DPS FRAMEWORK SCHEDULE 4: LETTER OF APPOINTMENT AND CONTRACT TERMS

Part 1: Letter of Appointment



Dear Sirs

Letter of Appointment

This letter of Appointment dated 30th September 2020, is issued in accordance with the provisions of the DPS Agreement (RM6018) between CCS and the Supplier.

Capitalised terms and expressions used in this letter have the same meanings as in the Contract Terms unless the context otherwise requires.

Order Number:	TBC	con_18202
From:	HMCTS User Experience and Insight Strategy and Change directorate 102 Petty France, 5.15, 5 th floor, London SW1H 9AJ ("Customer")	
То:	I.F.F. Research Ltd 5th Floor, St Magnus House 3 Lower Thames Street London EC3R 6HD ("Supplier")	

Effective Date:	5 th October 2020
Expiry Date:	End date of Initial Period: 30 th April 2021 End date of Maximum Extension Period: 30 th June 2021

	Minimum written notice to Supplier in respect of extension: 2 weeks
Services required:	Set out in Section 2, Part B (Specification) of the DPS Agreement and refined by:
	The Customer's Project Specification attached at Annex A and the Supplier's Proposal attached at Annex B;
	Also,to confirm:
	Regarding paragraph 3.18 of IFF Research Ltd [the supplier] proposal, we [the Customer] confirm that the survey should achieve the larger sample size of 5376 responses."
Key Individuals:	[Supplier] REDACTED
	[Customer] REDACTED
[Guarantor(s)]	N/A
	,
Contract Charges (including any applicable discount(s), but excluding VAT):	The total cost of the project, objective 1 and objective 2, will be REDACTED (exclusive of VAT). The tables below provide a detailed breakdown of these costs.
	Daily Rates have been discounted against the maximum framework rates given by CCS for the Research Marketplace DPS framework, RM6018.
	These costs are commercially confidential and not to be disclosed for three years from the proposal submission date.
Payment Milestones	Payment for work done will be in accordance with the milestones as below:
	REDACTED
	These payments are subject to the milestones being met, unless a change has been agreed by the customer, and receipt of a compliant invoice clearly stating the purchase order number and contract reference. Invoices that do not show the purchase order number will be returned by SSCL and the purchase order will go on hold delaying payment.

Customer billing address for invoicing:	All invoices must be sent, quoting a valid purchase order number (PO Number), to:
	SSCL – Her Majesty's Courts and Tribunal Service,
	PO Box 745
	Newport
	Gwent
	NP10 8FZ
	Email: APinvoices-CTS-U@gov.sscl.com
	Within 10 Working Days* of receipt of your countersigned copy of this letter, we will send you a unique PO Number. You must be in receipt of a valid PO Number before submitting an invoice.
	To avoid delay in payment it is important that the invoice is compliant and that it includes a valid PO Number, PO Number item number (if applicable) and the details (name and telephone number) of your Buyer contact (i.e. Contract Manager). Non-compliant invoices will be sent back to you, which may lead to a delay in payment.
	*can be subject to change
Insurance Requirements	As per terms (Clause 19 of the Contract Terms)
Liability Requirements	Suppliers limitation of Liability (Clause Error! Reference source not found. of the Contract Terms);

GDPR	See Contract Terms Schedule 7 (Processing, Personal Data and Data Subjects]
Alternative and/or additional provisions (including Schedule 8 (Additional clauses)):	N/A

FORMATION OF CONTRACT

BY SIGNING AND RETURNING THIS LETTER OF APPOINTMENT (which may be done by electronic means) the Supplier agrees to enter a Contract with the Customer to provide the Services in accordance with the terms of this letter and the Contract Terms.

The Parties hereby acknowledge and agree that they have read this letter and the Contract Terms.

The Parties hereby acknowledge and agree that this Contract shall be formed when the Customer acknowledges (which may be done by electronic means) the receipt of the signed copy of this letter from the Supplier within two (2) Working Days from such receipt

For and on behalf of the Supplier:

Name:	REDACTED
Title:	REDACTED
Signature:	REDACTED
Date:	REDACTED

For and on behalf of the Customer:

Name:	REDACTED
Title:	REDACTED
Signature:	REDACTED
Date:	REDACTED

ANNEX A

Customer Project Specification

1. INTRODUCTION

This specification sets out the requirement for a suitably qualified and experienced contractor (or contractors) to undertake research to provide robust evidence on court and tribunal users' characteristics, experiences and perceptions. This is required to improve HMCTS's understanding of remote hearing practices implemented during Covid-19 across all jurisdictions, and to make recommendations for use of remote hearings in the longer term.

The research is commissioned by HMCTS Customer Directorate (HMCTS-CD). There are two key parts to the research: quantitative and qualitative.

- Part 1: the quantitative research focuses on public users and requires contractors to carry out an online and telephone survey
- Part 2: the qualitative research requires contractors to interview both public and professional users about their experiences

Bidders must bid for both parts of the research. Consortium bids that combine experience and expertise in the different elements and requirements of the research are welcomed i.e. those that have an understanding of the area and evidence base, experience of undertaking large-scale surveys and experience of conducting qualitative research. Consortium bids, however, must be submitted together as one bid with a lead bidder identified (for the purposes of awarding the contract).

For the purpose of this research, when referring to court and tribunal users, this refers to users involved with a case which has had a remote hearing take place. This includes all types of hearings across all jurisdictions, not only those hearings which resolve the case. Any users with cases which have been resolved without a hearing, won't require a hearing or those which are yet to reach a hearing are not in scope.

In terms of the different user groups of interest, public users refers to all hearing attendees without a professional involvement, such as defendants, claimants, appellants, respondents, and witnesses (terminology differs by jurisdiction). Within this public user group is also the sub-group of vulnerable users, which will be particularly important to capture.

Professional users refers to those working in the court and tribunal setting, such as legal professionals, court staff, the judiciary and wider support staff and intermediaries. Further detail around the professional users to be interviewed can be found on page 6.

2. BACKGROUND

HM Courts & Tribunals Service (HMCTS) is responsible for the administration of criminal, civil and family courts and tribunals in England and Wales. Understanding the characteristics, experiences and outcomes of those who come into contact with courts and tribunals is a key priority for HMCTS to enable it to design and provide services that meet the needs of its users.

Why the research is needed

The Covid-19 outbreak has resulted in a radical and swift transition to the widespread use of audio and video technology, to allow hearings to take place without all participants being present in court or tribunal buildings. This transition has happened while the justice system is under pressure, with many judges, staff and hearing participants isolating themselves or caring for others, and with a significant organisational change due to the move to open, staffed or suspended courts.

3. AIMS AND RESEARCH QUESTIONS

HMCTS is seeking to collect robust evidence on the characteristics, experiences and perceptions of court and tribunal users, during covid-19, across all jurisdictions. The findings of the evaluation will inform our use of audio and video (AV) technologies, helping us to address issues around user experience, the administration of and staff support for hearings, technology and AV quality standards.

The key areas of interest for this research are:

Public users (Online and telephone survey)

- To provide evidence on the socio-demographic characteristics, including protected characteristics,¹ of public users to understand their profile and the characteristics of those having remote hearings.
- 2) To provide information about the characteristics of the case and the hearing, including the type of case or offence, technology used to join remotely, any support/adjustments/special measures received and whether they had representation.
- 3) To provide evidence on users' experiences of the process, in terms of their ability to engage with the hearing itself, their expectations and how these compared to actual experiences, any difficulties or barriers face and how these were dealt with.
- 4) To provide evidence on users' satisfaction with and perceptions of the process, including respect of court proceedings and procedural justice and fairness.

Public and Professional users (Qualitative interviews)

- 1) To understand how the audio and video hearings were conducted, whether any technical issues were experienced, and (for professional users) whether the use of audio and video hearings affected any wider court processes.
- 2) To provide evidence on users' experiences and perceptions of the court process, procedural justice and the majesty of the court/respect for proceedings:
 - a. How did they find the court experience? What were the positive and negative aspects of their experiences? How did their experiences differ from their expectations? What were users' attitudes towards AV hearings before and after the hearing?
 - b. What difficulties or barriers did users face? How frequently did these occur? How were difficulties addressed, including what adjustments were made, and were these felt to be sufficient?
 - c. What are users' perceptions around the effectiveness of AV hearings as a mode of conducting a hearing? Do the hearings allow professional users to fulfil their role, and for all users to communicate effectively?

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¹ Refer to Equality Act 2010

- d. How well did users understand the process? Did they receive any support or quidance?
- e. Do users perceive the AV hearing process to be fair?
- f. Do all users feel connected to the process and the others involved? Do they feel that other users were engaged in the hearing? Do users feel that the use of AV hearings had an influence on their relationships with other users?

4. RESEARCH DESIGN

There are two key parts to the research: quantitative and qualitative.

- 1) Quantitative research this element requires contractors to undertake a mixed mode online and telephone survey of public court and tribunal users
- 2) <u>Qualitative research</u> this element requires contractors to conduct in-depth interviews for court and tribunal users (public and professional).

5. METHODOLOGY

Bidders are required to detail the approaches that they propose to deliver the required research, including how they intend to split resource between the quantitative and qualitative strands, with justification for the approaches suggested. An indication of some of the issues to consider is included below.

PART 1 - ONLINE AND TELEPHONE SURVEY FOR PUBLIC USERS

Particular survey design and implementation expertise will be needed in order to develop a robust and representative online and telephone survey. Bidders will need to clearly outline the rationale for designs and approaches proposed and how they will maximise quality.

Sample coverage and size

It is currently estimated that a sample of between 3,000 to 5,000 court and tribunal users will be required to provide reasonable accuracy at the sub group level. Bids proposing a smaller or larger sample size will be considered if bidders demonstrate that it can meet the research aims and that the costs are justified. Bidders must outline what sample size they can deliver within the available budget and timeframe, and their rationale for their chosen sample size.

It is important that the survey produces robust and representative findings. Bidders will be required to outline the most suitable sampling approach and to provide a full rationale for any decisions. HMCTS case management data can be used as a source of sample. This will require statistical and sampling expertise to design suitable sampling strategies which may vary across jurisdictions.

Sampling method

Although, the HMCTS case management systems can be used as the sampling sources for the survey there are issues with the data that need to be considered when designing a suitable sampling strategy. The level of available contact details varies for different types of users across the systems. Details of the quality assessment of the contact details data in each jurisdiction, by user type, can be found in Annex A – contact detail data table.

Due to the quality of the contact details data, it's believed that a robust random probability sampling will not be feasible in all jurisdictions. The following two sampling options are more likely to be feasible:

- 1. To use high-quality quota sampling for all user groups (see Annex A)
- 2. To use a hybrid approach, using a random probability approach for some user groups, where it is likely to yield a reasonably unbiased sample, and a high-quality quota approach for the remaining user groups.

Bids should include details of the sampling strategy proposed to provide the best quality findings in light of this data issue, including detail of the suggested fieldwork practices and any implications and caveats that will be associated with the recommended strategy. Bidders should outline clearly how they intend to allocate the sample between the modes.

Bids should also consider whether tele-matching should be attempted to increase the level of telephone numbers in the sample, including the costs that this would incur, the likely benefits (in terms of additional numbers sourced and implications on sample quality), and a recommendation on whether this provides Value for money.

Questionnaire development

In designing the survey, careful consideration will need to be given to questionnaire design, data collection, number of reminders. Bidders will need to specify their proposed procedures and their rationale.

The questionnaire must be developed in conjunction with HMCTS analysts, and must collect robust evidence to answer the research questions above. Bidders must outline how they intend to refine and test the questionnaire instrument to ensure it will meet the research aims effectively.

It is expected that the questionnaires will have an average length of 20 minutes.

Use of incentives

No incentives are to be used. HMCTS policy is that incentives can only be offered to research participants in exceptional circumstances. Incentives should not be offered to offenders under the management of the Criminal Justice System or defendants in criminal cases. Exceptional circumstances (for participants other than offenders and criminal defendants) might include cases where there is clear and compelling evidence that the integrity of the research will be compromised, or the participants significantly disadvantaged, if incentives are not provided. These circumstances are not thought to apply to this research.

Assessing and addressing survey bias

Response rate and potential bias

Bidders will be required to set out their proposals for assessing low response and potential bias in the survey and the statistical techniques that will be used to address this.

Weighting the data for overall representativeness

The requirement is for a sample that is representative of all court and tribunal users. However, a sample that is drawn to represent certain groups (with minimum numbers in each group),

will inevitably under represent or over represent certain groups. Weighting techniques are typically applied to address this problem. Bidders must explore this issue in their proposals and provide proposals for how they will weight the data to ensure overall representativeness.

Bidders should also set out whether their proposed sampling and fieldwork approach has any implications for the representativeness of the data or the conclusions that can be drawn from it, and how they will deal with these.

Fieldwork

Bidders should detail their suggested recruitment and fieldwork approach, including their proposed contact procedures (fieldwork periods, number of reminders, timing of the reminders etc), how these will be designed to maximise response rates, and how the sample will be worked (see Annex A).

HMCTS analysts must be involved in the development of any recruitment and fieldwork materials through discussions with the successful contractor.

Bidders must demonstrate that they have the interviewing capacity to achieve the required number of interviews within the fieldwork period, and should detail the proposed number of CATI interviewers for this research. Bidders should also describe how they propose to keep HMCTS updated on fieldwork progress and what quality measures they will monitor and include in their updates.

It is expected that only high-quality, trained and briefed interviewers will be used for this survey. Bidders must outline their approach to interviewer training and briefing and describe how interviewers are monitored to ensure high quality.

Data cleaning and analysis survey findings

The successful contractor must process, quality assure and analyse the data collected in the online and telephone survey, and bidders must set out their approach to achieving this. Specifically, in relation to analysis of the data, any statistical techniques to be used, and if statistical testing will be applied to differences between groups, should be explained. An analysis plan will be agreed and signed off by HMCTS analysts, prior to the analysis being conducted.

The successful contractor is required to deliver quality assured datasets containing anonymised data (format to be confirmed). These data sets will include all survey data, the agreed derived variables, and weights. Bidders can also suggest the inclusion of other variables of relevance to the survey e.g. interview length.

The successful contractor is also required to produce a set of quality assured data outputs, such as a full set of data tables. The successful contractor is also required to produce a research report of the survey findings for publication.

Bidders will be required to agree quality assurance procedures in consultation with HMCTS-CD, and should outline their proposed QA procedures in their bids

PART 2 - QUALITATIVE RESEARCH WITH PUBLIC AND PROFESSIONAL USERS

The research should include qualitative interviews with public and professional users who have (during covid-19) been involved in a court or tribunal remote hearing. The interviews should explore in-depth the hearing/s that the users have been involved in, their experiences, and their perceptions. Particular expertise will be necessary to develop a sampling and recruitment approach and conduct the qualitative work with particular users, such as defendants. Bidders are invited to set out their approach and rationale. An indication of the issues to consider is provided below:

Identifying and recruiting public and professional users

Bidders must outline how they intend to identify and recruit public users. It may be possible to use HMCTS case management data as a source of sample for public users, but given some of the difficulties around the quality of the contact details held for certain user groups, bidders are also encouraged to propose alternative approaches to sampling. Contact details for judges will be provided by HMCTS.

Sample size and subgroups of interest

Final numbers of qualitative interviews are to be agreed with HMCTS-CD in the initial planning stages prior to fieldwork. However, bidders must indicate the suggested number of interviews that they consider necessary to deliver the requirement within the budget; including any assumptions about the number of potential respondents they plan to approach to achieve the required number of qualitative interviews.

Shown in the table below are the groups of interest, with an indication of the approximate number of interviews expected:

User group	Approx. no. of interviews
Public users	80-100
Observers (including media)	10
Judges	20-30

Bidders are invited to state the extent to which these groups can be fully represented within the budget available.

Data collection method

Conducting the interviews via telephone is considered to be the most suitable option. HMCTS-CD analysts must be involved in the design and sign-off of fieldwork materials (such as topic guides) through discussions with the successful contractor.

Analysis of findings from qualitative research

The approach to analysing qualitative findings must be stipulated. This includes how data will be collected and recorded, how it will be analysed (e.g. analytical tools to identify general themes and conclusions and variations by groups) and how information will be presented. Bidders will be required to agree a thematic analytical framework which clearly links to the research aims in consultation with HMCTS-CD.

6. TIMETABLE

Bidders must confirm that they can meet the timetable below and outline how they will organise their team to ensure this.

DATE	Part 1 – Public User Survey	Part 2 - Public and Professional User Interviews
5 th October 2020	Contract awarded	
Mid Oct 2020	Sample design agreed with HMCTS	Sampling strategy agreed with HMCTS Topic guides drafted
Mid Oct 2020	Final questionnaire delivered to HMCTS	Sample drawn and initial contact made with potential respondents Topic guides agreed with HMCTS
Oct-Dec 2020	Fieldwork	
Early Dec 2020	Emerging findings presentation	
End-Jan 2021	Draft report and presentation	
End-Feb 2021	Final report, quality assured datasets and data outputs incorporating comments from HMCTS provided to HMCTS.	

7. DELIVERABLES

The deliverables will be:

- Research tools (questionnaire, topic guides, protocols for consent and data sharing);
- Regular progress updates;
- Skeleton report outline setting out the main headings and subheadings to be included in the report, and including the technical details;
- Emerging findings presentation and final presentation:
- Draft and final research reports of a publishable standard, in the HMCTS template, including executive summary, methodology, findings and conclusions. The report must conform to the standards set out in Annex B 'MoJ Publications Guidance'. The content of the report will be agreed between HMCTS-CD and the successful contractor;
- Draft and final technical reports of a publishable standard, in the HMCTS template, including all technical details, methodology, response rates, etc; and
- Final project data (survey dataset (format tbc), and survey data tables in a publishable format).

8. FORMAT OF PROPOSAL

Your proposal should be a maximum of 30 pages in the following format.

- Section 1 Table of Contents
- Section 2 Summary of Proposal

- Section 3 Meeting the Specification:
 - o Aims:
 - Objectives;
 - Methodology;
 - Project management;
 - Timetable
 - Staffing: and
 - Outputs.
- Section 4 Risk Management
- Section 5 Data Security
- Section 6 Cost and Charging Arrangements
- Section 7 References and Experience

9. COSTS

REDACTED

Bidders should outline the best bid they can offer.

To enable the comparison of research costs and VfM across substantially different proposals, bidders must submit clear costings for objective 1 and 2 of the project, as set out below.

- Objective 1: Survey costs;
 - Mixed method survey of 3,000 respondents, assuming 80% telephone and 20% online with a survey completion time of 20 minutes
 - Additional survey blocks of 500 respondents
- Objective 2: Qualitative interview costs;
 - 100 qualitative interviews of 45 minutes
 - Additional interview blocks of 10 along with outlining your preferred approach and the rationale for this

Costings must include a detailed breakdown of what activities each member of the research team will conduct with a specification of the time allocated and their daily rate; and any assumptions associated with the costs. Bidders must demonstrate how their bid provides additional value in meeting the research aims while containing costs.

Bidders must submit clear costings for the above in the Pricing Schedule.

All costs should be quoted <u>exclusive</u> of VAT but please indicate if the project will attract VAT.

If your proposal includes costs for sub-contractors these costs must be shown inclusive of any VAT element REDACTED

10. TENDER EVALUATION CRITERIA

The contract will be awarded to the organisation / consortium submitting the highest technical bid which addresses the needs of the specification and represents best value for money to the Authority.

Proposals will be evaluated using the following weightings:

Evaluation Criteria	Criteria Weighting %
Technical	80%
Price	20%
Total	100%

There will be an evaluation panel constituted to determine the scoring breakdown and individual criteria scoring breakdown will then be:

Understanding the policy context and relevant legal and ethical issues	10%
Knowledge and expertise of the team in relation to questionnaire design; sample design and weighting; delivery of telephone and/or mixed mode surveys; survey data cleaning, processing, analysis and reporting skills; delivery of qualitative interviews	20%
The suitability and practicality of the proposed methodology for the delivery of a high quality survey and interviews	35%
Evidence of managing research projects, having the ability to meet the timeframes specified, risk identification and mitigation and contingency planning for potential problems	15%
Proportion of best price evaluation	20%

11. RISK MANAGEMENT

Bidders should submit as part of their proposal a one-page summary on what they believe will be the key risks to delivering the project and what contingencies they will put in place to deal with them.

A risk is any factor that may delay, disrupt or prevent the full achievement of a project objective. All risks should be identified. For each risk, the one-page summary should assess its likelihood (high, medium or low) and specify its possible impact on the project objectives (again rated high, medium or low). The assessment should also identify appropriate actions that would reduce or eliminate each risk or its impact.

Typical areas of risk for a research project might include staffing, resource constraints, technical constraints, data access, timing, management and operational issues, but this is not an exhaustive list.

12. DEPENDENCIES

You should indicate if you are reliant on any third party with any information, data or undertaking any of the work specified.

13. MONITORING TECHNIQUE

You should indicate how you will monitor the project to ensure it is delivered in terms of quality, timeliness and cost.

14. DATA COLLECTION

Researchers will be expected to clear any data collection tools with HMCTS before engaging in field work and ensure that in all cases the respondent documentation and/or interviewer briefing notes clearly state that the data is being collected for and on behalf of the Department and that no reference is made, implied or otherwise, to the data being used solely by or available only to the Contractor.

The respondent documentation and/or interviewer shall ensure that the respondent clearly understands (before they give their consent to be interviewed) the purpose of the interview, that the information they provide will only be used for research purposes and, in the case of interviews (telephone), that they have the right to withdraw from the interview at any time.

15. CONSENT ARRANGEMENTS

The Department and the successful contractor shall agree in advance of any survey or interview activity taking place. All participants should be informed of the purpose of the research, that the Contractor is acting on behalf of the Department and that they have the option to refuse to participate (opt out). Contact details should be provided including a contact person at the Department.

16. SECURITY

The successful contractor must ensure that some or all staff working on the project must have or be willing/ able to obtain a Baseline Personnel Security Standard (BPSS) check, as set out in Annex C This will be necessary for the HMCTS records with user contact details to be shared.

17. DATA PROTECTION

All data will be collated and stored in accordance with the Data Protection Act 2018, Freedom of Information Act 2000, the General Data Protection Regulation (Regulation (EU) 2016/679) and Government Economic and Social Research Team guidelines - http://www.civilservice.gov.uk/networks/gsr². All published output from the evaluation will be anonymous. The successful contractor must comply throughout the project with the MoJ data protection policy, as set out in Annex D.

Tenderers shall demonstrate their processes for dealing with data securely and as a minimum how they will comply with Ministry of Justice data protection guidance for contractors and

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² See information under GSR Code: Products i.e. legal and ethical subsection.

subcontractors (Annex C). Proposals must cover how data will be transported / transferred, handled, analysed and stored including retention schedules.

18. FREEDOM OF INFORMATION

HMCTS is committed to open government and to meeting their responsibilities under the Freedom of Information Act 2005. Accordingly, all information submitted to the Department may need to be disclosed in response to a request under the Act. If you consider that any of the information included in your tender is commercially sensitive, please identify it and explain (in broad terms) what harm may result from disclosure if a request is received, and the time period applicable to that sensitivity. You should be aware that, even where you have indicated that information is commercially sensitive, we may still be required to disclose it under the Act if a request is received. Please also note that the receipt of any material marked 'confidential' or equivalent by the Department should not be taken to mean that we accept any duty of confidence by virtue of that marking. If a request is received, we may also be required to disclose details of unsuccessful tenders.

19. List of annexes:

Annex A: Contact detail data table and quota sampling

Annex B: MoJ Publications Guidance for External Authors

Annex C: Security Vetting for contractors on analytical contracts

Annex D: Data Protection Policy

REDACTED







Annex B - MOJ Annex C - Security Annex D Publications guidancevetting for contractors data-sharing-guidance

ANNEX B

Supplier Proposal

To be determined at Call for Competition stage

REDACTED

REDACTED

Part 2: Contract Terms

See separate document con_18202 - RM6018-Contract-terms-v8