Service Specification for a behavioural study to explore how best to engage with potential applicants whose conviction originated in a Magistrates’ Court**.**

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# Background

## Role of the CCRC

We are the only public body with statutory responsibility for investigating alleged miscarriages of justice in England, Wales and Northern Ireland. We were established 25 years ago under section 8 of the Criminal Appeal Act 1995 to investigate and deal with potential miscarriages of justice at the post-appeal stage. This means we investigate cases where someone maintains they were wrongly convicted or incorrectly sentenced after they have exhausted their normal rights of appeal.

In fact, we cannot refer a case for appeal if an applicant still has their normal appeal rights, unless there are ‘exceptional circumstances’ that mean we should do so.

Despite this, around 40% of all our applications have come from people who still could, and in most cases should, appeal directly to the courts.

We have the power to send or refer a case back to an appeal court if we consider that there is a real possibility that the court will quash the conviction or reduce the sentence in that case. If a case is referred, it is then for the appeal court to decide whether the conviction is unsafe or the sentence unfair. We usually receive around 1,300 applications for review (convictions and/or sentences) each year.

## Focus of the study

Work has already taken place internally to identify the best new area to develop our outreach efforts in order to identify further potential miscarriages of justice in our upcoming corporate plan period. We have identified cases that originate in the magistrates court as an area where we could find potential applications.

### The potential level of cases

On average (2016-19) there are around 369,000 convictions at Magistrates’ court, of which 345,000 are guilty pleas, with 24,000 after a trail in the Magistrates Court. In the same period the Crown Courts heard around 14,700 appeals from mags court every year. So more than 1 in 2 of Magistrates trials gets appealed.

In 19/20 the figure was 12,755 of which only 1,272 were successful – with 11,483 unsuccessful i.e. our potential pool of applicants). In contrast, the Court of Appeal in the same period heard on average about 5,000 appeals per year, with 4,000 unsuccessful.

### Current level of applications from Magistrates court

On average we get around 155 applications from Mags court cases every year, which is less than 2% of the number of unsuccessful appeals from Magistrates Court to Crown Court.

Roughly around 700 of our applications per year are from people who have appealed to Court of Appeal – which is around 18% of the number of unsuccessful cases at the Court of Appeal.

Our assumption is that there are likely to be potential miscarriages of justice that are not finding their way to us, and that by targeting magistrates convictions we will be able to encourage applications from people who are currently not applying to us.

Of our most recent applications from people convicted in a magistrate court, there are no particular area which sees more applications than others. The highest number of applications that proceed to an in-depth review were for public order offences, whilst the highest percentage of cases that were referred were relating to immigration offences.

With over 300,000 convictions in magistrates courts each year, we do need to ensure that potential applicants understand what kind of application might be successful.

Whilst the CCRC has an extensive network of stakeholders and partners that we work with who support serving prisoners, we do not have much insight into how people who are convicted in magistrates court access information, or are supported, or the extent of organisations working in these areas.

## The objective of the primary research

The objective of the research is:

* To understand the key barriers and motivators that are impacting on the target audiences applying to the CCRC.
* Identify which behavioural levers are the most effective at engaging with the target audiences.
* To identify trusted agents in this area and how the CCRC could potentially utilise the communication and engagement channels of these stakeholders effectively.
* To identify campaign/engagement approaches that utilise trusted voices, social and traditional media channels, messages, images and tone of voice that resonate with the various target audiences.
* To review whether the current information for applicants is effective in guiding potential applicants from the target audience.

## The research methodology and expected outputs

As we expect the target audiences to be difficult to recruit and interview, we anticipate the use of a mix-methods form of research. We also expect that, because of the sensitivity of the topics under discussion, focus groups will not be used for this commission. The bidder should look for innovative ways to recruit and engage with target audiences.

The bidder will be expected to provide details on how they will achieve the following work items:

* A direct recruitment strategy to recruit people from the target audience.
* A recruitment strategy that covers how they will engage with potential partners and stakeholders to make contact with the target audiences.
* Topic guides will need to be produced and agreed with the CCRC for the primary research.
* A communication and engagement strategy that clearly demonstrates how the CCRC can engage with the key target audiences including some examples of potential engagement materials.
* To review the current application information in light of the findings of the research and make proposals that would maximise the effectiveness of applicant information for the target population.

## Timescales and planning

Tenders need to be returned by 5.00pm Wednesday 8th February, successful bidders will be notified by Friday 10th February.

The CCRC expects the work to be carried out before end of March 2023, with primary research taking place over the first month and analysis, feedback and production of materials taking place over the final 2 weeks . The bidder should produce a detailed plan of how the work will be managed over this period, including a risk assessment and mitigation strategy.

## Budget

A maximum budget of £50,000 (inclusive of VAT) has been allocated for this commission. Tenders will be scored against three criteria:

* Methodology - 40%
* Deliverables - 40%
* Value - 20%

## Contact

If you have any questions, clarifications, or would like to discuss further please contact Wayne Gough

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