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Fitness to Practice Panels

UK experience

- Scientific fraud highlighted by:
 - Whistleblowers
 - Medical journal editors
 - Pharmaceutical industry

Obstructions

- Investigation difficult & costly
- Individual & institutional denial
- Buckpassing
- Persecution of whistleblowers
- Employers' conflict of interest
- Funders, learned societies & regulators limited locus
- Increasing internationality

» BMJ 2005;331:281-7, 288-291

Hopeful signs

- *In the UK*, governance policies holds registered medical practitioners to account
- Research misconduct can represent 'impaired fitness to practice' under General Medical Council rules (18 case heard in last 8 years)
- Applies only to medically qualified

Solutions: the Danish experience

- Legal standing (Danish Act 405 of 28.5.03)
 - ‘to ensure the scientific integrity of Danish research.’
- Legal definition (Exec Order 933 of 15.12.98)
 - ‘...the existence of falsification or distortion of a scientific message or gross misrepresentation about a person’s involvement in the research

Solutions: the Danish model

- Codes on scientific dishonesty have a legal basis
- Open access for complainants
- Chaired by High Court judge
- Published process
- Ad hoc panel may investigate
- Statutory sanctions

» <http://www.forsk.dk>

But it isn't plain sailing

- Lomborg 'The Skeptical Environmentalist'
- Criticised as fraudulent in Scientific American
- Found fraudulent by DCSD
- Appeal upheld by Minister for Science, Technology & Innovation
- *'Relied on published critique rather than conducting an independent analysis'*

Solutions: Sweden

- Swedish MRC working group chaired by a judge
- Investigates & proposes sanctions
 - YET
- 50% of Swedish journal editors did not have mechanisms in place

Solutions: Finland

- National Research Ethics Centre 'to promote discussion, disseminate information & take initiatives.'
- University rector or research head must investigate within 60 days
- He or she may apply sanctions
- Appeal procedure to National Board on Research Ethics

<http://pro.tsv.fi/tenk/htkoengl.pdf>

Solutions: Germany

- Joint Committee of German Science Research Council (DFG)
- Investigates & sanctions (e.g. reprimand, banned from DFG funding, banned from peer review)

– <http://www.dfg.de/cgi-bin/htsearch>

Current situation UK

- COPE advises suspicious editors
- Investigation passed to institutions
- Pharmaceutical industry (ABPI) investigates drug trial fraud
- GMC defines research misconduct as grounds for finding unfitness to practice

UK - frustrations

- Institutions often drag their feet
- Investigations often inadequate
- Retirement or removal can halt process

- No legal authority
- Anxiety within small specialties

UK Panel for Research Integrity

- Led by Universities UK
- Supported by government
- Stakeholders include GMC, MRC, RCP, ABPI, Health Care Commission, Medicines Regulatory Agency

UKPRI – Key Roles

- Producing a Code of Practice
- Advising employers on implementation
- Appointment of expert panels
- Training University & NHS staff
- Holding a database
- Acting as whistleblowers clearing house

UKPRI – potential problems

- Voluntary, not mandatory Code
- Proposed panel = ‘The great & the good’
- Need for an appeals process
- Training, validation & CPD of panellists
- Conflicts of interest
- Non-funded or independent researchers
- Legal hurdles
 - Data Protection Act
 - Human Rights Act