

Working Together to Safeguard Children

Government response to public consultation

Chapter 8: Serious Case Reviews



1. Introduction

- 1.1 Chapter 8 of the Government’s statutory guidance *Working Together to Safeguard Children* (2006) sets out the processes for undertaking Serious Case Reviews (SCRs). SCRs are undertaken when a child dies or is seriously injured and neglect or abuse is suspected or known to be factor.
- 1.2 The purpose of a SCR carried out under Chapter 8 of *Working Together* is to:
 - establish whether there are lessons to be learnt from the case about the way in which local professionals and organisations work together to safeguard and promote the welfare of children;
 - identify clearly what those lessons are, how they will be acted on, and what is expected to change as a result; and
 - as a consequence, improve inter-agency working and better safeguard and promote the welfare of children.
- 1.3 On 12 November 2008 Ministers announced to Parliament that they had asked Lord Laming to prepare an independent report on the progress being made across the country to deliver effective arrangements to protect children, and to identify any barriers to effective, consistent implementation and how these might be overcome. Lord Laming published his report, *The Protection of Children in England: A Progress Report*, on 12 March 2009. In his report, Lord Laming made a number of recommendations to strengthen and clarify the SCR process. These are reproduced at Annex A. Lord Laming’s recommendations were accepted in full by the Government, which undertook to update Chapter 8 of *Working Together*.
- 1.4 Public consultation on a revised Chapter 8 ran from 31 July to 23 October, with 146 responses received. A list of respondents is at Annex B.
- 1.5 The consultation was supported by regional seminars on child death reviews and SCRs. Seminars were held from 30 September to 16 October in nine Government Office regions and attracted 544 delegates. Further detail on the regional seminars is at Annex C.
- 1.6 This document provides:
 - an overview of responses;
 - a summary of key findings from the consultation; and
 - information on next steps.

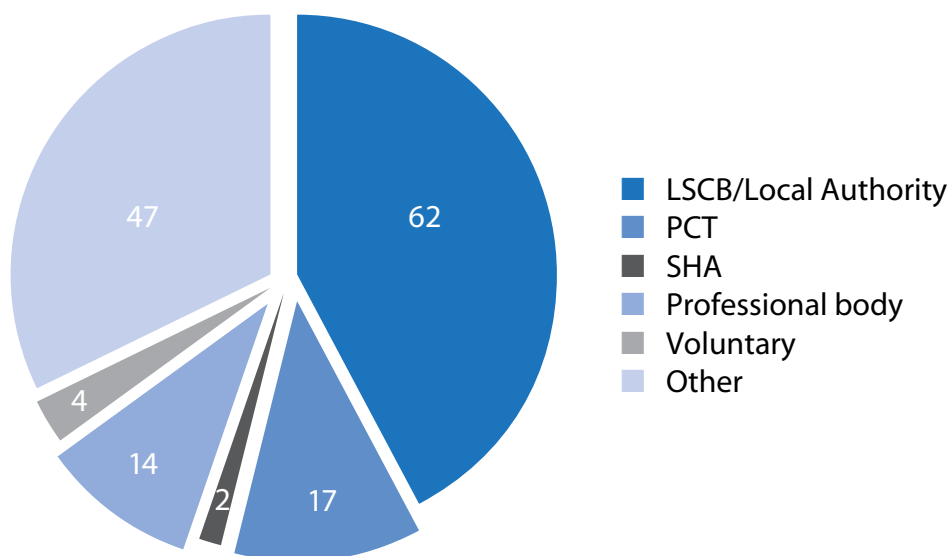
2. Overview of responses

2.1 The public consultation on Chapter 8 of *Working Together* received 146 responses from a range of organisations and individuals. Seventy-eight responses were received online, 67 via email and one by post.

2.2 Respondents comprised:

- 61 Local Safeguarding Children Boards (LSCBs);
- 1 Local Authority;
- 17 Primary Care Trusts;
- 14 professional bodies;
- 4 voluntary organisations;
- 2 Strategic Health Authorities; and
- 47 other types of respondents, including Ofsted, independent LSCB and SCR panel chairs and SCR authors, members of the public, designated professionals, mental health trusts, police organisations and government bodies.

Figure 2: Respondent type



3. Key findings

- 3.1 Respondents were asked to comment on the draft revised Chapter 8 of *Working Together*. A number of themes emerged from the responses. These were echoed in discussions and feedback from the regional seminars and included:
- the relationship between SCRs and other processes;
 - criteria for when to initiate or consider initiating a SCR;
 - governance, accountability and clarification of roles and responsibilities;
 - learning the lessons from SCRs;
 - publication of SCR panel members' names;
 - Ofsted's evaluation of SCRs;
 - integrated health overview reports and chronologies; and
 - requests for more detailed guidance and training, including issues relating to Individual Management Reviews (IMRs), information sharing and confidentiality, cross border issues, publication and anonymisation.
- 3.2 A number of the Government's proposed changes to Chapter 8 of *Working Together* were particularly welcomed by respondents to the consultation. Responses overwhelmingly supported the proposed extension of the time period, from four to six months, within which to complete a SCR. Of the 50 respondents who commented on the extended timescale, 46 supported this extension, three responses indicated that the revised timescale would still present a challenge and one response favoured retaining the current four month timescale.
- The Government has decided that the timetable for completing a SCR should, as proposed, be extended from four to six months.**
- 3.3 Overall, respondents found the criteria for considering a SCR to be clearer. Some clarification was requested on the meaning of 'serious sexual abuse', 'particularly serious offence' and the extent to which suicides should be specified in the criteria for considering a SCR.
- 3.4 The relationship between SCRs and other processes was a prominent theme in consultation responses and feedback from the regional seminars. Respondents sought more information on, and references to, how the SCR process interrelates with:
- child death review processes;
 - notifications of serious untoward deaths and incidents;

- domestic homicide reviews;
 - criminal, care and court proceedings;
 - coroners' procedures;
 - adult and mental health services; and
 - probation and offender management processes, including the work of Youth Offending Teams, and Serious Further Offence (SFO) and Multi-Agency Public Protection Arrangements (MAPPA) processes.
- 3.5 Thirty respondents raised issues relating to the governance arrangements of SCRs, highlighting a need for further detail on the roles, responsibilities and reporting arrangements between the LSCB, independent SCR panel chairs and independent overview authors. An additional 14 responses specifically sought more detail on what to do in instances of disagreement between those involved in the various aspects of undertaking a SCR and 11 responses sought clarity on final decision-making and ownership of the full SCR report.
- 3.6 Many LSCBs have standing groups or sub-committees to consider whether a SCR should be undertaken following an incident and, where a SCR is recommended, suggest draft terms of reference to the LSCB chair. When a decision is made to undertake a SCR, a bespoke SCR panel is then set up with its own chair and overview author. This two-tiered structure was not envisaged in the draft revised Chapter 8, and 20 responses highlighted the need for the revised statutory guidance to take it into account.
- The Government will provide greater clarity on the SCR criteria, the relationship between SCRs and related processes, and governance arrangements where appropriate in the revised *Working Together* and through other actions underway to support implementation of Lord Laming's recommendations.**
- 3.7 The importance of learning and effectively disseminating lessons from SCRs was widely emphasised in responses to the consultation and by delegates at the regional seminars. The quality of action plans, effective implementation and clear accountability for taking forward recommendations were recognised as critical factors in the learning process.
- 3.8 A number of respondents referenced methodologies that could be used to undertake SCRs and learn from cases that do not fit the SCR criteria. The Social Care Institute for Excellence (SCIE) proposed its own methodology for use when undertaking SCRs. This methodology received positive comments from 12 respondents, and alternative methodologies such as root cause analysis were

suggested by others. Participants at the regional seminars expressed a similar range of views.

The Government recognises that there is a range of methodologies that can assist in learning from SCRs and from cases which do not meet the SCR criteria, and does not propose to prescribe in *Working Together* any particular methodology for undertaking SCRs. However, we will be commissioning further work to identify when, and under what circumstances, varying methodologies could be used when undertaking SCRs.

- 3.9 The Government's position on the publication of SCRs, as set out in the revised draft of Chapter 8, was supported. Publication of SCRs was mentioned by 14 respondents. Eleven respondents indicated explicitly that they were not in favour of publication of full SCRs. Four respondents specifically supported publication of the SCR executive summary only, with a further five responses not in favour of publishing full action plans. Publication of full, anonymised SCRs was supported by one response to the public consultation. There was clear opposition to the publication of full SCRs from delegates at the regional seminars. Delegates and consultation respondents agreed with the need for those involved in SCRs to be publicly accountable for their actions, but were mindful of the possible consequences of potentially identifiable information being made available in the public domain, recognising the need to consider the impact on the child and families even when publishing SCR executive summaries.

The Government does not propose any change to the current position that only a high quality executive summary, including an action plan, of a SCR should be published.

- 3.10 Thirteen responses expressed opposition to, or called into question, publication of individual SCR panel members' names in executive summaries in addition to the names of the LSCB chair, SCR panel chair and the overview author. Responses argued that publishing the names of panel members would shift the focus of the review towards individual responsibility, detracting from the purpose of learning from SCRs. Other respondents raised concerns about the potential for panel members to become targets for unwarranted attention from the media and members of the public as a result of their involvement in a particular SCR. Delegates at the regional seminars raised a similar range of concerns about publication of SCR panel member names.

There is a difficult balance to strike between improving transparency in the SCR process and ensuring SCRs are appropriately focused on learning lessons. The Government will strike this balance by requiring that the executive summary includes, for each SCR panel member, their position and organisation but not their name.

- 3.11 Thirty-two respondents sought more detail about Ofsted's evaluation process, timescales and evaluation criteria with some responses suggesting that Ofsted's criteria should be published as part of the statutory guidance.

The Government does not consider it appropriate for *Working Together* to include Ofsted's evaluation criteria, but we will continue to work with Ofsted to ensure that the requirements set out in statutory guidance and Ofsted's evaluation framework are fully aligned.

- 3.12 Seventeen responses concerned Primary Care Trust (PCT) commissioners' IMRs and the role of designated professionals. Responses raised concerns about the time and capacity to undertake the IMR, whether undertaking a health overview report would affect the designated professionals' independence so that they were unable to participate in the SCR panel, a request for more clarity on who writes the report, dealing with cases which cross borders and a request for a PCT IMR template.
- 3.13 The revised Chapter 8 does not change the expectation of designated professionals and is consistent with their role in advising PCT commissioners by reviewing the issues across the whole health system and how this might need to inform commissioning. Lack of resources or capacity to fulfil a statutory duty is not a reason to change statutory guidance. By undertaking the PCT commissioning IMR, the designated professional will be taking an independent look at the health system and will be able to use this to inform the wider overview report. As they will not have been involved in the actual case, this does not compromise their independence. Should they have been involved in the case, provision is made in the guidance for the PCT to obtain help and advice from another PCT. We have revised the wording of Chapter 8 to clarify cross border responsibilities.
- 3.14 Consultation responses and feedback from the regional seminars requested more detailed guidance, and in some cases templates and training resources, in a number of key areas. These include issues relating to:
- Individual Management Reviews;
 - data protection, confidentiality and application of the Freedom of Information Act 2000;
 - involvement of staff in the SCR process;
 - engaging families;
 - publication of SCR executive summaries; and
 - anonymisation.

The Government will provide additional detail on these matters where appropriate in the revised *Working Together* and through other actions underway to support implementation of Lord Laming's recommendations.

4. Next steps

- 4.1 Working with partners, the National Safeguarding Delivery Unit is taking forward a number of initiatives in response to Lord Laming's recommendations. This includes a revision of *Working Together* as a whole. Public consultation on the remaining chapters of *Working Together* commences on 18 December.
- 4.2 The Government will publish, alongside this response, a revised Chapter 8 of *Working Together* which takes account of responses to the consultation exercise on this chapter. This will have statutory force from the date of publication. Further amendments may be made to Chapter 8 following consultation on, and revision of, the remainder of *Working Together*. It is expected that the final revised *Working Together* guidance will be issued in Spring 2010.

5. Annexes

Annex A: The Protection of Children in England: A Progress Report – Serious Case Review recommendations

The Government's response to Lord Laming's report committed to addressing the following recommendations in the revised Chapter 8 of *Working Together*.

Recommendation 39

The Department for Children, Schools and Families should revise *Working Together to Safeguard Children* so that it is explicit that the formal purpose of Serious Case Reviews is to learn lessons for improving individual agencies, as well as for improving multi-agency working.

Recommendation 40

The Department for Children, Schools and Families should revise the framework for Serious Case Reviews to ensure that the Serious Case Review panel chair has access to all of the relevant documents and staff they need to conduct a thorough and effective learning exercise.

Recommendation 41

The Department for Children, Schools and Families should revise *Working Together to Safeguard Children* to ensure Serious Case Reviews focus on the effective learning of lessons and implementation of recommendations and the timely introduction of changes to protect children.

Recommendation 43

The Department for Children, Schools and Families should revise *Working Together to Safeguard Children* to underline the importance of a high quality, publicly available executive summary which accurately represents the full report, contains the action plan in full, and includes the names of the Serious Case Review panel members.

Recommendation 44

Local Safeguarding Children Boards should ensure all Serious Case Review panel chairs and Serious Case Review overview authors are independent of the Local Safeguarding Children Board and all services involved in the case and that arrangements for the Serious Case Review offer sufficient scrutiny and challenge.

Annex B: List of Respondents¹

- 11 MILLION
- Action for Children
- Association for Better Care of Children
- Association of Directors of Children’s Services (ADCS)
- Association of School and College Leaders (ASCL)
- Bedford Hospital NHS Trust
- Bexley Safeguarding Children Board
- Blackburn with Darwen Borough Council
- Bolton Safeguarding Children Board
- Bolton Safeguarding Children Board
- Bournemouth & Poole Safeguarding Children Board
- Bracknell Forest Safeguarding Children Board
- Bradford Safeguarding Children Board
- Brighton and Hove Safeguarding Children Board
- British Association of Social Workers (BASW)
- British Psychological Society
- Bromley Primary Care Trust
- Buckinghamshire Safeguarding Children Board
- Children and Family Court Advisory and Support Service (Cafcass)
- Centre for Social Policy, Warren House Group at Dartington
- Child Protection in Education (CAPE)
- Children’s Rights Director for England (Roger Morgan OBE)
- Concateno
- Cornwall & Isles of Scilly Safeguarding Children Board
- Darlington Safeguarding Children Board
- Derby Safeguarding Children Board
- Derbyshire Safeguarding Children Board
- Devon and Cornwall Police

1 14 confidential responses and 3 anonymous responses were received. 17 responses were received from individuals.

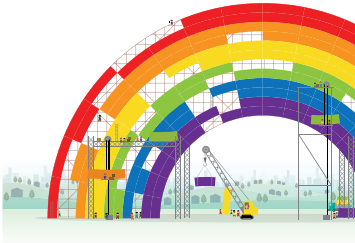
- Devon Childrens Services
- Durham Local Safeguarding Children Board
- East Riding Safeguarding Children Board
- East Sussex Downs and Weald Primary Care Trust
- Enfield Safeguarding Children Board
- Essex Safeguarding Children Board
- Government Office London
- Greater Manchester Police
- Halton Safeguarding Children Board
- Hampshire Constabulary
- Hampshire Safeguarding Children Board
- Hartlepool Safeguarding Children Board
- Kent and Medway NHS and Social Care Partnership Trust
- Kent Safeguarding Children Board
- Kirklees Safeguarding Children Board
- Knowsley Safeguarding Children Board
- Lancashire Safeguarding Children Board
- Leeds Safeguarding Children Board Standing Serious Case Review Panel
- Leicestershire CC Children and Young People's Service
- Liverpool Primary Care Trust
- London Borough of Havering Local Safeguarding Children Board
- London Borough of Redbridge
- London Borough of Richmond Upon Thames Safeguarding Children Board
- London Mental Health Trusts Network
- Luton Safeguarding Children Board
- Milton Keynes Safeguarding Children Board
- NASUWT Teachers' Union
- National Offender Management Service
- NHS Barking & Dagenham
- NHS Central Lancashire
- NHS Croydon/Mayday Hospital/Croydon Community Health Services

- NHS Eastern and Coastal Kent
- NHS Hampshire
- NHS Islington
- NHS London
- NHS North East Essex Provider Services
- NHS West Midlands
- NHS Western Cheshire
- Norfolk Safeguarding Children Board
- North Tyneside Local Safeguarding Children Board
- North Tyneside Primary Care Trust
- North Yorkshire Safeguarding Children Board
- Nottingham City Safeguarding Children Board
- Nottinghamshire Safeguarding Children Board
- NSPCC
- Ofsted (Christine Gilbert HMCI)
- Oldham Council
- Oxford Radcliffe Hospitals NHS Trust
- Oxfordshire Primary Care Trust
- Peterborough Safeguarding Children Board
- Portsmouth Safeguarding Children Board
- Probation Chiefs Association (PCA)
- Reading Safeguarding Children Board
- Reconstruct
- Regulatorwatch
- Riedling Consultancy
- Rotherham Doncaster and South Humber Mental Health NHS Foundation Trust
- Royal Borough of Windsor and Maidenhead Safeguarding Children Board
- Royal College of General Practitioners
- Royal College of Midwives
- Royal College of Paediatrics and Child Health
- Salford Primary Care Trust

- Salford Safeguarding Children Board
- SERCO
- Sheffield Safeguarding Board
- Shropshire Safeguarding Children Board
- Social Care Institute for Excellence (SCIE)
- Somerset County Council Safeguarding Children Board
- Southend Safeguarding Children Board
- Staffordshire County Council
- Stoke on Trent Safeguarding Children Board
- Suffolk Safeguarding Children Board
- Surrey Safeguarding Children Board
- Sutton and Merton Primary Care Trust
- Unite The Union, Health Sector
- Warrington Safeguarding Children Board
- Warwickshire Safeguarding Children Board
- West Yorkshire Police Child and Public Protection Unit
- West Yorkshire Probation Board
- Western Education & Library Board
- Westminster City Council
- Women's Aid Federation of England (Women's Aid)
- Worcestershire Mental Health Partnership NHS Trust
- Yorkshire & Humber Safeguarding Children Board

Annex C: Regional seminars on child death and serious case reviews

Date	Location	Government Office Region
Wednesday 30 September	Leicester	East Midlands
Monday 5 October	Cambridge	Eastern
Thursday 8 October	York	Yorkshire and Humber
Friday 9 October	Newcastle	North East
Monday 12 October	Manchester	North West
Tuesday 13 October	Birmingham	West Midlands
Wednesday 14 October	Bristol	South West
Thursday 15 October	London	London
Friday 16 October	London	South East



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