PROTOCOL WAIVERS

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AUTHOR:	**Raymond French**
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1 INTRODUCTION

1.1 The Academic & Clinical Central Office for Research & Development (ACCORD) is a joint office comprising clinical research management staff from NHS Lothian (NHSL) and the University of Edinburgh (UoE).

1.2 A Protocol Waiver may be defined as the sponsor approval for a prospective protocol deviation. Such deviations can often involve (but may not be limited to) the active recruitment to a study of one or more participants who do not meet the inclusion/exclusion criteria as detailed in the study protocol.

1.3 In the context of possible prospective approval of a protocol deviation by a sponsor, the following regulatory statements should be considered:

I. Regulation 30 of Statutory Instrument 2004:1031 The Medicines for Human Use (Clinical Trials) Regulations 2004 stipulates that “no person shall conduct a clinical trial otherwise than in accordance with the protocol relating to that trial, as may be amended from time to time in accordance with regulations 22 to 25”.

II. According to ICH-GCP E6(R2) (ICH Guideline for Good Clinical Practice):
- The investigator/institution should conduct the trial in compliance with the protocol agreed to by the sponsor and, if required, by the regulatory authority(ies) and which was given approval/favourable opinion by the Research Ethics Committee (REC).
- The investigator should not implement any deviation from, or changes of the protocol without agreement by the sponsor and prior review and documented approval/favourable opinion from the REC of an amendment, except where necessary to eliminate an immediate hazard to trial subjects, or when the change(s) involves only logistical or administrative aspects of the trial (e.g., change in monitor(s), change of telephone number(s)).

III. According to the European Medicines Agency website GCP Q&A (last accessed, on the effective date of this policy, here: http://www.emea.europa.eu/ema/index.jsp?curl=pages/regulation/q_and_a/q_and_a_detail_000016.jsp&mid=WC0b01ac05800296c5):

"Adherence to the protocol is a fundamental part of the conduct of a clinical study. Any significant change to the protocol should be submitted as an amendment to the competent regulatory authority and ethics committee."
And
"The use of …systematic waiver systems in clinical trials is not considered to be appropriate and studies using such a system might be regarded as non-compliant with GCP".

2 SCOPE

2.1 This Policy applies to all researchers participating in or running research studies sponsored by NHSL and/or the UoE.

2.2 This Policy also applies to all members of ACCORD who manage, co-ordinate or advise on clinical research sponsored by NHSL and/or the UoE.

3 POLICY

3.1 It is ACCORD policy that sponsor approval will **NOT** be granted for a prospective protocol deviation and, as such, Protocol Waivers will not be approved for studies sponsored by NHSL and/or the UoE.

3.2 Investigators must not use systems of prospectively approving protocol deviations, in order to effectively widen the scope of a protocol. Protocol design must be appropriate to the populations required and if the protocol design is defective, the protocol must be amended.

3.3 It should be noted that GCP does permit deviations from the protocol without prior agreement when necessary to eliminate immediate hazards to the subjects. However, such deviations are not prospectively approved by the sponsor and do not therefore result in a Protocol Waiver.

4 REFERENCES AND RELATED DOCUMENTS

- The Medicines for Human Use (Clinical Trials) Regulations, (SI 2004 No. 1031) as amended.
- ICH-GCP E6(R2) Guidelines
- EMA website (http://www.ema.europa.eu)

5 DOCUMENT HISTORY

Version Number	Effective Date	Reason for Change
1.0	01 MAR 2013	First version of new document
2.0	18 APR 2016	New Policy template and title.
3.0	04 JUL 2018	Update to the ICH-GCP E6(R2) Guidelines

6 APPROVALS

Sign	Date
SIGNATURE KEPT ON FILE AUTHOR: Raymond French, Research Governance Manager, University of Edinburgh, ACCORD	
SIGNATURE KEPT ON FILE APPROVED: Fiona McArdle, Deputy R&D Director, NHS Lothian, ACCORD	
SIGNATURE KEPT ON FILE AUTHORISED: Lorn Mackenzie, QA Manager, NHS Lothian, ACCORD	