ACADEMY of SOCIAL SCIENCES

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RESPONSE FROM THE ACADEMY OF SOCIAL SCIENCES TO THE DRAFT CONCORDAT TO SUPPORT RESEARCH INTEGRITY

The Academy of Social Sciences welcomes the opportunity to respond to the draft Concordat to support Research Integrity. The Academy's mission is to promote social sciences in the United Kingdom for the public benefit. It is composed of over 700 Individual Academicians and 43 Learned Societies. Academicians are distinguished scholars and practitioners from academia and the public and private sectors. Most of the Learned Societies in the social sciences in the United Kingdom are represented within the Academy. This response has been prepared with the assistance of a number of academicians with a particular interest in research integrity and circulated to as many Learned Societies as possible within this limited timespan.

The Academy recognises the potential contribution of the Concordat in codifying existing and agreed commitments to sound research ethics and research integrity. It does not, however, accept that a case has been made for further quasi-regulatory measures in this area and rejects the suggestions that additional resources should be committed to it, particularly at a time when research funding is experiencing significant financial constraints. If implemented in its present form, the Concordat would significantly increase the overhead costs of research in HEIs through new requirements for training, review, surveillance and enforcement, without evidence of proportionate benefit. More seriously the Concordat appears to have been hastily drawn up without broad and full consultation. Without this there is little hope of achieving any genuine consensus.

The Academy notes, in particular:

1. There is no published and peer-reviewed evidence for a lack of research integrity in UK social sciences. The evidence that does exist – mainly from the UK Research Integrity Office (UKRIO) – suggests that there may be a problem in some areas that needs addressing. This evidence requires more sustained and systematic investigation together with broader dissemination before conclusions are drawn.

2. The conduct of research in the UK is already heavily regulated. As was recognised in the Academy of Medical Science's *A New Pathway for the Regulation and Governance of Health Research*, chaired by Professor Sir Michael Rawlins, this is becoming a disincentive to good research. It is acknowledged that pharmaceutical companies are beginning to avoid carrying out clinical trials in the UK because of the regulatory burdens. The new Health Research Authority has a mission 'to combine and streamline the current approval system and

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promote consistent, proportionate standards for compliance and inspection... reduce the regulatory burden on research-active businesses, universities and the NHS, and improve the efficiency and robustness of decisions about research projects.' The draft Concordat is not consistent with this objective given that it will, as noted above, impose new requirements for training, review, surveillance and enforcement, without evidence of proportionate benefit.

3. The cost of regulating and monitoring research is already considerable. A recent estimate by Will van den Hoonard has suggested that the present system of ethical regulation alone cost over $432 million per year in the US, Canada, UK and Australia combined, without taking full account of important indirect costs. While he does not disaggregate the figures and his calculations predate the rise of University Research Ethics Committees in the UK, and their associated direct and indirect costs, it is nevertheless clear that regulation is diverting substantial resources from the actual conduct of research, without clear evidence of benefit. The Concordat implies an additional tier of quasi-regulatory mechanisms and oversight and, necessarily, further economic and administrative burdens – once again with no demonstrated benefit.

4. The Academy also notes that the Concordat treats research integrity as an issue of individual misconduct rather than giving attention to the systemic features of the organization of research funding and research careers that may create the conditions that permit, and the incentives that encourage, deviant behaviour. There is longstanding evidence from sociologists and criminologists that addressing such issues is more effective in reducing deviance than interventions directed at atomized individuals. The approach of this draft suggests that it is individual researchers who infringe integrity principles and that 'employers' need to keep a check on them. The sponsors of the Concordat need to acknowledge their responsibility for creating systems that promote, recognize and reward good professional behaviour rather than punishing delinquents and expand and strengthen Commitments 1-3 accordingly. In addition a more broadly conceived Concordat would need to address whether transgressions are encouraged, facilitated or 'required' by employers and how this can be dealt with. We are particularly concerned to note that the term 'whistleblower' is adopted in an almost derogatory manner. A system for the individual redress of grievances against employers or funders should also be proposed.

5. While the Concordat has drawn on the existing European Science Foundation (ESF) research integrity framework, it takes no account of discussions currently taking place within the European Commission to develop a proportionate, Europe-wide, approach to research ethics and regulation, which may well change the whole environment for the discussion of research integrity. It also makes no reference to the debates about research

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regulation currently under way in the US, around the plans to revise the Common Rule, which governs Institutional Review Boards, and Canada, where there is growing concern about the impact of the Tri-Council approach. More generally, the Concordat is confused about its relationship with existing regimes for the promotion and regulation of research ethics and integrity, which are essentially prior to discussions of misconduct. There is a risk of creating confused and overlapping jurisdictions, which will further compound the regulatory burdens.

6. The Concordat has been developed by organisations within the specific part of the research community concerned with academic and public sector work though it is unclear what involvement there has been from the Department of Health and other government departments and bodies concerned with social care. Much applied work is carried out in the commercial sector. While such organisations and independent researchers will be concerned to ensure that their research is carried out with integrity and in an ethical way, they are extremely unlikely to subscribe to the kind of quasi-regulatory framework outlined here. To a large extent they rely on the relevant professional and discipline-based bodies to monitor current practice and enforce high standards. The scope of the Concordat will therefore never be universal. We believe that there would be considerable advantages if the academic and public sector adopted a similar approach - of strengthening the role of professional bodies in monitoring and managing research integrity - rather than developing further quasi-regulatory procedures.

Overall, the Academy is not persuaded that there is an established problem of research integrity in the UK, certainly in the social sciences and probably more generally, that requires urgent and unilateral action by one group of stakeholders. It considers that a more deliberative process over a longer period and better-informed by social scientific evidence would produce a more robust understanding of the phenomenon, determine the appropriate level of concern and lead to a more proportionate approach that minimized regulatory burdens and achieved consistency with European partners.

As such, our response to the four questions posed is:

1. While the Academy has always sought to promote high standards of ethics and integrity in the conduct of UK social science, it does not at this time recognize the case for the Concordat and does not think it appropriate to define any role for itself or its members in respect of it.

2. The Academy does not wish to recognize the Concordat in its current form.

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3. The Academy considers that this is only a problem because of the particular approach adopted by the authors of the Concordat with its emphasis on regulation of individuals rather on the promotion of organizational conditions that favour integrity and ethical conduct. Learned societies and professional bodies are well capable of taking the lead in setting standards applicable to research in new and emerging fields and any challenges posed by interdisciplinary research. Self-regulation by employing institutions is a recipe for the protection of vested interests. More consideration should be given to the value of the independence offered by a body such as UKRIO.

4. The Academy does not wish to support the implementation of the Concordat and calls for its postponement in favour of a more genuine and deliberative consultative process. This should establish:
    a. What evidence exists that indicates that there is a problem of integrity, where this problem arises and under what conditions.
    b. Whether a regulatory approach is appropriate and, if so, how this can be best co-ordinated with existing practices and institutions in order to minimize the costs and burdens of compliance on organizations and individuals.
    c. What the reasonably foreseeable direct and indirect costs of a regulatory system might be and whether these will be proportionate to the benefits.
    d. Whether there are indeed common concerns across the natural and social sciences and the humanities that would justify a common approach beyond the level of platitudes.
    e. The precise information that research organisations will be asked to supply to research funders in accordance with Commitment 5 of the draft Concordat, how it is intended to be collected, used, stored and disseminated, and the reasons behind this.
    f. Whether the collection, storage, use or dissemination of such information would pose any legal or ethical difficulties for researchers, research organisations or funding bodies.
    g. What reasonable activities research funders and others might take to assist researchers, employers and other bodies in sustaining and promoting good research practice in the UK, rather than burdensome quasi-regulatory measures.
    h. What roles that professional bodies, learned societies and other organisations with interests in research, research practice and ethics, and/or researchers, including but not limited to UKRIO, might play in helping support and improve good research practice in the UK, rather than limiting activities to researchers, their employers and bodies which fund research.

16 April 2012