

Serious Case Review Process

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[Serious Case Reviews \(Gateshead Council website\)](#)

Contents

1. [Criteria](#)
2. [Referring a Case for Serious Case Review Consideration](#)
3. [Decisions Whether to Initiate a Serious Case Review](#)
4. [National Panel of Independent Experts on Serious Case Reviews](#)
5. [Methodology for Learning and Improvement](#)
6. [Appointing Reviewers](#)
7. [Timescale for Serious Case Review Completion](#)
8. [Engagement of Organisations](#)
9. [Agreeing Improvement Action](#)
10. [Publication of Reports](#)
11. [Considerations for Local Processes \(to be determined based on the circumstances of each individual Serious Case Review\)](#)

[Appendix 1: Serious Case Review Referral Form](#)

[Appendix 2: Serious Case Review - DCSF Progress Report Format](#)

[Appendix 3: Genogram Format](#)

[Appendix 4: Chronology Format - Example](#)

[Appendix 5: Chronology Format - Blank to be used by the Agencies](#)

[Appendix 6: Serious Case Review Action Plan Format](#)

[Appendix 7: Process for Dealing with Cases where SCR Criteria are not met Flowchart](#)

1. Criteria

1.1 Criteria for Notifiable Incidents

A notifiable incident is an incident involving the care of a child which meets any of the following criteria:

- A child has died (including cases of suspected suicide), and abuse or neglect is known or suspected;
- A child has been seriously harmed and abuse or neglect is known or suspected;
- A looked after child has died (including cases where abuse or neglect is not known or suspected); or
- A child in a regulated setting or service has died (including cases where abuse or neglect is not known or suspected).

The local authority should report any incident that meets the above criteria to Ofsted and the relevant LSCB or LSCBs promptly, and within five working days of becoming aware that the incident has occurred.

For the avoidance of doubt, if an incident meets the criteria for a Serious Case Review (see below) then it will also meet the criteria for a notifiable incident (above). There will, however, be notifiable incidents that do not proceed through to Serious Case Review.

1.2 Criteria for Serious Case Reviews

Regulation 5 of the Local Safeguarding Children Boards Regulations 2006 sets out the functions of LSCBs. This includes 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:

1. 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.

“Seriously harmed” includes, but is not limited to, cases where the child has sustained, as a result of abuse or neglect, any or all of the following:

- A potentially life-threatening injury;
- Serious and/or likely long-term impairment of physical or mental health or physical, intellectual, emotional, social or behavioural development.

This definition is not exhaustive. In addition, even if a child recovers, this does not mean that serious harm cannot have occurred. LSCBs should ensure that their considerations on whether serious harm has occurred are informed by available research evidence.

Cases which meet one of the criteria (i.e. regulation 5(2)(a) and (b)(i) or 5(2)(a) and (b)(ii)) must always trigger an SCR. Regulation 5(2)(b)(i) includes cases where a child died by suspected suicide. Where a case is being considered under regulation 5(2)(b)(ii), unless there is definitive evidence that there are no concerns about inter-agency working, the LSCB must commission an SCR.

In addition, even if one of the criteria is not met, an SCR should always be carried out when a child dies in custody, in police custody, on remand or following sentencing, in a Young Offender Institution, in a secure training centre or a secure children's home. The same applies where a child dies who was detained under the Mental Health Act 1983 or where a child aged 16 or 17 was the subject of a deprivation of liberty order under the Mental Capacity Act 2005.

(Working Together to Safeguard Children 2015).

2. Referring a Case for Serious Case Review Consideration

Any professional can refer a case to Gateshead LSCB for consideration for a Serious Case Review where a child has died or been seriously harmed and they have concerns about the way that agencies have worked together to safeguard and promote their welfare; this includes the Gateshead Local Child Death Review Sub Group and the South of Tyne and Wearside Child Death Overview Panel. This referral should be made in writing (see [Appendix 1: Serious Case Review Referral Form](#)) to the chair of the LSCB Case Review Sub Group and copied to the LSCB Business Manager (who will notify the LSCB Independent Chair and Director of Children's Services). Arrangements will then be made for a multi-agency group to consider the circumstances of the case and decide whether the criteria for a Serious Case Review are met (and if not, whether an alternative review should be carried out). The Chair of the LSCB Case Review Sub Group will provide written feedback to the referrer on the outcome of the multi-agency discussion and the rationale for the decision. The LSCB Business Manager will keep the LSCB Independent Chair and Director of Children's Services informed throughout the process.

3. Decisions Whether to Initiate a Serious Case Review

The LSCB for the area in which the child is normally resident must decide whether an incident notified to them meets the criteria (see [Section 1, Criteria](#)) for a Serious Case Review. This decision should normally be made within one month of notification of the incident. The final decision rests with the Chair of the LSCB. The Chair may seek peer challenge from another LSCB Chair when considering this decision (and also at other stages in the Serious Case Review process).

The LSCB must notify **Ofsted**, the Department for Education and the **National Panel of Independent Experts** within 5 working days of the decision. A decision not to initiate a Serious Case Review may be subject to scrutiny by the national panel and require the provision of further information on request and the LSCB chair may be asked to give evidence in person to the panel.

The LSCB Chair should be confident that such a review will thoroughly, independently and openly investigate the issues. The LSCB will also want to review instances of good practice and consider how these can be shared and embedded. The LSCB should oversee implementation of actions resulting from these reviews and reflect on progress in its annual report.

LSCBs should consider conducting reviews on cases which do not meet the SCR criteria. 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

When the decision is made to initiate a Serious Case Review, the LSCB Business Manager should inform Gateshead Council's Insurance Team.

4. National Panel of Independent Experts on Serious Case Reviews

Working Together to Safeguard Children 2015 announced a plan for a National Panel of Independent Experts to advise and support LSCBs about the initiation and publication of Serious Case Reviews to be implemented during 2013/14. The panel is operational from 1 July 2013 and is independent of Government. The panel reports to the relevant Government departments their views of how the system is working. LSCBs should have regard to the panel's advice on:

- Application of the Serious Case Review criteria: whether or not to initiate a Serious Case Review;
- Appointment of reviewers;
- Publication of Serious Case Review reports.

LSCB Chairs and LSCB members should comply with requests from the panel as far as possible, including requests for information such as copies of reports and invitations to attend meetings.

5. Methodology for Learning and Improvement

Working Together 2015 does not prescribe any particular methodology to use in such continuous learning, except that whatever model is used it should consider the following five principles:

- Recognises the complex circumstances in which professionals work together to safeguard children;
- Seeks to understand precisely who did what and the underlying reasons that led individuals and organisations to act as they did;
- Seeks to understand practice from the viewpoint of the individuals and organisations; involved at the time rather than using hindsight;

- Transparency about the way data is collected and analysed; and
- Makes use of relevant research and case evidence to inform the findings.

Whilst Working Together stops short of advocating any specific method, the systems methodology as recommended by Professor Munro ([The Munro Review of Child Protection: Final Report: A Child Centred System](#)) is cited as an example of a model that is consistent with these principles.

A number of models have been used nationally to carry out Serious Case Reviews and other learning exercises. When a Serious Case Review is initiated by Gateshead LSCB, discussions will be held in the initial scoping stages to determine which model or methodology will be used for that particular review based on the circumstances of the case itself.

Irrespective of the methodology the emphasis must be on the establishment of a local framework for learning and improvement which will achieve the outcomes set out in [Learning and Improvement Framework Procedure, Purpose of Local Framework](#).

6. Appointing Reviewers

The LSCB will appoint one or more suitable individuals to lead the Serious Case Review. Such individuals should have demonstrated that they are qualified to conduct reviews using the Principles for a Culture of Continuous Improvement, see [Learning and Improvement Framework Procedure, Principles for a Culture of Continuous Improvement](#).

The lead reviewer should be independent of the LSCB and the organisations involved in the case.

The LSCB will provide the National Panel of Independent Experts (see [Section 4, National Panel of Independent Experts on Serious Case Reviews](#)) with the name(s) of the individual(s) appointed to conduct the Serious Case Review and consider carefully any advice which the panel provides about the appointment/s.

Working Together 2015 does not specify the need for an independent chair or for a chair for the process: the need or not for this will depend on the individual choice of the LSCB and the review model selected.

7. Timescale for Serious Case Review Completion

The LSCB will aim for completion of the Serious Case Review within six months of initiating it. If this is not possible (e.g. because of potential prejudice to related court proceedings), every effort should be made while the Serious Case Review is in progress to:

- Capture points from the case about improvements needed; and
- Take any corrective action identified as required.

The LSCB Business Manager will inform the National Panel of Independent Experts, Ofsted National Business Unit and the Department for Education Safeguarding Team if a Serious Case Review will not be completed within

six months of initiating and provide the reasons for why this is not possible and a proposed date of completion. If the Serious Case Review cannot be completed by this date (e.g. because criminal/court proceedings are still not completed) then further updates will be sent to the National Panel of Independent Experts, Ofsted and the Department for Education until the review is complete.

8. Engagement of Organisations

The LSCB will ensure appropriate representation in the review process of professionals and organisations involved with the child and family.

The LSCB may decide as part of the Serious Case Review to ask each relevant organisation to provide information in writing about its involvement with the child who is the subject of the review. The form in which such written material is provided will depend on the methodology chosen for the review.

In addition, the LSCB can require a person or body to comply with a request for information (Section 14B of the Children Act 2004). This can only take place where the information is essential to carrying out LSCB statutory functions. Any request for information about individuals must be 'necessary' and 'proportionate' to the reasons for the request. LSCBs should be mindful of the burden of requests and should explain why the information is needed.

9. Agreeing Improvement Action

The LSCB will oversee the process of agreeing with partners what action they need to take in light of the Serious Case Review findings, establish timescales for action to be taken, agree success criteria and assess the impact of the actions.

10. Publication of Reports

In order to provide transparency and to support national sharing of lessons learnt and good practice in writing and publishing such reports, all reviews of cases meeting the Serious Case Review criteria will result in a readily accessible published report on the [LSCB's](#) web-site. It will remain on the web-site for a minimum of 12 months and thereafter be available on request.

The fact that the report will be published must be taken into consideration throughout the process, with reports written in such a way that publication 'will not be likely to harm the welfare of any children or vulnerable adults involved in the case' and consideration given on how best to manage the impact of publication on those affected by the case. The LSCB will comply with the Data Protection Act 1998 and any other restrictions on publication of information, such as court orders.

The final Serious Case Review report should:

- Provide a sound analysis of what happened in the case, and why, and what needs to happen in order to reduce the risk of recurrence;
- Be written in plain English and in a way that can be easily understood by professionals and the public alike; and
- Be suitable for publication without needing to be amended or redacted.

The LSCB will publish, either as part of the final Serious Case Review report or in a separate document, information about:

- Actions already taken in response to the review findings;
- The impact these actions have had on improving services; and
- What more will be done.

Gateshead LSCB will send copies of all Serious Case Review reports to the National Panel of Independent Experts at least one week before publication. If Gateshead LSCB determines that a Serious Case Review will not be published within 28 days of completion of the review (for example due to pending criminal proceedings), they should provide an expected date of publication to the panel. If the LSCB considers that a report should not be published, it should inform the panel which will provide advice. The LSCB will provide all relevant information to the panel on request, to inform its deliberations.

The LSCB Chair can inform the national panel at any stage of the SCR that there are concerns about the publication of a SCR report. They should provide the panel with the following information:

- What the LSCB has done to ensure that the SCR will be written with publication in mind;
- Where any potential difficulty coming from, for example from agencies involved in the review or from family members or concerns about media activity;
- How the LSCB has balanced the issues with the public interest in understanding the issues raised by the case and with the importance of ensuring that lessons are learned to improve services to children and families;
- Whether there are any legal restrictions on releasing certain information in the report;
- Whether consideration has been given to amending the style and content to make it fit for publication;
- Whether the LSCB has sought expert advice when considering publication, for example whether there has been advice sought from lawyers;
- How the LSCB is managing media interest in the case.

Once the publication date for a Serious Case Review is known, the LSCB Business Manager will also notify the Operations Director at [The Association of Directors of Children's Services \(ADCS\)](#) who will in turn liaise with the President of ADCS.

11. Considerations for Local Processes (to be determined based on the circumstances of each individual Serious Case Review)

- Where appropriate, Gateshead LSCB will involve the index child and family members in a Serious Case Review. During the initial scoping stages of the Serious Case Review members of the Serious Case Review Panel or review group will determine who it would be appropriate to involve in the process and how this will be done. Where there is an ongoing police investigation or other parallel enquiry underway then the police and other relevant professionals should also be consulted to ensure that investigations are not compromised;
- When a Serious Case Review is conducted in parallel with other reviews, such as a Domestic Homicide Review or Safeguarding Adults Review, then careful consideration should be given to ensure that the processes do not contradict or compromise each other. The chairs/lead reviewers etc. in all processes should remain in regular contact with each other throughout;
- Although there is a presumption that Overview Reports will be written with publication in mind, there may be occasions where it is inappropriate for the LSCB to publish the Overview Report in full (for example when publication would compromise the safety and welfare or any surviving children). In cases where the Serious Case Review Panel or review group determine that it would be inappropriate to publish the Overview Report then the LSCB Business Manager will liaise with the chair of the LSCB and notify the **National Panel of Independent Experts on Serious Case Reviews** (see [Section 10, Publication of Reports](#));
- Prior to the initiation of a Serious Case Review, the LSCB Business Manager, the chair of the LSCB Case Review Sub Group (currently the Service Director – Social Work, Children and Families) and the independent chair of the LSCB will consider whether it would be more appropriate to appoint a “lead reviewer” or an Overview Author and Serious Case Review Panel Independent Chair. The rationale behind this decision will be based on the complexity of the case and other circumstances surrounding the review;
- Following the completion of a Serious Case Review, the LSCB Case Review Sub Group will monitor the “programme of action” on behalf of the LSCB, This will involve monitoring any action plans produced as result of the recommendations made in the review and also monitoring the dissemination of the lessons learned to frontline staff in LSCB partner agencies by senior officers from those agencies involved in the review.

Appendices

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