

CSE INQUIRY MEMBER ADVISORY GROUP

Minutes of a meeting of the CSE Inquiry Member Advisory Group held on Wednesday, 20 June 2018 at 6.00pm in meeting rooms G3/4 Addenbrooke House, Ironmasters Way, Telford

Present: Councillors S Bentley, N A M England, N C Lowery (as substitute for T J Nelson), H Rhodes, and P J Scott

Members of the Reference Panel: Carol, Yvonne, Mandie and David

In Attendance: Suzanne Dodd (Governance & Legal Services Manager and Deputy Monitoring Officer), Jonathan Eatough (Assistant Director: Governance, Procurement & Commissioning and Monitoring Officer) and Deborah Moseley (Democratic and Scrutiny Services Team Leader)

The Chair welcomed Members of the Reference Panel to the meeting and introductions were made.

CSEIMAG - 06 Apologies for Absence

Councillors K T Blundell and T J Nelson.

CSEIMAG - 07 Declarations of Interest

None.

CSEIMAG - 08 Minutes

Clarification on when the confidentiality statement would be available was requested and it was confirmed that this would now be dependent on the agreement of the Terms of Reference for the Group and how involved the Group would be in the process.

Resolved – that the minutes of the meeting held on 22 May 2018 be confirmed and signed by the Chair.

CSEIMAG - 09 Terms of Reference

Resolved – that the Terms of Reference of the Member Advisory Group be “to work to commission an independent organisation, the Commissioning Body, who will draft a Final Commission and use that to appoint an Independent Chair who will establish an Independent Inquiry”.

CSEIMAG - 10 Process for the Appointment of the Commissioning Body

The Monitoring Officer referred Members to the report and revised draft specification which had been tabled following recent informal discussions with the Reference

Panel. Members were asked to note the process for the appointment of a Commissioning Body and to consider the detail of the tabled draft specification that would inform the work of the Commissioning Body in delivering the Final Commission and identifying and appointing the Independent Chair to lead the Inquiry.

The Governance and Legal Services Manager explained the open and transparent tender process which would be undertaken in accordance with EU procurement rules. An invitation to tender (ITT) was being prepared ready for release on 2 July 2018, this would be advertised on Contract Finders (a government portal allowing suppliers to search for contracts). The ITT comprised four volumes: the ITT with instructions, specification, contract and the response document. It would also include an anticollusion certificate, confidentiality table and a conflict of interest form. A bidders day would take place in the week commencing 9 July 2018 with the aim of ensuring interested parties fully understand the requirements of the contracts and provide an opportunity for interested parties to ask questions. The closing date for the return of the tender was 3 August 2018, the evaluation process would end on 16 August 2018 and an announcement of the successful organisation bidder would be made on 24 August 2018. The contract would commence on 3 September 2018.

The Governance and Legal Services Manager went on to explain the evaluation process: the evaluation team would evaluate each tender in accord detailed evaluation criteria and scoring methodology set out in the ITT. The criteria would be weighted 70% quality and 30% price. In relation to the criteria, the panel would look for examples of previous experience of leading similar high profile and sensitive matters, ability to secure public confidence in the inquiry, experience of previous CSE matters, proposals for meaningful engagement with victims, survivors, their families and friends, as well as key stakeholders, experience of managing a process to an agreed timescale including delivering effective progress reports. The criteria also included for the tenderer to provide proposals for successfully recruiting and managing an Independent Chair. There was a very detailed methodology behind the scoring and weighting of each criteria.

Following a request for clarification, the Governance and Legal Services Manager stated that the Commissioning Body's role was to lead the Inquiry via the contract by selecting the Independent Chair; the Body would then step back whilst the Chair conducted the Inquiry. This would be made clear in the documentation and during the bidders day event.

Members asked about the approach to advertising the tender and were advised by the Governance and Legal Services Manager that a lot of active promotion would take place with organisations and people of interest. The Monitoring Officer added that the Council's networks would also be used to publicise the tender as widely as possible.

Evaluation Panel

Members asked about the constitution of the evaluation panel and were advised that the panel would consist of the Monitoring Officer, the Governance and Legal Services Manager, the Commissioning, Procurement & Brokerage Service Delivery

Manager and that it had been proposed to approach the Local Government Association (LGA) to join the panel to provide an element of independence.

The Monitoring Officer referred to recent conversations and suggested that the Group consider the proposal to appoint an LGA representative and whether some members of the Reference Panel be invited to observe the tender evaluation process to provide further transparency. All Members of the Reference Panel wanted to be present to observe the evaluation panel's assessment of the bids. It was noted that a confidentiality statement would be needed due to issues of commercial sensitivity.

Some Members expressed reservation regarding the appointment of the LGA and queried what other options existed to add an experienced consultant to the Panel. The Monitoring Officer offered clarity on the remit of affiliate membership to the LGA and suggested that details of the LGA's proposed nominee could be circulated to the Member Advisory Group for agreement and if there were any significant reservations to the nominee these could then be raised. Members supported this approach to secure an independent expert in the field.

Draft Specification

With regard to the draft specification, the Reference Panel had asked for a number of amendments which were shown as "tracked changes" on the tabled draft. It was particularly noted that the Survivors wanted to remove reference to the Council's Democratic Services Team taking minutes for the Commissioning Body but there was no objection to the Team booking rooms and organising meetings. The Monitoring Officer expressed his confidence in the Democratic Services Team to undertake a full clerking role and noted that meetings could be live streamed or recorded as a backup record and that the accuracy of minutes would also be checked at a subsequent meeting in the usual way. Consideration was given to have two minute takers but this was not considered appropriate due to duplication. The Reference Panel maintained their assertion that the Democratic Services Team were not independent of this process, that the minute taker should not be a paid employee of the Council, and the Commissioning Body should take their own minutes. The Member Advisory Group, therefore, agreed to the removal of reference in the draft specification to the Democratic Services Team taking minutes for the Commissioning Body and that the minute taking provisions would be included as a separate paragraph in the contractual provisions for the Commissioning Body's remit.

Members referred to paragraph 4.6 of the report which stated that the Members were invited to agree that the Specification be finalised by the Monitoring Officer in consultation with the Chair and suggested that the Specification document should be presented to a future meeting of the Members Advisory Group for final oversight. The Monitoring Officer advised that such authority was part of normal process and the delegation did not give authority to change the spirit of the document but was made to correct typos or to give clarity. Members therefore considered and agreed that the final Specification document, including the change relating to minute taking for the Commissioning Body, should be circulated by email to the Member Advisory Group and Reference Panel for comment. Whilst it was noted that this could cause

some delay to the process, Members of the Reference Panel stated that delay was preferable in the circumstances as it was important to get the Inquiry correct.

Resolved that

- (a) The Advisory Group agree the draft specification as amended and agree that the monitoring officer will finalise the specification in consultation with all members of the Advisory Group and that the Group will note the commencement of the tender process once finalised.**
- (b) The LGA be approached to nominate an appropriately independent and qualified/experienced person to sit on the panel that evaluates bids to provide independent challenge and assurance of good process**
- (c) The details of any person proposed by the LGA be circulated to the Member Advisory Group and agreement to their appointment not be unreasonably withheld by Members of the Member Advisory Group.**

The meeting ended at 6.40pm.

Chairman:

Date: