

Appendix 2

Cabinet Report – Tackling Sexual Exploitation Together – Update – 19 April 2018

Report of the Monitoring Officer - Process for Independent Inquiry - Child Sexual Exploitation

Summary

In order to ensure public confidence in the independence of the inquiry process the Cabinet proposes a 4 stage process:-

Stage 1 - A cross party group of Councillors are brought together to form an **Advisory Group** with the responsibility to commission an independent organisation, **the Commissioning Body** to draft a **Final Commission** to establish an **Independent Inquiry**.

Stage 2 - The **Commissioning Body**, independent of the Council, design the parameters for an Independent Inquiry. This will include settling the terms of reference of the inquiry in consultation with interested stakeholders. The Commissioning Body will produce and commission, "**the Final Commission**". This will be presented to Cabinet for approval. Subject to this approval it will then engage an Independent Person to lead the actual inquiry, ("the Inquiry") and produce a "Draft Report" and a "Final Report".

Stage 3 - Led by an **Independent Person** to undertake the Inquiry and produce a Draft Report and a Final Report to the Commissioning Body who are responsible for ensuring that the Independent Person has delivered a report that addresses each and every element of the terms of reference contained in the Final Commission.

Stage 4 - The Commissioning Body will receive a Draft Report and review it against the terms of reference and, subject to it meeting all elements of the terms of reference, receive, in due course, a Final Report. Reporting this to Cabinet along with endorsement/ additional recommendations (if any). Cabinet will report the Final Report back to full Council alongside their formal response (and Action Plan) on behalf of the Cabinet for approval by full Council.

Stage 1

Establish a Member Advisory Group (the Advisory Group")

A cross party group of members work together to commission an independent body who are responsible for commissioning an Independent Person to undertake an Independent Inquiry

Terms of Reference

To agree a Specification to commission an independent body, **the Commissioning Body**, to commission an Independent Inquiry into;

- all aspects of historic child sexual exploitation within the Borough; and
- current arrangements for the prevention of child sexual exploitation and support for those affected by it.

To commission an independent body taking into account:

- Reputation of the independent body - in terms of perceived independence from the Council, national recognition/ reputation, experience of working on CSE and highly sensitive and high profile issues
- Relevant skills and experience of the personnel who would be involved in the preparation of **the Final Commission**
- Quality of proposal - specificity approach to finalising terms of reference and detail of project plan to achieve the Final Commission - see below
- Proposed timescale for preparing the Final Commission
- Proposed selection criteria for selection of the Independent Person - including Member and Stakeholder involvement
- Proposals for oversight of the Independent Inquiry against agreed timescales
- Price

To receive Progress Reports from the Commissioning Body detailing progress against a pre-agreed time-table and to report back to Cabinet if this timetable is not being adhered to in a material way

To report to Cabinet if Progress Reports show that delays are as a result of a lack of support from the Council/ contributing stakeholders

To comment on the Final Commission prepared by the Commissioning Body (a Public Report) and refer to Cabinet for final approval

To comment on the findings of the Final Report prepared by the Independent Person and submit these comments to Cabinet for their consideration alongside it.

Constitution of the Member Advisory Group

This is not a formal committee of Council. It will be constituted of 2 members from each of the political groups on the Council; Labour, Conservative and Liberal/ Independent (Note rules of political balance have not been applied in the context of the non-political nature of this group and in the interests of balance)

Membership of the Advisory Group

Group Leaders will each nominate 2 members of their Political Group to sit on the Advisory Group. To avoid allegations of conflict of interest no Member who has ever been Council Leader or Deputy Leader or held a portfolio responsibility for children's services/ safe-guarding will sit on the Advisory Group or was a member of the Children and Young People Scrutiny Committee when undertaking the scrutiny review of Multi Agency Working Against Child Sexual Exploitation between November 2014 and May 2016.

Chair

To be determined by majority vote of the Advisory Group as the first item of business at its first meeting.

Meetings

Meetings of the Advisory Group will be held in private but minutes will be published immediately after they are agreed, ie immediately after the minutes are agreed as an item of business at the next meeting of the group).

The meeting schedule is as follows:

(specific dates will be confirmed once membership of the Advisory Group is confirmed by Group Leaders)

Officer Support

Meetings will be supported by the Democratic Services Team who will organise meetings, provide papers and take minutes. The Director of Children's & Adults Services or his nominated representative(s) will provide professional advice and support unless a conflict is identified in which case independent advice will be procured. Legal support will be provided by the Monitoring Officer or his nominated representative(s).

Stage 2

An Independent Body is commissioned to settle detailed terms of reference, **the Final Commission**, for an inquiry including:

Relationship with other investigations

The Commissioning Body will need to discuss their proposed investigation process with other organisations involved before it finalises the Final Commission, to establish primacy of other inquiries (for example the Truth Project, IICSA's investigation into child sexual abuse by organised networks that will cover Telford and ongoing criminal investigations), to establish co-operation and to avoid duplication

Set and monitor progress against timescales for the production of Draft and Final Reports

Remit

- Appointment of an Independent Person - detailing designated skills, experience and abilities (subject to prescribed conflict of interest provisions - professional links to Telford) and selection process.
- Defining Child Sexual Exploitation for the purposes of the Inquiry
- Defining the period(s) of time that the Inquiry will consider
- Defining objectives of the terms of reference including, but without limitation, whether or not the Council and all partners could have done more to protect children and young people from child sexual exploitation and whether or not current practice is effective and continues to develop in accordance with best practice
- Define the methodology for the Inquiry including reviewing practice through the review of case files, review arrangements and effect of partnership working, decision-making, development and use of policies and procedures over time, management and political oversight.
- Defining the parameters of the evidence available including access to documentation including case files and meeting notes etc,
- Identifying stakeholders/ participating bodies and witnesses and making contact with those witnesses to secure their co-operation to participate in the inquiry (and any evidence held by those individuals/ organisations that they represent).
- Outlining the hearing process
- Defining the timetable for planning, establishment, commissioning, hearings and reporting to Final Report
- Clarify, by way of Memorandum of Understanding, the relationship between the Commissioning Body and the Independent Person
- Determining whether or not hearings are to be held in private or in public

- Defining the cut off point for the receipt of "new" evidence.

The Final Commission will be presented to Cabinet for approval.

Officer Support to the Commissioning Body

Meetings will be supported by the Democratic Services Team who will organise meetings, provide papers and take minutes. Legal support will be provided by the Monitoring Officer or his nominated representative(s).

Reporting

The Commissioning Body will report on progress in respect of the progress of the Independent inquiry and the Draft Report and Final Report. The Monitoring Officer will report expenditure against budget to the Advisory Group and Cabinet in accordance with an agreed timetable.

The Final Commission prepared by the Commissioning Body will be agreed by Cabinet before being tendered, taking into account any recommendations of the Advisory Body.

Stage 3

The Inquiry is there primarily to provide answers to survivors of child sexual exploitation and will have that as a primary influence on the way that the Inquiry is organised and undertaken

- An Independent Person is commissioned to lead an inquiry on the terms settled by the Commissioning Body
- The Independent Person can influence the Terms of Reference and methodology within the Final Commission and make suggestions/ amendments that will be considered and agreed at the discretion of the Commissioning Body
- Any evidence from victims of child sexual exploitation will be sought with sensitivity and with the appropriate support mechanisms in place before, during and after
- The Independent Person can secure professional expertise in respect of social care practice regarding child sexual exploitation (prescribed conflict of interest provisions - professional links to Telford). (in consultation with the Independent Body and within agreed budgetary limits)
- The Independent Person will be provided with administrative support by the Council in respect of the arrangement of interviews with witnesses. (Current serving officers and members will be required to give evidence and support the inquiry. Other witnesses will be interviewed with their consent.)
- In accordance with a pre-agreed timetable the Independent Person will produce a Draft Report and, subject to comments upon that draft report from the Commissioning Body/ other stakeholders, a Final Report
- The Independent Person will conduct the work of the Inquiry in as transparent a manner as possible, consistent with the effective investigation of the matters falling within the terms of reference, and having regard to all the relevant duties of confidentiality, particularly to victims and survivors.
- The Final Report is the responsibility of the Independent Person and is not subject to agreement by any other person or body.
- The Final Report will be available in a public format taking into account reasonable requirements of anonymity, confidentiality and data protection.
- The Independent Person will report on progress to the Commissioning Body in accordance with an agreed timetable