

Code of practice for the review of Significant Case Reviews of children and young people in Scotland

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1. Purpose and Background

1.1 The Scottish Government requested that the Care Inspectorate take on the role as a central collation point for Significant Case Reviews (SCR) and to review and disseminate learning nationally.

1.2 The responsibility for the decision to carry out an SCR and for conducting the review lies with local Child Protection Committees (CPC) and Chief Officers Groups (COG). They are advised to do so paying due regard to national guidance for Child Protection and for conducting an SCR published by the Scottish Government.

1.3 This Code of Practice sets out the arrangements the Care Inspectorate will put in place to manage confidential and personal information and take account of the European Convention on Human Rights (ECHR) and the Data Protection Act 1998.

2. The role of the Care Inspectorate

2.1 The primary role for the Care Inspectorate is to support continual improvement in the quality of services for children and young people, including child protection services. The Care Inspectorate aims to further improvement by:-

(a) seeking information about all Initial Case Reviews (ICRs) carried out by CPCs to understand the rationale for proceeding or not proceeding to an SCR

(b) acting as a central collation point for all SCRs completed across Scotland at the point at which they are concluded

(c) reviewing the effectiveness of the processes for conducting each SCR and reporting informally to individual COGs and CPCs on good practice and areas of improvement

(d) conducting a biennial review of all SCRs completed in Scotland, and, reporting nationally on the key learning points for the benefit of relevant services across Scotland and the Scottish Government

2.2 The Care Inspectorate will deploy a pool of staff with the relevant skills and experience in social care, early years, health and social work. These staff may seek to draw on expertise within scrutiny bodies such as Education Scotland, Her Majesty's Inspectorate of Constabulary for Scotland (HMICS), and Healthcare Improvement Scotland. The Care Inspectorate will make use of Associate Assessors, including Associates recruited from the Scottish Child Protection Committee Chairs Forum, to provide specialised skills or knowledge and to share in national reporting.

2.3 All staff taking part in this work, including Associates, will be governed by this Code of Practice. This will include a requirement to adhere to confidentiality requirements, the handling of personal information, and an obligation to declare any conflict of interest.

3. On-going collation and review of ICRs and SCRs from April 2014

3.1 For the purposes of conducting a review of SCRs, the Care Inspectorate will not seek access to detailed confidential information contained within personal records pertaining to any person who is the subject of the review, or named and referenced within it. This includes staff working with the child, family or significant others. Information sought will be the minimum only required to conduct a review of the circumstances, for example names and addresses may be redacted.

3.2 For the purposes of conducting a review of SCRs, the Care Inspectorate will not seek to make contact with any person who is the subject of the review, or named and referenced within it. This includes staff working with the child, family or significant others.

3.3 For the purposes of conducting a review of SCRs, the Care Inspectorate may seek contact with the person or persons responsible for carrying out and preparing a report of each SCR, and/or those responsible for the decision-making in relation to each SCR.

3.4 For the purposes of conducting a review of SCRs, the Care Inspectorate may seek additional information about the actions taken to improve working practices and the experiences of children, young people and families as a direct result of SCRs.

3.5 The Care Inspectorate will retain information about ICRs and copies of SCRs in line with its Records Management Policy and procedures for the storage and destruction of information which takes account of European Convention on Human Rights (ECHR) and the Data Protection Act 1998.

4. The methodology for the first biennial report ¹

4.1 The purpose is to carry out a review of all SCRs completed in Scotland, and, report nationally on the key learning points for the benefit of relevant services across Scotland and the Scottish Government. This will draw upon the conclusions and recommendations set out in an Audit and Analysis of Significant Case Reviews published by the Scottish Government in October 2012.

4.2 The Care Inspectorate will ask CPCs to provide to a single point of contact for all SCRs completed between 1 April 2012 and 31 March 2015.

4.3 These will be submitted to the Care Inspectorate via secure electronic communication.

5. Arrangements for access to, holding, sharing and destruction of confidential information

5.1. All staff deployed by the Care inspectorate to receive notifications of ICRs and to review SCRs will be required not to disclose confidential information other than for the purposes of the review. Staff may disclose confidential information only in order to comply with a court order, to protect the welfare of a child or adult at risk, or, to

¹ The first report will be a triennial review covering the period 1 April 2012 – 31 March 2015. Thereafter, reports will be produced on a biennial basis.

assist with the prevention or detection of a crime or the apprehension or prosecution of offenders.

5.2 All staff deployed by the Care Inspectorate to receive notifications of ICRs and to review SCRs will receive appropriate training and will be bound by professional, legal and contractual obligations to preserve confidentiality.

5.3 The conduct of each review will ensure that due regard is paid to the principles of confidentiality as set out in the ECHR and the Data Protection Act 1998 and avoid any unnecessary processing of information.

5.4 The rationale underlying the review of SCRs is to identify lessons and learning from practice reviews worthy of national dissemination and to support continuous improvement. It is not intended to carry out a further or additional review of the circumstances relating to individual children and young people.

5.5 Inspectors will record relevant information relating to the above only for the purposes of gathering evidence of practice themes. No names or identifying information will be recorded or identified in any material retained by any staff deployed by the Care Inspectorate to carry out the review.

5.6 Service users and third parties other than public persons or bodies will not be identified or recognisable in any document later produced by the Care Inspectorate. Information will be collated using unique identifying numbers, not names.

5.7 The Care Inspectorate will record and retain a core data set of anonymised information relating to each review which will be used to identify themes and key lessons and report on this periodically to Scottish Government and Child Protection Committees.

5.8 If serious concerns arise during a review about the safety or welfare of a particular child or adult, this will be raised with the Chair of the CPC concerned.

5.9 Written material provided to the Care Inspectorate and produced as part of any review will be destroyed in line with the Care Inspectorate's Business Classification Scheme

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