

**Date: 18 May 2022**

**Title: Research procurement process**

**Responsible Director: Christine Braithwaite**

**Paper for Information**

**Open paper**

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## **1. Issue**

- 1.1 At its last meeting, the Board requested further information on our research procurement process, including when proposals have been published publicly and where exemptions have been applied. This paper sets out the processes undertaken to award contracts to academic researchers, commercial research agencies and experts in the five financial years from 2017/18. The information here is limited to research carried out in support of the policy team's work and so it does not include, for example, our perceptions audits which sit within our communications remit. The paper also covers how we triaged the different possibilities for research, taking into account the policy priorities put to the Board in July of 2021.

## **2. Recommendation**

- 2.1 It is recommended that the Board notes this paper for information.

## **3. Background**

- 3.1 In terms of the policy team's work, the Authority has a modest budget to spend on contracting out research.<sup>1</sup> This budget is usually split between: 'consumer research' - this is essentially qualitative or quantitative research carried out by an external agency with a structured sample of consumers (patients / service users / registrants) to gain their perspective on a certain aspect of our policy work; academic research - this would typically be a literature review, sometimes

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<sup>1</sup> For the financial year 22/23 £55k is allocated to commissioned research in support of the policy team's work.

undertaken in conjunction with a selection of interviews or other research methods.<sup>2</sup>

#### 4. Analysis

- 4.1 For contracts valued between £10k and £30k (excluding VAT) our procurement policy has required us to obtain three quotes (we use generic terminology since, as noted at the last Board meeting, we do not have a procurement policy bespoke to research). For the years 2017/18 to 2021/22, two of the ten pieces of research valued between £10k and £30k fell into our exemption category, which means that they were not made publicly available (see Annex A for further details).<sup>3</sup> In these cases, the team member taking forward the procurement of the research gave written reasons for why it was not possible or appropriate to obtain three quotes. These reasons were then reviewed and counter-signed by the Director of Standards and Policy, and the exemption approved by the Director of Corporate Services / CEO.

##### *Process for contracting out research*

- 4.2 For both academic and consumer research, we email the 'Invitation to quote' to a number of organisations, researchers and experts (see below two paragraphs for further details on whom we contact). The Invitation includes our criteria for assessing the bids that we receive in response. At least two reviewers then consider the bids against the stated criteria. On the basis of this exercise, we contact the preferred contractor and, once we have confirmation of their interest, also offer to give feedback to those who are unsuccessful.

##### *Academic research*

- 4.3 Before finalising a full Invitation to quote, we often send a generic email giving broad details of the research to our academic network. For the year 2020/21 the number of entrants on our expanding academic network stood at 117, and we are happy for our contacts to forward the specification on to others. The reason we undertake this initial first step is to seek expressions of interest and gauge, before expending further internal resource, whether the completion of the research within a specific budget and timeframe will be viable. The full Invitation to quote will then be emailed to all those who have expressed an interest in undertaking the research and, after the closing date, we review the responses according to the process described in the paragraph above. In this period, we have received bids from both individuals and institutions, including from the Devolved Administrations and international researchers.

##### *Consumer research*

- 4.4 For consumer research, we would not ordinarily contact research agencies in advance of finalising the Invitation to quote. The Invitation is sent to a selection of agencies drawn from a list of Government approved suppliers and supplemented by agencies whom we have sourced through the internet or that

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<sup>2</sup> We may also commission an expert or experts to produce advice to inform a policy position or a tool or guidance on a specific matter.

<sup>3</sup> During the period 2017/18 to 2021/22 we did not commission any work in the policy team for contracts over £30k exclusive VAT. We commissioned one piece of research below the range requiring three quotes.

we or the regulators / other relevant organisations have worked with previously. This means that for the financial years 17/18 to 19/20 we circulated the Invitation to approximately 80 agencies. As an exception, in 2020/21, we contacted a small number of agencies in advance of finalising the Invitation to quote in order to check how they were operating during a period of Covid restrictions. We then sent the Invitation to a targeted selection of agencies, which included two with whom we had not worked previously, a researcher based in Wales and an agency in Scotland.

#### *Linking research to the policy team's priorities*

- 4.5 In July 2021, the Board received a paper that was a compilation of key issues and problems in our field and included recommendations for a three year workplan for the policy team. At its last meeting, the Board, referring to this paper, expressed an interest in understanding how a particular piece of research<sup>4</sup> mentioned in the Chief Executive's report fitted within the policy priorities defined in the paper of July last year.
- 4.6 In October and November of last year, the team considered various options for research. The shortlist included: consumer research in support of establishing a complainants' code; consumer research to help develop guides and tools for regulators and employers to use in relation to issues of sexual misconduct; academic or consumer research in support of our work on equality, diversity and inclusion. The first and last of these options fell within the top priorities outlined in the paper put to the Board in July 2021, whereas the second was on our longer list of key issues for regulation.<sup>5</sup>
- 4.7 Having scoped further these possibilities, none of the options appeared viable. The reasons for this included: potential crossover with other pieces of research already available; not being at a stage where we could define clearly how the research would link to the objectives of the project; the hazard of readers making generalizations from a small sample; inability to achieve a robust piece of research within our budget.
- 4.8 The team were conscious that it would not be a justifiable use of resources or, especially in the case of focus groups and interviews with patients and service users, ethical to commission research which does not have a clear purpose. In light of this, we advised the Directors' Group of the potential underspend, that we should stand these potential pieces of research down and most of our research budget be re-allocated as appropriate. We also recommended that the remainder (approximately a third) be used on producing the ethical guidance mentioned in Paragraph 4.5. From discussions with the regulators, we understood this would be a piece of work that they would support. However, we have put on hold taking this forward, pending decisions on the detail of our workplan for 2022/23.

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<sup>4</sup> The research would explore the issue of ethical judgement through a literature review and discussions with regulators. A key output would be open access resources that can be used by regulators to support their registrants in the exercise of ethical judgement.

<sup>5</sup> Recommendation 1 of the Policy Projects Option Paper put to the Board on 8 July 2021 stated we should carry out essential projects to support regulatory reform and our EDI commitment including development of a regulatory complainants' code and guidance for panels/regulators on cases involving allegations of racism and reducing disparities for BAME groups within regulatory processes.

- 4.9 The Board will receive a paper covering updates on our workplan at its meeting in July. This will take into account the shift in focus of the team's work in the last quarter of 2021/22 to delivering the various chapters in the *State of Professional Regulation in 2022* report, as well as legislative reform and its impact on capacity within the team during the year. Any research proposals are likely to be aligned to the state of regulation report.

## **5. Finance and Resource**

- 5.1 Since this paper is describing a current process rather than proposing or updating the Board on a new policy or project, the following sections have not been completed. As mentioned in footnote 1, however, the budget for research in support of the policy team's work is £55k for this financial year.

## **6. Impact Assessment**

- 6.1 Not applicable, see note at 5.1

## **7. Timescale**

- 7.1 Not applicable, see note at 5.1

## **8. Communications**

- 8.1 Not applicable, see note at 5.1

## **9. Internal Stakeholders**

- 9.1 Not applicable, see note at 5.1

## **10. External Stakeholders**

- 10.1 Not applicable, see note at 5.1

## **11. Annexes List**

- 11.1 Annexe A - Research procurement process