Statement of Practice Ethical Research

Contents

Summary

This document is designed to help you, the researcher, to understand the basic principles of ethical research and to determine whether you need formal ethical approval for your research studies.

It is essential that all research studies undertaken by University of Law staff, students or associates conform to these principles, and that formal approval is sought through the University's Ethics Committee if your research involves human participants[1] or is deemed to be sensitive research[2].

Research involving human participants is particularly sensitive. You need to understand what falls within this category of research and, if you decide to undertake it, you will need to carefully consider how you intend to conduct, analyse, and present your findings. Completing the Application Form for Ethical Approval form (available at https://www.law.ac.uk/policies/ under "Research") will help you through this process.

This document is subdivided into three sections:

- **Section 1** sets out the University's Statement of Practice in relation to ethical research
- **Section 2** provides guidance on the principles of ethical research and in particular in relation to the use of human participants.
- **The Appendices** at the end of the document provide additional guidance and templates to support you in the research process.

[1] A definition of "human participants" is given in Appendix B.
[2] A definition of Sensitive Research is given at paragraph 2.3.6 below.

Section 1: Statement of Practice

1 Introduction

Depending on the context, the word *ethics* and its relationship to academic research is understood and defined in numerous different ways. In its simplest form, ethics is a way of understanding and examining what is 'right' and what is 'wrong'.

In the context of any study, ethical practice is particularly important where human participants are involved, either through their direct participation (for example, through interviewing or observations), or through the use of any personal information (for example, personal records, letters, notes) or where sensitive research is involved (see paragraph 2.3.6 below). You will therefore be required either:

- to self-certify that your study does not involve human participants, and may not be deemed sensitive,
- or to obtain formal ethical approval before commencing your study.

All forms and related documents are available at https://www.law.ac.uk/policies/ under "Research".

1.1 Statement of Practice

All studies undertaken under the auspices of the University must conform to principles of ethical research.

All researchers must either self-certify that their study does not involve human participants and is not deemed sensitive or must obtain formal approval from the Ethics Committee before commencing the human participant element of their study before commencing the human participant element of their study or sensitive research.

Failure to comply with this Statement of Practice may result in disciplinary action. On this point, University of Law students should refer to the University's Student Discipline Regulations.

Jurisdiction

The applicable law relevant to this Statement of Practice is the law of England and Wales, unless otherwise stated.

For any research conducted outside of the England and Wales, researchers and their supervisors must be cognisant of any local laws and customs and ensure that these are compatible with English and Welsh law, relevant external codes of practice, such as those published by Professional and Regulatory Statutory Bodies

(PSRBs), the Concordat for Research[3], and University policies, before applying to the Ethics Committee for approval.

1.2 Before You Begin

Prior to commencing your study, you should do the following:

1. Read through all sections of this document.
2. Review the Ethics Approval Flowchart (Appendix A).
3. Complete the ER1 Research Ethics Checklist and Notification Form (available at https://www.law.ac.uk/policies/ under "Research").
4. If required, proceed to the Formal Approval Stage (see section 1.4)

1.3 Self-certification

The majority of studies are expected to fall in this category.

In order to qualify for self-certification, your study must not involve human participants or be deemed sensitive. To determine this, you must complete the ER1 Research Ethics Checklist and Notification Form. If you answer NO to either of the three questions on the first page of the checklist, you do not need to obtain formal approval for your study. In this case, you may proceed with your study, and complete the self-certification on the submission cover sheet.

If you are in any doubt as to whether you can rely on self-certification or not, you are **strongly** advised to contact the Ethics Committee (ethics@law.ac.uk) and proceed to the Formal Approval Stage (see section 1.4).

Scenario 1: Self-certification
You decide to undertake a case analysis of a prominent family law case. All the cases you want to examine, along with other relevant cases, have been cited and reported in law reports and law journals.
Scenario 2: Self-certification
Your study is an examination of historical sexual abuse cases perpetrated by celebrities and people in the public eye and aims to compare historic crimes with current sentencing guidelines. All the cases you want to cite are either too recent or may not have been deemed relevant for official case law

[3] https://www.universitiesuk.ac.uk/topics/research-and-innovation/concordat-support-research-integrity

reporting but have been widely reported by the British media and are in the public domain.
Scenario 3: Self-certification **Your study is drawing on data from the public domain and does not include human participants. Perhaps you are examining the historical financial reports of various companies with the aim of comparing the digital transformation trends within a particular industry.**

1.4 Formal Approval

Formal approval from the Ethics Committee for your research is required where you have completed the ER1 Research Ethics Checklist and Notification Form and have answered **YES** to one or more of the three questions.

Please note that an application made to the Ethics Committee may not necessarily be granted if the Committee considers that the proposed study is inappropriate.

To apply for formal approval, you will need to complete and submit the following forms to ethics@law.ac.uk

1. A completed ER1 Research Ethics Checklist and Notification Form
2. A completed ER2 Application Form for Ethical Approval (Internal Applicants) Form or ER3 Application Form for Ethical Approval (External Applicants) Form
3. A completed ER4 Explanatory Statement Form
4. A completed ER5 Informed Consent Form
5. Researcher created supporting documents, such as the questionnaire/interview questions and recruitment material to encourage participants to engage with the research.

If the research is deemed to be sensitive, researchers shall also need to provide the following (in addition to the above):

1. A completed risk assessment form, and
2. Certificates demonstrating that the researcher and their supervisor have successfully completed the Prevent and Safeguarding training packages.

Please note that an application for Ethical Approval will not be considered until all forms have been submitted.

The University's Ethics Committee will consider the application in the context of the general guidance given in Section 2 of this document, 'Guidance for Conducting Ethical Research'.

You are not permitted by the University to engage with human participants or proceed with any aspect of your research deemed to be sensitive until approval has been provided by the Ethics Committee.

Scenario 4: Formal Approval Required

You wish to interview a colleague who works at a local firm. The interview is to be informal and aims to provide background information and personal opinion on current 'real world' practice.

NB In relation to Scenario 4, formal approval would still be required if the purpose of the interview was to seek information on current practice only, even if it did not actively seek the participant's personal opinion.

Scenario 5: Formal Approval Required

You want to use a former client, which you have encountered through your work, as a basis of a case study. You will be giving the client a pseudonym but will be using their case and associated documents in your analysis.

NB In relation to Scenario 5, see also the section at 2.3.6 below if the work in question was conducted before you came to the University of Law.

Section 2: Guidance for Conducting Ethical Research

2 Introduction

This section provides you with the guidance necessary to ensure that you meet the minimum ethical standards when conducting research.

2.1 General Principles

You must ensure that you maintain the highest ethical standards in relation to the *honesty* and *integrity* of your work. Specifically, this means that you should:

- avoid plagiarism by ensuring that all sources and quotes are fully cited and referenced. The University recommends the use of the OSCOLA citation method for Law and the use of the HARVARD referencing method for all non-law programmes.
- if your work involves data analysis, be open and transparent with your data sets and the methods you used to analyse them.
- always use good quality and reputable sources. Advice and help is available from any University library.

For help with referencing, or any of these points, you should contact your campus library, where you will find resources and guidance.

2.2 Research Ethics – Human Participants

It is important that all research undertaken within the University of Law conforms to the highest ethical standards, especially where human participants are involved. The Research Ethics Framework (REF) published by the Economic and Social Research Council (ESRC) has long provided advice to UK Universities, many of which have based their own policies and procedures on this document. The REF was specifically intended to provide guidance to universities where the ESRC provided funding to students: however, the six principles outlined in the document are scalable and relevant to all research studies, regardless of their size.

In order to fully meet the University's ethical code of conduct, all research must comply with the six guiding principles of ethical research outlined by the ESRC in their REF. These six principles are as follows.

1. Research should be designed, reviewed, and undertaken to ensure integrity and quality.
2. Research subjects must be informed fully about the purpose, methods and intended use of the research and what risks, if any, are involved.
3. The confidentiality of the information supplied by the research subjects and their anonymity must be respected.

4. Research participants must participate in a voluntary way, free from any coercion.
5. Harm to research participants must be avoided, including to their reputation, as well as their physical well-being.
6. The independence of the student must be paramount, and any potential conflicts of interest must be explicitly stated.

2.3 Research Guidance – Human Participants

The following section provides the guidance necessary to ensure that research conducted with human participants complies with the University's ethical standards. It is your responsibility to ensure that you have successfully completed the (ER1) Research Ethics Checklist and Notification Form prior to starting your research. Once you have completed the Research Ethics Checklist, if this establishes that you require ethical approval, you need to address five key areas prior to approaching human participants. These areas are:

- research design and planning
- informed consent
- protecting participants
- voluntary participation
- independence

2.3.1 Research design and planning

You must ensure that your research is conducted with:

- honesty
- integrity
- minimal potential risk to participants (physical, emotional, and reputational).

This means that socio-cultural considerations must be addressed where relevant. Poorly designed and careless research can be considered unethical in itself and may risk losing the goodwill of participants.

You must ensure that your research is always conducted to the highest standards and that the University's reputation is not harmed in any way.

2.3.2 Cooling off period

You must ensure that potential participants are aware of their right to decline to take part in any proposed research. There should be a cooling off period which may be up to seven days but must be at least 24 hours, between the initial recruitment contact (whether made by letter, email, telephone call or face to face) and the formal invitation to participate in the research study. (The formal invitation is likely to involve the circulation of the Explanatory Statement, Informed Consent form and questionnaire (if any) / invitation to interview). This is to provide the potential

participant sufficient time to make an informed choice to participate or to change their mind about being part of the research study.

In addition to this cooling off period, you must ensure that potential participants have all relevant documentation (to include as a minimum the Explanatory Statement and the Informed Consent form) at least 24 hours prior to their participation in the research.

If researchers are using anonymous questionnaires, it is recommended that the content of the Explanatory Statement and Informed Consent forms are embedded within the questionnaire also, to ensure that participants can demonstrate they have read these documents and can consent to proceeding with participating in the research.

2.3.3 Informed consent

Researchers must ensure that participants are fully informed about the purpose, methods and intended use of the research data.

Consent – Hard Copy

All participants must provide signed evidence of informed consent prior to taking part in the research. They should be fully briefed and aware of any potential risks or implications of their participation before they give their agreement.

Consent – Online

If the research method involves the use of an online survey tool, then participants may provide evidence of their informed consent by clicking a button prior to taking part in the questionnaire. Alternatively, you may state in the introduction to the questionnaire that submission of the questionnaire by a participant will signify their consent.

If the research design means that it is difficult to obtain consent at all, this aspect of the research proposal will need to be specifically approved by the Ethics Committee. Such a need would normally be considered out of the scope of most studies at the University of Law.

Informed consent should not necessarily be limited to participant interviews or observations. Any use of online opinion obtained through the use of chat rooms, online discussion groups or e-mail services directly elicited by you must also have informed consent.

Any form of covert data collection is discouraged and would need to be fully justified to obtain approval from the Ethics Committee.

Before commencing data collection, participants must have received an Explanatory Statement prior to them signing a consent form.

It is the responsibility of the researcher to ensure that all participants fully understand the implications of the research. The explanatory sheet should be written in clear and accessible English and must be kept by the participant.

A template for an explanatory statement is provided at https://www.law.ac.uk/policies/ under “Research - ER4 Specimen Explanatory Statement Form”. This can be used by researchers and adapted as necessary. However, an explanatory statement should always include the following:

- The title of your study
- Your contact details (but not your personal address or telephone number) as well as a University contact (eg your supervisor).
- A clear statement notifying the participant that, should they initially agree to take part in the research, they can, at any time (or, in the case of research by way of an anonymous questionnaire, up to the time of the submission of that anonymous questionnaire) change their mind without explanation and that should they do so, all data gathered will be discarded.
- A brief description of the study, along with aims and objectives.
- A brief outline of the research methods to be used, along with a clear indication of how you will be recording data (eg you will audio-record an interview or make video observations).
- A brief description of why they have been asked to participate.
- A description of the level of confidentiality and anonymity that can be guaranteed.
- A statement of how the information will be used and how it will be stored. All data collected must comply with the General Data Protection Regulation as well as the University’s own Data Protection code.

Participants will need to sign a Consent Form once they have fully understood the information contained in the Explanatory Statement (except where their consent is given online as described above).

A template for a Consent Form is provided at https://www.law.ac.uk/policies/ under “Research - ER5 Specimen Informed Consent Form”. This form can be used by researchers and adapted as necessary. You must keep signed consent forms securely as evidence of obtaining consent (where applicable).

2.3.4 Permission from stakeholders

Where a researcher wishes to conduct research with a specific group of participants (eg employees, clients, contractors etc) or documents not in the public domain, permission to access those participants or documents is required.

Permission should be sought from the highest-ranking person in the organisation or a senior officer who has been delegated the responsibility and accountability for approval and overseeing research in the workplace.

If a researcher is unsure of who has authority to permit research, then as a matter of best practice they should write to the most senior person in the relevant organisation.

A template Permissions Letter is provided at https://www.law.ac.uk/policies/ under "Research - Permissions Letter". This form can be used by researchers and adapted as necessary but must provide consent for the research and must be on company headed paper. You must keep this permissions letter as evidence of obtaining consent.

Scenario 6: Obtaining permission from an employer **You wish to conduct research with employees of a named company. The Chief Executive Officer would be the appropriate manager within the company to approach.**
Scenario 7: Obtaining permission from the NHS **You wish to conduct research with staff in the NHS, not involving Clinical Trials, the Chief Executive or the Chair of the Research Committee would be an authorising signatory.** **Researchers also require the approval of the NHS Research Health Authority and the NHS Ethics Committee. Approval should be obtained from the University's Ethics Committee before NHS approval is sought.**
Scenario 8: Obtaining permission from a police force **You wish to conduct research with staff within a police force. The Commissioner or Chief Constable with the delegated authority for approving research should be approached.**

2.3.5 Protecting participants

Scenario 9: Protecting participants

You formally interview an employee working for a local firm. Despite receiving an Explanatory Statement explaining that you were granted permission to conduct the research on the agreement that the firm would receive a copy of the final report, the participant makes disparaging remarks about their line manager during the interview. You will need to make a judgement about this. The remarks would not necessarily go into the final report, but you would need to decide how to handle the situation. The Ethics Committee would be able to give you advice.

Confidentiality is essential for protecting participants. It may also be appropriate to conduct research anonymously and ensure that the participant's anonymity is protected, and the use of anonymous research primarily depends on the chosen research methodology.

As a researcher, it is your responsibility to ensure that any harm to participants is avoided. Harm includes **physical, psychological,** and **reputational** harm. For this reason, confidentiality and anonymity are paramount, and you must address this at an early stage of study design.

2.3.5.1 Confidentiality

Confidentiality relates to the protection of the data collected.

Your process of obtaining, recording, storing, etc personal data in connection with your study must comply with the General Data Protection Regulation. The Explanatory Statement and Informed Consent Form should clearly explain to participants how the data will be stored and what security measures will be in place in order to maintain its confidentiality.

It is also important to realise that the final research paper may be read by a number of people who are outside the researcher's control. You need to appreciate fully the level of confidentiality that you can or cannot guarantee.

2.3.5.2 Anonymity

Anonymity is the ability of the researcher to remove the identity of participants from the data. At its most basic, anonymity means removing all personal identifiers such as name, age, gender, title, and location.

Anonymity may be difficult to guarantee due to the size and scope of the research sample. If you want to conduct research where the sample size has fewer than 10 participants (for example where you intend to interview only one or two participants), you need to recognise that it may be possible to infer a participant's identity through association to an organisation. Further, you will need to fully justify this decision in your application to the Ethics Committee.

Scenario 10: Anonymity

You have interviewed an employee of a local business. Even if the participant is given a pseudonym, it may be possible to identify them if the business is identifiable.

2.3.5.3 Vulnerable groups

Superficially, vulnerable groups are often associated with children, young people, the elderly, or people who are ill, have been recently bereaved or have undergone a life-changing experience. The University does not wish you to approach such groups for the purposes of research unless this can be fully justified in your application to the Ethics Committee.

It is important for you to recognise that **students** or **employees** could be considered to be vulnerable people in certain contexts, for example where the researcher is also the employee's line manager. You should therefore take time to consider whether your prospective participants could be considered to be vulnerable.

Scenario 11: Vulnerable groups

You want to investigate and interview a family who are fighting their local council to allow their son access during school hours to a controversial form of therapy for his autism.

Scenario 12: Vulnerable groups

You want to interview individuals that have been categorised as refugees in order to investigate the social factors asylum seekers in the UK face in gaining access to employment and how businesses respond to recruiting such individuals.

2.3.6 Sensitive research

Research into the following areas would usually cause the research to be classified as ‘sensitive’ by the University, particularly where source material is to be collected from primary sources:

a. Illegal activities (eg, hate crime, serious crime, sexual offences, or harmful and illegal cultural practices).

b. Extremism and radicalisation.

c. Information which is normally prohibited on University networks, systems, and services. This might include (but is not limited to) pornography, the sites of any organisations proscribed by the UK Government or the use of the 'dark web' to access information.

d. Illegal or controlled materials eg, drugs, firearms, bomb making equipment, dangerous chemicals that could be used as weapons etc.

The above list should not be taken as exhaustive and there may be areas of research not listed that would be classified as ‘sensitive’, such as research involving governments or government departments.

Any research with vulnerable groups, or those with medical conditions, such as mental health conditions, may also mean that the research is deemed sensitive and proceeds through the separate Sensitive Research Protocols.

If you wish to conduct sensitive research, whether you intend to collect source material from primary sources (human participants) or whether you intend to rely upon secondary material, you will need to make an application to the Ethics Committee. As part of that application, you will need to justify fully your research into these sensitive areas and submit a risk assessment. The decision as to whether you will be permitted to conduct the research will be made following the review of your application and risk assessment by the Ethics Committee.

2.3.7 Voluntary participation

All participants should be recruited on a voluntary basis only. In the unlikely event that you may want to give a nominal ‘thank you’ to participants, it must be approved by the Ethics Committee in advance.

2.3.8 Independence

Your independence must be paramount. Any potential conflicts of interest must be explicitly declared and may themselves give rise to further ethical considerations. An example of where a potential conflict and/or such considerations may arise is

where the research is done in connection with work for the researcher's own employer.

Scenario 13: Conflict of Interest

You are a studying for a master's degree and wish to carry out some research for your dissertation using human participants. The company for which you work is happy for you to carry out interviews with some of its customers. However, one of the managers at your company is putting pressure on you to ask questions which will elicit information which would be commercially valuable to your company.

2.3.9 Timing of research

As a general principle, you must **not** conduct research with human participants or sensitive research before obtaining the permission of the Ethics Committee to do so. Breach of this principle may make you liable to disciplinary action. For example, on enrolment as a student with the University, you become liable to the Student Discipline Regulations, and under those Regulations, conducting research with human participants or sensitive research without obtaining the Committee's approval will amount to a disciplinary offence.

However, there may be circumstances in which you have conducted such research before joining the University.

Scenario 14: Prior-conducted research

Before enrolling as a student with the University of Law, you were employed locally. You now wish to use information obtained from that work in writing a dissertation for your university studies. In this case, you must still apply to the Ethics Committee for permission to use the research, and this may or may not be granted, depending on eg how you obtained that information and whether any other ethical consent was obtained.

2.3.10 Publication of research to stakeholders

You should not publish the following to the participants or other stakeholders in advance of your research being signed off: data collected during your research; your research results, or the finalised dissertation. For these purposes, signed off means the conclusion of the marking process when the mark is released to the researcher.

In line with the General Data Protection Regulation, the Explanatory Statement and Informed Consent Form should clearly explain to participants what will happen to the data they have supplied, including whether it will be released to stakeholders and the

nature of any data released (ie data collected during your research; your research results, or the finalised dissertation).

2.3.11 Retention of data

In line with the General Data Protection Regulation, the Explanatory Statement and Informed Consent Form should clearly explain to participants the length of time for which the data will be stored.

2.4 Further Help

For additional help and guidance, you should contact: ethics@law.ac.uk

2.5 References and Acknowledgments

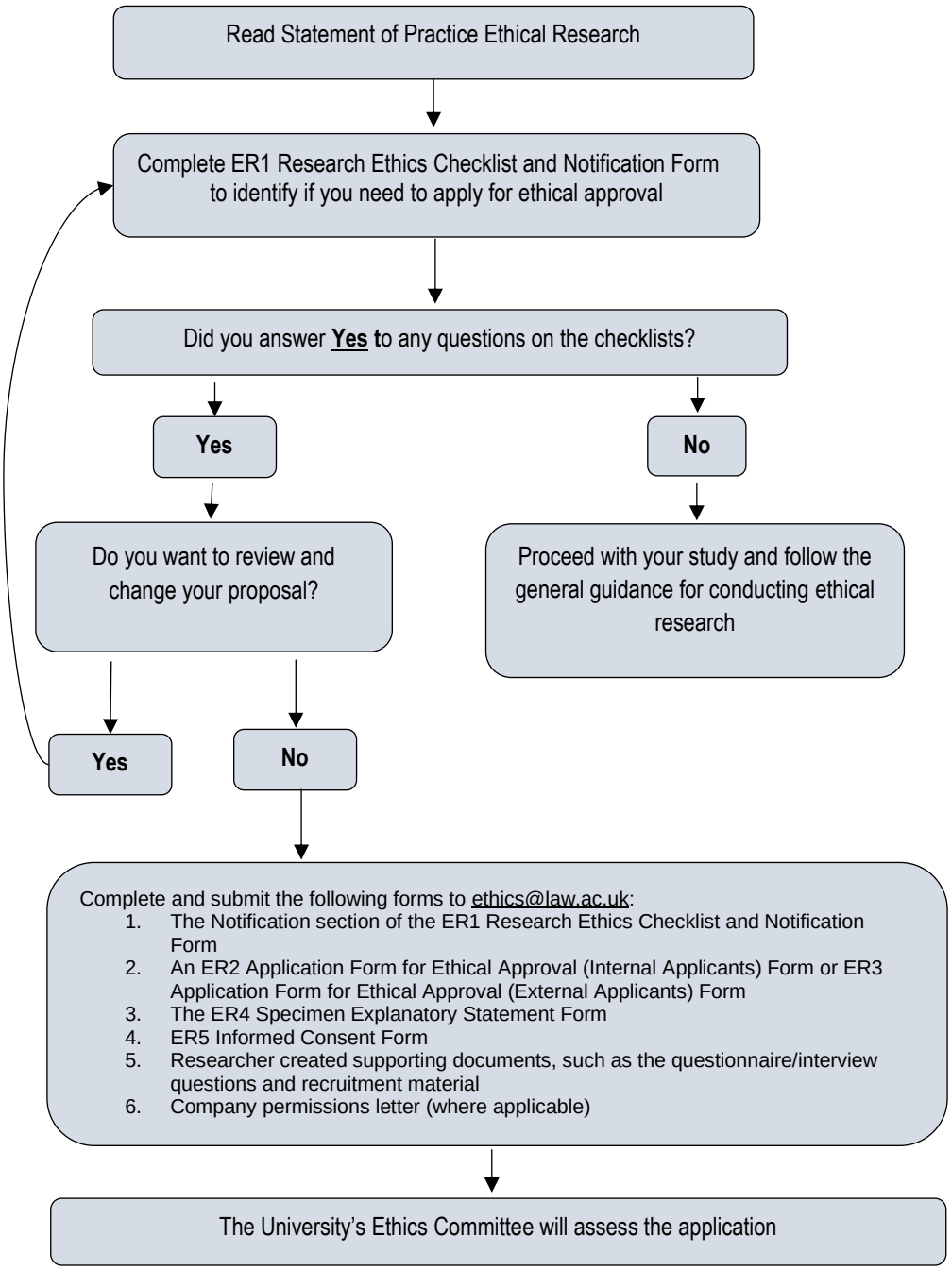
In informing the development of this policy, a broad range of publicly available material and resources have been used from government departments, professional bodies, and other Universities, including:

- Association of Research Ethics Committees
- British Library (Social Science Research Subject Guides)
- Council for Industry and Higher Education
- ESRC Framework for Research Ethics
- Falmouth University
- Higher Education Funding Council (HEFCE)
- Leeds Metropolitan University
- Office of Research Integrity
- Research Councils UK
- Social Research Association
- University of Bath
- University of East Anglia
- University of Leeds
- University of Sheffield
- York St John's University

Version	Amended by	Revision summary	Date
V1.2	Deputy Academic Registrar	Removal of forms from document; updating of terms	April 2020
V1.3	Senior Quality Officer	Clarification of terms	December 2020

V1.4	Senior Quality Officer	Amendment to Sensitive Research Paragraph	April 2021
V1.5	Campus Dean – Guildford and Reading	Inclusion of new section 2.3.5 regarding "Permission from Stakeholders"	October 2021
V1.6	Quality Assurance Manager	Minor amendments throughout	January 2022
V1.7	Quality Assurance Manager and Registry Officer (Casework)	Inclusion of jurisdiction section, amendments to sensitive research and greater distinction between confidential and anonymous research	January 2023

Appendix A: Ethics Approval Flowchart



Appendix B: Definition of terms

Throughout this document, the following terms are used:

Ethics is defined as the systems of moral principles or values, principles of right or good behaviour when relating to others, and the rules and standards of conduct binding together members of a profession.

Ethics Committee is a committee of and reports to the Academic Board of the University of Law and is responsible for the development, implementation, monitoring, safeguarding and review of institutional procedures and guidelines relating to ethical issues arising from research activities.

Human participants (or human subjects) are defined as living human beings or human data (such as, but not restricted to, medical, financial, personal, criminal, administrative data, or scholarly achievements).

Plagiarism is the practice of taking someone else's work or ideas and passing them off as one's own. Plagiarism may occur unintentionally where poor referencing leads to failure to acknowledge the original author.

Research is defined as a disciplined investigation conducted in order to acquire knowledge and understanding.

Research ethics is defined as the principles of appropriate conduct that govern research, as defined above. The principles of research ethics apply to all types of research.

Researcher is defined as any member of staff, student, or associate (non-student) who is undertaking or is participating in any kind of research that is associated either directly with their work or studies, or indirectly through association with the University of Law.

Study refers to either a piece of research or a piece of written work (such as a dissertation) undertaken by either staff or students of The University of Law.