
RESEARCH MISCONDUCT SCREENING PANEL TRAINING COURSE

6 November 2017



Programme



UCL Misconduct Screening Panel Training

Venue: BMA House, Tavistock Square, London WC1H 9JP

AIMS & LEARNING OUTCOMES

The aim of this **UCL Research Misconduct Screening Panel Training Course** is to enable those participating in research misconduct proceedings at UCL as members of a Research Misconduct Screening Panel to understand their roles and responsibilities as Screening Panel Members and to be aware of the relevant details of UCL's new Research Misconduct Procedure.

By the end of the course participants will:

- have refreshed their knowledge and understanding of the UCL rules and procedures in relation to research misconduct proceedings;
- be able to recognise the nature and relevance of a range of evidence for a Screening Panel;
- have made a decision in a simulated UCL Misconduct Screening Panel hearing; and
- understand the potential challenges and outcomes of UCL Screening Panel decision-making.

For full details of the UCL Research Misconduct Procedure please see:

www.ucl.ac.uk/research/integrity/policies-and-guidelines/misconduct

PROGRAMME SUMMARY

Monday 6 November 2017

Princes Room	(First Floor)
08:30 – 09:00	Registration
09:00 – 09:10	Welcome and Introduction (<i>Godfrey Cole</i>) Training course rationale, aims and learning outcomes
09:10 – 09:45	Session 1: Roles & Responsibilities of a UCL Misconduct Screening Panel (<i>Yvette Genn</i>) Division of labour between the UCL Registrar, Screening Panel and Investigation Panel The role and tasks of the Screening Panel Outcomes of Screening Panel decision-making <i>Interactive, full group session</i>
09:45 – 10:05	Session 2: Evidence for a Screening Panel (<i>Stuart Vernon</i>) What constitutes evidence for a Screening Panel and how to work with it? Weighing evidence Evidence-based decision-making
10:05 – 10:45	Session 3: Case Study (Small Groups Session) Screening Panel Pre-Meeting This session will cover: <ul style="list-style-type: none">- What decisions need to be made by the Screening Panel?- What are the issues the Screening Panel needs to address?- What written evidence is there?- Is additional evidence needed?- What questions need to be asked to obtain necessary evidence?- What are the skills required to be an effective Screening Panel member?
10:45 – 11:00	<i>Comfort Break</i>
11:00 – 11:30	Session 4: Role Play Part 1 - The Screening Panel Hearing (<i>Godfrey Cole</i>) Running a Screening Panel hearing - Role play Questioning of a respondent
11:30 - 11:55	Session 5: Role Play Part 2 - Screening Panel Decision-Making (Small Groups Session) (<i>Godfrey Cole</i>) Drafting decisions and reasons
11:55 - 12:25	Session 6: Report Back (<i>Mary Holmes</i>) Screening Panels: report back decisions and reasons from role play Identification of the challenges faced in Screening Panel decision-making
12:30	<i>Finish</i>

LIST OF ATTENDEES

Buzz Baum	Professor of Cell Biology, MRC Laboratory for Molecular Cell Biology
Judith Beniston	Senior Lecturer, School of European Languages, Culture and Society
Carlotta Ferrara degli Uberti	Lecturer in Italian History, School of European Languages, Culture and Society
Natasha Lewis	Director of Legal Services
Torsten Marquardt	Senior Lecturer of The Ear Institute
Mark Marsh	Professor and Director of MRC Laboratory for Molecular Cell Biology
Anne Marie O'Mullane	Governance and Secretariat Manager, Student and Registry Services
Martin Oliver	Professor in Education and Technology, Institute of Education
Edward Payne	Senior Casework Officer, Student & Registry Services
Sandip Patel	Professor in Cell Signalling, Division of Biosciences
Rachel Port	Research Governance Co-ordinator, Student and Registry Services
Mala Shah	Professor of Neuroscience, School of Pharmacy
Robert Speller	Joel Professor of Physics Applied to Medicine and Deputy HoD, Medical Physics and Biomedical Engineering
Cheryl Thomas	Professor of Judicial Studies, Director of UCL Jury Project and UCL Judicial Institute
Matthew Walker	Professor of Neurology, Institute of Neurology
Ian Zachary	Professor of Vascular Cell Biology, Vice Dean of Research, Faculty of Medical Sciences, Interim Director, Division of Medicine

COURSE DIRECTORS

Professor Dame Hazel Genn is Professor of Socio-Legal Studies and Co-Director of the UCL Judicial Institute. She worked with the Judicial Studies Board (now the Judicial College) for 12 years, serving as a member of the Main Board and the Tribunals Committee, and contributing to the design and delivery of training for the judiciary at all levels. She has undertaken a number of judicial training needs analyses in England and Scotland and was closely involved in developing the JSB's framework of judicial qualities and abilities. She served as a lay Commissioner on the Judicial Appointments Commission from 2006 to 2012, was a member of the Advisory Panel on Judicial Diversity and the Committee on Standards in Public Life 2003-7, and until 2016 chaired the Judicial Sub-Committee of the Senior Salaries Review Board.

Professor Cheryl Thomas is Professor of Judicial Studies, Co-Director of the UCL Judicial Institute and Director of the UCL Jury Project. A specialist in judicial studies, she has conducted ground-breaking research on juries, judicial decision-making, the role of diversity in the justice system, and the appointment and training of judges. Professor Thomas is a frequent contributor to Judicial College training courses for judges, including Long and Complex Trials, Serious Crime and Serious Sexual Offences. She has served as a specialist consultant on judicial affairs to the Lord Chief Justice, Law Commission, Lord Chancellor, Her Majesty's Crown Prosecution Service Inspectorate, European Commission, Council of Europe, French government and Judicial Education Institute of Trinidad and Tobago.

COURSE INSTRUCTORS

All five course instructors are Judicial Training Fellows at the UCL Judicial Institute

Godfrey Cole was an academic from 1971-1992, mostly at the University of Westminster where he was Dean of the Law School and he lectured on subjects including Housing Law, Law of Landlord and Tenant, Family Law, and Social Security Law. In 1992 he took up a full-time judicial appointment as a District Tribunal Judge, and subsequently sat as a Deputy District Judge and in the Upper Tribunal. From 1999-2008 he was seconded to the Judicial Studies Board of England and Wales as Director of Training for Tribunals where he developed standards for UK tribunals, as well as training courses for court and tribunal judges with management responsibilities. He was the editor of the *Tribunals* journal until 2010. Following retirement from his salaried judicial appointment from 2011, he sits as a fee-paid tribunal judge dealing with first instance and appellate work.

Yvette Genn is a barrister at Cloisters, a specialist in employment law (with particular emphasis on discrimination and equal pay) and personal injury law. She was a member of the JSB's Equal Treatment Advisory Committee from 1999-2008, designing and providing diversity training to judges, and continues to provide training in diversity and judicial standards for judges in courts and tribunals. She has also provided equalities training to a range of public bodies such as the Legal Services Commission, Council on Tribunals and Solicitors Disciplinary Tribunal. Yvette is a Deputy District Judge on the South Eastern circuit, and a Recorder in civil and private law family matters on the Midlands circuit. She is also a former part-time judge in the Special Educational Needs and Disability Tribunal.

Mary Holmes was a Senior Training Adviser to the Judicial Studies Board and JSB Head of Tribunal Training between 2002 and 2007, giving advice and guidance in respect of training for both the courts judiciary and tribunal judges and was closely involved in the development of the JSB tribunal mentoring, training standards, appraisal and evaluation frameworks and training handbooks. Mary has also participated in the delivery of training in Scotland, Guernsey, Training the Trainers for family law judges in Jordan, facilitated appraisal training for British Columbia's Administrative Tribunal in Vancouver, and worked with the Administrative Appeals Tribunal in Australia in the development of the competence based training. She was formerly a tribunal member and currently sits as a Magistrate.

Stuart Vernon was until recently the Chief Adjudicator at the Office of Fair Trading (OFT). He has taken a leading role in writing and producing judicial training materials and has been involved with tribunal skills training for a number of years. He was involved in the development of the Judicial Studies Board's tribunal competence framework, and is currently developing bespoke training courses for tribunals and other institutions. Stuart sat as a magistrate in west London for 15 years and was also a lay member of the Social Security Appeals Tribunal. Stuart also taught at the University of East London, where he researched and published in the fields of social work law and youth justice.

Mary Kane was a matrimonial solicitor in private practice for 21 years until 1995 and a magistrate for 18 years in the West London PSD. She held a judicial post as Regional Chair of the London South, South and South West Region of the Mental Health Review Tribunal from 1998 to 2004. She is a judge in the Health and Social Care chamber of the Tribunal Service, sitting in the Mental Health Tribunal (MHT). She is a legal chair for the GMC, an independent member of the Parole Board and a Deputy Traffic Commissioner. She is also a family mediator. She is an appraiser and mentor for the MHT and the Parole Board. She has worked as a trainer and facilitator for the Judicial College (formerly the Judicial Studies Board) in all areas of tribunal skills development, including diversity training and reason writing and was involved in the drafting and preparation of the JSB booklets, Tribunal Competences, Qualities and Abilities in Action, and Appraisal Standards and Appraisal Competences in Tribunals.

COURSE ADMINISTRATOR

Maria Diaz is the Manager of the UCL Judicial Institute (JI) and is responsible for the overall running of the JI including its courses and events working in close consultation with the JI Directors. Maria joined the UCL Judicial Institute in 2013 following a 10-year career in the civil service, working in the courts and judiciary. She joined the Lord Chancellors Department in 2003 working at the office of the Judge Advocate General (JAG) as a pre-trial clerk. In 2006 she joined the Court Service in the Listings and Jury Bailiffs department at the Central Criminal Court (Old Bailey). In 2008 she became a Court Clerk and then the Jury Manager of the Old Bailey, also serving on the Jury Manager's Advisory Group (JMAG) for England and Wales.

About the UCL Judicial Institute

The UCL Judicial Institute is the first and only centre of excellence for research and teaching about the judiciary in the UK. The Institute's purpose is to provide evidence-based understanding and intellectual leadership about the judiciary as a critical social institution about the process of judicial decision-making. The Institute carries out cutting-edge research on the courts and judiciary and provides outstanding educational opportunities for students, practitioners, judges and those performing quasi-judicial roles. The Judicial Institute is led by co-directors Professor Dame Hazel Genn and Professor Cheryl Thomas and guided by an Advisory Board of distinguished jurists and scholars from both the United Kingdom and abroad.



UCL Judicial Institute Advisory Board

Lady Hale, President of the United Kingdom Supreme Court
Lord Carnwath, Justice of the United Kingdom Supreme Court
Lord Justice Jackson, Court of Appeal
Lord Justice MacFarlane, Court of Appeal
Lord Dyson, Master of the Rolls of England and Wales (retired)
Sir John Goldring, Court of Appeal (retired)
Sir Stephen Sedley, Court of Appeal (retired)
Judge Antoine Garapon, Secretary-General, Institut des Hautes Etudes sur la Justice (France)
Professor Judith Resnik, Arthur Liman Professor of Law, Yale Law University
Professor Richard Susskind, President of the Society for Computers and Law
Alexandra Marks, Commissioner, Judicial Appointments Commission of England & Wales

For further information on the Institute please see: www.ucl.ac.uk/laws/judicial-institute

Annex 4: Operation of the Screening Panel

Role of the Screening Panel

1. The Screening Stage of the Procedure is intended to determine whether there is prima facie evidence of misconduct in research. The Screening Panel will be convened to consider allegations of misconduct in research, which have passed through an Initial Assessment by the Registrar and are considered as:

- not encompassing breaches of the law or areas within the domain of the relevant regulatory authority which would, in the opinion of the Registrar, be better (or better first) addressed through a process other than this Procedure;
- not encompassing breaches of UCL's regulations or policies such as might require the implementation of the relevant disciplinary process rather than this Procedure;
- constituting research activity for which UCL is the Sponsor or for which UCL has primary [or otherwise material] responsibility;
- involving a Respondent where UCL is the substantive employer or where it has primary responsibility, agreed with other employing organisations; and
- having the potential to have substance, in that the allegations, as considered in the initial assessment, are not considered to be mistaken, frivolous, vexatious and/or malicious.

Terms of Reference of the Screening Panel

2. The Registrar will confirm in writing the Terms of Reference for the Screening Panel.

3. Members appointed to the Screening Panel will make a written declaration that they:

- will adhere to the Principles of the Procedure (see Annex 1);
- will abide by the Procedure as it affects the work of the Screening Panel;
- will work within the Terms of Reference for the Screening Panel;
- have declared any links to the research and/or the individuals involved in the allegations or any interests which might conflict with the Principles of the Procedure; and
- will maintain the confidentiality of the proceedings throughout the work of the Panel and afterwards, unless formally sanctioned by UCL or otherwise required to by law.

Composition of the Screening Panel

4. The Screening Panel comprises at least three members, two of whom, including the Chair, are drawn from a list approved by the Research Governance Committee. Further members may either be appointed by the Vice Provost (Research) to provide subject expertise or be drawn from the approved list.

5. It may be desirable, but is not essential, that one or more members of the Screening Panel be selected from outside UCL, rather than members drawn from within UCL. Allegations that involve senior staff and/or that are judged to be especially serious, complex or controversial may particularly benefit from the presence of someone external to UCL on the Screening Panel. There would be advantage in the review of allegations that involve staff on joint clinical/honorary contracts for there to be on the Screening Panel an appropriate member of staff from the relevant NHS Trust(s).

6. In referring an allegation to a Screening Panel, the Registrar will consider:

- the subject matter of the allegations, including whether it would be advantageous for members of the Panel to possess any specialised knowledge or investigative skill;
- the appropriateness of inviting members from outside UCL to join;
- any conflicts of interest that might arise;
- any links with any of the persons involved (Complainants or Respondents);

- any personal connections with the subject matter of the allegations; and
- any connections with the work through, for example, UCL's groups established to review proposals for research or ethics committees.

7. The Registrar will not be a member nor seek to influence the work of the Screening Panel.

8. The Vice-Provost (Research) may veto nominations for the Screening Panel, recording the reason for the veto in writing and communicating it to all parties.

9. Both the Complainant and Respondent may raise with the Registrar concerns that they may have about those chosen to serve on the Screening Panel, but neither has a right of veto over those nominated. The Registrar will raise any such concerns with the Vice-Provost (Research) as he/she sees fit.

10. Once convened, the membership of the Screening Panel will not normally be amended and those members unable to continue do not have to be replaced. However, in the event of the Chair standing down or the total membership of the Screening Panel falls below three, the Registrar will then take steps to recruit additional members or re-start the Screening process.

11. Members of the Screening Panel will:

- comply with the terms of the declaration set out in paragraph 3 above; and
- aim to undertake the work of the Panel within the timetable of 45 working days from its initial consideration of the allegation.

Modus Operandi of the Screening Panel

12. To perform its function, the Screening Panel will:

- review the allegations and supporting evidence submitted by the Complainant;
- review the evidence and supporting documentation from the Respondent who should be given the opportunity to respond to the allegations, set out his/her case and present evidence;
- review any background information relevant to the allegations; and
- interview the Complainant, the Respondent, and other individuals who might provide relevant information to assist the Panel, except where the Screening Panel is conducting its business by correspondence, in which case, it will only interview the Respondent where it is likely that it will determine that there is sufficient evidence to require investigation by an Investigation Panel.

Note that:

- those employee Complainants/Respondents interviewed by the Screening Panel may be accompanied and represented by a companion i.e. a workplace colleague or trade union representative;
- those student Complainants/Respondents interviewed by the Screening Panel may be accompanied and represented by a companion i.e. a student friend or a UCL Union sabbatical officer or a member of staff who is in receipt of a valid contract of paid employment with UCL; and
- UCL expects those who can provide relevant information to provide that information to the Panel.

13. The Screening Panel may call independent expert witnesses to give advice if necessary and as appropriate but such witnesses do not become members of the Screening Panel.

14. All contributions to the process of screening will be recorded and maintained for subsequent use.

15. The Panel Secretary has the responsibility to ensure maintenance of a record of all proceedings of the Screening Panel and for ensuring the transfer of that record to the Registrar upon completion of the Screening Panel's work.

16. The Screening Panel will:

- maintain a record of evidence sought and received, and conclusions reached;
- conduct an assessment of the evidence including interviewing the Complainant, the Respondent(s) and other staff whom the Panel consider relevant to the matters under consideration;
- make a recommendation relating to each of the allegations of misconduct in research, which may include different recommendations in each individual case where there is more than one Respondent;
- provide, via the Panel Secretary, a draft report to the Complainant and the Respondent(s), copied to the Registrar, for comment on the factual accuracy of the report. Only when the report includes errors of fact, as indicated by the Complainant and/or Respondent(s), will the Screening Panel modify the report. The Chair will judge the validity of such comments submitted via the Panel Secretary and seek the agreement of the Panel before making amendments to the Panel's report;
- produce a final report which considers the allegations of misconduct in research and reaches one of the conclusions below;
- aim to complete its work within **45 working days**.

17. The Panel Secretary will send the final report to the Registrar, who will forward the report to the Complainant and the Respondent.

18. Once it has completed the report and reached a conclusion, the work of the Screening Panel is completed. It will be disbanded and members will take no part in any further investigation of the matter under this Procedure or make any comment on the continuing research misconduct investigation, unless formally sanctioned by UCL or otherwise required to by law. They should also remember that all information concerning the case was given to them in confidence. However, nothing in this paragraph shall prevent a Panel member from presenting the report or the Screening Panel's findings as part of any relevant disciplinary process.

The Findings of the Screening Panel

19. The Screening Panel will determine whether the allegations of misconduct in research:

- are mistaken, frivolous, vexatious and/or malicious; or
- have some substance but due to a lack of intent to deceive or due to their relatively minor nature, should be addressed through education and training or other non-disciplinary approach rather than through the next stage of the Procedure or other formal proceedings; or
- are sufficiently serious and have sufficient substance to justify a Formal Investigation; or
- where the Screening Panel finds no prima facie evidence of misconduct in academic research, however there is evidence of potential misconduct that is not research misconduct, that the case should be referred directly to UCL's relevant disciplinary process or another internal process.

Where there is more than one Respondent, the Screening Panel may determine a different outcome for each Respondent. The decision relating to each Respondent will be made confidentially to him/her alone; where practicable, it will not be communicated to the other Respondent(s). To this end, it may be necessary to provide more than one report of the Screening Panel.

20. In those cases where a Screening Panel recommends that a Formal Investigation should be undertaken into the allegations of misconduct in research, the Screening Panel may also set out in its final report any other salient issues relating to those allegations that it concludes should be considered by the Investigation Panel as part of the Formal Investigation stage of the Procedure.

21. The work of the Screening Panel is then concluded and the Panel is disbanded.

22. Any queries should be referred to the Registrar.

23. Those who have contributed to the disbanded Screening Panel will have no further involvement in the Procedure, unless formally asked to clarify a point in their written report, at a subsequent part of the investigation.

24. Involvement in either the Screening or the Investigation Panel rules out participation in any disciplinary process, provided that this shall not prevent a Panel member from presenting the Screening Panel's report or findings as part of any disciplinary process as required.

BMA House directions

Directions from Euston Station

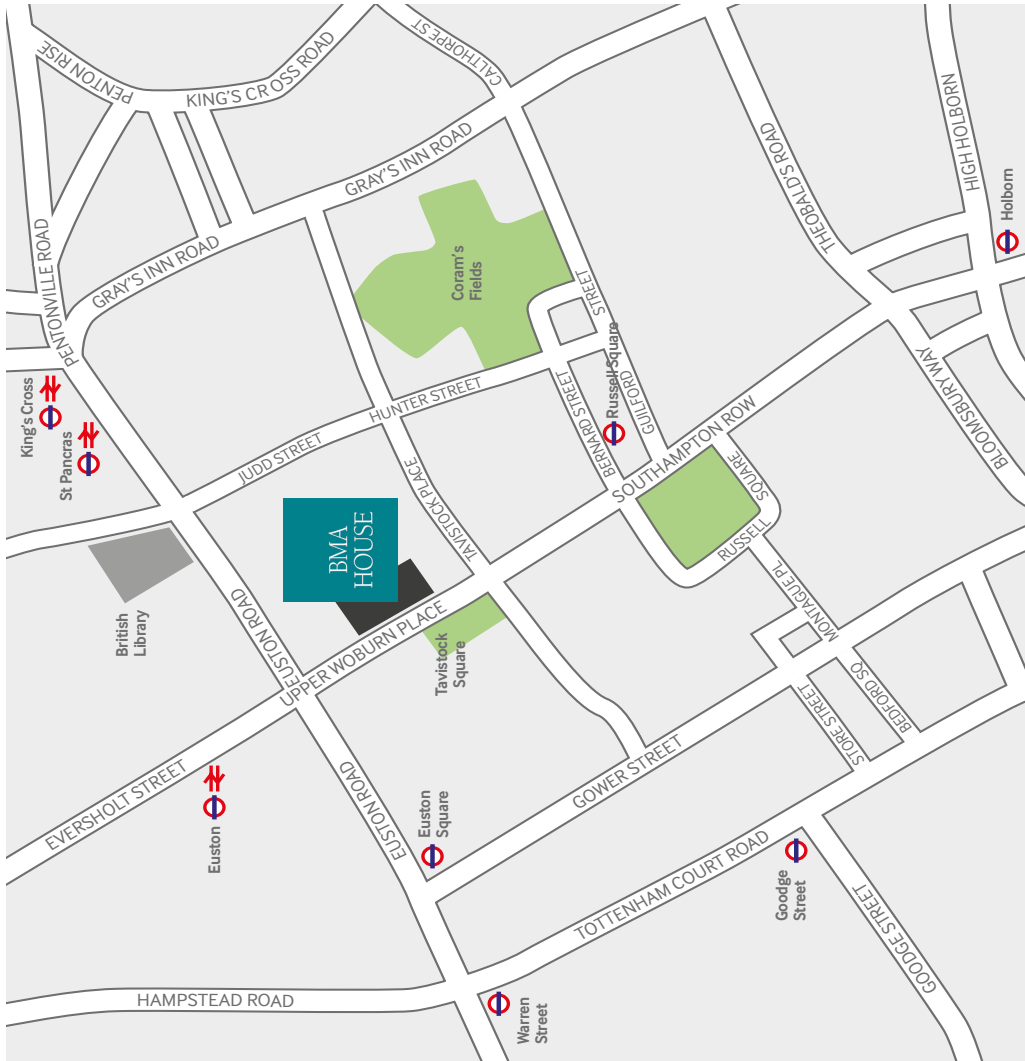
Walk into the station forecourt with the platforms behind you and head towards the exits to the left of the station. You should walk to the main road on the left which is Eversholt Street. Turn right onto this road and walk down to the traffic lights at the junction with Euston Road. Cross straight over the road which turns into Upper Woburn Place. There will be a Prezzo restaurant on the right hand corner. Walk down this road and at the Hilton Hotel cross the road at the zebra crossing. Keep walking until you reach the Natwest bank. The BMA House entrance is the next main door and is signed BMA Reception. If you reach the Starbucks coffee shop you have gone too far.

Directions from Kings Cross Station

Walk out of the main exit of the station – you will be on Euston Road. Turn right down Euston Road with Kings Cross behind you and walk in the direction of St Pancras Station (the west end may also be sign posted). Follow Euston Road straight for about 5 minutes until you get to a fire station on the right hand side (on route you will pass the Renaissance Hotel and British Library on your right). At the traffic lights by the fire station turn left to cross Euston Road onto Upper Woburn Place. You will see a Prezzo Restaurant on the opposite corner. Walk along Upper Woburn Place for a couple of minutes – you will reach the Natwest Bank. The BMA House entrance is the next main door and is signed BMA Reception. If you reach the Starbucks coffee shop you have gone too far.

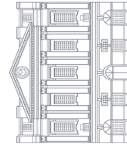
Directions from Russell Square Station:

Exit the station and cross the road at the zebra crossing to the Tesco Express store. Turn left and walk to the end of the road, HSBC will be on your right hand side. Turn right on to Upper Woburn Place and continue straight forward. Continue straight crossing over Coram Street and continue onto Tavistock Square. Continue straight and you should pass Starbucks on your right hand side. Walk past the red Royal Mail postbox and the main entrance to BMA House is the next set to blue doors your right and is signed BMA Reception. If you reach the Natwest bank you have gone too far.



Call 020 7874 7020 or email events@bma.org.uk
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