

NFER Code of Practice

What is the NFER Code of Practice?

The NFER Code of Practice sets out the principles and practices which affect all of the assessment, evaluation, information, research, delivery and product development work carried out by NFER in the UK and internationally. It draws together, in one place, the key policies and guidelines which help to ensure work undertaken by NFER is completed with the highest level of integrity possible.

The NFER Code of Practice is underpinned by five key principles:

- That the physical, psychological and emotional safety and well-being of research participants, all NFER staff and our partners¹, is the overriding priority in NFER's work.
- That schools (in loco parentis) have the right to refuse to participate in research and assessment, unless school participation is mandated by the relevant country's government; that individual research participants have the right to withdraw from any research unless individual participation is mandated by the relevant country's governments. Where participation is voluntary that individual participants should be informed of their right to withdraw. Where schools inform parents and carers of research, the parents and carers have the right to refuse on the participant's behalf.
- That NFER has an obligation to the wider research community and society to uphold professional standards in relation to quality, integrity and honesty in the way it conducts its work.
- That NFER sees ethical issues as central and relevant to all aspects of its work.
- That the confidentiality of research participants is maintained, except where responses raise concerns about the research participants' safety or where we have written permission to name or otherwise identify an individual or organisation.

The NFER Code of Practice sets out guiding principles relating to:

- Ethics
- Data protection and information security²
- Caring for research participants.

As well as the Code of Practice, the NFER issues updates to all staff, associates and subcontractors to ensure that they operate within current guidelines, whenever there are changes to the Code of Practice and/or to related policy documents.

¹ Including any associates or sub-contractors with whom the NFER works.

² NB NFER's Data Security Policy, available on request, provides greater detail on this subject.

How does the Code of Practice operate?

The Code of Practice is overseen by an internal Committee at NFER. The Code of Practice Committee meets twice each year to consider the overall content of the Code of Practice and its related documents. The Committee also discusses issues arising from NFER's work since the last meeting and any Code of Practice issues arising in our work.

The Committee also manages a fast-track review process for staff preparing proposals or conducting work. This process uses the **Code of Practice Impact Assessment** as its starting point and responds to queries and propositions within one working week. The **Data Protection Advice Record** is also utilised where special data as defined by data protection legislation³, or data protection issues or challenges have been identified.

All of the decisions of the review process are added to the 'In Practice' section of the Code of Practice area on the intranet.

Staff have recourse to appeal against the decisions of the Committee. Appeals are handled in the first instance by the Chair of the Committee. If required, a second level of appeal can be made to the Chief Executive of NFER.

Why have a Code of Practice?

A wide range of individuals and organisations contribute to the work carried out by the National Foundation for Educational Research (NFER), including, for example, participants, commissioners, partners/sub-contractors and associates. Our work involves: assessment, evaluation, information, research and delivery projects, as well as the development of a portfolio of educational resources and services.

All of those involved in our work have a right to expect to be well-informed about the purposes of the projects they are involved with and to understand the extent of their involvement. Equally, and particularly for individuals who are the subject of any studies carried out by NFER, there is a clear need to demonstrate that NFER has ethical and data protection principles which determine how research is undertaken.

The NFER Code of Practice guides all of the work which NFER carries out. It also sets the standards expected of any partners, associates or sub-contractors with whom the NFER works. The Code of Practice applies to all our work – within the UK, or in other countries, regardless of whether it is funded by NFER or by an external client.

Ethics

In line with its articles of association and independent and charitable status, NFER only undertakes activities that are apolitical, non-partisan, free from bias and of an ethical nature.

NFER is committed to ensuring that all research undertaken is completed with the highest possible levels of integrity. [NFER's Research Integrity Statement](#) sets out in full how research integrity is demonstrated and upheld at NFER. NFER's staff will not deliberately

³

The UK data protection regime is set out in the Data Protection Act 2018, along with the General Data Protection Regulation (EU) 2016/679 which also forms part of UK law. All our work, whether within the UK or elsewhere should comply with this regime.

fabricate, falsify or misrepresent evidence, findings or conclusions. NFER staff will not plagiarise, misrepresent, misquote or otherwise misappropriate the work of other authors or researchers. Moreover, NFER and its staff do not engage in activities that may involve or may promote unethical practices such as bribery, corruption, terrorism, or modern slavery and trafficking.

NFER's staff will conduct themselves, at all times, in a professional and ethical manner. This involves:

- respecting the privacy of individuals and institutions
- ensuring that individuals' rights over their data are observed
- being sensitive, polite and helpful in their dealings with others
- keeping a professional distance from, and not placing oneself under personal obligation to, clients and research participants
- being mindful of cultural, religious, gender and other relevant differences within the research population in the planning, conducting and reporting of their work
- protecting the confidentiality of the data collected and ensuring that they comply with all data protection requirements according to relevant legislation, and NFER policies
- producing findings and judgements based on sound research evidence
- disseminating research findings openly and honestly to audiences who can use the outcomes to help improve the practice and understanding of those who work with and for learners

NFER will ensure that all participants in its activities are informed about the nature and purpose of each activity in which they are involved, including making clear whether any data will be shared with any other organisations or individuals. NFER recognises that the appropriate agreement or ethical consent⁴ for participation should be obtained from the parents, guardians or other appropriate adult or from the individual, depending on the research activity and the age of the participant.

Aspects of the Code of Practice may be altered by the nature of the work and the necessity of securing views from particular groups of individuals, provided this does not contravene data protection law. In such cases, a well-reasoned and agreed rationale for using an alternative approach must be proposed to NFER's Code of Practice Committee. The Committee will review the proposal and give approval for the alternative approach, or not, as appropriate. All decisions made by the Code of Practice Committee are logged for future reference. Anyone who has concerns about NFER's data protection compliance should discuss these with the Head of Data Security.

NFER requires all its projects/products to undertake a Code of Practice Impact Assessment form at project start up. This enables project directors and project leaders to assess the extent to which project activities may deviate from NFER's preferred ways of working and whether there are ethical issues which require consideration by the Code of Practice Committee.

4. To note: Please note that ethical consent is distinct from data protection legislation legal consent to process data.

Working with Children

It is a basic right of every child to feel safe and protected from any situation or practice that could result in a child being harmed through abuse or neglect. Our Code of Practice and Child Protection Protocol take account of the United Nations Convention on the rights of the child ([UNCRC](#)) and in particular to:

- Article 3 (best interests of the child): The best interests of the child must be a top priority in all decisions and actions that affect children.
- Article 19 (protection from violence, abuse and neglect): Governments must do all they can to ensure that children are protected from all forms of violence, abuse, neglect and bad treatment by their parents or anyone else who looks after them.

NFER's Child Protection Protocol (CPP) identifies the need for all staff coming into direct contact with children and/or dealing with their data, to be aware of any safeguarding concerns arising from our work and to report them accordingly. The CoP and CPP are written in accordance with the duties arising from Section 175 of the Education Act 2002, and guidance issued by the Department for Education, Keeping children safe in education, Sept 2018⁵. All members of staff who have access to research participants must undergo an enhanced Disclosure and Barring Service (DBS) check if they are based in the UK.

When working outside the UK, we develop specific protocols for each individual project that are in line with best practice on ethics and child protection from the field of education and international development (based on, for example, FCDO safeguarding requirements). Particular attention has been made to ensure that our policies and protocols are consistent with Do No Harm principles, and are mindful to the contexts and regulations of countries in which we operate. If members of staff are based outside of the UK, an DBS-equivalent criminal check is required on a best efforts basis and where DBS checks are not available, reference checks are mandatory.

Data protection legislation explicitly states that children's personal data merits specific protection as they may be less aware of the risks, consequences and safeguards concerned and their rights in relation to the processing of personal data. Children should be provided with age-appropriate privacy notices where they are providing consent.

Data Protection

NFER is registered with the Information Commissioner's Office (ICO) under the Data Protection (Charges and Information) Regulation 2018 to process personal data. It provides advice and training for all staff as to the correct implementation of the data protection framework introduced by the Data Protection Act 2018 and the General Data Protection Regulation.

NFER undertakes all of its work, whether within the UK or elsewhere in accordance with the principles of data protection as set out by the relevant legislative frameworks. Personal data should:

1. be processed lawfully, fairly and transparently

⁵ <https://www.gov.uk/government/publications/keeping-children-safe-in-education--2>

2. be obtained only for one or more specified and lawful purposes, and not be further processed in any manner incompatible with that purpose or those purposes
3. be adequate, relevant and not excessive in relation to the purpose or purposes for which it is processed
4. be accurate and, where necessary, kept up to date
5. not be kept for longer than it is needed
6. be kept secure.

NFER is responsible for complying with and demonstrating this compliance with data protection legislation. This accountability (the seventh principle) takes the form of adopting and implementing data protection policies, taking a data protection by design and default approach, having written contracts with organisations that process personal data on our behalf, document the data we hold, carrying out data protection impact assessments, and having an individual (the Head of Data Security) who carries out the tasks of a Data Protection Officer (DPO).

When we are not working in the UK we also take into account the data protection regime in whichever country we are operating in where this exists, and expect our subcontractors, partners and associates to have appropriate policies and procedures in place to comply with the local regime.

In addition, personal data is not transferred to a country unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.

In general, NFER uses the seven principles to ensure that all staff:

‘...collectively and individually carry out their work under the Data Protection Act to ensure that we collect, store, use, share and delete data correctly. This means data on paper as well as data held electronically’.

Information security

Matters of information security are closely linked to concerns about data protection. NFER is ISO/IEC 27001 certified (GB17/872763) and maintains a full Information Security Management Strategy (ISMS) including a Data Security Policy with which all staff are required to comply.

NFER takes steps to ensure that the confidentiality, integrity and availability of all the information is maintained and generated as part of its activities. Its security measures include the use of encrypted laptops and memory sticks, password protected computers for all staff, control of documents according to their level of sensitivity (information classification) limiting access to those who need it, records (paper, electronic and recordings) being anonymised and stored securely, secure disposal.

In general, NFER applies the following approach to managing data security:

‘Since data can only be used for a specified purpose, we need to ensure that no data is passed to anyone who may use it for another purpose. We need to take care to ensure that data, electronic or on paper, does not leave the secure confines of the NFER computer network or the physical security of our buildings. We need to ensure that data is not saved to devices such as laptops or USB sticks that can go missing.’

Where we are working with a third party and if we have agreed to transfer data to a third party we should do this securely, making use of passwords, encryption, courier or secure electronic transfer. To ensure that the third party uses the data appropriately we will set up Data Sharing Agreements with the third party so that the same protection is given to the data as if we were processing it ourselves.' Where we are operating outside of the UK, we will also take account of the data security regime in that country, and expect our subcontractors, partners and associates to have appropriate procedures in place for data security to satisfy any additional requirements.

Minimising burden

In conducting its work, NFER calls upon a very large number of schools, education settings and other providers of services to children, young people and adults. In order to maintain the cooperation of individuals and the settings, NFER attempts to manage the burdens imposed upon them in any particular year, and will co-ordinate with relevant local education bodies where relevant.

NFER has stringent internal quality assurance procedures which ensure that projects are managed effectively and delivered to time and budget.

NFER has also developed a 'working with schools' policy which gives guidance for NFER staff on how to work with schools, teachers and pupils or to minimise overburdening them or taking them away from their normal school work.

Complaints

NFER has a transparent process for managing complaints.

Complaints against NFER made by UK complainants are handled under the UK [complaints policy and procedure](#), which outlines the process whereby clients or participants can make a complaint and provides a timescale for responses to that complaint.

Complaints against NFER or their partners based outside the UK, or those made by complainants based outside of the UK, are managed by a separate process. In this process, in the early stages of the project, project leads develop a customised protocol through which complainants can lodge complaints that are appropriate for the local context and specifies appropriate escalation routes.

Research project design

When specifying research activities, NFER will design them in such a way that they will provide reliable and valid evidence about the research questions being investigated. This will involve using appropriate methodologies and sample sizes so that the research will provide findings that are appropriately robust for the specific project. We will actively challenge all cases in which we believe our research evidence is used inappropriately.

NFER will aim for all of its research findings to be published and the data shared (within the confines of the relevant data protection legislation where possible (subject to client approval). In the case of randomised controlled trials we strongly recommend that trials are registered at the start of the trial (<http://www.isrctn.com/>) and all results are made publically available (with client permission).

Assessment and measurement development and test activity

In developing tests and other assessment instruments, methods and systems, NFER strives to ensure that these achieve acceptable levels of reliability and validity. Each assessment has a development process to fit its purpose. Methods are adopted to check that assessments are as fair as possible for all potential users. Clear guidance on administration and interpretation is designed for users to accompany each assessment.

Educational Resource development and delivery

In developing and running its portfolio of educational resources, NFER strives to ensure that these provide reliable evidence or information for users that can inform strategies to improve outcomes for learners. Our products have a development cycle that takes each product through a number of review stages. An element of these reviews is to ensure that the products are being developed in an ethical manner, that they are fit for purpose, and will contribute to our overall aim of improving outcomes for learners. We provide clear guidance with all our products to enable them to be used in an appropriate way to achieve the purposes for which they are designed.

How does the NFER Code of Practice relate to other existing codes?

NFER is an organisation of long-standing and with a large amount of experience in conducting research and development projects. We have used a Code of Practice to guide our activities for many years both within the UK and abroad. When revising the Code of Practice, we reviewed the Codes produced by a number of related organisations to ensure that our Code is in line with these in all important elements, while being tailored to our own particular needs. As part of this process, Codes considered included the Code of Practice from BERA (the British Educational Research Association), MRA (the Market Research Association) and SRA (the Social Research Association), among others. In addition we also reviewed key policies adopted by organisations working in the field of education and international development such as UNICEF, FCDO and the World Bank, to ensure that our documents incorporate the necessary best practices from across the world.