

# Ethics Resources and Guidelines

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The information provided within this document are intended to be used as a resource for School of Law staff and students undertaking empirical legal research. The document, compiled in 2014 by the MI Summer Intern, includes best practice guidance for empirical research, links to professional guidelines and regulatory requirements, instructional material available online and in the University of Edinburgh Library, and guidance on completion of ethics forms. This is not an exhaustive resource. Users remain responsible for compliance with all necessary rules and regulations applicable to their research.

## External Guidelines and Standards

- Accord, *Route Map – Planning Research* (2010), at <http://www.accord.ed.ac.uk/routemaps/index.html>.
- American Association of Physical Anthropologists, *AAPA Code of Ethics* (2009), at <http://physanth.org/association/position-statements/code-of-ethics>.
- Association of Social Anthropologists of the UK and the Commonwealth, *Ethical Guidelines for Good Research Practice* (2011), at <http://www.theasa.org/downloads/ASA%20ethics%20guidelines%202011.pdf>.
- British Academy, *Code of Practice for Consideration of Research Proposals* (2013), at <http://www.britac.ac.uk/funding/codepractice.cfm>.
- British Sociological Society, *Statement of Ethical Practice for the British Sociological Association* (2004), at <http://www.britisoc.co.uk/media/27107/StatementofEthicalPractice.pdf>.
- Economic and Social Research Council, *ESRC Framework for Research Ethics (FRE) 2010* (2012), at [http://www.esrc.ac.uk/images/framework-for-research-ethics-09-12\\_tcm8-4586.pdf](http://www.esrc.ac.uk/images/framework-for-research-ethics-09-12_tcm8-4586.pdf).
- ESOMAR, *ICC/Esomar International Code on Market and Social Research* (2007), at [http://www.esomar.org/uploads/public/knowledge-and-standards/codes-and-guidelines/ICCESOMAR\\_Code\\_English\\_.pdf](http://www.esomar.org/uploads/public/knowledge-and-standards/codes-and-guidelines/ICCESOMAR_Code_English_.pdf).
- Medical Research Council, *Good Research Practice: Principles and Guidelines* (2012), at <http://www.mrc.ac.uk/documents/pdf/good-research-practice-principles-and-guidelines/>.
- RCUK, *RCUK Policy and Guidelines on Governance of Good Research Conduct* (2009), at <http://www.rcuk.ac.uk/RCUK-prod/assets/documents/reviews/grc/RCUKPolicyandGuidelinesonGovernanceofGoodResearchPracticeFebruary2013.pdf>.
- Respect, *The RESPECT Code of Practice: Professional and Ethical Codes for Socio-Economic Research in the Information Society* (2014), at <http://www.respectproject.org/code/index.php>.
- Social Research Association, *Ethical Guidelines* (2003), at <http://the-sra.org.uk/wp-content/uploads/ethics03.pdf>.
- Wellcome Trust, *Guidelines on Good Research Practice* (2005), at <http://www.wellcome.ac.uk/About-us/Policy/Policy-and-position-statements/WTD002753.htm>.
- World Medical Association, *Declaration of Helsinki – Ethical Principles for Medical Research Involving Human Subjects* (2013), at <http://www.wma.net/en/30publications/10policies/b3/index.html>.
- UK Data Archive, *Consent Forms* (2014), at <http://www.data-archive.ac.uk/create-manage/consent-ethics/consent?index=3>.

- UK Research Integrity Office, *Code of Practice for Research: Promoting Good Practice and Preventing Misconduct* (2009), at <http://www.ukrio.org/wp-content/uploads/UKRIO-Code-of-Practice-for-Research.pdf>.
- Universities UK, *The Concordat to Support Research Integrity* (2012), at <http://www.universitiesuk.ac.uk/highereducation/Documents/2012/TheConcordatToSupportResearchIntegrity.pdf>.

## University of Edinburgh Advice and Resources

- CHSS, *College of Humanities and Social Sciences Research Ethics Framework* (2014), at [http://www.law.ed.ac.uk/research/research\\_ethics](http://www.law.ed.ac.uk/research/research_ethics).
- SOL, *Edinburgh Law School Policy on Research Ethics* (2014), at [http://www.law.ed.ac.uk/research/research\\_ethics](http://www.law.ed.ac.uk/research/research_ethics).
- SOL, *Edinburgh Law School Research Ethics Primer* (2014), at [http://www.law.ed.ac.uk/research/research\\_ethics](http://www.law.ed.ac.uk/research/research_ethics).
- UEDIN, *Research Data Management Policy* (2014), at <http://www.ed.ac.uk/schools-departments/information-services/research-support/data-management>.
- UEDIN, *Research Support Overview* (2014), at <http://www.ed.ac.uk/schools-departments/information-services/research-support>.
- UEDIN Institute of Academic Development, *Career Development* (2014), at <http://www.ed.ac.uk/schools-departments/institute-academic-development/research-roles>.
- UEDIN, *Support and Services for Researchers at the University of Edinburgh* (2014), at <http://www.ed.ac.uk/staff-students/staff/research-staff>.

## Best Practice Advice and Resources

A comprehensive reference point is P Cane & H Kritzer, *The Oxford Handbook of Empirical Legal Research* (Oxford: OUP, 2010), available at <http://www.oxfordhandbooks.com.ezproxy.is.ed.ac.uk/view/10.1093/oxfordhb/9780199542475.001.0001/oxfordhb-9780199542475>. It suggests the following:

- Interviewing
  - Individual and group interviews provide researchers with access to others experiences and perceptions.
  - Provide insight into processes and subjectivities, but often at the expense of representativeness.
  - Conducted face-face or remotely.
  - Individual interviews can be used to examine legal phenomena, and perceptions of law and the legal profession.
- Ethnographies
  - Observation research is fraught with methodological and ethical difficulties – if people know that they are being observed then they may consciously or subconsciously alter their behaviour (Hawthorne effect).
  - Over time research participants over time become less affected by researcher presence and

- revert to more usual patterns of behaviour.
- Research derived through participant observation may be tainted by lack of critical reflection.
- Observation provides data that cannot be collected via interviews.
- Focus groups
  - Focus groups may lead to both useful data and truly participatory interviewer-interviewee interaction.
  - Groups synergise insights and solutions that would not come about without them.
  - Negative connotations associated with their use in the party political arena.
  - More difficult to organise than individual interviews, and also require a skilled facilitator.
- Surveys
  - Surveys provide a snapshot of the system or population at a particular moment in time.
  - They can provide a comprehensive measurement of attitudes and demographic characteristics.
  - Surveys are less able to adequately explain processes and mechanisms.

Other useful information on empirical research can be found in the following texts:

- C Chatterjee, *Methods of Research in Law*, 2<sup>nd</sup> ed. (London: Old Bailey Press, 2000).
- S Halliday, *Conducting Law and Society Research: Reflections on Methods and Practices* (Cambridge: CUP, 2009).
- R-L Liane, *Grant Application Writer's Handbook*, 4<sup>th</sup> ed. (Sundbury: Jones & Bartlett, 2005).
- M McConville & W Chui, *Research Methods for Law* (Edinburgh: EUP, 2007).
- W Pequegnat, E Stover & C Boyce, *How to Write a Successful Research Grant Application: A Guide for Social and Behavioural Scientists* (2011), at: <http://link.springer.com.ezproxy.is.ed.ac.uk/book/10.1007%2F978-1-4419-1454-5>.
- D Watkins & E Burton, *Research Methods in Law* (London: Routledge, 2013).
- H Zeisel, *Prove it with Figures: Empirical Methods in Law and Litigation* (NY: Springer, 2007).