



Communities and Justice

Youth Justice NSW

Policy and Procedures for Applying to Conduct Research within YJNSW



Please note: The Youth Justice NSW “Policy and procedures for applying to conduct research within YJNSW” document is currently under review. Please contact the Research and Information Unit (research.jj@justice.nsw.gov.au) if you have any questions about your research proposal or existing research project.

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Abbreviations

AH&MRC	Aboriginal Health and Medical Research Council of New South Wales
AIATSIS	Australian Institute of Aboriginal and Torres Strait Islander Studies
ASCU	Aboriginal Strategic Coordination Unit
HREC	Human Research Ethics Committee
JH&FMHN	Justice Health and Forensic Mental Health Network
YJNSW	Youth Justice New South Wales
NHMRC	National Health and Medical Research Council
RESC	Research and Evaluation Steering Committee
RIU	Youth Justice Research and Information Unit

1. Introduction

Youth Justice NSW (YJNSW) views research undertaken in its community and custodial centres as a significant contributor to the development and maintenance of evidence-based interventions for young people involved in the criminal justice system.

YJNSW, however, has a responsibility to ensure that research conducted in its community and custodial centres does not infringe upon the rights, or jeopardise the welfare of, young people involved in the youth justice system or personnel employed by YJNSW. It must also ensure that research activity does not impede rehabilitation programs, or the provision of a safe and secure environment.

Accordingly, proposals to conduct research in YJNSW centres/offices will be assessed with the intention of ensuring:


- The rights of young people in YJNSW's care, and personnel employed by YJNSW, are protected;
- The welfare of young people in YJNSW's care, and personnel employed by YJNSW, is ensured;
- The probity of research undertaken within YJNSW centres and/or offices;
- The research question(s) is of sufficient value, purpose, or significance for YJNSW to justify the expenditure of any necessary time and effort required of our young people and/or staff;
- The research methodology is appropriate and capable of producing valid outcomes; and
- The research findings are presented fairly and accurately, and are disseminated.

It is a condition of approval that, upon completion of a project, researchers provide YJNSW with a report of the findings of the study, and grant YJNSW the right to disseminate this report to personnel employed by YJNSW. The researcher will also provide participating centres and/or offices, and the participants (young people and/or personnel), with a summary of the study findings.

All prospective researchers are strongly advised to read this document, in conjunction with the *YJNSW Research Agenda*, and *YJNSW Application for Approval to Conduct Research* documents prior to applying to conduct research in YJNSW.


Interested persons should also refer to the Communities and Justice website for background information regarding the services provided by YJNSW and links to published information regarding the client group. The YJNSW website is www.youthjustice.dcj.nsw.gov.au.

Persons interested in conducting research should contact the YJNSW Research and Information Unit (RIU) in the first instance to speak with the Manager or Research and Information Project Officer, whose contact details are listed below.

 **Research and Information Unit**
Youth Justice NSW
Ground Floor, 80 Cooper Street
Surry Hills NSW 2001


 **Manager**
Victoria Perry

 Victoria.perry@dcj.nsw.gov.au

 0459 867 396

 **Senior Research & Information Officer**
Dr Melanie Simpson

 melanie.simpson@dcj.nsw.gov.au

 (02) 9215 3307

2. Applying to conduct research in YJNSW

All research projects involving YJNSW staff and/or young people require the YJNSW Executive Director's approval.

The process for obtaining such approval is outlined in Section 3 and the flowchart below.

Research should attempt to extend, rather than duplicate, existing knowledge. Applicants will provide evidence that they are aware of existing knowledge and research in the area, and are required to demonstrate how the proposed project will add to the store of knowledge and understanding. Where a study is designed to replicate earlier work, it is necessary to provide grounds to justify such replication.

PLEASE NOTE: YJNSW does NOT provide approval for research that is undertaken primarily for commercial or material gain.

2.1 Who can apply to conduct research in YJNSW?

All research applications are processed through the YJNSW Research and Information Unit (RIU).

Prospective applicants are strongly advised to read this document, in conjunction with the *YJNSW Research Agenda*, and *YJNSW Application for Approval to Conduct Research* prior to applying to conduct research in YJNSW.

Applicants are also encouraged to read documentation provided on the Communities and Justice website [YJNSW Research projects and publications page](#) regarding previously completed and current projects in YJNSW to ensure that possible project areas do not overlap with existing, or recently completed, projects.

2.1.1 Research for the fulfilment of an educational qualification

Applications may be submitted for the fulfilment of a post-graduate educational qualification. Research for the following degree levels will be considered, including:

- Bachelors (Honours) degrees,
- Masters by Coursework degrees,
- Masters by Research degrees,
- Doctorates and PhDs.

Undergraduate university students and secondary school students will **NOT** be considered for approval and are encouraged to concentrate on research using official publications/statistics. This is due to the time constraints involved in small-scale projects.

2.1.2 Research by external researchers / academics

Applications may be submitted by external researchers and/or academics who wish to conduct research in partnership with, or independent of, YJNSW.

2.1.3 Internal research, reviews, or evaluations

At times, operational units within YJNSW may seek to evaluate a new program or training module they have introduced or review a policy or procedure they have implemented.

Where the outcome of such a review or evaluation is for internal purposes only (for example, for continuous improvement), and will not be made publicly available, the Director responsible for the unit conducting the review may approve this WITHOUT the requirement of ethical approval.

To minimise the likelihood of duplication resulting when an external researcher submits a proposal to examine a similar area, the Director should advise the RIU as soon as practicable when approving any such internal project.

The Executive Leadership Team will be regularly informed of progress and outcomes of any such projects.

2.1.4 Health related research

In accordance with NSW Health Policy, any health-related human research projects involving young people in custody and forensic mental health settings and/or staff of NSW Justice Health & Forensic Mental Health Network must be reviewed, approved and conducted in accordance with the [National Statement on Ethical Conduct in Human Research \(2007 – Updated 2018\)](#).

While university ethics committees may be NHMRC registered, they have no jurisdiction to approve research undertaken in NSW Public Health Organisations.

As such, all health-related research requires Justice Health & Forensic Mental Health Network (JH&FMHN) Human Research Ethics Committee approval.

Those interested in pursuing this line of research are encouraged to read the documentation provided on the [JH&FMHN Research Governance and Ethics](#) page or contact the JH&FMHN Research Governance and Ethics Officer at ethics@justicehealth.nsw.gov.au to discuss the relevant JH&FMHN research review and approval processes.

2.2 Funding

YJNSW has no funding available to support external research proposals.

2.2.1 Research supported by external grant applications

In general, no limits will be placed on sponsorship/grant support brought into YJNSW to facilitate research, providing the project is approved and the researcher is accepted as a bona fide researcher.

For researchers planning to include YJNSW as a data source or potential participant in any small or large grant application, consultation regarding the research will need to occur with a substantial amount of time **PRIOR** to the submission of any grant application. This will ensure that YJNSW is fully aware of their role and that all details of the research are agreed to **PRIOR** to monies being secured.

2.2.2 Research supported by Australian Research Council (ARC) Linkage Grants

The Australian Research Council (ARC) Linkage scheme supports collaborative research projects between higher education organisations and other organisations, to enable the development and application of advanced knowledge to areas of concern.

ARC Linkage grants require at least one 'Partner Organisation' who must make a contribution in cash and/or in kind to the project, which at least matches the total funding requested from the ARC.

Applicants may request 'matched' funding from YJNSW, and/or in kind support, subject to ARC approval.

2.2.3 Researchers seeking 'in kind' support

Applicants may seek in kind support from YJNSW to assist with their research.

In kind support may comprise of:

- a contribution by staff to co-ordinate and participate in a steering committee, facilitate the project's administration within centres and/or regions, or assist facilitation of interviews and access to case file data;

- provision of office space and associated equipment and services for project personnel; and/or
- the release of youth officers from shifts to undertake interviews.

PLEASE NOTE: AGREEMENT by YJNSW to support grant applications, or provide in kind support, does not translate into APPROVAL to conduct research. All research will require endorsement by the RESC and approval from the Executive Director after any securing of grants monies.

2.3 Ethical requirements

As YJNSW does **NOT** have an ethics committee, a copy of ethics approval from a Human Research Ethics Committee (HREC), registered with the National Health Medical Research Council (NHMRC), **MUST** be provided with ALL applications to conduct research.

YJNSW will only grant final approval for research to be conducted **AFTER** receiving evidence of approval from an NHMRC-registered HREC (e.g. a University HREC, the Aboriginal Health and Medical Research Council Ethics Committee, and/or any other relevant ethics committees). It is the researcher's responsibility to obtain HREC approval.

2.3.1 Approval by a National Health Medical Research Council (NHMRC) registered Human Ethics Research Committee (HREC)

All research conducted within YJNSW must be consistent with the National ethical guidelines, and therefore have ethical approval from an NHMRC-registered HREC.

While the RIU will consider an application at the same time as an NHMRC-registered HREC, the Executive Director's final approval will be withheld until written notification of HREC approval is supplied.

For more information on NHMRC requirements and recognised HRECs see the following websites:

<https://www.nhmrc.gov.au/>

<https://www.nhmrc.gov.au/research-policy/ethics/human-research-ethics-committees>

2.3.2 Consultation with Aboriginal Health and Medical Research Council (AH&MRC) or the Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS)

As Aboriginal young people are known to be significantly over-represented in the YJNSW population¹, any research directed at the well-being of the YJNSW population will have a potential impact on Aboriginal people.

As such, **ALL applicants proposing studies involving young people under YJNSW supervision (in custody or community) MUST provide evidence that they have sought advice (and/or obtained approval) from an Aboriginal-specific ethics committee.**

The [AIATSIS Code of Ethics for Aboriginal and Torres Strait Islander Research](#) (Australian Institute of Aboriginal and Torres Strait Islander Studies, 2020) outlines 4 principles of ethical research involving Aboriginal and Torres Strait Islander people.

➤ The Aboriginal Health and Medical Research Council (AH&MRC) Ethics Committee

The [AH&MRC Ethics Committee](#) considers applications relating to “research that may affect the health and well-being of Aboriginal people and communities” within NSW.

¹ While Aboriginal young people constituted 6% of the NSW population aged 10–19 in 2015-16, they made up 40% of those aged 10–17 under youth justice supervision in NSW on an average day in this same year. (AIHW (2018). Aboriginal and Torres Strait Islander adolescent and youth health and wellbeing 2018; YJNSW)

An application for research should be made to this Committee if *“Aboriginal people are known, or are likely, to be significantly over-represented in the group being studied”*. As mentioned above, this is the case for Aboriginal and Torres Strait Islander young people in YJNSW.

The AH&MRC Ethics Committee meets every two months and applications must be received two to three weeks before a meeting if it is to be considered by that meeting. There are limited circumstances when an application will be considered out of session. The planned meeting dates are listed on their [website](#).

➤ ***The Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS) Research Ethics Committee***

The AIATSIS Research Ethics Committee also welcomes applications from external organisations for research projects involving Aboriginal and Torres Strait Islander participants.

The AIATSIS Ethics Committee meets four times a year. Applications must be received two to three weeks before a meeting. The planned meeting dates are available on their [website](#).

3. The YJNSW research approval process

Inquiries about conducting research are welcomed by the Research and Information Unit (RIU) from all interested parties who meet the eligibility criteria outlined in Section 2.1.

While YJNSW recognises the complexities faced by research applicants and is keen to support the approval of research without sacrificing rigour, **NO research project, internal or external, can be implemented without written Approval to Commence from the Executive Director of YJNSW.**

The process for obtaining such approval is outlined below.

The RIU is available to answer questions regarding all aspects of the application process.

3.1 Step 1: The initial enquiry

After reading all YJNSW information on research, interested applicants should contact the RIU Manager on 0459 867 396 or Senior Research and Information Officer on (02) 9215 3307 to discuss their research interests. Applicants are advised to have their specific research questions formulated prior to contacting YJNSW.

“Cold” applications to conduct research, or applications that have not been discussed with YJNSW prior to their submission, will **NOT** be processed.

3.1.1 Initial Screening by RIU

If the research question is within YJNSW’s priorities and is seen as potentially offering some benefit, the applicant will be asked to submit a short proposal (approximately two pages) to the RIU.

3.2 Step 2: The research proposal

The research proposal should outline the research question(s), planned methodology, likely research sample, and any costs or risks that have been identified.

The proposal must also acknowledge the applicant’s commitment to undertake an Aboriginal ethics approval process, such as an application to the AH&MRC or AIATSIS Ethics Committee (or similar), should the proposal be supported.

3.2.1 Second Screening by RIU

The RIU will review the initial proposal and assess the benefits and viability of conducting the research (i.e. can YJNSW support it and what is the potential impact on research and provision of service?). If the RIU considers the research appropriate, the reviewing officer(s) may forward the proposal to internal subject matter experts for comment.

3.2.2 YJNSW Executive Director’s endorsement of ‘In Principle’ Support

If the project is deemed beneficial, viable and suitable for YJNSW, after consideration and review, the RIU will submit the proposal to relevant Youth Justice Directors for endorsement. Once endorsed, the proposal will be submitted to the Executive Director with a recommendation that the project be granted ‘in-principle’ support.

In some situations, YJNSW may seek more detailed undertakings from the applicant concerning methods of analysis and presentation. Such undertakings may be considered necessary to ensure that the research methodologies are appropriate and capable of producing valid outcomes and that findings are presented fairly and accurately. Approval will be conditional on applicants agreeing to abide by such undertakings.

If the research is **NOT** deemed beneficial, viable, or suitable for YJNSW, the applicant will be provided with feedback. Where appropriate, the applicant may wish to resubmit their proposal addressing modifications suggested by the reviewing officer(s).

3.3 Step 3: The full research application

Once a research proposal obtains the Executive Director's 'in-principle' support, YJNSW (via the RIU) will invite the applicant to submit a full research application.

PLEASE NOTE: Applicants can only submit a full application to conduct research AFTER this invitation has been issued. The RIU will provide the applicant with the "Application for Approval to Conduct Research" form at this point.

In concise and accurate terms, the completed application form should detail:

- The project's rationale and hypotheses with a detailed explanation of the benefits of the research to YJNSW;
- Details of the proposed methodology (including sample size and a copy of all instruments/data collection tools to be used);
- Details of the proposed means of analysing and evaluating results;
- Details of all operational and Central Office resources required to assist the research project;
- Details of all potential costs that may be incurred by YJNSW;
- The identity, qualifications and experience of researchers/interviewers (and Working with Children Check, where applicable – see below);
- Details of any potential conflicts of interest (perceived or real) – this may include role conflicts where YJNSW staff wish to conduct research in their place of employment; and
- A proposed schedule for data collection, including estimated time frames at each data collection site;
- Details of intended publication and dissemination of results.

Researchers who require contact with young people in YJNSW are also required to provide a Working with Children Check (WWCC) clearance **PRIOR** to implementation of their research. It is recommended that evidence of such clearance be submitted with the application, as approval to commence the research will not be granted until this has been received.

As stated in Section 2.3, YJNSW does not have an ethics committee, and therefore cannot formally consider the human ethics perspective of research proposals. As such, **evidence of approval by an NHMRC-registered HREC must be provided with your application.**

Due to the significant over-representation of Aboriginal young people under supervision by YJNSW, ethics approval **MUST** be sought from the AH&MRC Ethics Committee or AIATSIS Ethics Committee. Approval by one of these agencies may be submitted instead of, or in addition to, approval from another NHMRC-registered committee, such as a University HREC.

The completed application form, and all supporting documentation (see Appendix 7.2), should be submitted to the RIU.

3.3.1 Third Screening by RIU

The RIU will review the application (and its attachments) to ensure all areas have been addressed and all supporting documentation has been received.

If the RIU considers the research appropriate, and all supporting documentation has been received, the reviewing officer(s) will forward the application to the YJNSW Research and Evaluation Steering Committee (RESC) for further assessment and endorsement.

If the required documentation is not provided, the applicant will be provided with feedback and the application process will be suspended until the documentation has been received.

PLEASE NOTE: Applications without evidence of ethics approval(s) or WWCC clearance (where necessary) will NOT be processed further.

3.3.2 Consideration by the YJNSW Research and Evaluation Steering Committee (RESC)

The YJNSW Research and Evaluation Steering Committee (RESC) aims to ensure that applications to conduct research within YJNSW are applicable to the strategic direction of the Agency.

The RESC is comprised of the following YJNSW representatives;

- Manager, Research and Information Unit
- Manager, Aboriginal Strategic Coordination Unit
- Director, Strategy & Engagement
- Director, Custodial Operations
- Director, Policy & Practice
- Director, South Western Directorate
- Director, Metro Northern Directorate

The RESC will review the application, examining the proposed benefit to YJNSW against the probable costs and risks of implementing the project. The RESC will also review the project time line included in the research application, to assess competing designated time periods for data collection at proposed centres/community offices, as well as the impact of maintaining larger scale research projects in YJNSW.

During the review process, the RESC has the right to ask for clarification of points in the research application, or to ask for modification of research methodology, including instruments proposed for use in data collection.

3.3.3 Approval by the YJNSW Executive Director

If the RESC believes the research is of significant benefit to YJNSW, and all relevant HREC approvals have been received, the application will be sent to the YJNSW Executive Director with a recommendation for approval.

The RIU will notify the applicant of this recommendation as soon as practicable.

3.4 Step 4: The research agreement

Once the Executive Director has endorsed the RESC's recommendation for full approval, the RIU will provide the applicant with a copy of YJNSW's Research Agreement outlining the conditions for conducting research in YJNSW.

These conditions are provided in *Conditions of Approval for Conducting Research within YJNSW*, which is available in Appendix 7.1.

The applicant will be required to sign the agreement, accepting the conditions, and return this to the RIU as soon as possible.

The RIU will then submit the signed agreement to the YJNSW Executive Director for signature and approval to commence.

PLEASE NOTE: The Executive Director makes the final decision to approve or reject a research application.

3.5 Step 5: Approval to commence research project

Once the Research Agreement is signed by both the applicant and the Executive Director, a formal letter approving commencement of the research project will be sent to the applicant, together with a signed copy of the agreement for their records.

PLEASE NOTE: The implementation of the research project CANNOT begin until this formal letter of approval has been received from the Executive Director of YJNSW.

3.6 Step 6: Implementation of the approved research project

Once the researcher has received the final approval letter from the Executive Director, the RIU may contact the proposed centres/community offices via email to inform them of the approach by the approved researcher. Where applicable, the researcher may be asked to provide a short research proposal/summary to be emailed to relevant managers and/or placed on the intranet for information.

The researcher can then contact relevant managers to arrange meeting times for discussion of the project's implementation. If there are problems faced during the implementation of the research project, the researcher is encouraged to contact the RIU to attempt resolution of these problems.

An important proviso for consideration of research with young people in custody is that there should be minimal disruption to their normal daily activities. Similarly, where staff are participating, the project must not adversely affect their work requirements and efficiency or interrupt their daily routines.

PLEASE NOTE: Research that imposes unacceptable levels of disruption to the Youth Justice Centre or Community Office WILL NOT BE APPROVED or MAY HAVE APPROVAL WITHDRAWN.

3.7 Reporting requirements regarding progress of research projects

3.7.1 Progress reports

Researchers will be asked to provide progress reports on a six monthly basis. The times at which these progress reports will be required will be determined once approval for the research is granted.

Progress reports (signed by the Chief Investigator or the supervisor in the case of postgraduate research) are to be submitted to the RIU upon request.

The RIU should be kept informed of any serious problems or difficulties affecting the research.

3.7.2 Modifications to approved research projects

The Executive Director, through the YJNSW RESC's endorsement, must approve any significant change to the research design or methodology after approval to conduct research has been given.

Researchers should seek approval for amendments to their research project via the RIU **PRIOR** to implementing such changes.

3.7.3 Completion of the project

At the completion of the project, the researcher **MUST** provide information back to YJNSW regarding their findings, as specified in the Research Agreement.

The RIU manages a central register of all completed research. It is a condition of approval that all researchers forward a copy of the final research report and a summary paper to the RIU. The research outcomes will be considered by the RIU and, where appropriate, submitted to Executive Director for consideration and further action.

3.8 Publication and/or presentation of results from research

PLEASE NOTE: No data can be released or presented publicly without the PRIOR approval of YJNSW.

This condition applies to all releases, including those being considered after the main study has been concluded.

3.8.1 Publication of results

All researchers are required to submit a copy of reports/manuscripts to the RIU **PRIOR** to their publication.

When the research is undertaken entirely by an external agency, the report may be published by that agency. However, the Executive Director of YJNSW requires that a disclaimer be attached to the published report clearly stating that “the views expressed in this report do not necessarily represent any official views of YJNSW”.

If YJNSW is involved in the analysis of results and/or the writing of the final report, the publication will be a joint one, with YJNSW having discretion regarding the nature of the publication and the scope of its distribution.

To facilitate the approval process in time for publication, **researchers MUST submit a copy of the report/manuscript to the RIU AT LEAST ONE MONTH PRIOR to publication.**

3.8.2 Presentation of results at conferences, seminars or workshops

If a researcher intends to air the results of their research at a conference, seminar or workshop, **PRIOR** approval must be obtained from the Executive Director. It will be necessary, therefore, for researchers to provide text of their presentation to YJNSW **BEFORE** committing to giving a conference paper.

In order to enable consideration, and approval, in time for presentation, **researchers MUST submit a copy of their report/presentation/conference paper to the RIU AT LEAST ONE MONTH PRIOR to its publication or presentation.**

As with written publications, the Executive Director requires that a disclaimer be included at the beginning of the presentation, clearly stating that “the views expressed in this presentation do not necessarily represent any official views of YJNSW”.

3.9 YJNSW’s right to withdraw approval of research projects

YJNSW reserves the right to withdraw approval of any research project at any stage if the research is having an adverse impact on young people or staff at the centres/community offices, or is considered to be taking up an excessive amount of YJNSW's resources.

The Executive Director may withdraw approval of any research project at any stage.

The Executive Director’s decision to withdraw approval of research is final.

Any serious breach of confidentiality (see Section 5) will result in the termination of the research, and the relevant bodies will be notified (i.e. the university and/or funding body).

If the project is terminated, all data collected is to be returned to YJNSW **IMMEDIATELY.**

3.10 Self-withdrawal from approved research

If for any reason the researcher is unable to complete their research project, the researcher is to notify YJNSW in writing immediately.

All data collected is to be returned to YJNSW **IMMEDIATELY.**

In the case of serious personal issues, the researcher can apply to the RESC to suspend their research project, and may be granted the opportunity to re-start the research at a later date.

3.11 The role of the Research and Information Unit (RIU)

The role of the RIU is to:

- Screen and process research proposals for 'in-principle' support by the YJNSW Executive Director;
- Provide researchers with advice on rules and protocol to be observed whilst conducting research with young people under the care of YJNSW.
- Review research applications and prepare submissions for the Research and Evaluation Steering Committee;
- Consider, and provide advice to the Executive Director, in relation to any proposed changes in the methodology submitted after initial approval of the research project;
- Prepare submissions for the 'approval' of research projects by the YJNSW Executive Director;
- Prepare Research Agreements as a requirement for the commencement of research projects;
- Act as liaison between the researcher, the University or other tertiary institutions, and the relevant staff of YJNSW;
- Provide comment, evaluation and analysis of research projects as necessary;
- Review and provide advice to the Executive Director, in relation to proposed publications arising from research projects;
- Ensure the legal rights of young people and staff, including maintaining anonymity of individuals and confidentiality of responses; and
- Provide staff with advice on research approved by the YJNSW Executive Director.

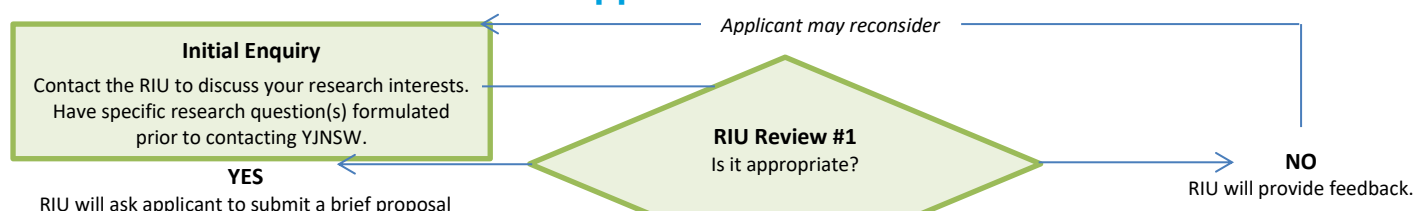
The RIU is available to answer questions regarding all aspects of the application process. Please contact the Manager or Senior Research and Information Officer.

3.12 Responsibilities of the researcher

It is the researcher's responsibility to:

- Liaise with Centre/Community Managers regarding the implementation of the project;
- Adhere to the proposed research project time line;
- Clearly explain to participants the nature and purpose of the project; the value of the project; the methodology; the confidentiality aspect; and the young people's right to withdraw at any time without fear of consequences;
- Obtain each subject's informed consent to participate in the research project, and ensure that the requirement for informed consent has been met;
- Collect all data required for the research project, excepting approved data extractions;
- Provide debriefing after an interview session;
- Report any difficulties to YJNSW to facilitate resolution;
- Provide the RIU with updates on the progress of approved research;
- Seek Executive Director's approval, via the RIU, for any modifications to approved research methodology; and
- Provide the RIU with a copy of the final report, and any publications and/or conference presentations resulting from the research.

3.13 Flowchart of research approval process



Research Proposal

Brief (2 page) outline including;

- research question(s).

4. Factors to consider when planning research in YJNSW

4.1 Project aims

The research project must be of practical value for YJNSW and should be within the scope of YJNSW's corporate objectives and research priorities (see *YJNSW Research Agenda 2017-2020 – Please note this document is currently under review. Contact the RIU for current priorities*).

The research project should lead to either a publication in a professional journal, a conference paper, and/or an official tertiary qualification.

4.2 Project methodology

YJNSW has a responsibility to ensure that research methodologies are appropriate and capable of adding to, or enhancing, the current evidence base supporting intervention for offending behaviours in young people.

The researcher has a responsibility to articulate and provide justification for the methodology, and to outline strategies employed to ensure methodological validity and reliability.

YJNSW reserves the right to withhold approval of studies that are considered to be methodologically inadequate.

PLEASE NOTE: Exploratory research, without hypotheses (i.e. in which the researcher is seeking ideas rather than testing hypotheses), WILL NOT BE APPROVED.

Obtrusive observation techniques that may disrupt the daily routine of young people in Youth Justice Centres WILL NOT BE APPROVED.

4.3 Timeframes

Realistic time limits will be placed on research projects.

The RIU will monitor the progress of the research against the project timeline provided by the researcher. If there are any major deviations from the project timeline, the researcher is obliged to notify the RIU, preferably in writing (and including a new proposed time line).

In the case of serious personal issues, the researcher can apply to the RESC for an extension of the research project, or to suspend progress and re-start the research at a later date.

4.4 Resource requirements

YJNSW has a responsibility to ensure that research programs do not impose an undue burden on the young people, YJNSW personnel, and/or other government personnel employed in custodial environments, such as Justice Health or Education personnel.

The potential contribution of the research should be sufficient to justify the involvement which participants are being asked to make, and the resource implications for staff. The level of disruption considered acceptable will be dependent on the potential value of the research.

If a choice has to be made between two different projects investigating similar concepts but with similar practical value, priority will be given to the one that makes fewest demands on agency resources.

4.5 Gender and cultural sensitivity

YJNSW has a responsibility to ensure that young people in its care are treated with sensitivity and with respect for their cultural, religious and other beliefs. YJNSW staff are also entitled to the same consideration.

All researchers have a responsibility to inform themselves of cultural, religious and other differences amongst research participants, and only those studies that are sensitive to, and respect, these differences will be approved.

The gender of the researcher may be relevant on security grounds. Current protocols concerning YJNSW staff will also apply to approved researchers. That is, in projects involving face-to-face interviews or surveys, it is considered preferable that female researchers interview female young people and Aboriginal researchers interview Aboriginal young people/staff. Every effort should be made to achieve this and, in certain circumstances (e.g. questions on sexual practices, medical background), same sex interviewers **MUST** be used. Any variation to this should be detailed in initial approaches to YJNSW.

If the project design does not include appropriate interviewing strategies and personnel to complete the research with the least intrusion possible, and does not consider or employ the use of culturally appropriate personnel, then the research may not be approved.

Regardless of the content area of the research, all invited applications will be asked to document in detail how the research acknowledges Aboriginal and Torres Strait Islander young people and staff, and how ethical issues specific to those communities have been considered.

YJNSW has adopted recommendations 48, 51 and 269 of the National Report of the Royal Commission into Aboriginal Deaths in Custody (see Appendix 7.5). Prospective researchers will need to demonstrate that they have met the criteria set out in those recommendations.

As discussed in 2.3.2, Aboriginal young people are known to be significantly over-represented in the YJNSW population. As such, ALL studies involving young people are required to have approval from the AH&MRC, AIATSIS, or similar, in addition to, or in place of, approval from the HREC in your institution or organisation.

4.6 Access to YJNSW facilities

Access to YJNSW centres and/or community offices will depend on security considerations. Prior to the research being undertaken, Centre and/or Community Managers must be consulted and their approval obtained.

Researchers should note that, even if the RESC has recommended approval of a research project, Centre and/or Community Managers have the right to temporarily deny access to their centre and/or office if they consider that research will cause an undue disruption to daily operations or where situational factors may place researchers at risk.

Whilst YJNSW encourages research in order to contribute to the evidence base for appropriate interventions with young people under its supervision, it is important that no serious disruption to the normal routine of young people or staff should occur. A system of continuous feedback from centre and community staff will be instituted to ensure disruption caused by research is kept under control.

In addition, YJNSW reserves the right to temporarily or permanently deny access to certain facilities. This may be necessary if, for example, it is considered that the centre/community office has already had excessive research demands placed upon it.

4.7 Access to young people

YJNSW has an obligation to ensure that the young people in its care are protected from all forms of abuse and that all people who come into contact with them are deemed suitable to work with children.

As part of the approval process, researchers who require contact with young people in YJNSW will be required to obtain a Working with Children Check (WWCC) clearance (see Section 6.3 for further details).

PLEASE NOTE: If a researcher does not receive clearance from the WWCC, YJNSW will not allow the implementation of the research and will terminate any approvals given to the project.

4.8 Access to personnel from other organisations working in YJNSW facilities

YJNSW works in collaboration with several government and non-government organisations to provide high quality services to young people under its supervision.

For example, the NSW Department of Education have schools on-site at all Youth Justice centres and the Justice and Forensic Mental Health Network provides medical/health services for young people in custody.

Any research approval granted by YJNSW **DOES NOT** allow access to:

- Information held by other agencies/departments working in YJNSW facilities,
- Personnel employed by other agencies for the purpose of participation in research,
- Programs/educational curriculum utilised by other agencies/departments for the purposes of research and/or evaluation, or
- Young people participating in programs run by other agencies/departments for the purposes of research and/or evaluation within those programs.

In summary, **approval granted by the Executive Director provides access ONLY to programs delivered by YJNSW to young people supervised by YJNSW.**

For researchers interested in examining specific educational and/or health questions within YJNSW, approval will need to also be secured from the respective agencies/departments. The RIU will canvass this with prospective researchers at the initial proposal phase, and again at the invited application phase.

PLEASE NOTE: Researchers that require multi-agency approval will not be able to implement research until YJNSW receives written notification of ALL approvals.

4.9 Conflicts of interest / Dual relationships

Where those employed by YJNSW wish to conduct research, it is strongly recommended that they do not propose to conduct research in the centre or community in which they are employed. This is of particular reference to JJ Psychologists and JJ Caseworkers. See Guideline 1/2017 in Appendix 7.3 for further details.

4.10 Use of Incentives

No incentives may be used to promote research without prior review and approval by YJNSW. Where approval is granted, all participants must receive the same incentive.

4.11 Use of Agency data

Part 6 of the *Crimes Act 1900 (NSW)* protects access to CIMS, making it unlawful to obtain access to computer data without authority or lawful excuse. As such, **ALL RESEARCHERS WISHING TO ACCESS DATA FROM INFORMATION SYSTEMS WILL NEED APPROVAL TO DO SO.**

4.11.1 Access to data from the YJNSW Client Information Management System (CIMS)

The Client Information Management System (CIMS) is a system supporting daily operational business in YJNSW.

Access to data maintained on the CIMS will be conditional upon the extent of information requested, the need to use such data, and the difficulty in extracting the required information.

Requests for information by researchers will take a low priority for YJNSW. Researchers are advised to submit applications for CIMS data to support their data collection early to avoid delays to their own timetable. In any case, data supplied from the CIMS will be stripped of all variables identifying individuals.

Researchers will need to consult the RIU in relation to the meaning of field variables, data values and their reliability.

4.11.2 Linking of information to external sources

Young people and YJNSW personnel have the right to determine whether information that can be linked to them personally is made available to other parties for research purposes.

Written consent must be obtained from the young person, with the intention to obtain such information stated clearly and unambiguously on consent forms.

Such information should NOT be sought from Centre and/or Community Office Managers under any circumstances. Researchers should note that Centre and/or Community Office Managers or other YJNSW personnel are not authorised to release individual data regarding offence histories, or any other information held about the individual in official files/documents for research purposes.

Permission to access aggregated data should be directed to the Executive Director via the RIU.

In the exceptional case that access to individual data has been granted, the request should also be sent to the Executive Director.

For approved research projects based on data extractions only, the provision of data will also be contingent on not being linked to other databases, except if permission is granted by the Executive Director.

4.12 Use of data recording formats such as audio/video recording or photography

PLEASE NOTE: No audio taping, videotaping or photographing of either research participants or YJNSW sites is permitted without the approval of the Executive Director.

Researchers may seek special approval from the Executive Director to access these modes of data collection if it is considered critical to the research, however approval will only be granted in exceptional circumstances.

If the Executive Director grants approval, additional specific consent will need to be obtained prior to the research occurring from both the participant and the guardian, if applicable, and the research will be strictly monitored to ensure compliance with privacy and confidentiality legislation (see Section 5).

If applying for special consideration to use audiotapes, videotapes or photography, procedures for storing, accessing and disposing of these data formats will need to be outlined. Such information should be retained for only as long as is necessary for the purpose for which it was collected, and should be stored securely and protected by taking reasonable precautions against unauthorised access, use, modification or disclosure, and against all other misuse. As a minimum requirement, reasonable precautions are: storage in a locked filing cabinet, in a locked room; or for digital based formats, stored on a stand-alone computer, or stored on a networked computer not on a shared drive; and, in both instances, password protected.

4.13 Data management and security

At the completion of the approved research project, data may not be reused for any purpose without prior approval from the Executive Director. Before approval for research is given, it is essential that researchers are able to demonstrate proper procedures are in place for the secure storage of data.

Data must be stored securely, whether collected and stored in paper form, or stored electronically. Participant consent forms will need to be stored separately to any paper based data collected.

Data that is stored electronically must not be stored on a shared drive. It should be stored as a password protected file on a stand-alone computer, or on a personal drive. If it is stored on removable hardware, it should be password protected and stored in a locked filing cabinet in a locked office.

All researchers are required to adhere to NHMRC guidelines on the storage and destruction of research data. In normal circumstances, data should be kept for five years from the date of completion of the research after which time they should be destroyed, unless the Executive Director's approval is given.

If approved to use audiotapes, videotapes or photography, the researcher will need to forward the data formats to YJNSW for secure disposal at the completion of the research project.

Researchers may also be asked to provide YJNSW with a copy of the database collated, along with any data dictionaries created prior to the conclusion of their research.

4.14 Informed consent to participate in research

The written consent of participants (young people and/or staff) must be obtained PRIOR to the research commencing.

Young people and/or staff must be fully informed when deciding to provide their consent to participate. As a minimum, all prospective participants will need to be informed of the following in order to make an informed decision regarding consent:

- The purpose of the research
- What tasks they will be expected to complete
- What information will be made available to them at the completion of the research
- The procedures for storing, accessing and disposing of data
- Contact details for the researcher and their supervisor
- Contact details for the approving ethics committee for the purposes of making a complaint
- That their legal rights and privacy will be respected by the researcher
- That participation is voluntary
- That all participants have the right to withdraw from the project at any time
- That their decision not to participate will in no way affect the services provided by YJNSW or other service providers involved in their supervision under YJNSW
- That their decision to participate/not participate will have no impact on their court outcomes.

4.14.1 Age of consent

In YJNSW, young people over the age of 16 years can provide informed consent.

For those under the age of 16 years, written and informed consent for participation must be obtained from the parent or caregiver of the young person. This age restriction will not be reduced under any circumstances. YJNSW may insist on parental/caregiver consent for all young people under the age of 18 years for some specific research projects.

As part of the written advice giving consent, the parent/caregiver should indicate that he or she has discussed the matter with the potential participant who, in turn, has explicitly agreed to participate,

that is, has given his/her *assent* to participate. Consent cannot be assumed given by the parent/caregiver if they do not respond to the request for written consent – assuming consent in the face of non-response is not acceptable.

4.14.2 Consent Form and Information Sheet

To ensure informed consent, potential participants and their parent/caregiver (if under the age of 16 years) must be supplied with a participant information sheet. The participant information sheet will outline the nature and conduct of the research and any other factors that might reasonably be expected to influence their willingness to participate.

Consideration must be given to young people's literacy skills. Research indicates that young people under the supervision of YJNSW may have lower reading skills than would be expected of people the same age, due to interruption of schooling, learning disabilities, being from a culturally/linguistically diverse background or other factors (Snow, Bagley & White, 2017²; Snow, Woodward, Mathis & Powell, 2016³).

All consent forms and participation sheets should be written in language not containing jargon, or complex words/sentences. Where the use of complex words/sentences is necessary, a standard definition of this must be provided to the young people and/or their parent/caregiver. Where the potential participants are unable to read effectively, researchers will be required to read the content of consent forms and participant information sheets to the potential participant and/or parent/caregiver.

Where researchers intend to collect information which enables participants to be identified by the researcher, the procedures for storing, accessing and disposing of data, as outlined in Section 4.11-4.13, should be described in consent form and information sheet.

If the research involves conducting testing of any kind (for example psychometric testing or medical tests), then the researcher is required to provide feedback of individual results to participants. This can be arranged through the RIU.

When there is a requirement for the involvement of participants to be ongoing, this must be detailed in the consent form, and the information sheet. Details of follow up periods and expectations of the participants at the follow up time(s) will also need to be detailed. Consent will need to be obtained again at the follow up point.

4.14.3 Modifications to the research

If there are significant changes in the nature or conduct of the research, which might reasonably be expected to influence their willingness to participate, participants and the parent/caregiver (if the young person is under the age of 16 years) must be informed by the researcher of such changes in writing.

The written consent of the participant and/or the parent/caregiver must be obtained again.

² Snow, P. C., Bagley, K., & White, D. (2017). Speech-language pathology intervention in a youth justice setting: Benefits perceived by staff extend beyond communication. *International Journal of Speech-Language Pathology*, 1-10.

³ Snow, Pamela C., Woodward, Mary, Mathis, Monique and Powell, Martine B. 2016, Language functioning, mental health and alexithymia in incarcerated young offenders, *International journal of speech-language pathology*, vol. 18, no. 1, pp. 20-31,

5. Privacy and Confidentiality

5.1 Privacy of information considerations

Privacy and confidentiality are governed by a number of different pieces of legislation that all apply to YJNSW.

The *Health Records & Information Privacy Act 2002* (HRIPA) And *The Privacy and Personal Information Protection Act (1998)* (PPIPA) ensure legally enforceable privacy rights for people, and govern how public sector agencies deal with personal information. These Acts govern the collection, use, disclosure storage, and destruction of personal information.

Appendix 7.4 lists the relevant sections of both Acts. For further information, refer to the [Information and Privacy Commission NSW](#).

Researchers are also advised to familiarise themselves with the [12 Information Protection Principles](#) which are key to the PPIPA.

5.2 Identification of individual young people

Any proposed publication that places at risk the anonymity of young people who have participated in research will not be approved.

5.2.1 Disclosure of information

A condition of all approved research is that it is the researcher's responsibility to maintain confidentiality in accordance with section 37D of the *Children (Detention Centres) Act 1987*.

It is an offence to disclose information obtained in the administration or execution of the *Children (Detention Centres) Act 1987*, unless it is with consent of the person from whom the information was obtained, in connection with administration of the *Children (Detention Centres) Act 1987*, for purposes of legal proceedings, if required by the Ombudsman, or with other lawful excuse. Section 28A of the *Children (Community Service Orders) Act 1987* has the same conditions.

Disclosing information in breach of section 37D of the *Children (Detention Centres) Act 1987* is liable to a penalty not exceeding 10 penalty units or imprisonment for a period not exceeding 12 months, or both. Any breach of confidentiality will be treated very seriously.

Section 11 of the *Children (Criminal Proceedings) Act 1987* states that the name of persons must not be published or broadcast in a way that connects the person with the criminal proceedings concerned, unless related to a traffic offence, heard before a court other than the Children's Court. Section 14 of the *Children (Criminal Proceedings) Act 1987* describes where a child has pleaded guilty to or been found guilty of any offence, a court shall not proceed to, or record a finding as, a conviction if the child is less than 16 years. The court may refuse to record a conviction if the child is over 16 years and the offence is disposed of summarily.

Excerpt from Children (Detention Centres) Act 1987 No 57

37D Disclosure of information obtained in administration or execution of Act

A person who discloses any information obtained in connection with the administration or execution of this Act is guilty of an offence and liable to a penalty not exceeding 10 penalty units or imprisonment for a period not exceeding 12 months, or both, unless the disclosure is made:

- a) With the consent of the person from whom the information was obtained, or
- b) In connection with the administration or execution of this Act, or
- c) For the purposes of any legal proceedings arising out of this Act or of any report of any such proceedings, or
- d) In accordance with a requirement imposed under the *Ombudsman Act 1974* or with any request made by the Ombudsman, or
- e) With other lawful excuse.

5.2.2 Anonymity of research participants

The anonymity of participants must be protected at all times, unless there is a risk of immediate harm that falls under the “duty of care” requirements that YJNSW follows (see Section 6 below).

Information that may identify participants cannot be stored with any data collected. In the event that a master list is required (i.e. for follow-up purposes), this will need to be detailed and approved during the application process, and stored separately to the data. All master lists will be forwarded to the RIU upon completion of the project. Further, all participant consent forms will need to be stored separately to any paper based data collected. See sections 4.11-4.13 for a more detailed explanation of data storage and use requirements.

If the identity of a young person is crucial to the continuation of research, for example, participation in longitudinal research, the confidentiality of participants must be assured. In this instance, persons other than the researcher must not be able to link the information collected to individual participants.

Researchers who wish to collect identifying participant information must be able to demonstrate the necessity for collecting such information and describe the procedures that will be adopted to ensure confidentiality. This will need to be highlighted in the application process and endorsed by the RESC.

Names of young people (and other criteria that may place any individual at risk of identification) are not to be used in any research or publication.

6. Duty of care and Child protection

YJNSW has a duty to ensure that young people in its care receive the best possible care and are protected at all times from physical, psychological, and other forms of harm. Research designs should not adversely affect young peoples' and other individuals' well-being.

Approval to conduct research will be granted only when the RESC and the Executive Director are satisfied that researchers who will come into contact with young people do not represent a risk to young people, are familiar with YJNSW's child protection policies, and are aware of any obligations in relation to these policies.

6.1 Minimisation of risk or harm to participants

Where there is a possibility that young people may become distressed as a result of participating in the project, researchers will need to include strategies to ensure that adequate counselling support is available and that participants are aware of the availability of such support. This will need to be outlined when submitting the full application, and approved, especially if the researcher is planning to use agency resources for counselling support/debriefing procedures.

If there are a large number of young people who become unduly distressed as a result of participating in the project, the research will be recommended for termination.

YJNSW acknowledges that some necessary research around psychological well-being or questions around families and/or past experiences may be traumatic for participants, however researchers have a responsibility to ensure that distress to participants is minimised.

6.2 Child protection and duty of care

The NSW Government and the community rightly expect that, whilst in a YJNSW facility, young people will be protected from all forms of abuse, including physical, sexual, and emotional abuse. In addition, there is a legal obligation for all personnel to follow YJNSW's child protection policies with respect to emerging/existent issues of abuse, neglect, or threat of immediate harm outside of YJNSW facilities and supervision.

YJNSW is a mandatory reporter of abuse and young people at an immediate risk of harm. Therefore, all persons in paid or unpaid employment with YJNSW have a legal obligation to follow YJNSW's child protection policies to ensure the protection of young people under YJNSW's care. Information will be provided to researchers regarding these procedures once approval to conduct research has been granted.

This is an important issue to be considered by all researchers, as being approved to enter a YJNSW community office or centre requires a person to undertake the status of "mandatory reporting". This requirement can provide an ethical, or methodological problem for researchers, however it is the responsibility of the researcher to ensure that their proposed methodology incorporates procedures for mandatory reporting and duty of care.

Under section 248 of the *Children and Young Persons (Care and Protection) Act 1998*, employees have a duty to furnish information relating to the safety, welfare, and well-being of children and young persons to number of prescribed bodies, including; the Department of Family and Community Services and NSW Police. The *Privacy and Personal Information Protection Act (1998)* does not operate to prevent information exchange relating to welfare of clients or other children or young people between YJNSW and such prescribed bodies.

Prior to commencing data collection, all researchers are required to inform participants that, whilst every guarantee is given that their identity will be protected, the researcher is required to notify the Centre or Community Manager if the participant discloses details of abuse or risk of immediate harm, or intention to cause harm to another or to themselves. Where such disclosures are made, the

Manager may be required to inform the Department of Family and Community Services in order to ensure the disclosing participant's protection.

Some types of research have the potential to identify young people as being at risk of harm from themselves or others. If this is the case and the research design has been approved, the possibility of confidentiality undertakings being breached will need to be clearly spelt out in consent forms.

Information will need to be collected in a manner that enables such young people to be identified and their names disclosed to the relevant personnel in YJNSW to enable further appropriate action to be taken. YJNSW acknowledges that this requirement may jeopardise confidentiality and may present methodological problems. In such situations, however, it considers its 'duty of care' obligations to be paramount.

6.3 Undertaking Working with Children Checks (WWCC)

The Working with Children Check (WWCC) is an employment screening process designed to reduce the likelihood that unsuitable people will get jobs with children. The *Child Protection (Working with Children) Act 2012* requires all persons engaged in child-related work (either paid or unpaid) to have a working with children clearance.

Part 2 of the *Child Protection (Working with Children) Act 2012*, defines child-related work as work in a specific, child-related role or face-to-face contact with children in a child-related sector, including justice services.

YJNSW has an obligation to ensure that all people who come into contact with young people are deemed suitable to work with children.

As such, researchers who require contact with young people in YJNSW will be required to obtain a WWCC clearance as part of their approval to conduct research.

The process involves

1. Complete an [online application](#) form.
2. Visit a Service NSW with 100 points of identification and payment⁴
3. Receive notification via email in relation to the outcome of your application, together with a WWCC number and expiry date.
4. Forward a copy of your clearance, WWCC number, and expiry date to RIU.

Please refer to the [Office of Children's Guardian](#) website for more information.

PLEASE NOTE: If a researcher does not receive clearance from the Working with Children Check, YJNSW will not allow the implementation of the research, and will terminate any approvals given to the project.

⁴ Only paid workers are required to pay \$80 for a five-year clearance. Volunteers and students on professional placement are free.

7. Appendices

7.1 YJNSW Conditions of Approval

7.2 Documentation Checklist

7.3 Research Guideline 1/2017: Applications by YJNSW Employees to Conduct Research in their Place of Employment

7.4 Excerpts from Relevant Legislation Regarding Privacy of Information

7.5 Royal Commission into Aboriginal Deaths in Custody

7.1 Conditions of approval to conduct research within YJNSW

The conditions of receiving approval to conduct research in YJNSW are detailed below. Researchers will be required to sign a written contract agreeing to abide by the conditions.

YJNSW reserves the right to terminate research at any time, especially if the researcher acts unethically or compromises the security of YJNSW / confidentiality of the participants. Please carefully consider the following conditions in your project design if you are invited to submit a research application.

7.1.1 Conditions relating to participants

- That the confidentiality of research participants is strictly maintained at all times.
- That all young people participating in research are treated with dignity and respect.
- That all participants understand and sign *Participant consent forms*. Any age of consent restrictions must be adhered to, especially with young people under the age of 16 years.
- No audio-taping, videotaping or photographing of either research participants or Youth Justice sites is permitted. You may seek special approval from the Executive Director to access these modes of data recording, if it is considered critical to the research, however this would only be granted in exceptional circumstances. If the Executive Director grants approval, additional specific consent will need to be obtained prior to the research occurring from both the participant and the guardian.
- No incentives will be used to promote research without prior review and approval by YJNSW. Where approval is granted, all participants will receive the same incentive.

7.1.2 Conditions relating to the use of data collected

- That all data is to be stored according to National Health and Medical Research Council (NHMRC) Guidelines and disposed of after a period of five years.
- Information that may identify participants cannot be stored with any data collected. In the event that a master list is required (i.e. for follow-up purposes), this will need to be detailed and approved during the application process, and stored separately to the data. All master lists will be forwarded to RIU upon completion of the project.
- All participant consent forms will need to be stored separately to any paper based data collected.
- That the data collected is not used for any other purpose except for the production of thesis/research report.
- All other uses of the data will need prior approval from YJNSW i.e. publication of results in peer-reviewed journals or books, publications of reviewed/unreviewed reports on the Internet or in other forms of electronic/paper-based media, or presentation of results at conferences/workshops.
- Strictly no linking of data to other data sources that are held. You may seek permission for this from the Executive Director; however any analysis proposed through the linking of databases will be treated as a new application to conduct research.
- Agreement regarding intellectual property of the data.
- That the researcher agrees to provide YJNSW with a copy of the database collated, along with any data dictionaries created prior to the conclusion of the research.

7.1.3 Conditions relating to reporting and/or publication of results

- Work in progress will be provided to YJNSW on a six monthly basis.
- That the final results of the research are communicated to YJNSW in a timely manner, through the following avenues:
 - A copy of the completed research will be provided to YJNSW.
 - A summary of the pertinent results will be provided to YJNSW for dissemination to policy and operational personnel.
 - Young people or YJNSW employees who are participants in the research receive timely feedback. This can be through the summary provided.
 - If the research involves conducting testing of any kind (for example psychometric testing or medical tests), then the researcher is required to provide feedback of individual results to participants. This can be arranged through the RIU.
- If the researcher terminates the project prior to completion, all data collected is returned to YJNSW. Written notification of the reasons for termination and an assurance that all data has been returned will need to be provided. YJNSW will then store the data for a period of five years according to NHMRC guidelines, after which time it will be destroyed.
- Any publication or conference presentation resulting from this research will need to contain an acknowledgement of YJNSW as the data source and acknowledgement to the RESC for approving the research.

7.1.4 Other conditions

- If there are any substantial changes to your research project, you will need to inform the RESC in writing.
- Compliance with the above conditions is necessary before any subsequent research applications will be considered.
- If at any stage the researcher is found to be in breach of these conditions, the project will be terminated. All data will be required to be returned to YJNSW.

7.2 Documentation checklist

Before submitting a full application to YJNSW, please check that you have included the following documents in your application.



A completed *Application for Approval to Conduct Research* form



A copy of Participant/Caregiver Information Sheet(s) and Consent Forms

The researcher is required to provide a participant information sheet for distribution to all participants (and their primary caregivers if participants are less than 16 years of age).

For some specific research projects, YJNSW may insist on parental/caregiver consent for all young people under the age of 16 years.

Both the information sheet and consent forms must clearly indicate the researcher's name and contact details, and be on their university's letterhead.



A copy of all research instruments to be used in data collection

A copy of all interview schedules, questionnaires or other data collection instruments (including tests or stimulus materials) in their final form must be submitted for approval with the research application.



A copy of approval from a National Health and Medical Research Council (NHMRC) registered Human Research Ethics Committee (HREC)

A copy of approval from an NHMRC-registered HREC **must** be submitted before YJNSW can give final approval.

YJNSW may consider the proposal at the same time as the HREC is making its own assessment. However, YJNSW's final approval will be withheld until notification of the approval of the HREC is supplied.

The HREC is asked **not** to make YJNSW approval a condition of their approval or to grant approval subject to endorsement by YJNSW.



A copy of approval from an Aboriginal specific NHMRC-registered HREC

A copy of approval from the Aboriginal Health and Medical Research Council (AH&MRC) or Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS) Ethic Committee (or similar) **must** be submitted before YJNSW can give final approval.

YJNSW's final approval will be withheld until notification of the approval is supplied.

The HREC is asked **not** to make YJNSW approval a condition of their approval or to grant approval subject to endorsement by YJNSW.



A copy of any other approval to granted for the application (where applicable)

If the application is for approval to conduct research with other government/non-government agency personnel employed within YJNSW facilities, written evidence of approval from these agencies will need to be submitted with the application.

If the research is being conducted across several agencies, YJNSW will require all approvals to be forwarded as received by the researcher.



A copy of Working with Children Check (WWCC) clearance number and expiry date (where applicable)

As part of the approval process, researchers who require contact with young people in YJNSW will be required to obtain a WWCC clearance.

If a researcher does not receive clearance from the WWCC, YJNSW will not allow the implementation of the research, and will terminate any approvals given to the project.



Letter to Centre/Community Managers (including a brief project outline)

A letter outlining the nature of the research, and the commitment required of YJNSW personnel, must accompany approaches to Centre/Community Managers seeking approval to gather data in the centre/community office for which they are responsible.

A short outline of the research should be attached, for forwarding to the Centre/Community Managers.

This should be a maximum of two pages and include:

- The research questions or hypotheses
- The context and background for the research
- The means by which the data/information will be gathered
- The participants from whom the data/information will be gathered
- The methods for ensuring the privacy of participants.
- A time line for the research

This project outline may be placed on YJNSW's intranet site for the information of staff.

7.3 Research Guideline 1/2017 Applications by YJNSW Employees to Conduct Research in their Place of Employment

Guiding Principle:

As a general principle, the YJNSW Research and Evaluation Steering Committee (RESC) will **not** support research proposals from researchers who seek to:

1. Recruit young people and/or staff with whom the researcher may have contact with as part of their employment.

Examples include (but are not limited to):

- i) YJNSW Psychologists and YJNSW Caseworkers should not conduct research involving the young people on their past or current caseload, or those who are familiar with the researcher in their professional role.
 - ii) YJNSW Psychologists and YJNSW Caseworkers should not conduct research involving supervisors and/or colleagues.
 - iii) Senior Practice Officers should not conduct research involving young people and/or staff within their Region.
2. Conduct research within their place of employment.

This includes Youth Justice Centres, Community Offices, Regional Offices, and, where applicable, entire regional areas.

As an alternative, applications may be considered where the employee proposes to conduct their research project at a different site, office or region.

3. Evaluate programs they were involved in the development of and/or are responsible for delivering.

Every evaluation needs to achieve a maximum level of objectivity and impartiality. As such, any formal evaluation must be conducted by a researcher independent from all staff involved operationally.

While staff may monitor and review the programs they are involved in, for improvement and development purposes, they cannot use the data collected for personal gain. This includes; fulfilment of academic qualifications, publication, and potential personal, professional, or financial gain.

As an alternative, applications may be considered where the proposal nominates that someone else will collect the data (i.e. interview participants) and facilitate the program to be evaluated. In this instance, the researcher will be named on the consent form and information sheet; however will only have access to the data for their research.

Background:

The [National Statement on Ethical Conduct in Human Research \(2007\) – Updated 2018 \(NHMRC\)](#) guidelines states that a conflict of interest in the context of research exists where “a person’s individual interests or responsibilities have the potential to influence the carrying out of his or her institutional role or professional obligation in research; or an institution’s interests or responsibilities have the potential to influence the carrying out of its research obligations.

While a conflict may relate to financial interests, it can also relate to other private, professional or institutional benefits or advantages that depend significantly on the research outcomes.

A conflict of interest may compromise the research process itself and/or the institutional processes governing research, and may lead researchers or institutions to base decisions about the research on factors outside the research requirements.

A perception that a conflict of interest exists can be as serious as an actual conflict, raising concerns about an individual's integrity or an institution's management practices (page 94; NHMRC, 2018)

Researchers from a variety of disciplines apply to YJNSW to conduct research within the agency. Applicants are often required to conduct research as part of the fulfilment of a university/other qualification such as a Masters Degree or PhD.

At times, applicants may be employed by YJNSW to work with young people and/or staff within Youth Justice Centres, Community Offices, or Regional Offices.

Occasionally, such applicants propose to conduct research projects at their place of employment – the primary benefits of this being ease of access and familiarity with the site and personnel. Conversely, however, this familiarity may create a real or perceived conflict of interest, leading to preconceptions and role conflict that could adversely influence observations and results.

YJNSW Position:

It is recognised that employees often have such dual roles, and may be studying and carrying out research whilst performing a professional role. However, the appropriateness of YJNSW employees conducting research within their workplace is contentious for a number of reasons.

1. Role conflict.

Researchers should always be explicit about their role and position. However, where the researcher is also a practitioner, there is a potential for an employee's professional role, and their role as a researcher, to come into conflict. For example, conflict may occur where the professional role requires the employee to take action following a disclosure made by a participant, while the researcher role may not.

Namei et al (1993, cited in Behi and Nolan, 1995), highlighted the conflict for nurses conducting research with their patients, arguing the need to balance the integrity of the research with the concern for and safeguarding the welfare of patients. This argument equally applies to staff of YJNSW whose primary responsibility is to ensure the safety and welfare of the young people in its care.

In fact, the [Australian Psychological Society \(APS\) Code of Ethics \(2007\)](#) recommends psychologists refrain from “engaging in multiple relationships that may: (a) impair their competence, effectiveness, objectivity, or ability to render a psychological service” unless it is unavoidable due to over-riding ethical considerations (p.28).

2. Where the researcher has, or has had, a direct professional relationship with participants (both young people and colleagues).

Where researchers involve those with whom they have, or have had, a professional relationship, there is a potential for the researcher to use (or consider) information obtained during their interactions with the participant outside of the research context.

Data collected in the course of normal duties (case work, psychological treatment, supervision, etc.) cannot be used for other purposes, including research. Informed consent is required from research participants, specifying the data they are consenting to provide as part of their participation in the research.

Conversely, this dual role also has the potential for researchers to identify participants, or share confidential information which is obtained for research purposes, in their professional role (e.g. at case conferences or even during informal conversations with colleagues).

3. Where the participants (both young people and colleagues) are familiar with the researcher in their professional role.

At a site where the researcher is a familiar figure, such as a psychologist, caseworker, or supervisor, potential participants (both young people and/or other staff members) may find it difficult to relate to them in their new role as a researcher, thus influencing results.

- a. The potential for coercion to participate.

If research participants know the researcher in their professional role, this can create additional (perceived or real) pressure on them to participate, as they may feel uncomfortable declining a request or in changing their minds at any point.

- b. The potential for demand characteristics to influence the research findings.

In some cases, where the researcher is known to the participants in their professional role, the researcher's role in the workplace may inadvertently influence the response and or behaviour provided by the participant.

It is important to note that these issues may arise regardless of the nature of the relationship between researcher and participant. That is, where the researcher is known to the participant in their professional role, these effects are still possible even when the participant is not on the employee's caseload or a subordinate of the researcher.

The potential issues arising from employees conducting research at their work location are exacerbated by the vulnerability of the young people under the supervision of YJNSW.

Alternative Options:

Employees who wish to conduct research in their place of employment may wish to consider alternative options for their studies.

It may be suitable for the employee to conduct research at their place of employment if the proposal nominates that someone else will collect the data (i.e. interview participants) and, where applicable, facilitate the program to be evaluated. In this instance, the researcher will be named on the consent form and information sheet; however will only have access to the data for their research.

Where possible, the employee may propose to conduct their research project at a different site, office or region.

References:

- Australian Psychological Society. (2007). *Code of ethics*. Melbourne, Victoria.
- Behi, R., & Nolan, M. (1995). Ethical issues in research. *British Journal of Nursing*, 4(12), 712-716.
- Kings College London (2009). *Research in the Workplace*. College Research Ethics Committee.
- National Statement on Ethical Conduct in Human Research 2007 (Updated 2018). *The National Health and Medical Research Council, Australian Research Council and Universities Australia*. Commonwealth of Australia, Canberra.

7.4 Excerpts from relevant legislation regarding privacy of information

See also the Information and Privacy Commission NSW website at <https://www.ipc.nsw.gov.au/>.

7.4.1 Health Records and Information Privacy Act 2002

The *Health Records & Information Privacy Act 2002* (HRIPA) governs the collection, use, disclosure storage and destruction of personal health information. The HRIPA applies to YJNSW.

Section 6 of the HRIPA defines “health information” as:

- (a) Personal information that is information or an opinion about:
 - (i) The physical or mental health or a disability (at any time) of an individual, or
 - (ii) An individual's express wishes about future provision of health services to him or her, or
 - (iii) A health service provided, or to be provided, to an individual, or
- (b) Other personal information collected to provide, or in providing, a health service.

Section 4 of the HRIPA defines a “health service” as including:

- (a) Medical, hospital and nursing services,
- (b) Dental services,
- (c) Mental health services,
- (d) Pharmaceutical services,
- (e) Ambulance services,
- (f) Community health services,
- (g) Health education services,
- (h) Welfare services necessary to implement any services referred to in paragraphs (a)–(g),
- (i) Services provided by podiatrists, chiropractors, osteopaths, optometrists, physiotherapists, psychologists and optical dispensers in the course of providing health care

7.4.2 Privacy & Personal Information Protection Act 1998

The *Privacy and Personal Information Protection Act 1998* (NSW) (PIIP Act) ensures legally enforceable privacy rights for people and governs how public sector agencies deal with personal information. The PIIP Act governs the collection, use, disclosure storage and destruction of personal information.

Section 4 defines “personal information” as:

- (1) Information or an opinion (whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion.
- (2) Includes such things as an individual's fingerprints, retina prints, body samples or genetic characteristics.

Section 8 of the PIIP Act refers to the collection of personal information being for a lawful purpose that is directly related to YJNSW's activities and reasonably necessary for that purpose.

Section 12 specifically outlines the responsibilities around retention and security of personal information. This section states that a public sector agency that holds personal information must ensure that the information is:

- (a) Kept for no longer than is necessary for the purposes for which the information may lawfully be used, and

- (b) Disposed of securely and in accordance with any requirements for the retention and disposal of personal information, and
- (c) Protected, by taking such security safeguards as are reasonable in the circumstances, against loss, unauthorised access, use, modification or disclosure, and against all other misuse, and
- (d) That, if it is necessary for the information to be given to a person in connection with the provision of a service to YJNSW, everything reasonably within the power of YJNSW is done to prevent unauthorised use or disclosure of the information.

7.4.3 Information Protection Principles

The 12 Information Protection Principles (IPPs) are legal obligations which NSW public sector agencies, statutory bodies, universities and local councils must abide by when they collect, store, use or disclose personal information.

1.	Collection of information must be	Lawful
2.		Direct
3.		Open
4.		Relevant
5.	Storage of information must be	Secure
6.	Access and accuracy of information must be	Transparent
7.		Accessible
8.		Correct
9.	Use of information must be	Accurate
10.		Limited
11.	Disclosure of information must be	Restricted
12.		Safeguarded

See [website](#) for more details.

7.5 Royal Commission into Aboriginal Deaths in Custody

YJNSW has adopted recommendations 48, 51 and 269 of the National Report of the Royal Commission into Aboriginal Deaths in Custody. Prospective researchers will need to demonstrate that they have met the criteria outlined in these recommendations below.

Recommendations to be implemented in Research Studies

Recommendation 48:

That when social indicators are to be used to monitor and/or evaluate policies and programs concerning Aboriginal people, the informed views of Aboriginal people should be incorporated into the development, interpretation and use of the indicators, to ensure that they adequately reflect Aboriginal perceptions and aspirations. In particular, it is recommended that authorities considering information gathering activities concerning Aboriginal people should consult with Aboriginal and Torres Strait Islander Commission (ATSIC⁵), and other Aboriginal organisations, such as the National Aboriginal and Islander Health Organisation⁶ or the National Aboriginal and Islander Legal Services Secretariat⁷ as to the project.

Recommendation 51:

That research funding bodies reviewing proposals for further research on programmes and policies affecting Aboriginal people adopt as principal criteria for the funding of those programs:

- a. The extent to which the problem or process being investigated has been defined by Aboriginal people of the relevant community or group;
- b. The extent to which Aboriginal people from the relevant community or group have substantial control over the conduct of the research;
- c. The requirement that Aboriginal people from the relevant community or group receive the results of the research delivered in a form which can be understood by them; and
- d. The requirement that the research include the formulation of proposals for further action by the Aboriginal community and local Aboriginal organisations.

Recommendation 269:

That compliance with the National Health and Medical Research Council's Advisory Notes on Aboriginal health research ethics⁸ be a condition of Aboriginal health research funding from all sources.

As outlined in 2.3, all researchers applying to conduct research within YJNSW are required to consult with the Aboriginal Health and Medical Research Council (AH&MRC) and/or Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS) Research Ethics Committee.

⁵ ATSIC was dissolved in 2005.

⁶ Currently known as the National Aboriginal Community Controlled Health Organisation (NACCHO).

⁷ Currently known as the National Aboriginal and Torres Strait Islander Legal Services (NATSILS).

⁸ These Advisory notes have now been replaced by [Values and Ethics - Guidelines on Ethical Conduct in Aboriginal and Torres Strait Islander Health Research](#).