



# Code of practice for the review of learning 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) and Initial Case reviews (ICRs) carried out by Child Protection Committees (CPCs) in Scotland since April 2012 and June 2017, respectively. 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 three triennial reviews of Significant Case Reviews in Scotland received between 1 April 2012 and 31 March 2015, 1 April 2015 and 31 March 2018, and 1 April 2018 and 31 March 2021 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 In response to the above, revised guidance was published in September 2021. [The National Guidance For Child Protection Committees Undertaking Learning Reviews](#) replaced the 2015 national guidance. All references to 'initial case review' and significant case review' in other current policy and guidance will be understood as referring to a 'Learning review' as defined in the new guidance.
- 1.4 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. Roles and responsibilities

- 2.1 Local Child Protection Committees (CPC) and Chief Officers Groups (COG) have the responsibility for decisions to undertake a learning review, paying due regard to the 2021 national learning review guidance. The role of the Care Inspectorate is to provide feedback on the effectiveness of the learning review 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.
- 2.2 Hosted by Healthcare Improvement Scotland and the Care Inspectorate, the National Hub for Reviewing and Learning from the Deaths of Children and Young People will ensure reviews are conducted on the deaths of all children up to the date of their 18th birthday, or 26th birthday for care leavers who are in receipt of aftercare or continuing care at the time of their death. The new arrangements will come into force on 01 October 2021.
- 2.3 If the child or young person who was the subject of the Learning Review has died, then the National Hub requires the completion of the Core Review Data Set at the conclusion of the Learning Review Process. More information about the National Hub can be found [here](#).

### 3. The role of the Care Inspectorate in undertaking analysis of learning reviews

3.1 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. For the purpose of this document a child is a person under the age of 18, although there may be exceptions for care leavers who were in receipt of aftercare or continuing care at the time of the incident that led to a Learning Review Notification. The Care Inspectorate will do this by:

- acting as a central collation point for the notification of decisions for proceeding or not proceeding to a learning review taken by CPCs to better understand the rationale
- acting as a central collation point for all learning reviews completed across Scotland at the point at which they are concluded
- identifying themes, aspects of good practice and learning opportunities to share nationally

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

- review the rationale for the decisions in order to provide an overview and better understanding of the decision-making processes and identify any learning at the initial information gathering stage
- review each learning review and provide feedback to Chief Officer Groups (COGs) and Child Protection Committees (CPCs) on the quality of the learning review report, referring to the National Guidance for Child Protection Committees for Conducting Learning Reviews and key quality markers (Appendix 1)

The Care Inspectorate 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.

3.3 It is not the Care Inspectorate's role to further review the circumstances relating to individual children and young people. This is the remit of the review team undertaking the learning review. Any specific learning points for future improvement will be identified and addressed in the feedback.

3.4 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.

3.5 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.

## 4. Collation and analysis of learning reviews

- 4.1 For the purposes of conducting an analysis of learning reviews, 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.
- 4.2 For the purposes of conducting an analysis of learning reviews, 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 learning reviews.
- 4.3 For the purposes of collating information and disseminating learning from the initial information gathering stage, the Care Inspectorate may seek additional information about the rationale for not proceeding to a Learning Review 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.

## 5. Notifications of decision and learning reviews to the Care Inspectorate

- 5.1 Once the decision on whether or not to proceed to a learning review has been agreed, the CPC will submit a notification of the decision to the Care Inspectorate by logging into the 'eform system' on the Care Inspectorate website and submitting the information via the electronic form.
- 5.2 Completed and anonymised Learning Review reports will be submitted to the Care Inspectorate via secure e-mail to:  
[cistrategicteamnotification@careinspectorate.gov.scot](mailto:cistrategicteamnotification@careinspectorate.gov.scot)
- 5.3 Guidance on notifications and submissions you must make to the Care Inspectorate can be found at: <https://www.careinspectorate.com/index.php/notifications>

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

- 6.1 All staff deployed by the Care Inspectorate to undertake analysis of Learning Reviews will be bound by professional, legal and contractual obligations to preserve confidentiality. They 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.
- 6.2 The conduct of each reviewer will ensure that due regard is paid to the principles of confidentiality as set out in the European Convention on Human Rights (ECHR) and the Data Protection Act 2018 and avoid any unnecessary processing of information.
- 6.3 The Care Inspectorate will retain information and copies of the decisions taken by CPCs and copies of the Learning Reviews in line with its Records' Management Policy and procedures for the storage and destruction of information which takes account of (ECHR) and the Data Protection Act 2018.
- 6.4 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.
- 6.5 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.
- 6.6 The Care Inspectorate will record and retain a core data set of anonymised information. This will be collated from the initial notification form and each Learning Review, which will be used to identify themes and key lessons and report on this periodically to Scottish Government and Child Protection Committees through CPCScotland.
- 6.7 Written material provided to the Care Inspectorate and produced as part of any review will be destroyed in line with the Care Inspectorate's Records management scheme.

## **7. Learning review Liaison Group: Information sharing arrangements between the Care Inspectorate, Scottish Government and CPCScotland in relation to Learning Review activity**

- 7.1 The group has been established to provide a forum where key stakeholders can consistently and routinely meet to discuss thematic findings from learning reviews that have national implications for policy and practice development. Collectively this group will be able to provide an overview of national learning from Learning Reviews and connect with relevant national bodies to inform them about emerging/familiar themes from Learning Reviews across Scotland.
- 7.2 The group will provide a coordinated approach to sharing information about emerging themes of national interest and contribute to a national response.
- 7.3 The Care Inspectorate, in its course of Learning Review related work shares necessary information with the Child Protection Policy Team at Scottish Government and CPCScotland. This relates specifically to notifying of Learning Reviews, including:
- emerging themes with national implications,
  - 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 Learning Review, or may attract media attention,
  - notification of any Learning Reviews which are to be published.
- 7.4 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 Learning Review 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 Learning Review is shared so that government officials are well placed to brief Scottish Ministers should this be required.



## 8. National learning

- 8.1 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 Learning Reviews in order to inform good practice through publication of an annual national overview report and contributions to learning events.
- 8.2 While the National Hub for Reviewing and Learning from the Deaths of Children and Young People will report on the learning arising from all child deaths, the Care Inspectorate will focus on lessons arising from learning reviews, which may include the deaths of looked after children, and young people in receipt of continuing or aftercare services. The Care Inspectorate and the National Hub will work jointly in this area of national reporting.

## Appendix 1

[The National Guidance for Child Protection Committees Undertaking Learning Reviews \(2021\)](#) 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 Learning Review 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 initial notification and the Learning Review report 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 process.
- **Running the review:** including consideration given to how the Learning review 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.

## Appendix 2

**Process for notifying and quality assuring learning reviews (children and young people). Starting in September 2021**

<b>Task</b>	<b>Method</b>
<b>Notification of decision to proceed or not to learning review</b>	electronic notification from CPC (Care Inspectorate e-form to be completed)
<b>Receipt of Learning review report</b>	Received via secure email <a href="mailto:cistrategicteamnotification@careinspectorate.gov.scot">cistrategicteamnotification@careinspectorate.gov.scot</a>
<b>Analysis of the learning review and feedback to CPC</b>	Feedback to CPC either by letter or via Teams meeting.

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