

Policy on research misconduct and fraud

1 Introduction

- 1.1 Breast Cancer Now is committed to ensuring high standards of research integrity and practice in the research it funds.
- 1.2 As part of this, we expect all Participants to read and comply with this Policy, and to comply with other Breast Cancer Now policies that support a constructive research environment, such as our policy on bullying and harassment. Compliance with this Policy is also required by our Grant Conditions.
- 1.3 We also expect Host Institutions based in the UK to follow the [Universities UK concordat to support research integrity](#) (“**Concordat**”), and those Host Institutions based outside the UK to follow appropriate guidelines of a similar standard. We are grateful to the Wellcome Trust for their support in developing our research policies and for their agreement to reproduce or adapt them for Breast Cancer Now’s purposes.

2 Definitions

- 2.1 **Research misconduct**, has the meaning it is given in the Concordat, which is: “behaviour or actions that fall short of the standards of ethics, research and scholarship required to ensure that the integrity of research is upheld.”
- 2.2 This includes fabrication, falsification, plagiarism or deception in performing or reviewing research, and in reporting research outputs. For example, omitting relevant data, manipulating images, or misusing data by deliberately attempting to re-identify people from research data are all research misconduct.
- 2.3 It does not include honest differences in the design, execution or interpretation in evaluating research methods or results, or research of poor quality unless this encompasses the intention to deceive.
- 2.4 **Fraud** has the meaning given in the Fraud Act 2006.
- 2.5 **Participants** are the following persons associated with a Host Institution, where they are involved in a research project supported by a Breast Cancer Now Grant or are in receipt of a Grant:
 - Grant Holders
 - Co-applicants
 - Collaborators
 - Research staff and consultants
 - Supervisors
 - Students
 - Sub-contractors
 - Breast Cancer Now funding committee and panel members
 - Breast Cancer Now advisory committees
 - Breast Cancer Now research event speakers

- 2.6 Unless they are otherwise defined in this policy, terms which are used in this policy have the meaning given in Breast Cancer Now's Grant Conditions.

3 What Breast Cancer Now expects of the Host Institution

- 3.1 It is the Host Institution's responsibility to:

3.1.1 Adopt a formal policy that clearly sets out the standards it expects from staff and the procedure for making and responding to complaints. This must include:

- a. a senior member of staff to act as a first point of contact and other useful points of contact (such as an independent, identifiable complaints officer and/or a complaints hotline);
- b. routes of informal and formal escalation;
- c. any whistleblower protection including during investigation phase;
- d. details of counselling or employee assistance provider support if available;
- e. outcomes in cases of research misconduct (such as retraction of publications or press or training);
- f. appropriate sanctions for misconduct.

The Host Institution's policy should be readily available to all staff and students, form part of induction processes and staff training, and ideally be published on the Host Institution's intranet.

3.1.2 Require that any sub-grantee or sub-contractor have an equivalent policy in place.

3.1.3 Take reasonable steps to ensure the policy is implemented effectively. Reasonable steps may include:

- a. appropriate training on workplace conduct for staff and students during inductions and additional training for staff in supervisory roles or for complaints officers appropriate to their role. Training should be refreshed periodically or in response to any changes;
- b. the establishment of an effective whistleblowing hotline or other mechanism;
- c. engagement with staff and students on the issue by undertaking awareness raising;
- d. campaigns and engagement surveys to ensure policies are working effectively.

3.1.4 Investigate all material allegations of research misconduct involving researchers that Breast Cancer Now fund.

3.1.5 Investigate allegations of research misconduct or fraud in an impartial, fair and timely manner and take appropriate action. If the Host Institution is advised by the investigator(s) that a disciplinary procedure is warranted, Breast Cancer Now expects institutions to complete the disciplinary procedure such that a formal finding can be reached.

3.1.6 Inform the Breast Cancer Now's Associate Director Research in confidence via email at grants_admin@breastcancer.org when a decision is made to formally investigate an allegation of research misconduct or fraud made against employees at the institution who are in receipt of any Breast Cancer Now Grant (whether or not the research misconduct or fraud relates to Research funded by a Breast Cancer Now Grant) or have an application for funding under consideration by Breast Cancer Now. This should be done at the point at which a decision is made to conduct an investigation, preliminary or otherwise. If there is a full investigation, the

Host Institution must tell Breast Cancer Now the name of the respondent, in confidence.

3.1.7 Keep Breast Cancer Now informed during the process of investigation of allegations of research misconduct or fraud. We may choose to send a representative to observe any formal inquiry. Investigations should conclude within one year of receiving the allegation.

3.1.8 Inform Breast Cancer Now of the outcome of the investigation as soon as it is known and provide us with a copy of the final investigation report.

3.2 The [UK Research Integrity Office's recommended procedure](#) for investigation provides a detailed model that may be helpful to Host Institutions.

4 Notifying Breast Cancer Now of incidences of research misconduct or fraud

At the application stage

- 4.1 When a Host Institution submits a grant application to Breast Cancer Now, it must disclose to Breast Cancer Now in writing full details of:
- i. any live allegation or investigation concerning any Applicant, and
 - ii. any allegation which has been upheld against any Applicant in the six years up to the date of the relevant grant application.
- 4.2 The Host Institution should provide details of any relevant findings by email to Breast Cancer Now's Associate Director Research at grants_admin@breastcancernowcancer.org, telling Breast Cancer Now if any of the information provided is confidential. Information on the category of research misconduct and the investigation process must be provided.
- 4.3 If there has been a finding of research misconduct or fraud, Breast Cancer Now may at its discretion reject the application or accept the application on the condition that the relevant individual(s) be removed from the Research.

During the term of the grant

- 4.4 If during the term of the Grant, a decision is made to formally investigate an allegation of research misconduct or fraud against an Applicant(s) or employee involved in Research funded by a Grant, the Host Institution must inform Breast Cancer Now's Associate Director Research in writing by emailing grants_admin@breastcancernowcancer.org with the subject line 'Private and Confidential'.
- 4.5 The Host Institution must inform Breast Cancer Now of:
- i. a decision to formally investigate an allegation;
 - ii. key dates in relation to the investigation; and
 - iii. the outcome of the investigation within one year of receiving allegation;
- 4.6 The information provided by the Host Institution should **not** include any:
- i. sensitive personal information, e.g. relating to criminal offences or convictions;
 - ii. special category personal data, e.g. health data, except where the person whose data is being disclosed has given prior written consent to such disclosure or the disclosure is otherwise lawful under GDPR;
 - iii. identifying personal information about other people, e.g. the person making the claim.

- 4.7 Breast Cancer Now agrees to keep all information it receives strictly confidential, except where disclosure is required by law or where the Host Institution gives written consent to such disclosure.
- 4.8 Any information the Host Institution sends to Breast Cancer Now will be:
- i. stored in accordance with data protection law requirements and our retention policy;
 - ii. processed in line with our [privacy policy](#);
 - iii. kept confidential and only communicated in the circumstances set out above;
 - iv. updated and/or deleted in line with our retention policy.

5 Research Sanctions

Sanctions where an allegation of research misconduct or fraud is upheld

- 5.1 If a Host Institution upholds a Research Misconduct or Fraud allegation against an Applicant(s), Breast Cancer Now may apply its own sanctions, set out below (“the **Sanctions**”).
- 5.2 These may be independent of any set by the Host Institution and will be considered on a case-by-case basis. Breast Cancer Now may:
- i. send a letter of reprimand;
 - ii. remove the grant holder from affected grant;
 - iii. withdraw or reduce the amount of grant funding. We will work with the organisation to minimise the impact on any staff working on the affected grant(s), which may include transferring the Grant to another suitable investigator to allow the work to be completed. Where appropriate, this may be for up to 12 months after the funding has been formally withdrawn from the Grant Holder. This applies to all Breast Cancer Now grants;
 - iv. require repayment in part or in full of any grant(s) affected;
 - v. temporarily or permanently restrict the Grant Holder(s) from making future grant applications (or specific types of grant applications) or from being invited to be a member of a Breast Cancer Now Panel or Committee or a Breast Cancer Now event attendee;
 - vi. require the withdrawal or correction of pending or published abstracts, papers or monographs produced by the research in question. In this case the Host Institution will promptly retract any such published material as Breast Cancer Now reasonably requires; or
 - vii. request the monitoring of future work.
- 5.3 Where allegations of research misconduct are upheld, we expect Host Institutions to take appropriate disciplinary action and review disciplinary procedures as necessary.

Sanctions against a Host Institution

- 5.4 If a Host Institution fails to conduct a timely investigation, or to keep Breast Cancer Now appropriately informed of its actions, we may choose to apply sanctions against the Host Institution.
- 5.5 Breast Cancer Now may apply certain sanctions against a Breast Cancer Now-funded Host Institution (“**the Institution Sanctions**”) if Breast Cancer Now reasonably believes any of the following events has occurred:
- i. the Host Institution has failed to respond to a research misconduct or fraud allegation promptly and objectively;
 - ii. there has been institutional-level failure at the Host Institution to instigate or complete disciplinary procedures; or

- iii. there has been a serious Institutional-level failure to effectively ensure appropriate workplace conduct standards are observed;
- iv. the Host Institution failed to keep Breast Cancer Now informed.

5.6 The Institution Sanctions are as follows:

- i. ongoing monitoring of the Host Institution's policies and practices;
- ii. not accepting new grant applications from that Host Institution for 6 months;
- iii. restricting applications from a Host Institution for specific grant types, e.g. PhD studentships;
- iv. where a Grant is in place, suspending or terminating the Grant.

Breast Cancer Now may apply any one of the Institution Sanctions or a number of them, in its absolute discretion, for such period of time as Breast Cancer Now deems appropriate.

6 How Breast Cancer Now handles allegations of research misconduct or fraud

6.1 If an allegation of research misconduct or fraud is made directly to a member of Breast Cancer Now staff rather than to the Host Institution:

- i. a senior Breast Cancer Now staff member will first discuss the circumstances with the complainant;
- ii. Breast Cancer Now will either encourage the complainant to report the allegation at their Host Institution through the appropriate channels or if Breast Cancer Now at its sole discretion deems it appropriate, Breast Cancer Now may tell an appropriate individual at the Host Institution. For the avoidance of doubt, Breast Cancer Now is under no duty to report such allegations to the Host Institution.
- iii. If a complainant wants to remain anonymous, Breast Cancer Now will respect this unless there is a legal obligation to reveal their identity. Breast Cancer Now will tell the complainant before it does this.
- iv. The Host Institution is then responsible for following its procedures for handling allegations at the Host Institution's cost.
- v. Breast Cancer Now will reserve any judgement about an allegation until the investigation is complete. Breast Cancer Now agrees to keep all information it receives strictly confidential, except where disclosure is required by law or where the Host Institution gives written consent to such disclosure.
- vi. Breast Cancer Now is not responsible for the conduct of investigations into research misconduct or fraud at the Host Institution or any research misconduct or fraud which takes place at the Host Institution. To the fullest extent permitted by law, Breast Cancer Now excludes all liability in relation to research misconduct or fraud at Host Institutions.

7 Breast Cancer Now's role in any investigation

7.1 Breast Cancer Now does not typically carry out its own investigations, but it may:

- i. ask for information about a Host Institution's processes and how they are effectively implemented;
- ii. check that a Host Institution and any sub-grantee have a policy and are following it;
- iii. ask for a copy of the final investigation report, where we consider that we have a legitimate interest in doing so.

7.2 This may be done as part of Breast Cancer Now's standard grants management audits or as part of the annual review process in the case of Host Institution's holding core-funding from Breast Cancer Now. The Host Institution will promptly

respond to all reasonable requests from Breast Cancer Now for information under this Paragraph 7.

- 7.3 If an investigation has been completed and an individual has concerns about the process, Breast Cancer Now will ask the organisation to confirm that it has adhered to its published policy. We are not able to challenge the outcome of the investigation.
- 7.4 Formal allegations, reports of allegations or complaints about process, should be reported to Breast Cancer Now, as outlined in this policy, and within five years of the alleged incident or onset of bullying or harassing behaviour.
- 7.5 Where we exercise our right to see the above information, we expect organisations to be able to share it. We strongly discourage the inappropriate use of non-disclosure agreements that might prevent organisations from sharing this information with us.

8 Related documents

Breast Cancer Now's [Grant Conditions](#)

Breast Cancer Now's [Research Policies](#)

Breast Cancer Now's [Privacy Policy](#)

Breast Cancer Now's [Research Grants Management Privacy Statement](#)

9 Document information

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