**06 December 2023**

**Deinstitutionalisation:**

**A human rights based examination of Scotland’s progress in ending institutions, from Coming Home to universal practice.**

**QUOTE Ref: SHRC/Coming Home/2023/12**

You are invited by **the Scottish Human Rights Commission** 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 Monday 8 January 2024.** 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 Commissionmay undertake not to consider quotations received after that time.

The Scottish Human Rights Commissionis 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 regarding this ITQ should be submitted via email to research@scottishhumanrights.com.

Completed responses to this ITQ should be submitted by email to finance@scottishhumanrights.com by the deadline of 12 noon on Monday 8 January



**David Lees**

**Head of Commission Secretariat & Business Support**

Invitation to Quote

Deinstitutionalisation: A human rights based examination of Scotland’s progress in ending institutions, from Coming Home to universal practice

6 December 2023

1. Introduction

This is an Invitation to Quote (ITQ) to conduct a human rights based examination of Scotland’s progress in ending institutions, focused on work around the inappropriate placement/detention of people who have learning disabilities and/or autistic people (individuals within the scope of the Coming Home implementation plan).

1. Delivery Timescale

The requirement should be scheduled to commence on 17 January 2024 through attendance at a briefing convened by the Commission, with completion through delivery of a final report by 30 April 2024. All necessary activities required to deliver the provisions identified in this ITQ must be planned, delivered and concluded to accommodate this timescale.

1. 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 sections of the Terms of Reference (ToR); at Appendix 1, including **Section 10. Assessed Requirement**. Each element within this section should be addressed in your response.

In addition to this, the Commission 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 the Commission.

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.

1. Proposal Timetable

The key dates for the process are as follows;

|  |  |  |
| --- | --- | --- |
|  | Issue ITQ | 6 December 2023 |
| 2. | Closing date for submission | Noon 8 January 2024 |
| 3. | Evaluation of Submissions | 9 January 2024 |
| 4. | Award of Contract | 15 January 2024 |
| 5. | Project Commencement – initial start-up meeting | 17 January 2024 |
| 6 | Deliver Draft Report | 28 March 2024 |
| 7. | Project Completion (milestones tbc) | 30 April 2024 |

Note: Timescales may be subject to change.

1. Submission of Proposals

Proposals should be submitted by email to; finance@scottishhumanrights.com by no later than 12 noon on Monday 8 January 2024.

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 Friday 12 January 2024 and a contract will be awarded subject to final agreement of T&Cs.

1. 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 the range of Requirements, Objectives and Deliverables contained in the Terms of Reference, with particular reference to each requirement described in Section 10, Assessed Deliverables,
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.
5. Budget

We have a maximum budget of £10,000 (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.

1. 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% |
| 1. Response to the Core Objectives / Requirements of the Project (contained in ToR)
 | 40% |
| 1. Plan/approach for Deliverables (contained in 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 provides details on how the requirements will be fulfilled. | 8 |
| 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 |
| Criteria | Weight (20%) | Quoted £ | Weighted Score | Quoted £ | Weighted Score | Quoted £ | Weighted Score |
| 4 |  | £9,500 | 18.9 | £10,000 | 18.00 | £9,000 | 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 | 18.9 | 18 | 20 |
| Total | 90.9 | 86 | 88 |

1. 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.

1. 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.

1. 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).
1. Canvassing

This procurement is being carried out by ITQ. Any questions relating to the ITQ should be directed to research@scottishhumanrights.com or contact Alison Hosie on 07931164111.

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

**APPENDIX 1 Terms of Reference**

**Deinstitutionalisation: A human rights based examination of Scotland’s progress in ending institutions, from Coming Home to universal practice**

The Scottish Human Rights Commission (SHRC) was established by The Scottish Commission for Human Rights Act 2006, and formed in 2008. The Commission is the national human rights institution for Scotland and is independent of the Scottish Government and Parliament in the exercise of its functions. The Commission has a general duty to promote human rights and a series of specific powers to protect human rights for everyone in Scotland.

# **Background to the work**

The Commission has concerns over the pace of progress being made by the Scottish Government and COSLA regarding their commitment to the Coming Home Implementation Framework. In addition, the Commission has concerns about how meaningfully the human rights of individuals are taken into account despite claims to a rights-based process.

The overall aim of this project is to develop the tools with which to undertake an assessment of Scotland’s progress on deinstitutionalisation, in terms of Article 19 CRPD. In doing so, it focuses in on the inappropriate placement/ detention of people who have learning disabilities and/or autistic people (individuals within the scope of the Coming Home work) as an acute example.

The project aims to employ previous indicator development work in a Scotland specific set context. Development and testing of these indicators will be supported by rights holders/ those advocating on their behalf through a supported capacity-building element to this project.

# **Research Problem Statement**

Current methods of measurement do not enable a thorough understanding of the state of deinstitutionalisation progress in Scotland, nor is current measurement approached from a rights-based perspective. This project aims to employ human rights based indicators based on Article 19 of the UN Convention on the Rights of People with Disabilities (Right to Independent Living) with which to undertake this measurement.

The theoretical basis for such indicators (focused on Structure, Process and Outcome) was first developed by the Office of the High Commissioner for Human Rights[[1]](#endnote-1) and has been contextualised for Independent Living by the Fundamental Rights Agency[[2]](#endnote-2).

The Commission invites interested parties to tender for a research project that will support the further development of this type of measurement approach, in order assess the state of progress in Scotland. This would measure the situation of people within the scope of Coming Home and may be able to provide initial indications about the issue of deinstitutionalisation broadly.

# **Research Questions**

The purpose of the research will be to understand:

* Is it possible to develop a Scotland specific set of human rights based indicators to assess Scotland’s progress on deinstitutionalisation?
* What data currently exists /would be required to be collected in order to make use of this new indicator set?

# **Relevance and Importance of the Research**

The development of a set of human rights based indicators will support an assessment of how meaningfully the human rights of individuals are taken into account in the process of deinstitutionalisation. The development of such indicators will allow the Commission and others to assess progress at a Structural, Process and Outcome Level.

Best practice explains that such indicators help to measure progress across three levels, namely: having the right structures in place with regards to law and policy, ensuring that the correct processes can support effective implementation (including adequate resources) and result outcome.  Together they address the essential aspects of human rights implementation, namely: commitment, effort and result.

The focus on commitment and effort, as opposed to only measuring result outcome, is one of the areas which make human rights indicators distinct. Result outcome indicators look backwards at results, whereas Structure and Process indicators help governments to look forward and make more progress, e.g., by removing barriers to better outcomes such as systemic discrimination as a result of law or policy, intended or unintended; or identifying insufficient resourcing of good law or policy intentions.  Process indicators also strengthen evidence-based policymaking by assisting governments in determining whether their interventions are actually leading to improved outcomes or whether they need to be adjusted.

Result outcome indicators demonstrate the “what” which by themselves don’t take us very far to where we want to go. Structure tells us “why” we have not made more progress and Process tells us “how” we can make more progress. This is the “power tool” of a human rights based approach to monitoring progress.

# **Research Design & Methods**

Using desk-based research, the project team has developed relevant indicators on Article 19 to be used in the measurement process. These are drawn from indicators already produced by the EU Fundamental Rights Agency. They have been synthesised and tailored to Scotland and to the situation of Coming Home, informed by an advisory group of key stakeholder organisations with expertise in the area.

**The Commission now wishes to contract researcher/s to attempt to populate the indicators with available data.** This will inevitably identify significant data gaps which the researcher/s will be asked to map as findings in and of themselves.

Expectations are that this research will be primarily desk-based research, using secondary data made available by governmental and non-governmental sources, incorporating exploratory interviews with key actors in the field and/or other methods to be proposed by the applicant.

Through this desk-based exercise, the researcher/s will seek to both identify relevant data and highlight any data gaps which demonstrate the limitations of carrying out human rights measurement in practice.

The Coming Home Implementation Plan has a target date of March 2024. The draft report should consider data available up to that date. The final report should collect any available data published between March 2024 and April 2024.

# **Ethics**

The research component of this project has been assessed by the Commission’s independent Research Advisory Group and has been deemed compliant with no research ethics concerns.

# **Outputs**

This research should result in a report compiling data assessing each of the proposed Structure-Process-Outcome indicators on Article 19 in respect of the population in the Coming Home cohort. The output should be in the form of a synthesis report in narrative form, and an additional executive summary of approximately 4 pages.

# **Budget**

The available budget for this project is £10,000.

A milestone payment schedule will be agreed at a pre-contract briefing meeting based on successful completion of agreed deliverables.

The Coming Home Implementation Plan has a target date of March 2024. The draft report should consider data available up to that date. The final report should collect any available data published between March 2024 and April 2024. These dates are reflected in the timeline for delivery and payment.

The timeline for delivery is subject to agreement but the final version of the report must be delivered no later than **30 April 2024**.

# **Timeline**

**17 Jan** – briefing by SHRC and agreement of Terms of Reference

**4 March** – deliver update on progress

**28 March** – deliver draft report including all data available to date (payment milestone 1)

**30 April** **–** deliver final version of report including updated data available after March 2024 (payment milestone 2)

Applicants are requested to submit proposals for this work which include the following information:

* an outline of the proposed methodology to be used to achieve the research objectives;
* an indication of any foreseen risks in the research and how they will be managed;
* a profile of the research team, including the name and brief biography of the Project Director and Project Coordinator;
* references who are able to attest to the quality and timeliness of the applicant’s research;
* Full contact details for the Project Coordinator.

The deadline for receipt of responses is **noon on Monday** **8 January.** Applications should be no longer than four pages (12 point, standard space, excluding annexes).

Please send applications to finance@scottishhumanrights.com

If you have any questions related to this tender, please contact Alison Hosie on 07931164111.

Applicants may be contacted by email or telephone to clarify their proposal. The Commission aims to inform all applicants of its decision by **15 January**.

# **Assessed Requirements**

Commission staff who will be responsible for managing the research contract along with two members of the Commission’s independent Research Advisory Group will assess the merits of each tender. Each proposal will be evaluated on the basis of the Most Economically Advantageous Tender, (MEAT) as described in Section 8 above. Proposals should address all of the requirements of response and provide specific responses against the criteria set out below.

* familiarity with the research field and previous relevant research;
* evidence of previous high quality research, including approach and methodology;
* evidence of capacity, experience and skills required to undertake the proposed research including project management and achieving desired outcomes;
* understanding of the issues being addressed by the research and the requirements of the research project;
* suitability of the proposed research methods (where proposed methods differ from any suggested methods, specific reasoning is requested);
* awareness of and approach to risk management and quality control;
* the proposal of a realistic timeframe for the proposed research;
* evidence of previous harmonious working relationships with contractors;
* A satisfactory assessment of commitment to human rights and research ethics;

# **Tender Decision Notification**

SHRC is not bound to accept any tender.

On occasion prospective contractors may be required to make a proposal presentation before a final decision is made with regard to awarding a contract.

All those who have been involved in the tendering process will be informed in writing or by telephone. Feedback can be provided to unsuccessful applicants at this point on request.

# **The Briefing Meeting**

Prior to the provision of a signed contract, a briefing meeting will be held between the successful researcher/s and the Commission in order to:

* Clarify the roles and responsibilities of the researcher/s and Commission and establish a working relationship;
* Confirm a common understanding of the planned research and realistic expectations of the research project;
* Clarify the research aims and objectives and discuss any proposed changes to the submitted research proposal;
* Clarify the methodology to be utilised;
* Provide the researcher/s with any additional information required;
* Reach a consensus regarding quality standards and expected outcomes (i.e. reports, executive summary etc);
* Agree the terms of a contract;
* Discuss and finalise an agreed timetable for the research and required outcomes.

# **The Contract**

The contract will contain information regarding the terms and conditions for the specific piece of research being commissioned. The Commission works from a template contract which will be personalised through negotiation with the successful researcher/s and signed by both parties.

The contract will cover:

* The agreed scope of the research;
* A timetable for the research and payment schedule;
* A statement regarding copyright and ownership of the research data and any outputs;
* Arrangements for approval of any sub-contracting;
* The law applicable to the contract.
1. See <https://www.ohchr.org/en/publications/policy-and-methodological-publications/human-rights-indicators-guide-measurement-and> [↑](#endnote-ref-1)
2. See <http://fra.europa.eu/sites/default/files/choice_and_control_en_13.pdf> [↑](#endnote-ref-2)