ALSPAC Ethics & Law Committee (ALEC)  
Terms of Reference

1. Introduction

The *Avon Longitudinal Study of Parents and Children (ALSPAC)* is a four-generation prospective study. Pregnant women living in one of three health districts in the former County of Avon with an expected delivery date between April 1991 and December 1992 were eligible to be enrolled in the study, and this formed the initial point of contact for the development of a large, family based resource. Children who matched the entry criteria but were not initially recruited were enrolled into the study at later ages. In mid-2011 the study was extended to include other family members.

From the start of the study ALSPAC has had its own independent ethics committee, the ALSPAC Ethics & Law Committee (ALEC). ALEC comprises clinicians, researchers, and people with legal expertise and lay people, including study participants.

1.1 In 1st September 2011, new Government Arrangements for Research Ethics Committee (GAfREC) came into effect. As a result, NHS REC review is required for specific research projects involving the following settings. This is an ALSPAC specific summary of the framework, the full list of project review requirements can be found in Appendix 1:

- Research participants identified from, or because of their past or present use of, services for which the UK Health Departments are responsible (including services provided under contract with the private or voluntary sectors), including participants recruited through these services as healthy controls
- Research participants identified because of their status as relatives or carers of past or present users of these services
- Collection of tissue (i.e. any material consisting of or including cells) or information from any users of these services, including those who have died within the last 100 years
- Use of previously collected tissue or information from which the research team could identify individual past or present users of these services, either directly from that tissue or information, or from its combination with other tissue or information in or likely to come into their possession.
- Does the research involve exposure to any ionisation radiations, e.g. DXA scans
- Will the research involve at any stage intrusive procedure with adults who lack capacity to consent for themselves, including participants retained in the study following loss of capacity
- Health related research projects involving prisoners
- Clinical Trial of an Investigative Medicinal Product
- Clinical investigation on a non CE mark device

1.2 All other studies such as those involving questionnaire or qualitative data collection, and policy changes to the way the study interacts with participants are reviewed by ALEC.

1.3 The chair of ALEC is accountable to the Dean in the Faculty of Medicine and Dentistry in the University of Bristol in the first instance, but their overall responsibility is to sustain and enhance awareness of the University of Bristol research ethics policy within ALSPAC. The ALEC will report to
the Faculty of Medicine and Dentistry Research Ethics Committee. The submission of ALEC’s annual report will be included for submission in the Faculty of Medicine and Dentistry Research Ethics Committee’s annual report to the University Ethics of Research Committee (UERC). Appeals will be handled via this route.

1.4 The UoB ethics policy applies to everyone carrying out research under the auspices of the University, whether their current place of work is within or outside University premises. This includes, but is not limited to, all staff, visiting researchers, those with honorary posts and registered students. It is the responsibility of the principal investigator on a project to ensure that all researchers involved in the project are aware of and comply with the policies of the University.

2. Remit

2.1 To consider research ethics applications for investigations within these terms of reference and to allow, refer or decline proposals;

2.2 The ALEC will provide full review of all proposals for new studies within ALSPAC, with the exception of those that require approval through the (NHS REC) system;

2.2.1 During the study design stage for studies that require NHS REC review the Research Governance Team Lead (RGTL) at UoB or equivalent other external sponsor contact will discuss the application with the ALEC Chair to ensure that ALEC specific requirements can be included in the Sponsor feedback prior to authorisation. Any required changes will be fed back to the PI via the Deputy Executive Director. The PI will return the revised documentation to the RGTL. Once the application has been finalised but before NHS REC submission, the study will be sent to an ALEC sub-committee for review with an expected response time of 5 working days from the date of circulation to the sub-committee. The sub-committee will review the application especially with a view to ALSPAC specific ethical issues and feedback to the Deputy Executive Director what needs to be addressed prior to submitting the application to the NHS REC. If there are substantial issues raised in the application by the sub-committee that cannot be resolved, then the application will be reviewed by the full committee either virtually or at the next scheduled ALEC meeting and will follow the usual review process. Once reviewed by the NHS REC, the REC decision letter will be fed back to the Chair of ALEC by the RGTL. In the case of a provisional opinion to the application the Deputy Executive Director will forward the suggested response to the Chair of ALEC and the RGTL for approval prior to submission. The same process will be applied to amendment requests.

2.2.2 The sub-committee will consist of the chair/deputy chair and 3 additional members. The 3 additional members will consist of professional and participant members. For amendments, the Chair will form the sole member of the sub-committee and undertake the review in the first instance. If the Chair feels that changes outlined in the amendment request are too significant to be reviewed via Chair’s action alone, they can request additional sub-committee members to be included in the review of the amendment request. In this instance the 5 working days will restart from the date of circulation to the new sub-committee members.

2.3 To ensure sound ethical review of ALSPAC, in keeping with national and international law and policy;
2.4 To oversee research ethics and integrity principles and practices which govern the conduct of the ALSPAC;

2.5 To establish guidelines/policy on the key questions of ethics to thereby advise ALSPAC on: eg. Consent, confidentiality and privacy, disclosure of health related results;

2.6 To consider ethical legal and reputational issues arising from the conduct of the study;

2.7 To consider other questions on which its advice is sought.

3. Responsibilities

3.1 Ensure ALSPAC participants are fully protected under the policies and practice of the study; including protect participants from research that might be too intrusive or burdensome.

3.2 To ensure regular review of ALEC procedures and policies.

3.3 To ensure the committee obtains and retains Institutional Review Board Status with the United States Department of Health and Human Services, Office for Human Research Protections.

3.4 ALEC will act as the Research Ethics Committee for the PROBIT Study.

4. Membership and meetings

4.1 The committee comprises:
   • Chair
   • Deputy Chair
   • Clinicians and other researchers
   • Legal, ethical, and other professionals
   • Study participants (all generations over 16 years)
   • Lay Members

Membership should comprise approximately equal representation from professionals and participants.

4.2 The membership term will be three years with possibility of renewal for a further three year term.

4.3 ALEC will comprise of 12-15 committee members including the chair.

4.4 A quorum exists when there are at least 5 members present with 2 of those members’ ALSPAC participant members. A member may attend by video or telephone conference.
4.5
ALEC will meet on alternate months, coordinated with the Original Cohort Advisory Panel (OCAP) meetings to enable a smooth pipeline for approval of studies.

4.6
A representative from the University of Bristol Research Governance Team will be in attendance and will take the minutes.

4.7
A non-voting member of ALSPAC will be in attendance.

4.8
Minutes of the meeting will be circulated to all members and will be made available to the public on request (redacted where necessary to maintain confidentiality).

5. Constitution
5.1
These terms of reference were endorsed by the ALEC at its meeting on 21 October 2014 and will be submitted during the annual reporting round to the Faculty of Medicine and Dentistry Research Ethics Committee and the University Ethics of Research Committee.
Appendix 1

Does my project require review by a Research Ethics Committee?

This algorithm is designed to assist researchers, sponsors and R&D offices in determining whether a project requires ethical review by a Research Ethics Committee under the UK Health Departments’ Governance Arrangements for Research Ethics Committees (GAfREC). It encompasses the requirements for ethical review under both the policy of the UK Health Departments and legislation applying to the UK as a whole or to particular countries of the UK.

Researchers requiring further advice should contact their R&D office in the first instance. Further advice may also be sought from a REC office or the NRES Queries Line at queries@nres.npsa.nhs.uk by sending an outline of the project (maximum one page), summarising its purpose, methodology, type of participant and planned location.

GAfREC is available at http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAnd Guidance/DH_126474

In this document the term “Research Ethics Committee’ means a REC within the UK Health Departments’ Research Ethics Service, i.e. the National Research Ethics Service (in England) and the equivalent Research Ethics Services in Scotland, Wales and Northern Ireland. It does not include other RECs such as university RECs.

NRES algorithm – requirements for REC review (version dated August 2011)
A. Is the project research?

<table>
<thead>
<tr>
<th>Ref.</th>
<th>Question</th>
<th>Relevant legislation</th>
</tr>
</thead>
<tbody>
<tr>
<td>A1</td>
<td>Is the project classified as research, or is it another type of activity such as clinical audit, service evaluation, public health surveillance, case study, satisfaction survey or equipment/systems testing?</td>
<td>Please refer to our leaflet “Defining Research” at <a href="http://www.nres.npsa.nhs.uk/applications/is-your-project-research/">http://www.nres.npsa.nhs.uk/applications/is-your-project-research/</a></td>
</tr>
</tbody>
</table>

If the project is not classified as research, review by a REC is not required. Host care organisations may have other arrangements in place to review the activity. Please seek advice from the R&D office or clinical governance office in the first instance.

If the project is research, proceed to Section B.

B. Is there a legal requirement for REC review of this research?

The requirements in Section B apply *whether or not* the participants are patients or service users within the services for which the UK Health Departments are responsible.

The requirements apply to the whole of the UK except where stated.

<table>
<thead>
<tr>
<th>Ref.</th>
<th>Question</th>
<th>Relevant legislation</th>
</tr>
</thead>
<tbody>
<tr>
<td>B1</td>
<td>Is the research a clinical trial of an investigational medicinal product?</td>
<td>Medicines for Human Use (Clinical Trials) Regulations 2004</td>
</tr>
</tbody>
</table>

Refer to the MHRA algorithm at

NRES algorithm – requirements for REC review (version dated August 2011)
<table>
<thead>
<tr>
<th>B2</th>
<th>Is the research a clinical investigation of a non-CE Marked medical device, or a device which has been modified or is being used outside its CE Mark intended purpose, conducted by or with the support of the manufacturer or another commercial company to provide data for CE marking purposes?</th>
<th>Medical Devices Regulations 2002</th>
</tr>
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<tbody>
<tr>
<td><strong>Refer to our guidance on approval for medical devices research</strong> at <a href="http://www.nres.npsa.nhs.uk/applications/guidance/guidance-and-good-practice/?esctl1507888_entryid62=66940">http://www.nres.npsa.nhs.uk/applications/guidance/guidance-and-good-practice/?esctl1507888_entryid62=66940</a> or MHRA guidance at <a href="http://www.mhra.gov.uk/Howweregulate/Devices/ClinicalTrials/index.htm">http://www.mhra.gov.uk/Howweregulate/Devices/ClinicalTrials/index.htm</a></td>
<td><strong>Contact MHRA Devices Division for further advice.</strong></td>
<td></td>
</tr>
<tr>
<td>B3</td>
<td>Does the research involve exposure to any ionising radiation?</td>
<td>Ionising Radiation (Medical Exposure) Regulations 2000</td>
</tr>
<tr>
<td><strong>Refer to our guidance on research involving radiation</strong> at <a href="http://www.nres.npsa.nhs.uk/applications/guidance/research-guidance/?esctl1428683_entryid62=67014">http://www.nres.npsa.nhs.uk/applications/guidance/research-guidance/?esctl1428683_entryid62=67014</a></td>
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</tr>
<tr>
<td>B4</td>
<td>Will the research involve at any stage intrusive procedures with adults who lack capacity to consent for themselves, including participants retained in the study following loss of capacity?</td>
<td>Section 51 of the Adults with Incapacity (Scotland) Act 2000</td>
</tr>
<tr>
<td><strong>An adult is any living participant aged 16 or over. Intrusive procedures are those requiring consent in law, including use of identifiable tissue samples or personal information.</strong></td>
<td>Sections 30-33 of the Mental Capacity Act 2005</td>
<td></td>
</tr>
<tr>
<td><strong>Applies in England, Wales and Scotland only.</strong></td>
<td></td>
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<tr>
<td>B5</td>
<td>Will the research involve storage of relevant material from the living or the deceased on premises without a storage licence from the Human Tissue Authority (HTA)?</td>
<td>Human Tissue Act 2004 (Ethical Approval, Exceptions from Licensing and Supply of...</td>
</tr>
</tbody>
</table>
### Relevant material

*Relevant material means any material from a human body consisting of or including cells, except for hair or nail from the living or embryos outside the body.*

*Includes storage of imported material. Does not include ‘storage incidental to transportation’ or temporary storage pending extraction of acellular material for research provided that residual relevant material is disposed of within hours or days (or at most a week).*

*Applies to England, Wales and Northern Ireland only.*

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<tr>
<th>B6</th>
<th>Will the research involve storage or use of relevant material from the living, collected on or after 1 September 2006, and the research is not within the terms of consent for research from the donors?</th>
<th>Section 1(9) of the Human Tissue Act 2004</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td><em>Does not include imported material.</em></td>
<td></td>
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<tr>
<td></td>
<td><em>Applies to England, Wales and Northern Ireland only.</em></td>
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<tr>
<th>B7</th>
<th>Will the research involve analysis of DNA in material from the living, collected on or after 1 September 2006, and the analysis is not within the terms of consent for research from the person whose body manufactured the DNA?</th>
<th>Section 45 of the Human Tissue Act 2004</th>
</tr>
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</table>

*For further guidance on B5-B7, refer to [http://www.nres.npsa.nhs.uk/applications/approval-requirements/ethical-review-requirements/requirements-for-ethical-review-under-legislation/human-tissue/](http://www.nres.npsa.nhs.uk/applications/approval-requirements/ethical-review-requirements/requirements-for-ethical-review-under-legislation/human-tissue/) or the HTA Code of Practice on Research at [http://www.hta.gov.uk/legislationpoliciesandcodesofpractice/codesofpractice.cfm](http://www.hta.gov.uk/legislationpoliciesandcodesofpractice/codesofpractice.cfm)*

*Guidance on defining ‘relevant material’ is available from the HTA at [http://www.hta.gov.uk/legislationpoliciesandcodesofpractice/policiesandpositionstatements.cfm](http://www.hta.gov.uk/legislationpoliciesandcodesofpractice/policiesandpositionstatements.cfm)*

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<tr>
<th>B8</th>
<th>Will the research involve either of the following:</th>
<th>Human Tissue (Scotland) Act 2006</th>
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NRES algorithm – requirements for REC review (version dated August 2011)
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| (a) organs retained from a post-mortem examination carried out on the instructions of the Procurator Fiscal  
(b) organs, tissue blocks or slides retained from a hospital post-mortem examination, or tissue blocks or slides retained from a post-mortem examination carried out on the instructions of the Procurator Fiscal, unless lawful authorisation has been given for use in research? | Applies in Scotland only. |   |
| B9 | Will the research involve access to, or processing of, the confidential information of patients or service users by researchers outside the normal care team without consent? | Health Service (Control of Patient Information) Regulations 2002  
Section 251 of the NHS Act 2006 |   |
|   | In addition to REC review, application must be made to the National Information Governance Board’s Ethics and Confidentiality Committee (NIGB ECC). Refer to [http://www.nigb.nhs.uk/s251](http://www.nigb.nhs.uk/s251) for further guidance. Specific advice may be sought from the NIGB [http://www.nigb.nhs.uk/contact-us](http://www.nigb.nhs.uk/contact-us) |   |   |
| B10 | Will the research involve processing of disclosable protected information on the Register of the Human Fertilisation and Embryology Authority by researchers without consent? | Human Fertilisation and Embryology (Disclosure of Information for Research Purposes) Regulations 2010 |   |
|   | Authorisation for the research is required from the Human Fertilisation and Embryology Authority (HFEA). A favourable opinion from a REC is a required condition of authorisation. The NIGB ECC advises the HFEA on applications for authorisation. Please contact the NIGB for further advice [http://www.nigb.nhs.uk/contact-us](http://www.nigb.nhs.uk/contact-us). |   |   |
| B11 | Will the research involve patients (or information about patients) receiving care at a nursing home or other independent hospital, clinic or medical agency? | Private and Voluntary Health Care (England) Regulations 2001  
Private and Voluntary Health Care (Wales) Regulations 2002 |   |
|   | Applies in England, Wales and Northern Ireland only. |   |   |

NRES algorithm – requirements for REC review (version dated August 2011)
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<th>B12</th>
<th>Will the research involve residents (or information about residents) at a residential care home?</th>
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<td></td>
<td>Applies to Northern Ireland only.</td>
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<tr>
<td>B13</td>
<td>Is the research a clinical trial involving the participation of practising midwives?</td>
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</tbody>
</table>

If the answer to any of the questions in Section B is Yes, application for ethical review should be made to a Research Ethics Committee within the UK Health Departments’ Research Ethics Service, except for research recruiting through the UK Armed Forces or otherwise within the remit of the Ministry of Defence Research Ethics Committee (MoDREC).

Specific requirements apply to the allocation of certain types of application. Further guidance is available from [http://www.nres.npsa.nhs.uk/applications/booking-and-submitting-your-application/](http://www.nres.npsa.nhs.uk/applications/booking-and-submitting-your-application/) or from the NRES Central Allocation System or Local Allocation Systems (see link for contact details).

If the answer to all the questions in Section B is No, please proceed to Section C to check whether any other policy requirements for ethical review apply to the study.
### C. Is there a policy requirement for REC review of this research?

The requirements in Section C apply to the whole of the UK.

<table>
<thead>
<tr>
<th>Ref.</th>
<th>Question</th>
<th>Explanatory comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>C1</td>
<td>Will the research involve research participants identified from, or because of their past or present use of, services for which the UK Health Departments are responsible (including services provided under contract with the private or voluntary sectors), including participants recruited through these services as healthy controls?</td>
<td>The relevant services are:</td>
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<tr>
<td></td>
<td></td>
<td>NHS/HSC healthcare (UK-wide)</td>
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<tr>
<td></td>
<td></td>
<td>Adult social care (England, Wales, NI)</td>
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<td></td>
<td></td>
<td>Children’s social care (Wales, NI)</td>
</tr>
<tr>
<td>C2</td>
<td>Will the research involve research participants identified because of their status as relatives or carers of past or present users of these services?</td>
<td></td>
</tr>
<tr>
<td>C3</td>
<td>Will the research involve collection of tissue or information from any users of these services, including those who have died within the last 100 years?</td>
<td>Tissue means any material consisting of or including cells.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Includes tissue or information collected in the course of normal care, where research use is intended at the time of collection.</td>
</tr>
<tr>
<td>C4</td>
<td>Will the research involve use of previously collected tissue or information from which the research team could identify individual past or present users of these services, either directly from that tissue or information, or from its combination with other tissue or information in or likely to come into their possession?</td>
<td>Tissue means any material consisting of or including cells.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Refer to the “Supplementary notes on research not requiring REC review” below for further guidance on circumstances where review is not required for secondary use of tissue or information previously collected in the course of normal clinical care.</td>
</tr>
<tr>
<td>C5</td>
<td>Is this a health-related research project involving prisoners?</td>
<td>A prisoner for this purpose means a person in the custody of the National Offender Management Service (i.e. the Prison Service in England and Wales), the Scottish Prison Service or the Northern Ireland Prison Service?</td>
</tr>
<tr>
<td>C6</td>
<td>Does this research involve xenotransplantation?</td>
<td>Xenotransplantation means putting living cells, tissue or organs from animals into people.</td>
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<tr>
<td>C7</td>
<td>Is this a social care research project funded by the Department of Health?</td>
<td></td>
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</table>

If the answer to any of the questions in Section C is Yes, application for ethical review should be made to a Research Ethics Committee within the UK Health Departments’ Research Ethics Service.

Where research approved by the Ministry of Defence Research Ethics Committee (MoDREC) continues within the services for which the UK Health Departments are responsible following transfer of participants into their care, it does not then require separate REC review.

Specific ‘flags’ apply to the allocation of certain types of application. Further guidance is available from [http://www.nres.npsa.nhs.uk/applications/booking-and-submitting-your-application/](http://www.nres.npsa.nhs.uk/applications/booking-and-submitting-your-application/) or from the NRES Central Allocation System or Local Allocation Systems (see link for contact details).

**Supplementary notes on research not requiring REC review**

The following types of research do not normally require review by a REC within the UK Health Departments’ Research Ethics Service. Alternative sources of ethical review may be available in some cases, e.g. from a university REC.

1. **Research involving previously collected, non-identifiable information**

Research limited to secondary use of information previously collected in the course of normal care (without an intention to use it for research at the time of collection) is generally excluded from REC review, provided that the patients or service users are not identifiable to the research team in carrying out the research (see C4 above).
This exception also applies to research undertaken by staff within a care team using information previously collected in the course of care for their own patients or clients, provided that data is anonymised or pseudonymised in conducting the research.

2. Research involving previously collected, non-identifiable tissue samples

Research limited to use of previously collected, non-identifiable material consisting of or including cells in accordance with the terms of donor consent is generally excluded from REC review.

However, REC review would be required if any of the following applied:

(a) Consent for research has not been given, or the research is not within the terms of the consent (see B6 above)
(b) The samples will be held on premises in England, Wales or Northern Ireland without a licence from the Human Tissue Authority to store relevant material for scheduled purposes (see B5)
(c) The research also involves removal, storage or use of new samples from the living or the deceased (see C3)
(d) The research also involves use of identifiable information held with the samples (see C4).

3. Research involving acellular material

Research limited to acellular material (e.g. plasma, serum, DNA) extracted from tissue previously collected in the course of normal care is generally excluded from REC review, provided that the patients or service users are not identifiable to the research team in carrying out the research.

This exception applies to research undertaken by staff within a care team using samples previously collected for clinical purposes from their own patients or clients, provided that the samples/data are anonymised or pseudonymised in conducting the research.

However, REC review would be required if the research involved:

(a) Collection of tissue samples from patients in order to extract acellular material for the research (see C3)

NRES algorithm – requirements for REC review (version dated August 2011)
(b) Collection of information from patients (see C3)
(c) Use of previously collected information from which patients could be identified by the researchers (see C4)
(d) Analysis of DNA in material from the living, where consent for research is not in place from the person whose body manufactured the DNA (see B7)

4. Research involving staff

REC review is not normally required for research involving NHS or social care staff recruited as research participants by virtue of their professional role.

_Exceptioally, the Research Ethics Service may accept an application for review of research involving staff at the request of the sponsor, chief investigator or host organisation, where it agrees that the proposal raises material ethical issues._ Agreement should be sought from the responsible operational manager for the local REC centre prior to submission of the application. Requests should be sent by email, including a summary of the research proposal (maximum one page) and explanation of why the project raises significant issues which cannot be managed routinely in accordance with established guidelines and good practice, and requires ethical consideration and advice from a REC. Contact points for operational managers are at [http://www.nres.npsa.nhs.uk/contacts/nres-office-and-departmental-contact-details/](http://www.nres.npsa.nhs.uk/contacts/nres-office-and-departmental-contact-details/)

5. Healthcare market research

REC review is not normally required for healthcare market research conducted by professional market researchers in accordance with the Legal and Ethical Guidelines issued by the British Healthcare Business Intelligence Association (BHBIA).

_Exceptioally, the Research Ethics Service may accept an application for review of healthcare market research at the request of the sponsor, chief investigator or host organisation, where it agrees that the proposal raises material ethical issues._ See guidance under paragraph 4 above.

NRES algorithm – requirements for REC review (version dated August 2011)
6. Research involving the premises or facilities of care organisations

REC review is not required for research involving *use of or access to a care organisation’s premises or facilities*, provided that review is not required under any other applicable legal or policy requirement. For example, a Phase 1 clinical trial undertaken by a Contract Research Organisation on premises rented from a NHS Trust would legally require REC review under the Clinical Trials Regulations. But research undertaken by a university department on NHS premises, involving healthy volunteers not recruited as NHS patients and not subject to any legal requirements, would not require review by a REC within the UK Health Departments’ Research Ethics Service and could be reviewed by the university’s research ethics committee.