DPS FRAMEWORK SCHEDULE 4: LETTER OF APPOINTMENT AND CONTRACT TERMS

Part 1: Letter of Appointment

National Centre for Social Research
35 Northampton Square,
London,
United Kingdom,
EC1V 0AX

Dear [redacted]

Letter of Appointment

This letter of Appointment dated Thursday, 18th March 2021, 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:	CR21031 – Online Collective Conciliation
From:	**Advisory, Conciliation & Arbitration Service (ACAS)**, 8th Floor Windsor House, 50 Victoria Street, London, SW10 0TL ("**Customer**")
To:	**National Centre for Social Research**, 35 Northampton Sq, London, EC1V 0AX ("**Supplier**")

Effective Date:	Monday, 22nd March 2021
Expiry Date:	Thursday 30th September 2021

Services required:	Set out in Section 2, Part B (Specification) of the DPS Agreement and refined by: · the Customer's Project Specification attached at Annex A and the Supplier's Proposal attached at Annex B.

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Key Individuals:	[redacted]

Contract Charges (including any applicable discount(s), but excluding VAT):	The customer shall pay the supplier the sum of £49,997.00 for delivery of these services, payable in 3 instalments: - Following delivery of the inception meeting and draft focus group instrument – 29/03/2021 - Following completion of all focus groups and agreement of the approach for interviews – 03/05/2021 - Following the closure of the contract after the final presentation – 02/08/2021 For the avoidance of doubt, the contract charges shall be inclusive of all third-party costs. All charges shall be in alignment with the submitted price schedule located in Annex 1 to these contract terms.
Insurance Requirements	Additional public liability insurance to cover all risks in the performance of the Contract, with a minimum limit of £5 million for each individual claim. Additional employers' liability insurance with a minimum limit of £5 million indemnity. Additional professional indemnity insurance adequate to cover all risks in the performance of the Contract with a minimum limit of indemnity of £2 million for each individual claim. Product liability insurance cover all risks in the provision of Deliverables under the Contract, with a minimum limit of £5 million for each individual claim.
Liability Requirements	**Suppliers limitation of Liability** (Clause 18.2 of the Contract Terms)
GDPR	See Contract Terms Schedule 7 (Processing, Personal Data and Data Subjects

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

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For and on behalf of the Supplier:

[redacted]

Signature: [redacted]

Date: 18/03/2021

For and on behalf of the Customer:

[redacted]

Signature: [redacted]

Date: 19/03/2021

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ANNEX A

Customer Project Specification

1. Background

The Advisory, Conciliation and Arbitration Service (ACAS) wishes to commission an independent contractor to undertake qualitative research regarding the online version of its Collective Conciliation service which has been operational since April 2020, when the service shifted to a remote-delivery model due to the Covid-19 pandemic.

Service context

A Crown Non-Departmental Public Body (NDBP) funded by the Department for Business, Energy and Industrial Strategy (BEIS), ACAS exists 'to make working life better for everyone in Britain', and its strategic aims support that vision:

- Strategic aim 1: Advising on good practice in everyday working life
- Strategic aim 2: Resolving disputes and managing conflict
- Strategic aim 3: Influencing employment policy and debate

The second of these aims is supported by a range dispute resolution services, among them Collective Conciliation, ACAS' long-standing service for resolving a dispute between an employer and a group of employees (typically represented by a trade union). The word 'Collective' is used to distinguish the service from *Individual* Conciliation, ACAS' service for promoting the resolution of claims to the Employment Tribunal.

ACAS has been offering free Collective Conciliation in employment disputes since its creation as an independent body in 1974, and its statutory powers are defined in the 1992 Trade Union and Labour Relations Consolidation Act as follows: in situations where 'a trade dispute exists or is apprehended ACAS may, at the request of one or more parties offer its assistance with a view to bringing about a settlement.' Use and provision of Collective Conciliation is voluntary to ensure disputing parties take ownership of any settlement. And while ACAS has no compulsion to act, we usually offer our services in almost all cases. The scope of collective conciliation is wide-ranging, and while the service tends to focus on cases in which all internal negotiation procedures have been exhausted, conciliation can also be used during informal discussions at the initial stages of disputes, to encourage the earliest possible resolution.

How Collective Conciliation works

In practical terms, Collective Conciliation is a dispute resolution mechanism involving an ACAS conciliator entering a dispute to offer a new perspective and encourage parties to re-engage in negotiations, either directly or via ACAS. The conciliator's role is to listen to the viewpoints of each side and to communicate with the opposing side in a neutral fashion, taking an impartial perspective and without ruling on the positions taken by disputing parties or recommending a solution. They may nevertheless offer their professional judgement of the pros and cons of positions taken by the parties and their experience of other disputes, the application of good employment practice and the law in similar situations. They may also offer options for potential solutions although different conciliators may have different 'styles' in terms of the pro-activity of their approach. ACAS conciliators also help increase employer understanding of employee concerns and discontent, and facilitate discussions about ways of working together, better communication and improved productivity.

Collective Conciliation is delivered by a dedicated cohort of c.60 ACAS Senior Advisers, located across ACAS' 11 regional offices as well as its Head Office (in the case of national disputes). The service is typically delivered in company premises, or in ACAS offices or other neutral venues where there is a particular need for privacy from the workforce at issue. Conversations with the parties can

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take place in parallel, with the parties physically situated in separate rooms, and/or together, in a joint setting: the conciliator has the flexibility to determine the structure of these conversations.

Finding a solution to the dispute and wherever possible avoiding industrial action remain the essential aims of collective conciliation. In most cases the conciliator is successful in finding a solution *before* this happens, but where the dispute has escalated, conciliators are able to help parties find a solution in most cases. Requests for ACAS involvement come from private, public and voluntary sectors. The most common cause of collective disputes was pay or pay-related matters. However, we are seeing increasing numbers of disputes which relate to change: around increased efficiency, working practices, and reviews of terms and conditions. We have also seen a steady flow of cases around trade union recognition.

The application of Collective Conciliation in settling disputes between groups of employees and employers has changed and evolved over recent decades, as has the incidence of its use: in recent years, a complex set of factors including the growth in the statutory individual employment rights framework, the nature of trade unions and falling membership, the reduced incidence of collective bargaining, and the dwindling experience of HR and employee representatives – the key players in collective conciliation – have all played a role in influencing the extent to which collective conciliation remains a firm fixture of workplace collective relations. Last year, ACAS received 566 Collective Conciliation requests (down from 607 the previous year). But while these volumes are low historically and relative to ACAS conciliation in individual disputes (viz. Early Conciliation and conciliation in Employment Tribunal applications, which are very high-volume activities), Collective Conciliation nevertheless remains an integral function of ACAS: Economic impact analysis undertaken for ACAS has evidenced the extremely high economic impact of the service (conferring benefits of more than £90m in a single year of operation). Moreover, Collective Conciliation was instrumental in the very creation and design of ACAS and retains huge influence in the public profile and rationale of the organisation. *It follows that any research in this area must take the utmost care regarding the sensitivities involved and be of the highest possible quality.*

ACAS evaluates all its services, among them Collective Conciliation. The last customer survey of Collective Conciliation was undertaken in 2015 by Ipsos MORI. It offers the most recent assessment of users' experience of the service and suppliers are encouraged to familiarise themselves with this document.

Shift to online delivery since April 2020

Online/remote-delivered ACAS Collective Conciliation has been operational since April 2020, when the service – which had previously only ever been delivered in traditional face-to-face contexts – shifted to an exclusively online delivery model (via MS Teams, Zoom and to a lesser extent Skype) 'overnight', for the first time and of necessity, as a direct response to the Covid-19 pandemic (which rendered face-to-face service delivery unsafe and impracticable). The service has operated on that basis ever since.

Online delivery of collective conciliation mirrors the traditional face-to-face operation *on paper* at least insofar as it remains flexible: the conciliator will still normally begin by having informal discussions with both sides, either jointly or separately, to understand the issues in the dispute. As with face-to-face delivery, the conciliator will encourage both sides to consider their options for finding a solution and help by creating a positive environment to have discussions. If both sides reach an agreement, the conciliator will either help draft an agreement or will write up what's been discussed and then give

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it to both parties. Ensuring that everyone understands what has been agreed remains the conciliator's role.

The volume of cases delivered throughout 2020-2021 to date has been broadly consistent with regular face-to-face caseloads (c.30-50 cases each month), although the spread of dispute causes has shifted, with markedly fewer 'General pay claim' cases (essentially, annual pay talks) this year and more 'Redundancy' cases than is typically the case – essentially, a move towards *pay and conditions* rather than merely *pay*.
In-year monthly caseloads (by dispute cause) for 2020-21 are presented in Table 1, with Table 2 giving an annual comparison of (face-to-face) caseload volumes (by dispute case) for each of the previous 3 years, as context.

Table 1: In-year online online caseloads for 2020-21 by case start month (inc. live cases)

Disputes causes	**Apr**	**May**	**Jun**	**Jul**	**Aug**	**Sep**	**Oct**	**Nov**	**Dec**	**Jan**	**Tot**	***N***
General pay claim %	0	4	9	9	7	6	20	16	9	8	10	*45*
Other pay/conditions of employment %	45	25	45	35	33	31	18	23	24	39	31	*147*
Changes in working practices %	6	4	7	4	15	13	11	10	12	11	9	*42*
Recognition %	19	8	14	11	16	16	9	8	6	11	12	*54*
Other TU matters %	3	40	9	13	7	9	16	19	24	14	16	*75*
Dismissal/discipline %	0	8	2	4	5	3	2	1	0	3	3	*14*
Redundancy %	16	8	7	20	13	16	11	14	12	3	12	*56*
Other %	10	6	7	2	4	3	5	4	3	8	5	*23*
(blank) %	0	0	2	2	0	3	7	4	9	3	3	*13*
Total Dispute Causes %	**100**	**100**	**100**	**100**	**100**	**100**	**100**	**100**	**100**	**100**	**100**	***469***
Total Collective Cases received	**30**	**49**	**54**	**46**	**50**	**30**	**40**	**62**	**31**	**35**	**427**	

Table 2: Historic caseloads for the previous three operational years (face-to-face service delivery)

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Dispute cause	2019-20		2018-19		2017-18	
	Volume	*%*	*Volume*	*%*	*Volume*	*%*
General pay claim	139	22.9%	167	27.5%	173	24.2%
Other pay / conditions of employment	186	30.6%	160	26.4%	238	33.3%
Changes in working practices	52	8.6%	58	9.6%	82	11.5%
Recognition	75	12.4%	72	11.9%	108	15.1%
Other TU matters	77	12.7%	71	11.7%	51	7.1%
Dismissal / discipline	23	3.8%	38	6.3%	43	6.0%
Redundancy	30	4.9%	25	4.1%	33	4.6%
Other	25	4.1%	47	7.7%	46	6.4%
Total dispute causes	**607**		**638**		**774**	
Total collective cases received	**566**		**607**		**715**	

In terms of case outcomes, online settlement rates are broadly in line with historic norms for face-to-face delivery i.e. 92% successfully completed:

Table 3: Settlement rates (closed cases only)

Dispute outcome	2019-20	2020-21 YTD*	2019-20	2020-21 YTD
Successfully completed	469	133	95%	92%
Unsuccessfully completed	26	12	5%	8%
All completed cases	**495**	**145**	**100%**	**100%**
Cases withdrawn	110	17		
Total	**605**	**162**		

*Only including cases that started *and* ended in 2020-21 (April 2020 to January 21). Therefore, excluding cases that began before this period but were settled in this period and excluding cases still 'live' as at Feb 2021.

A more granular breakdown of case outcomes for 2020-21 is presented at Table 4 and shows the four different 'successful' outcome variants i.e. full settlements (accounting for 60% of all closed cases) and otherwise successfully 'progressed' cases:

Table 4: Full breakdown of successfully completed cases 2020-21

Dispute Outcome	Number	%
Settled Total	**133**	**92%**
Progress: Deadlock broken	5	3%
Progress: Differences reduced	34	23%
Progress to mediation or JWP	1	1%
Settled conciliation	87	60%
Settled to arbitration or mediation	6	4%

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Unsuccessful Total	12	8%
All completed cases	145	100%

However anecdotal feedback from staff has called into question the *sustainability* of some of the settlements now being achieved. There is concern that online-delivered conciliation is tending towards delivering 'sticking-plaster' settlements that defer workplace conflict, rather than finding settlements that address underlying problems in an enduring way that will prevent disputes from resurfacing. To date, no formal research has been undertaken with those delivering or using online/remote-delivered ACAS Collective Conciliation, which makes it difficult to substantiate this hypothesis or account for what might be causing it – although a number of possible explanations present themselves and testing these and other hypotheses will form a key challenge for the present research study (see 'Aims' section). Hypotheses include:

Hypothesis 1: That there may be situational problems related to the types of disputes arising and parties' responses to conflict within the broader Covid-19 context (e.g. disputes are now more complex, parties' priorities have changed, uncertainties about the future impede their ability to negotiate)

Hypothesis 2: That there may be inherent limitations with an online delivery model for the conciliator in terms of their ability to use their interpersonal skills to build trust, forge positive working relationships and establish the kinds of meaningful, rich dialogue with the parties required to achieve lasting settlements i.e. is this possible when done remotely?

Hypothesis 3: That the online environment might fail to replicate various structures and dynamics that lend themselves to successful outcomes e.g. a sense of 'the big occasion' that forces parties' minds and creates a sense of urgency and pressure (for them and the conciliator) which the conciliator can exploit – or even the physical symbolism of shuttling between physical rooms, bringing parties 'together round the table', holding 'corridor conversations' etc.

Two further – related – areas of concern for online/remote-delivered ACAS Collective Conciliation are:

1. A large increase in the number of unconverted 'Running Alongside' (RAS) cases – these are disputes where ACAS has established contact with the parties and offered its services, but the offer has been declined. The conciliator then 'runs alongside' the case, periodically re-establishing contact with the parties in an effort to convert the RAS into a bona fide conciliation case as the dispute matures and parties eventually become open to ACAS involvement. However, since April 2020, the conversation rate for 'Running Alongside' cases has remained stubbornly low i.e. disputes are not crystallising into cases. The reason for this is not fully understood i.e. whether it points to a reluctance on the part of the parties to use online/remote-delivered ACAS Collective Conciliation or difficulties on part of the conciliator to convert the RAS due to problems adapting to the new operating model.
2. A large decrease in the number of 'Fee-Waived Workplace Projects' – these are free, in-depth follow-up projects carried out by ACAS Senior Advisers that deal with collective dispute situations, typically agreed as part of the settlement to a collective conciliation case. Such projects involve management and employee representatives, with the aim of improving employment relations. It has been suggested that the 'functional' nature of online conciliation makes it more difficult for the conciliator to build the kind of relationship with the parties that is propitious for follow-up project work. Alternatively, the fact that numbers are substantially down since April 2020 may reflect difficulties delivering this sort of work in an online way (since they are delivered inside workplaces with a wide range of staff and can be far-reaching and hence drawn-out) – or it may speak to the aforesaid lack of sustainability that is said to have characterised settlements being achieved by online-delivered conciliation. There may be some self-reinforcement at issue here since fee-waived projects themselves exist to effect sustainable workplace change i.e. ACAS use them to go beyond the surface level of a dispute and diagnose and deal with the underlying employment relations issues that prompt conciliation cases in the first instance.

Future considerations

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Given the practical constraints of face-to-face service delivery in the context of Covid-19, there is little question of recommencing in-person Collective Conciliation at scale in the immediate future: online delivery is likely to remain a key feature of service delivery in the coming months and ACAS seek to establish learnings *now* to help us optimise remote-delivery of the service in the short and medium-term (see 'Aims' section).

However there are also *longer-term* questions about the extent to which conciliation should or even can return to an exclusive face-to-face delivery operating model, even after this becomes practicable on public health grounds. This is driven largely by cost imperatives but also a sense that 'the genie is out of the bottle' now that the remote delivery of conciliation has been shown to be at least functionally *possible*.

One of the positive consequences of online/remote delivered conciliation has been very substantial economies enjoyed by ACAS and the parties themselves thanks to the removal of often considerable travel and subsistence costs. This is especially the case for trade unions, whose negotiating officials tend to be peripatetic and work large geographic patches; online conciliation offers them significant cost savings and productivity gains through time saved travelling. To some extent the same is true for the ACAS conciliator. It follows that there will be an onus on ACAS to judge the suitability of maintaining some degree of online delivery in the longer term (or not), perhaps as part of a hybrid model of service delivery – and the research aims for this project reflect that reality.

2. Aims and Objectives of the Project

The aim for this research is to build a rounded and robust picture of the online delivery of Collective Conciliation since April 2020 – to serve three main (overlapping) functions:

1. **To stand as an assessment of current service delivery:**
   - Provide evidence of how the online service is operating in broad terms, exploring the nature of disputes, all key aspects of the online conciliation process, and case outcomes (settlements, implementation of agreements etc)
   - Map user experiences, to provide a reliable picture of the different views of a representative range of staff, managers and employee representatives regarding all key features of the online service, within which:
     - *Elicit a comparative assessment of online versus face-to-face conciliation from parties with experience of both using versions* (although this is not the primary function of research project, which is focussed on the online delivery mode)
   - Assess the longer-term impacts of online-delivered Collective Conciliation cases since April 2020, including identifying reasons for the sharp decrease in Fee-Waived Projects and assessing the sustainability of settlements being reached (testing some of the hypotheses noted above).

2. **To help inform future service development in the short and medium-term, as the service continues to be offered in the current Covid-19 context:**
   - Identify potential refinements to the operating model i.e. technological alterations, structural factors related to how the online process currently works
   - Map the salient issues being experienced by the staff delivering online conciliation – where they are struggling to adjust to online delivery, why is this and what can ACAS do to mitigate?
   - Collect evidence that will help ACAS to train staff to adapt their conciliation approach to work in an online context; conciliators rely on a range of techniques and skills to help break dispute deadlocks which have been honed in face-to-face contexts and reinforced by 'traditional' ACAS training – equivalent material for online conciliation is lacking; what new skills, techniques and adjustments to the role are needed (if any)?
   - Identify reasons for the uncharacteristically high number of unconverted 'Running Alongside' cases – why are conciliators struggling to convert these cases?

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3. **To provide an evidence base that can aid future decision-making about any sustained use of online conciliation in the longer-term:**
   - Categorise the most salient *advantages and disadvantages* of online service delivery
   - Identify the types of case that most lend themselves to online delivery e.g. is this governed by dispute cause, industry/ sector, which trade unions are involved etc? What other factors might affect the suitability of a case for online delivery (if at all)?
   - Determine whether there are any particular stages or aspects of a case that are more *or less* conducive to effective online delivery, to help establish whether individual cases can be effectively delivered across a combination of online and offline settings
   - Identify the case characteristics/ 'red flags' where there is most risk associated with online delivery, especially in terms of outcomes/ settlement sustainability and compatibility with customer needs and conciliator skillsets.

3. Suggested Methodology

Total number of Interviews	**Min. 30 –**
Total number of Focus Groups	**Max as budget allows**
	Min. 3 –
	Max as budget allows
Any other specific requirements	Rather that impose fixed numbers of qualitative interviews and focus groups, we have provided broad ranges as a guide (c.3-4 focus groups, c.30-40 interviews). We would expect to see a minimum of 3 focus groups and a minimum of 30 interviews but we have not set maximums in either case. The upper bounds presented, of 4 groups and 40 interviews, are advisory. Please present the rationale for your proposed sample sizes, working within the available budget. Bidders are free to propose alternate bases of carrying out the research within the available budget to best meet our aims.

Reflecting the research aims, which involve obtaining the views of a range of ACAS conciliators *and* service users (both managers and employee representatives), we propose two strands of enquiry:

- Online focus groups with a range of ACAS conciliators responsible for delivering the online service, and;
- Remote/telephone interviews with a cross-section of customers (both trade union officers and employers) who have used it in recent months.

In this way we hope to build a rounded and robust picture of the online service, both to i) serve as an assessment of current service delivery and ii) help inform future service development.

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This methodology is proposed as a guide; we are open to any suggestions for refinements/ improvements/ alternative approaches.

The option to survey staff and customers has been considered but rejected in favour of a qualitative approach, owing to the exploratory nature of the research questions – reflecting the fact that *online* Collective Conciliation has not previously been evaluated or otherwise researched by ACAS. (It is probable that future quantitative evaluations of Collective Conciliations will happen while online conciliation is still operating and their design will take account of the findings of this study).

Stage 1: Online focus groups with a range of ACAS conciliators responsible for delivering the online service

In the region of 60 staff currently provide Collective Conciliation. We propose undertaking broadly in the region of 3 or 4 online focus groups (c. 60-90 mins) with c.18-20 of these staff (e.g. 4 groups of 5 or 3 groups of 6 etc.) as the first stage of this research study. We expect a minimum of 3 groups and while we are not imposing an upper limit, your proposed sample size will need to fit within the available budget and you must explain the rationale for it.

Note: These numbers are all advisory and we are keen to have your assessment of what is likely to meet our aims/ achieve saturation given the available budget. You are free to propose an alternate basis of carrying out the focus groups within the available budget i.e. we are amendable to conducting fewer, bigger groups if this is preferable etc.

In addition to providing actionable insight into staff experiences of delivering online conciliation, it is anticipated that the results of these focus groups will also feed into the design of the second stage of the research (interviews with users) – in this way, staff perspectives can be triangulated with those of employers and trade unions officers, to provide a more rounded assessment of the service.

Please detail your experience of undertaking *online* focus groups and give recommendations for optimising their delivery in this particular context, both structurally (i.e. how best to populate, moderate and structure groups) and contextually (i.e. considerations for undertaking fieldwork with participants who are specialist professionals, in this case conciliators).

Primary sample criteria for the focus groups include staff experience and attitudes towards online conciliation and office attachment (although the first two of these may be somewhat interrelated).

ACAS conciliators vary in their professional experience: some have had many years' direct involvement as dedicated conciliators, for whom collective conciliation is the foremost aspect of their ACAS role. (Anecdotally it is reported that these staff have experienced the greatest challenges adapting to online delivery). At the other end of the spectrum are a cohort of less experienced conciliators, either because of their time in the job or because conciliation only forms a subsidiary part of their role (most conciliators balance conciliation with undertaking advisory work to varying degrees).

ACAS conciliators operate across the organisations' 11 regional offices which are loosely arranged into four regions:

1. i) Scotland

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2. ii) London; iii) South East; iv) East of England
3. v) North West; vi) North East; vii) Yorkshire & Humber; viii) East Midlands
4. ix) Wales; x) South West; xi) West Midlands

Given that conciliators work discrete geographic patches characterised by local labour markets, there will be a need to account for this in the design of focus groups, alongside conciliator experience, to ensure that a spread of both is achieved. Please provide suggestions for achieving this balance and indicate whether you would seek to sample across or within groups (i.e. a spread across all the groups or specific groups populated by participants with a shared characteristic). Your proposal should give details for how participants will be recruited (i.e. calls for volunteers versus targeted invitations; our working assumption is that the latter will be preferable) and whether any kind of screener to establish further information about participants (their views or details of their role) is required. We anticipate that groups would be based on a topic guide that would be developed in close collaboration with ACAS researchers.

Please note that we seek to substantively complete the staff focus groups element of the study early/mid-April 2021; to workaround ACAS conciliators' busy schedules and simplify the interview scheduling process, ACAS will pre-emptively ask as many in-scope staff as possible to provisionally set aside various time slots in early/mid-April from which we can sample; **but this will require the contractor to be flexible in its availability to undertake groups during that timeframe also**.

Stage 2: Remote/telephone depth interviews with a cross-section of customers (both trade union officers and employers) who have used it in recent months.

The second stage of the study – remote/telephone depth interviews with a range of users – should flow naturally from the first, with topic guides (again, developed in close collaboration with ACAS researchers) drawing to a large degree from the insights generated from staff focus groups.

We propose carrying out a total of circa 30 – 40 qualitative in-depth telephone interviews, with users being recruited to the sample and selected purposively. We anticipate interviews lasting in the region of 45 mins (in recognition of the fact that these are notoriously time poor audiences; it may be that manager interviews can be shorter and trade union officer interviews longer etc.). Please comment on this proposed sample size and interview duration. We expect a minimum of 30 interviews and while 40 strikes us an appropriate upper bound, we are not imposing this as a maximum limit; your proposed sample size will need to fit within the available budget and you must explain the rationale for it.

Note: As with the ranges given previously for focus groups, these numbers are all advisory and we are keen to have your costed assessment of what is likely to meet our aims/ best achieve saturation given the available budget. You are free to propose an alternate basis of carrying out the interviews (and/or focus groups) within the available budget (e.g. fewer focus groups to accommodate more interviews or vice versa) but please be mindful of the fact that this service has two very distinct sets of users i.e. employers and trade union officers.

Indeed, the main sampling strata for interviews are likely to be:

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- Party type i.e. employee representatives (typically trade union officers) and management representatives, the two sides to each dispute. Precise structure TBC but there may be benefit it interviewing more trade union officers than managers (e.g. 60:40) given the likely variation among this group and their greater exposure to the service (please comment)
- Prior experience of face-to-face Collective Conciliation (ideally for both party types but more important in the case of trade union officers who are the 'repeat customers' of the service by virtue of their job role) – this is to allow prior users to compare and contrast online experiences with face-to-face experiences (to provide their 'comparative assessment', as per one of the research aims) while also capturing the experiences of first-time users; *different versions of the topic guide will need to be adapted for both audiences*
- Dispute cause (see Table 1) (here, it will be especially important to ensure that disputes that are annual pay claims are not overrepresented since they will not allow us to explore the issue of settlement sustainability given the nature of these cases)

Elsewhere, interviews will need to achieve a reasonable spread (without imposing strict quotas) of different trade unions, broad geographic localities and broad sectors. Given that most collective conciliations (90%+) result in "the promotion of a settlement" by ACAS (specifically, full settlements or quasi-settlements where progress is made in that direction- see breakdown at Table 4), we propose that the sample reflects this, especially since exploring the nature of settlements forms part of the research aims (although note the distinction between full settlements versus 'progress made' outcomes and distributions in those cases). However, a minority of cases (c.10%) that did not successfully conclude should also be included to ensure these users are not unrepresented, especially since case outcome has an obvious bearing on overall user experience. Additionally, it would be advantageous if the achieved sample also included a broad mix of basic demographics and firmographics. Such sampling criteria would need to be ascertained/verified via an initial screening call (rather than simply taken from ACAS MI).

Please provide an indicative proposed sample breakdown as part of your proposal that accounts for these stratifications and any others that you deem necessary. Please also comment on each of the following as part of your bid:

- The option to match cases i.e. interview both sides party to the same dispute: This has been done routinely in collective conciliation evaluations in the past and confers the obvious benefit of allowing for richer analysis at the individual case level but also complicates the process of working sample and risks being off-putting to respondents, who might be less likely to speak candidly if they felt that 'the other side' was also being interviewed.
- Interview lag time: As with all such research, there is a trade-off between maximising participant recall and accurately measuring impact. Given that the issue of settlement sustainability is central to our research aims, it will be important to allow sufficient time to have passed between case closure and interview, without extending this so much that participants struggle to recollect details of the case. Our working assumption is that a 3-6 month lag ought to be sufficient.

As for Stage 1 of the study, please detail your experience of undertaking research of this kind (remote depth interviews), especially any similar activity undertaken during the Covid-19 pandemic. Please set out your approach for optimising delivery of this phase of the research, both structurally (i.e. how best to encourage uptake and schedule and structure interviews and using what platforms i.e. voice or video) and contextually (i.e. considerations

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for undertaking fieldwork with participants who are users of a complex, high profile, sensitive and confidential service).

Sampling
Given the sensitivity of conciliation work it is necessary to check with the individual conciliators concerned both that cases have actually closed and that there are no strong reasons against contacting the individuals involved.
It is also necessary to remove duplicate contacts (since trade union and employer contacts have the potential to be involved in several cases even if we would only want to approach each contact once) and ineligible 'multiple ET' cases from the sample frame (i.e. multiple individual Employment Tribunal applications that are dealt with collectively; these can differ from bona fide collective conciliation cases and such cases are typically excluded from collective conciliation research – **doing so is likely to reduce the volumes shown in Table 1 by up to 20%).**
It is envisaged that this data cleaning process will be conducted by ACAS in April 2021, with a view to passing over a cleaned sample *ready for the contractor to sample from*, mid-end April 2021.
In addition to case details, ACAS management information systems hold email address details and telephone numbers on all parties. With this in mind, we anticipate a three-stage recruitment approach (please detail your approach for optimising this process):

- Stage 1 – Sample preparation by ACAS (as above)
- Stage 2 - Approach email outlining aims of study, what participation would entail, and the opportunity to opt-out*
- Stage 3 - Participants screened to verify their recollection of the case etc and collect any additional sampling information; convenient interview time arranged

*(*Given the confidential nature of the service, there may be a benefit in this initial approach email being seen to come directly from ACAS, with opt-outs being processed by ACAS before subsequent sampling and screening by the contractor).*

4. Deliverables

The principal output will be a full presentation of findings (delivered remotely and recorded) to ACAS policymakers.

Note: the accompanying slide-deck must be sufficiently comprehensive to function as a complete standalone output in its own right, in the absence of any separate written report i.e. the slide-deck will function as a report proxy and will be suitably detailed to operate as a discrete output, for posterity use by ACAS. It will cover both stages of the study in an integrated way. Full thematic analysis on all data relevant to answering the research objectives will be presented, using primary data to support and illustrate findings and with differences between participant groups described.

The structure of the presentation will be developed closely with ACAS and should reflect our need for an engaging output that is accessible to non-research audiences and prioritise the reporting of *actionable* findings, to help maximise the practical impact of the research, reflecting its principal function (i.e. to inform decision-making by ACASpolicymakers).

Please detail your approach to undertaking relevant qualitative analysis and preparation of research outputs.

Deliverables: Timings

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There is a requirement for this research to start at pace, with an initial setup meeting taking place shortly after contract award, w/c 22 March 2021, to agree the specific research approach and work through next steps.

Given the highly specialised nature of the conciliation role, a briefing by ACAS policymakers will also be provided to the research team at this point. Sampling/scheduling for staff focus groups and topic guide design will need to be undertaken shortly thereafter (with the precise approach agreed at the inception meeting), with the delivery of a first draft topic guide by end-March and the sample for Stage 1 agreed at that point also.

Thereafter we aim to complete all the focus groups with staff (Stage 1 of the project) early/mid-April 2021.

We expect to provide a clean sample for Stage 2 (interviews with users) in late-April, with the intention of commencing this stage of fieldwork in May. We anticipate final delivery of outputs by approx. July 2021.

Your proposal should include a detailed timetable that works to these milestones and incorporates at least two comprehensive (remotely delivered) meetings with ACAS: one at project inception in late March and another in mid/late April, to provide feedback on Stage 1 of the study and plan Stage 2.

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ANNEX B

Supplier Proposal

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Part 2: Contract Terms

Contract Terms v6.0