

Scottish Sentencing Council Research Framework

Version 2.0

1. Purpose

1.1. The purpose of this document is to:

- i. assist the Scottish Sentencing Council (“the Council”) in making decisions about research projects; and
- ii. provide guidance to those who are considering submitting a research proposal to the Council.

2. Public Finance and Procurement Rules

2.1. This document is subject to:

- i. the provisions of the [Scottish Public Finance Manual](#); and,
- ii. [Scottish Courts and Tribunals Service \(SCTS\) procurement rules](#) and good practice.

3. Core Research Interests

- 3.1. Sentencing behaviours and practices in Scottish courts.
- 3.2. Trends in sentencing in Scotland.
- 3.3. Public attitudes towards sentencing in Scotland.
- 3.4. Good practice in sentencing.
- 3.5. Developing the evidence base around sentencing in Scotland.
- 3.6. The operation of sentencing guidelines.
- 3.7. Sentencing in Scotland generally.

4. Prioritising Research

- 4.1. When considering any research project, the Council will have regard to the following factors, in order of importance:
 - i. the extent to which the project addresses the core research interests of the Council detailed in section 3;

- ii. the extent to which the project meets the goals stated in the Council's current and prospective business plan(s) including meeting the timescales identified in the business plan(s);
 - iii. the immediacy of the need for the research;
 - iv. the affordability and value for money represented by the project;
 - v. the extent to which the project is likely to increase public understanding of sentencing in Scotland; and
 - vi. the extent to which the project covers new ground in sentencing research.
- 4.2. The Scottish Sentencing Council is responsible for the best use of its resources. To ensure resources are used effectively, decisions regarding the allocation of resources remain with the Council. The Research Committee will provide advice on the allocation of resources to research as appropriate during business planning.
- 4.3. The Council will initially approve research projects or calls and allocate a maximum level of resource to them. The Research Committee may then be tasked with the oversight of procurement of specific projects within the parameters set by the Council.
- 4.4. All research projects approved by the Council must adhere to [core principles for ethical research](#) and General Data Protection Regulation (GDPR), which require all organisations collecting personal data to do so in a fair and transparent manner. [Ethical principles](#) include, but are not limited to, the minimisation of personal and social harm, protection against bias throughout the research, and the right to anonymity for participants.
- 4.5. When considering any research project, the Council will have regard to matters of equality and diversity that are pertinent to our work.

5. In-house Research

- 5.1. The Council will undertake a limited amount of non-routine in-house research. In-house research projects must be approved by either the Research Committee or the Council. For a project to be considered for in-house completion, the following conditions must be met:
- i. the skills required are either available or can be developed during the project - if the latter is the case, there must be a reasonable expectation that the skills developed will be of use again in further Council work; and
 - ii. the time commitment for the project does not have an excessive, negative impact on other Council functions.
- 5.2. Additionally, the following circumstances may indicate that a research project should be considered for undertaking in-house:

- i. the project must be completed quickly (e.g. when tendering would delay results unacceptably);
- ii. the project will also provide an engagement opportunity where there is a likelihood of policy discussion arising at which it is important the Council is represented by permanent staff;
- iii. independent research is not considered to bring additional benefits or value;
- iv. the project requires access to resources not normally available outwith SCTS and arranging this access will cause significant delays to the project;
- v. the project will provide organisational knowledge that is important to be retained in-house; and
- vi. any other reasons as considered appropriate by the Research Committee or the Council.

6. Commissioned Research

- 6.1. When a specific research need is identified, the Research Committee or the Council must approve the initial specification which should contain a description of the project, key project milestones, desired outcomes and a maximum cost. Where appropriate, the initial specification should include details on desired methodology, but this is not required in all cases as some projects may have multiple valid methodologies.
- 6.2. The Research Committee must recommend to the Council a route for commissioning research. Projects may either be fulfilled through PhD internships or tendered according to SCTS procurement guidelines.
- 6.3. PhD internships will be filled through the [Scottish Graduate School of Social Science](#) internship scheme, administered by the University of Edinburgh, as a preferred option. For a project to be considered for being fulfilled through a PhD internship, it must meet the following criteria:
 - i. no more than 3 months in length;
 - ii. of an appropriate level of complexity for a single, early career researcher to undertake;
 - iii. Secretariat resource must be available to supervise the PhD intern;
 - iv. the project timetable must be compatible with the internship scheme timetable;
 - v. risks regarding recruitment of interns and timeous project completion are acceptable; and
 - vi. publication rights and use of data agreements meet the Council's stated aim of ensuring transparency.

- 6.4. Other approaches for commissioning student research projects, such as enabling access for Master's dissertations, may be explored.
- 6.5. The Secretariat will maintain an open list of interested organisations and individuals who may wish to be considered for commissioned research, but applications will not be limited to this list.
- 6.6. Research commissioned by the Council will usually be open to tender through the [Public Contracts Scotland](#) Portal. All applicants must register on the Portal in order to be considered. The Principal Research Officer will be the first contact for further information about how to register on the portal and information regarding the Council's tenders.
- 6.7. Once tenders are received, a panel of at least two members of the Secretariat, including the Principal Research Officer, in conjunction with the SCTS Procurement team, will sift and assess the applications. External panellists may be invited to contribute. Tenders will be scored in accordance with the SCTS procurement rules and with regard to the core research interests detailed in section 3.
- 6.8. Commissioned research projects will be managed by the Principal Research Officer and overseen by the Research Committee.

7. Open Calls for Research Proposals

- 7.1. The Council values alternative views on sentencing in Scotland and welcomes applications from interested researchers and organisations for research funding. The Council may designate a budget each year to fund research which addresses the Council's core research interests above and beyond any directly commissioned research. The Council will engage with interested parties to ensure applications stand the best possible chance of success.
- 7.2. To be eligible for consideration, applications must, at a minimum:
 - i. include a full research specification, including, but not limited to, key research questions, methodological approach, project timeline, risk assessment and budget;
 - ii. include full CVs, including competencies, of all those involved;
 - iii. cover areas not included within Council commissioned research projects (which should be submitted as tendering responses); and
 - iv. commit to full public dissemination of results, including ensuring free access to any journal articles - funding for this may be included in the project costs.
- 7.3. Open call applications will be sifted and assessed upon receipt or on a case-by-case basis. Sifts will be conducted by a panel of at least two members of the Secretariat, including usually the Principal Research Officer, in conjunction with the SCTS Procurement team. External panellists may be invited to contribute. Any sifting will be undertaken in accordance with SCTS procurement rules and good practice. The panel will make recommendations to the Council.

7.4. In addition to considering those factors in sections 3 and 4, when assessing open call applications, the panel shall have regard to:

- i. any co-funders of the project and the appropriateness of any perceived relationship that may arise from a jointly funded project;
- ii. the extent to which other sources of funding may be appropriate; and
- iii. the extent to which the Council may be seen to be endorsing a particular point of view or political position if funding is awarded.

7.5. While the Council values external research, it will not generally publish or publicly endorse any research it has not either commissioned or conducted in-house.

7.6. The Council will not, as a general rule, fund:

- i. full PhD scholarships; and
- ii. projects where useful findings are dependent on multiple year funding agreements.

7.7. Successful open call applications will be project managed by the Principal Research Officer or Senior Research Officer, overseen by the Research Committee.

8. Third Party Research

8.1. Applications to conduct research in the Scottish courts or with members of the judiciary must be made via SCTS. Permission to conduct research is obtained from the Lord President. Further information can be found [here](#).

8.2. Third party researchers wishing to share their findings with the Council should:

- i. send a written briefing for consideration by the Research Committee, Principal Research Officer, and, where appropriate, the whole Council;
- ii. communicate proactively via email through the Principal Research Officer and the chair of the Research Committee;
- iii. attend events held by the Council and/or invite members of the Council to research events focused on sentencing; and
- iv. make written submissions to Council sentencing guideline consultations which showcase their relevant research on sentencing.

