

Code of practice for Joint Inspection of Services for children

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Purpose and background

- 1.1 In September 2011, Scottish Ministers requested that Social Care and Social Work Improvement Scotland known as the Care Inspectorate lead on the development and coordination of a new model for the scrutiny and improvement of services for children and young people. As required under section 115(8)(b) of the Public Services Reform (Scotland) Act 2010, henceforth defined as 'the 2010 Act', this Code of Practice is issued by Scottish Ministers to provide general guidance on matters relating to joint inspection of services for children. This Code of Practice relates specifically to joint inspections of services for children as defined in section 115(12) of the 2010 Act and sets out how confidential information including personal records will be accessed and handled during the process of joint inspection in compliance with the requirements of the 2010 Act and regulations made there under, the European Convention on Human Rights (ECHR) and the Data Protection Act 1998.
- 1.2 At the request of Scottish Ministers, the Care Inspectorate tested out a process for inspecting services for children between April and June 2012 with a view to finalising a methodology and commencing a series of pilot inspections from September 2012.
- 1.3 The Care Inspectorate has a plan to inspect services for children across the whole of Scotland through inspections of all 32 local authority areas by the end of March 2017. The persons and bodies taking part in each inspection will include the Care Inspectorate, Education Scotland, Her Majesty's Inspectorate of Constabulary for Scotland (HMICS), and Healthcare Improvement Scotland. The Care Inspectorate will also collaborate with Audit Scotland in relation to its scrutiny work. The scheduling of joint inspections will be intelligence-led and take account of the Shared Risk Assessment process and National Scrutiny Plan for local authority services published annually by Audit Scotland.
- 1.4 Section 115 of the 2010 Act together with regulations made under the 2010 Act and this Code of Practice provide the framework for the conduct of joint inspections of services for children and the lawful exercise of powers to access and share information by inspectors during the process of a joint inspection.
- 1.5 In carrying out a joint inspection of services for children, the Care Inspectorate will deploy teams of inspectors as authorised persons. These teams will comprise a mix of staff with the relevant skills and experience drawn from the relevant persons and bodies detailed in paragraph 1.2 above.. The Care Inspectorate will also make use of Associates as authorised persons to augment these teams and to provide specialised skills or knowledge. Associates are people who are recruited to act as an inspector for the duration of one inspection from their current employment within children's services. The inspectors will bring recent successful experience in services for children to the inspections. The obligations of all staff taking part in the inspection, including Associates, will be governed by this Code of Practice. This will include the need to adhere to confidentiality requirements and an obligation to declare any conflict of interest.

- 1.6 A framework of quality indicators has been developed to support Community Planning Partnerships, as defined in Part 2 of the Local Government in Scotland Act 2003, with self-evaluation in relation to *'How well are we improving the lives of children, young people and families?'*. This framework also aims to support the implementation of *Getting it right for every child* and integrated approaches to improving the lives of all children and particularly the most vulnerable children, young people. The quality indicators within this framework are designed to give a focus to the collection and appraisal of evidence and will be used by teams of inspectors in their independent evaluation of the quality of services.

The methodology for the joint inspection of services for children and access to personal information

- 2.1 The model of inspection has been designed to focus on outcomes for children and young people and how well their lives are improving as a result of the services they are receiving. It is designed around a set of key principles for scrutiny and improvement which has been agreed by the relevant inspectorates following extensive consultation prior to the design of the inspection model. (These principles are set out in Appendix 1).
- 2.2 The broad inspection methodology (the detail of this methodology is set out in Appendix 2) requires a firm evidence base from a range of sources to allow teams of inspectors to reach collective judgements and evaluations about how well services are improving the lives of children and young people. The inspection process is designed to gather evidence in relation to relevant quality indicators. Evidence is gathered from a range of sources to reach an evaluation of performance in relation to selected indicators.
- 2.3 Where the Care Inspectorate considers it necessary and expedient for the purposes of any joint inspection, the evidence gathered may include information about an identified sample of individual children and young people within the local authority area. This requires access to records which contain confidential information as defined in s115(11) of the 2010 Act and relate to individual children and young people. This includes core records held by the identified lead professional for the child's multi-agency plan and/or the named person in health or education services. ("Core records", "named person", and "lead professional" are defined within the methodology for these inspections set out in Appendix 3). In addition, for those children or young people who are or have been known to be in need of protection, inspectors may seek access to records held by health, social work, police, education services and the Scottish Children's Reporter Administration subject to the right of the relevant holder of the records to disclose them. Reading these records helps inspectors to assess how services are working together, and to evaluate how effective this is in leading to improved outcomes for children and young people.
- 2.4 For the purposes of the joint inspection of services for children and young people, inspectors will not seek access to confidential information contained

within personal records for any person other than the children or young people who are or have been in receipt of services and are identified within the sample.

- 2.5 A selection of individual children, young people, parents and carers in the sample will be asked to meet with inspectors to discuss aspects of the services they have received.
- 2.6 Meetings will be arranged with staff involved in the provision of services to children and young people to give inspectors an opportunity to understand the thinking behind the decision-making and the arrangements made for children and young people and their families. Inspectors will hear views from staff on how well children's needs are being met by services and the effectiveness of the processes which support this.
- 2.7 Inspectors may also seek to attend multi-agency decision-making meetings for any children's services and carry out observations of practice.
- 2.8 Evidence from all inspection activity, including the review of practice from reading children's records will be recorded in all written documents in such a way that the child or any other individual cannot be identified from the evidence recorded . These documents will be produced only for the purposes of gathering evidence required for the carrying out of the inspection. This inspection material will be destroyed in line with Care Inspectorate's records management policy and also in accordance with the requirements of regulation 9 of the Public Services Reform (Joint Inspections) (Scotland) Regulations 2011 ("SSI 2011/183").
- 2.9 The report to Scottish Ministers which follows the joint inspection will report on how well services are working together to improve the lives of children and young people. Inspectors will also prepare and provide a written detailed account of inspection findings to Community Planning Partnerships at the conclusion of the inspection. Neither of these documents will refer in any identifiable way to individual children, young people or families.

Arrangements for access to, holding, sharing and destruction of confidential information

- 3.1 Section 117(3) of the 2010 Act introduced a duty of confidentiality that places a requirement on inspectors not to disclose confidential information other than for the purposes of the joint inspection. Inspectors may also disclose confidential information 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.
- 3.2 All members of the team of inspectors will receive appropriate training and will be bound by professional, legal and contractual obligations to preserve confidentiality.
- 3.3 The conduct of the inspection will ensure that due regard is paid to the principles of confidentiality as set out in the ECHR and the Data Protection Act 1998. The inspection team will avoid any unnecessary processing of information.

- 3.4 The rationale underlying the joint inspection of services for children and young people is to provide assurance regarding the effectiveness of these services and to support continuous improvement rather than to review the circumstances of individual children and young people. Access to individual records may be regarded by the Care Inspectorate as being necessary or expedient to ensure inspectors can verify specific areas relating to the relevant quality indicators.
- 3.5 A core element of each inspection will comprise a review of practice by reading the core records for a statistically valid sample of children. This is designed to provide evidence of the quality of practice and outcomes for children and young people.
- 3.6 A statistically valid sample of children and young people will be derived for each local authority area using the number and key characteristics (such as gender or age) of children who are looked after, entitled to through care and after care services, and those whose names are on the child protection register. This will be supplemented by a number of children referred by the Authority Reporter to the local authority for voluntary measures of supervision. The sample of children and young people will be selected using only the necessary information supplied by services operating within the local authority area. The arrangements for the supply and management of this information will ensure that this does not constitute confidential information and will also ensure its destruction at the time of the publication of the report to Scottish Ministers.
- 3.7 Inspectors proceed on the basis that, in circumstances where it is considered necessary or expedient for the purposes of the joint inspection, they hold the legal authority in terms of regulations 5 and 6 of SSI 2011/83 to access relevant personal records and that the consent from a child or young person, their parent or guardian is not necessary to read the relevant records pertaining to the child or young person. Following consultation with children and young people the Care Inspectorate acknowledges that children and young people need to understand that this is the case and wish to be informed that their records are to be reviewed. The Care Inspectorate will supply explanatory information in the form of a leaflet for staff, parents, carers as well as children and young people about the inspection in advance of it taking place. This will include information about the legal basis on which the Care Inspectorate may be entitled to read records without the prior consent of individual children, young people, parents or legal guardians.
- 3.8 Members of the inspection team will read the records supplied in relation to a number of children in the inspection sample. All of the records supplied concerning a particular child or young person will be allocated to one member of the inspection team by the lead officer for the inspection. In this way, an individual inspector gains an holistic view of how the child has been supported by all the services involved in the child's life. The multi-disciplinary nature of the team means that professional expertise is available in any area where further clarity may be required.
- 3.9. The joint inspection team will consider the parental or caring context within their evaluation. Relevant information for this purpose that is contained within the child's record will be a factor in the joint inspection team's considerations.

- 3.10 The joint inspection process may identify an issue or particular case which will lead to a requirement for further information. Under these circumstances, the inspector may wish to discuss the case further with a relevant professional. For example, the inspector may wish to seek access to other health records such as those held by General Practitioners, Community Paediatricians or Mental Health practitioners.
- 3.11 While the majority of records are likely to be read by one inspector, in some instances, records could be read by more than one inspector.
- 3.12 Inspectors will always seek consent from the child, young person, or parent before attending any meetings or observing practice where a child, young person, parent or carer may be present. If such consent is not given, the inspector will respect this position and will not attend the meeting or observe the practice.
- 3.13 Any approach to meet with children or young people will be made by seeking the appropriate consent and cooperation through a member of staff already known to them.
- 3.14 Inspectors will record relevant evidence and information relating to the above only for the purposes of gathering evidence for the inspection. No names or identifying information will be recorded or identified in any material retained by the inspection team.
- 3.15 Service users and third parties other than public persons or bodies will not be identified or recognisable in the reports produced. All the notes taken by inspectors and evidence collected will use identifying numbers, not names.
- 3.16 If serious concerns arise during the inspection about the safety or welfare of a particular child or adult, this will be raised with the nominated senior officer and in line with the protocol covering such situations set out in Appendix 3. This protocol and the Code of Practice will be shared with senior staff in the services being inspected in advance of the inspection.
- 3.17 Inspection material will be destroyed in line with the Care Inspectorate's records management policy and also in accordance with the provisions of regulation 9 of SSI 2011/183. This happens immediately after the publication of the report to Scottish Ministers. Current practice is to retain summarised and anonymous evidence for five years after the publication of the report. The Care Inspectorate will retain any record of inspection findings shared with senior officers within the services inspected.

Joint inspections of Services for Children: Key Principles

User-focused: involving service users in the design and delivery of scrutiny

Outcome focused: targeting inspection at improving the quality of outcomes for the most vulnerable children and young people based on the *Getting it right for every child* framework.

Partnership-orientated: emphasising the collective responsibility of community planning partners and the effectiveness of partnership working to improve outcomes for children and young people, making best use of resources.

Transparent: providing a complementary approach to robust self-evaluation for improvement and independent inspection of children's services.

Intelligence-led and risk-based: taking a proportionate approach to inspection which is influenced by reliable information and robust self-evaluation.

Integrated and coordinated: a multi-agency focus drawing on the collective participation of relevant scrutiny bodies and the Audit Scotland-led Shared Risk Assessment.

Improvement-led: supporting continuous and sustained improvements

Outline of the methodology for joint inspections of services for children

Notification of Inspection

Joint inspections of services for children will be included in the annual publication of a national scrutiny plan for local authorities led by Audit Scotland. Chief Officers and Community Planning Partners will receive 12 weeks written notice of the first inspection activity on site.

The written notification will identify the inspection lead officer and be accompanied by a request for nomination of a key contact/coordinator for the multi-agency inspection who can assist in the successful engagement of all relevant partners within the Community Planning Partnership area throughout the inspection.

Once the key coordinator is identified the Care Inspectorate will request information to be supplied within 6 weeks of the inspection date within a document called a Pre-inspection Return (PIR). This information will include:

- information about local community planning structures and strategic planning arrangements for children's services
- the calendar of partnership/multi-agency working group meetings due to take place in the next six months
- the necessary information (anonymous) about children who are looked after and/or included on the child protection register on an agreed date, as well as children referred by the Authority Reporter to the local Authority for voluntary measures of supervision within the previous 12 months, from which to derive a statistically valid sample of children
- the means by which an electronic survey can be issued by the Care Inspectorate to relevant staff targeting those staff with Named Person responsibilities and other staff who make a vital contribution to the delivery of successful services for children, such as Lead Professionals
- background information, data and documentation required to support the inspection
- The Care Inspectorate will also request position statements from partners outlining the approach they are taking to take forward specific areas of work, along with a report on progress of implementation of their Integrated Children's Services Plan and priorities for further development. These will be required prior to the commencement of on-site inspection activity.

Briefings

The inspection lead will carry out briefings normally between 2 and 6 weeks after the notification of the inspection. Arrangements for the briefings will be agreed as soon as possible following notification of the inspection. The purpose of these briefings is to:

- provide Chief Officers and Community Planning Partners with an outline of the inspection process, key dates and opportunities for engagement with the inspection team.
- provide operational managers with the relevant information, understanding and materials to assist with the planning and preparation for the inspection.
- define the statistically valid sample of children for the scoping phase three of the inspection.

The Care Inspectorate will supply information material for staff, parents, carers as well as children and young people about the inspection. This will include the intention to read records without the prior consent of individual children, young people, parents or legal guardians.

Integration of registered care service inspections

Inspections of registered care services delivered or commissioned by community planning partners may take place at any time in accordance with agreed frequency and scheduling guidance. The evidence from all recent and relevant inspections carried out by the Care Inspectorate will be collated and the findings used to inform the joint inspection. Inspections of relevant registered care services for children will be considered to obtain evidence of:

- the quality of care services within the community planning partnership area
- the experiences of and outcomes for individual children and young people within a care service
- the views and experiences of carers, for example foster carers
- the views and experiences of staff.
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This arrangement will not affect any aspect of the inspection of the care service or the report which will be published within existing guidance and procedures.

Inspection phases

Scoping

Work to determine the scope of the inspection will be undertaken by a multi-agency team of inspectors drawn from the participating scrutiny bodies. The team will include relevant link or lead inspectors/officers who provide support and challenge to services for children in the community planning partnership area under scrutiny, and include inspectors with experience in evaluating the quality of outcomes for service users across a range of services. Under normal circumstances the inspection lead and the depute inspection lead roles will be carried out by an inspectors who have

no current or recent link role with community planning partners in the area to ensure an appropriate level of independence.

The purpose of the scoping phase is to analyse a range of data and supporting evidence to reach judgements about the level of scrutiny activity required to make confident conclusions about the quality of services for children. It strives to ensure that any scrutiny activity which follows is intelligence-led and targeted at areas of uncertainty or risk. The inspection lead will share information about the scope of the inspection and the rationale for including particular areas for scrutiny with relevant officers and managers throughout the course of the inspection.

Scoping Phase One will be undertaken off site in advance of the inspection date. Together, the inspection team will review any self-evaluation provided by the partnership, along with supporting evidence. They will also consider any relevant information and evidence from scrutiny bodies who have conducted scrutiny activities in the area recently as well as other information about services which is already in the public domain. The team the range of data which will be reviewed will include:

- Economic, demographic and statistical data, including data supplied by community planning partners in support of their self-evaluation.
- Available documentation in respect of local Community Planning Partnerships, Integrated Children's Services planning and Child Protection Committees, in particular the Integrated Children's Services Plan and associated progress reports and service and improvement plans, and significant case reviews carried out under the auspices of the child protection committee.
- Evidence and intelligence from the relevant scrutiny bodies, including the Shared Risk Assessment process led by Audit Scotland.

Phase Two will be carried out on site 12 weeks after the date on which the inspection is notified. Together, the team will carry out a series of activities to help explore approaches taken by community planning partners to improving outcomes for children and young people. Inspectors will engage with leaders and senior managers to explore the effectiveness of collective leadership, partnership working and planning of services for children, young people and families. Along with young inspectors, the inspection team will explore the extent to which children and young people are involved in the design and development of services. During this phase, inspectors may also meet other staff and children, young people and families.

Review of practice through reading of case records

Inspectors will then undertake a review of practice by reading the core records of a sample of children and young people, undertaken over five days. The aim of the review of case records is to provide evidence about the quality of key processes such as assessment and planning for individual children and evidence about the difference services are making to the experiences of, and outcomes for, children, young people and families. A small number of local staff may be involved with the inspection team in carrying out this review of records, using the Care Inspectorate's agreed approach and case reading tools.

A statistically valid sample will be selected from information about all children in the local authority area who are, or have been, in categories (a) to (e) on the date

specified, supplemented by a small number of children in category (f) to ensure that evidence is gathered for those children who have not met the threshold for statutory measures of care.

- a) Children on the child protection register
- b) Children whose names were removed from the CPR in the last 12 months c) Children looked after at home
- c) Children looked after and accommodated
- d) Young people entitled to through care and after care services
- e) Children referred to the local authority for voluntary measures of supervision by the Children's Reporter

With the exception of cases where children are in need of protection, inspectors will review the core records held only by the lead professional or named person (where there is no current lead professional). Where responsibility for coordinating support for a child has been transferred from a lead professional to a named person in the last year, both lead professional and named persons records will be reviewed. The records requested will be those which relate to current and recent involvement extending to the last 18 months. Wherever practicable, inspectors will access electronic recording systems.

In cases where children are in need of protection the core records in health, education, social work, SCRA and police will be reviewed.

Inspectors will adhere to the Code of Practice which relates to joint inspection of services for children as defined in section 115(12) of the 2010 Act and sets out how confidential information including personal records will be accessed and handled during the process of joint inspection.

Proportionate Phase

The purpose of this phase is to conduct the essential activity to support confident evaluations about the quality of outcomes for children. Proportionate scrutiny will be carried out in relation to any remaining areas of uncertainty about the quality of outcomes for children or the processes that contribute to positive or adverse outcomes.

This will be scrutiny activity necessary to:-

- a) reach confident conclusions and provide public assurance about the quality of outcomes for children currently being achieved
- b) facilitate positive change by identifying areas for improvement and give public assurance about the capacity for continuous improvement

Activities during this phase are likely to include:

- meetings with children, young people, parents and carers
- interviews of multi-agency focus groups of staff in 'teams around the child', from cases in the selected sample
- multi-agency or single-agency focus groups of staff around selected themes
- observations of groups or key processes with sampling of decisions and actions taken
- focus groups of young people around particular themes or issues
- site visits

During the inspection, the team will also review and evaluate any examples of good practice proposed by community planning partners.

Reporting inspection findings

Emerging findings will be shared through a number of professional discussions which will take place throughout the inspection. The findings will be shared verbally with the Chief Officers and the community planning partners promptly following the completion of the proportionate phase.

The public reporting of the joint inspections will answer the following questions:

- How well are the lives of children, young people and families improving?
- How well are partners working together to improve the lives of children, young people and families?
- How good is the leadership and direction of services for children and young people?

All reports are subject to rigorous quality assurance and moderation against other joint inspection reports before a draft is provided to Chief Officers and Community Planning Partners, who then have the opportunity to provide an accuracy check on the content of the report.

Supporting improvement

The Care Inspectorate will request that a joint action plan is published by the Community Planning Partnership detailing how it intends to make any improvements identified as a result of the inspection within six weeks of publication of the report. The Care Inspectorate and its scrutiny partners will consider this action plan and agree any ongoing role to build capacity and assist the improvement in the quality of services for children. The aim will be to offer support to aid improvement between the relevant scrutiny/improvement bodies and the Community Planning Partnerships.

The Care Inspectorate Joint Inspections of Services for Children

Protocol for addressing matters of concern

Concerns that a child or person may be at risk of abuse or harm

The protection of the welfare of children and any adult at risk of abuse or harm is paramount. The actions and decisions of inspectors will support this. Inspectors may have cause to believe during the course of a joint inspection that a child or adult is at risk of harm as a result of abuse or poor practice during the course of an inspection. In these circumstances inspectors have a responsibility to report concerns and ensure that those services with a responsibility to investigate and take the necessary actions to protect the child or adult at risk are able to do so. Inspectors will have access to the relevant inter-agency guidance, policies and procedures for public protection to assist in the reporting of concerns. Inspectors may judge that the quality of the services provided to children and families as so inadequate that it places an individual or individuals' safety and/or welfare at immediate risk. For example, this could be risky behaviour by a teenager which is disregarded, or, a protection/risk management plan which has not been implemented.

Inspectors may judge the quality of the services provided as being inadequate over a period of time in such a way as to compromise the health or well-being of the child and family in the longer term. For example, this could include a young person who has very onerous caring responsibilities with no support or a child who has ongoing contact with an emotionally abusive parent and does not wish to see the parent.

Addressing matters of concern during a joint inspection

1. In any event concerns will **not** be raised directly with the parent, carer **or** staff providing a service to the individual or family.
2. For the conduct of the Joint Inspection, community planning partners will be asked to nominate an appropriate senior officer to receive any concerns raised by the Lead Officer for the inspection under this protocol.
3. The inspector(s) will report their concerns in the first instance to the Lead Officer for the inspection.
4. The inspector will record the necessary details and information onto the required sections of the Care Inspectorate proforma with the date on which it is completed and their signature.
5. The Lead Officer for the inspection will take immediate action in line with the relevant inter-agency procedures to report all instances where it is believed that a child or adult is at immediate risk of harm, or, may have experienced abuse which has hitherto not been the subject of a satisfactory investigation.
6. The Lead Officer will consider all of the information available and make a decision about reporting concerns about the inadequacy of the quality of the services provided in relation to an individual. This decision will take account of

the need to report concerns about individuals outside and as distinct from the responsibility to report the emerging and overall inspection findings in relation to the quality of services.

7. The Lead Officer for the inspection will record the necessary details and information onto the required sections of the Care Inspectorate proforma along with the date on which it is completed and their signature.
8. In all instances it is the responsibility of the services operating within the local authority area to act upon the information provided by the Lead Officer for the inspection.
9. The Lead Officer for the inspection will check that action has been taken and note the details of this in the Care Inspectorate proforma.

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