



Telford & Wrekin  
C O U N C I L

Addenbrooke House Ironmasters Way Telford TF3 4NT

A meeting of the  
**CSE INQUIRY MEMBER ADVISORY GROUP**  
will be held in  
Rooms G3/4, Addenbrooke House,  
Ironmasters Way, Telford, TF3 4NT  
on **TUESDAY, 22 MAY 2018**  
at **6.00pm**

**Membership:**

Labour:	Cllr N A M England	Cllr H Rhodes
Conservative:	Cllr S Bentley	Cllr T J Nelson
Liberal Democrat/Independent:	Cllr K T Blundell	Cllr P J Scott

**Enquiries Regarding this Meeting:**

Legal Advisor:	Jonathan Eatough, Monitoring Officer	01952 383200
Democratic Services:	Deborah Moseley	01952 383215
Media Enquiries:	Nigel Newman, Corporate Communications	01952 382403

**AGENDA**

1. **Election of Chair**
2. **Apologies for Absence**
3. **Declarations of Interest**
4. **Governance Issues**  
Confidentiality, data protection and conflict of interests
5. **Terms of Reference**  
For the Advisory Body to agree terms of reference:-
  - (a) 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.
  - (b) To monitor progress against an agreed project plan in respect of the same.

6. **Process for the Appointment of the Commissioning Body**  
To receive a report of the Monitoring Officer outlining the process for the appointment of the Commissioning Body
7. **Date of Next Meeting and Agree a Schedule of Meetings**  
6pm on 30 May 2018 in rooms G3/4 Addenbrooke House

Appendix A

**TELFORD & WREKIN COUNCIL**

**ADVISORY BODY: 22 MAY 2018**

**THE APPOINTMENT OF THE COMMISSIONING BODY**

**REPORT OF MONITORING OFFICER**

**SUMMARY REPORT**

**1. SUMMARY OF MAIN PROPOSALS**

1.1 For the Advisory Body to consider the process for the appointment of the Commissioning Body.

1.2 For the Advisory Body to consider the detail of the draft Specification that will inform the work of the Commissioning Body in delivering the Final Commission and identifying and appointing the Independent Chair to lead the Inquiry.

**2. RECOMMENDATIONS**

2.1 The Advisory Body consider how best to proceed with the appointment of the Commissioning Body.

2.2 The Advisory Body to comment upon the draft Specification as included in Appendix 3 to the report.

**3. SUMMARY IMPACT ASSESSMENT**

<b>COMMUNITY IMPACT</b>	Do these proposals contribute to specific Co-operative Council Priority Plan objective(s)?	
	YES	<i>Putting our Children and Young People first Protecting and supporting our vulnerable adults and children Ensuring that neighbourhoods are clean, safe and well-maintained</i>
	Will the proposals impact on specific groups of people?	
	YES	<i>Eliminating child sexual exploitation is important for the entire community but particularly supports our children and survivors who have been impacted by this crime</i>
<b>TARGET COMPLETION /DELIVERY DATE</b>	On-going	
<b>FINANCIAL/ VALUE FOR MONEY IMPACT</b>	YES	<i>The Council has agreed an initial allocation of £0.350M to meet the costs of the inquiry, including the costs of commissioning the Independent Person to lead it.</i>
<b>LEGAL ISSUES</b>	YES	<i>Outside the ambit of the Inquiries Act 2005, the Council has the power to commission an inquiry into activities in their area.</i>

<b>OTHER IMPACTS, RISKS &amp; OPPORTUNITIES</b>	YES	<i>As detailed in the report</i>
<b>IMPACT ON SPECIFIC WARDS</b>	YES	<i>Borough wide impact</i>

## **ADDITIONAL INFORMATION**

### **4. INFORMATION**

#### **Background**

- 4.1. Initial proposals, as agreed by Cabinet on the 19 April 2018, talked of commissioning an independent organisation, the Commissioning Body, to be responsible for the planning and organisation of an independent inquiry into child sexual exploitation in Telford & Wrekin. The objective of the “double independent” process proposed was to provide public assurance that, otherwise than providing evidence to the Inquiry, the Council would remain at arms-length to the inquiry process. A copy of the flow diagram outlining the process is attached at Appendix 1 for information.
- 4.2. This report presents the proposal for securing the Commissioning Body by way of a competitive procurement process. This is the first stage of moving the Independent Inquiry out of control of the Council.

#### **Procurement**

- 4.3. The Council proposes to commission this work by producing a specification to attach to an invitation to tender, giving a period of time, at least 28 days in these circumstances would be reasonable, and then assessing against pre-published assessment criteria.
- 4.4. Initial assessment criteria were identified and detailed in Appendix 2 of the Cabinet Report to Cabinet on the 19 April 2018. These are re-produced in Appendix 2 of this report along with an analysis of how the procurement process will deliver against these criteria.
- 4.5. Members are asked for their views about this proposal. Members might propose alternative options that will lead to the same output, namely the appointment of a Commissioning Body.
- 4.6. The specification document detailing what is expected from the Commissioning Body is a crucial document. Appendix 3 is a draft Specification document for members to consider. This document will form the detailed specification that goes out with the Invitation to Tender. Alongside this will be published evaluation criteria, weighting different criteria in a transparent manner.
- 4.7. Members views are sought on the Specification document – members are invited to either approve the document, agree that any changes discussed will be finalised by the Monitoring Officer in consultation with the Chair, or ask that a further version is brought back to the next meeting of this Body which is planned for 30 May 2018.

### **5. Options Appraisal**

- 5.1. **IMPORTANT NOTE** – the procurement process has not been discussed in any detail with any body or group. The Monitoring Officer has not wanted to affect the

independence of the process by embarking on pre-market engagement. However, there is a risk that the specification or the timetable might not be acceptable/ achievable for any potential tenderer(s). The next step is for the Monitoring Officer to make the tender publicly available and accept qualifying bids from organisations/ individuals into the evaluation process. Bids received through this process will be evaluated against pre-published evaluation criteria by a group of officers in the Council with relevant expertise led by the Monitoring Officer.

- 5.2. Members are invited to consider whether or not the Local Government Association should be invited to form part of the Evaluation Panel – they have indicated that they might be able to do this if members consider that this is an option that should be explored further.
- 5.3. If only one bid is received but it is evaluated to be of sufficient quality to provide the required service it will be recommended to the Advisory Body for approval.
- 5.4. Relevant considerations are summarised in the following table. Members will note that whatever the approach the process might be criticised. However, the advantage of a double independent process is the re-assurance that it provides about the overall process being sufficiently distant from the final inquiry to give confidence in the integrity of the process.

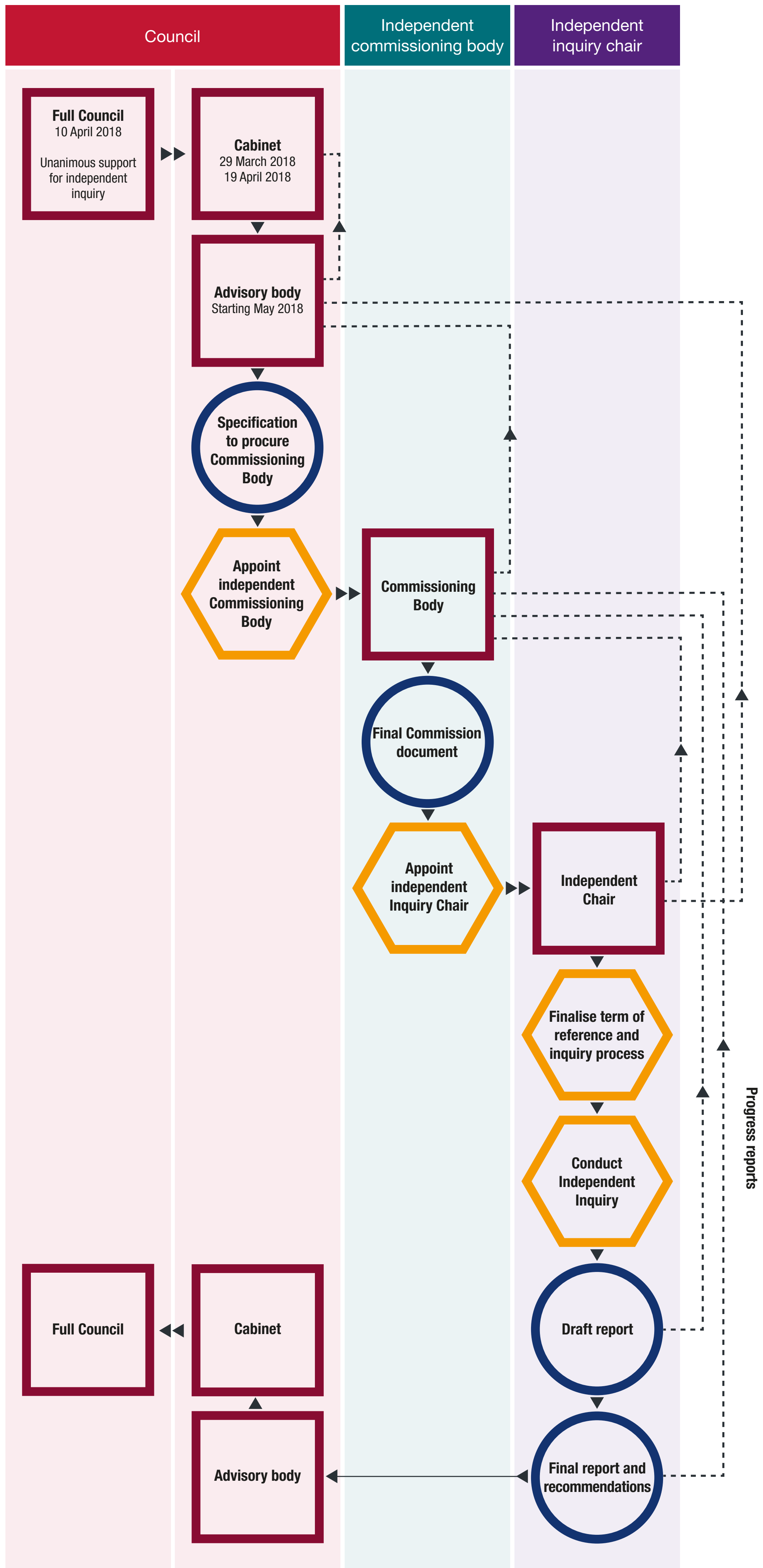
	<b>Procurement process</b>
<b>Speed</b>	A formal tender for this type of work would take 5 – 6 weeks to complete, (4 weeks to complete the tender and 1 – 2 weeks to assess tenders and award contract).
<b>Transparency</b>	Transparency is assured <b>NOTE</b> - final tender documents would <b>not</b> be made public except the bid from the successful tenderer
<b>Perceived conflict</b>	Professional organisations (for example Association of Directors of Children’s Services) might be perceived as not being able to be independent
	National charities provide relevant support services. Some might perceive a conflict of interest
<b>Price</b>	A procurement process can give public re-assurance that best value is being obtained

## 6. PREVIOUS MINUTES

- 6.1. As referred to in this report.

**Report prepared by Jonathan Eatough, Governance, Assistant Director: Governance, Procurement & Commissioning (01952 383 200)([jonathan.eatough@telford.gov.uk](mailto:jonathan.eatough@telford.gov.uk) )**

# Appendix 1 Council commissioned independent inquiry into child sexual exploitation process



## Appendix 2 – Analysis of Procurement Option against selection criteria

Selection criteria	Relevant Considerations - Procurement
<b>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</b>	Categories of organisation that might be interested in tendering include professional bodies, national charitable organisations or independent consultants. The LGA have indicated that they would be prepared to support any evaluation process if that was considered helpful/ appropriate.
<b>Relevant skills and experience of the personnel who would be involved in the preparation of the Final Commission</b>	To be assessed as part of the tender evaluation process.  It is proposed that if this process is preferred tender evaluation would be led by the Monitoring Officer advised by contractual and procurement experts. The successful bid would be made public immediately after award but the decision would be confirmed by the Advisory Body in a private meeting to preserve the commercial confidentiality of bid documents of the unsuccessful bidders.
<b>Quality of proposal - specifically approach to finalising terms of reference and detail of project plan to achieve the Final Commission - see below</b>	To be assessed as part of the tender evaluation process
<b>Proposed timescale for preparing the Final Commission</b>	To be assessed as part of the tender evaluation process. This process is not expected to take more than 2 months from commission.
<b>Proposed selection criteria for selection of the Independent Person - including Member and Stakeholder involvement</b>	To be assessed as part of the tender evaluation process
<b>Proposals for oversight of the Independent Inquiry against agreed timescales</b>	To be assessed as part of the tender evaluation process
<b>Price</b>	To be assessed as part of the tender evaluation process. Whilst cost is not a driver the Council has to secure best value for money from any procurement process.

## **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**

<b>Selection Criteria</b>	
<b>Commissioning Body</b>	
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.	
<b>Independent Chair</b>	
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.