

Appendix 3 – Draft Specification

Telford & Wrekin Council - Specification for Stage 2 process to appoint COMMISSIONING BODY to procure an Independent Chair to lead a non-statutory inquiry into Child Sexual Exploitation in Telford & Wrekin.

Introduction and Summary

This commission is being undertaken by the Monitoring Officer at Telford & Wrekin Council on behalf of a cross party Advisory Body of Councillors.

This commission has arisen as a result of an agreed Council motion dated 10 April 2018 that, amongst other things, requests the Cabinet to “*approve the commissioning and implementation of a “non-statutory” independent inquiry into all aspects of historical and current instances of CSE within the Borough*”

In order to maximise public confidence in the process the Cabinet has agreed a double independent process whereby a “Commissioning Body” is commissioned to produce a “Final Commission”. This Final Commission forms the basis of the appointment process for an “Independent Chair” to chair an Independent Inquiry and produce a “Final Report” to the Council for consideration. (A flow chart outlining the proposed process is attached to this specification).

Further background information giving context to this decision is included in a Report, and appendices, to the Council’s Cabinet on 29 March 2018 and 19 April 2018 which are available on the Council’s web-site.

Purpose of any Independent Inquiry – (This is to provide general context only)

- Establish the facts – provide a full and fair account of what happened;
- Learn from events/ what has already been done – to understand and help to prevent their recurrence by changing practice and helping/ supporting those now coming forward for help earlier and more effectively;
- Catharsis or therapeutic exposure – providing an opportunity for reconciliation and resolution, for victims and survivors;
- Reassurance – building public confidence to show that the Council is making sure it is fully investigated and dealt with;
- Accountability, blame and retribution – where possible and appropriate holding people and organisations to account;

Objective of this Independent Inquiry

To give the public confidence that the issues relating to child sexual exploitation are being fully investigated and dealt with, to establish the facts in respect of child sexual exploitation in Telford & Wrekin, to identify where public services have gone wrong, and, if appropriate, who is accountable for those failures and, most importantly of all help properly to support survivors and victims and enable them to move forward with their life in the way that is best for them

Summary of the whole proposed process

In order to ensure public confidence in the independence of the inquiry process the proposed process is as follows:-

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 which, subject to Cabinet approval, will form the basis of the appointment of an Independent Chair to lead the Independent Inquiry.

Stage 2 - The Commissioning Body, independent of the Council, will design the parameters for the Independent Inquiry. This will include settling the draft terms of reference of the inquiry in consultation with interested stakeholders including but not limited to survivors/ survivors representatives/ family and friends. The Commissioning Body will produce a "the Final Commission" which will form the basis of the engagement of an Independent Chair. The Final Commission will be approved, via the Advisory Body, by Cabinet.

Stage 3 - Once appointed the Independent Chair will finalise the Terms of Reference and lead the inquiry and produce a Draft Report and a Final Report.

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 the Advisory Body, Cabinet and Council along with endorsement/ additional recommendations. At the same time Cabinet will report their formal response (and Action Plan) on behalf of the Cabinet for approval by Full Council.

Analysis of the Proposed Commissioning Body against selection criteria

Selection Criteria	
Commissioning Body	
Credibility/ Reputation for independence, even-handedness and good public approval ratings/ demonstrable levels of public confidence in the organisation.	
Experience of leading sensitive and high profile matters with high levels of public interest.	
Good understanding of child sexual exploitation and communities - sufficient to pull together draft terms of reference of sufficient detail to enable robust selection process for Independent Chair. (The Council will want to see the biographies of the person(s) involved in this work.)	
Quality of proposals for strong stakeholder engagement - proposals for meaningful engagement with survivors/ victims/ families and friends in the development of the draft terms of reference is crucial.	
Quality of proposals for strong stakeholder engagement - proposals for engagement with other stakeholders, including public services and the voluntary sector groups working to stop child sexual exploitation or support survivors and victims of child sexual exploitation.	
Demonstrable experience in managing and delivering within an agreed timescale. It is expected that a Final Commission and appointment process could be completed within 15 - 20 consultancy days and in any event within 2 months of commission.	

Experience in recruiting to high profile positions. The Final Commission will need to include details of proposals for securing the availability of an Independent Chair for the duration of the Inquiry. The Council will expect a selection process considering at least 3 suitably qualified candidates that provides for input from survivors/ victims in some material way. It is not expected that survivors/ victims will form part of the final decision-making panel but it is expected that their views are a material consideration in the final decision. (and see below – draft selection criteria for the Independent Chair)	
Proposed reporting processes – both to the Advisory Body and oversight of the Inquiry process, including the proposal for interim reports at key milestones.	
Experience in considering detailed reports and commenting on effectiveness of report against terms of reference.	
Independent Chair	
Managing the process for ensuring that there are no conflict issues (including DBS) and previous professional links to Telford.	
An expert in child sexual exploitation, either in representative (legal) or supporting role to those affected by child sexual exploitation or in stopping child sexual exploitation and bringing perpetrators to justice.	
At least 2 references in respect of work from reference sites where work of a similar nature has been successfully completed.	
Quality of proposals for involving communities in the Inquiry process.	
Experience in engaging with stakeholders and managing the different roles that people may have, from retaining public confidence in both the independence and competency of the Inquiry to managing witnesses and the sensitive and supportive way that evidence is taken from them.	
A demonstrable ability to engage with and secure the confidence of survivors/ victims and wider stakeholders.	
Experience of writing reports/ chairing inquiries/ analysing evidence, including questioning witnesses.	

The role of the commissioning body in detail

Relationship with other investigations

The Commissioning Body will need to discuss their proposed investigation process with other organisations involved in the area before it finalises the Final Commission to establish primacy of other inquiries (for example the Truth Project, other IICSA investigations and ongoing criminal investigations) and to establish co-operation and to avoid duplication

Remit

- Appointment of an Independent Person to lead an inquiry on the basis of draft terms of reference. Defining the evaluation criteria and running the process of appointment – see selection criteria above.

- Define Child Sexual Exploitation for the purposes of the Inquiry.
- Define the period(s) of time that the Inquiry will consider.
- Define objectives of the terms of reference, link to section "Objective of the Independent Inquiry" above.
- Prepare draft terms of reference. **NOTE:** The Independent Chair will have the last say on the final terms of reference.
- Outline proposed methodology for the independent inquiry. Without restriction this might include reviewing practice, through the review of case files, review current and past arrangements, partnership working, decision-making, development and use of policies and procedures over time, management and political oversight.
- Identifying stakeholders/ participating bodies and witnesses and making initial contact with them to secure co-operation (and any evidence held by those individuals/ organisations that they represent). Current serving officers and members will be required to give evidence and support the inquiry. Note: Other witnesses will be interviewed only with their consent.
- Outline a proposed hearing process, including determining whether or not hearings are to be held in private or in public and defining the cut off point for the receipt of "new" evidence.
- Plan process to ensure that any evidence from survivors/ victims of child sexual exploitation will be sought with sensitivity and with the appropriate support mechanisms in place before, during and after evidence is given
- Agreeing the timetable for planning, establishment, hearings and reporting to Final Report (as above), including provision for interim reporting, if appropriate.
- The Independent Chair will produce a Draft Report and provide it to the Commissioning Body who will review it against the Terms of Reference. The Commissioning Body will, subject to it meeting all elements of the Terms of Reference, receive, in due course, a Final Report.
- The Independent Chair will, via the Commissioning Body, present the Final Report to the Advisory Body, Cabinet and Council along with endorsement/ additional recommendations. Cabinet will, alongside this present their formal response (and Action Plan) on behalf of the Cabinet for approval by Full Council.
- The Final Report will be available in a public format taking into account reasonable requirements of anonymity, confidentiality and data protection when it is reported to Cabinet.
- Terms and conditions – it is proposed that the Commissioning Body will be the contracting body - the Council would prefer to have their terms and conditions used but the Commissioning Body may choose but the terms and conditions that are used must not conflict with Specification terms and conditions.
- The Commissioning Body will report on progress in respect of the Final Commission and, once the Inquiry is established, quarterly progress towards the production of the Draft Report and Final Report.

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 may be provided by the Monitoring Officer or his nominated representative(s). Depending upon the nature of the appointment the Independent Chair may secure professional expertise in respect of social care practice regarding child sexual exploitation or specialist legal advice within agreed budgets.