

Supplementary Note to Appendix D Report from the Commissioning Body

Prepared for:
Telford & Wrekin Council's Cabinet - 11 July 2019

1. The Cabinet will already be in receipt of the papers provided by the Commissioning Body for the meeting on 11 July 2019. This includes a report from the Commissioning Body on the Terms of Reference for the Independent Inquiry into Telford Child Sexual Exploitation (the "Inquiry"), titled 'Appendix D Report', which we understand is to be dealt with at item 6 of the agenda. The Appendix D Report contains at Annex 3 a copy of the Commissioning Body's proposed Terms of Reference.
2. The Cabinet will be aware that the Appendix D Report and the Commissioning Body's proposed Terms of Reference were considered by the CSE Inquiry Member Advisory Group ("MAG") at a meeting on Tuesday 9 July 2019. Comments on the Terms of Reference and suggested amendments were provided by the MAG, and by a member of the local Survivors Committee, who is a lay member of the MAG. The Commissioning Body and the Chair have considered those comments and have agreed that the suggested amendments should be reflected in the Terms of Reference.
3. A copy of the amended Terms of Reference are appended to this supplementary note, with any changes being identified in 'redline'. This amended version of the Terms of Reference has been reviewed and agreed by members of the Survivors Committee. The Commissioning Body asks that the Cabinet considers this version of the document when it reaches agenda item 6 in respect of the Inquiry's Terms of Reference.

10 July 2019

Terms of Reference

Aims and Objectives

1. The overall aim and purpose of this Inquiry is to raise public awareness of child sexual exploitation (CSE) in Telford during the period covered by the Inquiry. It will provide an opportunity for anyone who has relevant evidence to be heard, particularly the victims, survivors and their families ~~to be heard~~. The Inquiry will be informed by their concerns, and information provided by others, to establish what recommendations can be made to ensure CSE is recognised, reported and steps taken to protect children and help prevent CSE in the future.

What will be examined?

2. The Inquiry will be tasked with examining the following:
 - 2.1 The **nature, extent and patterns** of CSE in Telford;
 - 2.2 The **impact** of CSE on victims and survivors, as well as on their partners, parents, children, families, and others close to them, including the mental, physical, social and economic impact;
 - 2.3 The history of changes made to **practice, policy and/or legislation** in place to identify and address CSE in Telford, and the sufficiency of such changes;
 - 2.4 The **attitude, and changes in attitude**, towards CSE and victims and survivors of CSE, including whether, when and how those attitudes changed;
 - 2.5 The local **taxi industry** and taxi licensing, and the night-time economy, and the impact that has had on CSE;
 - 2.6 The **response** of third party organisations to CSE, or suspected CSE, both generally and in specific cases, including but not limited to Telford & Wrekin Council and its relevant departments as well as the local safeguarding board, Police, local NHS organisations, education providers, care homes and others. In particular, the Inquiry will consider:
 - 2.6.1 the nature, adequacy and timeliness of any response, or lack of a response;
 - 2.6.2 sharing of information and the extent of multi-agency working in respect of CSE. How and when was, and is, information shared between agencies;
 - 2.6.3 any missed interventions;
 - 2.6.4 how complaints related to CSE were dealt with, including the handling of whistleblowers;
 - 2.6.5 the decision-making process behind the prosecution of cases;
 - 2.6.6 the response to, and impact on, those who reported CSE crimes; and
 - 2.6.7 the extent to which any failures by those third party organisation has been addressed by changes to practice, policy or legislation.
3. In relation to the matters set out above at paragraph 4, the Inquiry will identify if there were and are, any organisational and systemic failures.

Existing local reviews/reports

4. In light of its findings, the Inquiry will consider whether the following **existing reviews/reports** drew accurate conclusions:
 - 4.1 Telford & Wrekin Council's Safeguarding Children Board's report on Child Sexual Exploitation Learning, April 2014;
 - 4.2 Telford & Wrekin Council's Children and Young People Scrutiny Committee's review of Multi-Agency Working Against CSE, May 2016; and
 - 4.3 Ofsted's 2016 report on Telford & Wrekin Council's services for children in need of help and protection, children looked after and care leavers, and a review of the effectiveness of the Local Safeguarding Children Board.

Recommendations

5. If the Chair considers it appropriate, to make recommendations to ensure CSE is recognised, reported and steps taken to protect children and prevent CSE in the future. Any such recommendations will include a two-year review to assess the extent to which the recommendations have been implemented.

Timeframe and Location

6. The Inquiry will ~~hear from all victims and survivors regardless of when they experienced CSE, examine all reports of CSE, up until such date as the Chair may determine,¹~~ and will make evidential findings where possible. It is however acknowledged that due to availability of documentation, and the fact that practices will have moved on, it will be more difficult to make meaningful conclusions for earlier periods of time. Therefore, in respect of drawing conclusions and making recommendations for the future, the focus will be on the period from 1989² ~~up until such date as the Chair may determine.³ 95 onwards; this being shortly before the inception of Telford & Wrekin unitary authority in 1998.~~
7. The scope of the Inquiry is limited to those cases of CSE where there is some link to Telford. For example, the victims/survivors may have been living in Telford at the time they were exploited, or the first instance of their exploitation, they may have been educated in Telford or they may have been trafficked to Telford to be exploited.

Definitions

8. For the purposes of this Inquiry and instances of CSE, 'Child' means a person up to the age of 18, or in certain circumstances up to 21 or 25.⁴ If however a 'Child' suffers their first instance of exploitation whilst within this age bracket, and that exploitation continues beyond the relevant age, the circumstances of the exploitation throughout the period it subsists will fall within the Terms of Reference of this Inquiry.
9. For the purpose of this Inquiry, "Child Sexual Exploitation" is taken to refer to a situation, relationship or context where another individual/s manipulates, controls, intimidates or threatens a child, or those who are close to the child, to perform sexual activities on them, or others, or allow them, or others, to perform sexual activities on the child. In some cases

¹ ~~This date not being earlier than the appointment of the Commissioning Body on 22 January 2019.~~

² ~~This being the date that the Children Act 1989 came into force.~~

³ ~~This date not being earlier than the appointment of the Commissioning Body on 22 January 2019.~~

⁴ The Children Act 1989 places duties on local authorities to provide services and support to 'looked after' and previously 'looked after' children as they exit the care system, for such persons up to the age of 21, or up to 25 if in full time education. The Inquiry's remit will include examining the response of organisations, including local authorities, to reported or suspected cases of CSE. Therefore, given these obligations, it is important that the Inquiry's Terms of Reference considers cases where the first instance of exploitation took place when the victim/survivor was a "former relevant child" or a "qualifying person" within the sense of s.23C or s.24 of the Children Act 1989.

the child may receive something in return; in others the child may be controlled by fear and/or violence; it may be a combination of both. The perpetrator may be an adult, or may be a peer. The child may become commoditised, with them being sold between perpetrators and trafficked.