

Griffith University Research Ethics Manual

Recruitment

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01.0 Introduction

For many human research projects, the recruitment element of the project is fundamental to the success of the research and it is also a key area for ethical consideration. During this element of a project, individuals are identified as potential participants, some form of contact is made between the research team and the potential participants, some form of screening or exclusion may occur, and preparations are made to seek consent from the potential participants.

This element of the research can raise difficult ethical issues, not least because, before an individual has had a chance to decide whether to participate in the research, they can be exposed to risks, a burden, or potentially have their privacy compromised.

For this reason, the recruitment of potential participants for a research project cannot ordinarily ([see 7.0](#)) occur before the project has received ethics clearance.

A single project may require more than one recruitment strategy (e.g. when there are two very different cohorts of potential participants). Sometimes the strategies will be conducted concurrently, other times sequentially or completely separately. There is no preferred standard with regard to their timing, but all strategies must adhere to the National Statement and University policy.

The selection and design of a project should be relevant to, and appropriate for, the research methodology, topic/subject matter, the potential participants and the context

Experience shows that it is the recruitment phase of human research which is the most common source of concerns and complaints about the ethical conduct of research. By following the guidelines outlined in this Booklet, a researcher can minimise the risk of such complaints being lodged against them, but perhaps more importantly avoid causing any unnecessary disquiet amongst potential participants that might serve to dissuade them from participating in the research.

A common source of delay in research ethics review comes from a failure to fully discuss the recruitment process (e.g. perhaps describing who the potential participants are, but not how they will be identified for contact and how that first contact will be conducted).

This Booklet of the Griffith University Research Ethics Manual is intended to assist researchers to design, describe in an ethics application, and implement a successful and ethically appropriate recruitment mechanism.

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02.0 National guidance material

The [National Statement on Ethical Conduct in Human Research \(2007 updated 2018\)](#) is the Australian standard for the ethical design and conduct for human research ethics.

Given the significance of the ethical considerations associated with the recruitment phase of a human research project, it is perhaps surprising that prior to 2018, there was not a chapter of the [National Statement](#) devoted to recruitment. However, across the entire [National Statement](#) there are frequent discussions about specific issues relating to recruitment that may apply to some projects.

In 2018, [Chapter 3.1 of the National Statement](#) was updated to describe the elements of ethical project design. Element 2, paragraphs 3.1.12 – 3.1.22, of Chapter 3.1 discusses recruitment. This booklet describes the University's implementation of Element 2.

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03.0 The general components of recruitment

When planning the recruitment stage of a project, and getting ready to describe the process in an application for research ethics review, it may be useful (at least initially) to consider the following questions (these build upon what was in the earlier versions of this booklet and the key questions from Element 2).

Who will be approached about participating? – Who are the individuals/groups you wish to have participate in the research (e.g. the current users of a local community service). [See 4.0](#) for more on this.

How will you go about making initial contact with the potential participants? – Having defined whom you wish to participate in the research, how will they find out about the research (e.g. will you be

standing outside the local community service approaching the people entering the building, will you have a flyer on the local community service's bulletin board, will you be sending emails/letters to users of the service, will you deliver a presentation about the research to a meeting of the service, will staff of the service approach potential participants on your behalf, or will you post something about the project on social media)? In 2014 [Chapter 2.3 of the National Statement](#) was updated to include an opt-out approach to recruitment and consent ([see 19.0 of this booklet](#) for more about this approach). In 2018, a new version of [Chapter 3.1](#) was added to the [National Statement](#). Booklet 21 of the [Griffith University-REM](#) is the University's implementation of Element 2 of that Chapter.

How will potential participants be formally recruited? – Having been initially approached about participation, how will the individuals be recruited (e.g. will they initially express a verbal interest to the researcher(s) or local community service employee and then will they be directly given a copy of the consent materials, will they visit a web site to receive information and then proceed to an online survey)?

Will the potential participants be screened? – Screening might be used so only persons who meet specified criteria participate or screening might be used to ensure people who meet specified criteria don't participate. [See 12.0](#) for more on this.

Is there any form of existing relationship between the potential participants and the researchers? – This doesn't imply that such a relationship is automatically an ethical challenge. Indeed, such a relationship might be an advantage. There are however essential matters to consider ([see 20.0](#)).

Are there any risks associated with the recruitment element? – These might be risks to the potential participants, to the researchers, to third parties or to the viability of the project. [See 08.0](#) or more on this.

The selected recruitment strategy must be carefully explained in the application for research ethics review and decisions about that strategy may need to be justified.

It is important that these questions, and the related sub-questions, are considered because they can raise quite significant ethical challenges. The elements of the recruitment may require approval of a gatekeeper ([see 18.0](#)).

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04.0 Describing and locating potential participants

“When research will involve the direct participation of people (e.g. testing, surveys, interviews, focus groups, observation and health or behavioural interventions), the recruitment phase of a project is fundamental to the success of the research. Depending upon the design of a project, this element can include such matters as identifying individuals as potential participants, contact between the research team and potential participants, screening or exclusion of some individuals, and preparing to seek consent from the potential participants.”

National Statement – [Chapter 3.1](#) Element 2

A researcher identifying the potential participants for a planned research project often involves two related, but separate processes.

1. The researcher determining the type or category of persons who are the most appropriate participants for the research project (e.g. the public servants involved in conducting social and environmental impact studies for a particular kind of infrastructure development).
2. The mechanism by which the researcher will determine who exactly to approach about participation in research (e.g. the researcher will review published reports, departmental web sites,

and existing contacts, to identify those public servants who have been involved in conducting social and environmental impact studies of the type the researcher is interested in).

A common problem with applications for research ethics review is that applicants can focus on the first component of the identification process, but fail to discuss the second. This is perhaps not surprising as the first element can be a significant component of articulating the objectives, design and contribution of a research project, while the second component could conceivably be considered merely an operational means to an end. However, if the first contact process is to involve some form of direct contact (see parts 4.2, 4.3 and 4.4 of this Booklet) significant ethical and legal questions can be raised by how the direct contact will be made. Some of the common issues are summarised below, with some suggestions of how to most appropriately address these matters.

4.1 Using lists of potential participants

A common mechanism for identifying potential participants can be via an organisation's mailing, client or employee list (e.g. a list of all parents maintained by a school). Even though the use of such a list may be the most practical and effective mechanism for identification for a direct first contact with potential participants, ethical and legal requirements dictate how such a list should be used.

The following is the University's recommended approach to the use of such lists.

Commentary Inset 1 – Recruitment and the use of a list held by an organisation

The following is an example of an appropriate use of a list of potential participants held by an organisation. It refers specifically to situations where one of the researchers has a role in the organisation. This is not the only valid approach that complies with both regulatory and ethical privacy requirements, but it is a common and acceptable solution.

Step 1 – *In consultation the researcher(s) and a more senior officer in the organisation produce an initial contact letter. This letter should make it clear that the correspondence is being distributed by the organisation and, whilst a member of the research team has a role in the organisation, the details of potential participants have not been released to the researchers. Depending upon the nature of the research, it may be useful to comment on whether the researcher(s) will know the participatory status of individuals.*

Step 2 – *The researcher(s) and the organisation reach an agreement with regards to the cost of distributing the initial contact letter. For example: the researcher(s) might provide the organisation with stamped envelopes and the organisation then prints the letters, (on organisation letterhead) addresses the envelopes, stuffs and posts the letters.*

Step 3 – *Preferably the expression of interest in the research, the expression of consent and/or the completed instrument should be returned directly to the researcher(s). In this way, it may be possible to mask the participatory status of individuals from the organisation and so reduce any perceived pressure to, or not to, participate in the research and keep confidential from the entity employee's participation. Depending upon the sensitivity of the research, it may be preferable to allow participants to send a return to the researchers using the relevant postal service (rather than the internal mail of the organisation).*

Experience suggests that these matters are frequently a source of concern for potential participants. Addressing the issues in a transparent way will not only reduce the risk of complaints from participants, but also perhaps increase participation rates

1. The researcher must determine whether or not the potential participants have authorised the agency/body that holds the list to release it to third parties (e.g. such as the researcher) and whether there are any stipulations or limitations as to the purposes for which the list can be used (e.g. does it allow for release for research purposes). If no such authorisation exists proceed to step 4. If such an authorisation does exist, proceed to step 2.
2. The agency must provide the research team with evidence that the people whose names are in the list have authorised access to and use of the list. Proceed to step 3.
3. The first contact materials must explain the mechanism under which the researcher was provided their contact details, the extent of the information to which they had access, and to contact the agency if they wish to express concern that this access occurred. On this basis the list can be used to facilitate first contact, proceed to [5.0 of this Booklet](#).

4. If no authorisation exists to enable the researcher to access the list, the researcher should determine whether it is legally possible and appropriate (as defined by the [Commonwealth Privacy Act or the Queensland Privacy and Data Protection Act 2014](#)) to access the list. Please note that even if the agency that holds the list is not subject to the [Commonwealth Privacy Act](#), Griffith University, **in most situations, is** subject to the State regulatory provisions. In practice this means that even if the data were to be accessed from a private sector entity in another country, the applicable provisions of the Queensland Privacy and Data Protection Act would still need to be adhered to. Refer to [Booklet 23 of this Manual](#) for more about regulatory privacy issues, confidentiality, requirements for access to personal information without the consent of the identifiable individuals, and mechanisms to address the possible impacts on some research designs. If such considerations do apply proceed to step 5, otherwise return to step 2.
5. Is a waiver of the requirement of consent from individuals being sought? If yes, follow the process described by [Booklet 23](#). If no, proceed to step 6.
6. The potential participants must be contacted by the organisation which possesses the information, or the initial contact from the researcher must be distributed by the organisation. Proceed to step 7.
7. The first contact material must carefully explain that the personal information of potential participants has not been supplied to the researcher, and either that the first contact is being made by the entity on behalf of the researcher or that the entity is distributing the first contact on behalf of the researcher.

Commentary Inset 2 – Reducing the perceived pressure to participate during an introduced face-to-face contact

Depending upon the risks associated with a project and the sensitivities of the information sought there may need to be careful reflection on the degree to which participants may perceive some pressure to participate in the project. The greater the risk and sensitivity the more precautions will be required.

Face-to-face contact with participants is often the easiest and most effective way to recruit participants for a research project.

However, even when conducted in a courteous and non-threatening manner, and when the researchers are introduced by a known person (e.g. another and respected member of the community where the potential participant lives) this recruitment strategy can result in the potential participants perceiving some pressure to participate.

This can normally occur for one or both of the following reasons:

- 1. Most people prefer to avoid confrontation and, to some degree, like to please others. Consequently, when approached by someone asking them to participate in a project (especially if they are being introduced by someone the potential participant knows), some people will be inclined to agree without necessarily truly considering whether they actually want to participate; and/or;*
- 2. A potential participant might prefer to have time to consider whether to participate, but a researcher and known person in front of them asking them to participate can create a perceived pressure to participate.*

These factors are sometimes described in terms of potential participants having time and space to make a voluntary and truly informed decision about their participation.

Ideally, when conducting a face-to-face contact for higher risk projects, rather than asking the potential participant to make an immediate decision, they should be asked to later go to a location, return a questionnaire, visit a web site, etc.

Important additional considerations for introduced contact is whether the person doing the introducing will know if the individual participates, whether there are any resulting social risks to the participant, and the fact the introducing person might be perceived as being responsible if a participant has a bad experience with the research

In some circumstances, the researcher may be an officer, or otherwise involved in, the agency that holds the list (this includes the situation of Griffith University academics having access to the external contact details of current students). Even though the researcher may have routine access to the list as part of her/his role within the agency, this should not be considered the same as authorisation to use that list for research purposes. Similar principles and requirements apply in these situations as would if the researcher was from outside the entity seeking access to the list. Furthermore, the first contact materials supplied to

potential participants must clearly distinguish between the role of the researcher in the entity and as a researcher. See [Commentary Inset 1](#) for a further discussion with regards to a legally appropriate way to handle such situations.

4.2 Cold face-to-face contact

Rather than identifying potential participants from a list held by an entity, in some cases identification might involve approaching potential participants 'cold' via a face-to-face contact. This might be used in situations where a research team wishes to recruit the users of a particular service and will approach them in the waiting area or outside the service. It might also be used in situations where a researcher is going to approach potential participants in a public place or by 'doorknocking'.

Such an approach avoids the potential ethical and legal problems associated with accessing personal information held in some form of list prior to having obtained consent from individuals for this access, but can raise another set of problems relating to the way in which the first contact is handled, [see 5.6](#) of this Booklet.

Commentary Inset 3 – Potential personal impact of snowballing

For research that involves sensitive issues or otherwise involves significant ethical issues, researchers need to consider the following potential personal impacts when a person suggests another potential participant:

The privacy of the suggested person – *The suggested person may feel that their privacy has been undermined. This may be more acute for sensitive or otherwise highly personal matters. When the snowballing is remote, rather than direct, her/his privacy may not in fact have been undermined, but the person who makes the approach should make it clear that the identity of the approached person has not been provided to the researcher.*

Social risks – *The fact that someone has suggested that the approached person might be a potential participant could be received negatively and/or be a stressor on their relationship.*

The recommending person's privacy – *In some cases the fact a person is participating in a project can raise some risks (if only humiliation). This is because the first person is in fact disclosing they are a participant to another person who may decide not to participate.*

Where the above situations may exist the researcher should consider discussing this with a person who makes a recommendation.

It should be clearly stated whether:

- (i) *The nominee will be told who nominated them and if the nominator is a participant.*
- (ii) *The nominator will be made aware of whether the nominee elects to participate.*
- (iii) *The nominator and nominee will be made aware of the other party's data/answers.*

4.3 Familiar face-to-face contact

In some cases, the potential participants will already be known to the researcher (because of a family, personal, social, professional, or other existing relationship).

This situation can lead to the incorrect conclusion that there are no ethical issues arising from the recruitment of those individuals. Though there may not be regulatory concerns arising from a person being approached by someone familiar to them, there can still be quite significant ethical considerations. The most common issue is whether, given their existing relationship with the researcher(s), the individuals feel free not to participate ([see 5.7](#) of this Booklet).

4.4 Introduced contact

Another potentially valid mechanism by which potential participants can be identified is where the researcher is introduced to an individual or group of potential participants by a third party who is known to those potential participants (e.g. the facilitator of a group session introduces the researcher to a meeting of the group, to enable the researcher to explain about their research project and ask for participants).

Like familiar face-to-face contact ([see 4.3](#) of this booklet) there can still be quite significant ethical considerations, such as whether the relationship between the person doing the introduction and the potential participant might result in at least a perceived pressure to participate ([see Commentary Inset 2](#)). Depending upon the manner by which individuals express an interest in participating (e.g. individual meeting attendees raising their hand to receive the consent material) there may also be peer pressure and privacy matters considerations.

4.5 Snowballing

Potential participants can be identified by a process commonly referred to as ‘snowballing’ where contact with one participant results in a lead to another participant, and so on. This is a valid and appropriate mechanism for recruitment, but if not handled properly it can raise privacy issues, perceived pressure, risk issues whether for the person who suggests a potential participant the researcher or for the person who is suggested, and other concerns. Such matters can be especially acute when the research relates to sensitive matters.

If offered the name of someone by a participant during an interview or through some other form of communication, it is appropriate to inquire about the contact details relevant to the offered name. If rapport is established between the researcher and the participant by the end of an interview it is then appropriate under these conditions for the researcher to politely ask if the respondent could recommend other people that the researcher might contact.

When the research topic is highly sensitive it can sometimes be preferable if the snowballing is conducted in a remote fashion (e.g. the researcher provides materials to the first participant, who then passes these materials on to other potential participants, who then in turn decide whether or not to contact the researcher). Even with this kind of more ‘remote’ snowballing method there can be similar issues to [4.4](#) with regards to individuals feeling some pressure to participate and possible impacts for the relationship between the two parties. When the snowballed person is approached by the researcher, they will be told who the snowballer was. This should be clearly explained to the snowballer ([see Commentary Inset 3](#)).

Commentary Inset 4 – Advertisement method and its impact on the reliability of data

The selection of how a research project is advertised/how the call for volunteers is made, may have a significant impact upon the persons reached and so result in an unintended and significant impact on the data collected.

For example – With the rise in the popularity of social media it is often considered as a recruitment tool. A recruitment post may first appear to be a cheap (if not free) way to reach a lot of people quickly and at least the theoretical possibility that news about the research could ‘go viral’. The problem being that use of social media may exclude many older people, people without internet access, some people living with a disability, some cultural groups, and those people who don’t use social media for philosophical reasons, etc.

Any such sampling bias may not be a problem for some research designs. Indeed, the limited reach of an advertising method may correspond to the planned participant pool for the research. It is however a factor that should be considered during the design and conduct of the research, and be factored in during the analysis of the data, and potentially discussed when reporting the results of the work (e.g. under the heading “Limitations”).

4.6 Self-identification

This is perhaps one of the least ethically sensitive methods of identifying potential participants in a research project, where the potential participants identify themselves to the researcher. Such self-identification is usually in response to an advertisement, social media post, notice, flyer, etc.

The use of this kind of call for volunteers can raise methodological questions (i.e. could it bias the participant pool because the method excludes some persons on the basis of erroneous factors – [see Commentary Inset 4](#)).

Section 5.2.25 of the National Statement specifies that recruitment material must be considered by the research ethics review body. **It is important that the text for the call for volunteers undergo ethics review (either as part of the initial review or as a variation to the clearance) prior to the text being used.**

4.7 Public sources

The use of public source is another potential participant identification strategy that is relatively innocuous. In this case, the researchers will be accessing publicly available information (e.g. web pages, public reports, public phone listings) in order to find potential participants and to obtain their contact details.

4.8 Professional sources

Though similar to the use of public sources ([see 4.7](#)), this strategy to find potential participants and their contact details uses sources that are not readily available to the general public. This might include an internal organisation phone directory or internal reports or

Commentary Inset 5 – Professional or personal information?

Determining whether information is personal or professional/public can have significant regulatory and ethical implications.

The use by some organisations of personal information, especially private personal information (i.e. that is not already on the public record), is subject to the Commonwealth Privacy Act 1988.

It is common for contracts providing public research funding (specifically ARC & NHMRC) to render the recipient organisations, such as Griffith University, subject to the Commonwealth Privacy Act.

In addition to these regulatory controls, there are some general expectations with regards to personal privacy, consent and usage.

However, professional information that is publicly accessible is not subject to the same controls or requirements.

Some examples of personal information include:

1. Date of birth
2. Home address
3. Health status and conditions
4. Relationship status
5. Family members.

Some examples of professional information include:

1. Job title
2. Work contact details

In the case of persons employed in the public sector (including institutions such as universities) some other information might be considered public, such as:

1. Salary
2. Qualifications

A file might contain a mixture of both personal and professional information.

A researcher may not be able to access private personal information about an individual without the prior consent of the individual. However, information that is already accessible to the public, or information which is professional may be accessible for research purposes, without prior consent.

The decision of whether information is private personal or professional will not always be straight forward.

For example – in the past the NHMRC has considered the fact that an individual is serving on a sub-committee as personal information and has sought consent before listing the membership status of individuals on a public web site.

Often a researcher will need to rely upon both the assessment of the organisation that has the information and her/his own judgement. However, it is important to remember that the organisation may not be subject to the same regulatory privacy controls as the University (or any for that matter) and so its assessment of the character of the information may not, in itself, be a useful indicator of how it should be treated by the researcher(s).

Even if the information appears to be relatively innocuous, if It is private personal information, the regulatory and ethical privacy standards and controls that apply in the circumstances must be adhered to.

other documentation. Unlike a list of potential participants (see 4.1), this is not personal/private information, but professional/organisational information (see [Commentary Inset 5](#) for more about making a distinction between a private list and a professional source). In this case, the researchers will be accessing publicly available information (e.g. web pages, public reports, public phone listings) to find potential participants and to obtain their contact details.

Ordinarily, the researchers will need to seek some sort of organisational approval for the use of an organisational source to find potential participants in a research project. A copy of this approval will need to be placed on the file for the ethics clearance for the project. Although not unethical, it is advisable to gain organisational approval for the use of a member list that has been distributed to every member by the organisation when the researcher is a full member of that organisation, as the purpose for making that list available may not include use to contact listed individuals for research recruitment purposes.

4.9 Private sources

Private sources are very similar to public and professional sources (see 4.7 and 4.8 of this Manual), except that the information contained within those sources is ‘owned’ by an individual and not in the public domain. The information contained may relate to personal matters (e.g. the address book of a person the researcher is writing about) or could be professional (e.g. correspondence from government agencies to a person).

Even though a researcher may themselves already have access to the information (such as correspondence from students about a new teaching method) for another purpose (e.g. a course evaluation), this does not equate to authorisation to use that information for research purposes. Any research use of the information may contravene privacy regulation ([see Booklet 23 of this Manual](#)). This is the case even if the confidentiality of participants will be protected in any publication or reporting arising from the research. Even if there is not a regulatory privacy issue, use of that information without prior consent could be disrespectful to those individuals.

The use of private sources can often raise difficult ethical and practical problems that are not easily addressed, and certainly do not lend themselves to one-size-fits-all solutions.

4.10 Mandated participation

A common but often ethically problematic recruitment strategy is where an authority (such as an employer, school, prison etc.) will direct individuals (staff, students, inmates, etc.) to participate in a research-related activity. Typically, the authority will decide that the activity will form a normal part of its operations and the researchers may have been engaged (e.g. on a contractual basis) to conduct the activity for the authority and/or will be conducting research to analyse its effectiveness.

Commentary Inset 6 – Ethical considerations when a treating practitioner is also a researcher

On one hand, it would appear incompatible for a treating practitioner to have the dual role of treating practitioner of an individual and member of the team hoping to recruit that individual into a research project. Certainly such a situation raises questions as:

- a) will the client feel able to refuse the treating professional and so not participate;*
- b) might they perceive the research as a component of the treatment; and*
- c) in light of the above, isn't this situation an untenable conflict of interest?*

Even though the above questions need to be considered and addressed by the team, there is arguably also value to be gained from the researcher/practitioner's knowing about the circumstances, history and outlook of their client – perhaps enabling them to maximise benefits and the better manage risks.

A common solution to this, bringing in another researcher who is unknown the individual can itself introduce confusion and anxiety for the client.

While an authority may well be able to validly instruct individuals to participate in an activity, this raises difficult ethical issues for the researchers. This issue and possible strategies are discussed further in [Booklet 27 of this Manual](#).

Sometimes a useful strategy can be to separate the required activity from the research (e.g. a school might decide all students will participate in a program intend to reduce bullying, but voluntary participation will apply to the researchers conducting the pre- and post-test, and using de-identified data from this testing for an academic publication).

4.11 Referrals

Related to [4.10](#), this recruitment strategy is where a treating professional (e.g. a general practitioner in a medical centre) refers one of their patients/clients to a research project.

While it is generally an acceptable strategy for a treating professional to inform a patient about a research project so they can decide whether to participate, ‘referral’ has a particular connotation: that participation in the research is necessary/important for the person’s treatment. This can consequently introduce implied pressure to participate to a degree that would generally be considered inappropriate for human research. This can become especially acute where:

- i) the research involves a greater than a low risk of harm ([see Booklet 9](#) for more about the classification of risks);
- ii) where the potential participants should be considered vulnerable ([see 16.0](#));
- iii) where the treating professional is a member of the research team ([see Commentary Inset 6](#)); or
- iv) where the treating professional is receiving a capitation payment or other ‘per person recruited’ incentive ([see Commentary Inset 7](#)).

Commentary Inset 7 – Ethical considerations for recruitment with capitation payments

This is where a health professional (or indeed any treating person) will receive some form of payment or reward for each person they recruit into a research project.

Even though such payments can be appropriate, they do at least raise the question of whether they create a perceived conflict of interest for the practitioner and might encourage them to place undue pressure upon their clients.

Consideration should be given to whether the practitioner should disclose that they do receive a reward based upon the number of persons they recruit.

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05.0 Initial contact with potential participants

This element of the recruitment phase of human research can often raise difficult ethical issues, not least because the contact with the potential participant occurs before the individuals have consented to their participation and, if not handled sensitively, in some cases can expose them to significant risk ([see Commentary Inset 8](#)).

Outlined below are some possible initial contact mechanisms and some discussion of the associated ethical issues. This list is not intended to be exhaustive or prescriptive. The selection of an initial contact method needs to be appropriate for the potential participants, risks and other ethical issues and the context.

In all cases the following principles apply with regards to the initial contact mechanism:

- any materials/script will need to be reviewed (either with the original ethics application or by the [Office for Research](#)) prior to its use;
- in addition to describing the research and how someone can express an interest in participating, the materials/script might usefully discuss some of the screening or exclusion criteria ([see 10.0](#) of this Booklet);
- the language (e.g. terminology) should be appropriate for the potential participant pool; and
- the materials/script must not be coercive or pleading in tone.

Commentary Inset 8 – Initial contact and risks for potential participants

The following are some real examples of how the initial contact with potential participants can expose them to risk, before they even know about a research project, much less decide whether they wish to participate.

Case 1 – A research team is interested in how large fashion houses approach ‘ethical purchasing’ decisions with regards to the selection of suppliers. Following a survey of all staff, the researchers will interview individuals who are very supportive or very critical of the company’s efforts.

The fact a staff member has been selected for interview may expose them to employment, professional and social risks.

CONTINUED OVERLEAF

5.1 Approach by correspondence: Direct

This first contact method is conducted by the delivery/distribution of a letter, email or other form of correspondence which is addressed to the specific potential participants.

In some cases, this will occur through the use of some sort of list of potential participants. Refer to [4.1](#) of this Booklet for a discussion about access to lists of potential participants held by an organisation. In others this list may have been obtained using publicly available information or lists (e.g. from an organisation’s web site).

In addition to describing the research and inviting the individual to express an interest in participating, the correspondence must:

- explain whether personal information has been disclosed to the researcher(s), see [4.1](#) and [9.0](#) of this Booklet;
- explain who has distributed the correspondence (e.g. even though the correspondence is ‘signed’ by a researcher, it has actually been sent by the organisation which the recipient belongs to);
- make it clear the degree to which third parties (e.g. the agency that distributes the material) will be aware of the identities of potential participants and will be able to identify who ultimately participates.

5.2 Approach by phone

The same principles apply to this first contact method as for approach by direct correspondence ([see 5.1 of this Booklet](#)), except that the [Research Ethics and Integrity team](#)/ethics reviewers must be provided with the “script” that will be used for the conduct of this first contact.

Please also note that [Booklet 44 of this Manual](#) discusses additional ethical and regulatory considerations that may apply to the use of the phone in human research.

5.3 Approach by correspondence: Broadcast

Similar to contact by direct correspondence (see [5.1 of this Booklet](#)), this first contact method involves the delivery/distribution of a letter, email or other form of correspondence without them being sent to a specific potential participant ... (e.g. the sending of an email to a group email address or a listserv, or mail delivered ‘to the householder’. Sometimes there will be a gatekeeper who will need to authorise the broadcast (e.g. the administrator of the listserv).

The initial contact correspondence will need to include the same matters discussed in [5.1 of this Booklet](#). There will however be some differences because no identifying information about individuals will have been used. An important part of this discussion is likely to be reminding the recipient that they are a member of the listserv, group list, etc. and assuring them that the distribution of the research materials has been approved.

Please refer to Griffith University's [Student Communication Policy](#) which applies to all attempts to recruit current, past and future students as research participants. The policy provides guidance on communication channels and relevant approving authorities e.g. surveying of current students requires approval from the Academic Registrar (for staff researchers) or the Dean, Griffith University Graduate Research School (for HDR students). You may also need to submit an [Application to Conduct a Survey](#) through the Surveys Unit.

Commentary Inset 8 – Initial contact and risks for potential participants

CONTINUED FROM PREVIOUS

In this particular case, the employer was advised who had been selected for interview (so the interview could be accommodated in work time) and so the researchers could ensure their sample was representative of the company.

This case raises the following issues/questions:

- 1.1 *Is it possible to conduct the interview outside of work hours and to assess the representativeness of the sample without consulting the employer?*
- 1.2 *Is it possible to conceal the participatory status of individuals, or at least which group they belong to?*

Case 2 – A research team is conducting a quality of life project focussed on individuals who are living with a degenerative, contagious and possibly fatal medical condition.

Having secured some funding, the research team decide it would be more professional to have some special stationery printed, including envelopes, which bear the title of the research project.

The research team proceed to post the initial contact letter to the potential participants. But not everyone in the household may necessarily know about the recipient's medical condition. So the individual might be exposed to a number of risks just by virtue of receiving the invitation.

In this particular case, a number of the letters were misdelivered, going to the right street, but the wrong house number.

This case raises the following issues/questions:

- 2.1 *Is an initial contact via the post the right strategy for this kind of research?*
- 2.2 *Should at least the envelope have been devoid of any information which alluded to the topic of the research?*
- 2.3 *Would some form of self-identification, or direct approach at a clinic, be a better way to initially contact potential participants?*

Case 3 – A researcher is conducting a project looking at the effectiveness of peer support networks in an emergency services agency.

Because of the variables of interest, and legal reasons, they will exclude anyone who is currently receiving treatment from a psychiatrist or anyone who is about to commence some form of workers' compensation proceedings.

The recruitment and data collection will occur at the individual stations.

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In 2012 Griffith University's PVC (Admin) decided that he would no longer approve the sending of research recruitment emails via the 'University's broadcast to staff facility'. Instead of broadcast emails, researchers must seek approval for the inclusion in ER administered avenues – such as Griffith University online news.

5.4 Flyer/notice/advert: Indirect

This first contact method refers to some form of flyer, notice or advert that will be placed on a notice board, web site, in a publication, etc. calling for interested persons to contact the research team to express an interest in the research.

5.5 Flyer/notice/advert: Direct

This first contact method is different from an indirect flyer/notice/advert first contact method (see 5.4 of this Booklet) where material is broadcast or publicised in some way. It is also different from correspondence that is sent directly to potential participants (see 5.1 of this Booklet) or distributed more generally to a listserv or group (see 5.2 of this Booklet). Instead this refers to researchers directly presenting the recruitment material to potential participants (e.g. standing in a public area and handing flyers to passers-by, or someone handing notices to potential participants as they enter a community building).

Depending upon the location where the research is being conducted, the researcher(s) may need permission or formal approval to conduct this form of recruitment (e.g. the approval of the managers of a shopping centre). Depending on the circumstances, the potential participants may also regard such an approach as a nuisance or delay.

5.6 Face-to-face: Cold

The first contact method of identifying potential participants might involve a face-to-face contact with persons who are not known to the researcher to determine whether they are an appropriate participant (see 4.2 of this Booklet). In practice this blends the identification and first contact steps into one process. However, it can also be the case that the potential participants have been identified by a different process (e.g. a public source see 4.7 of this Booklet) and then will be initially contacted face-to-face.

Commentary Inset 8 – Initial contact and risks for potential participants CONTINUED FROM PREVIOUS

In effect, an observant supervisor could see whether any staff who seemed to be initially interested in participating were excluded, which might indicate they are receiving psychiatric treatment or are about to commence some sort of workers' compensation proceedings. This could have significant professional, economic and social implications for persons who are excluded.

This case raises the following issues/questions:

- 3.1 *Is it possible to conceal the participatory status of individuals from the employer/management?*
- 3.2 *Should there be some additional exclusionary criteria (such as a limited number of participants) to try to conceal the reasons for exclusion?*
- 3.3 *Should the recruitment and data collection activities be conducted outside of the station?*

Case 4 – A research team is interested in drug use within correctional facilities. For the initial research they intend to privately interview those inmates who have previously been confidential informers (e.g. advised correctional staff of an attempt to smuggle narcotics into a facility).

If other prisoners are aware of the project and become aware of who has been approached about participation, those individuals could be exposed to extremely serious risk.

This case raises the following issues/questions:

- 4.1 *Is it possible to conceal the fact that the research is being conducted, and the reason why some individuals are potential participants?*
- 4.2 *Is it possible, in the confines of the facility, to conceal the participatory status of individuals?*
- 4.3 *Given the seriousness of the risks, is it possible to collect the*

Such a first contact between researcher and potential participant might include such strategies as: knocking on the door of the private residence of a potential participant; approaching potential participants in their workplace; approaching individuals as they move through a public place.

Some issues to be considered include:

- a) The approach must provide potential participants with appropriate time and space to consider their participation in research.

In the case of a project that will involve significant burdens and/or significant potential risks, potential participants should not be asked to consent “on the spot”. Instead, the potential participants might be provided with information about the project and invited to contact the research team if they wish to participate. In the absence of such significant burdens or risks (such as for anonymous questionnaires that will not seek sensitive information) it may be appropriate to seek consent at the point of first approach.

- b) Awareness of the potential for such approaches to be considered threatening and/or an annoyance. It is important to clearly establish that the research is being conducted under the auspices of Griffith University.
- c) Awareness of the potential risk to the researchers themselves (e.g. reflecting upon the locale, time and context in which the face-to-face contact will be made) and whether this provides for the safety of the person conducting the recruitment.
- d) It may be necessary to seek approval from other bodies for the recruitment (e.g. if the first contact is to occur in a shopping centre).

Depending upon the complexity of the issues, the presence of any sensitivities, and the context, the researchers may need to produce a script for the face-to-face contact. If this is the case, this script will need to be reviewed (either with the original ethics application or by the Research Ethics and Integrity team) prior to its use.

5.7 Face-to-face: Familiar

The method of first contact might involve a face-to-face contact with persons whom the researcher(s) already knows ([see 4.3](#) of this Booklet). In practice this blends the identification and first contact steps into one process. However, it can also be the case that the potential participants have been identified by a different process (e.g. a professional source [see 4.8](#) of this Booklet) and then will be initially contacted face-to-face.

Some of the issues to be considered include:

- a) The approach must provide potential participants with appropriate time and space to consider their participation in research.

In the case of a project that will involve significant burdens and/or significant potential risks, potential participants should not be asked to consent “on the spot”. Instead, the potential participants might be provided with information about the project and invited to contact the researcher(s) if they wish to participate. However, in the absence of such significant burdens or risks (such as for anonymous questionnaires that will not seek sensitive information) it may be appropriate to seek consent at the point of first approach.

Given that there is some form of existing relationship between the potential participant and the researcher(s) special care must be taken to ensure that individuals do not feel under some form of pressure to participate (e.g. so they do not disappoint their friend).

- b) The approach is not coercive or pleading (e.g. calling upon the existing relationship with the potential participant), rather than inviting them to make a voluntary and informed decision about their participation.

- c) The recruitment method does not expose the potential participants to any special or compounded risks (that cannot be addressed by the research design) because of their existing association with the researcher.

Depending upon the complexity of the issues, the presence of any sensitivities, and the context, the researchers may need to produce a script for the face-to-face contact. If this is the case, this script will need to be reviewed (either with the original ethics application or by the Research Ethics and Integrity team) prior to its use.

5.8 Face-to-face: Introduced

This first contact method involves the researcher being introduced to a potential participant by a known third party (e.g. an Elder in an Indigenous community introducing the researcher to community members). In practice this blends the identification and first contact steps into one process.

Some of the issues to be considered include:

- a) The introduction does not establish a component, implicit or otherwise, of coercion, where the potential participants feel obligated to participate because of the introduction (e.g. where the person doing the introducing is in a position of power over the potential participants, or they are particularly respected or admired by the potential participants).*
- b) There is a minimum intrusion, especially where the introduction is to occur in the context of some form of service provision to the potential participant(s).
- c) The recruitment mechanism does not create a situation where peer pressure may impact upon the voluntary nature of the decision whether to participate.

*The guidance at [Commentary Inset 2](#) can usefully be applied to such face-to-face contacts, with regards to some strategies to minimise the potential for individuals feeling pressure to participate.

Depending upon the complexity of the issues, the presence of any sensitivities, and the context, the researchers may need to produce talking points for the face-to-face contact. If this is the case, this script will need to be reviewed (either with the original ethics application or by the Research Ethics and Integrity team) prior to its use.

5.9 Opt-out approach

Since May 2014 [Chapter 2.3 of the National Statement](#) has included provisions with regard to an opt-out approach to recruitment and consent.

The scope of these arrangements is strictly limited and can only be considered ethically justifiable if the eligibility criteria are met. Further information about the opt-out approach can be found at [19.0 of this Booklet](#).

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06.0 Formal recruitment

Following the initial contact with participants comes the formal recruitment of participants. For many projects, formal recruitment occurs immediately after initial contact with potential participants or is actually part of the consent process. Refer to [Booklet 22 of this Manual](#) for more about consent.

Essentially this stage is where an individual indicates they are interested in the research and requests more information about what participation involves. Depending upon the initial contact method and the circumstances this exchange might occur in one of the following ways:

- a) in a direct conversation between the individual and a researcher;
- b) in a conversation between the individual and an intermediary (e.g. the receptionist at a medical clinic where the recruitment flyer is located);
- c) in a telephone, email or written correspondence between the individual or intermediary; or
- d) by the individual visiting a web site, attending a meeting, or going to a specified location.

Provision 3.1.21 of the National Statement directs researchers and research ethics reviewers “should consider the potential impact of the recruitment strategy upon the consent process (e.g. the degree to which the recruitment strategy might undermine the voluntary nature of the consent of individual potential participants).”.

It is at this stage when any screening test/mechanism for the research may occur ([see 12.0](#)).

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07.0 Timing of recruitment and ethics clearance

Because of the degree to which recruitment can raise ethical issues (as discussed throughout this booklet), regulatory privacy considerations ([see 4.1](#)), and sometimes risks ([see 8.0](#)), the only permissible approach is that recruitment should not occur until the project has received ethics clearance and the researchers have been advised that they are authorised to commence the work.

National Statement provision 3.1.19 specifies researchers “should describe and justify their approach to potential participants... The level of detail that is required by reviewers should be proportional to the foreseeable risks and appropriate to the methodology selected”.

In addition to the above, the **National Statement 5.2.25** specifies that any recruitment materials must be reviewed and cleared by the reviewers, though **National Statement provision 3.1.20** discusses valid circumstances where only a description of the materials (rather than the final wording) might be provided.

This can however sometimes present a ‘chicken and egg’ problem for researchers where, to know if it is even possible to conduct a research project, the researcher(s) need to know whether the potential participants are prepared to be involved in the research. In such situations it may be possible to seek an in-principle expression of interest, but not formally recruit the individuals ([see 6.0](#)).

If such a situation exists, the researcher(s) should first consult with a Research Ethics Advisor and/or the Research Ethics and Integrity team ([see Contacts](#)) to see whether this is appropriate and whether any special steps are required to address any associated ethical issues.

There can also be situations where, because of circumstances outside of the control of the researcher(s) the opportunity to recruit the participants will pass before the outcome from the research ethics review of the project is likely to be received. **This situation is less than ideal. It is the responsibility of the researcher(s) to allow sufficient time for the research ethics review to occur prior to the commencement of the research.** It is nonetheless accepted that this kind of situation can occur through no fault of the researcher(s). **The recruitment of participants can only occur prior to ethics clearance with the written authorisation of the Research Ethics and Integrity team.**

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08.0 Recruitment and risk

The recruitment phase of a human research project can raise risks for participants, the researcher(s), and third parties. For some projects the mere act of identifying an individual as a potential participant can result in risk if knowledge of this fact is not properly handled. The risks associated with recruitment can be especially difficult because they can occur before an individual has a chance to consent to the research (or indeed before they know anything about the research).

The presence of such risks must be identified and, as much as possible, addressed in the design of the research and in the application for ethics clearance. Refer to [Booklet 9 of this Manual](#) for further discussion with regards to risks in human research.

The expectation that researchers will attempt to mitigate recruitment risks is introduced in [National Statement provision 3.1.18.\(b\)](#).

8.1 Participant risk

A range of risks associated with recruitment can apply to potential participants. Below are some examples, which is by no means an exhaustive list, but does cover some of the more common risks and strategies to address them.

Just being a potential participant – The fact that an individual meets the inclusion criteria for a project could expose them to a social, legal or other risk if this was known to third parties (such as a law enforcement agency,

Commentary Inset 9 – Initial contact and risks for potential participants

Many researchers can find that regulatory privacy issues (e.g. the provisions of the Commonwealth Privacy Act can impact, and to a certain degree dictate, the recruitment strategy for their research).

A typical scenario is where the researcher(s) wish to review client files held by an organisation to identify potential participants who match their inclusionary criteria, with a view to contacting the clients to let them know about a research project and to seek their participation.

The problem is that, even if the organisation itself is not subject to privacy regulation, research conducted under the auspices of a Commonwealth public research funding grant may be.

In many cases this will prevent the researchers getting access to the files. The implication being that it is not possible to work out who the potential participants are, which in turn makes it impossible to know who to approach for consent for access to their file.

One solution is for the organisation to conduct the process of reviewing the files to determine who the potential participants are, and then either seek the consent of the individuals for their information to be released to the researcher(s) or to send the recruitment information to the potential participants, with advice to contact the researchers directly if they wish to participate.

Of course, in many cases the organisation will not have the time or the resources to conduct this approach and consent/recruitment process. Furthermore, the selection process might involve the use of a theoretical or statistical tool that is beyond the expertise of organisational officers.

Another solution is that if the clients have already given their general consent for researcher access to their information, it may be permissible for the researchers to access the files. Alternatively, the organisation may be willing to consult with all of their clients to seek this kind of blanket consent.

However, in most cases such a blanket consent may not exist, and the organisation may not have the resources or feel it inappropriate to contact their clients to seek a blanket consent.

Sometimes the only solution is for the organisation to afford to a member of the research team the status of an officer of the organisation (albeit probably in an unpaid and short term capacity). This requires that the organisation has decided: a) affording such a status is appropriate and justifiable; and b) that the access for this purpose is consistent with the purposes for which the information was originally collected.

If such a solution is utilised, the researcher(s) must receive in writing a notification from the organisation of their decision (as per the above). Furthermore, the initial contact with the potential participants will need to explain the process by which they were identified as a potential participant, the organisation's decision, and if they have any queries or concerns about this they should contact the organisation.

Before negotiating such an arrangement researchers must first contact the Research Ethics and Integrity team ([see Contacts](#)) who will consult the Legal Services Unit to confirm the arrangement is legal given the specifics of the situation.

However, there will still be circumstances where such a quasi appointment is not possible and/or where the organisation cannot justify characterising the research access to the personal information as being consistent with the purposes for which the information was originally collected.

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employer, peer group members, etc.). For example, a research team is interested in the financial and quality of life circumstances of persons who had previously attempted suicide. The employer, colleagues, friends and perhaps family members might not know the potential participant previously attempted suicide. If these third parties knew an individual was a potential participant this could expose them to a variety of risks, regardless whether they decide to participate (see [Commentary Inset 8](#) for a further discussion of this type of risk). In such a situation it is extremely important to protect the confidentiality of persons who are potential participants. This may require a modification to the recruitment strategy, and the manner in which the results of the research are reported, to negate the risk of third party identification.

Impact of the initial approach –

Sometimes the initial contact with a potential participant can expose them to risk. For example, if a project related to domestic violence, sending correspondence to the home of a potential participant could expose them to a risk, if the correspondence with is intercepted by the abusive partner. In such cases the recruitment strategies must be designed so as to protect the potential participant from such risks, especially with regard to the initial contact where potential participants have not previously known about the research.

Participatory status – Whether an individual decides to participate in a project could expose them to risk if her/his participatory status was known by third parties. For example, if a team were interested in the ‘hazing’ rituals of inner-city youth gangs, the fact that an individual is participating in the research could expose them to serious consequences. It may well be important to conceal the participatory status of individuals and to ensure individuals cannot be identified by their peer group in the reporting of the results of the research.

Risks from screening mechanism – Some research will involve some form of screening mechanism (e.g. testing cardio-vascular fitness, psychological health, language competence). Refer to [12.0](#) of this Booklet for further discussion of screening. In some circumstances the results of the screening may be a source of risk (stigmatisation if an individual was identified as having some form of psychological condition) or the tests themselves might be a source of risk (e.g. a physical risk if someone with a significant medical condition attempted to complete a VO₂ max test). In some instances, the risks can be negated by explaining that the screening mechanisms do not have clinical status, ensuring the absolute confidentiality of participants and disguising their participatory status. In others, there might need to be a phased screening process, which uses self-identification and other strategies to identify early someone who should not even undertaken the screening exercise. Where such risks are present, the researcher(s) may be confronted with difficult choices about whether third parties should be advised of the results of a screening test (e.g. because of significant concern for the safety of the individual or identifiable others). Also, there will need to be consideration of whether an individual who is excluded from the research will need some form of counselling or referral because of the reasons for their exclusion.

With regards to the matters discussed above it is often important to clearly indicate to potential participants the degree to which third parties will be aware: if they have been approached about participating; their participatory status; and if they are screened from the participant pool.

Commentary Inset 9 – The impact of privacy regulation on recruitment

CONTINUED FROM PREVIOUS

In such circumstances, the only way in which the research may be able to proceed will be: a) the researchers will work with de-identified data provided by the organisation; or b) the prior consent of the individuals will be sought (see above for commentary on why even this may not be practical).

In the case of medical research (s95) or research relevant to public health or public safety (95A) of the amended Commonwealth Privacy Act 1988 provides a mechanism where an ethics committee can grant an exemption from the requirement that prior consent be sought from individuals for their access to their health information held either by Commonwealth agencies or private sector organisations.*

** Medical research can be interpreted broadly to include research intended to inform, administer and evaluate the delivery of services relating to health and/or well-being*

8.2 Risk to the researcher(s)

Just as the recruitment phase of a research project can be a source of risk to potential participants, it can also raise risks for the researcher(s) themselves. Such risks must be considered and addressed. Below are some examples, which are by no means an exhaustive list, but does cover some of the more common risks and strategies to address them.

Aggression from potential participant – Some potential participants may not be pleased to be approached about the research. Some may even be abusive or respond with aggression. Whilst the chance of this occurring may be higher with some types of research or potential participant pools, it can also be a factor in otherwise innocuous research or for work with a general population.

The risks associated with potential participant aggression can become especially acute if potential participants will be approached directly and this will occur in a private or secluded location. The researchers should consider the risk factors and what, if any, arrangements are warranted to address this risk (e.g. recruitment occurring in a location where an alarm could easily be raised, recruitment being conducted by more than one person, and/or the recruiters checking in with third parties before and after conducting the recruitment).

Psychological distress – There can be situations where the conduct of the recruitment procedure can expose the researcher(s) to information or circumstances that could potentially be a source of significant emotional or psychological distress (e.g. reviewing files that describe very distressing events). This can even be a valid consideration for very experienced researchers, but definitely is a matter that needs to be addressed when the researcher(s) are relatively inexperienced with regards to research of this kind. It may be necessary for there to be some form of debriefing mechanism (whether formal or informal) to assist the researcher(s) in resolving any significant distress arising from the recruitment procedure.

Criminal, civil or exposure to other legal risk – There can be situations where the fact that the researcher is conducting the recruitment procedure for a project can expose the researcher(s) to some form of legal risk (e.g. the research is being conducted in a country/jurisdiction where approaching people asking them to share their views on the conduct of the government is viewed as sedition and could attract some sort of punitive response if the ‘authorities’ became aware of the research). In such situations, the potential participants may also be at risk if their participatory status became known to the ‘authorities’. Whilst relatively rare, such risks can be very serious and be quite difficult to address. When planning a project where such risks may apply, the researcher(s) should consult with the Research Ethics Advisor in their area ([see the Contacts section of this Booklet](#)).

8.3 Risk to the third parties

The recruitment phase of a research project can also be a source of risk to third parties. For example – If a research project involves the recruitment of the offspring of failed marriages where there is a history of emotional abuse, the fact that an individual’s child has been approached about participating could expose the abusive parent to social, or possibly legal or economic risk if it was known by others.

In such a case, the researcher(s) may not be overly concerned by the presence of such risks, or perhaps only so far as they may impact on the potential participants. Such a position may be ethically justifiable, however the researcher(s) should identify the risk, consider the degree to which the risk can and should be addressed, consider what consultation there should be with the potential participants – and possibly the third parties, consider whether the benefits of the work justify the risks, and be prepared to justify the selected approach.

Where possible, it may be prudent to seek to address such risks (e.g. by ensuring individual potential participants and their parents are not identifiable by third parties). It may however not be possible to completely address the risks. Or the research team may consider that a higher interest is served by allowing the risks to stand unaddressed.

It is vital that researchers' reflections on these matters are discussed in the application for ethics clearance and the approach taken to the risks is approved by the reviewers.

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09.0 Recruitment and privacy

In human research, the term privacy can refer to both regulatory privacy and personal confidentiality issues. Perhaps not surprisingly, there can be a tendency to focus primarily on regulatory privacy issues. It should be noted however, even if the use of information is legal it does not automatically follow that it is also ethical.

This section provides an introduction to both the ethical and regulatory privacy issues that can apply to the recruitment phase of research. You can find further information about these matters in [Booklet 23 of this Manual](#). Recruitment and privacy issues can be especially problematic when a research team needs to access identified personal information to conduct screening/exclusion of potential participants ([see 12.0](#) of the Booklet).

For example – A research project will be investigating the experience of the clients of a community legal service, but is only interested in persons who have initiated a domestic violence order. To know who to approach for their consent to participate in the project, the research team needs to access the file, but ethical and legal privacy imperatives dictate that the file should not be accessed without the prior consent of the individuals ([see the Commentary 8 side bar](#) for a further discussion on this kind of situation).

The expectation that researchers will consider recruitment privacy matters is introduced in [National Statement provision 3.1.18.\(c\)](#).

9.1 Ethical privacy issues

In [8.1](#), [8.2](#) and [8.3](#) of this Booklet there was discussion relating to risks arising from the recruitment phase of a human research project. In many cases these risks arise if the privacy, confidentiality and/or anonymity of participants is in some way compromised so that third parties are able to identify the potential participant.

This raises issues/questions such as:

- i) Is it possible to conceal the participatory status of individual potential participants?
- ii) In practice who absolutely needs to know the participatory status of individuals?
- iii) What records need to be initially kept about participatory status? Is it necessary to retain this record?

There will be situations where it is impossible to conceal the participatory status of individuals, and this awareness of participatory status could result in ethical issues (such as perceived pressure to participate) and/or risks. The implications of this situation will need to be carefully considered and discussed in the application for ethics clearance.

9.2 Regulatory privacy issues

In Queensland, the [Information Privacy Act 2009](#) applies to the collection, use and disclosure of personal information by public sector authorities, of which Griffith University is one, having been established by an Act of the Queensland Parliament. The Commonwealth Privacy Act applies to Commonwealth agencies and any use of personal information they hold,

so that local offices of Commonwealth agencies will be regulated. The Commonwealth Privacy Act also applies to all large (annual turnover >\$3million) private sector organisations but does not apply to State authorities. Under both Commonwealth and State acts, personal information can be used by agencies and organisations where the individual whose information it is consents to that use. The State Act provides a limited exception for the use of personal information that is necessary for research in other than for publication in a form that identifies any particular individual, where

- i) it is impracticable for the organisation to seek the individual's consent before the use or disclosure; and
- ii) in the case of disclosure, the organisation reasonably believes that the recipient of the information will not disclose the information.

The Commonwealth Privacy Act provides exceptions for the use of personal information for research without individual consent only for the use of health information and only after HREC approval.

Booklet 23 of this Manual provides a more detailed discussion about privacy issues in research. Researchers who are faced with a situation where their recruitment procedure will raise regulatory privacy issues are encouraged to consider the following options/alternatives:

1. Does some form of blanket consent exist that authorises the agency that holds the personal information to release it to third parties (e.g. such as the researcher) for research purposes? In which case, separate prior consent before the researcher accesses the file may not be necessary.
2. Is the research project consistent with the purpose for which the information was originally collected or generated, and are the identified individuals likely to understand that their information would be used for research purposes? In which case, separate prior consent before the researcher accesses the file may not be necessary.
3. Is it practicable, and appropriate, to obtain prior consent from all the individuals for access to their files for the purposes of identifying potential participants? Requests for such consent should either be sought directly by the agency, or distributed by the agency on behalf of the researcher.
4. Is it possible for the entity that holds the identified information to conduct the identification of potential participants? The research team would only become aware of an individual potential participant if he or she expressed an interest in participating.
5. Is it possible for the entity that holds the identified information to provide the researcher with a coded version of the information, for the researcher to identify potential participants, for example, that appear to meet inclusion criteria, and then the agency to use the coding to conduct the initial contact with potential participants?
6. Does some form of exemption mechanism (e.g. Section 95 or 95A of the Commonwealth Privacy Act) exist that enables the research team to seek a waiver for the requirement of seeking prior consent for the access to the information? If so, it is likely that the application for ethics clearance will need to include special information to enable the Griffith University HREC to grant this waiver.
7. Is it possible for the entity to provide the researcher with de-identified information (this includes coded information when the researchers do not have access to the code key) and for the research to be conducted using only de-identified information?

There will be situations where none of these alternatives are viable (see Commentary Inset 9). In such a situation, the researcher may be confronted with the possibility that they are not able to conduct their planned project in its current form. It may however be possible to resolve this situation by discussions with the agency that holds the personal information (see Commentary Inset 9).

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10.0 Compulsory activity and embedded research

As was noted in [4.10](#) of this Booklet there can be situations where participation in an activity is compulsory and is mandated by an entity that has authority over the potential participants. Some examples include:

- A Principal of a school decides students must participate in a program intended to address bullying;
- A general manager decides employees must participate in a program intended to improve resilience (with regards to stress at work); or
- A correctional authority decides that the inmates at a facility must participate in a program relating to parenting.

Clearly it is neither appropriate, nor does it reflect the reality of the relationship between the research and the activities, to purport to be recruiting participants who can make a voluntary decision as to whether to take part in this kind of mandated activity. An organisation will normally have the authority to direct persons to participate in ‘official’ activities. In these cases, the individuals are not research participants *per se*. An argument that such a situation exists is strongest where the activity would occur with or without the research and where the researchers will not conduct the activity. In such circumstances the researchers will assess the impacts/results of the activity (e.g. assessed by a pre- and post-test or some other form of evaluation).

In such situations, individuals should preferably be able to make a voluntary and informed decision as to whether to participate in the research component. Even then there might be a distinction between the academic research use of the information (e.g. for academic publication) and for the production of an internal evaluative report back to the organisation.

As such, the recruitment materials should clearly distinguish between those activities that are not part of the research (i.e. that may be mandatory), and those that are part of the research. In practice, this means that either:

1. Individuals who do not consent to participate in the research will only take part in the compulsory activity, not the research activities; or
2. Even though individuals will participate in both the compulsory and research activities, the data from individuals who do not consent to the research component will not be used for a University research purpose (e.g. academic publication/reporting).

The situation is complicated if the researchers are commissioned to conduct the mandatory activity (e.g. the program intended to improve staff resilience).

Assessing whether it is ethical and appropriate to conduct research in, or use data from, such situations will depend upon:

- Whether the activities might expose individuals to significant risk;
- Whether it is practical to conceal the participatory status of individuals in the research activities; or
- The degree to which the individuals should be considered vulnerable.

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11.0 Reimbursements, incentives and coercion

The exchange of any form of payment between a researcher and participant has the potential to impact upon the voluntary nature of the consent obtained. Despite this, the offer of such payment can still be ethical, appropriate and even desirable. The University accepts that the practicalities of conducting research may require that an incentive is offered to encourage participation. This section presents some guidelines on the appropriate use of such payments.

Section 2.2.10 of the National Statement (2007 updated 2018) discusses payments to participants:

It is generally appropriate to reimburse the costs to participants of taking part in research, including costs such as travel, accommodation and parking. Sometimes participants may also be paid for time involved. However, payment that is disproportionate to the time involved, or any other inducement that is likely to encourage participants to take risks, is ethically unacceptable.

Provision 3.1.18.a of the National Statement also indicates the potential for coercion during recruitment is a matter researcher should consider. 3.1.22 provides that Victorian researchers and research ethics reviewers:

Should consider the degree to which any payment in money or incentives of any kind, whether to researchers, participants or others involved in recruitment, could result in pressure on individuals to consent to participate (see paragraphs 2.2.10, and 2.2.11). This is especially important with respect to research that involves more than a low risk of harm.

The National Statement is complemented by the *Payment of participants in research: information for researchers, HRECs and other ethics review bodies* (NHMRC 2019) guidance document.

The University's interpretation of this provision of the National Statement and guidance document is outlined below.

11.1 Reimbursements

Participation in research can sometimes involve participants incurring costs (e.g. travel, accommodation and/or parking costs). Even though some potential participants will be willing to accept such costs and still participate in research, it is appropriate and indeed preferable, that reimbursement for those costs to be made available (or at least offered to participants).

11.2 Reimbursements for time

Where participation in research will involve a significant burden of time on participants, the researcher(s) might consider reimbursing participants for that time.

The question of whether or not this should be considered an inducement, rather than a reimbursement, rests upon whether or not the researcher can accurately determine the "cost" of the time involved by participants in the research (including time before or after their involvement during which the participants shouldn't work) and that the research really involves the participants losing that time and money.

For example: casual sales staff are to be invited to participate in an hour long focus group session, which occurs during business hours. In this case, the participants could be considered as having lost one hour of income. Consequently, it would be appropriate to offer them the equivalent of one hour's pay for their participation in the research. If, however, the participation would occur outside of business hours, it would not be appropriate to consider a payment a reimbursement. Instead any payment should be considered an incentive.

A difficult consideration, with legal and moral implications, is whether such payments to an individual create an employment relationship between the researcher and participant.

11.3 Incentives

The potentially most ethically problematic form of payment to research participants is an incentive to encourage them to participate. Unlike a reimbursement, there is no direct link between the payment and cost to participants. Instead, the purpose of the payment is to encourage participation. Such a payment has the potential to be coercive and thus undermine the voluntary nature of the consent obtained.

The University's interpretation and implementation of [Section 2.2.10 of the National Statement \(2007\)](#) and [guidance document](#) is:

- a) It is not normally appropriate to offer incentives in research projects that involve greater than a 'low risk of harm' (in practice incentives can only be offered where a project qualifies for: Negligible Risk review, Expedited Research ethics review Level 1; or Expedited Research ethics review Level 2);
- b) Where it is appropriate to offer incentives (see above), there is a University schedule (11.3.1(4)) to inform whether the incentive should be considered reasonable;
- c) If a researcher wishes to offer an incentive beyond the level discussed above, the University has guidelines as to the appropriate basis for justifying the proposed incentive; and
- d) It is never permissible to offer incentives to children or young people if a project involves greater than a low risk of harm.

In the case of an incentive in the form of shopping vouchers, the researchers should consider the potential for participant to use the voucher in an undesirable way (e.g. an alcoholic using a voucher to purchase alcohol). In light of this consideration, rather than offering participants Coles Group and Myer gift cards (which can be redeemed at Coles, Myer, Target, Kmart, Liquorland, Vintage Cellars, 1st Choice Liquor Superstores and Officeworks) they should be offered store-specific gift cards (e.g. Myer or Coles specific gift cards).

Commentary Inset 10 – Circumstances where an incentive diminishes the perceived importance of research

Even in the case of a very well-resourced research project there will only be limited funds for the offering of an incentive to participants. A prize draw does enable a team to offer a more valuable incentive, but even then for some professional groups, the incentive may be considered merely a token.

Experience suggests that, when an incentive is considered trivial it can actually diminish participants' perception of the importance of the research.

In such cases it might be preferable to either indicate a donation to an appropriate charity will be made or to simply warmly thank the participants for their valuable time.

In some environments, an incentive can have the opposite of the desired effects (i.e. the modest value of the incentive devaluing the perceived quality of the research). [See Commentary Inset 10](#) for more about this.

11.3.1 DETERMINING WHETHER AN INCENTIVE IS COERCIVE

A payment could be considered coercive if, having considered the risks and burdens associated with a research project, a person decided not to participate, but when they heard about the incentive they then concluded that they could not afford to miss out on the incentive, so still participated (see the 4 factors below to assist with judging whether an incentive could be coercive). An important ethical consideration of such a situation is whether the incentive will influence a participant to accept risks that would otherwise have not have accepted.

In situations where an incentive can be offered, the assessment of whether an incentive is coercive will depend upon the following factors:

1. **The circumstances of the potential participant pool.** For example – a payment of \$75 to a homeless youth might be considered coercive, while the same amount offered to a store manager would probably not.
2. **The risks¹ and/or burdens associated with the research.** Where there are very few risks or burdens associated with participation in a research project, the ability of an inducement to be coercive is less of an ethical concern. For example – offering a payment of \$75 to a homeless youth to take an anonymous questionnaire about their favourite music might be a very significant inducement, but the absence of any meaningful risk to the participants means that the inducement cannot really be characterised as coercive.
3. **The relationship between the inducement and the ‘market’.** Increasingly the market research and other fields utilise inducements to encourage participation in their data collection. An important consideration in determining whether an inducement should be considered coercive is whether the proposed inducement is comparable to what participants might be offered from other reputable sources. For example – a sporting venue might offer the chance to win a ticket to the next game to encourage members of the crowd to complete a survey, so it would be appropriate for researchers in the same context to offer the same kind of inducement.
4. **Real value.** When considering the potential for an inducement to be coercive it is necessary to reflect upon the real rather than monetary value of the inducement. For example – the face value of a ticket to the next game might only be \$50, but if the game is sold out, its actual value might be much higher.

In light of the four matters above, the determination of whether an incentive is in fact coercive must be situational. To assist researchers and to inform the decision making of the ethics reviewers the following matrix has been produced. This presents a default maximum value for an incentive. Based however upon the four points above a researcher might decide a higher or low value is appropriate.

Financial Circumstances	'Default' Permissible Incentive
General population ¹	\$125
Financial difficulties/no income	\$25
Low income	\$63
Moderate income	\$188
High income	\$313 ²

¹ General population refers to recruitment where it is not possible to infer the financial circumstances of potential participants. Other financial circumstances refer to situations where it is possible to infer the likely financial circumstances of potential participants.

² In practice a research team is very unlikely to be able to offer an incentive that will be coercive for this group. Indeed, for high income earners a direct monetary incentive is unlikely to be attractive, so the incentive should be something the participants are likely to desire (e.g. a donation in their name, to charity). See [Commentary 13](#) for a discussion about how incentives might be regarded by high income earners.

If a higher amount is proposed, the researcher should, with reference to the above, present in their application for ethics clearance for their project the rationale for the higher value of the incentive. The

¹ Of course, it is important to remember that ordinarily an incentive cannot be offered where the research requires full research ethics review because it involves greater than a low risk of harm.

ethics reviewers will then consider whether offering a more significant incentive is justified and should not be considered coercive.

11.3.2 PRIZE DRAWS

Rather than offer every participant an incentive a researcher may elect to offer entry in a prize draw to every participant (i.e. every person who participates in the research is entered into a draw to ‘win’ the incentive). In this case the ‘default’ permissible incentive may be triple the figure listed in the table above.

The details and conditions of the draw process should be included in the consent process (generally as an attachment to the consent package. Sometimes the mechanism for entry to the prize draw will need to be explained (e.g. if the data collection is otherwise anonymous), [see the Commentary Inset 11](#). [See Booklet 22 of this Manual](#) for more about consent.

Prize draws must be administered and conducted by someone independent of the participant pool and ideally also the research team.

The provision of a prize may trigger the application of the [Gambling Regulation Act 2003](#). **If participants are located in other jurisdictions there may be other permits addressed also. This is likely to be case for research that involves more than a low risk of harm – though as noted at 11.3 it is not normal practice to offer incentives for such research.**

The following Terms & Conditions are based upon the Queensland regulatory arrangements. [See Commentary Inset 12](#) with regard to potential participants who are residents in other jurisdictions.

1. The prize draw is being run by # of # (“we”, “us” and “our”) to encourage participation in # [INSERT DESCRIPTION OF RESEARCH COMPONENT BEING PROMOTED BY THE PRIZE DRAW].
2. By electing to participate, you accept these terms and conditions as governing the prize draw. Instructions on how to enter the prize draw and details advertising the survey form part of the conditions. Any personal information you provide to us in the course of entering the prize draw will be dealt with by us in accordance with our privacy policy (published at: <http://www.GriffithUniversity.edu.au/about-GriffithUniversity/governance/plans-publications/GriffithUniversity-university-privacy-plan>).
3. # prizes will be awarded in prize draw, each prize being # and being worth \$#. Should the advertised prize become unavailable as a result of circumstances beyond our control, we are free (at our sole discretion) to substitute a cash prize equivalent to the value of the prize advertised.
4. Entry is free (other than the cost of accessing the website*¹, which is your responsibility). Entry is open between # 201# and #201#. Entries received after the closing date will not be accepted.

5. To enter the prize draw, you must:
 - (a) be # [INSERT PARAMETERS OF ENTRY];
 - (b) #; and
 - (c) provide a valid postal address.

Commentary Inset 11 – Incentives and anonymous research

When designing a project, the researcher(s) might decide to make the data collection anonymous. In some cases, ensuring the anonymity of individual recipients may provide an important protection against significant risk and/or it is likely to increase the participation rates if individuals know that the researcher(s) cannot identify them.

At the same time the researcher(s) may have decided to offer some form of incentive (whether a direct incentive or a ‘prize draw’) to maximise the participation rate.

This then raises the question of how to maintain the anonymity of responses, whilst at the same time having a mechanism to send the individual the incentive/enter them into the draw.

The most typical response to this situation is to separate the data collection and the incentive mechanism.

In the case of something like a ‘paper and pencil’ survey this might be as simple as having a tear away page for the incentive mechanism (where the participant lists their name and contact details) and this being immediately separated from the survey once it is received.

In other cases, it might be necessary to have a separate envelope in the return where the participant separates their completed survey from their incentive entry.

In cases where the risks are serious and/or the apprehension of potential participants may be high, it might be necessary to have completely separate return mechanisms for the survey and incentive entry.

The same kinds of approaches can be achieved with online data collection, by recording the data from the completed instrument and the incentive entry in completely separate tables without any relational link between the two tables.. The same kinds of approach can be used in a modified way for other research designs.

The selection of an appropriate approach to the anonymity of responses and incentive entries should be based on an assessment of the risks associated with the researcher knowing the identity of the respondent and the likely level of potential participant concern about this identification.

The need to preserve the anonymity of responses can also be important when some form of dependent relationship exists between the potential participants and the researcher(s).

Experience suggests that it is important that the consent materials explain the approach to these matters so potential participants understand the degree to which the incentive entry mechanism compromises or has no effect on the anonymity of their response. If left unexplained some individuals may elect not to participate or may even complain about the project.

6. You may not enter the prize draw if you are an employee of ours or an immediate family member of an employee of ours or otherwise associated with the competition*².
7. You may only submit one entry in the prize draw.
8. All survey and other materials provided by you become our property. No responsibility is taken for late, lost or misdirected surveys or entries.
9. Following the closing date, the prize winners will be selected randomly from valid entries received. Each entry can only be drawn once.
10. Subject to system malfunction, the draw will occur on #. If the systems supporting the draw are not functioning as they should when the draw is due, the draw will be held as soon as possible once the systems become functional again. Prize winners do not need to be present at the time of the draw.
11. Prize winner names will not be published.
12. The relevant prize will be sent to each prize winner at the postal address captured within the survey instrument*³. If an address has not been supplied, the entry will be treated in accordance with clause 14. The majority of prizes will be mailed within two weeks of the draw.
13. The right to a prize is not transferable or assignable to another person.
14. If any prize winner cannot be contacted within three (3) months of the draw, then that person's right to the prize is forfeited and the prize will be treated as an unclaimed prize.
15. Only one redraw of unclaimed prizes will take place, and other existing prizes are not affected. The redraw prize winner(s) will be randomly selected from remaining valid entries and notified within two (2) weeks of the redraw. If the redraw prize winner(s) cannot be contacted within three (3) months of the redraw, then we may determine that the relevant prize(s) will not be awarded.
16. Prizes cannot be substituted for another prize at the election of the prize-winner.
17. We are not liable for any loss, expense, damage or injury sustained by any entrant in connection with this prize draw, the prize or redemption of the prize, except for any liability which cannot be excluded by law (in which case, that liability is limited to the minimum allowable by law).
18. We may suspend the promotion if we determine that the integrity or administration of the promotion has been adversely affected due to circumstances beyond its control. We may disqualify any individual who tampers with the entry process.

Commentary Inset 12 – Prize draws and participants in other jurisdictions

It is not unusual for a Griffith University project to involve participants from outside Queensland (elsewhere in Australia or overseas)

If participants will be from multiple jurisdictions it may be appropriate to utilise the terms and conditions provided at .11.3.2.. When potential participants will; only be from one jurisdiction outside of Queensland it may be necessary to determine what gaming/competitions regulatory arrangements exist in that jurisdiction and whether different terms and conditions apply.

As was noted at .11.3.2 for research involving more than a low risk of harm the arrangements in that jurisdiction may stipulate that local terms and conditions must always be used, even if their residents are potential members of a wider sample. Though in practice it is unlikely that offering an incentive (whether in the form of a prize draw or direct incentive) would be considered ethically appropriate for a project involving greater than a low risk of harm.

Researchers should contact the Research Ethics and Integrity team ([see contacts](#)) to discuss the requirements for the specific circumstances/potential participant pool of a project.

Notes

*¹ In the case of research that is not online this clause can be modified (as appropriate) to either just say “Entry is free. Entry is open between # 201# and #201#. Entries received after the closing date will not be accepted.” Or if prize entries will be returned via post it might also indicate that the respondents must bear the cost of postage.

*² In situations where the intended participant pool includes Griffith University staff, students or the immediate family of staff/students this provision might be amended to “You may not enter the prize draw if you are: i) a member of the research team, ii) employed by the research team; iii) an immediate family member (i.e. a spouse- partner, child or sibling) of someone identified at 1 or 2 above.”

*³ This may need to be edited depending upon the data collection and mechanism to enter the draw. In many cases it might be changed to “they provided with the prize draw entry”

11.4 Describing payments to potential participants

Where any form of payment is to be made to participants, the researcher must ensure that the participants are aware of the maximum dollar value of the payment, the amount of proof/documentation which must be provided (in the case of reimbursement of costs), and how long it will take for the payment to be made. Furthermore, even if a participant withdraws partway through a study, they must still be reimbursed for the costs they have incurred, and normally should still be entitled to any inducement associated with participation. Consideration may need to be given as to whether participants who withdraw early remain entitled to all of a proportional part of any payment and these arrangement need to state this in the recruitment materials.

The research team should consider whether there should be a mechanism for participants to indicate that they do not wish to receive a payment for participation (this may be especially relevant in the case of reimbursements and some groups of participants).

11.5 Describing payments to the HREC

The application for ethics clearance for the project must provide the details of any intended payments, the basis upon which the payment was calculated, and a response to any of the issues raised elsewhere in part 11 of Booklet 21 of the Manual (e.g. whether participants will still receive the incentive if they withdraw early from the research).

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12.0 Screening, inclusion and exclusion

Many research projects will have some form of screening mechanism. In the context of a project's recruitment process this will generally have the purpose of identifying those individuals from the potential participant pool who should be included and/or other individuals who should excluded from the project.

For example – a project involving residents of a nursing care facility might screen to exclude persons who do not have a partner in the same facility, because they are interested in the experience of couples in care.

A screening mechanism might also be intended to exclude those persons who might be especially at risk. For example – when conducting research involving significant x-ray exposure, a research team might screen a potential participant group to exclude persons who have had recent significant radiation exposure.

12.1 Screening on the basis of demographic factors

In some cases, a researcher will propose screening a potential participant pool to include or exclude persons on the basis as factors such as:

- Gender
- Age
- Disability
- Socio-economic status
- Language competence

Such screening may raise concerns with regards to the ethical principle of Justice. It is generally not appropriate to screen a potential participant pool on the basis of demographic factors unless it is for research reasons (e.g. if a research project related to the reaction of shoppers to supermarket grocery advertisements it would be valid to exclude persons aged under 17 on the basis that they are unlikely to be the primary purchasers of groceries for their household). [Refer to 13.0 of this Booklet](#) for more on the ethical principle of justice in recruitment.

[National Statement 3.1.14](#) states that screening criteria “should align with both the objectives and theoretical basis of the research”. This is discussed further at [13.0 of this booklet](#).

12.2 Screening to minimise risk

When planning a project, the researcher(s) should carefully consider whether the potential participant pool could include persons who are particularly susceptible to the identified risk factors, or who will suffer greater consequences if the risk factors do occur. If a potential

Commentary Inset 13 – Inappropriate screening of potential participants

Research projects will frequently involve some form of screening to ensure that the potential participant pool includes or excludes persons based on some variables.

Applications for ethics clearance can often discuss screening potential participants on the basis of age (e.g. to exclude persons who are aged under 18), language (to exclude persons who are not confident communicators in English), cultural grounds (e.g. to exclude persons who are Aboriginal or Torres Strait Islander people), or disability (e.g. to exclude persons with a mental or intellectual disability).

However, the ethical principle of justice (as discussed in paragraph 1.4 of the National Statement indicates that it is not ethically acceptable to exclude persons from a research project on such grounds, unless there is a valid research reason.

The University supports this principle.

In practice, this means that it would not generally be ethically acceptable to screen a participant pool to exclude persons who are not confident communicators in English, just because the researchers are not sure how to ensure such persons can still provide consent.

The reasons for this general prohibition are:

- a) *this could unfairly exclude some persons from the community from benefitting from participation in the research;*
- b) *such an exclusion could distort the results of the research and/or create a significant limitation to the usefulness of the results (especially if the screening is not explained in any publication and reporting of the results); and*
- c) *such exclusion could perpetuate social inequalities, prejudice and/or discrimination.*

Researchers will typically propose in an application for research ethics review any such screening for practical reasons, or because of perceived ethical challenges arising from their inclusion.

Whilst such practical concerns are understandable, in most cases they will not be considered, on their own, as ethically justifiable. Where such screening is accepted, this will normally be on the strict condition that this screening and any consequent limitations to the applicability of the results be discussed in any publication or reporting of the results of the research.

There can be valid reasons for such exclusions. Some examples are below:

Age – *If the research is interested in the attitudes of voters, relates to an activity that is illegal for persons under a certain age, or there is already an established impact associated with age that the research design wants to exclude, there could be valid reasons for screening the potential participant pool on the basis of age.*

Language – *If a research project involves reaction time to words being displayed on a screen, or some element of language processing, it could be valid to screen a potential participant pool to exclude persons who are not confident communicators in English.**

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participant pool may include such persons, the recruitment process for the project might reasonably include a mechanism to identify these persons with a view to them either being excluded from the project or provided with additional support/protections.

The details of this mechanism and the reason for its inclusion should be included in the application for ethics clearance for the project. This information should also be included in the materials that are provided to potential participants.

This is so potential participants:

- appreciate why it is, despite their interest in participating in the project, they might be excluded;
- understand that, for some persons, there are greater risks associated with their participation; and
- are able to self-identify if they are aware that they belong to a group who should be excluded from the project.

12.3 Negative consequences of being screened

As was noted in [8.1 of this Booklet](#), the mere fact that a potential participant has been included or excluded from a research project may expose them to risk.

For example – a research project interested in coping strategies amongst emergency service personnel, might expose excluded persons to risk, if an exclusion criterion was the presence of significant psychological difficulties and the employer was able to determine the participatory status of individuals that might risk the employment and/or reputation of the excluded staff.

The research team must carefully plan to minimise this secondary risk associated with the project. This may require a modification to the recruitment mechanism to protect the confidentiality/anonymity of potential participants, including masking their participant status from third parties.

Commentary Inset 13 – Inappropriate screening of potential participants

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* Whilst English is indicated here, it could easily refer to another language, if the research was to be conducted in a different language.

Cultural – If there is already an established very different experience/meaning on an issue for Aboriginal or Torres Strait Islanders, it might be valid to exclude them from a particular project that was focussed on non-Indigenous perspectives.

Disability – If it is considered that a person living with certain disabilities might be particular vulnerable to risks associated with the research, it might be appropriate to screen them from the participant pool.

Matters that should be discussed in the application for research ethics review

- 1) How will the potential participant pool actually be screened to exclude persons on the basis of the selected variables?
- 2) How will the reasons for the screening be explained to potential participants?
- 3) What will an excluded persons be told about the reasons for their exclusion? Who is the appropriate person to offer the explanation? Should the individual referred to a support service or encouraged to seek assistance/treatment?
- 4) What if any records will be maintained about exclusions. Why will such records be kept?
- 5) What discussion about the screening process should be included in the reporting of the results of the research?

It should be noted that in the past individuals have complained about their exclusion from research, especially where they perceived some benefit from participation, because they felt that they have been unfairly and/or inappropriately excluded from participating.

Sometimes the act of considering how to explain the reasons for exclusion to an individual potential participant can be useful in identifying whether such screening is fair and reasonable.

Despite the above, it is ethical to sort data along a range of dimensions, as this is how science succeeds to advance knowledge and is largely independent from the conduct of research.

12.4 Screening and consent

Some research projects may require a screening process prior to the actual conduct of the formal recruitment phase, and certainly prior to consent being sought from potential participants.

For example – it may be necessary to review patient charts to look for individuals who are symptomatic for a particular condition with particular other associated factors. Only following this identification would recruitment be conducted. Such screening before consent may raise significant ethical and legal privacy issues that must be addressed. Refer to [Booklet 23 of this Manual](#) for more about privacy and research.

In other cases, the researcher(s) might apply some sort of test or other assessment to determine whether a potential participant should be included or excluded. For practical reasons the researcher(s) might not want to seek formal consent until after this assessment. Such an approach is only valid if:

- the selection process does not involve any risk of harm;
- the selection process does not involve sensitive personal information; and
- it is not intended to retain, analyse or otherwise utilise the data of excluded potential participants.

Where one or more of the above apply, some form of formal consent process must be conducted prior to the screening. Ideally, even if none of the above three points apply, the potential participants should still be verbally briefed about the testing, that some people might be excluded, and what will happen to their results.

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13.0 Recruitment and the ethical principle of justice

[Paragraph 1.4 of the National Statement \(2007 updated 2018\)](#) specifies that for research to be considered just it must address the following:

- a) taking into account the scope and objectives of the proposed research, the selection, exclusion and inclusion of categories of research participants is fair, and is accurately described in the results of the research;
- b) the process of recruiting participants is fair;
- c) there is fair distribution of the benefits of participation in research;
- d) there is fair access to the benefits of research.

[Provision 3.1.14 of the National Statement](#) indicates screening criteria must be fair, justifiable (e.g. because of the objectives of the research) and the exclusion of some groups could be “unfair discrimination” (e.g. because it denies the excluded group access to any benefit from participating).

In practice this means that the inclusion and/or exclusion of participants ([see 12](#) of this Booklet), should not screen for factors such as age, gender, socio-economic status, language competence or disability unless for valid research reasons ([see the Commentary Inset 13](#) for an example of valid and inappropriate screening criteria).

Where participation in the research offers a tangible benefit to participants (access to a training program, access to promising new treatment, course credit, etc.) researchers should reflect upon the distributive justice considerations ([see the Commentary Inset 14](#)). Furthermore, where there is likely to be more interested potential participants than is required, the research team must ensure that the process of selecting the participants is fair. The researcher(s) may be well served (e.g. because they will reduce the likelihood of complaints from interested persons who are not selected to be participants) by explaining the process for selecting the participant pool (e.g. the first 50 people, who meet the selection criteria, who contact the researcher(s), will be selected as participants). Ideally, the participants in research should have

access to the benefits flowing from the research. However, this may not always be possible. Either way, the situation should be made clear to potential participants.

In recent years there has been a valid criticism that some research has excluded participants on the basis of participant characteristics such as gender, English language competency, mental or intellectual disability, but then the results of that research have been inappropriately applied to the wider community. The consequence is that the results from the limited research might have unexpected impacts/outcomes when used to inform practice with the wider/excluded group. For this reason, when publishing the results of research, researchers should always identify any limitations arising from the screening/selection/exclusion of the participant cohort and be circumspect about any claimed efficacy/safety for the exclude group(s).

There has also been valid criticism that some people have been excluded from research, because researchers and sometimes ethics committees have either taken a paternalistic attitude towards the group or because addressing the practical, ethical or regulatory issues surrounding the group is ‘too hard’. Examples of groups inappropriately excluded in this way are: Aboriginal or Torres Strait Islander people; people who are not confident English language communicators; persons with a mental or intellectual impairment; and persons living with a disability. Such exclusion can be significant because it denies those populations access to any benefits associated with participation and can distort or otherwise diminish the applicability of the results of the research (see above).

Despite the above, it is ethical to sort data along a range of dimensions, as this is how science succeeds to advance knowledge and is largely independent from the conduct of research.

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14.0 Recruitment and the ethical principle of respect

Provision 3.1.17 of the National Statement indicates researchers (and so the design and conduct of projects) must be “respectful of potential participants and their culture, traditions and beliefs”.

When a project involves community engagement, any required agreements with the community (or the community’s leadership/gatekeepers) must be obtained prior to recruitment commencing (National Statement 3.1.18(g)).

Commentary Inset 14 – Distributive justice and recruitment

The most common reason questions of distributive justice arise in human research relate to whether the people who are being asked to accept the burden of participating (e.g. impoverished people living in a developing country) are likely to enjoy the benefits arising from the project (e.g. access to a new treatment). Another common distributive justice question is, if individuals might perceive some form of benefit if they participate, are the recruitment strategies and any screening mechanisms fair or do they unfairly exclude some groups?

For example – A research project will trial a new advanced training regime for stringed orchestral instruments. A recruitment flyer will be distributed via music classes at a number of private high schools in Brisbane’s Western suburbs. This limited recruitment may reflect the professional contacts the research team has and geographic convenience. However, experience suggests the young musicians (and their families) who reside in other areas or are attending state schools may feel aggrieved and complain to the University about being denied the possibility of access to the training.

When there is a methodological reason for the recruitment strategy or a screening mechanism, researchers are urged to share this with potential participants. Furthermore, if there are practical reasons for the recruitment/screening (such as the example above) researchers may be well served by sharing this with potential participants. This includes situations where practical limitations have necessitated the recruitment strategy.

It may be appropriate to indicate whether the research/opportunity may be offered more widely in the future.

When a project involves the participation of a definable group of consumers or community, and where possible and appropriate, the University's researchers are encouraged to include some of those individuals as co-researchers or as a reference group. In addition to being a tangible demonstration of respect such involvement has the following advantages:

- (i) The benefit of the 'lived experience' perspective of the value of the anticipated benefits, seriousness of the risks, and the degree to which the benefits justify the risks.
- (ii) Feedback on the wording and content of recruitment, consent, reporting of results and research output material.
- (iii) Input on privacy matters, including identification by inference and internal identification
- (iv) Input on ongoing engagement with the potential participant pool.

Commentary Inset 15 – Circumstances where an incentive diminishes the perceived importance of research

Even in the case of a very well-resourced research project there will only be limited funds for the offering of an incentive to participants. A prize draw does enable a team to offer a more valuable incentive, but even then for some professional groups, the incentive may be considered merely a token.

Experience suggests that, when an incentive is considered trivial it can actually diminish participants' perception of the importance of the research.

In such cases it might be preferable to either indicate a donation to an appropriate charity will be made or to simply warmly thank the participants for their valuable time.

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15.0 Over-researched populations

Some populations are repeatedly identified as potential participants. This can occur if the population is relatively easily accessible and/or their characteristics makes them especially unique or of particular research interest.

[Paragraph 1.4 of the National Statement \(2007\)](#) specifies that for research to be considered just it must ensure that:

- a) there is no unfair burden of participation in research on particular groups; and
- b) there is no exploitation of participants in the conduct of research.

[Provision 3.1.16 of the National Statement](#) directs participants to consider the degree to which the potential participant pool for a project is an 'over-researched population'. In such cases there should be careful reflection on whether the benefits to the group (or perhaps to the individual participants) justify the burden on that group.

In practice this means that, when planning a project, the researcher(s) must consider the degree to which the potential participant pool have previously been asked to participate in research projects, whether they may currently be participating in another project, and the burden that this new research will place upon them.

Conversely, just because a population may have been approached about a number of earlier projects, it may be unduly paternalistic to deny them the opportunity to know about the new project, especially where this might prevent them from accessing a benefit. This point is also made by [provision 3.1.16](#).

The reflection upon whether the potential participant pool should be considered ‘over-researched’ is likely to depend upon factors which are project, population and context specific.

When preparing an application for research ethics review for a proposed project the applicant(s) should share their reflections on:

- i) whether the population should be considered ‘over-researched’;
- ii) whether it should be determined if individual participants are currently participating in another project; and
- iii) the degree to which the benefits of participation in the research (rather than benefits such as the contribution to scientific knowledge) justify approaching the population about participating in this research.

An important consideration with regards to the above is the vulnerability of the potential participant pool ([see 16](#)).

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16.0 Vulnerable persons

The possible vulnerability of individuals, who are potential participants in a research project, is an ethical issue repeated across the [National Statement](#). It is presented as an indicator of circumstances that warrant additional attention/protection by ethics reviewer. It should be noted however the vulnerability is not clearly defined and is often based upon a very subjective assessment. Furthermore, the significance of vulnerability can be contested and can lead to paternalism in our judgements.

In this context vulnerability refers to persons who because of their circumstances or other factors:

Hints & Tips: Avoid common problems and omissions

1. Don't forget, when describing recruitment strategy for a project, make sure you have covered:

- a) who your potential participants are (e.g. adult shoppers who frequent a particular department store);
- b) how you will identify your potential participants (e.g. by approaching shoppers as they enter the store);
- c) how you will conduct your initial contact with the potential participants (e.g. a cold face-to-face direct contact); and
- d) how you will formally recruit participants (e.g. if the approached person expresses an interest in finding out more about the research, you will work through the verbal briefing – prior to the individual verbally expressing consent and being offered an information sheet for their later reference).

2. Consider whether there are any risks associated with your recruitment strategy. In your application for research ethics review:

- a) ensure you outline your reflections on the risk;
- b) describe the strategies to address the risk; and
- c) explore whether the benefits of the justify those risks.

3. Identify whether there are any regulatory and/or ethical privacy issues associated with your planned recruitment strategy. If so, consider how best to meet the requirements and outline your approach in your application for research ethics review.

4. Consider whether your potential participants might perceive any pressure to participate, and whether the recruitment strategy will afford them time and space to make an informed and truly voluntary decision as to whether to participate. If potential participants might feel some pressure to participate consider what, if any, strategies should be used to address this perceived pressure. Ensure your application for research ethics review outlines your reflections and decisions with regards to this matter.

5. Will you be offering a reimbursement or incentive to participants? Have you considered whether this could have a coercive effect, how will you describe the ‘payment’ to potential participants, and have you discussed this in your application for ethical clearance?

6. Will you be screening your potential participant pool? Are the reasons for the screening ethically justifiable, are the reasons fair and based on ethical or research requirements? How will this screening be conducted? What will excluded persons be told and will they be referred anywhere? How will you explain the screening to potential participants? Have you discussed these matters in your application for ethical clearance?

- i) may be less likely to make a voluntary decision about their participation in some categories of research (e.g. a person who is reliant on a government welfare payment may be less likely to give genuinely voluntary consent for research, by and for, a government agency);
- ii) may be less likely to make an informed decision about their participation in some kinds of research (e.g. a person with a poor level of written English competence, modest education, socially disenfranchised and without a good support network may be less able to make an informed decision about the risks of participation in a project – especially if presented with a complicated consent package);
- iii) may be especially vulnerable to the risks associated with a project (e.g. a person living with claustrophobia may be at a heightened risk – in terms of incidence and severity – of distress from a long MRI scan).

The decision of whether a potential participant cohort (whether as a whole, in part or individually) should be regarded as vulnerable should be made depending upon the specifics of the research design, context and the cohort. Vulnerability is not a valid reason to exclude interested persons from participating in a project, but does necessitate researchers taking extra measures (e.g. considering how to scaffold and support the consent process, how to minimise any perceived pressure on individuals to participate, and how best to manage the risks).

As was discussed in [part 13](#), the exclusion of groups from a project can distort the results of a project, have distributive justice implications, and otherwise be an ethical concern. Excluding relevant populations is an important ethical issue but concurrently science requires the researcher to analyse data along a range of dimensions. The important point is that it is unethical to exclude a specific population without a reason grounded within the research design and it is also unethical to casually aggregate all the data gathered without first establishing categories that support knowledge enhancement. There is a fine balance that requires insight and judgement grounded in science and hope.

Even in circumstances where a researcher decides that, because of the vulnerability of some potential participants, additional arrangements are necessary, it is important to respect the rights of those individuals to self-determination and to be wary of paternalism.

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17.0 Recruitment materials

[Section 5.2.25 of the National Statement](#) specifies that all recruitment materials (e.g. letters, notices, advertisements) must be approved by the ethics review body prior to their use.

Generally, the approval for the recruitment materials will occur at the same time as the research ethics review of the research. [See Booklet 2 of the Griffith University-REM](#) for more about research ethics review at Griffith University. Alternatively, the materials should be approved as a variation to the project's ethics clearance. [See Booklet 6 of the Griffith University-REM](#) for more about requesting a variation to an existing ethics clearance.

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18.0 Gatekeeper approval

As discussed in [4.0](#) and [5.0](#) of this Booklet, recruitment for a project can involve the direct involvement of an institution/organisation/group, or some level of their support. This may require some form of approval by that institution/organisation/group – especially when

that body has a duty of care or some other governance responsibility for the potential participants.

Some bodies require their prior approval for the recruitment of their clients, staff or agents, even if the body is not involved in the recruitment process or otherwise in the research. It is the responsibility of the researchers to determine what, if any gatekeeper approval is required, to obtain this approval, and to provide a copy to the Research Ethics and Integrity team ([see contacts](#)) for inclusion of the project's ethics clearance file. [See Booklet 19 of the Griffith University-REM](#) for more about approval from other bodies.

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19.0 Opt-out approach

Early in 2014 an update was added to [Chapter 2.3 of the National Statement](#) relating to the use of an opt-out approach to recruitment and consent where, rather than approaching potential participants to seek their express consent for their participation in a project (see [Booklet 22 of this Manual](#)), or the researchers seeking a waiver of the consent required (see [Booklet 33](#)), the researchers have the option of an approach where they provide information to potential participants, who only contact the researchers if they don't want to participate.

The features of an opt-out approach are: that all potential participants will receive information about a project; they are provided sufficient information about the project; they are informed how to indicate that they don't want to participate; and after a set time period any individual that doesn't opt-out is deemed to have consented to their participation.

[Sections 2.3.5 to 2.3.8 of the National Statement](#) discuss the eligibility criteria to assess whether an opt-out approach is appropriate for individual project, including the matters that will be considered by the ethics reviewers.

In summary these criteria and matters include:

- i) the project must involve no more than a low risk of harm (so at Griffith University must be eligible for HEAG review);
- ii) it is possible to contact most potential participants, but it is not feasible/practical to seek express consent;
- iii) the public interest of the potential benefits of the research must outweigh any invasion of privacy;
- iv) there must be reasonable attempts made to reach all potential participants about the research;
- v) a reasonable amount of time must be allowed to enable individuals to opt out;
- vi) there must be a mechanism to provide individuals to request further information and to opt-out or otherwise register their wishes;
- vii) normal ethics and integrity requirements (such as managing identified data responsibly) is adhered to; and
- viii) the use of the opt-out approach for a specific circumstance isn't legally prohibited.

[See Booklet 2 of this Manual](#) for more about research ethics review and [Booklet 22](#) for more about consent.

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20.0 Existing relationships

An existing relationship between a researcher and potential participant does not mean a research project is necessarily ethically compromised/flawed.

For some designs (e.g. action research) an existing positive relationship may be essential. The same can be true of potential participant populations who may have had bad experiences with research (e.g. Aboriginal and Torres Strait Islander peoples. Internationally, other First Peoples have had well documented past, and some cases recent, bad experiences with research), so an existing positive relationship may be the only way a project could be conducted.

Even situations traditionally perceived as having a power imbalance such as between clinician and the patient/client) there can sometimes be positive considerations (see [Commentary 16 inset](#)).

The expectation researchers consider the impact of existing relationships on recruitment is introduced at National Statement provision 3.1.18(d and e).

Researchers should consider:

- i) could the existing relationship undermine the voluntary nature of participation;
- ii) (related to (i) above) could potential participants perceive their decision about participating could change the relationship;
- iii) could the existing relationship introduce or compound privacy concerns ([see 9.0](#)); and
- iv) could the existing relationship introduce or compound risk concerns ([see 08.0](#))

Often a perception that such matters exist can be a source of consternation for potential participants, which might result in them either not participating or even ethical concerns about the project. In addition to the conversation in [Commentary 2 inset](#), [Commentary 16 inset](#) includes some suggested strategies to manage the situation.

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21.0 The core principles/values

In considering the matters discussed in this booklet, researchers and research ethics reviewers must do so with attention to the core principles/values discussed in Section 1 of the [National Statement \(2007 updated 2018\)](#).

Guidance on the University's interpretation and implementation of these matters can be found in:

- (i) [Merit and Integrity – Booklet 38](#);
- (ii) [Justice – Booklet 31](#), also discussed at [13.0 Of this booklet](#);

- (iii) [Beneficence – Booklet 09](#) also discussed at [8.0 of this booklet](#); and
- (iv) [Respect – Booklet 26](#) also discussed at [14.0 of this booklet](#).

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22.0 Recruitment by co-researchers or other parties

In circumstances where potential participants will be approached by co-researchers or other parties who may be unaware of the National Statement and this Manual. Griffith University researchers are expected to establish with them the ethical expectations for recruitment and consider any implications/risks/ethical concerns such an arrangement might entail or cause

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23.0 Advice

A researcher who is unsure about any of the matters discussed in this booklet is encouraged to consult a Research Ethics Advisor in their area (see the [Contacts section](#) of this Booklet) who may consult with the Research Ethics and Integrity team.

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Contacts

There are a number of resources available to assist researchers formulate an appropriate response to a question or challenge about the design and/or conduct of a project. This includes the Griffith University Research Ethics Manual and the Human Research Ethics Information Sheet Series. These documents are available from the URL below.

Research students – The first point of contact for research students for advice on any research ethics matter is always your supervisors.

REAs – All academic elements of the University have been asked to appoint at least one member of academic staff as a Research Ethics Advisor. REAs are a local contact for advice, information and suggestions. The contact details of all the current REAs can be found on the URL below.

Office for Research – Staff in the Office for Research (see below) are available to advise with the process of lodging an application or other administrative matters, procedural or policy questions. However, you will be asked what advice you have sought or received already (e.g. consultation with the REA for your area).

Manager, Research Ethics and Integrity

Tel: (07) 373 54375
research-ethics@griffith.edu.au

Policy Officer, Research Ethics and Integrity

Tel: (07) 373 58043

Research Ethics Systems and Support Officer

Tel: (07) 373 52069

On the ethics web site you will find:

<https://www.griffith.edu.au/research/research-services/research-ethics-integrity/human>

- The other booklets of the *Griffith University Research Ethics Manual*
- The *Griffith University Human Research Ethics Information Sheet Series*
- Either downloadable copies of, or links to, the various application forms
- Contact information for the Research Ethics Advisers (REA) and other contacts
- Educational and other resource material
- Useful external links



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