



Evaluation of the Domestic Abuse Polygraph Pilot



Crown
Commercial
Service

Cambridge Centre for Evidence Based Policing

Salisbury House

Station Road

Cambridge

CB1 2LA

Dear Sirs

Letter of Appointment

This letter of Appointment dated 2nd November 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:	CCZZ20A70
From:	Ministry of Justice ("Customer")
To:	Cambridge Centre for Evidence Based Policing ("Supplier")

Effective Date:	9 th November 2020
Expiry Date:	End date of Initial Period 8 th November 2023.

Evaluation of the Domestic Abuse Polygraph Pilot

Contract Reference: CCZZ20A70

	<p>End date of Maximum Extension Period 8th November 2026.</p> <p>Minimum written notice to Supplier in respect of extension: 30 days</p>
--	--

Services required:	<p>Set out in Section 2, Part B (Specification) of the DPS Agreement and refined by:</p> <p>The Customer's Project Specification attached at Annex A and the Supplier's Proposal attached at Annex B; and</p>
--------------------	---

Key Individuals:	<p>Customer: REDACTED</p> <p>Supplier: REDACTED</p>
Guarantor(s)	Not Used

Contract Charges (including any applicable discount(s), but excluding VAT):	<p>The total Contract value inclusive of extensions shall not exceed £147,500.00 (ex VAT).</p> <p>REDACTED</p>
---	--

Evaluation of the Domestic Abuse Polygraph Pilot

Contract Reference: CCZZ20A70

Insurance Requirements	Sufficient Public liability insurance, employers' liability insurance, professional indemnity insurance and product liability insurance sufficient to cover all risks in the performance of the Contract.
Liability Requirements	Suppliers limitation of Liability (Clause Error! Reference source not found. of the Contract Terms); Limit of liability of £147,500.00 (ex VAT)
Customer billing address for invoicing:	Newport SSCL – Ministry of Justice PO Box 743 Newport NP10 8FZ

GDPR	Not Applicable
Alternative and/or additional provisions (including Schedule 8(Additional clauses)):	Not required



Evaluation of the Domestic Abuse Polygraph Pilot

Contract Reference: CCZZ20A70

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:
Customer:**

For and on behalf of the

Name and Title: REDACTED

Name and Title: REDACTED

Signature: REDACTED

Signature: REDACTED

Date: REDACTED

Date: REDACTED

Evaluation of the Domestic Abuse Polygraph Pilot

Contract Reference: CCZZ20A70

ANNEX A

Customer Project Specification

OVERVIEW OF THE REQUIREMENT

The Customer requires an evaluation of mandatory polygraph testing, which is currently being introduced as part of new legislation in the Domestic Abuse Bill for post-release supervision of Domestic Abuse offenders in England. The pilot will commence following royal assent which is planned for November 2020, in the North West and North East National Probation Service Regions. The aim of the pilot is to evaluate the effect of polygraph testing on domestic abuse offenders, as to date it has only been used with sex offenders. The evaluation will help to inform future decisions by the department regarding mandating polygraph testing for domestic abuse offenders.

BACKGROUND TO THE REQUIREMENT

The Domestic Abuse Bill was introduced to Parliament in March 2020 and has now passed committee stage in the House of Commons. It is a joint Bill from the Ministry of Justice and the Home Office. One of the measures introduced in the Bill is a three-year pilot of mandatory polygraph examinations for domestic abuse perpetrators released on licence and identified as being at high risk of causing serious harm. Polygraph testing will be added as a license condition to treatment group participants following royal assent of the DA bill which is currently scheduled for the 23rd November 2020. The pilot is planned to commence in January 2021 with actual polygraph testing likely to start in Spring 2021. The aim of the pilot is to evaluate whether the polygraph has benefits for management of domestic abuse offenders, as to date it has only been used with sex offender. Polygraph examinations are already used in the management of sexual offenders released on licence in the UK. In 2010 the MoJ commissioned the University of Kent to evaluate the sex offender polygraph pilot and findings from this research informed the introduction of mandatory polygraph testing for sexual offenders (Gannon et al, 2012)¹. Polygraph testing works by measuring the physiological changes in the body when the individual being tested is asked certain questions. The aims of the polygraph are to assist with the monitoring of offenders' compliance with other licence conditions, and to enhance offender management by encouraging offenders to disclose more information that is relevant to their risk assessment, management or supervision.

There is increasing evidence that post-conviction polygraph can act as a nudge to sex offenders to make them disclose information that they wouldn't otherwise disclose. Research by the University of Kent for the evaluation of mandatory

¹https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/217436/evaluation-of-mandatory-polygraph-pilot.pdf

Evaluation of the Domestic Abuse Polygraph Pilot

Contract Reference: CCZZ20A70

polygraph with sex offenders as well as police use of polygraph, found a significant increase in clinically significant or risk relevant disclosures between polygraph and non-polygraphed groups which lead to an increase in the preventative actions taken following a disclosure, such as changing risk levels or even recall (Gannon et al, 2012; 2020).

There is limited evidence on the use of polygraph with domestic abuse offenders; the only study we have found, based on a quick and limited review of the literature, that has been carried out is an American study with a relatively small sample size (321) and findings may not be transferable to a UK context (Wilson et al, 2010). The study focused on the utility of the polygraph in eliciting information from offenders that can predict near-term recidivism, therefore a potentially effective tool for risk management. The researchers found that the pre-polygraph interviews led to better information on risky behaviours; and the test was 84 percent accurate in predicting re-arrest. The study found that there was no significant difference between treatment and control groups in terms of re-arrest.

There is limited evidence of the effectiveness of polygraph testing in reducing reoffending, previous research focuses on clinically significant disclosures to assess effectiveness. Those studies that have used reoffending as an outcome measure have not been able to establish a significant difference between polygraph and non-polygraph groups. This study will attempt to build the evidence base on a number of key outcomes and develop additional understanding of the effectiveness of polygraph examinations as a risk management tool with this offender group.

ELIGIBILITY CRITERIA

Those who meet the eligibility criteria for the pilot and are chosen to be part of the tested group will have a mandatory polygraph condition added to their license. They will then take a polygraph test three months post release from custody and every six months until the end of their license, unless the test is failed. Offenders cannot be recalled to custody for failing a polygraph test, however they can be recalled for making disclosures during the test that reveal they have breached other licence conditions or that their risk has escalated to level whereby they can no longer be safely managed in the community. Those failing the test can, however, be tested more frequently and, in addition, they may be given a formal warning or made subject to additional licence conditions.

The eligibility criteria are as follows:

- Aged 18 years and over.
- Assessed as very high or high risk of serious harm using nationally accredited risk assessment tools: Offenders will have an overall Risk of Serious Harm rating on OASys; only offenders with a high or very high rating will be included in the pilot. The national risk assessment tool used

Evaluation of the Domestic Abuse Polygraph Pilot

Contract Reference: CCZZ20A70

for domestic abuse is the Spousal Abuse Risk Assessment (SARA). Ideally offenders who are medium or high risk on SARA would also be included and we are working with pilot areas to ensure this data is collected to the required quality standards.

- Convicted of one or more of the following offences: murder or specified violent offence towards an intimate partner, or breach of a restraining order where the offence involved domestic abuse; controlling or coercive behaviour in an intimate or family relationship; or breach of a domestic abuse protection order. A flag within OASys indicating whether an offence was related to domestic violence will be used where the offence isn't specific to domestic abuse.
- The offender is sentenced to a term of custody of 12 months or more and released on licence.

SCOPE OF REQUIREMENT

The evaluation of the DA polygraph pilot shall comprise, an impact evaluation and an economic evaluation. The Supplier shall deliver the evaluation of the pilot on behalf of the Data and Analytical services directorate (DASD) within the Ministry of Justice, working closely with colleagues in the National Probation Service's chosen delivery areas in the North East and North West of England.

The primary aims of the evaluations are to:

- a) **Impact evaluation:** Robustly assess the impact of the mandatory polygraph testing on key outcomes of interest.
- b) **Economic evaluation:** To assess whether the polygraph pilot offers value for money.

A process evaluation will also be conducted in-house by analysts within DASD and full details of approach, timescales and findings will be shared with successful contactors prior to publication.

This project shall have the following objectives:

Objective 1) To work with the Customer to design and deliver an appropriate and robust impact evaluation. This includes the evaluation design, random allocation of participants, analysis and reporting. To conduct analysis of outcomes across the 3-year pilot period and two years follow up period if a break clause is not initiated.

Objective 2) Deliver a robust economic evaluation to determine whether DA Polygraph is a cost-effective policy considering both societal and financial costs.

Evaluation of the Domestic Abuse Polygraph Pilot

Contract Reference: CCZZ20A70

The Suppliers shall provide information on how they will meet the objectives. This shall include:

- A methodology delivering an impact and economic evaluation of the DA polygraph pilot which is due to commence from January 2021 (when licence conditions will be applied to an individual's licence and polygraph testing is planned to start in April 2021) for 3 years with a follow-up report after 5 years, subject to an assessment of volumes and the potential for further insights. An assessment will be made mid-way through year 2 (approx. September 2023) to determine whether a follow up report is required.
- The Supplier shall provide a detailed project plan agreed with the Customer that takes into consideration: the start date of polygraph testing in to the Pilot, the need for 4 internal progress reports at key stages, an impact evaluation report in Autumn 2024 to be published and a possible follow up report in 2026 also to be published.
- The Supplier shall include an initial proposal for the impact evaluation using appropriate methodology, it shall include any risks and proposed mitigations to this approach. The Supplier shall provide a randomised controlled trial (RCT) design and set out an alternative approach if the RCT design is not considered to be feasible (due to volumes data quality or practical constraints). The impact evaluation should be complementary to a process evaluation undertaken by Customer in-house analysts.
- The Supplier shall include a detailed approach for the allocation of participants to treatment and control groups and how the representativeness of the sample will be checked throughout the trial period. Annex C sets out the options considered by the Customers' analysts for conducting the random allocation process. The randomisation will be completed externally the successful contractors.
- A methodology for an economic evaluation using a cost-benefit analysis methodology for assessing the value for money of an approach. The Supplier shall consider a social cost benefit approach to allow for an assessment of the cost of the polygraph testing in achieving specific benefits/outcomes.

This evaluation Contract shall commence in autumn 2020 and will finish in Autumn 2026. However, the Customer reserves the right to break the Contract and not proceed with the evaluation including additional follow-up analysis if there are not sufficient volumes/data.

IN SCOPE FOR THIS CONTRACT

Evaluation of the Domestic Abuse Polygraph Pilot

Contract Reference: CCZZ20A70

The following tasks are within the scope of the Contract the Supplier shall:

- a. Co-design, with the commissioner, the evaluation methodology. This shall include agreeing the final methodological approach for the impact evaluation and economic evaluation.
- b. In collaboration with the commissioner, agree appropriate outcome measures for the evaluation and co-design a data collection tool to collect data on clinically significant disclosures.
- c. In collaboration with commissioner co-design random allocation process and conduct allocation of participants to intervention or control groups.
- d. Use the quantitative data to answer the research objectives and feedback findings to the commissioner.
- e. Conduct analysis to determine the impact of the pilot on service users' outcomes.
- f. Conduct a social cost-benefit analysis to assess value for money.

OUT OF SCOPE OF THE CONTRACT

The following tasks are outside the scope of the Contract:

- a. The Supplier will not be responsible for administrative data linking. Data sources will be linked by the Customer before an anonymised version is shared with the Supplier. A data sharing agreement will be in place for the data share.
- b. A process evaluation and analysis of monitoring data to understand how the pilot is being delivered and any lessons to be learned for further roll out. This will be conducted in-house by the Customer.

THE REQUIREMENT

Methodology

The Supplier shall be expected to work closely with the commissioners to plan and agree the detailed approach to the research and analysis.

Impact Evaluation

Evaluation of the Domestic Abuse Polygraph Pilot

Contract Reference: CCZZ20A70

The primary aim of the impact evaluation is to robustly assess whether the polygraph intervention leads to changes in the outcomes of interest and the extent to which these changes can be attributed to the interventions being evaluated. The work shall seek to meet the objectives of the evaluation and answer the following research questions by drawing on the full range of data available. The Supplier may suggest additional research questions.

Specifically, the impact evaluation will assess the extent to which the use of polygraph testing:

- Encourages offenders to disclose information they would not otherwise disclose.
- Enables offender managers to take preventative actions to manage the risk of domestic abuse offenders.
- Reduces proven reoffending for these offenders.

The following specific research questions have been formulated for the impact evaluation:

Research Questions

1. Does polygraph testing enable better risk management of high-risk domestic abuse offenders under supervision?
 - a. Do offenders disclose information they would not otherwise disclose?
 - b. Does the information provided through polygraph testing enable offender managers to take preventative actions which protect the public from harm?
2. Does polygraph testing lead to more effective rehabilitation of offenders?
 - a. Does polygraph testing lead to improved compliance of offenders?
 - b. Does polygraph testing reduce reoffending? (This includes overall reoffending, general violence and domestic abuse reoffending (if this can be reliably assessed))
3. Does polygraph testing lead to better public protection?
4. Does polygraph testing lead to better sharing of information between agencies? For example, between offender managers, social services, police etc.

The Supplier shall work with the Customer to design and deliver an appropriate and robust impact evaluation using an RCT design to ensure that there is a robust counterfactual in place for comparisons of outcomes between the intervention and control groups. The Supplier shall design the impact evaluation, set out an appropriate plan for random allocation of participants and develop a plan for the analysis and reporting. The Supplier shall conduct

Evaluation of the Domestic Abuse Polygraph Pilot

Contract Reference: CCZZ20A70

analysis of outcomes across the 3-year pilot period and two years follow up period. The Supplier shall also outline risks associated with running an RCT and outline how these will be mitigated.

Sample selection and allocation

A regular report will be run by the Customer using OASys and PNomis data to identify offenders for the pilot, which will be shared with the Supplier. The sample will be pre-defined according to the eligibility criteria and information on eligible participants fed through to the supplier at various points in the trial. This will include the release dates of all eligible offenders currently in prison who are expected to be going to the North East and North West probation divisions. The report will be quality assured by the Customers' analysts to check for duplications and missing SARA assessments (Spousal Assault Risk Assessment). Once the report has been quality assured it will form the basis for the random allocation.

The Supplier shall set out a method for allocating individuals to treatment and control groups ensuring a balance of characteristics across the sample. The allocation must be done at the level of individual offenders and stratified on variables of interest (e.g., sentence length and offence type).

After the random allocation is conducted, the polygraph condition will be added to an offender's license before leaving prison. Offenders will continue to be allocated to groups until a sufficient sample size is reached or until the end of the 3-year pilot. Detail on predicted sample size is included in Annex A.

The Supplier shall set out a costed option for who undertakes the randomisation. In Annex C, two options are proposed: in-house by the Customers' analysts or externally by the Supplier. The options present different challenges in terms of timeliness, expertise, independence and cost.

Outcome Measures

Table 1 sets out the proposed measures of outcome and related administrative data sources that will be collected for the evaluation. The primary outcome measures are;

- Clinically significant disclosures (CSD's) - New information that the offender discloses, which leads to a change in how they are managed, supervised or risk assessed
- Actions following clinically significant disclosures - preventative actions being taken by Offender Managers.
- Breach/non-compliance - in order to answer questions around the effect of the pilot on compliance with license conditions.



Evaluation of the Domestic Abuse Polygraph Pilot

Contract Reference: CCZZ20A70

- Recall - the number and proportion of offenders recalled during their license period will be a key indicator of the effect polygraph has on both the behaviour of offenders and OMs
- Reoffending rates - the number and proportion of offenders who reoffending during their license period will be a key indicator of the effect polygraph has on both the behaviour of offenders and OMs

These outcome measures draw upon several existing recording systems: NDelius (National probation service case management system); the Public Protection Database (PPUD) and the Police National Computer (PNC). This approach has been identified as the least burdensome and most cost-effective way of collecting the data over the duration of the evaluation.

Evaluation of the Domestic Abuse Polygraph Pilot

Contract Reference: CCZZ20A70

Outcome Measure	Description	Time frame for data collection	Data sources	Data quality and limitations
Clinically significant disclosures (CSDs):	New information that the offender discloses, which leads to a change in how they are managed, supervised or risk assessed.	To be collected during the 3-year pilot and up to 6 months after the pilot finishes.	NDelius Bespoke Container Administrative database used by probation and court staff. Contains details around sentencing and offender management.	Data must be manually recorded by offender managers, there may be some data quality and inconsistency issues across NDelius.
Actions following clinically significant disclosures:	This would record the number of preventative actions being taken by OMs in both groups such as: <ul style="list-style-type: none"> - Increasing supervision - Informing a third party - Changing supervision focus - Issuing a warning To be collected in the same way as CSDs.	To be collected during the 3-year pilot and up to 6 months after the pilot finishes	NDelius Bespoke Container As above	As above.
Breach/ non-compliance	To answer questions around the effect of the pilot on compliance during the license period, data on breach/non-compliance will be collected from existing MI in NDelius	Will be recorded during the 3-year pilot and for up to two years after the pilot finishes.	NDelius – As above	As above.

Evaluation of the Domestic Abuse Polygraph Pilot

Contract Reference: CCZZ20A70

Recall	The number and proportion of offenders recalled during their license period will be a key indicator of the effect polygraph has on both the behaviour of offenders and OMs. This also provides essential data in terms of measuring the overall value for money of polygraph testing.	Will be recorded during the 3-year pilot and up to two years after the pilot finishes.	Public Protection Database (PPUD) Case management system for those offenders serving life sentences and indeterminate sentences of imprisonment for public protection, recalled offenders and offenders who are restricted patients. Include reason for recall and information on up to 5 previous recalls	Good data quality. Data on reasons for recall is limited.
Reoffending	Measuring general, violent and domestic abuse specific reoffending would be a very useful way of gaining a robust and full understanding of the effect of polygraph and value for money of the intervention. This will be measured using PNC data - however, domestic abuse specific offending is more challenging to measure due to the lack of flags in the PNC. See analysis section for more detail.	Will be recorded during the 3-year pilot and up to two years after the pilot finishes.	Police National Computer (PNC) The Police National Computer (PNC) is a database used to facilitate investigations and sharing information of both national and local importance. It is used to record convictions, cautions, reprimands and warnings for any offence punishable by imprisonment and any other offence that is specified within the regulations.	Good data quality, limitation in the lack of a domestic abuse flag. Data lag of approximately 6 months.

Evaluation of the Domestic Abuse Polygraph Pilot

Contract Reference: CCZZ20A70

Table 1: Outcome measures and data collection sources.

Evaluation of the Domestic Abuse Polygraph Pilot

Contract Reference: CCZZ20A70

Data Collection

A 'container' will be built into NDelius (National probation service case management system) and Offender Managers will be required to input information on CSD and related actions. This is a new data collection tool and the Customers' team will lead on designing the container and the Supplier shall work with the Customers' analysts to input into the design of a container that allows for data to be collected in a way that permits analysis in line with agreed methodology. The polygraph testing report will also be uploaded onto NDelius.

The following outcome measures (breach/non-compliance, recall and reoffending) draw upon several existing recording systems: NDelius (National probation service case management system); the Public Protection Database (PPUD) and the Police National Computer (PNC).

Throughout the Contract term, the Supplier shall monitor the data collected on the specified outcome measures and report any concerns that may arise about the feasibility of using this data for an impact evaluation as soon as possible. A break clause will be included in the Contract in case the quality of data available does not allow a robust impact evaluation to be conducted. After 2.5 years (approx. September 2023) of the pilot commencement there will be a review point to assess whether a further 2 years of data collection after the end of the pilot is likely to yield further insights.

The Supplier shall ensure that data is handled with due respect to ethical and data sharing considerations. Monitoring data can be made available to contractors where necessary and practical, however, they will not be required to conduct analysis on this data

Analysis

It is anticipated that the impact of the intervention will be assessed using the outcome measures as set out in Table 1 above, these are also covered in the logic model in Annex B:

Analysis of CSD's (clinically significant disclosures) and actions following those disclosure should include a comparison of disclosure overall, during normal supervision and during polygraph tests. Analysis of breach/ non-compliance during the license period could include frequency and type of breaches, both following a disclosure and overall during the license period. Similarly, analysis of recall will need to include an analysis of both frequency and reasons for recall, following disclosures and overall.

Analysis of reoffending should as a minimum include the proportion reoffending; frequency of reoffending and time taken to reoffend for both general reoffending and domestic abuse reoffending where possible. There are a number of points to note in this area: a proven reoffence is defined as any offence committed in

Evaluation of the Domestic Abuse Polygraph Pilot

Contract Reference: CCZZ20A70

a one-year follow-up period that resulted in a court conviction or caution in this timeframe or a further six month waiting period (to allow time for cases to progress through the courts), However, there is rationale for leaving a 2 year follow up period for domestic abuse reoffending as this allows time for new relationships to develop. Also, whilst ideally general, violent and domestic abuse reoffending would be measured, the MoJ extract of the PNC does not contain a domestic abuse flag. OASys data does contain a flag which can be linked to PNC data, however, this may not flag all domestic abuse reoffences. Bids should set out a clear plan for their approach to measuring reoffending given these factors.

The Supplier may wish to identify additional outcome measures that would be of interest when assessing the impact of the polygraph testing, outlining the data source or how data on these measures could be collected and analysed; for example, any potential to collect police call out and arrest data. This is also currently being scoped by the Customers' team and may also form part of the reoffending analysis.

A detailed approach for analysis shall be set out covering the information likely to be presented and the feasibility of producing effect sizes and significance testing and techniques such as multivariate analysis. The Supplier shall analyse all outcome data, taking into account dependencies in observations and consider options for potential sub-group analysis. If predicted sample size is not reached, then an alternative option for an impact analysis shall be provided.

The Supplier shall provide data in a suitable format to allow the Customer to undertake any further analysis later. This is likely to be in the R statistical software package.

Economic evaluation

The Supplier shall deliver a robust economic evaluation to determine whether DA Polygraph is a cost-effective policy considering both societal and financial costs.

The aim of the economic evaluation will be to assess whether polygraph testing represents good value for money as well as assessing both the financial and societal costs and benefits of the polygraph intervention.

- a. Does polygraph testing domestic abuse offenders provide value for money?
- b. What are the financial and societal costs and benefits of polygraph testing?

The Supplier shall present a plan for a social cost-benefit analysis of implementing the polygraph, along with the quantitative impact evaluation. This shall include consideration of the setup, delivery and training costs associated

Evaluation of the Domestic Abuse Polygraph Pilot

Contract Reference: CCZZ20A70

with implementing the polygraph (information to be supplied by the Customer) but may also include consideration of less obvious or less direct costs such as the potential costs to the criminal justice system of offenders being recalled as a result of increased disclosures or better detection of non-compliance with other licence conditions, and any time spent dealing with polygraph outputs by offender managers which could otherwise be spent on other tasks (opportunity costs). Benefits and impacts will be monetarised around the key outcomes measures for the evaluation (e.g. recall rates, reoffending and clinically significant disclosures).

The Supplier shall clearly set out a methodology for economic analysis, state the parameters of the cost benefit evaluation, including any additional information the Supplier requires to undertake an assessment of cost benefit and how the Supplier shall capture this information.

Existing analysis in 'Social and Economic Costs of Crime' (Home Office, 2018) and the 'Social and Economic Costs of Domestic Abuse' (Home Office, 2019) will provide a useful source of data. In addition, there may be opportunities to collect new data from the process and impact evaluation.

The economic evaluation shall be designed alongside the impact evaluation so that clear outcome measures and any requirements for new data collection are identified. Reporting of the economic evaluation will be at the same time as the final reporting – either at Year 3 or Year 5 (if reoffending outcome measures can be collected).

Process evaluation (To be conducted in-house by Customer analysts):

The aim of the process evaluation is to understand how the pilot is being delivered and any lessons learnt for further roll out. This element of the evaluation will involve a mixture of qualitative methods and analysis of monitoring data to understand how the pilot is being delivered. Further detail on the process evaluation is included in Annex D. The Supplier shall work collaboratively with the Customers' analysts conducting the process evaluation to ensure work delivered is complementary.

Outputs

Over the term of the Contract the Supplier shall provide:

- a) Monthly progress updates via email with a follow-up call (via telephone/video call)
- b) Attendance at 3-5 steering group meetings (at project inception, mid-point and end of year 3). If a follow up 2-year study is possible attendance at a

Evaluation of the Domestic Abuse Polygraph Pilot

Contract Reference: CCZZ20A70

further two meetings will be required (timings to be confirmed). These will be held at the Customer's office in London or remotely.

- c) A detailed research plan for impact and economic evaluation and research protocol for the impact evaluation (following a project inception meeting with the Customer).
- d) Regularly updated Risk Register (reviewed monthly)
- e) Research tools (in line with GDPR and DPA 2018 requirements) for sign-off.
- f) Internal update reports on yearly basis, end of Y1 and Y2 (April 2022, April 2023).
- g) Outline of final report structure (by end of March 2024)
- h) Presentation of findings (Summer 2024)
- i) Final report for publication including data from all years at the end of Y3 (Autumn 2024).
- j) Update report if break clause hasn't been initiated (Spring 2025) Follow up report, end of Y5 (Autumn 2026).
- k) Four presentations over the lifetime of the project, to reflect timings of yearly reports (at the interim and final stages of the project – timings to be confirmed).

All outputs will be reviewed by the commissioner, and all intended publications by academic peer reviewers. Written reports must meet the standards set out in Annex E 'MoJ Publications Guidance'. The structure of the final report must be agreed with the Customer prior to drafting and drafts of final reports shared for comment. Reports will be considered for publication on/ GOV.UK. The Customer holds the final decision on the appropriate dissemination of findings.

Project outputs will be agreed with the commissioner

Risks

The Supplier shall clearly set out any risks associated with the impact evaluation design and economic evaluation, specifying how the Supplier shall mitigate risks and any alternative options for delivering the project, these potential risks include:

- Data quality – there is potentially a risk that the offender managers will not record sufficient data on clinically significant disclosures and actions following in order to conduct a robust impact evaluation. Alternative approaches shall be explored such as calling offender managers to obtain the data. In regard to recall, reoffending and breach/non-compliance data, the Customer have the

Evaluation of the Domestic Abuse Polygraph Pilot

Contract Reference: CCZZ20A70

ability to triangulate data across databases so should pick up any data quality issues promptly.

- Volumes - If the volume of individuals eligible for the pilot is lower than expected this would hinder any meaningful analysis. The Customer will regularly monitor volumes through referrals data and, if volumes are low, may need to invoke a break clause (this may be at any stage of the project). A review point will also be set at the 2.5 year point (approx. September 2023) to ascertain whether longer term reoffending analysis is feasible based on the data collected. The Supplier shall set out in their design how the evaluation could be conducted, if at all, if faced with low volumes.
- Randomisation methodology - It is crucial to ensure that the randomisation of groups is not compromised during the process. The Supplier shall set out what is required to ensure the robustness of the randomisation and how we approach strict monitoring of the allocation process, a peer review and QA procedure and balance checking built into the design.
- Contamination – The Supplier shall be aware of contamination risks and potential limitations of the approach when considering plans for analysis and reporting:

a) There is a risk that offenders may have the opportunity to learn from each other if they are going to the same probation offices or staying in the same accommodation. This has implications given the bogus pipeline effect and the fact that it is possible to use countermeasures which can affect the polygraph test and change someone's physiological reaction to the test. Polygraph testers are trained to look out for such behaviour and if an offender is suspected of trying to cheat the test, a re-examination can be requested. We can try and assess the likelihood of such contamination through our interviews with testers, offenders and offender managers. The Supplier shall set out any potential mitigations of this risk.

b) There is a risk that offenders could be in the sample more than once if they are recalled or reoffend and are released again within the pilot period, this would cause contamination as they could have previously experienced polygraph testing and be randomly assigned to the control group second time. The Supplier shall set out what is the best approach to mitigate against this; for example, checking for duplicates and whether to hard-assign people to treatment or control and ensure that there's no opportunity for people to cross over.

c) It is possible that some offenders have experienced polygraph testing for a previous conviction of a sexual offence. It is also possible that some offenders may be facing a conviction for both a sexual offence and eligible schedule 15 offence and therefore are required to be polygraphed for the sexual offence conviction. Decisions will need to be

Evaluation of the Domestic Abuse Polygraph Pilot

Contract Reference: CCZZ20A70

made on whether these groups should be hard assigned, excluded or randomly allocated.

The Supplier shall present any other considerations that may arise in conducting the randomisation and how these will be addressed.

- Imbalance within groups - if the treatment and control group are not balanced on key variables related to chosen outcome variables this could undermine the results and would have to be corrected for in the analysis. Bids should include how an imbalance can be mitigated against e.g. how variables for stratification are to be identified and what options are available for correction, possibly during and after data collection.
- Timeliness of reporting – due to Covid-19, there was a pause of polygraphing offenders on license. With the possibility of a second wave, unexpected delays to the project may occur and will need to be managed.

PROJECT MANAGEMENT

The project manager nominated by the Supplier shall have sufficient experience, seniority and time allocated to manage the project effectively.

Following the project initiation meeting, regular contact will take place between the Supplier and the commissioner by telephone, email and face to face meetings. The Supplier shall keep the Customer project manager informed of progress by means of regular updates as required. The frequency of contact will be agreed at the project inception meeting. This will be in addition to evaluation steering group meetings. The Customer shall reserve the right to call additional meetings when deemed necessary.

The Supplier shall also:

- a. Outline how the Contract will be delivered in the event of staff changes during the project;
- b. Provide details of how they will keep the commissioner updated on the progress of the project;
- c. Describe in detail how they will manage this project to ensure that it runs to time and budget; and
- d. Identify risks associated with the successful completion of the research and how they plan to mitigate them..

The commissioner will nominate a contract manager, who will be the Suppliers first point of contact during the project and will manage all administrative issues and contractual and technical matters. They, or a nominated replacement, will be available to deal with queries, be responsible for liaising with other colleagues during the project, and ensure all parties are kept up to date on progress.

Evaluation of the Domestic Abuse Polygraph Pilot

Contract Reference: CCZZ20A70

The Customer will set up a project steering group, comprising government officials from the Customer and other relevant stakeholders. The Supplier shall attend at Ministry of Justice HQ (London) or remotely. It is crucial for the success of the evaluation that the steering group is fully involved in the project as it develops, and the Supplier shall provide updates at steering group meetings. Any issues emerging between meetings will be discussed between the Customer project manager and the Supplier project manager.

Quality assurance: All outputs shall be accurately drafted and proof-read before submission to Customer. Poor quality outputs will be rejected by the Customer.

The Supplier shall commit to undertaking quality assurance of all deliverables and provide details of the quality assurance procedures they have in place. The Supplier shall guarantee the accuracy of all outputs, and detail what quality assurance processes have been undertaken. All research tools and project outputs will be agreed with the commissioner

ETHICAL ISSUES

The Supplier shall detail the ethical implications of the evaluation design, fieldwork, data analysis and reporting of the evaluation and how they will address these. Evaluation shall be in accordance with relevant professional guidelines on ethical evaluation practice (for example, Government Social Research (GSR) Professional Guidance: Ethical Assurance for Social Research)(<https://www.gov.uk/government/publications/ethical-assurance-guidance-for-social-research-in-government>) .The Supplier shall detail how they will address, at a minimum, the following:

- Honesty to practitioners and participants about the purpose, methods and uses of the evaluation;
- Participant confidentiality and anonymity;
- The independence and impartiality of researchers in relation to the subject of evaluation; and
- Risks to researchers and participants (e.g. health and safety)

The Supplier shall detail how they will guarantee that all material considered as part of the study shall be treated as confidential and that the anonymity of all parties involved shall be preserved entirely in any of the outputs. No material supplied to meet the objectives of the current study can be used by the Supplier for any other purposes (e.g. newspaper, journal articles, interviews with or presentations to outside parties) unless express prior permission is granted by the Customer.

Evaluation of the Domestic Abuse Polygraph Pilot

Contract Reference: CCZZ20A70

SECURITY AND CONFIDENTIALITY REQUIREMENTS

All data will be collated and stored in accordance with the Data Protection Act 1998, 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 Supplier 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 subcontractors (Annex F). All data involved in the study will be HMPPS/MoJ owned and only shared with contractors for the purposes of delivering the project.

The Supplier shall provide details of data protection issues and explain how these will be addressed.

The Supplier shall store all data in accordance with data protection legislation and current Customer data security procedures, including Guidance for External Tenderers and Sub-Tenderers working for the Customer using data which is security classified OFFICIAL.

The Supplier shall detail how the information collected from individuals will be stored, reported and collected.

The Supplier shall 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.

TIMETABLE

The Supplier shall confirm that they can meet the timetable below and outline how they will organise their team and research plan to do so. A final quality assured report must be delivered by autumn 2024.

If the milestones presented in the project specification are not feasible, the Supplier shall specify what can be delivered and when.

DATE	MILESTONES
October 2020	Contract awarded
October 2020	Project inception meeting
October 2020	Project steering group meeting
November 2020	Detailed research plan submitted

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

Evaluation of the Domestic Abuse Polygraph Pilot

Contract Reference: CCZZ20A70

October-January 2021	Data scoping and random allocation procedure to be agreed and set up
January 2021	Random allocation to start
April 2021	Data collection commences
April 2022	End of year 1 progress report submitted to MoJ (Internal use only)
April 2023	End of year 2 progress report submitted to MoJ (Internal use only)
September 2023	Break clause review for follow up analysis
April 2024	Presentation of findings
June 2024	Draft of final report provided
Autumn 2024	Final report (according to MoJ style guidance) encompassing all findings
Summer 2026	Follow up report including reoffending analysis and cost benefit analysis (est autumn 2026) - if the break clause has not been triggered. If reoffending analysis is not undertaken, economic analysis should be incorporate into final report (autumn 2024)

PAYMENT AND INVOICING

Payment milestones will be tied to achievement of key stages of the Contract.

Payment can only be made following satisfactory delivery of pre-agreed certified products and deliverables.

Before payment can be considered, each invoice must include a detailed elemental breakdown of work completed and the associated costs.

Payment milestones will be as follows:

Milestone and percentage of payment	Milestone	Expected date
Milestone 1 (15%)	On approval of detailed research plan for impact and economic analysis	January 2021

Evaluation of the Domestic Abuse Polygraph Pilot

Contract Reference: CCZZ20A70

Milestone 2 (10%)	On commencement of trial and data collection	June 2021
Milestone 3 (20%)	On delivery of internal report (end of Y1)	April 2022
Milestone 4 (20%)	On delivery of internal report (end of Y2)	April 2023
Milestone 5 (25%)	On delivery of quality assured and agreed final report and data outputs	Autumn 2024
Milestone 6 (10%)	On delivery of follow-up report	Autumn 2026

List of annexes

Annex A: Sample size estimates and power estimates

Annex B: Logic Model for DA Polygraph

Annex C: Random Allocation Process document

Annex D: Process evaluation information

Annex E: MoJ Analytical Publications, Guidance for external authors

Annex F: MoJ Data Protection Policy

Annex A – Sample size estimates and power calculations

The tables below show the number of release events in 2019 of cases going to the NPS North East and North West.³ Table 1 shows 420 releases would have fulfilled the pilot criteria if those with no centrally available SARA are included, it is therefore predicted that over years 2 and 3, 840 and then 1260 participants would be eligible. Table 2 shows the flow of cases if all of those with centrally available SARA assessment are excluded. Given the serious nature of the offences, very few of the 420 cases are likely to be low risk on SARA, OMs can be asked to ensure SARAs are

³ The data used was from Delius and OASys, however, the data is limited by the fact that it was only possible to link to the most recent OASys. This means that the OASys domestic abuse flag may not be correctly associated with the index offence, particularly in the older cases. In at least 14 cases in 2019 (3%), the OASys might not correspond to the offence they are being released for. However, analysis of data projecting releases for the next year indicates similar volumes.

Evaluation of the Domestic Abuse Polygraph Pilot

Contract Reference: CCZZ20A70

completed as part of the pilot criteria, so the figures from 2019 in Table 1 will be used as the estimate for volumes.

Table 1: Flow of cases including those with and high and medium risk and 'No SARA' in 2019	
NPS North East	215
NPS North West	205
Total	420

Table 2: Flow of cases including SARA high and medium risk in 2019	
NPS North East	107
NPS North West	130
Total	237

Power calculations

Table 3 below shows power calculations conducted using the estimated samples after 1, 2 and 3 years. It indicates the smallest percentage point difference in comparison to the base rate which would be statistically significant for samples of 420, 840 and 1260 (at the 5% level assuming 80% power). The lack of evidence on the use of polygraph with domestic abuse offenders, is a key limitation.

Recall

The 44% base rate assumption for recall is a 6-month recall rate calculated using data for those who were released in 2019 and would have been eligible for the polygraph pilot. With a sample of 1260 from three years of the pilot an 8ppt difference between groups would be the smallest difference that would be significant. The only comparison we have for this rate is from the evaluation of mandatory polygraph with sex offenders.⁴ This found that recall went up by 14 ppt so this sample may be enough to show a significant difference for this outcome.

4

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/217436/evaluation-of-mandatory-polygraph-pilot.pdf

Evaluation of the Domestic Abuse Polygraph Pilot

Contract Reference: CCZZ20A70

Clinically significant disclosures

The 51% base rate for clinically significant disclosures (CSDs) comes from the evaluation of mandatory polygraph with sex offenders. As there is no evidence for general disclosure rates for domestic abuse offenders this was the most relevant statistic to use, however, it is likely to be different to the rate for domestic abuse offenders. That evaluation found a 26 ppt difference between groups which would only require data from year one of the pilot to identify a significant effect.

Reoffending

The reoffending base rates are 2-year reoffending rates from an MoJ evaluation of domestic violence perpetrator programmes;⁵ the Integrated Domestic Abuse Programme (IDAP) and Community Domestic Violence Programme (CDVP). These evaluations found a joint impact of 13.2 percentage points on general reoffending, 10.9 percentage points on domestic violence offences and 6.5 percentage points on general violent offending. If the impacts from polygraph were similar to those from these interventions, a three-year sample would be adequate to show a significant effect in terms of general and DA offending, but not violent reoffending.

A recent systematic review by Gannon et al (2019) looked at the effects of 14 domestic violence interventions based in a number of different countries (UK, US and Canada). The study found a decrease of 8.7 percentage points in domestic abuse specific reoffending between intervention and comparison groups over an average 62-month follow-up.

Given the size of the sample may not provide sufficient power to conduct a definitive assessment of reoffending, we will introduce a break clause and review into the contract with the contractors. If we conclude after an analysis of 2 years of data that it will not be possible to assess reoffending, then we will ask for only one final report at year 3 and no follow up report. Police arrest and call out data is also currently being scoped to see if this could provide an alternative way of measuring reoffending outcomes.

Table 3: Effect sizes estimated for 1, 2, and 3 years of participants sig 0.05, pwr 0.8

--	--	--	--

⁵<https://www.gov.uk/government/publications/outcome-evaluation-of-idap-and-cdvp>

Evaluation of the Domestic Abuse Polygraph Pilot

Contract Reference: CCZZ20A70

	Year 1	Year 2	Year 3
Sample Size	420	840	1260
Effect size	0.273	0.193	0.158
Recall (base rate 44%)	14%	10%	8%
General reoffending (base rate 46%)	-13%	-10%	-8%
DA reoffending (base rate 34%)	-12%	-9%	-7%
General violent reoffending (base rate 22%)	-11%	-8%	-7%
CSDs (base rate 51%)	13%	10%	8%

Evaluation of the Domestic Abuse Polygraph Pilot

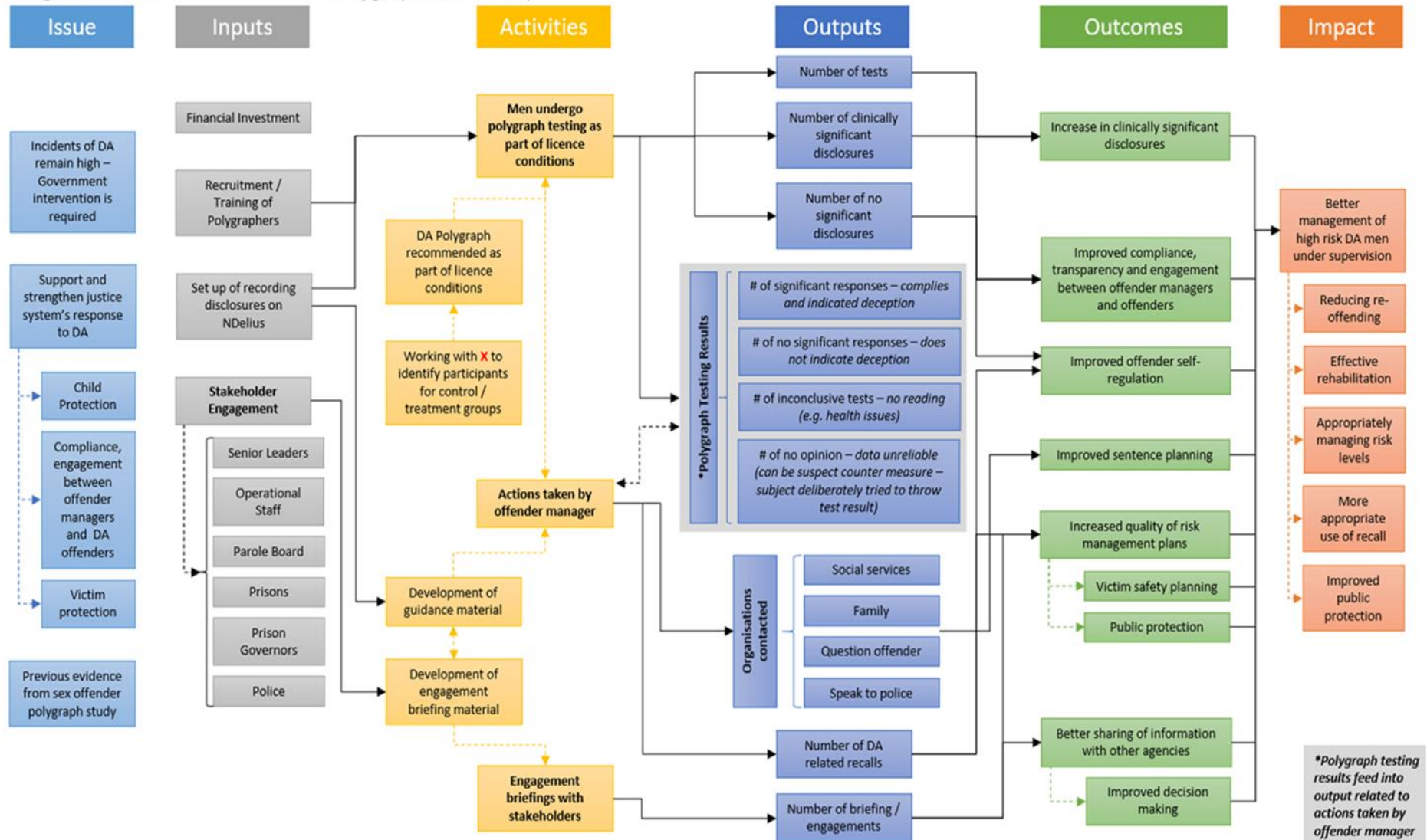
Contract Reference: CCZZ20A70

Annex B – Logic Model for DA Polygraph Pilot

Evaluation of the Domestic Abuse Polygraph Pilot

Contract Reference: CCZZ20A70

Logic Model of Domestic Abuse Polygraph Pilot Study



Annex C – DA Polygraph Pilot Randomisation Scoping Note

This note sets out the options for randomisation of participants in the Domestic Abuse polygraph pilot and considers both the randomisation method and details for conducting a simple random sample compared to a stratified random sample. This note also sets out the process required to complete this in house compared to commissioning it to a contractor.

Randomisation method

Our proposed recommendation is to randomise at the **individual level** in order to mitigate the risk of not achieving the volume required to detect the effect of the intervention. Individual level randomisation is more appropriate for assessing the impact on the intervention at an individual level, whereas cluster randomisation may be more appropriate for assessing the impact of group-level intervention.

This method involves selecting individuals for treatment groups and control groups entirely by chance with no regard to the will of researchers or participants and preference. This allows researchers to control all known and unknown factors that may affect results in treatment groups and control groups

To ensure robustness in the sampling methodology we are considering a **stratified random sampling** approach. Stratified sampling is a procedure in which the target population is separated into homogeneous groups (strata), and then a simple random sample is selected from each group. Stratified samples tend to be more representative of a population because they ensure that elements from each stratum in the population are represented in the sample. The sample will be stratified on variables that relate to the purpose of the study e.g. sentence length, offence type. We plan to use snapshot data from 2019 to identify stratification variables.⁶

It is likely we will use a stratified approach as this will improve representativeness and robustness. Figure 1 sets out the requirements for selecting a stratified random allocation compare to a simple random allocation. After selecting the appropriate approach, the randomisation will be conducted, the steps required are outlined in table

Use an existing data set from a previous year, representative of the target sample, we will explore variance across sample and identify stratification variables e.g. offence, age, sentence length etc.

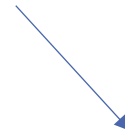
⁶ This is likely to be the segment

of OASys data

1.



If we have identified variables of interest that are over/under represented in the sample, we can define these as our stratification variables. We can then take the required steps to conduct **stratified random allocation**.



If we are content that there is no clear under/over representation or clustering of certain variables we can run a **simple random allocation**.

Figure 1. Process for selecting allocation methodology.

Evaluation of the Domestic Abuse Polygraph Pilot

Contract Reference: CCZZ20A70

Simple Random Allocation	Stratified Random Allocation
1. Define the target population.	1. Define the target population.
2. Identify an existing sampling frame of the target population (NART report)	2. Identify stratification variable(s) and determine the number of strata to be used (2 or 3). The stratification variables should relate to the purposes of the study.
3. Evaluate the sampling frame and complete any quality assurance checks.	3. Identify sampling frame that includes information on the stratification variable for each element in the target population.
4. Assign a unique number to each element in the frame. (e.g. 1&2 for treatment and control)	4. Evaluate the sampling frame for under coverage, over coverage, and clustering, and adjust where necessary.
6. Randomly assign the participants to T&C' groups.	5. Divide the sampling frame into strata, categories of the stratification variable, creating a sampling frame for each stratum.
	6. Assign a unique number to each element.
	7. Determine the sample size for each stratum. The numerical distribution of the sampled elements across the various strata determines the type of stratified sampling that is implemented.
	8. Use a simple random sampling method to assign participants to T&C groups

Table 1: Steps required to complete random allocation compared to stratified random allocation.

Balance checks

Balance checks should be conducted after randomisation to ensure that both the treatment and control groups are similar across variables of interest i.e. sentence length, offender type etc. This is also a way of checking the randomisation was completed correctly. T-tests and f-test are commonly used to assess the differences in the variables in the balance tables during the baseline.

Randomisation process

This section sets out the steps required for completing the allocation in-house compared to commissioning it out to an appointed contractor (See figure 2) and the benefits and limitations of each approach (See table 2). The options are set out below:

Option 1: In-house randomisation

A team within MoJ will provide a repeated report which will allow us to identify the offenders who are eligible for the pilot in advance on a rolling basis. This report will provide the data that will allow the Research and Evaluation team to run the randomisation and allocate offenders to T & C groups. In order to ensure the participants are eligible we will need to check whether the offender has had a SARA (Spousal Assault Risk Assessment) completed by the offender manager, in the centrally available data 40% of the sample are likely to have SARA assessments. If the SARA has not been completed, we will need the offender managers to complete this task prior to random allocation.

The random allocation should then be conducted by the central MoJ team; to avoid any biases in selection and names of offenders should not be included, unique identifiers should be used to identify participants. This will be completed in R as it provides the option to record and replication code for future randomisations. There

Evaluation of the Domestic Abuse Polygraph Pilot

Contract Reference: CCZZ20A70

should then be a secure file transfer to the two sites which includes the identifiers for participants and their allocations. This should be completed at regular intervals, to be agreed with operational colleagues. (TBC).

Option 2: Random allocation conducted by the Supplier

As part of the evaluation, we will commission out the impact evaluation to an external contractor. Therefore, the allocation could be grouped into the deliverables for the impact evaluation or commissioned separately. This would ensure there are no biases during the allocation process and this aspect of the evaluation would be classed as completely independent of MoJ. Similar steps would be in place in order to complete the allocation, however, there are some additional interdependencies to consider if the random allocation is conducted by the contractor relating to data sharing, secure file transfers and communications channels. We would also require the output file to be sent back to MoJ so we can keep track of volumes.

In-house (Option 1)		Externally commissioned (Option 2)	
Benefits	Potential limitations	Benefits	Potential limitations
<ul style="list-style-type: none"> Likely to be quicker in terms of set up If R is used code will be saved and easily replicated if team changes. 	<ul style="list-style-type: none"> Resource limitations depending on complexity (particularly around stratification) May lack some expertise compared to that of a contractor. 	<ul style="list-style-type: none"> Impact evaluation is 'fully independent' of MoJ. Should not cost a significant amount If data sharing agreements are pre-agreed in order to send the file of eligible participants, this could also incorporate further file sharing i.e. for analysis purposes. 	<ul style="list-style-type: none"> Data sharing agreements will need to be in place which may take additional time There will need to be a clear chain of communication set up between contractor and area leads in order to transfer the file.

Evaluation of the Domestic Abuse Polygraph Pilot

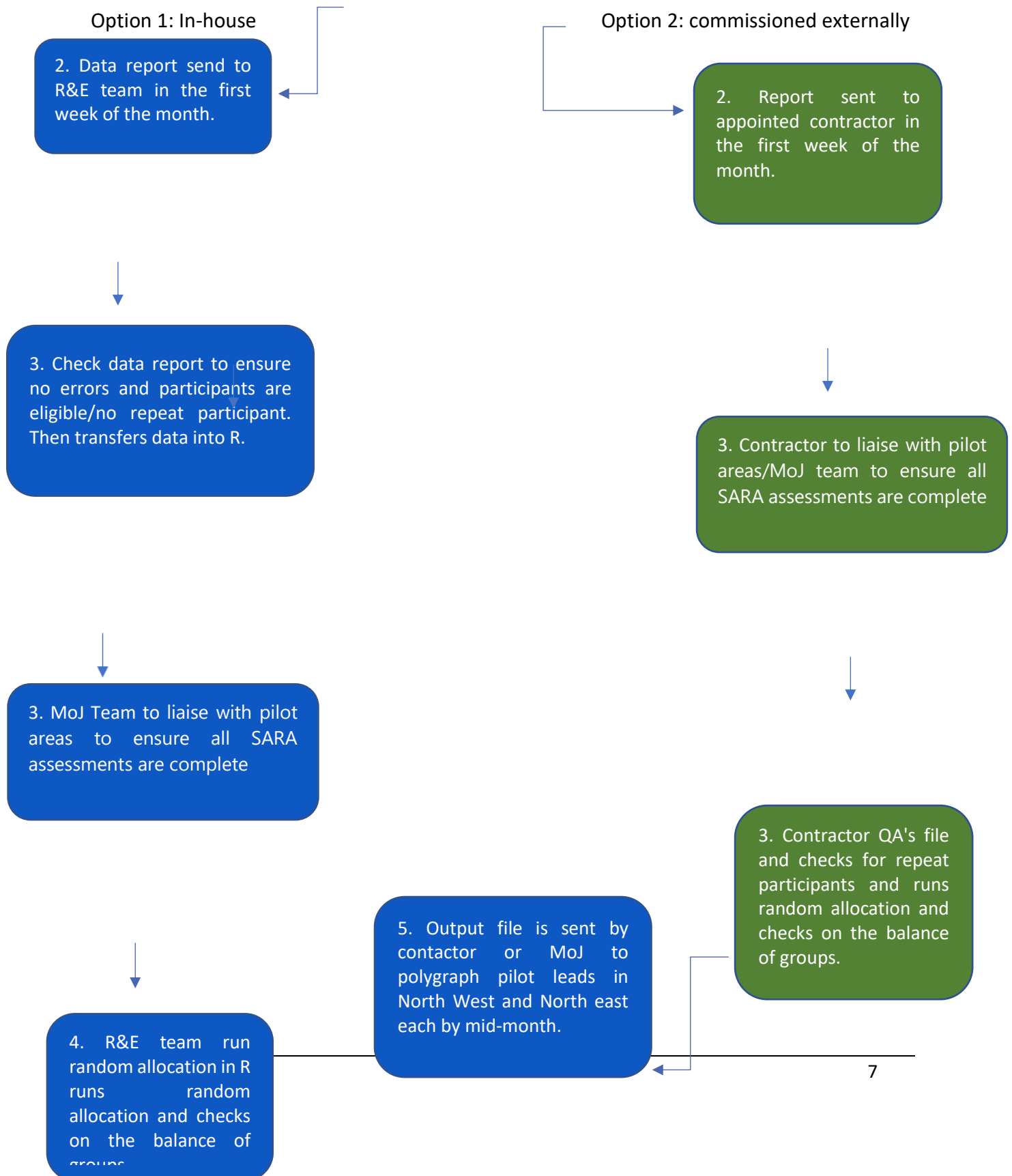
Contract Reference: CCZZ20A70

Figure 2: Process map outlining the random allocation process, in-house and externally commissioned.

- 
1. NART team produce report of eligible offenders on a monthly basis.

Evaluation of the Domestic Abuse Polygraph Pilot

Contract Reference: CCZZ20A70



Evaluation of the Domestic Abuse Polygraph Pilot

Contract Reference: CCZZ20A70



6. Polygraph pilot leads to notify probation officers of offender allocation.



7. Offender managers include polygraph on the licenses of the intervention group.



8. Process repeated until desired sample size achieved.

Annex D - Process Evaluation Research Questions and Methodology

The aim of the process evaluation is to understand how the pilot is being delivered and any lessons learnt for further roll out. This element of the evaluation will involve a mixture of qualitative methods and analysis of monitoring data to understand how the pilot is being delivered. The majority of the data collection for the process evaluation will be carried out halfway through the pilot in the middle of year 2. The only exception is the analysis of referrals data which includes information on volumes and characteristics of eligible offenders, which will happen on an ongoing basis throughout the pilot. The process evaluation will aim to answer the following research questions:

Research Questions:

1. How has polygraph been implemented and what issues need to be considered for national roll out?
2. How has the polygraph been received by offenders, offender managers and other relevant practitioners?
3. Have there been any unintended consequences (positive or negative), and if so, how did this affect offender behaviour and/or offender management?
4. Does testing add to the effectiveness of Victim Safety Plans?

Methodology

- Survey of offender managers: a survey will be used to understand the views of offender managers on the effect of polygraph on their practice and relationships with offenders. This will be conducted at the end of Y 1 and the end of Y 2 to understand whether these views change over time as polygraph becomes more embedded.
- Qualitative interviews: interviews will be carried out with offender managers, staff members involved in the delivery of the pilot in each probation division, polygraph examiners and offenders. These interviews will focus on perceptions of utility of polygraph and the effect polygraph is having on the relationship between offender and offender managers. The interviews will be conducted halfway through the pilot (middle of the year 2) and will allow us to explore in more depth any findings emerging from the Y1 survey with offender managers and shape any additional questions for the Y2 survey.

Evaluation of the Domestic Abuse Polygraph Pilot

Contract Reference: CCZZ20A70

- Analysis of monitoring data: this will be used for two purposes- monitoring the implementation of the pilot in terms of referrals and compliance with polygraph testing; and understanding better how polygraph affects offender management practice.
 - Analysis of referrals data: this will need to be assessed regularly to understand how many referrals are being made for polygraph tests and whether the referrals correspond to the random allocation as intended.
 - Analysis of polygraph test data: this will involve analysis of test outcomes, how often tests are repeated, how many tests individuals are taking and how often they have to repeat tests and test outcomes according to risk/ offender characteristics. This should indicate the level of compliance with testing. If possible, this can be compared to compliance in the sex offender group.
 - Analysis of NDelius data: Polygraph testing and NDelius data will be linked together to allow for further analysis of some of the possible explanatory factors behind different testing outcomes. This will allow an assessment of demographic, offence-related and risk factors associated with different testing outcomes.

We will monitor and analyse the referrals data on an ongoing basis throughout the pilot. A dashboard will be created within the project management team to co-ordinate all relevant information and will be used as a single source for policy and analysts and the supplier to check on progress. The process evaluation reporting will be produced by MOJ analysts and will be shared with the contractor. It is separate to that of the impact and economic evaluation which will be conducted by the external contractor.

Annex E



Ministry
of Justice

Analytical Services Directorate

Annex E - AQA 07b - Analytical Publications: Guidance for External Authors

Introduction

This document is intended for use by any external authors involved in drafting analytical publications. To be suitable for publication on the Gov.uk website, analytical publications need to follow certain principles and procedures. Following the principles outlined in this guidance will help authors to draft publications in the agreed format and ensure they are signed off as quickly as possible.

This guide applies to all MoJ analytical publications except for statistical bulletins and publications (i.e. National Statistics and Official Statistics). Analytical publications should take the form of an analytical report. This guidance provides detailed information about the appropriate length, content and style. It is accompanied by a Word template, which must be used to ensure publications are in the agreed format.

Analytical publications are often seeking answers to very concrete questions about how to make elements of the justice system work better. They need to be accessible to the public, other analysts and policy officials. The overall aim for the author to produce a publication which is clear, concise, sets the work in context, spells out the research questions, has the necessary technical information and has a clear narrative.

This guidance is divided into three sections:

Section 1 provides an overview of the process for publishing analytical reports;

Section 2 provides more detailed guidance to the **style and content** of MoJ analytical publications;

Section 3 provides **drafting instructions** and explains **how to use the template** provided alongside this guidance.

1. Section 1: The Publication Process

It is the Project Manager's (PMs) responsibility to ensure that each of the following steps is completed before a report is submitted for publication.

1. PMs must ensure authors of the report are familiar with the publication process and the required style, contents and format for analytical publications. They should also agree appropriate levels of clearance for the report at the initial assessment of the project (Social Research commissioning, gateway and publication processes).
2. When the analytical work is complete but before drafting begins, PMs should invite authors to present key findings and a suggested narrative for the report. The aim of this meeting is to familiarise attendees with the research, allow authors to identify key points, agree how the report will be structured and give attendees an opportunity to seek early clarification of any issues or concerns. This should reduce the amount of time taken for clearance at later stages of the project.
3. Analytical reports must be drafted using the word template supplied alongside this guidance. Comments may be provided on the draft report by analytical and policy colleagues but the report must remain in the format defined by the template.
4. Before the report is submitted for clearance, the author should ensure the report is free from spelling and grammatical errors and has been proofread. **Thorough checks should be made by the author and PM throughout the process to ensure any errors are removed.**
5. Depending on the complexity of the analytical methodology, the level of sensitivity of the topic area and the quality of drafts, the report may go through several iterations of comments. This is to make sure the report meets the required quality standards. When a final draft of the report is produced, the PM will check the report first followed by the relevant Grade 6, and plans for policy sign off will be agreed.

6. All analytical publications will be independently peer reviewed and the PM will organise this ahead of the final draft of the report being signed off by the departmental Head of Unit (HOU)/Head of Profession (HOP) or as agreed with the team leader (Grade 6).
7. Once this clearance process is complete, the PM will submit the report for publication, informing Ministers of publication plans and liaising with Press Office to agree a publication date.

2. Section 2: Style and Content

3. Report Style

Writing evidence-based messages for non-technical audiences can be challenging. However, this is crucial if research is to be of real use to decision-makers. All outputs should use language that a non-analyst would understand and have clear policy-relevant messages.

Be open – Explain up front what the analysis adds to the evidence base.

Implications/conclusions – Focus on what conclusions can be drawn from the report's findings and their implications.

Clarity of structure and content – Ensure all outputs are clearly structured and sign-posted via the Table of Contents as not all readers will read the entire report. Make sure there is a full but succinct account of the methods employed.

Perspective and tense – Publications should be written in the third person and should refer to analytical findings in the past tense. Ensure the style and tense used does not change throughout the report. Drafts must be consistent in language and acronyms, use of footnotes and use of references throughout.

Plain English – Aim to keep sentences, headings and paragraphs short and concise. Avoid using the same word or phrase more than once in the same sentence or, ideally, the same paragraph. Use the simplest word (e.g. 'begin' rather than 'commence'; 'because' rather than 'by virtue of the fact that'). Where complex and/or technical methods have been used, ensure that as far as possible these are described in a way that lay readers will be able to understand. Avoid slang/jargon/Latin. Where technical terms must be used, consider including a glossary.

Discriminatory language – Ministry of Justice is committed to equality of opportunity and diversity in all its employment practices, policies and procedures. It is essential that research and research outputs comply with this principle and be drafted in non-discriminatory language.

Graphics and tables – Statistics and tables are valuable but their relevance needs to be made clear in the text. Use tables where necessary and consider that they can, at times, present information more concisely than text. Further details on house style presentation details for graphics are given in Section 3.

4. Report Content – Overview

The Analytical Report should comprise a one-page summary and main report. Authors should aim to keep the report as short as possible with a maximum of 25 pages unless previously agreed with the Project Manager and Heads of Profession. Guidance for the style and content of the report is included below and formatting instructions are provided in Section 3.

In addition to the contents detailed in the sections below, an abstract and list of key words must also be provided. These are vital since they are used by the web team to make your report available through electronic information retrieval systems:

Title – The report title should not exceed 65 characters to meet the formatting needs of gov.uk

Keywords – The author must provide 10 key words, which search engines (e.g. Google) could use to find the published report. Avoid acronyms or use of capital letters in this list of words.

Abstract/synopsis – The abstract/synopsis must be no longer than 100 words. It should briefly summarise the purpose, methodology and findings of each project. It will be used by the web team and potentially by the Press Office in communications. Do not include information that is not in the body of the main report. It should be self-contained (spell out all abbreviations), concise and specific. It should begin with the most important information and be limited to the most important concepts, findings, or implications of the study.

5. Report Content

The Analytical Report comprises two parts: first, a one-page summary; and second, the main report which should be as succinct as possible and it is anticipated that it will be no more than 25 pages in length and typically should have a word limit of 8,000–10,000 (though in practice it may have substantially fewer words). Where necessary or appropriate more detailed information can be provided in appendices (outside of the word limit above) and for methodologically complex projects, a separate technical report may be necessary.

Writing an analytical summary for the public and for policy/operational decision-makers is not the same as writing an article for an academic journal. It has a different objective, and requires a different approach. A good summary is:

Concise and specific – Like any good newspaper article, each sentence needs to convey the maximum amount of information, especially the first sentence. Do not waste space by repeating the title.

Accurate – Ensure that it correctly reflects the purpose and content of the research/analysis.

Self-contained – Write the summary as a stand-alone document.

Coherent and readable – Write in clear and lively prose.

The main body of the report should typically include five main sections (sub-sections within these main themes can be included as appropriate), in the order given below:

Context – Outline the policy issue your research addresses. State the research question clearly. Highlight any key background information, and earlier relevant research and the additional contribution your research may make.

Approach – *More detailed guidance on the types of information to include in this key section is provided below.*

Results – Summarise your results highlighting themes and messages. Use graphs and tables if they will improve understanding. Use the format described in Annex A to lay out all graphs, tables and figures. Think carefully about what material should be included in the main report and whether some information may be better placed in an appendix.

Implications/Conclusions – This is where your readers should find the essence of your key messages. You should state what your findings mean for policy-makers and if it has different messages for different audiences (e.g. policy-makers, practitioners, etc.), separate the different messages and label them. Comment on how broadly (if at all) you can generalise from the results presented. Avoid the temptation to make recommendations that are not supported by the research methodology or findings. Where additional research is needed, specify the research questions that should be asked and suggest appropriate research strategies.

References and bibliography – Both bibliographies and end-report reference pages are outside the recommended word limits. Guidance on the format of references is provided in Section 3.

If relevant, you may also want to include additional categories.

6. Approach – Detailed Guidance

To enable readers to quality assure your research and facilitate its replication, it is essential that you provide clear and detailed information about the way the work was conducted. As a minimum the description of methods should include:

Type of sample – e.g. purposive, stratified or randomly selected, and why this approach was adopted.

Intended and achieved sample sizes and method of selection – e.g. all 100 magistrates in a pilot area; one in 10 CPS case files; all domestic violence cases reported to the police in the third week of each month. Where there are sampling concerns – e.g. shortfalls in the achieved sample – the implications for generalising findings should be openly discussed, as should any weighting, any significant problems with missing data, and any use of strategies such as imputation.

Form(s) of data collection – e.g. extraction of data from court records using a piloted pro forma, in-depth qualitative interview with victims, structured interviews with defence solicitors, assessments of offenders using a standardised risk assessment tool.

Ethical considerations – including how potential conflicts of interest were dealt with and the form of confidentiality agreements made with respondents.

Type(s) of qualitative and quantitative analyses – for qualitative analysis, this might involve content analysis of written victim impact statements with a discussion of designing a content frame and how it was applied (e.g. two separate analysts, and/or use of software such as NVIVO). Quantitative analyses might include, for example, noting that bi-variate analyses were conducted to establish which case factors are significantly related to reconviction using X2 with an explanation of how variables were categorised. Information on multivariate analyses conducted, including the stages of model building (e.g. stepwise forward logistic regression) and key model statistics are also relevant. Any discussions of results generated using statistical techniques should provide details of tests used and significance levels and/or confidence intervals, standard deviations, etc.

This information can be included as an appendix to the main report, with a more general summary in the methodology section within the body of the report. Alternatively, if you have a very large amount of technical material (particularly if these would be of interest only to a specialist audience) the author and PM should consider providing a stand-alone technical report. This might include detailed background information such as questionnaires or interview schedules. Usually technical reports will not be published, but will be available on request for interested parties.

7. Appendices and Annexes

Appendices and annexes are not included in the page/word limits for the Analytical Report but should be kept to a sensible length and not used as a ‘dumping ground’ for material that cannot be included in the main report. They should contain information that is relied upon in the report but in greater detail, perhaps to include results or analyses that provide context but do not relate directly to the report’s conclusions.

8. Section 3: Format

MoJ analytical outputs **must** be drafted in the Analytical Report Word template which is provided alongside this guidance.

The template includes clear formatting instructions. To ensure that the final report meets MoJ formatting guidelines (and can therefore be published as quickly and easily as possible), it is essential that these instructions are followed and that format styles in the template are used and not overwritten or ignored.

The sections below summarise some aspects of MoJ house style and should be used in conjunction with the template. MoJ formatting requirements specify some stylistic requirements; any stylistic considerations that are not included in either this guidance or the template are left to your own discretion, but please ensure that you take a consistent approach throughout the report. The sections below provide guidance on:

Headings and section numbering

Paper size and margins, line spacing, font and font size selections

Graphics

Referencing

Other drafting guidance.

9. Headings and Section Numbering

Chapter headings must be numbered and consistency must be maintained throughout the document. Section headings may be numbered. **Do not number sub-section headings and/or paragraphs. Do not underline headings.**

10. Paper Size and Margins, Line Spacing, Font and Font Size Selections

These elements of the report cannot be varied to suit individual's preferences or other house styles. Instructions are provided in the supplied templates and the box below provides a summary of the font styles and colours that must be used in the Analytical Report. The minimum font size in the main text of Analytical Report is 11pt (see template for further guidance on font size).

11. Analytical report styles:

12. 'Heading 1' style – Arial 17pt bold (corporate blue)

13. 'Heading 2' style – Arial 14pt bold (corporate blue)

14. 'Heading 3' style – Arial 12pt bold (corporate blue)

15. 'Heading 4' style – Arial 11pt bold (should be avoided if possible, as more levels of headings can make a document's structure more complicated for readers)

'Body - main text' style – Arial 11pt

'Body - interview extract' style – Arial 11pt

- 'Bullet points' style – only use round dots, same point size as font
- 'Bullet points (sub)' style – secondary bullets should be shown as dashes

Footnotes – 'Footnote Text' style, Arial, 9pt

Page numbers – Arial 9pt

Tables – Arial, minimum 9pt but preferably 10pt

Legends, axis information and data labels – Arial, minimum 9pt

16. Graphics and Tables

All graphs, illustrations/drawings, photographs, maps and screen dumps must be clear and of good quality and should be readable when printed in black and white.

Accessibility wording

It is essential that PDF versions of MoJ publications meet departmental requirements for compliance with the Disability Discrimination Act. This means **that accessibility wording must be supplied** to explain any graphics/images. For images that are explained elsewhere in the report (e.g. charts that illustrate tables), accessibility wording need only reference the source data (e.g. "Figure 1.1. Bar chart representation of Table 1.1). For images that are not described elsewhere in the report the description should give the same amount of information as a sighted person would get from looking at the image. This website provides guidance on how to provide appropriate wording – <http://webaim.org/techniques/alttext/>. You must provide us with

a separate Word document with all necessary accessibility text, clearly linking each to the relevant image(s) in your report.

From an accessibility perspective there are two types of tables: those that are inserted in a format that can be accessed and amended directly (e.g. 'embedded' Word and Excel tables); and those that are copied into the text in picture form.⁷ Editable tables require a brief accessibility text summary, explaining the purpose of the table, so that users of assistive software can decide whether to listen to the full table. Any image of a table that cannot be edited requires a detailed, row-by-row accessibility text description. You may find it quicker to create an editable version of a table than to write a detailed description of it.

Formatting graphics and tables

Graphics must not be wider than one page (portrait or landscape), keeping within the text margins. All graphics should be labelled 'figures' or 'tables', have a caption/heading, and be numbered by chapter (e.g. Figure 2.1 for the first graph in chapter 2; Table 2.1 for the first table).

When referring to graphics and tables in the body of the report, refer to them by number, avoiding 'above', 'below' or 'overleaf' as formatting may change the pagination.

Use Word's in-built table facility when creating tables. Where sums of money are tabulated, put the units in the column heading rather than beside each item. Set heading rows at the top of tables using Word's 'Repeat as header row at the top of each page' facility.

Charts produced by the authors should follow the principles outlined below:

Title – describe what, where and when.

Source – sources can be included with the chart.

Font – Arial only, size 9+.

Chart area – avoid borders around the chart.

Plot area – avoid borders and fill.

Gridlines – none, or light grey if required.

Axis labels – it is generally good practice to include them, though it may be better to make it clear in the title. Use horizontally aligned labels for ease of reading.

⁷ To check whether a table meets the former category, put your cursor in one cell and try to move it to the next cell using tabs. If you are unable to 'tab' between cells, your table is not 'embedded' and you will need to provide accessibility wording.

Axis tick marks – ensure the number of tick marks is appropriate and display them outside the plot area.

Axis units – where data are encoded by length (bar charts) always start the axis at 0. Minimise the space taken up by labels by using as few digits as possible (include the magnitude in the title or axis label).

Colour – ensure colour choices remain effective in black and white. Avoid “pejorative” colour choices such as red and green which are typically associated with positive and negative trends. Ensure that the main data in the chart have the most colour intensity, with comparison data in lighter colours.

Line-type – do not use “smoothed”.

Data labels – do not label every point; only use data labels to draw attention to particularly important data points.

Legend – direct labelling of data is preferable where possible. If a legend is included, add it to an empty part of the plot area to maximise the room available for data. Do not use a border.

Notes – All tables and figures should be based on achieved sample sizes (i.e. missing numbers or percentages should be included as a separate category). Base numbers should be shown in all tables. Weighted bases should be shown as well as total sample sizes where these differ.

17. Referencing

Referencing should follow American Psychiatric Association (APA) format. The following notes provide some basic information, but more detailed guidance can be found on these websites:

<http://www.apastyle.org/learn/quick-guide-on-references.aspx#In-Text>

<http://library.bcu.ac.uk/APA.pdf>

Referencing in the text

When referring to a publication, the main text should cite the author’s surname and the date of the publication. For example, “Taylor and Jones (1999) concluded that...” or “...a direct cause of crime (Tarling & Smith, 1982)”.

If a publication has three, four or five authors, cite all authors the first time (e.g. Smith, Jones, Adams, and Parker, 2001); then, in subsequent citations use the surname of the first author followed by ‘*et al.*’ and the year as required (e.g. Smith *et al.*, 2001).

For six or more authors use only the surname of the first author plus ‘*et al.*’ in all citations including the first and include the year as appropriate (e.g. Jones *et al.*, 2001).

Use the abbreviation 'ibid' when citing the same reference in uninterrupted succession.

References section in report

All references should be given in full at the end of the publication. They should be listed in alphabetical order (by first author) as follows: [Punctuation is given in square brackets]:

Author's surname [comma] **initial(s)** [each followed by a full stop and then a comma if more than two authors] (Date) *Title of publication* [full stop] Place of publication [colon] Publisher [full stop].

For example:

Modood, T., Berthoud, R. S., Lakey, J., Nazroo, J., Smith, P. D., Virdee, S. and Beishon, S. (1997) *Ethnic Minorities in Britain: Diversity and Disadvantage. The Fourth National Survey of Ethnic Minorities*. London: Policy Studies Institute.

18. Referencing websites

Online sources should be presented in references in the same way as printed sources, giving a date when the web page was created or posted up on site (if known) and the address of the URL in between < > and the date accessed. This is to give the reader an idea how old the information may be. For example:

Author's name (if known), Title of article, section or page, Title of complete work in italics, (date created, published, posted) <URL address of electronic source, including http://> date accessed.

19. Other drafting guidance

Abbreviations / Acronyms – Write the words in full on first appearance with the abbreviation in brackets with no full stops. For example, The Human Rights Act (HRA), The Community Legal Service (CLS), Ministry of Justice (MoJ). Thereafter, use the abbreviation where possible, unless style dictates you must use the full name. When referring to MoJ, notice that no "the" is required.

Americanised text – Use 's', not 'z' in spellings; Use 's', for example in organisation, rationalise, prioritise.

Ampersand (&) – Generally, you should 'and' instead of '&' in text. However, ampersands in organisations' names should be used (e.g. 'HM Courts & Tribunals Service', 'Marks & Spencer') and it is acceptable to use an ampersand in table and figure headings (e.g. Divorce in England & Wales), but this should be used consistently throughout the document.

Bold use – Use bold in main body text sparingly for emphasis. Do not use capitals for emphasis.

Brackets – Use round brackets (parentheses) to add supplementary information to the text. If the whole statement is within the brackets, the final full stop should also be inside the closing bracket. Square brackets are used chiefly to enclose an explanation by someone other than the author.

Capitals – Avoid using too many capital letters. These should be used to punctuate sentences and to distinguish proper nouns. Except for acronyms, abbreviations or organisation names that are traditionally written in capitals, no word should be all in capitals. Only the first letter of the initial word of the title of a report or section should be capitalised unless other words within the title are covered by any of the above.

Data – Authors should provide the MoJ PM with all data (particularly that in specialist software, such as SPSS or SAS) – this may be needed when the report is laid out, or displayed separately with the report on release. Do not embed source data with graphs or tables in the report text as this will be lost when the report is converted into print document format (PDF) for publication.

Data/datum – The word “data” is a plural noun so write “data are”. Datum is the singular.

Disclaimer – All reports should include the disclaimer shown as standard in the supplied template.

Document electronic format – Final outputs must be supplied in the standard template to the MoJ PM electronically, if possible in one document (zipped if necessary), in a format compatible with Microsoft Word 97 (this includes any Microsoft Word versions up to Word 97). Do not insert additional macro/auto-formatting features into the template as this may cause difficulties when it is being prepared for print, and do not provide your final draft as a PDF.

Footnotes – Numbered footnotes should be used as footnote indicators in the main body of the text. Asterisks and other symbols are used as indicators if/when it is necessary to depart from the normal system of numbering or lettering. The indicator should be positioned so as to leave no doubt about the subject of the reference. When there are punctuation marks (e.g. a comma, colon or period) at the point where the footnote indicator should be inserted, the indicator is placed after the punctuation in English. When more than one indicator must be inserted at the same place, the indicators should be separated by a comma.

Full stops – Use for e.g. and i.e. but do not use in times, titles, initials (for example 9am, the Right Hon, Mr and Mrs, L S Lowry, JP, IT). It is usual to insert a space following a full stop and some authors prefer to use two. Both conventions are

grammatically correct and acceptable, provided consistency is maintained within the report.

Italics – Use italics for titles of publications, for example the *White Paper Supporting Magistrates’ Courts to Provide Justice*. Do not italicise titles of Acts/Bills. Always include the date of an Act: e.g. section 3a of the Disability Discrimination Act 1996.

Numbers and currency – Avoid starting sentences with a numeral. If this cannot be avoided, the number should be written in full (e.g. “Fifty-two people took part”). Use words for numbers between zero and ten and numerals for 10 and above. Numbers such as twenty-one should be hyphenated. Include commas in thousands (e.g. 2,000) and use “m” and “bn” after quantities to denote millions and billions (e.g. £48bn, £12m). Where numbers in the same sentence fall below and above ten, use figures for both – for example “between the ages of 10 and 15”, not “ten and 15”. For currency, treat whole and fractional amounts in a consistent way (e.g. “£6.00, £5.25 and £0.25”, not “£6, £5.25 and 25p”).

Percentages – Use the words “per cent” in text and the “%” symbol in tables and where data are presented between parentheses (e.g. 10%). If percentages in a table do not add up to exactly 100, the individual percentages are usually rounded up or down and the total should fall between 99 and 101. Where this occurs, a note needs to be added at the bottom of the table to indicate the table does not total 100.

Quotation marks – Use double marks for a first quotation, then single marks for a quotation within a quotation (e.g. “He said ‘Gone fishing’ and then left”). Use single marks to highlight a particular word or term. Substantial quotations (over three lines), for example from survey respondents, should be pulled out from the main text, indented and written in italics.

‘Significant’ and significance testing – The word ‘significant’ has a particular statistical meaning – please avoid using it in any other way in reports. If it cannot be avoided, ensure that the meaning is specified. When reporting statistical significance, try not to incorporate complicated statistics into the text – simply stating that a finding is significant is usually sufficient. Details of tests used and significance levels can be put into the appendices, or a brief footnote.

Annex F - MoJ Data sharing guidance

May 2018

Contents

Introduction

Part One – Sharing personal data: an overview

Part Two – Requests for specific individuals' personal data

Part Three – Sharing data as part of a project

Part Four – Routine data sharing within MoJ

Part Five – Sharing Personal Data with Researchers: Privilege

Part Six – The Data Protection Laws

Part Seven – Data sharing quick tips

Introduction

This guidance is for staff who have to make decisions about sharing personal data. The aim of the guidance, and associated materials, is to support good practice in personal data sharing. It offers advice on when and how personal information can be shared.

When might I need to use the guidance? There are a number of scenarios in which you may need to make a decision about whether to share personal data, and also how this sharing should be conducted. These include responding to requests from:

- third parties for the personal data of a specific individual;
- other government departments on a regular basis in order conduct business;
- third parties delivering part of our business;
- a project for a particular purpose;
- researchers;
- other teams across the department.

This guidance offers advice on when it is fair and legal to share personal data enabling you to balance the risks against the benefits whilst ensuring legislation is adhered to. It also provides you with a template data sharing agreement and a memorandum of understanding. 4

Part One – Sharing personal data: an overview

Sharing data can result in tangible benefits for the public through improving the way we formulate policies and deliver services. However, sharing data can create risks. It is important that we properly assess and appreciate these risks so that we can weigh up the pros and cons of going ahead and sharing MoJ data.

Any sharing of personal data – whether small or large scale – needs to be done in accordance with the data protection laws; the General Data Protection Regulation (GDPR) and Data Protection Act 2018 (DPA). The data protection laws provide a framework for how personal data should be correctly handled. The laws neither promotes nor prohibits the sharing of personal data, but their principles apply to data sharing as they apply to any other form of processing of personal data.

Whether or not you should go ahead with a data share will depend upon a number of key issues: Legality; Security; Proportionality; and Justification. These issues are explained in slightly more detail below.

Legality

Any data sharing needs to be legal. Therefore, it is first necessary to consider whether the MoJ and the party we propose to share with have the necessary powers. This will involve considering whether there are express or implied legal powers or obligations to share the data (i.e. a legal power designed to permit sharing or powers granted through legislation regulating MoJ's activities and business). You should also consider whether the proposed data share is compliant with the Human Rights Act, whether it is in breach of the law of confidence, and whether it is compliant with the data protection laws.

Whether sharing data will be legal or illegal will depend upon the circumstances of the situation. The issues that need to be considered and the outcome of that consideration will depend on the particular facts. There is no single piece of law regulating the sharing of personal data, instead there are a number of principles that need to be applied based on the common law and a range of statutory provisions.

The data protection laws require that we process personal data fairly. You must consider whether individuals would reasonably expect their data to be shared in the way you are planning. In some instances, it may be possible to ensure you are processing personal data fairly by obtaining the consent of the data subjects. In this situation it will be necessary for the data subjects to fully understand the circumstances of the processing by being provided with comprehensive privacy information and actively indicate their consent. The Information Governance and Data Protection Team (IGDP) will be able to provide further advice on providing privacy information and recording consents. On other occasions obtaining consent may not be possible. At which point you should consider whether or not there are other legal and fair reasons to share the data. Section Two looks in more detail at the legal gateways frequently relied on by the MoJ. For further information on consent please visit the ICO website:

<https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/lawful-basis-for-processing/consent/>

You need also to consider having mechanisms in place that ensure that the personal data we are sharing is accurate and up to date before we share it and that those we are sharing it with are also able to keep it up to date. 5

Personal data must not be shared where it would be a criminal offence to do so or where we have contractual obligation to keep the data confidential. As the legal landscape is complex we recommend that you initially consult your own lawyers when considering whether to share data

Security

Due to the increased risks to the security of the information that arise when a data share occurs it is important these risks are identified and mitigated as much as possible. It is necessary to agree with the requestor of the data the technical and physical security conditions under which it will be transferred, stored, used and destroyed. If the sharing you are doing requires a data sharing agreement it should cover these points and be compliant with the Central Government standards for handling information. For projects and policies that involve sharing personal data a Data Privacy Impact Assessment (DPIA) will enable you to evaluate and mitigate the risks around sharing data. Further guidance on conducting a DPIA can be found here <https://intranet.justice.gov.uk/guidance/knowledge-information/protecting-information/privacy-impact-assessments/>.

To find out more about our internal policies for looking after information securely please click here <https://intranet.justice.gov.uk/guidance/security/it-computer-security/>. The MoJ also has a procedure for handling incidents involving personal data. Before sharing data you should familiarise yourself with the policy <https://intranet.justice.gov.uk/guidance/security/report-a-security-incident/report-a-data-loss/> and ensure the data recipient also knows what to do were the data to be compromised.

Proportionality

In order to make a reasoned decision about whether or not to share data it is necessary to consider whether the type, nature and volume of data being shared is proportionate to achieve the stated aim of the data share. This goes beyond the need for data sharing to be proportionate in a legal sense. For example, does the requestor of the data “need to know” all of the details relating to each of the individual records or could less data or anonymised data be shared that achieves the same result? Similarly, do we know who in the requestor organisation will have access to the information and is this the minimum number of people possible and are you confident that they understand and will apply sound security measures to the data?

The DPA requires that we consider this important point. You should also consider whether the stated aim of the requestor is compelling enough to expose the data to the potential increased risks to its security. Again, doing a DPIA <https://intranet.justice.gov.uk/guidance/knowledge-information/protecting-information/privacy-impact-assessments/>. will help to evaluate what these increased risks are.

Justification

It is important to consider whether the data share is justifiable on either legal or policy grounds, and whether it is for a demonstrable public benefit. Where the proposed data share would help meet cross government objectives consideration should be given to the request, whilst bearing in mind the extent to which MoJ is able to resource the data share. 6

Part Two – Requests for specific individuals’ personal data

The MoJ receives requests from various bodies asking us to disclose personal data relating to named third parties. For example: “Please can I be sent a copy of Mr Smith’s Court File”. Requests are received from bodies such as:

- Police forces
- HMRC and other Government Departments

- Local Authorities
- Regulatory bodies
- Credit reference agencies/debt collection/tracing organizations
- Employers
- Charities

If you receive such a request you should first consider whether it can be dealt with under existing protocols or agreements, for example Court Procedure Rules or Prison Service Instructions. You may also consider seeking advice from the relevant policy owners of the issue in question.

You can also contact the Disclosure or IGDP teams for advice on these requests. They can work with you to consider whether disclosure would be compliant with the data protection principles. A list of these principles can be found at Part Six of this guidance.

DPA 2018 Schedule 2 paragraph 2

Paragraph 2 of Schedule 2 of the DPA provides a means by which the MoJ can, if it wishes to do so, disclose information to a third party if the disclosure is necessary for the following purposes:

- The prevention or detection of crime;
- The apprehension or prosecution of offenders; or
- The assessment or collection of any tax or duty or of any imposition of a similar nature.

Requests from bodies such as the police, HMRC, Local Authorities and Regulatory bodies typically fall within this section, where the purpose the information is sought for falls within one or more of the three categories above, for example the police requesting conviction details of an offender.

DPA 2018 Schedule 2 paragraph 5

Paragraph 5 of Schedule 2 of the DPA provides a means by which the MoJ can, if it wishes to do so, disclose information: 7

- Where disclosure is required by or under any enactment, by any rule of law or by the order of a court or tribunal;
- Where disclosure is necessary for the purpose of, or in connection with, any legal proceedings, including prospective legal proceedings;
- Where disclosure is necessary for the purpose of obtaining legal advice; or
- Where disclosure is necessary for the purposes of establishing, exercising or defending legal rights.

- With the notable exceptions of court orders for disclosure or warrants, there is rarely an obligation on MoJ to disclose information to third parties. For example, section 17 of the Criminal Appeal Act 1995 gives the Criminal Cases Review Commission the power to require public bodies to produce documents.

MoJ's approach

The MoJ expect the bodies making such requests to be specific and clear in their request. They must satisfy us that disclosure of the personal data is necessary and justified in all the circumstances of the case. In particular, the request should include the following information:

Which Article of the GDPR or section (and sub-section) of the DPA 2018 they are relying upon to justify us releasing the information in their request;

The legal or statutory instrument under which the request is being made to us, for example the Social Security Administration Act 1992 or the Offender Management Act 2007;

- What information they require (i.e. it should not be a 'fishing expedition');
- Why they need the information;
- Who will be using the information;
- How will the information be stored and for how long;
- What is the consequence of their not receiving the information;
- Who, if anyone, they intend to share the information with;
- A specific description of exactly what information they need; and
- Details of any DPA exemptions or permissions they think should apply, and why these enable us to share the information.

If these criteria are not met the MoJ must write to the requester explaining what additional information is required to proceed with the request. 8

There is no time limit for complying with these types of requests, but it is important to deal with requests quickly, as a time delay could be prejudicial to the matter being investigated. We should endeavour to be as helpful as possible to Police Forces, Other Government Departments, Local Authorities and Regulatory bodies, whilst complying with our obligation to protect the personal data in our possession.

If you receive a request from an individual asking for their own data you should forward this to the Disclosure team who will process it as a Subject Access Request under the protection laws 9

Part Three – Sharing data as part of a project

You may be asked by suppliers, third parties or colleagues in other government departments if we will share the personal data the MoJ holds with them as part of a project or policy initiative.

In the MoJ every collection of data has an “Information Asset Owner” who is responsible for the confidentiality, integrity and availability of that collection of data. In the majority of cases this will be a member of the Senior Civil Service, or a Prison Governor but other arrangements may apply.

If a request to share data with another Government Department or third party is received then the Information Asset Owner (IAO) of that data must be informed. Alternatively, if you wish to proactively share MoJ Data then the consent of the IAO must be sought at an early stage.

If the IAO is willing to consider the share then you should send the Data Sharing Request Form <https://intranet.justice.gov.uk/guidance/knowledge-information/protecting-information/sharing-personal-data/> to the requestor of the data. The completed form should contain all of the information necessary for the IAO to assure themselves that the data share would be legal (including in line with the data protection laws), justified and secure.

The request form should be completed by the requestor with which you are considering sharing MoJ data. Every assistance should be offered by MoJ to ensure that the form contains the most accurate information possible.

Once the completed form is received the IAO should use the information it contains to consider the request. If there are any areas of concern the IAO should contact IGDP for advice. If the IAO is not satisfied with any further supporting information supplied then they should refuse to share MoJ data.

The IAO sponsoring the data share must also make sure that a DPIA <https://intranet.justice.gov.uk/guidance/knowledge-information/protecting-information/privacy-impact-assessments/> is completed e.g. by the project or policy team. This DPIA should identify for the IAO any potential risks and issues that the data share might create.

If the IAO is satisfied with the response provided then a record should be kept justifying acceptance of the request, and an assurance that the data will be secure when it is

being shared. For shares that involve a very large amount of data or carry with them significant risks the IAO should consider making the business group SIRO aware of the transfer.

The IAO should check whether any of the HMG Security Policy Framework (SPF) requirements on data handling are applicable to the situation.

If the SPF requirements are not relevant then an individual Data Sharing Agreement <https://intranet.justice.gov.uk/guidance/knowledge-information/protecting-information/sharing-personal-data/> must be drawn up. A template agreement is on the intranet page.

The IGDP team can provide advice on drawing up the agreement. You should also seek advice from your legal team about the legality of the share. Once the agreement has been signed it should be forwarded to IGDP who will maintain a register of current agreements. 10

Part Four – Routine data sharing within MoJ

Sharing personal data is imperative for the MoJ to be able to efficiently and effectively conduct its business. We routinely share personal data within the department as well as with other organisations to fulfil our functions. In many cases you may already have established processes that ensure the data we are sharing is being done so securely and proportionately.

For the purposes of the data protection laws the MoJ and its Executive Agencies (except the Criminal Injuries Compensation Authority) are a single organisation – known as a Data Controller. This means we decide how we process and use the personal data we hold. If one part of MoJ passes personal information to another part this will not normally constitute a disclosure of personal information (as defined by the data protection laws) so we would not need to draw up a data sharing agreement.

However, you may decide that for new routine data shares, or when you are reviewing your existing processes, that you wish to formalise the arrangement you have in place with an internal Data Sharing Agreement (internal DSA).

Having an internal DSA in place will help to ensure that the teams you are regularly sharing information with are aware of their responsibilities and are handling it in line with the data protection laws and the mandatory central government SPF.

An internal DSA should make clear why the sharing is occurring; how access to the personal data will be restricted; what other security arrangements are in place to protect the information; how long the data should be retained for; how the data will be securely transferred between teams; and how the data will be safely disposed of.

A template internal DSA is on the data sharing intranet page <https://intranet.justice.gov.uk/guidance/knowledge-information/protecting-information/sharing-personal-data/>. IGDP can provide further advice about the detail that needs to be included in the internal DSA.

When might I not be able to share data internally?

If one part of MoJ passes information to another part so that the recipient can use the information for a different purpose to that which it was originally collected, then this will be a secondary use of the personal information by the recipient part of MoJ.

As with any other processing of personal data we have a duty to comply with the data protection laws. In the circumstance described above the key principles we need to comply with are a) ensuring that the processing is fair and legal; and b) that we do not further process the data in a manner incompatible with the purpose for which we collected it in the first place.

As previously explained fair processing means that we must ensure individuals whose personal information we collect understand what is being collected, why it is being collected and who is likely to see it. We must also explain any secondary uses for the personal information, particularly if these will not be obvious. If we are aware when we collect personal information that several of our agencies or business areas will use it for different reasons we should endeavour to make the data subjects aware at the point of collection. 11

If we wish to share data internally for a purpose that differs to the reason it was collected we need to be sure that a relevant exemption applies. You should consult with IGDP and your lawyers to see whether you can legally share information within the department for a reason that is different to why the information was initially collected. You should not share data internally if it is going to be used for a reason that is incompatible with the reason it was initially collected. 12

Part Five – Sharing Personal Data with Researchers: Privilege Access Agreements

The MoJ are can grant special access, subject to various conditions, for individuals to inspect files that would otherwise be exempt from disclosure under the Freedom of Information Act. This access is granted through a Privilege Access Agreement (PAA). Predominately, requests to inspect Court files in this way come from researchers from academic institutions.

The PAA must be granted through the Departmental Records Officer (DRO), who has delegated authority from the Lord Chancellor to grant access. The department's records management team oversees the process of granting access. If you are approached by a researcher who wants access to specific files you should ask them to write to:

Departmental Records Officer

Ministry of Justice

1st Floor,

102, Petty France

London, SW1H 9AJ

The PAA needs to be issued in advance of the research taking place. It is worth noting that it can take up to 13 weeks for the PAA to be issued, therefore individuals requiring such access should contact the DRO as soon as they possibly can.

Before granting access, the requestor needs to demonstrate to the department why it is proportionate or necessary to grant them access and how they intend to use the information. The final stage of the process is the production of a Privilege Access Agreement.

In HMCTS their Data Access Panel review who is granted access.

The PAA is a binding agreement between the researchers and the Department that the researcher will fully anonymise all information collected, and that certain other safeguards will be met. It ensures that sensitive information is protected in line with the principles outlined in the Public Records Acts 1958 and 1967 and the data protection laws. More information on PAAs can be found on the intranet <https://intranet.justice.gov.uk/guidance/knowledge-information/providing-information-to-the-public/>. 13

Part Six – The data protection laws

The data protection laws regulate the processing of personal data through an enforceable set of good practice handling rules known as the Data Protection Principles.

The six data protection principles are expressed in general terms and state that personal data must be:

- Processed, fairly, lawfully and transparently;
- Processed for specific and lawful purposes and not further processed in a way that is incompatible with the original purpose. Processing for archiving,

Evaluation of the Domestic Abuse Polygraph Pilot

Contract Reference: CCZZ20A70

research or statistical purposes in the public interest are not considered incompatible with the original purpose (purpose limitation);

- Adequate, relevant and limited to what is necessary;
- Accurate and up to date;
- Not kept for longer than is necessary;
- Kept secure.

The data protection laws also require that personal data is not transferred to countries outside the European Economic Area unless an adequate level of protection is ensured or an exemption applies.

Each of the above principles will need to be considered and then addressed in any DPIA you conduct before sharing data, and then in the data sharing agreement you draw up.

If you have any further questions on the protection laws please contact IGDP data.compliance@jsutice.gov.uk.

Part Seven – Data sharing quick tips

- You should consider whether sharing the data is fair to the data subjects.
- Is the share legal, proportionate and secure?
- Projects and policy initiatives must have a completed Privacy Impact Assessment.
- You should be clear that the share will have positive public interest benefits.
- For projects and policy initiatives there must be a data sharing agreement that makes clear how the MoJ information assurance standards are to be met by explaining:
 - Only personal data required for the stated purpose will be transferred;
 - How data is protected and will only be accessed by those who need to do so to carry out
 - When and how the data share will take place;
 - If relevant, why the transfer of data to any portable equipment is unavoidable and how it is
 - How any approved transfer must be encrypted and password protected, and that the
- Who the named individuals are between which the data is being transferred;
- That receipt of data must be acknowledged, and that if receipt is not acknowledged it must

Evaluation of the Domestic Abuse Polygraph Pilot

Contract Reference: CCZZ20A70

- The data is only held for as long as necessary;
- How the data is going to be destroyed in a secure manner and removed from database
- The measures in place to deal with any compromise or suspected compromise; and
- How any compromise or suspected compromise is going to be reported to MoJ business
- Data sharing agreements must be reviewed and updated regularly.

ANNEX B

Supplier Proposal

REDACTED