

**Performance-Based Research Fund
Sector Reference Group review:**

**Reporting of Results
Supplementary Consultation Paper**

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Disclaimer:

This consultation paper has been prepared independently for the Tertiary Education Commission (TEC) by the Sector Reference Group, an external group, as part of the review of the Performance-Based Research Fund. Although the TEC is facilitating this process, the consultation paper represents the independent views and suggestions of the Sector Reference Group, and does not necessarily represent the views of the TEC.

Performance Based Research Fund Sector Reference Group Reporting of Results Supplementary Consultation Paper

1. Purpose

Sector response to the Reporting of Results consultation paper identified a significant difference of opinion within the sector on the options considered in section 5.2 on Reporting of individual Quality Categories to Tertiary Education Organisations (TEOs). The purpose of this Supplementary Consultation Paper is to discuss the issues of concern, to consider the two major supported options, and to present an alternative position as preferred by the Sector Reference Group (SRG).

2. Aims and principles of the PBRF

In carrying out its role, the SRG will be guided by the aims and principles of the PBRF. The PBRF is designed to:

- increase the average quality of research
- ensure that research continues to support degree and postgraduate teaching
- ensure that funding is available for postgraduate students and new researchers
- improve the quality of information on research output
- prevent undue concentration of funding that would undermine research support for all degrees or prevent access to the system by new researchers, and
- underpin the existing sector strengths in tertiary education research.

The PBRF is governed by the following principles:

- *Comprehensiveness*: the PBRF should appropriately measure the quality of the full range of original investigative activity that occurs within the sector, regardless of its type, form, or place of output.
- *Respect for academic traditions*: the PBRF should operate in a manner that is consistent with academic freedom and institutional autonomy.
- *Consistency*: evaluations of quality made through the PBRF should be consistent, across the different subject areas and in the calibration of quality ratings against international standards of excellence.
- *Continuity*: changes to the PBRF process should only be made where they can bring demonstrable improvements that outweigh the cost of implementing them.
- *Differentiation*: the PBRF should allow stakeholders and the government to differentiate between providers and their units on the basis of their relative quality.
- *Credibility*: the methodology, format and processes employed in the PBRF must be credible to those being assessed.
- *Efficiency*: administrative and compliance costs should be kept to the minimum consistent with a robust and credible process.

- *Transparency*: decisions and decision-making processes must be explained openly, except where there is a need to preserve confidentiality and privacy.
- *Complementarity*: the PBRF should be integrated with new and existing policies and quality assurance systems for degrees and degree providers.
- *Cultural inclusiveness*: the PBRF should reflect the bicultural nature of New Zealand and the special role and status of the Treaty of Waitangi, and should appropriately reflect and include the full diversity of New Zealand's population.

3. Principles of redesign

PBRF redesign work ahead of the 2012 Quality Evaluation will be based on a number of principles and considerations:

- upholding the aims and principles of the PBRF (outlined above)
- learning from the first two Quality Evaluations in order to make improvements to the design of the PBRF and the implementation of the 2012 Quality Evaluation
- drawing on relevant experience and expertise across the tertiary education sector
- exposing proposed changes to rigorous sector and expert scrutiny
- achieving as much sector agreement as possible about how the next Quality Evaluation should be conducted, and
- avoiding costly or time-consuming changes unless there are good reasons for believing they will bring significant improvements.

4. Use of individual PBRF data by TEOs

Sector submissions to the SRG Reporting of Results consultation paper were invited through the Tertiary Education Commission (TEC) website from 4 May 2009 to 19 June 2009. 34 responses were received in total. Based on these responses there appears to be considerable division within the sector on the use of individual PBRF data by TEOs. The following issues arose from the sector response to this part of the Reporting of Results consultation paper:

Possible misuse of PBRF results

Some staff in TEOs are concerned that their TEOs have knowledge of their individual Quality Categories and may use them for purposes of promotion, performance assessment, performance review, salary recommendations, and workload appraisal. As noted by many submissions, such purposes may be in conflict with the purposes of the PBRF.

The following anecdotal examples of misuse of PBRF results by TEOs have been identified from submissions to the previous Reporting of Results consultation paper. Whether these claims are true or not is one issue, but more importantly, any such actions can bring the PBRF into disrepute and reduce its perceived effectiveness.

- Academics with “R” Quality Categories may be pressured into changes to their employment agreements to make them ineligible for the PBRF assessment.
- Performance bonuses for “A” and “B” Quality Category academics were proposed, but not implemented, in one TEO.
- PBRF Quality Categories of individuals have been used against staff in disciplinary actions, or threats of disciplinary actions.
- PBRF Quality Categories have been used as performance indicators and goals for staff, rather than simply as useful background information in performance appraisals as was first envisaged by the 2002 Working Party.
- The PBRF has been linked to the possibility of termination of employment of those on fixed-term agreements or fellowships, especially new and emerging researchers completing doctorates or on post-doc fellowships.
- PBRF Quality Categories of individuals have been raised as relevant matters in redundancy proceedings.
- Some academics with lower ratings have been told that their PBRF Quality Category can affect their eligibility for re-employment
- Some TEOs have attempted to make the PBRF Evidence Portfolio a regular part of documentation for performance appraisal and/or promotion applications.
- Individuals have been pressured by Heads of Departments to reveal their Quality Categories and/or to acquire and reveal their Component Scores, sometimes against their will.
- Some TEOs have distributed the results down to Departmental levels for use in promotion and other purposes unrelated to the purposes of the PBRF. Such wide and seemingly unnecessary distribution can lead to unfortunate errors (eg. a faculty secretary who somehow had access to staff PBRF quality categories released in error to all faculty staff a list of staff names with respective internal and external PBRF quality categories).
- At least one TEO has attempted to describe individuals’ achievement of specific quality categories in the PBRF as an obligation under the collective employment agreement, despite the absence of any reference to the PBRF in the agreement.

The question of confidentiality

There is a widely held view, closely related to the first issue, that the Quality Category received by a staff member should be treated in confidence. There are concerns that staff members have little control over who within their TEO has access to their Quality Category and in some cases no knowledge of who has access to it.

Implications of the Privacy Act

Principle 11 of the Privacy Act deals with limits on disclosure of personal information and provides a list of sufficient conditions under which an agency may disclose personal information such as individual Quality Categories. This may be done if the agency believes, on reasonable grounds, that the disclosure of the information is one of the purposes in connection with which the information was obtained or is directly related to the purposes in connection with which the information was obtained.

Reasons to supply results to TEOs

There are five major reasons for TEOs to receive individual's PBRF Quality Categories following the 2012 Quality Evaluation, as follows:

- a) Validation of the accuracy of the Quality Categories, along with FTE and subject cost categories for individual staff.
- b) Internal management and allocation of resources (eg. consistent with the purposes of the PBRF). There can be many permutations of such distribution that takes into account split appointments across Departments, Research Centers, changes in Departments.
- c) Reputational - to identify strengths of Departments (which are not necessarily the same as Nominated Academic Units (NAUs)).
- d) Developmental - A TEO may wish to identify and provide additional support to staff whose research performance could be improved.
- e) The PBRF provides an externally validated benchmark to help ensure appropriate internal calibration of assessments of research.

5. Two initial positions

Each of the following positions is opposed by a significant part of the sector, making neither of them attractive choices as they stand.

1) TEOs receive all individual's Quality Categories (Status Quo)

As in 2003 and 2006, individual researcher's Quality Categories would be reported directly to TEOs by the TEC and TEOs then could advise individuals of their Quality Category. Individuals would also be able to request their results directly from the TEC.

Advantages:

- TEOs receive full information on the PBRF research performance of their staff.
- It is an efficient way to distribute the results.
- It assists with verifying results.
- It assists TEOs with internal funding and planning.

Disadvantages:

- This position is strongly opposed by the Tertiary Education Union and many individual staff members.
- May be in conflict with the Privacy Act.
- This has led to the actions or perceptions as noted above.

II) Only individuals receive Quality Categories

No individual researcher's results would be provided to TEOs by the TEC. TEOs would only receive the summary information providing in the "*Evaluating Research Excellence*" publication. Individual researchers would be able to request their results directly from the TEC and could then advise their TEO if they wish.

Advantages:

- Concerns about individual privacy will be fully met.

Disadvantages:

- This position is strongly opposed by the TEOs.
- This provides TEOs with no information on the PBRF research performance of their staff (other than from those staff who voluntarily supply it).

6. Proposed Solution: Confidentiality of individual PBRF Quality Categories

"*Guidelines to govern the use of PBRF Quality Evaluation data by TEOs*" were prepared for the 2006 Quality Evaluation but may not have been followed by the sector, or followed only to a limited extent. As a result, the issue of possible misuse and concerns about confidentiality have been a common theme in feedback on the 2006 Quality Evaluation (cf. the Adams report).

The solution proposed below by the SRG strengthens the Guidelines, making them conditions under which the TEC would provide individual PBRF data to TEOs for specific purposes. This solution would meet concerns about possible misuse and confidentiality, while at the same time provide TEOs with the information they require to perform most of the functions they have identified. It does not address the 'developmental' issue. Offsetting that, however, are two important points:

- (a) the anecdotal evidence of misuse or attempted misuse of PBRF data suggests that the developmental objective would appear to be difficult to achieve within the Privacy Act, and
- (b) a TEO should have other means of assessing the research performance of its staff and the need for additional support where that may occur, and should not have to rely solely on the PBRF Quality Categories for those purposes.

III) Preferred SRG Position

Individual researchers' results are released to the minimum possible number of people within a TEO. The positions of these people and their names will be specified as a part of the standard declaration concerning accuracy provided by the TEO to the TEC at the time EPs are submitted. This declaration will also contain a clause whereby the TEO will be required, as a condition of receiving individual researchers' results, to follow the Conditions given below in the Appendix (and to notify the TEC if any other person or position is requested to be added to the disclosure list due to the departure of a previously named person or the creation of a new position). The TEC will provide a confidential file of individual Quality Categories to the TEO, and this file may only be viewed by the named people/positions within the organisation under the Conditions laid out in the Appendix.

Advantages

- TEOs gain access to individual Quality Categories to enable data verification and to aid resource allocation, but greater emphasis is placed on confidentiality, and the possibility of misuse is minimised by the agreement to follow the Conditions.
- There is clear specification of acceptable uses of PBRF information, and of those persons who have access (and those who do NOT have access) to personal information.
- There is a clear expectation that each TEO receiving the information would need to inform staff of who has access and for what purposes.
- Any breach of these guidelines provides an mechanism for an individual researcher who seeks remediation with a TEO.

Disadvantages:

- The monitoring of TEOs to ensure the Conditions are followed will be up to individual staff members and the Tertiary Education Union (TEU).
- Individual researchers do not give their informed consent to the disclosure of PBRF information in this option; such disclosure of information (without informed consent) does not conform with the research-ethics standards and protocols commonly used in TEOs.
- The 'developmental' aspect provided by the Status Quo position would be reduced under this model; this, however, is mitigated by the facts that the Conditions allow staff to authorise the use of their individual Quality Category for developmental purposes if they wish to, and that TEOs would be expected to have sufficient internally gathered information to allow them to conduct strong staff development even without access to individual Quality Categories.

Appendix: Draft Conditions under which Individual PBRF data is provided to TEOs

1. The TEO will establish processes and protocols for maintaining confidentiality of individual Quality Categories for all staff, and processes and protocols to keep this information secure.
2. All staff participating in PBRF Quality Evaluations will be informed by their employing TEO of:
 - a. the processes and procedures by which PBRF data, including individual Quality Categories, will be communicated and to whom
 - b. those people and positions within the TEO who will have access to an individual's Quality Category
 - c. the uses to which individual Quality Categories (and Component Scores) may be put and the uses to which they may not be put, and
 - d. these Conditions.
3. The TEO will advise individual participating staff of their personal Quality Category (and any other data relating to the assignment of the Quality Category relevant to them that is provided to the TEO by the TEC), unless the staff member requests otherwise.
4. The TEO will restrict access to individual Quality Categories to the minimum number of staff necessary to achieve the purposes given below under Condition 6. Depending on the type of TEO and its structure, these staff would be expected to include the following: Vice-Chancellor/CEO, Deputy Vice-Chancellor (Research) or equivalent, PBRF Manager, Head of Planning (Finance) or equivalent.
Heads of Departments (or their equivalent) will NOT have access to individual Quality Categories.
5. The TEO will, in conjunction with staff and TEU representatives, establish codes of practice and complaint procedures that govern the behaviour of staff members participating in the PBRF Quality Evaluation. The TEO's code of practice relating to staff participation in the PBRF Quality Evaluation will indicate that:
 - a. maintenance of the confidentiality of individual Quality Categories and Component Scores, if known, is a priority for the TEO
 - b. staff members shall not be required to divulge their Quality Categories
 - c. each staff member has an opportunity to discuss her/his Quality Category and Component Scores with her/his manager if the staff member desires
 - d. in the event that a staff member advises a manager of her/his Quality Category, or Quality Category and Component Scores, that manager will not use that information other than for purposes authorised by the individual staff member concerned and within the restrictions specified under point 7.

6. Subject to advice being given by TEOs to staff members prior to their participation in the Quality Evaluation, the TEO may use individual Quality Categories for the following purposes, provided that they ensure that no identification of individual Quality Categories can be made outside the named persons above:
 - a. validation of the accuracy of the Quality Categories, along with FTE and subject cost categories for individual staff
 - b. internal management and allocation of financial resources (consistent with the purposes of the PBRF)
 - c. to identify strengths of Departments/Schools; and/or
 - d. as an externally-validated benchmark to help ensure appropriate internal calibration of assessments of research.
7. The TEO will not use individual Quality Categories, or information leading to the revelation of individual Quality Categories, for purposes other than those consistent with these Conditions and advised to staff members prior to participating in Quality Evaluations. In particular:
 - a. the TEO will not use individual Quality Categories as a basis for salary determinations
 - b. the TEO will not request individual Quality Categories for recruitment purposes, and, if the TEO makes recruitment decisions informed by individuals' Quality Categories, then the TEO will consider the Quality Categories in the context of other evidence of research performance and will take account of the TEO's overall staff profile (particularly since the offered Quality Category can not be verified by the TEO), and
 - c. the TEO will not use individual Quality Categories for performance appraisals or for disciplinary action against staff.
8. If explicitly authorised by an individual staff member, their Quality Category may be used by their TEO to assist with their research career planning.
9. PBRF Quality Categories shall not appear on an individual's HR record within the TEO.
10. The TEO will not divulge individuals' Quality Categories to any third party without the prior authorisation of the individuals concerned.
11. The TEO shall ensure that individual Quality Categories of staff, either employed by the TEO concerned or by another TEO, are not revealed through marketing or advertising activity initiated by the TEO.
12. The TEO may use summary PBRF data for marketing and advertising purposes only if such material presents the Quality Evaluation outcomes accurately and in the appropriate and relevant context(s).

Performance-Based Research Fund

Feedback template for
Reporting of Results supplementary consultation paper

Feedback from:	
Contact details:	

1. Purpose

The purpose of this template is to provide a mechanism for collecting feedback on the matters raised as part of the PBRF Sector Reference Group Reporting of Results supplementary consultation paper.

The objective is to gain comment from the sector in a way that will speed the collation and review of such feedback.

Respondents are encouraged to answer the questions in this template, but should not feel limited from also providing comments in addition to those requested in the template.

Timeframe for feedback

Completed templates and any other comments should be emailed to **PBRF.2012Redesign@tec.govt.nz** or can be posted to Dr Damien Cole, Tertiary Education Commission, P O Box 27048, Wellington 6141.

Feedback would be appreciated as soon as possible, but no later than 5pm, Friday, 13 November 2009.

2. Sector Reference Group proposal: Confidentiality of individual PBRF Quality Categories.

If you would like to make any comments on the Sector Reference Group proposal please do so below.

3. Draft Conditions under which Individual PBRF data is provided to TEOs.

If you would like to make any comments on the draft Conditions please do so below.

4. Additional comments.

If you would like to make any additional comments please do so below.