

HUMAN RESEARCH ETHICS REVIEW IN VICTORIA

# Developing Best Practice in Human Research Ethics Review





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## Purposes of this report

This document serves two related purposes. In the first place, it constitutes a final report to the Consultative Council for Human Research Ethics of a professional development project. In the second, it contains guidance for human research ethics committees in the conduct of ethical and scientific review of human research proposals. The aim of the guidance is the development and establishment of best practice in the conduct of those reviews. Accordingly, the guidance identifies and explains the use of a number of proposed Good Practices that show promise of becoming best practice with further use and refinement.

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# Executive Summary

Best practice in Australian human research ethics review should be defined by reference to the achievement of the purpose of that review that is, in turn, provided by the *National Statement on Ethical Conduct in Human Research* (NHMRC, ARC, UA) 2007 as being:

“...to promote ethically good human research. Fulfillment of this purpose requires that participants be accorded the respect and protection that is due to them. It also involves the fostering of research that is of benefit to the community.”

Best practices will be those that, through implementation, demonstrate the most reliable achievement of this objective. There has been little development of best practices in Australian human research ethics review.

The report is structured according to six contexts in which human research ethics review practices can be identified, namely,

- establishment of HRECs and advisory sub-committees
- preparation for scientific and Ethical Review
- preparation for deliberation by the HREC
- deliberation and decision-making at an HREC meeting:
- recording and communicating the HREC's decisions
- collaboration, communication and education.

In each context, practices that currently show promise as likely best practice, but whose implementation is not yet sufficient to demonstrate this are referred to as Good Practices.

In the establishment context, Good Practices are identified for the terms of reference for an HREC. These clearly define the scope of its responsibility, its functions and roles, its membership and its accountability.

In the preparation for scientific and ethics review context, Good Practices are identified for the terms of reference of scientific advisory sub-committees, the content of scientific advice and agreements to engage expert scientific advisers. The importance of the terms of reference is to clearly distinguish the role of such sub-committees from those of HRECs. There is not a standard for the form of scientific advice to an HREC but identifying essential content of such advice is a step toward best practice.

In the preparation for deliberation by an HREC context, Good Practices are identified for ethics review as a guide for new HREC members and for experienced members. In both this context and that for scientific advisory sub-committees, the provision of agenda papers by electronic means is also identified as a practice to be achieved.

In the HREC deliberation and decision-making context, Good Practices are identified for the roles and responsibilities of an HREC chair and for the allocation of review responsibilities for amendments, adverse event reports and progress and final reports. In this context, the review by HRECs of participant information and consent forms (PICFs) is discussed and, in the present absence of a Good Practice, a suggestion is made for moving toward best practice by categorising levels of significance of PICF issues.

Good Practices for the minutes of an HREC and for the letters to investigators are identified in the recording and communicating decisions context.

Finally, the value and importance of continuing collaboration and continuing education is noted in the collaboration, communication and education context, where examples of practical approaches to HREC continuing education are noted.

# The Concept of Best Practice

It is essential for an effective, well-utilised system of single review of health and medical research across multiple sites that

- information required for applications,
- criteria used by reviewers, and
- justification for the outcomes of the reviews

are substantially consistent so that investigators know what is expected of them and can have confidence in the system.

Best practice provides the framework within which HRECs deliberate and reach their own decisions on the scientific and ethical acceptability of each research proposal that is reviewed.

There are numerous definitions of best practice but all have one feature in common, namely, that a practice is regarded as best because of what it achieves.

One definition is that a best practice is a technique or methodology that, through experience and research, has proven to reliably lead to a desired result. In another, best practice means finding – and using – the best ways of working to achieve (business) objectives.

In order to apply this concept of best practice to the ethical review of human research proposals, the objectives or purposes of ethical review need to be determined.

## The Objectives of Ethics Review of Human Research

In Australia, these objectives can be found in the *National Statement on Ethical Conduct in Human Research*, (NHMRC, ARC, UA, 2007). At page 6, the purpose of the National Statement is stated as:

“...to promote ethically good human research. Fulfillment of this purpose requires that participants be accorded the respect and protection that is due to them. It also involves the fostering of research that is of benefit to the community.”

The practices followed by ethical review bodies in Australia that are shown through experience and research to reliably meet this objective would be best practices. Many different practices may do so, but those that do so most effectively and reliably are best practices.

## **The National Statement and Institutional Best Practice**

Institutions that need to be eligible for public competitive human research funding from the National Health and Medical Research Council (NHMRC) or the Australian Research Council (ARC) need a human research ethics committee to review any human research for which they are responsible. The contractual conditions under which that research funding is provided to institutions requires that these HRECs need to be established and operate in conformity with the National Statement.

Those funding contracts also provide that a condition of maintaining eligibility for research funding is that institutions submit an annual report to the NHMRC that the HREC that it uses was established and, during the previous twelve months, continued to operate in accordance with the National Statement.

The National Statement contains guidelines for the ethical design, review and conduct of human research and many of these guidelines will be relevant only for specific types of research or of research participants. The National Statement also imposes other important obligations on HRECs and institutions.

These are contained in chapters 5.1 (for institutions) and 5.2 (for HRECs and review bodies), particularly paragraphs 5.2.13 to 5.2.31. These obligations apply regardless of the type of human research that is reviewed or the kind of research participants that are involved. Annual reports to the NHMRC that state that an HREC has operated in conformity with the National Statement mean that these obligations have been met.

## **Best Practice and Institutions**

Best practices are objective – they can be adopted and implemented in any context for which they are designed. They also have the important function as benchmarks against which institutions can assess their own practices.

Effective institutional assessment will only be possible if its practices are also objective: can be seen and described independently of the individuals whose role it is to apply or operate them. Where institutional practices exist only in the experience, intuition and discretion of specific individuals or an acquired familiarity and trust among groups of individuals, assessment against benchmark best practices is unlikely to be meaningful.

The effective use of best practices as benchmarks recognises and respects the key element of effectiveness. Institutional practices may not be described in precisely the same way as best practice but will match a best practice benchmark if they are shown to be as effective in achieving relevant objectives.

Best practices evolve through promulgation, encouragement, trial communication and revision. Best practices are not imposed as authoritative prescriptions but adopted because of their effectiveness.

## **Best Practice and Professional Development**

An important element in the development of best practice in human research ethics review is the maintenance of the ethical dimension of practice: ethics cannot totally be reduced to forms and procedures. These best practices will direct members of the HRECs to consider relevant guidelines in the National Statement. Accordingly, the reminder that the National Statement offers guidance on how to use those guidelines is important:

“These ethical guidelines are not simply a set of rules. Their application should not be mechanical. It always requires, from each individual, deliberation on the values and principles, exercise of judgement, and an appreciation of context.” (*National Statement on Ethical Conduct in Human Research, 2007, NHMRC, ARC, UA, p.13*)

Professional development of HREC members is directed to the development of their experience and competence in identifying and analysing issues of human research ethics presented by research proposals and in devising and expressing clear and cogent reasons for seeking information from researchers or for recommending changes to a proposal. This is a constant and on-going activity that needs to be maintained at the same time that best practices are being established and during their on-going use and development.

## From Good Practice To Best Practice

This report contains a number of sections under the heading “Toward Best Practice”. This is because these are early steps in the development of best practices.

The recommendations in this report identify practices that, on current experience, show promise of being recognised as best practice with further use, development and refinement. These are called **Good Practices** to indicate that while they currently represent good practice, they should be regarded as open for improvement following further use and improvement. In this way, the report is intended to contribute to the development of best practices.

HRECs in Australia, including the accredited committees and others in Victoria, have functioned for at least four decades with almost no external assessment or examination of their processes. As a result, there is little experience of external inquiry and little development of benchmarks of good practice. Identifying and developing good practices from the accredited HRECs and other experienced Victorian HRECs is likely to be of national value. However, such development will need institutions and their HRECs to be open to scrutiny and question and be willing to embrace change.

# Context 1 – Establishment

In establishing an ethics committee, clear terms of reference are the foundation for the operation of ethics review. The terms of reference should define the scope of an HREC's responsibility, the roles and functions, the composition, the appointment, responsibilities and entitlements of members and the structure of accountability.

**Good Practice 1.1** would achieve these ends and is designed for use in establishing a new HREC or when periodically revising existing terms of reference.

## Toward Best Practice

Moving toward best practice first needs to identify the essential matters for the establishment and operation of an HREC. In **Good Practice 1.1** these are:

- Establishment
- Scope of responsibilities
- Roles
- Functions – (that fulfil roles)
- Membership
- Appointment
- Members' responsibilities and Entitlements
- Chair and Deputy Chair Responsibilities and Entitlements
- Accountability
- Sub-committees
- Meetings
- Procedures
- Revision date

# Good Practice 1.1: Terms of Reference for an HREC

## 1. Establishment

- 1.1 The (institution) HREC has been established by the (institution) in exercise of its commitment to the conduct of human research according to the highest scientific and ethical standards.
- 1.2 The [name] HREC acts by way of delegated authority of the [Board of Directors] of the [institution] and has executive authority conferred upon it to fulfil the roles and carry out the functions detailed in these Terms of Reference
- 1.3 The [Board of Directors], of the [institution] may consider and implement changes to the structure and operations of the HREC including dissolution, streamlining, re-configuration and establishment as deemed appropriate from time to time, provided that any changes do not compromise the capacity of the HREC to meet all relevant standards and procedures.
- 1.4 The [name] HREC will act in accordance with the Terms of Reference as amended from time to time.

## 2. The scope of responsibility

- 2.1 The HREC has been established to conduct scientific and ethical reviews of
  - 2.1.1 proposals for human research to be undertaken at or under the auspices of (the institution),  
  
AND/OR
  - 2.1.2 proposals for human research received by the HREC in the exercise of its function as an accredited HREC within the streamlined ethical review of clinical trials programme of the Department of Health Victoria, and  
  
AND/OR
  - 2.1.3 proposals for human research received by the HREC in the exercise of review processes accepted, accredited or certified for the purposes of any other system designed to eliminate unnecessary duplication of ethics review of human research.

### 3. Roles

The roles of the HREC are to:

- 3.1 Ensure that the design and conduct of any human research that it reviews within the scope of its responsibilities conforms with the National Statement on Ethical Conduct in Human Research (NHMRC, ARC, UA, 2007) (*National Statement*) and other relevant national codes of human research ethics and also with the ethical standards to which [the institution] is committed.
- 3.2 Ensure that participants in any human research that the HREC reviews and approves are accorded the respect and protection that is due to them.
- 3.3 Facilitate and foster human research that is of benefit to Australian communities.
- 3.4 Ensure that any decision it makes complies with relevant Victorian and Australian laws.

### 4. Functions

In fulfilling these roles, the HREC will:

- 4.1 Receive and review proposals for human research projects to determine whether they meet all relevant ethical standards;
- 4.2 Ensure that it is sufficiently informed on all aspects of a research proposal, including its scientific and statistical validity, before deciding whether a proposal is both acceptable on ethical grounds and conforms with the *National Statement*;
- 4.3 Decide whether participants in all reviewed and approved human research projects will be accorded the protection and respect that is due to them;
- 4.4 Advise the [institution] and researcher applicants whether or not reviewed research proposals meet relevant ethical standards and have or have not been approved and provide reasons, linked to the National Statement, for those decisions;
- 4.5 Determine, in relation to each reviewed and approved research project, that there will be mechanisms to monitor the conduct of the research and that the frequency and type of those mechanisms reflect the degree of risk to participants;

- 4.6 Offer relevant advice and assistance to other institutions without formally constituted HRECs;
- 4.7 Implement systems adopted by the [institution] to promote the efficient ethical review of multicentre research projects in order to minimise unnecessary duplication of ethical review of human research;
- 4.8 Have the authority to delegate to a subcommittee any of its powers and functions that are capable of being delegated in order to assist in the expeditious and effective ethical review of research proposals. The HREC will remain responsible and accountable for the activities and recommendations of any subcommittees;
- 4.9 Consider issues referred by the [CEO and/or Board of Directors] of the [institution] and, where appropriate, provide advice to the [CEO and/or Board of Directors] especially on policy issues with ethical implications;
- 4.10 Provide a forum in which [staff, patient, carer, student] concerns regarding ethical issues in research can be considered and investigated; and,
- 4.11 Promote a deeper understanding of ethical issues related to research within the [institution] through educational activities.

## 5. Membership

- 5.1 The [name] HREC will be constituted in conformity with the *National Statement* and will have at least eight (8) members, both men and women, namely:
  - 5.1.1 A chairperson, with suitable experience, whose other responsibilities will not impair the HREC's capacity to carry out its obligations under the National Statement
  - 5.1.2 At least two members who are laypeople, one man and one woman, who have no affiliation with the institution and do not currently engaged in medical scientific, legal or academic work
  - 5.1.3 At least one person with knowledge of, and current experience in, the professional care, counselling or treatment of people,
  - 5.1.4 At least one person who performs a pastoral role in a community,
  - 5.1.5 At least one lawyer, who, where possible, is not engaged to advise the [institution],

- 5.1.6 At least two people with current research experience that is relevant to research proposals to be considered at the meetings they attend.
- 5.2 Wherever possible, the [CEO] of [the institution] will ensure that one or more of the appointed members are experienced in reflecting on and analysing ethical decision-making.
- 5.3 The [CEO] of [the institution] will also appoint from the appointed members one member to serve as Deputy Chairperson on such terms and conditions and for such a period as the [CEO] determines.
- 5.4 The [institution] may add to the membership such other persons as is necessary to ensure that the HREC has access to the expertise necessary to enable it to address the ethical issues arising from the categories of research it is likely to consider.

## 6. Appointment

[The institution] may recruit members for the HREC in such manner and shall appoint them for such periods and on such terms and conditions as it determines, however in ordinary circumstances:

- 6.1 [The institution] will adopt open and transparent processes including advertising for applications for membership and making appointments of members.
- 6.2 Members will be appointed by the [CEO] of [the institution] for a term of three years and eligible for re-appointment for a second term but no member may serve more than two successive terms, except with the express approval of the [CEO].
- 6.3 Where a member is appointed to fill a casual vacancy ('the casual member') that appointment shall expire at the time when the previous member's term would have expired. The casual member shall then be eligible for appointment for the following term.
- 6.4 All recommendations for membership will be provided to the [CEO] of [the institution] who will make the appointments.
- 6.5 Members will receive a formal notice of appointment that will include an assurance by the institution of legal protection for any liability that may arise in the course of the bona fide conduct of their duties.

- 6.6 Members who are absent from three successive meetings of the HREC without the approval of the Chair will cease to be members.
- 6.7 Members may resign their membership by written notice to the [CEO] of [the institution].
- 6.8 The appointment of any member may be terminated if the [CEO] of [the institution] is of the opinion that:
- it is necessary for the proper and effective functioning of the HREC; or
  - the person is not a fit and proper person to serve on an HREC.

## **7. Members Responsibilities and Entitlements**

- 7.1 Each member is responsible for deciding whether, in his or her judgment, a proposal submitted to the HREC meets the requirements of the National Statement and is ethically acceptable.
- 7.2 Each member will be provided with an induction and orientation to the functions of the HREC and be offered the opportunity of being assisted by a current HREC member as a mentor.
- 7.3 Each member is responsible to:
- disclose to the HREC any conflicts of interest that may affect the HREC's review of a research proposal
  - protect the confidentiality of information received in the exercise of his or her duties;
  - become familiar with the National Statement and other relevant guidelines
  - prepare for and attend HREC meetings or, if unavailable, provide opinions on ethical acceptability of research proposals;
  - undertake continuing education in human research ethics once every three years.
- 7.4 Members who are not staff members of [the institution] may be offered an honorarium for each attendance at a committee meeting. The value of the honorarium will be determined from time to time by the [CEO] of [the institution].

## 8. Chair and Deputy Chair Responsibilities and Entitlements

- 8.1 In addition to the responsibilities and entitlement as members, the Chair and Deputy Chair will have the following responsibilities.
- 8.2 The Chair must not have other responsibilities that will impair the HREC's capacity to fulfil the obligations under the National Statement and fulfil roles and carry out the functions set out in these Terms of Reference.
- 8.3 The Chair is responsible to ensure that HREC decisions are informed by an exchange of views from those members who comprise the minimum membership, whether in full attendance or through the receipt and consideration from some of those members who cannot be present. (NS 5.2.29–30). Achieving such decisions requires that the Chair:
  - actively engages all members;
  - elicits their views; and
  - communicates their responses to other members.
- 8.4 As the HREC endeavors to reach decisions by general agreement, which need not involve unanimity (NS 5.1.31), the Chair will need to facilitate the expression of opinion from all members, identify points of agreement and of disagreement and judge when a sufficient degree of general agreement has been reached.
- 8.5 The Chair is responsible for guiding the manner in which the HREC communicates with investigators (NS 5.2.13–14, 5.2.22) and the decisions about inviting investigators to attend HREC meetings (NS 5.2.18).
- 8.6 The Deputy Chair should support the Chair in the performance of, and be capable of fulfilling, the responsibilities of the Chair whenever the Chair cannot attend meetings or perform any other function.

## 9. Accountability

- 9.1 The HREC is accountable to the [CEO] of [the institution] for the exercise of its functions and the fulfilment of its roles.
- 9.2 The HREC will regularly provide copies of the minutes of its meetings to the office of the [CEO] of [the institution].
- 9.3 The HREC will provide an annual report to the [CEO] that will contain a summary account of
  - the number of research ethics proposals received, reviewed, approved and rejected;
  - any complaints received from either researchers about the conduct of the HREC or from participants or others about the conduct of research approved by the HREC;
  - any changes in membership of the HREC;
  - any changes in the procedures used for the performance of its functions; and
  - any changes in staffing levels and personnel who provide administrative support to the HREC.
- 9.4 The annual report to the CEO will also include an evaluation of the performance of the HREC identifying any factors, including the level of administrative support, that have affected or in the next year may affect the integrity and efficiency of the HREC's performance.
- 9.5 The Chair of the HREC will review and approve any reports of activities of the HREC, whether to [the institution], to the NHMRC or to the Office of the Health Services Commissioner in Victoria.
- 9.6 The HREC, through the Chair, may at any time bring to the attention of the CEO or delegate any issues of significant concern that merit prompt consideration and attention.

## 10. Subcommittees

In order to enable the HREC to fulfil its roles and perform its functions, it may appoint such subcommittees as it considers necessary.

## 11. Meetings

- 11.1 The HREC will meet each month, with the exception of January, and will publish the dates of its meetings and submission closing dates for applications.
- 11.2 Decisions at meetings must be made following an exchange of opinions from each of the members who constitute the minimum membership, whether at a face to face meeting, by teleconference or videoconference or where one of those members is absent, by the receipt and consideration of that member's views.
- 11.3 The HREC will endeavour to reach decisions by general agreement, which need not involve unanimity.
- 11.4 The HREC will record decisions about approval, amendment or rejection of proposals in written or electronic form, with reasons for those decisions linked to the relevant sections, chapters or paragraphs of the National Statement.

## 12. Procedures

The HREC shall establish, implement, document and notify (if required) the [institution] of its working procedures concerning:

- Frequency of meetings
- Attendance at meetings
- Conduct and structure of meetings and deliberations
- Preparation of agendas and minutes
- Timely distribution of papers prior to meetings
- Presentation of applications for ethical review
- Timely consideration and review of applications
- Identifying, declaring and managing conflicts of interest
- Protection of confidentiality of the content of protocols and of committee proceedings
- Communicating, informally and formally, with researchers,

- Methods of decision-making
- Prompt notification of decisions
- Record keeping
- Reporting and handling of adverse occurrences
- Receiving and handling of complaints
- Advising institution(s) or organization(s) of decisions to withdraw ethical approval of a research project
- Attendance of people other than members or researchers as observers.

### **13. Revision date**

These terms of reference shall be reviewed every [number] years.

# Context 2 – Preparation for Methodological and Ethical Review

This Part discusses the following elements that constitute preparation before the HREC meets:

- a) prior scientific/methodological advice, whether this is obtained from an HREC scientific sub-committee, a member of an institutional panel or an external expert;
- b) the terms of reference for a scientific sub-committee;
- c) the agenda and meeting papers for a scientific sub-committee;
- d) the terms of engagement of an external expert, and
- e) the preparation of the HREC agenda and meeting papers.

## Scientific/Methodological Advice to HRECS

HRECs need to be satisfied that any research proposal submitted for ethical review has research merit and integrity (National Statement, paras. 1.1–1.3, p.12). These paragraphs can be summarised as requiring that:

- the research is justifiable by its potential benefit;
- the research uses methods appropriate to its aims and is based on current literature or prior studies;
- respect for participants is not compromised by the aims or conduct of the research;
- the researchers have appropriate experience, qualifications and competence
- there are appropriate facilities and resources;
- researchers are seeking knowledge and following recognised principles, and
- researchers will conduct research honestly and disseminate its results.

In order to be satisfied of these matters, HRECs need expert advice that can be provided in one of, or a combination of, four ways:

1. a suitably experienced and expert scientific advisory committee;
2. membership of an institutional panel of experts;
3. suitably experienced and expert member(s) of the HREC or,
4. a suitably experienced and expert external adviser.

## Toward Best Practice

### Terms of reference for scientific/methodological sub-committees (where relevant)

Where expert advisory committees are relied upon to provide expert advice to HRECs, moving toward best practice will first need to identify the matters that the terms of reference of such advisory committees need to address. These include:

- Establishment
- Roles
- Functions
- Membership
- Appointment
- Members Responsibilities and Entitlements
- Meetings
- Quorum
- Revision

These are used in **Good Practice 2.1: Terms of Reference for a Scientific/Methodological Advisory Sub-committee.**

There is value in clarifying roles and responsibilities between such sub-committees and HRECs. Where advisory committees serve other institutional functions, an HREC may not have direct input into those terms of reference, but it will be important that the terms of reference include the needs of an HREC for timely and informative advice.

There are other institutional sources of expert advice that are not sub-committees of an HREC. These include advice from drug or therapeutic committees that serve other institutional purposes in addition to those of the HREC, statistical advice and expert physicist advice on radiation. These can be invaluable in assuring an HREC of the statistical validity and feasibility of research proposals and of the safety of radiation use.

## Good Practice 2.1: Terms of Reference for a Scientific/Methodological Advisory Sub-committee

### 1. Establishment

The [institution name] Scientific advisory [sub-committee name] is established by the [institution] HREC as a sub-committee of the HREC.

### 2. Role

The role of the [Scientific advisory sub-committee] are to advise the [institution] HREC whether [all proposed human research projects and/or clinical trials] submitted to the [institution] for scientific and ethical review and approval conform with relevant principles and standards of science, statistics, efficacy and safety.

### 3. Functions

In fulfilling its role, the [Scientific advisory sub-committee] will undertake the following functions:

- 3.1 In relation to all proposals for [human research, including clinical trials], consider and assess:
  - their design and scientific or methodological validity, according to the relevant research discipline;
  - the adequacy of a literature review;
  - the suitability of theories and concepts on which the research proposal depends;
  - the suitability of the sampling methods proposed;
  - the suitability of the proposed methods of data collection and analysis;
  - where relevant, their safety and efficacy aspects;
  - where relevant, the adequacy of their proposed statistical methods and analysis;
  - the accuracy of any description of the design, methodological validity, safety, efficacy and statistical methods and analysis contained in any information to be provided to participants.
- 3.2 Advise [the institution] HREC of the [Scientific advisory sub-committee] opinion on these matters in the form and manner approved by the HREC.

- 3.3 In advising [the institution] HREC, the [Scientific advisory sub-committee] may draw attention to, and recommended that the HREC consider, any implications of the [Scientific advisory sub-committee's] assessment for the ethical acceptability of any proposal.
- 3.4 On request by the HREC, consider and assess the adequacy of any responses from investigators to questions or requests for amendment of proposals and advise [the institution] HREC of this assessment.
- 3.5 Provide advice to investigators/researchers on research design and process that improves the scientific validity and safety of research proposals.
- 3.6 Report the [Scientific advisory sub-committee's] activities on a regular basis to [the institution] HREC.
- 3.7 The [Scientific advisory sub-committee] may also seek external advice from relevant experts, where deemed necessary, to assist in the consideration of research proposals, in the manner and form approved by [the institution] HREC.

## 4. Membership

- 4.1 The [Scientific advisory sub-committee] membership is to include expertise and current research experience that is relevant to the types of [research proposals] [clinical trials] considered by [the institution] HREC.
- 4.2 There will be at least five (5) or more members as required.

## 5. Appointment

- 5.1 [The institution] HREC may recruit members for the [Scientific advisory sub-committee] in such manner and shall appoint them for such periods and on such terms and conditions as it determines. However in ordinary circumstances:
  - 5.1.1 the (institution) HREC will adopt open and transparent processes in seeking applications for and making appointments of members;
  - 5.1.2 members will be appointed by the [institution] HREC for a term of three years and eligible for re-appointment for a second term but no member may serve more than two successive terms, except with the express approval of the [institution] HREC.

- 5.1.3 not less than two (2) of the members of the [Scientific advisory sub-committee] will also be members of the [institution] HREC.
- 5.1.4 the [institution] HREC will appoint one member to be the chair of the [Scientific advisory sub-committee].

## 6. Members Responsibilities and Entitlements

- 6.1 Each member is responsible, to the extent of his or her expertise, for assessing the design, scientific validity, safety, efficacy, statistical methods and analysis and also the accuracy of any description of these matters in any information to be provided to participants.
- 6.2 All members must declare any actual or potential conflicts of interest in a research proposal at the [Scientific advisory sub-committee] meeting where the research is to be considered. Such conflicts of interest may include:
- personal involvement or participation in the research;
  - an affiliation or interest in the research – whether financial, private, professional or institutional, or
  - personal involvement in competing research.
- 6.3 Where a member declares any actual or potential conflicts of interest in a research proposal, that member will be excluded from meeting discussions and will not be permitted to adjudicate on such research.
- 6.4 Each members should
- undertake to protect the confidentiality of information received in the exercise of his or her duties;
  - prepare for and attend [Scientific advisory sub-committee] meetings or, if unavailable, provide opinions on scientific aspects of research proposals.
- 6.5 Members who are not staff members of the [institution] may be offered an honorarium for each attendance at a [Scientific advisory sub-committee] meeting. The value of the honorarium will be determined from time to time by the [CEO] of [the institution].

## 7. Meetings

The [Scientific advisory sub-committee] will meet monthly sufficiently in advance of the monthly meetings of the [institution] HREC to provide that committee with timely advice in relation to human research proposals that it will consider.

## 8. Quorum

- 8.1 The quorum for meetings shall be half the total number of members, in attendance at face-to-face meetings or by teleconference or videoconference.
- 8.2 The chair may convene a meeting with fewer than half of the members, provided that absent members have submitted their advice to the Chair and that advice is considered at the meeting.

## 9. Revision

These terms of reference shall be reviewed every (number) years.

## Meeting papers for methodological advisory sub-committees

The preparation and provision of meeting material in electronic form is recommended as a **Good Practice**. The format should enable ready navigation to material at each agenda item, for example, by using an indexed PDF file. Provision can be by the use of USB memory sticks, cds, iPads or via a secure dedicated server. In most circumstances, agenda material should be available to members not less than seven days before the meeting.

## Good Practice 2.2: Form of Agreement for External Scientific Adviser Recommended by Victorian Managed Insurance Authority (VMIA) in Protocol for First-Time-in-Human Trials

### Expert reviewer agreement

**Good Practice 2.2** is the form of agreement between the HREC and the expert reviewer entitled '*Agreement for the conduct of Expert Review of a clinical trial*' (available at the VMIA website). The text is not included in this Report.

## Good Practice 2.3: Scientific Advice Recommended by Victorian Managed Insurance Authority (VMIA) in Protocol for First-Time-in-Human Trials

### Protocol for expert advice to an HREC for first-time-in-human clinical trials

The protocol in relation to a first-in-human trial, where there is no other suitable clinical information available, is that recommended by the Victorian Managed Insurance Authority (VMIA) '*Protocol for review of the First Time in Human Drug Research Proposals under the CTN Scheme*' (available at the VMIA website) and is referred to as **Good Practice 2.3**, but the text is not included in this Report.

There are three expert reviewer proformas for:

- Pharmacology and Toxicology Expert Review
- Immunology Expert Review
- Formulation/Manufacturing Expert Review

Each protocol set has instructions, review proformas and review summary information to guide expert reviewers.

## Forms of expert advice to an HREC for clinical trial research other than first-time-in-human trials

### Good Practice 2.4: Expert Advice Other than First-Time-in-Human Trials

For these research proposals, moving toward best practice will need to identify the matters to be addressed for a clinical drug trial. These would include:

#### Administrative matters

- Reviewer
- Reference number
- Title
- IB and protocol version
- Trial phase
- CTN/CTX
- Principal investigator
- Sponsor/manufacture

#### Research question/experimental design

- Aims
- Intervention/observation
- Sound design, patient population, inclusion/exclusion criteria, primary outcome measures
- Control arm and standard care
- Statistical analysis
- Hybrid study justification
- Placebo

## Product information

- Manufacturing standards
- Animal/disease models
- Immunogenic, toxicities, contraception
- Efficacy evidence
- Dosing schedule
- Metabolism, renal clearance
- Drug interactions

## Safety

- PICF on side effects, drug interactions, dosage, etc
- Facilities

## Oversight

- Adequate monitoring, SAE's
- Data safety monitoring board



# Context 3 – Preparation for Deliberation by the HREC

The best practice recommendation for the HREC Agenda is to use the AU RED agenda functionality to generate an agenda. The AU RED agenda proforma can be edited as required.

The preparation and provision of meeting material in electronic form is recommended as a **Good Practice**. The format should enable ready navigation to material at each agenda item, for example, by using an indexed PDF file. Provision can be by the use of USB memory sticks, cds, iPads or via a secure dedicated server. In most circumstances, agenda material should be available to members not less than seven days before the meeting..

## Good Practice 3.1: HREC Agenda Generated in AU RED

This Part describes and recommends practices that occur following the distribution of meeting papers and before the HREC meeting. They are designed to prepare members to undertake scientific/methodological and ethical review of a research application and, for new members, to develop their working knowledge of the National Statement and, for experienced members, to maintain that knowledge.

The AU RED agenda template can be modified as required and applications, reports, etc will be listed under the relevant heading automatically when actions have been performed in AU RED.

**A meeting of the [name] HREC will be held on dd Month yyyy at [time] in [location/room].**

---

### Agenda

\* Papers are attached for items marked with an asterisk

### Attendance

<i>Name</i>	<i>HREC Appointment</i>	<i>Present/Absent</i>
Dr Lauren Reed	Chair	
Dr Arvin Sloane	Committee Member	

- 1. Apologies for absence**  
[auto-fill]
- 2. Declarations of interest**
- 3. Minutes of meeting held on [date].**
- 4. Matters arising**
- 5. New applications for ethical review\***

**6. Further information received**

**6.1 HREC/11/Vic Admin/23 [Title]**

Co-ordinating	Name	<input type="checkbox"/>
Principal Investigator:		
Attending at:	[time]	<input type="checkbox"/>
Type of review:	Ethical review only (SSA required at other sites) [type] research	<input type="checkbox"/>
Sponsor:	[name]	<input type="checkbox"/>
Lead reviewer:	[name]	<input type="checkbox"/>
Second reviewer:	[name]	<input type="checkbox"/>

**7. Complaints for review**

**8. Progress reports for review**

**9. Other reports for review**

**10. Amendments for ethical review\***

**11. Serious adverse events\***

**12. Other business**

**13. Other business for information**

**14. Any other business**

**15. Date of next meeting**

The next meeting of the [name] HREC will be held on [date].

## Toward Best Practice

### Review guides

There is a variety of opinion on the role and function of the *National Statement* in the preparation for deliberation at an HREC meeting and, accordingly, there is a similar variety of opinion regarding use of a guide for ethics review that seeks to link the issues to be addressed to the National Statement.

There is, however, agreement that a detailed review guide would be of value for new members and for induction programs. **Good Practice 3.2** is such a guide.

A detailed guide may not be valuable for experienced HREC members. Some members consider that, because they review an application from their particular perspective or that a case-by-case basis is always needed, a single form of guide is not suitable.

However, as noted above, there is support for introducing the National Statement to new HREC members by using a detailed guide as part of their induction. As the purpose of such an induction is to promote a review practice of regular reference to the National Statement, use of a simple reminder guide to the National Statement as members' experience grows and deepens would affirm and maintain that practice.

Some of the accredited committees currently use such guides adapted, to emphasise the ethical issues that regularly recur in their review experience. These guides remind members, at a practical level, of the National Statement considerations that ought always be considered, namely, the merit of a research proposal and the integrity of researchers (research merit and integrity), the benefits and risks of a project (beneficence), the selection and recruitment of participants (justice) and the manner in which the consent is sought and confidentiality and privacy protected (respect). **Good Practice 3.3** is such a reminder guide.

## Good Practice 3.2: Guide to Assist New HREC Members to Relate Issues in the Ethical Review of Human Research to the National Statement

NOTE ON USE: This is designed as an educational tool for individual new HREC members preparing for their contribution to the deliberation at HREC meetings and is not meant to be provided to the HREC in written form but used as a basis for discussion of the research project being reviewed or to provide a member’s viewpoint when they cannot attend a meeting.

**From the list of sections in the National Statement (pages 111–IV in Table of Contents) note any chapters that appear to be relevant to the research project under review:**

Value and Validity of the Research and the Expertise of the Researchers (Research Merit and Integrity)		
Questions whose answers are beyond your expertise may need to be answered by the HREC		
NS reference	Question	Answers
1.1(a)	What is the potential benefit that justifies this research?	
1.1(b)	Why are the methods to be used appropriate for achieving the aims of the research?	
1.1(c)	What is the basis for the research in current literature or previous studies?	
1.1(d)	How is the research designed to ensure that respect for participants will not be compromised by the aims of the research, the way it is conducted or its results?	

NS reference	Question	Answers
1.1(e)	Why are the experience, qualifications and competence of the researchers appropriate to this research?	
1.1(f)	Why and how are the facilities and resources that will be used appropriate?	
<b>Expertise and Integrity of the Researchers</b>		
1.3(a)	What is the knowledge and understanding that the researchers are seeking?	
1.3(b)	How will the researchers use recognised principles of research conduct?	
1.3(c)	How does the application show that the research will be conducted honestly?	
1.3(d)	How will the results be disseminated to permit scrutiny and contribute to public knowledge and understanding?	
<b>In the relevant NS chapters selected above, check their Research Merit and Integrity paragraphs for any other considerations.</b>		

### The Risks and Benefits of the Research (Beneficence)

NS reference	Question	Answers
1.6	Why and how do the likely benefits of the research justify risks of harm or discomfort to participants?	
1.7(a)	How does the design of the research minimise the risk of harm or discomfort to participants?	
1.7(b)	How are the potential benefits and the risks of the research sufficiently clarified for participants? (see PICF)	
1.7(c)	How will the researchers fulfil their responsibility for the welfare of the participants?	
1.8	How have the risks to participants been reduced for participants that will not benefit?	
<p><b>In the relevant NS chapters selected above, check their Beneficence paragraphs for any other considerations.</b></p>		

<b>Consent, Confidentiality and Privacy (Respect)</b>		
<b>NS reference</b>	<b>Question</b>	<b>Answers</b>
1.10	How does the research give due respect for participants: (a) welfare (b) beliefs (c) perceptions (d) customs (e) cultural heritage?	
1.11	How will researchers and their institutions respect privacy, confidentiality and cultural sensitivities of participants?	
1.12	How will the research give due scope to the capacity of participants to make their own decisions?	
1.13	Where participants cannot make their own decisions, how will researchers empower and protect them?	
2.2.2	How will participation in the research be: (a) voluntary (b) based on sufficient information (c) based on an adequate understanding of purposes, methods, demands, risks and potential benefits of the research? (see PICF)	
<p><b>In the relevant NS chapters selected above, check their Respect paragraphs for any other considerations.</b></p>		

### Fair Recruitment and Involvement (Justice)

NS reference	Question	Answers
1.4(a)	Why and how are the selection, inclusion and exclusion criteria for the research fair?	
1.4(b)	Why and how is the recruitment process fair?	
1.4(c)	Why is there no unfair burden of participation on particular groups?	
1.4(e)	Why is there no exploitation of participants?	
1.4(f)	Why and how is access to the benefits of the research fair?	
1.5	How will timely and clear access to the outcomes of the research be provided to participants?	

**In the relevant NS chapters selected above, check their Justice paragraphs for any other considerations.**

## Good Practice 3.3: HREC Application Review Reminder Guide

Meeting Number and Date:

Application Number:

Application Title:

Chief Investigator:

Nature of Research:

Research Merit and Integrity		
	National Statement references	Notes
Project aims and merit: comments and questions	<ul style="list-style-type: none"> <li>• Justifiable by potential benefit 1.1(a)</li> <li>• Methods appropriate to achieve aims 1.1(b)</li> <li>• Based on current literature/ prior studies 1.1(c)</li> <li>• Prior peer review? 1.2</li> <li>• Design ensures respect 1.1(d)</li> </ul>	
Researchers: comments and questions	<ul style="list-style-type: none"> <li>• Appropriate experience, qualifications, competence 1.1(e)</li> <li>• Follow recognized research principles 1.3(b)</li> <li>• Honest pursuit knowledge/ understanding 1.3(a)(c)</li> </ul>	
Resources: comments and questions	<ul style="list-style-type: none"> <li>• Appropriate resources 1.1(f)</li> <li>• Appropriate facilities 1.1(f)</li> <li>• Conflicts of interest managed 1.3(c), 5.4</li> </ul>	
Prior ethical review	Is review necessary? 5.3.1	

Risks and Benefits (Beneficence)		
	National Statement references	Notes
Benefits: comments and questions	<ul style="list-style-type: none"> <li>• potential benefits 1.6</li> <li>• Adequate disclosure 1.7</li> <li>• Fair access 1.4(f)</li> <li>• Results available 1.5</li> </ul>	
Risks: comments and questions	<ul style="list-style-type: none"> <li>• Risks of participation 1.7(b), 2.1.3, 2.1.4</li> <li>• Risks managed and disclosed 1.7(b), 2.1.3</li> <li>• Likely benefits justify risks 1.6, 2.1.5</li> </ul>	
Respect for and Fair Treatment of Participants		
Selection and recruitment: comments and questions	<ul style="list-style-type: none"> <li>• Selection, exclusion, inclusion fair 1.4(a)</li> <li>• No unfair burden 1.4(c)</li> <li>• Fair distribution of benefits of participation 1.4(d)</li> <li>• No exploitation 1.4(e)</li> <li>• Recruitment fair 1.4(b)</li> </ul>	
Consent: comments and questions	<ul style="list-style-type: none"> <li>• Respects capacity to decide 1.12</li> <li>• Gives voluntary choice 2.2.1</li> <li>• Provide sufficient information 2.2.2</li> <li>• Relies on adequate understanding 2.2.2</li> </ul>	
Variation or waiver of consent	Limited disclosure 2.3.1–4 Waiver 2.3.5–8	

	<b>National Statement references</b>	<b>Notes</b>
Privacy and confidentiality: comments and questions	<ul style="list-style-type: none"> <li>• Respects confidentiality 1.11</li> <li>• protects privacy 1.11</li> <li>• protects cultural sensitivities 1.11</li> </ul>	
<b>Other Matters Because of Research Types:</b> comments and questions		
	<ul style="list-style-type: none"> <li>• Qualitative Ch 3.1</li> <li>• Databanks Ch 3.2</li> <li>• Clinical Ch 3.3</li> <li>• human tissue Ch 3.4</li> <li>• human genetics Ch 3.5</li> <li>• human stem cells Ch 3.6</li> </ul>	
<b>Other Matters with Participant Groups:</b> comments and questions		
	<ul style="list-style-type: none"> <li>• Women who are pregnant Ch 4.1</li> <li>• Children Ch 4.2</li> <li>• Dependent people Ch 4.3</li> <li>• Highly medically dependent Ch 4.4</li> <li>• Impaired capacity Ch 4.5</li> <li>• Illegal activities Ch 4.6</li> <li>• Aboriginal and Torres Strait Islander peoples Ch 4.7</li> <li>• Other countries Ch 4.8</li> </ul>	
<b>Conclusion</b>		

# Context 4 – HREC Meeting Deliberation

This Part identifies practices of deliberation designed to promote structured deliberation that reliably addresses all matters necessary for an ethical review that conforms to the National Statement. These include the role and good practices of the Chair, the functions of administrative staff at HREC meetings, the review of PICFs and of protocol amendments, progress, final reports and adverse event reports.

## **Toward Best Practice in Deliberation**

### **Deliberation**

There is value in adopting a structured approach to the conduct and/or the summary and recording of HREC deliberation. Doing so better ensures that deliberation addresses all the matters that, according to the National Statement, need to be considered for the proposal under review. Further, such a structure reinforces the value and use of review and reminder guides of the kind identified as Good Practices 3.2, 3.3 and 5.2.

### **Role of HREC Chair**

An HREC Chair has a central role and responsibility in ensuring not only that members have fair opportunities to contribute but, more importantly, that there is comprehensive attention to all issues that a proposal raises and that the National Statement makes relevant and need to be considered in the decision.

### *Introducing projects*

A chair may choose to introduce research projects and identify the issues for deliberation. Alternatively the chair may prefer to facilitate the lead discussant/representative of a scientific/methodological sub-committee, to clarify and explain the information contained in the review report.

### *Scientific/methodological advice*

The Chair should ensure that there is sufficient clarification and discussion of scientific or methodological advice provided by an advisory sub-committee, external expert or HREC lead discussant/reviewer.

## *Policy*

The Chair needs to remain aware of prior policy determinations and be willing to decide when referral to an ethics advisory committee or expert advice is appropriate.

## *Members' contributions*

Paragraph 5.2.29 of the National Statement requires that HREC decisions are informed by an exchange of opinions from each of the members who constitute the minimum membership. Different means can be employed by the Chair to ensure that all HREC members have an opportunity to, and do, contribute to the discussion of ethical issues in research applications.

Where there is less than full attendance of the minimum membership at a meeting, the Chair has a specific responsibility to be satisfied, before a decision is reached, that the views of those absent who belong to the minimum membership have been received and considered. (National Statement paragraphs 5.2.30)

## **Roles of administrative staff**

The involvement of experienced and qualified administrative staff can make an important contribution to the deliberation of an HREC and to the management of workloads. They need to operate under clear delegations that will vary according to their training and experience. Their contributions can include conveying information received from investigators, reminding committees of policies adopted on similar issues and applying appropriate levels of screening for participant information and consent forms, periodic or annual reports, adverse event reports and amendments.

## **Review of participant information and consent forms (PICFs)**

Participant information and consent forms (PICFs) attract extensive discussion and comment in most research applications and changes are frequently required. The processes used to deal with changes to the PICF need to avoid using the HREC meeting time for insubstantial matters, achieve committee agreement on the substance of needed changes and satisfy HREC members that the substance of all agreed changes will be incorporated into correspondence to investigators, and, in due time, that responses from investigators were satisfactory.

There is not yet a Good Practice set of practices for PICFs. Those observed include:

- HREC discussion of changes seen as important;
- provision to administrative staff of PICFs marked up by individual members with minor changes;
- circulating amended versions of PICFs to members or sub-groups of members after a meeting
- delegating some matters to administrative staff and using an external language adviser.

Following receipt of responses from an investigator, some HREC Chairs exercise discretion to decide if these responses need to be referred to members for review. The outcome of these reviews is commonly noted on the HREC agenda for the succeeding meeting so that members are assured or can query the result.

Steps toward best practice could seek to identify categories of changes to PICFs in order to relate the allocation of levels of review to levels of significance. Such categories could include, in the following order of significance:

1. Correction of inaccurate or incomplete descriptions of risks or benefits.
2. Removal of inconsistent, ambiguous or misleading expressions;
3. Modification of exaggerated promises of benefit;

These first three categories will usually be of sufficient significance as to require review and advice from an HREC.

4. Replacement of technical terms with plain English;
5. Grammatical changes to improve readability but not to change the meaning;
6. Typographical errors of spelling or punctuation;

These last three categories will usually be of lesser significance such that an HREC can responsibly delegate their resolution and correction to identified members, often the Chair, or to administrative staff.

### **Review of amendments, progress and final reports and adverse event reports**

The quantity of these documents and the need for review to be informed by the context of the research project to which they relate presents significant workload problems that are commonly and practically addressed by delegation.

Moving toward best practice will need to relate the levels of significance to appropriate levels of review and **Good Practice 4.1** is designed to achieve this.

### **Basis for action taken by delegate or recommending HREC action:**

The following steps should be considered:

- Does the event described in the amendment, safety report or progress report involve risks to research participants in excess of those of which they have been informed and to which they have consented?
- If so, are the increased risks justified by the potential benefits of the research?
- If so, are there satisfactory mechanisms to inform all existing participants of the increased risks with an opportunity to reconsider their consent?
- Does the event described in the amendment, safety report or progress report involve risks to the validity of the research or integrity of the research data?
- If so, will the research continue to have sufficient benefit to justify the continuing involvement of participants?

If the delegate considers that the risks to participants involved in an amendment, safety report or progress report are more than low, consideration of the amendment, safety report or progress report should be referred to the HREC.

If unsure of how to answer any of these questions, they should be referred to the HREC for consideration and response.

## Good Practice 4.1: Criteria for Managing Amendments, Safety Reports, Progress and Final Reports

Standard templates on the Consultative Council website are recommended for reporting to the HREC

### Amendments

#### Categories

Administrative:	Amendments to any of the HREC approved documents* that do not change the approved conduct of the project or the composition of the research team. Examples: updating the protocol with approved changes to version numbers of study documents.
Substantive (non-safety):	Any alteration or modification to the HREC approved documents* that is a change to the approved conduct of the project.
Substantive (safety):	Any alteration or modification to the HREC approved documents* that arises from safety reports or adverse events and involves a change to the approved conduct of the project that is designed to ensure participant safety.

\* Detailed protocol, protocol summary, consent form, recruitment materials, questionnaires, and any other information relating to the research study

### Allocation and Review responsibility

Administrative:	
Allocation to:	Administrative officer as delegated by the HREC
Review responsibility:	Report to HREC of receipt and recording of the amendment
Inform:	Coordinating Principal Investigator, and if applicable Principal Investigator, sponsor, trial coordinator and RGOs at study sites

Substantive (non-safety):	
Allocation to:	HREC Chair or delegate of HREC
Review responsibility:	Report to HREC of receipt, nature of change and recommendation for approval/non-approval
Inform:	Coordinating Principal Investigator, Principal Investigator, sponsor, trial coordinator and RGOs at study sites
Substantive (safety):	
Allocation to:	HREC Chair and at least one other delegate from the HREC
Review responsibility:	Report to HREC of receipt, nature of change and recommendation for approval/non-approval
Inform:	Coordinating Principal Investigator, Principal Investigator, sponsor, trial coordinator and RGOs at study sites

## Adverse Event Reports

### Categories

Individual local site adverse event reports or reports from multiple sites may be forwarded through the Coordinating Principal Investigator to the reviewing HREC. There should be distinction between events that do not have a material impact on the conduct of the research from those events that will change the way the research will be conducted (Refer to the *NHMRC Position Statement: Monitoring and reporting of safety for clinical trials involving therapeutic products*)

Non-periodic safety report of safety information

Periodic safety reporting: whether quarterly, six-monthly or annual

## Allocation and review responsibility

Individual local:	
Allocation to:	HREC chair or delegate(s) of HREC
Review responsibility:	Ensure local site safety reporting system notified; review investigator's opinion of relevance to trial; report to HREC of occurrence, site safety and trial sponsor notified and investigator's opinion: recommendation for noting, or other action
Inform:	Coordinating Principal Investigator, Principal Investigator, sponsor, trial coordinator and RGOs at study sites
Non-periodic:	
Allocation to:	HREC chair or delegate(s) of HREC
Review responsibility:	Review investigator, DSMB and sponsor opinions, review proposed changes (if any) to protocol and report to HREC of receipt of report, sponsor/DSMB opinion, changes to protocol and opinion of acceptance or, if not, advise HREC to consider
Inform:	Coordinating Principal Investigator, Principal Investigator, sponsor, trial coordinator and RGOs at study sites
Periodic reporting:	
Allocation to:	HREC chair or delegate(s) of HREC
Review responsibility:	Review investigator, DSMB and sponsor opinions, review proposed changes (if any) to protocol and report to HREC of receipt of report, sponsor/DSMB opinion, changes to protocol (if any) and opinion of acceptance or, if not, advise HREC to consider

## Deviations and Violations

Individual local site reports or reports from multiple sites

Deviations: Any protocol deviation that is not approved by the HREC, is unintentional but does not affect participant safety, integrity of study data or participant's willingness to participate.

Violations: Any protocol violation not approved by the HREC prior to its implementation, that is intentional and may affect participant safety, the integrity of study data and/or the participants' willingness to participate.

## Allocation and review responsibility

Deviations:	
Allocation to:	HREC chair or HREC delegate(s)
Review responsibility:	Review original, assess impact of deviation, advise HREC of receipt of report, nature of deviation and action/ no action recommended
Inform:	Coordinating Principal Investigator, Principal Investigator, sponsor, trial coordinator and RGOs at study sites
Violations:	
Allocation to:	HREC
Review responsibility:	Ensure local site safety reporting system notified (if applicable); review investigator's opinion of relevance to trial; report to HREC of occurrence, and trial sponsor notified and investigator's opinion: recommendation for noting, or other action
Inform:	Coordinating Principal Investigator, Principal Investigator, sponsor, trial coordinator and RGOs at study sites

## Progress and Final Reports

### Categories

- Conforming: Reports that advise that the conduct of the research project has conformed in all respects to the approved protocol.
- Exceptions: Reports that advise of a temporary protocol deviation that needs to be approved by the HREC before research can continue, e.g. enrolment of participants outside the eligibility criteria.

### Allocation and review responsibility

Conforming:	
Allocation to:	Administrative officer as delegated by HREC
Review responsibility:	Report to HREC of receipt and recording of the report
Exceptions:	
Allocation to:	HREC chair or HREC delegate(s)
Review responsibility:	Notify HREC of the need for approval and recommend approval/non-approval with reasons
Inform:	Coordinating Principal Investigator, Principal Investigator, sponsor, trial coordinator and RGOs at study sites

## Attendance of Investigators at a HREC meeting

Consistency among HRECs in relation to investigator attendance would be promoted by a practice of relying on the opinion of the scientific/methodological sub-committees, external expert advisers or HREC scientific or methodological discussant/reviewers to identify the need for attendance.

Where the need is identified by any of these sources and communicated in a timely manner, there will be an opportunity to invite the investigator to the HREC meeting, albeit on short notice. Although the decision whether or not to invite an investigator to attend is one for the HREC, a practice of following the advice of expert advisers and relying on the Chair's judgment would be prudent.

There remains the possibility that the HREC itself, following discussion of a proposal, considers that the attendance of the investigator at a full HREC meeting is necessary. (Often, outstanding matters can be resolved in meetings between the investigator, the HREC chair and other HREC members.) However, in some circumstances, meeting with the full HREC will be regarded as necessary and where this is the case it will usually not be possible to avoid asking the investigator to attend the next meeting.

# Context 5 – HREC Decision Making

This part identifies practices in making and recording decisions of HRECs that are the outcomes of their deliberation. These can be decisions to approve, request amendment of, or reject a research proposal. The practices include the following:

- the role of the HREC chair;
- the form and content of minutes of meetings and decisions; and
- the delegation by an HREC of the responsibility to review additional information.

## Toward Best Practice in HREC Decision Making

### Role of the HREC Chair

#### *Final decision*

Reaching a final decision in situations of full attendance involves:

- checking with each HREC member for a final comment; and
- offering a final summation of the elements of the decision.

It is essential that decisions are clear to HREC members and to administration staff who will record the decisions for communication to investigators.

#### *Responses from investigators and final approval*

Essential elements of most HREC decisions are the determination of:

- to whom responses from investigators are to be referred to;
- who will decide on their adequacy; and
- how a final approval decision will be reached.

It is the Chair's responsibility to ensure that these elements are clearly established for each decision.

**Good Practice 5.1** is a reminder list for an HREC Chair to help to assure the fulfilment of this role and responsibility.

## Good Practice 5.1: Review Decision Reminder List for HREC Chairs

1. Have all members had a fair opportunity to contribute?
2. Are further specific invitations to contribute needed?
3. Have the essential National Statement elements in the members' review reminder guide been given adequate consideration? (refer to members review reminder guide)
4. What issues have been identified and have any members expressed reservations about approval?
5. What decisions does the committee wish to make on each of these:
  - accept?
  - request explanation?
  - request further information?
  - request specific changes?
6. What are the reasons for these decisions?
7. Have the relevant National Statement passages – chapters or paragraphs – been considered adequately:

### **Research merit and integrity:**

- research justifiable by potential benefit;
- uses appropriate methods, based on prior studies;
- respect for participants not compromised;
- qualified and competent researchers with appropriate facilities;
- researchers seek knowledge and follow scientific principles;
- conduct research honestly and disseminate results.

### **Justice:**

- fair selection, exclusion and inclusion criteria and recruitment;
- no unfair burden on or exploitation of participants;
- fair distribution of and access to benefits of participation and research.

**Beneficence:**

- likely benefit justifies risks to participants;
- risks minimized;
- benefits and risks clarified;
- risks lower where no benefit.

**Respect:**

- due regard for welfare, beliefs, perceptions, customs and cultural heritage of participants;
- privacy, confidentiality and cultural sensitivities respected,
- due scope to participant capacity to decide;
- sufficient information and adequate understanding of purpose, demands, risks and potential benefits;
- empower and protect participants unable to consent.

8. How should the HREC communicate with the investigator:
  - written advice?
  - if written, what precise request for information is required?
  - verbal communication from the Chair or reviewer/s or some HREC members?
  - by attendance at the next HREC meeting?
9. Nominate the person(s) to consider the investigator's responses to the request for further information?
10. Who will make the final decision regarding, approval/non-approval/further consideration following consideration of responses from the investigator?

## HREC Minutes

### Minutes of meetings

The entire deliberation need not be documented but it is important that the decisions reached by the HREC about a research proposal and a note of their reasons are recorded in the minutes as shown in **Good Practice 5.2**.

The decisions of the HREC should be recorded using AU RED minutes template. This template allows addition of items considered and decisions made to be recorded.

The administrator should then update AU RED decisions in Application – Meetings and action the clock.

## Good Practice 5.2: HREC Minutes

Minutes of the meeting of the [name] HREC held on dd month yyyy at [time]  
in [location/room]

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Present:

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1. Apologies for absence
2. Declarations of interest
3. Minutes of meeting held on

The minutes of the previous meeting were agreed and signed by the Chair and HREC Co-ordinator as a true record.

4. Matters arising
5. New applications for ethical review

### 5.1 HREC/11/Vic Admin/23 The XXXX Study

Co-ordinating [Name]

Principal Investigator:

Type of review: Ethical review only   
(SSA required at other sites)  
[type] research

Sponsor: [Name]

Lead reviewer: [Name]

Second reviewer: [Name]

The Committee reviewed the above study.

In discussion, the Committee noted the following ethical issues.

[Summarise the main ethical issues discussed (nothing is entered in database). List any important further information provided by the applicant, or issues clarified in discussion with the Committee. If giving a not approved decision, explain the reasons in full.]

### Decision

[Describe Decision.].

- 6. **Complaints for review**
- 7. **Progress reports for review**
- 8. **Other reports for review**
- 9. **Amendments for ethical review**
- 10. **Serious adverse events**
- 11. **Other business**
- 12. **Other business for information**
- 13. **Any other business**
- 14. **Date of next meeting**

The next meeting of the {Name} HREC will be held on [Date]

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*Signed – Chairman*

*Date*

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*Signed – HREC Co-ordinator*

*Date*

to: All committee members

Deputy/Co-opted members who attended the meeting

## Post HREC Approval

An HREC often delegates to the Chair or a sub-committee of members the responsibility for determining whether investigator's responses to the HREC's requests for further information or amendment are satisfactory.

The Chair or that sub-committee is responsible to review those responses and determine whether it is satisfied that they address the deficiencies identified by the HREC. If so, the Chair or sub-committee has the delegated authority of the HREC to approve the proposal on the basis that it meets the requirements of the National Statement and is ethically acceptable.

Where the Chair or sub-committee is not so satisfied, they need to give reasons to the investigator for their decision. Unless the HREC has given other instructions, the Chair or sub-committee need to advise the HREC of this outcome at its next meeting.

In either event, the Chair or sub-committee should advise administrative staff of the decision. Where any matters are unresolved, the investigator should be advised and the decision included as advice to the HREC at its next meeting.



# Context 6 – Communicating HREC Decisions

This Part describes practices to achieve clear communication of committee decisions to investigators.

## **Toward Best Practice**

### **Communication to researchers**

There are two essential outcomes of HREC meetings:

1. a comprehensive record of the HREC's decision with a sufficient account of the deliberation and of the reasons for those decisions, and
2. a clear and concise communication to investigators of the HREC's decisions and reasons.

These outcomes differ in their purpose. The first outcome, achieved in the minutes of the HREC meetings, is designed to provide a comprehensive record of HREC deliberations and decisions for future reference. This has been addressed in CONTEXT 4 and Good Practice 4.3.

The second, achieved in correspondence to investigators, is designed to clearly convey the HREC's decisions and reasons to investigators. Where that decision has been to approve the proposal, the advice should contain an explicit statement that it meets the requirements of the National Statement and is ethically acceptable.

Where that decision has been to request amendments, the advice should specify the information requested to meet deficiencies in a proposal and the reasons for those requests.

Where that decision has been to reject a proposal, the advice should include reasons for the decision.

The quality of the communication with the investigator is central to the effectiveness of the HREC, that is, ensuring the research is ethically and methodologically sound.

AU RED has standard letter templates to communicate the outcome of HREC review for investigators. Adoption of the AU RED letter templates is recommended as best practice. These can be edited to individual project and/or HREC requirements.

The forms of these letters are not included in this Report.



# Context 7 – Collaboration, Communication and Education

Continuing collaboration and communication among members of different committees and of continuing education and reflection on committee practice are important elements to further develop and achieve best practice.

## Continuing education

Continuing education may be sourced from courses or conference attendance, for members to visit other HRECs and use the 'Information for HREC members' page on the Consultative Council's website ([http://www.health.vic.gov.au/cchre/info\\_hrec.htm](http://www.health.vic.gov.au/cchre/info_hrec.htm)).

Initiatives such as in-depth discussion of recurrent HREC matters that arise during reviews, from time to time and input from relevant experts would be valuable for an HREC's development. Issues commonly encountered include waiver of consent, use of human tissue, health privacy legislation and indigenous research.

An annual review of the experience of HREC members using a self-assessment survey about performance and related matters could provide valuable feedback and inform and initiate required professional development.

## Concluding Observation

Since their beginnings about four decades ago, Australian human research ethics review practices have been largely unexamined. Institutions have developed practices that effectively and efficiently meet their needs, but no benchmarks have been available against which to assess these.

Accreditation and certification processes have so far focused on formal establishment and accountability matters but not the qualitative, deliberative activities of HRECs.

The balance between, on the one hand, maintaining and respecting the freedom of HREC members to apply their ethical experience, skill and sensitivity and, on the other, demonstrating that HREC decisions are concordant with the National Statement explores, as this project has revealed, largely uncharted territory that is both theoretically and procedurally complex.

## Website References

Consultative Council for Human Research Ethics.

<http://www.health.vic.gov.au/cchre/>

National Statement. <http://www.nhmrc.gov.au/guidelines/publications/e35>

Position Statement. [http://www.nhmrc.gov.au/\\_files\\_nhmrc/file/health\\_ethics/hrecs/reference/090609\\_nhmrc\\_position\\_statement.pdf](http://www.nhmrc.gov.au/_files_nhmrc/file/health_ethics/hrecs/reference/090609_nhmrc_position_statement.pdf)

VMIA Expert reviewer agreement and FTIH Protocol and Proformas.

<http://www.vmia.vic.gov.au/Risk-Management/Clinical-trials/Clinical-trials-tools-and-resources.aspx>



