

Policy for Consideration of Retrospective Ethics Applications

May 2025

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For the purposes of this policy document, “Retrospective Ethics Approval Application” or “Retrospective Application” is defined as the process of submitting a research ethics application for review *after* any research data collection has been undertaken and where no existing ethical approval for collection or use of the data for the purposes of the associated project exists.

It is never expected that applications for ethics approval will be reviewed and considered retrospectively unless exceptional circumstances exist. Researchers are entirely responsible for submitting their ethics application (and any associated amendments thereafter) in plenty of time to secure approval **before** their data collection starts. Data collection must not commence until confirmation of ethics approval has been received by e-mail from a College REC (CREC) or the University Research Integrity and Ethics Committee (URIEC). Where a researcher has, under normal processes, submitted an ethics application and unilaterally takes the decision to begin the research data collection *prior* to obtaining ethics approval this will be dealt with under the University definition of research misconduct, not this policy. **If any retrospective application made is rejected by URIEC, any research data collected must be deleted and cannot be used in any outputs (including a student’s thesis).**

To apply for retrospective ethics approval, a two-stage conditional application process must be followed:

- **Stage 1:** Applicants must satisfy URIEC that there are genuinely exceptional circumstances for their failure to submit an ethics application **and** obtain ethics approval before starting data collection. A letter detailing the reasons why ethics approval was not sought or obtained in full before the data collection was carried out must be provided, along with any supporting evidence. If the Stage 1 justification is accepted by URIEC, then the Committee will invite the applicants to move to Stage 2. If the justification is not accepted by URIEC the matter would need to be referred for appropriate management action, including potentially an investigation in line with the Research Misconduct Policy or the Regulations on Student Discipline (as the research will be deemed to have taken place without the necessary approval and without extenuating circumstances).
- **Stage 2:** If the circumstances are considered exceptional, applicants will be asked to submit a full and accurate retrospective ethics application, including all supporting documents, for the work done. On this basis, URIEC will assess whether it would have given unconditional approval had approval been sought according to University policy. The full URIEC on a majority vote must agree as to whether the retrospective application could be approved without conditions (or where conditions would have merely constituted points for clarification or minor issues such as corrections of typos) or amendments. The decision as to whether URIEC needs to meet to discuss a case or whether the matter can be dealt with by Committee correspondence, will rest with the Chair of URIEC.

Where it is agreed that, provided general ethical principles have been followed, the research could be considered as having been capable of being issued approval URIEC may then exercise

its discretion to grant retrospective approval for the research. Even if approval is granted, the failure to apply for ethics approval in advance of the research commencing may still result in an investigation in line with the Research Misconduct Policy or the Regulations on Student Discipline.

If it is deemed that unconditional approval would not have been given, the application for retrospective approval would then be rejected and the matter would need to be referred for appropriate management action, including potentially an investigation in line with the Research Misconduct Policy or the Regulations on Student Discipline (as the research would have taken place without the necessary approval).

This policy allows for referral of evidence and reports generated to be used by Aston University's disciplinary procedures or other relevant organisational processes. In this regard, URIEC could and should highlight within their report any immediate ethical concerns particularly in relation to any ongoing concerns regarding the welfare of human participants.

In line with the Research Misconduct Policy, internal experts to Aston University may be confidentially consulted if this will assist with the URIEC decision making process. A record will be kept of decided cases by URIEC.

Consideration of 'Innocent Parties'

It is recognised that there may be an 'innocent party' involved in cases of retrospective ethics applications. This would be determined in Stage 1 (above) but in order to do so may require URIEC to obtain further detail on this point to enable the Committee to take a decision about whether the matter should pass to Stage 2 review of the application. Such issues can be tricky to unpick, and the Research Integrity and Governance Manager will advise the Committee as appropriate. Where, and only where, there is an 'innocent party' the proposed operation of this Policy also allows for the following:

- i. Even where there is no adequate case made, in Stage 1, for exceptional circumstances, where there is determination of an 'innocent party', the retrospective application can proceed to Stage 2.
- ii. In line with Stage 2 of the Policy, if the application would have been granted unconditional approval, then it can be approved. This does not, however, prevent the Committee from making a referral for management action, including an investigation in line with the Research Misconduct Policy or other appropriate management action but it does mean the innocent party, where the data collection, as conducted, was entirely ethical, is not unfairly penalised.
- iii. If unconditional approval would not have been granted, the application will be rejected as per Stage 2 above.
- iv. If it is not clear whether the research would have been approved unconditionally, in cases of determined innocent parties the Committee may choose to gather further evidence to establish the facts. If, following investigation about what took place in the research, the Committee is satisfied, approval can be given. If not, the application will be rejected.

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