

The Nuffield Council on Bioethics

Invitation to tender

Assisted Dying Project

The Nuffield Council on Bioethics is seeking a contractor to work with us to design and deliver a series of public engagement activities to explore the public's views on assisted dying and the associated social, ethical, and practical considerations that they consider important in forming their views and in their deliberations.

September 2023

Summary

Working title: Public engagement on assisted dying

Commissioning body: Nuffield Council on Bioethics

Aim: To explore the views of an informed public on assisted dying in England and the associated social, ethical, and practical considerations they consider important in forming their views and in their deliberations.

Duration: 11 months from November 2023, completing end of October 2024

Key dates:

- Closing date for applications:** 17.00, 16 October 2023
- Clarification deadline:** 3 October 2023
- Shortlisted contractors contacted:** 19 October 2023
- Interviews:** 26 October 2023
- Contractor confirmed:** 30 October 2023
- Final report delivered:** Early October 2024

Cost: Tenders invited in the range of **£150,000 - £170,000** excluding VAT

Introduction and background

There is no universally agreed terminology when discussing the debate on assisted dying. We refer to the definitions described in the Parliamentary Office of Science and Technology briefing note on assisted dying, which uses assisted dying as an umbrella term and draws a distinction between “assisted suicide” (where the individual self-administers the lethal medication) and “euthanasia” (where it is administered by a third party, such as a doctor).¹

It is an offence (in England and Wales) to assist or encourage another person’s suicide under section 2(1) of the Suicide Act 1961.² Updated in 2014, the Code for Crown Prosecutors sets out a list of public interest factors that the Crown Prosecutors should follow when making decisions in respect of cases of encouraging or assisting suicide.³ Euthanasia is not itself a legal term in UK laws, but is a criminal act, and depending on the circumstances may be prosecuted as murder or manslaughter.⁴ Many jurisdictions worldwide do not permit assisted dying but there has been an increasing number considering or passing legislation to permit it in recent years. Some form of assisted dying is legal in at least 27 jurisdictions, including all six states in Australia, New Zealand, Canada, Switzerland, Belgium, ten states in the USA, and the Netherlands. The law in jurisdictions that permit some form of assisted dying varies on eligibility and governance.⁵

The question of legalised assisted dying engages a range of complex and challenging ethical considerations, including respect for individual autonomy, adequate protections against abuse of any rule, the significance of the act-omission distinction, and the doctrine of double effect.

There are many factors that indicate that the question of whether assisted dying should, or should not, be permitted remains unresolved in the UK:

- Parliamentary attempts to change the law on assisted dying within England, Wales and Scotland. In England and Wales, the most recent Private Members Bill on Assisted Dying [HL] was introduced by Baroness Meacher (crossbench) in 2021-2022.⁶ The Bill did not proceed after the end of the 2021-22 session. In Scotland, Liam McArthur MSP in 2021 lodged an

¹ UK Parliament POST (2022) *Assisted dying*, available at: <https://post.parliament.uk/research-briefings/post-pb-0047/>.

² Suicide Act 1961. Statute Law Database.

³ The Crown Prosecution Service (2014) *Suicide: policy for prosecutors in respect of cases of encouraging or assisted suicide*, available at: <https://www.cps.gov.uk/legal-guidance/suicide-policy-prosecutors-respect-cases-encouraging-or-assisting-suicide>.

⁴ Homicide Act 1957. Statute Law Database.

⁵ UK Parliament POST (2022) *Assisted dying*, available at: <https://post.parliament.uk/research-briefings/post-pb-0047/>.

⁶ UK Parliament (2022) *Assisted dying bill [HL]*, available at: <https://bills.parliament.uk/bills/2875>.

Assisted Dying for Terminally Ill Adults Bill with the Scottish Parliament. A public consultation on the Bill ran from 23 September to 22 December 2021.⁷

- In November 2021, Jersey's States Assembly decided "in principle" that assisted dying should be permitted following a Citizens' Jury on the topic.⁸
- Following a public petition securing over 155,000 signatures, a debate on assisted dying took place in the House of Commons on 4 July 2022.⁹
- The Health and Social Care Committee holding an inquiry into assisted dying/assisted suicide in 2023.¹⁰
- Some UK medical bodies moving from a position of opposition to assisted dying to that of neutrality, including the British Medical Association¹¹, the Royal College of Physicians¹², the Royal College of Surgeons of England¹³, and the Royal College of Nursing¹⁴.

Despite the longstanding ethical debate on assisted dying and an increase in public awareness on the topic, there is a paucity of robust qualitative evidence on public views towards the social, ethical, and practical issues raised by assisted dying in England. Most available data exploring public perspectives on assisted dying in England are based on opinion polls which often do not capture relevant complexities involved in the debate. This lack of in-depth evidence is frequently referenced in political discussions and when we engaged with experts across the UK Government and the health policy sector, we heard that quality evidence on public opinion would be a welcome contribution to informing the debate on assisted dying.

The Nuffield Council on Bioethics (NCOB) is currently undertaking a 22-month project that seeks to explore public views on assisted dying in England and the associated social, ethical, and practical considerations that they consider important in forming their views and in their deliberations. The NCOB wishes to commission a suitable provider ('the contractor') to undertake a three-stage process of public engagement and survey activities in collaboration with the NCOB:

⁷ The Scottish Parliament (2023) *Proposed assisted dying for terminally ill adults (Scotland) bill*, available at: <https://www.parliament.scot/bills-and-laws/proposals-for-bills/proposed-assisted-dying-for-terminally-ill-adults-scotland-bill>.

⁸ States of Jersey (2023) *Assisted dying in Jersey*, available at: <https://www.gov.je/Caring/AssistedDying/Pages/AssistedDying.aspx>.

⁹ UK Parliament (2022) *Assisted dying to be debated by MPs*, available at: <https://committees.parliament.uk/committee/326/petitions-committee/news/171776/assisted-dying-to-be-debated-by-mps/>.

¹⁰ UK Parliament (2023) *Assisted dying/assisted suicide*, available at: <https://committees.parliament.uk/work/6906/assisted-dyingassisted-suicide/>.

¹¹ British Medical Association (2023) *Physician-assisted dying*, available at: <https://www.bma.org.uk/advice-and-support/ethics/end-of-life/physician-assisted-dying>.

¹² Royal College of Physicians (26 March 2020) *The RCP clarifies its position on assisted dying*, available at: <https://www.rcplondon.ac.uk/news/rcp-clarifies-its-position-assisted-dying>.

¹³ Royal College of Surgeons of England (2023) *Assisted dying*, available at: <https://www.rcseng.ac.uk/about-the-rcs/government-relations-and-consultation/position-statements-and-reports/assisted-dying/>.

¹⁴ Royal College of Nursing (2023) *RCN position on assisted dying*, available at: <https://www.rcn.org.uk/About-us/Our-Influencing-work/Position-statements/rcn-position-on-assisted-dying>.

1. An initial nationally representative **quantitative survey** of the English population
2. A **Citizens' Jury** in England
3. A second nationally representative **quantitative survey** of the English population

The NCOB will not be publishing its own recommendations or an organisational position on assisted dying, or the ethics of assisted dying, as part of this project. Our focus will be on supporting an informed public debate on the topic and publishing the findings from the public engagement and survey work.

About us

The Nuffield Council on Bioethics is a leading independent policy and research centre, and the foremost bioethics body in the UK. The NCOB identifies, examines, and reports on ethical issues in biomedicine and health so that decisions in these areas benefit people and society. By this, we mean the developments which have the potential to fundamentally change the way we live, treat illness, improve health, or think about being human.

The NCOB has an unparalleled position within the bioethics landscape. Our independent, deliberative, and multi-disciplinary approach means we are uniquely positioned to draw together diverse voices, synthesise scholarly research and bring clarity to complex policy questions.

The NCOB receives core funding from the Nuffield Foundation, the Medical Research Council, and the Wellcome Trust. This specific project is funded by a grant from the AB Charitable Trust.

About the work

Aims and objectives

The overall aims of the public engagement activities are to:

- explore public attitudes towards assisted dying in England and the circumstances and constraints where assisted dying would and would not be permissible.
- understand the associated social, ethical, and practical considerations that the public considers important in forming their views and deliberations.
- use this evidence to contribute to any future debates related to assisted dying.

Specifically, the objectives of the public engagement activities are to:

- conduct a nationally representative quantitative survey of the English population to explore and capture the current attitudes towards assisted dying.

- use these initial survey results to inform the recruitment stratification criteria for the Citizens' Jury.
- use the deliberative public engagement exercise to explore the views and deliberations of an informed Citizens' Jury regarding the current law of assisted dying in England, the circumstances and constraints where assisted dying would or would not be permissible and the associated ethical, social, and practical considerations raised by assisted dying that the public considers important in forming their views and their deliberations.
- conduct a second nationally representative quantitative survey of the English population to gather views on the recommendations and views made by the Citizens' Jury.
- produce a report suitable for sharing that will contribute and inform current and future debates related to assisted dying.

Deliverables

- Monthly updates on progress during the course of the project.
- An initial report, supported by a PowerPoint slide deck, detailing the key recommendations and findings from the Citizens' Jury (delivered by June 2024).
- A final report detailing the two surveys' methodology and results, methodology of the jury process, information related to the demographics of participants, a summary of the evidence and speakers presented, all voting results, evaluation and feedback information, in-depth notes on the jurors' discussions throughout the process and how they reached the recommendations and conclusions (delivered by early October 2024).
- Contact details of all participants who wish to be contacted in the future and be given feedback on the findings of this project, with GDPR compliance.
- Media related to the Citizens' Jury, including photos and videos, where consent is given.
- A creative video (approximately 5-10 minutes in length) describing the Citizens' Jury process and findings in a concise and engaging way, co-produced with NCOB (delivered by early October 2024).
- Collaborate with the NCOB on a post-jury workshop to bring together jurors, policymakers, and other key decision-makers to present the recommendations and findings of the jury and how to take forward the results (expected to be held between October and December 2024).

Specifications for the public engagement activities

This specification does not provide a detailed design or methodology of the public engagement activities. Contractors should propose an appropriate programme for development, delivery, and reporting to produce the required deliverables and meet the objectives within the given timeframe and budget.

The following should be considered; however, the guidance is not intended to limit creativity in designing activities that delivers a high quality of process and product.

Stage 1: Public attitudes survey on assisted dying

Contractors should:

- Demonstrate that they have the expertise and experience in designing, conducting, analysing, and reporting a nationally representative survey of the English population.
- Detail how they will approach survey design and delivery, including consent, data security, representativeness, accessibility, and achieving an acceptable response rate.
- Provide a methodological justification for the overall sample size of the survey whilst considering a size big enough to provide statistical confidence that the findings represent the views of the English population.
- Outline a brief analysis plan.
- Detail quality assurance processes.
- Work in conjunction with NCOB on questionnaire design and associated materials to accompany the survey.

Stage 2: Citizens' Jury

Jury question

- The Citizens' Jury will be framed around a clear, overarching set of questions identified and decided upon by the NCOB. This process will be supported by the successful contractor with advice and oversight from the Advisory Board. As an indication, broadly the jury questions are along the lines of:

Should assisted dying be permitted or not in England?

What are the circumstances and constraints where assisted dying would and would not be permissible in England?

What are the associated ethical, social, and practical considerations that influence your view?

- The contractor should outline their approach to developing a jury outcome and set of recommendations in answer to the overarching question/s, drawing on good practice, their experience and the deliberative methodological literature.

Jury process and methodology

Contractors should:

- Outline and justify their approach to selection, demographics, and recruitment of citizens for the jury, taking into consideration issues of representativeness, diversity, and inclusion. They should set out what stratified sample they aim to achieve to broadly represent the demographic mix of England (e.g. age, gender, ethnicity, educational attainment, employment status, and whether urban/suburban or rural). We would expect to see a good geographical spread of participants from different regions of England.

- Provide a justification for the proposed jury size (a minimum of 30 citizens)¹⁵, drawing on their experience and relevant deliberative methodological literature.
- Provide an outline proposal for jury design and facilitation including the number and length of sessions (minimum 5 days), including whether these are conducted entirely in-person or a combination of in-person and online across different sessions.
- Demonstrate how the proposed approach enables the exploration of different views and the development of recommendations and provides jurors with a range of expert witnesses to inform their deliberations and provide context.
- Outline how they will work with the NCOB and oversight groups in identifying and interacting with expert witnesses.
- Outline an approach to provide mental health and well-being support to jurors and the delivery team throughout the jury process and if an individual is negatively affected by the discussions.
- Outline an approach to data collection and recording, analysing, and reporting (including feeding back to participants).
- Demonstrate your experience in designing and delivering Citizens' Juries or similar deliberative methods, in particular to show how you will foster a space for respectful, inclusive space for deliberation around a sensitive and complex topic, and how you will encourage participants to engage.

Material preparation

Contractors should:

- Outline the range and scope of suitable materials that would be made available to jurors throughout the process.
- Outline how they would work with the NCOB project team and oversight groups in the development of such materials and how they will seek to ensure that the materials are accurate, balanced, and understandable to jurors.

Reporting

Providers should:

- Outline how they would work with the NCOB project team to develop the initial and final reports.
- Set out how they plan to develop and deliver a creative video output (approximately 5-10 minutes in length) describing the jury process and findings and how they will work with NCOB on co-producing this output.

¹⁵ We recognise that Citizens' Juries and Citizens' Assemblies are commonly called 'mini-publics' and work very similarly. Citizens' Juries are usually composed of a small group of people usually between 12-24 whereas Citizens' Assemblies usually include 50-160 people. We are currently calling the deliberative methodology a Citizens' Jury however this may change if a larger number of citizens are recruited.

Stage 3: Survey to gather views on the recommendations and views made by the Citizens' Jury

Contractors should:

- Demonstrate that they have the expertise and experience in designing, conducting, analysing, and reporting a nationally representative quantitative survey in England.
- Detail how they will approach survey design and delivery, including consent, data security, representativeness, accessibility and achieving an acceptable response rate.
- Provide a methodological justification for the overall sample size of the survey.
- Outline a brief analysis plan.
- Detail quality assurance processes.
- Work in conjunction with NCOB on questionnaire design and associated materials to accompany the survey.

Roles and responsibilities

The contracted organisation's responsibilities:

- Arranging and attending frequent meetings, including collaborative project meetings. The number and timing of project meetings will be agreed upon at the inception meeting, but we expect the majority of meetings to take place virtually via Microsoft Teams with some meetings held in person at our offices in London.
- Delivering a workplan and stewarding an iterative approach, including updating the workplan and resource plan accordingly.
- Providing input on setting the overarching questions for the Citizens' Jury, with advice and oversight from the Advisory Board.
- Designing, organising, and facilitating the engagement and survey activities and process, including survey development, distribution, and analysis, jury member selection and recruitment, participant onboarding, venue identification and hire, expert witness recruitment and briefing, and material preparation for Citizens' Jury participants.
- Drafting and delivering the outputs outlined above including the initial and final report, with input and review from the NCOB project team.
- Produce a creative video output, working with the NCOB project team, on the Citizens' Jury process and findings.
- Capturing and recording participants' discussions where appropriate. Some potential outputs might include short audio and video clips of participants expressing their views and feeding back aspects of their discussions following robust consent processes.
- Organising and arranging mental health and wellbeing support for the Citizens' Jury participants and delivery team during the course of the project.
- Attending and co-organising all project Advisory Board and Content Group meetings, in conjunction with the NCOB.

- Document and communicate learning, insights, and assumptions throughout the course of the project, so that both the provider and the NCOB have a record of the project journey and decisions made.
- Participating in the launch and publication of the public engagement and survey findings and attending, and co-organising, relevant post-project follow-up activities (including a post-jury workshop), where appropriate.

The Nuffield Council on Bioethics' role and responsibilities:

- Work with the successful contractor to confirm the approach to the work before it begins.
- A core project team consisting of NCOB executive staff will oversee the work and provide logistical and planning support for the delivery of the project.
- Appointing an Advisory Board to give impartial, informed advice on the project process and planning, thus maintaining the integrity and rigour of the overall project and helping monitor and minimise bias.
- Appointing a Content Group, in conjunction with the successful contractor, to support the Advisory Board by providing advice on the content of the range of briefings/information and selection of witnesses provided to both survey respondents and jury members.
- Attending and co-organising all Advisory Board meetings, in conjunction with the successful contractor.
- Identifying and setting the overarching questions for the Citizens' Jury, with advice and oversight from the successful contractor and Advisory Board.
- Advising on the identification of external expert witnesses and content for the Citizens' Jury, with advice and oversight from the Advisory Board and Content Group.
- The NCOB will be independent from the design of the jury process and outcomes.
- Providing input on any materials to accompany the surveys, with advice and oversight from the Advisory Board and Content Group.
- Advising on the content of the survey questions, with advice and oversight from the Advisory Board.
- Attending stakeholder meetings, co-working sessions, one-to-one meetings and workshops when relevant.
- Reviewing and giving feedback on the initial and final report, including writing certain sections of the reports where appropriate and giving final sign-off.
- Provide support and input to the successful contractor to produce a creative video output on the Citizens' Jury process and findings.
- Work with the successful contractor to make sure that the deliverables are appropriate.

Project Governance

The public engagement and survey activities will be overseen by an Advisory Board appointed by the NCOB and organised in conjunction with the successful contractor. The Advisory Board will provide impartial, informed advice to the NCOB and the contractor on the project process and planning to help maintain the integrity and rigour of the project and monitor and minimise bias. This includes ensuring the

content and evidence presented to survey respondents and jury members overall is balanced, comprehensive, and accurate.

A Content Group will also be set up and organised by the NCOB, in conjunction with the successful contractor, to support the Advisory Board by providing advice on the content of the range of briefings/information and selection of witnesses provided to both survey respondents and jury members. They will also help ensure the evidence and content presented to jury members is inclusive of a range of perspectives, balanced in that regard, accurate and accessible on the issues and includes support for deliberating on and considering differing positions.

Contractors should outline an approach to how they plan to work with both oversight groups and the NCOB on the governance of the public engagement activities.

Evaluation

Providers should propose an appropriate approach to evaluate the Citizens' Jury and survey process, including outlining how they will capture the satisfaction and feedback of those involved in the jury and the surveys (citizens and witnesses).

The purpose of the evaluation will be to provide an assessment of the jury process and be used as a tool to gain lessons and learnings from the jury process as well as provide improvements and adjustments as the jury is being delivered and developed. Contractors should outline how they aim to assess the Citizens' Jury and survey process. It is a prerequisite that the successful contractor will organise and conduct the evaluation methods separately from the project team(s) designing and delivering the jury and surveys.

Costs

Proposals for this invitation to tender should include accurate pricing, excluding VAT. Value for money is a selection criterion (see below).

We invite tenders in the range of **£150,000 - £170,000** (exclusive of VAT), included in this we anticipate both surveys to be conducted within the region of £40K.

Clarification period and FAQs

Clarification periods offer *applicants* the opportunity to ask further questions on the project and to clarify their understanding on the tender.

We will be holding a clarification period during the week commencing 25 September 2023. The closing date to receive questions is **3 October 2023**. Please note that we will not be able to answer specific technical questions about individual tender responses.

Where appropriate and helpful to the tendering process, our responses to these questions will be added to an FAQ document, which we will continually update until

the clarification period closes. The FAQ document will be published after the end of the clarification period on our website.

Consortium bids

Given the nature of the work across the three stages, we also welcome proposals from contractors who retain the lead oversight but may sub-contract parts of the work to assist in the delivery of the public engagement activities. We also welcome joint proposals from consortia; however, we will expect to see one member of the consortium acting as the main partner to ensure project oversight, quality assurance, and robust methods of working. It will be the responsibility of the consortium to sort out the respective duties and responsibilities amongst each other and the roles should be detailed in the proposal.

The following information must be provided for each proposed contractor and sub-contractor or consortium:

- Name(s) and address
- Company registration
- Area of activity to be provided.

Selection process

Please submit your proposal to ADpublicengagement@nuffieldbioethics.org by **17.00 on 16 October 2023** with the subject line 'Assisted dying public engagement project - ITT response'.

This should be no more than 4,000 words (excluding appendices), clearly setting out your proposed approach to delivering this work, and how you would address associated risks and difficulties and include:

- a Gantt chart setting out timescales for key components of the project
- an itemised breakdown of costs and fee rates for different tasks
- details and CVs of the main individuals who would be involved with carrying out the work.

Applications should also provide details for two referees with whom you have undertaken similar work who may be approached by the NCOB before the interview stage.

Responses received after the deadline may not be considered.

Receipt of applications will be confirmed by email.

Interviews and selection will take place on the morning of **Thursday 26 October 2023**. Interviews are preferably held in person at our London offices but can be hosted online via Zoom if needed.

We will communicate the final decision during the week commencing **30 October 2023**.

The exact start date will be agreed following the final decision, but we intend to have an inception meeting with the chosen contractor no later than the week commencing **20 November 2023**.

If you have any queries about the application process which are not addressed in this document, please email them to ADpublicengagement@nuffieldbioethics.org.

Selection criteria

The evaluation of tenders will be subject to criteria including, but not limited to, the following areas:

- A. **Capability 60%** - the quality of the proposed methodology, demonstrating an understanding of the project objectives and proposed methods for how these will be achieved, and the suitability of the proposal against the specifications set out in the invitation to tender. Experience in providing similar deliberative public engagement exercises, including the profiles and experience of the proposed delivery team.
- B. **Capacity 10%** - Sufficient resources for the requirements of the project with appropriate timescales and consistency of a core team.
- C. **Quality assurance 10%** - appropriate quality assurance processes and risk mitigation.
- D. **Price 20%** - demonstration of value for money.

Legal obligations and data security

It is expected that the successful contractor shall sign an agreement with the Nuffield Foundation (our legal entity). Contract documents will consist of the documents submitted as part of your tender and any relevant clarifications, and communications specifying the project plan. The contractor and its suppliers will also be subject to a due diligence screening process.

The contractor understands that all material issued in connection with this ITT shall remain the property of NCOB and shall be used only for the purpose of this procurement exercise. All information provided shall be either returned to NCOB or securely destroyed by unsuccessful tenderers at the conclusion of the procurement exercise. Contractors shall at all times treat the contents of the ITT and any related documents as confidential, save in so far as they are already in the public domain.

Contractors must disclose in their tender any circumstances, including personal, financial, and business activities that will, or might, give rise to a conflict of interest by taking part in this ITT or if awarded the contract. This also applies to any sub-contractors proposed by the contractor. Where contractors identify any potential conflicts, they should state how they intend to avoid such conflicts. NCOB reserves the right to reject any tender which, in NCOB's opinion, gives rise to, or could potentially give rise to, a conflict of interest.

The successful contractor must comply with General Data Protection Regulation (GDPR) and any information collected, processed, and transferred on behalf of the NCOB, must be held and transferred securely. Contractors must provide assurances of compliance with GDPR.

The successful contractor will need to ensure that individual views of participants are not reported/published in any way that links them with personal details such as names and addresses of the participants.

The contractor will, on behalf of NCOB, seek permission from jury participants attending jury sessions to contact them again in the future, and those tendering should include in their proposal the arrangements for seeking this consent.

Participants should be offered the option of sharing their contact details if they wish to be updated about the project's progress. Those tendering should include in their proposal the arrangements to be made for secure transfer of participant details (names, addresses, etc) to the NCOB if participants wish to share their details.

Other information

Where possible, the Nuffield Council on Bioethics' will endeavour to provide brief feedback to unsuccessful bidders.