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Balancing risk, ethics, research quality and pedagogy

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Abstract

The New South Wales Department of Education and Training requires all researchers who wish to undertake research in Government schools to obtain approval from the department.

Granting of approval involves an assessment of the quality of the proposed research, the appropriateness of ethical procedures and research content in relation to children, commissioning 'working with children' screening checks for researchers entering schools and balancing potential disruption to class time with research benefit.

These procedures are a response to increasing numbers of researchers wanting access to children for research, to legislative and ethical requirements, increased sensitivity to the protection of children and their learning opportunities, and to the highly variable quality and potential benefit from research projects.

Introduction

The NSW Department of Education and Training receives numerous requests each year from researchers wanting to undertake research projects in NSW government schools. Over the years the number of requests has increased, as have requirements for the protection of children and of their learning opportunities. The State Education Research Approvals Process – SERAP- has been developed to manage and approve such applications.

The SERAP process and the guidelines for making applications represent an attempt to balance the protective and legal obligations of DET for staff members and children in their care with the needs of educational researchers, and researchers in training, to have access to educational environments for research that will enable them to contribute to improvements in our understanding of educational processes.

The guidelines for SERAP applications are currently in the process of being reworked. This paper discusses some of the issues that have been raised in dealing with research applications and outlines some of the solutions that have been proposed for dealing with them in the new guidelines.

The focus of the paper is on the practicalities involved in striking a balance between the sometimes competing interests of DET, schools, students, teachers and researchers and of implementing relevant ethical and legal principles when undertaking research in a school context.

DET as Gatekeeper

I will begin by providing a brief outline of some of DET's obligations and requirements in relation to students and staff and as a public organisation, but first I would like to briefly clarify the role of the SERAP process in relation to research applications.

Although one of the functions of the SERAP process is to ensure research applications conform to relevant ethical requirements, applications are not assessed by an ethics committee and DET does not provide ethics approval, as is commonly presumed. The SERAP process fulfils a gate keeping role in relation to access to DET schools and students and as such applications are assessed against a broader

set of criteria than ethical standards alone. It is this broader set of obligations and requirements to which I now turn.

The NSW DET is responsible for the wellbeing and protection its staff and of children in its care. Child protection and duty of care obligations include the protection of children's physical and emotional wellbeing and also fulfilling relevant legal obligations. Legal obligations include undertaking Working with Children screening checks and reporting children at risk of harm to appropriate authorities.

Research projects create a potential risk to students, staff and to DET as an organisation if they are not properly carried out and reported. Researchers are therefore required to hold public liability and workers compensation insurance for the term of the research project and to indemnify the Department from any claims arising from their research. Usually, the researcher will be covered either by the institution in which they are enrolled, or by their employer. A request for insurance documentation will be made during the online application process if the relevant documentation is not already held by the Department.

In providing access to schools and to students for research, DET also has an obligation to ensure that DET students and staff are treated with sensitivity and respect, that ethical standards are met, and that children's learning opportunities are protected. Applications to conduct research in NSW government schools are therefore required to provide the relevant information, in sufficient detail, for DET to meet its protective and legal obligations. There is also a requirement to demonstrate the quality of the research design and educational relevance of the research topic and to minimise the burden on schools that research projects represent.

Most research projects impose a significant administrative burden on schools and on DET in processing and evaluating applications as well as taking students away from their lessons. In view of the volume and level of research demands made on schools and students, and on DET in monitoring and approving research, it is important that the research undertaken be of a high quality to be capable of producing educational benefit.

The quality of research applications received by the department varies considerably in terms of the quality of research design and in the completeness, level of detail and accuracy of applications. Schools are also frequently treated as a convenient means to access to young people for research that has no discernable benefit for students, schools or educational research.

The remainder of this paper focuses on the strategies proposed for SERAP to help ensure that DET obligations and requirements are met while still providing reasonable access for researchers.

The STATE EDUCATION RESEARCH APPROVALS PROCESS (SERAP)

The approval or rejection of research applications is dependent on two main criteria

- 1) meeting legal requirements and acceptable standards with regard to child protection and ethical requirements
- 2) finding an acceptable balance between the protection of children, research quality, research burden and potential benefit from the research.

Application Completeness and Detail

The first challenge that is met in approving applications has been the frequent submission of incomplete applications or the provision of an insufficient level of detail to adequately assess the application in terms of the requirements mentioned above.

Checking applications and requesting missing documents is a resource intensive process. Missing documents and information are as often a result of misinterpretation of requirements as they are of carelessness in completing the relevant forms.

An online application process is currently being developed which will help ensure that all relevant information is provided and that the appropriate forms are submitted. The online process is intended to enhance accuracy and completeness in applications and to reduce checking time and the processing delays that result from incomplete applications. Legal requirements for original signatures, however, mean that a signed hard copy of applications along with originals of any supporting documentation (eg ethics approval letters, certified proofs of identity and insurance details, where applicable) will still be required.

Child protection and duty of care responsibilities

Child protection responsibilities take precedence when weighing up the merits and benefits of projects for approval.

The community has clear expectations of school personnel in matters relating to child protection. It rightly expects that, within the school context, children will be protected from all forms of abuse, including physical, sexual and emotional abuse. In addition, there is a legal obligation for researchers who will be interacting with children to follow the Department's child protection policies.).

No researcher or research assistant may enter a school to undertake research until approved to do so. Approval to conduct research will be granted only when approving authorities are satisfied that researchers who are likely to come into contact with students do not represent a risk to students,

Principal researchers are required to familiarise themselves with the relevant requirements and to ensure that other researchers or research assistants on the project are made aware of their responsibilities and to ensure that researchers who will be interacting with or observing children submit appropriate documentation.

Working with children screening

One source of incomplete documentation for applications has been confusion over who should complete Working with Children screening requirements. Further detail is being provided in the new guidelines and the online process will also help clarify who should complete each form by producing the correct numbers of each of the relevant forms based on answers provided in the application process.

1) *All* researchers who will be interacting with or observing children *must* complete a prohibited employment declaration

2) A Working with Children screening is mandatory for all researchers who are being paid for their role in the research and who will be interacting with children *regardless of clearances held for other purposes*. Screening checks are undertaken by DET under SERAP for each research project applied for and are tailored to the type of work for which they are requested. They are project specific and to minimise risk to DET and to ensure that clearances are valid, it is necessary that they be initiated only by DET as the responsible party. This means that clearances for other purposes and by other parties are not accepted. Clearances expire after 12 months and only apply to the project for which they have been given. A second application for another project within the original 12 month period will, however, be able to be processed much faster than the original, and will retain the same expiry date as the first.

The only exceptions to these requirements are for volunteers - those who are not being paid for their role in the research project. For these researchers a statutory

declaration is sufficient. Most Honours and Masters students will fall under this exception.

The Working with Children screening process can take some weeks and this time can be further extended if the information provided is incomplete. The new online application process will capture this information and submit it for processing as soon as the application itself is submitted to minimise these delays. No final clearances for Working with Children will be provided, however, unless signed originals of the documents produced in the online process have been received by DET.

Personal information for screening purposes will be able to be input either by the principal researcher or independently (at a distance or privately) by the individuals concerned.

Student welfare

The Department of Education and Training has a duty to ensure that students in its care receive the best possible education and are protected at all times from physical, psychological and other forms of harm. Researchers have a legal obligation to report information they receive that indicates students may be at risk of harm to the relevant authorities.

Students must be informed of any limits to confidentiality that these requirements impose and researchers should be aware that collecting information anonymously does not absolve them from these responsibilities. While this requirement does make certain kinds of research more difficult – enquiries about risk taking behaviour for example, duty of care responsibilities take priority. It has been our experience that these limits to confidentiality are not always considered by researchers or pointed out to students in information sheets.

Research designs themselves should not adversely affect students' educational progress or students' and other individuals' well-being or expose students to harm. For example, adverse effects can result from:

- loss of privacy
- missing part of a curriculum
- loss of opportunities (e.g. falling behind contemporaries, losing the opportunity to excel in a subject)
- harmful social, cultural, psychological or other consequences (eg. from the collection of information that may result in students becoming distressed or being 'labelled' or categorised in particular ways by their peers).

Researchers need to anticipate situations where there is any possibility that the particular sensitivities of some students could result in their becoming distressed as a result of participating in study proposed. Researchers need to include strategies to ensure that adequate counselling support is available and that participants are aware of the availability of such support.

Children testing equipment, engaging in other than everyday activities or being subjected to various measurements or measuring equipment are examples of studies which have the potential for physical and psychological harm. While these activities or equipment may be standard in clinical settings or appear to be harmless, their use on normal children who would not otherwise be subject to such intrusions must be justified. The use of any such equipment also needs to be supported with relevant safety information and evidence of suitable testing for the equipment. This kind of information is often missing from such applications.

Disruption

Balancing the level of disruption with the quality and educational value of the research is an important factor in the approvals process. Children's opportunities for learning need to be protected and research that imposes unacceptable levels of disruption to the teaching and learning program of schools will not be approved.

The Department of Education and Training also has a responsibility to ensure that research activity does not impose an undue burden on schools and school personnel. Projects should therefore make as few demands as possible on student's time and minimise any engagement of teachers and other school staff in administrative activity for the project.

Researchers should also respect the needs of students to have adequate break times from classroom activities. For this reason, it is not acceptable for students to be required to participate in research activities during their lunch or recreation times. Convenient times should be negotiated with school personnel.

Sensitivity and respect

The Department of Education and Training has a responsibility to ensure that students in its care are treated with sensitivity and with due regard to their personal and private lives and their cultural, religious and other beliefs. Department personnel are also entitled to the same consideration.

All researchers, therefore, have a responsibility to inform themselves of cultural, religious and other such differences amongst their intended research participants, and only those studies which are sensitive to and respect these differences will be approved.

All research projects should involve: appropriate consultation with participant communities and organisations, where relevant, respect for participants and their cultures, adequate recognition of diversity and provide for accessible and appropriate communication of research results.

These requirements are of particular relevance in research involving Aboriginal and Torres Strait Islander participants and their communities. Researchers undertaking projects involving Aboriginal students or issues regarding Aboriginal education should take particular care that they conform to the Guidelines for Ethical Research in Indigenous Studies which can be found at <http://www.aiatsis.gov.au/corp/docs/EthicsGuideA4.pdf>.

The investigation of sensitive issues or topics can raise duty of care issues and such projects require a higher degree of vigilance to ensure more challenging ethical standards are met. They also require a higher level of educational benefit to be demonstrated to justify the risk they represent.

This is also the case for research designs which include any non-standard features such as deception or the collection of personal information. These features would generally not receive approval and require a compelling justification for their inclusion, and must also be justified by the significant educational benefit of expected research outcomes.

Proposals with any of the above features generally require extensive consultation which often prolongs the approval process.

Educational Benefit

The weighing up of educational benefit against school and student welfare and respondent burden is also a central feature of the approvals process.

Research projects need to be able to produce sufficient benefit to public education to justify the time and effort required of Departmental staff and students. Ideally projects should have the potential to contribute to theory, knowledge and practice in education and should extend rather than duplicate existing knowledge. Research that produces significant results and which supports the work of schools is encouraged, as are projects which detail effective strategies for dissemination of outcomes to teachers, researchers and other interested parties. The Department particularly supports research that is focused on the achievement of the Department's priorities and key objectives.

The Department does not generally provide approval for research which is undertaken primarily for commercial or material gain.

New researchers

The requirement to demonstrate educational benefit is relaxed somewhat for Honours and Masters students. In general it is recognised that Honours and Masters projects are of necessity of limited scale and that they provide important learning experiences for student researchers. The educational benefit from such research inheres as much in the provision of relevant experience to a new generation of educational researchers as in the current project outcomes. It should be pointed out, however, that the potential contribution of Honours and Masters projects can be lost through insufficiently focused projects, over ambitious data collection strategies or unwarranted generalisation.

New researchers, such as candidates for Bachelors (Honours) degrees, Masters degrees or Diplomas, are also likely to find that their expertise, resources and available time make the choice of sensitive research topics unsuitable.

The additional time such projects can take to be resolved can significantly disadvantage these student researchers who must complete their research within limited course time requirements. Such topics also generally require the demonstration of a very high level of educational benefit to justify potential risks and disruption to schools and students. The limited scale of masters and honours projects makes it difficult to achieve the necessary level of educational benefit to counter the issues raised by sensitive topics or approaches.

The new guidelines will include a risk assessment list to help researchers identify topics and strategies that have the potential to pose these kinds of challenges. Supervisors will also be requested to provide written approval for projects and will be included in any email correspondence with students regarding their projects.

Quality of the research design

Poor quality research cannot produce educational benefit. It is also unethical to impose a research burden on participants and schools from poorly designed research that is incapable of producing sound and reliable results.

In the school context is not uncommon for researchers to adopt research instruments designed for older children or adults without adaptation or without testing that children of the target age group can make sense of them. Even where language is unproblematic content may not be. It is inappropriate, for example, for 8 year olds to be asked if they wear particular types of clothing because it makes them feel sexy.

Researchers need to ensure that their research projects are well designed and capable of producing sound results that are relevant to the research goals. This means that:

- the design of the project should demonstrate care and systematic attention to

detail in planning, which is described in sufficient detail so as to make the project transparent to peers.

- research goals should be well focused, feasible and clearly stated
- research methodology should be appropriate to the research goals
- research aims, research strategy, the research results and the broader purposes to which the research contributes need to be well matched and the links between all these elements made explicit.
- ethical and legal guidelines must be adhered to.
- the methods for analysing the data must be clearly stated, systematic and appropriate to the nature of the data.
- steps taken to minimise the possibility of unrecognised or selective influences on the data collection and analysis should be made explicit.

Guidance about the design criteria against which proposals will be assessed will be included as appendices in the new guidelines to assist applicants.

Please note: It is not the Department's role to improve the quality of the research proposal. That is the responsibility of the researcher working with their organisation or in the case of a student, with the supervisor.

Research Ethics

Approval from the applicant's relevant ethics committee, where applicable, is essential for research to be approved by the Department. This should be provided on letterhead and indicate the duration of the ethics committee approval. Regardless of approval by ethics committees many proposals have inadequate strategies and provisions for informed consent for children in a school context.

One source of difficulty results from an unreflective adherence to generic (of necessity minimalist) templates provided by ethics committees for guidance. New researchers in particular can lose sight of the basic principle of informed consent. This can result in important information being left out or poorly communicated or the requirement to obtain informed permission from children being ignored altogether.

A second set of issues results from inadequate attention to the characteristics of those from whom consent – or assent- is being sought. Wording on forms, for example, which address one participant group being used for a different group e.g. information sheets addressed to teachers being used for parents. Inappropriate language being used to communicate with the target group is another example as in the case of non English speaking parents or children being provided with information written in complex or legalistic English.

A recent example which demonstrates both of these difficulties was the inclusion of clauses for obtaining consent from underage, comatose participants in a consent form intended for school administrative staff.

Example information sheets and consent forms appropriate to the school situation will be provided in the appendices to the new guidelines to assist applicants.

Informed consent

Informed consent is essential. This means that information about a project must be fully and effectively communicated to participants, and their guardians if they are under 18 years of age, and consent must be actively given. The use of passive consent, where consent is assumed to be provided unless the primary caregiver indicates otherwise, is not normally acceptable. Such cases must be justified by the researcher, and must meet legal and Departmental requirements.

All potential participants or, if they are under 18 years of age, their primary caregivers, must be supplied with both an information sheet *which they can keep* and a *separate but clearly linked* consent form. The use of one page for both functions—even where it is to be photocopied and returned to the participant is not encouraged as space restrictions usually result in insufficient information being provided to participants.

The primary caregiver should be required to discuss participation in the research with the child and establish their agreement to participate. Confirmation that this has occurred should be provided for on consent forms.

The assent of underage participants also needs to be ascertained before research begins. It should be made clear to participants that they are not obliged to take part in the research and can withdraw at any time. (This also means that suitable administrative arrangements must be put in place to provide for the supervision non participants.). The steps that will be taken to achieve both of these outcomes need to be outlined in SERAP applications.

It is essential that participants, and their guardians if they are under 18 years old, know what they are consenting to. This means that information must cover all aspects of their participation and be effectively communicated. In practice this means that information should be communicated using language suited to participants, reading and comprehension levels and in a manner that that can be readily understood by the target group.

Verbal or other forms of communication may be more appropriate for younger children or those with limited literacy skills. Information may need to be simplified or even translated for participants with limited English. Detailed descriptions and justification of such alternatives should be provided.

Information sheets and consent forms need to be produced in different versions if there are several categories of participants (e.g. teachers, children). The information should be clearly written so that it is easily read and understood by its intended audience.

Participants should be informed about all major aspects of the study ie its purpose and contribution, any potential implications that participation or even the project itself might have for participants or for their interests, what participating will involve for them, the voluntary nature of their participation, storage, access to and publication of information they provide, any limits to guarantees of anonymity and confidentiality. One or more of the above is regularly missing from information provided to participants in information sheets.

Information about the significance or contribution of the research should also accompany the usual brief description its purpose and the topic.

Information sheets also often neglect to mention data recording procedures- audio taping in particular is regularly absent. Photographic images, audio taping and video taping raise issues that require particular attention in information sheets and consent forms. These kinds of activities need to be brought to the attention of participants and their explicit agreement sought.

In the case of studies which collect sensitive or personal information or where images will be made public, information must also be included about how and when participants may access the recordings of themselves, and how they can exclude their recordings from the study or prevent them being made public.

Information regarding the storage, access to and use of recorded material must be also be provided and active consent to their use must be given in consent forms. This means that consent forms should make specific provision for *explicit* agreement or

refusal to being recorded under the stated conditions. It is preferred that participants be asked to indicate their agreement by accepting or crossing out specific statements which describe proposed activities.

In circumstances where group activities will be recorded, participants (and their guardians if they are children) must be given explicit and adequate prior notice that recording will occur. They should be given the opportunity to absent themselves without prejudice or disadvantage, or have provision made for their non-videoed participation in the activity where this is practical. Where such provision is not possible participants should be given the opportunity to object to material recorded about them being made public.

Information sheets should, but rarely do, mention potential implications that participation might have for participants or for their interests, even where they clearly exist. Being asked to provide information that "outs" the activities of other people, or of participants themselves, for example, could potentially have implications for the participant or even for others. This is particularly likely if this information will be acted on or reported in ways that might be recognisable by those whose activities have been described. It is important that the researcher consider and alert participants to any such possibilities

Adequate justification must be provided for variation to any of these requirements, although in the case of surveys, where the participants are over 18 years, separate written consent can be waived if written information, which covers the relevant points above, is provided as part of the survey forms.

Anonymity and confidentiality

Whenever possible, the privacy and anonymity of participants must be protected. It is not acceptable to simply claim that anonymity and confidentiality will be ensured or to hope that good intentions will produce the desired result as many applications have. Applicants need to outline the steps that will be taken to achieve this outcome and, wherever possible, adopt data collection and data reporting strategies that do not involve identifying participants.

Survey data for, example, should be collected anonymously wherever possible and justification is needed for doing otherwise. When this cannot be achieved, for example when information is being gathered by audiotape or videotape or identifying information is needed to track participants in longitudinal studies, the confidentiality of participants must be assured. Persons other than the researcher must not be able to link the information collected to individual participants and care needs to be taken that identities of individuals or their schools cannot be guessed from other contextual information reported. Where confidentiality cannot be guaranteed, as for example in focus group discussions, the limits to confidentiality must be pointed out to participants in the information sheet provided.

Researchers who wish to collect information which enables participants to be identified by the researcher, must be able to demonstrate in their application the necessity for collecting such information and describe the procedures which will be adopted to ensure confidentiality. This includes data storage procedures, access restrictions and data disposal strategies. In the case of small numbers of participants with identifiable characteristics, a procedure for maintaining confidentiality in reporting needs to be outlined.

Notwithstanding the above, when studies have the potential to identify students as being at risk of harm from themselves or others, then information will need to be collected in a manner which enables such students to be identified and their names disclosed to the relevant school Principals to enable further action to be taken as

may be appropriate. The Department acknowledges that this requirement may jeopardise confidentiality and may present methodological problems. In such situations, however, it considers its 'duty of care' obligations to be paramount. In such cases, as there is a possibility of confidentiality undertakings being breached, this should be clearly spelt out in consent forms.

Only proposals which ensure the confidentiality of participating Departmental institutions will normally be approved. The Department may agree to waive this condition if it is considered appropriate to identify an institution in the research findings and if the institution has provided its agreement in writing.

Researchers should note that school principals or other Department personnel are not authorised to release individual or aggregated performance data (eg. BST, ELLA, SNAP, School Certificate and Higher School Certificate results) for research purposes. Permission to access aggregated data should be sought from the appropriate authority (the NSW Board of Studies or the area of the NSW Department of Education and Training responsible for that program).

Payment

The Department does not encourage the payment of rewards (financial or other) to participants in research projects. Contributions could be made to the school for staff participation in research (e.g. for the provision of casual relief), or researchers could agree to provide "in kind" contributions, such as professional development, and briefing staff on findings of the research as it relates to that school.

Communicating results

Educational benefit includes reporting the outcomes of research projects in a format and manner, appropriate to the different stakeholders in the research. Wherever feasible, provision should be made in the research design to disseminate results (in an appropriate format) to schools, teachers and other relevant groups as well as policy makers and educational researchers.

It is a requirement of approval is that data should not be reported in ways which could identify individual schools or educational sectors. Very few SERAP projects are of a size and scope to support valid comparisons or to adequately protect the identities of individual participants.

Provision of Report to DET

It is a condition of approval that, upon completion of a project, the researcher will provide the Department with *both* a report of the research *and* a concise 2-3 page executive summary of that report, which will be suitable for dissemination within DET. Researchers are also required to provide the 2-3 page research summary to participating schools, if requested.

The online application process will include provision for the online submission of small reports and report summaries (larger reports will still need to be submitted on a CD or in hard copy). Following the implementation of the online application process, failure to provide a report will affect the approval of any future application to conduct research.

Research summaries will be expected to conform to a standard format. They should be written in a clear and concise manner, minimising the use of technical terms. They should include a focus on the outcomes of the research and cover the importance of the research – ie how the research builds on and adds to current theory and knowledge, and how it is of value to public education. It should also include the

research questions, hypotheses or relationships that have been examined, a brief outline of the research design, including a rationale for that design, a description of the sample, and data collection methods and explain the findings in relation to the research questions.

Wider Dissemination of Research

The new application process will request permission from researchers to make available to other researchers and to the public, through the SERAP website, the abstract/précis of approved current projects and a 2-3 page summary report of completed research projects.

Permission to disseminate this information is not a requirement for approval of projects but is seen as a means to increase the impact of research undertaken in NSW schools.

Conclusion

I hope that this brief outline has provided some insight into why SERAP requirements are as they are and some of what needs to be considered for a successful application. We are always happy to provide advice about any aspect of the application process to intending applicants and hope that the new guidelines and online application process will further assist once they become available.