



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

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## 1. Purpose and Background

- 1.1 The Care Inspectorate, on behalf of the Scottish Government has been the central collation point for all Significant Case Reviews (SCRs) carried out by Child Protection Committees (CPCs) in Scotland since April 2012. As part of a commitment to further improvement, we are required to report publicly on thematic findings to provide independent public assurance on the quality of care for children and young people; share any learning worthy of dissemination nationally and support improvements to child protection practices and policy across Scotland. The Care Inspectorate has published two triennial reviews of Significant Case Reviews in Scotland received between 1 April 2012 and 31 March 2015 and 1 April 2015 and 31 March 2018 for the benefit of national learning.
- 1.2 As part of the Child Protection Improvement Programme, the Child Protection Systems Review Group was asked to consider the operation of the formal child protection system, including Child Protection Committees and Initial and Significant Case reviews (ICRs and SCRs). The Group was also asked to recommend what changes or improvements might be needed to these underpinning processes and structures in order to protect children and young people more effectively.
- 1.3 The Group looked at current approaches to ICRs and SCRs, with a focus on how learning from these reviews were shared and implemented. The Group found there was limited learning opportunities arising from ICRs at a national level and considered this to be a missed opportunity in providing a valuable understanding of child protection practice and that learning from SCRs and ICRs should not be considered in isolation.
- 1.4 The Group also recommended that the Care Inspectorate should hold an annual learning event to disseminate findings from ICRs and SCRs at a national level and Care Inspectorate reports should provide anonymised case studies to emphasise the learning points.
- 1.5 Scottish Government Ministers accepted in full all the recommendations of the Child Protection Systems Review Group, which included that the Care Inspectorate's role be extended so that it becomes the central repository for all ICRs as well as SCRs as a way of helping learning from these reviews to be shared and implemented more widely.
- 1.6 Since June 2017 it is a requirement that Child Protection Committees routinely share their ICRs with the Care Inspectorate. [The National Guidance for Child Protection Committees for Conducting a Significant Case Review](#) sets out clearly the timescales and process for conducting both ICRs and SCRs. Scottish Government Ministers proposed that the ICR report be sent to the Care Inspectorate within seven days of the ratification of the outcome of the ICR by the Chief Officers Group.
- 1.7 The responsibility for the decision to initiate, carry out an ICR or an SCR and for conducting the review rests with local Child Protection Committees (CPC) and Chief Officers Groups (COG). They are advised to do so paying due regard to the 2015 national guidance. The role of the Care Inspectorate is to provide feedback on the effectiveness of the SCR process with a focus on the recommendations and learning points, elements of good practice and suggested areas for improvement within the context of organisational learning.

- 1.8 This Code of Practice sets out the arrangements the Care Inspectorate will put in place to manage personal information and take account of the European Convention on Human Rights (ECHR), the Data Protection Act and the General Data Protection Regulation (GDPR)

## **2. The role of the Care Inspectorate in undertaking analysis of ICR/SCRs**

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

- acting as a central collation point for all Initial Case Reviews (ICRs) carried out by CPCs to better understand the rationale for proceeding or not proceeding to an SCR (including no further action) and identifying themes, aspects of good practice and learning opportunities arising from ICRs to share nationally, and
- acting as a central collation point for all SCRs completed across Scotland at the point at which they are concluded.

- 2.2. To contribute to continuous improvement of child protection practice at a local level, the Care Inspectorate with the information available will:

- review each SCR and provide written feedback to Chief Officer Groups (COGs) and Child Protection Committees (CPCs) on the quality of the SCR report, referring to the National Guidance for Child Protection Committees for Conducting a Significant Case Review and key quality markers (Appendix 1) and will do this by;
- analysing the rigour of the analysis process, recommendations/findings, and key learning points produced as a result of the review and how these inform identified actions to improve the welfare and protection of children.

- 2.3. It is not the Care Inspectorate's role to further review the circumstances relating to individual children and young people for the purpose of reviewing SCRs. This is the remit of the lead and review team undertaking the ICR/SCR. Any specific learning points for future improvement will be identified and addressed in the written feedback.

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

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

## **3. Collation and analysis of ICRs and SCRs**

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

- 3.2. For the purposes of conducting an analysis of ICRs and SCRs, the Care Inspectorate:

- will not seek to contact any person who is the subject of the review or named and referenced within it. This includes staff working with the child, family or significant others.

- may seek contact with the person or persons responsible for carrying out and preparing a report of each review, and/or those responsible for the decision-making in relation to the review.
  - may seek additional information about the actions taken to improve working practices and the experiences of children, young people and families as a direct result of ICR/SCRs.
- 3.3. For the purposes of collating information and disseminating learning from ICRs, the Care Inspectorate may seek additional information about the rationale for not proceeding to SCR and about any recommendations or actions that are taken at that point to improve working practices and the experiences of children, young people and families as a result of ICRs.
- 3.4. The Care Inspectorate will retain information and copies of ICRs and SCRs in line with its Records Management Policy.

#### **4. Notification of ICRs and SCRs to the Care Inspectorate**

- 4.1. Initial and Significant Case Reviews will be submitted to the Care Inspectorate via secure e-mail to: [cistrategicteamnotification@careinspectorate.gov.scot](mailto:cistrategicteamnotification@careinspectorate.gov.scot)
- 4.2. Guidance on ICR and SCR notifications you must make to the Care Inspectorate can be found at: <https://www.careinspectorate.com/index.php/notifications>

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

- 5.1. All staff deployed by the Care inspectorate to undertake analysis of ICRs and SCRs will be required not to disclose confidential information other than for the purposes of the review. Staff may disclose confidential information only in order to comply with a court order, to protect the welfare of a child or adult at risk, or, to assist with the prevention or detection of a crime or the apprehension or prosecution of offenders.
- 5.2. All staff deployed by the Care Inspectorate undertaking ICRs and SCRs will be bound by professional, legal and contractual obligations to preserve confidentiality.
- 5.3. The conduct of each review will ensure that due regard is paid to the principles of confidentiality as set out in the ECHR and the Data Protection Act 2018 and avoid any unnecessary processing of information.
- 5.4. The Care Inspectorate will retain information and copies of ICRs and SCRs in line with its Records Management Policy and procedures for the storage and destruction of information which takes account of European Convention on Human Rights (ECHR) and the Data Protection Act 2018.
- 5.5. Staff will record relevant information only for the purposes of gathering evidence of practice themes and learning. No names or identifying information will be recorded or identified in any material retained by any staff deployed by the Care Inspectorate to carry out the review.

- 5.6. Service users and third parties other than public persons or bodies will not be identified or recognisable in any document later produced by the Care Inspectorate. Information will be collated using unique identifying numbers, not names.
- 5.7. The Care Inspectorate will record and retain a core data set of anonymised information relating to each ICR and/or SCR which will be used to identify themes and key lessons and report on this periodically to Scottish Government and Child Protection Committees.
- 5.8. Written material provided to the Care Inspectorate and produced as part of any review will be destroyed in line with the Care Inspectorate's Business Classification Scheme.

## **6. Information sharing arrangements between the Care Inspectorate and Scottish Government in relation to ICR/SCR activity**

- 6.1. The Care Inspectorate, in its course of ICR/SCR related work shares necessary information with the Child Protection Policy Team at Scottish Government. This relates specifically to notifying of ICRs proceeding to an SCR, including whether there is, or there are any, ongoing criminal proceedings or investigations pending or underway that could, or has impacted on the Child Protection Committee undertaking the SCR, or may attract media attention, as well as notification of any SCRs which are to be published. In doing so, the Care Inspectorate do not share any personal data or information that relates to an identified or identifiable individual or share the ICR/SCR reports. Only the circumstance of the case which has led to the decision by the Child Protection Committee and Chief Officer Group to conduct the SCR is shared so that government officials are well placed to brief Scottish Ministers should this be required.

## **7. National learning**

- 7.1. To contribute to continuous improvement of child protection practice at a national level the Care Inspectorate will analyse and identify themes and share key lessons learnt from ICRs and SCRs in order to inform good practice through publication of a national report and learning events.

## Appendix 1

[The national guidance for conducting SCRs in Scotland](#) and the [Learning into Practice: improving the quality and use of SCR quality markers](#) provide the Care Inspectorate with a framework in which to comment on the quality of the SCR report as part of the quality assurance role. The aim being to provide chief officers and CPCs with consistent and helpful feedback within a context of learning and continuous improvement.

The Care Inspectorate, using the information available from the SCR will focus on areas such as:

- **Setting up the review:** including the timeliness of the review, rationale for the review, clarity of purpose, consideration given about independent lead reviewer, methodology, engagement of family in the SCR process.
- **Running the review:** including consideration given to how the SCR is managed in relation to potential parallel processes (e.g. criminal proceedings), the evidence base to understand professional practice, its context and relevance, practitioner involvement in the review, and rigor of analysis.
- **Outputs and outcomes from the review:** including whether the recommendations/findings link clearly to the key questions and address explanations of practice and lessons learnt.

**Headquarters**

Care Inspectorate  
Compass House  
11 Riverside Drive  
Dundee  
DD1 4NY

web: [www.careinspectorate.com](http://www.careinspectorate.com)

email: [enquiries@careinspectorate.com](mailto:enquiries@careinspectorate.com)



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