



GRAMPIAN ADULT PROTECTION COMMITTEES SERIOUS CASE REVIEW AND CASE REVIEW PROTOCOL

**JUNE 2009
REVISED 2015**

Introduction and Definitions

Introduction

Paragraph 18 of the Scottish Government document, '**Guidance for Adult Protection Committees**', which was produced subsequently to the implementation of the Adult Support and Protection (Scotland) Act 2007, states:

'The Act does not require Adult Protection Committees (APCs) to become involved in individual case reviews. APCs have a strategic and monitoring function rather than an operational role and therefore routine case reviews may well be seen as inappropriate. However, joint consideration of individual cases may help APC members to develop greater joint understanding of service user concerns and professional practice. While there is no duty to do so, APCs are encouraged to evaluate and learn from critical incidents.'

Paragraph 49 of the Act adds:

'APCs may decide to audit particular aspects of support and protection activity, to commission or engage in occasional case reviews (particularly when there have been critical incidents) or to commission research on particular aspects of protection work.

In response to this, the three APCs in Grampian have agreed to the development of a Serious Case Review (SCR) Protocol to:

- clarify the referral process;
- define how reviews will be managed;
- decide how completed reviews are communicated; and
- decide how recommendations are actioned.

This document sets out how the SCR process will be implemented by the Chief Officers' Public Protection Groups (PPG) and Aberdeen City, Aberdeenshire and Moray Adult Protection Committees (APCs). The APCs have specific responsibility for the oversight of SCRs. The shared Independent Convener reports to the PPG. Each APC reports to the Scottish Government, on a biennial basis. The Grampian Adult Support and Protection Working Group will review this Protocol on behalf of the PPG and APCs.

The key messages from SCRs for each APC area will be included within the biennial report for each APC. The agreed recommendations will be incorporated into the Action Plan for each APC.

A SCR protocol was initially produced by the Grampian Adult Protection Working Group in June 2009 to enable the APC's in Grampian to undertake SCRs. This document is the first revision of the protocol which was undertaken in Aug 2015. The protocol was reviewed to take account of growing experience and knowledge and to enable different levels of case review to be considered by the APC's in Grampian.

Objectives of a Case Review

The overarching objectives of Case Reviews are to:

- Establish whether there are lessons to be learned about how better to support and protect adults at risk of harm, and help ensure they get the help they need when they need it;
- Learn and improve services as well as recognise good practice;
- Make recommendations for actions, if and when appropriate (Note - immediate action to improve service or professional shortcomings should not await the outcome of a formal review);
- Consider how any findings, recommended actions and learning will be implemented;
- Address the requirement to be accountable, both at the level of the responsible agencies/authorities and the professional groups involved;
- Increase public confidence in public services, providing a level of assurance about how those services acted in relation to a significant case about an adult at risk;

Reviews should be viewed as a process for learning and improving public protection.

This guidance supports the achievement of these objectives by helping those responsible for reviews to:

- Undertake them at a level which is necessary, reasonable and proportionate;
- Adopt a consistent, transparent and structured approach;
- Identify the skills, experience and knowledge that are needed for the review process and consider how these might be obtained;
- Address the needs of the many different people and agencies who may have a legitimate interest in the process and its outcome; and
- Take account of the evidence.

This guidance sets out:

- The different levels of case reviews that can be undertaken;
- The criteria for identifying whether a case is serious;
- The procedure for undertaking an initial case review (ICR);
- The process for conducting a case review including reporting mechanisms and dissemination of learning; and
- Tools to support the process of conducting a case review including ICR's and SCR's.

The assumption throughout this guidance is that the APC should proceed as speedily as feasible at all stages of a case review, and that agencies should do the same. This is important in reducing stress on the adult (if they are still living), their family, their carers and on the staff involved. However the

complexity or circumstances of certain cases may result in preferred timescales not being met.

Levels of Review

The purpose of a case review is to establish whether there are lessons to be learned about how better to support and protect adults at risk of harm – reviews should be viewed as a process for learning and improving public protection.

Reviews should be undertaken at a level which is necessary, reasonable and proportionate and should not be escalated to what is beyond proportionate.

| Type | Threshold | Review Team | Process | Guidance Timescales |
|--------------|--|--------------------|---|--|
| SCR Internal | <ul style="list-style-type: none">• Meets SCR criteria (page 9)• The case is extremely complex, with the involvement of several agencies, and/or the family/carers or significant adults may have already expressed concerns about the actions of the agencies.• Local recommendations are likely to be interagency rather than for a single agency. | Identified by APC. | Term of reference for review and review team to be agreed by APC in consultation with COG Improvement plan to be developed and put through governance structures | The SCR should be undertaken as speedily as feasible. APC's are required to agree timescales for when reports should be produced in light of the circumstances and context of that particular case. |
| SCR | <ul style="list-style-type: none">• Fulfils the threshold for | Identified by | Term of reference for review | The SCR should be undertaken |

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| external | <p>an internal SCR and meets at least one of the following:</p> <ul style="list-style-type: none"> • There are likely to be national as well as local recommendations. • The case is already high profile, or is potentially likely to attract a lot of media attention. • Councillors or MSPs or other elected members have voiced their concerns about services locally. | APC. | <p>and review team to be agreed by APC in consultation with COG</p> <p>Improvement plan to be developed and put through governance structures</p> | <p>as speedily as feasible.</p> <p>APC's are required to agree timescales for when reports should be produced in light of the circumstances and context of that particular case.</p> |
| Multi-agency Review (MAR) | <ul style="list-style-type: none"> • Does not meet the SCR Criteria but harm has occurred and it is felt that the case review would lead to significant learning. • The case is complex, with the involvement of several agencies, and/or the family/carers or | Identified by APC. | <p>Term of reference for review and review team to be agreed by APC.</p> <p>Improvement plan to be developed and put through governance structures</p> | <p>The MAR should be undertaken as speedily as feasible.</p> <p>APC's are required to agree timescales in which reports should be produced taking account of the circumstances and context of that particular case.</p> |

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| | <p>significant adults may have already expressed concerns about the actions of the agencies.</p> <ul style="list-style-type: none"> • Local recommendations are likely to be interagency rather than for a single agency. | | | |
| Single Agency Review (SAR) | <ul style="list-style-type: none"> • Does not meet the SCR Criteria but harm has occurred and it is felt that the case review would lead to significant learning. • The case is complex, and/or the family/carers or significant adults may have already expressed concerns about the actions of a single agency. • Local recommendations are likely to be for a single agency rather than | Approved by APC | Terms of reference developed by single agency. Noted by APC. | Completed within 8 weeks. |

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| | interagency. | | | |
| Multi-agency case review meeting | <ul style="list-style-type: none"> • Does not meet the SCR Criteria but it is felt that a case review would lead to multi-agency learning. • The case is complex, with the involvement of several agencies, and/or the family/carers or significant adults may have already expressed concerns about the actions of agencies. • Local recommendations are likely to be interagency rather than for a single agency. | Professionals involved in the case, chaired by the lead agency in the case. | Meeting (see agenda Annex 1) | Completed within 8 weeks. |

Definitions and Criteria

Adult at Risk of Harm

The Act defines an 'adult at risk' as a person aged 16 years or over who:

- is unable to safeguard her/his own wellbeing, property, rights or other interests; and
- is at risk of harm; **AND**
- because they are affected by disability, mental disorder, illness or physical or mental infirmity are more vulnerable to being harmed than adults who are not so affected.

The presence of a particular condition does not automatically mean an adult is an 'adult at risk'. An adult may have a disability but be able to safeguard their wellbeing etc.

It is important to stress that all three elements of this definition must be met. It is the whole of an adult's particular circumstances that can combine to make them more vulnerable to harm than others.

An adult is at risk of harm if:

- another person's conduct is causing (or is likely to cause) the adult to be harmed, **OR**
- she/he is engaging (or is likely to engage) in conduct which causes (or is likely to cause) self-harm.

Serious Case Review

A SCR need not be about just one significant incident. In some cases, for example, neglect, concerns may be cumulative.

The criteria for referral are as follows:

When an adult at risk of harm dies and the incident or accumulation of incidents gives rise to serious concerns about professional and/or service involvement or lack of involvement, **and one or more of the following apply:**

- harm is known or suspected to be a significant factor in the adult's death; or
- the death is by suicide or accidental death; or
- the death is by alleged murder, culpable homicide, reckless conduct, wilful neglect or an act of violence;

A referral may also be made where an adult at risk of harm has not died but has sustained serious harm or is at risk of serious harm and in addition to this the incident or accumulation of incidents gives rise to serious concerns about professionals and or service involvement or lack of involvement.

The Adult Protection Case Review Process in Grampian

Who can refer?

Any agency can ask for a case to be considered for review by an APC. Referrals should be made via the agency's lead representative on the APC. A family cannot ask for a review, any concerns raised by families should be addressed through relevant agencies' normal complaints procedures.

How to refer

If the case is high profile or is likely to attract media attention the agency's lead representative and the APC Independent Convener must be informed immediately.

The Referrer, following discussion with their line manager, should send the referral to the agency's lead representative on the APC using the Initial Case Review template (Annex 2). The agency lead will forward the Initial Case Review Template to the local administrator and the co-ordinator.

Initial Case Review (ICR)

An Initial Case Review (ICR) should always be undertaken and is an opportunity for the APC to consider relevant information, determine the course of action and decide whether an SCR or other response is required. The ICR process is summarised below. An ICR should not be escalated beyond what is proportionate, taking account of the severity and complexity of the case and the process and its timescales, should not detract from agencies taking whatever urgent action is required to protect any others who may be at risk.

Where time limits are referred to it is important that they are adhered to. If there is good reason for delay, the report should record the reason for that delay.

Step 1: Potential case notified to APC as soon as practicable after the event or when a series of events suggests a case review may be appropriate. The initial case review notification form should be used (Annex 2)

When complete, the initial case review notification form should be passed to the local SCR Administrator who will:

- log the notification, which will be given a unique numbered identifier;
- inform SCR co-ordinator;
- notify and request information from all agencies or individuals involved with the adult using the ICR report template (Annex 3); and
- send an acknowledgement to the referrer that the notification has been received.

The above actions should be completed within 7 days of the notification being received.

Step 2: Agencies gather information and submit a report(s) to the APC mandated sub group. This group will comprise of members from Social Work, Health and Police. Reports will be submitted as soon as possible but no longer than 28 calendar days using the ICR Report template (Annex 3, Part B).

If agencies cannot reasonably complete the ICR Report for the APC within the suggested times, the reasons for this should be recorded.

Step 3: The mandated sub group meets to consider the information as soon as possible. Within 14 days of the ICR information being provided, the mandated sub group, convenes to consider agency/service information. Having a considered chronology and a timeline for this stage can help with decision making and identifying information gaps. The output of the meeting will be either:

- Further information required to enable a recommendation – set timescale for completion and supplementary meeting;
- sufficient information available to enable recommendation to progress to case review;
- no further action.

Where a recommendation is made to progress to a case review this decision and a terms of reference will be submitted to the APC (Annex 4)

Decisions and reasons will be recorded on the ICR Report (Annex 3, Part C)

Step 4: The mandated sub group make a recommendation to the APC whether or not to proceed to a significant case review (SCR):

An SCR should only be undertaken when the criteria are met; where there is potential for significant corporate learning; and where an SCR is in the public interest and in the best interests of the adult and their family. If there is no clear consensus within the APC as to whether or not to progress to an SCR, the final decision rests with the APC Convener.

The APC may decide that no SCR is needed but follow-up action by one or more agencies is required. This may be the case if, for example, there has been a misunderstanding of guidance, or if local protocols need to be reinforced. The APC may want to draw appropriate guidance to staff's attention or review training or protocols on a particular theme. They may also decide to initiate local action to rectify an immediate issue or to undertake single agency action. Follow-up action should be agreed and scheduled into the APC's action plan.

Where the APC is satisfied there are no concerns and there is no scope for significant corporate/multi-agency learning or it is clear that appropriate action has already been taken they may decide to take no further action.

Decisions and reasons will be recorded on the ICR Report (Annex 3, Part D)

Step 5: Ratification of decision

The APC should inform the Chief Officers Group of the outcome of an ICR.

Discussion/comments of the Chief Officers should be recorded in ICR Report (Annex 3, Part E)

Step 6: Notification and recording of decisions

The APC should maintain a register of all potentially significant cases referred to it. This allows for evidencing the decisions made; monitoring the progress of the reviews; monitoring and reviewing the implementation of recommendations; and identifying contextual trends (such as prevalence of substance misuse).

A written record of the decision (Annex 3, part B) should be sent to all agencies directly involved with the Adult and recorded in the Adult's case files.

If a decision is made to proceed to a Case Review, the APC should advise the Adult, if appropriate their family/carers of the APC's intentions. (see page 16)

Considerations to be made by APC following a decision that an Case Review is appropriate

Criminal Investigation

Once the SCR has been presented, if there is an element of criminality Police Scotland will progress the investigation accordingly. The SCR will normally be suspended until Police Scotland has completed their investigation.

Methodology

APCs should always consider and agree the methodology to be used in undertaking case reviews. Evidence-based methodologies should be used, for example root cause analysis.

Root Cause Analysis (RCA) techniques are used to understand the underlying causes of incidents rather than identifying individual failure. The RCA model has been adapted for use in health and social care settings. It takes into account the active failures of frontline staff to follow a prescribed course of action and also considers latent failures, well-intentioned but, in hindsight, faulty management decisions by senior management, and other contributory factors such as staff shortages, poor communication, busy work environment, emotional state of staff member, education and training. As such, this is a system-based approach which

seeks not only to clarify the direct actions leading to the incident but the contribution made by the wider organisational context.

Identify who undertakes the review

The APC will need to consider whether an SCR should be led internally, internally with some external overview or externally. APCs need to ensure that the lead reviewer and the review team, between them, have the necessary skills and competencies to undertake the review. These skills will differ according to the circumstances of each case and the agreed role of the review team. Annex 5 provides a 'person specification' list for a lead reviewer.

External Reviews

Where an external review is commissioned, the SCR continues to be owned by the APC. The Chief Officers Group/APC should agree any formal contractual arrangements that may be required, along with appropriate legal advice. They should consider which agencies will enter into the contract and ensure that individuals have professional indemnity cover. Consideration should be given to involving legal services in drawing up formal contracts covering areas like timescales, fees and confidentiality.

Any contract should also include explicit instructions on the access to, storage, transport, transmission, and disposal of sensitive personal information as required by the Data Protection Act. For the purpose of the SCR, the lead reviewer is a data processor, not a data controller and will not need to be registered with the Information Commissioner's Office (ICO). This is because they are acting on the instructions of the APC, representing the Chief Office Group. There is further information on the role and responsibilities of a Data Processor in ICO guidance.

The ICO Data Sharing Code of Practice details the circumstances where a data sharing agreement or contract may be required. This will be of particular relevance where there are a number of agencies inputting to the SCR.

Regardless of whether the lead reviewer is internal or external, the APC will wish to set out clear expectations in respect of timescales, milestones in the process and deadlines for completion of reports.

Information Sharing

All information shared must be relevant and proportionate to the individual concerned. Information about adults at risk may be shared by organisation under the following provisions:

- Adult Support and Protection (Scotland) Act 2007
- The Data Protection Act 1998
- Common Law of Confidentiality
- The Human Rights Act 1998

For further information sharing please refer to the Grampian Adult at Risk of Harm Information Sharing Protocol.

Terms of Reference

Depending on the comprehensiveness of the information gathered at the ICR stage it may be possible for the mandated subgroup to recommend the terms of reference of the full Case Review for the APC for approval. If there are areas that need further clarification the APC may ask agencies to undertake particular tasks and report back within an agreed timeframe.

The Terms of Reference, will:

- be agreed by the APC. This can be reviewed throughout the SCR process but any changes should be agreed by the APC and documented;
- clarify roles and responsibilities across agencies;
- set the time frame the review will cover; and
- be clear and deliverable.

Annex 4 gives an example of a terms of reference. It can be adapted to fit with local arrangements and the specific case being considered.

Review team

It is important to establish a team to support the lead reviewer so that agencies feel confident their specialist issues are understood. The APC should ensure there is sufficient multi-agency representation on the review team in order to reflect the particular case. A review team's different perspectives can add to the depth of enquiry. Training or information requirements for the team should be considered.

The team should be agreed at the outset and agreement reached as to roles and responsibilities, who should undertake tasks such as file reading and interviews, and how disputes will be resolved. No one should be involved in a review team if they were directly involved in the case in a professional capacity.

For any review team, it is important to establish whom the key contacts are in all the agencies involved. These could be designated case review contacts who can also advise on, and broker access to, relevant practitioners and information. Additionally, they should be able to provide any relevant agency information (such as protocols/guidance) and generally act as a liaison point. In addition, consideration should be given as to who will make links with relevant interests outside the main statutory agencies. The team will also need to gather evidence from a wide variety of sources and be prepared to negotiate if information is not forthcoming.

Consideration should be given to the skills required in the review team. This will vary according to the case and agreed responsibilities of the team, but APCs, or mandated sub groups, will wish to ensure that the review team has the following skills:

- A knowledge of adult services;
- A knowledge of relevant legislation and policy;
- Investigation skills;

- Analytical and evaluation skills;
- Ability to make sound judgements on information collected;
- Ability to critically analyse all factors that contributed to the significant case and the wider impacts for practice and service delivery where appropriate;
- Ability to liaise with others and establish a good working relationship;
- Ability to demonstrate sensitivity to national and local level issues; and
- An appreciation of the need to be clear about the difference between an case review's remit and tasks as opposed to other ongoing proceedings relating to the case (for example, a criminal investigation).

A review may reveal staff actions or inactions which are of sufficient seriousness that they need to be brought to the attention of the employer. The review team has a duty to do this, irrespective of the case review process.

Resources

Chief Officers have a collective responsibility to ensure their APC's have the resources, including staff time, to fulfil its role and responsibilities when conducting a case review. Chief Officers should, therefore, agree how the review team will be financed and how its expenditure will be managed.

Administrative support should also be agreed, as should practicalities such as accommodation, secure storage of any records shared, and secure access to electronic records.

The Report

It is important that there is a degree of consistency in the structure and content of reports to make it easier for people to identify and use the findings, and for read-across to other reports to be made. The report should, therefore, include the areas outlined in Annex 6.

APCs will consider arrangements for correcting factual errors or misunderstandings in drafts of the report.

If appropriate the lead reviewer will present the final report (and executive summary) to the review team before it is sent to the APC chair for consideration by the APC. This includes both internally- and externally-commissioned reports. The APC should deliver the report to the Chief Officers Group. The APC may ask the lead reviewer to present the report at the Chief Officers/APC meetings.

Freedom of information and Data Protection

The APC should ensure that the review team and lead reviewer take account of the requirements of the Freedom of Information (Scotland) Act 2002 and the Data Protection Act 1998 in both the conduct and reporting of the review.

Annex 7 contains an extract from an SCR which may be helpful in considering the report structure and content in respect of the Data Protection Act 1998. However, the circumstances of each case will be different and particular consideration should be given to the requirements of the Data Protection Act 1998 on each

occasion. Arrangements should be put in place for secure storage and filing of confidential information and files.

These arrangements should also include retention schedules and processes for the destruction of the information when it is no longer needed. These details can be included in data sharing agreements. NHS will wish to seek Caldecott approval in respect of access to any patient files where this is required by the lead reviewer as part of the review process.

Involve ment of the adult/family/carers

The adult/family/carers should be kept informed of the various stages of the review as well as the outcomes where appropriate. There will be occasions where the adult/family/carers could be subject to criminal investigation. In these cases, information may need to be restricted. Close collaboration with Police Scotland and the Procurator Fiscal will be vital.

Every effort should be made to involve the adult/families/carers. Case review reports should say whether or not the adult and families/carers were informed and involved. If not, they should record a reason. If they were involved, reports should record the nature of the involvement and document how their views have been represented. Diversity issues should be considered and adequate support should be provided to ensure that the adult, family/carers are able to participate.

Care should be taken about where and when the adult, or their family/carers are interviewed, and ensure any special measures needed are provided, particularly for those who have additional communication needs, (for example, the use of advocacy or interpreter services). If there are, or are likely to be, criminal proceedings or if there is, or likely to be a fatal accident inquiry, the review team must consult with the local COPFS and police prior to any interviews.

A single point of contact for the adult/family/carer should be appointed throughout the review. It is not necessary for this person to be part of the review team.

The person carrying out this liaison role should be fully aware of the sensitivities and background of the case. This person's role could include advising the family of the intention to carry out a case review and making arrangements to interview the adult/family/carers or other significant adults involved.

Depending on the particular case and sensitivities, consideration should be given to arrangements for feedback to the adult/family/carer. This may also include their input to check the accuracy of what is recorded in the interim and/or final report.

Support for staff involved in a review

During the review process staff who have been involved in the case should feel informed and supported by their managers. There may be parallel processes running (such as disciplinary proceedings) as well as the SCR so sensitive handling is important.

Each organisation should have its own procedures in place for supporting staff, but the following should always be considered:

- The health and wellbeing of staff involved;
- Provision of welfare or counselling support;
- Communication with staff and keeping people informed of the process in an open and transparent way;
- Access to legal/professional guidance and support; and
- Time to prepare for interviews and for follow up.

Staff involved in a review should be given this guidance. The lead reviewer should consider what mechanism will be used to enable contributors to check the accuracy of what is recorded as it is drafted for the interim and/or final report. When the review is complete, staff involved in the case should be debriefed before the report and findings are published.

Dissemination and publication

For each individual case review, the APC – in conjunction with the Chief Officers – should consider how to disseminate and publish the report that best serves the public interest and the purpose of improving service delivery.

Media handling

Any protocols/media handling issues should be developed in conjunction with the communications officers for the agency. Before the report is made public, the review team will agree a link with the media on behalf of Chief Officers/APC; brief the relevant communications officer(s); and approve the wording of any quotes.

No information about a case review should be released to the media unless it has been approved by Chief Officers/APC.

The serious case review and the learning cycle

The APC should consider how the analysis and recommendations from a case review can best inform learning and practice.

Any recommendations should be noted and if appropriate monitored by the APC.

Cross-authority Case Reviews

In the case of a potential cross-authority case reviews the relevant APCs should agree a way of joint working and, if required, joint commissioning of a lead reviewer. It may be worth considering a lead reviewer who is independent of the APC areas involved.

Annex 1

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|  The logo consists of two overlapping blue ovals. The top oval is light blue and the bottom one is dark blue. Between them, the words "ADULT SUPPORT & PROTECTION" are written in white capital letters. | Adult Protection Multi-agency Case Review Agenda |
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- 1. Introduction and Apologies**
- 2. Purpose of Case Review (as outlined at APC)**
- 3. Background facts**

This should include the family background and circumstances, including agency involvement. A chronology of significant events should also be discussed.

- 4. Analysis**

Critically assess the key circumstances of the case, the interventions offered, decisions made etc. It should always be remembered that the review is taking place with the benefit of hindsight and the analysis should consider the actions of services within the context of the circumstances of the time.

- 5. Key Issues**

Following on from the analysis and depending on the circumstances of the case, the review should clearly identify the key areas that impacted on the adult and agency responses and then explore these further to understand how they came about. The review should discuss the 'why' of what happened and a level of root cause analysis should be applied. It would be helpful to explore key areas within a framework of cause and effect factors – for example, resourcing, organisational culture, training, policies etc.

- 6. Learning Points**

Highlight the key learning points from the review – again the focus here should not be on 'what happened', but the reasons why it happened as it will be these areas that services and organisations can actively take forward and address. Discussion should also actively promote strengths and good practice identified as well as the learning that has taken place since the incident, any changes in practice and policy that have been implemented and the outcome of changes.

- 7. Recommended Actions**

Recommended actions should be recorded indicating who is responsible for the action and a timeframe for completion.

Annex 2

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|  The logo consists of two overlapping ovals, one blue and one teal, with the text "ADULT SUPPORT & PROTECTION" written vertically in white between them. | Grampian Adult Protection Committees Initial Case Review Notification Form |
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The designated person within any agency should complete this initial case review notification and send it electronically by email to the SCR Administrator for the local area as soon as possible and in any case within 7 days of first informing the SCR co-ordinator.

Name of Referrer:

Contact details:

Agency:

Local Authority: Moray Aberdeenshire Aberdeen City

Date of Referral:

| |
|---------------------------------|
| Adult's Name/Identifier: |
| Date of Birth: |
| Address: |

Basis for referral (the reasons that meet the SCR referral criteria- refer to page 5):

Brief description of case:

Are there any immediate concerns? If so, what are these and have they been passed to the relevant agency for consideration/action?

Name of service/agency/professionals involved with the adult (include email address if known):

| To be completed by Administrator: | |
|--|--|
| Referral acknowledged date | |
| Unique identifier No. | |
| Date all agencies notified | |

Annex 3



**Grampian Adult Protection Committees
Initial Case Review Report**

A referral under the Grampian APCs Significant Case Review Protocol has been made regarding the adult identified below. The first part of the process is to collate information in order that an interagency decision is made as how the referral should be progressed.

Your agency is asked to provide the local APC with the relevant information by completing this initial case review report and send it electronically by email to the SCR Administrator **as soon as possible and in any case within 28 calendar days.**

This report should contain information relevant to the agency/service contact/interaction with the adult. Each agency/service will submit details of their own involvement with the adult.

All initial case review reports reviewed will be acknowledged by the SCR Administrator.

Part A – For completion by SCR Administrator

Date sent:

Date to be completed:

Service/agency:

APC area:

Adult's Name:

Unique Identifier for Case Review:

Date of Birth:

Address:

Basis for referral:

PART B – For completion by Service/agency

Please summarise your involvement with the adult

- What was your involvement
- What was your intervention
- What was the outcome of the intervention

Outline of key issues

- AP concerns regarding the adult
- Vulnerabilities of the adult
- Were there strategies and actions to minimise harm/risks?
- Did agencies work in partnership?
- Was there recognition and assessment of risk?
- Was timely and effective action taken?
- Was there evidence of planning and review?
- How good was record keeping?
- Were legal measures considered and used appropriately?

Any other proceeding relating to this adult occurring within your agency/service (service reviews, disciplinary action, PF decisions)

Please highlight any areas which may require further considerations

PART C – For completion by APC mandated sub-group

Options Considered:

- SCR External
- SCR Internal
- Multi-agency Review
- Single Agency Review
- Multi-agency Case Review Meeting
- No Further Action

Recommendation made:

Reason:

Date:

PART D – For completion by APC

Date notified of above decision:

Note of discussion at APC:

Actions made:

PART E– For completion by Chief Officers Group

Date notified of above decision:

Note any comments/discussion by Chief Officers:

Actions made:

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|  | <h2>Case Review Terms of Reference Template Example</h2> |
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The following example provides a framework for APCs in the development of a terms of reference for use during a Case Review. It includes suggested references to the key areas covered in the section **Objectives Of The Serious Case Review** and can be adapted to fit with local arrangements and the specific case being considered.

Terms of Reference

Introduction

In accordance with the Grampian Adult Protection Committees Serious Case Review and Case Review Protocol the [APC name] has decided to conduct a serious case review following [details of incident].

Decision to hold a serious case review

[Insert full information regarding the reasoning behind decision to hold SCR including both first and second test/criteria for SCR. Also consider inserting text related to commitment to learning and interest from for example media, Scottish Government, Care Inspectorate, local communities]

Purpose of the review

This is an example of suggested wording and should be adapted to reflect your APC position and purpose

The purpose of the review is to establish whether there are corporate lessons to be learned about how better to protect Adults. To that end, the review is a process for learning and improving services and is a means of recognising good practice.

The review will assess the agency and inter-agency decision making and involvement with the family and others relevant to the case.

Time period to be covered

The period to be covered by the review will be from [Insert timeframes]

Methodology

This section should cover the practices being used, for example RCA methodology.

The suggested wording below refers to traditional methods.

Established practices for conducting an SCR should be used, including reviewing case files and records, development of a multi-agency chronology and timeline of what information was known to whom and when, and considering policies and guidance available to staff during the timescales the review will cover.

Any significant risks/needs identified by the lead reviewer during the review process will be reported immediately to the relevant chief officer [The reporting lines may differ and should be agreed on following internal discussions] from the agency concerned.

The lead reviewer will have unrestricted access to policies, protocols, procedures, case records and, at a date to be set, relevant staff. All necessary arrangements will be put in place to facilitate this.

General practitioners and practice staff are independent contractors. Their cooperation will be facilitated by [this should be discussed and agreed internally], as required. This is an example and inclusion will depend on situation.

Administrative support for the lead reviewer will be provided by [This crucial area requires internal discussion and agreement]

Specific issues to be considered in the review

[Insert specifics regarding the key areas to be considered by Lead Reviewer – bullet points may be helpful]

Involvement of family members

Consideration to be given to involvement of family members and carers taking into account any ongoing criminal proceeding and direction from the COPFS.

If appropriate, the lead reviewer will inform the family and identify a liaison person who will provide a link between the family and the review team.

For this matter the family will include [Insert specific info related to your case]

Staff welfare

Full consideration must be given to staff welfare and support throughout the review, particularly for those who had direct involvement in the case and may be interviewed as part of the review process. This will be the responsibility of each service/agency. Consideration should be given to a single point of support for staff. Regular updates to staff should be agreed by the Review Team.

Ethnicity, religion, diversity, gender, disability, language and equalities

The review will take account of any learning in respect of ethnicity, religion, diversity, gender, disability, language and equalities. [This is broad so may need specifics]

Organisations involved in the review

Example wording - the case and local arrangements will inform wording

The following representation should make up the review team as single points of contact from each of the relevant agencies to support the lead reviewer. The lead reviewer will chair this group as appropriate and report to the case review group.
The list will depend on your specific case

Administrative support will be provided to the review team through the [requires internal discussion and agreement]

The review team will act as single points of contact for any information required and will assist in setting up any interviews related to their particular service/agency. The chair of the review team will be the lead reviewer who will report to the case review group.

If any other agencies are known to have had involvement with the family during the period under review, the review team will ask them to provide relevant information as required.

Chief Officers from all partner agencies expect all relevant services to assist in the review process. Any difficulties will be addressed by the lead reviewer through the case review group and if necessary with the relevant chief officer of the agency concerned.

Support to lead reviewer

Example wording- you may have a critical friend(s) arrangement which differs to this

The partners will arrange to provide a critical friend(s) if needed to assist the lead reviewer in their role, as required.

Reporting arrangements

Example wording the case and local arrangements will inform wording

The lead reviewer should complete the agreed template for the review report as shown in Annex 5. Along with the main review, the reviewer will be expected to provide an executive summary. The lead reviewer should ensure that the summary is fully anonymised and written so as to avoid the need for future redactions.

The draft report should be submitted to the case review group for consideration and thereafter to the chair of the APC.

Expert opinion

Wording may differ depending on local arrangements

Although not considered necessary from the outset, the use of expert opinion in a consultative capacity will be kept under review.

Criminal investigations

May or may not apply to your case

Police Scotland is investigating the circumstances of the case and will report to the Procurator Fiscal.

COPFS

May or may not apply to your case

There will be ongoing liaison with COPFS through [named contact who is part of Review Group/Team useful but this will require internal discussion and agreement]

Other parallel reviews

Include whether any parallel reviews are ongoing.

Consideration should be given regarding a joint case review. For example, in the case of 16/17 year olds who are being considered under adult support and

protection, Child Protection Committees will want to liaise closely with APCs to determine if the criteria for an SCR have been met under this guidance, and whether a joint SCR is required.

Media coverage/enquiries

The case and local arrangements will inform wording here

There is high level media interest in the case, locally and nationally. APC have agreed a broad media statement, if this is required. There will be key points as the criminal case proceeds where the media may become involved and ask for information/statements.

There should be no proactive engagement with the media; rather due process should be followed, however, the Review Team and APC should be prepared at key milestones for media requests, in particular any subsequent trial, sentence and the publication of any review.

A single point of contact for media enquiries is to be agreed. [insert person responsible following internal discussion and agreement] will be responsible for the media strategy on behalf of all partners in respect of any queries regarding the SCR and dissemination/publication, following the conclusion of the SCR. Family members will be informed of the findings of the SCR in advance of publication of the executive summary.

Process and timescales

The case and local arrangements will inform wording here

Appointment of lead reviewer and review team by [insert agreed date]

The first meeting of the review team to take place once the lead reviewer is confirmed. The first meeting with the lead reviewer will scope and agree the process of the review and agree an outline of the work plan and timeline. This will take into account the two distinct phases of the review as outlined earlier.

The review team will submit a written progress report on the SCR regularly to the [insert local reporting arrangements as discussed and agreed]

Any anticipated delays in the review process must be highlighted by the lead reviewer and agreed by the chair of case review group [insert local arrangement as discussed and agreed]

The final draft report and will be submitted to the chair of the case review group [insert timescale as discussed and agreed] for consideration and the development of an agreed action plan in response to identified areas of learning and recommendations. The lead reviewer will also prepare an executive summary, which will be fully anonymised for publication. In the first instance, the Review Team will correct factual errors or misunderstandings in drafts of the report. Any unresolved matters should be referred to the case review group and ultimately to the APC if required. Local reporting arrangement may differ.

The final report, executive summary and action plan will be submitted to the Case Review Group and thereafter to the [insert local reporting arrangements as discussed and agreed]

The final report will be owned by the APC. The decision regarding what should be published will rest with them. [Insert local arrangements as discussed and agreed internally]

Dissemination and publication

The case and local arrangements will inform wording

The APC will agree a local dissemination approach which ensures the spread of any identified good practice as well as learning, particularly to front line staff.

In order to promote national learning, the findings and recommendations from the SCR will be shared nationally with WithScotland or by specially convened meetings or seminars. This will be taken forward by the Chair of the APC.

Publication

The case and local arrangements will inform wording

The APC has decided that an anonymised executive summary will be published. The APC will arrange to give the identified family members a copy of the executive summary, and will discuss the findings of the review with them before publication.

The APC will decide who should get a copy of the full report or the executive summary based on recommendations by the case review group.

The APC will give full consideration to the adult's right to privacy and the adult's right to be protected.

Publication of the report/executive summary will be discussed with COPFS.

The APC will consider whether an oral briefing for relevant parties in advance of publication is required.

The APC will ensure that they have considered the integrity of staff and the duty of care.



Grampian Adult Protection Committees Person Specification for Lead Reviewer

The skills and qualities required for the lead reviewer, include:

Leading and directing

- Consider practice experience required for person chairing review – this may differ depending on the particular circumstances of the case
- Responsible for ensuring the required skills and experiences of the Review Team are made available
- Role of body/person setting terms of reference and providing progress reports
- Should have no preconceived views of the case/outcome
- Quality – ability to set out ground rules

Knowledge

- Should have a broad knowledge of protecting adults at risk in line with the Adult Support and Protection (Scotland) Act 2007.
- Knowledge of other relevant legislation (AWI 2000, MHCT 2003)
- RCA or appropriate alternative trained

Analytical skills

- Those chairing/leading reviews must have the ability to interpret and analyse complex multi-agency processes and information.
- Know where, and from whom, to get specific information or expertise
- Logical thinking and ability to map out review process
- Need to understand the context in which services are delivered
- Ability to identify and manage competing interests in a Case Review (for example, professional; political, organisation; public, media)

Person qualities

- Those conducting reviews need to be open minded, fair, a good listener and a logical thinker.
- Experience of practice at various levels across an organisation
- A blend of confidence and humility (to be prepared to learn)
- Need to understand professional backgrounds of those involved and be a multi-agency team player
- Approachable
- Risk assessment/management
- Ability to challenge constructively
- Emotional intelligence

Annex 6

| | |
|---|---|
|  | Grampian Adult Protection Case Review Template |
|---|---|

Exemplar SCR Report

| | |
|---|--|
| Adult's Name: | |
| Unique Identifier for Case Review: | |
| Date of Birth: | |
| Gender: | |
| Basis for referral: (Include vulnerability and harm as it relates to adult at risk of harm criteria) | |

Introduction

This should include the circumstances that led to the review, the purpose and focus of the review, the periods considered and agencies involved, the extent of the family's/carers' involvement. Note how long the report has taken and reasons for any delays.

The facts

This should include the family background and circumstances, including agency involvement. A chronology of significant events, (which should also include when the adult was seen and by whom and whether the adult's views were sought) should also be included. Where appropriate, the chronology may be presented in a number of distinct phases and should be supplemented by a written account of what happened during each phase. In the reviewing of the case, a full chronology will be required but for the purpose of the report, the primary aim at this stage is to highlight areas of practice or events that are considered by the review to be particularly relevant, not to provide an overly detailed account of events. As such the full chronology should not be included within the body of the report. Details of all significant people in the adult's life should also be included.

Analysis

This section should critically assess the key circumstances of the case, the interventions offered, decisions made etc. For example, were the responses appropriate, were key decisions justifiable, was the relevant information sought or considered, were there early, effective and appropriate interventions? Were any concerns about safety and/or wellbeing recognised? Was there a timely and appropriate response? Were the adult's circumstances sufficiently assessed? Were compulsory/legal measures properly considered? If so, when? It should always be remembered that the review is taking place with the benefit of hindsight and the analysis should consider the actions of services within the context of the circumstances of the time.

Key issues

Following on from the analysis and depending on the circumstances of the case, the review should clearly identify the key areas that impacted on the adult and agency responses and then explore these further to understand how they came about. This section should assist readers to understand the ‘why’ of what happened and a level of root cause analysis should be applied. It would be helpful to explore key areas within a framework of cause and effect factors – for example, resourcing, organisational culture, training, policies etc.

Learning points

This section should highlight the key learning points from the review – again the focus here should not be on ‘what happened’, but the reasons why it happened as it will be these areas that services and organisations can actively take forward and address. This section should also actively address strengths and good practice identified as well as the learning that has taken place since the case, any changes in practice and policy that have been implemented and the outcome of changes.

Recommendations

These should be SMART: **S**pecific, **M**easurable, **A**chievable, **R**ealistic, **T**imed

Data protection and reports

The following is an extract from a Child Protection SCR completed in September 2013 and may be useful in considering the report structure and content.

'This document contains the conclusions and recommendations of the Significant Case Review relating to D. In the interests of transparency, every effort has been made to disclose as much of the SCR as is lawfully possible. The only editing prior to disclosure is the redaction of personal data, disclosure of which cannot be justified under the Data Protection Act 1998 ('the DPA'). Although there has been a criminal trial and extensive media coverage of this case, and a significant amount of both personal data and sensitive personal data is, as a result of this, publicly available, disclosure of the personal data contained in this report must still comply with the DPA. This means that even though some of the redacted information may already be publicly available, or it may be considered to be in the public interest to disclose, it cannot automatically be disclosed, as the DPA contains certain conditions which must first be met. The process of redacting the SCR has involved careful consideration of:

- The need for transparency and the overall purpose of the SCR in the identification of any lessons learned.
- The public interest in disclosure.

Considering whether information is sensitive personal data, (for example, because it is information about a person's physical or mental health or condition, his/her sexual life, or the commission or alleged commission of an offence) and whether its inclusion in the SCR complies with the Data Protection Act 1998.

Balancing interests in terms of the right to respect for private and family life in terms of Article 8 of the European Convention on Human Rights, meaning that any information contained in the report relating to D himself and other people whose history was closely linked to D can only be released if it is lawful, necessary and proportionate to do so.

Following this, and on taking specialist legal advice, the review panel concluded that in the unique circumstances of this case, it would not be appropriate to release the main body of the report. The narrative of the report could not be redacted so as to remove all information carrying an identification risk or the possibility of causing harm to third parties, and it was felt that removing all such information would lead to the report being at best meaningless and at worst misleading.

The conclusions and recommendations have been included but with certain text (generally containing biographical details) redacted for the reasons set out above. Any redactions are clearly marked with the word '[Redacted]'. Some minor grammatical changes have been made (unflagged) to maintain consistency of language following some redactions.

Glossary of Terms

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|-------|--|
| AP | Adult Protection |
| APC | Adult protection committee |
| COG | Chief Officers Group |
| COPFS | Crown Office Procurator fiscal service |
| ICO | Information commissioner's office |
| ICR | Initial case review |
| MAR | Multi agency review |
| MSP | Member of Scottish parliament |
| PF | Procurator fiscal |
| PPG | Public protection group |
| RCA | Root cause analysis |
| SAR | Single agency review |
| SCR | Serious case review |