

CSE INQUIRY MEMBER ADVISORY GROUP

Minutes of a meeting of the CSE Inquiry Member Advisory Group held on Tuesday, 22 May 2018 at 6.00pm in meeting rooms G3/4 Addenbrooke House, Ironmasters Way, Telford

Present: Councillors S Bentley, K T Blundell, N A M England, T J Nelson, H Rhodes, and P J Scott

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)

CSEIMAG - 01 Election of Chair

Following welcome and introductions from the Monitoring Officer, Councillors Bentley and Nelson raised concerns regarding the constitution of the Group.

Councillor Bentley queried the appointment of Councillor H Rhodes to the Group as it was his understanding from statements made by the Lead Cabinet Member that the Cabinet would have no involvement in the process but he noted that the Leader would be appointing Councillor Rhodes to the Cabinet for 2018/19.

Councillor Nelson believed that the victims and survivors and victim and survivor groups should be at the heart of the process from the outset and to this end, he considered that the Group should co-opt, with voting rights, three representatives from victim and survivor groups and that the Chair should be drawn from their number.

The Monitoring Officer responded that the Group was constituted according to the requirements set out in the Cabinet report of 19 April 2018. He noted that the report provided that the Group should not consist of any Members who had ever been Council Leader or Deputy Leader or held a portfolio responsibility for children's services/safe-guarding, nor had they been a member of the Children and Young People Scrutiny Committee between November 2014 and May 2016. The Monitoring Officer had pursued the route to commission an Inquiry as provided for in the Cabinet report of 19 April 2018 and he stated that this was the first time that these issues had been raised with him. He advised that the meeting could not continue without the appointment of a Chair and that the issue of co-optees could be discussed at a more appropriate point of the agenda.

Councillors Bentley and Nelson maintained their objection to the appointment of Councillor Rhodes to the Group.

Councillor N A M England proposed that Councillor P J Scott be elected Chair. The proposal was seconded by Councillor Rhodes and carried by a majority vote.

Resolved – that Councillor P J Scott be elected as Chair of the CSE Inquiry Member Advisory Group.

CSEIMAG - 02 Apologies for Absence

None.

CSEIMAG - 03 Declarations of Interest

None.

CSEIMAG - 04 Governance Issues

The Governance & Legal Services Manager set out the three areas of good governance which should govern the activity of the Group in order to give public confidence.

Confidentiality – This included access to information, how any confidential information would be shared with the Group and how Members should manage and store that information. All Members of the Group would be asked to sign a confidentiality statement which would be circulated over the next few days and comments on the statement were welcomed. Councillor T J Nelson commented that he did not expect the Group to be party to any confidential information other than that which might be commercially sensitive.

Data Protection – This included the key principles of processing personal information in accordance with the General Data Protection Regulations. A protocol would be drafted and provided to the Group.

Conflicts of Interest – The way in which conflicts were managed was crucial to the integrity of the Inquiry. There were three types of interest: actual, perceived and potential and the circumstances of each created different levels of risk. Members were required to disclose any clashes of interest with the Monitoring Officer or Deputy Monitoring Officer. A number of strategies were available to deal with interests and the risks posed: registering of low risk interests; restricting involvement in the Group; relinquishing the interest when public duties outweighed private matters; and, in high risk circumstances, resignation.

If Members had any questions regarding these issues they should be raised with the Monitoring Officer or Deputy Monitoring Officer.

CSEIMAG - 05 Terms of Reference

Councillor T J Nelson stated that the constitution of the Group should provide for victim and survivor groups to be at the heart of the process from beginning and proposed that three representatives from victim and survivor groups be co-opted to join the Group and engage in the process. Councillor S Bentley seconded the proposal.

The Monitoring Officer reiterated to the Group that a three stage process had been agreed by Cabinet on 19 April which made a lot of provision for engagement with victim and survivor groups during the course of the Inquiry. He felt that there had been a clear steer from Council to expedite the process and, in the interests of balancing speed and proportionality, the involvement of additional groups had not been envisaged at this stage of the process, which focussed purely on agreeing a procedure for the procurement of a commissioning body and agreeing a specification to inform the work of the commissioning body. He stated that it was crucial that victims and survivors were involved in the Inquiry but also that their knowledge and experience was called upon at the right time. The Monitoring Officer pointed out that the proposed appointment of co-optees required consideration of how to consult with victim and survivor groups to bring forward candidates, the subsequent selection process and how training would be provided.

During the subsequent debate of the proposal, Members discussed whether the co-option of a representative of the Local Government Association (LGA) was feasible but the Monitoring Officer advised that it was hoped to draw on the LGA's experience during the procurement process to evaluate bids. Members also considered the likelihood of any individuals coming forward for co-option but decided, on balance, that the opportunity should be provided.

Resolved – that provision be made in the Terms of Reference for three representatives of victims and survivor groups with appropriate knowledge and experience to be co-opted to the CSE Inquiry Member Advisory Group.

On the advice of the Monitoring Officer, the meeting adjourned at 6.35pm for a report on the process of co-option to be brought to the next meeting.

Chairman:

Date:

SUMMARY REPORT

1. SUMMARY OF MAIN PROPOSALS

1.1 For existing members of the Advisory Body to welcome survivor representatives on to the Advisory Body.

1.2 For the Advisory Body to note the process for the appointment of the Commissioning Body.

1.3 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.

1.4 For the Advisory Body to note the next steps in the process.

2. RECOMMENDATIONS

2.1 The Advisory Body to comment upon the draft Specification as included in Appendix 3 to the report and agree that the Monitoring Officer will finalise the Specification in consultation with the Chair.

2.2 Members agree that the LGA should be approached to nominate an appropriately qualified/ experienced person to sit on the panel that evaluates bids to provide independent challenge and assurance of good process.

3. SUMMARY IMPACT ASSESSMENT

COMMUNITY IMPACT	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>
TARGET COMPLETION /DELIVERY DATE	On-going	

FINANCIAL/ VALUE FOR MONEY IMPACT	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>
LEGAL ISSUES	YES	<i>Outside the ambit of the Inquiries Act 2005, the Council has the power to commission an inquiry into activities in their area. The procurement will fall under the list of services in Schedule 3 of the Public Contract Regulations 2015 for the Light Touch Regime, however the value of the contract will be below the OJEU threshold for the Light Touch Regime which means that the only the overriding principles of transparency and fairness must be adhered to. The Contract is likely to be more than £25,000 therefore it has to be advertised on Contract Finders (which is an online government portal which allows suppliers to search for contracts. The aim of Contract Finder is to provide small and medium sized enterprises as well as voluntary, community and social enterprises with easier access to public contract opportunities and improve transparency)</i>
OTHER IMPACTS, RISKS & OPPORTUNITIES	YES	<i>As detailed in the report</i>
IMPACT ON SPECIFIC WARDS	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 an amended flow diagram outlining the process is attached at Appendix 1 for information.
- 4.2. This report presents the procurement process for selecting 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 will commission this work by producing a specification to attach to an invitation to tender, giving bidders 28 days to submit bids that will then be assessed 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. 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. A finalised version of this document will form the detailed specification that goes out with the Invitation to Tender. Alongside this will be published evaluation criteria, detailing how the evaluation criteria will be weighed in a transparent manner. It is proposed that bidders will be invited in for a Bidders Day pre tender to meet the bidders, detail the proposed role and learn more about them.
- 4.6. Members views are sought on the Specification document – members are invited agree that the Specification will be finalised by the Monitoring Officer in consultation with the Chair.

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 invite/ 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 or another independent party 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 appropriate.
- 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.

	Procurement process
Speed	A formal tender for this type of work would take at least 5 – 6 weeks to complete, (4 weeks to complete the tender and at least 1 – 2 weeks to assess tenders and award contract).
Transparency	Transparency is assured NOTE - final tender documents would not be made public except the bid from the successful tenderer
Perceived conflict	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
Price	A procurement process can give public re-assurance that best value is being obtained

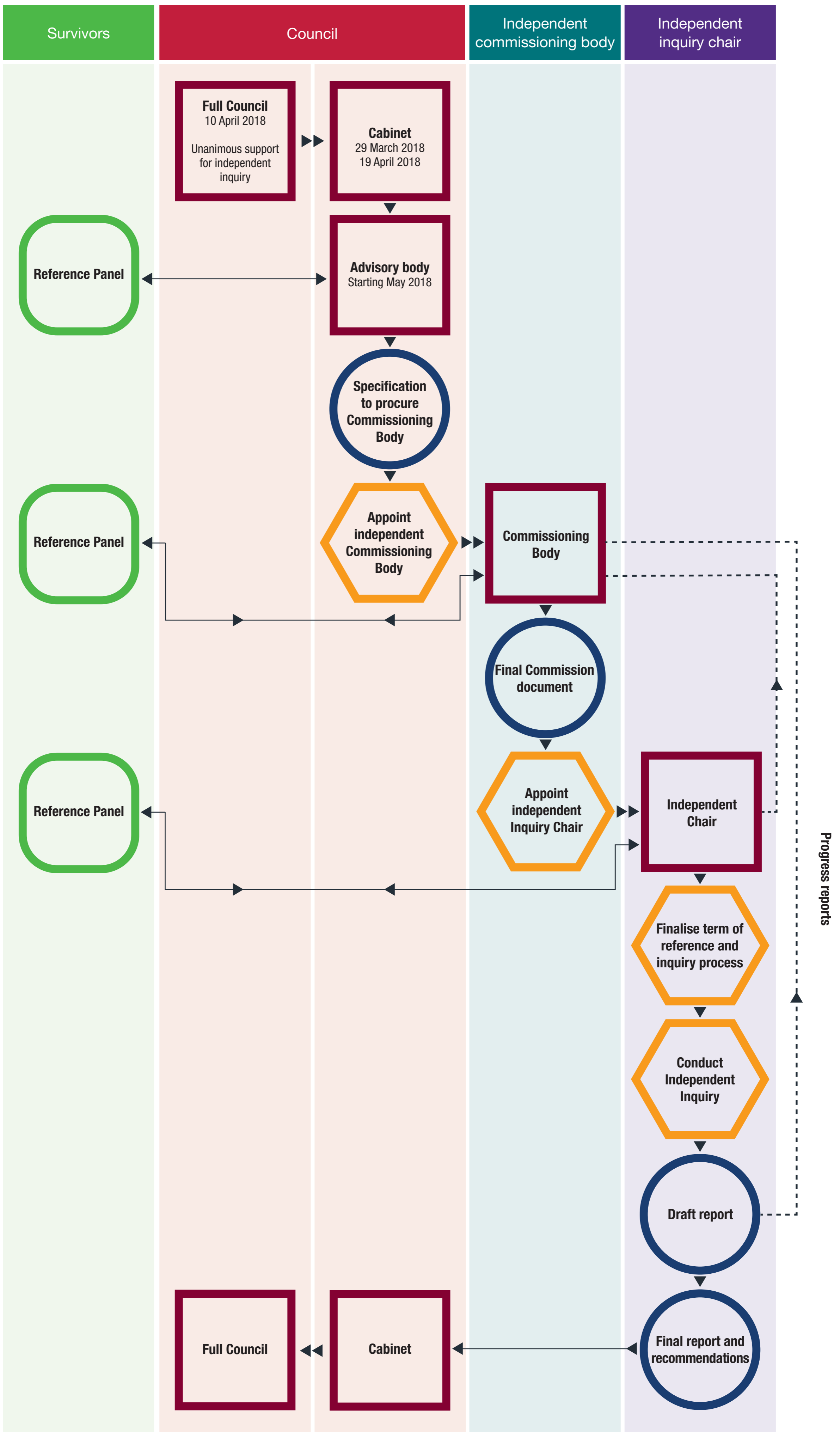
5.5. Next steps, officers will organise a meeting of the Advisory Group to take place during August when the bids have been received and assessed in order to recommend the preferred bidder to take up the role as the Commissioning Body for endorsement by the Advisory Body.

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)

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
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	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.
Relevant skills and experience of the personnel who would be involved in the preparation of the Final Commission	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.
Quality of proposal - specifically approach to finalising terms of reference and detail of project plan to achieve the Final Commission - see below	To be assessed as part of the tender evaluation process
Proposed timescale for preparing the Final Commission	To be assessed as part of the tender evaluation process. This process is not expected to take more than 2 months from commission.
Proposed selection criteria for selection of the Independent Person - including Member and Stakeholder involvement	To be assessed as part of the tender evaluation process
Proposals for oversight of the Independent Inquiry against agreed timescales	To be assessed as part of the tender evaluation process
Price	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

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.