

Invitation to Quote

28th of May 2024

An exploration of the denial of the rights to cultural recognition of Scotland's Gypsy Travellers and its impact, both past and present.

QUOTE Reference: SHRC/CulturalRecognitionResearch/2024/05

The Scottish Human Rights Commission 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.

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Invitation

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 **noon on Tuesday the 25th of June 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 Commission may undertake not to consider quotations received after that time.

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

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

Evaluation Criteria	Weighting
Quality	80%
Price	20%

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

Enquiries 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 Noon 25th of June 2024

All correspondence should include the Quote reference in the subject heading.



David Lees

Head of Commission Secretariat & Business Support

Introduction

This is an Invitation to Quote (ITQ) to conduct research into the denial of the rights to cultural recognition of Scotland's Gypsy Travellers and its impact, both past and present.

Project delivery timescale

Project milestone	Deadline
Closing date for the Invitation to Quote	12 noon on 25 th June 2024
SHRC conducts interviews	Week beginning 1 st July 2024
Contract awarded to researcher	8 th July 2024
Researcher attends briefing with the Commission and project commences	11 th July 2024
Researcher delivers final report	30 th April 2025

All necessary activities required to deliver the provisions identified in this ITQ must be planned, delivered, and concluded to accommodate this timescale.

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 [Assessed Requirements](#). 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.

Proposal Timetable

The key dates for the process are as follows;

Key action	Date
Issue ITQ	28 th of May 2024
Closing date for submission	Noon 25 th of June 2024
Evaluation of Submissions	Afternoon of the 25 th of June And 26 th of June 2024
Interviews	Week beginning the 1 st of July 2024
Award of Contract	8 th of July 2024
Project briefing meeting with commission staff.	18 th of July 2024
Project Commencement meeting with victims	18 th of July 2024
Deliver Interim Report and update session with victims	29 th of October 2024

Key action	Date
Update meeting with victims	27 th of February 2025
Delivery of report to Commission	30 April 2025
Findings discussion with victims/project completing	7 th of May 2025

Note: Timescales may be subject to change.

Budget

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

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

Please note the requirement is for a fixed price proposal.

Where appropriate, 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.

Proposal submission

Submission format

To quote for this provision, please send us a written report (6 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 12, Assessed Requirements.
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.

Submitting your proposal

Proposals should be submitted by email to; finance@scottishhumanrights.com by no later than **12 Noon on the 25th of June 2024**, and contain the **Quote reference in the subject heading**.

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. **Interviews will be undertaken on the week beginning the 1st of July 2024**

We aim to make a final decision by **8th of July** and a contract will be awarded subject to final agreement of T&Cs.

How we will evaluate submissions

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

Criteria & Weighting

Evaluation Criteria	Weighting
Quality	80%
Price	20%

Proposals will be evaluated using the following weighted criteria;

Quality

Weighting

Quality criteria	Category Weighting
Relevant skills and experience	20%
Response to the Core Objectives / Requirements of the Project (contained in ToR)	40%

Quality criteria	Category Weighting
Plan/approach for Deliverables (contained in ToR)	20%
Total	80%

Assessment

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

Assessment	Standard Measure	Scores (0-10)
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

Example evaluation

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.

Example proposal 1:

Quality Criteria	Weight (80%)	Score (0-10)	Weighted Score
Quality - Relevant skills and experience	40%	8	32
Quality - Response to the Core Objectives / Requirements of the Project (contained in ToR)	40%	6	24
Quality - Plan/approach for Deliverables (contained in ToR)	20%	8	16
Total (of quality)	100%		72

Example proposal 2:

Quality Criteria	Weight (80%)	Score (0-10)	Weighted Score
Quality - Relevant skills and experience	40%	6	24
Quality - Response to the Core Objectives / Requirements of the Project (contained in ToR)	40%	6	24
Quality - Plan/approach for Deliverables (contained in ToR)	20%	10	20
Total (of quality)	100%		68

Example proposal 3:

Quality Criteria	Weight (80%)	Score (0-10)	Weighted Score
Quality - Relevant skills and experience	40%	8	32

Quality Criteria	Weight (80%)	Score (0-10)	Weighted Score
Quality - Response to the Core Objectives / Requirements of the Project (contained in ToR)	40%	6	24
Quality - Plan/approach for Deliverables (contained in ToR)	20%	6	12
Total (of quality)	100%		68

Price

Weightings

Price criteria	Category Weighting
Price / Competitiveness	20%
Total	20%

Assessment

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.

Example evaluation

The calculation is as follows:

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

This is illustrated in the worked example below.

Example proposal 1:

Price Criteria	Weight (20%)	Quoted £	Weighted Score
Price / Competitiveness	100%	£9,500	18.9

Example proposal 2:

Price Criteria	Weight (20%)	Quoted £	Weighted Score
Price / Competitiveness	100%	£10,000	18.00

Example proposal 3:

Price Criteria	Weight (20%)	Quoted £	Weighted Score
Price / Competitiveness	100%	£9,000	20

Combined evaluation

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	Quality score	Price score	Total score
1	72	18.9	90.9
2	68	18	86
3	68	20	88

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.

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.

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).

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 07464918572.

All correspondence should include the Quote reference in the subject heading.

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

Appendix 1: Terms of Reference

Exploration of the Denial of the Rights to Cultural Recognition of Scotland's Gypsy Travellers and its impact, both past and present.

The Scottish Human Rights Commission 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 a general duty to promote human rights, and to have regard to the human rights of those groups in society whose human rights are not, in the Commission's opinion, otherwise being sufficiently promoted (S2(4)9b) SCHR Act 2006). In 2024/25, the Commission has decided to undertake an independent, victim-led archival research and human rights-based analysis of forced settlement assimilation practices impacting on the Gypsy Traveller community in Scotland, alongside a victim's fact-finding panel, with a view to informing its understanding of the facts, and a process which achieves truth, reconciliation and redress for victims.

Research Problem Statement

Victims of the '*Tinker Experiment*' have clearly outlined their experiences of forced assimilation practices in Scotland. However, there is currently a lack of national understanding of the '*Tinker Experiment*' and its impact on the realisation of human rights for the Gypsy Traveller community across Scotland, historically and in a contemporary context.

This includes Article 5 of the Framework Convention for the Protection of National Minorities states that,

"The Parties undertake to promote the conditions necessary for persons belonging to national minorities to maintain and develop their culture, and to preserve the essential elements of their identity, namely their religion, language, traditions, and cultural heritage.

Without prejudice to measures taken in pursuance of their general integration policy, the Parties shall refrain from policies or practices aimed at assimilation of persons belonging to national minorities against their will. They shall protect these persons from any action aimed at such assimilation.”

To understand the progress made in realising Article 5, the European Centre for Minority Issues produces a series of process indicators related to laws and policies, enforcement, and monitoring.

Research Questions

The purpose of the research will be to understand:

- How widespread were experiment sites in Scotland, and what was the timeline for establishing these sites? (We are interested in sites in the local council areas of Perth and Kinross, Highland, and Aberdeenshire)
- Who were the people and / or organisations responsible for establishing these sites?
- What historic legislative and policy measures were used to justify action to assimilate the Gypsy Traveller Community in Scotland?
- How have the identified historic legislative and policy measures used to justify action to assimilate the Gypsy Traveller Community in Scotland continued to impact the realisation of the human rights of the people in that community, including Article 5 right to culture and identity in the Framework Convention on National Minorities?

Further research on the human rights framework impacting on the rights of the Gypsy Traveller Community will be undertaken in parallel to this work.

Relevance and Importance of the Research

The Commission has undertaken initial exploratory work with members of the Gypsy Traveller Community to understand the scale of the problem. It is our understanding that legislation such as the Trespass Scotland Act (1865), established shortly after the Highland Clearances, is believed to have set the tone for excluding Gypsy Travellers in Scotland. Members of the community report that this legislation stopped Gypsy Travellers from accessing ancestral land and traditional camping sites.

Additionally, critical to inform the Commission's understanding of the attempt to eradicate Gypsy Traveller culture in Scotland is the '*Tinker Experiment*'. The experiment, which ran from the 1940s, aimed to "*normalise*" the Gypsy Traveller community in forced settlement sites. Its living victims in Scotland have long campaigned for a public apology from the Scottish Government for what they experienced.

Human rights are universal and indivisible. The Commission is concerned with the impact of these experiences on Article 5 of the Framework Convention for the Protection of National and rights which are offered special protections under the following instruments which have been ratified by the UK Government:

- The International Covenant on Economic, Social and Cultural Rights
- The Convention on the Elimination of Racial Discrimination.

In addition, the Framework Convention for the Protection of National Minorities is the first legally binding multilateral instrument devoted to the protection of national minorities worldwide, and its implementation is monitored by the only international committee dedicated exclusively to minority rights: the Advisory Committee. The UK is a State Party to the Convention.

The Framework Convention has a series of indicators that can provide an internationally recognised standard for realising Gypsy Traveller's rights in Scotland. Indicators for Article 5 of the Framework Convention for the Protection of National minorities illustrate what is needed across three levels of law and policy, enforcement, and monitoring to ensure the right to culture and identity is realised.

The Advisory Committee on the Framework Convention, in their report on the rights of National Minorities in Scotland, recognised the '*Tinker Experiment*' in Scotland as an issue under Article 5 of the Convention (Support for the culture and identities of Gypsies, Roma and Travellers) the Committee said,

“The Advisory Committee considers that truth and reconciliation processes in the context of past assimilation can contribute to building mutual trust in the long run.”

By bringing together available evidence on the ‘*Tinker Experiment*’ sites in Scotland alongside analysis of how this has impacted on the realisation of rights, including Article 5 of the Framework Convention for the Protection of National Minorities, we believe an enhanced understanding of the experiment and its relevance to today’s realisation of the right to culture for Gypsy Travellers can be achieved, and inform measures to achieve access to justice for the community.

Research Design & Methods

The proposed research project has three elements, each drawing from different methodologies outlined below.

- 1) The organisation and curation of the victims' gathered evidence and additional archival evidence to help establish a timeline for the establishment of the experiment, forced settlement sites, and other relevant events. In methodological archival terms, this is known as tertiary sedimentation.
- 2) Archival sampling which involves choosing the most relevant documents from the victims' existing evidence and additional archival evidence to present the timeline of the experiment and critical events, including the establishment of experiment sites /

forced settlement sites, professionals involved in the establishment of the sites, and, where possible, families involved.

- 3) An assessment of historic legislation and policy measures used to justify action to control and assimilate the Gypsy Traveller Community and an analysis of how this has impacted the Gypsy Traveller Community's right to culture and identity, particularly as defined in Article 5 of the Framework Convention for the protection of National Minorities.

Expectations are that this research will be conducted alongside the experiment's victims. This will involve working with victims at their chosen locations to explore evidence.

Ethics

The successful candidate will need to complete the Commission's ethical approval process forms, but that in principle the project has been reviewed by the RAG and anticipates no concerns to the project proceeding.

Outputs

This research should result in a report which outlines:

- Victim-held and archival evidence on the creation and timeline of experiment/ forced settlement sites in Scotland (focusing on Perth and Kinross, Highland, and Aberdeenshire).

- Victim-held and archival evidence on individuals and organisations establishing experiment/ forced settlement sites in Scotland (focusing on Perth and Kinross, Highland, and Aberdeenshire).
- Written analysis of historic legislation and policy measures used to justify action to assimilate the Gypsy Traveller Community and how this has impacted the Gypsy Traveller community's right to culture and identity as defined in Article 5 of the Framework Convention for the Protection of National Minorities.
- Evidence to inform further Commission analysis of the impact of this on broader human rights framework impacting on members of the Gypsy Traveller community.

Interviews

To ensure victims are satisfied with the selection of researcher/s to work alongside them on this project, the Commission will ask shortlisted researchers to attend an interview with members of the Commission team/ the Commission's research advisory group and victims of the experiment. This will inform the outcome of the tender.

Budget

The available budget for this project is **£15,000**.

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

The timeline for delivery is subject to agreement, but the report's final version must be delivered by **30 April 2025**.

Timeline

- **28 May 2024** – Issue Invitation to quote
- **Noon, 25 June 2024** – Closing date for the invitation to quote.
- **Week beginning the 1st of July 2024** – Interviews of researchers.
- **8th of July 2024** – Award of contract.
- **11th of July 2024** – Project briefing meeting with commission staff.
- **18th of July 2024** – Project commencement meeting with victims and planning (initial meeting supported by commission staff).
- **29 October 2024**—Delivery of interim report and update session with victims (session to be supported by commission staff).
- **27th of February 2025** – Update meeting with victims (supported by Commission Staff).
- **30th of April 2025** – Delivery of research report to Commission.
- **7th of May 2025** – Findings discussion with victims (supported by commission staff).

Applications and Interviews

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.
- an outline of how researchers plan to work alongside victims to produce research.
- 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.

As well as individual applications the Commission also welcomes collaborative applications which draw on a range of research expertise.

The deadline for receipt of responses is **noon on Tuesday the 25th of June**. Applications should be no longer than 6 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 07464918572.

All correspondence should include the Quote reference in the subject heading.

Interviews will take place on the week beginning **1st of July 2024**

The Commission aims to inform all applicants of its decision by **the 8th of July 2024**.

Assessed Requirements

Commission staff, who will be responsible for managing the research contract along with experiment victims and a member of the research advisory group.

Each proposal will be evaluated based on the Most Economically Advantageous Tender, (MEAT) as described in Section 8 Evaluation of Submission, on page 8. 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.

This project will also be assessed on how well proposals demonstrate their skills, experience, and ability to work alongside victims.

Tender Decision Notification

SHRC is not bound to accept any tender.

For this project prospective contractors will be asked to participate in an interview before a final decision is made regarding 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:

- General Terms and Conditions
- The agreed proposal and any subsequent correspondence, amendments etc
- 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.