

# CHILD PROTECTION LEARNING REVIEWS PROTOCOL

## 1. Introduction - Criteria for Child Protection Learning Reviews

- 1.1 In 2021, the Scottish Government published a guide for Child Protection Committees for conducting Child Protection Learning Reviews [National Guidance For Child Protection Committees Undertaking Learning Reviews \(www.gov.scot\)](http://www.gov.scot)

### ***Underpinning principles and values of Child Protection Learning Reviews***

Learning Reviews are underpinned by the following core principles and values:

- they promote a culture which supports learning
  - their emphasis is on learning and organisational accountability and not on culpability
  - they recognise that a positive shared learning culture is an essential requirement for achieving effective multi-agency practice
  - they are objective and transparent
  - they are sensitive to the needs and circumstances of children, young people and families
  - they ensure that staff are engaged and involved in the process and supported throughout the period of the review
  - they recognise the complexities and difficulties in the work to protect children and young people and to support families
  - they produce learning which can be disseminated, both at local and national level, so it directly impacts on and positively influences professional practice and organisational system
- 1.2 When a child dies or is significantly harmed (please see criteria below) Shetland Public Protection Committee, which fulfils all the functions of a Child Protection Committee, may decide to conduct a Learning Review to gather information, provide an opportunity for learning and address any issues about interagency practice. Rather than the full Committee being involved in the various stages of a Learning Review, the Senior Officer Case Review Group with the addition of the Chair of Shetland Public Protection Committee, and the Lead Officer, Public Protection will consider any request for a Learning Review. They will make appropriate recommendations to Shetland Public Protection Committee and the Chief Officers' Group. Further guidance on the process to be followed is given below. The Chair of Shetland Public Protection Committee and the Lead Officer, Public Protection working with the Senior Officer Case Review Group will also draw up a remit/Terms of Reference for any agreed Learning Review.
- 1.3 The Chair of Shetland Public Protection Committee or the Lead Officer Public Protection can be contacted by a Committee member, agency or practitioner in any agency or organisation in Shetland with a request that a Learning Review

be considered if they think a case meets the criteria. It is expected that a senior manager will be aware of the referral unless there is good reason for them not to be aware. At this early stage, the person requesting the Learning Review may already have some ideas about what the issues are or what questions need to be asked and if so these should be included in the request, although it is not obligatory to do so.

- 1.4 Even if the case does not meet the criteria, but it has raised concerns about professional practice or outcomes for a child it would be important to make the initial request, as the Senior Officer Case Review Group has other mechanisms for reflecting on specific situations with the aim of learning and improving practice. This request should be made in writing using the notification form in Appendix 1, to the Lead Officer Public Protection, giving clear reasons for the request. The Chair of Shetland Public Protection Committee will respond **within 14 days** and further discussion will then follow.

## **2. Criteria for Child Protection Learning Review**

- 2.1 The criteria for a Child Protection Learning Review are as follows:

When a child has died or has sustained significant harm, or has been at risk of significant harm, as defined in the National Guidance for Child Protection in Scotland 2021, and there is additional learning to be gained from a Review being held which may inform improvements in the protection of children and young people, and **one or more** of the following apply:

- abuse or neglect is known or suspected to be a factor in the child's death or the sustaining of or risk of significant harm;
- the child is on, or has been on, the Child Protection Register or a sibling is, or was on, the Child Protection Register, or was a Care Experienced child (i.e. Looked After, or receiving Aftercare or Continuing Care from the local authority). This is regardless of whether or not abuse or neglect is known or suspected to be a factor in the child's death or sustaining of significant harm, unless it is absolutely clear to the Child Protection Committee that the child having been on the Child Protection Register, or being Care Experienced has no bearing on the case;
- the child's death is by suicide, alleged murder, culpable homicide, reckless conduct, or act of violence

- 2.2 Learning Reviews may also be undertaken where effective working has taken place and outstanding positive learning can be gained to improve practice in promoting the protection of children and young people.

- 2.3 This criteria does not preclude a Child Protection Committee reviewing the death of a child pre-birth.

- 2.4 A "child" includes any young person up to the age of 18. In Shetland Child Protection Processes are used for young people over the age of 18 who are still attending school so a Learning Review could be requested for this group of young people in appropriate circumstances.

### **3. Notification and Conducting Learning Reviews**

- 3.1 Anyone who wishes to request a Learning Review should complete the notification form at Appendix 1 to this Protocol. The Lead Officer Public Protection will inform the Chair of Shetland Public Protection Committee and respond to the request within 14 working days. The Lead Officer Public Protection should also notify the chair of the Chief Officer's Group that such a request has been made within 14 working days. The Lead Officer will then request information about the specific case from all relevant agencies using the proforma in the National Guidance.
- 3.2 Agencies should complete the proforma and return information to the Lead Officer Public Protection within **14 working days**. The Lead Officer Public Protection, with assistance of the Public Protection Team, will draw information together into a chronology. The Lead Officer Public Protection will provide the Senior Officer Case Review Group with an initial report and chronology so consideration can be made of next steps. The Lead Officer Public Protection, in consultation with the Chair of Shetland Public Protection Committee, can recommend whether or not the case should proceed to a full Learning Review or if other reflective and review processes may be an appropriate and proportionate response.

The Senior Officer Case Review Group, with addition of the Chair of Shetland Public Protection Committee and the Lead Officer Public Protection, will then consider all the information, and the chronology provided by the Lead Officer Public Protection.

- 3.3 The Senior Officer Case Review Group then has the following options:
- In the interests of proportionality and learning, to decide that the initial information gathering and chronology is in itself enough to understand what happened in the case and there is no requirement for further work. The learning can be shared from this information, and recommendations made, which will improve inter-agency practice. If The Senior Officer Case Review Group make this decision then recommendations and any actions to respond to them should be drafted.
  - To request a full Learning Review, develop a remit/Terms of Reference for the Review and also make some recommendation as to how the Learning Review will be conducted.
  - The appointment of an independent external consultant as reviewer either to work singly or with an internal inter-agency review team, or the appointment of an internal reviewer to work singly or with an inter-agency review team.
  - A full Learning Review which will follow the National Guidance for Learning Reviews 2021. It would be helpful if at this point if the Senior Officer Case Review Group consider whether or not the review should

involve the child and family, which should happen wherever possible. The Senior Officer Case Review Group should also consider any parallel processes (see below).

- To decide that the situation does not meet the criteria for a Child Protection Learning Review. In the event of this, either there is no further action required beyond what has been already put in place, or there is a decision that there is still value in conducting some sort of further Case Review. The Senior Officer Case Review Group should at this point then specify what the remit is of that Case Review and identify who should conduct it.

3.4 The Senior Officer Case Review Group then has the responsibility to take their decision, which will form a recommendation, to Shetland Public Protection Committee, and to Chief Officers' Group. The Lead Officer Public Protection will use the pro-forma in the National Guidance to prepare a report for Shetland Public Protection Committee and Chief Officers' Group. If it is appropriate this will also include a draft remit and a plan for conducting a full Learning Review. Shetland Public Protection Committee, and Chief Officers' Group can then agree with the proposal and remit or amend accordingly. In the interests of speed an additional Shetland Public Protection Committee, and Chief Officers' Group meeting may be called to consider the Senior Officer Case Review Group recommendation. Or with the permission of the Shetland Public Protection Committee and Chief Officers' Group Chairs, agreement and amendments can be sought by email.

#### **4. Parallel Processes**

- 4.1 When a child or young person dies there can be a number of parallel processes which can be required. The National Guidance for Child Protection Learning Reviews include agreement with Police Scotland and The Crown Office (Procurator Fiscal Service) to make it possible to conduct a Learning Review whilst there are criminal prosecutions or a fatal accident investigation happening. However local discussion about the timing of a Learning Review so as not to interfere with other legal process will be important. The Lead Officer Public Protection supported by the Chair of Shetland Public Protection Committee would be responsible for this discussion.
- 4.2 Wherever possible duplication should be avoided. If the Learning Review can fulfil the function of a Child Death Review or a Suicide Review then that should be agreed locally through discussion at the Senior Officer Case Review Group when they are considering the initial information and chronology. Given the small size of Shetland's services and flat management structures it should be possible to reach an inter-agency agreement on any parallel processes which would usually be led by NHS Shetland.

## **5. Conducting the Learning Review, Reporting to Shetland Public Protection Committee and Chief Officers' Group**

- 5.1 The Child Protection Learning Review will be conducted as recommended by Senior Officer Case Review Group and agreed with Shetland Public Protection Committee and Chief Officers' Group, following closely the National Guidance. The initial phase of information gathering should be completed if at all possible within 42 working days... The full Learning Review should take no longer than six months. However the Review Team is constituted the Lead Officer Public Protection and Public Protection Team will provide administrative support.
- 5.3 In line with the National Guidance, the work of the Review Team will include a Family Liaison Strategy and staff engagement. Staff involved in the case should be included in appropriate discussions either as part of a forum or individually as their insight into the situation is invaluable. Staff should be supported to be part of this process which can be distressing.
- 5.2 It should be noted that Child Protection Learning Reviews are intensive and challenging pieces of work which will require the full focus of the Lead Officer Public Protection and the Public Protection Team and so will need to be prioritised over other work. If an external independent consultant is appointed to conduct the Learning Review, additional funding may need to be agreed with the Chief Officers.
- 5.3 The Review Team and Reviewer can co-opt any additional support which will facilitate the work. For example, in seeking the views of a young person, it may be appropriate to co-opt the support of someone who they have an existing positive relationship with, or involve the Who Cares Advocacy Worker.
- 5.4 The final report will be written using the pro-forma in the National Guidance and will include either Findings (if the Social Care Institute for Excellence model is used by the Reviewers(s)) or recommendations. Wherever possible, family members and staff involved will have an opportunity to comment on a draft report. The Report will be shared initially with the Senior Officer Case Review Group.
- 5.5 The Senior Officer Case Review Group will provide the report, either a summary or the full Learning Review report as appropriate, to Shetland Public Protection Committee and Chief Officers' Group. In addition, they will also provide their recommendations for any follow up actions, and a draft plan for sharing any learning. Shetland Public Protection Committee and Chief Officers' Group may then amend as appropriate and agree a final action.
- 5.6 The Senior Officer Case Review Group will take responsibility for monitoring any follow up action plan and will report on progress to Shetland Public Protection Committee and Chief Officers' Group with the assistance of the Lead Officer Public Protection and the Chair of Shetland Public Protection Committee.

- 5.7 The Lead Officer Public Protection has the responsibility for notifying the Care Inspectorate of the Learning Review and providing them with a full copy of the Learning Review Report and any subsequent action plan.

## **6. Publication**

- 6.1 Given Shetland's small size, the utmost care with confidentiality is important. Decisions about sharing the full Learning Review Report or a summary report with staff and managers will need to be made by the Senior Officer Case Review Group and recommended to Shetland Public Protection Committee and Chief Officers' Group.
- 6.2 It is unlikely that publishing the Learning Review Report or summary and placing that in the public domain would be appropriate but that may be circumstances where this should be considered and a final decision will be made by Chief Officers' Group having also considered any legal advice in respect of data protection.