



Notification of Child Protection Incident / Serious Case Reviews

Introduction

This guidance was commissioned by Bracknell Forest Safeguarding Children Board (BFLSCB) and written following consultation with partner agencies.

Section A provides details of the legislative, regulatory and recently amended policy underpinning these functions and is included to inform decision making. It is not intended that this section will be appear in the final procedure made available to partner agencies.

Section B of this paper provides draft guidance in respect of the partner agency notifications of Child Protection Incident (CPIRs).

Section C of this paper goes on to outline draft guidance in respect of the partner agency notifications of and Serious Case Reviews (SCRs).

Section A

1. Legislative and Policy Context

The Government's statutory guidance, 'Working Together to Safeguard Children (HMGov, 2015), sets out a less prescriptive process for conducting SCR. However, such reviews form part of a 'Local Learning and Improvement Framework' that encompasses a range of activities in addition to the SCR itself. These measures should compliment other LSCB work to ensure lasting improvements in services and better outcomes for children and young people.

In addition to undertaking SCR, the activity of each Local Learning and Improvement Framework is expected to include the following activities:

- Reviews of all child's deaths (up to the age of 18yrs)
- Reviews of child protection incidents
- Single and inter-agency reviews or audits of practice in on or more area

(Working Together 2015, Chapter 4, para 8)

LSCBs are given greater flexibility in the models and methodology they use, providing the following principles are applied to all of the reviews undertaken to ensure they:

- reflect a culture of continuous improvement
- are proportionate in their scale and complexity
- are undertaken by individuals who are independent of the case
- fully involve professionals
- families (including children) are enabled to contribute and children remain at the centre of the process
- have in place rigorous monitoring of actions in order that improvements are sustained.

In addition the principle of ‘transparency’ is strongly asserted and underpins a clear requirement for all SCRs to be published in full.

2. Criteria for Undertaking Serious Case Reviews

The Criteria for undertaking a SCR is set out in Chapter 4 of Working Together 2015 and clarifies the requirements contained in Regulation 5 of the Local Safeguarding Children Boards Regulation 2006.

i. Regulation 5(1) (e) and 5(2) set out a LSCB’s function in relation to serious case reviews.

5 (1) (e) requires that LSCBs undertake reviews of serious cases and advise *“the authority and their Board partners on lessons to be learned”*.

5 (2) of this regulation goes on to clarify the criteria under which LSCB should commence such enquiries and states that *“for the purposes of paragraph (1) (e) a serious case is one where:*

- (a) abuse or neglect of a child is known or suspected; and*
- (b) either (i) the child has died; or (ii) the child has been seriously harmed and there is cause for concern as to the way in which the authority, their Board partners or other relevant persons have worked together to safeguard the child.”*

ii. Working Together 2015 further clarifies the expectation as to when a SCR should be undertaken and introduces a requirement for Child Protection Incident Reviews and other reviews/audits to be undertaken where this criterion is not met.

Chapter 4 (18) requires that where cases meet the criteria set out within Regulation 5, LSCBs **must always** commission a SCR.

In addition, an SCR **should always** be carried out when a child dies:

- in custody (including police custody)
- on remand or following sentencing
- while detained in a Young Offender institution
- while resident in a secure training centre or a secure children’s home
- while detained under the Mental Health Act 1998 or aged 16 or 17 was the subject of a deprivation of liberty order under the Mental Capacity Act 2005.

Working Together defines Regulation 5(2)(b)(i) to also include a requirement that SCRs are commissioned where a child has died by suspected suicide.

This guidance goes on to state that, where a case is being considered under regulation 5(2) (b)(ii), unless it is clear that there are no concerns about inter-agency working, the LSCB **must** commission an SCR.

The final decision on whether to conduct the SCR rests with the LSCB Chair.

However, if an SCR is not required because the criteria in regulation 5(2) are not met, the LSCB may still decide to commission an SCR, or they may choose to commission an alternative form of case review. The LSCB should oversee implementation of actions resulting from these reviews and reflect on progress in its annual report.

3. Criteria for Undertaking Child Protection Incident Reviews

- i. CPIRs should be undertaken by organisations, or jointly commissioned through the LSCB where it is agreed that:
 - The case does not meet the criteria for a Serious Case Review (SCR); and
 - The circumstances associated with a serious child protection incident indicate that legislative/policy requirements and/or standards contained within LSCB Inter-Agency Guidance were not met by individuals and/or organisations; and
 - Such a review will provide learning in respect of:
 - individual organisations safeguarding functions
 - how organisations are working together
 - improvements that maybe required within local services.
- ii. BF LSCB also encourages partner agencies to undertake CPIRs where they provide evidence of good practice that can be shared and embedded within their organisation and across partner agencies.
- iii. A range of models can be employed for undertaking such reviews and while these can be applied to those conducted by individual organisations, or on an inter-agency basis, they should integrate a 'Systems' approach as advocated within Professor Munro's report to Government in 2011.
http://media.education.gov.uk/assets/files/pdf/m/8875_dfe_munro_report_tagged.pdf
- iv. Such reviews are not seen as an end in themselves and organisations will need to demonstrate that findings are translated into programmes of action and reflect the purpose of the activity in identifying the improvements needed, and consolidating good practice.
- v. When considering proposals made by partner agencies for jointly commissioned CPIRs, the LSCB will consider whether additional learning is likely to be gleaned in cases where similar issues have previously been the subject of earlier reviews and may be better addressed through other learning and improvement process.

4. Information Sharing and Communications

- i. To inform the decision as to whether a CPIR /SCR should be commissioned all agencies will be asked to confirm whether they have had any involvement with the child/young person and their family. Where agencies verify their involvement, they will be asked to provide a skeleton chronology and a summary of information held in advance of the discussion at the SCRSG. This information will be submitted via the Case Review Notification Form (CRNF) A.

- ii. The disclosure of sensitive personal information such as health records is governed by Data Protection principles, whether as part of a CPIR/SCR or not.
- iii. **Due regard should be given to the guidance set out in paragraphs 22 – 25 of Working Together 2015.** BF LSCB sees disclosure for the purposes of a CPIR/SCR and related reviews/audits as being in the public interest. However, all disclosures need to be considered on a case-by-case basis, and the reasoning for either disclosure or non-disclosure documented. The guidance therefore allows for the disclosure of records of children without consent.
- iv. Consideration will also need to be given as to whether to disclose parent's/carer's records. Such decisions will need to take into account the public interest in disclosure of the records for the purposes of these processes and balancing this against the need to ensure that information disclosed about third parties is necessary and proportionate.
- v. Any communication with family members/significant others, or the press in relation to jointly commissioned CPIRs/SCRs, will be agreed by members of the Learning and Improvement Sub-Group (LISG) in consultation with the Independent Chair and the responsible senior managers of relevant agencies.
- vi. The LISG will consider the information submitted by agencies and make recommendations as to the appropriate methodology that should be used. Where the LISG does not consider that either review is appropriate, it will advise on the necessity of alternative reviews and/or audits that may need to be undertaken by one or more agency.

5. Parallel Processes

- i. Consideration must also be given as to other procedures that may be relevant, or more applicable such as, a Domestic Homicide Review (DHR), a Safeguarding Adults Review or a MAPPA review. In these circumstances, the LISG will agree which procedure is most appropriate. It is recognised that the DHR process does not currently provide for a clear analysis of safeguarding matters, therefore in such case a SCR may also be required.
- ii. The LISG will need to be aware that in cases where Criminal Court / Coroner's Court Proceedings have previously commenced; liaison must take place with the relevant agencies involved. However, the completion of a Review should not be delayed due to outstanding criminal matters and careful consideration should be given to the legal guidance by The Crown Prosecution Service (CPS) for SCRs.
(http://www.cps.gov.uk/legal/s_to_u/serious_case_review/)
- iii. Regulation will vary as to the specific requirements for individual agencies notification of cases to their relevant regulatory bodies. However, guidance in respect of Local Authority responsibilities is contained within the Berkshire Local Safeguarding Children Boards Child Protection Procedures.
(http://berks.proceduresonline.com/bracknell/p_ser_case_rev.html#criteria)

Section B

1. Child Protection Incident Review Case Notification

i. Single Agency Reviews

The process for commissioning single agency CPIRs may differ across organisations. Such cases are often complex and considerations as to how learning and improvements can be best achieved will be the benefit of consultation. In order to verify that the case does not meet the criteria for a SCR / Inter-Agency CPIR, the consultation should involve the Agencies LSCB Representative/ Safeguarding Lead Officer and the LSCB Business Manager.

ii. Inter-Agency Reviews

Requests for CPIRs that are jointly commissioned under the auspices of the LSCB will normally follow a similar process of consultation as to that described above and should be organised by initially notifying the organisation's LSCB Agency Representative.

Request for a CPIR should be submitted using the secure LSCB email address: BF.LSCB@Bracknell-Forest.gcsx.gov.uk. This should be done within 24 hours of the consultation using Case Review Notification Form A (CRNF A). Please see Appendix A for details.

On receipt of Form CRNF A, the LSCB Business Manager will verify that the request meets the criteria set out above and will notify the LSCB Independent Chair. In turn the Independent Chair will make the final decision as to whether a CPIR should be jointly commissioned.

Section C

1. Serious Case Review Notification

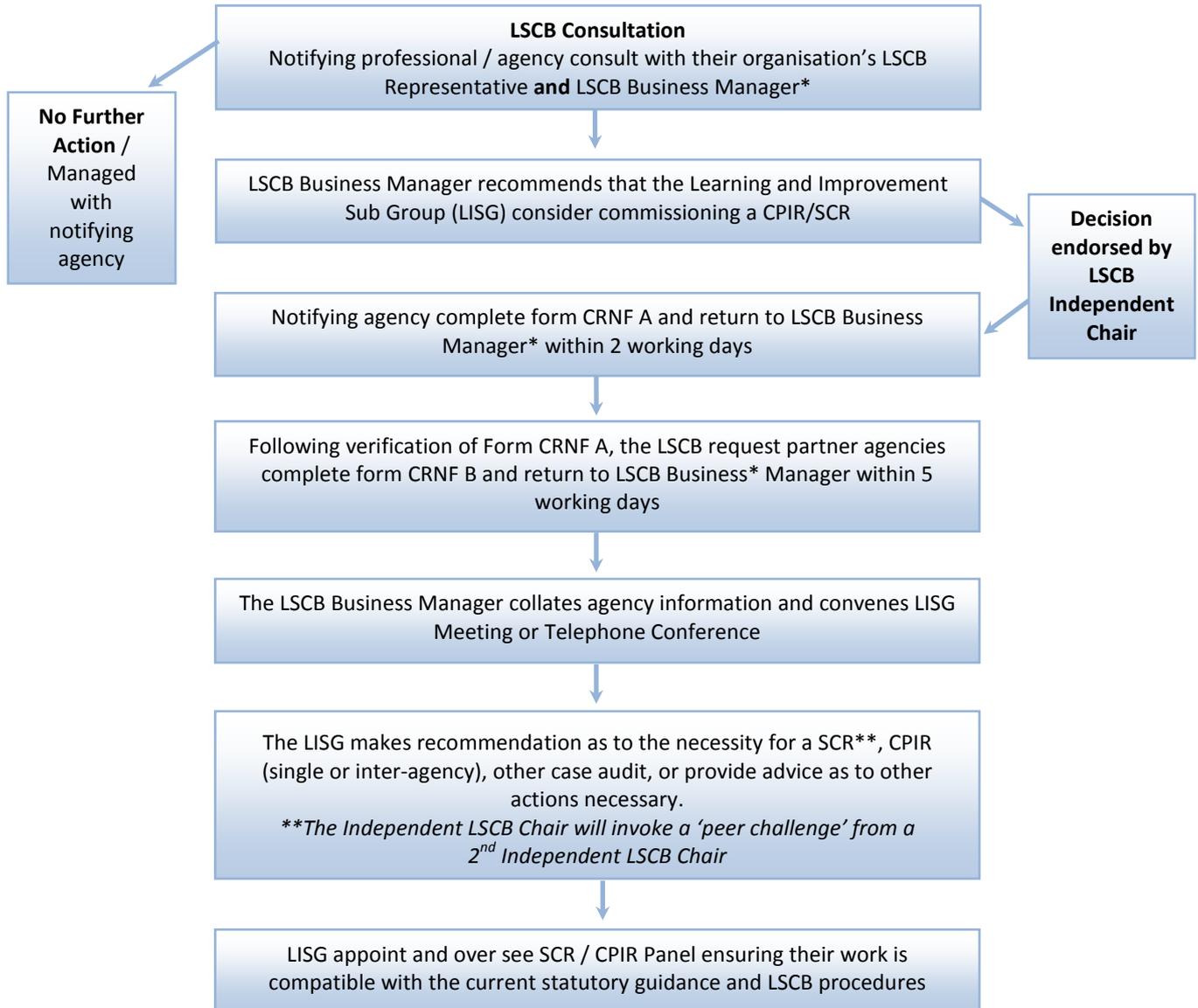
The initial process of SCR notifications will follow a similar process as set out above in respect of CPIRs. Indeed as more information comes to light, it may transpire that cases that are initially subject to a CPIR are escalated and managed within the SCR process.

- i. Any professional or agency who becomes aware of a case that meets the criteria for a Serious Case Review (SCR) should notify Bracknell Forest Local Safeguarding Children Board (BF LSCB) of this directly using the form CRNF A (see appendix A). However, unless it is clear that the criteria above are met it is advisable that guidance is sought from the organisations LSCB Agency Representative / Safeguarding Lead Officer who can offer support and advise.
- ii. Notifications made to the LSCB will be considered by the LISG who will in turn make their recommendation to the LSCB's Independent Chair as to whether a SCR should be commissioned. Such decisions should be reached within 1 month of the original notification.
- iii. The final decision as to whether a SCR is to be held sits with the Independent Chair. In turn the LSCB must notify Ofsted and the National Panel of Independent Experts of their decision.
- iv. Where the LISG considers that a notification has not met the criteria for undertaking a SCR, the LSCB must give consideration as to the necessity for a Child Protection Incident Review (CPIR), or other review or audit of practice. Such reviews/audits can be undertaken by one or more organisation and can also relate to examples of good practice. The aim of such activities is to support lasting improvements in practice and better outcomes for children and young people.

Detailed guidance in respect of management of SCRs is contained within the Berkshire Local Safeguarding Children Boards Child Protection Procedures.
(http://berks.proceduresonline.com/bracknell/p_learn_improv_framework.html)

CPIR / SCR Decision Making Process

The diagram below outlines the stages of decision making that support the process of decision making in regard to CPIRs/SCRs.



*Where the LSCB Business manager is unavailable, please contact Alison Burnell:
Email: alison.burnell@bracknell-forest.gov.uk - Tel: 01344 354043

For details of current legislative and regulatory requirements please visit the LSCB's website: www.bflscb.org.uk