

Responsibilities and Procedures for Ethical Review

This document should be read in conjunction with the Colleges Research Integrity Code of Practice and Ethical Framework

Introduction

- I. Ethical requirements arise from an evolving understanding of the rights and duties of human beings. Ethics are broader than law, though the law can both reflect and clarify ethical duties. Birkbeck staff and students are expected to exercise ethical principles of honesty, rigour, transparency, openness, care and respect in relation to all their activities, including the planning and conduct of research.

All researchers are expected to observe the highest ethical standards and to embed good practice in every aspect of their work. This includes the interpretation and presentation of research results, contributions to the peer review process and the training of new researchers, staff and students as well as the conduct of the research itself. That is, individual actions must comply with the principles of honesty, openness, transparency, respect and research rigour.

The spectrum of inappropriate ethical behaviour is wide, ranging from minor misdemeanours which may happen occasionally and inadvertently, to deliberate acts. Inappropriate ethical behaviour tends to arise from a failure to consider and observe the duty of care implicit in the ethical principles listed above – i.e. inappropriate ethical behaviour arises from a deliberate, careless or unintentional lack of honest, rigour, transparency, care or respect.

Ethical review is based on the principles of competence, facilitation, independence, and openness.

- 2 All activities carried out by Birkbeck staff and students that involve one or more of the following require ethical consideration and approval:
 - Human participants (whether participating actively or through observation) – from the perspective of their welfare and interests and duties of care for their personal data
 - Where there are legitimate concerns for the welfare and interests of those carrying out the activity, including where a researcher needs to travel to a location where the Foreign Office has issued advice to travellers which raises concerns about the individuals welfare whilst in the country
 - Animals – from the perspective of their welfare and interests and duties of care
 - The potential to damage or change our cultural heritage
 - Changes to the natural environment
 - Requiring an individual to step outside accepted regulatory or legal norms

In addition the potential for the reputation of the individual, the department, the College, the discipline and academia as a whole to be damaged and the welfare and interests of the wider community should also be considered .

All research undertaken with human participants requires the researcher to obtain informed consent before collecting the data. This consent should explicitly include consent for: 1) how and why the data is being collected in the first place; 2) how the data will be processed (including if this processing involves passing the data to an external party such as a transcription service); 3) how you will use the data to further your research; 4) If appropriate, how you intend to curate, store and share the data so other researchers can use it. Please note, in most cases the College would not expect data from taught programmes to be made available for reuse unless the dissertation is to be published.

- 3 Faculties are responsible for ensuring that all research, teaching and other (outreach, community engagement, widening participation, knowledge exchange and translation, public engagement etc.) exercises carried out under their auspices are consistent with established ethical principles and that projects have obtained ethical approval before they start. To that end, all Faculties must:
- have a Faculty Ethics Committee to consider research ethics proposals and other ethical issues as they arise and make an annual report to the College Ethics Committee
 - appoint Ethics Leads from among the academic staff, whose role is to advise on their School colleagues on the ethical aspects of teaching exercises and research proposals, and are normally to be members of Faculty Ethics Committee.

The standard Faculty Ethics Committee Terms of Reference are given at [Ethics committees — Birkbeck, University of London \(bbk.ac.uk\)](https://www.bbk.ac.uk/ethics-committees)

However, the College recognises that Faculties may need some autonomy to develop bespoke solutions for their areas. Any necessary local amendments to the terms of reference should be submitted in writing to the CEC for the CEC to approve and these changes should be reviewed as part of the periodic review of research ethics provision across the College.

- 4 The College Ethics Committee has responsibility for developing policy and defining good practice for research ethics proposal and review; and research integrity and good conduct. It considers and approves the Faculty Ethics Committees' annual reports, as well as individual research proposals where College consideration is required, either by the ethical issues raised in the proposal or by an external agency. When there is a good reason for doing so, CEC can also approve local variation from these guidelines at the School level. Any such approvals must be returned to CEC for re-scrutiny every 3-5 years.

The process of research ethics proposal and review

- 5 The College expects its researchers - i.e. academic staff, students and

visiting/honorary researchers - to apply the ethical principles and procedures outlined in this document to all their research.

The College recognises that it employs staff who are not expected to undertake research as part of their contract of employment – i.e. Teaching and Scholarship (T&S) staff and Professional and Support (P&S) staff; however, all staff and visiting/honorary researchers at Birkbeck must apply the ethical procedures and principles outlined in this document when undertaking research or supervising others to undertake research.

Teaching and Scholarship staff and Professional and Support staff are not expected to seek full ethical review for their personal research projects but are encouraged to seek advice through the mechanisms described in these principles and procedures, especially where their research falls into the sensitive or extremely sensitive classifications. The College would not normally expect to provide full ethical approval for such projects. The College does expect to provide full ethical review for projects undertaken by students who are supervised by staff in these categories.

There are further ethical guidelines at [Research integrity — Birkbeck, University of London \(bbk.ac.uk\)](https://www.bbk.ac.uk/research-integrity)

- 6 In the first instance individual researchers are responsible for ensuring that appropriate ethical assessment is conducted for their research and the research for those whom they supervise. Researchers who lead research projects must ensure that full records are kept of proposals and their assessment. All research should be considered from the perspective that it may have ethical implications and the Ethics Lead should be consulted if there is any doubt. For any research which has ethical implications, the researcher must complete the Proposal Form for Ethical Review. Students (both undergraduate and postgraduate) and Research Assistants/Associates/Fellows (both employed by the College and not employed by the College) undertaking research projects, advised by their supervisors as appropriate, should also complete the form, with a supervisor countersigning.

It should be noted that some funders of research require ethical review as a condition of funding, and it is the responsibility of the lead investigator to ensure this happens.

- 7 Any research where ethical issues have been identified can be considered to be either sensitive, extremely sensitive or in line with normal disciplinary practice (i.e. routine).

The most commonly encountered sensitive and extremely sensitive issues in research projects are;

Sensitive:

- a research methodology which raises ethical questions but which has not been previously considered by the appropriate Ethics Committee
- a research methodology where participants are to be subjected to questions, or other procedures which carry a risk of being harmful to their physical or mental well being

- the research requires data from a set of participants who may not have the capacity to give informed consent, for example children and vulnerable populations
- the research involves groups where permission of a gatekeeper is normally required for initial access to members. A gatekeeper is different to a data custodian. For example, consider the case where a researcher wishes to undertake research with a specific company and approaches the HR department of the company to recruit participants. If the HR representative passes on the information to all relevant company employees on your behalf then they are acting as a data custodian, if however the HR representative selects a sub-set of eligible participants (and thus are potentially influencing the data you are able to collect) then they are acting as a gatekeeper.
- Projects where there is a risk to the safety of the researcher in terms of their physical and mental wellbeing
- Projects which involve international partners where the Foreign Office has issued guidance to travellers
- Projects which involve international partners from countries on the DAC list of LIMICs
- In certain circumstances Research where data is drawn from social media or participants are recruited over the internet
- Any retrospective approvals

Extremely Sensitive:

- the research involves (or might appear to involve) deception, or is conducted without participants' full and informed consent at the time when the study is carried out (unless the deception is revealed at the point of de-brief and participants are explicitly offered the chance to withdraw at that point)
- the research involves access to personal information or confidential information on identifiable living individuals or the research combines existing datasets in a way where anonymised individuals might become identifiable
 - ** note this point does not relate to all human participant research, just human participant research where there is a real risk that anonymity cannot be protected **
- all cases where the subjects of the research are members of the College (staff or students) or are closely related to members of the College and where the research relates to life at Birkbeck
- all cases where significant media interest or sensitivity can be predicted
- all projects which involve international partners from countries under sanction
- all cases where there is a conflict of interest
- all cases where the veracity of source material cannot be readily checked (e.g. material from anonymous sources)
- all cases where there is a significant risk of reputational damage to the College (which includes a consideration of the source of funding for the research)
- all cases where the research team is undertaking security sensitive research. Security sensitive research includes research commissioned by the military or under an EU security call, research that requires the researchers to obtain security clearance or research into terrorist or extremist groups
- all cases where the research team need to access illegal materials

- all cases where the research team need to access extreme materials. In this case, extreme materials may refer to materials which are harrowing or distressing and/or to materials (such as extreme violence/pornography or materials which promote extreme political or religious views) which are not in themselves illegal but may be related to, or closely aligned to, illegal behaviours
- all cases where CEC approval is a funder requirement

It should be noted that this is not an exhaustive list and all proposals should be considered from the perspective that they may be sensitive or extremely sensitive rather than from the presumption that the research is in line with normal disciplinary practice.

Research in line with normal disciplinary practice (Routine):

- research projects which so closely follow previous research already given ethical approval within the last 3-5 years¹ that the ethical issues are identical and have already been considered
- Projects that have less than minimal potential risk of harm to participants and others affected by the proposed research and this risk can be mitigated by following best practice already established within the discipline (including for example by statutory requirements such as risk assessments) do not require ethical approval

For a project to be classified as routine on the basis is so closely follow previous research already given ethical approval within the last 3-5 years that the ethical issues are identical and have already been considered a copy of the approval on which this assessment is based must also be included in the approval paperwork.

- 8 The Proposal Form for Ethical Review and supporting documentation should be submitted to the Ethics Lead as early as possible before the intended start date of the project.

The College does not normally expect that ethical review will be undertaken before a research proposal is submitted for funding; however, the research team should fully consider the ethical implications of their research and should honestly and truthfully answer any questions about ethics which are included as part of the application. The research team can submit the concept for ethical review prior to submission if they wish – this might be appropriate, for example, if the ethical aspects of the proposal are quite complex and the research team would value input from the relevant FEC.

- 9 The Ethics Lead will review each Proposal Form against a checklist which has been agreed by the College Ethics Committee to be appropriate for the individual department.

If the research is considered to be sensitive the Ethics Lead will refer it to the Faculty Ethics Committee in the first instance.

¹ The exact time frame to be decided by each School Ethics Committee, based on what is appropriate for its academic discipline.

If the research is considered to be extremely sensitive, once the application has been considered by the FEC the Chair of the FEC will refer it to the College Ethics Committee for their consideration with any recommendations already received from the FEC.

If the research is in line with normal disciplinary practice The Ethics Lead can approve the application.

Some projects will be basically routine but will have elements which fall into the sensitive or extremely sensitive categories. These projects should be considered by the Chair of the FEC who will decide if additional review is required. The Chair of the FEC may choose to take advice from the Chair of the Ethics Committee and/or Deputy Director of Research (Strategy) about whether or not referral to the CEC is required. If necessary, the Deputy Director of Research (Strategy) will convene a small panel from members of the CEC to provide additional advice.

10 The Ethics Lead's review will result in one of the following outcomes:

- Rejection of the proposal on ethical grounds. This would only occur if there were fundamental ethical issues with the research, as defined in this policy and by professional ethical guidelines.
- Referral back to the proposer for clarification or amendment to address ethical concerns. It is the responsibility of the proposer to make any recommended changes and re-submit the proposal form together with supporting documentation.
- Identification of the proposal as sensitive or extremely sensitive, in which case it should be referred to the Faculty Ethics Committee (FEC)
- Approval of a routine proposal. Routine projects need not be submitted to the FEC, but the proposal form should be signed off by the Ethics Lead and passed to the FEC for note. The members of the FEC should review a selection of these proposals periodically to ensure consistent practice across their Faculties; similarly, the CEC should review a selection of these proposals periodically to ensure consistency across the College. It should be noted that this is an area where the volume of applications may lead to necessary changes in local practice and these local changes should be approved as described in paragraph 4. CEC should consider both the volume of applications and how strictly the classifications of routine and non-routine are interpreted when approving such local practices.

11 All sensitive and extremely sensitive research proposals; and any proposals where it is unclear (for example, this may be because the Ethics Lead feels that specific advice is needed on the nature of ethical issues and their resolution or because unresolved ethical issues have become apparent during peer review or assessment of compliance with the ethical principles outlined in this document) should be submitted to the FEC or CEC for approval prior to commencement.

Normally the review process should be completed within a maximum of 6 weeks, however mechanisms for expedited review by both the Faculty Ethics Committee and

the College Ethics Committee are available if necessary (as described below) and it should be noted that in complex cases more time may be required.

- 12 Review of proposals by FEC or CEC should ideally take place at a standing meeting with the timetable of these meetings being readily available to all researchers. There must be at least one physical meeting of the committee per term.

However, there may be cases where it is necessary to review proposals outside this timeframe, in which case the Chair can seek advice in writing from all members of the committee and take a decision through Chairs Action on the basis of the advice received. If, however, substantive ethical issues are identified it may not be possible to assess the proposal fully by this mechanism and the decision should wait until the next full meeting of the committee.

- 13 If an extremely sensitive proposal is sent to CEC for review then CEC may also require the following additional information:

- A detailed data management plan
- A written statement from the Research Data Support Manager to confirm that he has discussed the data issues relating to this particular piece of research with the lead researcher and is confident that the data management process described in the data management plan is fit for purpose.
- If appropriate, a copy of any advice received from a legal advisor, regulatory body or professional body. Evidence that legal advice has been sought will be mandatory for anyone wishing to undertake security sensitive research or research which needs to access illegal materials. Ethical approval will not be given without this evidence.

- 14 Projects that were reviewed between more than 3 - 5 years ago¹ should be re-submitted to the FEC for review to ensure that ethical approval remains valid.

- 15 For signing off projects as routine on the basis that the risks are identical to those in a project signed off 3-5 years ago FEC may find it more appropriate to have a set of defined routine protocols to assess routine applications against than to define a specific project as the baseline for routine. Routine proposals can only be signed off on this basis if the original proposal has been reviewed in the necessary timeframe.

- 16 FEC review of proposals will result in one of the following outcomes:

- Rejection of the proposal on ethical grounds. This would only occur if there were fundamental ethical issues with the research, as defined in this policy and by professional ethical guidelines.
- Referral back to the proposer for amendment to address ethical concerns. It is the responsibility of the proposer to make any recommended changes and re-submit the proposal form together with supporting documentation.
- Approval of the proposal.
- Referral to the College Research Ethics Committee (CEC) in the following circumstances:
 - Where there is a doubt or disagreement which cannot be resolved at Faculty level

- Where guidance or advice is required
 - Where an external funding body requires certification at the institutional level. Note that this includes all non-routine ESRC-funded projects
 - Where the FEC judges that the proposal should be classified as extremely sensitive
- 17 CEC review of proposals will result in one of the following outcomes:
- Rejection of the proposal on ethical grounds. This would only occur if there were fundamental ethical issues with the research, as defined in this policy and by professional ethical guidelines.
 - Referral back to the proposer for amendment to address ethical concerns. It is the responsibility of the proposer to make any recommended changes and re-submit the proposal form together with supporting documentation.
 - Approval of the proposal.
 - Referral back to FEC to oversee the implementation of any minor changes suggested by CEC
- 18 All research projects with ethical considerations should consider if a formal re-review of their ethical approval is necessary as the research progresses and evolves. Suitable intervals for this review should be specified at the time of the initial review and should be appropriate for the nature of the research being undertaken. This information can be recorded within the data management plan.
- 19 Each FEC should review the ethics processes and decisions of one of their departments annually and this review should be reported to CEC as part of the annual review process. Oversight of CEC is maintained by the Governors, who receive an annual report about the Committee through the University Executive Board oversight process.

Research regulated by external bodies (e.g. NHS and related research)

- 20 Research which would normally be regulated by an external body need not go through Birkbeck's procedures as well, unless this is required by the external body. For example, research involving NHS patients, facilities and staff is subject to rigorous ethical approval through the NHS Research Ethics Committees. However, correspondence relating to the proposals must be copied to the relevant Ethics Lead and confirmation of external approval reported to CEC.

Studies that require review under the HRA Governance Arrangements for Research Ethics Committees (e.g. human clinical trials or research involving human tissue), other health or social care research or research involving animal subjects may have specific requirements. It is the responsibility of the lead investigator to investigate this but advice can be sought from the Ethics Lead where appropriate.

Please note that the Deputy Director of Research (Strategy) is normally the Colleges designated approver for external ethics approval processes.

Collaborative Research Projects

- 21 Research projects which collaborate with other HEIs would normally only be subject to ethical review by the lead HEI unless the work done at Birkbeck is a discrete subset of the project. If the College is the lead HEI it is the responsibility of the lead investigator to inform our partner HEIs about our ethics process, the outcome of our ethical review and the outcomes of any periodic ethical reviews undertaken as the research progresses.
- 22 If the College is a partner on a research project, it is the responsibility of the lead researcher from the College to pass information about ethical reviews from the lead institution to Ethics Lead who should review and ensure that the approval covers all the work being undertaken in their School and has been completed to a satisfactory standard. Once this has been done the Ethics Lead should pass the approval to the Chair of the FEC to note. Similarly, projects across more than one School or Faculty in the College should be submitted only to the most appropriate Ethics Lead (which should be decided based on a consideration of the research to be undertaken and may not be a Ethics Lead from any of the Schools represented in the specific project).

The process of ethics review for activities other than research projects

- 23 Research is not the only activity undertaken by members of the College which raises ethical questions and would benefit from a process of ethical review. Any member of the College involved in working with members of the public (through public engagement, impact and outreach activities) or other external stakeholders should consider the ethical ramifications of this work, using the framework defined in this document as a guide. Further advice can be obtained from the Chair of their Faculty Ethics Committee, the Chair of the College Ethics Committee or the Deputy Director of Research (Strategy). If a full review and authorisation process is felt to be necessary, the review will follow the principles defined in this document as closely as possible.

Conflicts of Interest

- 24 Any individual involved in any ethical review for the College is expected to declare any conflicts of interest immediately – the Ethics Lead and a member of the FEC to the Chair of the FEC (or CEC if the FEC Chair has the conflict). Anyone with a conflict of interest with the proposal under consideration should not be involved in the approval process for that application. If the conflict is with the Ethics Lead then the application will be considered by the FEC automatically. If the conflict is with a member of the FEC or CEC then they should excuse themselves from the discussions. The FEC or CEC may choose to call in a discipline-specific advisor in this situation.

Appeals and complaints

- 25 Appeals against decisions made under these procedures must be based on one or

more of the following criteria:

- A failure to follow these procedures;
 - There is additional information that was not available at the time when the decision was made;
- 26 Appeals against decisions of Ethics Leads will be considered by the Chair of the FEC unless the relevant Ethics Lead is the Chair of the FEC, in which case the appeal will be considered by an alternate Ethics Lead. The outcome will be reported to the next meeting of the FEC. The Chair may at his or her discretion refer the appeal to the CEC for consideration, at a meeting or through correspondence.
- 27 Appeals against decisions of FECs will be considered by the Chair of the College Ethics Committee, in consultation with the independent member of the CEC, and their decision shall be final. The outcome will be reported to the next meeting of the CEC.
- 28 Appeals against decisions of CEC will be considered by the Vice Chancellor of the College or his nominee. Advice will be sought from disciplinary experts (from within or outside the College) as appropriate.
- 29 Any participant in a research project from the College who has questions or concerns about the conduct of the research, or who wishes to raise a complaint about how the research has been conducted should follow the procedure described in Procedure for Reporting and Investigating Research Misconduct which can be found [Research integrity — Birkbeck, University of London \(bbk.ac.uk\)](https://www.bbk.ac.uk/research-integrity). This document is approved and kept under review by the College Ethics Committee.

College Ethics Committee
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