

**Literature Review – exploring the effectiveness of sentencing**

The Sentencing Council is inviting bids to conduct a literature review bringing together the evidence on effectiveness of sentencing to support the Council’s statutory duty in this area.

**1. Background**

1.1 The Sentencing Council for England and Wales promotes a clear, fair and consistent approach to sentencing by issuing sentencing guidelines which provide clear structures and processes for judges and magistrates to use in court and promotes awareness and understanding of sentencing among victims, witnesses, offenders and the public. This purpose is underpinned by the statutory duties for the Council that are set out in the Coroners and Justice Act 2009 (C&JA 2009).

1.2 As part of its statutory duties, the Council is required to have regard to the cost of different sentences and their relative effectiveness in preventing reoffending when developing guidelines. Its duty in relation to this appears in two sections of the C&JA 2009: in section 120, where the Council must have regard to the cost of different sentences and their relative effectiveness in preventing reoffending, and in section 129, which covers promoting awareness of this. The Council’s approach to this in recent years has been to produce an annual internal document outlining the latest research evidence in this area regarding reoffending.

1.3 The Council’s commitment to this area of work has recently been restated in its publication the ‘Sentencing Council strategic objectives 2021-2026[[1]](#footnote-1)’ that sets out its priorities and actions for the next five years. As part of this, the Council has committed to publishing work in this area and has an overarching objective to *‘consider and collate evidence on effectiveness of sentencing and seek to enhance the ways in which we raise awareness of the relevant issues’.* To this end, the Council wishes to commission this literature review to enable it to consider the most up to date evidence when developing and revising guidelines.

1.4 The contract will be worth a value of no greater than £9,950 (excluding VAT) and work should be completed by the end of June 2022.

1.5 All bids should be submitted to Emma Marshall, Head of Analysis and Research (emma.marshall@sentencingcouncil.gov.uk), by noon 7th February 2022.

**2. Scope**

2.1 There are **five purposes of sentencing** the courts must bear in mind when dealing with the vast majority of adult offenders. These purposes are set out in s.57 of the [Sentencing Code](https://www.legislation.gov.uk/ukpga/2020/17/section/57/enacted):

1. To punish the offender – this can include going to prison, doing unpaid work in the community, obeying a curfew or paying a fine.
2. To reduce crime – by preventing the offender from committing more crime, and putting others off from committing similar offences.
3. To reform and rehabilitate offenders – changing an offender’s behaviour to prevent future crime, for example by requiring them to have treatment for drug addiction or alcohol abuse.
4. To protect the public – from the offender and from the risk of more crimes being committed by them. This could be by putting them in prison, restricting their activities or supervision by probation.
5. To make the offender give something back – for example, by the payment of compensation or through [restorative justice](https://restorativejustice.org.uk/). Restorative justice gives victims the chance to tell offenders about the impact of their crime and receive an apology.

2.2 ‘Effectiveness’ of sentencing can be considered broadly and in relation to a number of purposes. Although the statute gives particular weight to the need for the Council to have regard to the effectiveness of sentences in preventing reoffending, we are also interested in synthesising available evidence on overlapping and related areas: for example on the impact of sentencing on long-term desistance from offending, on deterrence, as well as on the cost-effectiveness of different sentences.

2.3 The review should therefore identify, collate and synthesise research evidence in relation to four overlapping areas:

* The effectiveness of sentencing in preventing reoffending;
* Evidence on how sentencing might contribute to the process of desistance from long-term offending;
* Evidence on how sentencing might impact on the deterrence from future offending (both in terms of the specific individual and the general public); and,
* Any evidence on the cost-effectiveness of different sentences in relation to their relative effectiveness in preventing reoffending.

2.4 In synthesising evidence in the above areas, the review should also provide an assessment of the quality of the research to help inform the Council about the strength of evidence in a particular area (to include, for example, consideration of the reliability and generalisability of the evidence, sample sizes, any biases, methodological limitations etc).

2.5 The Council has committed to placing a consideration of issues relating to equality and diversity at the heart of all its work and has dedicated a specific objective to this in its strategic plan. The review should also synthesise any relevant evidence on effectiveness of sentencing, desistance, deterrence and cost-effectiveness in relation to specific groups/ protected characteristics, in particular in relation to the sex, age and ethnicity of offenders.

2.6 In some of these areas, the evidence may be relatively limited. However, the Council will make its previous internal review available to the successful contractor. In addition, some relevant issues have also been covered in the recent Sentencing Academy publication*: ‘The Effectiveness of Sentencing Options*’ (Hamilton, M. 2021)[[2]](#footnote-2) and an earlier independent review of the Council: *The Sentencing Council in 2017. A report on research to advise on how the Sentencing Council can best exercise its statutory functions’* (Bottoms, A. 2017)[[3]](#footnote-3). Tenderers should therefore refer to these for background information when considering this work.

**3. Design**

3.1 This work comprises a review of the existing evidence in relation to the areas outlined in section 2.3 above. Tenderers are invited to propose an appropriate design to include recommendations on:

* The type of search terms that would be included;
* Sources of information to bring into scope (e.g. peer reviewed journal articles, government reports etc) including databases and journals to be searched;
* The type of studies/ evidence to be included (e.g. quantitative and/or qualitative);
* Whether any international literature should be included within the scope of the work;
* The time period over which to search for relevant evidence;
* How an assessment of quality/ the strength of the evidence might be conducted; and,
* Any other important considerations for a study of this type.

**4. Analysis and reporting**

4.1 Contractors must submit a literature review of publishable standard in a template agreed with the OSC; the evidence should be presented in such a way that it is accessible to the Council’s key audiences when published (including sentencers and the general public). Full references and weblinks should be included. A slide pack should also be produced for internal use.

4.2 **This project needs to be completed by the end June.** Interim findings will be needed by the end of March. A full draft report is then needed by mid-May in order to leave time for the Office of the Sentencing Council (OSC) to comment and for a final report to be submitted by the end of June.

**5. Day-to-Day Management**

5.1 Contractors must liaise with the project manager closely throughout the course of the project and provide a fortnightly email update on progress.

5.2 A minimum of two meetings will be required with the contractors:

* An inception meeting/ discussion to finalise the research design; and,
* A meeting to discuss key findings and OSC feedback.

**6. Timetable**

6.1 The following outlines the key dates for commissioning this research:

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| **Activity** | **Date** |
| Specification dispatched | 18th January 2022 |
| Deadline for pre-tender questions | 28th January 2022 |
| Bids returned | Noon 7th February 2022 |
| Inception meeting | Mid-February 2022 |
| Finalise review process agreed including databases to be searched, search terms etc | By end February 2022 |
| Interim findings submitted | End March 2022 |
| Draft report submitted to OSC | Mid May 2022 |
| Final slide pack submitted and final report signed off | End June 2022 |

6.2 At the discretion of the Office of the Sentencing Council, presentations for clarification purposes may be requested with shortlisted bidders. If needed, these will be held virtually, via MS Teams. If appropriate, scores may be moderated based on the clarification information from the presentation.

6.3 A contract will be awarded as soon as possible after the presentation to enable contractors to start work in February 2022.

6.4 Suggested milestone payments are set out below:

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| Milestone payment 1: (25%)  Research design and scope of review agreed | End February 2022 |
| Milestone payment 2: (35%)  Submission of interim report | End March 2022 |
| Milestone payment 2: (20%)  Submission of draft final report | Mid-May 2022 |
| Milestone payment 3: (20%)  Approval of final report and slide pack | End June 2022 |

**8. Content of proposals**

8.1 Proposals should be submitted in the form of a Word document (maximum 5,000 words).

8.2 All proposals must include:

* Methodology: A clear explanation of the review design and proposed scope of the work addressing the issues outlined in section 3 above.
* Support required: e.g. any support required from the OSC.
* Proposed timetable: for each individual part of the work.
* Costs: Each part of the research should be costed separately to allow the OSC to make a final decision. In addition, staff rates must be specified and a detailed breakdown of the proportion of time spent by key staff on the different elements of the research provided. Costs should be exclusive of taxes and VAT.
* Staff: details of staff and any relevant experience should be outlined. Please provide information on the role/ responsibilities that each member of the team will cover. The successful contractor must ensure and confirm that all staff working on the project have had a Baseline Personnel Security Standard (BPSS).
* Quality assurance procedures: the bidder must commit to undertake quality assurance of all deliverables and to guarantee the accuracy of all outputs to the OSC Council. Bidders must provide details of the quality assurance procedures they have in place.
* Risks: bidders must identify and assess the risks associated with undertaking the research and the proposals for managing and overcoming these. Bidders must provide a full risk register for all elements of the project.
* Ethical issues: The research will be expected to meet the requirements of the Government Social Researcher (GSR) Professional Guidance: Ethical Assurance for Social Research in Government ([GSR Ethical Assurance for Social and Behavioural Research - GOV.UK (www.gov.uk)](https://www.gov.uk/government/publications/ethical-assurance-guidance-for-social-research-in-government). Bidders must provide details of any ethical issues relevant to the proposal and how these will be addressed.
* Data protection: the successful contractor will be required to store all data in accordance with data protection legislation and current OSC/ MoJ data security procedures. Please see: <https://ministryofjustice.github.io/security-guidance/supplier-corporate-it/#supplier-corporate-it>. The successful contractor will also be required to have Cyber Essentials certification (or to be able to show they are working towards this) and ISO27001 (or equivalent) certification.

Bidders must provide details of data protection issues relevant to the proposal and explain how these will be addressed in compliance with the Data Protection Act 2018. This should include (but not be limited to): how information will be collected from individuals; how it will be stored (and in what storage location); secure transfer of information; disposal of information following completion of the project; who will have access to the data and how this will be managed. Contractors are responsible for ensuring all necessary permissions are acquired for the use of data, visuals or other materials throughout the project that are subject to copyright law, and that materials are used in accordance with the permissions that have been secured. Contractors are also responsible for ensuring suitable referencing of materials in all project outputs including project data.

**9. Tender evaluation**

9.1 Proposals will be evaluated based on the following criteria and scoring system:

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|  | **Main Criteria** | **Criteria**  **weighting** |
| **1** | The proposed methodology, including proposals for evidence to include in the scope and other inclusion criteria (e.g. jurisdictions to include, date range etc). | 20% |
| **2** | Evidence of the practicality, project management and quality assurance of proposals (including systems for continuous feedback to contract manager, strength of proposed project management and risk management arrangements, timetable, awareness of ethics and data protection issues, flexibility to respond to changing requirements and quality assurance processes). ***Ability to meet the deadlines involved in this project will be particularly important in this assessment*** | 15% |
| **3** | Evidence of experience in conducting reviews of literature/ research evidence | 25% |  |
| **4** | Evidence of knowledge of the Sentencing Council, its guidelines and sentencing issues, including the purposes of sentencing | 20% |
| **5** | Overall value for money | 20% |

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| **A** | **100** | **Excellent**   Exceeds the requirement. Exceptional demonstration by the Supplier of the  relevant ability, understanding, experience, skills, resource and quality  measures required. Evidence identifies factors that will offer significant added  value. |
| **B** | **90** | **Good**   Satisfies the requirement and offers some additional benefits. Above average demonstration by the Supplier of the relevant ability, understanding, experience, skills, resource and quality measures required. Evidence identifies factors that will offer some added value. |
| **C** | **80** | **Acceptable**  Satisfies the requirement. Demonstration by the Supplier of the relevant ability, understanding, experience, skills, resource and quality measures required. |
| **D** | **70** | **Minor Reservations**   Satisfies the requirement with minor reservations. Some minor reservations  about the Supplier’s relevant ability, understanding, experience, skills, resources and quality measures required. |
| **E** | **60** | **Major Reservations**   Satisfies the requirement but with major reservations. Serious concerns about  the Supplier’s relevant ability, understanding, experience, skills, resources and quality measures required. |
| **F** | **0** | **Unacceptable**  Does not meet the requirement. Does not comply and/or insufficient information provided to demonstrate that the Supplier has the relevant ability,  understanding, experience, skills, resources and quality measures required.  Little or no evidence to support the response. |

Bids will be evaluated by members of the OSC covering both the Policy Team and the Analysis and Research Team.

1. Sentencing Council strategic objectives 2021-2026: [Strategic objectives 2021-2026 – Sentencing (sentencingcouncil.org.uk)](https://www.sentencingcouncil.org.uk/publications/item/strategic-objectives-2021-2026/). [↑](#footnote-ref-1)
2. [The-Effectiveness-of-Sentencing-Options-1.pdf (sentencingacademy.org.uk)](https://sentencingacademy.org.uk/wp-content/uploads/2021/01/The-Effectiveness-of-Sentencing-Options-1.pdf). [↑](#footnote-ref-2)
3. [The Sentencing Council in 2017: A Report on Research to Advise on how the Sentencing Council can best Exercise its Statutory Functions](https://www.sentencingcouncil.org.uk/wp-content/uploads/SCReport.FINAL-Version-for-Publication-April-2018.pdf). [↑](#footnote-ref-3)