

## ASSOCIATION OF LAW TEACHERS

### RESEARCH ETHICS STATEMENT

This Statement was drawn up by an ALT Research Ethics Sub-Committee and approved by the ALT Committee following consultation with the wider ALT membership. We welcome comments on this statement and will keep it under review.

This Statement has been drawn up with reference to other ethics statements and ethical guidelines such as those published by the Economic and Social Research Council, the British Education Research Association, the Socio-Legal Studies Association and the Academy of Social Sciences.

#### **BACKGROUND**

The Association of Law Teachers (ALT) is made up of law teachers from both higher and further education, and for the last 50 years has played an active role at the heart of legal education. As one of the major learned associations, we recognise that you, our members, may be looking for guidance on the ethical conduct of legal education research.

The ALT has developed significantly over the last 50 years and has taken an increased interest in legal education research, including empirical research. We therefore hope that this statement can act as a guide for those wishing to embark on research of all types and into all aspects of legal education. We recognise that a statement such as this one cannot cover all possible ethical issues and dilemmas and it is not intended as a set of rules. Rather it should be read as a set of principles which helps you as researchers to consider any ethical issues and then make reasoned decisions as to how best to conduct your research.

We think there are a number of key principles which should underpin all research. This statement therefore has the integrity and competence of the researcher, the quality of the research, collegiality and respect for research participants at its core. This statement applies to all legal education researchers, wherever they are based and wherever they are carrying out their research.

#### **RESPONSIBILITIES TO PARTICIPANTS**

Principle:

All research participants are deserving of respect, whatever their role is in the research process. Individuals should be treated fairly, sensitively and with dignity and with freedom from prejudice regardless of age, gender, sexuality, race, ethnicity, class, nationality, cultural identity, partnership status, faith, disability, political belief or any other significant difference.

1. Legal education researchers should seek to employ sound methodologies and methods in order to answer the research questions they have set and should employ these competently.
2. We encourage legal education researchers to seek informed consent for the participation in research from all of their participants, unless there are compelling reasons for not doing so.

3. Informed consent requires that participants are given sufficient information about the research, including the purpose of the research, the method of research and the planned use of any data gathered to make a choice about whether they wish to be involved. In addition, informed consent requires that participants are given sufficient time to make that decision.
4. We recognise that there may be situations where fully informed consent is not appropriate because it will impact on the research and skew the data. We expect this to be an exception to a general presumption of informed consent and this exception should be justified in each case.
5. Legal education researchers often engage in action research. In this area in particular, we encourage researchers to consider how their own research role impinges on others and whether a dual role, as for example a teacher and researcher or a colleague and researcher, may lead to tensions and conflict of interests. Any such possibility should be addressed in the research design.
6. In some cases covert research may be appropriate. We do not wish to discourage researchers from carrying out covert research where this is the most appropriate method for answering a particular research question. However, where covert research is to be used, we encourage researchers to carefully consider whether there is any risk of harm to participants and if so whether that level of risk is justifiable.
7. Legal education researchers should aim to minimise any risk of harm to themselves or their research participants. We take 'harm' to include notions of physical harm and emotional distress.
8. Legal education researchers must recognise the right of any research participant to withdraw from the research for any or no reason and at any time, and participants should be informed of this right.
9. In some cases it may not be possible for the participant's data to be removed from the research (perhaps because it can no longer be identified as coming from the participant). Where this is the case, participants should be informed in advance that there are limits to their right to withdraw and what those limits are.
10. The confidential and anonymous treatment of participants' data is considered the norm in legal education research. The privacy of research participants should therefore be respected unless specifically waived by them.
11. However, legal education researchers should not give unrealistic guarantees about confidentiality and anonymity and should bear in mind, for example, that where there is a serious risk of harm, researchers may have to disclose information in order to prevent such harm.
12. Researchers who are professionally qualified may also be required by their professional codes of conduct to disclose information about, for example, malpractice.
13. Care should be taken by researchers to ensure that research findings are presented in such a way that participants cannot be identified from the information given. This is particularly so where the community being researched is relatively small.
14. Researchers must comply with legal requirements in relation to the storage and use of personal data and must ensure that data is stored securely.

## RESPONSIBILITIES TO COLLEAGUES AND THE LEGAL EDUCATION COMMUNITY

### Principle:

Legal education researchers should undertake to carry out ethical research which informs the debate within the discipline and which is conducted in the spirit of collegiality.

1. It is expected that researchers will report their findings accurately and fully.
2. Legal education researchers should accord due respect to all methodologies and related methods and should contribute to a community spirit of critical analysis and constructive criticism that generates improvement in practice and the enhancement of knowledge.
3. Contributions from colleagues, students and other partners to the research and any publications or outputs arising from that research should be fully and properly acknowledged.
4. Authorship should not be determined by seniority but by contribution.

## RESPONSIBILITIES TO SPONSORS OF RESEARCH

### Principle:

Legal education researchers are independent researchers who will strive to fulfil their responsibilities to the sponsors of research to the highest possible standards. Legal education researchers will not, through their research, validate a specific agenda a sponsor may have, if this is not supported by the research.

1. A sponsor of research is considered to be any person or body who funds research.
2. Legal education researchers are expected to provide an honest view of their own capacity and competence to undertake the research proposed.
3. Respective responsibilities and entitlements should be agreed in advance wherever possible.
4. This statement of ethical practice should be brought to the attention of sponsors of research.

## RESPONSIBILITY TO USERS OF RESEARCH

### Principle:

Legal education researchers should undertake to carry out ethical research and wherever possible make public the results of their research for the benefit of legal education professionals, policy makers, students and other stakeholders in order to promote a wider understanding of legal educational policy and practice.

1. We encourage legal education researchers to present their research findings in a variety of ways using clear and straightforward language appropriate to the intended audience.
2. We encourage legal education researcher to disseminate their finding widely and not just in academic outlets.
3. Researchers should state clearly, as part of any research outputs, any conflicts of interest and/or any sponsorship of research.