



Government of **Western Australia**  
Department of **Justice**  
**Strategic Reform**

# Code of Conduct for Researchers

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## 1 Introduction

This Code of Conduct applies to all individuals and organisations conducting research at or with the Department of Justice (the Department). The purpose of this Code of Conduct is to outline the principles to be adhered to when undertaking research with the Department.

### Definitions

Term	Definition
Clients	All people who are in contact with the Department. This includes (but is not limited to) adult and juvenile offenders, court and tribunal defendants/applicants/respondents, victims, families etc.
Conflict of interest	When a person's individual interest or responsibilities have the potential to influence the carrying out of his or her institutional or professional obligations or where an institution's interest or responsibilities have the potential to influence the carrying out of its research obligations.
Distribution	Distribution means the action of sharing something among a number of recipients and includes public release, submission for publication and submission for examination.
Research participants	Subjects of the research. Participation in research includes: <ul style="list-style-type: none"> <li>• Taking part in surveys or interviews</li> <li>• Undergoing psychological, physiological or medical testing or treatment</li> <li>• Being observed by researchers</li> <li>• Personal documents or other materials being accessed by researchers; and / or</li> <li>• Information that is part of an existing database being accessed by researchers.</li> </ul>
Principal researcher	The primary individual responsible for the preparation, conduct and administration of a research project and seeking approval for distribution of research outputs.
Research Applications and Advisory Committee (RAAC)	The Department's committee which considers, coordinates and monitors external requests to undertake research with the Department.
Research	An investigation undertaken to gain knowledge, understanding and insight.
Researchers	Individuals who undertake research with the Department.
Research outputs	An output of research and includes reports, journal articles, theses for submission, dissertations, manuscripts, conference presentations, posters, discussion papers, press releases, internet postings and chapters in edited books.
Research project	An investigation that is limited by time, characterised by specific goals and conditions with defined resources, budget, responsibilities and planning.
Staff	All employees working within the Department.
Young person	Children and young people up to the age of 18 years who are in contact with the formal justice system.

## **2 Requirements for research projects and researchers**

### **2.1 Validity of approval**

- 2.1.1 Following written approval being granted by the Department, researchers will have access to data or clients for the time period specified in their research application. Researchers requiring additional access and/or time will need to write to RAAC seeking an extension.
- 2.1.2 Researchers are responsible for the actions of any person participating in the research project as an associate, assistant or subcontractor.

### **2.2 Ethical Conduct**

- 2.2.1 Research conducted with the approval of the Department must align with the [Australian Code for the Responsible Conduct of Research](#) and the [National Statement on Ethical Conduct in Human Research](#), to assist in achieving the highest standards of integrity and quality in research.
- 2.2.2 All research must respect RAAC's ethical standards such that the safety, privacy, welfare and human rights of clients, staff and researchers are protected.
- 2.2.3 Where ethics approval is required by the researchers' organisation (eg a University), RAAC requires evidence of this approval to be provided to the Department prior to commencing the research.

### **2.3 Cultural sensitivity**

- 2.3.1 Research conducted with the Department must acknowledge or take into account the specific cultural needs of people from culturally and linguistically diverse backgrounds.
- 2.3.2 Research conducted with the Department must be in line with the [Guidelines for Ethical Conduct in Aboriginal and Torres Strait Islander Health Research](#).

### **2.4 Criminal screening and working with children check**

- 2.4.1 Researchers having direct access to the Department's clients, staff, premises or data may be asked to provide a criminal clearance and, if applicable, obtain and provide a Working with Children Check, at the researchers' expense.
- 2.4.2 International researchers may be required to provide a Certificate of Clearance as issued by the police jurisdiction, justice department or statutory authority of their country of current residency/citizenship.
- 2.4.3 A previous criminal conviction will not necessarily preclude a researcher from undertaking research with the Department. It is at the discretion of RAAC to assess the circumstances and determine approval.

### **2.5 Recruiting participants**

- 2.5.1 The selection of participants must be equitable and within the constraints of the required sample.
- 2.5.2 Informed consent must be sought and documented, except in cases where the research utilises large, non-identifiable data sets.

- 2.5.3 Participation in research is voluntary and participants, including young people, are entitled to withdraw from research at any stage.
- 2.5.4 Researchers must take into account the following ethical considerations when recruiting participants as part of their research, in line with the [National Statement on Ethical Conduct in Human Research](#):
- needs of children and young people
  - vulnerability of people in dependent or unequal relationships (prisoners and detainees)
  - needs of people with cognitive impairment, intellectual disability or mental illness
  - cultural needs of people from culturally and linguistically diverse backgrounds, including Aboriginal people.
- 2.5.5 Incentives to participate must not be offered to prospective research participants. Research should not advantage or disadvantage participants or non-participants in any way.
- 2.5.6 Recording of client consent or interviews by researchers is in principle not permitted. Requests for exceptions to this principle must be included in the research application, providing the rationale for the request and whether it includes a request to bring electronic devices into Departmental premises.
- 2.5.7 Note that permission to allow electronic devices to be brought into the Department's premises may not be granted by the Superintendent of a prison, Manager or Director of a facility or judicial officers of the relevant court. Researchers need to ensure that they have an alternative plan for documenting consent or interviews if their request is refused.

## **2.6 Informed Consent**

- 2.6.1 Prior to recruiting participants, researchers must provide each prospective participant with both a written or verbal explanation regarding the research.
- 2.6.2 Researchers must ensure that informed consent of each participant is obtained in line with Chapters 2.2 and 2.3 of the [National Statement on Ethical Conduct in Human Research](#), prior to using the participant as part of the research.
- 2.6.3 Informed consent from each participant can be obtained:
- in writing
  - verbally, when witnessed and signed off by an independent witness; and/or
  - where the participant is a young person, by obtaining the consent of the participant's parent or guardian in addition to the young person's informed consent.

2.6.4 Obtaining informed consent may require researchers to enlist the assistance of interpreters, guardians and advocates, at the researchers' expense.

## **2.7 Access to Departmental premises**

2.7.1 Researchers must observe the rules and operation of any Departmental premises where the research is conducted.

2.7.2 In the event that RAAC determines that the project includes a mental health component or a potential mental health implication to the Department's clients (in particular, offenders in the Department's correctional facilities and defendants in mental health courts) such as the risk of participant distress, suicide, self-harm and/or harm to others, the researchers may be required to sign a Risk Management Agreement (RMA).

2.7.3 The RMA sets out certain conditions for research approval within the Department's correctional facilities or courts which researchers must comply with. These conditions relate to the researcher's identification of distress, risk of suicide or self-harm by a participant at any time during the course of the interview process.

2.7.4 Research will not be permitted to commence at each site until an RMA has been agreed upon and documented for that site. If an RMA cannot be agreed between the relevant parties, it may not be possible to conduct research at that site.

2.7.5 The Superintendent of a prison, judicial officers and all divisional heads have the right to recommend to RAAC that a prison or court based project be halted or terminated at any time.

## **2.8 Access to Departmental databases**

2.8.1 Access to individually identifiable data will be considered according to research requirements, rationale and legal requirements. Access will be subject to continual monitoring of requirements.

2.8.2 Data obtained from the Department, or collected during the research, can only be used in the manner approved by RAAC for the approved research project.

2.8.3 Any subsequent use of the data must be submitted to RAAC as a new research application.

2.8.4 Researchers who are conducting approved research which is not on behalf of the Department can apply to access records that are non-individually identifiable.

2.8.5 Departmental staff listed as researchers in research projects must not use their position as an employee of the Department to access or collect data for their research.

2.8.6 Researchers must comply with the guidelines contained in Chapter 3.2 of the [National Statement on Ethical Conduct in Human Research](#) in relation to identifiability, collection, use, storage and disclosure of data in research.

## **2.9 Access to other Departmental documents**

- 2.9.1 Court transcriptions may only be used in accordance with the relevant legislation and procedures of each Court.
- 2.9.2 Applicants requesting access to medical information belonging to the Department's clients must obtain the informed consent of the individual in line with the [National Statement on Ethical Conduct in Human Research](#). Medical records must be treated as confidential and must not be released to a person not entitled to the information.

## **2.10 Data Storage and Retention**

- 2.10.1 Researchers must ensure that research data and records obtained are kept confidential, secure and only used for authorised purposes.
- 2.10.2 All records which contain identifiable data must be returned to an appropriate area within the Department as soon as they have been de-identified and integrated into any analysis.
- 2.10.3 Non-identifiable data received from the Department should be stored or disposed of according to the researcher's organisation's own record keeping policies.

## **2.11 Amendments to research project**

- 2.11.1 Researchers must submit any amendments to the design of their research to RAAC for approval prior to implementing the amendments.
- 2.11.2 Any requests for repeat or related research must be submitted to RAAC as a new application.
- 2.11.3 It is a breach of the Code of Conduct to amend the design of approved research without the Department's consent.

## **2.12 Conflicts of Interest**

- 2.12.1 Researchers must disclose any perceived, potential or actual conflicts of interest as part of their research application. Researchers must disclose to RAAC any information that is, or might be, relevant to determining whether an actual, potential or perceived conflict of interest exists. This includes:
- being an employee of the Department
  - being employed by, or affiliated with, current or potential service providers to the Department; and / or
  - past or current friendships, interactions or relationships with clients, past clients, or individuals/groups who may reasonably be perceived as being involved in, or potentially involved in, criminal behaviours.
- 2.12.2 Researchers must inform RAAC if a potential conflict of interest becomes apparent during the course of the research.

## 2.13 Progress Reports

- 2.13.1 Reports on the progress of the research are required every 6 months or as specified, starting from the approval date.
- 2.13.2 At the completion of the project, researchers must provide RAAC with an electronic copy of the full report as per paragraph 3.14 of the Code of Conduct.
- 2.13.3 Reports may be used for internal distribution and a copy can be held in the Department's library. A link to publicly available reports may be posted onto the Departmental website. All of these decisions are subject to RAAC's discretion.

## 2.14 Distribution of research findings

- 2.14.1 Research outputs must meet the following conditions:
- (a) Be factually correct
  - (b) Not identify any individuals
  - (c) Not reveal confidential Department information
  - (d) Not pose a security risk, including risk to the operations of the Department or the safety of the community
  - (e) Acknowledges the participation and/or assistance of the Department and relevant service providers in the conduct of the research
  - (f) States that any material published or made publicly available by a researcher cannot be considered as either endorsed by the Department or an expression of the policies or view of the Department
  - (g) States that any errors of omission or commission are the responsibility of the researchers.
- 2.14.2 Researchers must obtain written approval from the Department before any research outputs which disclose findings of research projects are distributed.
- 2.14.3 Researchers must provide a copy of each research output to the Department **at least 20 working days** prior to proposed distribution. This includes subsequent research outputs relying on the same research findings.
- 2.14.4 Where researchers intend to publish in journals, details of the intended date and place of publication are to be provided to the Department when seeking approval.
- 2.14.5 Where researchers will be submitting a thesis/manuscript for assessment as part of an academic qualification, details of submission dates are to be provided to the Department when seeking approval.
- 2.14.6 The Department will endeavour to review research outputs within **20 working days** but reserves the right to request additional time to review where a research output is long, complex or contentious.

2.14.7 Researchers must inform the Department of any possible contentious issues at any stage so that they may be resolved to the mutual satisfaction of the researchers and the Department.

### **3 Breaches of Code of Conduct**

#### **3.1 Actions which are breaches of the Code of Conduct**

3.1.1 Failure to abide by any of the aforementioned conditions of the Code of Conduct may be considered a breach.

#### **3.2 Responses to breaches of the Code of Conduct**

3.2.1 The Department may respond to a breach of the Code of Conduct or additional action which may affect research by:

- terminating and withdrawing approval for the research
- refusing to consider future research applications from the principal researcher
- refusing to consider future research applications from the researchers' group or organisation
- publicly declaring that the Department no longer supports the research.

#### **3.3 Additional actions which may affect research**

3.3.1 A person who is subject to the Code of Conduct is convicted of committing (or has been charged with committing) a criminal offence or has engaged in misconduct contrary to their employment contract.

3.3.2 Continuation of the research may prove detrimental to the Department's clients, staff or the safe and orderly operation of the Department's premises;

## Declaration

Having read and understood the Code of Conduct for Researchers, I declare that I will preserve the confidentiality of the information released into my care and will adhere to this Code of Conduct and other conditions that have been agreed in communication with RAAC.

Principal Researcher		Witnesses
Signature:		
Name:		
Role:		
Date:		

I agree and acknowledge:

- All research outputs must be provided to the Department at least **20 working days** prior to proposed distribution.
- All distributed research outputs must meet all of the conditions outlined in clause 3.14.1 of the Code of Conduct.
- All research outputs are only distributed following the receipt of written approval from the Department.

Researchers		Witnesses
Signature:		
Name:		
Role:		
Date:		
Signature:		
Name:		
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Date:		
Signature:		
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Role:		
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(All researchers who are involved in the project (ie all personnel who will see name-identified data, the Department's databases or access the Department's premises, staff or clients) must sign this declaration. Please attach extra copies of this page as necessary. Researchers should not witness each other's signature. This should be done by an adult independent to the researchers. Researchers should keep a signed copy of the Code of Conduct for their own records. Researchers should initial each page of the agreement.)