

25 October 2023

INVITATION TO QUOTE (ITQ) TO RESEARCH AND DEVELOP A MAP OF COMPLAINTS MECHANISMS AND ADVICE AND ADVOCACY SERVICES IN SCOTLAND

QUOTE Ref: QUOTE Ref: SHRC/Access to Justice/2023/10

You are invited by **the Scottish Human Rights Commission and the Children and Young People's Commissioner Scotland** to quote for the provision of the services detailed in the attached brief. Your quotation must be received by no later than **12:00 noon 8 November 2023**. It is the responsibility of all suppliers to ensure that their quotation response is received no later than the appointed time. The Scottish Human Rights Commission may undertake not to consider quotations received after that time.

The Scottish Human Rights Commission is managing the formal ITQ process; however the Children and Young People's Commissioner Scotland will have equal involvement in the scoring of bids and subsequent contract management.

The Scottish Human Rights Commission is not bound to accept the lowest price or any quote and shall not be bound to accept the supplier as sole supplier. Prices quoted shall remain firm for 60 days from the submission date. Value Added Tax (VAT) should be shown separately, and the VAT registration number given.

The quotation will be evaluated using the following criteria and weightings:

Evaluation Criteria	Weighting
Quality	80%
Price	20%

By providing us with a quotation you agree to be bound by the Scottish Human Rights Commission's Terms and Conditions which will apply to any contract awarded to you after you have provided us with our quotation.

Enquiries and submissions regarding this ITQ should be addressed to finance@scottishhumanrights.com via email.



David Lees

Head of Commission Secretariat & Business Support

Invitation to Quote: Research and develop a map of complaints mechanisms and advice and advocacy services in Scotland

25 October 2023

1. Introduction

This is an Invitation to Quote (ITQ) to research and develop a map of complaints mechanisms and advice and advocacy services in Scotland. The map will support the work of both the Scottish Human Rights Commission (SHRC) and the Children and Young People's Commissioner Scotland (CYPCS).

2. Delivery Timescale

The requirement should be scheduled to commence on or around 20 November 2023 with completion expected by January 2024. All necessary activities required to deliver the provisions identified in this ITQ must be planned, delivered and concluded to accommodate this timescale.

3. Terms of Reference and Summary of Requirement of Response

The Terms of Reference (ToR), attached at Appendix 1, contain the full scope of the requirement relating to this ITQ. The ToR include context setting and background information that are the basis for the decision to conduct this project.

The core requirements for the written response are contained in 2 key sections of the ToR; **Section 11. Objectives** and **Section 12.**

Deliverables. Each element within these sections should be addressed in your response.

In addition to this, SHRC and CYPCS needs to understand and assess the relevant knowledge and experience of prospective contactors. A key part of the response should include evidence of similar or comparable provisions to provide assurance of capability and capacity to carry out this project.

The Price submission should reflect the number of days associated with each activity.

Bidders should include narrative around their approach to completing the work including, where necessary, any expected inputs from SHRC and CYPES.

The format for submitting proposals to deliver the requirement is detailed below in Section 6 and the process and criteria for evaluation is contained in Section 8 of this ITQ.

4. Proposal Timetable

The key dates for the process are as follows;

1.	Issue ITQ	25 October 2023
2.	Closing date for submission	Noon 8 November 2023
3.	Evaluation of Submissions	13 November 2023
4.	Award of Contract	w/c 13 November 2023
5.	Project Commencement – initial start-up meeting	w/c 20 November 2023
6.	Project Completion	Phase 1: Complaints – 18 December 2023 Phase 2: Advice & Advocacy – 22 January 2024

Note: Timescales may be subject to change.

5. Submission of Proposals

Proposals should be submitted by email to; finance@scottishhumanrights.com by no later than 12 noon on Wednesday 8 November 2023.

We will email confirmation of receipt of your proposal. Late submissions will not be considered.

We will review all the proposals we receive against our Terms of Reference, attached, and evaluation criteria, highlighted below in Section 8. We may contact you with follow up questions to clarify anything we need to confirm before we make our decision.

We aim to make a final decision by Monday 13 November 2023 and a contract will be awarded w/c Monday 13 November 2023, subject to final agreement of T&Cs.

6. Format of Submission

To quote for this provision, please send us a written report (5 pages maximum) setting out as a minimum:

- 1) Your relevant skills, experience and qualifications for conducting a project of this nature. Evidence of carrying out similar projects for a public sector, civil society organisation, or a National Human Rights Institution, would be an advantage.
- 2) Your proposed plan to deliver and carry out as necessary;
 - a. each aspect of the Objectives of the Project, described in Section 11 of the Terms of Reference
 - b. the Deliverables, as described in Section 12 of the Terms of Reference
- 3) Your proposed approach to completing the work including any input you would require from us.

- 4) Your proposed price for this work including a breakdown of days against each element.

7. Budget

We have a maximum budget of £15,000 (including VAT) for this work.

Please provide a full breakdown of your costs indicating clearly whether these are inclusive or exclusive of VAT.

Please note the requirement is for a Fixed Price proposal.

A milestone payment schedule will be established based on satisfactory achievement of agreed delivery outcomes across the contract term.

Prices quoted should be in Pounds Sterling (£) and must be held firm for 60 days from the submission date.

8. Evaluation of Submissions

Submissions will be evaluated based on the Most Economically Advantageous Tender (MEAT) method, to maximise the opportunity to deliver Value for Money (VfM).

The overall award criteria weightings are;

Quality – 80%

Price – 20%

Proposals will be evaluated using the following weighted criteria;

MEAT	Overall Weighting	Criteria	Category Weighting
Quality	80%	1. Relevant skills, experience	20%

		2. Response to the Objectives of the Project (Section 11 of ToR)	40%
		3. Plan/approach for Deliverables (Section 12 of ToR)	20%
Price	20%	4. Price/Competitiveness	20%
	100%		100%

The Quality elements of the submissions will be evaluated against the scoring structure below.

Assessment	Standard Measure	Scores (0-10)
Excellent	Response is completely relevant and excellent overall. The response is comprehensive, unambiguous and demonstrates a thorough understanding of the requirements and provides details of how the requirements will be met in full.	10
Good	Good Response is relevant and good. The response is sufficiently detailed to demonstrate a good understanding and	8

	provides details on how the requirements will be fulfilled.	
Acceptable	Acceptable Response is relevant and acceptable. The response addresses a broad understanding of the requirements but may lack details on how the requirements will be fulfilled in certain areas.	6
Limited	Limited Response is partially relevant. The response addresses some elements of the requirement with partial detail. There are a few concerns about whether or not the requirements can be met.	4
Poor	Response is generally poor. The response contains insufficient/limited detail or explanation to demonstrate how the requirements will be fulfilled.	2
Unacceptable	Unacceptable Nil or inadequate response. Fails to demonstrate an ability to meet the requirements.	0

Each written submission will be evaluated as follows;

- Each quality criteria will be awarded a score.
- These scores are then weighted against the predetermined % weightings
- A weighted score is then calculated by multiplying the weight by the score and dividing by 10.

This is illustrated in the worked example below.

		Proposal 1		Proposal 2		Proposal 3	
Quality Criteria	Weight (80%)	Score (0-10)	Weighted Score	Score (0-10)	Weighted Score	Score (0-10)	Weighted Score
1	40	8	32	6	24	8	32
2	40	6	24	6	24	6	24
3	20	8	16	10	20	6	12
Total			72		68		68

The Price criteria will be based on;

- The lowest priced compliant bid will be awarded maximum points (20).
- The points for the other proposals will be scored relative to the lowest priced compliant proposal.
- Thereafter the price weighting detailed in Table 4 will be applied to obtain the final weighted price score.

The calculation is as follows:

Lowest bid divided by each bid multiplied by price weighting factor (20%) multiplied by 100.

Table 4 Price criteria scoring - worked example for illustration.

		Proposal 1	Proposal 2	Proposal 3
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Criteria	Weight (20%)	Quoted £	Weighted Score	Quoted £	Weighted Score	Quoted £	Weighted Score
4		£13,500	17.77	£14,000	17.14	£12,000	20

The total weighted scores for Quality and Price will be added together to determine the Most Economically Advantageous Tender, illustrated in the worked example below.

	Proposal 1	Proposal 2	Proposal 3
Quality Score	72	68	68
Price Score	17.77	17.14	20
Total	89.77	85.14	88

9. Freedom of Information

In accordance with the obligations and duties placed upon public authorities by the Freedom of Information (Scotland) Act 2002 (FOISA) and the Environmental Information (Scotland) Regulations 2004 (EIRs), all information submitted to the Contracting Authority (the Commission) may be disclosed in response to a request for information made pursuant to FOISA and/or the EIRs.

In submitting a proposal, bidders must understand and accept that information disclosed by the Commission in response to a FOISA or EIR request may include, but not be limited to, disclosure of their proposal or any part thereof or any information contained therein and/or any score or other details concerning evaluation of their proposal.

If a Bidder considers any information in their proposal is confidential and/or commercially sensitive, they shall clearly identify which information they consider to be confidential and/or commercially sensitive, explain the potential implications of its disclosure and provide an estimate of the period of time during which they believe the information is likely to remain confidential and/or commercially sensitive.

If a Bidder identifies any information in their proposal as confidential and/commercially sensitive, the Commission will consider in its sole discretion withholding it from disclosure or publication however Bidders shall note that, even where they have identified information as confidential or commercially sensitive, the Commission may nonetheless be required to disclose or publish such information in accordance with FOISA or the EIRs, without consulting with, or obtaining consent from, the Bidder.

Bidders shall note that the Commission is required to form an independent judgement upon whether the information is exempt from disclosure under FOISA or the EIRs and whether the public interest favours disclosure or not and offers no guarantee that information identified as confidential and/or commercially sensitive will be withheld from disclosure or publication.

If a Bidder receives a request for information under FOISA or the EIRs during the course of the competition, they must immediately refer such a request to the Commission.

The Commission may publish the names of Bidders on its website.

10. Data Protection / Security Requirements (for suppliers with no access to our internal network)

Bidders should provide confirmation of compliance with our requirements in relation to data and information security.

Data Protection – the SHRC would prefer that all data be resident within the UK (failure to meet this point requires additional processes to be completed by the supplier and the SHRC).

You should confirm compliance with all UK data protection laws, and you should be certified with Cyber Essentials or the equivalent.

11. Confidentiality in Respect of the ITQ Process

This ITQ and all additional information concerning the SHRC are made available to Bidders on a confidential basis for the purpose of this process only. Information gained during the ITQ process must not be communicated to any other party, during or after the process.

Bidders may disclose, distribute, or pass the ITQ to their advisers, subcontractors, consortium members or other persons provided:

- this is done for the sole purpose of enabling them to submit a proposal and the person receiving it undertakes in writing to keep it confidential on the same terms as the bidder.
- the bidder obtains the Commission's prior written consent in relation to the disclosure, distribution or passing of an ITQ.
- the Bidder is legally required to make a disclosure or the ITQ has been published in accordance with the conditions relating to the Commission's obligations in relation to transparency.

The Commission may disclose information submitted by Bidders during the Procurement to its officers, employees, agents, or advisers who are stakeholders in the Procurement.

The Commission may disseminate information provided by Bidders that is materially relevant to the Procurement, to other Bidders subject to any:

- procedures described in the ITQ for raising questions and/or clarifications;

- duty to protect commercial confidentiality in relation to the information contained within a proposal (unless such duty is overridden by a requirement for disclosure under FOISA).

12. Canvassing

This procurement is being carried out by ITQ and all questions relating to the ITQ should in the first instance be directed through finance@scottishhumanrights.com

Responses to all clarification questions will be sent to all Bidders.

APPENDIX 1 Terms of Reference - Research and develop a map of complaints mechanisms and advice and advocacy services in Scotland

Context

1. This research is being jointly commissioned by the Scottish Human Rights Commission and the Children and Young People's Commissioner Scotland.
2. The Scottish Human Rights Commission (SHRC) was established in 2008 by the Scottish Commission for Human Rights Act 2006 (SCHRA) as a public body funded by, but independent of, the Scottish Parliament. It is fully independent of the Scottish Government.
3. The SHRC is a National Human Rights Institution (NHRI) and was recently re-accredited as an "A status" institution, signifying it was compliant with the UN's Paris Principles (1993) and entailing independent participation rights at the UN Human Rights Council.
4. The general duty of the Commission is to promote human rights and, in particular, to encourage best practice in relation to human rights. The SCHRA provides for it to fulfil these duties through providing guidance, publications, awareness raising and research and by making recommendations for changes in law, policy and practice in Scotland, and through education and training.

5. Established by the Commissioner for Children and Young People (Scotland) Act 2003, the Children and Young People's Commissioner Scotland is responsible for promoting and safeguarding the rights of all children and young people in Scotland, giving particular attention to the United Nations Convention on the Rights of the Child (UNCRC). The Commissioner has powers to review law, policy and practice and to take action to promote and protect rights. The Commissioner is fully independent of the Scottish Government.
6. Both the SHRC and CYPCS have a current and ongoing focus on the issue of Access to Justice in Scotland.
7. The SHRC is developing its new Strategic Plan 2024-28, and is exploring the current Scottish human rights system to inform this. As part of its Transition Strategy 2023-24 into its new Strategic Planning cycle, the SHRC is focusing on four key 'spotlight' areas. One of those spotlight projects is Access to Justice. The SHRC's Access to Justice project seeks to highlight the realities and barriers that exist in attempting to access justice in Scotland for potential human rights violations. To do so, the Commission plans to 'spotlight' the experiences of real people and their advisors and advocates in the context of prisons and social care, using a map of the current complaints/review procedures in Scotland as a guide to steer research conversations.

8. The SHRC does not have the powers to provide advice to individuals, to provide a casework service, or to raise legal proceedings in its own name. This mapping exercise will also inform considerations about the potential development of the mandate of the SHRC via the process of incorporating human rights treaties into Scots Law through the new Human Rights Bill.
9. The Children and Young People's Commissioner Scotland operates an advice function, providing human rights advice and signposting to children, young people and adults via telephone and email. As part of the development of the Commissioner's new Strategic Plan (2024-2028), and the office's preparations for incorporation of the UNCRC, she wishes to establish what other sources of advice and representation are available, particularly to children and young people on human rights issues. This will allow the Commissioner to consider how to deploy the office's limited resources to best effect, and whether there is sufficient provision of advice/representation in particular policy or geographic areas.

Objectives

11. Accordingly, together SHRC and CYPCS are jointly commissioning a project to:
 1. Map the current complaints processes and mechanisms in Scotland, with a particular focus on prisons and community social care. This would be delivered as phase 1 of the project. For example, the map would detail any review/ complaints mechanisms available in the prisons and social care contexts, from the point of a potential human rights violation being

experienced, through internal complaints processes, external processes (such as the Scottish Public Services Ombudsman), through to formal court action. The map would highlight any barriers or requirements in accessing particular mechanisms, such as time limits, exhaustion of internal processes, access to legal representation or legal aid and would detail the standards of review that the complaints processes apply. In particular, the map would highlight whether complaints or review processes make specific reference to human rights standards.

2. Map the current advice (including legal advice) and advocacy advice sector in Scotland. This would be delivered as phase 2 of the project. For example, the map would detail all of the organisations in Scotland that provide advice and advocacy in relation to key human rights issues. The map would set out, relation to each organisation:

- Areas of advice/advocacy covered
- UK/National/Local?
- What services provided – advice, advocacy, representation.
- Specifically does the organisation offer legal representation?
- Specific human rights expertise and advice capacity?
- Specific children and young people provision?
- Details of funding source?

3. In completing phase 2 of the project, the mapping of services specific to children and young people should be prioritised and delivered ahead of the final map.

Deliverables

12. By the end of the project we expect to have a better understanding of:

- A complete map of the current complaints processes and mechanisms in relation to prisons and social care in the community in Scotland.
- A complete map of the current provision of advice and advocacy services in Scotland.
- How we could creatively present the maps and data produced, perhaps through using infographics.

13. The timeline for completion of the project is:

- Phase 1 complaints map – 18 December 2023
- Phase 2 advice and advocacy – 22 January 2024

14. The contract is being procured through an Invitation to Quote (ITQ) procedure, using standard government procurement rules.