

Access to children and young people in City of Edinburgh Council schools and early years centres for research purposes: Q and A for parents, carers and researchers

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1. PURPOSE

1.1 Why has the Council developed a new procedure for research in schools?

As well as undertaking internal surveys, every year, the City of Edinburgh Council receives about 50 requests from researchers wishing to access children and young people and their data in schools. The Council wants to manage this more efficiently for the benefit of all involved and ensure that research is undertaken on a consistent basis.

As with other local authorities, previous research access evolved without formal parent consultation. This imbalance is being addressed while applying learnings from recent surveys carried out in schools. For example:

- historically, most research requested opt-in permission, but not always
- with a packed curriculum, parents/carers are regularly reminded about the importance of full attendance, so class time for research must be carefully considered
- research must avoid undermining any teaching, especially around online safety and sharing personal data with other people.

This updated procedure aims to:

- ensure all research is legal, ethical, fair, transparent, and rights-respecting
- streamline and clarify the process for everyone involved
- protect researchers from being required to delete data due to improper collection.

2. SCOPE

2.1 This document is designed to help researchers to apply for access to schools and early years centres in order to carry out research with children and young people.

Parents and carers may also be interested in terms of opting-in or opting-out of research involving their children.

2.2 What types of research does the new procedure cover?

This procedure covers research carried out by external researchers, academics and organisations including public bodies and the Scottish Government, as well as Council research that informs service provision.

Separate procedures and policies cover:

- collection and sharing of administrative (operational) data
- simple feedback surveys carried out by teaching staff for daily school activities such as sports day or events, and where data is used only in school and not shared.

2.3 Does the Council still permit researchers to undertake research within schools?

Yes. We value high-quality, rights-respecting research and, where practical, we aim to support researchers and offer families opportunities to participate.

By sharing the criteria we use when scrutinising proposals, we hope to assist researchers considering school access.

We may explore co-producing research in the future to inform specific service delivery needs.

3. THE SHIFT TO PARENT/CARER OPT-IN

3.1 Why do you require parent/carer opt-in for participation in research, rather than parent/carer opt-out?

While most research routinely seeks opt-in, exceptions have occurred. We want all research to take place in a consistent way within Edinburgh schools.

Our Parental Engagement and Involvement Delivery Plan 2025-2028 emphasises improved communication and collaboration with parents/carers to build trust and support the best outcomes for children/young people.

An opt-out process means some parents/carers may be unaware of their child's participation. This undermines our focus on collaboration and trust. Schools typically use opt-in for non-routine activities, so opting-in to participation should apply also to research activities which take place as part of classroom time or within school hours.

Children/young people usually trust and follow teacher suggestions for activities in the classroom. When the classroom is then used for non-standard activities, it is in the context of an unavoidable power imbalance that can hinder children/young people's autonomy to freely exercise their own informed choices. It's also hard for some children/young people to decline participation if peers are involved.

The risks around participation can differ between children/young people, depending on their personal circumstances, the research topics and methodologies. It can be challenging and time consuming for teachers to consider any exceptions where children may not have capacity to understand any risks to them, especially around anonymity and confidentiality.

Parent/carer opt-in mitigates these issues. It aligns with the Age of Legal Capacity (Scotland) Act 1991 where under 16s generally have no legal capacity to enter into any transaction. It also enables parents/carers to exercise their responsibilities under the Children (Scotland) Act 1995, to safeguard and promote the child's health, development and welfare and provide direction or guidance in a manner appropriate to the stage of development of the child.

Under Principle 4 in [the Scottish Government's ethics for social research guidance](#), the importance of specific and informed consent for participation in research is emphasised. Under point 2.34 it states:

“Generally, for research involving children aged under-16, best practice would be that their parents of legal guardians should be approached for consent”

Under 2.37 the Scottish Government highlights that active consent (opt-in) rather than passive consent (opt-out) must be the default because it:

“provides clarity to the researcher and unequivocal assurance to parents”

It defines this:

“active consent means ensuring the parent of each participant has consented to the research and informed the researchers.”

The Council has requested guidance from the Scottish Government to cover the specifics of research in a school context for all ages whether it is funded by the Government or not.

In the meantime, under very exceptional circumstances, and where there is a very clear rationale and justification, the Council may consider if parent opt-out rather than opt-in is appropriate, proportionate, legal and ethical and can be implemented in a way that is fair and transparent.

3.2 What are parents/carers actually agreeing to?

We expect research to take place in Edinburgh schools after parents/carers have been informed about the nature of the research and have opted-in to enable their child or young person to be invited to participate. We call this *“consent to participate”*.

It is good ethical practice, and in some instances may be legally necessary to request parents/carers for active permission (opt-in) rather than passive permission (opt-out) where children/young people are being invited to participate in any data gathering exercise that is over and above routine operational and administrative data.

It should be noted that consent to participate in research is not the same as consent as a lawful basis for the processing of personal data under UK GDPR. There are other lawful bases that may apply to the collection of personal data. For example, some research may take place using the lawful basis of a “public task” in the public interest.

We require parents/carers to opt-in to permit their children to be invited to *participate* in research. But the research itself will not always rely on “consent” as a lawful basis for *processing* personal data. Researchers must be able to explain their lawful basis for processing personal data, both to the Council when their application is scrutinised, and to parents/carers in Participant Information and Privacy Notices. (See 6.3 and 6.4).

Researchers should retain a record of all permissions to participate. Schools should retain records of which children have parent permission to be invited to participate, just as they record and retain parent permission for school trips or use of photographs.

3.3 Do children/young people have to participate if their parents/carers opt-in?

No. Parent permission is for the child to be invited to participate in the research.

Under Principle 4 in the Scottish Government's ethics for social research guidance, it explains:

"If a child doesn't consent or assent to participate in research, this overrides the consent from the parent, guardian, carer or other appropriate adult with a duty of care."

Under UNCRC, children/young people have a right to have a voice, but children/young people don't have to express an opinion if they don't want to and should not be pressured into giving it.

Therefore, within schools a child can decide for themselves if they participate. If the research is a class activity, then the child should be able to opt-out if they don't wish to participate.

Information should be provided in appropriate formats so children/young people have the information they need to make an informed decision about whether they participate and can understand any risks to them. (See 6.3).

3.4 Could parent/carer opt-in impact the ability to gather a representative sample?

Collecting a representative sample is challenging in any research with adults or children and young people in any context.

Within the school environment, parents/carers are used to opting-in to activities such as school trips, so opting-in should apply also to research activities which take place within school hours.

To make it easier to obtain a representative sample, researchers can:

- involve parents/carers, carers, and school staff in research design
- ensure the research has a clear purpose, and takes account of all Data Protection principles, in particular, those relating to ensuring that personal data is necessary, relevant and not excessive for the purpose for which it is collected
- allow ample time for recruitment, and for parents/carers to opt-in and receive reminders
- provide clear, consistent information in various formats and languages suitable for the school community. (See 6.3).

4. DATA COLLECTION AND TRANSPARENCY

4.1 Can research collect special category and sensitive data?

Yes, provided it's fully transparent for parents and carers, and children and young people and they have opted-in, and if a lawful basis for processing this type of personal data under UK GDPR has been identified.

For any type of research, whether or not it gathers special category or sensitive data, the Council will require details of ethics reviews/approvals and Data Protection Impact Assessments before giving approval for research.

Special category data (under GDPR) includes information about the child or others they know, revealing or concerning:

- racial or ethnic origin
- political opinions
- religious or philosophical beliefs
- trade union membership
- genetic data
- biometric data
- health
- sex life
- sexual orientation

To comply with the Data Protection principles, researchers will need to evidence how gathering this type of data is necessary and proportionate, and that there is not a less intrusive way of achieving the aim.

Other data which may be sensitive include where children and young people are asked for information about themselves or in relation to others in their families and wider lives, such as:

- criminal offences
- anti-social/self-incriminating or demeaning behaviour
- critical appraisals of others
- legally recognised privileged relationships with professionals such as lawyers, doctors or ministers
- financial circumstances and income.

Any collection of special category or sensitive data should be explained in participant information and privacy notices, to support informed parent and child decisions.

4.2 What other elements must researchers consider?

- **Risk of children/young people and families being identifiable.** Special care and full transparency are needed if a child could be identified by anyone, either directly or

indirectly, for example, by combining personal information such as ethnicity and postcode. Even if researchers are anonymising information prior to publishing research findings, it must be made clear if children/young people and/or their parents/carers could potentially be identifiable to anyone, either within or outside the research team, now or in future. The concepts of anonymity and confidentiality and the difference between these should be explained in plain language.

- **Access to survey questions.** To support informed parental decisions, we expect researchers to ensure research questions are provided and accessible. If the research involves self-report questionnaires, these must be available should parents wish to see them, and without having to make appointments to do so. Ethics reviews/approvals and Data Protection Impact Assessments may also need to be shared.
- **Question types and structure.** For all research, and self-report questionnaires in particular, questions must not be leading, normalise behaviours which would not be encouraged or accepted, or prompt unnecessary alarm. Any exceptions would need to be justified. They should also permit a neutral or “don’t know” response rather than only providing options for agree or disagree. They must make it clear in each question that children and young people do not have to answer it, for example by having a ‘prefer not to say’ option.
- **Avoiding distress or undermining of teaching.** Data protection legislation makes special provision for processing of personal data for research purposes, to help enable innovation and the advancement of knowledge. However, these provisions cannot be used if the research would cause substantial damage or distress. This might include upset, emotional or mental pain. Parent opt-in helps ensure that children and young people would not be put at risk of substantial distress, and that participation does not lead children/young people to mistakenly assume it is normal to share special category and sensitive data online, offline or in person with strangers, without oversight from their parents/carers.
- **Respect for children, young people and families.** Researchers must acknowledge their own biases, career interests and desire to attract funding, and avoid hyping any results that could over-simplify or misrepresent findings in complex and sensitive areas. As part of good ethical conduct, prior to it being released in the public domain, researchers must provide feedback to the Council and participants about the outcomes of the research. This can be a short report with key findings and potential outlets for publication.

4.3 If a survey is fully anonymous, is parent opt-in still needed?

Yes. For various reasons, in schools, it is difficult to guarantee that all children and young people are fully anonymous at the point of data collection. Even if no names are collected, the nature of questions and responses may identify children/young people in other ways.

If anonymity is possible, other research elements (e.g. question type, methodology) may not suit all children/young people, and teachers lack time to assess this for everyone.

Therefore, the Council will expect parent/carer opt-in for all research undertaken in its schools.

Under very exceptional circumstances and where there is a very clear rationale and justification, the Council may consider if parent opt-out rather than opt-in is appropriate, proportionate, legal and ethical and can be implemented in a way that is fair and transparent.

5. CHILDREN/YOUNG PEOPLE'S RIGHTS AND AGE CONSIDERATIONS

5.1 Under UNCRC, how is the Council ensuring it meets the rights of children and young people to be heard, if parent opt-in is always needed?

Children and young people have a right to express views on matters affecting them. Other procedures cover how this is applied in day-to-day school matters.

It's vital children and young people's voices and experiences shape future policies. Most parents/carers will support their children's views contributing to public good, if managed appropriately.

Research outputs generally offer no direct benefit to individual children/young people, but participation can pose direct risks. Parent opt-in balances this.

According to the UNICEF UK Rights Respecting Schools scheme, based on UNCRC and for which many Edinburgh schools have accreditations, "The experience of participation should be relevant, informed, voluntary, safe, respectful and transparent" and children/young people and young people should be given the information they need to make good decisions. Parents/carers play an important role in ensuring that experience meets those criteria and their child's needs.

As the UNCRC has no hierarchy of rights, other relevant articles must also be considered, such as Article 16, the right to private and family life and Article 5, where parents/carers have an important role to support children/young people in exercising their rights, in ways that are consistent with the child's evolving capacities.

Parent opt-in supports all of these. It also ensures parents/carers can support children/young people to understand any implications for the rights to privacy and family life of others in their family.

5.2 Does parent opt-in apply to all young people regardless of age?

Yes. For just now, and to enable research in schools to continue, we expect research to take place in schools only after opt-in by parents/carers, regardless of the age of the child/young person. This is because:

- there are ongoing issues and questions around the ethics and legality of the methodology of various research projects in schools across the UK, where children up to age 18 have potentially been put at risk or their rights potentially infringed, despite projects having ethical approvals or reviews
- there is variation in the approaches to ethics approvals around research in schools across academic institutions and corporates
- there is currently no Scottish Government guidance covering the specific issues around research in schools for all types of research.

Going forward the Council will collaborate with parents, teachers, the Scottish Government, researchers and children and young people to develop guidance to cover permissions for research for different ages in schools. This is needed to achieve more clarity and ensure a proportionate and ethical approach that addresses the complexity brought by several pieces of legislation that may be relevant to research in schools.

Therefore, until this work has progressed, in the context of research, we regard all of the children/young people in Edinburgh schools as potentially vulnerable because they are under 18 and so require parent/carer opt-in to participate in research.

We do so because it is ethical to ask for parent/carer opt-in given the current circumstances and not because it will necessarily be legally required for all children/young people where research is implemented.

In the meantime, under very exceptional circumstances, and where there is a very clear rationale and justification, the Council may consider if parent opt-out rather than opt-in is appropriate, proportionate, legal and ethical.

6. IMPLEMENTING RESEARCH

6.1 What do I need to provide to the Council to enable them to consider my research?

If possible, we recommend that researchers ask to involve parents/carers, teachers and children/young people when developing their methodology. The Council may be able to support this through various channels such as giving researchers permission to approach schools to discuss projects or sharing information to parents through the Parent Engagement team.

Researchers must not approach schools directly to request access.

To submit a research access request, you should request the Council's application form from eps.businesssupport@edinburgh.gov.uk.

Your request should include:

- any ethical approval that has been given for the research
- any Data Protection Impact Assessment that has been completed
- Participant Information/Privacy Notice – a copy of the information that will be provided to parents/carers to enable them to take a decision about their child participating in the research, and a copy of the information that will be provided to the child as a participant
- a copy of the interview/survey questions or research activities as applicable.

This will help the council and schools to decide whether to allow access for research, and to answer further questions from parents and carers.

6.2 How does the council ensure researchers have avoided overloading schools and early year centres with multiple requests and increased workloads?

Central officers maintain a spreadsheet of research requests and ensure that requests are spread across the different establishments in Edinburgh. Officers also gauge the workload that a research request may place on school leadership teams and school staff.

6.3 What do I need to provide to parents and carers, children and young people, and teachers?

The Council expects you to provide Participant Information/Privacy Notice that explains the research to parents/carers, sufficient to enable them to take a decision about their child participating in the research. This may include where to view the questions being asked, as a list of topics may not adequately represent how the questions could be perceived by children/young people and their families.

You should provide a consent form to capture permission for a child to be invited to participate in the research. Parents/carers should be able to retain a copy of the form so they know what they have given permission for.

You should also provide information to children/young people in an age-appropriate way about participation in the research.

Once a research access request is approved, the Council will advise whether any additional information is needed for teaching staff.

The Council only approves that a researcher can approach a school. This is not confirmation that the school will accept the research proposal.

6.4 How will parent opt-in be managed?

Schools will use their usual channels for disseminating information about the research project and gathering and recording parent opt-in.

Parents/carers should be provided with Participant Information/Privacy Notice which explains what the research involves. The Council will expect to have reviewed the Participant Information/Privacy Notice/permission forms and for them to contain all the information necessary to explain the research to parents/carers. For example:

- the lawful basis for data processing
- how the data will or could be used
- the right to withdraw, particularly after the research data collection is completed (and any caveats to that)
- how long the data would be kept and where
- whether the data could be:
 - open to secondary data analysis
 - shared with others in future and if so, who
 - cross-linked with data on the same individuals longitudinally or from other sources

Parents/carers/carers should also be given a permission form to sign, or provided with the means to audio-recorded their permission which includes a statement such as:

I give permission for my child [identify child by name, class, school] to be invited to participate in [name of research project]

I give my permission on the basis that participation in this research is entirely optional, and there will be no detriment to my child if they decide not to participate.

Further consent statements may also be required if there are further options. For example:

- if there are different stages in the research, parents/carers may want to say yes to an initial survey, but not to a follow-up interview
- planned or potential data sharing
- planned or potential crosslinking.

7. OTHER CONSIDERATIONS

7.1 What happens if my research uncovers concerns about a child?

Research is undertaken on the basis that the findings do not lead directly to decisions about specific individuals. We do not undertake research to identify children/young people at risk of significant harm as there are other established processes for this.

If, while undertaking research, you are concerned about a child at risk, in the first instance, you should contact the headteacher of the school the pupil attends.

7.2 How will this procedure be reviewed?

There will be ongoing engagement with parents/carers, teachers, researchers and the Scottish Government as well as children and young people to review and refine this procedure as necessary.

There is a desire to re-establish seminars that ran pre-Covid to keep abreast of ethical issues as they emerge for research in and with schools

7.3 Who do I contact for more information?

Please email eps.businesssupport@edinburgh.gov.uk to:

- request further information
- submit a request for research access
- explore how to engage with parents
- enquire about co-produced research
- provide feedback about this procedure.