



# Terms and Conditions of Approval to Conduct Research

Departmental approval to approach school Principals or unit managers to invite their students' and/or staff's participation in research is granted conditionally upon these standard 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 Department of Education, Training and the Arts (DETA) will immediately withdraw approval for the research project, and the research activity must cease.

## 1. Informed Consent

- 1.1 In accordance with the National Health and Medical Research Council [National Statement on Ethical Conduct in Human Research](#), it is essential that appropriate information and consent procedures are followed in any research involving DETA. The informed written consent of a parent/guardian and research participant 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 units, consent to approach participants to invite their voluntary participation must be obtained from the school Principal and/or Manager/ Director of the facility. A specific consent form must be signed by the school Principal and/or Manager/ Director and retained by the researcher.
- 1.4 All participants, including the Principals and parents/ caregivers of participating students, 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 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 information regarding who to contact if they wish to withdraw from the study; and
  - 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 sheets must include information about provisions to protect the anonymity of participants' data in the data collection, management and publication processes.
- 1.6 Researchers intending to use videotapes or audiotapes to collect and record data, should state this on the consent form and information statement, with details on how such information will be de-identified and participant anonymity be preserved. In cases where visual images of children are required for the purposes of the research, this must be stated in the information statement and approval from the parent/ caregiver be sought on the consent form. All visual images are to be de-identified.
- 1.7 Researchers intending to secure work samples of children for data collection purposes must obtain parental 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 is to remain with the child. In cases where students' work will be retained as data, explicit consent must be obtained to reproduce or publish this work in research reports and other publications.
- 1.8 Research intending to obtain passive consent will not be approved. Passive consent refers to consent assumed to be provided unless the parent/guardian indicates otherwise or if a research participant has not returned the parent/guardian's consent form to the researcher or active written consent has not been obtained from the parent/guardian.
- 1.9 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/guardian 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 parent/guardians.
- 1.10 Consent documents and information statements should be approved by an appropriate institutional Human Research Ethics Committee (HREC) prior to the Department granting approval. However, the Department may make further requests or amendments to consent documents or the research protocol.



## 2. Privacy and Confidentiality

- 2.1 Researchers must comply with the 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.
- 2.2 The Queensland Government's *Information Standard 42 (IS42)* regulates the responsible management of personal information including its collection, storage, use and disclosure. Researchers operating within DETA must comply with the requirements of IS42 and supporting guidelines. IS42 includes information on informing participants of the information to be collected, how it will be used, and includes standards on data storage, management and disposal. A copy of the standard can be accessed at <http://education.qld.gov.au/information/privacy/plan/>.

## 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 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 Videotapes and audiotapes are to be used only for the purposes of the research and should be securely stored. All visual images are to be de-identified. Videotapes and audiotapes should be destroyed at the conclusion of the research.

## 4. Intellectual Property

- 4.1 The management of Intellectual Property in DETA is guided by the Queensland Public Sector Intellectual Property Guidelines, a copy of which may be accessed at [http://www.sd.qld.gov.au/dsdweb/v3/quis/templates/content/gui\\_cue\\_doc.cfm?id=5281](http://www.sd.qld.gov.au/dsdweb/v3/quis/templates/content/gui_cue_doc.cfm?id=5281).



- 4.2 Data owned by the Department is a form of Intellectual Property. By approving the use of Departmental information for research purposes, DETA does not transfer any rights of ownership of the data, but grants the researcher a licence to use the data only for the specified 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 DETA Standard Consultancy Agreement. This agreement requires all Intellectual Property created in performing the contracted services to be transferred to DETA. 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 Any samples of work by research participants such as work samples, drawings, test results, essays, photographs and websites, remain the Intellectual Property of the participant. Researchers require written consent from the primary caregiver and research participants to reproduce participants' work, however this consent does not constitute a transfer of Intellectual Property rights.
- 4.6 In accordance with the provisions of the *Australian Copyright Act 1968* and *Information Standard 25*, 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.
- 4.7 If research participants who are students or parents contribute their own work to the research, they retain copyright ownership of their original work.
- 4.8 If research participants who are also DETA staff, including teachers or parents, 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/guardians for participants under 18 years if research including original contributions from participants is intended for publication.
- 4.9 State educational institutions have certain rights to reproduce copyright material for educational and training purposes only.
- 4.10 Due to complexities in copyright law, it is prudent for researchers to obtain professional legal advice. Researchers may refer to the booklet, *A short guide to Copyright in Publishing*, produced by Publishing Services of the Department. <http://education.qld.gov.au/publication/ip/copyright/index.html>. Researchers may also contact the Copyright Officer, Education Services on telephone (07) 3237 0868.



## 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. DETA 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, or the Principal Researcher 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 Suitability Check (Blue Card)

- 7.1 The *Commission for Children and Young People Act 2000 (Qld)* requires all persons working in specific child-related activities to undergo a criminal history check. All researchers wishing to work with children aged less than 18 years of age or enter Departmental sites are required to seek guidance from the Commission for Children and Young People and Child Guardian (CCYPCG) regarding their need to possess a Working with Children Suitability Card.

Contact with the CCYPCG can be made by visiting the Commission's website at [www.childcomm.qld.gov.au](http://www.childcomm.qld.gov.au), via email: [wmaster@childcomm.qld.gov.au](mailto:wmaster@childcomm.qld.gov.au) or via telephone on (07) 3247 5200 or free call 1800 113 611.

Applications for research involving direct contact with students will not be approved if the researcher cannot provide evidence of a Working with Children Suitability Card or supporting evidence indicating that a Working with Children Suitability Card is not required. Researchers must advise the Department immediately if the nature of any Teacher Registration, Suitability for Working with Children or relevant exemption conditions change during the period of research.



## 8. Disclosure of harm or criminal activity

- 8.1 If researchers are made aware, or suspect on reasonable grounds of an episode of harm to a child or young person, 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, 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 DETA in all publications and presentations relating to the research. The Department can advise on publication of DETA logos and templates.
- 9.2 Any report or 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.
- 9.3 Researchers shall supply the Departmental approving authority and the participating school/ unit with an executive summary and/ or copy of any final published material.
- 9.4 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 DETA sites should be noted on the research application form.
- 9.5 Researchers must inform the Corporate Communications and Marketing (CCM) Branch of the Department if the media contacts them about research activities conducted on DETA 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. CCM can be contacted on (07) 3237 0258.
- 9.6 If media coverage is conducted on Departmental sites, permission must also be obtained from the relevant school Principal or site Manager.
- 9.7 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.



- 9.8 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 DETA Register of Research publicly available via the internet.

## 10. Governing Legislation and Policies

- 10.1 Research conducted in DETA 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 Act (2000)*

<http://www.childcomm.qld.gov.au/employment/index.html>

*Anti-Discrimination Regulation 2005*

<http://www.legislation.qld.gov.au/LEGISLTN/CURRENT/A/AntiDiscrR05.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/](http://www.humanrights.gov.au/racial_discrimination/guide_to_rda/)

*Information Standard 42*

<http://education.qld.gov.au/information/privacy/plan/>

*Child Protection Act 1999*

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

- 10.2 DETA 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, Training and the Arts' *Research Strategy*.

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

Department of Education, Training and the Arts' *Research Priorities and Topics of Interest*

<http://education.qld.gov.au/corporate/research/strategy/docs/researchpriorities.pdf>



**Queensland  
Government**

Department of  
Education, Training  
and the Arts

CRP-PR-009: *Inclusive Education*

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

HS-17: *Education Queensland Child Protection Policy*

<http://education.qld.gov.au/strategic/epr/students/smspr012/hs-17.pdf>



**Queensland  
Government**

Department of  
Education, Training  
and the Arts