

Appendix 1

Rotherham Metropolitan Borough Council Inquiry into Child Sexual Exploitation, 1997 – 2013 Terms of Reference

That the Inquiry covers the period from 1997 to January 2013.

Basis

- 1) That it be conducted by an independent person with appropriate skills, experience and abilities who has not previously been employed by or undertaken work, either directly or indirectly, for Rotherham Metropolitan Borough Council, nor is a relation of any member or officer of the Council past or present. Prior to appointment the independent person will be required to sign a declaration to that effect. The person should be on a list of reputable persons recommended to the Council by the Local Government Association.
- 2) That the author is able to commission such specialist support that they may need to fulfil the terms of reference specifically relating to social care practice regarding child sexual exploitation and that any such person engaged also be required to meet the terms set out in 1 above and sign a declaration to that effect. Commissioning of such support shall be in consultation with the Chief Executive and within the budgetary limits agreed.
- 3) That the author be supported by the Council's Monitoring Officer, who will provide relevant legal advice and commission specialist advice if considered necessary, and by the Council's Director of Human Resources in relation to arranging such interviews with members and officers that the independent person requires.
- 4) That the Inquiry's status is non-statutory. The consequence therefore is that witnesses who no longer work for the Council may only be interviewed with their consent. Current serving officers and members will be required to give evidence to and support the inquiry.
- 5) That the Inquiry is undertaken in a way that is responsive to the wishes and needs of young people that may have been subject to sexual exploitation in the past.

Scope

The inquiry has two distinct elements:-

1997 to December 2009.

Through a process of reviewing an appropriate selection of child sexual exploitation case files from the period the Inquiry will:-

- Analyse social care practice, information gathering, data recording, data -sharing (specifically between the Council and South Yorkshire Police) and decision making.
- Consider the application of child sexual exploitation policies, procedures and best practice as they existed at the time.
- Consider managerial and political oversight, leadership and direction, operational management practice including supervision, support and guidance and the roles and responsibilities of other parties including the Police, Crown Prosecution Service, health services, schools, parents, family and the Local Children's Safeguarding Board.
- Consider emerging evidence, intelligence or trends, how they were communicated within the Council and with other agencies and the speed and way in which Council service delivery was adjusted to respond.
- Identify who in the Council knew what information when and determine whether that information was used effectively and in the best interests of protecting young people.

- Examine the extent to which other forms of regulatory control available to the Council and others (for example activities such as licensing and environmental health) were used to inform the safeguarding of children from sexual exploitation.
- Ensure that the cases reviewed will include those identified in the national press.

The objectives of this element of the review are:-

- To consider whether the Council when exercising its statutory and non - statutory powers could have done more to protect young people from child sexual exploitation and whether the range of options available was in any way limited by the actions of other agencies.
- To consider whether young people were adequately protected from the risks of sexual exploitation and if not to identify the factors that led to the failure to adequately protect them, including the part played by other agencies
- To consider specifically whether there is any evidence of the Council, or any other agency, not taking appropriate action as a consequence of concerns regarding racial or ethnic sensitivities.
- Make recommendations that can be used by the Council and others to ensure that any of the mistakes of the past are not repeated

December 2009 to January 2013

Through a process of both reviewing an appropriate selection of child sexual exploitation case files and considering evidence placed within the public domain regarding safeguarding services within Rotherham (including Ofsted Inspections and Serious Case Reviews) throughout the period the Inquiry will:-

- Examine whether there is recent and current evidence that recommendations regarding the lessons learned and which have been identified in the first part of the review have been or are in the process of being implemented by the Council.
- Consider whether there is recent and current evidence the Council has or is in the process of implementing Government policy relating to child sexual exploitation that has been issued within the period.

The objectives of this element of the review are:-

- To consider whether the Council when exercising its statutory and non - statutory powers could have done more to protect young people from child sexual exploitation and whether the range of options available was in any way limited by the actions of other agencies.
- To consider whether there is evidence of necessary improvements to the Council's services and the extent to which the improvements are becoming embedded.
- To consider whether there is evidence that the pace of any such improvement is appropriate to the extremely serious nature of previous historic failings to the Council's safeguarding services in general, and child sexual exploitation practices in particular.
- To consider specifically whether there is any evidence of the Council, or any other agency not taking appropriate actions as a consequence of concerns regarding racial or ethnic sensitivities.
- To make recommendations that can be used by the Council and others.

Performance Management and Governance

The terms of reference will be discussed with the author, prior to the Inquiry being undertaken. Any suggested additions or amendments will be considered by and made at the discretion of the Chief Executive and subsequently reported to Cabinet.

A draft report and final report will be available by dates to be agreed in writing at the date the Inquiry is commissioned

The Inquiry report will be the bona fide opinion of the author and will be endorsed as such.

The Inquiry report shall be provided in a format that can be made publicly available. The author shall ensure that the Council's requirement to maximise transparency are met. It is acknowledged that sensitive or confidential information may be referred to in the report and the author should use an appropriate referencing system to ensure the anonymity of clients and that all legal requirements regarding confidentiality and data protection are met.

Throughout the duration of the conduct of the inquiry the author shall report on progress to the Chief Executive at the end of each week, in a manner to be agreed in writing.

The identification of cases for review and of officers, members and other contributors for interview shall be entirely at the discretion of the author. However the Council requires that the number and breadth of files reviewed will be sufficiently representative to provide a robust basis for the analysis. Any arrangements for files, record keeping, minutes, interviews to be arranged on request by the Monitoring Officer and/or the Director of Human Resources.

The author shall consider, and consult with the Chief Executive upon, the appropriateness of seeking evidence from the victims of child sexual exploitation.

The final report will be delivered to the Chief Executive, who will report it to Cabinet together with the Council's response. Both reports will be made public.

Martin Kimber
Chief Executive,
Rotherham Metropolitan Borough Council
September 2013.