

EXTERNAL RESEARCH AND DATA REQUESTS

POLICY NO. A4

ACT CORRECTIVE SERVICES



ACT
Government

Justice and Community Safety

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1 PURPOSE

ACT Corrective Services (ACTCS) is committed to maintaining a fair and transparent policy for assessing and determining the level of support provided to external researchers for independent projects.

2 SCOPE

This policy applies to all external researchers.

Out of Scope

ACTCS staff engaged in research as part of their normal work duties or at the direction of their supervisor are not applicable to these guidelines, nor are external researchers or consultants who are contracted by ACTCS to conduct reviews, evaluations or research.

3 DEFINITIONS

External Researcher

The term *external researcher* refers to individuals and organisations external to ACTCS who wish to access unpublished ACTCS data, facilities, staff, detainees, offenders or clients for research purposes.

It includes staff employed by ACTCS who wish to conduct research for purposes that are not part of their normal work duties (for example, ACTCS staff engaged in postgraduate study), and individuals employed by external agencies who in the course of their duties have access to ACTCS facilities, staff, detainees, offenders, or clients (for example, employees of community organisations who facilitate programs at correctional centres).

Research

Research is any activity where a person seeks to ask for or collect information not normally provided by ACTCS. Examples of a research request include, but is not limited to, a request to:

- talk to staff, detainees, offenders or clients about their opinions or experiences
- observe detainees or offenders during a program or group activity
- ask staff, detainees, offenders or clients to fill in a survey or questionnaire
- be provided with unpublished information or data held by ACTCS.

4 APPROVAL TO CONDUCT RESEARCH

- 4.1 The Commissioner, ACTCS has the authority to approve or decline the conduct of criminology or penology research under s322(4) of the *Crimes (Sentence Administration) Act 2005*.
- 4.2 All research involving ACTCS data, facilities, staff, detainees, offenders, or clients must have the written authorisation of the Commissioner prior to commencing any research activities.

5 REQUIREMENTS FOR EXTERNAL RESEARCH AND DATA REQUESTS

- 5.1 For academic research requests to be considered, all members of the research team must hold a minimum of a bachelor's degree from a tertiary institution.
- 5.2 Researchers must have, or intend to obtain prior to commencement of the research, approval to conduct the research from a Human Research Ethics Committee (HREC) registered with the National Health and Medical Research Council (NHMRC). This requirement also applies to university researchers conducting research in their capacity as private consultants/contractors.
- 5.3 Where an HREC has deemed a research project to be of negligible risk or not requiring HREC review, this must be confirmed in writing to ACTCS.

6 EXEMPTIONS FOR COMMUNITY ORGANISATIONS

- 6.1 Community organisations may be exempt from the minimum education requirement under section 5.1 where not feasible. However, the Commissioner must be satisfied that the research team has the capability to conduct the research according to the appropriate ethical standards.
- 6.2 Community organisations may be exempt from the HREC approval requirement under section 5.2 where not feasible. In this case, the researchers must provide a statement of intention to comply with the *NHMRC National Statement on Ethical Conduct in Human Research* and how the organisation will monitor the conduct of the research.

7 ASSESSMENT OF RESEARCH AND DATA REQUESTS

- 7.1 The Research and Evaluation Officer (REO) performs a secretariat function for assessing and processing external research and data requests and providing advice to the Commissioner.

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- 7.2 External research requests and applications should be provided to the REO for assessment.
- 7.3 Applications will be assessed against the following criteria:
- alignment with ACTCS strategic priorities, namely:
 - supporting the ACT Government’s commitment to reduce recidivism by 25% by 2025
 - the provision of sustainable opportunities for offenders to lead law abiding and productive lives in the community through rehabilitation and reintegration
 - impact on ACTCS security, operations, resources, staff, detainees, offenders and clients, including:
 - risks associated with the research
 - in-kind support required from ACTCS
 - ethical considerations
 - legal considerations
 - value in terms of academic merit and contribution to bodies of knowledge relevant to corrective service practice
 - capacity of the researcher to handle and store data appropriately
 - given the small size of the ACT jurisdiction, special consideration will be given to confidentiality (including potential for statistical disclosure risks) when assessing applications.
- 7.4 Research that focuses on an individual detainee/offender will not be considered irrespective of whether HREC approval has been obtained.

8 CONDITIONS FOR APPROVED RESEARCH AND DATA REQUESTS

- 8.1 Once approved by ACTCS, all research is subject to the following core conditions, as well as any additional conditions specific to the research project:
- a. All members of the research team are required to sign an Acknowledgement of Conditions on Approval to Conduct Research with ACT Corrective Services.
 - b. Compliance with the NHMRC National Statement on Ethical Conduct in Human Research (2007) – Updated 2018.
 - c. Compliance with the principles of the ACT Public Service Code of Conduct

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- d. All breaches compromising data security or confidentiality must be reported as soon as possible to the Research and Evaluation Officer (REO) via actcs.research@act.gov.au.
 - e. Any proposed changes to ACTCS-approved research should be submitted to the REO for consideration and approval by ACTCS prior to amending practice.
 - f. Changes to the research team should be reported to the REO.
 - g. Inclusion of a new research team member requires approval from ACTCS where the new member will require access to ACTCS data, facilities, staff, detainees, offenders or clients; or where they will have access to data collected from ACTCS staff, detainees, offenders or clients.
 - h. Researchers who require access to correctional centres must:
 - complete Security Awareness Training
 - undergo iris scanning
 - comply with all reasonable directions given to them by Corrections Officers
 - comply with any conditions required by the General Manager of the correctional centre
 - understand that final approval regarding timing and logistics for access to correctional centres is at the discretion of the General Manager of the correctional centre.
 - i. Researchers who require access to Community Operations workplaces must:
 - comply with any conditions required by the Assistant Commissioner Community Operations
 - understand that final approval regarding timing and logistics is at the discretion of the Assistant Commissioner Community Operations.
 - j. Researchers must advise their ACTCS Area Contact (or their manager) prior to leaving any ACTCS site if any participants exhibit signs of distress or discomfort.
 - k. Researchers must provide an *ACTCS Data Collection/Fieldwork Completion Report* to the REO no later than 10 working days after data collection is completed.


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- l. Researchers must provide an *ACTCS Data Analysis Completion Report* no later than 10 working days after data analysis is completed.
- m. Researchers must provide any reports, papers, or other outputs arising from this research, for consideration by the Commissioner, at least 30 days prior to any release or publication (via ACTCS.Research@act.gov.au).
- n. Researchers must acknowledge ACTCS contribution in all publications arising from the research.
- o. Researchers must include the following disclaimer in all publications arising from the research:
- “The opinions, comments and/or analysis expressed in this document are those of the authors and do not necessarily represent the views of ACT Corrective Services and cannot be taken in any way as expressions of ACT Government policy.”*
- p. Researchers should understand that where ACTCS believes conditions have not been complied with, the Commissioner may:
- suspend approval of the research until the Commissioner is satisfied that the researcher/s will conduct the research in accordance with ACTCS conditions on approval
 - notify the Human Research Ethics Committee (HREC) who gave approval to the researcher/s to conduct the research, or their employer
 - withdraw approval for the research
 - in extreme cases, take further action pursuant to s322 of the *Crimes (Sentence Administration) Act 2005*.
- q. Any secondary use of data obtained or collected from ACTCS requires separate approval from the Commissioner. This includes but is not limited to situations where:
- the primary data collection occurred as part of the provision of a service to detainees or offenders under ACTCS supervision
 - the researcher/s wish to re-use primary data collected as part of a previously approved external research project or collected for research commissioned by ACTCS.

9 ANNUAL REPORT

- 9.1 The REO will prepare an annual report for the Executive Governance Committee (EGC) providing a review of external research activity for the year. This report will be submitted to the November EGC meeting.

10 RELATED DOCUMENTS

- A – ACTPS Code of Conduct
- B – ACTCS Managing External Research and Data Requests Operating Procedure
- C – ACTCS Monitoring the Conduct of Approved External Research Operating Procedure
- D – ACTCS Application Guidelines for External Researchers (Academic)
- E – ACTCS Application Guidelines for External Researchers (Community Organisations)
- F – ACTCS Application Form for External Researchers (Academic)
- G – ACTCS Application Form for External Researchers (Community Organisations)
- H – ACTCS Acknowledgement of Conditions on Approval to Conduct Research with ACT Corrective Services Template
- I – ACTCS External Researcher Data Collection/Fieldwork Completion Report Template
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ACT Corrective Services

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