted role as supervisors, mentors, career advisors, leaders, project coordinators, managers or science communicators. They should perform these tasks to the highest professional standards. With regard to their role as supervisors or mentors of researchers, senior researchers should build up a constructive and positive relationship with the early-stage researchers, in order to set the conditions for efficient transfer of knowledge and for the further successful development of the researchers' careers.

This requirement is addressed in [Safeguarding good scientific practice \(DGRC and UK Research Council CEOs joint statement\)](#). Higher Education Institutions also have their own guidelines and Codes of Practice in this area.

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The effectiveness of this principle depends not only on the researchers themselves, but on the attitudes of their managers. For example, the quality of supervision provided by an individual PI or supervisor rests not only on his/ her qualities and abilities to fulfil the role effectively but on being given appropriate time and support to provide supervision. Similarly established research staff can only build good relationships with early stage researchers if the environment is conducive to this, which will depend partly on the research staff themselves and partly on other factors such as appropriate resources and management.

It is recognised in the UK, through the [Research Careers Initiative](#), that researchers should be appropriately managed within their institutions throughout their career (i.e. post the early career stage).

Continuing Professional Development ² (RG 8 Staff) ³ (Precepts 11, 18-20 and Appendix 3) ⁴

Researchers at all career stages should seek to continually improve themselves by regularly updating and expanding their skills and competencies. This may be achieved by a variety of means including, but not restricted to, formal training, workshops, conferences and e-learning.

In 2002, Sir Gareth Roberts' report 'SET for Success' (see ³ below) was published, recommending two weeks of generic, transferable and career development skills training annually for all researchers. Coupled with other developments, this provided a driver for institutions to review their personal development provision for postgraduate researchers. Since 2003 the Research Councils have provided government funding for their own researchers and UK GRAD has been able both to inform and to support the activities universities in this area, particularly in the sharing of good practice, developing networks and delivering the skills agenda. Examples of good practice in the UK, including the implementation of Personal Development Plans can be found at www.grad.ac.uk/pdp.

[National Role Profiles \(NRP\) for research staff](#) have been agreed between the Universities and Colleges Employers' Association (UCEA) and the academic unions, and recommended to institutions. The five national role profiles for research staff set out the duties, responsibilities, knowledge and skills that would be expected at each of the five research grades. These mirror the five grades for other academic staff. Most institutions that have introduced new pay and grading structures under the 2004 Framework Agreement have used the national role profiles (or variants thereof) and a national career grade is therefore reflected.

From December 2006, HEIs will also have to monitor the career development of disabled employees and document this in Disability Equality Schemes, setting out the measures that will

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be taken to close any gaps in opportunity or outcome between disabled and non-disabled employees, or indeed between disabled employees with different impairments. It is important to note that unlike the existing race equality duty and the forthcoming gender equality duty, it is lawful to treat disabled employees more favourably than others, and indeed more favourable treatment is outlined in the law as one way in which HEIs can meet the disability equality duty. In the context of training and professional development, more favourable treatment may mean offering opportunities tailored specifically for different groups of disabled people.

General Principles and Requirements applicable to Employers and Funders:

Recognition of the profession ^{1 (Precept 5a - implicit)}

All researchers engaged in a research career should be recognised as professionals and be treated accordingly. This should commence at the beginning of their careers, namely at postgraduate level, and should include all levels, regardless of their classification at national level (e.g. employee, postgraduate student, doctoral candidate, postdoctoral fellow, civil servants).

The majority of UK doctoral candidates currently have student status, rather than being classed as employees of the institution and therefore researchers in the UK may potentially be categorised as students, members of staff or, indeed, employees of a partner organisation. The UK believes that all researchers, including doctoral candidates, should be treated as professionals with corresponding rights in relation to skills training and development, including continuing professional development.

Non-discrimination ^{1 (Precept 6 – institutions as recruiters of students not employers/funders of researchers, precept 8) 2 (RG 1 Responsibilities of the Research Organisation & RG 8 Staff) 3 (17iii)}

Employers and/or funders of researchers will not discriminate against researchers in any way on the basis of gender, age, ethnic, national or social origin, religion or belief, sexual orientation, language, disability, political opinion, social or economic condition.

Under [UK equality legislation](#) it is illegal to discriminate against someone on the ground of their gender, age, race, nationality, national origin, religion or belief, sexual orientation or disability.

Under the Race Relations Amendment Act, UK HEIs have a duty to monitor submissions to the Research Assessment Exercise (RAE) by racial group. Institutions' internal selection processes will also have to be assessed for their impact on different racial groups. Similar responsibilities in apply to gender (from April 2007) and disability (from December 2006). In addition, under the

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Fixed-term and Part-time Employees Regulations, fixed-term and part-time employees have the right not to be treated by an employer any less favourably than the employer treats a comparable 'permanent' employee.

HEIs participating in the RAE are required to produce an Equality Code of Practice that frames their decision-making processes in the context of the principle of equality of opportunity and all relevant legislation. Nearly all of UK HEIs enter the RAE (178 HEIs submitted work from their researchers to the last exercise, conducted in 2001).

The [Premia Resource Base](#) was launched in September 2005 and arose from the Premia Project, funded by the Higher Education Funding Council for England, from 2003-2005 to improve provision for disabled research students (based at Newcastle University with a remit to work across the HE sector). The project team worked alongside disabled research students to identify key issues and develop resources to raise disability awareness and support staff who are involved in the research students' experience. The nationwide project aims to make the research environment more accessible to disabled PGR students.

The new disability equality duty requires HEIs to promote a more positive and participatory experience for disabled staff and students and eliminate discrimination and harassment on the grounds of disability. More information is available from the [Equality Challenge Unit](#).

* In the UK, all higher education programmes, including postgraduate research programmes, require a level of proficiency in the English language. As recommended in Precept 8 of section 1 of the QAA Code of Practice, most HEIs use the International English Language Testing System to guarantee a standard of English language competency. Support for non-English speakers is available to enable them to reach the required standards, though this may not apply to postdoctoral researchers and academic staff seeking employment within the institution. Students at Scottish HEIs can, if they wish, submit theses or dissertations in Gaelic or Lallans. Likewise, students at Welsh HEIs may submit all written work in Welsh from undergraduate essays through to PhD submissions under the [Welsh Language Act 1993](#).

It is acknowledged that a requirement for non-discrimination on grounds of language could have enormous practical consequences in the UK, as language (unlike ethnicity, gender or sexual orientation) is likely to form a key part of a person's ability to carry out the requirements of the post. Non-discrimination in terms of language must be subject to the requirement for employees to have a working knowledge of the language spoken in their research institution. The UK recognises that appropriate support for employees to reach the required standards of language proficiency should be made available where it is possible and practicable to do so within the broader employment context.

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Research environment ¹ (Precept 5 – institutions as educators of students) ² (RG 1 Responsibilities of the Research Organisation & RG 2 Research Governance)

Employers and/or funders of researchers should ensure that the most stimulating research or research training environment is created which offers appropriate equipment, facilities and opportunities, including for remote collaboration over research networks, and that the national or sectoral regulations concerning health and safety in research are observed. Funders should ensure that adequate resources are provided in support of the agreed work programme.

RAE 2008 requires HEIs to demonstrate evidence of the provision of a suitable research environment as well as to provide evidence of esteem in a department which will enable the RAE sub-panels to assess submissions against their published criteria.

Working conditions ¹ (Precept 5 (b and c) institutions as educators of students) ³ (17iii)

Employers and/or funders should ensure that the working conditions for researchers, including for disabled researchers, provide where appropriate the flexibility deemed essential for successful research performance in accordance with existing national legislation and with national or sectoral collective-bargaining agreements. They should aim to provide working conditions which allow both women and men researchers to combine family and work, children and career. Particular attention should be paid, inter alia, to flexible working hours, part-time working, tele-working and sabbatical leave, as well as to the necessary financial and administrative provisions governing such arrangements.

The [Employment Act 2002](#) provides the right for employees to request and duty for employers to consider flexible working. This applies to employees with children under six (or 18 in the case of disabled child(ren)) and is likely to be extended to those with other caring responsibilities.

[JNCHES Guidance on work-life balance](#) encourages institutions to introduce measures of flexible working for all staff to allow them to maintain a healthy work/life balance. Whilst few HEIs have adopted the guidance wholesale, many have introduced aspects of flexible working into their institutional guidelines. Further adoption of JNCHES guidance by HEIs is encouraged.

Flexible working is also one of many possible adjustments that HEIs may be legally required to implement for disabled employees, and there is no legal defence for failing to make a reasonable adjustment.

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² – [Research Council Grant Conditions](#)

³ – [Concordat to provide a framework for the Career Management of Contract Research Staff in Universities and Colleges](#)

⁴ – [Implemented through 'SET for success': The supply of people with science, technology, engineering and mathematical skills \(the 'Roberts review'\), April 2002](#)

Stability and permanence of employment

Employers and/or funders should ensure that the performance of researchers is not undermined by instability of employment contracts, and should therefore commit themselves as far as possible to improving the stability of employment conditions for researchers, thus implementing and abiding by the principles and terms laid down in the EU Directive on Fixed-Term Work.

As part of the 1996 [Concordat for the Career Management of Contract Research Staff](#), university employers and funding agencies agreed standards, expectations, and responsibilities for the proper management and development of the many researchers in universities on fixed-term contracts.

Since then, [Fixed Term Employees \(Prevention of Less Favourable Treatment\) Regulations 2002 \(UK enactment of 1999/70/EC\)](#) requires institutions to reduce significantly the current and future use of fixed-term contracts. The Joint Negotiating Committee for Higher Education Staff (JNCHES) Modernisation Working Group responded by drawing up [Guidance on Casual and Fixed Term Employment](#) to help HE institutions achieve such reductions effectively. The guidance encourages HE institutions to employ staff on indefinite contracts as the normal form of employment and to use fixed-term and casual contracts only where there are transparent, necessary and objective reasons for doing so. The document also identifies and assists in the development of good practice in the use and management of fixed-term and casual employment.

+ UK Higher Education unions have noted that whilst HEIs have been slow in adopting the guidance to date, there have been significant changes in many institutions. In the short term, the continued reliance of employment tribunals by all parties to determine the right to a permanent contract by all parties will be essential as the scope of the regulations in the UK will inevitably be determined by case law.

Funding and salaries ² (RG 1 Responsibilities of the Research Organisation, RG 8 Staff, RG 9 Maternity and Paternity Pay and Leave & RG 10 Sick Leave) ³ (17iii) ⁴ (PhD stipend increases)

Employers and/or funders of researchers should ensure that researchers enjoy fair and attractive conditions of funding and/or salaries with adequate and equitable social security provisions (including sickness and parental benefits, pension rights and unemployment benefits) in accordance with existing national legislation and with national or sectoral collective bargaining agreements. This must include researchers at all career stages including early-stage researchers, commensurate with their legal status, performance and level of qualifications and/or responsibilities.

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The new pay and grading structures under the [Framework Agreement for the Modernisation of Pay Structures](#) were implemented by the HE sector in August 2006. The implementation of the Agreement has led to the uplift of early stage researchers (level 1) in a number of institutions.

* It is important to note the distinction here between doctoral candidates and postdoctoral researchers in the UK context. If there was a move for doctoral candidates to have employee status across Europe, this would prove to be extremely problematic in the UK. The majority of doctoral candidates currently have student status, rather than being classed as employees of the institution. This is largely seen as beneficial for the student as they are not subject to income tax or National Insurance contributions, although they are also unable to benefit from social security and pension rights. Their student status also entitles them to receive certain levels of support from their institution. The working group believes that the status of doctoral candidates should be a matter for each member state to consider, with reference to domestic employment legislation and regulatory frameworks. However, the UK HE sector believes that doctoral students should continue to be treated as professionals with corresponding rights in relation to skills training and development, including continuing professional development.

A recent study by the Centre for the Study of Law & Policy in Europe '[Assessing the Impact of the Roberts' Review Enhanced Stipends and Salaries on Postgraduate and Postdoctoral Positions](#)' finds that pay is one of the single most important factors shaping attitudes towards academic careers. In practice, however, researchers consider issues around pay in relation to other factors and their wider career path and prospects, for example the opportunities for pay progression in the medium term.

Recognising that the low PhD stipend is a major disincentive to PhD study in the UK, the UK government has made a continuing commitment to relate doctoral funding to the median graduate salary. The report finds that while the general increase in Research Council doctoral maintenance awards (to £12, 000) is generally considered to be adequate, pay causes more difficulties at postdoctoral level where researchers may face a drop in real income.

Gender balance ¹ (Precepts 6-8 institutions as recruiters of students)

Employers and/or funders should aim for a representative gender balance at all levels of staff, including at supervisory and managerial level. This should be achieved on the basis of an equal opportunity policy at recruitment and at the subsequent career stages without, however, taking precedence over quality and competence criteria. To ensure equal treatment, selection and evaluation committees should have an adequate gender balance.

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In terms of UK legislation, the Sex Discrimination Act (SDA) came into force in 1975. The Equal Pay Act (EPA) took effect in 1975. Each Act has been amended a number of times since it came into force. The SDA makes it unlawful to discriminate on the grounds of sex. Specifically, sex discrimination is prohibited in employment, education, advertising or when providing housing, goods, services or facilities. It is unlawful to discriminate against someone because they are married or in a civil partnership, in employment or in advertisements for jobs. It is also unlawful to discriminate in the employment field on the grounds of gender reassignment, or pregnancy and maternity leave. Sexual harassment in employment, vocational training and further education is specifically prohibited. The EPA also stipulates that women must be paid the same as men when they are doing equal work and vice-versa. Compliance with both Acts is monitored by the [Equal Opportunities Commission](#).

The new [gender equality duty](#) will require all public authorities to pay due regard to promoting gender equality and eliminating sex discrimination. This means that public sector employers will have to design employment and services with the different needs of women and men in mind. It will require HEIs to produce a Gender Equality Scheme that will set their own gender equality goals in consultation with their service users and employers and to take action to achieve them. The gender equality duty will come into force in April 2007.

Career development ² (RG 8 Staff) ³ (14i, ii, 17i, ii, iv & v) ⁴ (PhD stipend increases)

Employers and/or funders of researchers should draw up, preferably within the framework of their human resources management, a specific career development strategy for researchers at all stages of their career, regardless of their contractual situation, including for researchers on fixed-term contracts. It should include the availability of mentors involved in providing support and guidance for the personal and professional development of researchers, thus motivating them and contributing to reducing any insecurity in their professional future. All researchers should be made familiar with such provisions and arrangements.

The Roberts Review (recommendation 5.3) was clear that enabling the individual researcher to establish a clear career path, and a development plan to take them along it, is critical to improving the attractiveness of postdoctoral research. It recommended that HEIs take responsibility for ensuring that all of their postdoctoral researchers have a clear development plan and have appropriate training opportunities. The Research Councils provide funding (Roberts' Money) for their researchers and expect that this area of researcher development will receive increasing attention. Both the UK Higher Education Researcher Development (UKHERD) group and the UKGRAD programme are active in supporting HE staff responsible for developments in this area

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in the UK. Progress against the Roberts' recommendation is monitored in the annual reporting to RCUK.

The [National Role Profiles \(NRP\) for research staff](#) have provided some assistance in this area, outlining five profiles aligned to the new academic grades 1-5, from research assistant to professor. These profiles describe the range of demands, responsibilities and competencies required at each grade.

Provisions for career management are also contained in [Section G of the Joint Statement of the Research Councils' Training Requirements for Research Students](#) which outlines the skills that doctoral research students funded by the Research Councils would be expected to develop during their research training.

The public sector duty to promote disability equality in relation to career development is noted at pages 16-17.

Value of mobility ¹ (Precepts 5, 13, 18, 19 – institutions as educators of students) ² (RG 18 Transfer of Grants – relates to the choice of the PI not student or postdoctoral researcher)

Employers and/or funders must recognise the value of geographical, intersectoral, inter- and trans-disciplinary and virtual mobility as well as mobility between the public and private sector as an important means of enhancing scientific knowledge and professional development at any stage of a researcher's career. Consequently, they should build such options into the specific career development strategy and fully value and acknowledge any mobility experience within their career progression/appraisal system.

This also requires that the necessary administrative instruments be put in place to allow the portability of both grants and social security provisions, in accordance with national legislation.

A holistic approach is taken to assessing and evaluating a researchers' experience in the UK and evidence of mobility is considered within this context.

A small but important area of mobility is the portability of Research Grants between states. Members of [EuroHORCS](#) (European Heads Of Research Councils) are in the process of agreeing the principle of 'Money Follows Researcher'. Legal differences mean that transfers will almost invariably be on a case-by-case basis. The only formal agreement in place involving the UK is that between EPSRC and DFG (German Research Foundation). (Please see the [EPSRC Funding Guide](#) (p.25) for further information).

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Additionally, disabled researchers should not be penalised because they are not always able to be geographically mobile. However, every effort should be made to ensure that disabled researchers are given the same opportunities to work and study in as many different locations as their non-disabled colleagues.

Access to research training and continuous development ¹ (Precepts 5, 11, 13, 18, 19 – institutions as educators of students and employers of supervisors) ³ (14i, ii, 17i, ii, iv & v) ⁴

Employers and/or funders should ensure that all researchers at any stage of their career, regardless of their contractual situation, are given the opportunity for professional development and for improving their employability through access to measures for the continuing development of skills and competencies.

HEFCE's R&DS initiative requires HEIs to meet specific staff development and training objectives that not only equip staff to meet their current needs, but also prepare them for future changes, such as using new technologies for teaching and learning. This would include management development.

The contractual aspect is addressed by the [Fixed Term Regulations \(2002\)](#) which are designed to protect employees on fixed-term contracts (FTCs) from being treated less favourably than comparable employees on indefinite contracts. Research Council grant terms and conditions state that “research staff should be appointed on terms that are no less favourable than those of comparable posts in the research organisation.”

The 1996 Concordat for the Career Management of Contract Research Staff and the Roberts Review (see footnotes ³ and ⁴ below) both highlight the importance of career guidance and training for contract researchers. Conditions of research funding such as those of the UK Research Councils stipulate that research staff should have access to appropriate training opportunities.

The Roberts' skills agenda has had a wide impact, although the funding available has been primarily from the Research Councils. However, a typical comment from the annual HEI reporting in 2005 was that “the university's overall strategy for use of the ‘Roberts’ funding is to make the additional development opportunities available to all research students and postdoctoral researchers, regardless of their source of funding.”

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The [Leadership Foundation](#) also provides a number of senior management leadership courses for those involved in strategic leadership roles in the UK Higher Education Sector, including senior research staff.

The public sector duty to promote disability equality in the context of training and professional development is detailed at pages 16-17.

Access to career advice ¹ (Precepts 5, 11, 13, 18, 19 – institutions as educators of students and employers of supervisors) ² (RG 8 Staff) ³ (14i, ii, 17i, ii, iv & v) ⁴

Employers and/or funders should ensure that career advice and job placement assistance, either in the institutions concerned, or through collaboration with other structures, is offered to researchers at all stages of their careers, regardless of their contractual situation.

Careers Advisory Services in HEIs increasingly offer advice to research staff and postgraduate researchers, following the implementation of the recommendations in the Roberts' Review (see footnote ³ for further details).

Intellectual Property Rights ¹ (Precepts 9, 10 – institutions as educators of students) ² (RG 21 Commercial Exploitation)

Employers and/or funders should ensure that researchers at all career stages reap the benefits of the exploitation (if any) of their R&D results through legal protection and, in particular, through appropriate protection of Intellectual Property Rights, including copyrights.

Policies and practices should specify what rights belong to researchers and/or, where applicable, to their employers or other parties, including external commercial or industrial organisations, as possibly provided for under specific collaboration agreements or other types of agreement.

[Lambert model IP agreements](#) arose from the Lambert Review sponsored by HM Treasury in 2003, which recommended that a set of model agreements be drawn up to assist universities and industry, particularly SMEs (Small and Medium Enterprises), to collaborate more effectively. The Lambert Working Group on Intellectual Property was set up to deliver this objective. The five **model agreements** resulting from that recommendation, each provide a different approach in the key area of who is to own, and have the right to exploit, the intellectual property in the results or outcome of the collaborative project.

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The model agreements are merely starting points and their use is not compulsory, but by using them universities and their partners may be able to reduce the amount of time and money spent negotiating agreements on intellectual property.

A Decision Guide has also been published alongside the model agreements to identify responses to the following issues, which would determine which model agreement might be most appropriate:

1. the relative importance of the project results to the sponsor and the project's reliance on the sponsor's materials or existing intellectual property (IP);
2. the importance of academic use and publication to the university and its researchers;
3. the importance of the project to future research at the university.

Co-authorship ¹(Precepts 5c, 9, 10 – institutions as educators of students)

Co-authorship should be viewed positively by institutions when evaluating staff, as evidence of a constructive approach to the conduct of research. Employers and/or funders should therefore develop strategies, practices and procedures to provide researchers, including those at the beginning of their research careers, with the necessary framework conditions so that they can enjoy the right to be recognised and listed and/or quoted, in the context of their actual contributions, as co-authors of papers, patents, etc, or to publish their own research results independently from their supervisor(s).

The arrangements for the 2008 Research Assessment Exercise (RAE) include provision for the submission of co-authored work. The general position is summarised in Para 36 of Circular [RAE 01/2004:Initial Decisions by the UK Funding Bodies](#). This states that the assessment process will allow the identification of groups of researchers, and of outputs produced by groups, within a submission. Where applicable, individual sub-panels have included comments on their treatment of co-authored work in their individual statements of criteria and working methods (published as [Circular RAE 01/2006 Panel Criteria and Working Methods](#)).

Supervision i. 1 (Precept 11-14 – institutions as employers of supervisors) 2 (RG 1 Responsibilities of the Research Organisation, RG 2 Research Governance & RG 8 Staff) ii. 1 (Precepts 11-14 institutions as employers of supervisors)

i. Employers and/or funders should ensure that a person is clearly identified to whom earlystage researchers can refer for the performance of their professional duties, and should inform the researchers accordingly.

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[‘Safeguarding good scientific practice’ \(a joint statement by the Director General of the Research Councils and UK Research Council CEOs\)](#) refers to the need for HEIs to ensure that responsibilities for, and standards of, ‘mentoring’ young researchers exist within their codes of good practice.

ii. Such arrangements should clearly define that the proposed supervisors are sufficiently expert in supervising research, have the time, knowledge, experience, expertise and commitment to be able to offer the research trainee appropriate support and provide for the necessary progress and review procedures, as well as the necessary feedback mechanisms.

Section 1 of the QAA Code of Practice contains detailed principles and explanations about supervision, in precepts 11 to 14. In addition, it is important to note that supervisors are likely to have an important role in many of the other activities referred to in this section of the Code, including selection, admission and induction of students, progress and review arrangements and the development of research and other skills.

Teaching

i. 1 (precept 9, 10 and Appendix 3 (E5) institutions as educators of students) 2 (RG 8 Staff) 3 (17iv)

ii. 1 (precept 9, 10 and Appendix 3 (E5) – institutions as educators of students)

Teaching is an essential means for the structuring and dissemination of knowledge and should therefore be considered a valuable option within the researchers’ career paths. However, teaching responsibilities should not be excessive and should not prevent researchers, particularly at the beginning of their careers, from carrying out their research activities.

The [UCU, NUS, NPC Employment Charter](#) and the associated guidelines were drawn up and agreed by the Association of University Teachers (now merged with NATFHE to form the University and College Union), the National Union of Students and the National Postgraduate Committee. The Charter and guidelines set out what postgraduates who undertake teaching duties are entitled to expect and how they should be treated. The Charter will be re-launched shortly.

The UK Research Councils have also stipulated a maximum of 6 hours’ teaching per week for Research Council sponsored students. [The National Postgraduate Committee guidelines](#) suggest a maximum of 6 hours per week for full-time research students.

The [National research role profiles](#) also set out the extent to which research staff would be expected to be involved in teaching duties (as part of their research contract) under each of the 5 research grades.

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Section 1 of the QAA Code of Practice specifies in Precept 19 that, where postgraduates are provided with opportunities for teaching, including acting as demonstrators in laboratories or teaching small groups, appropriate guidance and support should be provided.

Employers and/or funders should ensure that teaching duties are adequately remunerated and taken into account in the evaluation/appraisal systems, and that time devoted by senior members of staff to the training of early stage researchers should be counted as part of their teaching commitment. Suitable training should be provided for teaching and coaching activities as part of the professional development of researchers.

[The National Postgraduate Committee guidelines](#) also address the issues of remuneration and training for teaching and demonstration activities.

Evaluation/appraisal systems ¹ (Precept 11 – institutions as employers of students) ² ³

Employers and/or funders should introduce for all researchers, including senior researchers, evaluation/appraisal systems for assessing their professional performance on a regular basis and in a transparent manner by an independent (and, in the case of senior researchers, preferably international) committee.

The majority of UK HEIs already have their own institutional evaluation/appraisal systems in place, which are widely considered to be effective and robust and there is also an appeals process if required. The Research Assessment Exercise performs a similar function on a UK-wide level. External representatives are sought on recruitment panels for most senior appointments. * However, the Charter's requirement for 'independent and international evaluation/appraisal systems' for all research posts is considered to be undesirable and unworkable from a UK HEI perspective.

Such evaluation and appraisal procedures should take due account of their overall research creativity and research results, e.g. publications, patents, management of research, teaching/lecturing, supervision, mentoring, national or international collaboration, administrative duties, public awareness activities and mobility, and should be taken into consideration in the context of career progression.

Complaints/appeals ¹ (Precepts 26 and 27 – institutions as educators of students and employers of supervisors)

Employers and/or funders of researchers should establish, in compliance with national rules and regulations, appropriate procedures, possibly in the form of an impartial (ombudsmantype) person

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to deal with complaints/appeals of researchers, including those concerning conflicts between supervisor(s) and early-stage researchers. Such procedures should provide all research staff with confidential and informal assistance in resolving work-related conflicts, disputes and grievances, with the aim of promoting fair and equitable treatment within the institution and improving the overall quality of the working environment.

Section 1 of the QAA Code of Practice outlines different ways of ensuring that students have opportunities to make representations, including formal complaints and appeals (Precepts 25 to 27).

[The Office of the Independent Adjudicator for Higher Education \(OIA\)](#) was also established under the Higher Education Act 2004. It operates an independent student complaints scheme, which is free to students (including postgraduate researchers) but does not apply to staff complaints. The OIA handles individual complaints against HEIs and publishes recommendations about how universities should deal with complaints and what constitutes good practice. The [Scottish Public Services Ombudsman](#) performs a similar function in Scotland.

If a member of staff has a complaint against his/her employer this can be raised informally with more senior managers, or ultimately through a grievance procedure. All universities will have formal grievance procedures which have been agreed with their trades union. Employment tribunals are also used in the UK to settle work-related disputes.

Participation in decision-making bodies ¹ (Precept 21 – institutions as educators of students)

Employers and/or funders of researchers should recognise it as wholly legitimate, and indeed desirable, that researchers be represented in the relevant information, consultation and decision-making bodies of the institutions for which they work, so as to protect and promote their individual and collective interests as professionals and to actively contribute to the workings of the institution.

Section 1 of the QAA Code of Practice (Precept 21) provides examples of the different fora and mechanisms that can be used to ensure that students are given ample opportunities to provide feedback and have input into decision-making at different levels. Provision for representation is usually embodied in HEI guidance or Codes of Practice.

The disability equality duty requires the active involvement of disabled staff and students in all aspects of an institution's functions. Ensuring that disabled students and researchers are

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involved in the decision-making outlined above will help institutions meet the 'involvement' element of the disability equality duty.

Recruitment 1 (Precepts 6-10 – institutions as recruiters of students) 3 (17i & iii)
1 (Precepts 6-10 institutions as educators of students)

Employers and/or funders should ensure that the entry and admission standards for researchers, particularly at the beginning of their careers, are clearly specified and should also facilitate access for disadvantaged groups or for researchers returning to a research career, including teachers (of any level) returning to a research career.

Employers and/or funders of researchers should adhere to the principles set out in the Code of Conduct for the Recruitment of Researchers when appointing or recruiting researchers.

[Appointing Senior Managers in Higher Education: A Guide to Good Practice](#) (2004), published by Universities UK, in partnership with the Standing Conference of Principals (SCOP) (now Guild HE), the Committee of University Chairmen (CUC), the Equality Challenge Unit (ECU) and the Universities and Colleges Employers Association (UCEA), places a strong emphasis on equal opportunities and diversity. The guidelines aim to support individual higher education institutions in adopting best practice recruitment and selection procedures at senior management level, which may include senior research staff.

HEIs also produce their own guidelines in relation to the recruitment of staff across the board. The recruitment of doctoral candidates, as students, also follows institutional guidelines and procedures in terms of student recruitment.

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European Code of Conduct for the Recruitment of Researchers

The Code of Conduct for the Recruitment of Researchers consists of a set of general principles and requirements that should be followed by employers and/or funders when appointing or recruiting researchers. These principles and requirements should ensure observance of values such as transparency of the recruitment process and equal treatment of all applicants, in particular with regard to the development of an attractive, open and sustainable European labour market for researchers, and are complementary to those outlined in the European Charter for Researchers. Institutions and employers adhering to the Code of Conduct will openly demonstrate their commitment to act in a responsible and respectable way and to provide fair framework conditions to researchers, with a clear intention to contribute to the advancement of the European Research Area.

General Principles and Requirements for the Code of Conduct

Recruitment

Employers and/or funders should establish recruitment procedures which are open, efficient, transparent, supportive and internationally comparable, as well as tailored to the type of positions advertised.

This is normal HR practice in the UK. All UK HEIs have institutional recruitment procedures, often publicly available on their websites.

Advertisements should give a broad description of knowledge and competencies required, and should not be so specialised as to discourage suitable applicants. Employers should include a description of the working conditions and entitlements, including career development prospects. Moreover, the time allowed between the advertisement of the vacancy or the call for applications and the deadline for reply should be realistic.

This is also normal employment practice in the UK. The aim of the recruitment process is to achieve the best fit for the post advertised. Although some job descriptions may necessarily be very specialised for research fellows in highly specialist areas, they should not be drafted more narrowly than is necessary.

Universities UK, in partnership with the Standing Conference of Principals (SCOP) (now Guild HE), the Committee of University Chairmen (CUC), the Equality Challenge Unit (ECU) and the Universities and Colleges Employers Association (UCEA), has published [‘Appointing Senior](#)

1 – [QAA Code of Practice Code of practice for the assurance of academic quality and standards in higher education](#),

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2 – [Research Council Grant Conditions](#)

3 – [Concordat to provide a framework for the Career Management of Contract Research Staff in Universities and Colleges](#)

4 – [Implemented through ‘SET for success’: The supply of people with science, technology, engineering and mathematical skills \(the ‘Roberts review’\), April 2002](#)

[Managers in Higher Education: A Guide to Best Practice](#)¹ which aims to support individual higher education institutions in adopting best practice recruitment and selection procedures at senior management level. The guidelines strongly emphasise equal opportunities and diversity. A key recommendation is to improve the rigour and transparency of senior management appointments, and to ensure a diverse pool of senior managers.

Selection

Selection committees should bring together diverse expertise and competences and should have an adequate gender balance and, where appropriate and feasible, include members from different sectors (public and private) and disciplines, including from other countries and with relevant experience to assess the candidate. Whenever possible, a wide range of selection practices should be used, such as external expert assessment and face-to-face interviews. Members of selection panels should be adequately trained.

Universities will, as normal practice, select panel members from within the university as appropriate for the task of finding the best candidate for the advertised post as well as using effective recruitment techniques. External assessors and those from outside the UK are used regularly and routinely by HEIs in selection committees, particularly in the case of senior appointments. Institutions should use their own discretion as to what constitutes 'appropriate and feasible' in this context, as this would vary according to discipline and the type of post being recruited. A range of assessment methods are currently used by selection panels, as appropriate to the nature of the post advertised. It is recognised as good practice in the UK to train selection committee members

Transparency

Candidates should be informed, prior to the selection, about the recruitment process and the selection criteria, the number of available positions and the career development prospects. They should also be informed after the selection process about the strengths and weaknesses of their applications.

It is normal practice in the UK to inform candidates, prior to the selection, about the recruitment process and the selection criteria, number of available positions and career development prospects. Whilst some public sector employers provide feedback to unsuccessful candidates, this is not a formal requirement in the UK and does not constitute common practice amongst UK employers.

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Judging merit

The selection process should take into consideration the whole range of experience of the candidates. While focusing on their overall potential as researchers, their creativity and level of independence should also be considered.

This means that merit should be judged qualitatively as well as quantitatively, focusing on outstanding results within a diversified career path and not only on the number of publications. Consequently, the importance of bibliometric indices should be properly balanced within a wider range of evaluation criteria, such as teaching, supervision, teamwork, knowledge transfer, management of research and innovation and public awareness activities.

For candidates from an industrial background, particular attention should be paid to any contributions to patents, development or inventions.

Suitability for a post should be assessed on the basis of the job description. A qualitative rather than a quantitative approach is taken in the UK and a wide range of criteria is used in the selection process. There is a holistic approach to assess the best candidate for the job and to ensure that the most suitable candidate is appointed to the post.

Under disability legislation, it is possible to designate a post for a disabled applicant or treat an impairment as a qualification for a particular post (this may be particularly relevant when employing researchers in the academic field of equality). As part of the duty to promote disability equality, the Equality Challenge Unit has suggested that HEIs could aspire to using the national 'guaranteed interview' scheme whereby disabled applicants who meet the minimum criteria are guaranteed an interview for the advertised post.

The [National Role Profiles \(NRP\) for research staff](#) identify a range of skills for researchers - including communication skills, teamwork, initiative, problem solving and decision making, planning and managing resources and expertise – which are often used by HEIs as part of the selection process.

Variations in the chronological order of CVs

Career breaks or variations in the chronological order of CVs should not be penalised, but regarded as an evolution of a career, and consequently, as a potentially valuable contribution to the professional development of researchers towards a multidimensional career track.

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Candidates should therefore be allowed to submit evidence-based CVs, reflecting a representative array of achievements and qualifications appropriate to the post for which application is being made.

The basis for appointments should be the selection criteria for the job, taking into account all experience and expertise. All aspects of the cv submitted should be considered appropriately. Where a variation is an enhancement this will be taken fully into account.

It should be noted that a disabled person's cv may show career breaks due to rehabilitation or other disability-related absence. It would be unlawful for an employer to refuse to interview or appoint on this basis.

Recognition of mobility experience

Any mobility experience, e.g. a stay in another country/region or in another research setting (public or private) or a change from one discipline or sector to another, whether as part of the initial research training or at a later stage of the research career, or virtual mobility experience, should be considered as a valuable contribution to the professional development of a researcher.

As above. All aspects of the cv should be considered appropriately.

In university practice, it is often accepted that more experienced researchers would have been internationally mobile. However, where it has not been possible for a researcher to gain any mobility experience; for example, due to a disability-related reason, or experience has been limited due to pregnancy, maternity leave and subsequent child care responsibilities, it should not prejudice the application.

Recognition of qualifications

Employers and/or funders should provide for appropriate assessment and evaluation of the academic and professional qualifications, including non-formal qualifications, of all researchers, in particular within the context of international and professional mobility. They should inform themselves and gain a full understanding of rules, procedures and standards governing the recognition of such qualifications and, consequently, explore existing national law, conventions and specific rules on the recognition of these qualifications through all available channels.

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It is standard practice in the UK to take into account all relevant factors when determining appointments, including non-formal qualifications. All qualifications are considered as appropriate.

All UK HEIs have signed the [Lisbon Convention on Recognition of Qualifications](#) which provides for recognition of studies, certificates, diplomas and degrees obtained in another country of the European region.

Seniority

The levels of qualifications required should be in line with the needs of the position and not be set as a barrier to entry. Recognition and evaluation of qualifications should focus on judging the achievements of the person rather than his/her circumstances or the reputation of the institution where the qualifications were gained. As professional qualifications may be gained at an early stage of a long career, the pattern of lifelong professional development should also be recognised.

Under the [Employment Equality \(Age\) Regulations 2006](#), employers should no longer specify a minimum length of experience, such as 10 years, as this disadvantages younger workers. The quality and relevance of experience is important, rather than the number of years.

+ Senior level researchers are found at all ages and circumstances in the UK. The UK sector has recognised that it must seek to avoid the tendency to pre-select candidates for doctoral appointments on the basis of the reputation of the institution where the candidate has been employed or where their qualifications had been gained. This is often done as a proxy for achievement, in the absence of a significant academic track record which could then be assessed on its own merit. It has been recognised that individuals should be appointed according to their suitability for the post in question, rather than the standing of their previous institution and that the selection process should take proper account of emerging and growing research institutions.

Postdoctoral appointments

Clear rules and explicit guidelines for the recruitment and appointment of postdoctoral researchers, including the maximum duration and the objectives of such appointments, should be established by the institutions appointing postdoctoral researchers. Such guidelines should take into account time spent in prior postdoctoral appointments at other institutions and take into consideration that the postdoctoral status should be transitional, with the primary purpose of providing additional professional development opportunities for a research career in the context of long-term career prospects.

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The reference to 'maximum duration' assumes that the appointment will be fixed term. This could be contrary to the [Fixed Term Employees \(Prevention of Less Favourable Treatment\) Regulations 2002 \(UK enactment of 1999/70/EC\)](#), which requires institutions to reduce significantly the current and future use of fixed-term contracts. The Joint Negotiating Committee for Higher Education Staff (JNCHES) Modernisation Working Group have drawn up [Guidance on Casual and Fixed Term Employment](#) to help HE institutions achieve such reductions effectively. The guidance encourages HE institutions to employ staff on indefinite contracts as the normal form of employment and to use fixed-term and casual contracts only where there are transparent, necessary and objective reasons for doing so. The document also identifies and assists in the development of good practice in the use and management of fixed-term and casual employment.

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Next Steps: Working towards a revised Research Concordat in the UK

The Research Careers Initiative (RCI), under the chairmanship of Professor Sir Gareth Roberts FRS, monitored progress towards meeting the commitments of the 1996 Concordat on Contract Research Staff Career Management, as referred to throughout this document. The final report of the RCI stated "that in order to consolidate and build on the progress that has been made, the Concordat should be reviewed as this would reinforce the process of change and help to ensure that the best researchers continue to seek employment in academic research."

Research Councils UK will therefore be leading the development of a new Concordat and Code of Practice for the management of researchers, which will aim to bring all the guidance and initiatives referred to as part of this mapping exercise into one comprehensive document. This will aim to provide a 'one stop shop' for the research community as a whole.

This workstream has been endorsed by the UK research base Funders Forum and will involve all the major funders, working closely with Universities UK, Guild HE (representing HE colleges) and other higher education stakeholders.

The proposed Research Concordat and Code of Practice will provide a single reference point for UK HEIs seeking to meet the expectations of a number of different funders and will be drafted with the input and close involvement of the research community.

UK HE Sector Implementation of European Charter and Code Working Group

[RCUK](#)

[Universities UK](#)

[ARC Postgraduate Group](#)

[Association of University Teachers](#)*

[Equality Challenge Unit](#) (ECU)

[Guild HE](#) (formerly SCOP)

[Higher Education Funding Council for England](#) (HEFCE)

[Higher Education Funding Council for Wales](#) (HEFCW)

[National Postgraduate Committee](#)

[Quality Assurance Agency](#) (QAA)

[Scottish Funding Council](#) (SFC)

[Universities and Colleges' Employers Association](#) (UCEA)

[UK Council for Graduate Education](#)

[UK GRAD](#)

[UK HE Europe Unit](#)

[UK HERD](#)

[UKRO](#)

[University of Bradford](#)

[Universities Personnel Association](#)

[Universities Scotland](#)

Iain Cameron (Chair)

Davina Foord (Secretariat)

Christopher Hale

Caroline Johnson

Jane Thompson

Erica Halvorsen

Patricia Ambrose

Will Naylor

Linda Tiller

Simon Felton

Gill Clarke

Stuart Fancey

Declan Leyden

Professor Howard Green

Professor Pam Denicolo

Janet Metcalfe

Tish Bourke

Wendy Stainton-Rogers

Simon Inger

Estelle Kane

Professor Tony Fell

Donald Beaton

(Kingston University)

Charles Marriott

* now merged with NAFHTE to form the Universities and Colleges' Union

Relevant legislation

[Data Protection Act 1998](#)

[Disability Discrimination Act 1995](#)

[Employment Act 2002](#)

[Employment Equality \(Age\) Regulations 2006](#)

[Fixed Term Employees \(Prevention of Less Favourable Treatment\) Regulations 2002](#)

[Gender Equality Duty](#)

[Health and Safety at Work Etc Act 1974](#)

[Race Relations \(Amendment\) Act 2000](#)

[Sex Discrimination Act 1975](#)

[Welsh Language Act 1993](#)

Guidelines and Codes of Practice

[Appointing Senior Managers in Higher Education: A Guide to Good Practice \(2004\)](#)

[A Concordat to Provide a Framework for the Career Management of Contract Research Staff in Universities and Colleges \(1996\)](#)

[Council for Industry and Higher Education \(CIHE\) Ethics Matters: Managing Ethical Issues in HE](#)

[HEFCE Circular RAE 01/2006 Panel Criteria and Working Methods](#)

[HEFCE Financial Memorandum and Audit Code of Practice \(2004\)](#)

[Joint Negotiating Committee for Higher Education Staff \(JNCHES\) Fixed-Term and Casual](#)

[Employment Guidance for Higher Education Institutions \(2002\)](#)

[Joint Negotiating Committee for Higher Education Staff \(JNCHES\) Work-Life Balance Guidance](#)

[for Higher Education Institutions \(2003\)](#)

[Joint Statement of the Research Councils' Skills Training Requirements for Research Students](#)

[Lambert IP Model Agreements \(2005\) published by the Department of Trade and Industry \(DTI\)](#)

[National Role Profiles \(NRP\) for research staff](#)

[QAA Code of Practice Code of practice for the assurance of academic quality and standards in](#)

[higher education, Section 1: Postgraduate research programmes \(2004\)](#)

[RAE 01/2004: Initial Decisions by the UK Funding Bodies](#)

[Research Governance Framework for Health and Social Care \(2005\)](#)

[Safeguarding good scientific practice \(a joint statement by the Director General of the Research](#)

[Councils and UK Research Council CEOs\) \(1998\)](#)

[UCU/NUS/NPC Employment Charter For Postgraduate Student Academic and Academic Related](#)

[Staff \(1998\).](#)

[Proposed universal ethical code for scientists \(published by the UK Council of Science and](#)

[Technology\)](#)

Other

[SET for Success: Final Report of the Gareth Roberts Review](#)

[Science and innovation investment framework 2004-14 \(published by HM Treasury, July 2004\)](#)