Obtaining ICHT Capacity and Capability Confirmation for Healthcare Research not requiring REC review

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1. **PURPOSE**

This SOP describes the procedure for obtaining Imperial College Healthcare NHS Trust Capacity and Capability approval of healthcare research which does not require NHS REC review under the terms of Guidance Advice for Research Ethics Committees (GAfREC) Changes to Remit. Sept 2011.

2. **INTRODUCTION**

Any study sponsored by Imperial College AHSC should be sent to the Joint Research Compliance Office (JRCO), prior to Capacity and Capability confirmation at the site. The Sponsorship procedure for these projects does not differ from those requiring REC review. Please see JRCO/SOP/009 for information regarding applying for Sponsorship at Imperial College London and Imperial College Healthcare NHS Trust.

If research is being undertaken in Imperial College Healthcare NHS Trust (ICHT) premises, or involving ICHT participants, Capacity and Capability confirmation is mandatory before the project can commence. However Research Ethics Committee (REC) approval is not required in certain circumstances, these include:

- Research limited to secondary use of information previously collected in the course of normal care (without an intention to use it for research at the time of collection), provided that the patients or service users are not identifiable to the research team in carrying out the research
- Research limited to secondary use of tissue samples previously collected in the course of normal care with consent for research, provided that the patients or service users are not identifiable to the research team in carrying out the research
- Research limited to use of acellular material (e.g. plasma, serum, DNA,) extracted from tissue previously collected in the course of normal care, provided that the patients or service users are not identifiable to the research team in carrying out the research
- Research limited to the involvement of NHS or social care staff recruited as research participants by virtue of their professional role
- Research involving use of or access to a care organisation’s premises or facilities, but not otherwise involving patients or service users.
HRA approval must be in place and Capacity and Capability confirmation must be issued by each R&D office, at each NHS organisation, where the study is due to start.

3. **PROCEDURE**

Please note that we only accept one investigator for Imperial College Healthcare NHS Trust. This is because ICHNT is regarded as a single site in research. So if the Chief Investigator is based at Imperial College Healthcare NHS Trust, they must also be named as the Principal Investigator. Other researchers can be named as co-investigators.

In order for the study to be assessed for Imperial College Healthcare JRCO Capacity and Capability) HRA approved local document packmust be submitted to the JRCO. of which the required documents are listed below:

3.1 **Required Documents**

1. Copy of IRAS Form (combined REC and R&D form) as submitted for HRA Approval
2. Protocol
3. Any amendments
4. Participant information and consent documents
5. Statement of Activity relevant to the participating NHS organisation (non-commercially sponsored only) or delegation log (commercially sponsored only) – only containing information known to sponsor
6. Relevant template contract/model agreement (if needed in addition to Statement of Activity)
7. Costing template (commercially sponsored only) or Schedule of Events (non-commercially sponsored only)
8. Any other documents that the sponsor wishes to provide to the site to support the set up and delivery of the study
9. Copy of HRA Initial Assessment letter (if one is issued) and (when issued) HRA Approval letter and final document versions

Also required:

10. Trust Division authorisation – an email is sufficient evidence
11. Confirmation from support departments that their involvement is agreed (if applicable)

Once all of the local document pack is received the JRCO will carry out the appropriate governance and quality assurance checks. Final JRCO sign-off is also dependent on Clinical trial site agreement signed off by Pre-award Imperial AHSC JRCO and sponsor organisation (if applicable). **Fully signed contracts and all applicable internal approvals need to be in place before Capacity and Capability Confirmation can be issued.**
When everything is in place, a Capacity and Capability Confirmation email will be issued for the study and the project can commence. A copy of the Capacity and Capability Confirmation email and the study documents with applicable internal and external approvals are uploaded to DOUMAS system and the study details on DOCUMAS are updated accordingly.

4. DEFINITIONS OF RESEARCH TYPE WHICH THIS SOP APPLIES TO

Research involving NHS Staff only
Under the 2001 edition, REC review was required for research involving NHS staff recruited as research participants by virtue of their professional role. Such research, or equivalent research involving the staff of social care providers, is excluded from the normal remit of RECs under the harmonised edition of GAfREC.

Research involving previously collected, non-identifiable tissue samples
Research limited to use of previously collected, non-identifiable material consisting of or including cells in accordance with the terms of donor consent is generally excluded from REC review. However, REC review would be required if any of the following applied:

(a) Consent for research has not been given, or the research is not within the terms of the consent
(b) The samples will be held on premises in England, Wales or Northern Ireland without a licence from the Human Tissue Authority to store relevant material for scheduled purposes
(c) The research also involves removal, storage or use of new samples from the living or the deceased
(d) The research also involves use of identifiable information held with the samples

Research involving acellular material
Research limited to use of human biological material not consisting of or including cells (e.g. plasma, serum, DNA) is also generally excluded from REC review. However, REC review would be required if the research involved:

(a) Collection of tissue samples from patients in order to extract acellular material for the research
(b) Collection of information from patients
(c) Use of previously collected information from which patients could be identified by the researchers
(d) Analysis of DNA in material from the living, where consent for research is not in place from the person whose body manufactured the DNA.

Research involving previously collected, non-identifiable information
Under the 2001 edition, REC review was required for any research involving the data of NHS patients.
REC review continues to be required for research involving collection of information from patients or service users for research.

REC review is also required for research involving use of previously collected information from which patients or service users could be identified by researchers outside the usual care team (either directly from that information or in combination with other information in, or likely to come into, their possession).

However, REC review is not required under the harmonised GAfREC for research limited to use of previously collected, non-identifiable information. This exception also applies to research undertaken by staff within a care team using information previously collected in the course of care for their own patients or clients, provided that data is anonymised or pseudonymised in conducting the research. Such research would involve no breach of the duty of confidentiality owed by care professionals.

Exceptionally, the Research Ethics Service may accept an application for review of such research at the request of the sponsor, chief investigator or host organisation, where it agrees that the proposal raises material ethical issues.

All above study types still require HRA review and approval.

References:
HRA:
http://www.hra.nhs.uk/resources/research-legislation-and-governance/governance-arrangements-for-research-ethics-committees/
GAfREC:
https://www.gov.uk/government/publications/health-research-ethics-committees-governance-arrangements
Appendix 1 – REC Remit Change Guidance

Main changes to the remit of RECs

1. Legal requirements for REC review

The harmonised GAfREC updates the remit of REC to include a range of legal requirements for REC review flowing from legislation which has come into force since 2001. These are summarised in paragraphs 2.3.5-2.3.6 of GAfREC and incorporated within the NRES algorithm (see link above).

For more detailed information about each area of legislation (e.g. clinical trials, human tissue, adults lacking capacity, radiation), refer to the algorithm and additional guidance at http://www.nres.npsa.nhs.uk/applications/approval-requirements/ethical-review-requirements/requirements-for-ethical-review-under-legislation/

Under the NRES Standard Operating Procedures, first produced in 2004, RECs have been routinely accepting all applications for ethical review required by legislation. In addition to those required under the policy in the 2001 edition. Therefore the updating of GAfREC will make no difference in practice either to the requirements for application or the service provided to researchers.

2. Social care

Under the 2001 edition, which applied to NHS RECs, the remit of RECs was limited to research involving the NHS, broadly speaking to projects involving NHS patients or their tissue and data, relatives and carers of NHS patients, NHS staff and NHS facilities.

The harmonised edition extends the remit of RECs within the UK Health Departments’ Research Ethics Service to research involving other participants who are users of any of the services for which the UK Health Departments are responsible. This includes adult social care in England, and both adult and children’s social care in Wales and Northern Ireland.

For further guidance about applications for review of social care research in England, refer to http://www.nres.npsa.nhs.uk/applications/approval-requirements/ethical-review-requirements/social-care-research/ or to http://www.srec.org.uk. In Wales and Northern Ireland, social care research applications may be submitted to any REC.

3. Research involving staff

Under the 2001 edition, REC review was required for research involving NHS staff recruited as research participants by virtue of their professional role. Such research, or equivalent research involving the staff of social care providers, is excluded from the normal remit of RECs under the harmonised edition of GAfREC.
For example, a research project limited to administration of questionnaires or interviews with care staff or managers would no longer require review by a REC within the UK Health Departments’ Research Ethics Service. Alternative sources of review may be available, e.g. from a university REC.

Exceptionally, the Research Ethics Service may accept an application for review of such research at the request of the sponsor, chief investigator or host organisation, where it agrees that the proposal raises material ethical issues. Agreement should be sought from the responsible operational manager for the local REC centre prior to submission of the application. Requests should be sent by email, including a summary of the research proposal (maximum one page) and explanation of why the project raises significant issues which cannot be managed routinely in accordance with established guidelines and good practice, and requires ethical consideration and advice from a REC. Contact points for operational managers are at http://www.nres.npsa.nhs.uk/contacts/nres-office-and-departmental-contact-details/

4. Research involving previously collected, non-identifiable tissue samples

Research limited to use of previously collected, non-identifiable material consisting of or including cells in accordance with the terms of donor consent is generally excluded from REC review.

However, REC review would be required if any of the following applied:

(a) Consent for research has not been given, or the research is not within the terms of the consent
(b) The samples will be held on premises in England, Wales or Northern Ireland without a licence from the Human Tissue Authority to store relevant material for scheduled purposes
(c) The research also involves removal, storage or use of new samples from the living or the deceased
(d) The research also involves use of identifiable information held with the samples.

5. Research involving acellular material

Research limited to use of human biological material not consisting of or including cells (e.g. plasma, serum, DNA) is also generally excluded from REC review.

However, REC review would be required if the research involved:

(a) Collection of tissue samples from patients in order to extract acellular material for the research
(b) Collection of information from patients
(c) Use of previously collected information from which patients could be identified by the researchers
(d) Analysis of DNA in material from the living, where consent for research is not in place from the person whose body manufactured the DNA.

Guidance on biological material generally considered to be acellular is available within the guidance issued by the Human Tissue Authority on defining ‘relevant material’ for the purpose of the Human Tissue Act 2004

http://www.hta.gov.uk/legislationpoliciesandcodesofpractice/policiesandpositionstatements.cfm

6. Research involving previously collected, non-identifiable information

Under the 2001 edition, REC review was required for any research involving the data of NHS patients.

REC review continues to be required for research involving collection of information from patients or service users for research.

REC review is also required for research involving use of previously collected information from which patients or service users could be identified by researchers outside the usual care team (either directly from that information or in combination with other information in, or likely to come into, their possession).

However, REC review is not required under the harmonised GAfREC for research limited to use of previously collected, non-identifiable information. This exception also applies to research undertaken by staff within a care team using information previously collected in the course of care for their own patients or clients, provided that data is anonymised or pseudonymised in conducting the research. Such research would involve no breach of the duty of confidentiality owed by care professionals.

7. Research involving prisoners

REC review is required for health-related research involving prisoners in the custody of the National Offender Management Service (i.e. the Prison Service in England and Wales), the Scottish Prison Service or the Northern Ireland Prison Service.

Applications should normally be submitted to flagged RECs in England and Wales, or to any REC in Scotland and Northern Ireland.

8. Healthcare market research

Paragraph 2.3.14 of the harmonised GAfREC clarifies that REC review is not normally required for healthcare market research conducted by professional market researchers in accordance with the Legal and Ethical Guidelines issued by the British Healthcare Business Intelligence Association (BHBIA).
Exceptionally, such research may be accepted for review by the Research Ethics Service where it is agreed that material ethical issues arise. Pre-application requests should be sent to the responsible operational manager in the same way as for exceptional requests to review research involving staff (see section 3 above).

9. Research involving premises and facilities

Under the 2001 edition, research required REC review if it involved the use of, or access to, NHS premises and facilities.

Paragraph 2.3.16 of the harmonised edition clarifies that research limited to use of or access to a care organisation’s premises or facilities no longer requires REC review, provided that review is not required under other provisions of GA/REC. For example, a Phase 1 clinical trial undertaken by a Contract Research Organisation on premises rented from a NHS Trust would legally require REC review under the Clinical Trials Regulations. But research undertaken by a university department on NHS premises, involving healthy volunteers not recruited as NHS patients and not subject to any legal requirements, would not require review by a REC within the UK Health Departments’ Research Ethics Service and could be reviewed by the university’s research ethics committee.

National Research Ethics Service

August 2011