



Regulating Social Research: Exploring the Implications of Extending Ethical Review Procedures in Social Research

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Abstract

Reflecting on my experience of leading several qualitative research projects to investigate 'sensitive' topics with potentially 'vulnerable' participants, this paper considers the impact and consequences of increased ethical regulation in relation to my own research field and social research more generally. It argues that extending ethical regulation threatens social research in general, and specifically, threatens the study of 'sensitive' topics with 'vulnerable' populations. The consequences of increased ethical regulation may contradict its intention and place 'vulnerable' participants at greater risk than 'sensitive' research undertaken with such groups in earlier historical periods. The paper urges social researchers to act collectively, to engage with ethical regulatory regimes in order to challenge the threats they pose to scholarship, and by doing so, defend the value of social research for advancing knowledge so that our scholarship might better serve the populations we study.

Keywords: *Ethical Regulation, Sensitive Topics, Vulnerable Groups, Social Research, ESRC*

Introduction

1.1 In 2010 the Economic and Social Research Council (ESRC) – the main funding body for social scientific research in the UK - published its proposals for a new Framework for Research Ethics (*FRE*) (ESRC, 2010). This updated and extended its earlier Research Ethics Framework (*REF*) (ESRC, 2005) which required all Higher Education Institutions (HEIs) to establish Research Ethics Committees (RECs) to ensure ethical regulation of social research. Failure to implement systems for ethical regulation debarred members of those institutions from applying for funding from the ESRC (Hammersley 2009; 2010; Penn and Soothill 2006).

1.2 Under the earlier *REF* (ESRC 2005) researchers were able to indicate that their proposal did not raise any particular ethical issues and on that basis, their research projects could be exempted from full ethical review (Stanley and Wise 2010). The *FRE* (ESRC 2010), however, establishes a mandatory requirement for *all* research proposals to be reviewed by RECs. When applying for funding support from the ESRC ethical review processes are independent of systems of scholarly or peer review. Henceforth, however, achieving funding will depend on successful ethical review (ESRC 2010). Thus in the new regulatory system it is the ethical standards, rather than the scholastic merits, of any piece of research that count as far as funding decisions are concerned (Stanley and Wise 2010). The *FRE* also establishes a clear link between research governance and research ethics by requiring that research projects are monitored throughout their life course to ensure ethical compliance (ESRC 2010). Furthermore, the *FRE* requires that student research (undergraduate and postgraduate) is treated in the same way as all other research in that it too should be reviewed by RECs. Thus social research has arrived in a 'brave new world' of ethical regulation (Boden et. al. 2009).

1.3 The new regulatory regime has been widely embraced by universities in the UK but extensively critiqued by social researchers working within those institutions. In November 2010, for example, *Sociological Research Online* devoted its 'debate section' to consideration of the *FRE* <<http://www.socresonline.org.uk/15/4>>. Among the charges made against the *FRE* in the articles which appeared in that publication were:

- It is unfit for the purpose for which it is intended (Stanley and Wise 2010)
- The administrative burden of ethical regulation regimes on researchers and reviewers is unsustainable (Holmwood 2010)
- Extending ethical regulation is intended to deter application for the dwindling funds available to the ESRC (Reed 2010)

- In constructing the *FRE* the ESRC has sought to defend its credibility and protect itself from potential criticism (Rustin 2010)
- The extension of regulatory regimes from health related research into social science encourages formulaic approaches to research design and methods (Reed 2010)
- 'Creeping ethical regulation' is a means of strangling good research (Hammersley 2010) – in many cases before it has even got off the ground (Reed 2010)
- One must now 'play ethics' to secure research funding – not just permission to carry it out (Reed 2010)

In light of my past experiences of conducting several qualitative research projects in 'sensitive' fields, and my recent experience of developing a proposal to explore another sensitive topic, the criticisms articulated above resonate strongly with the author.

1.4 In this paper I draw on these experiences in order to illustrate the ways in which the regulatory regimes that have developed in response to the ESRC's *REF* (2005) and *FRE* (2009) impinge on the design of qualitative social research and threaten the investigation of topics and areas of social life that may be deemed 'sensitive' or 'risky' by those undertaking ethical review. I discuss the semantic 'game' in which I engaged and the ways in which I adapted plans for a recent research project in order to ensure it would be granted ethical approval. I also reflect on research studies I conducted prior to the institutionalisation of the new regulatory regime and consider whether new systems of ethical review might have prevented some of these studies from being conducted. Through these examples, I consider some of the threat 'ethics creep' (Haggerty 2004) may pose to social scientific enquiry more generally.

1.5 Below I consider how the process of ethical regulation has proceeded into social research. I then reflect on my previous research, and the standpoint from which I have conducted it, in relation to categories of 'risk' developed in the *FRE*. I then consider the semantic game in which I engaged, and the adaptations I made recently when developing a new research proposal, in order to 'get it through ethics'. These case study examples are followed by a discussion of the ways in which ethical regulation threatens the future of social research more generally and a conclusion which argues that it is essential that social researchers engage with ethical regulatory systems in order to challenge further control and regulation of our activity.

Explaining Extended Ethical Regulation of Social Research

2.1 Rustin (2010) locates the extension of ethical regulation into social research in wider social trends. Specifically, he identifies the expansion of the 'audit culture' and 'performance management' as centrally important in explaining this development (q.v. Boden *et al.* 2009). Reed (2010), Hammersley (2009) and van Teijlingen (2006) suggest that greater anxiety, a 'culture of fear' and a desire to minimise the risk of litigation arising from social research, on the part of universities and the ESRC, have driven the extension of ethical regulation in social research. Others have argued that ethical review is a managerialist strategy employed to police the conduct of researchers (Dingwall 2006; Hammersley 2006), to stifle good research and limit academic freedom (Hammersley 2010; Boden *et al.* 2009; Penn and Soothill 2007). Hammersley (2010) further contends that the changing nature of universities and an institutional shift within the ESRC, from relative autonomy to explicit alignment with national (governmental) goals, explains the expansion and strengthening of ethical regulation.

2.2 A further suggestion is that expanded regulatory regimes in the UK result from US hegemony. These critics argue that systems of research governance developed in the UK are designed consciously to imitate the American system in which no research with human subjects is permitted without the approval of Institutional Review Boards (Penn and Soothill 2007:3). This regulatory regime has already been successfully exported to Canada and Australia where it has come to dominate social scientific research in those countries. This process is described by Penn and Southill (2007:3) as 'the globalisation of McEthics'. In the process of establishing the system of 'McEthics' it has been argued that 'funding support has been used coercively by biomedical agencies to apply their views of the world to other disciplines' (Israel and Hay 2006:40-1 cited in Boden *et al.* 2009:729) and the 'natural science paradigm' has provided the one-size-fits-all 'ethical coat' to cover all research activity, including social research (Penn and Soothill 2007:4).

2.3 In developing the *FRE* the ESRC did not begin from ethical guidelines developed by professional associations such as the Social Research Association (2003) or the British Sociological Association (2002) (Stanley and Wise 2010). Neither did it begin from an acknowledgement of the distinctiveness of social research when compared to health or medical research. Rather, it simply imported, practically wholesale, regulatory frameworks designed to ensure governance of health and medical research into social science (Stanley and Wise 2010; Reed 2010; Aldred 2008; Truman 2003; Coomber 2002).

2.4 Systems of governance for health and medical research were developed by the Department of Health (DoH, 2001) subsequent to public anxieties being raised in relation to the unethical practices of medical practitioners and researchers. These unethical practices involved the collection and storage of organs from dead and dying babies, for research purposes, without parental consent (Boden *et al.* 2009; Reed 2007; Truman 2003). The regulatory systems developed by the Department of Health required that henceforth all medical and social research involving NHS service users and employees should be submitted to Local Research Ethics Committees (LRECs) for approval (Boden *et al.* 2009; Truman 2003).

2.5 Because they were imported practically wholesale, systems of ethical regulation developed by the ESRC in the *FRE* closely resemble, and in some senses imitate, the problematic and highly bureaucratised systems of ethical regulation and research governance developed to ensure accountability in NHS research (Reed 2010; Reed 2007; Penn and Soothill 2007; van Teijlingen 2006).

2.6 The appropriateness of importing systems for regulating the conduct of medical research into social science has been questioned by several commentators (e.g. Stanley and Wise, 2010; Hammersley 2006; 2009; 2010; Reed 2009; Ferdinand *et al.* 2007; Penn and Soothill 2007; Dingwall 2006; Coomber 2002). Critics argue that social research is much less intrusive than medical research and thus has much less potential to result in 'harm' to participants. There is clearly a difference between subjecting people to medical trials or other intrusive medical interventions and conducting qualitative research and, as Stanley

and Wise (2010) argue, 'social science does not require the same degree of bureaucratic regulation as medical research'.

2.7 I am not, however, suggesting that researchers 'ought to be allowed to do whatever they like, to make up research rules as they go along' (Ferdinand *et. al.* 2007:520). I accept that social research, especially research exploring 'sensitive' topics, does have the capacity to inflict particular types of 'harm' on participants (van Teijlingen 2006; Tinker and Coomber 2004; Coomber 2002; Kent *et. al.* 2002; Corden 1996, Sieber 1993). Harms to participants can arise from the way in which research is conducted, the way it is reported and the consequences that may arise from communicating the results of that research to a wider public (Sieber 1993). Social research also has the potential to inflict particular types of 'harm' on researchers although it is only relatively recently that researchers have begun to admit to the 'harms' they have experienced as a result of conducting research (Briggs 2009; Melrose, 2002; 1999; Scott 1998).

2.8 'Harm', however is a contested concept and 'the potential for harm may vary between individuals' (Boden *et. al.* 2009:740). The author concedes also that social research often does no harm, or at least not the sort of 'harm' we might like it to do, because 'those in power largely ignore our research findings' (van Teijlingen 2006:1 and see Mann 1996). It is also the case that participating in research may benefit participants in a number of ways (Truman 2003; Ferdinand *et.al.* 2007; Melrose *et. al.*, 2007) while benefitting the academic community by advancing knowledge and understanding of the social world.

2.9 There are numerous examples of aspects of the social world we might not understand had the standards of ethical regulation currently applied to social research operated to govern research conducted in the past. We would not understand, for example, that one has to learn the effects of marijuana use, and interpret them as pleasurable, in order to become a regular user (Becker 1953). We would not understand how higher-level drug dealing networks operate (Adler 1993) or why poor, unemployed young people might become involved in drug dealing (Bourgeois 1996). And we would not understand how local gangs were formed and organised in the slums of Boston during the 1930s or appreciate the ways in which status was maintained within those social groups (Whyte 1943). The methods used to conduct these studies would probably not meet with the approval of those who are currently responsible for overseeing the ethical conduct of research and ensuring that research complies with ethical regulations.

2.10 Below I consider research I have previously conducted in relation to the classification of 'risky' research in the ESRC's *FRE* (2009) and consider which aspects of our understanding might not have been developed if these projects had not met the hurdles of full ethical review.

Risk and Social Research

3.1 The author is a critical, qualitative, social researcher who has been researching 'sensitive' topics (Lee 1993; Renzetti and Lee 1993) with 'vulnerable', 'troubled', 'troublesome' (and in some cases potentially 'dangerous') research populations for almost twenty years (Dean and Melrose, 1996; Melrose, 1999; Melrose *et. al.*, 1999; Melrose, 2000; Melrose *et. al.*, 2007; Melrose, forthcoming). These projects have included: studies of involvement in benefit fraud (Dean and Melrose, 1996, 1997); begging (Dean and Melrose, 1999; Melrose, 1999); young people's involvement in commercial sex markets (Melrose *et. al.*, 1999; Melrose with Barrett, 2004; Melrose, 2010) and young people's involvement in drug use (Melrose, 2000; Melrose *et. al.*, 2007). Much of this work was conducted before ethical review systems were mandatory and before systems for ethical regulation of social research had been developed by the ESRC – and therefore before such systems had been fully established in many universities. On the whole, therefore, these projects were not required to be submitted to ethical review processes. This is NOT to suggest, however, that no attention was paid by the research teams involved to the ethical issues these projects gave rise to. The ethical issues involved were, in most cases, given the detailed, serious, attention they fully deserved (Melrose *et. al.*, 1999; Melrose, 2000; Melrose, 2002) and the work relied on the guiding principles for the ethical conduct of research developed by respected, professional bodies within the field of social research (BSA 2002; SRA 2003).

3.2 All the projects were funded by prestigious national funding organisations (including the ESRC) or Government departments and were conducted with the aim of influencing government policy and practice in order to 'make the world a better place' (Ferdinand *et. al.* 2007:532) for the subjects of my research. In the current climate all of these studies would be classified, according to the *FRE*, as research involving 'more than minimal risk' (ESRC 2010:9 Section 1.2.3.) and would thus now require full ethical review. Whether all of them would have been approved by those who are now in control of ethical review processes is a mute point.

3.3 The estimation of the 'risk' posed by these previous studies, and those that I propose to conduct in the future, is determined according to the *FRE*, by the fact that they involve some, or all, of the following:

- Vulnerable groups (children and young people)
- Sensitive topics (exploring experiences of violence, abuse or exploitation)
- Groups where the permission of a gatekeeper is required for access to members
- Research which may cause psychological stress
- Research where the safety of the researcher may be in question (ESRC 2010:9).

3.4 Trying to assess the risks posed by social research is an uncertain business (Kent *et. al.* 2002). Not all risks posed to participants or researchers can be anticipated – sometimes risks arise in the most unlikely of circumstances - and the *FRE* does concede that 'not all risks can or should be avoided' (2010:26). Nevertheless, the document does not specify which 'risks' might be sanctioned and, when assessing risks, researchers and those undertaking ethical review are required to take account of:

'risk to a subject's personal and social standing, privacy, personal values and beliefs, their links to family and wider community, and their position within occupational settings, as well as the adverse effects of revealing information that relates to illegal, sexual or deviant behaviour' (ESRC 2010:26).

3.5 Because in my previous research I have been acutely aware that I have been exploring 'risky' or

'sensitive' topics with potentially 'vulnerable' or 'risky' populations I have always tried to design research to minimise potential risks – for both myself and my participants. This has not always been possible, however. One particular project did adopt a very 'risky' strategy for accessing participants because to have accessed participants through any alternative means (for example through agencies and projects providing them with a service) would have compromised the data sought. While on paper and in theory the means of gaining access appeared reasonable it was not until I was in the field that I recognised the potential threat to my personal safety (see Melrose, 1999). Had this project been submitted for ethical review the potential threat to personal safety would, in all likelihood, have been acknowledged immediately. Reviewers would therefore no doubt have recommended an alternative means of accessing participants. This would have meant that the data generated from the project would have been entirely different and important findings such as for example, that not all people engaged in begging were homeless and that some were receiving social security benefits could not have been reported (Dean and Melrose, 1999; Melrose, 1999).

3.6 The potential and actual dangers I encountered during fieldwork for this project induced a great deal of stress and taught me some salutary lessons. As a result of my experience of this study I have ensured that participants are accessed through much less risky means and to ensure my own safety as well as that of my participants I have since then tended to use projects and agencies as gatekeepers and have accessed participants through services working with them. This is not only safer but also ensures that participants are getting the support they might need and therefore, from my point of view, preferable on ethical grounds. However, under the terms of the *FRE* using gatekeepers to access participants is now a defining feature of 'high risk' research rather than being considered an element of good practice.

3.7 The research studies I have previously completed did not necessarily require that participants should provide written consent to participate or that they should be provided with written information about the project. Usually I would contact a project or agency by telephone, explain the research aims; what the findings would be used for; how long an interview might take and what it would involve and explain the nature of any incentives to participate. If the project worker considered that any clients of the service (who were usually vulnerable adults) might be interested in taking part in the study the project worker would then speak to the client and seek their permission (verbally) to pass their contact details on to a researcher (Melrose et. al., 1999; Melrose, 2002). Sometimes, using snowball sampling methods, the permission to pass on contact details to the researcher was secured by another third party before the participant was contacted by a researcher (Melrose, 1996). After initial contact with potential participants was made (usually by telephone) a meeting would then be arranged at a mutually convenient time and location for both researcher and participant. At this stage the researcher would again verbally explain the project aims and what participation would entail to ensure that the participant fully understood what the research was about; what it would involve and the aspects of their experience they would be asked to discuss in an interview. The researcher would also explain what would happen to any information provided; the confidential nature of that information (except in the case of disclosures suggesting that children or young people were suffering or at risk of suffering significant harm) and the participant's right to withdraw their consent to participate at any stage. Participants would also be informed that if they did not want to answer anything they were asked it was their right to refuse to do so. Thus participation was secured on the basis of 'informed consent' which was understood as a verbal, on-going, negotiation during the course of an interview. Under the ethical regulatory framework and the systems for ethical review that have now been instituted to ensure research governance written consent forms and information sheets are almost mandatory and certainly within my own institution one is required to submit such documentation as part of the ethical approval process.

'Vulnerable' Participants and Sensitive Research

4.1 Although much of the research I am discussing in this paper was conducted prior to the institutionalisation of current ethical regulatory systems the design of these projects was nevertheless sensitive to the potential 'vulnerability' of the different research populations. These different research populations might have been considered 'vulnerable' because they were poor, socially marginalised and economically deprived and/or because they were engaged in some form of illegal or illicit activity and/or because they were young and experiencing some or all of these things (Melrose, 1996; Melrose, 1999; Melrose et. al., 1999; Melrose, 2000; Melrose 2002). However, how the concept of 'vulnerability' is socially constructed, and how the potential vulnerability of research participants is responded to is fundamental to the practice of ethical research. As Boden and colleagues (2009:742) argue:

'In the absence of objective classificatory regimes regarding 'vulnerability' it follows that the capacity to define some people as vulnerable [...] is the exercise of power. Classification as vulnerable may give others the power to debar those so labelled from participating in research even where they have a strong desire to do so'.

4.2 To debar participants who may be 'vulnerable' but who, in my experience, have agreed to participate in research because they want others to hear their story, to understand why they are in the situation they are in or why they are involved in the activity they are involved in and/or because they want to provide cautionary tales to others is precisely the opposite of conducting ethical research. Furthermore, by constructing participants as 'vulnerable' researchers may be imposing labels on them that they themselves would reject. People who have successfully exited from situations of domestic violence or child abuse, for example, might celebrate their strengths and construct themselves as 'survivors'. Constructing such participants as 'vulnerable' through a framework of research ethics could therefore be interpreted as rather insulting by the participants concerned. In order to practice research ethically, therefore, we need to be as sensitive to the ways in which participants might define themselves as we are to the ways in which they are defined by bureaucratic categories. This demonstrates that ethical decision-making in social research is contextual, contingent and inherently political.

4.3 Much of the research I have previously conducted would be considered 'sensitive' in the sense that 'sensitivity' has traditionally been understood in social research (Brannen 1988; Lee 1993; Lee and Renzetti 1993). This research has investigated taboo topics, socially sanctioned behaviours, illicit behaviours and illegal behaviour for example, benefit fraud, begging, drug use and young people's involvement in commercial sex markets. 'Sensitivity', however, like 'vulnerability', cannot necessarily be defined by reference to objective criteria because 'sensitivity' arises in particular contexts (Melrose, 2002).

In some instances my research has explored young people's abuse through prostitution and may thus be considered inherently 'sensitive' (Farberow 1963). In others it has been rendered 'sensitive' by the political and/or moral climate in which it has been conducted (Dean and Melrose, 1996; 1997).

4.4 As Stanley and Wise (2010:5.3) have argued, the Data Protection Act 1998 produced a 'serviceable and known definition' of what constituted 'sensitive' information. Under this Act, 'sensitive' data constituted:

'Personal data consisting of information as to a) the racial or ethnic origin of the data subject, b) his or her political opinions, c) his or her religious beliefs or other beliefs of a similar nature, d) whether he or she is a member of a trade union, e) his or her physical or mental health condition, f) his or her sexual life, g) the commission or alleged commission by him or her of any offence or h) any proceedings for any offence committed or alleged to have been committed by him or her, the disposal of such proceedings or the sentence of any court in such proceedings' (ESRC, 2010:40).

4.5 The FRE, however, departs from this definition by constructing 'sensitive topics' more widely. 'Sensitive' research now includes:

'Participants' sexual behaviour, their illegal or political behaviour, experiences of violence, their abuse or exploitation, their mental health or gender or ethnic status. Elite interviews may fall into this category' (ESRC, 2010:8-9).

4.6 Certainly my own research would be considered 'sensitive' under the definition provided above. It has investigated not only sexual behaviour but also illegal behaviour and experiences of violence and abuse. As Stanley and Wise (2010:5.4) argue, the expanded definition of 'sensitive' research appears to place prohibitions on research 'concerning ethnic status as one among a number of analytical categories' and inhibits 'gender as a research dimension'. As they further argue, the inclusion of 'elite' groups as a potentially 'sensitive' research area, 'is a completely unacceptable and unjustifiable move towards protecting the more powerful'.

4.7 My research has been primarily concerned with 'the powerless' and as such it has explored topics that may be difficult or painful for participants to discuss (Melrose et. al., 1999; Melrose, 1999; Melrose, 2000). Research studies have therefore been designed to minimise the possibility of causing distress during an interview. In most, but not all, of the studies arrangements were made to enable participants to access support, if they required it, after an interview. The exception to this was the study cited above where participants were not accessed through projects or services working with them. Because of the methodology adopted for this study it would not have been possible to offer any kind of support after an interview (Melrose, 1999). Where arrangements to support participants were made this usually involved a named project worker within the agency or organisation through which they had been contacted (Melrose et. al., 2007; Melrose et. al., 1999; Melrose, 2002). To my knowledge, no participants requested support after an interview. In many cases they spoke of being grateful for the opportunity to talk about the experiences that had been discussed in the interview and considered that the interview had provided an opportunity to 'get it off my chest'. In some cases interviewees disclosed information that they had not previously discussed with their project worker because the project worker had never asked about these aspects of their lives. Nevertheless, there is a clear expectation now that arrangements will be made to support 'vulnerable' participants after interviews regardless of how useful this might be for research participants.

4.8 In researching the 'powerless' my research has intended to allow the voice of 'the underdog' to be heard and understood and by doing so this work has been able to challenge the 'powerful' to change policy in order to improve the circumstances in which 'the powerless' find themselves (Melrose et. al., 1999; Dean and Melrose, 1996). That is, my work has subscribed to the view that 'it is not enough merely to describe the world we live in or merely to understand it; the point is to change it' (Ferdinand et. al. 2007:532). While some commentators may consider this unethical, it is the moral principle that has guided much of my work. This demonstrates that deciding whether research is ethical or not is inherently political.

4.9 Had the projects I have discussed above been developed under the regulatory regime which is currently in operation it is possible that some, or all, of them would not have been funded. This would mean that we would not know that people engage in benefit fraud because they find the benefits they receive inadequate to meet their needs or that many young people are abused through commercial sex markets as a result of economic need. This could hardly be said to be an ethical stance for social research.

4.10 Below I reflect on how I have 'played' semantics and adapted the original design of a research project I have recently developed in order to 'get it through ethics'. Through this discussion I consider the wider ramifications of increased ethical regulation in social research.

Ethical Regulation: An Example of Practice in One HEI

5.1 I was not seeking ESRC funding for the proposal discussed below, but in the University in which I work, in order to secure any research funding, proposals are required to be submitted for internal ethical review.

5.2 Within my institution, a two-tier system operates to ensure research complies with regulatory requirements. The first tier for review operates within the Research Institute (RI) in which the researcher is located. Within each RI, an Ethics Committee (EC) has been established which is discipline specific and which oversees all research proposals. All research which deals with 'human subjects' must be submitted to the Research Institute Ethics Committee (RIEC) for review, vetting, assessment and approval. This includes all proposals developed by staff from within that RI as well as all undergraduate and postgraduate student research proposals developed from within the department to which the RI is attached.

5.3 The second tier of regulation operates at university-wide level and is known as the University Research Ethics Committee (UREC). At this level the committee is not discipline-specific and the UREC exists to

oversee the work of the RIECs and ensure that they are complying with regulatory requirements. All staff proposals and all proposals developed by postgraduate students must be forwarded to UREC for consideration after they have been approved by the relevant RIEC.

5.4 In the RI in which I am located applications are completed on a pro-forma and it is expected that research instruments (interview schedules, consent forms, information sheets) are submitted for review along with the proposal (draft instruments are acceptable). These RIECs have the power to refuse approval, return for amendments and/or request further information for the research proposal or any accompanying research instruments. Thus, some would argue that, by concerning themselves with the content of information sheets and consent forms the RIECs are extending their remit beyond consideration of the ethical issues any particular research project might raise. UREC has the same power as RIECs to refuse approval or request amendments/clarifications and so on. In my own RI I am not aware of any cases where UREC has refused approval after it has been given by the RIEC – although clarifications have been requested.

Playing Semantics

6.1 Within my RI a group of colleagues have developed an interest in what might be broadly termed 'gang culture' and have been keen to understand how some young people who live in neighbourhoods where gangs operate manage not to become involved. We were interested in understanding whether young people living in these areas experience pressure and tension as they negotiate their neighbourhoods and gang-involved peers to pursue interests that have nothing to do with gang activity. We wanted to know how young people are impacted by living in these neighbourhoods and we also wanted to understand the processes and support networks that enable young people to resist involvement and manage any pressure or tension they might experience.

6.2 As we prepared our proposal for ethical review we anticipated that any mention of 'young people and gangs', especially if used in the title, might set alarm bells ringing even though our intention was *not* to interview young people who were actively involved in gang activity. To avoid the potential that we might alarm reviewers, therefore, we entitled the study 'Young People's Experiences of Living in High-Crime Neighbourhoods'. This was a compromise which we believed would still enable us to explore the questions we were interested in with the young people we wanted to explore these questions with. But, on closer consideration, it seemed that this change of terminology had subtly shifted the key focus of the research because 'gang-affected' and 'high-crime' neighbourhoods are not necessarily the same thing. One might inhabit a high-crime neighbourhood, for example, but the neighbourhood may not necessarily be affected by gangs or alternatively, gangs may not even be in operation in the locality.

The Impacts on Research Design

7.1 Informal conversations with colleagues from other universities suggested that young people who live in gang-affected neighbourhoods but who do not become involved in gang activity themselves sometimes make their way to Higher Education and thus might be found amongst the student body. We therefore considered that we might advertise the study amongst our own students to test out this possibility. Universities, however, have become increasingly sensitive about conducting research with their own students (in fact one university that I am aware of has completely banned this practice because it is considered unethical). In addition to this sensitivity, we were acutely aware of the political and public relations implications for our own institution of research which might suggest the student body was constituted by young people who were in any way associated with gang activity or who may even be ex-gang members themselves. We therefore decided that it would be unethical to advertise this study amongst our own student body and decided instead to make arrangements with a neighbouring institution to advertise our study among their students. In the event we have had only a very small number of responses from HE students and have had to reconsider how we might access young people for this study.

7.2 Before we decided to discount approaching young people from our own institution, we had considered that we might conduct one or two focus group with young people from our own university and one or two focus groups with students from another university. Based on our understanding of the research literature in this field in relation to male to female victimisation, (e.g. Firmin 2010), we agreed that it would be preferable to conduct two focus groups (now at just one institution other than our own) and that these should be single-sex groups. We would not be asking participants about their involvement in any illegal or criminal activity but about the sorts of things that were going on in their neighbourhoods and how they managed to avoid becoming involved themselves. When we reflected on how using focus groups to pursue the questions we wanted to ask might be received by ethical reviewers we anticipated the some or all of the following questions might be raised:

- What if potential focus group participants, although not gang-involved or affiliated themselves, came from rival post-code areas or rival estates? How would we check for this?
- If we advertised the study by means of flyers how would we 'vet' participants to ensure that they did not import conflicts from beyond the institution into focus groups? Would we ensure that young people from rival postcode areas were not put together in the same group in order to minimise any risks to participants and focus group facilitators?
- How would we ensure that the young people were not actively involved in gangs? What if there were young people who were actively involved in gangs or gang-affiliated, but who pretended not to be, who attended focus groups to 'spy' on what other young people were saying? How would we ensure this would not happen?
- By what method would we assess the risks that using focus groups might present?

7.3 The above are not unreasonable questions to ask when considering a research project to explore the sorts of issues we intended to explore in this one. In previous times, we might have discussed these risks and decided as a team if or how we would or could collectively manage them. But, in anticipation of the potential response from RIEC/UREC, and realising that we might not be able to offer the reassurances they would seek in relation to the above questions we abandoned the idea of focus groups in favour of one-to-one interviews. This would of course mean that the fieldwork would take longer than we had originally anticipated. We then confronted the problem of informed consent.

7.4 The new ethics regulatory regime expects that participants will give their 'informed consent' in writing. Indeed, this expectation has become institutionalised (Boden *et. al.* 2009). The justification for this requirement is that it protects and empowers research participants but it raises important questions when researching marginalised groups or people who may be involved in quasi-illicit or illegal activity (Boden *et. al.* 2009, Coomber 2002). As I have discussed above, many of the previous studies that I have conducted which involved 'sensitive' topics such as engagement in benefit fraud or young people's involvement in prostitution did not require that participants give written consent. Not asking for written consent, however, did not mean that the informed consent of participants had not been secured.

7.5 People agree to participate in research studies once trust has been established between researcher and participant. In my own experience of investigating the topics I have researched in the course of my career, gaining and building trust, and through it establishing rapport, is essential in 'sensitive' areas of research. Such rapport enables participants to have confidence that what they say will be treated confidentially and anonymously (Melrose *et. al.*, 2007; Melrose *et. al.*, 1999; Melrose, 2000; Melrose, 1999; Dean and Melrose, 1996; 1997; Briggs 2009). However, when by dint of their gender, age, ethnicity or other characteristics, fieldworkers are able to pass themselves off as non-threatening and access 'difficult to reach' research populations they are soon catapulted back to the role of a threatening 'official interrogator' and the unequal power relations between researcher and researched are re-established by asking participants to sign consent forms. In order to sustain credibility in the field, therefore, participants are sometimes encouraged to sign consent forms using fictitious pseudonyms and this of course renders participants' written consent completely meaningless (Coomber 2002). By imposing the requirement that particular research populations provide written consent, RECs therefore limit the ways in which researchers build relationships with their participants (Boden *et. al.* 2009). Moreover, the requirement of written consent may expose participants to increased risk. This is both completely unethical and unacceptable (Hammersley 2009; Ferdinand *et. al.* 2007, Coomber 2002).

Discussion

8.1 The experience of developing the research proposal described above demonstrates how 'technologies of the self' are established through the 'disciplinary effects' of RECs. As a result of these disciplinary effects, and through these technologies, critical social researchers engage in self-regulation and become 'strategically complicit' with the regulatory regime in order to pursue their research agenda (albeit in a modified form) (Boden *et. al.* 2009:743; see also Hurdley 2009). Through our conformity to these regulatory regimes we facilitate, and even become co-constructors of, our own 'iron cage of research bureaucracy' (Foucault 1980, 1983 cited in Reed 2010). This poses threats to social research generally. There is, for example, a risk of 'chilling' (Sieber and Stanley 1988) in relation to particular topics or potential research populations. Certain research areas may be neglected and potential research populations may be ignored because conducting research with these groups or on these topics may be perceived as 'too difficult' to 'get through' ethics. This will lead to the general impoverishment of many areas of social science.

8.2 The discussion above of projects that might not have been undertaken if they had been developed under the current regulatory regime suggests that increasing ethical regulation makes us less free to pursue our research agendas within our own discipline or in cross-disciplinary research areas. Furthermore, our capacity to engage in 'emancipatory' research and by doing so 'help make the world a better place' (Ferdinand *et. al.* 2007:532) may be diminished by the political commitment, or lack thereof, of those undertaking ethical review.

8.3 The discussion of research studies undertaken before the institutionalisation of the new ethical regulatory systems also demonstrates that research which is not subjected to systems of ethical review is not necessarily any less ethical in its conduct than research that is subjected to these systems.

8.4 The discussion above points to some of the threats posed by extended systems of ethical regulation to social research generally and to research with marginalised or 'vulnerable' groups and those involved in deviant or illegal/illicit activities in particular. Firstly, requiring that these participants give written consent to participate in research studies may function to exclude people who might otherwise appreciate the opportunity to 'tell their story' by putting them at unnecessary risk (Ferdinand *et. al.* 2007; Coomber 2002). This is not an ethical stance. Secondly, as Boden and colleagues (2009:742) point out, labelling someone as 'vulnerable' and therefore unable to fully consent to participation can be 'deeply silencing' and one might also suggest that it is deeply patronising. Avoiding research with potentially 'vulnerable' populations or failing to research 'sensitive' areas of social experience because it will be difficult 'to get through ethics' is not an ethical stance. While the *FRE* makes much of the risks posed by researching particular populations or topics the ESRC seems to have ignored completely the risks that may be posed to scholarship by creeping ethical regulation (Haggerty 2004; Hammersley 2010).

8.5 It is therefore essential that critical social researchers engage with, and challenge, regulatory regimes so as to defend and argue for the value of social research which may not, according to particular 'tick-box' criteria, appear ethical to those who constitute RECs. Such engagement is necessary for the benefit of social science generally and to defend our particular research interests as well as those of our participants. The benefits for participants that may result from engagement in research or changes in policy and practice that may benefit them as a result of it seem to have been overlooked by the ESRC in the development of its *FRE*.

8.6 A final point to emphasise here relates to the un-sustainability of the administrative burden of ethical regulatory systems on both researchers and those tasked to undertake ethical review (Holmwood 2010). The author is responsible for chairing the RIEC within her research institute and at the same time an active, critical, social researcher with responsibility for developing research proposals. I am therefore able to testify unequivocally to fact that, for both applicants and reviewers, engaging in the process of ethical review is an exercise in 'the type of time-consuming, paperwork-obsessed audit culture that not only hinders everyday life but also actively transforms it into little more than form-filling pusillanimity' - described in Cardiff as 'mulletry' (Hurdley 2010:525).

Conclusion

9.1 As critics of the new ethics regime argue, transforming ethics into a matter of ticking boxes tends to remove ethical responsibility from researchers to institutional bureaucracies and encourages the development of formulaic and proceduralist approaches to thinking about the real ethical dilemmas that social research may present (Hammersley 2007; Ferdinand *et. al.* 2007; Melrose, 2002). Encouraging such an approach ignores the fact that ethical dilemmas arise within social contexts and that their resolution is inherently political. Furthermore, there is no indication that extending ethical regulation improves research practice or produces research that is any better than research produced prior to the institutionalisation of current systems of ethical regulation (Reed 2010; Hammersley 2009; Boden *et. al.* 2009; Ferdinand *et. al.* 2007). Rather, extending ethical regulation would tend towards the production of research that is 'bland, easy to digest and instantly forgettable' (Penn and Soothill 2007:3).

9.2 The shift from ethical *guidelines* (e.g. SRA 2003; BSA 2002) to mandatory ethical *regulation* signals a loss of faith in social scientists to undertake their research with integrity. This shift suggests that the judgement of researchers which, as the SRA (2003) suggests, is the foundation of ethical conduct in research, can no longer be trusted (Hammersley 2010). As critics of extended ethical regulation have argued the ESRC has offered no evidence of unethical behaviour, or harms caused by social researchers, to justify its diminished trust or to explain the need for increased regulation of social research (Rustin 2010; Penn and Soothill 2007; Hammersley 2006; 2009). The ESRC in fact declared that 'almost without exception, social science research in the UK has been carried out to high ethical standards' (ESRC 2005:1).

9.3 In the absence of such evidence social researchers need to act collectively to argue for a system of 'analytical ethics' rather than 'modernist ethics' (Ferdinand *et. al.* 2007). We can then begin to question 'how normative ethical assertions are formulated' and 'the grounds on which they are justified' (Ferdinand *et. al.* 2007:535) to enable us to oppose further regulation of our activity. We need collectively to resist the silencing of voices that do not fit with the currently dominant view of 'ethical research' because if we do not, as Reed (2010) argues, 'we may as well give up on the idea of researching the experiences of others altogether'.

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