

December 2012/32

**Policy development**

**Consultation**

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Responses should be made online by  
**noon on Friday 8 March 2013**

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# Research integrity concordat

## Consultation on proposed implementation from 2013-14

# Research integrity concordat: Consultation on proposed implementation from 2013-14

To	Heads of HEFCE-funded higher education institutions Heads of universities in Northern Ireland
Of interest to those responsible for	Research management and administration Professional, statutory and regulatory bodies Current and prospective research students
Reference	2012/32
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## Executive summary

### Purpose

1. It is proposed that higher education institutions (HEIs) eligible to receive public funding for research through HEFCE should comply with a research integrity concordat published earlier this year. This consultation invites comments on whether compliance should become a mandatory requirement for HEIs, and how this might best be monitored.

### Key points

2. Research integrity refers to carrying out research to the highest standards of professionalism and rigour. It is secured when individual researchers, institutions and funding bodies work together to create effective systems and processes for ensuring that all the research for which they are responsible is conducted to such standards, and that any shortcomings in process or practice are identified and dealt with.

3. The UK research base enjoys a very high reputation for the excellence and integrity of its activity and outputs. Research integrity is fundamental to maintaining this, and to ensuring that these outputs can confidently be used to contribute to economic growth and national wellbeing.

4. On 11 July 2012, Universities UK (UUK) published a concordat to support research integrity. This was developed in collaboration with HEFCE, Research Councils UK, the Wellcome Trust and Government, and in consultation with HEIs and other bodies with an interest in research. The concordat coexists with and supports the mechanisms that some funders of research already have in place to promote best practice.

5. This consultation sets out how the Council's current accountability framework provides for the investigation of cases of reported research misconduct, and invites comments on the following proposals:

- a. That HEFCE should require compliance with the research integrity concordat by all HEIs eligible to receive our grant for research, and that this requirement should be set out in HEFCE's Financial Memorandum among the terms and conditions of HEFCE funding.

- b. That institutions in receipt of HEFCE research funding should provide assurance of compliance with the concordat, through the Council's established assurance mechanisms including the annual assurance return.

As these proposals are straightforward, this consultation consists of only two questions.

**Action required**

6. Responses to this consultation should be made online by **noon on Friday 8 March 2013**, using the electronic response form which can be accessed alongside this document at [www.hefce.ac.uk/pubs/year/2012/201232/](http://www.hefce.ac.uk/pubs/year/2012/201232/).

## Background

7. A strong research base in the UK provides the foundation for the development of new knowledge. This is not only an end in itself but, through collaboration with research users, underpins economic growth and drives international competitiveness. These outcomes are predicated on the consistently high reputation of the research base. Maintaining a reputation for research excellence requires that all research be conducted according to the highest standards of rigour and integrity. When misconduct occurs, the damage to research and the institutions in which it takes place can be severe. It is fortunately rare for significant misconduct to occur and to merit public notice, but cases of alleged misconduct such as those involving climate change research and the measles, mumps and rubella (MMR) vaccine indicate the damage that can be done when the highest standards are not seen to be applied across the research base.

8. In 2010, Research Councils UK and Universities UK (UUK) established the UK Research Integrity Futures Working Group. The group considered the existing arrangements for research integrity in the UK. It examined the terms of reference, and the resources that would be required for any new arrangements for research integrity from 2010 onwards. It recommended that the UK should have a single body to lead on the common issue of research integrity across all disciplines, all types of research and all research establishments.

9. On considering the recommendations of the working group, the funders of research took the view that establishing a new body with a monitoring or enforcement role was not the best way forward in the current environment. Rather, the emphasis should be on supporting higher education institutions (HEIs) in taking responsibility for the conduct of their own research. Shortly after publication of the working group's report and in response to a report of the House of Commons Science and Technology Committee, the Government made clear its view that establishing an additional regulatory body, in a field where several regulatory and licensing bodies are already active, would increase the burden on employers and risk causing unnecessary overlap and uncertainty. It was consequently agreed that UUK would lead on developing a research integrity concordat.

10. In July 2012 UUK published 'The concordat to support research integrity', the full text of which is available for download from the UUK web-site<sup>1</sup>. The concordat sets out five fundamental principles of good practice in research integrity, which underpin research in all disciplines and to which all of its signatories and supporters are committed. These are:

- maintaining the highest standards of rigour and integrity in all aspects of research
- ensuring that research is conducted according to appropriate ethical, legal and professional frameworks, obligations and standards
- supporting a research environment that is underpinned by a culture of integrity and based on good governance, best practice and support for the development of researchers
- using transparent, robust and fair processes to deal with allegations of research misconduct, should they arise

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<sup>1</sup> See [www.universitiesuk.ac.uk/Publications/Pages/concordattosupportresearchintegrity.aspx](http://www.universitiesuk.ac.uk/Publications/Pages/concordattosupportresearchintegrity.aspx).

- working together to strengthen the integrity of research, and reviewing progress regularly and openly.

The concordat sets out a number of actions that researchers, their employers and their funders should take to put these principles into practice.

## Proposals for consultation

### Adoption

11. HEFCE's involvement in this issue arises from our:

- interest in the reputation of UK and English higher education
- £1.6 billion of research funding for which we require accountability (research misconduct is a misuse of funds)
- interest in promoting good practice in the management of institutions.

12. In supporting the development of the concordat and in becoming a signatory, we have affirmed our view that the actions it proposes are a necessary and proportionate response to public concern about the integrity and reliability of publicly funded research; and have recognised that we have responsibilities for ensuring its application. We therefore consider that making compliance with the concordat a condition of HEFCE grant, for all institutions eligible to receive research funding, is a proportionate requirement, reflecting the importance that we and others attach to strong research governance. This will provide assurance to the Government, to research users and to the general public that public funding for research is used with integrity, and that appropriate mechanisms are in place to identify and respond to research misconduct where it may occur.

### Consultation question 1

Do you agree that compliance with the research integrity concordat should be a condition of HEFCE grant?

### Implementation

13. If we introduce a requirement for HEIs to comply with the concordat, the Council will need to take steps to monitor and support compliance just as for any other requirement that we introduce. This can be done in principle within our existing accountability framework.

14. HEFCE has a long-standing regulatory duty to ensure that HEIs in receipt of public funds are accountable for these funds. Our policy is to take the impact of regulation into consideration and to ensure that our requirements are proportionate.

15. Although higher education providers are autonomous, we expect institutions to have governance and management processes that can readily demonstrate proper control over and accountability for the use of public funds. Through these mechanisms HEFCE is assured that institutions can account for the public funds that they receive.

16. Our Financial Memorandum (FM) sets out the terms and conditions for payment of HEFCE grants<sup>2</sup>. It outlines the formal accountability framework within which HEFCE and higher education

<sup>2</sup> A model FM is available online at [www.hefce.ac.uk/whatwedo/reg/instfinance/financialmemorandum/](http://www.hefce.ac.uk/whatwedo/reg/instfinance/financialmemorandum/).

institutions operate. Institutions are accountable to HEFCE for ensuring that funds are used for the purposes for which those funds were given, and that the conditions attached to these funds are complied with. Accountable officers of HEIs in receipt of HEFCE funding are required to submit and sign an annual assurance return<sup>3</sup>. This declaration provides HEFCE with assurance that institutions have complied with the terms and conditions set out in the FM.

17. Institutions are also required to report any material adverse change in their circumstances and any serious incidents at the time when they are identified.

18. The FM states that

*'The HEI's accountable officer must report any material adverse change without delay'* (FM, Annex A, paragraph 16)

to the HEFCE chief executive, and further that:

*'HEIs must report serious incidents to HEFCE at the time when they are identified'* (FM, Annex H, paragraph 8).

19. The FM provides the following examples of a material adverse event:

*'a significant and immediate threat to the HEI's financial position, significant fraud or major accounting breakdown'* (FM, Annex A, paragraph 16)

and describes a serious incident as one which

*'has resulted in, or could result in, a significant loss of funds or a significant risk to a charity's property, work, beneficiaries or reputation'* (FM, Annex H, paragraph 8).

20. More guidance as to what might constitute a serious incident for an HEI is available on the charity regulation section of the HEFCE web-site<sup>4</sup>. In the annual assurance return there is a specific declaration that serious incidents have been appropriately reported to HEFCE.

21. The FM further states that accountable officers

*'are required to advise the governing body if, at any time, any action or policy under consideration by the governing body appears [...] to be incompatible with the terms of the Financial Memorandum'* (FM, Annex J)

and that the HEFCE chief executive must be informed,

*'in writing immediately if the governing body decides nevertheless to proceed with such an action or policy'* (FM, Annex J).

22. We judge that this framework will be effective in ensuring that any significant cases of research misconduct are brought to our attention, and that the necessary action is taken within the HEI. However, we do not consider that it provides sufficient assurance that institutions have put in place the necessary internal processes and guidelines to reduce the likelihood of future misconduct, as recommended in the concordat. In our view the key to achieving research integrity lies at least as much in effective preventive practice as in arrangements for dealing with problems that may arise. We therefore propose to introduce supplementary measures to assure

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<sup>3</sup> The annual assurance return for 2012 is at Annex E to 'Annual accountability returns 2012' (HEFCE 2012/23), available online at [www.hefce.ac.uk/pubs/year/2012/201223/](http://www.hefce.ac.uk/pubs/year/2012/201223/).

<sup>4</sup> See [www.hefce.ac.uk/charityreg](http://www.hefce.ac.uk/charityreg).

ourselves that the institutions we fund are also implementing this aspect of the concordat. In principle we have identified two options for this:

- a. To identify or establish a national body with a specific responsibility for monitoring research integrity, possibly including following up cases of alleged or reported misconduct.
- b. To monitor compliance through our existing assurance mechanisms.

23. The arguments for and against establishing a national body have been debated at some length, as set out in paragraphs 7 to 10. Against that background, and bearing in mind that a source of expert advice on research conduct and management, with a significant number of HEIs as subscribers, already exists in the UK Research Integrity Office, we would regard the establishment of a new national body as disproportionate. On the other hand, a mechanism is already in place that we could use to monitor compliance with the concordat, in the form of the annual assurance return described in paragraph 16. In addition to the requirements for notification of adverse change or serious incidents, we could introduce a requirement for institutions to confirm in their annual assurance return that they are in compliance with the concordat, particularly in relation to its recommendations for internal processes and guidance, and for staff training.

24. This is therefore our preferred approach. We propose that a signed statement in the annual assurance return will provide us with assurance that institutions have met with the commitments set out in the concordat, and that by this means compliance with the concordat will become a condition of HEFCE grant from 2013-14 for all institutions eligible to receive our grant for research.

#### **HEFCE's duties in the event of a report of non-compliance**

25. Where we are informed that an institution is operating in a manner that is inconsistent with terms and conditions of the FM, either by the institution itself or by a third party, we must satisfy ourselves that the matter has been investigated, appropriate action taken, and the relevant people informed.

26. In the event of an allegation of non-compliance, this consultation proposes that HEFCE's existing approach to engagement and support as outlined in the FM will apply. The principles underlying our institutional engagement and support strategy are that we will:

- protect the interests of the public and the taxpayer
- respect the independence of HEIs
- maintain an open dialogue on matters of mutual interest
- seek to intervene only when necessary – but do so vigorously, using the full extent of our powers, when we judge that an institution's management and governors are not effectively addressing risks to public funds and the interests of students
- be open with the HEI regarding our risk assessment and resulting requirements, and, if warranted on public interest grounds, disclose our risk assessments publicly
- ensure our involvement is proportionate to the risks
- end our enhanced involvement as soon as possible.

27. Our current public interest disclosure, or whistleblowing, policy and procedure would apply where we receive allegations of non-compliance with the concordat<sup>5</sup>.

### **Consultation question 2**

Do you agree with the proposal that demonstrating compliance with the research integrity concordat should be integrated into HEFCE's existing reporting requirements, and that this represents a proportionate and reasonable way to ensure compliance?

### **Responses to the consultation**

28. This is an open consultation and we welcome views from anyone with an interest in research, including prospective and existing research students. Responses to this consultation should be made online by noon on Friday 8 March 2013.

### **Next steps**

29. The responses to this consultation will be considered by the HEFCE Board at its meeting in April 2013. Decisions of the Board will then inform any necessary changes to HEFCE's FM. Any such changes will take effect from the academic year 2013-14.

30. A summary and analysis of consultation responses will be published in due course after the end of the consultation period. We may publish individual responses to the consultation within the summary.

31. Additionally, all responses may be disclosed on request, under the terms of the Freedom of Information Act. The act gives a public right of access to any information held by a public authority, in this case HEFCE. This includes information provided in response to a consultation. We have a responsibility to decide whether any responses, including information about your identity, should be made public or treated as confidential. We can refuse to disclose information only in exceptional circumstances. This means that responses to this consultation are unlikely to be treated as confidential except in very particular circumstances. For further information about the act see [www.ico.gov.uk](http://www.ico.gov.uk).

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<sup>5</sup> The policy and procedure are available at [www.hefce.ac.uk/whatwedo/reg/assurance/publicinterestdisclosures/](http://www.hefce.ac.uk/whatwedo/reg/assurance/publicinterestdisclosures/).