



SCOTTISH
CHILDREN'S REPORTER
ADMINISTRATION

**SCRA response to the
Scottish Executive consultation on Draft Significant Incident
Review Guidance**

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Overview of Key Comments

- SCRA welcomes the opportunity to comment on the Guidance and is in full support of its aim: “to provide a systematic and transparent approach to the review process”. We agree that more clarity and consistency would be beneficial for all agencies that share the common goal of providing protection to young people.
- We hope that expectations in relation to application of the Guidance will be clarified in respect of SCRA. Clarification is required as to the extent to which it is envisaged that SCRA will be involved in Significant Incident Reviews, both as an instigator of a review and as a participant in the review process.
- We welcome the Guidance’s detail in respect of the Significant Incident Review process but feel that the Guidance should elaborate on the principles which should be considered at the decision making stages of the process.
- In particular, further guidance in relation to the interpretation of the phrase: “the incident gives rise to concerns about professional and/or service involvement” would be beneficial.
- In the Guidance there are a number of instances where there is an expectation that local arrangements will be made to support implementation of the SIR process. This may give rise to degrees of national inconsistency in approach which is an issue of concern, particularly from the perspective of a national organisation. Monitoring and evaluation arrangements are required to support national consistency of approach.
- SCRA would welcome the opportunity to engage in further discussions with the Scottish Executive on any of the issues raised here.

Detailed Comments

Para	Comment
Section: 1. Introduction	
1.5	At paragraph 1.5, reference is made to Child Protection Committees which work on behalf of Chief Officers in health, police and local authorities in their local area. This relates to Child Protection Committee (CPC) guidance regarding composition of CPC's. The guidance references CPC's engaging with agencies beyond their direct control, for example SCRA, but does not place any clear expectations regarding SCRA involvement in CPC's. Clarification is therefore required as to the extent to which it is envisaged that SCRA will be involved in Significant Incident Reviews.
1.9	This paragraph references reasons why a full Significant Incident Review cannot be progressed and discusses criminal investigations and directs appropriate liaison with the police and Procurator Fiscal. Specific reference to SCRA proceedings and the possible need to liaise with the children's reporter would be a positive addition.
Section: 2. Criteria and Definition of a Significant Incident	
2.3	This section outlines the criteria and definition of a Significant Incident. SCRA suggests that paragraph 2.3 should read as follows. "It is important that issues are identified and dealt with at the appropriate level. Reviews should not be escalated beyond what could be considered to be proportionate taking account of the severity and complexity of the case and the significance of the concerns. "
2.5	The criteria to be applied to trigger a Significant Incident Review (SIR) are outlined in this paragraph. This includes the circumstance, "When any child has not died but has sustained any of the following: <ul style="list-style-type: none"> • physical injury; • sexual abuse; • emotional abuse; or • physical neglect; and , the incident gives rise to concerns about professional and/or service involvement." SCRA gathers information from a range of agencies during the course of an investigation and it appears that a large number of referrals to the reporter meet the first part of this test. What are the expectations on an

	<p>agency like SCRA, which is the holder of multi agency sourced information?</p> <p>The second element of the criteria appears more complex. Read broadly, it could suggest an expectation that SCRA should consider the need for an SIR in every such case known to the reporter. The Guidance could include more detail on the principles which should be considered at the decision making stages of the process. In particular, further guidance should be offered in relation to the interpretation of the phrase: “the incident gives rise to concerns about professional and/or service involvement”.</p>
<p>Section: 3. An Incident: Initial Case Review</p>	
<p>3.1</p>	<p>The timescales given in this paragraph are challenging, specifically:</p> <ul style="list-style-type: none"> • notification to the Chair of the CPC within 1 day of the incident being known, and • all agencies subsequently completing the Initial Case Review template within 3 working days <p>Referencing our comment on paragraph 2.5 above, if there is an expectation that SCRA review every such case where those criteria are met, such timescales would be unrealistic and we would welcome further discussion on this topic.</p>
<p>3.2</p>	<p>Again, the timescales of 5 working days from the CPC request for a Joint Case Review report to completion of the report is challenging. Further, given the frequency of CPC meetings, it is difficult to envisage that full meetings of the CPC could be convened to progress matters within the identified timescales. Consideration should be given to delegating responsibility to possibly the CPC Chair to enable early completion of this stage of the process.</p>
<p>3.3</p>	<p>The procedure for the approval of the Joint Case Review report is unclear. This template is co-ordinated by a lead agency, includes information from all agencies involved and a recommendation as to whether the case should be progressed to a Significant Incident Review. The basis on which report recommendations, if any, are to be reached is unclear.</p>
<p>3.6</p>	<p>This paragraph states that the Initial Case Review may have a number of outcomes including initiation of disciplinary action. It is clarified at page 10 that disciplinary actions should be carried out in accordance with local procedures for each agency/professional code and are not covered within the document. Further clarification is required as to whether the decision to initiate disciplinary proceedings can be an outcome of an Initial Case Review (and, if so, how that decision is reached) or if it is the decision of an individual agency based on the Review findings.</p>

3.7	This paragraph re-states the timescales for completion of the Initial Case Review. Previous comments regarding timescales apply. The timescales are challenging if the case numbers are few. If there is an expectation that consideration will be given to every case in which the criteria may be met, they become unrealistic.
Section: 4. The Review Process: Child Protection Committee Review (CPCR)	
4.1	This section states that the Chief Officers in each locality must work collectively to identify and commission inter-agency activity with respect to protecting children and young people. However, there are no clear expectations set for agencies outwith the direct control of the CPC Chief Officers group. It would be beneficial if expectations on agencies such as SCRA were stated as clearly as possible. Although there should be no general expectation that SCRA would be involved in every SIR process, our involvement should be considered in each case.
4.2	This paragraph identifies the action to be taken on receipt of notification of an incident and references the possibility that subsequent steps may be delegated to a standing sub-group to progress. Consequently, there may be different local arrangements regarding which groups assume this responsibility. Authority Reporters represent SCRA at local Child Protection Committees but do not have the capacity to sit on all CPC sub-groups. Clarification of the role of the Authority Reporter in the subsequent stages of the SIR process would be helpful. This could be dealt with by local CPC's to determine the appropriate level of engagement by the Authority Reporter/SCRA on a case by case basis. SCRA intends to issue its own guidance to staff on involvement with SIRs.
4.3	<p>This paragraph outlines the expectations of CPC's where information from an Initial Case Review or Joint Case Review report is sufficient. The emphasis is on the CPC agreeing action with Chief Officers. This procedure consequently may not include SCRA or other such agencies represented at CPC unless this role is delegated by local arrangements. SCRA would presume involvement only where appropriate and necessary for the proper conduct of the SIR process and related decision making.</p> <p>CPC's are tasked to develop operating protocols to underpin the SIR guidance and to agree same with local Chief Officers. SCRA would wish to be consulted as part of the approval process for any such local protocols developed.</p>
4.4	Again, the four week timescale given for the CPC to complete its initial review from date of receipt of an initial review template is challenging.
4.5	The initial review process has a number of layers. It is likely that

	different CPC's will interpret the guidance in different ways. This is likely to create some challenges for SCRA regarding consistency of our approach as a national organisation and in providing support to Authority Reporters.
4.7	<p>Although arrangements for managing disagreement regarding the outcome of a SIR are covered, there is a lack of clarity as to what happens if there is disagreement over other 'outcomes' at interim stages of the SIR process.</p> <p>As a member of the CPC, SCRA will become involved in the review process in cases where we have had no statutory involvement. There are potentially significant resource implications for SCRA if our role is defined broadly, particularly if the number of reviews increases with the broader definition of cases which should be considered for review. As a national organisation, there may be a number of reviews ongoing across the country at any given time.</p>
4.8	Although questions are posed within this paragraph to assist the CPC in identifying the type of review required, this area is still very open to interpretation by individual CPC's. Monitoring & evaluation of the application of the guidance generally will be essential.
Section: 5. The Review Process: CPC Review & External Review	
5.6	There will be significant resource implications for the review process dependant on the breadth of the remit developed for each review and the decision as to whether the review will be conducted by the CPC or an external review team.
5.7	In the case of both a CPC review and an external review it is important that the appropriate key agencies are represented as the review team will require a clear understanding of agency procedures and practice. The resource implications of involvement are dependant on the number of reviews anticipated.
5.9	<p>This paragraph discusses CPC led reviews. It is left to local CPC's to agree their approach as to how the review team is identified when a CPC led review is agreed. Guidance anticipates that associate assessors may be used as a resource to support the review process. Again, this may raise significant resource implications for a national agency such as SCRA dependent on the number of cases reviewed.</p> <p>SCRA would welcome greater clarity regarding the process for (i) commissioning an external review, and (ii) identification and funding of an external review team.</p>
5.12	This paragraph outlines the matters to be considered in preparation for a review whether internal or external. The need to consider the question of the financial and other resources required to conduct

	reviews is evident and is particularly relevant for externally commissioned reviews. Which agencies are expected to contribute to the funding of reviews? SCRA would require to consider the issue of funding in the national context.
5.15	This paragraph refers to final versions of reports and states that where reports can not be unanimous in their findings a dissent report can be included. Clarification regarding the content and format of dissent reports should be included in the guidance to ensure a level of national consistency. This would also enhance subsequent analysis of issues arising in dissent reports.
5.16	The reviewer/review team determine how and with whom to share the draft report for checking of accuracy and any other issues. Some further guidance on this matter should be included to ensure a level of national consistency to avoid significant variations in local practices.
5.18	<p>This paragraph covers communication with the family/carers of a child or young person to keep them informed of the various stages of the review and outcomes where appropriate. It is states that there could be instances where the family members are subject to an investigation or seen as part of the problem relating to the significant incident. The guidance should also specifically include reference to handling of cases where SCRA proceedings are ongoing or likely. Consideration should be given to the mechanisms required to ensure that investigations/proceedings, including those involving the reporter, are not undermined by the sharing of information with the family.</p> <p>This section also states the family should receive a copy of the report before it is issued. Consideration should be given to a verbal briefing ahead of issue of the report to a family. Again, should consideration be given to any parallel civil or criminal proceedings?</p>
Section: 6. The Review Process: Communications Strategy	
6.2	This paragraph identifies those considered to have responsibility for local service delivery and review and those with a 'wider interest'. It is of note that SCRA is identified as a wider interest yet Crown Office and Procurator Fiscal Service are identified as having a responsibility for local service delivery and review. Is this indicative of the level of involvement that is expected of SCRA in the review process or does our work at CPC level mean that we are included at both levels?
Section: 7. Significant Incident Review & the Learning Cycle	
7.3	This section covers learning from reviews and provides a structure for this process. As a national organisation, it could be challenging for Authority Reporters to participate to the extent laid out in the guidance. Any actions identified by or for SCRA may be appropriate for consideration throughout the organisation and may require corporate

	sign off.
7.7	This paragraph states that reports sent to the Scottish Executive will be circulated to inspectorates as appropriate. Clarification of the circumstances in which it will be considered appropriate to issue SIR reports to inspectorates is required.
Section: 8. Significant Incident Review & the Wider Context	
8.1-8.6	In this section there is further reference to the other processes that could be running in parallel with a SIR. Again, there is no specific reference to SCRA proceedings. Specific reference to consideration of these SCRA proceedings would be appropriate.