



# Guidelines on the use of incentives

January 2010

## **Introduction**

These Guidelines interpret the revised MRS Code of Conduct (binding from April 2010) and provide additional best practice guidance. Unless otherwise stated, Guidelines are not binding. Their aim is to promote professionalism in the conduct of research.

Research is founded upon the willing co-operation of the public and of business organisations. It relies on the confidence of those involved that it is conducted honestly, objectively, without unwelcome intrusion and without harm to respondents. Its purpose is to collect and analyse information and not to create sales or to influence the opinions of anyone participating.

Every respondent must be assured that research projects are carried out in strict accordance with the Code of Conduct and that their rights of privacy are respected.

Rules from the Code of Conduct applicable are stated in the shaded box. These rules are binding on MRS members and breaches may result in disciplinary action. The guidance that follows the rules provides interpretation and additional best practice. Members are reminded that this document is designed to complement the MRS Code of Conduct and should not be consulted in isolation.

As specified in the Code, it is the responsibility of the researcher to keep abreast of any legislation which could affect research and to ensure that all those involved in a project are aware of, and agree to abide by, the MRS Code of Conduct.

This material is provided for information only. It is not legal advice and should not be relied upon as such. Specific legal advice should be taken in relation to specific issues.

## Background

Since 2005 the MRS Code of Conduct has permitted researchers to engage in non-research activities. MRS has supported this development through the publication of additional regulations on Using Research Techniques for Non-research Purposes.

Researchers need to be aware of the boundaries of research and the additional regulatory requirements placed on non-research activities. One such boundary exists between research and direct marketing. Research does not seek to influence opinion nor does it result in direct action towards respondents as a result of their participation in research. Direct marketing by its nature seeks to influence opinion and behaviour by promoting the aims and ideals of the organisation concerned.

This difference has been elemental in keeping research outside the scope of direct marketing regulation. More recently however research practices, particularly but not exclusively in regard to incentives, have begun to blur this distinction. Examples include:

- ❖ Branded consumer panels that are incentivised by the award of points from the clients loyalty programme;
- ❖ Social research projects on health issues that seek to change respondent behaviour by the use of free gym memberships or the provision of healthy eating information;
- ❖ Retailers that incentivise participation with vouchers redeemable only in their outlets;
- ❖ Transport agencies that incentivise participation with a free prize draw for a season travel pass.

All the above examples contain at least some element of promotion of the client's aims and ideals and therefore must be considered, at least in part, as direct marketing. They are permissible under the MRS Code of Conduct provided that:

- ❖ researchers have been transparent as to the full range of purposes for a project (while data collected may be used for research, the project itself may contain a promotional message);
- ❖ respondents are not misled when asked for co-operation; and
- ❖ all relevant regulatory requirements (in particular those relating to direct marketing) are adhered to.

The purpose of these guidelines is to assist researchers in examining the relevant issues in the design and conduct of any given project, to avoid unintentional conflicts with the requirements of law.

## **Definitions**

### ***Client:***

Client includes any individual, organisation, department or division, including any belonging to the same organisation as the Member, which is responsible for commissioning or applying the results from a research project.

### ***Incentive:***

Any benefit offered to respondents to encourage participation in a research project.

### ***Research:***

Research is the collection and analysis of data from a sample or census of individuals or organisations relating to their characteristics, behaviour, attitudes, opinions or possessions. It includes all forms of market, opinion and social research such as consumer and industrial surveys, psychological investigations, qualitative interviews and group discussions, observational, ethnographic, and panel studies.

### ***Respondent:***

A Respondent is any individual or organisation from or about whom data are collected or is approached for interview.

## Guidelines

### The MRS Code of Conduct Rules

- A1 Research must conform to the national and international legislation relevant to a given project including in particular the Data Protection Act 1998 or other comparable legislation applicable outside the UK.
- A10 Members must take all reasonable precautions to ensure that Respondents are not harmed or adversely affected by their professional activities.
- B17 Respondents must not be misled when being asked for cooperation to participate.
- B25 Where incentives are offered, Members must clearly inform the Respondent who will administer the incentive.
- B26 Client goods or services, or vouchers to purchase client goods or services, must not be used as incentives in a research project.

*Comment: Incentives need not be of a monetary nature to be acceptable to a Respondent as a token of appreciation.*

*With the Client's permission, an offer to supply the Respondent with a brief summary report of the project's findings can sometimes prove a better alternative encouragement to participate in a research project. Other alternatives are for example:*

- *Charity donations*
- *Non-monetary gifts*
- *Prize draws (for Prize draws the rules, as detailed in the MRS Regulations for Administering Free Prize Draws must be adhered to.)*

## **1: Incentives**

1. Incentives should be reasonable and proportionate to the time commitment of respondents. Excessive incentives (e.g. free flights) could influence opinion and undermine the validity of responses.
2. For incentives awarded for panel participation, researchers should give panel members a reasonable estimate of the level of commitment and/or length of time required before the incentive will be paid.

## **2: Use of Client products or services**

1. Projects which offer client-related incentives must be conducted in accordance with MRS Regulations on Using Research Techniques for Non-Research purposes and also in accordance with national legislation that applies to direct marketing. (See section 4.2)
2. Client products or services may only be used in research projects where the products or services are the focus of the research being undertaken i.e. product or service testing.
3. The following practices are permissible as part of a research project:
  - a) Vouchers may be given that are redeemable for products and services other than those of the client. (So-called "high street vouchers" which are redeemable at a wide variety of retailers, and may include, amongst others, the client or organisations in the client's group, are permissible.)
  - b) Where consumable products (e.g. food, beverages, cosmetics, etc) are used in product testing, respondents may keep any unused portion of the product concerned at the end of the project.
  - c) Where a service is being tested, respondents may be compensated to the extent necessary to allow them to gain access to and use that service. For example, a mobile phone provider may credit a subscriber's account to cover calls or additional services used in a test of the service.
4. The following practices are not permissible in a research project:
  - a) The provision of vouchers for a client's product or service, or the product or service itself, whether as an incentive or as a thank you gift.

- b) In the case of retailers, the provision of vouchers which are exclusively redeemable in their store. As noted above “high street vouchers” that are redeemable in a variety of non-client (and client) stores are permissible.
- c) The awarding of points for a client’s loyalty programme (shopping points, air miles).
- d) The use of a free prize draw where the prize is a client product or service.

### **3: Other client related incentives**

1. From time to time, other incentives are offered which bear the client’s identity or mark. Researchers have to apply their independent professional judgment as to whether the attribution of the mark could be perceived by the recipient or other third parties (including the Information Commissioner) as promotional in nature. When applying their judgement, researcher should consider the following two paragraphs.
2. It is permissible to offer as an incentive a copy of the research report or findings, even if it bears the client’s identity or mark, provided that the report does not contain any client promotional material or messages.
3. It is not permissible to offer goods which are clearly promotional in nature, for example, branded pens, mugs, umbrellas etc.

### **4: Non-research projects**

1. Researchers are increasingly being asked to run or administer client based consumer panels. Where linked to consumer loyalty programmes and/or incentivised through the use of vouchers or loyalty points, they will contain some element of promotion of the aims or ideals of the client and so cannot be regarded as projects solely for the purpose of research.
2. Non-research projects which are partially or wholly promotional in nature must be conducted in accordance with national legislation that applies to direct marketing. The requirements of direct marketing regulations and legislation include:
  - a. Participants drawn for customer lists, etc., must have previously been given the opportunity to opt out from direct marketing and any such preference must be respected.
  - b. Telephone samples must be screened against the Telephone Preference Service.

- c. Email invitations must only be sent to persons who have consented to direct marketing emails.
  - d. Any description of the purpose of the project cannot be described solely as research and must include an appropriate description of the project. See Appendix A for an example.
3. Full details of the regulation of non-research projects can be found in MRS Regulations on Using Research Techniques for Non-Research purposes.

## Appendix A

### **Example: introducing a project incentivised with client incentives**

'Good morning I'm from Y, a research agency. I have been given your name as a patient of XXX Primary Care Trust. They would be very interested in your views and opinions about the services they provide to help them ensure they are meeting the needs of their patients. Could you spare me about ten minutes of your time? Thank you. As a token of appreciation for you giving up your time to provide your opinions, and to encourage healthy eating, XXX Primary Care Trust have asked me give you one of their healthy eating products, ZZZ , after we've finished. Also, I can assure you that XXX Primary Care Trust will not receive any information that will identify you as having given your views today.'