

## Berkshire West Safeguarding Children Boards (LSCBs) Case Review

### Sub Group

### Terms of Reference

#### Purpose

This group is the lead for potential Serious Case Reviews (SCRs) for Berkshire West Safeguarding Children Boards. Its purpose is to:

- Oversee 'near miss' cases to ensure that lessons are learnt;
- Recommend to the LSCB Chair reviews of cases which do not meet 'Working Together' guidance for a full Serious Case Review;
- Initiate/recommend individual agency reviews or small scale audits of individual cases which give rise to concern but which do not meet the criteria for a SCR;
- Review out of area serious case reviews for potential learning for Berkshire West LSCBs.

In the event that a Serious Case Review is recommended by the group, or initiated directly by an LSCB, the group will be the conduit for communicating the outcome of the review and the lessons learnt.

#### Aim

Its aim is to ensure that the three LSCBs in Berkshire West have in place sound mechanisms for identification of potential Serious Case Reviews i.e. in the context of the Statutory Guidance, Working Together to Safeguard Children, 2015; ensuring proper processes are followed in each case; and learning from local, regional and national cases takes place across the local children's workforce. This includes:

- To consider, at the request of the Chair of the three LSCBs in Berkshire West, whether a Serious Case Review should take place, and make recommendations to the Chair of the LSCBs. The Chair of the LSCBs has ultimate responsibility for deciding whether or not such a Case Review should be conducted.
- To work with the relevant LSCB Business Manager and Head of Children's Services to consider, in the light of each case, the scope of the learning or review process and draw up clear terms of reference and identify any specific expertise needed for the Overview Panel including nomination for independent chair and overview report author.
- To monitor the SCR process and to ensure Individual Management Reviews (IMRs) and the Overview Report are completed in a timely way and are quality assured.
- The review group will be required to have over sight of the monitoring and review of all multi-agency action plans and will need to have a scrutiny role in relation to all single agency action plans. Recommending to the LSCB when a SCR can be signed off as being completed.

- Advising and facilitating the QA and Performance and Learning and Development Sub Groups in disseminating key learning and messages.
- If an SCR is initiated, the LSCB in the area in which the child usually resides will convene the SCR Panel to take responsibility for completing the review. The joint SCR Sub Group will be used as a critical friend within the process and assist in the communication of the review outcomes and lessons learnt.

### Strategic functions and objectives

LSCBs have a statutory duty under the Children Act 2004 and the statutory regulations, which came into force on April 1st 2006 to ensure that its functions are discharged having regard to the need to safeguard children and young people and promote their welfare. Chapter 5 of Working Together 2015 states the requirement for LSCBs to undertake reviews of serious cases in specified circumstances. Regulation 5(1) (e) and (2) set out an LSCB's function in relation to serious case reviews, namely:

- 5 (1) (e) "...undertaking reviews of serious cases and advising the authority and their Board partners on lessons to be learned.
- (2) 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."

Chapter 4 of Working Together 2015 also recommends:

- "there should be a culture of continuous learning and improvement across the organisations that work together to safeguard and promote the welfare of children, identifying opportunities to draw on what works and promote good practice;
- the approach taken to reviews should be **proportionate** according to the scale and level of complexity of the issues being examined;

### Membership

Core membership of the Case Review sub group will be as follows, with wider workforce representation invited as required:

- Local Authority Heads of Children's Services (x3)
- LSCB Business Managers
- Designated Doctor Child Protection
- Assistant Director Safeguarding Berkshire West Clinical Commissioning Groups (CCGs)
- Locality Community Paediatricians
- Named Nurse Safeguarding Royal Berkshire Hospital RBH
- Named Nurse Team Leader Berkshire Healthcare Foundation Trust (BHFT)
- Thames Valley Police Child Abuse Investigation Unit
- Named GP - Royal Berkshire Hospital RBH
- Education representative
- Early Years representative
- Housing and Fire Service etc - for specific cases only

- Members will have appropriate seniority within their agencies to lead and coordinate the work of the sub group on behalf of their agency.
- The sub group may co-opt other agencies and representatives to complete or contribute to specific pieces of work.
- To ensure consistency and timeframes, when members are unable to attend scheduled meetings, they will ensure a fully briefed representative attends on their behalf.
- The sub group will be supported by the Reading LSCB Business Manager and Coordinator.

### Operational arrangements

**Chair and Vice Chair:** The chair and Vice Chair of the Serious Case Review Sub Group will be nominated on an annual basis. If the Chair is unable to attend the Vice Chair must be present.

**Quoracy:** The meeting will be deemed quorate if the Chair (or their substitute) and at least three other members of the Sub Group are present.

**Frequency:** Standing meetings of this Sub Group will be held bi-monthly and additionally as required.

**Agendas and minutes:** Agendas and associated papers will be circulated at least 7 days in advance of the meeting.

It is an expectation of each sub group member to read any assigned national serious case reviews and report back any learning relevant to Berkshire West LSCBs.

### Voice of the child

Berkshire West LSCBs are committed to listening to the views of children and young people who use our services and benefit from our protocols, and will involve them wherever possible in planning, developing and improving policy and training.

### Accountability

The group is accountable to the Berkshire West LSCBs and will report progress on a regular basis to the Berkshire West LSCBs. It will also provide relevant information to the Berkshire West LSCBs as necessary including input into the LSCB Annual Report.

### Serious Case Reviews accountability

Where partner agencies of more than one LSCB have known about or have had contact with the child, the LSCB for the area in which the child is or was normally resident should take lead responsibility for conducting the SCR. Any other LSCBs that have an interest or involvement in the case should cooperate as partners in jointly planning and undertaking the SCR.

In the case of looked after children, the local authority which has responsibility for the child should exercise lead responsibility for conducting the SCR, again involving other LSCBs with an interest or involvement.

Any professional may refer such a case to the LSCB if it is believed that there are important lessons for inter-agency working to be learned. See appendix 1 All child deaths should be reported to the CDOP Coordinator who has responsibility to inform the relevant LSCB Business Manager.

### Confidentiality

Sub group members shall keep confidential any information obtained as a result of inter-agency co-operation save to the extent that disclosure of the information is necessary in order to discharge the functions of the Berkshire West LSCBs.

### Accessibility

The Board will seek to ensure that any learning from Serious Case Reviews, as well as those not reaching the SCR threshold but where wider learning is identified; is disseminated using a variety of methods and is made available as widely as possible.

### Review

The Berkshire West LSCBs Case Review Group Terms of Reference will be reviewed annually. Any changes must be agreed by the Board.

### Annual report

The Apprenticeships, Skills, Children and Learning Act 2009 introduced a requirement for LSCBs to produce and publish an annual report. Responsibility for writing and compiling the report rests with the LSCB Chair, with contributions from the LSCB team, sub groups and partner agencies. This report will provide a comprehensive analysis of safeguarding in the local area so it is vital all Sub Committee Chair's provide reports in a timely manner.

## Appendix 1 - How to initiate a Serious Case Review

Any professional or agency may refer a case to Berkshire West Safeguarding Children Boards if they believe that there are important lessons for inter-agency working to be learned.

Each member agency of the LSCBs will have in place an internal reporting/notification process to be followed culminating in the agency executive lead for safeguarding making a decision to refer a case for consideration of a review. The LSCB member for the agency will submit the case for consideration of a review in writing to the LSCB Business Manager supporting the sub-group and Case Review Group Chair. The Case Group is currently supported by Reading.

In addition:

- The Secretary of State for Education can **instruct** a Local Safeguarding Children Board to undertake a Serious Case Review, and
- A serious case review may be triggered at any point in the child death review process.

Any professional within agencies that are members of Berkshire West LSCBs who receive information that an incident has occurred that may meet the criteria for a serious case review must communicate the information to the relevant LSCB Business Manager, who will notify both the Independent Chair of Berkshire West LSCBs and the Chair of the Case Review Sub Group.

The relevant LSCB Business Manager will agree with the Case Review Group Chair a date for an additional meeting of the group to be convened. If a scheduled meeting is due, the case may be delayed until that meeting, with the agreement with the notifying agency. The additional meeting may be chaired by the Case Review Group chair; the Independent chair of Berkshire West LSCBs; or another Independent Chair if circumstances require.

The Case Review Group will consider all the available information, including information available from professionals involved in reviewing the child's death as part of the child death review process in cases where a child has died, and make a decision as to whether the case meets the criteria for a Serious Case Review. A recommendation will then be made in writing to the Chair of Berkshire West LSCBs by the Case Review Group Chair. The chair of the Berkshire West LSCB will make a decision, within one month of the original notification, about whether to hold an SCR and confirm their decision in writing to the Chair of the Case Review Sub Group and Business Manager.

Chapter 4 of Working Together 2015 requires that following a decision by the Berkshire West LSCBs Chair to undertake a SCR, the SCR Sub Group or local LSCB Board should commission an SCR Panel to manage the process. An SCR Panel should be convened to ensure the SCR is undertaken in accordance with Working Together (2015). The Chair of any SCR Panel should not be a member of the Berkshire West LSCBs directly involved in the SCR, an employee of any of the agencies involved in the SCR or the overview report

author. The SCR Panel Chair can be the independent chair of Berkshire West LSCBs, someone from another LSCB which is not involved in the SCR or from an agency which is not involved in the case. The Berkshire West LSCBs Chair will keep the relevant Director of Children's Services informed throughout this process. If an SCR is to take place, the Ofsted Business Referral Unit must be informed, along with the National Serious Case Review Panel. Other agencies should inform their relevant inspectorates as necessary.

Where the decision not to proceed is made the reasons will be recorded, communicated to the referring agency and reported to the next Berkshire West LSCBs and Case Review Group meeting. The Case Review Group may wish to consider referring the case to the Performance, Quality and Audit Sub Group if there is an indication of a breach of existing procedures or existing procedures appear not to be adequate for purpose; or conducting a single agency Independent Management Review if there are lessons to be learned from how a single agency worked rather than about how agencies worked together.

## Appendix 2 - Questions to ask which may help in deciding if a Serious Case Review could yield useful lessons

- Was there clear evidence of a child having suffered, or been likely to suffer significant harm that was not recognised by organisations or individuals in contact with the child or perpetrator; or not shared with others; or not acted upon appropriately?
- Was the child abused or neglected in an institutional setting (e.g. school, nursery, family centre, Young Offender Institution, Secure Training Centre, immigration removal centre, mother and baby prison unit, children's home or armed services training establishment)?
- Was the child abused or neglected while being looked after by the local authority?
- Was the child a member of a family that has recently moved to the UK, for example an asylum seeker or temporary worker?
- Did the child suffer harm during an unauthorised absence from an institution or having run away from home or care?
- Does one or more agency or professional consider that its concerns about a child's welfare were not taken seriously, or acted upon appropriately, by another?
- Does the case indicate that there may be failings in one or more aspects of the local operation of formal safeguarding children procedures, which go beyond the handling of this case?
- Was the child the subject of a child protection plan or had s/he been previously the subject of a plan or on the child protection register?
- Does the case appear to have implications for a range of agencies and/or professionals?
- Does the case suggest that the Berkshire West LSCBs may need to change their local protocols or procedures, or that protocols and procedures are not being adequately promulgated, understood or acted up?

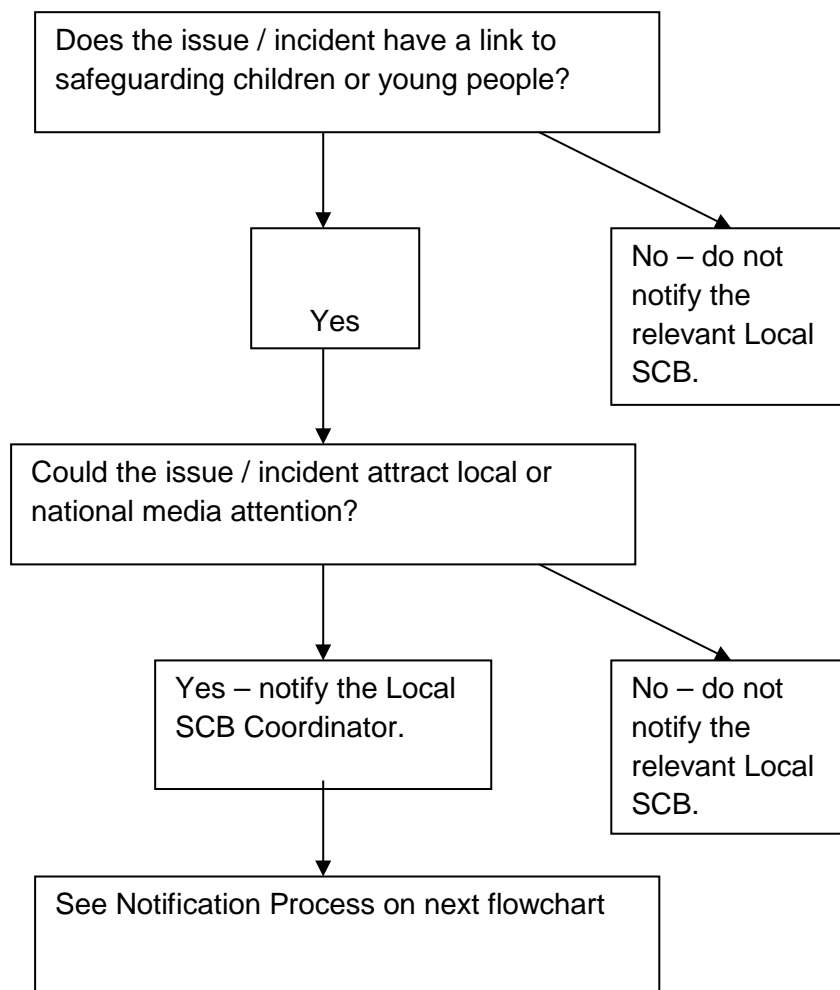
## Appendix 3 - Berkshire West LSCBs Communication Protocol

### Strategic Context

The Berkshire West LSCBs have developed this Communication Protocol which is designed to be used in the event of a:

- Safeguarding issue arising that requires the coordinated involvement of, or response from, several partner agencies;
- And / or a safeguarding issue arising which has the potential to attract media attention.

The Berkshire West LSCBs will use the following criteria for defining what issues or incidents need to be notified to Berkshire West LSCBs Chair and relevant LSCB Business Manager. The criteria are:

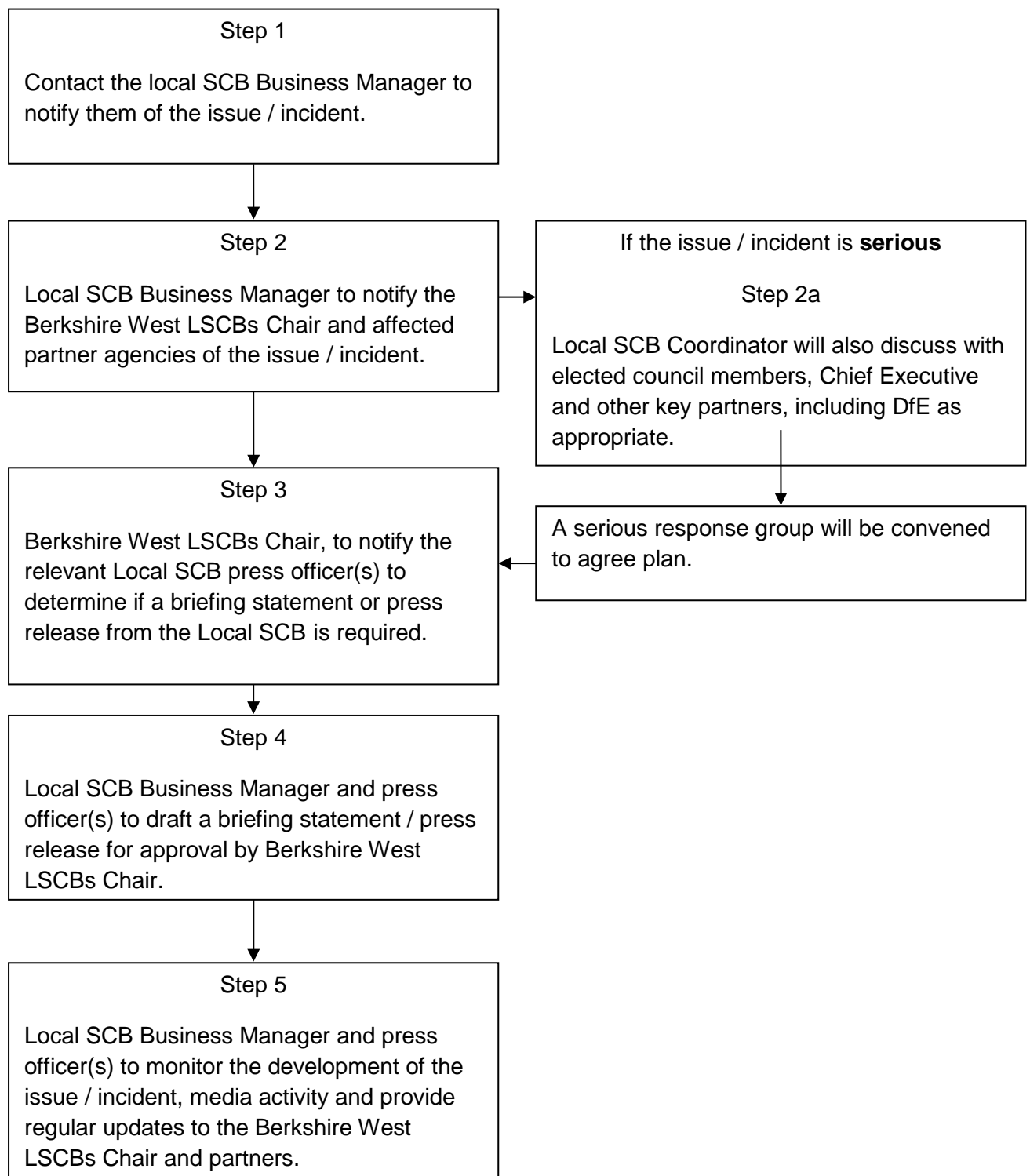


<sup>1</sup> Note: significant safeguarding concerns should be referred to the Safeguarding Board regardless of the level of media attention.



### Appendix 3 - Berkshire West LSCBs Notification Process

Berkshire West LSCBs partner agencies are required to adhere to the following process:



Berkshire West LSCB members are responsible for ensuring their host agency senior or corporate management teams are informed of the issue / incident, following notification from the Berkshire West LSCBs.