

Terms and conditions of approval to conduct research

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Departmental approval to approach school principals or managers to invite their students' and/or staff's participation in research is granted conditionally upon the following terms and conditions being met.

By signing and submitting their research application, researchers agree to abide by the terms and conditions outlined below.

If at any time these conditions are contravened the researcher may, in the first instance, receive a warning from the Department of Education and Training (DET). If such behaviour continues DET will immediately withdraw approval for the research project and all research activity will cease pending an investigation of the contravention. Legal action may be taken in line with the relevant acts and policies.

DET retains discretion to approve or not approve any research application involving Queensland state schools and other DET sites.

If your application is approved:

- we will send you a letter detailing the specific conditions under which your research study may proceed
- this approval is not evidence of ethical clearance from DET
- this approval is not official departmental support or endorsement of any aspect of the project
- this approval is not support for the general and/or commercial use of an intervention or curriculum program, software program, or other enterprise being evaluated or developed as part of the research
- DET approval shall not be conveyed to research participants as endorsement of the research or partnership with DET (except in specific cases of collaborative research)
- school principals or site managers still have the right to decline voluntary participation of their schools or other site in the research when approached.

Research conducted in DET sites must be administered in accordance with the Departmental Research Application Guidelines, these terms and conditions and comply with the National Health and Medical Research Council's (NHMRC) [National Statement on Ethical Conduct in Human Research](#), in particular the standards and principles for conducting research on specific populations, including Indigenous Australians and children and young people. The four essential principles described in the National Statement are respect for persons, research merit and integrity, balancing benefits and risks in research, and justice.

In accordance with the NHMRC's National Statement, research conducted on humans must have clearance from a Human Research Ethics Committee (HREC). The Department does not have its own HREC, but will accept the approval of an appropriately constituted HREC when making a determination on the outcome of the research application.

Where applicants such as private consultants do not have access to such a committee, a statement is required as part of the application process that outlines the ethical approach to the research, including how the applicant will address:

- informed and voluntary consent
- confidentiality and privacy
- management, storage and disposal of data
- risks and benefits of the research
- publication, reports and/or dissemination of results.

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1 Informed consent

- 1.1 In accordance with the NHMRC's [National Statement on Ethical Conduct in Human Research](#), it is essential that appropriate information and consent procedures are followed in any research involving DET. The informed written consent of a research participant and parent/caregiver is required if the participant is a minor (under the age of 18 years). Informed written consent from a primary caregiver must also indicate that he or she has discussed the matter with their child, who in turn has explicitly agreed to participate. Agreement by the child to participate is documented by the child co-signing the consent form provided to the parent/ caregiver.
- 1.2 As outlined in the National Statement, research participants and caregivers have the right to be fully informed regarding the intent, nature and scope of the research when deciding if they will participate.
- 1.3 In addition, when research is conducted in schools or other DET sites, consent to approach participants to invite their voluntary participation must be obtained from the school principal and/or equivalent manager of site and retained by the researcher. In order to make this decision principals/managers will be provided with:
 - an information statement which describes the research, identifies who will be involved (e.g. students, teachers, parents/caregivers) and explains what will be required of these participants
 - the informed consent form which they sign to indicate their agreement that school or site staff, students and/or parents/caregivers can be invited to participate in the research
 - a copy of the approval letter from central office or regional office (where applicable).
- 1.4 All research participants must be provided with an information statement detailing the purpose of the research project, expected participant involvement and any other factors that might reasonably be expected to influence their willingness to participate. All participants, including children, need to be informed that:
 - their participation in the research project is voluntary
 - a decision not to participate will not adversely affect their academic achievement or their relationship with their teachers or schools
 - they are free to withdraw from the research project at any time, and have information regarding who to contact if they wish to withdraw from the study
 - they may seek further information about the project, including a contact person and details for accessing further information regarding the project.
- 1.5 Consent forms and information statements must include information about provisions to protect the anonymity of participants in the data collection, management and publication processes.
- 1.6 Researchers intending to use video, photographic or audio recording to collect data should state this in the information statement and on the consent form detailing how such information will be used and how participant anonymity will be preserved.
- 1.7 In cases where visual images of children are required for the purposes of the research, this must be stated in the information statement and explicit approval from the parent/ caregiver must be sought on the consent form. Parents/caregivers may consent to children participating in the research but not being photographed or filmed and researchers must accommodate this preference.
- 1.8 If visual images are intended for use by the researchers beyond data analysis (for example, for dissemination in reports or presentations), the research participants (and parents/caregivers in the case of children) must be fully informed and asked to consent using a separate 'release' form.

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- 1.9 Researchers intending to secure work samples from children for data collection purposes must obtain parental/caregiver's consent, and include this in the consent form and information statement. The consent of the participating child should also be obtained. Intellectual property from student work samples remains with the child. Explicit consent must be obtained to reproduce or publish student work in research reports and other publications.
- 1.10 DET will not approve research relying on the passive consent of participants. Passive consent refers to consent assumed to be provided unless the parent/caregiver indicates otherwise, or if a research participant has not returned the parent/caregiver's consent form to the researcher or active written consent has not been obtained from the parent/caregiver.
- 1.11 Approval from the initial approving authority must be sought for any changes to an approved research project that alters the initial information provided to participants or parent/caregiver or new information that can reasonably be considered to influence participants' willingness to continue with the study. Once approved, this variation must be provided in writing to participants and parents/caregivers.
- 1.12 Consent forms and information statements should be approved by an appropriate institutional HREC prior to the Department granting approval. However, the Department may make further requests or require amendments to consent forms, information statements or the research protocol.

2 Privacy and confidentiality

- 2.1 The Queensland Government's Information Privacy Act 2009 (IP Act) regulates the responsible management of personal information including its collection, storage, use and disclosure. Researchers operating within DET sites must comply with the requirements of the IP Act (and other relevant legislation) to ensure that participants' privacy and the confidentiality of records and other confidential data is maintained. Personal information includes information that enables an individual to be identified, for example their name, age, or other defining characteristics. Consideration must also be given to information that may identify a person, locality or school by inference.

3 Data management

- 3.1 Procedures to ensure the integrity and confidentiality of data during processing and storage must be established. Researchers must ensure the secure storage of data, including password locking on electronic files, and hard copies to be locked in filing cabinets.
- 3.2 All identifying information must be deleted and data management procedures employed to ensure anonymity of participants and DET sites (including schools). Researchers must provide details of the data management procedures they will use to ensure this protection in their research application – for example, strategies for information storage, access and disposal of data.
- 3.3 Video, photographic or audio recordings are to be used only for the purposes of the research and should be securely stored. All visual images are to be de-identified. Such records must be destroyed at the conclusion of the research.
- 3.4 Public use of video, photographic or audio images requires separate release document to be signed by participant and caregiver (if applicable).

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4 Intellectual property

- 4.1 The management of intellectual property in DET is guided by the Queensland Public Sector Intellectual Property Guidelines (V2).
- 4.2 Data owned by DET is a form of intellectual property. By approving the use of Departmental information for research purposes, DET does not transfer any rights of ownership of the data, but grants the researcher a licence to use the data only for the specified purpose and period of the research.
- 4.3 Contractors and consultants engaged by the Department must abide by the standard contract material clause related to intellectual property used in the DET Standard Consultancy Agreement. This agreement requires all intellectual property created in performing the contracted services to be transferred to DET. Contracted university researchers are generally granted a non-transferable licence to use new material generated from research for teaching and other internal research purposes.
- 4.4 For researchers who are not employed by or engaged by the Department as a contractor or consultant, the Department places no claim on the intellectual property generated by such research. However, if the project is of high relevance to the Department or could be used in policy development, DET may negotiate to jointly release the research findings or material.
- 4.5 Intellectual property created by collaborative research between independent researchers and departmental employees, such as ARC Linkage projects, is subject to the specific clauses in the project contract.
- 4.6 Any samples of work by research participants such as drawings, test results, essays, photographs and websites, remain the intellectual property of the participant. Researchers require written consent from the research participants and primary caregiver (if appropriate) to reproduce participants' work, however this consent does not constitute a transfer of intellectual property rights.
- 4.7 In accordance with the provisions of the Australian Copyright Act 1968 and the Queensland Information Standards, the State of Queensland owns any intellectual property resulting from research undertaken by the Department's employees in the course of their employment. According to the Queensland Public Sector Intellectual Property Guidelines, knowledge generated by staff conducting or contributing to research remains the intellectual property of the Department.
- 4.8 If research participants who are students or parents/caregivers contribute their own work to the research, they retain copyright ownership of their original work.
- 4.9 If research participants, who are also DET staff, including teachers or parents/caregivers, contribute their own work to the research, the Department retains copyright ownership of their original work. Release forms must be signed by participants and their parents/caregivers for participants under 18 years if research including original contributions from participants is intended for publication.
- 4.10 State educational institutions have certain rights to reproduce copyright material for educational and training purposes only.
- 4.11 Due to complexities in copyright law, it is prudent for researchers to obtain professional legal advice. Researchers may refer to Copyright Law in Australia: A Short Guide.

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5 Moral rights

- 5.1 Authors retain moral rights of attribution of authorship, rights against false attribution of authorship and the right of integrity of authorship. DET duly refers to authors when citing research reports, in accordance with the *Queensland Public Sector Intellectual Property Guidelines*.

6 Indemnity and insurance issues

- 6.1 It is the responsibility of the research applicant to ensure that their research institution has appropriate and sufficient insurance to indemnify researchers and the Department for loss or damage suffered by reasons of negligence or breach of the researcher, contractors, sub-contractors or agents for an adequate period of time.

7 Working with Children Check (Blue Card)

- 7.1 The Commission for Children and Young People and Child Carer Act 2000 (Qld) requires all persons working with children to undergo the Working with Children Check. All researchers wishing to work with children and young people (aged less than 18 years of age) at DET sites are required to seek guidance from the Commission for Children and Young People and Child Guardian (CCYPCG) regarding a Working with Children Check (Blue Card).
- 7.2 It is the applicant's responsibility to contact the Commission and confirm whether a Blue Card will be necessary in the specific circumstances.
- 7.3 Researchers must advise the Department immediately if the nature of any Working with Children Check or relevant exemption conditions change during the period of research.

8 Disclosure of harm or criminal activity

- 8.1 The safety and wellbeing of children is paramount. If researchers are made aware of, or suspect on reasonable grounds that an episode of harm to a child or young person has occurred, they must disclose this to an appropriate authority (nominally the school principal or manager). Similarly, if a researcher is aware of a research participant engaging, or intended to engage in criminal activity (for example, drug taking, or vandalism), they must disclose this to the school principal or other appropriate authority.

9 Publication and public release of research findings

- 9.1 Researchers must acknowledge the assistance of DET in all publications and presentations relating to the research. The Department can advise on publication of DET logos and templates. Any report, publication or presentation arising from the approved research must carry a disclaimer to the effect that it does not represent the views of the Department.

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- 9.2 Researchers shall supply the Departmental approving authority and the participating school/ site with an executive summary and/ or copy of any final published material.
- 9.3 On occasion, research outcomes that have implications for sensitive policy and/or political issues will be of interest to the media. Any media coverage or publication anticipated from the results of research conducted in DET sites should be noted on the research application form.
- 9.4 Researchers must inform the Department's media team (phone 07 3237 1367, 24 hours a day, 7 days a week) if the media contacts them about research activities conducted on DET sites, or if the researcher intends to issue a media release. This will enable the Department to prepare an appropriate media release, and to provide support to the researcher.
- 9.5 If media coverage is conducted on Departmental sites, permission must also be obtained from the relevant school principal or site manager.
- 9.6 In addition to Departmental and/ or school principal consent, student and parent/caregiver consent must be obtained when media coverage includes interviews and/or video or audio footage of school students. CCM will advise on obtaining the appropriate consent for media coverage for school students and children.
- 9.7 Information regarding the research application, including name of institution, title of research, research summary, schools to be approached, and start / conclusion dates may be included in the DET Register of Research .

10 Governing legislation and policies

- 10.1 Research conducted in DET sites must comply with the relevant State and Commonwealth legislation and guidelines, including but not limited to:

National Health and Medical Research Council National Statement for Ethical Conduct in Human Research (2007)

<http://www.nhmrc.gov.au/publications/synopses/e72syn.htm>

Commission for Children and Young People and Child Carer Act (2000)

<http://www.legislation.qld.gov.au/LEGISLTN/CURRENT/C/CommisChildA00.pdf>

Anti-Discrimination Act 1991

<http://www.legislation.qld.gov.au/LEGISLTN/CURRENT/A/AntiDiscrimA91.pdf>

Anti-Discrimination Regulation 2005

http://www.legislation.qld.gov.au/LEGISLTN/REPEALED/A/AntiDiscrR05_001_050901.pdf

Education (General Provisions) Regulation 2006

<http://www.legislation.qld.gov.au/LEGISLTN/SLS/2006/06SL246.pdf>

Racial Discrimination Act 1975

www.humanrights.gov.au/racial_discrimination/guide_to_rda/

Right to Information

<http://www.rti.qld.gov.au/rti/default.asp>

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Child Protection Act 1999

<http://www.legislation.qld.gov.au/LEGISLTN/CURRENT/C/ChildProtectA99.pdf>

- 10.2 DET has certain policies that seek to ensure students and employees are responsive to issues regarding gender, race and other issues of a sensitive nature. As necessary and appropriate, researchers in state schools need to be aware and comply with the following policies:

Department of Education and Training Research and Development Plan

<http://education.qld.gov.au/corporate/research/>

CRP-PR-009: *Inclusive Education*

<http://education.qld.gov.au/strategic/eppr/curriculum/crppr009/>

SMS-PR-012: *Student Protection*

<http://education.qld.gov.au/strategic/eppr/students/smspr012/>