

23 Access to work at Barts Health Honorary Research Contracts and Letters of Access

23.1 Introduction

This policy covers individuals, who wish to work with Barts Health employees on research projects or research collaborations, at any of its hospital sites.

Individuals who are not directly employed by Barts Health but who work on Barts Health premises or with Barts Health patients or employees, or who wish to access our patient records or facilities must ensure that before they undertake any research activities appropriate access arrangements are in place.

Access approvals can take several forms and depend on the type of activity that individuals wish to engage in. Examples include:

- Honorary Contracts (Clinical or Research).
- Letters of Access.
- Escorted Site Visitor permissions.

The appropriateness of the access arrangement will depend in each case on what the person is intending to do whilst on-site or what data they need to access to undertake their research. This is in accordance with the NHS Research Passport Good Practice Guidance¹ to which Barts Health signed up in May 2010 and reaffirmed at the time of the Trust merger in 2012.

Generally speaking, the following outcomes are likely:

- a) The research activity is closely linked to clinical work being undertaken by the person: An Honorary Clinical Contract (HRC) issued by Barts Health HR is appropriate.
- b) The research activity involves contact with patients and will have an impact on the clinical care of the patients involved in that research: An HRC issued by the JRMO is appropriate.
- c) The research activity involves contact with patients and/ or identifiable patient data, but it will have no impact on the clinical care of the patients involved in that research: A Letter of Access (LoA) issued by the JRMO is appropriate.
- d) The research activity involves no access to patient or identifiable patient data (e.g. research being undertaken only involves access to anonymised healthcare records, interviews with staff or attendance at staff meetings): A Letter of Access (LoA) issued by the JRMO is appropriate.

Researchers must have in place appropriate access arrangements when visiting or working at

¹ <https://www.nihr.ac.uk/about-us/CCF/policy-and-standards/research-passports.htm>

Barts Health. There is a mutual advantage in these arrangements as the access authority is a legal arrangement where the NHS body authorises researchers to undertake a range of activities within its organisation enabling university and other non- NHS employees to benefit from NHS indemnities to the same extent as its own employees. The NHS organisation must discharge its duty of care, for which the Chief Executive is personally accountable. By issuing university and other non-NHS staff with HRCs and/or LoAs, Barts Health ensures that all researchers working on its premises or otherwise with its staff, patients, their organs, tissue or data are contractually bound to take proper account of the NHS duty of care. Thus, appropriate access arrangements afford protection to both parties.

23.2 Policy

Barts Health requires all individuals who do not have a contract of employment to obtain appropriate access authority (e.g. HRC or LoA) before any direct or indirect contact with patients for the purposes of research.

Barts Health appreciates that the process established by this policy places an administrative burden on those who need to work across several NHS organisations. It has, therefore, implemented the Research Passport scheme recommended by the Department of Health. This has established an agreed and secure procedure by which individuals need only be granted one honorary contract by an NHS organisation to carry out duties in any other NHS organisation where the original and the standard honorary contract will be accepted.

Honorary contracts are not intended to grant any form of employment status with Barts Health.

The responsibility for ensuring that honorary contracts or LoAs are in place rests with the Barts Health consultant or another member of staff sponsoring the individual. They shall work in consultation with the JRMO, Clinical Director, Head of Nursing or General Manager of the appropriate clinical directorate or Medical Director or Director of Nursing and Quality.

Barts Health's HR Department has an application form for the issue of Honorary Clinical Contracts and the JRMO will generally use the Research Passport Form as the appropriate document to initiate an application for an HRC or LoA. Each application must be sponsored by a consultant if the applicant is a medical or dental practitioner or by another senior member of staff for other applicants.

Applicants seeking access to the Trust for research purposes will be required to have undergone an evidenced occupational health assessment before an HRC or LoA is issued.

Applicants will also be required to supply an Enhanced Criminal Records check to the JRMO before an HRC or LoA is issued, in line with Barts Health's arrangements for the protection of children and vulnerable adults.

It shall be the responsibility of the relevant substantive employer to arrange the required checks on behalf of its employees. Where applications are made to Barts Health's HR Department concerning Honorary Clinical Contracts, Barts Health will normally undertake these checks.

Although the JRMO may process and provide access clearance access to specific systems and sites, including obtaining ID badges, needs to be arranged by the relevant local Barts Health manager (as specified in your Letter of Access/ Honorary Research Contract). That person will have access to the necessary forms through the Trust's intranet (WeShare). They are also responsible for ensuring the person undertakes any relevant training, including Barts Health's Statutory and Mandatory training. These things are not arranged centrally through the JRMO.

23.3 Application

This policy applies to all individuals who are not employees of Barts Health who wish to have contact with patients or patient data for the purposes of conducting research. All principal investigators and support staff working on a research project who have direct contact with patients must be covered by an appropriate level of access (that is, an honorary contract or a LoA).

The principal investigator is the designated lead who has overall responsibility for a research project. He or she will normally be the grant holder. Other staff associated with the research programme, for example laboratory staff of other organisations should be considered on a case-by-case basis. However, in all instances, staff with access to tissue and/ or patient data will be bound by current regulations on confidentiality and data protection.

Following the policy in this area recommended by the Department of Health, Barts Health in agreement with other NHS Trusts will accept suitably qualified NHS staff who have undergone standard pre-employment checks to work on research projects authorised by the JRMO. Each such person will be issued with an LoA under the NIHR Research Passport Scheme.

As the JRMO operates across Queen Mary and Barts Health under a memorandum of understanding, Queen Mary staff working within the JRMO do not need to follow the process set out in this policy and are automatically eligible for honorary contract status at the point of employment.

23.4 Concerns about non- Barts Health researchers

Members of staff with concerns about researchers or other honorary contract holders working in their clinical area should raise these concerns with their line managers. If a delay in issuing approvals could result in potential harm to patients, staff or a breach of the law, individuals should raise the concerns with an appropriate professional lead or by using Barts Health's whistle-blowing procedures.

Managers with issues of concern should check the name and details of the honorary contract holder or access holder and raise the concerns with the local sponsor or professional lead as soon as possible. The sponsor or professional lead will take action as appropriate, which may include ending the honorary appointment or access arrangement.

Individuals wishing to check whether proper reporting arrangements are in place for an honorary contract holder or access holder can check details with the JRMO.

This policy applies only to Barts Health and JRMO Queen Mary staff

