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Essay

Democratising Ethical Regulation and Practice in Educational Research

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Abstract: This paper sets the context for questions covered in the Education Sciences Special Issue: Regulation and Ethical Practice for Educational Research: What are appropriate ethical appraisal and approval practices for particular contexts? How can ethics committees effectively support educational researchers and educational research? To do so, the paper argues for a democratising of ethical regulation and practice in educational research, which includes the decolonization agenda, to break away from enduring power imbalances in knowledge production. A key focus is on the regulation of educational research through ethics committees (whether institutional, regional and/or national) and how this affects research practice. While intended to help researchers to protect and benefit potential research participants, ethics committees themselves can have an important part to play in recognizing and removing barriers to inclusivity, as well as in erecting them, to maximise the benefits of educational research. To overturn the dominance of global North knowledge, for post-colonial research ethics regulation, broader conversations of researcher values and experiences in different parts of the world are needed. This paper explores how ethics committees' expectations do and could shape researcher decision-making. It presents examples of approaches to ethical appraisal which would support empowerment and participation, not only for gatekeepers and participants but also for the research community, whether experienced researcher, ethics committee member or neophyte researcher. Evidence of ethical research practice which paves the way forward is drawn from a range of contexts to help acknowledge the enduring and wide-ranging impact of colonialism, neo-liberalism and neo-imperialism.

Keywords: ethical regulation; ethical research; democratisation; post-colonialisation; decolonisation

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1. Introduction: Where We Are Going

Educational research necessarily focuses on learning, learners and relationships between learners, educators and organizational leaders and how those relationships are affected by people's social and cultural backgrounds and contexts. This involves researchers in considering critically the power imbalances bound up in these relationships and finding ways to hear and compare the different voices and perspectives of the participants in these relationships in their particular local and national contexts by using face-to-face and/or online/virtual methodologies.

Where ethics committees (whether institutional, regional or national) exist, the regulation of research is intended to help researchers to both protect and benefit learners and other participants in research, ensuring that their vulnerabilities, or potential to be made vulnerable by the research, is accommodated in its design and conduct. However, the central role of research ethics committees as gatekeepers can be a barrier to the kinds of educational research which might maximise the benefits to participants, including their sense of inclusivity [1]. These barriers can be traced to the agendas and accountabilities, as well as to the values and ethical perspectives, that drive the work of these committees. In the global North in neo-liberal cultures, these committees often sit at institutional level, but

follow national guidelines. In the global South, access to research is usually organised at national, ministry or regional administrative unit level.

This paper, as part of the Special Issue on Ethical Regulation and Practice, seeks to build a critical discussion about ethical regulation and practice internationally based on work by [2–7]. It offers explanations for why ethics committees either refuse permission for some educational research or place pressure on researchers to change their original research designs, while allowing the implementation of others [1]. These explanations show how ethics committees' assumptions and stipulations shape the decision-making about research projects, with more or less transparency [8]. They also show how some researchers have been able to gain ethical approval for empowering, participatory and critical studies, which might otherwise have been considered overly risky. It is important to provide evidence of practice from a wide range of contexts and to show the impact of an 'entire history of colonialism, neo-imperialism and differential economic and social change' [9] (pp. 12–13).

Global South perspectives contribute to helping overturn the dominance of global North knowledge, towards 'epistemic justice' [10]. This includes recognising the complex existence of 'south in the north' and 'north in the south' [11] (p. 1). For post-colonial research ethics regulation, where 'historical and geographical dissonances must . . . be built in to the conceptual and theoretical base of sociological knowledge production' [12] (p. 130), pluriversal approaches are needed. South–North conversations and South-South conversations allow researchers to reflect more deeply on their values and experience of research in neo-liberal and post-colonial contexts and counter the dominance of North–South and North–North discourses. 'Thinkers from the global South who have foregrounded these issues need close attention from the North and exemplify a new architecture of knowledge in critical social science' [12] (p. 117).

2. Academic and Social Positionality: Where We Have Come From

We have to accept our positionality, with its inherent privileges and heritage [13] of working in universities in the UK in the Global North with national and international students and colleagues. We are surrounded by established educational and social science research ethics guidance, within a culture of accountability for carrying out safe, i.e., no-risk-to-reputation research on a University's behalf. As part of our work, we have been involved in supervising doctoral research, sat on research ethics committees 'guiding and approving' research in different contexts, as well as carrying out research ourselves, often focused on the most marginalised people, whether internationally or within the UK. However, though we assert decolonial aspirations of 'horizontality, collectivity, equity, relationships of trust and mutual respect, openness and kindness, care, solidarity, commitment to continuous un-/learning and a pluriversity of voices' [13] (n.p.), we accept that our reference to 'we' can only refer to those with similarly privileged backgrounds to our own.

Universities in the global North tend to assume that widely accepted views of ethical research are based more or less on a set of rational hypothetico-deductive principles, sometimes referred to as a Utilitarian Ethical Framework (UEF). These principles, originally developed to underpin ethical bio-medical studies, propose that research should be carried out with beneficence (seeking benefits from a study) and non-maleficence (avoiding harm to participants). This offers participants reassurance that they will receive just treatment and the researcher is to be held accountable. They have also accommodated guidance for researcher behaviours, often associated with originating in Aristotelian Virtue Ethics, such as showing integrity, honesty and fairness [3,14,15]. Over time, professional associations, funding bodies and ministries responsible for guiding research have put forward these principles as their guidance and codes of practice for studies involving human participants across the Social Sciences and Humanities. This adoption has been challenged as not always appropriate, for studies of those people who are socially, politically, ethically and culturally diverse [16,17]. Particularly problematic are the ways in which researchers are expected to gain ethical approval from participants, doing so only as prior informed consent. This assumes that it is possible to anticipate and mitigate potential harm and ensure

confidentiality for participants as the norm when reporting research before beginning a study [18]. However, this approach to making research ethical is favoured by Ethical Review Committees (ERCs) as 'disciplinary technologies' [19] to protect institutional and organisational reputations while appearing to uphold the rights of participants in research projects carried out under their auspices. Non-compliant researchers can be disciplined by losing access to resources or even their jobs [20].

Alternative ethical frameworks can complement the UEF to help researchers provide an ethically defensible rationale for a wider range of studies. The comprehensive CERD framework [21,22], based on earlier work by [18,23], recognises that there are multiple, not a single, ethical traditions which can be identified in educational and healthcare research in the global North. The Consequentialism, Ecological, Relational and Deontological (or CERD) framework builds on thinking by Flinders [18] which offered educational researchers alternative stances to underpin their research, drawn from these four different traditions of values influencing researcher behaviours. The authors of the CERD framework argued [21,22], in ways the authors saw as similar to Seedhouse's ethical appraisal grid for use in healthcare research [22], that the four lenses these traditions bring to ethical appraisal can be used together. This introduces the value of using multiple perspectives, i.e., Pluriversality, in ethical reflexivity. The dominating influence of the UEF now is aligned with asserting control over researchers, rather than any longer demonstrating principles of Utilitarianism. However, Utilitarian thinking can be constructively reclaimed and reframed along the broader principles of Consequentialism [24]. The CERD framework recognises how Ecological, Relational and Deontological ethical traditions or lenses can be integrated with Consequential thinking to identify key issues when ethically appraising any one study. These lenses are described next, exploring the potential limitations of the heritage on which they draw coming, as they do from a global North perspective.

In keeping with the original arguments for Utilitarianism by Jeremy Bentham and John Stuart Mill, the Consequential Ethical lens focuses a researcher on maximising the benefits of a study whilst minimising the possibilities of negative consequences from it. Whilst acknowledging the legal frameworks of a context and the rights of all those affected by a study, this perspective allows for a context-specific analysis for deciding which actions produce the most benefits, rather than determining the right way of acting. Researcher behaviours can thence transcend any global North origins. The Ecological Ethical lens can be traced back to the educationalist Dewey's [25] assertion that we should recognise how we live with others in an environment when evaluating our experience of that environment [18]. This illuminates the need for researchers to show awareness of the interconnectivity of all involved with and affected by a study. This thinking is not the prerogative of the global North and is deeply embedded in global South societal philosophies; such as ubuntu [22]. Ubuntu is part of the philosophical heritage which guides communities in much of Southern African. It counters individualism, usually associated with capitalist societies, with responsibilities first and foremost to one another. Not only are all members responsible to other members but the collective is also responsible to and for the environment in which humans are part, hence offering an ecological relational framework for living [26]. Here is an opportunity for researchers to show cultural sensitivity, avoid detachment from others and develop communications which are responsive to the needs (and agendas) of others, reclaiming Flinders' [18] interpretations and applying them to decolonial behaviours. This way forward also connects with a Relational Ethical lens which, although attributable to global North feminists [27,28] and healthcare traditions [29], also has deep origins in global South traditions of feminism, e.g., [30]. Enacting relational ethics places the emphasis on researchers' relationship-building through care, compassion and respect for those affected by a study. This includes extending these relationships beyond the data collection period, which is advocated in both global North and global South, e.g., [31]. This involves researchers, based on their growing understanding of a setting, deciding how to avoid imposing their views and recognising and respecting the agendas and interests of others involved, whether participants, gatekeepers or other stakeholders.

Arguably, with the increasing generation of codes of practice, ethical guidelines and legislation and a prioritisation of UEF in neoliberal global North contexts, a Deontological Ethical lens prioritises researcher's obligations. This sense of duty is grounded in principles of how to show respect to others (the foundation of Kantian moral philosophy) and uphold their rights. It appears to offer more certain regulation by ERCs about what are considered 'right' or 'wrong' researcher behaviours [3]. However, Deontological thinking within a situated approach to ethical appraisal, such as advocated by the CERD framework, recognises that researchers need to identify what might be considered 'wrong' or unfair by those in any research setting, e.g., [32]. In its 4th edition, the British Educational Research Association's Ethical Guidelines for Educational Research [33] removed all reference to 'should', offering only deliberative guidance, outlining key issues to consider, without presenting rules and regulations. In taking this situated decision-making, the CERD framework foregrounds the need to (re)calibrate ethical appraisal to encompass the social dimension of human existence [31]. Empathy, the recognition of shared concerns and a search for uniting values are necessary to guide researchers' ethical behaviour. Far from viewing participants as docile bodies [19], participant agency and identity are foregrounded.

3. Why Does Positionality Matter?

We all work within norms that are embedded in our cultures, whether at macro (national), meso (local) as a particular community or geographical space, or indeed at a micro level of particular (constructed) working groups such as research teams or groups of students [34]. We need to recognise that the values and histories which underpin these norms are only for our situation in the world. It would be presumptuous to assume that others would accept these norms without testing that hypothesis through conversations with those with whom we wish to engage in research.

This stance questions how researchers engage with the liminality [35] of participants in, gatekeepers of and stakeholders in research projects so that all groups feel empowered. This would avoid them experiencing research as something imposed upon them, with rules and frameworks which they do not fully understand or cultural values with which they do not fully hold. It also raises questions about how researchers can construct micro or small cultures [36–38] that fairly reflect the values and aspirations for research by participants and gatekeepers, as well as themselves. Researchers need to be able to project these agreed values back to their ERCs and have them accepted as a moral framework appropriate to guide practice in that research project.

Researchers need to be equipped and sensitised to resist normative practices, especially to challenge hegemonic practices within and outside institutions [39]. This goes beyond researchers uncritically accepting the principles embodied in their institutional ERCs, to being proactive in understanding the origins and currency of underlying hegemonic norms and practices. Researcher agency is needed to choose ethical and appropriate ways of entering and engaging with those in their selected research context. This relates to researchers navigating what Aristotle referred to as the 'golden mean', aiming for virtuous behaviours and avoiding the vices of extreme—of either deficit or excess. This has led to modern notions of research integrity [15], even if this results in counter-culture agency. Researchers need to develop phronesis [7,40] the ability to make wise judgments and practice skilfully, to allow them to 'balance research aspirations, societal concerns, institutional expectations and individual rights' [33] (p. 5). Whilst it is not suggested that this is straightforward and will require ongoing critical engagement by researchers in each and every situation they find themselves [41], it is possible to grow this expertise through consultation and collaboration [42]. It is already accepted that researchers need to respect participants in and gatekeepers and stakeholders of research projects so that people can feel confident in participating and learning from the research. However, less accepted is a researcher's responsibility to educate, by entering into dialogue with, their institutional ERCs about the needs and expectations of stakeholders, gatekeepers and participants in research settings. To develop ethical practice, to inform their situated

decision-making and achieve phronesis in research projects requires people to have internal and external conversations with relevant significant others [43], including collaboration with experienced researchers sitting on ERCs and researchers in the field [42].

4. How Can ERCs Effectively Support Educational Researchers?

Researchers can guide one another and educate themselves on a collective journey to decolonise research ethics, rather than being bounded by intransigent hierarchical systems that privilege institutional stasis over individual development. This also indicates how researchers should guide one another when acting as supervisors or sitting on Ethics Committees. By engaging with researchers about the agendas and needs of participants, ERC members are better placed to balance these alongside their own agenda to protect their institutions from reputational harm. ERCs need to be open to this reciprocal learning and take a collaborative approach with researchers to ethical regulation [44]. It might lessen ERC temptations to avoid approving, through being risk averse, qualitative designs such as ethnography or oral history [20] and help them to support researchers in developing negotiated collaborative approaches to research with those in research settings [45]. Creating a process of review and revision of a project's practices throughout its life would avoid pre-project approval being seen as a single 'hurdle' to surmount.

A more communal approach to ethical regulation would recognise the social reality that individuals enact to develop identities towards achieving personal and institutional purposes [46]. In helping people to construct a sense of agency to act for themselves and not just be docile bodies [19], communities are enabled to construct their own cultures within particular socio-political contexts. Collaboration, an important principle in relational ethical thinking [18], encourages researchers to think ethically about research in whatever context. This should recognise and value global South-South [47] and invite South–North dialogues [48,49].

Collaboration can be extended from that between researchers and those in their research settings to that between researchers and their supervising ERC. ERCs could aspire to developing a community of practice between themselves and researchers, however experienced or inexperienced the researchers engaging with them are [34], so that the latter are invited to make positive contributions to decision-making in the research community [50]. This would help in countering the asymmetrical power relationships [35] between researcher and ERC and recognise the application of values arising from an ERC's functions in their particular socio-political context. Inexperienced researchers can avoid feeling disempowered by being supported by more experienced researchers [51] formally and informally [49], helping them to learn how to apply their aspirations for research in ways which are acceptable to the system in which they are located [8].

To further adapt the system to create a more dialogic process could include opportunities for researchers to be present when applications are discussed [8]. This could either be at a full meeting of an ERC or with a sub-group of its reviewers. This would help less experienced researchers to understand how decisions are made about their projects [52] while creating a greater sense of collective responsibility for them, despite the structural power imbalances in ERCs. It would also acknowledge the importance of researchers' relationships with their participants and their projects' contexts, and recognise that every researcher brings valid and valuable insights to discussions about ethical decision-making for research projects [22]. However, inexperienced as researchers, researchers develop a unique expertise through their personal relationship building within and awareness of their research context [22]. Hearing about perspectives from settings not necessarily directly experienced by researchers on the EPC might cause these more experienced researchers to reflect on their own prejudices about research methods and designs and the claimed risks associated with them at institutional and personal level [22,44]. If open dialogue results, bringing together the combined expertise into productive discussion, power inequalities in research settings might be identified and practical mitigations considered as to how researchers might avoid silencing voices inadvertently [53]. This could help researchers:

try to anticipate the risks of intervening in particular contexts with certain participants, ponder why they are thinking about conducting research at all in particular contexts and what it might contribute to the local as well as international communities. Such reflexive engagement with other professionals has been argued as important for researchers to demonstrate phronesis [7,41]. This would go beyond the rational, logical and expected towards guidance for ethical practice which takes into account values to help guide the means and ends [40].

In such a dialogic approach to ethical decision-making, decisions made by an ERC would be able to include the views of participants, gatekeepers and stakeholders in their decisions by being enabled to 'see like a subject' [17] (p. 13). This approach acknowledges people's subjectivities as relevant to ethical decision-making about research projects throughout their lives. However, to enact this approach ERCs would need to create spaces for such consultation throughout the life of a project and to modify their documentation to include this wider range of consultation both internally for the ERC's institution and externally for the people in the research setting.

5. Creating Appropriate and Effective Ethical Appraisal and Approval Practices

Acknowledging the differences between personal, local, national and international communities confronts researchers with questions about whether there are values and practices which can be universally accepted as the basis for bringing together different perspectives and values from different cultural backgrounds into a single research project. Such values and practices would, amongst other things need to acknowledge peoples' social connectedness, the flows of power in and around their persons and the mutual respect of their rights in their own and other cultural contexts.

Examples of this, although driven from the global North aspire to be inclusive of all communities, especially 'First Nation' indigenous peoples, to develop ethical principles for research [54–56]. Two studies worked closely with indigenous aboriginal communities across Canada, for application and critical, further development in Canada [57,58]. These encapsulated the principles of: Ownership, Control, Access, and Possession through empowerment towards self-determination. More ambitiously research guidance in Scotland [59] has been developed to support ethical action for *global* research. The following principles for ethical appraisal of practice were generated through collecting definitions of research values and practices based on workshops with over 200 internationally diverse participants:

- Research impacts lives;
- Ethical challenges are not always obvious;
- Finding appropriate solutions for a given time and place can be challenging;
- Partnerships strengthen work;
- Openness to new ideas can drive innovation.

This approach argues that research should focus on addressing globally agreed sustainable development goals towards making a positive impact on the societies in which it is carried out [59]. This could be enacted by researchers and ERC holding pluriverse dialogues as to how this might best be achieved in any one research context. This should include avoiding harm whether to people, animals, plants or the environment, and accepting these aspects as interconnected—argued for in both the global North, e.g., [1] and the global South, e.g., [26]. Ethical solutions should support sustainability and social equity and derive from an understanding of shared values. This aspiration needs to start as research is first imagined through to beyond the dissemination of its findings, taking an explicit approach to revealing and addressing power differentials whether associated with research agendas, procedures or legacy.

These principles have been encapsulated in humanitarian aid organisation ethical guidance for research projects, e.g., Tearfund [60], aiming to avoid the dangers of 'ethics dumping' unethical research practices to lower-income settings [61]. Towards constructive global North–South research dialogues researchers can find out what people in local settings

expect and need of research and researchers and be guided by their values and perceptions when constructing research projects. A Global Ethics Code [62] drawing on European Union Horizon 2020 funding was collaboratively developed for resource-poor settings to complement the European Code of Conduct for Research Integrity [63]. The Global Ethics Code [62] suggests four main principles that researchers should follow anywhere:

- Fairness;
- Respect;
- Care;
- Honesty.

This framework makes clear how and why ERCs, especially those in the global North should be respectful of the views of others and not insist on enforcing their own views on other people.

Codes of ethical practice being developed *with* rather than *on* communities arguably marginalised either directly by imperialism or indirectly, through post-colonial instabilities, have been argued as possible through community-based participatory research [54,55]. Examples of these have been captured in collaborative publications reflecting on how mutual ethical practice has been developed, in America [56], the Lake Chad region of Africa [64] and Canada [65] These include publications representing research with refugees and forced migrants in Canada [49] and with indigenous populations in Australia [66] and Canada [67].

Another, more radical model, which 'replaces the current system' [8], sees people in local settings asserting their views and values for research. For example, the San people of Southern Africa became increasingly dissatisfied with their experience of being participants in academic research. They asserted that the research was neither requested nor useful and, on occasion, resulted in negative consequences for the San. Therefore, the San published their own Code of Research Ethics [68], requiring all researchers interested in engaging with San communities to a process of community approval in which they should demonstrate their commitment to the same four central values identified above [61]. Their code counters the San risking being marginalised by the values and practices of researchers from the global North [61]. Similar codes and processes have been developed in relation to Aboriginal and Torres Strait Islander community research, requiring Universities to engage with them through the Lowitja Institute (n.d.) [69] and the Australian National Health and Medical Research Council (n.d.) [70].

6. Conclusions: Implications for Ethical Regulation

Accepting that researchers, stakeholders, gatekeepers and participants are likely to hold a range of values and expectations of research practice supports arguments for multi-stage ethical approval. This can be achieved by using situated research ethical regulation based on epistemic justice [10]. This sees researchers playing a pivotal role between those in potential research sites and those responsible for approving research, to ensure research design is not only appropriate for but indeed welcomed by those in the setting. This requires an opening up channels of communication, to create transparency and a commitment to challenging assumptions of whose knowledge and values counts and where power resides. The consequences of this, as calls for decolonising higher education predict, have structural and hence resource consequences [71]. They require more time to be allocated to the ERC members to engage with researchers. Further, it requires the full range of methodological options to be considered, with none considered too risky if mutually agreed to be the most appropriate for addressing an agreed worthwhile research focus. This is not the experience of all researchers currently [8].

In the first stage of this process, ERCs and research supervisors would encourage researchers to get to know the social and physical contexts of their proposed projects, make partnerships and develop relationships with local people, including gatekeepers and putative participants, inviting their views and voices to shape the proposed project foci and methods.

A second stage would be for researchers to present to ERCs the agreed foci, values and practices of the proposed project, showing how these derive from the community taking part in the research project. This provides a chance to discuss the research in relation to balancing the various accountabilities on researchers including compliance with ERC and professional codes of conduct. On the basis of the outcome of these conversations, a project could be given formal approval for these negotiated practices to begin to be implemented, whilst offering researchers on-going support should issues and queries arise.

Both phases would require ERCs to engage in dialogue with researchers, the first in a mentoring and advisory role, the second in an on-going supervisory role, monitoring projects ethically throughout their lives, including the publication phase, in collaboration with the local community. Both phases would require researchers and ERCs to become knowledgeable about local customs and practices, be they in international or local community contexts, to construct and carry out research that is respectful, democratic and perceived by that community to be useful to it as well as to the researcher. In situations where no ERCs are involved, because the research does not involve higher educational institutions such as when led by non-governmental organisations and/or charities, the same principles apply. This is similarly likely to involve negotiation with Ministries, partner organizations and local communities.

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