



Research Ethics Policy and Procedures

1 Introduction and scope

The Historic Buildings and Monuments Commission for England (HBMCE) known as Historic England (henceforth referred to as 'HE') is a Public Sector Research Establishment (PSRE) and recognised by UK Research and Innovation (UKRI) as an Independent Research Organisation (IRO). As a publicly-funded organisation HE has a responsibility to ensure that all research it supports has been rigorously assessed in terms of any ethics implications arising from the research design, methodology, conduct, dissemination, and the archiving, future use, sharing and linkage of the data produced.

HE expects that Researchers demonstrate an awareness of the social and ethical implications of their research and take account of public attitudes towards these issues. In addition to this *Research Ethics Policy and Procedures*, HE Researchers are also expected to adhere to HE's *Principles of Research Integrity*, and its *Statement of Good Research Conduct*.

UKRI note that careful reflection and planning in relation to research ethics should not only benefit participants, heritage and the historic environment, but should enhance the quality of the research. Lack of rigorous reflection around ethics issues and failure to mitigate risks may result in liabilities, reputational damage, negative public attitudes towards research and harm to the heritage and the historic environment, and to participants' and/or Researchers' health and wellbeing.

In setting out the *Research Ethics Policy and Procedures*, it is vital to define three key terms:

- 1 Research
- 2 Research Ethics
- 3 Researchers.

Broadly, the term Research refers to “any form of disciplined inquiry that aims to contribute to a body of knowledge or theory”.¹ As such, this definition embodies the core elements of:

- Innovation
- Development of new or sustainable insights, materials, products and processes.

This definition includes:

- Scholarship which supports the intellectual, theoretical and practical infrastructure of specialities within heritage, the historic environment and culture (for example, scholarly journals and databases).
- Work of relevance to the public.
- Work of relevance to industry and the public sector.
- Work which utilises existing knowledge to create new materials, processes or improved understanding.

However, it excludes:

- Work involving the maintenance of materials and processes for national and international standards and regulations.
- Work involving the routine audit² and evaluation³ of administrative and managerial procedures.

This definition applies to all research undertaken by, or on behalf of, HE across the full range of specialties within heritage, the historic environment and culture research (whether funded or not), and encompassing administrative research (undertaken within, or on behalf of, administrative/managerial departments), and research undertaken by advisory/consultancy services.

1 Definition taken from UKRI [<https://www.ukri.org/councils/esrc/guidance-for-applicants/research-ethics-guidance/useful-resources/key-terms-glossary/#:~:text=Research%3A%20research%20is%20defined%20as,body%20of%20knowledge%20or%20theory>]

2 Audit is commonly seen as measuring a service against set standards and as such does not require ethical review.

3 Evaluations are projects which systematically assess the efficacy, efficiency or effects of a particular service or policy. For example, a visitor satisfaction survey which **does not** collect any personal data will be regarded as an evaluation. However, studies which collect personal data and/or studies that are designed to make links to existing personal data held for example within Human Resources will normally require ethics review.

Specifically, it relates to research involving:

- Living human participants
- Human tissue
- Human remains more than 100 years old
- Vulnerable individuals and/or groups⁴
- Personal⁵ (and sensitive⁶) data
- Sensitive contexts (objects and/or collections, narratives, songs, oral histories) that have special cultural, social or political significance)
- Movable cultural heritage, including artefacts and other archaeological materials of cultural value, works of art, and artefacts of historic importance
- Immovable cultural heritage, including archaeological sites, heritage structures, and cultural landscapes both urban and rural
- Data protection responsibilities
- Materials acquired through the illegal antiquities trade
- Surveillance⁷

4 UKRI defines Vulnerability as follows: “Vulnerability may be defined in different ways and may arise as a result of being in an abusive relationship, vulnerability due to age, potential marginalisation, disability, and due to disadvantageous power relationships within personal and professional roles. Participants may not be conventionally ‘vulnerable’, but may be in a dependent relationship that means they can feel coerced or pressured into taking part, so extra care is needed to ensure their participation is truly voluntary. Researchers will need to assess potential vulnerability within the context of the research, in terms of potential consequences from their participation (immediate and long-term) or lack of positive impact where this is immediately needed or expected”.

5 Personal data, as defined in the UK General Data Protection Regulation (as amended 2019) means any information relating to an identified or identifiable natural person (‘data subject’); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.

6 Under UK GDPR, special category is personal data revealing:

- racial or ethnic origin
- political opinions
- religious or philosophical beliefs
- trade union membership
- processing of genetic data, biometric data for the purpose of uniquely identifying a natural person
- data concerning health
- data concerning a natural person’s sex life or sexual orientation

Personal data relating to criminal convictions and offences is given additional protection under UK GDPR.

7 This includes aerial photographs and satellite images used for archaeological features (i.e. post 2005).

Research Ethics refers to the “moral principles and practices guiding research, from its inception through to completion and publication of results and beyond – for example, the curation of data and physical samples, knowledge exchange and impact activities after the research has been published”.⁸

As specified in the *Principles of Research Integrity*, Researchers are all staff, contracted staff, external collaborators, individuals or organisations who receive grant funding from Historic England (i.e., grantees), volunteers, doctoral students and placement students undertaking research related activities within or on behalf of HE.

The *Research Ethics Policy and Procedures* document has been developed to support HE’s corporate plan⁹ and strategies, and their commitment to conducting research not only for the purpose of advancing understanding, but importantly to effect positive change on people, communities, and the historic environment. Robust and rigorous ethical standards are therefore essential for the conduct of good research. Similarly, disproportionate and narrowly framed research ethics procedures can impede good research. The *Research Ethics Policy and Procedures* is intended to:

- Facilitate and not inhibit research
- Promote an institutional culture of research integrity within HE where researchers are empowered to actively reflect on the ethical implications of their research and be able to ethically defend the methodological procedures that they implement in their research.

The *Research Ethics Policy and Procedures* seeks to provide Researchers with a foundational framework on which to address any ethical matters which may arise in their research.

The *Research Ethics Policy and Procedures* is intended to:

- Uphold the safety, well-being, rights and dignity of human participants
- To protect, safeguard and uphold due diligence of cultural heritage and the historic environment throughout the research process
- Ensure that research is conducted with ethical integrity, accountability and transparency
- Reduce the risks to HE, Researchers, research teams and departments
- Enhance HE eligibility and ability to obtain external funding
- Enhance HE’s external reputation as an IRO

8 Definition taken from UKRI [<https://www.ukri.org/councils/esrc/guidance-for-applicants/research-ethics-guidance/useful-resources/key-terms-glossary/#:~:text=Research%3A%20research%20is%20defined%20as,body%20of%20knowledge%20or%20theory>]

9 HE’s Corporate Plan [HistoricEngland.org.uk/about/what-we-do/corporate-plan/](https://www.historicengland.org.uk/about/what-we-do/corporate-plan/) and Public Value Framework [HistoricEngland.org.uk/about/what-we-do/corporate-plan/public-value-framework/](https://www.historicengland.org.uk/about/what-we-do/corporate-plan/public-value-framework/)

2 Applicability of the *Research Ethics Policy and Procedures*

Researchers are expected to follow the research ethics guidelines as outlined by professional bodies and learned societies. However, this does not obviate the need to adhere to HE's *Research Ethics Policy and Procedures*.

Similarly, whilst research funding bodies will require that specific ethical requirements are met as a requisite for receiving funding, Researchers are nevertheless required to meet the ethical conditions and procedures that have been specified in HE's *Research Ethics Policy and Procedures*.

Finally, in research involving external collaborators it may be necessary to obtain ethical approval from external organisations (for example, Higher Education Institutions). However, HE's research ethics policy must still be followed in any collaborative research. In some cases, an external organisation's ethics review procedure may be deemed sufficiently robust that additional ethical approval via the HE's ethics procedure is not required (see [Alternate procedure](#)).

3 Oversight of research ethics

The *Research Ethics Policy and Procedures* is subject to oversight by HE's Research Ethics Committee (i.e. HEREC) and will be reviewed periodically.

Researchers considering research ethics should do so in conjunction with:

- HE's internal policies and procedures
- Guidelines published by funding bodies, scientific and learned societies, and other relevant professional bodies (for example, the [Chartered Institute for Archaeologists](#); the [Institute of Historic Building Conservation](#); the [Institute of Conservation](#); the [Museum Association Code of Ethics](#); the [International Council of Museums – Committee for Conservation](#); the [International Institute for Conservation of Historic and Artistic Works](#))
- All applicable statutory and regulatory requirements, including, but not limited to, the [Code of Conduct for government grant recipients](#) and the [Cabinet Office's Guidance for General Grants](#); [Guidelines to the Standards for Recording Human Remains](#); the [Human Tissue Act \(2004\)](#); the [Animals \(Scientific Procedures\) Act \(1986\)](#); the [Dealing in Cultural Objects \(Offences\) Act \(2003\)](#); the [Equality Act \(2010\)](#); the [Data Protection Act \(2018\)](#) and UK General Data Protection Regulation (GDPR)¹⁰; the [Fraud Act \(2006\)](#); and the [Health and Safety at Work Act \(1974; 2014\)](#).

¹⁰ UK General Data Protection Regulation (GDPR) sits alongside the Data Protection Act 2018 to form primary data protection law in the UK. UK GDPR retains very similar principles, rights and obligations to those found in EU GDPR.

4 Policy and procedures

4.1 Research ethics review procedure

4.1.1 The Principal (or lead) Researcher is responsible for determining whether ethical approval is required, and if required which route is applicable.

4.1.2 To determine if ethical approval is required, and if required which route is applicable, researchers must consult the Ethics Review Checklist (see [Appendix](#)).

4.1.3 Ethics review is required for research projects that involve:

- Living, human participants, human tissue or human remains more than 100 years old.
- Vulnerable individuals and/groups.
- Personal (and sensitive) data collection relating to individuals.
- Sensitive contexts (objects and/or collections, narratives, songs, oral histories) that have special cultural, social or political significance.
- Movable cultural heritage, including artefacts and other archaeological materials of cultural value, works of art, and artefacts of historic importance.
- Immovable cultural heritage, including archaeological sites, heritage structures, and cultural landscapes both urban and rural.
- Data protection responsibilities.
- Materials acquired through the illegal antiquities trade.
- Surveillance.
- Where there is the potential of the research to pose a risk or harm to participants, cultural heritage, the historic environment and/or the Researcher/research team.

4.1.4 Researchers should not only refer to the *Research Ethics Policy and Procedures*, but also refer to any specific statutory and legal regulatory and/or government requirements, subject-specific standards and regulations, funder requirements and cultural norms.

4.1.5 Ethics applications are completed online, and HE Researchers should refer to the guidance and instructions on the HE intranet as to how to complete the Online Ethics Application Form.

- 4.1.6 Ethics applications are reviewed by two Ethics Reviewers, who are proxies for HEREC. One reviewer will act as the Lead Reviewer.
- 4.1.7 HEREC will aim to review applications efficiently and as promptly as reasonably possible, taking into account individual circumstances and the urgency with which approval may be required. On average HEREC will provide a decision on an ethics application within 7-10 working days.
- 4.1.8 Ethics applications can be submitted at any time.
- 4.1.9 Ethical approval is required before the commencement of a research project, and as such Researchers should incorporate enough time to allow for the ethics review process.
- 4.1.10 Any queries regarding the ethics review procedure should be directed to HEREC (research@HistoricEngland.org.uk).

4.2 Informed consent

- 4.2.1 Where data is to be collected from living human participants informed consent will have to be obtained from participants for any use of their information.
- 4.2.2 UKRI specifies that “Research should not normally proceed until participants have indicated their consent and this has been recorded. This can typically be done by asking participants to sign a consent form, but in some cases it may be more appropriate (and more ethical) to use alternative approaches to record consent. Consent, however, is not simply given through the formal signing of a consent document at the start of research. Instead it should, as far as possible, and in an appropriate balance with resources available and researchers’ responsibility to truth-telling, be open to revision and withdrawal throughout the research lifecycle of a project. Informed consent should take into account the long-term use of participant research data, including the potential for further data linkage and preservation of data when obtaining consent. Participants need, as far as possible, to give specific consent if data are to be archived and shared”. Researchers should refer to the Template Consent Form for Participants for an example of a consent form.
- 4.2.3 In some circumstances it may be more appropriate to obtain verbal consent as opposed to written consent. Where possible this should include audio-recorded consent.
- 4.2.4 There are also rare circumstances where written consent might also create unnecessary risks for research participants. In these circumstances the Researcher should seek informed consent where possible to secure the trust and confidence of the participants, but care must be taken to ensure that consent processes do not pose risks to participants.

- 4.2.5 Researchers should provide participants with information about the research project. This information should be provided in an accessible and comprehensive format, typically in written form (or in a form that participants can access after the end of the research interaction). HE Researchers should refer to the Guidance on Drafting a Participant Information Sheet for Research.
- 4.2.6 Time should be allowed for the participants to consider their choices and to discuss their decision with others if appropriate.
- 4.2.7 Researchers should inform participants of their right to refuse to participate or withdraw from research. There should be no coercion or undue influence of research participants to take part in the research.
- 4.2.8 Participants have the right to withdraw their consent as well as the right not to answer questions and/or take part in specific activities.
- 4.2.9 Researchers must indicate to participants the point at which their data will have been anonymised and in certain circumstances cannot then be excluded (for example, it may be appropriate to provide participants with a date after which they cannot withdraw consent or ask for data destruction).
- 4.2.10 Where proposed research might expose its participants to risk or harm, the Researcher has an ethical duty to consider these risks, even where the participant has consented to participate in the study.
- 4.2.11 Researchers have the responsibility to carefully consider the likely impact of the research project on vulnerable individuals and/groups.

4.3 Outcome of ethics review

- 4.3.1 The outcome of an ethics review will typically follow one of the following possible outcomes and the final decision rests with the Lead Reviewer:
 - **Approved as Submitted:** The research ethics committee is satisfied that the research project does not raise any ethical issues and no amendments to the application are required.
 - **Approved with Conditions:** The research ethics committee is satisfied that the research project does not raise any ethical issues and the application is approved subject to some minor specified conditions/changes to the application. No resubmission is required, and the research ethics committee does not need to see evidence of the changes.

- **Request Amendments:**
 - **Minor amendments/clarifications:** Some minor amendments/clarifications are required before approval can be granted.
 - **Major amendments:** The applicant is required to address the amendments/clarifications requested and resubmit for review.

- **Reject¹¹:** The application is ethically unacceptable and will not be approved. Applicants have the right to appeal this decision (see [Appeals procedure](#))

- **Refer:** The decision outcome between the two Ethics Reviewers differs significantly and they are unable to agree on a final decision following discussion.
 - Where the Ethics Reviewers are unable to agree on a final decision, the ethics application is referred to HEREC who will make the final decision. HEREC may, at its discretion, request advice and guidance from other experts (internal and/or external to HE).

4.3.2 Ethics Reviewers must carry out their review in compliance with the Ethics Reviewer Approval Checklist.

4.3.3 Researchers will receive a Research Ethics Committee Letter of Approval via an email notification when their ethics application has been approved.

4.3.4 If ethics approval is subsequently withdrawn or suspended for any reason, the research must be discontinued.

4.4 Alternate procedure

4.4.1 Duplication of ethics reviews will be avoided where possible, specifically where ethical approval has been obtained externally. Typically, external ethical approval may be obtained when research projects are conducted in collaboration with an external collaborator (for example, a Higher Education Institution).

4.4.2 In these instances where ethical approval has been obtained externally, the Researcher will complete and submit the Alternative Ethics Application Form.

4.4.3 Researchers will be required to provide the completed research ethics application form which was submitted to the alternative organisation's ethics process and the notification of ethical approval for the research project which confirms that ethics approval has been granted by the alternative organisation.

¹¹ A decision to reject an ethics application is very rare. However, should the HEREC reject an ethics application, the researcher has the right to request an appeal.

- 4.4.4 The Ethics Reviewers will conduct a review to determine whether or not the ethics review conducted by the external organisation is sufficiently rigorous. Where it is deemed that the external ethics review is not sufficiently rigorous the Researcher will be required to complete HE's formal ethics review process (i.e., submit an Ethics Application Form).
- 4.4.5 Notwithstanding the principle of avoiding duplication, the Ethics Reviewers must carry out their review of the Alternate Procedure in compliance with the Ethics Reviewer Approval Checklist.
- 4.4.6 Where the Ethics Reviewers are unable to agree on a final decision, the ethics application is referred to HEREC who will make the final decision. HEREC may, at its discretion, request advice and guidance from other experts (internal and/or external to HE).

4.5 Amendments

- 4.5.1 The Researcher is responsible for notifying HEREC, via amendment, of any significant change(s) to the research project that will have ethical implications.
- 4.5.2 A significant change(s) refers to any new approaches to the research procedure, methods or approach, that had it been planned at the time, would have been noted in the original research ethics application.
- 4.5.3 The Researcher should in the first instance contact HEREC (research@HistoricEngland.org.uk) with details of the requested/required change.
- 4.5.4 Submission of a new ethics application will be avoided wherever possible. However, where there are very significant changes the Researcher may be asked to submit a new Ethics Application Form for review.

4.6 Appeals procedure

- 4.6.1 A decision to reject an ethics application is very rare. However, should the Ethics Reviewers reject an ethics application, the Researcher has the right to request that the decision is considered by HEREC.
- 4.6.2 The appeals panel will consist of (i) The Chairperson or Vice-Chairperson of HEREC¹² (ii) Two senior Researchers appointed by the Chairperson (iii) If additional expertise is required, the Chairperson may invite up to two further members with relevant expertise but who have not been involved in the initial decision, to join the panel.
- 4.6.3 Appeals should be submitted to HEREC (research@HistoricEngland.org.uk) in the first instance, who may then convene an appeals panel as appropriate.

12 The Chairperson or Vice-Chairperson has the right to appoint another senior member in their absence.

4.7 On completion of the research project

- 4.7.1 When a research project has been completed, regardless of the route through which ethical approval was obtained, Researchers will be required to complete the *Research Ethics Project Evaluation Report*.
- 4.7.2 The *Research Ethics Project Evaluation Report* allows the Researcher to note ethical issues, apart from those noted in the ethics application, that arose over the lifespan of the project and how they were dealt with.
- 4.7.3 The *Research Ethics Project Evaluation Reports* are annually reviewed by HEREC for auditing purposes.

4.8 Training

- 4.8.1 All Researchers and Ethics Reviewers must undertake the relevant research ethics training provided by HE and familiarise themselves with the relevant documentation.
- 4.8.2 All members of HEREC are required to have undertaken the research ethics training provided by HE and/or to have had significant relevant experience before taking up their responsibilities on the Research Ethics Committee.
- 4.8.3 The *Research Ethics Policy and Procedures* must be formally incorporated across all Departments and research teams within HE.

4.9 Responsibilities and monitoring

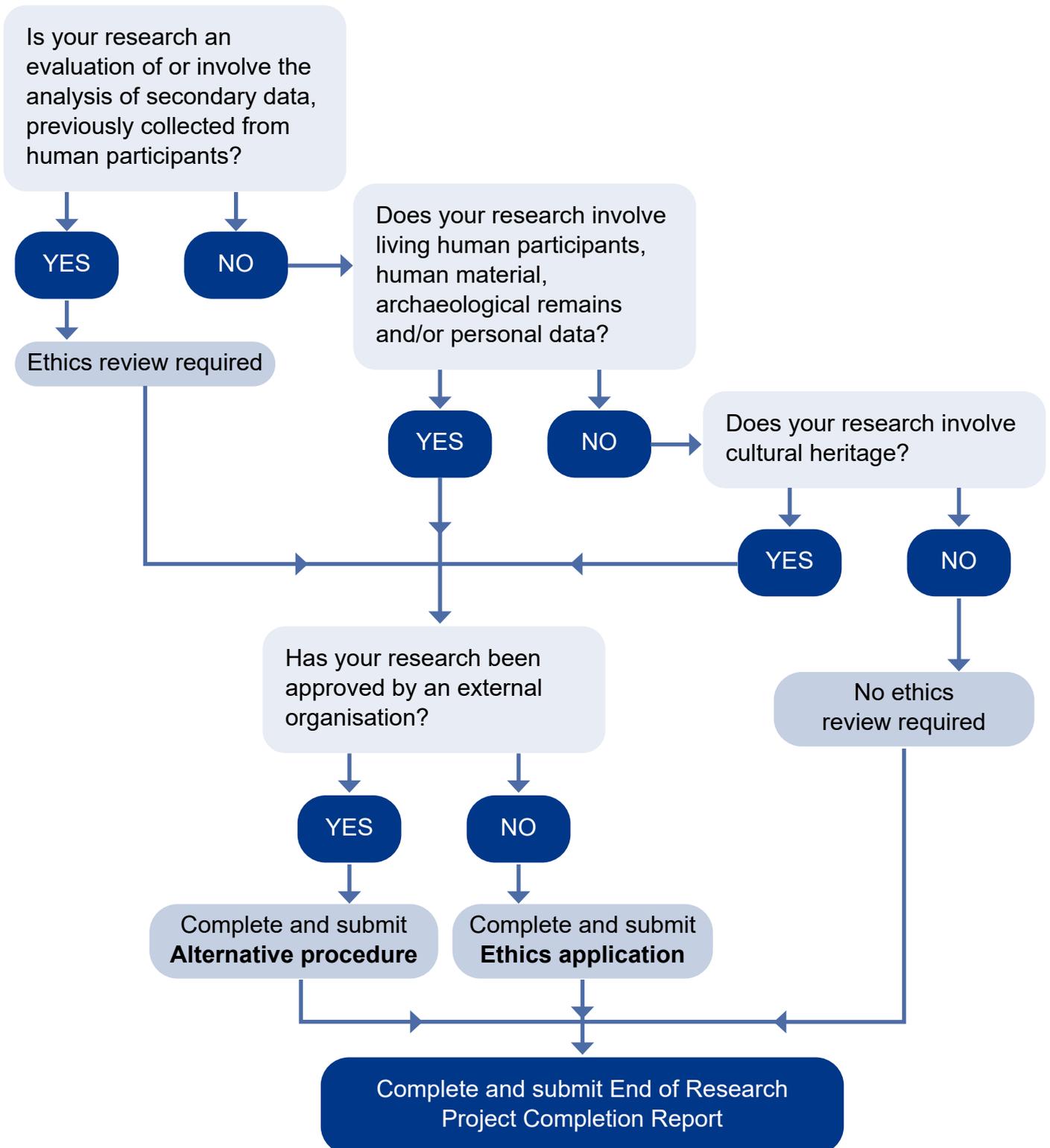
- 4.9.1 Researchers in the first instance have the responsibility to monitor the conduct of research that has received ethical approval.
- 4.9.2 The Researcher, together with collaborators and/or research team must ensure that there is an appropriate continuing review of any potential ethical issues that may arise during the life cycle of the project.
- 4.9.3 The Researcher is responsible for notifying HEREC if any further significant ethical implications arise.
- 4.9.4 It is the responsibility of the Researcher to ensure that data are securely and confidentially stored.
- 4.9.5 HE is responsible for ensuring that Researchers complete the ethics approval procedure where required and obtain approval before commencing any research project.
- 4.9.6 HEREC will periodically conduct a review and evaluation of ethics activity and of ethics decisions and cases.

4.10 Failure to comply with *Research Ethics Policy and Procedures*

4.10.1 Failure to undertake an ethics review and/or to comply with any other aspect of *Research Ethics Policy and Procedures*, may constitute research misconduct under HE's *Statement of Good Research Conduct*.

5 Appendix

Figure 1: Ethics review checklist



- 5.1 It is important to note that research is distinct from the day-to-day work activities that form part of your core job role. Thus, within the context of Historic England, research is defined as any form of disciplined inquiry that aims to contribute to a body of knowledge or theory. Research is also focused on scholarship and includes work which may be of public interest. You do not need to apply for ethics review if your research involves existing, publicly available data, anonymised records and datasets in the public domain.
- 5.2 Cultural heritage is defined as follows:
- a) Movable cultural heritage includes artefacts and other archaeological materials of cultural value, works of art, and artefacts of historic importance.
 - b) Immovable cultural heritage includes archaeological sites, heritage structures, and cultural landscapes both urban and rural.
 - c) Intangible cultural heritage includes song, music, drama, skills, crafts, and the other parts of culture that can be recorded but cannot be touched and interacted with, without a vehicle for the culture.
- 5.3 Research involving cultural heritage requires ethical review when issues of safeguarding arise. When conducting research involving intangible cultural heritage you may be working with communities, groups and individuals, and as a researcher should, for example, account for how you will manage issues related to who has access to the data generated from the research and how you will manage any potential harm (including psychological) to participants. Similarly, when conducting research with tangible cultural heritage you may be working with resources which are finite, irreplaceable and non-renewable, and as a researcher should, for example, account for how you weigh the benefits against risks inherent in the research and what care will be taken to ensure that the research does not lead to unnecessary loss or damage. Whilst it is accepted that some research will lead to some form of loss or damage to an artefact, it should be justified in the ethics application and be proportionate to the aims (and research questions).
- 5.4 A separate ethics procedure will be in place for externally Commissioned Grants.
- 5.5 Similarly, for Casework, formal ethics review will not be required. However, you will need to confirm via the checklist that your project conforms to ethical principles.