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Original paper

Developing ethical guidelines for safeguarding children during social research

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A working party of academics from both professional safeguarding backgrounds and research backgrounds developed and wrote ethical guidelines on safeguarding children in research on behalf of their faculty research ethics committee. The working party encountered a lack of useful precedents while developing the guidelines leading to a lengthy process of debate and consideration of the issues. This paper explores the various issues and dilemmas arising during this process, particularly the tension between safeguarding children from abuse and maintaining research confidentiality. One of the main areas of discussion was how to establish the limits of confidentiality without compromising the research in hand.

The role and responsibilities of researchers in supporting children's welfare, and the development of procedures for ensuring that safeguarding is effective are discussed as key elements. In addition, the issues researchers may face when determining thresholds for intervention are considered alongside the uncertainties created by considerations of the extent to which children can give informed consent in research contexts.

The paper reflects the process of considering these issues and the conclusions the working party drew as to how best to support children's welfare during research. It also outlines the key elements of the guidelines and the structures developed to ensure researchers could get advice if suspected child abuse became an issue in their research.

The paper includes a short version of the guidelines which were eventually approved across the Higher Education Institute.

Keywords: *guidelines, children, research ethics, safeguarding children.*

Introduction

This article addresses some of the issues involved in developing ethical guidelines for safeguarding children during research for a large university. The guidelines were developed over a period of about 9 months by a working group of four research centre staff and two teaching staff who both had professional and academic backgrounds in safeguarding children. Originally the 'safeguarding guidelines' were developed at faculty level but were eventually added to existing university-wide ethical guidelines for all research activities. The safeguarding guidelines are now part of this wider set of research ethics guidelines and are applicable to all research activities for staff and students in the institution. On publication, the safeguarding guidelines were introduced through a series of workshops organized and delivered by members of the original working group.

The background to the project provides some interesting perspectives on the complex disciplinary issues involved and the approaches used to resolve them. Like many positive developments, the impetus for focusing on this issue initially emerged from tension between differing professional and disciplinary perspectives. Exploring the sources of tension gave the group the opportunity to share their professional and academic viewpoints, and the disciplinary cultures underpinning these at a deep level, creating a dialogue about priorities and perspectives that was dynamic and creative.

Context

The initiative to develop the guidelines originally arose from a presentation to education research centre staff and academic colleagues by a lecturer who had a safeguarding professional and academic background. The seminar was meant to raise the issue of protecting children's welfare during research activities but it also uncovered polarized viewpoints on priorities: on one end of the continuum of viewpoints, research confidentiality was seen as pre-eminent and on the other, children's safety was paramount. It was clear by the end of the seminar that work was needed to both clarify this issue in terms of research ethics and to

resolve the different perspectives involved. On one hand concerns were expressed that in the existing system there was no requirement to consider safeguarding during social research. On the other hand researchers felt that research confidentiality could be seriously jeopardized by such a requirement, particularly where potential respondents were hard to reach, and already wary of professional interference and the reporting-on of information about them to the authorities.

The Safeguarding in Research Ethical Guidelines project came about as an effort both to reconcile these views and to find a way to ensure that ethical research in the institution included a safeguarding aspect. Reconciling the viewpoints was identified as a priority because of the ethical issues involved. Dissent on something as fundamental as research ethics was also seen as potentially harmful to the professional relationships involved.

One of the early issues identified was the lack of guidance on this issue in the existing institutional research guidelines. While children were identified as a vulnerable group in research contexts no further institutional advice was given to support their welfare during research activities. After consultation with the faculty research ethics committee it was suggested that the working group would focus on developing written guidelines on safeguarding children in research.

Developing written guidelines provided a two-fold purpose. First, this was a positive focus for a series of discussion and development meetings between research staff and academic staff with safeguarding backgrounds to try and resolve their polarized perspectives. Second, the lack of existing guidelines suggested that this was an area for development and it provided an outcome for the work.

The discussion initially focused on a number of main questions:

- How can research confidentiality be maintained while ensuring that children's welfare is prioritized?
- What roles and responsibilities do researchers have in safeguarding children and what is the basis for these?
- What procedures should be in place to support safeguarding in research?
- How do researchers understand the safeguarding process and the thresholds for intervention?

The purpose of the guidelines and key dilemmas

The principle that children should be protected from harm is generally accepted by society and by professionals including those engaged in social research. Ethics committees and professional codes of practice provide a range of guidance regarding ethical standards in social research, all of which point to the common principle that the participant should not be harmed by the research and that the research should be beneficial to the individual and to society [1-3].

The central issue is that of individual autonomy, and this is protected by insisting on the participant's right to confidentiality and anonymity. A dilemma arises when the researcher suspects that a child may be at risk of harm, either because the child participant either knowingly or unwittingly reveals such information, or where a participant reveals another child or adult may be at risk of harm. Similarly, a researcher may suspect a child is at risk of harm from their own observations of the home and family relationships. This is especially difficult where neglect may be observed or suspected, particularly in disadvantaged families where children experience chaotic or challenging circumstances.

The dilemma then is whether such information, which may arise in the context of a confidential relationship, should be passed on to a third party. The likelihood of such situations arising when working in social research is difficult to quantify: on the one hand, a small percentage of children are referred to child protection agencies; on the other hand, it is the special relationship that may exist with the researcher as outside of the authorities and their 'befriending role' that might prompt disclosure. It is noted that more adults and children disclose abuse in research studies than compared to those referred to child protection services [4, 5]. As such it is incumbent on researchers to be alert to the possibility that a child protection issue may arise in the context of social research. This may include situations where the research is not focused on children but on adults, who may disclose previous abuse or a current situation where a child is exposed to risk.

Where such issues arise, the dilemma for the researcher is how to reconcile conflicting duties: on the one hand to the participant who may demand confidentiality and on the other hand, a moral and/or professional duty to report concerns that a child may be at risk of harm arising from child abuse. The circumstances that give rise to a professional duty to report concerns are by no means clear. Wiles et al [6] refer to the British Sociological Association (BSA) statement of ethical practice [2], which recognises that its guidance does not provide for prescriptive practice to resolve ethical choices,but that the researcher will make such choices based on the best interests of those involved.

While such guidance indicates that the best interest of the participant should be the first concern, it is not clear that all members of the research team will agree

on what constitutes the child's best interests. The issue may be further complicated in that what may be in the best interest of one child of the family may not be in the best interest of his/her sibling. Considering child protection issues that may arise in the context of social research requires that researchers should have adequate training and support so that they have the 'ethical literacy' to make decisions in the best interests of the research participants [6]. To be equipped as researchers to make such judgements in the context of ethical literacy, however, also requires an understanding of child abuse, at least in terms of its recognition and consequences with availability and access to support. Both are needed – one alone is to see only one half of the picture.

Safeguarding context

One of the key issues in safeguarding children effectively is the process by which individuals are able to recognize and respond effectively to child abuse and neglect (hereafter referred to solely as child abuse, as neglect is a well-recognized form of abuse). However, concepts of safeguarding and child abuse are complex and dependent on social and cultural perceptions of children and families which may vary between those involved. Hallett [7] argues that child abuse is a moral and political judgement about standards of parenting, and as such it is a social construct subject to change over time and differing between cultural and social contexts. She suggests that because of this, all responses to possible child abuse are made with some level of subjectivity, despite the extensive legislative and procedural framework supporting decision-making in this area.

This lack of concrete certainty in judging whether child abuse is the issue at hand poses some difficulties for researchers. Research with children may lead to situations where the researcher becomes aware of possible safeguarding issues in respect of the child or children involved. These may include the identification of indicators of abuse/neglect or the disclosure of abuse by the child. Responding effectively to these possibilities depends on an understanding of the legal and procedural framework for safeguarding and the ability to make informed judgements within this framework. However, as with many non-social care work professionals, access to training may be limited or non-existent.

Corby [8] also suggests that the concept of paternalism is significant in discussing child protection as it 'implies a disregard of children's freedoms and rights to self-determination'. However, protective legislation is arguably necessary for some children's survival [8]. Notions of children's rights are enshrined in current legislation, eg the Children Act, 1989 [9], supporting the rights of children to have their views and wishes taken into account in any actions taken which relate to them. However, children's rights are limited in this context by the notion that the child's best interests must be paramount in any proceedings, implying that the child's wishes may not be in their own interests. According to Corby the debate about children's rights is severely tested in the field of child protection where concepts of self-determinism clash with those of protection [8].

Definitions of child abuse have developed and changed since early terms such as 'battered babies' were coined by Henry Kempe in the '60s [10]. Terminology and definitions have developed as new types and concepts of child abuse were 'discovered' during the last four decades of the 20th century [7]. In England and Wales safeguarding children is defined in terms of outcomes for children's health and development and involves action on the part of responsible professionals to ensure that children's welfare is promoted and that they are protected from abuse. Currently the definition used is from the government guidance Working Together to Safeguard Children [11]. This document prescribes the roles of different professionals involved in working with children within the context of a multi-agency and multi-disciplinary approach to safeguarding:

> (1.20) Safeguarding and promoting the welfare of children is defined for the purposes of this guidance as:
> - Protecting children from maltreatment
> - Preventing impairment of children's health or development
> - Ensuring that children are growing up in circumstances consistent with the provision of safe and effective care

and that

> (1.23) Child protection is a part of safeguarding and promoting welfare. This refers to the activity that is undertaken to protect specific children who are suffering, or are at risk of suffering, significant harm.

Although the legislative framework does not provide for mandatory reporting of child abuse, for statutory agencies there is a clear professional duty to report concerns contained within the Children Act 1989 and this is strengthened by the Children Act 2004. Statutory guidance clarifies that such staff acting in their professional capacity and those from non-statutory agencies have a duty to pass on concerns about child abuse in terms of the following [11]:

> (1.14) All agencies and professionals should
> - Be alert to potential indicators of abuse or neglect
> - Be alert to the risks that individual abusers, or potential abusers may pose to children

- Share and help to analyze information so that an assessment can be made of the child's needs and circumstances
- Contribute to whatever actions are needed to safeguard and promote the child's welfare

Non-statutory agencies and voluntary agencies are listed in the guidance. Despite the exhaustive list of organisations covered, including churches and voluntary groups, no mention is made of a professional acting in a research capacity and no mention of independent researchers or researchers employed only as research staff. The absence of any guidance of how researchers should respond to abuse leaves many researchers feeling uneasy about their role in safeguarding children.

Recognizing the need to intervene to protect a child from harm is a key aspect of safeguarding. However, evidence shows that non-social care work staff often have concerns about their ability to recognize abuse and to judge the thresholds at which a response is required. For example, Braun and Sconveld [12] found that teachers were uncertain about their role and lacked confidence in their ability to contribute to protecting children. Hallett [7] suggests that one of the main difficulties is 'differing professional perceptions of what constitutes child abuse'. The concept of child abuse which determines an official response does not cover all harms to children, but a limited range of specific actions and outcomes. So, for example, although smoking in the home may be potentially injurious to children, it is not considered abusive.

State involvement in safeguarding is characterized by a tension between the privacy of the family and the accepted need to take steps to prevent harm to children. This tension has resulted in a 'pendulum swing' in safeguarding policy between prevention and protection which has been evident over time in content and focus of the legislative and procedural framework [8]. In effect, family rights to non-intervention are upheld in the law appertaining to safeguarding except in cases where there is evidence of significant harm to the child. The legal concept of 'significant harm' therefore acts as a threshold for state involvement in family life through local authority safeguarding interventions.

One of the key questions is how significant harm can be determined. Murphy [13] has suggested that the problems professionals have in determining abuse may be underestimated. There may be an assumption that all professionals involved with children will have some expertise in recognizing indicators of abuse. However, it is important to note that the individual researcher is not required to determine whether a child is suffering from 'significant harm' or not. Their role is limited to identifying and sharing concerns about a child or children with relevant others. It is for social care services to determine whether there is abuse or whether there is no significant harm but that there may be need for support services for the child and family.

One of the main difficulties for researchers in this situation is dealing with their own subjective feelings about, and responses to, the situation they are faced with and the possibility that these may affect their response. Reasons for not taking any action when faced with a possibly abusive situation are:

- fear of being wrong
- lack of certainty about thresholds for intervention, eg is it poor parenting or neglect?
- lack of training and expertise in child protection
- fear of causing permanent or temporary separation between child and carers
- fear of repercussions for self
- fear of losing research data
- concerns about damage to links with families and the wider community
- lack of time to observe children and form relationships with them
- lack of knowledge of, and trust in, professionals from other agencies

(adapted from Kay [14]).

In summary, researchers may feel inadequately equipped to make a judgement about the severity of the harm and its consequences as well as the degree of harm that warrants a response from child protection agencies. Their responses may be further complicated by limited access to clear guidelines on the relationship between safeguarding and research confidentiality.

Safeguarding in research contexts

A review of codes of practice that social researchers are more likely to be bound by shows that there is little clear guidance about the limits of confidentiality where child abuse is suspected [1,2]. Neither the British Educational Research Association (BERA) nor the BSA provide any specific guidance on child protection issues in terms of how to proceed with the research in the event of disclosure where child protection issues may be of concern, and where there is a conflicting duty of confidentiality. BERA [3] states that 'researchers must have the participant's permission to disclose personal information to third parties'. Where the guidance addresses disclosure without consent, it is illegal activity rather than child protection issues that are being targeted. BSA's advice that 'researchers should have regard for issues of child protection and make provision for the potential disclosure of abuse' [2] seems rather inadequate for researchers entering this complex arena.

Research carried out by Wiles et al [6] into researchers' practice in disclosing information to

third parties found that where abuse was concerned, researchers felt they had a legal and moral duty to report concerns, but 'would always gain the permission from the research participant'. Having reviewed professional codes of practice, Wiles et al note that where the researcher has a statutory or moral duty to pass on concerns but the participant does not consent, that there is 'little discussion in the literature of how this should be managed' [6].

Exceptions are bodies for which protecting children is fundamental to their establishment, eg NSPCC, Action for Children, Barnardo's.

The researcher may feel that the uncertainty of outcomes should the researcher pass on concerns weighted against the near certainty of loss of data following such a referral may point in favour of not passing on those concerns. An additional concern may be that a stated intention to pass on child protection concerns which may arise during the course of the research may result in participants feeling unable to come forward. Fears may also include loss of being seen as independent from the authorities which may be central to accessing the voice of oppressed groups whose voices may otherwise be lost. These are real issues and guidance needs to be sufficiently flexible to address the many different contexts of social research. However, good practice demands that at least the possibility of disclosure is foreseen and therefore should be planned for.

For many researchers, however, it is suggested that a blanket insistence that any suspicion of abuse be referred may alienate researchers concerned to work within emancipatory methodologies [6]. Instead a flexible approach which is responsive to the specific research and stated wishes of the child is often preferred [6]. It is problematic to reconcile participatory approaches to research with children with a blanket position on reporting. Nonetheless the debate has moved on to consider when and in what circumstances confidentiality could be breached rather than merely whether it should be. There remains, however, resistance to prescriptive responses. Wiles et al [6] argue that to ensure children are safeguarded requires researchers to have an 'ethical library' to help make decisions about the child's best interests. We would stress that such a library be informed about child abuse, powerlessness and decision making. It requires careful discussion and support for researchers to judge where best interests lie. Certainly, as a starting point, few would now argue against the view that informed consent should allow for the possibility of disclosure. Williamson and Goodenough [15] have emphasized the potential of child protection issues arising, arguing persuasively that researchers must refer any concerns and that this should be embedded in the research design. To accept the duty of referring concerns means that this must be made explicit in any consent to conduct research. Failure to be explicit wholly undermines the concept of informed consent for participation in research.

The issue of consent and the extent to which children can give consent turns on the child's competence. However, to not engage with the child at a level appropriate to the child's understanding is against the spirit of ethical research and, at worse reinforces issues of powerlessness which are central to the experience of abuse. In situations where parents give consent on behalf of their child and the child's assent is sought for the research process, both parties should be made aware what the limits of confidentiality are.

It is central to the research design that informed consent must make explicit the limits of confidentiality. It is therefore advocated that children and young people, as well as adults, should be told at the outset of the research that, if information is given or the researcher becomes concerned that a child may be at risk of harm or abuse, confidentiality cannot be guaranteed. This should be part of the process of gaining consent to carry out the research and revisited as appropriate during the collection of research data.

France [16] goes further and argues that for professionals, it is immoral not to report incidents of suspected abuse. Whilst he does not refer specifically to researchers, he sees this as a challenge for researchers and advocates that principles of informed consent require that researchers explain to young people involved in research that if they disclose abuse it will be reported.

There is evidence that limiting confidentiality to meet safeguarding requirements need not compromise the research. Bostock in collaboration with Barnardo's [17], undertook research into mother's experiences of caring for young children. The study aimed to 'reflect mother's voices without silencing the child' and to that end developed a child protection protocol. Participants were informed that any child protection concerns would be passed on. This was followed up by asking mothers how they felt about this and found that many commended this protocol. The research suggested that for adult participants having a clearly stated policy on limits to confidentiality does not necessarily act as a barrier to engagement in research.

For children, a number of research protocols and codes of practice exist which explicitly state the limits of confidentiality in research. Carroll-Lind et al [18] interviewed children about issues that concern them including violence. Complete confidentiality was promised except where child abuse was disclosed. The design of the research allowed anonymous questionnaires but stated that by including names as well as disclosing abuse, it would be assumed that the participant wanted help. The point is made by Carrol-Lind that violence is not a private issue but is a social one. This is not to suggest that the individual is sub-

sumed to the needs of the group but rather empowered to take action. This study highlights that research designs can account for the possibility of disclosure and even be couched so that disclosure is provided for.

The experience of research in countries that have mandatory reporting of child abuse – such as Australia – does not suggest that participants are consequently unwilling to participate in research. Nonetheless a recent report recommended the repeal of mandatory reporting arrangement in Northern Ireland concluding that there be 'an open debate about how best to balance confidentiality and protection to more effectively meet the needs of children and young people' [19]. The concern was that mandatory reporting closed off spaces for young people to discuss concerns without involving authorities. This may accord with the concern of some researchers of alienating would-be participants and spoiling the research relationship because of the requirement to report concerns.

Where researchers give consideration to reporting, as noted by Wiles et al consideration is also given to the consequences: reporting 'can make it so much worse for the child' [6]. Researchers may have concerns or knowledge that leads them to believe a child or children are at risk of abuse. However, reporting such concerns may have the effect of breaching the participant's confidentiality. Where this is an adult it may expose the participant to a criminal investigation and family break-down and where a child may risk family break-down and possibly the child's reception into the care of the local authority. In addition, the researcher may feel that the suspected harm is minimal compared to the harm that may ensue from reporting. In such situations, doing nothing may be an attractive option. McCurdy and Murray [20] discuss the issue of reporting in the context of family counselling and support the contention of Schmidt concluding that 'counsellors who are most likely to err is one who chooses to do nothing out of fear of making a mistake'.

It is worth reminding the researcher that the outcome following reporting will depend on the seriousness of the harm to the child, and neither the current suspected harm nor issues arising from reporting are always apparent at the stage of referral. It is therefore not possible to predict the consequence of reporting, whereas that of not reporting may be continuation of identified harm.

The guidelines

The Safeguarding in Research Ethical Guidelines working party met over a period of 9 months to discuss and develop the guidelines for the Higher Education Institute (HEI). The process drew on the literature on both safeguarding and ethical research as discussed above and on the professional and practice background of the team. The quality of the guidelines was determined by the extent to which the team grappled with the dilemmas and issues arising from the disciplinary tensions evident early in the process. The guidelines were accepted at faculty and later institution-wide levels after approval by the research ethics committee. A summary of the guidelines made available to staff and students in the HEI is given in the box overleaf.

Supporting use of the guidelines

The development of the guidelines is intended to both introduce researchers to and support them in their role of safeguarding children in research. The basic principle of the guidelines is to respond effectively to the possibility of harm to a child. A key aspect of the guidelines is a reminder that research designs need to include safeguarding principles and procedures and that this aspect needs to be an integral part of the research process from the start. Building safeguarding protocols into the research supports ethical research and addresses the limits of confidentiality issue by defining these.

However, this aspect raised concerns among research colleagues as to whether including these limitations would reduce the chance of engagement by participants in some projects. It is not easy to answer these concerns as there is a possibility this may be the case in respect of some projects. However, from the ethical rather than practical perspective, inclusion of statements on limitations of confidentiality upholds the participants' moral rights to clear full information on which to base their decision about involvement. From the practical perspective the researcher can seriously reduce the chances of having to consider breaching promised confidentiality by considering the limitations of this at the design stage. The requirement to build in safeguarding from the start is intended to protect the research as well as the children.

The guidelines also offer clear procedures for action in the case of concerns about a child, providing the researcher with a set of options depending on the context of the research. However, it was considered essential to address the issue of the researcher's limited knowledge of child abuse and possible uncertainty about thresholds for action. In order to support researchers to make positive decisions in this respect the Child Protection Advisory Group was established to offer advice and support to researchers who are concerned about a child. The remit for this group includes confidential advice to any researcher or student supervisor although it is stipulated that members can confer with others in the group as required.

In addition, the authors ran a series of dissemination seminars on the guidelines for interested colleagues and these were a fruitful source of discussion about the ethical issues and an introduction to the use of the guidelines. The seminars also focused on

Safeguarding Children in Research Contexts

Issues relating to the safety and well-being of children (safeguarding) may arise in any research context, not just when working with children. This may involve reporting harm or potential for harm to other professionals outside the research team, which raises issues of the limits of confidentiality in research. These limits should be agreed by the research team before embarking on any research. The principle in these guidelines is the need to limit harm to a child. For further discussion refer to the briefing document.

The main categories of abuse are physical injury, sexual abuse and exploitation, emotional abuse and neglect. If you see or hear anything that worries you in relation to these categories you should follow the procedures below.

Research with children in a formal or informal setting

- Follow the safeguarding child protection procedures for that setting.
- If you have any concerns speak to the settings designated person for child protection.
- If you need advice or support or in the absence of a designated person for the setting then contact the HEI Child Protection Advisory Group via the research support team in the Enterprise Centre.

Research with children outside of any setting: eg family home

You should first have read the briefing document for HEI Child Protection Procedures.

- Do not ask leading questions but allow the children to tell you their concerns and to talk freely.
- Do not promise confidentiality as you may need to pass on the information.
- Contact the HEI Child Protection Advisory Group.

Research with adults

This may arise where adults give information or behave in a way that you feel might constitute a risk to a child. For example, neglectful behaviour, such as leaving a young child unattended, or an adult reveals information that suggests they themselves pose a risk to a child, or suggests that another adult does.

- Before starting the research it is good practice to explain to the participant that should you become aware of the risk of harm to a child you will need to pass on relevant information.
- Where you feel that a child may be at risk of harm, you should contact the HEI Child Protection Advisory Group.
- If you are conducting research in an institutional setting (school etc), speak to the setting's designated child protection person.

HEI Child Protection Advisory Group (CPAG)

The group is made up of both researchers and academics with child protection expertise. The panel will assist you in making a decision about whether or not the information needs any further action such as referral to social care services or the police. Where a decision is taken to pass the information to social care services or the police, it is likely that the research team will be asked to inform the participants of the panel's decision. The panel will assist you in this process.

involving students in using the guidelines and encouraging staff to introduce them to students doing research at both undergraduate and postgraduate levels. Concerns were expressed and discussed in the seminars and staff were offered the advisory group as a source of advice on any issues connected with the guidelines.

Conclusions

The lack of clear guidance on the duty of the researcher who suspects a child is at risk of harm means that decisions are made on a case-by-case basis. While it may not be possible to have a single blanket policy for very different and complex situations, some common principles can be extracted. It is advocated that the possibility of a child protection issue should be acknowledged and foreseen and that this carries a duty to plan for such an eventuality. It is in accordance with ethical principles of respecting autonomy that informed consent should include explicit reference to circumstances where confidentiality cannot be guaranteed and that this should specifically mention where a researcher has concerns that a child may be at risk of abuse. Fears about the

consequence of reporting need to be managed and this will require expertise within the research team in terms of either direct support or access to expert advice. Training to promote 'ethical literacy' is crucial but needs to be set alongside an increasing understanding of child abuse and its consequences.

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