



Analysis of Consultation Responses:

Prohibiting Smoking Outside Hospital Buildings

Schedule 4 – Quality Questions and Response
February 2020

Background Information and Main Point of Contact for Proposal	
Company Name	EKOS Ltd
Address of Registered Office	St. George's Studios, 93-97 St. George's Road, Glasgow, G3 6JA
Type of Organisation	Private Limited Company
Name of Contact for this Tender	██████████ (Project Manager)
Position	Principal Consultant
Tel No.	██████████
E-mail address	████████████████████
Date	8 th February 2020
Number of Employees	11
Group (If company is a member of a group of companies, please give the name and address of parent company)	N.A.
Company Registration Number	Registered in Scotland, No.145099
VAT Registration Number	617 2377 40

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SCOTTISH Business Pledge

Contents

1.	Schedule 4 – Quality Questions	1
2.	Mandatory Questions	2
3.	Quality Questions	5
4.	Non-Scoring and Information Only Questions	23
	Appendix A: Signed Form of Tender	i
	Appendix B: Summary CVs	iii
	Appendix C: Additional Info on Data Protection	iv

1. Schedule 4 – Quality Questions

This document presents the EKOS response to the three sub-sections detailed within the Invitation to Tender (ITT) for the Analysis of Consultation Responses: Prohibiting Smoking Outside Hospital Buildings - **Schedule 4** - Quality Questions:

- Section 1 – Mandatory Questions – **Chapter 2**;
- Section 2 – Quality Questions – **Chapter 3**; and
- Section 3 – Non-Scoring and Information only Questions – **Chapter 4**.

Further information is **appended**, including the Signed Form of Tender and Summary CVs.

Our Pricing Schedule (**Schedule 5**) has been uploaded as a separate document.

2. Mandatory Questions

Schedule 4: Section 1

Failure to disclose information relevant to this section or misrepresentation in relation to the information disclosed may result in exclusion of the bidder from this procurement process or the termination of any subsequent contract that is be awarded to them.

The bidder may be asked to provide the relevant documentation or to state where the extract from the relevant register, for example judicial records, is available electronically to the public body so that it may retrieve this information. By indicating this information, the bidder agrees that the public body may retrieve the documentation subject to the national rules implementing Directive 95/46/EC on the processing of personal data, and in particular of special categories of data such as on offences, criminal convictions or security measure.

Relating to Criminal Convictions

1. The common law offence of conspiracy; where that conspiracy relates to participation in a criminal organisation as defined in Article 2 of Council Framework Decision 2008/841/JHA on the fight against organised crime or an offence under sections 28 or 30 of the Criminal Justice and Licensing (Scotland) Act 2010.
2. a) Corruption; within the meaning of section 1(2) of the Public Bodies Corrupt Practices Act 1889 or section 1 of the Prevention of Corruption Act 1906, where the offence relates to active corruption as defined in Article 3 of the Council Act of 26th May 1997 and Article 3(1) of Council Joint Action 98/742/JHA; b) Bribery or Corruption within the meaning of sections 68 and 69 of the Criminal Justice (Scotland) Act 2003, where the offence relates to active bribery or corruption; c) Bribery within the meaning of sections 1 or 6 of the Bribery Act 2010.
3. Fraud where the offence relates to fraud affecting the European Communities' financial interests as defined by Article 1 of the Convention on the protection of the financial interests of the European Communities
 - the offence of cheating the Revenue
 - the common law offence of fraud
 - the common law offence of theft or fraud

- fraudulent trading within the meaning of section 458 of the Companies Act 1985, or section 993 of the Companies Act 2006
 - fraudulent evasion within the meaning of section 170 of the Customs and Excise Management Act 1979 or section 72 of the Value Added Tax Act 1994
 - an offence in connection with taxation in the European Union within the meaning of section 71 of the Criminal Justice Act 1993
 - the common law offence of uttering
 - the common law offence of attempting to pervert the course of justice.
4. Terrorist offences or offences linked to terrorist activities; listed in section 41 of the Counter-Terrorism Act 2008; or Schedule 2 to that Act where the court has determined that there is a terrorist connection.
 5. a) Money laundering within the meaning of sections 340(11) and 415 of the Proceeds of Crime Act 2002; b) Money Laundering or Terrorist financing; an offence in connection with the proceeds of criminal conduct within the meaning of section 93A, 93B or 93C of the Criminal Justice Act 1988.
 6. Child labour and other forms of trafficking in human beings; any offence under Part 1 of the Human Trafficking and Exploitation (Scotland) Act 2015 or under any provision referred to in the Schedule to that Act.
 7. Drugs trafficking, an offence in connection with the proceeds of drug trafficking within the meaning of section 49, 50 or 51 of the Drug Trafficking Act 1994.
 8. Any other offence within the meaning of Article 57(1) of the Directive as defined by the law of any EEA state or any part thereof.

Question		Answer
1	Has the bidder itself or any person who is a member of its administrative, management or supervisory body or has powers of representation, decision or control therein been the subject of a conviction by final judgment within the last five years for one of the reasons (1-8) listed above?	<input type="checkbox"/> Yes X No
2	If the answer is yes to any, please provide details including: <ul style="list-style-type: none"> • Date of conviction • Which of the points 1-8 it relates to and the reason • Name of the person convicted • A description of any measures taken by the bidder to demonstrate its reliability despite the existence of this relevant ground for exclusion 	

Relating to the Levels of Insurance Cover

Question	Answer
<p>1 The Bidder confirms they already have or can commit to obtain, prior to the commencement of the contract, the levels of insurance cover indicated at Section 15 of the Scottish Government Terms & Conditions.</p>	<p>X Yes, I already have this</p> <p><input type="checkbox"/> No, but I commit to obtain it</p> <p><input type="checkbox"/> No, and I cannot commit to obtain it</p> <p><input type="checkbox"/> Not applicable – my business is exempt</p>
<p>2 Provide details of the coverage you refer to in Q1 (above) here:</p>	<p>Employers Liability - [REDACTED] any one occurrence.</p> <p>Public & Products Liability - [REDACTED] any one occurrence.</p> <p>Professional Indemnity - [REDACTED]</p>

3. Quality Questions

Section A: Understanding the Requirement

Q1: Understanding of the policy area, the surrounding sensitivities and the reason why external analysis is required

Scotland has set an ambitious target to create a tobacco-free generation by 2034¹. Indeed, Scotland has been leading the way on this policy area for many years, and a particular emphasis has been placed on ensuring that children have the best start in life, and are protected from harm as they grow up. A key objective within the Tobacco-Control Action Plan is to reduce smoking rates to 5% or less by 2034.

Both the proportion of people in Scotland who smoke and those who are exposed to second-hand smoke continue to decline². Indeed, the Tobacco-Control Action Plan sets out a range of notable successes and achievements, including but not limited to:

- the introduction of offences for smoking in enclosed public spaces;
- reduced visibility of cigarettes and tobacco products from retail;
- plain packaging for all cigarettes sold;
- the role of public campaigns on the harm of second-hand smoke in helping to reduce the level or reported exposure among children;
- legislation to make smoking in a car with a child an offence; and
- of particular relevance to this consultation, the introduction of Smoke-Free Hospital Grounds in 2015.

However, there is recognition among Scottish Ministers and partners that there is still much to do. The negative health effects from smoking is well evidenced, and it remains a key public health concern. Over the years there have been various campaigns that have sought to raise awareness and understanding of the key facts, figures and messages about the harms of smoking – smoking plays a significant role in causing cancer as well as cardiovascular and pulmonary health problems. Smoking is the cause of around one in four deaths in Scotland³.

¹ The Scottish Government, [Raising Scotland's tobacco-free generation: our tobacco control action plan 2018](#), June 2018.

² Ibid.

³ From the ITT.

Health improvement activity continues to be an important driver to help reduce preventable ill health and levels of premature death, to increase healthy life expectancy, including those in our most deprived communities, and to reduce pressure on NHS services. The benefits of a tobacco-free generation are also expected to go far beyond health-related benefits (i.e. links between improved population health and wider educational, economic, social, and criminal justice outcomes).

The Health (Tobacco, Nicotine etc. and Care) (Scotland) Act 2016 amended sections of the Smoking, Health and Social Care (Scotland) Act 2005 to provide for offences to be introduced in respect of smoking around hospital buildings. The 2005 Act now makes provisions for the introduction of formal no-smoking areas outside hospital buildings and for offences of allowing smoking in these areas, and of smoking in these areas. It also gives Ministers the powers to make secondary legislation (“Regulations”) to finalise the details before these provisions can be brought into place.

Scotland’s Tobacco-Control Action Plan sets out a whole host of actions that aim to build on progress to date and to support achievement of the 2034 target. This spans actions that focus on informing and empowering people through raising awareness and encouraging healthier behaviour, to actions that aim to improve services and provide protection through regulations and restrictions.

There are various references to hospitals within the Action Plan. This includes the “Green Curtain” media campaign that aims to raise awareness about the offence of smoking around hospital buildings. The overall goal is to make smoking less acceptable (and less visible) in and around hospitals, protect others from second-hand smoke (e.g. staff, other patients, visitors), and increase awareness that it is an offence to smoke around hospital buildings. Indeed, there continues to be a particular focus on discouraging smoking in specific places, including those places and settings where people are facing ill-health or health challenges.

While restrictions (and regulations) are often one part of the solution, they rely on effective and proportionate enforcement. This can be challenging. With regards to hospital buildings, it is our understanding that it is the responsibility of NHS managers to ensure that processes are in place and appropriate steps are taken to stop people smoking near the buildings. While each health board has a smoke-free policy, some people continue to smoke around hospital buildings.

Indeed, the consultation document highlights that since the introduction of Smoke-Free Hospital Grounds some five years ago, people smoking on NHS hospital sites continues to be a nuisance and potential health risk to themselves and others.

Health boards and government also continue to receive reports and complaints about the prevalence of individuals smoking near entrances to hospital buildings and the negative impact that this has (e.g. for those attending appointments for respiratory illnesses). The message is clear – hospitals should be exemplars of healthy lifestyle choices, and that allowing people to smoke near hospital buildings sends completely the wrong message.

Of course, a person’s right to choose to smoke cannot be forgotten. And that tobacco is a legal product.

In light of this, we expect that the consultation on prohibiting smoking outside hospital buildings will attract much interest from a wide range of stakeholders, including individuals (smokers and non-smokers), health-related practitioners, the tobacco industry, and smokers’ rights groups (e.g. FOREST). Indeed, there will be much to debate.

Many will have firm views on the matters which remain to be determined, including the distance from hospital buildings which will form the perimeter of the no-smoking areas outside a hospital building (i.e. the proposal is 15 metres), and how the perimeter is determined in so far as whether it ends the specified distance from a wall or from any part of the building structure or otherwise. There might also be strong opinions on the manner of display, form or content of no-smoking notices. Plus diverse views are likely to be provided around whether there should be any exceptions for specific hospitals or specific buildings, or specific areas of land which should not be considered hospital grounds or part of the no-smoking areas under the definition of the Act.

Pro-smoking campaigners might be of the view that the proposals are out of step with public opinion. For example, FOREST highlighted a recent poll that found that more than half of Scots think anti-smoking laws had gone too far and back a more relaxed approach in prisons and hospitals. The main message was that there was support for fair and reasonable restrictions on where people can smoke, not prohibition⁴. FOREST has also said that banning patients from smoking outside hospitals was "heartless and inhumane", and "impossible to enforce"⁵. Others might raise concerns about those who may find it difficult to resist smoking tobacco products on hospital grounds due to stress and other factors.

As such, there will likely be some vested interests at play and there is potential for campaigning style responses to be submitted.

⁴ [FOREST News Article](#), 17th June 2018.

⁵ [The Independent](#), 27th November 2013.

These issues and sensitivities call for a consultation process that is accessible and open to a wide range of contributors, as well as one that is transparent, robust, objective and balanced in its consideration of the responses. It also calls for due diligence and care in assessing potential or undue influence from tobacco firms and any coordinated responses. Our experience of providing similar services in the past suggests that these are principles that inform all of the Scottish Government's consultation work, even if they may be particularly important in this context.

We are therefore committed to supporting the Scottish Government to manage a process that is open, transparent and objective. We have also designed our approach to be as flexible as possible to accommodate responses provided in different formats, and to ensure that the diversity of stakeholders' views, opinions and voices (both positive and negative) are fully reflected within our reporting.

Our experience from undertaking similar consultation analysis for the Scottish Government is that the scope of the work, and our role, will be to:

- synthesise and analyse the consultation responses across a range of perspectives (e.g. individuals, organisations);
- prepare clear tables and/or charts that provide an "at a glance view" of the quantitative responses to the closed questions (there are eight Yes/No questions);
- compile, analyse, and synthesise the information provided across the open-ended qualitative questions, and present the main themes and issues. All Yes/No questions have space to provide wider qualitative feedback (eight in total);
- prepare a high quality report (using templates provided) that illustrates the range and depth of quantitative and qualitative evidence provided through the consultation; and
- prepare a short summary document.

We understand the importance of why the Scottish Government undertakes consultation exercises. The findings are used to inform legislation, policy, practice, and delivery. It is our understanding that the outputs of this consultation analysis will be used by Scottish Ministers to allow the regulations specified in the 2016 Act to be finalised and laid in the Scottish Parliament.

Balance and objectivity in our analysis and reporting will therefore be crucial, as is producing a report that is viewed as credible and evidenced within the Scottish Government, public bodies and wider communities of interest. Key to this will be preparing a Final Report that is of publishable standard, and that can be used for wider dissemination. In practice, this means:

- preparing a clear and accessible report;
- using plain English language throughout (e.g. minimum jargon); and
- making use of bullet points, tables, and charts to present and emphasise key findings.

Section B: Approach and Methodology

Q2: Proposed Approach

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Stage 1: Inception

The study will start with an **Inception Meeting** with the Scottish Government. We will use the meeting to:

- discuss expectations for the analysis work;
- discuss the context for the consultation;
- make arrangements for the secure transfer and storing of consultation responses – we understand that there are almost 600 responses;
- discuss dealing with any particular sensitivities;
- agree the process for securely deleting the data file upon study completion;
- discuss groupings for subsequent analysis;
- agree the research deliverables, including report format and length;
- consider timescales; and
- project management arrangements.

We will produce a short **Inception Report** that will provide a minute of the meeting and agreed action points. It will include a formal **Delivery Plan** to guide the analysis phase (e.g. main deliverables; milestones; team member roles and responsibilities; role of Scottish Government Contract Manager in contributing to, or providing feedback on, deliverables; and assurance and review process).

Stage 2: Organise, Clean and Assemble the Data

We are familiar with Citizen Space, how to navigate its use, and the process for transferring and storing consultation responses. Our analysis of 300+ quantitative and qualitative responses to the Consultation on Scottish Charity Law has recently been published⁶, and our Analysis of the Consultation on the Implementation of the Gender Representation on Public Boards (Scotland) Act 2018 (300+ responses) is finalised but yet to be published.

We will export the raw information/data from the consultation into Microsoft Excel for analysis. Our experience is that most, but not all, respondents will submit their response via Citizen Space. However, some will submit an email or letter directly to the Scottish Government. Where it is easy to do so (e.g. shorter responses to questions), we will look to incorporate these responses into our Master Excel file.

⁶ [Scottish charity law: consultation analysis](#), July 2019.

Where detailed responses have been provided, we will flag up in our file that the separate uploaded documents to Citizen Space need to be downloaded and reviewed.

The next step will be to prepare the data for analysis. This will involve “cleaning” the data file (e.g. identifying any duplicate responses, campaign/coordinated responses) as part of our due diligence process. This will help ensure quality assurance, and that the information/data are in a format that aids analysis.

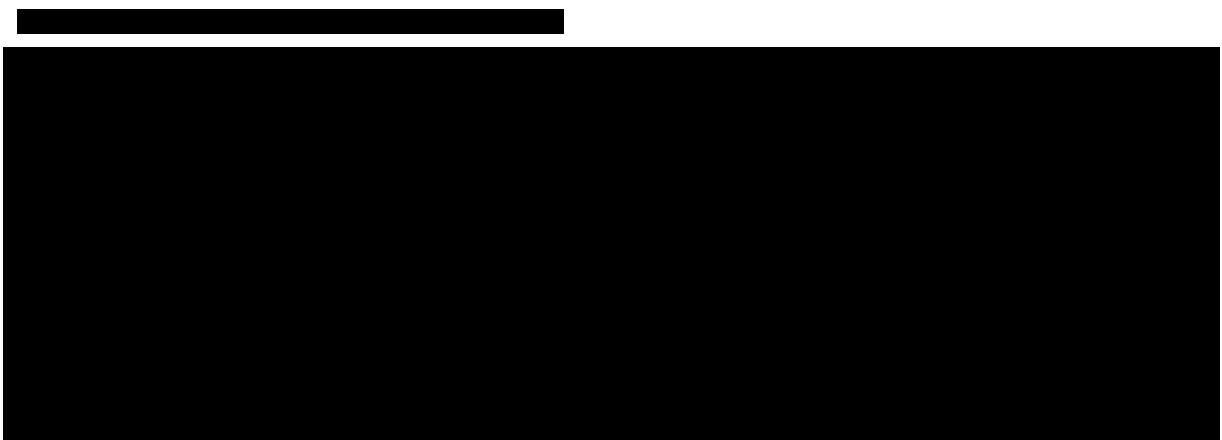
In terms of quantitative analysis, we will provide tables and/or charts (and narrative) on:

- the respondent profile (e.g. individuals and organisations); and
- the number/percentage of respondents that answered Yes or No to the closed questions (including those who did not provide a response).

Our experience is that a diverse range of organisations will respond to consultation, and if appropriate, we will work with the Contract Manager to identify an appropriate and manageable number of sub-groups. For example, there might be some (or all) questions where the Scottish Government would be interested in having a finer grain analysis by respondent type (e.g. health bodies). It will be important to allow for flexibility to identify wider variables of interest as the analysis proceeds.

Stage 3: Analysis and Synthesis

The purpose of this stage is to bring together the qualitative information provided to the consultation, consider the range and depth of evidence provided, and undertake the analysis work to inform the Draft Report. A summary of the process is highlighted below.



Much of the analysis work will centre on describing and summarising the main points raised from the responses. Our experience from undertaking previous research is that sufficient time should be spent at the outset of the study considering how information from the qualitative consultations questions will be analysed, presented and reported on. [REDACTED]

As a starting point, it will be important for the team to reflect on their initial impressions from the qualitative data, what stands out, and any initial key themes and messages. Keeping the detail of each consultation question at the front of this discussion will be crucial.

Our experience is that the consultation will result in a significant amount of “raw” information that requires to be organised, condensed, analysed, and summarised concisely (converted into meaningful “intelligence”). It is not about reporting on every point raised.

Our approach will be to **manually code the qualitative data** which involves categorising data into concepts, themes and patterns.

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

We will make use of quotes to illustrate central themes arising from the feedback (i.e. only in instances where this cannot be attributed to an individual or organisation and quotes that are not defamatory).

The most value will come from the reporting of common themes rather than reporting on every single individual point raised. Balance and objectivity in our analysis and reporting will therefore be crucial to ensure that the full range, depth and nature of views is considered and presented.

There will also be value in presenting the range of views by respondent sub-groups. This includes individuals and organisations. Breaking organisations down into smaller sub-groups will depend on the absolute number of responses. For example, we understand that organisation responses makes up 7% of all responses to the consultation (40+ responses). We will discuss and agree with the client what level of reporting would be appropriate.

Prior to submitting the Draft Report we will meet with the Scottish Government to provide an update on progress and to discuss emerging findings.

An approach we adopted in similar commissions for the Scottish Government was to provide **early working drafts of the report** [REDACTED]

[REDACTED]. This was a useful quality assurance mechanism, and helped us deliver against tight timescales. Our full Draft Reports required little changes to be made.

Stage 4: Reporting

We have used Scottish Government reporting templates in previous research studies and propose to adopt a similar process for this study. We note the various research deliverables in the ITT (including page limits) and confirm that we will prepare these for the Scottish Government to review and provide comment on. Our experience is that the Reporting stage is typically an iterative process until the Final Report is signed-off. This ensures that the client has sufficient opportunity and time to review and comment on study outputs.

Likely chapter headings for the Draft/Final Report might include: Executive Summary; Introduction (e.g. policy context, about the consultation, how the analysis was undertaken, consultation limitations, profile of respondents); followed by chapters aligned to the eight consultation questions. Each of these chapters will include the quantitative and qualitative data analysis across the question set. The report will include a List of Abbreviations used, plus Appendices (e.g. list of individuals and organisations who have agreed that their name can be published along with their response).

On submission of the Draft Report we see value in meeting with the Scottish Government to discuss initial feedback, and agree any amendments prior to submitting a Draft Final Report (provides a further opportunity to feed into and shape the final reporting output), and Final Report.

Our experience is that the consultation analysis work is required to follow a relatively standard process once the consultation responses have been provided to the successful contractor (i.e. compile, analyse, synthesise and report on the main themes and issues).

The only issues which we might expect to encounter relate to:

- a low level of consultation responses (although we understand that there have been around 600);
- there could be either a large number of questions not answered at all and/or the depth of qualitative feedback could be limited; and
- there could be a considerable campaigning type response.

We will only be able to form a view on this when we assemble and review the consultation data. If we consider there to be an issue, we will raise this with the Scottish Government Contract Manager at the earliest opportunity and note any research limitations within our Report.

Q3: Ability to Work Flexibly and Meet the Timescales

We will adopt a flexible approach to both undertaking the research and to working alongside the Scottish Government team in the delivery of the contract. Adopting a flexible approach will help ensure an effective working relationship and will ensure that we meet your aspirations and expectations from the consultation analysis work. The Scottish Government Contract Manager will be fully informed and involved throughout (e.g. co-design of project plan, agreeing format of, and commenting on, all study outputs).

We recognise the importance of being able to meet the timescales as outlined in the ITT, given that the outputs of this consultation analysis will be used by Scottish Ministers to allow the regulations specified in the 2016 Act to be finalised and laid in the Scottish Parliament. We can confirm that EKOS has capacity to meet all of the stated milestones and timescales, and would draw attention to the following in support of this:

- we have checked internal capacity of study team members [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

- a weekly EKOS all staff team meeting where project managers and team members identify resource needs. This allows us to manage all contracts, and to: plan the forthcoming week's work programme; monitor progress; and take remedial/mitigating action, where required to ensure that we meet client needs and deliver against agreed commitments;
- we have put together a strong team that includes a Project Manager who has led all of EKOS' previous/current consultation analysis studies for the Scottish Government. Both team members have strong contextual knowledge and understanding of the health improvement policy area needed to “hit the ground running”;
- we will provide the Scottish Government Contract Manager with weekly email/telephone updates on progress, and raise any concerns regarding areas of potential slippage at an early stage; and
- EKOS has 11 professional staff, who we can also draw on, if required. For example, we can:
 - look to manage wider work commitments of the study team in discussion with other EKOS Project Managers; and/or
 - utilise the skills and experience of another equally qualified EKOS team member to provide additional support to the study team. This would be discussed and agreed with the Scottish Government Contract Manager in advance.

Further, in terms of our ability to meet timescales, it is also important to highlight wider research dependencies. We have given this due consideration, and would highlight the following points:

- the importance of having an Inception Meeting before mid-February;
- providing access to Citizen Space as an early priority – the consultation has already closed, so we do not expect there to be any delays;
- agreeing dates at the Inception Meeting for progress calls/client meetings; and
- the client providing prompt feedback on research outputs (e.g. Inception Note, Early Working Draft Report, Draft Report, Final Report).

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted text]

- [Redacted list item]

- [Redacted list item]

- [Redacted list item]

[Redacted text]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	■	■
[REDACTED]	■	
[REDACTED]	■	
[REDACTED]	■	■
[REDACTED]	■	■
[REDACTED]	■	■
[REDACTED]	■	■

Q5: Two Examples of Relevant Experience

Example 1

Consultation Analysis: Scottish Charity Law

The consultation was undertaken some 13 years since the introduction of the Charities and Trustee Investment (Scotland) Act 2005 (the 2005 Act), which established the current regulatory framework.

In line with its general statutory function to advise or make proposals to Scottish Ministers on matters relating to its statutory functions, the Office of the Scottish Charity Regulator (OSCR) proposed areas where the 2005 Act could be improved to better serve the public and charities, with a focus on increasing transparency, accountability and trust.

The Scottish Government ran the consultation to consider and consult on possible updates to the legislation. Views were sought from members of the public, the charity sector, and anyone with an interest in charity law.

The focus was to learn from the expertise and experience of others, and to hear first-hand about what really makes an impact on levels of public trust and confidence. A total of 307 responses were received from individuals and a wide range of organisations (e.g. local and national charities, membership/professional bodies, churches, third sector intermediaries, regulatory bodies, solicitors and consultants).

Our key tasks included:

- organising, cleaning and assembling the consultation responses;
- manually coding the qualitative responses;
- quantitative analysis of 22 closed questions – tables and narrative;
- qualitative analysis of 15 open-ended questions to present the overall balance of opinion and the most frequently raised points;
- further analysis of responses by sub-group (e.g. individuals, charity sector, other organisations);
- submission of a Working Draft Report;
- preparation of an Executive Summary; and
- preparation of Draft and Final Reports.

██████████ the EKOS Project Manager for the Consultation Analysis: Prohibiting Smoking Outside Hospital Buildings, led the Scottish Government consultation analysis of proposed changes to Scottish Charity Law.

A copy of our published report can be found [here](#).

Example 2

Consultation Analysis: Implementation of the Gender Representation on Public Boards (Scotland) Act 2018

We have recently undertaken consultation analysis of the responses to the Scottish Government Consultation on the Implementation of the Gender Representation on Public Boards (Scotland) Act 2018 (the Act).

The purpose of the Act is to improve the representation of women on the boards of Scottish public authorities. The Act was made following Scottish Government consultation on how to shape proposals on using legislation to achieve gender equality on the boards of public bodies (2014), and further consultation on a draft Gender Representation on Public Boards (Scotland) Bill (2017). The Act sets a gender representation objective for the non-executive member component of public boards. The objective is that 50% of non-executive members are women.

The Act requires that appointments must be made on merit. But where the board has not already met the gender representation objective and there are two or more equally qualified candidates for an appointment, the Act requires the appointing person to appoint a candidate who is a woman, unless there are specific circumstances which would justify appointment of another candidate.

Public authorities, appointing persons, and Scottish Ministers must take such action as they consider appropriate to encourage applications from women. And, where the gender representation objective has not been achieved, they must take such additional steps as they consider appropriate with a view to achieving it by the end of December 2022.

To support the implementation of the Act, Scottish Ministers must publish guidance and those with duties under the Act must have regard to the guidance. The consultation sought views on two elements of implementation of the Act:

- draft regulations setting out the arrangements for reporting on progress under the Act; and

- draft statutory guidance on the operation of the Act.

In total 310 responses were received to the consultation (272 individuals and 38 organisations). Our key role and tasks were similar to Example 1 (see above).

Our Final Report has been signed off, but not yet published.

Our client, [REDACTED] from the Gender & Age Equality Policy Team (Scottish Government), would be able to provide feedback on the quality of our work. [REDACTED]

[REDACTED] he EKOS Project Manager for this commission, led the Scottish Government consultation analysis.

Section D: Quality Assurance

Q6: Quality Assurance Processes

EKOS operates and adheres to a robust internal project management and quality control system for conducting its research studies, which is consistent with Prince 2 project management methodologies. This ensures we deliver projects on time and to quality. Our quality assurance processes include a defined structure for the consultancy team, a product-based project planning approach, an emphasis on dividing the project into manageable and controllable stages, and flexibility to be applied at an appropriate level.

We recognise the importance of establishing clarity around roles, responsibilities and expectations from the outset, the need for clear lines of authority and accountability within the team, and the requirement for open communication at key milestones both within EKOS itself and with our clients.

For each commission, the EKOS Project Manager is responsible for assembling teams with the right mix of experience, contextual knowledge, and technical skills and expertise to meet client requirements and deliver high-quality outputs.

Our specific quality parameters are outlined in our internal Procedures Manual, which includes:

- the appointment of a Project Manager [REDACTED] who has 20 years' experience and who will be the main point of contact for the study. She will be responsible for managing the EKOS team, the quality control of study outputs, and will provide the client with weekly updates on progress;

- formal client progress calls/meetings as required;
- development of a project delivery plan that identifies clear milestones and outputs, and will be the basis for study management and reporting;
- formal and regular reporting to the client Contract Manager against the agreed project plan to consider progress, identify issues and manage variations (i.e. weekly e-mail updates with additional communication by telephone, as required); and
- reporting against the consultation questions and in line with outputs and key deliverables specified within the ITT.

EKOS operates and adheres to a stringent internal quality assurance/control system for conducting research projects of this type. The key features of this are:

- preparation and adherence to a project budget plan that: identifies and allocates all project tasks across the project team, identifies when the tasks are to be completed and by whom, and affords the Project Manager the opportunity to monitor the progress of the study on a weekly basis (and to take corrective action, where required);
- weekly project meetings attended by all project staff that: monitors progress, allows early identification of any problems and instigates corrective action, and plans the forthcoming week's work programme;
- quality control of study outputs undertaken by the Project Manager; and
- a final review of all reports and written material submitted to the client by an EKOS Director.

Developing a close working relationship between the study team and the Scottish Government Contract Manager will form an important part of our approach. Our project management approach ensures that we maintain the highest standards of performance and strong levels of client satisfaction.

Our nominated Project Manager has responsibility to liaise with the Scottish Government Contract Manager:

- on all contract compliance tasks, including satisfying any performance review requirements, and inputting to any performance monitoring of the contract; and
- to reach an agreed solution in the unlikely event of disputes arising over the conduct of, or outputs from, the commission.

As part of our approach to continuous improvement, on completion and sign-off of individual commissions EKOS Project Managers request feedback against specific performance measures and study deliverables. This approach helps ensure that a culture of continuous improvement is embedded within EKOS project management and delivery of all our research.

Preventing Reporting Bias or Errors

We understand the importance of the study team maintaining neutrality, impartiality and objectivity when analysing the qualitative data, and avoiding reporting bias or errors. Our approach will include:

- taking account of any Scottish Government guidance on the conduct and reporting of research;
- involving more than one EKOS team member to code responses – ensuring that we are not selective in terms of what is reported or suppress responses;
- ensuring that our analysis and interpretation of the findings reflects the full diversity of points of view provided (consideration of every response) – so that we do not misrepresent the information in any way or miss any meaningful patterns;
- acknowledge any consultation/study limitations;
- if appropriate, we can look to verify/triangulate key themes with other sources of evidence; and
- an EKOS Director will review the Draft and Final Report objectively as part of a two stage quality control process – are key themes and issues identified sound and reasonable? anything missed?.

Section E: Project Management and Risk Assessment

Q7: Timetable for Delivery

Our project management and quality assurance arrangements have been outlined in

Section D. [REDACTED]

[REDACTED] We can confirm we have sufficient capacity to meet the nine-week timescale, and the milestones identified in the ITT for submitting the Draft Report (27th March 2020), Final Report and Database (17th April), and the Presentation of Findings (date to be confirmed).

A timetable for undertaking the work is provided below which sets out key tasks and milestones for these to be achieved. This will be discussed and refined at the Inception Meeting.

Table 3.2: Proposed Timescale and Milestones

Task / Milestone	February				March				April				
	Week ending:	7th	14th	21st	28th	6th	13th	20th	27th	3rd	10th	17th	24th
Inception meeting													
Inception report and project plan													
Access consultation responses													
Organise, clean and assemble the data													
Analysis and client call re progress													
Early working draft report													
Client meeting/call													
Full draft report													
Final report													
Presentation (TBC)													

The ability to meet timescales is reliant upon the main research dependencies. These relate to the role and input of the Scottish Government Contract Manager:

- availability to attend an early Inception Meeting;
- providing access to Citizen Space responses as an early priority;
- agreeing dates at the Inception Meeting for progress calls/client meetings; and
- providing prompt feedback on research outputs and key deliverables.

Table 3.3 provides details of the allocation of staff and staff time against each stage of the work. [REDACTED] will be involved in, or have oversight of, all tasks and stages.

Table 3.3: Allocation of Staff Time

Q8: Risk Assessment

We have a clear focus on identifying, managing and mitigating risks – primarily to maintain the quality of the work that we deliver for our clients, but also in recognition that our reputation for quality research is of paramount importance to us as a research practice.

We will maintain the Risk Assessment throughout the study duration and report any change – either shift in the likelihood of the risk arising, or if we identify additional risks that need to be added (**Table 3.4**).

Table 3.4: Risk Assessment

Issue	Likelihood	Mitigating Action	Recovery Plan
Delay in receiving consultation responses from the Scottish Government	Low	Discussed at Inception Meeting, and prioritised as an early task for the research	Contact client ASAP if milestone for providing the responses passes and information is not provided
Gaps in, or limited quality of, information from the consultation	Medium	The initial data cleaning and assembly stages will identify any issues with the 'quality' of the response data (e.g. questions not answered, etc.)	We will inform the client ASAP to discuss extent/impact and agree actions
Substantial amounts of qualitative information to be made sense of at analysis and reporting stage	Medium	Time spent at the outset of the study considering how information from open ended questions will be analysed and reported on. Create a framework for reducing and organising the qualitative information	None required
Delay at key stages affects our ability to report on time	Low	A Delivery Plan will be shared with the Scottish Government. This will form the basis of regular reporting (tasks and milestones)	Acknowledge delay and inform client ASAP to agree a plan
Project going over budget	Low	EKOS delivers a fixed-price study based on the method. Regular review of Project Budget Plan	Written agreement to variation, any additional costs clearly identified
Sickness of team member	Low	Existing team members cover tasks in short-term. Liaise with other EKOS Project Managers to manage wider work commitments	Replace with other similar experienced EKOS member of staff
Loss of key team member	Low	EKOS Project Manager has 10 years' service at EKOS.	Replace with other similar experienced EKOS member of staff
IT failure and/or data loss	Low-Medium	EKOS internal protocols (daily back-up) and external IT specialist support	Internal /external back-up to recover lost work
Data confidentiality breach	Low	Agree security protocol for electronic data transfer	None required

Ethical Issues or Risks

EKOS recognises that in undertaking research that the onus is on the company to ensure that ethical considerations are considered at the outset of the study, and regularly reviewed throughout. Ethical sensitivities will be an integral component of our Project Plan.

EKOS has relevant policies in place that ensures our approach and methodology will mitigate any particular challenges or sensitivities, including Ethics Policy; Vulnerable Person Protection Policy; Privacy Policy; Data Handling and Confidentiality. Copies can be made available.

We have reviewed the Ethics Guidance for Scottish Government Social Researchers, and this aligns strongly with the ethical principles we follow as an organisation:

- Sound application and conduct of social research methods and appropriate dissemination and utilisation of the findings.
- Participation based on valid informed consent.
- Enabling participation.
- Avoidance of personal harm.
- Non-disclosure of identity and personal information.

The main ethical issues/risks for our analysis relates to all five principles with the exception of enabling participation. Principles of confidentiality, data protection and anonymity will be upheld. For example, where we make use of anonymised quotes to illustrate key themes, we will ensure that the quote cannot be attributed to an individual or organisation. We will also make sure the person has agreed that their responses can be made public.

EKOS' research activity is founded upon the principle of willing co-operation of individuals, groups and organisations. Our success has been built upon establishing a reputation whereby participants have the confidence and assurances that our research is conducted honestly, without unwelcome intrusion, and without harm.

4. Non-Scoring and Information Only Questions

Sustainability and Fair Work Practices

Q1. Supporting Sustainable Procurement

EKOS has internal policy documents (which can be made available upon request) that provide guidance to ensure we comply with all relevant legislation. These are provided to all staff members during their induction/training and are reviewed annually by the Company Secretary and Corporate Services Manager to ensure compliance. This includes an Environment and Sustainability Policy.

EKOS is committed to working in a sustainable, social, and environmentally responsible way based on its respective policy statements and against set targets. The objectives are to:

- comply with the terms of current environmental legislation and approved codes of practice, such as ISO14001;
- minimise the use of energy, paper, water, and other resources;
- seek to continually prevent pollution, emissions and waste;
- improve awareness and promote participation in sustainable business practices among staff and clients;
- continually seek the improvement of environmental practices;
- minimise the risks associated with environmental issues; and
- encourage similar environmental standards from suppliers and contractors.

The company operates an Environmental Management Plan whose effectiveness is reviewed and improved at regular intervals. Progress against the policy objectives and their respective qualitative and quantitative targets is monitored and reported annually at senior management meetings.

Waste is divided into general waste and recycling. Bins are available within the main office for recycling of paper and within EKOS' kitchen for general waste, food waste, food tins and drink cans, cardboard and plastics. There are also bins in the common kitchen for recycling.

Recycling is carried out within the whole of St George's Studios and our recycling is transported and aggregated with the rest of the building's recycling by our cleaner on a daily basis.

Recycling materials are picked up by Changeworks six times per week. Waste management transfer notices are provided to building management and we are recharged a proportion of this through our Service Charge.

Specific examples of how we can support sustainable public procurement aims and objectives include:

- limiting the use of non-recyclable materials in our day to day operations;
- where possible and practical, using train/other public transport to attend meetings or deliver contracts;
- where appropriate make use of digital technology (skype/face time) for meetings; and
- agreeing at the start of any contracts how we will best address carbon reduction.

Q2. Supporting Fair Work Practices

EKOS is committed to Fair Work principles and this is embedded throughout our organisation and in the delivery of all our contracts.

The commitment and efforts of our staff are recognised and rewarded in a range of ways, including:

- annual salary review;
- discretionary performance-related bonus; and
- no zero hour contracts.

We have a range of workplace policies and support in place to improve productivity, foster innovation, and support employee health and wellbeing. This includes, for example promotion of family-friendly working and work-life balance (e.g. flexible working hours, home-working).

EKOS provides opportunities for employee development, skills development, and lifelong learning, including:

- annual training budget for staff;
- junior staff have a professional and personal mentor for support and guidance;
- personal and performance development objectives;
- monthly one-to-one meetings with line managers;

- annual appraisals to identify training needs and a plan to address these; and
- opportunities for Continuing Professional Development.

Supported by EKOS, our staff have a wide range of external voluntary commitments including:

- mentors with MCR Pathways – a school-based mentoring programme that supports care-experienced and other disadvantaged young people to realise their full potential through education. Mentors are matched with a young person and meet with them on a weekly basis to provide advice and support to help build their mentee’s confidence and engagement with school, and to help guide them as they consider their options for when they leave school;
- running a weekly term-time voluntary group for disabled children and young people; and
- Board positions on professional organisations.

Q3 Scottish Business Pledge

Yes, EKOS has signed this.

EKOS is a member of the Scottish Business Pledge, and we currently deliver on a number of the pledges:

- EKOS is a Living Wage employer;
- we do not use zero hours contracts;
- we invest in youth – EKOS has recruited successfully on a number of occasions in recent years through the former Commonwealth Initiative and the current Glasgow Guarantee Initiative; and
- we invest in our workforce (more details provided above).

We are committed to delivering on all other pledges.

Q4. Living Wage

Yes, EKOS is an accredited Glasgow Living Wage employer.

Appendix A: Signed Form of Tender

Schedule 7 - FORM OF TENDER TO THE SCOTTISH GOVERNMENT

We the undersigned do hereby contract and agree on the acceptance of the Tender by the Scottish Ministers, to provide the services in the Specification of Requirements (Schedule 2) in accordance with the Schedules, at the prices entered in the Commercial Proposal (Schedule 5) and in accordance with the Terms and Conditions of Contract (Schedule 8) which appear in this set of documents.

We the undersigned undertake to submit a tender in accordance with the following documents:

- | | |
|--------------|--|
| • SCHEDULE 1 | Instructions for Tenderers |
| • SCHEDULE 2 | Specification |
| • SCHEDULE 3 | Evaluation Guide and Instructions |
| • SCHEDULE 4 | Quality Questions |
| • SCHEDULE 5 | Pricing Schedule |
| • SCHEDULE 6 | PO and Invoicing Requirements |
| • SCHEDULE 7 | Form of Tender |
| • SCHEDULE 8 | Scottish Government Terms & Conditions of Contract |

We agree to abide by this tender from 6 February 2020, the date fixed for receiving tenders, until the Award of Contract.

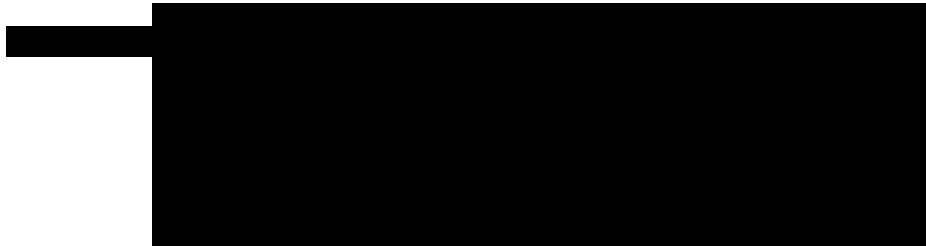
We understand that the Scottish Ministers are not bound to accept the lowest or any tender and shall not be bound to use the Contractor as a sole supplier.

We understand that the service provision is expected to commence 16 February 2020 and end not later than 1 May 2020, **unless** the Contract is terminated in accordance with the Terms and Conditions of Contract of this Invitation to Tender (ITT) document.

We understand that the Scottish Ministers are not bound to accept this or any Tender for this project, however, any contract that may result from this Tender will be subject to Scots Law and the Tenderer hereby irrevocably submits to the jurisdiction of the Scottish Courts.

We agree that this Tender remains open for consideration for 3 months from the date fixed for receiving Tenders.

By submitting a Tender, we acknowledge that our Tender is a bona fide Tender, intended to be competitive, and that we have not fixed or adjusted the amount of the Tender by or under or in accordance with any agreement or arrangement with any other person.



Name: (BLOCK CAPITALS)

Designation:

Duly authorised to sign Tenders for and on behalf of:

Name of Tenderer

Nature of Firm

Address

Telephone No (Include Area Code)

E-mail

Date

Appendix B: Summary CVs

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED];

[REDACTED]

[REDACTED]

Appendix C: Data Security and Protection

EKOS has a number of internal processes, policies and terms of business that ensure that we adhere to stringent data security processes, including storage and transmission of personal data and data protection. This includes:

- Data Handling and Confidentiality Policy;
- Terms of Business – Data Protection;
- Privacy Policy – EKOS Employees; and
- Privacy Policy – Study Participants.

Copies can be made available.

If required, we would be happy to enter into a Data Sharing Agreement with the Scottish Government, where Scottish Government would be the Data Controller and EKOS Ltd the Data Processor.

All EKOS research projects adhere to the following guiding principles:

- transparency and accountability – EKOS will make available the working documents (Excel based model) that were used to assemble, analyse and synthesis the data;
- the confidentiality of information supplied and the anonymity of respondents must be respected;
- we will protect against practitioner bias by using an experienced team with experience across a range of social science disciplines;
- reporting outputs are subject to a final review from an EKOS Director that is not directly involved in the research; and
- all staff will comply with relevant legislation regarding data protection, including the handling, storing, and deletion of data

Our Privacy Policy – Study Participants - provides details of how we collect information, what type of information is collected, how the information is used, who has access to the information, the lawful basis on which we process information, participants choices, and security precautions to protect the loss, misuse or alteration of information.

Our Data Handling and Confidentiality Policy will ensure the privacy of sensitive information in relation to respondents to the consultation. Collecting information is essential in providing services to our clients, as we are entrusted with personal information, and have a duty to respect their privacy and handle their information appropriately. We will agree a security protocol for electronic data transfer. Our Project File will be password protected, and only study team members will have access to it.

EKOS' Data Handling and Confidentiality Policy will ensure the privacy of sensitive information in relation to individual research participants. All staff (as well as EKOS as the employer) have responsibilities for confidentiality of personal information under GDPR, the Data Protection Act 1998 (and any successor legislation), The Common law of Confidentiality, The Human Rights Act 1998, and The Computer Misuse Act 1990.

No-one at any level discloses personal information outside of the organisation's procedures, or use personal information held on others for their own purposes. All staff (as well as EKOS) have an ethical and legal duty to keep personal information confidential. We have established standards and practices relating to the handling of data and confidentiality for all staff who work in or are under contract to EKOS.

[REDACTED]