Editorial

Editorial to the Inaugural Edition of the Journal of Legal Research Methodology on 'Virtual Research Methodology'

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We launched the *Journal of Legal Research Methodology* with the aim of providing a forum for discussion and delineation of different methodological approaches to the study of law. To date, we felt, there has been an alarming lack of 'self-conscious reflection' upon the methods we employ when conducting all kinds of legal research. Whenever a claim is made that some form of knowledge is being generated or created, which happens in almost all legal research, and certainly all 'empirical' research which produces data, it must be asked how that data – information, knowledge or insight – were generated. Authors, we think, have a duty to reflect closely upon the methods they use and what decisions they made and what drove them. Doing so will validate and also strengthen the results if the methods have been sufficiently critiqued.

What does critiquing one's methods mean? In part it means building ironmen, not strawmen. That is, when reaching conclusions the researcher must confront the strongest arguments *against* their theory (rather than the weakest), and must explore the limitations in their approach and explain how, despite these, their approach is still valid, the findings are reliable, may have wider application and / or contributes to scholarship. It also means accurately and fully, as far as possible, describing the research process and explaining what issues were encountered, rather than only the positive things, and how that altered the approach. Authors should, where appropriate, consider matters around reliability, replicability, validity, and objectivity, and explain how these have been met, or why they do not apply.

The Covid-19 has changed legal research over the last eighteen months. Research conferences ground to a halt, face-to-face collaboration ceased, research needed to be conducted from home, often under lockdown. We invited submissions to the inaugural edition of this *Journal* exploring how this situation has impacted legal

research. The result of our call is the four wonderful contributions presented in this edition.

The edition begins with Allsopp *et al*'s '*Observing Data-Driven Approaches to Covid-19: Reflections from a Distributed, Remote, Interdisciplinary, Research Project*'. The authors of this paper provide insightful reflections on how the pandemic impacted their distinct roles in the AHRC funded research project exploring data-driven approaches to Covid-19. The article provides valuable insight, and advice, on conducting cross-disciplinary, cross-institutional, research on Covid.

Klinker and Smith's article, '*From Law to Policy and Practice – Collaborative Research Amidst the Pandemic: The Creation of the Bournemouth Protocol on Mass Grave Protection and Investigation*' shares fascinating reflections on a project interrupted by the pandemic. The article recounts the trials of building collaborations across borders, disciplines and objectives, all during a pandemic.

Unnithan's article 'Dialling in: *Reflections on Telephone Interviews in light of the Covid-19 Pandemic*' will be beneficial for those considering alternative methods of the face-to-face interview. The under-explored topics of telephone interviews is given reflective critique here, offering very useful sources of information for later researchers employing this method.

Bancroft's article 'Domestic Violence Legislation, Virtual Legal Methods and Researching One Female Teacher's Lived Experiences of Recovery from Intimate Partner Violence During the COVID-19 Global Pandemic' provides her critical reflections upon conducting a zoom-interview from home during the pandemic. The article makes particularly important contributions to the discussion around ensuring ethical practices when conducting interviews into sensitive topics.

These well-argued articles strongly demonstrate the determination, diligence and resilience of legal researchers who strive, in these challenging times, to make contributions to the disciplines in law, the academic communities and the legal world.

We thank all the authors, reviewers, and library staff for the terrific response we received to the call for papers and look forward to publishing many more editions of the *Journal*.

Observing data-driven approaches to Covid-19: Reflections from a distributed, remote, interdisciplinary research project

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Key words: Covid-19, interdisciplinary research, covid data, virtual methods.

1. Introduction

The Observatory for Monitoring Data-Driven Approaches to Covid-19 (OMDDAC) is an Arts and Humanities Research Council (AHRC) funded research project investigating data-driven approaches to Covid-19, focused upon legal, ethical, policy and operational challenges. The project is funded for 12 months from November 2020 and incorporates six main work packages with outputs including landscape mapping, snapshot reports based around key case-studies, practitioner guidelines and a final report and project conference. Key methodologies include interview-based research and a public perception survey. Case-studies and issues explored to date by the project include so-called vaccine passports, new methods of data analysis and data sharing developed during the pandemic, and the use of health data by the police. As OMDDAC is funded under the AHRC's Covid-19 rapid response call, the emphasis from the funder has been on achieving immediate impact with outputs and communications (via the project website, Twitter feed and online events) aimed primarily at a non-academic audience, an emphasis that risks being somewhat at odds with the priority given in high education institutions to peer-reviewed publications in academic journals. Due to the constraints of the pandemic, the project has been carried out in a fully distributed and remote manner, with some team members never having met in person. The subject of the research is continually changing and developing, creating unique project management issues, with the impact of the pandemic pervasive in the lives of the researchers.

The project is a collaboration between Northumbria University (Law School, Department of Computing and Information Sciences, Department of Mathematics) and the Royal United Services Institute, a defence and security think-tank, involving researchers with expertise in technology law, data protection law, medical law, practical ethics, computer science, data

science, applied statistics in health, technology studies and behavioural science, and aims to carry out interdisciplinary research. The definitions of 'multi-', 'inter-', 'trans-' and 'cross-disciplinarity' are difficult to pin down, as is the degree of synthesis required for interdisciplinarity.[1] However, it is certainly the case that interdisciplinarity exists on a continuum 'ranging from informal exchange to the complete integration of concepts, methodology…'[2] The OMDDAC project has engaged in interdisciplinary research along that continuum, including interdisciplinary research within the legal field itself,[3] research involving the legal discipline as auxiliary discipline contributing input to the computer science and statistics-led survey, and 'transdisciplinarity'[4] or integrated research[5] where researchers from disciplines work closely together (and with external stakeholders) to address 'real world' problems.

At the time of writing, the project has reached its half-way stage, during a period when lockdown restrictions in England are cautiously being relaxed, yet with the project likely to remain mainly virtual for the remainder of its term. Furthermore, the pandemic has necessitated new ways of remote working, many of which will remain in place – and will be the norm – in the future. If an increasingly remote and distributed research environment is to be successful, the benefits, risks and challenges that we have identified must be acknowledged and addressed. This article therefore provides a reference point for funding bodies, universities and research teams for future research policy and the development of practical guidance and training programmes.

This article takes the form of a series of reflections from the points of view and voices of individual project researchers – the specialist legal researcher, the think-tank Co-Investigator,

[1] Mathias M. Siems, 'The Taxonomy of Interdisciplinary Legal Research: Finding The Way Out of The Desert' (2009) *Journal of Commonwealth Law and Legal Education* 7(1), 5-17, 6.

[2] Ton Wilthagen, Emile Aarts, & Peggy Valcke (2018) 'Time for interdisciplinarity: An essay on the added value of collaboration for science, university, and society' Tilburg University, 12.

[3] n2.

[4] Basarab Nicolescu, 'Methodology of Transdisciplinarity' (2014) 70 (3-4) World Futures 186, 187; Sue LT McGregor, 'Transdisciplinarity and Conceptual Change' (2014) 70 (3-4) World Futures 200, 201; Julian Webb, 'When 'Law and Sociology' is not Enough: Transdisciplinarity and the Problem of Complexity' in Michael Freeman (ed), *Law and Sociology* (Oxford Scholarship Online, 2006) 91.

[5] Sanne Taekema and Wibren van der Burg, 'Introduction: The Incorporation Problem in Interdisciplinary Legal Research' (2015) *Erasmus Law Review* 2, 55-64.

the post-doctoral researcher, statistical and data science researchers, and the Principal Investigator – and organised under two main themes - project management and internal communication; and methodologies/interdisciplinary research. We thus draw out lessons for future remote and distributed research, and for interdisciplinarity more generally. Under the project management and internal communication theme, the principal investigator provides her thoughts on the management challenges created by OMDDAC's remote and distributed interdisciplinary research structure, followed by a think-tank's perspective, as the co-investigator, on the project's communication challenges. OMDDAC's legal research associate provides her perspectives on the challenges of building a profile and working relationships via remote methods. The methodology and interdisciplinarity section includes reflections by one of OMDDAC's specialist legal researchers on the lessons learned from the project's remote interview method. Our penultimate section discusses the ongoing development of a public perceptions survey within a remote interdisciplinary project from the perspective of the researchers in data science and statistics. Our conclusions focus upon interdisciplinarity, the benefits and challenges of remote research methodologies, and issues of collegiality. Interdisciplinarity is often held up as an end in itself. However, the OMDDAC experience demonstrates that the theoretical benefits for research will only be realised by designing the integration – in terms of responsibilities and involvement of each discipline and the degree of interdisciplinarity expected - into every aspect of a project. It cannot be assumed that integration will somehow happen without effort, including new university processes to support interdisciplinary researchers and cut through departmental and disciplinary barriers. Finally, we warn that it will be a false economy for universities and funders to assume that research projects can continue to be conducted in a mainly remote manner and therefore, that budgetary savings can be made by reducing time allocations, travel and academic networking.

2. Challenges and solutions relating to project management and communication

The PI in a pandemic (Marion Oswald, Northumbria University)

According to the Arts and Humanities Research Council guidance, a principal investigator (PI) 'takes responsibility for the intellectual leadership of the research project and for the overall

management of the research or other activities.'[6] In this simple statement lies a role which has to be all things to all people – both a bureaucrat and innovator, the equivalent of a director of a start-up but within existing internal and external bureaucracies that come with considerable reporting and administrative requirements. The PI is expected to be a project manager responsible for delivery of the research in accordance with the project plan and agreed milestones. The PI must achieve impact for the research, including the identification of beneficiaries, maintenance of networks beyond their immediate research community, and wide publication and exploitation. In addition, the PI must be a professional manager of data and collaborations, while ensuring 'that research staff and students develop research, vocational and entrepreneurial skills that are matched to the demands of their future career paths.'[7] Fulfilling the role of PI successfully is a tall order at the best of times. For a PI of a Covid-19 rapid response project such as OMDDAC, there are additional challenges directly related to the pandemic emergency and the remote nature of the interdisciplinary research.

The emphasis on impact

Research council funders understandably require projects to produce immediate impact in addressing issues raised by the pandemic. Yet society remains in a state of considerable flux and uncertainty; the subject of the project is continually changing and developing,[8] creating unique project management issues, as legal, ethical, policy and operational consequences of data-driven approaches to Covid-19 take time to emerge and crystallise. There are strong personal and political opinions to disentangle. We continue to operate in a crowded market of data, policy and opinions, thus increasing the challenge of producing research with impact – in other words, our ability to create impact is affected by the very issue that the project is researching!

As a relatively small project compared to other Covid-related projects and consortia within academia, we have adopted a number of strategies in an attempt to deal with this 'policy noise'. Our interview and survey methodologies and project outputs were designed from the outset to inform the development of policy and identify key issues faced by the practitioner.

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[6] Arts and Humanities Research Council, *Research Funding Guide* Version 5.3, February 2021, 46.
[7] Ibid, 98.
[8] An example being the ongoing debate over the potential benefits and risks of vaccine passports as discussed in the OMDDAC snapshot reports https://www.omddac.org.uk/news/snapshot-reports/.

Our 'snapshot' reports, for example, highlighted case-studies within pandemic policy response, health and policing, explaining how the data analysis worked, the risks and benefits, and legal and ethical issues, with lessons learned laid out in a user-friendly format. We have therefore been able to respond in an agile way to Parliamentary and Governmental inquiries into aspects of the pandemic relevant to data-driven approaches, and to involve practitioners in disseminating the findings via online live events. A variety of communication methods – website, Twitter and JiscMail – have been used to disseminate project findings and make connections. Furthermore, the relationship with our supporter organisations, including the Centre for Data Ethics and Innovation and the Ada Lovelace Institute, has been fundamental in enabling the project to make connections with key stakeholders and to help amplify and disseminate the project findings outside of academia.

The challenges of remote, distributed interdisciplinary research during a pandemic

OMDDAC researchers are arguably conducting an extreme form of action research.[9] Although we are not the 'actors' in such research in terms of implementing the data-driven approaches under examination, we experience the consequences of those approaches to a greater or lesser extent. The pandemic has affected everyone, whether due to health concerns, lockdown restrictions, working environments or adaptations to research methods as discussed below. The subject of the research is all pervasive in the lives of the researchers. Furthermore, staff 'burnout' in academia during the pandemic has been experienced by many[10] with the output of female academics disproportionately affected due to school closures, family/home responsibilities and competing academic and administrative duties.[11] For a project reliant on qualitative research and interdisciplinary team-work, the recognised phenomenon of 'Zoom fatigue'[12] presents a considerable risk. Furthermore, the PI's role is commonly undertaken without line management responsibility for the majority of Co-Is, nor control over their overall workload, a challenge that increases in significance when set against the above pressures.

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[9] O'Leary's cycles of action research: O'Leary, Z. (2004). *The Essential Guide to Doing Research*. London: Sage.
[10] Virginia Gewin 'Pandemic burnout is rampant in academia' *Nature*, 15 March 2021 https://www.nature.com/articles/d41586-021-00663-2.
[11] Brooke Peterson Gabster et al., 'Challenges for the female academic during the Covid19 pandemic' *The Lancet*, 18 June 2020 https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(20)31412-4/fulltext.
[12] Bailenson, J. N. (2021). Nonverbal Overload: A Theoretical Argument for the Causes of Zoom Fatigue. *Technology, Mind, and Behavior*, 2(1). https://doi.org/10.1037/tmb0000030.

Delivery of OMDDAC's interdisciplinary research is completely dependent upon our ability to collaborate. Each team member has a crucial role to play in achieving project milestones as set out in the strategic plan and in respect of dissemination and impact. Nair et al. found that '[i]nvolving all researchers in most aspects of the study was seen as a way to keep team members engaged and participating.'[13] OMDDAC's research processes – including project interviews and the public perception survey– have been designed to involve all researchers, with project publications being written jointly, a lead author coordinating the input of other researchers according to their discipline and specialist knowledge. As Bessant discusses below, the interdisciplinary 'pair' online interviewing method developed by OMDDAC has enabled considerable insight to be gained in a relatively short space of time. Furthermore, successful interdisciplinary collaboration is dependent upon building up understanding between disciplines, in order to avoid talking at cross-purposes, where words and concepts have different meanings for different disciplines. This highlights the need to build relationships, trust and understanding between team members by 'both task talk and relational talk.'[14] However, the OMDDAC project has to date operated using remote methods of communication and home working, with some team members never having met in person. We are a distributed project in terms of organisation, disciplines involved and working location. It was recognised from the start of the project that 'forming a team is not the same as being productive,'[15] although we cannot rely on chance 'water-cooler' moments or regular face-to-face meetings to build cohesive relationships. Cummings and Kiesler argue that

> '[d]istributed work tends to disrupt both coordination and relationships…If, on top of distance, the team is made up of people from different universities and disciplines, then team members are likely to feel closer to colleagues in their own department and not as close to those at other universities. They usually belong to local projects

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[13] Nair, K.M., Dolovich, L., Brazil, K. *et al.* It's all about relationships: A qualitative study of health researchers' perspectives of conducting interdisciplinary health research. *BMC Health Serv Res* **8,** 110 (2008). https://doi.org/10.1186/1472-6963-8-110.

[14] Jessica Leigh Thompson (2009) Building Collective Communication Competence in Interdisciplinary Research Teams, Journal of Applied Communication Research, 37:3, 278-297, DOI: 10.1080/00909880903025911

[15] Jonathon N. Cummings and Sara Kiesler 'Who collaborates successfully?: prior experience reduces collaboration barriers in distributed interdisciplinary research' CSCW '08: Proceedings of the 2008 ACM conference on Computer supported cooperative work November 2008 Pages 437–446 https://doi.org/10.1145/1460563.1460633.

(plus teaching and other local obligations) that exert a pull on their time and attention.'[16]

All project researchers are members of the virtual team and can participate in the online 'posts' and in the virtual team meetings. The project has made use of the online platform to build up a virtual library of relevant literature, media articles and other sources, contacts and events that team members can easily share with others and as one way of managing the pandemic information overload. Of course, creating yet another virtual platform for project communications risks exacerbating such information overload unless team communications are used in moderation.

The same online platform is used for regular team meetings, although discussion in such meetings has been action focused, and it remains the case that those with existing relationships or disciplines in common tend to work more closely together. Nair et al. emphasise the importance of relationship building:

> 'Time to build relationships was seen as both a necessity but also as a frustration as sometimes the short time frame of grants did not allow for this development. Time was needed to learn about the perspective of others, assess the value of what they are contributing, and finally, to assimilate this new knowledge into one's own knowledge base.'[17]

Online tools can be highly effective for task orientated activities, but much less so for relationship building or for creating understanding between team members from different disciplines in terms of their contributions to jointly written documents for instance. In 'normal' circumstances, it might be assumed that such relationships would build naturally. The PI of an interdisciplinary project in a pandemic can make no such assumption however, and must give specific thought to building a culture of collegiality using the remote methods available, to ensure that the 'affective tension' inevitable in interdisciplinary research will work positively to increase understanding between disciplines.[18]

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[16] Ibid.
[17] n13.
[18] Line Hillersdal et al., (2020) 'Affect and Effect in Interdisciplinary Research Collaboration' *Science & Technology Studies* 33(2) 66-82.

3. *A think-tank's perspective on project management and communication challenges during the pandemic (Keith Ditcham, Ardi Janjeva, Royal United Services Institute)*

One main challenge to interdisciplinary working caused by the pandemic has been communication. The inability to get interested parties, the research team, and project partners in the same physical space required a rethink on how to communicate effectively. Fortunately, members of the RUSI team had experience working within various international consortia on other projects where these challenges were commonplace, allowing for a swifter adaptation. Having a PI with a clear focus, and in this case, who has close ties to both parts of the research consortium, was essential in laying the foundations for this rethink. Regular team meetings where updates are shared, progress reviewed and ideas discussed have been the main form of whole-group communication, with further sub-groups meeting on an ad-hoc basis to deliberate on research matters. That being said, care had to be taken to ensure that these sub-groups did not evolve into siloes that became too distinct from one another. From RUSI's perspective, the preparatory measures taken at the beginning of the project, and the consistent effort put in by all team members to reach out across institutional boundaries ensured that pandemic restrictions did not have a detrimental impact on the quality of outputs. There remains the possibility that the lack of informal interaction amongst the research team meant that we missed out on a range of new ideas. Measuring this counterfactual, however, is near impossible, and judging by the constant stream of new ideas being circulated across team members during the project regardless, the effect is likely to be minimal in any case.

There were certain parts of the project where the interdisciplinary makeup of the research team was especially impactful. The main example of this can be seen with the Snapshot Reports. These Reports analysed three case studies in the sectors of data-driven public policy, technology and public health and policing and public safety. This approach enabled an easier identification of common themes in the pandemic response across key sectors, such as the need for greater transparency in publishing data and rationale behind decisions, data quality and interoperability issues between systems, and the importance of ongoing user-centric monitoring and evaluation of data-driven tools. From the beginning, a clear framework was established defining sub-sections in a way that made the most of the technical, legal, and

subject matter expertise in the team (for example, operational functioning of the case study; statistical validity; benefits and risks; and legal and governance frameworks). The remote working environment is unlikely to have had any meaningful impact on this – with one team based in London and the other in Northumbria, the report writing process would largely have been conducted in the same manner irrespective of the pandemic. Where subject matter expertise in the team overlapped, it could be said that at times it was difficult to know exactly who to go to when seeking an answer to a question, for example. This may, if subconsciously, have been exacerbated by the pandemic and the inability to meet colleagues in person, thereby having a more natural feel of people's respective skills and specialisms. To the extent that this was the case, it is very likely to have had only a minimal impact, however.

4. *Starting a 'virtual' postdoc during a pandemic: an early-career perspective (Rachel Allsopp, Northumbria University)*

Joining a new project team as an early career researcher is always a daunting prospect. Doing this virtually, and during a pandemic, however, presents its own unique challenges. It also presents several unique opportunities. This section is a reflection on the first four months as part of the OMDDAC team, with a particular focus on the unique challenges and opportunities that have presented themselves so far during this virtual research project.

As an early career researcher in the field of law and technology, joining a pre-existing research project alongside a team of experienced academics and researchers, I have been eager from the outset to create a positive impression of myself, as a capable, diligent and professional member of the team. How to achieve this in a remote setting, however, raises considerations additional to those that ordinarily arise in a non-remote working environment. In joining a research project during the Covid-19 pandemic - *about* the Covid-19 pandemic - it was almost inevitable that the role would be primarily remote-based, meaning that introductions and team meetings have all taken place virtually, from the box room of my house (or, on occasion, the dining room table). Correspondingly, one perhaps trivial, but particularly illustrative, example of this broader challenge has been the selection of an appropriate video-conferencing background. Would it be acceptable for the flowery bedspread and collection of 'Pop Funko Vinyl' figures to remain on show behind me? Would a blurred background be more appropriate? Or perhaps a stock image of a bookcase and plant would leave a better impression. In making this seemingly trivial decision, I found myself in conflict between the

desire to cultivate working relationships with new colleagues by sharing elements of my personality (a task which is inevitably more of a challenge when working remotely, as Oswald observes above) on the one hand, and the need to present myself as a serious, professional researcher on the other.

This was compounded further when conducting remote interviews in the form discussed by Bessant below. The interviews we conducted could be considered 'elite' or 'expert' interviews in a broad sense,[19] in that they involved speaking to a wide range of professional stakeholders across multiple sectors, each with a detailed expertise of the key data-driven responses to Covid-19. As such, I was conscious of the need to convey the utmost professionalism in conducting the interviews, being keen to ensure a positive impression not only of myself as a researcher, but also on behalf of OMDDAC. In this regard, 'doing my homework'[20] in advance of the interview was of course key, as with conducting any 'elite' interview in a non-remote setting, in order to project that positive impression. Again, however, the virtual setting in which our interviews were conducted presented unique challenges. In addition to the 'background' considerations outlined above, there was the additional concern of navigating the video-conferencing technology to ensure that it was operating correctly. To present as a professional researcher, it seemed imperative that I try to ensure the technology was fully co-operative in order to make the process as seamless as possible for the interviewee – and not least avoid the dreaded 'you're on mute' feedback.

Relatedly, I had to consider how I was presenting myself - in terms of verbal and non-verbal cues - to the participant via the medium of video-conferencing. There is an inevitable cost in building a rapport with the interviewee virtually, as compared with conducting interviews in-person. Unlike during face-to-face interactions, however, video conferencing facilities provide you with real-time, visual feedback on how you are presenting yourself (provided your camera is switched on). Accordingly, while conducting the interviews, my focus was almost divided between trying to engage with the participant and build that necessary rapport, and at the same time – but without detracting from the interview itself - being hyper-aware of, evaluating and, where necessary, adjusting my own presentation throughout. Indeed, to

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[19] Beate Littig, 'Interviewing the Elite — Interviewing Experts: Is There a Difference?' in Alexander Bogner, Beate Littig and Wolfgang Menz (eds) *Interviewing Experts* (Palgrave Macmillan, 2009) 98-113, https://doi.org/10.1057/9780230244276_5.

[20] William S Harvey, 'Strategies for Conducting Elite Interviews' (2011) 11(4) Qualitative Research 431, 434.

some extent this applies to all forms of video communication, with interviewees and team-members alike, and perhaps assists in explaining the phenomenon of 'Zoom fatigue' mentioned by Oswald. In this medium of remote video-conferencing we, at once, find ourselves receiving, evaluating and (consciously or subconsciously) responding to visual feedback on our own presentation while maintaining a conversation or participating in a meeting, often involving multiple participants. Moreover, as discussed throughout this paper, in this virtual setting we generally have to work harder to pick up on non-verbal cues and build that necessary rapport than we would have to when communicating in person. Combined with the widely experienced blurring of boundaries between work and home-life, as remote working has become the norm for many during the pandemic, on reflection it has perhaps never been more important to take the time to disconnect from all of the screens that pervade our daily lives.[21]

5. Challenges and solutions relating to methodologies and interdisciplinary research

Stakeholder Mapping Interviews (Claire Bessant, Northumbria University)

The OMDDAC project, as noted by Oswald, sought to bring together researchers across a variety of disciplines, including law. Whilst traditionally legal research has perhaps been understood as the doctrinal study of law, which assumes an exclusive focus on traditional legal materials and their interpretation, some scholars suggest that socio-legal approaches to legal study are increasingly becoming accepted, whilst pure doctrinal study of the law has somewhat fallen out of favour.[22] The OMDDAC project in fact incorporates both doctrinal research and empirical legal research.

Empirical legal research, a subset of the wider genre of socio-legal research, is defined here as 'the study of law, legal processes and legal phenomena using social research methods, such as interviews, observations or questionnaires.'[23] In order to effectively conduct empirical legal research, the legal researcher must, of course, have a detailed understanding of the literature on empirical methods and theory. Indeed, the empirical legal scholar will be

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[21] Gewin (n 10).
[22] Fiona Cownie and Antony Bradney 'Socio-Legal Studies: A Challenge to the Doctrinal Approach' in Dawn Watkins and Mandy Burton (eds), *Research Methods in Law* (Routledge 2013) 34.
[23] Mandy Burton, Doing Empirical Research in Mandy Burton and Dawn Watkins (eds) *Research Methods in Law* (Routledge 2013) 55.

directed to and is likely to refer to much the same literature as any other scholar using empirical research methods, whatever their discipline.

As Oswald mentions above, the OMDDAC project aims at integrated research with methodology particularly focused in the first stages of the project on interviews to obtain qualitative data. Within the OMDDAC project plan, work package 1 (WP1) used interviews to identify which data driven projects had been or were being developed to respond to Covid-19 in the UK, in order to develop a short list of case studies for more detailed exploration in work package 2 (WP2, the production of 'snapshot' reports).

Many of the OMDDAC team already had experience of using empirical methods, particularly interviews. It was identified at the project outset, however, that different interview approaches had been used by different members, and some individuals had limited experience of interviewing. Accordingly, before WP1 commenced, and before any interviews took place, the team discussed the most appropriate interview method to be used and developed a supportive strategy to ensure all team members were comfortable with conducting the interviews.

WP1 commenced with the project team collaborating together, adopting a purposive, selective sampling strategy to determine potential stakeholders to interview about the use of data-driven approaches across the UK. Semi-structured online interviews were then conducted with thirty-four stakeholders drawn from: the private sector; government; academia; police and law enforcement; organisations specialising in the use, management and protection of data; the medical profession; charities; regulators and the legal profession.

An interview can be understood as a conversation between a researcher (the interviewer) and an interviewee that takes place at a pre-arranged meeting; the interviewer asks questions and the interviewee provide answers, telling the interviewer about experiences or topics of which they have first-hand knowledge or into which they have insight. (In this project interviews were in fact conducted by interviewer pairs, and whilst most interviewees were interviewed individually, a small number were interviewed in pairs, for example, where two colleagues expressed interest in participating in the research. In such cases the same

questions were used as for single interviewees, with both interviewees being encouraged to provide full answers to each question.)

Brinkman suggests interviews are one of the most common ways of producing knowledge in the human and social sciences.[24] Certainly, interviews have much to offer the qualitative researcher, whatever their discipline of origin, enabling researchers to achieve an in-depth understanding of participants' perspectives and experiences, thus enabling the researcher to explore complex issues in a way not possible by observation or survey.[25] By encouraging interviewees to speak in their own voices, researchers gain understanding of the research topic from the perspective of someone who has insight into that topic.[26] Where interviewees are allowed to talk at length, researchers obtain rich data through full, detailed narratives,[27] which provide 'solid material for building a significant analysis.'[28] Interviews are, however, not without criticism. Some scholars suggest that given the artificiality of interviews, and the fact interviewees are expected to create answers under time pressure, interviewees cannot be expected to truthfully divulge potentially sensitive information.[29] Some scholars express doubts about whether interviewers are ever able 'to get inside someone's head', suggesting that all that is achieved is a 'representation of an individual's views and opinions,'[30] with a 'tenuous basis' in reality.[31] Svend suggests that interviews nonetheless 'often represent the most adequate means of knowledge production.'[32] In this instance it was considered the benefits of interviews undoubtedly outweighed the negatives.

This twelve-month project responds to an international pandemic. With WP1 serving as a foundation for future work packages, the timescales for conducting WP1 were short. Ethical

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[24] Svend Brinkmann 'The Interview' pgs 576-599 in Norman K Denzin and Yvonna S Lincoln 'The Sage Handbook of Qualitative Research' (5th Edition, 2018, Sage Publications) 577, 579.

[25] Bridget Byrne 'Qualitative Interviewing' in Clive Seale (ed) *Researching Culture and Society* (4th Edition, Sage 2018) 220-1.

[26] Alice Yeo and others, 'In-Depth Interviews' in Jane Ritchie and others (eds) *Qualitative Research Practice* (2nd Edition, Sage 2014), 182.

[27] Byrne, n25, 219.

[28] Kathy Charmaz, *Constructing Grounded Theory* (2nd Edition, Sage 2014)18, 23.

[29] Michael Myers and Michael Newman, 'The Qualitative Interview in IS Research: Examining the Craft' (2007) 17 Information and Organization 2, 3-4; Silverman, *Doing Qualitative Research'* (n674) 132; Silverman, *Interpreting Qualitative Data* (n684) 181.

[30] Byrne, n25, 220.

[31] David Silverman, *Doing Qualitative Research* (4th Edition, Sage 2013) 130.

[32] Brinkman, n24, 588.

approval for the interviews was obtained within a month of confirmation of funding. Adopting a relatively standard approach to interviewing, all prospective interviewees were then emailed the project information sheet, details of the key questions being asked (interview guide) and a consent form. Interviewees were asked to return the consent form before the interview, confirming in writing that they agreed to being interviewed and to the taking of anonymised interview notes. (Guaranteeing anonymity was crucial to encouraging respondents to speak openly). Interviews were conducted from mid-November to mid-January, with initial findings published at the end of January. The speed with which it was possible to conduct interviews, collate and analyse data and publish findings was a direct result of the interview methods adopted.

Interviews were conducted online; an inevitable consequence of the pandemic, with institutional restrictions and the second UK lockdown preventing face-to-face interviews. Much research confirms that the online interview is a viable alternative to face-to-face interviews,[33] provided participants have appropriate technology and the ability to use it,[34] and that interviewer and interviewee have good quality, fast internet connections and can sustain audio-visual connections.[35] Researchers suggest conversation and response quality is much the same in online as in face-to-face interviews.[36] For this project, it is possible that using online interviews may, as the literature suggests, have facilitated the scheduling of interviews.[37] It is questionable whether so many interviews could have been conducted with stakeholders throughout the UK within such a short time period had it been necessary to schedule face-to-face interviews.

Each interview was conducted by two interviewers from the OMDDAC team, with one interviewer leading on questioning whilst the other(s) focused upon contemporaneous

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[33] Hannah Deakin and Kelly Wakefield, 'Skype Interviewing: Reflections of Two PhD Researchers' (2014) 14(5) QRJ 603, 604; Yeo and others (n734) 182.

[34] Deakin and Wakefield, ibid, 605; Susie Weller, 'The Potentials and Pitfalls of using Skype for Qualitative (Longitudinal) Interviews (National Centre for Research Methods Working Paper 4/15, 2015) eprints.ncrm.ac.uk/3757/1/Susie%20Weller.pdf accessed 23 February 2020, 9, 15; Valerio Lo Iacono, Paul Symonds and David Brown 'Skype as a Tool for Qualitative Research Interviews' (2016) 21(2) SRO 12.

[35] Jessica Sullivan, 'Skype: An Appropriate Method of Data Collection for Qualitative Interviews?' (2012) 6(1) The Hilltop Review 54, 59; Deakin and Wakefield (n819) 605.

[36] Hannah Deakin and Kelly Wakefield, 'Skype Interviewing: Reflections of Two PhD Researchers' (2014) 14(5) QRJ 603, 605, 610.

[37] Nigel King and Christine Horrocks 'Interviews in Qualitative Research' (Sage, 2010) 79.

notetaking. Pair interviewing had previously been used by several members of the OMDDAC team, who were able to both explain the approach to other team members, and to support those who had not previously undertaken pair interviewing by conducting initial interviews with them. Pair interviewing, again, undoubtedly contributed to the success of WP1. The use of two interviewers, with one taking notes, enabled the process of interviewing and analysis to be completed more quickly than if interviews had been conducted individually, recorded and transcribed. Whilst the literature suggests note-taking is slow and often incomplete, raising validity issues,[38] this was not the team's finding. Here, the questions were relatively narrowly drawn, and interviews lasted less than an hour. It was possible for one interviewer to make contemporaneous notes, whilst the other focused on questioning. With all notes being checked and added to by the co-interviewer following the interview, the project team ensured that they captured all the key points interviewees made. The speed with which data could then be shared across the team contributed to the swift analysis of WP1 findings and progression to WPs 2 and 3. The fact that one interviewer focused upon questioning and listening to the interviewee rather than note-taking ensured the necessary rapport between researchers and interviewees was maintained.[39] Having two researchers in each interview, also meant that follow up questions came not only from the lead questioner but were also sometimes raised by the notetaker (who often had a different disciplinary background or research interests to the questioner), with the depth and breadth of information gathered thus being extended.

A semi-structured interview guide was used to ensure all interviewees were asked the same key questions in the same way, although not necessarily in the same order, with follow-on questions or probes then being used to respond to and delve into participants' comments, and to focus the conversation on emerging issues of importance.[40] The interview guide was shared with participants prior to the interview, allowing them to consider and reflect upon

[38] Nigel Fielding and Hilary Thomas, 'Qualitative Interviewing' in Nigel Gilbert (ed) *Researching Social Life* (3rd Edition, Sage 2008) 257-8; Bridget Byrne 'Qualitative Interviewing' in Clive Seale (ed) *Researching Culture and Society* (4th Edition, Sage 2018) 233.

[39] Alice Yeo and others, 'In-Depth Interviews' in Jane Ritchie and others (eds) *Qualitative Research Practice* (2nd Edition, Sage 2014) 184-5.

[40] Barbara DiCicco-Bloom and Benjamin Crabtree, 'The Qualitative Research Interview' (2006) 40 Med Educ 314, 315; Svend Brinkman, 'The Interview' in Norman Denzin and Yvonna Lincoln (eds), *The Sage Handbook of Qualitative Research* (5th edn, Sage 2018) 578-9.

the questions prior to interview. The use of such an interview guide as a starting point for discussion was vital given that interviews were undertaken by different teams of people working in pairs, and, as noted above, often from different disciplines and, because of the pandemic situated in different locations. The interview plan ensured all interviews covered the same core questions. The team could, of course, have opted for even greater uniformity by using a 'structured' or standardised interview, where the question wording and order is rigid. That would, however, have meant interviewers were unable to follow up on issues interviewees thought important, and would have prevented interviewers from following up on points of clear relevance to the research.[41] Given the diverse backgrounds of the interviewees, it was vital to be able to explore interviewee's different experiences of data-driven approaches.

Ultimately the semi-structured, pair interviewing approach resulted in the production of a vast amount of data. All team members were invited to review this data and to contribute to the subsequent analysis of this data. This data analysis, which combined analysis of data from the interviews to identify projects considered to be most significant or important by research participants, alongside quantitative scoring using a systematic scoring system or matrix and expert review by project partners and the project team to validate and confirm a final shortlist of case studies which were the focus of WP2. The interviews also, crucially, enabled the team to develop insight into the many different ways stakeholders understood the term 'data-driven approaches,' to identify specific approaches that had been adopted in areas as diverse as policing, health, and government, to pinpoint specific technologies and uses of data which some interviewees considered problematic, and to identify individuals and organisations that would need to be consulted as part of WP2.

6. *A think-tank's perspective on remote interviews during the pandemic ((Keith Ditcham, Ardi Janjeva, Royal United Services Institute)*

Considering some of the more sensitive national security issues that RUSI is often engaged in, 'in-person' interviews were traditionally a staple of the RUSI team's research methodology.

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[41] n24, 579.

The pandemic therefore offered a useful experiment in seeing what participants and researchers were actually 'able' to do once the status quo was no longer an option. We were encouraged by how receptive our stakeholders were to the video interviewing technique, although by the project's start date in November, the research team and participants would have been well versed in the new virtual etiquette. Although there may be a cost in terms of rapport building with interviewees (in-person interviews are usually more conducive to informal interactions and spending time in other places of work) there is a clear benefit in the increased number of research interviews that can be scheduled in any given day. Other financial and environmental benefits to remote interviewing have also been recognised by RUSI during remote working (the savings created by remote interviewing has allowed more funding to be channelled to research-related activities).

With remote interviewing becoming the norm, it has forced the team to think beyond some of the pre-existing London-based networks (even though these still proved to be useful in the remote context). With distance no longer a limiting factor, we were able to capture a whole group of interviewees who we would likely not have spoken to otherwise, and this has gone a long way to ensuring that OMDDAC's research is representative of a broader range of communities and interest groups, and as such, the UK as a whole. However, the research team could not merely assume a willingness to participate from these groups; we had to devise ways to encourage people who were not necessarily very familiar with RUSI to commit time to our research project. The shorter format may have been more acceptable to busy interviewees as well as mitigating the challenges of 'screen fatigue' and balancing personal commitments associated with working from home during the pandemic.

7. *Developing public perceptions surveys within an interdisciplinary project: challenges and benefits (Guangquan Li and Mark Warner, Northumbria University)*

In Work Package 3 (WP3), the OMDDAC team conducts the Public Perceptions Study, a survey-based study to gauge public attitudes towards the collection and use of data for responding to COVID-19 in the UK. This study is designed with a two-stage structure. Through a national online survey, Stage 1 collects quantitative data from a representative sample of the UK population to gain overall insights into public attitudes in this area. Drawing on findings from the Stage 1 survey, Stage 2 conducts follow-up studies, collecting further quantitative as well as qualitative data, to gain deeper understanding of the "big picture".

Throughout the pandemic, the power of data and the benefits of data-driven approaches have been seen across the society [42, 43]. It is important to understand what the general public thinks about data collection and data use in the context of resolving national emergencies. In developing this understanding within an emergency context, we can draw from prior research on data sharing and use perceptions to understand how the crisis has affected public thinking. [44] The basis on which the Stage 1 survey was designed are data-sharing scenarios that are 'general but realistic', as opposed to focusing on specific data-driven technology. In our view, a limitation of the latter would be that the findings are specific to the technology under investigation. As a result, the opportunity to draw generalised conclusions, which would be valuable to inform the development of future data-driven methods, might be lost. These issues were discussed with the wider OMDDAC team with their input incorporated into the further refinement of the survey design.

We approached the construction of the data-sharing scenarios by first decomposing the case studies in WP2 into constituent parts – the key attributes of the case studies – then building the scenarios based on these attributes. The resulting scenarios, therefore, not only are representations of the case studies but also generalise them. When combined with statistical modelling, an output of this approach is that one can reconstruct a data sharing scenario based on either a data-driven approach that has been developed or will be developed in the future to predict the general public's willingness to share data under such a scenario.

Formulating survey questions to examine how attributes of the case studies affect willingness to share data posed another challenge. The traditional way of considering one attribute per question (e.g. "How willing would you be to share your mobility data in responding to COVID-19?" with a Likert scale to measure willingness) was initially considered but subsequently ruled out. That is because it failed to capture the reality that decisions (willing to share data or not) are made in the presence of *multiple criteria*, for example, what data are to be shared, with whom the data are being shared and under what circumstances (with the nation facing high or low risk of COVID-19) that people are asked to share their data. All attributes are therefore required to be incorporated *jointly*. To achieve this, we employed the multiple-

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[42] Dawda, Sneha, et al. "OMDDAC Snapshot Report 2: Tech-driven approaches to Public Health." (2021).

[43] Janjeva, Ardi, et al. "OMDDAC Snapshot Report 3: Policing and Public Safety." (2021).

[44] Lewandowsky, S. *et al.* Public acceptance of privacy-encroaching policies to address the COVID-19 pandemic in the United Kingdom. *PLOS ONE* 16, e0245740 (2021).

attributes conjoint design[45], a design that offers an elaborate way to represent the multiple-criteria decision-making process. Under this design, participants of the survey are presented with two different data-sharing scenarios, both being characterised by the attributes. They are asked to choose the one under which they are more willing to share data. This comparison is then carried out over a number of different scenario pairs. An example of the paired-scenario comparison is given in *Figure 1*.

Figure 1. An illustration of the paired-scenario comparison in the multiple-attributes conjoint design. To ensure participants' fully understanding of the terminology used, medical/mobility data and identifiable/anonymous data, detailed explanation is provided first at the beginning of the survey. Then, within each comparison, brief explanation of each term is provided when the participant hovers the mouse over the text with a dotted underline.

Presented in *Figure 1* are four attributes:

- Risk level: the different Covid-19 alert levels in the UK;
- Data type: medical data or mobility data;
- Data holder: sharing data with different types of organisations;
- Data storage: data are anonymised or data are identifiable.

The first one sets out the pandemic context under which the data-sharing decision is asked to make while the latter three relate to the data-driven methods. This set of attributes is a result

[45] Hainmueller, J., Hopkins, D. J. & Yamamoto, T. Causal Inference in Conjoint Analysis: Understanding Multidimensional Choices via Stated Preference Experiments. *Political Analysis* 22, 1–30 (2014).

of many rounds of discussions within the WP3 subgroup as well as in consultation with the whole OMDDAC team. The attributes considered here aim to capture the essence of the WP2 case studies (also the Stakeholder Mapping Interviews from WP1) but also give rise to a survey with a manageable number of questions.

The latter leads us to the question of 'How many attributes can we investigate realistically?' While one would like to include and investigate many of such attributes in the survey, the more attributes we include, the more paired-scenario comparisons will be required. Survey fatigue, whereby participants become bored and tired of the questions and perform sub-optimally as a result, becomes an issue. We approached this through two steps. Starting from an initial list of attributes drawn from the Stakeholder Mapping Interviews from WP1 and the case studies in WP2, we narrowed it down to include attributes that are considered to be essential to represent the data-driven approaches identified in the two work packages. The resulting list was then subjected to the statistical consideration that whether the fixed number of comparisons would yield sufficient information to infer the effects of these attributes on willingness to share data.

It is important to highlight that these two steps were taken iteratively and tackling this challenge, and in fact many other challenges in WP3, has benefited from the interdisciplinary nature of OMDDAC. The multidisciplinary expertise within the OMDDAC team drives forward the national survey. From a statistician's perspective, both points above are illustrations of those stated in Haining and Li in the context of undertaking statistical analysis: "a statistical analysis is an iterative process, and each iteration reveals new insights into the system under study" and "the theoretical [and contextual] understanding of the system is an integral part of the statistical reasoning process. A statistical model cannot be separated from its subject area".[46]

At the time of writing, the Stage 1 survey was still in the development stage. Piloting is highly relevant and beneficial for this stage of the process. Comments from piloting, no matter how small the scale is, are valuable for improving the wording of the questions, identifying errors and/or unambiguity and simply understanding how long the survey takes.

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[46] Haining, R. and Li, G., 2020, Modelling Spatial and Spatial-Temporal Data: A Bayesian Approach. *Routledge & CRC Press*.

In the process of designing a survey, researchers often become so embedded within the process that it can be difficult for them to take a step back to evaluate the entire participant journey. Unlike the preceding interview studies in WP1 and WP2 where clarifications and follow-up questions could be asked, the survey method used in WP3 did not offer these luxuries. We had the difficult task of designing a survey that needed to be understood by a representative sample of the population. Therefore, we needed to ensure that questions being asked were in fact measuring what we were intending to measure. To do this, piloting was critical.

In our early piloting we used a qualitative usability method known as 'think aloud'[47]. Pilot participants were asked to progress through the study whilst verbalising their thoughts and actions. Whilst this is a somewhat unnatural experience for participants, it allowed the WP3 team to capture issues such as confusion with the user interface, and miscommunication and lack of understanding within the questions. These insights were then used to refine the survey tool prior to further piloting. In essence, this stage of piloting allowed the researchers to 'sit' (albeit virtually) next to participants and experience the survey with them, capturing their inner thoughts, and asking probing questions to ensure that the measures being developed were being understood and were therefore likely to produce data of a high quality.

Developing and deploying a nationally representative survey is a complex task, one that requires a wide range of expertise. The interdisciplinary nature of OMDDAC brings together researchers from many fields: data protection and technology law, computer science, statistics and behavioural science, each contributing to the survey design in a unique way. We have already discussed some of the challenges we faced during this interdisciplinary project and many of these were also felt when developing these surveys. Much of what has been discussed relates to communication, and the difficulties in communicating often complex ideas to colleagues in other disciplines. Yet, as we developed this study, we found opportunities for learning, for challenging our own ways of working and our own preconceived ideas and knowledge. It created opportunity for the researcher, from whom the idea originated, to think hard(er) for effective communication, and opportunities for the idea to develop further following the questions asked and contributions made by other

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[47] Nielsen, Jakob. Usability engineering. Morgan Kaufmann (1994).

researchers from different angles. The latter opportunity arising from an interdisciplinary research project is not limited to individual ideas but spans across all work packages within the project. Researchers from different fields provide different, and often new, perspectives of the project and, when taken collectively, they lead to the success of the research.

8. Conclusion

The reflections above suggest several lessons that universities, funding bodies and research teams should incorporate into future policy, grant requirements and training. First, interdisciplinarity is more than merely a series of work packages led by different disciplines. True interdisciplinarity means genuine involvement of all relevant disciplines in the aims and objectives of the project, and production of the outputs. The theoretical benefits of an interdisciplinary research approach will however only be realised by designing the integration into every aspect of a project - it cannot be assumed that integration will somehow happen without effort. This kind of proactive integrated design should be sought out by funders in their funding calls and decision-making processes, and facilitated by new university processes and training programmes that can support researchers to carry out, and managers to lead, distributed interdisciplinary projects and cut across disciplinary and departmental barriers that often exist. The challenges of communication and understanding that integrated interdisciplinarity creates can be transformative – as Li and Warner identify above, researchers are challenged 'to think hard(er) for effective communication and opportunity for the idea to develop further following the questions asked and contributions made by other researchers from different angles' leading to more powerful and insightful research outcomes.

Secondly, methods of remote interviewing and engagement have no doubt expanded the range of individuals and organisations that the project has been able to reach, and provided opportunities for team members from different disciplines to 'pair' up and ensure that project interviews incorporated a range of perspectives. This breakdown of the barriers of time and space has had considerable advantages from an inclusivity and diversity perspective. Remote interviews do however require different practical approaches, in comparison with more traditional methods, in particular the paired approach to interviewing, and shorter interviews to account for limitations on rapport-building and screen fatigue.

Finally, remote methods of communication have considerably aided our team's productivity in the current distributed home-working environment. However, we had the benefit of existing relationships of trust between many of the OMDDAC team. Future remote distributed research projects will need to give specific thought to issues of collegiality so that researchers are not isolated from opportunities to build working relationships and academic networks. There may well be a need for *more* online meetings - to develop collegiality and interdisciplinarity - and different research patterns (such as an increased number of shorter interviews) which should be borne in mind in workload time allocations.

It will be tempting for universities and funders to assume that research projects can continue to be conducted in a mainly remote manner and therefore, that budgetary savings can be made by reducing time allocations, travel and academic networking. In the long term, this will be a false economy and may well result in less effective research outcomes and staff overload. It is to be hoped that our reflections in this article will enable research projects to incorporate the best of remote methodologies while being prepared for some of the challenges. There is no such thing as perfect research. Qualitative researchers should be aware that 'the knowledge they produce reflects their location in time and in social space.'[48] Covid has impacted on how we do research in both time and social space; the key is to make sure we take the best of both models. In that way, the pandemic's lasting effect as far as research is concerned could be a positive one.

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[48] Bryman, A. (2016) Social Research Methods (5th ed.). Oxford. Oxford University Press.

From law to policy and practice – collaborative research amidst a pandemic: the creation of the Bournemouth Protocol on Mass Grave Protection and Investigation

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Key words: virtual working methods; expert selection and consultation; multidisciplinary project design; mass graves

Abstract

How can mass graves be protected to safeguard truth and justice for survivors? This was the question motivating the research project to produce international protection and investigative standards for mass graves, which resulted in the creation of the Bournemouth Protocol on Mass Grave Protection and Investigation. The research was premised upon broad and inclusive stakeholder consultation to ensure suitability, completeness and sustainability of project outcomes as well as to generate acceptance, endorsement and implementation. To realise the project we used a combination of desk-based research, round-table discussion with expert-participants from a variety of disciplines and cultural backgrounds and anonymous external consultation.

In this paper, we reflect on the methods and processes used for the purpose of international standard setting based on legal norms. We discuss the choices made along the way in facilitating this cross-disciplinary, international, inclusive and collaborative project. In doing so, we explore the function of the research process in light of the need to ensure that the Protocol reflects the different and possibly conflicting needs and sensitivities of survivors vis-à-vis the demands of criminal justice, capacity, resources and scientifically robust practices. We outline the challenges experienced and anticipated in evaluating approaches, agreeing definitions, identifying commonalities, negotiating differences and adapting to Covid-19 as part of the process of translating legal norms into policy and practice for achieving effective impact.

1. Introduction

Mass graves are sites of unimaginable human loss and cruelty. For families of the missing, the need to know where their loved ones are, to understand what happened to them and to have their bodies returned to them for respectful mourning can be overwhelming. Mass graves also contain evidence that is likely to be instrumental not only for the identification and repatriation of remains, but also for fulfilling families' rights to truth and justice. The effective protection and investigation of mass graves is therefore essential for families, investigative and prosecutorial bodies nationally and internationally, and for societies seeking to come to terms with a troubled and violent past.

Yet while there are a number of best practice approaches available amongst various actors in the field, the standard of investigations can be variable, with the result that the rights of families to truth and justice are not consistently met. Until December of 2020, there were no universal or common standards. The aim of our project was to respond to this gap.

On 10th December 2020, marking human rights day, the International Protocol on Mass Grave Protection and Investigation (the 'Protocol') went live. It defines international standards to ensure that mass graves are effectively protected and investigated to standards that are lawful, effective and respectful. Grounded in international law, the Protocol charts the various stages of mass grave exhumation, from discovery and safe reporting of the site, to its investigation, the identification and return of human remains to families and avenues for justice, including the use of mass grave evidence in various proceedings. It was produced with the input of forensic and legal experts from a range of organisations, including the International Commission for Missing Persons, the International Criminal Court, the International Committee of the Red Cross, the UN and Interpol, and has already gone in to use in a number of investigation scenarios globally.[1]

In this contribution, we describe the methodology and processes adopted for the purpose of developing the Protocol, and the reasoning behind the methods chosen.

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[1] For more information, and for the Protocol itself, see Mass grave protection for truth and justice | Bournemouth University.

Mass grave protection and investigation are complex issues, and they posed specific challenges in our consideration of how best to approach the development of the Protocol. In line with Blackburn's truism that '[r]eflection must take off from where we stand'[2], from the outset, the starting point of the project was the need of families for truth and justice. In order to achieve these goals, however, a multiplicity of needs and interests must converge, which may not be consistent with one another, compatible or readily reconcilable, but at the same time they are interdependent in their practical realisation: a thorough, impartial and expert legal process, for example, is likely to be instrumental in the determination of truth needs for families, while a successful investigation and prosecution relies upon community access to the site, as well as witness testimony.

In addition, the multiple actors involved with the mass grave investigation process emanate from a wide range of legal and scientific disciplines, each with their own rules and standards of professional practice. They must work together and coordinate their activities for a common goal, whilst simultaneously maintaining communication channels with victims' families and affected communities. And finally, the types of mass graves of concern to the project were associated with conflict and/or gross human rights violations, thereby engaging potentially different branches of international law.

The problem of mass grave protection and investigation is therefore a real-life question with far-ranging implications. It is both global and multidisciplinary in nature, necessitating an approach which would enable the production of an instrument capable of practical application in diverse contexts, meaningful for all engaged disciplines, compatible with several legal contexts and which did not lose sight of the very real plight and needs of families of the missing.

A clear and considered methodology for the project was therefore essential in order, firstly, to ensure that all of these complex factors and interrelationships could be properly examined and reflected in the Protocol, and secondly, to ensure that the resulting

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[2] Simon Blackburn, *Truth: A Guide for the Perplexed* (Penguin 2006) 129.

instrument could be seen as a credible tool both practically and intellectually, capable of fulfilling its purpose effectively and in full.

Our contribution reflects the way in which these methodological challenges were addressed. It begins with a description of how the particular methodology was identified and developed, before going on to consider how the methodology was applied in practice. We include particular reflections on how the methodology for the project had to be adapted in the light of the Covid pandemic, including the unanticipated adoption of virtual methods to facilitate expert engagement. Attention is also paid to the process of selecting experts to participate in the production of a practical tool, the use of round-tables as collaborative spaces for exploration, exchange and explanation and some thoughts on lessons learned. The second author of this contribution joined the project at the practical application stage. As a result, reflections on the development of the methodology are those of the first author alone.

2. The starting point: determining the methods

My wish to develop an instrument that reflected the interests and approaches of all actors engaged in mass grave recovery, which would serve as a practical tool for the many disciplines involved and which was firmly grounded in law meant that a very specific, tailored methodology for the project would be required. Seeking to advance both theory and practice with a view to 'producing knowledge to inform and direct social change'[3] pointed to the need for a combined methods approach[4]: (1) a more theoretical, doctrinal approach to identify the legal bases for both protection and investigation, together with an exploration of existing relevant academic and practitioner materials; and (2) a multidisciplinary, qualitative approach that would enable me to draw on the knowledge, expertise and practical experience of the various professions engaged.

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[3] Alan Clarke, 'Research and the Policy-making Process' in: Nigel Gilbert (ed), *Researching Social Life* (2nd edn, Sage 2001) 30.
[4] Not to be confused with mixed methods which is understood to comprise both qualitative an quantitative methods (see for example John Creswell, 'Mixed-Method Research: Introduction and Application' In Gregory Cizek (ed) *Handbook of Educational Policy* (Academic Press 1999).

2.1 *Desk-based, doctrinal research*

With the realisation of the needs of families to truth and justice as the starting point of the project, it was essential that the legal underpinnings for both protection and investigative practice be drawn out in order to underscore the duty to act, and to do so effectively and lawfully. To this end, my particular focus was on the rights of victims and their families, the responsibilities of States and individual criminal accountability. In light of the potential application of international human rights law, international humanitarian law and international criminal law to a mass grave scenario, my intention was to clarify existing legal rights and responsibilities in the mass grave context across all three legal fields. I hoped to do this by mapping provisions to each specific stage of mass grave investigation, identifying areas of commonality, and hence providing, to the extent possible, a unification of legal provisions for the purpose of the investigation. This attempt at unification was important to the project and its victim focus: for victims and their families, the question of whether loss of life or serious harm arose in the context of human rights, humanitarian or international criminal law does not change the nature of the harm they have suffered or their need for remediation. As Bassiouni writes, as far as governing legal regimes are concerned, '[s]uch distinctions are of little significance to victims in their quest for redress'.[5] In order to achieve this, I chose a traditional legal research method[6] as a means of ensuring the detailed analytical rigour necessary for distilling relevant state duties as international norms derived from the corpus of the various branches of international law.[7]

Whilst doctrinal research provides the researcher with the foundational basis upon which to analyse the law in its context, the method does not offer practical tools for finding solutions for the protection and guaranteeing of legal rights and duties. To answer the research question posed, it was therefore important to go beyond this doctrinal research approach, with a view towards policy and practice. Whilst there are methodological approaches such

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[5] Cherif Bassiouni, 'International Recognition of Victims' Rights', (2006) 6 HRLR 203, 205.

[6] See for example, Mark van Hoecke 'Legal Doctrine: Which Method(s) for What Kind of Discipline' in Mark van Hoecke (ed) *Methodologies of Legal Research* ((Hart 2013).

[7] For example, Michael Salter and Julie Mason, '*Writing Law Dissertations: An Introduction and Guide to the Conduct of Legal Research'* (Longman, 2007); Mike McConville and Wing Hong Chui, '*Research Methods for Law'* (Edinburgh University Press 2007) and Paul Chynoweth, 'Legal Research' in Andrew Knight and Les Ruddock, *'Advanced Research Methods in the Built Environment'* (Wiley-Blackwell, 2008)

as the New Haven School method[8] (both a problem-revealing and problem-solving approach that is attractive for its interdisciplinary focus and the scrutiny it allows of state policies, methods, approaches and procedures by examining their application to societal problems[9]) the question posed here, I felt, required an element of empirical research through engagement with expert practitioners, including leading judges, prosecutors, investigators, forensic scientists and victim specialists. This, I felt, would enable the Protocol to be both academically sound as well as practically operational and cognisant of varying real world contexts, without replicating what was already in existence.

2.2 *Expert consultation*

The project therefore required a multi-disciplinary inquiry akin to empirical-legal research and in particular, the gaining of knowledge by recourse to direct experience, to inform and guide the content of the Protocol to ensure it reflected best practice in relation to the investigation of mass graves and the dignified, respectful, indiscriminate and lawful handling of human remains. Since a purely law-driven methodology would only reach so far, I turned to the social sciences to facilitate the necessary engagement with practitioners as expert participants in the project in order to elicit information on the practical ramifications of the protection and investigation process.[10] Participatory research denotes a large spectrum of research practice typically designed to generate knowledge and understanding whilst maintaining a pragmatic but equitable approach.[11] With any such research project, such as the one designed here, there is interaction with practitioners at various stages of the project and in an iterative way. In that sense the participatory research could provide an umbrella classification for the project, but the engagement with expert-participants, I felt, had to be

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[8] Michael Reisman *et al* 'The New Haven School: A Brief Introduction' (2007) 32 *Yale Journal of International Law* 575.

[9] Steven Ratner and Anne-Marie Slaughter, 'Appraising the Methods of International Law: A Prospectus for Readers' (1999) 93(2) *American Journal of International Law* 291.

[10] A helpful starting point for such qualitative research is Catherine Cassell and Gillian Symon (eds), *Essential Guide to Qualitative Methods in Organizational Research* (Sage 2004). See also Russell Bernard, *Research Methods in Anthropology: Qualitative and Quantitative Approaches* (2nd edn Alta Mira Press 1995)

[11] For an appraisal see Andrea Cornwall and Rachel Jewkes 'What is Participatory Research?' (1995) 41(12) *Social Science & Medicine* 1667. There is, however, very little literature on the application of such an approach to law.

very focused and directed.[12] Furthermore, this second step of seeking the views of experts presented a clear logistical challenge of access and feasibility for me as the researcher.

After contemplating the benefits of conducting face-to-face interviews[13] and following the review of other standard setting projects (such as the Belfast Guidelines on Amnesty, and the Nuremberg Principles on Cooperation between Civil Society Actors and Judicial Mechanisms in the Prosecution of Conflict-Related Sexual Violence) I was persuaded that the more suitable method for this project was collaboration and exchange through a combination of expert participant round-tables, together with a broader round of expert consultation during the drafting process.[14] This combination, I hoped, coupled with rigorous analysis[15], would facilitate the multi-disciplinary, international and inclusive approach necessary to ensure the Protocol took into account the different and possibly conflicting needs and sensitivities of survivors vis-à-vis the demands of criminal justice, capacity, resources and scientifically robust practices.

In opting to conduct round tables with expert participants, I was conscious that I would likely be engaging with very busy professionals, who had competing workloads and priorities. Round tables presented an opportunity for me to bring experts together, away from their places of work (and hence with less competing distractions) to focus in depth, for a determined period of time, on a single issue with a group of other experts. I also hoped that in opting for a highly collaborative approach to the development of the Protocol, I would generate a sense of ownership, which would assist with content, impact, and subsequent application of the Protocol in real-world contexts.

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[12] And thus not necessarily compatible with a 'bottom-up' approach typically associated with participatory research.

[13] As a researcher, I am familiar with interviewing which formed part of my PhD and a funded project. For an introduction to interviewing see Steinar Kvale, *InterViews: An Introduction to Qualitative Research Interviewing* (Sage 1996).

[14] These round-tables arguably have some commonality with what is known as focus group research but here it was embedded in an iterative process which included also consultation. An appraisal of focus group research is beyond the scope of this paper; for an introduction to focus group research see, for example, Catherine Cassell and Gillian Symon (eds), *Essential Guide to Qualitative Methods in Organizational Research* (Sage 2004) and Pamela Kidd and March Parshall, 'Getting the Focus and the Group: Enhancing Analytical Rigor in Focus Group Research' (2000) 10 *Qualitative Health Research* 293.

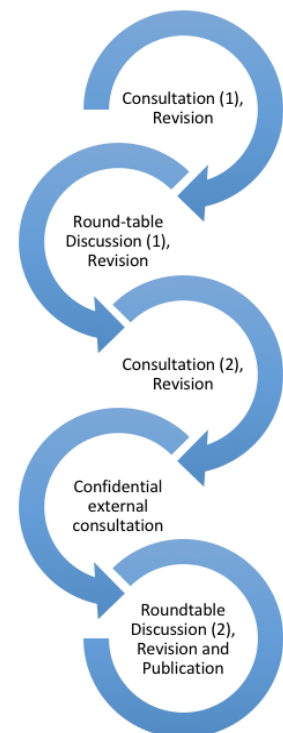[15] See infra on analysis mode employed.

For all those reasons, my selected methodology comprised:

- a desk-based review of legal provisions, academic and practitioner materials, and the production of an initial document for consultation;

- a collaborative round-table event for expert participants, based on the initial consultation document;

- revision of the document in light of the input of expert participants;

- external consultation and review of the revised draft by a second group of expert practitioners and academics;

- revision of the document in line with the views and comments received;

- the conduct of a second collaborative round-table event, with our expert participants;

- revision and finalisation of the Protocol.

fig.1: Iterative Process

Figure 1, taken from the funding application for the project, illustrates this iterative process.

With the specific aims of the Protocol in mind, I was conscious of both the advantages and limitations of the Protocol being produced from within an Academic institution, and developed the project, including the anticipated practical delivery of the methodology, accordingly. Most notably, the independence of the project lay in its academic anchorage, and I felt this was crucial to the perceived legitimacy of the resulting Protocol. In particular, the document does not endorse an activist or particular institutional stance, whether that be human rights activism, advocacy or 'forensic humanitarianism'.[16] Such an academic anchorage is not trivial, for academic mandates are empowering and liberating, as well as limiting. Academia has an advantage of public acceptance, since, as Hannah Arendt put it 'nowhere do we hear

Consultation (1), Revision

Round-table Discussion (1), Revision

Consultation (2), Revision

Confidential external consultation

Roundtable Discussion (2), Revision and Publication

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[16] See, for example, Claire Moon, 'Human rights, human remains: forensic humanitarianism and the human rights of the dead' (2014) 65 *International Social Science Journal* 215-6.

of any attempt by the universities at seizing power'. Yet, she continues, '[v]ery unwelcome truths have emerged from the universities.'[17] We can sometimes say what others cannot.

But the Protocol could not be achieved without practitioners, and the project methodology was predicated on my great confidence in the theoretical contribution which practitioners would make. In order to better enable access to expert practitioners and to enhance the prospect of real-world application, I sought a project partner from beyond academia with international reach, professional expertise and global respect.

I reached out to the International Commission on Missing Persons, an intergovernmental organisation that has extensively supported States to investigate mass graves. The ICMP is a key policy maker, state advisor and capacity builder in the field, and so constituted an ideal project partner for the creation of a new protection and investigation tool.

Finally, I felt that the project, and I, would benefit from the input and support of a Steering Group during the production of the Protocol. The composition of this steering group was also influenced by methodological input, with one steering group member having prior expertise in producing guidelines and brokering consensus.

3. Practical Application of the Methods

Following the award of funding and through the recruitment of Author 2 the reflections from now are that of a duo (we/us i.e. Author 1 and Author 2).

In the previous section, we indicate how and why the methodology for the production of the Protocol was chosen. In this section, we describe how the methodology operated in practice. We include, where relevant, our reflections on what we felt went well, what less so, and what we might do differently next time around. We have also incorporated any lessons learned from previous projects which influenced our decisions and actions during

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[17] Hannah Arendt, Politics and Truth, Originally published in The New Yorker, February 25, 1967, and reprinted with minor changes in Between Past and Future (1968) and The Portable Hannah Arendt edited by Peter Baier (2000) and Truth: Engagements Across Philosophical Traditions edited by Medina and Wood (2005), at 310.

the course of producing the Protocol in so far as they relate to the practical application of the methodology. Finally, we reflect on the need to switch to virtual methods during the course of the project and the impact that this had on the project itself, as the Covid pandemic made the prospect of face-to-face meetings impossible.

3.1 *Desk-based research: unifying legal provisions and selecting a focus and format*

In preparation for our first attempt to create a document akin to legally-based guidelines (we called it a briefing document at this stage) we consulted, reviewed and critically analysed a wealth of materials with a view to ensuring the legal cohesion and underpinnings of the Protocol, to avoid duplication of existing materials and to identify with greater precision the appropriate focus for our work.[18] The desk-based research brought together, and enabled us to compare and contrast the wider issues relating to mass grave protection based on a systematic, critical review of:

- *legal provisions* including applicable treaties in the fields of international human rights law, international humanitarian law and international criminal law, customary international humanitarian and human rights law, as well as domestic protection efforts (such as contained in Bosnian and Iraqi legislation) to identify and compare existing legal standards and requirements;
- *academic literature* relevant to mass grave protection, investigations and the effect on survivors from the disciplines of forensic science, law, securitisation studies, transitional justice and psycho-social research, in order to capture current debate and discussion;
- *procedures and best practices* relating to mass graves, their protection and investigation, missing persons and disaster victim identification, as employed by the international criminal tribunals, fact-finding missions across the world, the International Committee of the Red Cross, Interpol and various expert forensic organisations. This included reaching out to a number of forensic organisations to access their standards and practice manuals, and we had multiple conversations with practitioners across the world, in order to fully

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[18] A sample of the materials reviewed now feature in Appendix A of the Protocol. The project has explicit recourse to the 2016 Minnesota Protocol on the Investigation of Potentially Unlawful Death, which served as a benchmark for us in the conduct of our project.

appreciate operational efforts to date regarding mass grave investigations, including their successes and shortfalls in meeting stakeholder needs or legal requirements.

3.2 *The development of a Briefing Document*

Having collated and analysed a plethora of materials, in the summer of 2019 we began drafting the briefing document for the first round-table event, scheduled for October of that year. Our first consideration was how best to present that material for our target audience: a multidisciplinary, mostly practitioner, expert-readership.

Structurally, through our careful review of existing materials, a chronological approach emerged whereby the Protocol would reflect the various stages or phases that mass grave protection and investigation would require in order to fulfil family truth-seeking and the pursuit of justice (which we understood in a broad sense to encompass reparative and retributive elements).

The intended multidisciplinary audience for the Protocol presented a challenge in terms of the content of the Protocol and how material should be presented. While we needed the Protocol to have a firm legal basis, we were mindful that our intended audience were not all lawyers, and it was essential to us and the future practical application of the Protocol that the document should be accessible for all engaged disciplines. We decided that each of the chronological sections would start with as clear a statement of the law as possible in order to outline the rights of victims and societies and to map them against corresponding state duties. Once the legal basis was set out for each section the practical aspects of how to implement those norms was spelled out in a manner that was readable for all, using non-legalistic language. We then ended each stage with a 'Reference and further Reading' section.

Chronology of processes, as will be discussed below in relation to analysis, ended up serving us well as our thematic analytical structure. Furthermore, through this choice of structure and content we began the development of a novel and unique way of creating standards by frontloading the legal norms for each chronological step in the process, allowing the relevant practice-related elements to follow on from that legal basis. This approach was a

departure from the other standard setting examples we had reviewed, and we were keen to see how it would be received by experts at the first round table event.

Finally, we were mindful that the Protocol was intended for use by busy practitioners who were likely to be working in difficult and potentially chaotic situations, and so accessibility, readability and easy navigation were key considerations for the adopted format and design. Our mantra was simply to convey maximum content in minimum space and time using footnotes sparingly.[19] Naturally the various materials which we had reviewed offered us an insight into how best to present the material. In the end, the briefing document was modelled on research briefings regularly prepared by the UK Parliamentary Office of Science and Technology (known as Parliamentary POST notes)[20] and also echoed the layout of the Minnesota Protocol on the Investigation of Potentially Unlawful Death,[21] a set of scientifically and internationally accepted investigative minimum standards. Importantly, the Protocol neither duplicates nor replaces this or other such existing documents on principles and good practice.

3.3 *Selecting participants*

To produce a document with both multidisciplinary and global applicability, our choice of expert participants for the round tables was important: not only in order to inform the content of the Protocol, but also to ensure credibility of the resulting document, and so improve its chances of impact. From the outset, therefore, we established clear criteria for the expert-participants in terms of affiliation, field of expertise and representation.[22] The following selection criteria were employed:[23]

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[19] In the final Protocol, the use of footnotes is more extensive that we had hoped for, this is however due to the fact that we omitted the further reading sections in the final output, instead limiting our cross-referencing in Appendix 1 to hyperlinked relevant guidelines, principles, handbooks, good practice manuals and protocols.

[20] The process of developing POST notes is described here: How to write a policy briefing - POST (parliament.uk) accessed 14 June 2021.

[21] United Nations Office of the High Commissioner for Human Rights (2016), The Minnesota Protocol on the Investigation of Potentially Unlawful Death https://www.ohchr.org/Documents/Publications/MinnesotaProtocol.pdf accessed 14 June 2021.

[22] Sara Arber, 'Designing Samples' in: Nigel Gilbert (ed) *Researching Social Life* (Sage 2005).

[23] The Belfast Amnesty Project served also as a methodological model and operated with 18 expert-participants (University of Ulster, 'The Belfast Guidelines on Amnesty and accountability', 2013, available at https://www.ulster.ac.uk/__data/assets/pdf_file/0005/57839/TheBelfastGuidelinesFINAL_000.pdf accessed 13 March 2021).

- *Geographical Representation*: to reflect different world regions and cultures in which mass graves following gross human rights violations have occurred.

- *Disciplinary Expertise*: to bring together leading experts from the fields of forensic science, investigators, judges, prosecutors, security personnel/police, civil society and victim representatives and academics, reflecting both domestic and international experiences of mass grave protection and investigation, expertise in human rights, humanitarian and/or criminal law, transitional justice and securitisation studies.

- *Practice/Professional Expertise*: to solicit diverse views from those affected notably survivor groups, as well as NGOs and IOs mandated to work with human rights violations resulting in mass graves and representing victims' interests. Significantly, while victims and their families are the intended beneficiaries of the Protocol, they are not its target audience. The Protocol itself is necessarily legally and scientifically technical in nature. Input from survivor representative groups, however, was important to ensure that all stages of the investigative process, as reflected in the Protocol, retained survivor awareness, including in relation to family interactions and communication strategies.

In addition, based upon experience with a previous project, it was clear that continuity of participants between the two round tables was important, in order to ensure a consistency of approach. Invitations to engage with the project were therefore addressed to individuals rather than organisations, and involvement at the outset was premised on a commitment to the project for its duration. If, for example, (as happened during the course of this project) an expert left one organisation and began working for another then (subject to the agreement of their new employer) they would stay involved with the project, rather than being replaced by an individual from within their previous employer organisation.[24]

We sought to keep the group of expert participants to a workable size of 20. Through purposive sampling in line with selection criteria, a list of potential participants was drawn up, based in part on an existing network, known actors in the field, research and

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[24] The original organisation in this case retained representation within the project, since other members of the expert participant group were employed by it, ensuring the continued buy-in of the organisation to the Protocol.

recommendations from them. The list evolved in line with the criteria above with each acceptance or rejection, as new permutations arose and the need for aspects of disciplinary and geographical representation changed. On reflection, we had not anticipated how time-consuming the process would be.[25]

3.4 *Round-table 1*[26]

Having formed our expert participant group, we were confident that we would have the necessary knowledge and breadth of experience in the room to inform the development of the Protocol. Our next challenge was to consider how we could ensure that the full ambit of knowledge that we would need was teased out during the round table. We were conscious that in any group of individuals, some will naturally be more forthcoming than others, and in the case of our expert participants, a number of practitioners knew each other well from working on mass graves together in the past. It was essential to the success of the project that each and every participant's voice and experiences were clearly heard and considered, since these would guide the development of the Protocol and ensure practical usability.

Spread over two days, we chose to structure the round table into thematic sessions, mapped against the Briefing Document, which would enable us to focus on specific areas of individual expertise. Each expert was invited to share their experience with the group in a short presentation on the given theme, and this would then be followed by a group discussion. This ensured that all participants were heard during the round table event, and their thoughts discussed openly by the group.

To further facilitate engagement and input from all our participants, we paid particular attention to the role of the academic moderator, and her role to privilege all. Finally, we encouraged a candid and open approach amongst participants. For the purpose of the event, we applied the Chatham House Rule:

> *"When a meeting, or part thereof, is held under the Chatham House Rule, participants are free to use the information received, but neither the identity nor the affiliation of the speaker(s), nor that of any other participant, may be revealed."*[27]

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[25] The process took nearly 3 months in total.
[26] The first roundtable was held in-person on 23-24 October 2019 at Bournemouth in the UK.

With a number of different organisations represented at the round table event, each organisation with its own mission and agenda, the importance of project independence – the 'academic independence' we had hoped would envelope the development of the Protocol – emerged in practice by virtue of holding the event at an academic institution. We sought to reinforce that independent stance with an introductory message urging the exploration of the subject matter from a point of mutual curiosity and impartiality, a desire for an increased understanding and the improvement of practice, reflected and anchored in turn in law.

Finally, on reflection, and something not explicitly contemplated from the outset, was the need to gain all expert participants' trust in us both personally and professionally, in order to elicit open and frank information, including examples of when things had not gone as well as they might have hoped.[28] Naturally, careful communication of the schedule, updates and planning aspects were communicated ahead of the event, but until the experts actually arrived and engaged with us, the round table environment, other participants and the topic, they too were taking a gamble with their time. It was important to us as the project team to repay and strengthen that initial willingness to participate and the commit to the project, and the reason why we planned the event in great detail and with care.

3.5 *Definitions and Scope*

In light of the need for the group of experts to work together towards a singular goal, it was important for us to determine a common basis of understanding at the outset, including the intended scope of the project.[29] In order to delineate the scope of the Protocol, a set of definitions had to be agreed; definitions that were flexible and yet clear enough for comprehensive standard setting in light of the applicable law, that reflected socio-political,

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[27] Chatham House, 'Chatham House Rul' https://www.chathamhouse.org/about-us/chatham-house-rule accessed 14 June 2021.

[28] Charles Hardy, 'Trust and the Virtual Organization', 1995 May-June, *Harvard Business Review* 40, noting at 44 'virtuality requires trust to make it work: Technology on its own is not enough'. On the role of trust in research, see J. David Lewis and Andrew J. Weigert 'The Social Dynamics of Trust: Theoretical and Empirical Research, 1985 – 2012', 2012, 91:1 *Social Forces*, 25–31; Sirkka Jarvenpaa and Dorothy Leidner 'Communication and Trust in global virtual teams' (1999) 10 *Organisational Science*, 791.

[29] This need to establish a shared or common language between disciplines is recognised, for example, in Robert Cryer, Tamara Hervey and Bal Sokhi-Bulley, *Research Methodologies in EU and International Law* (Hart 2011) 76-77.

cultural and religious variety and were scientifically robust. Our aim was to keep the amount of definitions to a minimum, concentrating solely on core terms as a basis for the content of the output.

The following definition of mass grave is used in the Protocol:

> 'a site or defined area containing a multitude (more than one) of buried, submerged or surface scattered human remains (including skeletonised, commingled and fragmented remains), where the circumstances surrounding the death and/or the body-disposal method warrant an investigation as to their lawfulness'.

This definition is the product of detailed and lengthy debate and discussion between experts from multiple disciplines. The definition was finally found to have meaning for all participants, irrespective of discipline, and it has since been recognised by the UN Special Rapporteur in her report on the subject.[30]

In addition to the need for definitions in the document, we needed to establish clear limits for the Protocol itself. Mass graves can arise for a number of reasons, including through conflict, human rights abuses, migration, natural and man-made disaster. There was strong feeling amongst participants that the Protocol should encompass a broad array of contexts, although support for which contexts should be covered varied between participants.

In order that it did not become overly broad or unwieldy, we opted (reluctantly) to confine the contextual remit of the Protocol to mass graves arising in the context of gross human rights abuses and conflict, both internal and international. This means that, *sensu stricto*, mass graves that arise as a result of migration are not included, unless they occur as an aspect of enforced disappearance. Their governance is often complicated by the use of the sea as a migratory route. Although, of course, deserving of dignified treatment and protection through a comprehensive, non-discriminatory human rights framework, are not afforded the full legal attention of the Protocol. Nor are mass graves that occur as a result of

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[30] UNGA, Report of the Special Rapporteur on 'Human rights standards and possible steps towards the respectful and lawful handling of mass graves' (12 October 2020) UN Doc A/75/47919, para 12.

disasters, unless the burial method is legally dubious. The decision to exclude these potential sites from the ambit of the Protocol was not an easy one, but it felt necessary for us to contain the project within boundaries that were practically workable for us, as well as to avoid the production of a document which, by seeking to apply to all possible contexts simply became abstract and unusable for practitioners. That said, whilst the contexts and legal spheres may be different to that addressed in the Protocol, the protection and investigative standards are still relevant to the extent that there is clear consensus among the practitioners: 'The quality of investigation and due process guarantees remain the same.'[31]

3.6 *Progressing the Protocol: Analysing the data and the Consultation processes*

In the months following roundtable 1, in light of the presentations and discussions that had taken place, we reviewed and revised the briefing document, which now took the form of the draft Protocol. Where specific thematic areas required development or potential gaps had been identified, we engaged directly with individual expert participants, based upon their expertise, in order to develop aspects of the Protocol in line with the suggestions made.

The chronological structure of the briefing document ended up serving as our template for the analysis of the data generated both through the engagement with experts at the round-table and the consultation process. And in a sense, structuring into themes and aspects of the entire mass grave process from discovery to commemoration facilitated thematic analysis.[32]

Thematic analysis aims to identify, analyse and report recurring themes from within the data set[33] without necessarily being tied to a theoretical framework.[34] Whilst being a

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[31] Hugh Tuller and Mercedes Salado Puerto 'Forensic Science International' (2017) 279 *Forensic Science International* 219, 225. An alternative would have been to limit the context from the outset but the limitation coming from within the project also confirms this as a further area for research and thus a research agenda for the authors.

[32] See, for example, Richard Boyatzis, *Transforming Qualitative Information. Thematic Analysis and Code Development* (Sage 1998) and Nigel King, 'Using Templates in the Thematic Analysis of Text' in: Catherine Cassell and Gillian Symon (eds), *Essential Guide to Qualitative Methods in Organizational Research* (Sage 2004b).

[33] Thematic analysis in this sense is very close to grounded theory, but without the theoretical commitments grounded theory demands: namely the generation of one theory at the end of the process (Virginia Braun and

'foundational method for qualitative analysis',[35] it is also a method in its own right, offering great flexibility: its findings are usually easily accessible to readers as it summarises a large body of data into a manageable size without losing the richness of the data,[36] something that suited a multi-disciplinary project such as ours, and hopefully appeals to a multi-disciplinary audience. Thematic analysis is also considered a useful tool in generating unanticipated themes and knowledge which can inform policy changes.[37] Themes can be generated inductively from the data or deductively from a theory or previously-designed theoretical framework.[38] Moreover, themes can be discovered at a semantic and explicit level or at a more latent and interpretive level depending on the research questions and epistemological stance.

So what did that mean for us and the development of the Protocol? We repeatedly examined the notes from the round-tables to see where points raised by the experts added to the development of clear guidelines, and how they related to the legal provisions, practice and existing literature. Through this process, a high-level synthesis was achieved.

We organised and categorised our data in light of our themes and revisited the themes themselves (for example we merged two different themes into a section on Justice, but separated out a section on Commemoration). This analysis allowed us to collaboratively fine-tune the precise structure and content of the Protocol.

Such analysis inevitably required us to make a number of judgment calls: much discussion and care went into the final presentation of the Protocol, ensuring that individual contributions, from all experts, whether during the round-tables or the consultation phase, were weighed according to the individual's expertise as well as relevance for the research question. In practical terms this meant, for example, the comments of a judge on admissibility rules would be deemed more valuable and could potentially take precedent over statements on the same topic made by a forensic practitioner.

Victoria Clarke, 'Using Thematic Analysis in Psychology' (2006) 3 *Qualitative Research in Psychology* 77 and Anselm Strauss and Juliet Corbin, *Basics of Qualitative Research: Grounded Theory Procedures and Techniques* (Sage 1990)).

[34] Braun and Clarke (ibid).

[35] Ibid 78.

[36] Boyatzis (n 39).

[37] Braun and Clarke (n 40) 78.

[38] Boyatzis (n 39).

We also took care to safeguard the quality and credibility of the Protocol through *clear and transparent* processes at all times, safeguarded through an audit trail of clearly backed up versions of the progressing Protocol so we could revisit any former iteration if needed. At the end of the analysis, we were confident that our collection of information was accurate, complete *and credible* [39] Having two researchers work in tandem, negotiating each insertion, edition or deletion from the Protocol together, was essential, and where doubt remained, we sought the advice of specific experts to double-check the exact wording of the content to be included. This was particularly important for Appendix 2 and the roles and expertise identified within.

The analysis and consultation phase coincided with the period when the global pandemic emerged, resulting in various lockdowns, caring duties, home schooling, shielding activities and so on.[40] Having both school-aged children, we nonetheless persevered with both. For the consultation, in total we contacted 45 experts from various disciplines who were unconnected to the project to ask for their thoughts on the draft Protocol. The experts were again identified on the basis of their disciplinary expertise or academic/practitioner specialism, and we sought once more to ensure a broad geographical range of experiences were reflected in the review process. The purpose of the review was to enable us to test the accuracy, completeness and practical usability of the draft Protocol beyond our initial group of participants. In order to enable reviewers to give their feedback freely, we invited them to provide comments on a confidential, unattributed basis.

These reviews took a number of months to come back to us, mostly with contrite apologies as Covid-19 derailed most peoples' working practices. The comments received were, however, priceless in progressing the research output and, as so often, the generosity shown in time, thought and consideration was humbling.

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[39] This essentially indicated data-saturation. See, for example, Clive Seale, 'Quality in Qualitative Research' in: Clive Seale and others (eds), *Qualitative Research Practice* (Sage 2004); Braun and Clarke (n 144) and Jennifer Fereday and Eimear Muir-Cochrane, 'Demonstrating Rigor Using Thematic Analysis: A Hybrid Approach of Inductive and Deductive Coding and Theme Development' (2006) 5(1) *International Journal of Qualitative Methods* 1.

[40] For more on navigating the impact of the pandemic on research methods, see, for example, 'Adapting Research Methodologies in the Covid-19 Pandemic: Resources for researchers', University of Washington, 2020 https://earthlab.uw.edu/wp-content/uploads/sites/26/2020/07/uts-adapting-research-methodologies-covid-19-pandemic-resources-researchers.pdf accessed 13 June 2021; Anna Playle 'Reimagining creative research methods and collaborative relationships in the context of Covid-19' blog of the British Educational Research Association, 14 April 2021.

Technology enabled us to work on the text through screensharing function, google docs share, and, as and when the internet was in too high-a-demand by other household users, the phone.

The delays did, however, mean that we sought a no-cost extension from our funder, which was granted within a few days of requesting it, thus safeguarding our ability to adapt the second round table.

3.7 *Round-table 2*[41]

By the beginning of June it became apparent that running a physical event amidst a pandemic was not going to be feasible. Drawing on teaching and learning expertise of conducting lectures and seminars for students online that had been gained in the preceding months, our plans for round-table 2 converged on a virtual event, housed on the Microsoft Teams platform (as the IT-supported platform of the institution). The virtual meeting was held over two days, and we proceeded on the basis that experts could 'join' by topic of interest, rather than attending the whole event, in order to ease additional pressures on their time commitments imposed by the pandemic, as well as any strain or fatigue that very lengthy virtual meetings might threaten.

By that time in the pandemic, all participants were very familiar with meetings held virtually, and so the proposal for a virtual round-table was readily accepted, and presented no significant technological difficulties. We limited each session to 45 minutes, building in sufficient breaks to enable participants to step away from their screens. Whilst virtual platforms have the advantage of not requiring the arrangement of catering and room bookings, a reliable team of support was nonetheless important to the event: we had a designated team member to liaise between the expert and the institutional IT support, and a notetaker (we did not record proceedings to allow open discussion).

For those unable to attend, and to ensure expert engagement was not curtailed or limited by time zones, internet connectivity, caring duties and other commitment, we offered

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[41] Held on 9-10 September 2020.

follow-up in the weeks immediately after the virtual event resulting in a number of repeat-email exchanges with a handful of individuals.

In practice, holding the first round-table in person, and the establishment of trust and goodwill that the event had given us, proved to be crucial to the success of the second round-table event. Expert participants willingly engaged with the event, and although there was an option to attend on a theme-by-theme basis, a number of participants joined us for the full period. In one case, due to time zone differentials, a participant attended both days in what was, for them, the early hours of the morning.

The point of the second round-table was to examine, discuss and agree the various sections of the revised draft Protocol, which incorporated the thoughts of our 45 external expert reviewers (as far as they were relevant and fell within the remit of the project). We also aimed to discuss next steps for the Protocol, including impact and dissemination. In order to guide discussion, we had specific questions prepared for each section, and we opened the event with a clear exposition of broad points we hoped to address:

I.   Have we covered all major points in the Protocol?

II.   Have we portrayed them accurately from the perspective of your discipline?

III. And above all: is the Protocol a practicable and helpful tool?

The technology facilitated working with text on screen remarkably well and we were able to progress and finalise a number of points, including the exact wording of parts of the document and the flow-diagrams contained in the appendices. To be clear, we would have rather engaged with our experts in-persons but felt that, to progress and conclude the project, the use of an online platform such as Teams was a meaningful substitute. As always, professional and personal circumstances dictate what works best for individuals. While for some the technology made participation easier (due to reduced travelling and ease of scheduling) for others technology remains a poor substitute for face-to-face discussion.

3.8 *Reporting results*

In addition to producing an instrument that was multidisciplinary, anchored in legal norms and accurate in terms of content, our aim was to ensure that the Protocol was also

practicable for a diverse audience. Accessibility of the Protocol was a key concern for us in its design, so that we could create a visually clear tool that would help stakeholders navigate the law, scientific and societal aspects of mass grave investigation and protection efforts. Engagement with expert practitioners for the purpose of developing the Protocol effectively enabled us to test our written approach, including the presentation of materials.

Our initial decision to adopt a chronological style for the Protocol was endorsed by our participants, and so the finalised document includes sections on: (A) the discovery and safe reporting or mass graves; (B) their Protection; (C) Investigation of the site; (D) Identification of human remains; (E) the return of human remains to families; (F) Justice related aspects of the process and, finally, (G) Commemoration. Each section of the Protocol leads with a statement of applicable legal norms (we retained colour-coding for ease of readability) and is followed by an explanation of different steps (in non-legalistic language), actors and considerations relating to the stage indicated.

Mindful of the need to produce a document that did not appear overly lengthy or unwieldy, we chose to incorporate into the document a list of 'Overarching Operating Principles'; standards of practice that should inform the conduct of the mass grave operation in its totality, applying at all stages and to all engaged actors. These were front-loaded in the document, avoiding the need for their repetition at each written stage of the Protocol. The overarching principles that we chose to incorporate comprise the following: (1) Do no harm; (2) the need to ensure the Physical and Emotional Safety of all actors; (3) Independence and Impartiality of approach; (4) Confidentiality and respect of personal details and identifying materials; (5) Transparency of process; (6) Communication with families, communities and the media; and (7) the need to Manage Expectations. These principles, in turn, were identified following a thorough review of a number of different standard-setting instruments, including the Minnesota Protocol, Basic Investigative Standards for First Responders to International Crimes,[42] the UN's Guiding Principles for the Search for Disappeared Persons[43] and the Principles on Cooperation between Civil Society Actors and

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[42] Global Rights Compliance (2016), 'Basic Investigative Standards for first Responders to International Crimes', https://www.globalrightscompliance.com/uploads/2a712b82b7363354be0b3b5011d71795.pdf accessed 13 March 2021.
[43] United Nations Committee on Enforced Disappearance, Guiding Principles for the search for disappeared persons (8 May 2019) UN Doc CED/C/7.

Judicial Mechanisms in the Prosecution of Conflict-Related Sexual Violence.[44] The overarching principles were tailored to the subject matter and refined through discussion with the expert participants in order to ensure that they were realistic, as opposed to aspirational, in practical terms.

A further addition to the final version of Protocol, on the recommendation of expert-participants, was a number of Appendices comprising the most relevant Guidelines, Principles, Handbooks, Good Practice Manuals and Protocols for further reading, with easy-to-access URLs; definitions of core mass grave investigative staff; flowcharts on mass grave-related processes and a checklist for office planning.

Finally, our inability to hold an in-person second round-table event meant that we had budgetary savings, and we were able to utilise these to further enhance the potential reach and usability of the Protocol. Eleven translated versions of the instrument have been prepared, to reach as many areas of the world as possible. Our expert participants guided us once again – this time on the choice of languages for translations. In addition, an English audio version has been produced to further aid accessibility and to serve as a model for future translation into spoken languages only.

4. Concluding thoughts: Influencing future practice and policy

The Protocol is geared towards practical operationalisation, to assist those acting on behalf of civil society, international organisations, state authorities and victims groups to effectively deal with mass graves resulting from widespread human rights violations and conflict. Central to the project is the need to ensure that survivors' rights are respected and justice mechanisms are supported. Individual and societal impacts are progressed through the invaluable contributions of expert participants, who, in turn, are instrumental in advancing the rights of survivors through their work in advocacy, policy development, policy implementation or courts of law. To that end, the Protocol has been endorsed and

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[44] Author 2, (2017), accessed 13 March 2021.

commended for the standards it sets to help strengthen mass grave protection and preservation as part of a human rights framework for a respectful and lawful practice.[45]

The research process to develop the Protocol was motivated by the overarching research question: *How can mass graves be protected to safeguard truth and justice for survivors?* The notions of protection and safeguarding point to core practices involving a variety of stakeholders, thus warranting the multidisciplinary, inclusive, international and collaborative methodological approach adopted. While we had obviously not originally envisaged a migration to a virtual approach for the second round-table event, in practice this proceeded relatively smoothly, and was helped considerable, we feel, by the fact that we had been able to hold build a good rapport with participants with an in-person event for the first round-table event.

In the above we have traced our journey of how we approached the research question methodologically, seeking to find answers both in the law and in practice; answers that, due to the research process, have integrity, legitimacy and validity. This, we believe, is safeguarded by good research design, choice and application of method as well as rigorous analysis. At all times, however, we were convinced of the project's anchorage in law as its primary disciplinary home.

Through our approach and the decisions made along the way, we have also made a contribution to how Protocols or Guidelines can be presented and meaningfully tailored to the requirements of stakeholders, thus developing a unique style in marrying disparate laws, policy and practice. The outcome is a set of standards designed to safeguard the respectful and lawful investigation and protection of mass graves.

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[45] UNGA, Report of the Special Rapporteur on 'Human rights standards and possible steps towards the respectful and lawful handling of mass graves' (12 October 2020) UN Doc A/75/47919, 65.

Dialling in: Reflections on Telephone Interviews in Light of the Covid-19

Pandemic

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Key words: *telephone interviews*, *face-to-face interviews*, *qualitative research*, *covid-19*

Abstract

Telephone interviews have always been the next best option to face-to-face interviews affecting researchers' perceptions of its use in qualitative research. This article considers the challenges against the use of telephone interviews as a primary mode of data collection posed by the 'gold standard' - face-to-face interviews.[1] With the rapid development of technology in recent years and an increased interest in virtual research, telephone interviews and its benefits as a mode of data collection may continue to be side-lined. The methodological strengths of telephone interviews will be explored by comparing it to face-to-face interviews and considering its use in light of the Covid-19 pandemic. I will be drawing from my legal research study on the role of the education system in informing children aged 7-14 of their criminal responsibility in schools, to provide reflections and examples to make my argument.

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[1] Judith L. M. McCoyd and Toba Schwaber Kerson, 'Conducting Intensive Interviews Using Email' (2006) 5 Qualitative Social Work.

1. Introduction

Before the 1960s, telephone interviews were considered an unfeasible mode of data collection in research studies due to the lack of telephone ownership and unfamiliarity with the device.[2] This would imply that access to research participants was significantly limited using this method, and as a result may indicate why there was little academic interest in telephone interviews as a rigorous mode of research.[3] However, with rapid advancements in telephone technology, especially with the advent of smartphones, most of the population are well-versed in its usage and often have become heavily reliant on their telephones; it has become "the primary electronic medium for interpersonal communication"[4] and has changed the way in which individuals communicate. Presently, we use telephones extensively for a variety of purposes; namely, calls (voice and video), instant messaging, emails, social media, camera etc. yet, the use of telephone interviews is still considered an alternative option to the face-to-face interview in qualitative research. Face-to-face interviews are deemed the "gold standard"[5] mode of interviews in qualitative research, however, with this shift in our relationship with mobile phones, it has become increasingly important to revisit the use of telephone interviews and consider whether it is underutilised as a primary method of collecting qualitative data. Moreover, with the Covid-19 pandemic forcing face-to-face interviews to stop during lockdown measures, the methodological strengths of telephone interviews in its own right need be better considered. This article will review existing literature on why telephone interviews remain a secondary

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[2] Eloise C.J. Carr and Allison Worth, 'The Use Of The Telephone Interview For Research' (2001) 6 NT Research.

[3] ibid

[4] Robert Hopper, *Telephone Conversation* (Indiana University Press 1992).

[5] McCoyd & Kerson (n1)

option, the methodological strengths of the mode and the impact of the pandemic on this. Finally, it will relate it to my own experience as a legal academic conducting telephone interviews with teachers in my ongoing doctoral research study.

2. Telephone Interviews in Qualitative Research

Since the beginning of the nineteenth century, interviews have been commonly used in anthropology and sociology as a qualitative methodology.[6] Kvale defines an 'interview'[7], as a data collection technique where "views are inter-changed between two or more people on a topic of interest to the participants involved".[8] The focus is on the interaction between the individuals for the purpose of knowledge exchange or production and, simultaneously, takes into account the "social situatedness of the research data."[9] The most common form of interviews are conducted face-to-face as it enables data to be collected through multi-sensory channels in the form of speech, hearing, visual, and non-visual elements.[10] In comparison, Frey states that a telephone conversation is "an interactional sequence without the assistance of visual cues." [11]   On this basis, telephone interviews challenge the conventional understanding of the function and purpose of face-to-face interviews[12] as the distance between the researcher and participant removes the visual element of the data collected.

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[6] Max Travers, 'New Methods, Old Problems: A Sceptical View Of Innovation In Qualitative Research' (2009) 9 Qualitative Research.

[7] Steinar Kvale, *Interviews* (Sage 1996) 14.

[8] Louis Cohen, Lawrence Manion and Keith Morrison, *Research Methods In Education* (8th edn, Routledge 2018).

[9] Travers (n6)

[10] Cohen, Manion & Keith Morrison (n8) 506

[11] James H Frey, *Survey Research By Telephone* (Sage 1990).

[12] Amanda Holt, 'Using The Telephone For Narrative Interviewing: A Research Note' (2010) 10 Qualitative Research.

Lechuga[13] and Novick[14] outline how notable texts, such as Patton's *Qualitative Research and Evaluation Methods* and Denzin and Lincoln's *The Sage Handbook of Qualitative Research* fail to adequately acknowledge telephone interviews in qualitative research. This is not a critique of these texts, as they are extensive works that cover many aspects of qualitative research, but rather it sheds light on the general position of telephone interviews in qualitative research. The omission of telephone interviews from such prominent and well-cited sources illustrates the lack of recognition given to it as a qualitative research method and implies that it is a mode of interview that has not been fully accepted or used widely by qualitative researchers. [15]

As Shuy highlights, doing interviews, can be time-consuming and one way to reduce fieldwork time is by doing the interviews on the telephone rather than face-to-face. Hence, telephone interviews being a 'short-cut' to the data collection process[16] contributes to its perceived inferior position to face-to-face interviews in qualitative research. Chapple contends that "while entire books have been written about the advantages and disadvantages of telephone interview for the purposes of social survey work…much less has been written about telephone interviewing as a means of gathering qualitative data."[17] Irvine corroborates this point by highlighting the need for methodological studies on telephone interviews in qualitative research that focuses

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[13] Vicente M. Lechuga, 'Exploring Culture From A Distance: The Utility Of Telephone Interviews In Qualitative Research' (2012) 25 International Journal of Qualitative Studies in Education.
[14] Gina Novick, 'Is There A Bias Against Telephone Interviews In Qualitative Research?' (2008) 31 Research in Nursing & Health.
[15] Judith E. Sturges and Kathleen J. Hanrahan, 'Comparing Telephone And Face-To-Face Qualitative Interviewing: A Research Note' (2004) 4 Qualitative Research.
[16] Roger W. Shuy, 'In-Person Versus Telephone Interviewing', *Inside Interviewing* (Sage 2003).
[17] Alison Chapple, 'The Use Of Telephone Interviewing For Qualitiative Research' (1999) 6 Nurse Researcher.

on a wide range of topics.[18] In addition, the literature on qualitative interviews tend to focus on the possible negative impact that telephone interviews have on the quality and richness of the data collected in comparison to face-to-face interviews.[19]

As such, there is no clear definition of a telephone interview provided in existing literature in this area. This could be attributed to the fact that there is a widespread understanding of the two words that make up the term, thereby inferring an assumed comprehension and acceptance of what it means. Nevertheless, Carr and Worth attempt to clarify that "a telephone interview in research terms is a strategy for obtaining data which allows interpersonal communication without a face-to-face meeting."[20] This definition is broad enough to include telephone surveys as they also use interpersonal communication via telephones to obtain information; the difference being that the data obtained is typically quantitative. In the 1970s, the development of telephone technology encouraged the use of telephones in research, thus making it a useful instrument in market research and political polling.[21] Telephone interviews in such social surveys aim at keeping the respondent's inputs short by using highly focused and standardized questions to obtain relevant data.[22] Generally, the widespread use of telephones in research was conducted by quantitative researchers and hence, there was a sense of hesitation to use telephone interviews as the main mode of collecting qualitative data.[23] Subsequently, it is often combined with other

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[18] Annie Irvine, Paul Drew and Roy Sainsbury, ''Am I Not Answering Your Questions Properly?' Clarification, Adequacy And Responsiveness In Semi-Structured Telephone And Face-To-Face Interviews' (2012) 13 Qualitative Research.
[19] Irvine, Drew & Sainsbury (n18)
[20] Carr & Worth (n2)
[21] Frey (n11) 21.
[22] Irvine et al. (n18)
[23] Travers (n6)

methods such as face-to-face interviews and questionnaires to make up for any 'missing data' due to the lack of proximity to the interviewee.[24]

This scepticism towards the use of telephone interviews has been expressed by a few qualitative researchers. For example, Taylor mentions how, as a social researcher with experience of being a respondent in 'telephone interviews' from marketing and research companies, she found that she left "such an encounter feeling suspicious and somewhat frustrated."[25] She also suggests that this is because the interviewers were not interested in responding to her queries about the research, instead their focus was on getting the information they needed from her, as quickly as possible.[26] Generally, quantitative research surveys or questionnaires conducted over the telephone require short responses from a large number of people[27] resulting in experiences similar to Taylor's. Such associations with survey-style telephone calls have contributed to the negative perception that telephone interviews are limited. Holt admits that she presumed the most effective mode for producing narrative data would be face-to-face interviews. However, it was not until she had issues accessing participants that telephone interviews were considered as a viable method for collecting narrative data.[28] Hence, it was the practicality of the circumstances that encouraged the use of this sparsely explored method. Taylor also used this method in her longitudinal study with adolescent boys and found it, in some circumstances, to be a compelling tool to elicit rich qualitative data.[29] For the purposes of this paper,

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[24] Lechuga (n13)

[25] Anthea Taylor, 'I'll Call You Back On My Mobile: A Critique Of The Telephone Interview With Adolescent Boys' (2002) 25 Westminster Studies in Education.

[26] ibid

[27] Shuy (n16)

[28] Holt (n12)

[29] Taylor (n25)

telephone interviews in qualitative research will be using telephones as a mode of communication to elicit longer and varied responses from a smaller number of participants, with a particular focus on the information, examples and experiences they wish to share. The terms 'participant' and 'interviewee' will be used interchangeably in this article.

3. Telephone Interviews – Why is it a Secondary Option?

Data collected from telephone surveys/interviews, as mentioned above, prioritises the quantity of responses therefore, calls are kept brief. [30] Thus, the data collected through such methods are not perceived to be as rich in quality as qualitative research requires. [31]

Rubin and Rubin state that: "through qualitative interviews you can understand experiences and reconstruct events in which you did not participate." To do this and understand how the interviewee feels, proximity to them is helpful as, among other things, it allows interviewers to pick up on visual cues and take note of the feeling in the room when information is shared.[32] Face-to-face interviews permit researchers to access this information with ease, thereby being heavily favoured in qualitative research. [33] However, this does not necessarily preclude telephone interviews from achieving the same, as illustrated by Holt's study, where sensitive narrative data was

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[30] Linda Sweet, 'Telephone Interviewing: Is It Compatible With Interpretive Phenomenological Research?' (2002) 12 Contemporary Nurse.

[31] Adrienne Trier-Bieniek, 'Framing The Telephone Interview As A Participant-Centred Tool For Qualitative Research: A Methodological Discussion' (2012) 12 Qualitative Research.

[32] Herbert J Rubin and Irene Rubin, *Qualitative Interviewing* (Sage 1995).

[33] Novick (n14)

collected using this method.[34] Furthermore, counselling practices like the Samaritans and Talking Therapies would belie any criticism that telephone interviews cannot generate experiential data effectively.[35]

This section will consider the main concerns for why researchers and by implication, research literature positions telephone interviews as a secondary option to the 'gold-standard' of face-to-face interviews.

3.1 Quality of Data

Most, if not all research literature state that the criteria for determining quality in qualitative research revolve around reliability, validity and objectivity. [36] For Kvale, in the context of qualitative interviews, this is determined by, "the extent of spontaneous, rich, specific and relevant answers from the interviewee",[37] "the degree to which the interviewer follows up and clarifies the meanings of the relevant aspects of the answers," [38] and the interview speaking for itself without requiring extra explanation. [39] This is further summarised by Kirkevold and Bergland, as creating the conditions for the interviewee to provide, "mostly uninterrupted, well-articulated complete picture of the phenomenon under study." [40]

Recently, numerous studies have reflected on the quality of data gathered from telephone interviews, and a large number of them concluded that they are "just as

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[34] Holt (n12)
[35] Holt (n12)
[36] Uwe Flick, *An Introduction To Qualitative Research* (6th edn, SAGE 2018).
[37] Svend Brinkmann and Steinar Kvale, *Doing Interviews* (SAGE 2018).
[38] ibid
[39] ibid
[40] Marit Kirkevold and Ådel Bergland, 'The Quality Of Qualitative Data: Issues To Consider When Interviewing Participants Who Have Difficulties Providing Detailed Accounts Of Their Experiences' (2007) 2 International Journal of Qualitative Studies on Health and Well-being.

good" at generating meaningful data, as face-to-face interviews. [41] Stephens states that in his telephone interviews "excellent data" was collected in all cases and he also comments on how a "friendly rapport" was achieved,[42] thereby further supporting that telephone interviews can be an equally effective research method, apropos of data quality.

However, Irvine expresses concerns about the conclusions made in these studies as she argues that they make "broad and impressionistic comparisons."[43] This is because there is a lack of rigorous analysis when comparing different modes of interview. To explore this, Irvine conducted a small-scale study which raised concerns about two factors – interview duration and researcher dominance.[44] When compared with face-to-face interviews, Irvine noted that the telephone interviews were on average, shorter and that the researcher took up more "airtime", thereby shortening the time the interviewee could have spent talking.[45]

This finding would imply that the quality of data collected from telephone interviews might be compromised as, in Kvale's view, it would reduce the spontaneity and richness of the responses the interviewee could offer.[46] However, this reasoning can be countered with a fuller understanding of what occurs during a telephone interview, and one that is not solely focused on the researcher taking up more "airtime". For instance, like visual cues, aural cues are commonly used to navigate through

[41] Annie Irvine, 'Duration, Dominance And Depth In Telephone And Face-To-Face Interviews: A Comparative Exploration' (2011) 10 International Journal of Qualitative Methods.
[42] Neil Stephens, 'Collecting Data From Elites And Ultra Elites: Telephone And Face-To-Face Interviews With Macroeconomists' (2007) 7 Qualitative Research.
[43] Irvine (n41)
[44] Irvine (n41)
[45] Irvine (n41)
[46] Brinkmann & Kvale (n37)

telephone conversations,[47] and therefore, within the context of an interview, making it a crucial way to clarify an interviewee's responses and confirm that they have fully understood what is being asked. Furthermore, as per Kvale's measure of quality mentioned earlier, following up on the responses given by the interviewee would only increase the validity and reliability of the data collected.[48]

3.2 Duration of Interviews

Telephone interviews, when compared to face-to-face interviews, are perceived to be shorter in length by qualitative researchers, as it is associated with polling and surveys. [49] In addition to this, telephone interviews are oftentimes kept shorter to avoid participant fatigue.[50] This is a phenomenon that is usually associated with surveys where the participant becomes tired and as a result can negatively affect their participation with the research. [51]

However, in a study conducted by Vogl, it was found that there was no significant difference in the interview length, the number and proportion of words spoken by the participants or need for clarification between telephone and face-to-face interviews.[52] Moreover, other studies have also shown that the mode of the interview does not determine the duration of the interview and in some cases found that interviewees were willing to spend anywhere between one to three hours participating in a telephone interview.[53]

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[47] Holt (n12)
[48] Brinkmann & Kvale (n37)
[49] Chapple (n17); Sweet (n30); Irvine (n41)
[50] Shuy (n16)
[51] Paul J. Lavrakas, 'Respondent Fatigue', *Encyclopedia of Survey Research Methods* (Sage 2008).
[52] Susanne Vogl, 'Telephone Versus Face-To-Face Interviews' (2013) 43 Sociological Methodology.
[53] Stephens (n42); Holt (n12)

Whilst, it is important to note that the duration of an interview cannot be conflated with quality of data, telephone interviews have often faced criticism of producing lower quality data as they are perceived to offer a shorter window of opportunity for the researcher to engage with the participant. [54] However, this need not be the case as it is found that participants are more likely to engage for longer and share more when they feel comfortable with the interviewer and their role in the research process, thereby offering, richer, in-depth data. [55]

3.3 Rapport

The relationship between the interviewer and interviewee plays a significant role in the way the conversation or discourse is managed.[56] In order to obtain good quality data in interviews, building a relationship with the participant plays a key role.[57] Rubin and Rubin state, "given the need to build a relationship and the importance of visual cues in conversations, you'd rightly expect that telephone interviews are not a major way of conducting qualitative interviews."[58] Developing rapport through technology is deemed to be less effective than in-person meetings,[59] as being in someone's presence can make it easier to connect and 'break the ice' with strangers. This is not an uncommon viewpoint as it is assumed that both parties being in each other's

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[54] Sweet (n30)

[55] Moira Cachia and Lynne Millward, 'The Telephone Medium And Semi-Structured Interviews: A Complementary Fit' (2011) 6 Qualitative Research in Organizations and Management: An International Journal.

[56] Carol Miller, 'In-Depth Interviewing By Telephone: Some Practical Considerations' (1995) 9 Evaluation & Research in Education.

[57] ibid

[58] Rubin & Rubin (n32) 141

[59] Novick (n14)

physical presence helps to develop rapport, which forms a key part of a qualitative interview. [60]

Lechuga argues that of all the characteristics that make up a successful qualitative interview there is no requirement that they be facing each other in-person[61]. In both interview formats, the interviewer has to put the participant at ease by introducing themselves, the study, clarify any doubts the interviewee may have, [62] and obtain consent. All of the qualities mentioned above can be met in a telephone interview if the interviewer takes the time to have a contact call with the participant to arrange the interview,[63] and provides an agenda-based introduction,[64] which uses a small number of keywords to introduce themselves and the details of the study.[65] The interviewer can also ask if there are any doubts the interviewee would like clarified and check that they are happy to go ahead with the interview.[66] Evidently, the use of the telephone does not hinder the ability to achieve these qualities, but it merely changes the way these qualities are achieved. This forms a foundational rapport between the interviewer and interviewee which can then be built upon when the interview begins.

Creating and maintaining a comfortable interview environment helps to increase the rapport and builds trust between the interviewer and the interviewee.[67] This can also have an impact on the duration of an interview. Participants are more likely to engage

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[60] Andrea Fontana and James H. Frey, 'The Interview: From Neutral Stance To Political Involvement', *The Sage handbook of qualitative research* (3rd edn, Sage 2005).

[61] Lechuga (n13)

[62] Cohen, Manion & Morrison (n8) 537

[63] Philip Burnard, 'The Telephone Interview As A Data Collection Method' (1994) 14 Nurse Education Today.

[64] Hanekke Houtkoop-Steenstra and Huub van den Bergh, 'Effects Of Introductions In Large-Scale Telephone Survey Interviews' (2000) 28 Sociological Methods & Research.

[65] Cohen, Manion & Morrison (n8) 537

[66] Rod Dicker and John Gilbert, 'The Role Of The Telephone In Educational Research' (1988) 14 British Educational Research Journal. Dicker & Gilbert (n38)

[67] Novick (n14)

actively in interviews and share more when they feel comfortable with the interviewer and the research process.[68] This is influenced by the personality and skill of the interviewer, and the attitude, nature and the personality of the participant.[69] Some may find meeting and talking to a stranger more daunting than speaking to them on the telephone, especially if they are shy or if the subject of the discussion is sensitive and embarrassing in nature.[70] Good rapport in this case will allow for the interviewee to share without inhibition, providing richer and more meaningful responses thereby improving the quality of data generated. As the abovementioned interpersonal demands are not dependent on the mode used in the interview, telephone interviews cannot be dismissed as a secondary option in qualitative research.

3.4 Visual Data

The absence of visual data in telephone interviews is a prominently cited concern amongst qualitative researchers.[71] Novick suggests there is a bias towards face-to-face interviews which can be attributed to lack of visual data in telephone interviews.[72] It is argued that being in the presence of the interviewee allows the interviewer access to cognitive and emotional content which can be vital in providing detail and richness to the data and the interpretation of the interviewee's verbal responses.[73] The importance placed on visual data, is one of the factors that keeps telephone interviews in a secondary position to face-to-face interviews.

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[68] Novick (n14)
[69] Lechuga (n13)
[70] Burnard (n 63)
[71] Stephens (n42); Novick (n14); Holt (n12); Lechuga (n13)
[72] Novick (n14)
[73] Fontana &Frey (n60); Novick (n14)

Visual cues in face-to-face interviews can help the interviewer gauge the direction of the interview and it allows interviewees to know that the interviewer is present and listening by nodding or smiling when they are not speaking or asking questions.[74] These visual cues help the interviewer navigate through quieter segments of the interview. From his study with telephone interviews, Stephens notes that in the absence of visual cues there is a greater need to guide the conversation.[75] For example, to mitigate against silences in the interview, indicators such as 'umm', 'ahh' and 'yes' are used.[76] Holt corroborates Stephens' experience and further mentions that there is a thin line between the researcher's interjections directing the narrative, and, assuring the participants of the researcher's presence. [77] Although the use of such indicators could be perceived to interject and guide the flow of the interview or take up "airtime",[78] they are also used in everyday telephone calls to indicate one's presence in the conversation. Therefore, it likely participants would find this to be a natural feature of a telephone call, just as nodding in face-to-face conversations. It is the responsibility of the interviewer to stay within the "line", as Holt warns,[79] to create a "mostly uninterrupted" research setting,[80] to maintain objectivity thereby ensuring increased data quality.

Visual contextual data tells us about a participant's identity and where they are situated.[81] Depending on the relevance of the research setting and the topic of the

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[74] Cachia & Millward (n55)

[75] Stephens (n42)

[76] Stephens (n42); Holt (n12)

[77] Holt (n12)

[78] Irvine (n41)

[79] Holt (n12)

[80] Kirkevold & Bergland (n40)

[81] Holt (n12)

study, the visual context could indicate possible areas for further probing.[82] For example, if the research setting is in an interviewee's home, it could provide the interviewer with more context about the individual, giving them the opportunity to ask further questions which are specific to their visual observations, if applicable to the study. This could complement and add layers to the data collected from their verbal responses. In some studies, where participant observation is part of the research objective, not being able to see the participant can be disadvantageous.[83] However, in most other cases, the discourse analysis focuses on and stays "at the level of the text."[84] This is common practice in interviews,[85] therefore, the absence of visual data in telephone interviews does not necessarily have a negative impact on data quality as it is commonly perceived.

The bias against telephone interviews can be ascribed to the absence of visual data and the implication of this on data quality.[86] To ensure the quality of data in telephone interviews, there is a need to fully articulate responses and behaviour.[87] This is because non-verbal behaviour and other visual contextual data can be easily misrepresented.[88] Therefore, in telephone interviews, participants explaining their behaviour and explicitly stating their perspectives on a topic, would provide richer interview transcripts, which are less susceptible to interpretation issues.[89] Alternatively, it has been contended that participants could misrepresent themselves

[82] Novick (n14)

[83] Raymond Opdenakker, 'Advantages And Disadvantages Of Four Interview Techniques In Qualitative Research' (2006) 7 Forum: Qualitative Social Research <http://nbn-resolving.de/urn:nbn:de:0114-fqs0604118.> accessed 15 April 2021.

[84] Holt (n12)

[85] Novick (n14)

[86] Novick (n14)

[87] Stephens (n42)

[88] Sturges & Hanrahan (n15)

[89] Holt (n12)

in telephone interviews as the interviewer has no visual data to work with, [90] making it harder to know when misleading information is provided. [91] The absence of visual cues and contextual data can give more leeway for such occurrences to take place, but there is nothing to suggest that this is more likely to happen in telephone interviews rather than face-to-face ones.

Overall, visual data can be useful in some types of research but generally, the lack of it in telephone interviews does not necessarily diminish the quality of data obtained from them because the words spoken by the participant take precedent.[92]

4. Telephone Interviews – a viable primary method?

As mentioned earlier, telephone interviews are usually considered and used where face-to-face interviews are not possible. So far, the main reasons for the underutilisation of telephone interviews in qualitative research have been discussed. This section will focus on some of the reasons why telephone interviews can be beneficial in qualitative research.

Accessibility to participants is one of the key advantages of telephone interviews. It broadens the geographical scope of the research study at a low cost, as travel costs are mitigated, allowing for a wider range of participants to take part, including under-represented groups.[93] This makes wide-scale research more affordable for all

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[90] Karl Nunkoosing, 'The Problems With Interviews' (2005) 15 Qualitative Health Research.
[91] Rob Garbett and Brendan Mccormack, 'The Experience Of Practice Development: An Exploratory Telephone Interview Study' (2001) 10 Journal of Clinical Nursing.

[92] Novick (n14)
[93] Sturges & Hanrahan (n15)

researchers. It also allows for researchers to speak to participants who are hard to contact due to time constraints, making it more likely and easier for them to participate in research studies.[94] This way they can do the interview without having to spend extra time, money and effort travelling to and from the interview location.[95] Thus, telephone interviews are a more cost-effective method with greater access to participants than face-to-face interviews.

Telephone interviews provide more flexibility to both the interviewer and their participants. Interviewees can choose the time and setting of the interview to protect their privacy and ensure their comfort and convenience[96] by "remaining on their own turf."[97] This increased privacy and relative anonymity in telephone interviews creates a conducive research setting for sharing sensitive information.[98] It also provides an increased sense of safety to the interviewer without having to visit difficult or dangerous environments.[99] Moreover, it gives interviewers the flexibility to take notes as they wish without distracting the interviewee.[100]

Generally, in qualitative interviews the interviewer is in the driving seat, determining most aspects of the interview process. This lack of power within the interview situation can result in participants providing "imperfect, ambiguous, incomplete or otherwise unsuccessful representations of their actual knowledge and opinions" which negatively impacts the quality of the data obtained.[101] Telephone interviews naturally allow

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[94] Cachia & Milward (n55)
[95] Cachia & Milward (n55)
[96] Holt (n12)
[97] McCoyd & Kerson (n1)
[98] Sturges & Hanrahan (n15)
[99] Carr & Worth (n2)
[100] Carr & Worth (n2)
[101] Shuy (n16)

participants to have greater control over the social space in which the research takes place compared to face-to-face interviews,[102] redressing the inherent power imbalance. This reduces the social pressure and improves the rapport between the interviewer and interviewee.[103]

Some types of visual data like one's appearance (class, race, gender, clothing, accent etc.) may influence the interviewee in face-to-face interviews, subjecting the data collected to bias.[104] Although, such observable characteristics can help the interviewer and the interviewee "orient towards each other,"[105] it can also create barriers between the interviewer and interviewee in the form of 'interviewer effect'.[106] Such characteristics can reduce the level of objectivity in the interview process thereby having a negative impact on the quality of data collected. Efforts are made in face-to-face interviews to neutralise 'interviewer effects' by adjusting the interviewer's appearance to suit the research environment, however, it is important to point out that telephone interviews naturally minimise such bias as it does not take into account visual factors.[107] An interviewer's accent is a significant characteristic that could influence power and privilege in a research setting and this applies to telephone interviews too.[108] Nevertheless, 'interviewer effect' is far more prominent in face-to-face interviews. Hence, the increased level of anonymity and reduced social presence in telephone interviews, minimises the influence of the interviewer, creating more effective conditions for the interview to produce higher quality data as previously

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[102] Stephens (n42)

[103] McCoyd & Kerson (n1)

[104] Shannon M. Oltmann, 'Qualitative Interviews: A Methodological Discussion Of The Interviewer And Respondent Contexts' (2016) 17 Forum Qualitative Sozialforschung / Forum: Qualitative Social Research <https://www.qualitative-research.net/index.php/fqs/article/view/2551/3998> accessed 7 July 2021.

[105] Holt (n12)

[106] Novick (n14)

[107] Shuy (n16)

[108] Oltmann (n104)

outline by Kirkevold and Bergland.[109] This diminishes issues with privilege and power imbalance in the interview process.[110]

5. The Impact of Covid-19 on the Use of Telephone Interviews

The Covid-19 pandemic has had a significant impact on the way our lives are conducted. As Teti et al. outline, the pandemic is a "social event that is disrupting our social order."[111] The effects of this have also been felt in research, with researchers having to re-design their methodology due to social distancing and lockdown measures.[112] This has meant that alternative methods to face-to-face interviews had to be adopted for research to continue. These circumstances have caused a shift from the traditional way of conducting interviews to include the use of technology. The use of telephones and video-conferencing platforms such as Skype, Zoom, Microsoft Teams, Webex and GoToMeeting have become the norm[113] for work, personal and research purposes. This illustrates how the use of technology in social interactions is becoming increasingly normalised, making it more effective for facilitating research than face-to-face interviews, especially during the pandemic. In times like this, our reliance on face-to-face interviews must be questioned and consideration should be

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[109] Novick (n14)
[110] Holt (n12)
[111] Michelle Teti, Enid Schatz and Linda Liebenberg, 'Methods In The Time Of COVID-19: The Vital Role Of Qualitative Inquiries' (2020) 19 International Journal of Qualitative Methods.

[112] Geraldine Foley, 'Video-Based Online Interviews For Palliative Care Research: A New Normal In COVID-19?' (2021) 35 Palliative Medicine.
[113] Foley (n112)

given to whether other methods, like telephone interviews, should continue to be regarded solely as an alternative rather than a primary option.

It usually takes unforeseen issues of access for researchers to primarily use modes like telephone for conducting interviews.[114] This article aims to broaden this perception, so that telephone interviews are considered a primary choice of method. I recognise that the purpose and nature of the research plays a big role in determining the mode of interviews used, and that telephone interviews may not suit some studies.[115] For example, ethnographic studies or some highly sensitive topics may not be appropriate.[116] However, the methodological strengths of telephone interviews are brought to light even more by the pandemic.

With the implementation of social distancing measures worldwide, access to participants became a key obstacle in research. Despite this, telephones allow for quick, simple, safe and cheap access to participants even in such circumstances. There are virtual research methods that could be equally advantageous for accessibility purposes, like online interviews.[117] Nonetheless, as telephones are a form of technology that most participants would be familiar with and have access to without the need for internet, it casts a wider net to gather participants. Telephones ensure the inclusion of a wider range of age groups and participants from different socio-economic backgrounds, as virtual research methods will require more expensive technology such smartphones, laptops, computers and reliable internet connection.

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[114] Holt (n12)
[115] Oltmann (n104)
[116] Lechuga (n13)

[117] Valeria Lo Iacono, Paul Symonds and David H.K. Brown, 'Skype As A Tool For Qualitative Research Interviews' (2016) 21 Sociological Research Online.

As a result, virtual research methods will only be considered in a limited capacity; especially, in relation to its impact on telephone interviews.

During the pandemic, many people have had to conduct their lives differently with working from home, caring responsibilities, home schooling, and health concerns to mention a few factors. This has increased work and home pressures for some, therefore making them harder to reach due to lockdown measures. For example, in a women-dominated profession like teaching,[118] access to participants has become even harder due to added pressures during the pandemic. Studies show that work-life-balance for women during the Covid-19 pandemic has been disproportionately affected by the exacerbation of traditional gender stereotypes and inequalities within families and society as a whole.[119] Understandably these are trying times for many people, so gathering participants can be tough even when using methods of data collection that are more conducive to the circumstances. Therefore, the flexibility telephone interviews provide to the interviewee by allowing interviews to be conducted at a time and place suited to them is even more important, and it may make participation in research more agreeable to them.

Research settings for interviews were limited during lockdown measures as people were not allowed to leave their homes. These restrictions meant that for many participants finding the most convenient setting may have been more challenging.

[118] 'School Teacher Workforce' (*Ethnicity-facts-figures.service.gov.uk*, 2021) <https://www.ethnicity-facts-figures.service.gov.uk/workforce-and-business/workforce-diversity/school-teacher-workforce/latest#:~:text=Summary%20of%20School%20teacher%20workforce%20By%20ethnicity%20and%20gender%20Summary&text=in%202019%2C%2075.8%25%20of%20> accessed 22 April 2021.

[119] Heejung Chung, Holly Birkett, Sarah Forbes and Hyojin Seo, 'Covid-19, Flexible Working, And Implications For Gender Equality In The United Kingdom' (2021) 35 Gender & Society.

External factors such as distractions and disturbances around the participant may be a major cause of concern for the interviewer and potentially the interviewee. This is especially true for those with parental and caring responsibilities. In this case, the both the interviewer and interviewee have less control over the social space in which the interview takes place. Nevertheless, telephones present the option of going outside the home environment to participate in an interview, without having to rely on the internet.

Yet, video-conferencing platforms were heavily-used during the pandemic to conduct online meetings between people.[120] This established a new 'normal' where interactions with another person could take place with visual data available unlike with telephone calls. Although, video-calls allow the interviewer and the interviewee to see each other, we typically only see the interviewee's face, possibly missing visual cues from the rest of the body.[121] This limits the visual data obtained and its relevance to the study must be considered. Notably, there is strength in "staying at the level of the text", allowing the interviewer to focus solely on the words spoken and the aural cues in the interview.[122]

In addition, using video during online interviews will subject participants at home to the interviewer looking into their personal space, which could raise issues of privacy. The "researcher gaze" becomes even more penetrating and intrusive in such circumstances, causing some participants to feel more comfortable and safe[123] with

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[120] Foley (n112)
[121] Lo Iocono, Symonds & Brown (n117)

[122] Holt (n12)
[123] McCoyd & Kerson (n1)

solely audio communication, especially when interviews may be conducted by a stranger. There are ways to blur or change backgrounds on the various video-conferencing platforms[124] however, it is notable that telephone calls do not present this issue, thereby requiring less effort on the part of the interviewee to protect their personal space.

Overall, the Covid-19 pandemic has had an impact on the way in which we conduct our lives and this may have lasting effects. This is true for the future of qualitative interviewing as such unprecedented circumstances have required researchers to broaden their thinking and embrace methods that were previously underutilised due to its perceived inferiority to face-to-face interviews. Telephone interviews are one such method, however, with the advent of the internet, online interviews have quickly overshadowed it as a mode of interview. Online interviews have been known to challenge methodological norms, bringing with it an sense of excitement.[125] It seems like the pandemic has fuelled this further with the advent and prominent use of numerous online platforms. As the trend shows, although telephone interviews provide a simple, cost-effective and widely accessible method of data collection, it may continue to be neglected as a primary method in qualitative research post-pandemic. It is worth noting, however, that all these online platforms are based on traditional qualitative methods like in-person meetings, telephone calls and letters.[126] Therefore, telephone interviews are a tried and tested mode of interviews, making it reliable and more well-established than online platforms. It also has minimal issues with regard to

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[124] Lo Iocono, Symonds & Brown (n117)
[125] Novick (n14)
[126] Reference is made here to video-calls, conference calls and email interviews.

privacy and confidentiality unlike some online platforms.[127] The next section will be providing an example from my study to show how it can continue to be a useful and advantageous method now and in future research.

6. Reflections From My Study

My research explores the role of the education system in informing children aged 7-14 of their legal responsibilities, with a specific focus on criminal responsibility. The age of criminal responsibility in England and Wales is currently set at ten[128] which is significantly lower than the average age in Europe, which is fourteen.[129] One of the key reasons provided by government for the lack of legal change is that children aged ten have the ability to differentiate between right and wrong.[130] The effect of mandatory education on a child's understanding of their role as legal and moral agents, as required by this law, could have an impact on the appropriateness of the government's reasoning, but is not clearly defined. Therefore, my research aims to look into the primary and middle school national curriculum and what is being taught around criminal responsibility to children in this age group, in order to understand what they actively learn about in terms of their moral and legal responsibility. The aim is to reveal layers to the problem through exploratory research which may highlight a range of

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[127] Bojana Lobe, David Morgan and Kim A. Hoffman, 'Qualitative Data Collection In An Era Of Social Distancing' (2020) 19 International Journal of Qualitative Methods.
[128] Section 16 Children and Young Persons Act 1963
[129] Ido Weijers, 'The Minimum Age Of Criminal Responsibility In Continental Europe Has A Solid Rational Base' (2016) 67 NILQ.
[130] HC Deb 18 December 2012, vol 555, col 3W 56

causes or alternative options, to protect children from the weight of the law. Here reflections from my doctoral research methodology will be discussed, however, empirical comparisons based on the findings of my research will not be considered as the study has not been completed at the time of writing this article.

I decided that the best place to start would be to speak to teachers who engage with children aged seven to fourteen to obtain insight into the legal consciousness of pupils in this age group, and to find out about what schools do to inform children of their legal responsibility. I started planning my methodology with only face-to-face interviews in mind however, due to the initial difficulties I experienced with accessing teachers and poor participation rates, I elected to include telephone interviews as well. Giving participants the option to choose a mode of interview, that suited their personal circumstances, allowed them to feel supported in the research process. This also allowed for flexibility in my methodology, which proved useful when Covid-19 social distancing measures came into place during my study. As part of my research I was able to conduct semi-structured interviews with twelve teachers. Six face-to-face interviews and six telephone interviews were conducted; this was wholly dependent on the option chosen by the teachers.

6.1 Benefits of Using Telephone Interviews

6.1.1 Access and Participation

As with some of the studies mentioned before, I used telephone interviews due to challenges I experienced with conducting face-to-face interviews. I contacted many schools in the North East of England to gain access to primary/middle schools however, in most cases, I could not speak to anyone beyond the reception staff. This made it difficult to cross the first hurdle of getting in contact with teachers. Using snowball sampling, I was able to overcome the 'gatekeeper' hurdle and generate more interest in my study as a contact, made through me or an intermediary, made it more likely for teachers to respond positively to my request to interview them. For example, one headteacher was happy to participate in my study however, with Christmas concerts coming up, she had no time or space to meet in-person. Having the option to do the interview on the telephone made it much easier to work around her schedule thus increasing the participation rate in my study. My sample size would have reduced significantly if telephone interviews were not used as teachers, with their busy schedules,[131] would have found it hard to make time to speak to me in-person.

6.1.2 Costs

Using telephone interviews broadened my sample to include teachers from schools beyond Newcastle-upon-Tyne, which minimised my travel costs and broadened my geographic diversity (to include different types of schools) within the North East of England. Furthermore, as the telephone interviews were conducted using the free minutes on my mobile phone plan, I did not have to incur any costs when conducting the interviews. Only four interviews required me to travel out of Newcastle and they all took place on the same day, as the teachers in the area knew each other, minimising

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[131] Helen Ward, 'Teachers In England Work Longest Hours In Europe' (*TES*, 2019) <https://www.tes.com/news/teachers-england-work-longest-hours-europe> accessed 15 April 2021.

my travel costs. PhD students like myself who do not drive and those with limited funding will be able to minimise costs with the use of telephone interviews making research more feasible and affordable. Telephone interviews also helped reduce the time spent planning the interview, travel back and forth and conducting the interview.

6.1.3 Conducive Research Settings

Giving participants the choice regarding the mode of interview allowed them to decide on the research setting most conducive to them. The trend that emerged was that teachers who chose to speak to me during work hours preferred doing it on the telephone whereas, those who were able to make time outside work hours chose to meet in-person. Those who chose to do it on the telephone were able to find a time and space that worked best for them, putting them at ease as they were in a familiar environment and they could prepare for the call. As the researcher, although I had control over the interview process, sharing this power over the social space, by allowing the interviewee to determine the interview time and setting, helped those teachers build trust in me.

6.1.4 Redressing Power Imbalance

There was a perceived reciprocity felt from both ends in the interview process; they were doing me a favour by sharing their knowledge and experience with me, whilst I could make the interview more participant-centred by accommodating their needs. The participants were told what they were going to be asked beforehand so that they had some time to think about it. Knowing what would happen in the interview reduced

the uncertainty around the interview process, making the participants feel more equal in status. This contributed towards balancing the power relations in the interviews.

As I was not physically required to go anywhere for the interview, the participants had the possibility to call off or rearrange the telephone interview knowing that it would not be too inconvenient for me. This distance provided by interacting on the telephone gives the interviewee more freedom to participate in the interview as they wish. Furthermore, the 'interviewer effects', with the exception of accent, were mostly mitigated in the telephone interviews I conducted, keeping the interviews more objective and less subjected to bias.

6.2 How Did the Challenges Posed by Face-to-Face Interviews Affect My Telephone Interviews?

6.2.1 Interview Duration

As I carried out both face-to-face and telephone interviews, I was able to make a comparison between the length of the interviews using the two modes. My legal research study has a small sample size and therefore, I cannot make a generalisation, however, I can investigate the general assumption that telephone interviews are shorter using my findings. I found that the average duration of the telephone interviews was approximately 34 minutes, whereas face-to-face interviews were only around 22 minutes long. However, it is worth noting that both my longest interview (50 minutes) and my shortest interview (19 minutes) were conducted using telephones. Thus, from my study it is hard to determine whether telephone interviews by nature will be shorter; it appears to be dependent on other factors which will be discussed below. The longer

interviews (with the exception of one interview) took place outside working hours which allowed the participant to take more time out to share their teaching experience with me. Three out of six of the telephone interviews that took place during office hours stayed mainly within the 20 minute range; this also included the shortest interview.

As teachers are generally quite busy,[132] the time constraints on them may have had an effect on the length of the interview. I took this into consideration when asking for their availability to participate in the interview. Additionally, I designed the interview questions to take roughly 15-20 minutes if they provided short answers. This was to ensure that the teachers would be able to answer all the guiding questions and time dependent, they could answer any further questions based on information shared in their responses. None of the telephone interviews were stopped by participants because of time constraints. Instead, all my interviews naturally came to an end just as in-person conversations do. Due to the exploratory nature of my research, the preliminary findings suggest that approximately 20 minutes was sufficient for the teachers to share relevant parts of the curriculum, their teaching experiences, and provide specific examples. Hence, the research purpose is important when considering the use of telephone interviews research and the way they are conducted must be tailored accordingly.

6.2.2 Quality of Data

The length of the interview did not play a major role in my research as all the teachers covered the guiding questions and provided some examples to support their

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[132] Ward (n131)

responses; the level of detail in the examples shared was the only difference. For example, a few of the teachers would summarise their experiences to share their main point, whereas some other teachers would explain their experiences further by furnishing their answers with more detail. This was primarily dependent on the personality of the teacher. The talkative participants liked to provide more details whereas the others were happy to respond to the guiding questions and further questions succinctly. During the data analysis process, I found it interesting that I had to sift through the more detailed interviews while the more succinct answers made the thematic coding process easier. Hence, longer interviews did not always indicate that there were more relevant points shared and this was true for both telephone and face-to-face interviews. From my research process so far, there is no notable difference in the quality of data collected through telephone interviews and face-to-face interviews.

6.2.3 Rapport

Cold-calling and emailing schools without a mutual contact gave me the impression they were suspicious of me and my research. Using snowball sampling made it easier to build trust as there was a mutual contact who introduced me to participants favourable towards partaking in my research. Apart from me, the participant also had the mutual contact to deal with in the research process, making it easier for them to speak to a stranger like me. I found that the more unknown the mutual contact was to me and/or the participant, the likelihood of using telephone interviews increased. The telephone provided the distance necessary to make the participant feel comfortable and safe enough to speak to me. Almost all the participants I approached with my inquiry seemed to find it fascinating and were happy to share anything that they knew. This positive outlook and curiosity into my research meant that most of the participants

engaged actively during the interview process. This was the same for both the telephone and face-to-face interviews hence, it added to the quality of responses provided by the interviewees.

Only one of the teachers in a face-to-face interview seemed less engaged but that could be because she only taught language classes, as a result, her responses were usually limited as she must have felt there was not much she could contribute to a discussion on criminal responsibility. There was more engagement from this participant when I tried asking general questions about the students she teaches and their ability to understand concepts like legal responsibility. Other teachers in my sample who did not teach classes/workshops related to legal responsibilities drew on their previous experience teaching British Values or PSHE (Personal, Social, Health and Economic education) to respond to the questions. Starting my interview with questions on the interviewee's teaching background provided me with information that permitted me to frame or order the questions better for each individual. This technique was equally beneficial in both modes of interviews.

6.2.4 *Absence of Visual Data*

Initially, it was difficult to navigate through the telephone interviews without visual cues that would indicate if the participant was done talking, taking a pause to think, or whether they understood the question from the way I phrased it. However, as I carried out more telephone interviews, it was easier to let the participants take their time in telephone interviews to pause and make indications through aural cues. I also got into the habit of articulating my thoughts and actions clearly which set a precedent for the interviewee to do the same so that we could both discern what was going on. In

addition to the verbal cues I used to replace the effects of nodding, it also helped to ask the interviewee if they had more to share. Additionally, I repeated their point so that I could clarify that my interpretation of what they said was correct. This helped them know I was paying attention, improved my understanding of what was shared and increased data quality.

As highlighted by the literature, the lack of visual data in telephone interviews left me concerned about whether I would be missing key information relevant to my research. However, after conducting my first telephone interview, I realised that the visual data that I obtained in my face-to-face interviews were not relevant to my research. In fact, it helped me listen more actively as I only had to focus on listening and taking notes, rather than making eye contact. Moreover, note-taking can sometimes be unpleasant or distracting for participants.[133] As such, I took more notes during my telephone interviews than my face-to-face ones, which proved useful during the transcribing process. The absence of visual cues freed up my attention to engage in note-taking and the interview process better.

On the whole, using telephone interviews in my research proved to be very useful and advantageous, especially with the onset of the pandemic. It provided quality data from a wide range of teachers from different types of schools, which brought out meaningful layers to my findings. In my experience of telephone interviews so far, the advantages have outweighed any factors that could negatively impact the data collected, making it as strong as my face-to-face interviews methodologically. Therefore, in future

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[133] Miller (n56)

studies I would be inclined to use telephone interviews as the sole primary method of data collection .

7. Conclusion

Telephone interviews are the original synchronous form of interviews using technology. Researchers, including myself, have defaulted to using it when issues such as accessing participants and difficulties conducting face-to-face interviews due to travel costs, geographical distance, time constraints, or health and safety measures, have arisen. In my case, as a legal researcher exploring a non-legal setting like schools, I experienced barriers that affected the participation rate in my study. The use of telephone interviews as a primary mode of research alongside face-to-face interviews helped overcome this, and it proved to be an equally advantageous mode of interview for collecting data. It has methodological strengths that allow it to stand on its own right, rather than being in the shadow of face-to-face interviews in qualitative research. Some benefits are: it is flexible, safer, cost-effective, facilitates higher participation rates without diminishing the quality of data generated. Furthermore, it reduces the imbalance in power relations that may be experienced between the interviewer and the interviewee, and provides an anonymity that could facilitate the sharing of sensitive data, without concerns of 'surveillance.'[134] Nevertheless, it is

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[134] Holt (n12)

constantly met with scepticism due to the lack of physical proximity to the interviewee resulting in lost visual data. The importance placed on this visual data, may not be necessary in all studies and hence, researchers should broaden their perception of qualitative research by considering other modes of interviews.

Lockdowns during the Covid-19 pandemic made face-to-face interviews impossible, forcing researchers to broaden their methodological approaches through the use of technology. With the advent of virtual research methods such as online interviews, telephone interviews continue to remain side-lined. As Novick states "it seems that telephone interviews neither have the endorsement enjoyed by face-to-face interviews, which are seen as the gold standard, nor the excitement generated by internet interviews, which are seen as 'challenging methodological boundaries'."[135] This suggests that as virtual research methods become more prominent, telephone interviews may continue to be side-lined. This article hopes to remind researchers of the strengths of telephone interviews in light of the pandemic and advocates for its use as an effective, primary mode of qualitative interviews.

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[135] Novick (n14)

Domestic Violence Legislation, Virtual Legal Methods and Researching One Female Teacher's Lived Experiences of Recovery from Intimate Partner Violence During the COVID-19 Global Pandemic.

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Abstract

Throughout the coronavirus pandemic, the value of online qualitative research methodologies are increasingly being recognised within violence/abuse and legal research, but few academic papers explore the process of undertaking research wholly online which explores the intersect of both legal research methods and the exploration of the lived experiences of domestic abuse victims. For the potential of legal and domestic scholarly work to be fully recognised within academic publications and teaching, appropriate consideration of methodological issues surrounding qualitative online research methodologies is needed. This paper reflects on the experiences of one domestic abuse researcher undertaking online research during the UK's national COVID19 lockdown when government legislation meant most socio-legal academics were restricted to conducting all research from their homes. This paper highlights the process where choosing the data collection online method (Microsoft Teams) was carefully considered to provide rich data insights that would help explore the research question under investigation. Online Microsoft Teams interviews were a successful method of undertaking scholarship examining one victims' experience and its interconnectedness with the law. This was since they provided an in-depth understanding of the topic undertaken in a deeply private setting where a lack of face-to-face interaction seemed to enhance the richness of the data shared. The paper includes a total of five reflections are offered to help future researchers considering, and undertaking, online interviews within the field of domestic violence and legal research.

1. Introduction and the impact of COVID19 on legal and domestic violence research

The COVID19 worldwide pandemic and subsequent government enforced national lockdowns have led to increased cases of domestic violence against women, and this has been described as a crisis within a crisis (Kumar, 2020; United Nations, 2020). The purpose of this paper is to systematically reflect on the methodology employed for one research project which explored a single participant case study and their experience as a victim positioned within the legal domain of criminal law. The project specifically looked at one female victim's experiences of domestic violence which is an issue of paramount importance during this unprecedented global period in time. This paper considers some of the benefits, boundaries and restrictions of the online methodology adopted to explore legal concepts pertaining to interpersonal violence. This included intersecting criminal offences relating to domestic abuse, for example, the Sexual Offences Act 2003 and Serious Crime Act 2015, and the experiences of researching this topic during the COVID-19 pandemic. These reflections may help socio-legal scholars in the future post-pandemic world who are considering alternative approaches to face-to-face data collection.

Domestic abuse studies which explore the lived experiences of victims of abuse and the law have historically focussed on understanding the nature of the execution of intimate partner violence, sequences of abuse led by perpetrators, and the experiences of unintended victims of domestic abuse. An example of one focus is researchers exploring the trauma domestic violence inflicts upon children who are forced to live in violent homes (Downes and others, 2014). More recent studies have concentrated instead on early interventions and the full continuum of victim services, such as police officers' processes and opinions on gender-based crimes (Bhavsar and others, 2021; Carrillo, 2021). Seeking information from the experiences of survivors going through court themselves is vitally important. Heywood and others' (2019) work highlight how there is much scholarship exploring how women survive trauma but significantly less on what happens afterwards. The original research project aimed to make an original contribution through exploring one woman's experiences of the long-term process of life after abuse when pursuing justice through the Crown Prosecution Service in court. An autobiographical narrative research approach was used to

understand the survivor's actions and how these related to the social context in which they occurred.

Methodologically, this kind of research requires very careful ethical consideration since poorly designed research has the potential to put individuals (primarily women) who are in violent relationships at considerable risk. Specific risks include compromising the safety of participants, for example, through protecting anonymity since moments of carelessness or error pertaining to confidentiality could lead to violent assaults from perpetrators, and/or also serious dangers may arise from perpetrators hearing/seeing their victims taking part in the research. Ensuring the interview process is conducted in a way that affirmatively questions the victim is also important, and that the research is executed without the threat of causing more grief or perpetuating further trauma. There was a risk that investigating this topic with the survivor may adversely affect her, as highlighted in Dunn's (2007) work on re-victimisation. Furthermore, there is a need for victims to be protected from the further victimisation (see Mawby, 1998) which could have occurred had she been approached for the research project and agreed to it whilst she was still living in a dangerous context. To counteract this, careful steps were taken to ensure she was sufficiently recovered and safe before beginning the research with her. It is generally thought that progressing with domestic violence research, despite these existing risks, is reasonable if the research has the potential to offer evidence-based conclusions on the victim's experiences, especially when pursuing justice through the courts, since the research of this kind can increase knowledge and awareness of the issue and understanding of, and advance services for, victims of interpersonal violence (Ellsberg and Heise, 2002).

Furthermore, methodological challenges often make domestic abuse research problematic, but research findings are necessary to aid the deterrence of abuse and aid the healing process following abuse, which can help improve outcomes for survivors (Bender, 2016). Additionally, many women are open to discussing their experiences of life after domestic abuse to highlight to other victims how healing is possible, and survivors can thrive and 'reclaim' themselves or reconstruct a new identity, re-take up new hobbies and help fill the void of silence that exists of victims sharing their own experiences (Heywood and others, 2019).

To try to counteract the ethical and methodological concerns about such sensitive research experienced domestic violence researchers have created guidance for researchers. One example of this is through encouraging researchers to view the participant as an active stakeholder in the study, who could help collaboratively work alongside the researcher to deliver social change via participation in the project, and not be seen as a hapless victim; guidance from these experienced scholars in the field was followed, and this approach to ethical considerations is called the Positive Empowerment approach (Downes, Kelly & Westmarland, 2014), and was adopted for this original research. Many of the principles of the World Health Organisation's (2016) recommendations for research on violence against women were followed to ensure the participant was put first. Examples of this included ensuring the research was methodologically sound and that it would help build on the current evidence base of interventions.

Combining sociological sensitive research topics like interpersonal violence with legal research scholarship can be challenging. This is since the research must combine the 'messy' and emotional lived experiences of domestic abuse victims living through the reality of the law. This is investigated through empirical means, alongside intersecting the topic academically with the formal legal doctrine which exists as its own normative, rigid discipline. There are often two contrasting methodological approaches to each discipline. For example, Kelsen (1990) argued that descriptive disciplines, such as social sciences, look for causal relations whereas legal research often uses 'imputation' as a method – meaning deciding there is a presence of some kind of responsibility from one person and/or a violation of it. This obligation stems from the legal system. As a result of this, intersecting one person's interpreted lived experience if approaching the research from a constructivist, critical paradigm, with legal research and its focus on direct interpretations of formal legislation, statutory texts and general principles of law, can therefore create a complicated and messy process.

To add to this already challenging research context, this research project was undertaken during the COVID19 pandemic, which led to unprecedented disruption and uncertainty around academic scholarly work (Wigginton and others, 2020). Researchers were forced to respond quickly and work under circumstances of widespread insecurity (Kligler-Vilenchik and others, 2020). To ensure the protection of

the health of all community members, in March 2020, many universities hastily revolved around online delivery of teaching with significant amounts of face-to-face sociological research temporarily stopping. This impact created significant challenges to the academic research community but provided new research innovation opportunities through the immediate changeover in teaching and research delivery that the coronavirus pandemic initiated. It provided a break to rethink digital challenge as a bright, new, and useful prospect that had the potential to aid research communication, clarity, and overall quality (Morrealle, Thorpe & Westwick, 2020).

To highlight the experiences of researching within this new and deeply challenging context, the aims of this paper are to:

1. Outline the methodological research process of a socio-legal scholar exploring domestic abuse laws in context through an empirical investigation.
2. Explore one researcher's first-time use of online qualitative research methodology via Microsoft Teams and offer five reflections to inform future researchers considering, and undertaking, online interviews within the field of domestic violence and legal research.

2. Online research methods

For over 20 years use of the internet as a tool for collecting primary research data has been discussed as highly effective (Hewson & Steward, 2016; Schleyer & Forrest, 2000). Many different methodological approaches can be adopted for online research. Some include undertaking focus groups via web-based video conferencing programmes, for example, Zoom (Greenspan and others, 2020), effective and rapid digital communication via Microsoft Teams (Henderson and others, 2020) and online surveys via platforms like Survey Monkey (Jain and others, 2020). Despite this, there are still very few research papers on the process of conducting research online, especially research that intersects domestic violence and legal scholarship. As a result of this topic void, adapting a research project that was previously planned to be face-to-face to recreate the approach via online means was difficult since there were few resources to explore for direction and clarification. No current published papers are reflecting on data collection for studies exploring the law and domestic abuse when collected entirely via online methods. Despite this void of literature, it was clear from

other disciplines, such as scholars researching counselling, that online methods can be a positive experience as a tool for data collection methods. Granello and Wheton (2011) argued online approaches to data collection include the following specific strengths: (1) reduced time (since there is often no travel time required if the researcher has a computer and internet at home); (2) cost-effectiveness (with no printing or travelling costs); and (3) it is easier to store data (since data is often automatically uploaded from internet software to an online storage cloud).

Despite these positives, technology-orientated data collection methods have also been criticised for the certain 'trade-offs' that these approaches can acquire. This may include related sustainability issues in the quest to secure faster, better computer devices, since many end up in landfills, severely damaging the earth and water, but, despite this, new devices continue to be purchased because of computer users knowing how with older devices can come increased user errors and decreased user satisfaction (Lazar and others, 2017).

Furthermore, as online research methods require electricity to work, there are also energy usage matters which can make usage costly both financially to the researcher but also costly regarding the impact it can have on the environment (Chetty and others, 2009), but it is important to note that this point could be counteracted by how online data collection methods have significantly less of a carbon footprint size than travelling to physically visit another person, in another town or city, for example. Other scholars have highlighted other weaknesses such as the increased online security risks where there is the danger of online surveillance from other people or other organisations when using the internet (Rainie and others, 2013). Furthermore, there is also the risk of online victimisation through cybercrime hacking when using computers (Wilsem, 2013). For example, throughout the COVID19 pandemic there were a significant number of 'zoombombings', a term which refers to aggressors join meetings to try and disrupt them and harass meeting participants (Brown, 2020). However, 'zoombombers' mostly targeted academic lectures during this period, but some scholarship noted that meetings happening in real-time were specifically targeted (Ling, 2020), and so this risk was present for this study.

Another problem associated with online data collection methods is the negative impact technology can have on researcher's mental health. This is also particularly important to the nature of this study since research on domestic violence, which is already a sensitive and emotionally distressing topic, where it is difficult for the researcher to not have an emotional reaction to what is being heard which can lead to a harmful impact on the researcher's mental wellbeing (Sikes & Hall, 2020). During the COVID19 worldwide pandemic, academic papers about the impact of social distancing and self-isolation as a burden to the population were written, exploring the psychosocial strain on the mental, physical, and behavioural costs of home confinement (Ammar and others, 2021; González-Sanguino and others, 2020), whilst the authors also recognised that these were required, and important interventions, needed to save lives. Furthermore, the nuanced blurring of work-life balance meant there was a lack of clear transition between work and leisure and therefore researchers drifted into working longer hours which can be associated with several mental health problems like depression and anxiety (Ganster and others, 2018). These studies highlight that there can be several mental health issues and unwanted side effects when undertaking online research methods since a heavy reliance on technology and the nuanced blurring of work-life balance appeared to be a requirement or by-product of online research work during the pandemic.

Next, it is important to consider other contemporary work on online research methods undertaken during the COVID19 pandemic. For instance Greenspan & others (2021) explored the experiences of undertaking focus groups via Zoom and it highlighted the risk of distractions and how these can disrupt the flow of conversation. These may include noises from outside the online meeting room, screen freezes, and other sound issues. These were also mentioned in other studies (Kite & Phongsavan, 2017; Tuttas, 2015). There was the risk of this happening and this is discussed later in the 'reflections' section of this paper. However, another study where 300 online and in-person interviews were analysed and demonstrated that there was little difference to some aspects of online interviews, such as the 'time spent interviewing, in minutes, subjective interviewer ratings and substantive coding', when comparing against in-person interviews (Johnson and others, 2019, p.1).

One final issue with ongoing online research is the risk of repetitive strain injuries which was highlighted as a serious issue for computer-based researchers during the COVID19 national lockdowns (Shariat and others, 2020). The Coronavirus Act 2020 was created as an extension of existing statutory powers, and this led to some tough restrictions (Pugh, 2020). This included limitations on physically exercising outside of a person's home, for example, limiting exercise outside of the home to one hour per day for an extended period of national lockdown from March to May 2020. This was something that the UK police appeared to use extreme measures to monitor, for example, during March 2020 Derbyshire Police used drone cameras to track and monitor individuals who they thought had travelled beyond thirty minutes of their house to exercise in the countryside (Pidd and Dodd, 2020). As a result of this, many individuals worked for long periods on computers, without leaving their homes, which led to musco-skeletal problems such as repetitive strain injury (RSI) and computer vision syndrome (CVS) and in one study of 255 participants, 69% of the study population confirmed they had CVS and 21.6% RSI because of the pandemic working-at-home (Kumari and others, 2021). The overuse of computers for research has the impact to take its toll on a researcher's body and this is another 'trade-off' in the transition from face-to-face interviews to wholly online interviews but the national travel restrictions, and those other restrictions pertaining to meeting other people face-to-face meant there was no other choice but to undertake this research via internet methods if it was to progress promptly.

3. The online research process

The original research project, which this paper is reflecting upon, was a systematic analysis of one victim's account and experiences of working-full time as a teacher whilst the Crown Prosecution Service lawyers proceeded with her domestic abuse case in court. It discussed the challenges this brought about, such as needing time off without wanting to share why, guilt from leaving the classroom and children to attend court, balancing motherhood with work and recovery from trauma. Inductive reasoning was used as an analysis tool to make generalised conclusions about the topics that help and hinder teachers who are victims of abuse and still working, and these are based on this victim and participant's scenario.

Due to the many complexities already discussed earlier in this paper, and due to the highly sensitive nature of the topic, the research design was very carefully considered and used as a strategic scaffold that, when put into action, would function as a connection between my research aims and the delivery of the research project (Durrheim, 2006). Purposive sampling was used as a means of informant selection since it is an approach extensively used for qualitative data purposes as a method of identifying and selecting detail-rich cases related to the subject of interest (Palinkas and others, 2015). Patton (2002) argued that the purpose of purposive sampling is to select issues where participants will have lots of information to share. Therefore, the data collected would illuminate the questions under study. Purposive sampling is sometimes contested as biased (Guarte and Barrios, 2006), but it could be argued that all individual knowledge and experiences, as spoken via verbal explanations, are biased. This is since all individuals view their lives and those around them, via frameworks of reference that arise due to their attributes and life trajectories are located in specific social contexts that create differing experiences (Denzin and Lincoln, 1994).

After deciding on purposive sampling, considering the characteristics needed to capture the richness of the experience with sufficient detail was needed. After careful consideration, a criterion of features the participant needed was created. As a participant, they needed to be fluent in English, a qualified teacher (or had been employed as one) in England and be a person with domestic violence experience. They also needed to be available, open, and willing to participate (Bernard, 2002). Very importantly, it was required that the person was out of the dangerous domestic abuse situation now since there would be many safeguarding and ethical concerns that might occur if someone had been selected was still living in a dangerous home context, as mentioned above.

Some potential participants could have been approached, as they were already known to the researcher through community activism work and existing friendships. It has been argued that already having an emotional connection with participants can offer a powerful resource for explorations as opposed to presenting methodological issues (Hoffman, 2007). One such example could be through a friendship. However, since the story was examining almost two-thirds of one participant's life, the scholarship of

leading life history researchers Goodson and others (2016) was drawn upon. They argue it is better not to undertake life history research with colleagues, friends, acquaintances, or relatives. When this is the case, participants can be cautious about what they reveal when the study solicits information of a personal nature. Because of this, it was preferable that there was no prior relationship with the participant or have any kind of personal connection with them. A 'call for research' online social media post was posted on Twitter with these details included, and the participant responded to that post via email. Only one participant came forward and therefore no other potential participants were rejected. This may be due to teacher stress and workload issues during the pandemic, as had been an issue in other qualitative studies during the COVID19 pandemic (Zhu and Liu, 2020), but it is impossible to know with absolute certainty as to why this occurred.

Before organising the interview, ensuring all ethical paperwork was in place was an essential requirement. As already discussed, ethical approval is a vital part of the research process to ensure participants are treated fairly, sensitively and with dignity. Full ethical approval was granted by the ethics board at Leeds Beckett University in Summer 2020. British Educational Research Association (BERA, 2021) guidelines were followed since much of the discussion pertained to her lived experience of trauma as a teacher and with her own family, which included young children. Due to the nature of the topic, the discussion could be highly distressing or uncomfortable for the participant. In light of this, clear information was given on the information sheet of relevant supportive organisations to help her if she felt she needed access to further support following the interview. Informed consent was sought via an information letter and consent form to ensure it was explicitly clear what the research process would entail.

The interview was scheduled via a series of emails and organised via Microsoft Teams. The interview was recorded via its 'record meeting' feature. The meeting recording was securely stored on the researcher's university One Drive account and the Data Protection Act was followed at all times. For access to these files, an individual needed the required password and then two-factor authentication which helped it remain highly secure. Once the interviews were transcribed, the

transcriptions were also held in this account which is a typical method for qualitative researchers since OneDrive is considered well-protected (Torres and others, 2016).

Since anonymity for participants is a fundamental part of ethical scholarship (Grinyer, 2002), to protect the identities of all involved or mentioned, all names and locations in the narrative were allocated pseudonyms to ensure all identities would not be disclosed, aligning with accepted ethical practice (Grbich, 1999). The audio data was permanently deleted following transcription. The transcripts and emails were deleted from OneDrive (Microsoft Corporation, 2020) account immediately after the article was written up, as is in line with the university's Research Ethics Policy. As is the case with all socio-legal research, but is even more critical because of the sensitive and emotionally charged nature of this topic, maintaining the participant's confidentiality (and other people mentioned in the narrative) whilst still accurately presenting a rich, detailed account of her experiences was hugely important, as per most case study research (Kaiser, 2009). It was particularly imperative as the study potentially put at risk the unnecessary outing of the participant should the carefully constructed plans for complete confidentiality not be carefully and successfully executed.

This was also particularly significant given the research was a single-participant case study covering significant parts of the life of one person as my qualitative research method. Therefore, the narrative would contain a considerable amount of material about one person's past and present lived experiences (Goodson, 2001), which may have made her identifiable. Consequently, maintaining the highest ethical principles throughout my project, whilst detailing her and her families highly private accounts and memories regarding their lives, was carefully considered and planned for before the data collection began.

There were other methodological considerations specific to this project being a single-participant case study, such as generalisability issues. Therefore, it is important to state that the findings are limited as a result of this and academics who adopt a positivist paradigm may take issue with the size of the sample and therefore the reliability of the conclusions reached based on one participant's experiences, but it could be argued that the study still makes a useful contribution and insight into one survivor's experiences, despite this limitation.

The move towards a more grounded conversation when undertaking research that spans significant periods of an individual's life has been encouraged and a shift away from the more singular narrative of the initial life storytelling (Goodson and Gill, 2011). Furthermore, they reject a procedural approach to life history research but encourage a dialogic interchange and phased approach in interviews; it is discouraged by them to move away from a completely different 'life story' narration which stresses the agency of the teller instead. The interview enacted what Goodson (2003) referred to as a prefigurative practice – creating a microcosm of the encounter to make a pattern for relationships in an imagined ideal world. In this world, parts of what make up a life history exchange are present in the narrative encounter. Despite the distressing topic, it was an enjoyable process where there was even laughter at times and moments of light relief. There was a strong sense of what Goodson and Gill (2001) describe as a mutual exploration of meaning and selfhood. The interview was a one-to-one conversation, as is the most popularly employed approach for collecting data about a person's life history, and is often called a grounded conversation (Goodson, 2001), which began with the participant being asked a single brush question: 'Tell me your experiences with domestic abuse'. The participant was quite happy to take their cue from this question, and the conversation flowed effortlessly. It followed Goodson and Sikes (2001) approach since it was a relatively unstructured, informal, conversation-type encounter.

A phased approach was adopted for the analysis stage. When considering data management and deciding the best method for data analysis, there were multiple factors to consider. Firstly, due to the far-reaching method that was chosen, which spanned at least two decades of the participant's life, the data were always going to be significant in size. Furthermore, with it being a multi-faceted topic (regarding family life, employment, finances and the legal aspects) and rich in content with a requirement to stay in alignment with life history research, a way of analysing the data without losing critical parts of each of the mini-narratives shared was required (Goodson, 2001). Secondly, there was a possibility that information would be provided beyond the study's scope. This happened since the conversations resulted in a significant number of pages of words to manage and analyse. A way of refining what critical incidents should stay included was needed. When undertaking this kind of research into significant periods that span across a person's life, it is crucial to consider

time constraints and ensure the analysis approach was feasible within them (Goodson and Sikes, 2017). To address this concern, a small degree of editing was undertaken which entailed omitting parts of the narratives. This was to ensure that any data that were not linked to the research aims and objectives were not presented in the findings. This process is usual when considering presenting the data, according to Goodson and Sikes (2017).

To further address the above considerations, different qualitative data analysis approaches using computer software was considered. Feelings of reluctance towards this move were experienced, due to feeling like this was a highly emotive project. There was also concerns that using a digital strategy to ease the complex nature of the data management and analysis would mean part of the project's 'heart and soul' might be lost in the process. However, after careful consideration of the above factors, and after drawing on the scholarship of Bazeley (2006) who analysed various types of analysis software, including NU*DIST, ATLAS, XSIGHT, Weft QDA, it was decided that computer-aided analysis software was the best option to use due to the following considerations. According to Bazeley (2009), the use of computer operating systems for qualitative analysis has no impact on the research process's condition; conversely, it merely helps with managing the data and helps show the study has high levels of rigour. Additionally, NVivo12 was chosen due to its availability, lack of financial cost, tuition through the university library staff, and finally due to accessibility since other software was not available. Furthermore, NVivo is also recognised for providing a more rigorous approach than other digital processes (Hoover & Koerber, 2011). I NVivo12 'cases' were created for each different period of the participant's life and domestic violence experience, and 'nodes' to identify the themes of 'enabling' and 'barrier' factors in protecting the victim's wellbeing during her domestic violence experiences and subsequent court proceedings and experiences as a victim. Other than these two codes, there were no other pre-planned items that were being explored, and the coding process was not built upon any particular theoretical framework.

The first step in the data analysis process was to utilise the framework matrices option within NVivo12. This simply meant a table could be instantly created, which summarised or condensed the data elements in a grid that had rows for each critical memory that was analysed from the participant. This meant that each cell within the

grid represented that particular narrative's intersection and each of the two key items that were being looked for (barrier factors and enabling factors). Using the framework matrix grid, the option of quickly scanning down the columns to compare critical incidents/periods was utilised, and this meant exploring multiple factors at different stages of the participant's life could be undertaken. This meant the research questions could be investigated using the matrix framework by identifying the evidence of barriers or enabling factors in the columns whilst looking at the storyline of her life and the incidents chronologically in rows. The data were tabulated in this way to help identify patterns and themes. These could help draw up the conclusions and this was a really helpful part of the online research methods, through which appropriate discussion points could be identified for the original paper.

4. Reflections on one online research experience during the COVID19 pandemic

4.1 Strengths

In exploring the benefits and drawbacks of online research methodologies for socio-legal academic research exploring the lived experiences of domestic abuse victims, it is important to state that Microsoft Teams appeared to work very well for this highly sensitive research topic area. Neither the participant nor the researcher switched their cameras on for the interviews and this helped it feel relaxed and felt possibly like the participant felt like she was talking to herself when sharing her experiences because it was not face-to-face, and therefore she potentially opened up more as a result of fewer distractions. Johnson and others, (2019) highlighted the risk of missing out on vital visual cues from none face-to-face personal interactions when collecting data, but when considering the richness of the data provided, it did not feel like there were key things missing and key points could still get across. The process felt meaningful and engaging, despite the lack of face-to-face interaction. Mutual feelings of connection, trust, and professional and personal respect appeared to still be made, and the participant provided information-rich responses to any questions that were asked.

The lack of face-to-face interaction appeared to aid the process since perhaps some level of embarrassment or shame, that the participant did not need to feel anyway, did

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not seem as intensified as perhaps it might have been in 'real-life'. The conversation and information shared were both richer and deeper than they had been expected to be. An online, camera-free two-hour-long conversation (with no breaks, despite this being offered) helped provide high-quality scholarly interviews and the confidentiality maintained through not having to physically appear at another person's workplace or home environment helped provide a safe space where significant life events that included private memories, cultural experiences, and problematic incidents, could be shared in secrecy. It still felt like an active exchange conversationally, and, despite Johnson and others (2019) research which suggest there can be a loss of intimacy, there did not appear to be any lack of understanding from not being able to observe nonverbal signals and the participant's verbal expressions were more than sufficient.

Secondly, some of the many positives of online-only research methods explored by other researchers were also judged as parallel strengths during this particular research project's process. These were discussed earlier in Granello and Wheaton's (2011) paper. The time saved from travel time felt like a strength of the methodological considerations. For example, due to there being no travel time, it meant the researcher could sit at the computer, with time to spare and refreshments to-hand and therefore in a much calmer mind-frame than that which may have come from travelling, finding a new location, requiring parking, and also the much-needed confidential and quiet space needed for research of such a sensitive topic and nature as this. Naturally, this led also to it being more cost-effective as no money was required for work car insurance, petrol, refreshments and other typical financial necessities.

Thirdly, there was potentially less risk to confidentiality being compromised via using an online-only method for data collection. Had the research been undertaken in person, the participant may have been spotted or questions from friends or colleagues or family members who saw the meet-up and may have asked her unwanted, probing questions. Additionally, had there been the conversation recorded via a voice recorder on the researcher's technological device (either iPad or laptop) and uploaded it onto the OneDrive account. By interviewing her via Microsoft Teams, the recording was automatically uploaded to the researchers OneDrive account and therefore was no physical file of it saved to any device, which there would have been had the data been collected in-person, which means there would be one less version of the recording to

protect. Despite it being a simple two-step approach to upload from a voice-recorder app to OneDrive, this online-only version meant it was one step less and therefore more efficient use of the researcher's time.

4.2 Limitations

After the interview, careful reflections were made upon the fact that no contingency plans of any kind had been made beforehand. One example of the issue that perhaps should have been considered was the risk of technological issues, such as Wi-Fi connection issues, and no university IT colleagues were there for technological support should anything have gone wrong. The work of Greenspan and others (2021) draws on the usefulness of having other research colleagues present when hosting focus groups on an electronic programme, such as Zoom, to help with troubleshooting audio, visual and connection issues or providing participants with an alternative phone number if needed. Reflecting on this point, it may act usefully as a 'safety net', but it is also important to remember that this was a relatively simple, one-to-one interview between two professionals, where both parties were heavily experienced in online meetings and therefore it may have felt a bit unnecessary.

When also considering Greenspan and others (2021) research regarding distractions during the data collection stage, such as noises from outside each participant's room, screen freezes or audio issues such as the participant and researcher talking simultaneously due to time delays, this did not occur in this research. This may be due to both having strong Wi-fi connections due to both parties being in otherwise empty houses or the fact the interview was scheduled for the middle of the day. This may not have been possible at different times during the national lockdowns. One illustration of this would be if the participants had children at home when there were nationwide school closures (as in mid-March to June 2020 and then January to February 2021), where there would have been a significant risk of the children overhearing the participant sharing traumatic events and therefore not fair to proceed. There could have been contingency planning for this situation, such as the children being looked after elsewhere by other adult family members or friends, but may be complex to organise and unfair to ask participants. These are important practical points to consider when undertaking any kind of online research, but perhaps particularly

important when researching sensitive topics where disruptions like noise or children nearby could have catastrophic effects on the process if it impacts the mood of the participant and their ability to reflect or make the process unsafe on others.

5. Conclusion

It is important to acknowledge that this study lacked diversity, as two white middle-class, women who both had quick and easy access to their empty houses and computer devices obtained through professional, well-paid careers in education. It is unlikely that others from less privileged contexts may have had the same seamless experience that we shared and important to note this level of privilege, when it comes to access, in this paper. Furthermore, the sample size of one participant was small and there were no language barriers, accent barriers, or anything regarding language that may have made online verbal interviews a challenging experience. Both these aspects, therefore, undoubtedly helped make the process easier and the benefits may not be as strong if undertaking online interviews with participant sample sizes of more than one or when working with participants with stronger accents or language challenges. It is also important to acknowledge that many of the benefits of online interviews for domestic abuse research listed here may not be as useful, such as the benefit of the confidentiality it provided, if using Microsoft Teams or another online platform for a data collection tool for a group interview or focus group. This is a methodological consideration that could be reflected upon further after more research has been undertaken using online interviews as a chosen method for domestic abuse research.

In light of the lack of research about the usefulness of online interviews as a data collection method for when conducting legal research into domestic violence victims lived experiences, this paper helps make a small contribution to this research gap and shows the usefulness of online methods provided as a data collection tool in one particular socio-legal research project. This helps make a useful contribution towards the existing body of contemporary work exploring online research methods (Brown, 2020; Ganster and others, 2018; Johnson and others, 2019), all of which are useful for legal methodologies in a post-pandemic era. These reflections show that in many ways online research methods for socio-legal scholarship can be argued to be a better

method than the in-person alternative approach, particularly in areas where confidentiality and anonymity are paramount for the care and wellbeing of particularly vulnerable participants and victims of crime.

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