



**Ombudsman for Children's Office**

**Invitation to submit expressions of interest for Panel of Investigators**

**Issued by: Ombudsman for Children's Office  
52-56 Great Strand Street  
Dublin 1**

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## **1. Introduction**

### **1.1 Background**

The Office of the Ombudsman for Children was established in 2004 under the Ombudsman for Children Act, 2002, as amended (the “Act”). The Office has a dual function of promoting children’s rights and investigating complaints against public bodies, schools and hospitals. Complaints are made directly by children or by adults on their behalf. Because of this duality of function, the Ombudsman for Children’s Office is not only a redress board but a human rights institution which has an important role to play as a national monitor of children’s rights and part of the reporting mechanism to the UN Committee on the Rights of the Child.

A core function of the Ombudsman for Children’s Office is the provision of an independent and impartial complaints handling service. Sections 8-13 of the Act, set out the functions of the Office in relation to complaints and investigation. A child, or any adult on their behalf, may submit a complaint to the Office.

The Office can investigate complaints relating to the administrative actions of a public body, school or voluntary hospital (as set out in the Act), where it appears that a child has, or may have, been adversely affected by the administrative actions of the body complained against.

The Ombudsman for Children may, on his own initiative or at the request of a Government Minister, give advice on any matter relating to the rights and welfare of children. In this regard, a systemic pattern identified through the complaints and investigations function may influence a submission or special report to the Oireachtas.

Details of the work of the Office are available on the website [www.oco.ie](http://www.oco.ie). The Ombudsman for Children’s Office is located at Millennium House, 52-56 Great Strand Street, Dublin 1.

### **1.2 Summary of requirements**

The OCO invites expressions of interest from suitably qualified, interested providers who wish to be considered for inclusion on a panel of investigators. This panel will be in place for 2 years. The purpose of the role is to undertake examinations and investigations under Section 8 and Section 9 of the Ombudsman for Children Act (as amended) which refers to the investigation of complaints against public bodies, schools, voluntary hospitals and a number of other bodies in receipt of public funding.

The provider should not only have an aptitude for undertaking investigations but also have an understanding of the issues concerning the rights and welfare of children, the relevant legislative and administrative framework, the regulatory environment and the standards of administration required of public bodies in the area of children’s rights and welfare.

The role of the provider is to conduct impartial, independent and thorough examination of complaints. They objectively analyse the matters raised by the child, or the adult representing the child, as well as the responses/actions of the public body, identify the salient issues and reach a fair conclusion including, where appropriate, seeking appropriate redress.

Interested providers should note that it is not possible for the OCO to guarantee any allocation of work arising from this proposed panel. Work will be allocated by way of specified criteria based on the information available and in particular the experience and expertise most relevant to the specific investigation as well as value for money considerations.

### **1.3 Specification**

This provider will be required to

- assist with and undertaking investigations of complaints as required, including meeting with complainants ( including children), public bodies, reviewing all relevant documentation and preparation of investigation reports;
- maintain comprehensive file records in relation to the investigations carried out;
- objectively analyse the matters raised by the child, or the adult representing the child, as well as the responses/actions of the public body, identify the salient issues and reach a fair conclusion including, where appropriate, seeking appropriate redress.
- liaise, as required, with other OCO staff in relation to the investigations carried out; and
- a commitment to working in a child-centred way.

The nature of the work in this Office is child-centred. A commitment to working on behalf of children and young people under the age of eighteen is essential. Many of the complaints are complex involving the interaction between Public Bodies and children and their extended family situations. The contractor should be capable of evaluation and analysis of complex and sensitive issues. Being empathetic, fair and impartial with all parties to a complaint (i.e. child, complainant, Public Body/Bodies) is essential to work in the Ombudsman for Children's Office's complaint and investigation team. The provider must also possess a writing style that is accurate, clear and concise.

### **1.4 Qualifications and experience**

At the time of application the provider must possess:

- A qualification of at least level 8 on the National Framework of Qualifications from a recognised university or other third level institution in a relevant discipline
- At least five years relevant experience in the evaluation or analysis of complex issues relevant to the role of investigator and the work of the Office of the Ombudsman
- Possess a full understanding of relevant legislation, policy and practice regarding children and young people.

- Demonstrate an understanding of the principles underpinning the work of Ombudsman
- Proven ability to gather information from a variety of sources such as documentation and through interviews and be able to identify inter-relationships and linkages.
- Ability to source, analyse and evaluate information for applicability and relevance.
- Ability to make clear, timely judgements on complex issues that are fair and proportionate.
- Ability to communicate effectively with children and young people in order to elicit their views
- Ability to manage conflict and be empathetic, fair and impartial with all parties.
- Ability to write reports presenting complex information in an easily understood and accessible format using plain English for publication.
- Demonstrated commitment to the promotion of the rights and welfare of children.

It would be of benefit if the provider has experience in a similar role investigating complaints about public services effecting children including schools. The provider must have the ability to work well under pressure and the capacity to communicate well both on the phone and in a written format. The provider must be able to work independently while also contributing positively to the overall complaints and investigations team. Above all, he/she must have a commitment to fulfil the statutory mandate to promoting the rights of children and young people without prejudice.

### 1.5 Timescale

The latest time and date for receipt of expressions of interest is **Wednesday, 01 May 2019**. These should be emailed to [ocotenders@oco.ie](mailto:ocotenders@oco.ie) and marked "Investigator Panel" in the subject line.

Expressions of interest received through any other way will not be eligible for assessment.

### 1.6 Format of expressions of interest and query handling

Any query regarding the invitation to submit expressions of interest should be addressed in writing or by email to: [ocotenders@oco.ie](mailto:ocotenders@oco.ie) and marked "Investigator Panel" in the subject line.

All requests for clarification must be received by **Monday, 22 April 2019 at 12.00pm**. In the interests of equity, any additional information elicited will be made available to all known potential interested providers.

Interested providers must address all the requirements and must be presented in the format requested below. Interested providers should provide material in respect of each heading below. Failure to address each heading could result in exclusion from the competitive process.

**General information**

- Name, address, telephone and email address of interested provider.

**Educational attainments and work experience**

- A brief history of the educational achievements and work experience to date of the service provider
- Any other relevant information

**Experience relevant to the role of investigator**

- A brief outline of the skills of the provider relevant to the role of investigator and as set out in section 1.3 and 1.4.

**1.7 Costs and financial arrangements**

All costs must be quoted in Euro and exclusive of VAT, and the proposed price schedule must take the following format:

- Costings should be provided in daily and hourly fee basis. Please note that this rate covers a 7 hours working day.
- All fees will be subject to Professional Services Withholding Tax currently at a rate of 20%
- Invoicing arrangements will be agreed between the OCO and the successful provider(s).
- The provider will not be an employee of the Office of the Ombudsman for Children and shall not be paid a fee for any period in which services were not provided for whatever reason, including sickness, holidays or other commitments.
- The provider will not be reimbursed for any expenses incurred in connection with the performance of services under this Agreement, unless those expenses are approved in advance by the Office Manager.
- Any authorised vouched travel and subsistence as is reasonably necessary for the performance of the services will be paid at public service rates.
- The OCO will not be liable for any costs incurred by interested providers in the preparation of responses to this request for expressions of interest.
- Any discounts to which the Ombudsman for Children's Office may be entitled must be clearly indicated, including but not limited to:
  - Public sector discounts

- Early payment discounts
- Any other discounts.

## **1.8 Confidentiality**

Under the Act, this Office has strict confidentiality obligations with respect to information it receives in the course of investigations regarding complainants and public bodies. The successful provider will be expected to sign a confidentiality agreement which will require them not to disclose to any third party or otherwise use or permit any others to use, any confidential information, regarding a case examined by the Ombudsman for Children's Office to which they may have access in the course of this work.

## **2 Selection criteria**

### **2.1 Initial evaluation**

Interested providers will be examined initially by reference to the completeness of documentation and information provided relevant to the expressions of interest. Only those interested providers who satisfy all of the conditions and have addressed all the requirements as set out in Sections 1.3 and 1.4 will be considered for interview.

### **2.2 Award criteria**

The evaluation criteria used will be suitability of requirements with regard to sections 1.3 and 1.4 and 1.7 Cost.

Selection may include an interview for shortlisted providers. Applicants will be assessed in accordance with the following criteria:

- relevant experience;
- references provided;
- demonstration of required skills; and
- cost effectiveness.

During the evaluation of either stage, clarification may be sought in writing, including by e-mail, from interested providers. Responses to requests for clarification must not materially change any of the elements of their submissions. No unsolicited communications from interested providers will be entertained during the evaluation period.

### **2.3 Successful providers**

Providers who meet the pre-qualification criteria and required marks on the selection criteria set out in this request for expressions of interest will subsequently be invited to be included in the panel of investigators.

## **2.4 Scope of the panel**

The panel arrangement will operate for two years from **Monday, 27 May 2019**. At the discretion of the OCO the panel arrangement may be extended for up to an additional year.

## **2.5 Participation in the panel**

To be eligible to participate in this arrangement, interested providers will have been deemed to meet the criteria set out at Sections 1.3 and 1.4 of this document

The OCO reserves the right to remove a successful provider from the panel for any breaches of the terms and conditions of the expression of interest. The OCO also reserves the right to remove successful providers where the individual provider has not complied with the terms and conditions of the contractual arrangement as agreed between service providers and the OCO. The OCO also reserves the right to remove providers from the panel should their work not be of a sufficiently high standard.



### **3 General Conditions**

Documentation should be prepared in English and is subject to the following:

- 3.1** This invitation to submit expressions of interest shall form part of the contract documents. This invitation and all submissions shall be governed and constructed in accordance with the laws of Ireland and the work carried out shall be deemed to be carried out in Ireland.
- 3.2** The Ombudsman for Children's Office will use its best efforts to hold confidential any information provided by tenderers subject to their obligation under law, including the Freedom of Information Act which came into force on 21<sup>st</sup> April 1998. Tenderers should indicate when tendering, what parts of their tenders are commercially sensitive and which they consider should be kept confidential should an FOI request be received. The Ombudsman for Children's Office will consult with tenderers about any such sensitive information before making a decision on any FOI request received. Similarly, the Ombudsman for Children's Office requires that all information provided pursuant to this invitation to tender will be treated in strict confidence by tenderers. The successful tenderer will be required to enter into a confidentiality agreement in respect of any confidential information provided
- 3.3** Tenderers should be aware that national legislation applies in other matters such as Official Secrets, Data Protection and Health and Safety.
- 3.4** Tenderers must have regard to statutory terms relating to minimum pay and to legally binding industrial or sectoral agreements in preparing tenders.
- 3.5** Information supplied by tenderers will be treated as contractually binding. However, the Ombudsman for Children's Office reserves the right to seek clarification or verification of any such information. Failure to provide a satisfactory response may lead to that tenderer's exclusion from the process. The Ombudsman for Children's Office reserves the right to check all information for accuracy. Statements which are subsequently found to be incorrect or incapable of fulfilment may be found by the Ombudsman for Children's Office as a reason to exclude that tenderer from the process. The appropriate course of action to be taken in any event shall be decided by the Ombudsman for Children's Office in its absolute discretion.
- 3.6** Any conflicts of interest involving a tenderer must be fully disclosed to the Ombudsman for Children's Office particularly where there is a conflict of interest in relation to any recommendations or proposals put forward by the tenderer.
- 3.7** Before a contract is awarded the successful tenderer (and agent, where appropriate) will be required to promptly produce a Tax Clearance Certificate, or in the case of a non-resident tenderer, a statement from the Revenue Commissioners confirming suitability on tax grounds. Non-residents should contact the Office of the Revenue Commissioners, Revenue Residence Section, Government Offices, Nenagh, Co Tipperary. In addition, contractors must retain records of tax reference numbers for any subcontractors where payments exceed €650 (incl. VAT).

- 3.8** Before a contract is awarded the successful tenderer (and agent, where appropriate) will be required to undergo vetting by the Garda Síochána Central Vetting Unit.
- 3.9** Tenderers should note that the provisions of Department of Finance Circular 43/2006 apply and the Ombudsman for Children's Office will require sight of Tax Clearance Certificates for any subcontractor where payments exceed €2,600. Forms may be obtained from the following address: Office of the Revenue Commissioners, Sarsfield House, Limerick. Where a Tax Clearance Certificate expires within the course of the contract, the Ombudsman for Children's Office reserves the right to seek a renewed certificate. All payments under the contract will be conditional on the contractor(s) being in possession of a valid certificate at all times.
- 3.10** In the event of a group of respondents jointly submitting an acceptable offer, the contract will be awarded by the Ombudsman for Children's Office to one contractor who acts as the agreed prime contractor. The prime contractor is responsible for the delivery of all services provided for under the terms of the contract and shall assume all the duties, responsibilities and costs associated with the position of prime contractor.
- 3.11** Successful tenderers are obliged to effect and maintain where necessary employers liability, general third party liability and professional indemnity insurance. Where requested to do so the successful tenderer is required to produce evidence of payment of such insurance premiums
- 3.12** The successful tenderer shall be responsible for the delivery of all services provided for within the contract on the basis of the fixed fee. Prices quoted in the tender cannot be increased during the term of the tender. Similarly, terms and conditions cannot be altered.
- 3.13** The Ombudsman for Children's Office retains the right to terminate the contract and to withhold payment where a contractor has failed to meet his/her contractual obligations in relation to the delivery of the required services.
- 3.14** The Ombudsman for Children's Office will not be liable in respect of any cost or expenses incurred by tenderers in the preparation of tenders or any associated work effort, including preparing and presenting their proposals.
- 3.15** The Ombudsman for Children's Office reserves the right not to proceed with the procurement process and is not bound to accept the lowest or any tender submitted.
- 3.16** The Ombudsman for Children's Office will have copyright ownership of any report that may be produced under the contract.
- 3.17** Tenders must be completed in accordance with the format specified in section 1.6.
- 3.18** Tenders which are considered to be incomplete will not be evaluated.

**3.19** Tenders should be emailed to: [ocotenders@oco.ie](mailto:ocotenders@oco.ie) only. Postal applications and applications received after the deadline will not be accepted. Tenders delivered after the closing time of **12.00pm Wednesday, 01 May, 2019** will not be accepted. The onus is on the tenderer to ensure that the response to tender is delivered by the time and date specified. Emails should be clearly marked "Investigator Panel"

In submitting a response to this invitation to tender, each tenderer specifically acknowledges the procedures and disclaimer in this invitation to tender and agrees to abide by them.