

MRC Statement on Indemnity

The Medical Research Council (“the MRC”) is not insured but it has indemnity arrangements in place such that public funding is provided to meet claims.

The likely scenarios in which the MRC might face claims for damages are set out below. The MRC also sets out below at paragraphs 3 and 4 instances where it might make *ex gratia* payments without any admission of liability.

The MRC as sponsor of research

1. The MRC accepts that it might face claims for damages in cases where:
 - a) it sponsors the research: (that is it has responsibility for securing the arrangements for initiating, managing and financing the study¹ including any research carried out by its Units²); **and**
 - b) the MRC, or any of its employees, or any person formally acting with the MRC’s authority, have been negligent or have failed to adhere to the relevant guidelines/guidance, legislation or procedure on good practice in relation to medical research; **and**
 - c) That negligence or failure to adhere to legislation, etc has caused or has materially contributed to the personal injury suffered by the individual making the claim.

The MRC as funder of research (when not sponsor)

2. Where another organisation is the research sponsor, the MRC does not accept it could be liable in relation to sponsoring the study. It anticipates that in such circumstances any liability would accrue to the sponsor of the research study.

¹ Research Governance Framework for Health and Social Care. Department of Health (England)

² MRC ‘Units’ includes MRC Institutes, Units and directly-employed teams

EX GRATIA PAYMENTS

Ex gratia payments – where the MRC is sponsor of research

3. In relation to instances where the MRC is the sponsor of research the MRC may consider making an ex gratia payment when a significant adverse reaction in the form of a personal injury has occurred which is likely to have been caused by, or materially contributed to, by participation in a research study. In deciding whether to make such a payment, the MRC will not require the research participant to demonstrate that the personal injury has been caused by a breach of any duty of care that may have been owed by the MRC.

Where the MRC is co-sponsor of a research study the arrangements for payment in the event of non-negligent harm will be agreed with the co-sponsor at the start of the study. Payments by the MRC under such agreements will be in accordance with the policy above.

Ex gratia payments - where the MRC is funder of research (but not the sponsor)

4. The MRC will **not** consider making ex gratia payments to a participant who has suffered significant adverse harm in the form of a personal injury, unless:
 - a) MRC's decisions on assessing the application for funding, or acting on information that it had in its possession at the time of the application, caused or materially contributed to the personal injury suffered AND
 - b) Those decisions or actions fell below the high standards to which MRC aspires.