Australian Capital Territory

Children and Young People (Research) Standards 2023 (No 1)

Disallowable instrument DI2023–10

made under the

Children and Young People Act 2008, Section 887 (Standard-making power)

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1 Name of instrument

This instrument is the *Children and Young People (Research) Standards 2023 (No 1)*.

2 Commencement

This instrument commences on the day after it is notified.

3 Declaration

Under Section 887 of the *Children and Young People Act 2008*, I declare that the attached Research Standards apply to the research provisions found at Section 808 (Research standards—certain matters to be covered).

4 Revocation

This instrument revokes *Children and Young People (Research) Standards 2009 (No 1)* (DI2009-34).

Rachel Stephen-Smith
Minister for Families and Community Services

17 January 2023

Legal Authority

The Research Standards are made pursuant to sections 887 (Standard-making power), which allows the Minister to make Research Standards for the *Children and Young People Act 2008* (CYP Act).

Purpose

The CYP Act contains provisions for the Director-General to approve certain research projects. As outlined in the CYP Act, research projects that require the approval of the Director-General involve the participation of certain children and young people in the research project (including those in the care of the Director-General) or require the Director-General to give the researcher access to protected or sensitive information about children and young people. They also include projects that involve the participation of a person who exercises a function under the CYP Act or the research being conducted at a place of care, detention place, or therapeutic protection place.

A reference to a child and young person in these standards includes a young offender as defined in the dictionary of the CYP Act, or a young detainee as defined in the section 95.

A research project will only be approved if the researcher can demonstrate to the Director-General the project has complied or will comply with these research standards.

A researcher for an approved research project is an information holder as defined by Section 843 (Who is an information holder?) of the CYP Act. As an information holder, researchers are subject to the provisions of Chapter 25 of the CYP Act: Information secrecy and sharing.

A participant is a child or young person, or their parent(s) or guardian(s) or any other person who takes part or may potentially take part in a research project.

Research undertaken with children and young people known to the Community Services Directorate must reflect these Research Standards, this includes where contract arrangements are in place.

Research Standards for the ACT

STANDARDS

Standard 1: Ethics and integrity

The research must be designed and conducted to ensure the best interests of children and young people is paramount, including protecting their health, personal and social development.

The research must be ethical, undertaken with integrity and present minimal risk and intrusiveness to participants.

Research must be conducted in accordance with appropriate ethical, legal and professional frameworks, obligations and standards, ensuring an honest and responsible research culture.

All children and young people will be treated equitably, and the benefits and burdens of participating in research will be shared between the researcher and the participant. The likely benefits of the research must outweigh any risk of inconvenience or discomfort to participants.

Where research involves direct interaction with children and young people they must be as partners in knowledge creation, not only subjects of research. Clear plans for reducing or mitigating risk of inconvenience or discomfort should be developed. The plan must consider any risks that might arise because of participation, including risks related to their relationships with parents and families and services providers, the spaces within which the research takes place and in regard to their emotional and psychological safety.

Each stage of the research project must uphold the rights of children and young people, and for this purpose those rights will include the right to express their views freely, the right to be treated fairly and respectfully and the right for their views and perspectives to be valued.

Standard 2: Quality and strategic alignment

Research will be high quality, aim to contribute to better outcomes for children, young people and families in the ACT.

Any research undertaken will uphold the National Statement on Ethical Conduct in Human Research and align with the ACT Public Service Values and Signature Behaviours of Respect, Integrity, Collaboration and Innovation.

Research will ensure ongoing adherence to these standards, including a transparent complaints process, periodic self-review, and concluding evaluation against these standards.

Standard 3: Consent

Consent of a child or young person and those who hold parental responsibility or any other person to participate in research will be obtained ethically, in accordance with the National Statement on Ethical Conduct in Human Research.

Consent must be informed, with facts provided about the research activities appropriate to the stage of development of the child or young person and reflective of their capacity to make decisions about their involvement. The information provided to participants should include the purpose of the research, the nature of their involvement, their rights during their engagement, anticipated risks and benefits and the intended outcomes of the research.

Research must be designed and conducted to allow participants to stop taking part in the project at any time, acknowledging that consent is an ongoing process, not a one-off event. Protocols must be in place to enable participants to withdraw from a study and for data related to them to be removed.

Standard 4: Culture

Research must be culturally responsive, and show respect and due regard for the beliefs, perceptions, knowledge, experience, customs and cultural heritage (both individual and collective) of participants.

When conducting research about, or with Aboriginal or Torres Strait Islander children and young people, respect and consideration must be given to the ways that people and communities might provide cultural oversight, guidance and otherwise inform the research.

Researchers must ensure the respectful and culturally responsive management of all research materials including, where possible, alignment with the guiding principles of the Australian Institute of Aboriginal and Torres Strait Islander Studies Code of Ethics for Aboriginal and Torres Strait Islander Research and Maiam nayri Wingara Aboriginal and Torres Strait Islander Data Sovereignty Collective Key Principles to ensure information gathered as part of the research reflects the intent in which the information was given and shared, and that its interpretation and the context it is placed in is appropriate.

Standard 5: Participation

Research will ensure the views and perspectives of children, young people and their families are heard and proactively engaged. Children and young people will not be unfairly excluded from research.

Consideration may be given to the ways that children and young people play a part in way the research project is designed and conducted.

Research must recognise that children, young people, and their families have gained unique knowledge and expertise through their experiences.

Consideration must be given to the ways the research can be modified to ensure children and young people are able to participate safely and meaningfully. This will require researchers to consider preferences and abilities of participants. To support participation, researchers must ensure all reasonable adjustments are met.

Standard 6: Partnership

Researchers must commit to ensuring a partnership approach to research with children and young people. This includes a commitment to feed back to participants in a way they understand.

Research must acknowledge that Aboriginal and Torres Strait Islander peoples, communities and organisations are essential in developing, implementing and translating research. This includes the development of a shared understanding of the potential risks, benefits and impact of the research.

Research should be designed and conducted to allow the exchange of skills and knowledge, particularly where participants are children and young people.

Consideration must be given to the appropriate recognition and remuneration of participants.

Standard 7: Information handling and record keeping

Research and researchers must comply with all relevant information sharing, privacy, secrecy, and records management requirements of the CYP Act, the Territory Privacy Principles, the *Information Privacy Act 2014* and the *Territory Records Act 2002.*

Privacy and confidentiality must always be maintained except when researchers have a legal responsibility to share this information. Any potential limits to confidentiality, such as the requirements of mandatory reporting laws, will be fully explained to participants when seeking consent and prior to each engagement session.

Where a researcher has personal and/or protected information about a participant, this information cannot be linked to a separate data source without prior consent in writing from the Community Services Directorate.

Where researchers request data about protected information, the Community Services Directorate will only provide the information at the summarised data level and the identity of a child, young person or any other participant will not be disclosed. Summarised data may be shared where there is an agreement between a research organisation and the Community Services Directorate that the data will be managed in accordance with these standards.

Standard 8: Sharing research findings

De-identified research findings which can contribute to the improvement of the outcomes for children, young people and their families may be selected to be shared when the privacy of participants can be maintained.

Researchers must consider how findings from research are made available to participants, and at the conclusion of a research project, researchers will communicate findings to participants in an accessible manner and in a way they understand.