Researching professional identities of female law students: Ethical issues and dilemmas

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Abstract

This paper discusses the ethical issues encountered in preparing for and carrying out the initial stages of a project to investigate the extent to which the Legal Practice Course (a one-year, postgraduate vocational course for intending solicitors) influences the formation of female students' professional identities. It examines the ethical issues which the researcher has had to consider in the light of the decision to collect data by interviewing (particularly those of harm to participants and privacy and confidentiality), including the potential problems of conducting insider research, before going on to reflect on the institutional approval process and concludes by looking at how ethical issues might be relevant when assessing the quality of a qualitative research project such as this. It concludes that ethical issues must be constantly in the mind of the researcher even once ethical approval has been obtained and data collected. In addition, the presentation of research findings may in itself pose ethical dilemmas and those assessing research quality will expect any description of the research to make it very clear that ethical issues have been carefully considered at every stage.

Introduction

Dealing with ethical issues in socio-legal research poses many dilemmas for inexperienced researchers. The purpose of this paper is to discuss the ethical issues I encountered in preparing to carry out the initial stages of a PhD research project. The project aims to investigate the extent to which the Legal Practice Course (LPC - a one-year, postgraduate vocational course for intending solicitors) influences the formation of female students' professional identities. The initial stage of the project involved insider research. While there is a reasonable body of literature discussing insider research in education generally (Sikes and Potts, 2008; Drake, 2010; Mercer, 2007) there appears to be little literature focussing on the issue in the context of research into legal education. This paper is, therefore, an attempt to make a small contribution to, and perhaps encourage discussion in this area. It aims also to crystallise some of my reflections on my experiences so far in dealing with ethical issues in my project in the hope that they may be useful to other PhD students. In particular, it examines the general ethical principles of harm to participants and privacy and confidentiality, both of which have relevance to my research project especially the initial stage. This stage involved carrying out interviews with students from the LPC, the course I was teaching at the time.

I conduct my research from the point of view of a solicitor who used to be in commercial practice. I did not particularly enjoy the job and had never, before going into it, really thought about whether, given my own values, I was likely to enjoy it and whether the professional identity I would find myself developing was going to be a good fit with my own personal identity. I am interested in issues of legal professional identity and the role played by the LPC because I want to see whether there is scope for the LPC to encourage students to reflect on the development of their own professional identity and values and how these fit with their personal identity and values. This might enable them to look for the sort of legal job which suits them best and in which they stand the best chance possible of being happy. I see this issue as one which has particular significance for women. Sikes (2006) suggests that researchers should strive to do research which is a good fit with their own values and identities and I feel that my research project allows me to do that.

Background to the research

There is a substantial body of literature looking at women in the UK legal profession (Sanderson and Sommerlad, 2000; Muzio and Ackroyd, 2005; Bolton and Muzio, 2007; Tomlinson et al., 2013). It is suggested that women tend to 'lawyer differently' from men (Sanderson and Sommerlad, 2000: 164), for example by being more likely to enter the 'caring' branches of the law or to work in a 'high street' firm or as a professional support lawyer. It is further suggested that this difference may be 'the product of subtle and institutionalised constraints' (Sanderson and Sommerlad, 2000: 165). Researchers in the UK have examined the general issue of professional socialisation of those training to be solicitors (Sommerlad, 2007) and the role of legal education in this among 'students from previously excluded groups' (Sommerlad, 2008). These groups include mature students and students from black and minority ethnic and lower socio-economic groups as well as women. However, a review of relevant literature suggests that there is no research which looks specifically at the effect on the professional identity of female students of the LPC in England and Wales and how their expected and experienced professional identity changes over time. My research project aims to build on existing research, such as that done by Sommerlad (2007), by investigating this issue within a theoretical framework of professional identity, gender and legal education.

Factors in the formation of legal professional identity may include educational background, legal work experience and exposure to law firms' publicity material (Francis, 2011; Collier, 2005). It follows, then, that a student's professional identity may have started to develop before the beginning of the LPC and may be influenced during the LPC both by the course and by other factors such as work experience being undertaken at the same time. It is also suggested that for a number of reasons entry into the legal profession is more difficult for those from lower socio-economic

groups, who find it difficult to demonstrate the 'normative' professional identity (Francis, 2011). In order to understand the effect of the LPC, in my interviews I needed to investigate these influences and issues from the students' point of view. Interviews in the initial study included questions about students' educational and family background (similar questions are to be asked in the subsequent full study) and, in addition, specific questions such as:

> What does it mean to you to be a solicitor?
>
> Do you think female solicitors are different from male solicitors?
>
> What sort of person becomes a solicitor?

What do you want to achieve in your career? What might help or stop you?

> How will you fit into a law firm?
>
> How many job applications have you made to law firms?
>
> How have you found the job application process?

The job applications referred to in the questions are applications for training contracts, which are two-year, paid periods of training which must be completed before someone can qualify as a solicitor in England and Wales. There are, at the moment, far fewer training contracts available than students seeking them. The Solicitors' Regulation Authority (the regulatory body for the solicitors' profession) says on its website:

> We do not provide careers advice; however, when seeking a training contract place, you need to know that the number of employers able to offer contracts may be dictated by economic factors and can be significantly lower than the number of LPC graduates (SRA, 2013).

At the beginning of my research I was required to sketch out a timetable for completion of the project. My timetable provided that immediately following completion of the doctoral progression process I would work on and obtain ethical approval. At the time, that seemed like a simple form-filling exercise. However, the research project had not been fully designed at that stage and I knew only a little about the principles of ethical research or the ethical approval process and did not appreciate, as I do now, the complications of the ethical obligation to think carefully at all stages of the project about its possible effects (Floyd and Arthur, 2012). As my studies progressed I learned more about the wider issues of research ethics and began to realise that the way in which someone conducts their whole research project 'can have implications both in terms of their career development and with regard to their personal integrity and moral positioning' (Sikes, 2006: 106).

In the context of this research project it may be useful at a general level to think of ethicality as behaviour which is right and appropriate in social research (Babbie, 2002). Mcauley describes ethical social research as comprising a relationship between researcher and participants where both

benefit from the research exercise and where useful results are obtained (Mcauley, 2003). In the context of my own discipline, the Socio-Legal Studies Association's Statement of Principles of Ethical Research Practice emphasises the importance of 'integrity and quality' in conducting research and of collegiality amongst researchers (SLSA, 2009).

There is, then, a clear sense in which one cannot ensure that one behaves ethically simply by adhering to a set list of ethical principles. Ethical research requires that the researcher acts ethically in a wider sense. However, a more detailed discussion of ethical issues arising in a research project (and certainly any institutional approval process) will usually involve considering one or more of a number of established individual ethical principles. Traditionally, concepts of research ethics focus on the effect the research may have on participants other than the researcher. Silverman (2010: 253-4) lists the most 'prominent' general ethical principles as 'voluntary participation and the right to withdraw, protection of research participants, assessment of potential benefits and risks to participants, obtaining informed consent' and 'not doing harm', the last of which must also require consideration of the effect of the research on those not directly involved in it. Silverman's list implies that ethical research must take into account the effect of the research not only on participants but also on those who are not directly involved in the research.

Of course, a researcher might take an instrumental view of certain aspects of ethical behaviour, such as the collegiality mentioned in the SLSA statement (above). Silverman's (2010) discussion of informed consent also includes instrumental arguments such as the warning that participants may withdraw from a study at a later date if care is not taken to make sure that they are fully informed from the outset. It is obvious that on a day-to-day basis concerns about the practicality of research (and the need to obtain institutional approval) may discourage researchers from thinking of principles of ethical research as goods in themselves. To think in this way, though, is to disregard Kant's (1994: 277) assertion that 'in morals, the proper and inestimable worth of an absolute good will consist precisely in the freedom of the principle of action from all influences from contingent grounds which only experience can furnish'. This means that when deciding what is ethical we should have regard not to the consequences of our actions but only to the nature of the actions themselves. Researchers must not be tempted to assume that if they have institutional approval for their research they can stop thinking about ethical issues since there must be a risk that a researcher who thinks in this way may not be inclined to be sensitive to ethical issues arising in the course of the research.

Given the nature of the interviews to be conducted and the questions to be asked, then, it is clear that ethical issues may arise. Students may find themselves discussing the difficulties they face in becoming a solicitor. They may have spent a substantial amount of money on the LPC only to find that they are unlikely to pass the course or that it is much more difficult to get a

job than they had anticipated, and such discussions may be uncomfortable. They may also discuss things they would not want others to know; perhaps they have made many job applications and have not been invited to any interviews, or perhaps they feel that their career will be hampered because they do not have good 'A' level grades. The ethical issues of harm to participants and privacy and confidentiality therefore clearly arise and this paper considers those issues along with the potential problems of conducting insider research in legal education. Next it reflects on the institutional ethical approval processes I encountered and finally discusses the question of how ethical issues might be relevant when assessing the quality of a project. My conclusions are that the institutional approval process and my own recent experience both of being an interviewee in insider research and of carrying out the initial study have been valuable in that they have both served to focus my mind on the complicated ethical burden of responsibility involved in conducting this sort of research. Moreover, my review of the literature on quality criteria in qualitative research suggests that my research is likely to be judged, at least in part, on how conscientiously and effectively ethical principles have been applied. Therefore it is important that when writing about my research I do so in a way which explicitly addresses relevant ethical issues in a clear and transparent way.

What ethical issues arise when carrying out qualitative interviews?

At the time this paper was initially presented at the LCSS PhD conference on 19 April 2013 I was making preparations to begin collecting data and was part way through the process of obtaining institutional ethical approval. In order to answer the project's main research question I planned to collect qualitative data through semi-structured interviews with female students at three different institutions including the institution at which I taught on the LPC. I decided to carry out the initial study in this institution and to interview 8-10 students as they came to the end of the course. The data I obtained would help to refine the scope of more detailed interviews to be carried out in a fuller longitudinal study (Thomas, 2011) where 10-12 students at each of two other provider institutions would be interviewed. My ontological stance is that the data obtained in my interviews is co-constructed by interviewer and interviewee, in line with theories of social constructionism (Andrews, 2012). I have now obtained ethical approval for the whole project and carried out the initial study, in which nine students were interviewed, and am therefore in a position to reflect on my experience and on what it has taught me about research ethics in a project of this kind.

I chose to carry out qualitative interviews, which are used where a researcher is interested in the interviewee's point of view and where rich, detailed answers are sought (Bryman, 2012). It has been suggested that interviews are an appropriate research method:

when we want to know something about what another person has to say about his or her experience of a defining event, person, idea or thing. We choose the interview because we know that the best way to get into the lived experience of a person who has experienced an important [health-related] issue is to enable the person to narrate that experience (Nunkoosing, 2005: 699)

Therefore I felt that interviewing would be the best technique for collecting the type of data needed for my project. However, it has been necessary for me to think about the ethical implications of this type of interview. Of particular relevance are the generally accepted principles that research should not cause harm to participants and that the privacy and confidentiality of participants should be maintained (Silverman, 2010). These seem to be the ones most likely to cause difficulty with this kind of project, particularly the issues of privacy and confidentiality in the context of my initial study (Trowler, 2011).

Harm to participants

I think that the issue of harm to participants merits consideration here for two main reasons. Firstly, the interview experience may cause upset to interviewees (Norris, 1991; Corbin and Morse, 2003). Secondly, the interview setting may create power imbalances (Kvale, 2007). It is also interesting to consider whether the way in which the interview itself is conducted might help to avoid subtle forms of harm to participants.

Harm to participants may be quite dramatic in nature. For example, Milgram's (1963) classic research into obedience to authority caused participants great distress. Not all harm is so dramatic. Interviewing might cause harm to participants in that the interview process may have emotional consequences (albeit less severe) for the interviewee where personal or sensitive issues are being discussed (Corbin and Morse, 2003). Striking examples from the literature include research involving interviewing mothers about their daughters' abortions (Norris, 1991) and where women were interviewed about their experiences of childbirth (Davies and Dodd, 2002). In my interviews I intend to ask (and in the initial study did ask) students about some personal issues such as whether they feel they would 'fit in' in a law firm and what their experience of looking for jobs has been like. Given that the interviews relate to students' developing professional identities and future career plans and aspirations, such questions are likely to encourage careful reflection and self-analysis. Certainly the initial study and the data obtained from interviewees have encouraged me to reflect on the development of my own professional identity. I found it difficult to imagine that the issues I wanted to discuss could cause upset of the sort one might imagine would be involved in discussing issues explored by Norris (1991), but it is perhaps possible that interviewees might feel a degree of unease if encouraged to reflect, for example, on the fact that after completing

the LPC they had realised that they did not enjoy standing up in court and would therefore need to re-think their plan to become a solicitor-advocate.

However, it is also argued that interviewing may in fact have a positive, quasi-therapeutic overall effect on the interviewee where sensitive issues are discussed (Birch and Miller, 2000; Hutchinson et al., 1994; Ortiz, 2001). It is the view of Corbin and Morse (2003) that being interviewed about sensitive or personal issues causes no more harm to participants than would the normal conduct of their daily lives. When preparing for the initial stage of my study I therefore concluded that discussion of the issues to be covered in the interviews was unlikely to cause upset to participants. Indeed, one of the participants in my initial study did comment that she had found that the interview had provided her with an opportunity to reflect on her experience of the LPC and on her future plans. Of the nine participants in the initial study only three had secured training contracts by the end of the course. However, none of the participants appeared upset by the interview.

Nonetheless, it is suggested that even where an interview does not cause immediate upset, harm may be caused where interview dialogues constitute unethical exercises of power and where the interviewer pretends to form a friendship or create intimacy with the interviewer so as to persuade them to divulge personal or sensitive information (Kvale, 2006). I have to consider this possibility and to weigh it against the view expressed by Davies and Dodd (2002) that creating an atmosphere of intimacy in the interview setting was helpful to interviewees. In their research project they deliberately fostered a feeling of intimacy by interviewing participants while lying on a bed drinking coffee. They suggest that this was an effective and legitimate way of making interviewees feel relaxed enough to discuss personal issues. My interviews may give students an opportunity to discuss personal issues should they want to do so, although perhaps not such intimate ones as those investigated by Davies and Dodd. This means that I must be mindful of the possibility of the type of harm described by Kvale (2006) whilst being sensitive to the need to create as relaxed an atmosphere as possible for interviewees.

Corbin and Morse (2003) suggest that it may be important for researchers to develop interviewing skills so that they can conduct the interview in a way which is sensitive to the participant's needs. For example, a long, tiring interview may need breaks built into it so that the participant may rest and recover. I found that my interviewing skills developed during the initial study. When conducting the first few interviews I felt slightly apologetic and awkward when asking about issues such as family background and parents' jobs and education. I realised that this was because I might have appeared judgmental and did not want to make interviewees feel uncomfortable. I decided to explain to the participants that I was asking about these issues because existing literature in this area suggested that such factors might be relevant to professional identity development (Sommerlad, 2007; Francis, 2011). In this way, I feel that I evolved as an interviewer as

time went on and begin to conduct interviews in a way which was more sensitive to the need to make interviewees feel at ease. By trying to ensure that interviewees do not feel uncomfortable I therefore sought to avoid what may be subtle forms of harm to participants.

In short, in this project harm to participants in the form of emotional upset is unlikely to occur because the issues being discussed are not, on the whole, of an especially personal or intimate nature. Nonetheless, there may be times when students do feel some unease and it is important to be sensitive to that possibility and to guard against that form of harm.

Privacy and confidentiality

It is generally accepted that private data which might enable a reader to identify interviewees should not be reported (Kvale, 2007). Research projects of this nature should focus on the perceptions and experiences of the interviewees, who need not be identified (Boschma et al., 2003). It was important to consider these issues in my research because, particularly in my initial study, I planned to interview only a relatively small number of students and interviews would involve questions about things like their background and education and their employment plans after they completed the course. In some cases such data might, if published, enable an individual to be identified, especially in the case of students from my own institution, so it is important to pay careful attention to issues of confidentiality and anonymity. My experience of the initial interviews, though, has been that students were already sensitive to general issues of confidentiality and tended to give me information which was already de-personalised.

Ethics and insider research

My initial study constituted what is referred to as 'insider research' which, in an educational research context, means projects where the researcher looks at an institution where they work or study (Trowler, 2011). Such research by PhD and doctoral students is now relatively common, partly because of the increasing number of professionals who choose to research their own institution as a way of carrying out research in a way which may be conveniently combined with their paid work (Mercer, 2007). Nonetheless I anticipated that institutional review bodies might be cautious about this kind of research, particularly because of perceived risks to participants' privacy (Atkins and Wallace, 2012). Sikes (2006:110) observes that such research can be 'potentially dodgy in both ethical and career development terms', partly because of the potential consequences for, amongst other things, personal and professional relationships.

Mercer explores the concept of 'insiderness' in her paper describing research which investigated the experiences of her colleagues. She suggests that:

the researcher who shares a particular characteristic, for example gender, ethnicity or culture, with the researched is an insider, and everyone else, not sharing that particular characteristic, is an outsider (Mercer, 2007: 3).

Mercer also points out that the 'insider/outsider dichotomy' is more realistically viewed as a 'continuum' (Mercer, 2007: 3-4). In other words, a researcher is not simply either an insider or an outsider but is positioned at a point somewhere along that continuum.

Cownie when interviewing legal academics suggested that an element of 'insiderness' came from the fact that she was speaking to people who did similar jobs to her and that she did not, therefore, need to learn a new 'technical language or jargon' (2004: 23). In my interviews during the initial study I had the advantage of understanding the jargon which is common to LPC courses generally. I did not have to ask what students meant when they talked about 'the compulsory subjects' and 'the electives' and I also understood institution-specific jargon and abbreviations. This, then, was an advantage of being an insider. However, although the focus of this paper is on ethical issues it is relevant to note that interviewing as an insider may also have disadvantages if it affects the nature of the data obtained. Being an insider researcher could make it difficult to obtain such rich, detailed data as when interviewing from an outsider's point of view. Hoong Sin describes a project where he interviewed an elderly Chinese man and found that their shared ethnicity meant that the interviewee did not always describe issues to him in detail because he assumed that he understood them already. He tended instead to say things like 'you would know this' (Hoong Sin, 2003: 310). Other scholars have also discussed the importance of the 'match' between interviewer and interviewee and how it may affect the data given in the interview, and concluded that differences in ethnicity and gender may lead to the generation of richer, more detailed interview data (Vincent and Warren, 2001). Sharing (at least) gender and professional training (and often ethnicity) with my interviewees may therefore have had disadvantages for me although I have tried to be careful always to ask them to explain their answers fully rather than assume that I know what they mean.

In short, my project involves a substantial element of 'insiderness'. In the initial stages of the project I interviewed students in my own institution in line with Trowler's (2011) brief definition of insider research. However, the 'insiderness' of the whole project, both at my own and other institutions, must also be borne in mind. Moreover, my teaching experience helps me understand the context of what students tell me about the LPC as I am a member of the profession into which the participants want to go and I am female.

Potential ethical issues with insider research in this project

The project, in its initial stage, involved interviewing nine students who already knew me or at least knew of me. Therefore, my relationship with each of the students was slightly different and would need to be handled carefully and skilfully (Corbin and Morse, 2003). Issues of harm to participants (perhaps not in the form of emotional upset but which are nonetheless significant) and privacy and confidentiality have required and will continue to require especially careful thought. More generally, it has been necessary to keep in mind the need for constant internal ethical engagement.

Privacy and confidentiality in the context of insider research

Trowler (2011) points out that a major issue in insider research is that of privacy and confidentiality. He argues that a researcher, when writing about their research, is faced with the dilemma of either admitting that they are carrying out research at their own institution (so making the institution easy to identify) or not mentioning that the research is insider research, in which case the methodology cannot be fully described and discussed, so making the research process less transparent. This might have significant consequences for readers' assessments of the quality of the research. Trowler (2011) concludes that it is sensible to accept that any reader who wants to work out which institution has been researched will find a way to do so and that therefore researchers should concentrate instead on making sure that individuals cannot be identified. This might be done by inviting participants to review and approve any information about them which the researcher plans to publish. Trowler (2011) also suggests changing small (but not significant) details when describing participants. In spite of the fact that in this project the consent form informs the participants that confidentiality cannot be guaranteed, it is certainly my intention to guarantee their confidentiality. I anticipate nonetheless that I may have to consider not using some of the data obtained because if published it would make it too easy for the participant to be identified. In the initial study several students gave me information about their lives before the LPC which was so distinctive that if published it might well enable them to be identified by anyone who knew the institution.

I recently had useful first-hand experience as a participant in insider research when interviewed by a colleague from my own institution. I was surprised at the level of concern I felt during the interview to give information which was not too critical of the institution, and after the interview about whether the information I had given might enable me to be identified. I was given the opportunity to review a transcript of the interview and was at great pains to make sure that I could not be identified from the information I had given. The strong desire to remain anonymous stemmed from the fact that I was being interviewed about my developing research career and felt self-conscious discussing it. It is easy to imagine that

in my research project students might feel similarly self-conscious about discussing issues such as their poor degree results or difficulties they experience in finding a job after completing the LPC (Shah, 2004). My experience as a participant helped me to realise the importance of how data obtained is dealt with after the interview but also of carefully explaining to the interviewee before the interview begins (regardless of what may already have been said in formal documentation such as participant information sheets and consent forms) the ways in which an interviewer will strive to maintain confidentiality. This was perhaps especially important in the initial study because I had been required by my institution to say in the consent form that it might not be possible to guarantee confidentiality.

Harm to participants in insider research

Kvale argues that the traditional academic research interview always involves the exercise of power by the interviewer over the participant and that 'recognition of power dynamics by the social construction of knowledge in interviews is necessary to ascertain objectivity and ethicality of interview research' (2008: 480). He describes a 'power asymmetry' which must be exacerbated if the interview is between people who are not peers (Kvale, 2006: 496; Mercer, 2007). Foucault's explanation of the meaning of power which was given in an interview in 1980 is useful in this context:

> If I use my age, my social position, the knowledge I may have about this or that, to make you behave in some particular way – that is to say, I'm not forcing you at all and I'm leaving you completely free – that's when I begin to exercise power……it takes place when there is a relation between two free subjects, and this relation is unbalanced, so that one can act upon the other, and the other is acted upon, or allows himself to be acted upon (Bess, 1988).

It is quite possible that during the interview my position as someone older (usually, but not always) than the interviewees who also (always) had more legal experience and qualifications than them may have created the sort of unbalanced relationship described by Foucault. That relationship may have been particularly unbalanced when interviewing students from my own institution who knew that I was an LPC lecturer from 'their' LPC. This might have affected the willingness of those students to participate in the study and also the nature of the data obtained during the interviews. Although, when I recruited students from my own institution, it is conceivable that they may have felt pressure to agree to participate, I would argue that every attempt possible was made to ensure that this did not happen. Students were recruited by putting hard copy invitation letters in their pigeonhole. These letters explained the scope and purpose of the project and made it clear that a student's decision whether or not to participate would have no bearing on their marks for the course. I do not, therefore, feel that issues of informed consent were particularly significant.

However, the issue of access/informed consent might have been much more significant had I been seeking to carry out research in a specifically cross-cultural context where factors relevant to a decision to get involved in research might include a feeling of obligation 'to oblige, to obey someone' (Shah, 2004: 557). What may be less easy to deal with is the significance of the lecturer/student relationship for the sort of data to be obtained during the interview and the possibility that students were more inclined to tell me certain things because they thought those things were what I wanted to hear.

The potential power imbalance in the interviews I have carried and will carry out is an issue which I must keep in mind particularly in relation to the initial study. However, arguably, in the full study where students from other institutions will be interviewed, the aspects of the relational imbalance described by Foucault will still be present.

Ongoing relationships

Much of the literature on insider research in education focusses on issues which arise when researchers interview colleagues with whom it will be necessary, after the interview, to maintain an ongoing working relationship. Floyd and Arthur (2012) discuss the awkwardness of being given personal information about a colleague in the course of an interview and then afterwards having to maintain a professional relationship where other colleagues must not know that the interview has ever taken place. Mercer (2007) comments that colleagues may be less candid in interviews where they know that a working relationship has to be maintained. In the initial study, I was interviewing students who had finished their course at the time of the interviews. Therefore there was less need for them to be concerned about an ongoing relationship with me or the institution. In the full study, the students are based in institutions I am not part of and, when first interviewed, will not have met me before. This will also alleviate concerns over ongoing working relationships after the end of the research.

Internal ethical engagement

When preparing to carry out research in my own institution I began to reflect on the ethical difficulties I might encounter which had not been anticipated or discussed as part of the ethical approval process and I realised that ethical issues may arise unexpectedly both in the course of the research project and afterwards. An awareness of these types of issues when carrying out insider research is defined as 'internal ethical engagement' (Floyd and Arthur, 2012: 2). After obtaining institutional approval for the study I sent out my project invitation letters and waited for students to respond. I became sensitive to the way in which I interacted with them in the meantime. When they accepted to participate and I said that I was happy to meet for the interview at a time and place to suit them, did they really feel that they had the freedom to choose whatever arrangement suited them best? When I offered to meet one student at a hotel near her home because

we realised it would be difficult for her to travel to me, I suggested we might meet over a cup of tea. Did this constitute an inducement to participate? When listening to interviewees speak, I have been very aware of the importance of my response to what they say. I do not want to influence what they tell me and have realised how easy it could be to do this by, for example, nodding vigorously when they make a point with which I sympathise or agree. I therefore felt it very important to seem objective throughout the interview so as to try to avoid such problems, although Mercer (2007) concludes that in her experience when carrying out insider research it did not make much difference whether she revealed her stance on a particular matter or not.

Reflections on the institutional approval process

I had to obtain ethical approval for the full project both from the institution where I am a PhD student and from my own institution, where the initial study was carried out. I decided to seek approval first for the initial study from my own institution and then to seek approval from my PhD institution for the whole study.

Before seeking institutional approval I was apprehensive. I had read articles by writers like Dingwall (2007: 794) who suggest that in some situations the scientific validity of the research might be distorted by ethical regulation. He gives an extreme example of problems with the inflexibility of the institutional ethical approval process when describing research which was carried out in a factory setting in Asia and which in its latter stages was to involve interviews with managers at that factory. The relevant institutional review body insisted that signed consent forms be obtained from each of the managers who had agreed to participate. The managers were greatly offended by this because they felt that it suggested that the institution did not trust their verbal agreement to participate. As a result they were no longer prepared to co-operate and the research could not proceed. It might, after reading stories like this, be tempting to think of the institutional review process as rather adversarial in nature.

In my experience the process has been valuable in that firstly it has made it necessary for me to give serious thought to ethical issues at an early stage in the project. This will enable ethical considerations to be an embedded element of the research process, thus ensuring the quality of my thesis. Secondly, both ethical approval applications have required the submission of a summary of the project and of draft interview schedules. Putting these together has made it necessary to revisit the project's conceptual framework and to ask the question again: 'what's this all about and why do I need this information?' This has helped me reconsider the focus of the research project. Thirdly, obtaining approval for the initial study provided me with a form of endorsement for the project and gave me renewed confidence to proceed. Approval for the initial study was obtained

from my institution on the basis that documents in the form approved by its research ethics committee would be used. I had been required to submit drafts of my proposed letter of invitation to participants, project information sheet, consent form and interview schedules, as well as a form summarising the proposed project and its perceived risks. The research ethics committee had required several amendments to the form of documents and suggested procedure I submitted. Some were minor in nature. For example, I was not allowed to send project invitation letters by email but was required instead to send out hard copies. This was not too much of a problem except that it may have limited the number of responses I received.

More significantly I was required to amend the consent form for the initial study in order to specify that it may not be possible to guarantee anonymity to participants because of the small sample size used. It was easy to make the amendment to the consent form and it did not appear to cause concern for any of the participants in the initial study. Nonetheless, this amendment may perhaps be seen as example of a situation in which the institutional approval process provides a solution (the inclusion of the point in the consent form) to a problem which may never arise (the problem of maintaining confidentiality and anonymity when publishing data). It is important that, in spite of the warning issued to participants in the consent form, I continue to make every possible effort to guarantee anonymity and do not see myself as having been relieved of that obligation.

Wiles et al. (2008) discuss issues of privacy and confidentiality and the different practices of researchers in this regard. They observe that some researchers invite participants to approve what is to be published about them, and feel that the issue is effectively dealt with in this way while others feel that they must make the decision about what is to be published as it is ultimately their responsibility to protect participants. The latter is the approach taken by the Socio-Legal Studies Association's *Statement of Principles of Ethical Research Practice* (SLSA, 2009). I believe the latter position is sensible as data to be published about other participants may be as relevant to ensuring an individual participant's anonymity and confidentiality as might the data about that individual themselves. I cannot ask participants to 'vet' information which is to be published about other people. Interestingly, my impression during the initial study was that students were not particularly concerned about their own anonymity and focussed instead on the fact that they were glad to be able to help with research which they said they found valuable and interesting.

The next stage in assuring institutional ethnical confirmation was to seek approval from my PhD institution for the whole study. Preparing draft documentation for submission to that institution's research ethics committee was a complicated process because it was necessary to submit two sets of documents. One set was for the initial study at my institution, which had already been approved and so could not be altered. The other set was for the

full study, which might need to be altered in the light of comments from the PhD institution's committee.

Ethical approval was successfully obtained from both institutions but I am aware that I must continue to have regard to general ethical principles and must not assume that getting institutional approval for the research means that it will automatically be ethical research (Israel and Hay, 2006). I realise that although I have cleared the hurdle of what Floyd and Arthur (2012: 4) call 'external ethical engagement' the hurdle of 'internal ethical engagement' is one which must be constantly in mind, and repeatedly negotiated. Although Floyd and Arthur apply the concepts to insider research they seem equally relevant to the research I will carry out at the other institutions. As an early career researcher I am anxious not to make mistakes but am encouraged by writers such as Wiles et al. (2008) who admit that researchers do sometimes get things wrong, for example by making accidental disclosures about what participants have told them. Nonetheless, Drake (2010) suggests that certain researchers (such as PhD candidates) should be cautious about giving accounts of their research which are so transparent and honest that they make themselves vulnerable to criticism from examiners. There is clear conflict between this view and the suggestion that the quality of qualitative research should be judged in part by reference to the care and clarity with which the research process is described (Whittemore et al., 2001).

Research ethics and research quality

Finally it is interesting to look at how ethical issues might be relevant when assessing research quality for qualitative research. If they are deemed relevant, then it would seem that any account of research carried out must be careful to deal explicitly and transparently with the ethical issues encountered. There is a wealth of literature discussing what the quality criteria should be, most of which assumes that the criteria of validity and reliability which are used to assess quantitative research are less useful for assessing qualitative research. Various alternatives are suggested in the literature, including that the criteria for quality should be set by the researcher and made explicit at the beginning of the research project (Parker, 2003; Lichtman, 2013). However, there appears to be no real consensus on what the criteria should be, except for a tendency to emphasise good research practice and methodological carefulness as being important (Davies and Dodd, 2002) and to make explicit that careful attention to ethical principles is an integral part of these practices (Fossey et al., 2002). The government has also published its own guidance on showing quality in qualitative research. *The Framework for Assessing Research Evidence* (Spencer et al., 2003) ('the Framework') states that the authors do not deem it possible to compile a set list of quality criteria (mainly because of the many different methods used in qualitative research) but that 'formalised criteria should avoid being rigidly procedural and over-prescriptive . . . to aid informed

judgment, not mechanistic rule-following' (Whittemore et al., 2001: 4). *The Framework* identifies that qualitative research should be 'contributory in advancing wider knowledge or understanding....defensible in design by providing a research strategy that can address the evaluative questions posed......rigorous in conduct . . . [and] credible in claim' (2003: 7).

A journal to which a research report is submitted will also assess the quality of the work. This is in spite of the fact that it appears that many journals which publish qualitative work do not publish a list of the criteria they apply when assessing reports submitted to them (Lichtman, 2013). Moreover, the criteria applied by reviewers and journal editors who have been prepared to provide such information suggests that they do not apply many of the criteria which academic writers suggest are relevant (Savall et al., 2008) and that the criteria which are applied tend to change over time.

I suggest that ethical issues must be constantly in the mind of the researcher even after ethical approval is obtained and data has been collected. The presentation of research findings may in itself pose ethical dilemmas and those assessing research quality will expect any description of the research to make it clear that ethical issues have been carefully considered at every stage. Indeed, it is suggested by Fossey et al. that 'central to both issues is whether the subjective meaning, actions and social context of those being researched is illuminated and represented faithfully'(2002: 731).

Conclusion

The ethical responsibilities of research involving qualitative interviewing are significant and must be carefully handled, particularly in insider research where it is especially important to maintain internal ethical engagement once the institutional approval process is complete. The nature of my research project is such that I have had to give careful thought to the possibility of harm to participants and to issues of privacy and confidentiality. Although emotional upset to participants is unlikely, it is important that I am sensitive to the possibility that participants may feel unease during interviews and that I conduct interviews so as to minimise such feelings. Given the nature of my research it is possible that those reading about my findings will be able to identify the institution at which the initial study was carried out. It is, therefore, essential that I ensure that individuals cannot be identified by the data I publish. My experiences of the institutional approval process, the interviews I carried out during my initial study and my experiences of being an 'insider interviewee', have been valuable in helping me to focus on my ethical responsibilities and on the need to produce a project in which ethical issues are carefully and explicitly dealt with throughout. Indeed, the quality of my research may well be judged, at least in part, on whether ethical issues have been carefully dealt with. I am acutely aware of the need for constant 'internal ethical

engagement' (Floyd and Arthur, 2012: 4) and will no doubt encounter plenty of new ethical dilemmas as my project progresses.

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