

Ethics Review Appeals Procedures

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Original - November 2006.

Version	Date	Notes
2	25/09/18	Revised following comments by UREC on an out of date original document.

Background

As part of the University's commitment to ensuring that all research undertaken by staff and students is carried out to the highest professional standards of research ethics, the University has established procedures to allow appeals against the decisions of its Research Ethics Subcommittees (S-RECs).

These *Ethics Review Appeals Procedures* are intended to allow the University's staff and students proposing projects or revisions to on-going projects to formally raise concerns about the results of the ethical review process or circumstances relating to this.

Review

These Procedures will be reviewed and updated by the University Research Ethics Committee (UREC) and recommendations will be made to the University Research Executive, and thereafter to Senate before 31st July 2021.

Content

Part A. Introduction	2
Part B. Principles	2
Part C. The Procedure: Stage 1 - Further S-REC Consideration	3
Part D. The Procedure: Stage 2 - UREC Consideration	3

Part A. Introduction

- A1 The University's *Ethics Review Appeals Procedures* are intended to allow the University's staff and students proposing projects or revisions to on-going projects to formally raise concerns about the results of the ethical review process or circumstances relating to this.
- A2 These Procedures comprise of two parts: a Stage 1 Appeal in which the Chair of the relevant Research Ethics Subcommittee (S-REC) initially considers the appeal, and a Stage 2 Appeal, which a researcher may follow if dissatisfied with the outcome of the Stage 1 Appeal. Stage 2 Appeals are initially considered by the Chair of the University Research Ethics Committee (UREC).
- A3 Researchers are encouraged to try to resolve the ethics review matter they are concerned about informally before beginning the formal Procedures. In the first instance, an informal approach should be made to the Chair of the S-REC and the advice of the Head of School may be sought. Students can be assisted in making such an approach by their adviser, research project supervisor or student representative within the School, and may also seek advice from the Student Support Service and/or the Students' Union Advice Centre.
- A4 If an informal resolution cannot be achieved, a researcher may make a formal request for the original ethics review decision to be reconsidered or raise circumstances relating to the ethics review through the University's *Ethics Review Appeals Procedures*. The more specific the researcher is about the reasons for concern when supplying supporting evidence or arguments, the more effective will be the University's investigation.

Part B. Principles

- B1 Researchers who submit a case under these Procedures will not be disadvantaged for having done so. Anyone who believes that they have been disadvantaged by submitting a case should contact the Pro Vice Chancellor for Research and Innovation. The University expects that researchers will not engage in frivolous or malicious appeals.
- B2 All parties to the appeal and individuals who have been involved in any related investigation and/or the management and/or administration of the appeal will observe the requirements for confidentiality. Whilst confidential information may need to be disclosed in order to consider the appeal, this will only be to those staff involved in the consideration of the appeal.
- B3 Each appeal will normally be considered individually. Depending on circumstances, where a series of appeals involve the same subject matter or individual(s), the University may consider such appeals collectively, subject to any confidentiality requirements.
- B4 All personal information will be processed by the University in accordance with the General Data Protection Regulation (GDPR) and Data Protection Act (DPA) 2018.
- B5 A researcher may decide to withdraw an appeal at any time.

Part C. The Procedure: Stage 1 - Further S-REC Consideration

- C1 A researcher must submit a Stage 1 Appeal, including the title of the research project and the date of the S-REC decision, to the S-REC Chair in writing within 10 working days of the notification of the outcome of the original ethics review. Appeals submitted after this deadline with good reason for the delay may still be considered. The researcher should contact the S-REC Chair if they are unable to meet this deadline. Disputes about whether an appeal submitted after the deadline should be accepted should be referred to the UREC Chair.
- C2 The S-REC Chair having reviewed the information provided will decide whether the original ethics review decision should be reconsidered by the S-REC or whether the appeal should be rejected. The decision of the S-REC Chair must be communicated to the researcher in writing within 10 working days of receipt of the Stage 1 Appeal, or advise the researcher within that time if more time is needed.
- C3 If the original ethics review decision is reconsidered, a full and clear explanation of the outcome must be communicated to the researcher by the S-REC Chair in writing within 20 working days of the first communication in C2 or advise the researcher within that time if more time is needed.
- C4 A researcher who is not satisfied with the outcome of the Stage 1 Appeal may decide to move to Stage 2 of the Procedures as described in D1 - D4 below.

Part D. The Procedure: Stage 2 - UREC Consideration

- D1 For a Stage 2 Appeal to be considered, at least one of the following conditions must be met:
- new information is put forward by the researcher that was not known at Stage 1 of the appeal;
 - evidence put forward at Stage 1 of the appeal was not fully and properly considered by the S-REC;
 - there was a procedural irregularity in the conduct of the Stage 1 Appeal, or
 - there was/appeared to be prejudice and/or bias, in the conduct of the Stage 1 Appeal.
- D2 A researcher must submit the Stage 2 Appeal to the UREC Chair and copy it to the UREC Secretary within 10 working days of the notification of the outcome of the Stage 1 Appeal. Appeals submitted after this deadline with good reason for the delay may still be considered by the UREC Chair.
- D3 The UREC Chair will check whether the Stage 2 Appeal meets at least one of the conditions in D1; if it does, the appeal will be accepted and the researcher informed by the UREC Secretary within 10 working days of receipt. If it does not, the researcher will be informed by the UREC Secretary within 10 working days of receipt and this decision is final and there is no further right to appeal.
- D4 If the Stage 2 Appeal is accepted, the UREC members will review any new information provided and the Stage 1 Appeal documentation. A full and clear explanation of the decision taken by UREC and the outcome of the Stage 2 Appeal will be communicated by the UREC Secretary to the researcher in writing within 20 working days of the first communication in D3, or advise the researcher within that time if more time is needed.
- D5 Following completion of the Stage 2 Appeal, there is no further right to appeal within the University.