

## Cover Sheet

Trust Board Meeting in Public: Wednesday 9 November 2022

TB2022.094

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**Title:** NIHR Oxford Biomedical Research Centre (BRC) Designation  
2022-2027

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**Status:** For Decision  
**History:** TME 27 October 2022

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**Board Lead:** Chief Medical Officer  
**Author:** Christopher Bray, Head of R&D Operations  
**Confidential:** Yes  
**Key Purpose:** Assurance

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## **Executive Summary**

1. OUH has bid successfully in the latest competition for National Institute of Health and Care Research (NIHR) Biomedical Research Centre (BRC) designation and funding.
2. The new BRC ('BRC4') will receive £86,618,750 funding from the NIHR for 5 years, from 1 December 2022 to 30 November 2027.
3. A draft of the 2022-27 contract has been reviewed and key terms have been summarised within this paper (Section 6). No concerns have been identified and no substantive changes are expected to the final version.
4. Following discussion at the Trust Management Executive (TME) meeting on 27 September 2022, the TME recommends that Trust Board should approve sign off of the BRC designation contract, noting the following points below which are being taken forward:
  - Detailed clarification of the required changes to staffing.
  - An internal review of IP policy ahead of a new partnership agreement being put in place, with the outcome being reported to TME.

## **Recommendations**

5. The Trust Board is asked to:
  - Receive the recommendation from TME and approve the sign off of the BRC designation contract.
  - Note that the IP policy will be reviewed ahead of a partnership agreement with Oxford University being put in place, and that this review will be reported back to TME.

## 1. Purpose

- 1.1. To seek Board approval for OUH to continue to host the NIHR Oxford Biomedical Research Centre and to sign the new contract ('BRC4'), £86.6m over 5 years, in accordance with the Trust's Standing Financial Instructions (SFIs).

## 2. Background

- 2.1. OUH has bid successfully in the latest competition for NIHR Biomedical Research Centre (BRC) designation and funding.
- 2.2. The new BRC ('BRC4') will receive £86,618,750 funding from the NIHR for 5 years, from 1 December 2022 to 30 November 2027.
- 2.3. The contract is for >£10m, therefore to comply with OUH Standing Financial Instructions (SFIs) it will require Trust Board approval.
- 2.4. The final version contract is expected shortly. No substantive changes to the draft contract, which would prevent signing of the final contract when received, are expected.

## 3. Background to BRC bid

- 3.1. In April 2021, the NIHR launched a new, two-stage, open competition to designate and fund BRCs in England.
- 3.2. In Stage 1, NHS/university partnerships were invited to submit an application by 26 May 2021. A cap of £100m was imposed on applications for this new call. An International Selection Committee reviewed the applications and made recommendations to the Department of Health and Social Care (DHSC) on which should be shortlisted and invited to submit a full application at Stage 2 in early August 2021. The OUH BRC bid, for £100m and involving 15 research themes, was approved to proceed in full. The closing date for full applications was 20 October 2021. Each proposed research Theme underwent independent peer review to inform the decision of the International Selection Committee.
- 3.3. Following interviews with representatives from OUH, the University of Oxford and the Oxford BRC on 7 April 2022, the Committee made recommendations to DHSC as to which partnerships should be awarded NIHR BRC designation, and the level of funding.
- 3.4. In June 2022, the Oxford BRC received notification that an award of £86,618,750 had been granted.

#### **4. Award (including how BRC Themes have been adjusted)**

- 4.1. The NIHR Oxford BRC has been awarded £86,618,750, and therefore a £13.3m budget adjustment was required.
- 4.2. The NIHR and interview panel recommended that three Themes receive less funding: Obesity and Metabolism, Preventive Neurology and Digital Health from Hospital to Home Themes. The obesity work was not felt to be within the remit of the BRC experimental medicine mandate. The NIHR also commented that they felt there was an overlap between our Preventive Neurology and Imaging Themes and the Oxford Health BRC, and also an overlap between the two data themes across the OUH and OH BRCs.
- 4.3. NIHR also advised that 5% of the total award will be withheld until the plan for the pan-BRC Polygenic Risk Score initiative is clarified and resolved.
- 4.4. The NIHR Oxford BRC Steering Committee reviewed the feedback from NIHR in the June Steering Committee and approved the plans for budget adjustments which were as follows:
  - The Obesity and Metabolism Theme budget was reduced by 50%. The Theme has thus been revised and will be renamed Metabolic Experimental Medicine.
  - The Preventive Neurology and Digital Health from Hospital to Home Theme budgets were both reduced by 34%.
  - The Translational Data Science and Imaging Themes were both reduced by 10%.
  - All remaining Theme budgets were reduced by 5%
  - The BRC core and Hubs were reduced by 11.5%
  - The funding for Trust indirect costs was reduced from £632k per annum to £482k per annum to reflect the overall reduction in BRC funding.

#### **5. Assessment of the impact of the lower funding award on OUH staff funded by the previous BRC award ('BRC3') and on the impact on the contribution to overheads**

- 5.1. The outcome of the BRC application has resulted in an overall reduction in funding of £27.1m (24%) over a 5 year period (£113.7m v £86.6m). This £27.1m reduction in funding over a 5 year period equates to ~£5.4m per annum. As 77.53% of the BRC funding goes to the University, most of the impact of this reduction will be on the University. After discussion with the Head of Medical Sciences and the Divisional Secretary, the University

confirmed that, if necessary, BRC-funded University staff could have their fixed term contracts extended by 12 months, pending the new BRC contract being signed.

- 5.2. A comparison of Trust salary funding between BRC3 and the new BRC shows an overall reduction of approx. £1m p.a. (27%) or 26 posts (25%). This is in line with our overall reduction of funding. BRC3 Themes were made aware well in advance that their funding would cease at the end of the initial 5 month extension period (August 22) and the expectation has been that the BRC3 Theme Leads would manage the process for any staff not transitioning to the new BRC.
- 5.3. No concerns regarding the reduction in funding have been raised at meetings with Theme Leads during the application process. For staff not continuing into the new BRC, fixed term staff would leave at the end of their contract term. Some of these staff would move onto other funded research projects or move into clinical care.
- 5.4. The funding for Trust indirect costs was reduced from £632k per annum to £482k per annum to reflect the overall reduction in BRC funding

## **6. Summary of the key contract terms**

- 6.1. The Head of IP and Research Contracts has reviewed the latest draft contract provided by the NIHR and compared this to the current BRC contract (BRC3).
- 6.2. As for previous BRC awards, the standard DHSC terms have been used. The terms are updated from time-to-time and have taken into account feedback from OUH and other stakeholders. This iteration has been accepted for other recent awards from NIHR and is not negotiable at this point. The key terms and the difference to those agreed in the previous BRC contract are summarised below:
- 6.3. The terms set out the obligations under which OUH will carry out research in the BRC and obliges all staff appointed by OUH or partners, such as OU, to carry out the research, to observe these terms.
- 6.4. New provisions are included that permit NIHR to direct additional or replacement work in the case of a Public Health Emergency.
- 6.5. The financial provisions governing payments and financial records remain largely similar to the last award. As are provisions for appointments, although equal opportunities and Athena Swan terms are not included. Appointment of Theme Leads must be communicated to NIHR.
- 6.6. Permission for publicity about the research must be sought from the NIHR. Notice to NIHR of press releases has been reduced from 14 to 2 days.

Failure to comply with publicity provisions can no longer lead to NIHR termination of contract.

- 6.7. Standard confidentiality terms are included. Data Protection provisions have been updated to reflect legislation changes.
- 6.8. Research Data definition has been clarified and includes images. Research Data can be made available to other Health Service Bodies if OUH does not use and disseminate it in what the NIHR reasonably deems an appropriate fashion. OUH may not limit the use of Research Data or grant exclusive rights to a third party. OUH and partners must submit genomic sequencing data to the National Genomic Research Library and must also store data according to HDRUK FAIR principles.
- 6.9. OUH must submit a Final Report to NIHR within 60 days of the completion of the research. As before NIHR may make site visits.
- 6.10. As before OUH must maintain an IP policy and agree a Partnership Agreement with the OU within 6 months governing, among other things, the management of Foreground IP and access to Background IP. The FIPA, which the NIHR has seen, already covers some of these aspects. Foreground IP may be used for Patient Benefit but not for Commercial Use without the consent of the NIHR. Commercial Use, as defined in the agreement, now includes the granting of an option, licence or assignment of intellectual property. NIHR has a non-exclusive right to make non-commercial use of Research Data, Foreground IP etc. that in its reasonable opinion is not being appropriately managed. There are provisions for monitoring IP management by NIHR to ensure Patient Benefit which have been expanded to include seeing the deal sheet, commercial terms and draft agreements.
- 6.11. IP includes samples generated in the course of research and meta data therein. Knowhow definition updated to due to EU law no longer applying.
- 6.12. OUH and partners must adhere to NIHR policies on publication and must grant the right for NIHR to publish reports.
- 6.13. Genomics, Biosample storage and processing terms have been updated.
- 6.14. As well as informing NIHR of all those employed at OUH and its partner using BRC funds, a career development strategy needs to be available within 6 months of award and an Academic Career Development Lead must be appointed.
- 6.15. Termination provisions on 3 months' notice by either party. Other grounds for termination remain including the unavailability of Key Staff and if in the opinion of the NIHR OUH is consistently failing to achieve expected standards.

- 6.16. NIHR must approve subcontractors providing services tailored to deliver the research, not simply routine support.
- 6.17. OUH must become a member of the UK Health Data Research Alliance within 12 months of award but is already a member.
- 6.18. Provisions on the collection and publication of performance statistics have been removed but there are new Safeguarding obligations.
- 6.19. A draft Partnership Agreement, required within 6 months of award, must be made available to NIHR 30 days prior to agreement. In addition to the IP arrangements, it must cover certain specific obligations must flow. These include:
  - Obliging OU employed staff to observe the terms of this contract
  - Data Protection obligations
  - Use of Research Data
  - Standards of data storage
- 6.20. When the final contract has been received it will be checked thoroughly. No substantive changes are expected, but if any are identified the OUH Board will be alerted prior to the contract being signed.

## **7. TME Review**

- 7.1. This paper was submitted to the Trust Management Executive (TME) meeting on 27 September 2022. The TME agreed that the recommendation to Trust Board should be to approve sign off of the BRC designation contract.
- 7.2. TME discussion took place about the impact of the reduction in funding on staffing, and about the existing IP Policy and this paper makes the Trust Board aware of the following points below which are being taken forward:
  - Detailed clarification of the required changes to staffing.
  - An internal review of IP policy ahead of a new partnership agreement being put in place, with the outcome being reported to TME.

## **8. Conclusion**

- 8.1. Appropriate due diligence has been completed and OUH is in a position to proceed with the new BRC, subject to Board approval.
- 8.2. It would be advisable for OUH to sign the BRC contract at the earliest possible opportunity, to ensure the funds on offer are secured.

## **9. Recommendations**

9.1. The Trust Board is asked to:

- Receive the recommendation from TME and approve the sign off of the BRC designation contract.
- Note that the IP policy will be reviewed ahead of a partnership agreement with Oxford University being put in place, and that the outcome of this review will be reported back to TME.