

FIFE ADULT PROTECTION COMMITTEE

INITIAL/SIGNIFICANT CASE REVIEW

PROTOCOL

BETWEEN

FIFE COUNCIL

POLICE SCOTLAND (FIFE DIVISION)

NHS FIFE

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1. Introduction

The Adult Support & Protection (Scotland) Act 2007 requires councils to establish Adult Protection Committees with the purpose of developing multi agency co-operation, training, practice and procedures to identify and address the needs of adults at risk of, or subject to, harm, as defined within the Act.

In accordance with the Scottish Government's guidance for Adult Protection Committees (§§ 18 & 49), this Significant Case Review Protocol has been developed. It aims to:

- clarify the referral process
- define how reviews will be managed
- decide how completed reviews are communicated and
- decide how recommendations are actioned

2 Purpose of a Significant Case Review

In terms of their tenor, methodology, reporting and dissemination, Significant Case Reviews sit at an intermediate level between more local investigations and more formal national inquiries.

The purpose of this protocol is to provide a systematic and transparent approach to the review process. The overarching objectives of the review undertaken by the APC are to:

- Establish whether there are lessons to be learned about how better to protect adults at risk and help ensure they get the help they need when they need it in the future – reviews should be understood as a process for learning and improving service as well as a means of recognising good practice;
- If and when appropriate, make recommendations for action including changes in practice/policy/procedures where such changes will improve the service to adults at risk (if immediate action to improve service delivery is required this should be done);
- Consider how any recommended actions will be implemented;
- Address the requirement to be accountable, both at the level of the agency/agencies and the occupational groups involved;
- Increase public confidence in public services, providing a level of assurance about how those services acted in relation to a significant case about an adult at risk;
- Identify national issues where appropriate;

- Avoid duplication or multiple single agency reviews.

This protocol supports these objectives by helping those considering undertaking a review, or actually doing so, to:

- Undertake the review at the level that is necessary, reasonable and proportionate and taking account of the evidence;
- Adopt a consistent, transparent and structured approach;
- Identify the skills, experience and knowledge that are needed in the review process and consider how these might be obtained;
- Address the needs of the many different people and agencies who may have a legitimate interest in the process and outcome.

3. Individual Performance

While the purpose of having an SCR is not to reinvestigate or to apportion blame, a review may reveal staff actions or inactions which are of sufficient seriousness that they need to be brought to the attention of the employer. APCs have a duty to share such practices and the investigation information reports will be shared with the employing agency. It is then solely a matter for that employer to decide what, if any, action it should take as a result. If there are learning points following any investigation by the employing agency these can subsequently be shared with the APC.

4. The Status of a Significant Case review to other Linked Investigations

When identifying the potential need for a SCR it is important to consider whether other review processes would be more appropriate or have already been initiated.

To establish what status an SCR (including the Initial Case Review) should have in relation to other active formal investigations in to the case, there should be ongoing dialogue with the police, procurator fiscal, care commission and relevant others. There is a potentially complex set of activities that may be triggered by a significant case review, some of which are driven by considerations wider than service failure or learning lessons across agencies. Clear communication systems are therefore extremely important as they will help to:

- Link processes;
- Avoid witness contamination;
- Avoid duplicate information being collected;

- Establish agreement in relation to the processes and timescales required under this protocol;
- Secure co-operation from all agencies in relation to the release and sharing of information;
- Decide whether an ongoing parallel process means that an SCR should be adjourned; and
- Ensure that, where applicable, a parallel investigative process (likely to be a criminal investigation) takes primacy.

5. Criteria for Identifying Whether a Case is Significant

A 'Significant' Case need not comprise of only one significant incident.

Any of the circumstances below could suggest that an SCR may be required. An Initial Case Review (ICR) should first determine whether an SCR is merited. The detail and level of review will depend on the individual case and circumstances. A review should not be escalated beyond what is proportionate having taken account of the severity and complexity of the case.

a) When an adult at risk dies and:

- Harm or neglect is known or suspected to be a factor in the adult's death
- The death is by suicide or attempted suicide/accidental death;
- The death is by an alleged murder, culpable homicide, reckless conduct, or act of violence;

AND in addition to this the incident or accumulation of incidents gives rise to concerns about professional and/or service involvement or lack of involvement.

b) When an adult at risk has not died but

- Sustained serious harm or risk of serious harm under one or more of the categories of harm and neglect, as set out in the Adult Support and Protection (Scotland) Act 2007.

AND the incident or accumulation of incidents gives rise to serious concern about professional and/or service involvement or lack of involvement.

This list should not be seen to exclude cases that may not precisely fit the criteria but which nevertheless clearly triggered professional concern. Professional discretion alongside an APC decision should advise on how to proceed.

Exceptions to the above criteria may also include situations where major concerns are identified about a perpetrator. These would include harm in an institutional setting, as part of an abusive culture and/or has been perpetrated by multiple abusers. The harm may be regarded as intractable or likely to be repeated. Such reviews are, however, likely to be more complex on a larger scale and may require more time.

Definition of an Adult at Risk of Harm

The Adult Support and Protection (Scotland) Act 2007 defines an 'adult at risk' as a person aged 16 years or over who:

- is unable to safeguard her/his own well-being, property, rights or other interests;
- is at risk of harm **and**
- because they are affected by disability, mental disorder, illness or physical or mental infirmity are more vulnerable to being harmed than an adult who is not so affected.

The presence of a particular condition does not automatically mean an adult is an 'adult at risk'. An adult can have a disability but be able to safeguard their well-being etc.

It is important to stress that all three elements of this definition must be met. It is the whole of an adult's particular circumstances which can combine to make them more vulnerable to harm than others.

An adult is at risk of harm if:

- another person's conduct is causing (or is likely to cause) the adult to be harmed, or
- she/he is engaging (or is likely to engage) in conduct which causes (or is likely to cause) self-harm.

6 Who can refer?

Referrals can be made by any person from any agency represented on the APC. Each agency will agree its own route for referrals but they should usually be made via the agency's senior officer or designated manager.

The public will not be able to directly refer, however, concerns raised by families or other interested parties will be directed to individual agency's complaint and feedback processes.

7 How to refer

The Referrer should send an Initial Case Review (ICR) referral (see flow chart, page 17) to the Adult Protection Coordinator using the ICR template. The Initial Case

Review report should be submitted by email within **one working day** of the case coming to the attention of the agency's senior officer or designated manager. Where it has not been possible to meet this timescale the reason should be noted on the form.

If the case is high profile or is likely to attract media attention the relevant agency adult protection lead officer, and the APC Chair should be alerted by phone.

The completed ICR Referral will include:

- chronology
- initial analysis of the information
- key points for the assessment group to consider

8 What happens next?

When a referral has been received the APC Coordinator will:

- send an acknowledgment that the referral has been received within one working day of receipt
- log the referral and give it a unique numbered identifier
- notify (using Initial Case Review Referral template) all relevant agencies
- request information/chronology from the agencies

9 What agencies must do on receipt of a request for information

- acknowledge receipt of the referral from the AP Coordinator
- inform relevant personnel within their own agencies
- identify an agency representative to send single agency information to the AP Coordinator using the ICR Referral template within **one calendar month**. Information supplied must include a chronology and indicate the agency involvement with the adult and any other agency.

10 Initial Case Review (ICR)

The aim of the ICR is to reach an informed decision about the need for a full Significant Case Review and is carried out by selected members of the Adult Support and Protection Committee. The group must include a senior officer from each of the partner agencies, but may also include one or more lead officer.

11 Initial Case Review Process

Following receipt of the ICR reports a meeting will be convened of the assessment group members **within 10 working days**.

At this stage staff will not be interviewed as there may be ongoing legal processes to consider

The ICR group will consider the collated information and decide whether sufficient information is available or if further information is needed. If the ICR group decides that more information is necessary it will specify the information required and relevant timescales.

The outcome will be one of the following:

- To take no further action
- To refer to a single agency for review
- That the criteria for an SCR is met and should be progressed

The ICR group will produce a report of their review and decision. It should include the following information:

- A brief description of the case and the basis for the referral and a co-ordinated chronology of events
- A note of each agency/professional involvement and lead contacts for each agency;
- A note of the current condition and circumstances of the adult at risk and if s/he is alive;
- What actions have been or will be, taken on his/her behalf;
- Any other formal proceedings underway;
- Elements of practice that deserve comment, including specific details
- Any particular sensitivities e.g. from the procurator fiscal or police about cases where there are likely to be disciplinary proceedings;
- The ICR panel's decision, including reasons, on whether to proceed to an SCR.

The report and outcome will be submitted to the APC. A register of all Initial Case Reviews and their outcome will be retained by the APC for audit purposes. The Initial Case Review Report will **not** normally be published as this is an internal document, but it will be shared with relevant partner agencies to enable lessons to be learned and to share good practice.

The Chief Officers Group will be informed of the ICR and outcome but will not normally receive the report

12 Where the decision is to proceed to a Significant Case Review

Where a full SCR is to be undertaken, the APC shall authorise certain actions, depending on whether the SCR is to be conducted internally or externally.

For an internal review the APC will:

- Appoint a review team and a team leader, taking account of the relevant knowledge and skill set required in relation to the case/incident
- Agree administrative arrangements and the terms of reference for the review,

For an external review the APC will:

- Appoint a reviewer
- Agree costs, terms of reference, contract and administrative arrangements
- Confirm who will act as the primary point of contact,

In either case, the APC will:

- Set a timescale for the receipt of a final report from the internal review team or external reviewer; normally no more than **3 months** from the date of the ICR meeting.

13 Internal/External Reviews

An internal review will be recommended where the outcome will mainly have a local impact. (An external specialist may be used for some part of the process).

An external review will be recommended where the ICR assessment group agree that the case may benefit from being considered and investigated externally. The criteria which may indicate the commissioning of an external review are where:

- It is not appropriate or proportionate for APC members to lead the review
- There are likely to be national and local recommendations
- Local recommendations are likely to be interagency rather than for a single agency
- The case is already high profile, or is potentially likely to attract significant media attention
- Councillors, MSPs or other elected members have voiced concerns about services locally

- The APC is facing multiple SCRs
- The case is extremely complex, involving of several agencies and/or the family/carers of the adult/s may already be expressing concern about the actions of agencies

An alternative model would be an internal team led by an external consultant.

The APC should make budget provision to resource an external review.

14 The Significant Case Review Process

Essential steps in the SCR process

a) Developing the Remit

The SCR needs a clear and specified remit to ensure clarity of purpose and to assist those contributing to the review. The remit should relate to the purpose of the SCR but should also be reviewed over time and will relate to the purpose of the review.

b) Identifying the Review Team

The APC will identify the review team and the best person to lead the review. This will be a mixed team from the key agencies and will not involve anyone directly or substantially involved in the situation. Key skills required by the review team are:

- the ability to gather relevant evidence from a range of sources and able to negotiate if information is withheld;
- investigation skills;
- ability to establish the validity of evidence;
- ability to interpret information from a wide variety of sources;
- ability to make sound judgements on information presented;
- ability to identify and analyse the root cause that contributed to the significant case;
- ability to liaise with other bodies and establish good working relationships;
- ability to demonstrate sensitivity to national and local issues;
- ability to understand the role on an SCR and where it differs from other ongoing proceedings relating to the case, such as a criminal investigation.

c) Setting the Work Plan

Within **5 working days** of the first meeting of the SCR group the Chair will convene a meeting of the Review Team. The purpose of this is to establish a detailed plan using “The Six Steps to Root Cause Analysis” as set out below, the Team will:

Step 1 - Gather all relevant reports produced for ICR process

Step 2 - Sort and map all available data using a timeline process

Step 3 - Identify issues to explore. This will include setting questions, identifying key witnesses and arranging interviews

Step 4 - Explore the critical problems identified to isolate fundamental causes

Step 5 - Review the findings; agree the recommendations and areas for improvement

Step 6 - Complete a written report and share the learning with the Adult Support and Protection Committee.

N.B. Any other format used to conduct the SCR should be approved by the APC. Should delays in the process begin to emerge, the SCR group Chair must immediately report these to the APC Chair.

15 Key factors to be considered in conducting the review:

- The remit and time period of the review and timescales for receipt of the interim and final report;
- The extent to which the SCR group has access to the APC for ongoing discussion;
- Interim reporting arrangements - how often, in what format and to whom should interim updates be sent;
- Who on the APC has delegated responsibility for handling FOI requests
- Who the contact should be if the findings of the SCR were to be used as evidence in civil proceedings that might arise out of a case;
- Who will make the links with relevant interested parties outside the main statutory agencies;
- Who are the key contacts for any review team across all the involved agencies. These could be designated SCR contacts who can also advise on, and broker access to, relevant practitioners and information, provide

any agency information that may be relevant (protocols/guidance) and generally act as a liaison point;

- Whether there are likely to be issues of access to case records and how that will be addressed;
- Whether the review team need to conduct interviews or whether it is sufficient for them to look at the files to establish the facts of the case;
- Whether family members are to be invited to contribute to the review and who the liaison point for the adult at risk (if alive) will be, and/or for their family/carers;
- What briefing will be provided for contributors, and by whom? A briefing will normally be an oral discussion about the purpose of the Review. SCR panels will need to consider whether contributors should receive information about the areas to be covered in advance of the interview and whether the files should be available to them for reference;
- What arrangements are in place for feedback to the contributors, including the adult at risk and their family/carers, and what mechanism will be used to enable contributors to check the accuracy of what is recorded as it is drafted up for the interim and/or final reports; and
- What procedure will be adopted if the SCR uncovers evidence of criminal acts or civil negligence unrelated to the case under review

16 Preparing the Report

Each member of the SCR group will compile a written record in relation to that area of the review in which he or she has been involved. This will document their activity, the evidence-base and their suggested findings and recommendations for inclusion in the SCR report. In the case of a member of the SCR group also preparing a single-agency report, that document, with the agreement of the agency, can suffice as input to the SCR.

The SCR group chair is responsible for drafting the report to be presented to the APC. This shall be compiled from the records made by the members of the SCR group, as above. The content of the review report, including the findings and any recommendations, should be agreed by all members of the SCR group. Should there be disagreement, this shall be noted in the report. Ultimate responsibility for the content of the report going to the APC rests with the SCR group chair.

Every SCR report should contain the following:

- An introduction: summarise the circumstances that led to the review, state the remit and list the contributors, suitably anonymised;

- Recommendations: these should be few in number, focused, specific and capable of being implemented.
- An executive summary
- A chronology of agency/professional involvement;
- The extent of family/carers' involvement;
- A list showing, on each occasion of contact with the adult at risk and/or family/carers or other significant adults, whether the views and wishes of the adult at risk were sought and if they were expressed;
- Analysis;
- Conclusions;

17 External SCR

When commissioning an external review team the APC must:

- Confirm that the remit is clear and deliverable;
- Establish clear reporting lines;
- Identify milestones and agree the various elements of the process;
- Consider whether indemnity cover is required;
- Provide for appropriate administrative support;
- Agree the method for obtaining additional resources if it becomes clear that these are necessary;
- Confirm that if issues arise that need urgent action, the APC (and involved agencies) will be so advised;
- Require external reviewers to be registered with the Data Protection Office;
- Establish a named contact person within the team;
- Gain agreement that the contract will allow the APC to reserve the right to proof-read the final draft to correct factual errors or misunderstandings;
- Clarify arrangements between the APC, as the commissioner and owner of the SCR report, and the review team in relation to speaking to the press regarding the review, and at what stage(s) of the SCR process;

18 Communicating the review messages and recommendations

The completed report will be presented to the APC for consideration and action. There are a number of issues which the APC must consider; these include:

- Agreement of the findings and recommendations in the report
- Identifying lessons to be learned and sharing good practice
- Action and implementation plans including timescales and the monitoring of progress
- Other actions that may be required to promote the learning cycle e.g. staff development activity, amendments to policy, protocols and procedures
- Briefings for relevant parties
- Dissemination within and across agencies

19 Dissemination of the Report

The circumstances of every case are different and the communication strategy for dissemination of the report or its finding and recommendations will differ.

The APC in formulating its proposals shall select from a range of options (including the option of full publication aimed at the general public), the one that best serves the public interest and fulfils the purpose of improving service delivery.

In formulating its proposals the APC should consider:

- That the group of professionals most closely linked to the case should, unless other proceedings or identifiable circumstances indicate otherwise, be provided with a full and detailed briefing on the report and its findings;
- What the wider body of professionals need to understand in order to improve their practice and the best means of achieving it;
- What information, if any, from the report should be made available to a wider audience;
- How the report is shared with the adult at risk and/or their family or carer
- Whether other relevant bodies such as the Scottish Government, Mental Welfare Commission or Office of the Public Guardian need to be informed;
- Whether media management arrangements are required

20 Role of the Chief Officers

Fife APC works on behalf of the Chief Officers. The Chief Officers will “sign off” the report when it is presented by the APC Chair.

Having considered the report they will issue any direction or instruction as necessary and in particular, indicate:

- Their agreement, or not, with the proposals that relate to how any lessons will be incorporated and implemented within and across relevant agencies and their staff.
- Their wishes in relation to dissemination of the report, having taken account of the proposals presented by the APC.

Related Documents

The APC Significant Review Protocol must be read and understood in the context of the Multi-agency Governance Framework for conducting Significant Case Reviews across Adult Protection, Child Protection and Offender Management in Fife ([Link](#))

Appendix 1 ICR Process Flow Chart – amended Dec 2017

Appendix 2 Initial Case Review (ICR) Referral Report Template

Appendix 3 SCR Process Flow Chart

Appendix 4 APC Chronology Template

Signatories

Signed John Myles, Independent Chair, Fife APC

On behalf of Fife Adult Protection Committee

Date

Signed Steve Grimmond , Chief Executive, Fife Council

On behalf of Fife Council

Date

Signed: Gary McEwan, Chief Constable, Police Scotland (Fife Division)

On behalf of Police Scotland (Fife Division)

Date

Signed John Wilson, Chief Executive, NHS Fife

On behalf of NHS Fife

Date

Appendix 2

INITIAL CASE REVIEW (ICR) REFERRAL REPORT

The initial **Reporting Officer** should notify the Adult Protection Committee using this template within one working day of identifying a potential Significant Case for Review.

This Template should be used by all other services/agencies who may/should have been involved. These involved services/agencies should submit their own reports to the Adult Protection Committee within **one calendar month** of receipt.

Complete electronically. The boxes will expand as necessary.

Reporting Officer:

Agency/Organisation:

Date ICR first alert sent to APC Coordinator:

Date ICR alert received by other Services/Agencies:

Date completed ICR response is returned to APC Coordinator:

Subject Name/Identifier:

Date of Birth:

Name of Carers/representative:

Key Facts/Background to the Case:

Service/Agency/Professional involved:

Summary of findings of the Initial Case Review:

Any other statutory proceedings underway:

Lead Contacts for each Service/Agency:

Appendix 3

SIGNIFICANT CASE REVIEW PROCESS



Appendix 4: Multi-agency Chronology

Name		SWIFT No.	
Date of Birth		CHI No.	

Date of Event	Significant Event	Action Taken	Agency/Individual