Research ethics policy

Version information

Version number	Comment	Date
1	Initial version	September 2017
2	Reviewed and updated in line with UKG guidance – additional principle added plus other updates	November 2022
3	Reviewed and updated in line with Scottish Government 2024 guidance, and combined with updated ethics checklist	February 2025

Introduction

The Scottish Land Commission (the Commission) expects that its staff and research contractors will follow the highest practical ethical standards in delivering research. In order to achieve this it is required that all staff and contractors involved in delivering research for the Commission will adhere to the following six key ethical principles:

- **Principle 1:** Research should have a clear user need and public benefit
- **Principle 2:** Research should be based on sound research methods and protect against bias in the interpretation of findings.
- **Principle 3:** Research should adhere to data protection regulations and the secure handling of personal data
- **Principle 4:** Participation in research should be based on specific and informed consent.
- **Principle 5:** Research should enable participation of the groups it seeks to represent
- **Principle 6:** Research should be conducted in a manner that minimises personal and social harm.

This policy outlines these principles before outlining the Commissions ethics procedures and template ethics checklist.

Principle 1: Research should have a clear user need and public benefit

Social research conducted for the Commission should aim to meet a clearly defined, legitimate and unmet need to inform our policy and practice work, and serve the public good.

Identifying a clear need as early as possible in the research design process, by conducting both internal and external engagement with relevant stakeholders, is a fundamental part of making sure that research will provide outputs which are of value. Engaging with stakeholders and groups the research seeks to represent, not only helps to ensure the effective dissemination and impact of research findings, but also is an important step in determining the most appropriate and effective research methods.

Defining the public good or benefit of both primary research and secondary uses of data requires consideration of benefits beyond just producing the statistics or research outputs. Researchers should be able to describe how those statistics or outputs will lead to public benefit, as well as who the benefits may apply to. The UK Statistics Authority Research Code of Practice and Accreditation Criteria provides a useful list of examples regarding what it means to conduct research that is in the public interest or serves the public good. This includes research whose primary purpose is to:

- provide an evidence base for public policy decision-making
- provide an evidence base for public service delivery
- provide an evidence base for decisions which are likely to significantly benefit the economy, society or quality of life of people in Scotland
- replicate, validate, challenge or review existing research and proposed research publications, including official statistics
- significantly extend understanding of social or economic trends or events by improving knowledge or challenging widely accepted analyses
- improve the quality, coverage or presentation of existing research

Transparency and dissemination

Evidence resulting from research should be widely and appropriately disseminated so that the maximum impact is generated. Researchers should work to ensure that their findings are presented reasonably, and they should consider how to best protect any results from distortion or misinterpretation in communication.

The evidence from government-funded social research should be brought to the attention of policy makers and other users in a clear and accessible way. It should also conform to professional and ethical standards to protect against distortion and bias in the interpretation of findings.

Ensuring the transparent dissemination of research methods and findings maximises the potential public benefit of social research, by enabling the research findings to reach wider audiences. It is also an essential part in maintaining public trust in collection and use of public data. Transparency around research methods as well as research findings also enables research to be subject to scientific scrutiny and evaluation, as well as promoting the sharing of best practice throughout the research community.

It is therefore important for all Scottish Land Commission research to have a clear dissemination strategy from the beginning of the project. All commissioned and in-house research should be published as soon as practicable. While responsibility for this will ultimately rest with the Scottish Land Commission, contractors are encouraged to highlight any opportunities to increase the impact of research that may arise during the course of the contract to the Commission.

Principle 2: Research should be based on sound research methods and protect against bias in the interpretation of findings

Quality matters. Research done by or for the Commission must be based on sound research methods that are relevant to the research question and carried out to the highest quality standards.

When considering the most appropriate methods to use it is important to consider which methods will enable the research question to be fully and thoroughly answered, and whether different methods entail any additional risks (such as increased research participant burden). Methods should only be chosen where any additional risks are significantly outweighed by the potential benefits of using a particular method.

It is also important when considering the most appropriate method to be aware of the wider environment. This includes designing and conducting research in a way that is sensitive to cultural, socio-economic, environmental and political contexts, as well as being aware of how external events can impact on social research, in particular the conduct of fieldwork.

Researchers should be able to justify the need for working directly with groups of interest in favour of utilising alternative existing sources of data. In instances where direct participation is deemed necessary, the research team need to ensure research participants' rights and dignity are respected and every effort is made to ensure participation is equitable.

Researchers should ensure they are aware of and adhere to all relevant legislation and policies when planning what research methods they will use before beginning a research project. They should seek legal advice or guidance if there is any uncertainty.

Principle 3: Research should adhere to data protection regulations and the secure handling of personal data

Research participants have a right to privacy. The duty of researchers to protect the privacy of their research subjects is enshrined in data protection laws, including GDPR and the Data Protection Act 2018, which govern the way in which we can use, process, and store personal data. While there are clear similarities between GDPR and ethical principles in research it is important to note that something that is GDPR compliant will not be ethical by default. Therefore, researchers must consider ethics in addition to the GDPR.

Personal data is any information relating to an individual who can be identified directly from the information itself, or indirectly, from the combination of the information with other available information. Special category personal data is information that needs more protection because it is sensitive. Personal data must be collected and processed in line with GDPR and the Data Protection Act 2018. Researchers should carry out a Data Protection Impact Assessment (DPIA) if a project is expected to involve use of personal data.

Summary of the GDPR seven key principles to processing personal data for research purposes

Principle A: Lawfulness, fairness and transparency

- There must be a lawful basis for collecting and using personal data. The ICO have an interactive tool to help document which of the six lawful bases is most appropriate for a project.
- The collection and use of personal data should not have adverse effects on individuals and be handled in a way they would reasonably expect.
- Researchers should be clear, open and honest about how personal data will be used in a way that is easily accessible and easy to understand - as well as being a legal requirement, this is good ethical practice for ensuring informed consent.

Principle B: Purpose limitation

- Researchers should specify why they are collecting personal data to comply with accountability obligations and ensure transparency.
- Privacy notices should be provided when collecting personal data to ensure that participants understand why their personal data is being collected, what will be done with it and who it will be shared with.
- Research findings must not be used for purposes other than those they were collected for. New consent should be sought from the research participants for the new purpose.

Principle C: Data minimisation

- Personal data should be relevant to the research and limited to what is necessary for the purpose of the research.

Principle D: Accuracy

- Researchers should take reasonable steps to ensure personal data is recorded correctly
- Incorrect or misleading personal data must be corrected or erased.
- Where necessary the data should be updated periodically.

Principle E: Storage limitation

- Personal data should only be kept for as long as it is needed and if no longer needed should be deleted securely or anonymised.

• The length of storage should be justified, and research participants made aware of the intended retention period.
Principle F: Integrity and confidentiality
• Personal data should be processed and stored securely. Researchers should analyse the risks associated with data processing and put in place the appropriate level of security to prevent the data being compromised (this may include pseudonymising and/or encrypting data). • It should be made clear to research participants what measures will be taken to ensure confidentiality.
Principle G: Accountability
• Researchers must take responsibility for what they do with personal data and must have appropriate records in place to demonstrate compliance with the above principles.

The ICO encourages the anonymisation of data wherever possible. Care should be taken to ensure data is truly anonymous under the GDPR. If individuals could be re-identified through any reasonably available means, the data is only pseudonymised and the researcher is continuing to process personal data. In those instances, researchers should consider whether the data can be made anonymous.

Where anonymous data is to be used for secondary data analysis, particular care must be taken to ensure it retains the anonymity of respondents. Special care should be taken with small or very localised samples, and with the rich data generated by qualitative research, which may enable research participants to be identified from their characteristics alone.

The identity of all research participants and potential participants (including information about the decision to participate) should be protected throughout the research process. For example, by ensuring that participants are not identified or identifiable in the research outputs. Clear and transparent procedures should be developed to protect the identities of any research participants. Names and addresses should only be collected if pertinent to the research in question and should be kept securely and separately from responses to minimise the likelihood of breaches of security and anonymity. Suspected data breaches must be reported in accordance with ICO guidance and Scottish Land Commission policy.

Information relating to a deceased person does not legally constitute personal data and is not subject to GDPR. However, researchers should consider ethical issues around the disclosure of, or access to the deceased person’s data, such as collecting and processing the personal data of relatives.

Principle 4: Participation in research should be based on specific and informed consent

Participation in SLC research is always voluntary. Research participants should provide their specific and informed consent based on accurate information outlining what it means for them to take part. People should not be pressurised into participation, and they should be given sufficient information to enable them to make an informed decision, including on how any data collected will be used. The use of recording equipment requires explicit consent of the participant.

Consent can be considered a legal basis for processing personal data, as set out in the GDPR. The ICO sets out the requirements needed for obtaining explicit consent from research participants. This includes ensuring consent is being given freely, the ability for research participants to refuse consent without detriment and be able to withdraw consent easily at any time. If researchers are not using consent as a legal basis, it is still important to consider the points raised here so research participants can make an informed decision about taking part.

Checklist for achieving valid consent

To achieve valid consent, the information required for research participants to make an informed decision must be prominent, concise, in plain language, and separate from any other terms and conditions. If appropriate it should be provided in different languages, Braille or audio recorded. The information provided to participants should include:

- A summary of what the research is about and what it is being used to inform
- Details on who is conducting the research and the organisation it is for
- That they have the option to refuse to answer any individual questions without explanation
- That they can withdraw from the research at any point up to a specified date (usually dictated by data analysis and reporting), who to contact and how to contact them if they choose to withdraw at a later date
- Whether or not they will be identified in reporting
- How their data and responses will be processed, stored or shared with any other organisations
- Whether any audio or visual recording equipment will be used
- Whether expenses are covered (travel, subsistence, accommodation) and if an incentive is offered.

The consent process must start with giving research participants information about the research, the opportunity to reflect on this and ask any questions. The researcher should obtain explicit consent through reiterating the terms of the research, which the research participant must agree to before taking part. It is important to remember that consent must be sought from participants each time they take part in research, for example in separate waves of a longitudinal study or if they are being re-interviewed as part of another separate piece of research.

Secondary data analysis, including systematic reviews and research synthesis, must be conducted in a way that is consistent with the respondent consent given in the original study. Where it is expected that your research will make use of methods that are clearly significantly different to those originally outlined to the participants, you may have to seek separate consent for research.

Consent should be captured in a consent form which is separate to any other research documentation. This should include details of who consented and what they consented to, including any audio or visual recordings. Consent can be sought either in person or remotely and must be time and date recorded. Consent forms should be saved and stored securely to ensure a clear audit trail.

Principle 5: Research should enable participation of the groups it seeks to represent

Robust and meaningful research must engage the groups it seeks to represent. Therefore, enabling participation of these groups must be an integral part of its design and considered at the start.

Reaching and recruiting participants from a range of backgrounds and identities ensures the research can meaningfully and accurately include the views of those who will be impacted by the policies the research will inform. This includes the consideration of protected characteristics such as ethnicity, gender, sex, and sexual orientation amongst others. Researchers should identify potential barriers to participation and take measures to facilitate participation where practical.

Possible measures for enabling participation

User-involvement
Co-production or consulting with stakeholders when designing research helps to make sure that research is relevant and necessary. Consulting with hard-to-reach groups and/or their representatives on research design to ensure that possible barriers to participation are identified and minimised.
Recruitment and sampling
Consider how the design of these will ensure fair representation. Care should be taken where methods such as snowball sampling are employed; this might be the only way to access harder to reach groups, but may introduce challenges around excluding, rather than enabling, participation. It is also important to consider the implications of excluding sparsely populated areas in highly clustered sample designs and considering the case for over-sampling under-represented or hard-to-reach groups.
Ensuring information, venues and formats for meetings are accessible to all
For example, providing access to translators or translated materials where required, ensuring locations are safe and private for all participants, providing induction loops for those with hearing impairment or guides for the visually impaired, and offering meetings/sessions at different times of the day.

Methods of data collection
For example, offering a choice between self-completion and interviewer-assisted interviewing where respondents may have difficulty reading or comprehending written material, or where the content of the research is particularly sensitive or may be triggering. Or a choice between online or paper completion for those without access to the technology or internet.
Assistance with costs incurred in research participation
For example, to help with childcare whilst participating in the research, or transport costs to and from research venues

An appropriate budget for any costs that contractors expect to incur as a result of these types of actions should be budgeted for within the original project proposal.

Principle 6: Research should be conducted in a manner that minimises personal and social harm

Researchers have a responsibility to consider any possible harmful consequences of research processes and outcomes. They must ensure these consequences are identified, assessed, and minimised at all stages of the research and for all groups involved in the research, including for:

- The research participants actively taking part
- Organisations to which the research participants belong
- Any wider social groups with an interest in the research topic
- The researchers themselves
- Other people involved in the research process (e.g. interpreters, stakeholder organisations etc.)
- Individuals who choose to opt out of the research

Harm is defined as any threat, or potential threat, to physical, social and psychological well-being. This may include injury, illness, feelings of distress or fear as well as the disclosure of sensitive or embarrassing information without care.

Research should not be inappropriately intrusive (in terms of method, relevance of the questions asked, or time commitment), raise false hopes, adversely affect the reputation of the participant in their social group or organisation, or cause avoidable anxiety or distress.

The risk of perceived intrusion can be minimised by avoiding unnecessarily long interviews, ensuring research methods are appropriate to the research question and ensuring that research participants time is spent providing information that is clearly needed and not available from other sources.

Researchers should try to anticipate and guard against any possible harmful consequences of participation in research. This includes ensuring that interviewers have been properly trained and subjected to appropriate employment checks.

Scottish Land Commission ethics procedures and checklist template

This procedure has been developed to ensure that research commissioned or undertaken by the Scottish Land Commission that is expected to involve surveys or interviews is delivered in accordance with the principles set out in our research ethics policy. Project managers are expected to follow this procedure before commissioning or commencing a new research project of this nature.

The procedure involves the following key steps:

- Project manager to review ethical sensitivity of research using checklist overleaf.
- If the overall sensitivity is low, commence project but if sensitivity is medium or high then mitigation should be considered and sensitivity reassessed.
- If after mitigation the overall sensitivity of the research is low, commence project.
- If after mitigation the overall sensitivity of the research is medium seek approval from the CEO to proceed.
- If after mitigation the overall sensitivity of the research is high, seek approval from Commissioners to proceed.

Principle 1: Research should have a clear and defined public benefit		
Principle components	**Considerations and mitigations**	**Sensitivity rating**
a) Identifying a user need - Does the research aim to meet a clearly defined, legitimate and unmet user need? - Have you engaged with relevant stakeholders in order to fully establish the user need? - Is other research already taking place with the same groups, which could be amalgamated to prevent over-researching small populations?		Red Amber Green
b) Public benefit - How will the findings from this research benefit the public? - Are there any risks that public benefits will not be realised?		Red Amber Green

- Could the research disproportionately benefit or disadvantage a particular group? - Is it necessary to conduct this research in order to realise the public benefits? - Does the public benefit outweigh any identified risks?		
c) Transparency and Dissemination - Have you got a clear dissemination strategy in place? i.e. where, when and how you will disseminate findings? - What is our role/responsibility to different stakeholders and research participants around dissemination? - Are there any accessibility or equality issues about how findings are made available or presented? - How will you ensure that research findings are brought to the attention of relevant stakeholders? - Will the research process be fully transparent?		Red Amber Green

Principle 2: Research should be based on sound research methods and protect against bias in the interpretation of findings		
Principle components	**Considerations and mitigations**	**Sensitivity rating**
a) Proposed methodology - From an ethical perspective, is the research design appropriate to the groups being interviewed?		Red Amber Green

- Is this level of respondent burden appropriate for the groups of people involved in the research? - How will the research consider the diverse perspectives of people according to their gender, disability, ethnicity, religion, sexual orientation, socio-economic status and age? - Is the proposed methodology the best and most cost-effective way of answering the research questions? -Have you considered all the possible potential biases in the data, methods and analysis techniques that will be used in the project? - Are you using new, emerging, or controversial methodologies or techniques? If so, what steps have been taken to ensure the integrity of the methods and results? - Have issues of inclusivity been considered with regard to the use of generative AI, which is reliant on existing data sources to generate results? - What measures are in place to ensure that the reporting and interpreting of findings protects against distortion and bias?		
b) External ethical scrutiny		Red Amber

- Are Academic institutions likely to be asked to tender? If so, they will still be required to gothrough their ethics committees. How will this affect the timetable? - If AI is used in the analysis of transcripts, or secondary data, is there a mechanism for ensuring it does not produce biased results?		Green

Principle 3: Research should adhere to data protection regulations and the secure handling of personal data		
Principle components	**Considerations and mitigations**	**Sensitivity rating**
a) Data Protection - What procedures are in place to ensure adherence to the GDPR, Data Protection Act (2018) and other government data security requirements? - What is your legal basis for processing of personal data? - How will you inform and assure participants that you will treat their data in accordance with the relevant data protection legislation (e.g. privacy notice)? - Do you need to complete a Data Protection Impact Assessment? - Are respondents clearly informed that their personal data will be used in this research? Are they informed about any third parties that will have access to their personal data?		Red Amber Green

b) Research findings - How can you ensure that the data collected during the research is not going to be used for any other than its originally defined purpose? - What checks are in place to ensure that no one can be identified in reporting? (for both quantitative and qualitative work) - Is the personal data deleted when it is no longer needed for this research purpose? How long will the data be retained for, and why?		Red Amber Green

Principle 4: Participation in research should be based on specific and informed consent		
Principle components	**Considerations and mitigations**	**Sensitivity rating**
a) Consent to take part in primary research - What processes are in place to ensure that participants are informed and understand the project, the purpose, the client, topics and that their participation is voluntary? - Will you ensure that participants have given fully informed consent before taking part in the research? - If you intend to follow up participants with further research, has this been made clear and consent given? - If using AI, can you ensure the participants have given informed consent and that		Red Amber Green

the anonymity of participants is assured?		
b) Consent via gatekeepers or proxy - Is this required? If so, what processes need to be in place? - What steps can be taken to ensure representativeness, i.e. to ensure that participants are not “hand-picked” by gatekeepers or that there is a minority view promoted?		Red Amber Green
c) Children and young people (aged 16 and under) - What processes are in place to ensure consent from a parent or legal guardian has been sought for children under the age of 16 and how has this been done? - How can you ensure that the children are also adequately informed about the research? - What processes are in place to ensure, where required, an adult accompanies children and young people during an interview? Who is best to accompany the child(ren)?		Red Amber Green
d) Vulnerable adults - Are you interviewing participants who may lack the mental capacity to provide informed consent for themselves?		Red Amber Green

- How can you ensure that participants are adequately informed about the work?		
e) Access protocols - Are there any particular access protocols for certain groups, does this apply to your respondent group? Access protocols could apply to: Courts, Police, Prisons, Schools		Red Amber Green
f) Secondary Research - Does the consent cover all potential future uses of the data? - If your legal basis for processing data is not consent, have you still considered whether individuals have been (or should be) given the choice of their data being included in this research?		Red Amber Green
g) Incentives? - Is the use of incentives necessary? What evidence do you have that the use of incentives will significantly improve the research?		Red Amber Green

Principle 5: Research should enable participation of the groups it seeks to represent		
Principle components	**Considerations and mitigations**	**Sensitivity rating**
a) Identifying and reducing the barriers to participation - What steps have you taken to identify potential barriers to participation? -What steps can be taken to encourage and widen participation?		Red Amber Green

(e.g. travel costs, childcare, varying times and locations of interviews, accessibility of venues, advance letters in different languages etc) - Do you need interviewer assistance such as offering help with completion, or a translator?		
b) Ensuring that hard to reach groups are included - Is the research and sample design appropriate? - Might the data collection method exclude some groups of people? - Do you need to consult with others (e.g. support groups, charities and other relevant stakeholders) so that barriers to participation for certain groups are fully identified and reduced? - Do you need to over sample certain groups and/or weight the data?		Red Amber Green

Principle 6: Research should be conducted in a manner that minimises personal and social harm		
Principle components	**Considerations and mitigations**	**Sensitivity rating**
a) Research participants - Do any of the research questions cover stressful or culturally sensitive subjects? If so, how will stress and sensitivities be minimised? - How can interview length be kept to the minimum? - Do you need to ensure that there is post-interview support?		Red Amber Green

- How will you offer support to those that are approached but decide not to participate in the research?		
b) Interviewers/ researchers - What procedures are in place to ensure interviewers are properly trained (for example in methods, relevant legislation such as the Equality Act)? - Do all interviewers /researchers have appropriate security clearance (e.g. criminal record checks or disclosure Scotland if interviewing/ working with children)? - What procedures are in place for handling disclosures of abuse, self-harm or suicidal ideation? - What procedures are in place to ensure the safety of the interviewer/ researcher? - Has consideration been given to exposure of researchers and analysts to sensitive topics? (e.g. potential for vicarious trauma)		Red Amber Green
c) Wider Social Groups - How will you mitigate any potential for harm to those who have not taken part in the research? For example, research focussing on specific groups has the potential to impact the wider social group.		Red Amber Green

- Have you considered or sought the public's views on the research?		

Date for next review: February 2027