



**Site visit inspection report on compliance with HTA minimum standards**

**Royal Marsden NHS Foundation Trust**

**HTA licensing number 30000**

**Licensed under the Human Tissue Act 2004 for the**

- **storage of relevant material which has come from a human body for use for a scheduled purpose**

**5-6 June 2013**

**Summary of inspection findings**

The HTA found the Designated Individual, the Licence Holder, the premises and the practices to be suitable in accordance with the requirements of the legislation.

Royal Marsden NHS Foundation Trust (the establishment) was found to have met all HTA standards.

Particular examples of strengths and good practice are included in the concluding comments section of the report.

## **The HTA's regulatory requirements**

The HTA must assure itself that the Designated Individual, Licence Holder, premises and practices are suitable.

The statutory duties of the Designated Individual (DI) are set out in Section 18 of the Human Tissue Act 2004. They are to secure that:

- the other persons to whom the licence applies are suitable persons to participate in the carrying-on of the licensed activity;
- suitable practices are used in the course of carrying on that activity; and
- the conditions of the licence are complied with.

The HTA developed its licensing standards with input from its stakeholders. They are designed to ensure the safe and ethical use of human tissue and the dignified and respectful treatment of the deceased. The HTA inspects the establishments it licences against four groups of standards:

- consent
- governance and quality systems
- premises facilities and equipment
- disposal.

This is an exception-based report: only those standards that have been assessed as not met are included. Where the HTA determines that a standard is not met, the level of the shortfall is classified as 'Critical', 'Major' or 'Minor' (see Appendix 2: Classification of the level of shortfall). Where HTA standards are fully met, but the HTA has identified an area of practice that could be further improved, advice is given to the DI.

Reports of HTA inspections carried out from 1 November 2010 are published on the HTA's website.

## **Background to the establishment and description of inspection activities undertaken**

Royal Marsden NHS Foundation Trust (the establishment) has sites in Chelsea (the hub) and in Sutton (the satellite) where collections of relevant and non-relevant material are stored for the scheduled purpose of research in connection with the disorders, or the functioning, of the human body. The majority of samples are being stored for use in projects with current NHS research ethics committee (REC) approval, and hence are exempt from the licensing requirements of the Human Tissue Act 2004 (the Act). Relevant material in the Generic Tissue and Breast Biobanks, and some small collections from projects whose NHS REC approval has expired, are stored under this HTA licence.

Tissue samples from several solid tumour types, and blood samples, may be donated for use in research by patients undergoing treatment at the establishment, and may also be received from other centres within the UK or overseas. The transfer of samples between the establishment and other centres is underpinned by documented tissue transfer agreements. Depending upon the tissue type, samples may be stored at  $-80^{\circ}\text{C}$  or  $-20^{\circ}\text{C}$  or, for paraffin wax-embedded tissue blocks and microscope slides, at ambient temperature.

The establishment has been licensed by the HTA since August 2007. This report describes its first, routine, site visit inspection in June 2013. The inspectors met with establishment staff, reviewed documentation and visually inspected tissue storage areas at the hub and the satellite. An audit of traceability for tissue samples from 13 donors chosen at random from the

Generic Tissue and Breast Biobanks showed full tissue traceability from consent to storage. An audit of stored tissue from six donors across four different ethically approved projects revealed some anomalies in traceability records for one project; however, all of the samples selected for this part of the audit could eventually be located (refer to advice item 3).

The Trust has an HTA licence in the human application sector (HTA licensing number 11001). Activities taking place under that HTA licence were not assessed at this site visit inspection.

### Inspection findings

The HTA found the Designated Individual and the Licence Holder to be suitable in accordance with the requirements of the legislation.

### Compliance with HTA standards

All applicable HTA standards have been assessed as fully met.

### Advice

The HTA advises the DI to consider the following to further improve practices:

No.	Standard	Advice
1.	GQ1	If a patient does not complete a consent form regarding storage for research of any surgical tissue which is surplus to diagnostic purposes, then such tissue is disposed of after a specified timeframe. This requirement is understood by all staff. The specific timeframe is stated in some documented standard operating procedures (SOPs), but not in others. The DI is advised that all SOPs relating to donation of surplus surgical tissue for research should state the timeframe after which it will be disposed of if a patient's consent instructions are unknown.
2.	GQ4	The DI is advised to consider reviewing sample disposal records during its regular tissue traceability audits. This will further reassure the DI that where sample disposal is required, that the date and reason are being recorded, and also that any samples which should have been disposed of are not being retained inadvertently.
3.	GQ6	The establishment's regular tissue traceability audits, and the sampling of traceability records conducted by the HTA at the inspection, have highlighted where record keeping could be improved for some projects under REC approval. The DI is advised that when relevant material from projects whose REC approval has expired is to be stored under the HTA licence, a detailed inventory of the samples being transferred should be provided.
4.	GQ8	<p>The establishment has a range of documented risk assessments for its procedures and premises. There are documented SOPs covering transportation of research samples to other centres, however the process has not been formally risk assessed. The DI is advised to risk assess the process for transportation of samples.</p> <p>The establishment is in a period of continuing growth and development in its research activities. The DI is advised that documented risk assessments should be kept under regular review during this period to ensure that potential risks, particularly in relation to the premises and sample traceability, continue to be</p>

		mitigated satisfactorily.
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### **Concluding comments**

All HTA licensing standards have been assessed as fully met. Several examples of strength were noted during the inspection. A patient's instructions for the retention or disposal of surplus surgical tissue are clearly logged in their electronic patient record, and there are effective procedures to follow up with a patient if a research consent form is not received. Quality management is to a good standard, with wide-ranging documented risk assessments for procedures and premises, and well-written SOPs for the collection, storage and disposal of tissue. Storage facilities are appropriately monitored and maintained, and there are suitable contingency arrangements for sample storage in the event of a freezer failure.

The HTA has given advice to the DI with respect to further strengthening quality management systems.

The HTA has assessed the establishment as suitable to be licensed for the activities specified.

**Report sent to DI for factual accuracy: 18 June 2013**

**Report returned from DI: 25 June 2013**

**Final report issued: 26 June 2013**

## Appendix 1: HTA standards

The HTA standards applicable to this establishment are shown below; those not assessed during the inspection are shown in grey text. Individual standards which are not applicable to this establishment have been excluded.

Consent standards
<b>C1 Consent is obtained in accordance with the requirements of the Human Tissue Act 2004 (HT Act) and as set out in the code of practice</b>
<ul style="list-style-type: none"><li>• Consent forms comply with the HTA's Code of Practice</li><li>• Consent forms are in records and are made accessible to those using or releasing relevant material for a scheduled purpose</li><li>• If the establishment obtains consent, a process is in place for acquiring consent in accordance with the requirements of the HT Act 2004 and the HTA's Codes of Practice</li><li>• Where applicable, there are agreements with third parties to ensure that consent is obtained in accordance with the requirements of the HT Act 2004 and the HTA's Codes of Practice</li><li>• Consent procedures have been ethically approved</li></ul>
<b>C2 Information about the consent process is provided and in a variety of formats</b>
<ul style="list-style-type: none"><li>• Standard operating procedures (SOPs) detail the procedure for providing information on consent</li><li>• Agreements with third parties contain appropriate information</li><li>• Independent interpreters are available when appropriate</li><li>• Information is available in suitable formats, appropriate to the situation</li><li>• Consent procedures have been ethically approved</li></ul>
<b>C3 Staff involved in seeking consent receive training and support in the implications and essential requirements of taking consent</b>
<ul style="list-style-type: none"><li>• Standard operating procedures (SOPs) detail the consent process</li><li>• Evidence of suitable training of staff involved in seeking consent</li><li>• Records demonstrate up-to-date staff training</li><li>• Competency is assessed and maintained</li></ul>
Governance and quality system standards
<b>GQ1 All aspects of the establishments work are supported by ratified documented policies and procedures as part of the overall governance process</b>
<ul style="list-style-type: none"><li>• Policies and procedures are in place, covering all activities related to the storage of relevant material for research in connection with disorders, or the functioning, of the human body</li><li>• Appropriate risk management systems are in place</li><li>• Regular governance meetings are held; for example, health and safety and risk management</li></ul>

<p>committees, agendas and minutes</p> <ul style="list-style-type: none"> <li>• Complaints system</li> </ul>
<b>GQ2 There is a documented system of quality management and audit</b>
<ul style="list-style-type: none"> <li>• A document control system, covering all documented policies and standard operating procedures (SOPs).</li> <li>• Schedule of audits</li> <li>• Change control mechanisms for the implementation of new operational procedures</li> </ul>
<b>GQ3 Staff are appropriately qualified and trained in techniques relevant to their work and are continuously updating their skills</b>
<ul style="list-style-type: none"> <li>• Qualifications of staff and training are recorded, records showing attendance at training</li> <li>• Orientation and induction programmes</li> <li>• Documented training programme, (e.g. health and safety, fire, risk management, infection control), including developmental training</li> <li>• Training and reference manuals</li> <li>• Staff appraisal / review records and personal development plans are in place</li> </ul>
<b>GQ4 There is a systematic and planned approach to the management of records</b>
<ul style="list-style-type: none"> <li>• Documented procedures for the creation, amendment, retention and destruction of records</li> <li>• Regular audit of record content to check for completeness, legibility and accuracy</li> <li>• Back-up / recovery facility in the event of loss of records</li> <li>• Systems ensure data protection, confidentiality and public disclosure (whistle-blowing)</li> </ul>
<b>GQ5 There are documented procedures for distribution of body parts, tissues or cells</b>
<ul style="list-style-type: none"> <li>• A process is in place to review the release of relevant material to other organisations</li> <li>• An agreement is in place between the establishment and the organisation to whom relevant material is supplied regarding the tracking and use of material and eventual disposal or return</li> </ul>
<b>GQ6A coding and records system facilitates traceability of bodies, body parts, tissues and cells, ensuring a robust audit trail</b>
<ul style="list-style-type: none"> <li>• There is an identification system which assigns a unique code to each donation and to each of the products associated with it</li> <li>• An audit trail is maintained, which includes details of when and where the relevant material was acquired, the consent obtained, the uses to which the material was put, when the material was transferred and to whom</li> </ul>

<b>GQ7 There are systems to ensure that all adverse events are investigated promptly</b>
<ul style="list-style-type: none"> <li>• Corrective and preventive actions are taken where necessary and improvements in practice are made</li> <li>• System to receive and distribute national and local information (e.g. HTA communications)</li> </ul>
<b>GQ8 Risk assessments of the establishment's practices and processes are completed regularly and are recorded and monitored appropriately</b>
<ul style="list-style-type: none"> <li>• Documented risk assessments for all practices and processes</li> <li>• Risk assessments are reviewed when appropriate</li> <li>• Staff can access risk assessments and are made aware of local hazards at training</li> </ul>
<b>Premises, facilities and equipment standards</b>
<b>PFE1 The premises are fit for purpose</b>
<ul style="list-style-type: none"> <li>• A risk assessment has been carried out of the premises to ensure that they are appropriate for the purpose</li> <li>• Policies in place to review and maintain the safety of staff, authorised visitors and students</li> <li>• The premises have sufficient space for procedures to be carried out safely and efficiently</li> <li>• Policies are in place to ensure that the premises are secure and confidentiality is maintained</li> </ul>
<b>PFE 2 Environmental controls are in place to avoid potential contamination</b>
<ul style="list-style-type: none"> <li>• Documented cleaning and decontamination procedures</li> <li>• Staff are provided with appropriate protective equipment and facilities that minimise risks from contamination</li> <li>• Appropriate health and safety controls are in place</li> </ul>
<b>PFE3 There are appropriate facilities for the storage of bodies, body parts, tissues and cells, consumables and records.</b>
<ul style="list-style-type: none"> <li>• Relevant material, consumables and records are stored in suitable secure environments and precautions are taken to minimise risk of damage, theft or contamination</li> <li>• Contingency plans are in place in case of failure in storage area</li> <li>• Critical storage conditions are monitored and recorded</li> <li>• System to deal with emergencies on 24 hour basis</li> <li>• Records indicating where the material is stored in the premises</li> </ul>

**PFE 4 Systems are in place to protect the quality and integrity of bodies, body parts, tissues and cells during transport and delivery to a destination**

- Documented policies and procedures for the appropriate transport of relevant material, including a risk assessment of transportation
- A system is in place to ensure that traceability of relevant material is maintained during transport
- Records of transportation and delivery
- Records are kept of any agreements with recipients of relevant material
- Records are kept of any agreements with courier or transport companies

**PFE5 Equipment is appropriate for use, maintained, quality assured, validated and where appropriate monitored**

- Records of calibration, validation and maintenance, including any agreements with maintenance companies
- Users have access to instructions for equipment and receive training in use and maintenance where appropriate
- Staff aware of how to report an equipment problem
- Contingency plan for equipment failure

**Disposal Standards**

**D1 There is a clear and sensitive policy for disposing of human organs and tissue**

- Documented disposal policy
- Policy is made available to the public
- Compliance with health and safety recommendations

**D2 The reason for disposal and the methods used are carefully documented**

- Standard operating procedures (SOPs) for tracking the disposal of relevant material detail the method and reason for disposal
- Where applicable, disposal arrangements reflect specified wishes



## Appendix 2: Classification of the level of shortfall

Where the HTA determines that a licensing standard is not met, the improvements required will be stated and the level of the shortfall will be classified as 'Critical', 'Major' or 'Minor'. Where the HTA is not presented with evidence that an establishment meets the requirements of an expected standard, it works on the premise that a lack of evidence indicates a shortfall.

The action an establishment will be required to make following the identification of a shortfall is based on the HTA's assessment of risk of harm and/or a breach of the HT Act or associated Directions.

### 1. Critical shortfall:

A shortfall which poses a significant risk to human safety and/or dignity or is a breach of the Human Tissue Act 2004 (HT Act) or associated Directions

*or*

A combination of several major shortfalls, none of which is critical on its own, but which together could constitute a critical shortfall and should be explained and reported as such.

A critical shortfall may result in one or more of the following:

- (1) A notice of proposal being issued to revoke the licence
- (2) Some or all of the licensable activity at the establishment ceasing with immediate effect until a corrective action plan is developed, agreed by the HTA and implemented.
- (3) A notice of suspension of licensable activities
- (4) Additional conditions being proposed
- (5) Directions being issued requiring specific action to be taken straightaway

### 2. Major shortfall:

A non-critical shortfall that:

- poses a risk to human safety and/or dignity, or
- indicates a failure to carry out satisfactory procedures, or
- indicates a breach of the relevant CoPs, the HT Act and other relevant professional and statutory guidelines, or
- has the potential to become a critical shortfall unless addressed

*or*

A combination of several minor shortfalls, none of which is major on its own, but which, together, could constitute a major shortfall and should be explained and reported as such.

In response to a major shortfall, an establishment is expected to implement corrective and preventative actions within 1-2 months of the issue of the final inspection report. Major shortfalls pose a higher level of risk and therefore a shorter deadline is given, compared to minor shortfalls, to ensure the level of risk is reduced in an appropriate timeframe.

### 3. Minor shortfall:

A shortfall which cannot be classified as either critical or major, but which indicates a departure from expected standards.

This category of shortfall requires the development of a corrective action plan, the results of which will usually be assessed by the HTA either by desk based or site visit.

In response to a minor shortfall, an establishment is expected to implement corrective and preventative actions within 3-4 months of the issue of the final inspection report.

## **Follow up actions**

A template corrective and preventative action plan will be sent as a separate Word document with both the draft and final inspection report. You must complete this template and return it to the HTA within 14 days of the issue of the final report.

Based on the level of the shortfall, the HTA will consider the most suitable type of follow-up of the completion of the corrective and preventative action plan. This may include a combination of

- a follow-up site-visit inspection
- a request for information that shows completion of actions
- monitoring of the action plan completion
- follow up at next desk-based or site-visit inspection.

After an assessment of your proposed action plan you will be notified of the follow-up approach the HTA will take.