Report from the Commissioning Body on the Inquiry’s Terms of Reference

Members commented as follows:

The Launch of the Public Consultation

- An extensive distribution of leaflets to publicise the consultation was noted but concern was expressed at the limited inclusion of rural areas.
- The use of West Midlands Metro to advertise the consultation was questioned and the reasons for using the Metro relating to reach were noted.

The Terms of Reference

The Survivors Committee made the following points:

- Aims and Objectives. Clarity to this paragraph was sought so that anyone with relevant evidence would be heard.
- What will be examined – Paragraph 2.5. Requested that the night time economy be included. Noted a definition for this would be required.
- What will be examined – paragraph 2.16. Requested that education providers and care homes be included in the response of third party organisations.
- The proposed limitation of 1995 was felt to be insignificant and was wholly rejected. The Survivors’ Committee maintained that any time limitation should coincide with the establishment of the Children Act in 1989 which set out a general duty on the Local Authority to safeguard and promote the welfare of the child which was a relevant and integral part of the past failings. Section 22 of the Children Act set out what Local Authorities must do within the law. It was therefore proposed that the timeframe be changed to 1989 onwards with any victims, survivors and family members with evidence prior to 1989 having their witness accounts heard, relevant documentation sought and treated the same as other victims, survivors and family members giving more recent witness.

CSE I MAG noted the responses of the Commissioning Body in response to the above concerns, particularly regarding the pragmatism that had influenced the setting of a timeframe for the inquiry of 1995 onwards. However, Members remained fully supportive of all of the comments by the Survivor’s Committee and requested that the Commissioning Body consider the comments from the survivors, most particularly in regard to the proposed timeframe for the Inquiry be altered to 1989.

Members of the CSE I MAG made points as follows:

- The terms of reference should be clear throughout that the process covered current cases as well as historic. To this end paragraph 3 (What will be examined) should also include that the Inquiry would identify if there are (not just were) any organisational and systemic failures.
- Paragraph 2.4 (What will be examined) should include whether changes in attitude had occurred not just when and how.
- Paragraph 6 – Timeframe and Findings – Any reporting of evidential findings should take into account the confidentiality and personal safety of victims.

Subject to the above comments being addressed, the CSE I MAG were unanimously in support of the Terms of Reference.