Learning Review Procedure

East Lothian and Midlothian Public Protection Committee

www.emppc.co.uk

Contents

1. Introduction

Learning from cases where a child or adult has died, been significantly harmed or put at risk of harm is an essential element of improving how agencies work together to appropriately support and intervene to protect children and adults. The overall purpose of a Learning Review is to bring together agencies, individuals and families to jointly learn from what has happened in order to improve systems and practice in the future.

Looking at cases when something has gone wrong can be challenging. Reviewing complex situations can raise anxiety for individuals and organisations – but we know that this does not support open and effective learning. We know that blame and criticism can create defensiveness, which in turn blocks learning. Learning Reviews are not investigations or an enquiry into why a child or adult died or was harmed. Rather, they:

- Are an opportunity for critical reflection to gain greater understanding of complex situations.
- Go beyond individual professional practice to explore what factors in the systems, processes and culture of the organisations contributed to the outcome for the child or adult.
- Focus on understanding how people see things at the time, why things happened as they did and the operating context.
- Will include an analysis of effective practice as well as what could have been done differently.

This procedure is based on the National Guidance for Child Protection Committees Undertaking Learning Reviews and National Guidance for Adult Protection Committees Undertaking Learning Reviews. It sets out the arrangements within East Lothian and Midlothian for conducting Learning Reviews and gives the key messages about the underpinning principles and values to help create the cultural conditions for positive learning.

2. Key features of a Learning Review

	National guidance	How we will do this locally
	A Learning Review should be multi-agency; bringing Practitioners together with the Review Team in a structured process in order to reflect, increase understanding and identify key learning.	The decision to proceed to a Learning Review will be made on a multi-agency basis and will be a shared responsibility. The Learning Review will be undertaken on a multi-agency basis, with Review Team members being equal regardless of the seniority of their role. We will follow an established process which reflects the national guidance.
	Support for staff is critical and should be integral to the Review process in order that they can participate fully in the process, reflect on their practice, share their knowledge and contribute to the emerging learning.	The focus of the Learning Review will be on multi-agency practice, not an individual's practice. No individual will be identified in the final report. We recognise that being involved in any type of review of a case can be anxiety provoking, and we will ensure that staff can seek support from their agency, through line management support and supervision, employee assistance programmes and links with the relevant Lead Officer.

	National guidance	How we will do this locally
		We will create positive cultural conditions to support staff to engage in the Learning Review process and learning. We will ensure that the Reviewer and Review Team do not have any focus on attributing blame and will avoid hindsight bias. We will provide information for staff who are involved in a Learning Review about the process of the Review, and particularly to support their involvement in Practitioner and Strategic Manager events. We will encourage managers to identify additional wellbeing supports for staff involved in the situation(s) that led to the Learning Review and the Learning Review itself. We will provide feedback to staff who are involved in a Learning Review once it is complete to support their reflection and share their knowledge.

	National guidance	How we will do this locally
 A SYSTEMS APPROACH	The Learning Review does not stop at the points when weaknesses in professional practice have been recognised, it moves on to explore the interaction of the individual with the wider context, including cultural and organisational barriers, in order to understand why things developed in the way they did. The focus is on: • What happened • How some assessments were made • Understanding how people saw things at the time; what knowledge was drawn on to make sense of the situation; the resources available and the emotional impact of the work • Effective practice • Identification of learning	We will keep a focus on understanding the factors that supported or inhibited decision-making within the lens of the system and organisations, without focusing on any individual's practice. The final report will focus on the systemic, multi-agency issues and not on any individual's practice.
 PROPORTIONALITY AND FLEXIBILITY	The situations under Review will inevitably be complex and diverse and this therefore requires a streamlined, proportionate and flexible approach to ensure effective learning. This flexible approach remains grounded in the underpinning principles and values of Learning Reviews.	We will develop terms of reference for Learning Reviews that outline the scope of the Learning Review, including what is not in scope, and will agree the time period that is being reviewed. We will not duplicate effort and will be cognisant of other Review processes that may be taking place.

	National guidance	How we will do this locally
 TIMING AND TIMELINESS	Long Review processes should be avoided. Optimum learning arises not just when the process allows significant events to be identified but also when it is relevant for the current practice context.	We will start and complete a Learning Review at the earliest opportunity, taking into account other processes (such as criminal proceedings) that may need to be considered. We will keep the progress of Learning Reviews under close scrutiny through our Learning Review Sub-group and do our best to avoid delays in their completion.

3. Criteria for a Learning Review

East Lothian and Midlothian Public Protection Committee (EMPPC) will undertake a Learning Review when the criteria are met as follows:

Adult Support and Protection

1. Where the adult is, or was, subject to adult support and protection processes and the incident or accumulation of incidents gives rise for reasonable cause for concern about how professionals and services worked together to protect the adult from harm, and one or more of the following apply:

(i) The adult at risk of harm dies and

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

or

(ii) The adult at risk of harm has not died but is believed to have experienced serious abuse or neglect.

2. Where the adult who died or sustained serious harm was not subject to adult support and protection processes

(i) When the findings of an inquiry or review by another organisation or court proceedings, or a referral from another organisation gives rise to reasonable cause for concern about lack of involvement in relation to the Adult Support and Protection (Scotland) Act 2007; or

(ii) The Adult Protection Committee determines there may be learning to be gained through conducting a Learning Review.

Child Protection

When a child has sustained significant harm or risk of significant harm as defined in the National Guidance for Child Protection in Scotland and there is additional learning to be gained from a Review being held that 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 sustaining of or risk of significant harm.
- the child is on, or has been on, the Child Protection Register (CPR) or a sibling is or was on the CPR 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 sustaining of significant harm, unless it is absolutely clear to the Child Protection Committee that the child having been on the CPR or being care experienced has no bearing on the case.
- the child's sustaining of or risk of significant harm is caused by attempted suicide, alleged attempted murder, reckless conduct, or act of violence.
- the child is being managed under Care and Risk Management (CARM) processes and causes harm to another person or themselves.

When a child has died and there is additional learning to be gained from a Review being held that 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 (CPR) or a sibling is or was on the CPR 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, unless it is absolutely clear to the Child Protection Committee that the child having been on the CPR or being care experienced has no bearing on the case.
- the child is being managed under Care and Risk Management Processes.
- the child's death is by suicide, alleged murder, suspected culpable homicide, reckless.

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 adults.

4. Governance Arrangements

The East Lothian and Midlothian Public Protection Committee (EMPPC), on behalf of the Critical Services Oversight Group (CSOG) decides whether a Learning Review is warranted and agrees how the Learning Review is conducted. The decision to proceed to a Learning Review is discharged to a Sub-group of EMPPC who will hold a Consideration Meeting. The Consideration Meeting is chaired by the EMPPC Chair.

Learning Review Reports and Summary Reports where a Consideration Meeting has decided not to proceed to a Learning Review will be presented to EMPPC and CSOG thereafter. The Report and its content will not be shared wider than EMPPC in advance of CSOG considering the Report.

The EMPPC Learning Review Sub-group will maintain an overview of the progress of Learning Reviews and the implementation of improvement action plans.

5. Learning Review Decision Making Process

Notification

Any agency/practitioner can raise a concern about a case which it is believed meets the criteria by sending a notification to the Adult Support and Protection Lead Officer/Child Protection Lead Officer at the East Lothian and Midlothian Public Protection Office (EMPPO). The Notification Form can be requested by contacting the relevant Lead Officer at emppo@eastlothian.gov.uk. If the person seeking to submit a notification wishes to consult in advance of this and seek advice about the level of detail to include in a notification, the relevant Lead Officer, Public Protection Manager or EMPPC Chair can be contacted.

Families are not able to request Learning Reviews but have access to complaints procedures within agencies where they feel dissatisfied with aspects of how cases have been dealt with.

When a notification is received, the EMPPC will acknowledge receipt, assign a reference and convene a Consideration Meeting within (as close to) 42 days.

Consideration Meeting

The Consideration Meeting will be made up of relevant senior managers from the core services involved with the child/adult in the relevant local authority area, as follows:

- Social Work – one of the following: Chief Social Work Officer, Head of Adult Social Work or Head of Children's Services (noting that one person may hold more than one of those roles).
- Director of Public Protection or Lead Nurse, NHS Public Protection Team.
- Lead Paediatrician (where this relates to a child).
- Head of Education (if the child is in early years setting or education setting).
- Police Scotland (Detective Chief Inspector or Detective Inspector).
- Adult Support and Protection Lead Officer/Child Protection Lead Officer, East Lothian and Midlothian Public Protection Office.
- Public Protection Manager, East Lothian and Midlothian Public Protection Office.
- Senior Business Support Administrator (minute).

The EMPPC Chair will chair the Consideration Meeting. Other agencies/services may be invited to attend the Consideration Meeting as decided by the Chair of EMPPC.

The purpose of the Consideration Meeting is to decide if the criteria for conducting a Learning Review are met, and if it is necessary to proceed to a Learning Review. The Consideration Meeting will be informed by:

- Single agency reports providing a brief account of agency involvement prior to the event that triggered the notification, and some initial reflection regarding practice and decision-making within that agency.
- A recommendation report prepared by the Adult Support and Protection Lead Officer or Child Protection Lead Officer.
- Discussion at the Consideration Meeting.

In deciding whether to proceed to a Learning Review, the Consideration Meeting will take account of whether the criteria has been met.

The information gathered in advance of the Consideration Meeting, and multi-agency analysis and discussion at the Consideration Meeting may be sufficient to draw out the additional learning without the need to progress to a Learning Review. In addition, the Consideration Meeting should take into account what is already known as an area for improvement and if this is being addressed through current single agency or multi-agency improvement plans, the EMPPC Business Plan or national programmes/plans. This will ensure that the decision follows the principle of proportionality.

Where the decision is not to proceed to a Learning Review, the Consideration Meeting will consider any improvement actions that need to be progressed. These will be reviewed by the Learning Review Sub-group, which maintains an overview of the progress of improvement plans and learning arising from Reviews.

When there is a potential cross-authority Learning Review

In the case of a potential cross-authority Learning Review, the EMPPC Chair will contact their counterpart in the other local authority area, to agree a mechanism for joint working, including which area will take the lead and the arrangements for undertaking the Learning Review.

Where there is more than one adult or child

In the case where more than one adult or child has died or sustained significant harm and each child or adult is the subject of the same Learning Review, each adult or child's perspective and experience will be considered individually but the learning will be brought together into one final report at the conclusion of the Learning Review.

Parallel or other processes

Learning Reviews are one of the many processes that exist to support continuous improvement. Other processes such as ongoing criminal proceedings may impact on whether a Learning Review can be progressed or concluded. EMPPO staff will liaise with relevant agencies/personnel to ensure that the Learning Review process is aligned with and does not interfere with any other statutory Review processes.

6. Initiation of a Learning Review – the Decision-Making Process

	Timescale	Role responsible
Learning Review notification submitted	The timescale standard between notification and decision of the Consideration Meeting will be 42 days.	Referrer
Notification received and reference submitted		EMPPO – Senior Business Support Administrator
Review of notification to identify agencies that are requested to provide reports for Consideration Meeting		Adult Support and Protection Lead Officer/Child Protection Lead Officer
Request agency/service report from Senior Manager		EMPPO – Lead Officer via Senior Business Support Administrator
Senior Manager to ensure report provided from relevant service manager/team leader on behalf of agency		Senior Manager
Prepare recommendation report – summary of single agency report themes, identification of gaps in information and themes for further consideration		Adult Support and Protection Lead Officer/Child Protection Lead Officer
Consideration Meeting		Chaired by EMPPC Chair
Decision to proceed to a Learning Review or not to proceed to a Learning Review		Consideration Meeting Group
Notification of decision to CSOG		EMPPC Chair
Notification of decision to Care Inspectorate		Adult Support and Protection Lead Officer/Child Protection Lead Officer

7. Learning Review Process

Process

The Learning Review will follow the process as laid out at Appendix 1. The requirement for any additional Review Team Meetings will be kept under review and arranged as necessary.

Terms of Reference

The Public Protection Manager and Chair of EMPPC will develop Terms of Reference for a Learning Review, which will include:

- Rationale for the Learning Review.
- Timeframe.
- Scope of the Learning Review
    - Review and identify examples of good practice and strengths in multi-agency collaboration on a single and multi-agency basis, in relation to assessment, planning, decision making, intervention and support.
    - Identify and explore any missed opportunities and the learning arising for future practice.
    - Aspects specific to the case under review.
    - Establish whether there are areas for improvement and lessons to be shared, about the way in which agencies work individually and collectively to protect children and adults at risk.
    - Make any local recommendations for learning and improvements in practice, process, policy and procedure. It will consider any national learning themes.
- Involvement of the family.
- Approach and methodology.
- Resources
    - Specifically, if the Reviewer is to be independent or provided from within the EMPPC Partnership.
    - Chairing arrangements.
- Timescale for completion of the Learning Review.
- Report arrangements.
- Managing emerging issues and challenges during the Learning Review.
- Media strategy.

The Terms of Reference will be updated as necessary by the Review Team.

The Learning Review Team

The Learning Review Team is a multi-agency team which manages the whole process of the Learning Review. The Review Team members will not have direct involvement in the situation under review, in order to maintain independence of the situation and protect the integrity of the process. The Review Team will work collaboratively to review and assess all information available, clarify issues for further exploration and identify any gaps in the information available to the Learning Review. The Review Team will be made up of the Chair, the Reviewer, Team Members and the Senior Business Support Administrator. The roles are detailed further at Appendix 2. To ensure Review Team members are supported in their role

to participate in the Review, they should use the supervision processes in place in their organisation and discuss any issues with their Senior Manager.

Timescale

It is important to complete a Learning Review as soon as possible, and we will seek to complete a Learning Review within six to nine months once the Consideration Meeting has made its decision to proceed. Delays may be caused by parallel processes, such as criminal proceedings, or issues adding to the complexity of the Learning Review. The EMPPC Learning Review Sub-group will maintain an overview of the progress of Learning Reviews and advise CSOG accordingly.

Engaging the family in the Learning Review process

A core element of a Learning Review is to explore the perspectives of the child, adult and family and hear from them about their experience of services, what they found helpful or unhelpful and their suggestions about how services could be improved.

8. The Report

The Learning Review report identifies the key learning points and should be clear, succinct, and as anonymous as possible. Whilst it is the responsibility of the Reviewer to pull together the learning and draft the report, this should be done alongside the Review Team whose role is to scrutinise, challenge appropriately and ensure that the report represents all the learning that has been generated by the Learning Review process.

The report should cover:

- A brief description of how the Learning Review was conducted.
- A brief outline of the circumstances that lead to the Learning Review.
- The practice and organisational learning that has been identified and what has contributed to this learning.
- Examples of effective practice within the situation under review.
- Suggested strategies for improving practice and systems, where required.

The Reviewer will present the report to EMPPC. The report and its contents will remain confidential within EMPPC until reviewed by CSOG.

The Chair of EMPPC will present the report to CSOG, along with EMPPC reflections on the learning and recommendations from the report.

CSOG will decide if and when to publish a report. The decision will be informed by the ability to protect confidentiality and by data protection principles. If the report is published it will be placed on EMPPC's website and will not identify whether the case under review related to East Lothian or Midlothian.

9. Implementation of suggested strategies

Following conclusion of the report, the Chair of EMPPC will convene a multi-agency meeting with relevant managers from the agencies who were part of the Review Team, to develop an improvement action plan. There will be one combined plan for all actions from Learning

Reviews and Consideration Meetings where the decision has been to not progress to a Learning Review but where improvement actions are identified. Oversight of the progress of the plan will be undertaken by the Learning Review Sub-group on a quarterly basis, who will review the evidence and data to assess the impact of any recommended improvements.

10. Disseminating learning from the Learning Review

Regardless of whether or not the report is published, steps will be taken to extract and share learning, using a number of different methods and approaches. These will include:

- Providing an opportunity for feedback and reflection with the Practitioners and Strategic Managers who were involved in the Learning Review. This will enable them to take the learning back into their service.
- Multi-agency briefings advertised via the EMPPC Training Calendar and bespoke briefings to teams/services on a single agency basis.
- Learning summaries and 7-minute briefings.
- Incorporation of key messages, learning and links to resources into existing training courses.
- Articles in the EMPPC Newsletter.
- National dissemination of learning may be facilitated at the online Child Protection Learning Review Knowledge Hub which is co-ordinated by CELCIS and the Care Inspectorate.

11. Role of the Care Inspectorate

The Adult Support and Protection/Child Protection Lead Officer will inform the Care Inspectorate of the decision of the Consideration Meeting and will submit the final report to the Care Inspectorate. A follow up meeting will take place between the Care Inspectorate and the EMPPC Chair, Adult Support and Protection/Child Protection Lead Officer and Public Protection Manager. The Care Inspectorate will provide their reflections and feedback on the Review, the learning and strategies for improvement in writing, which will be used to inform any additional areas of consideration or improvement. This will be reviewed by the Learning Review Sub-group and provided to CSOG.

12. Appendix 1 - Example of a Learning Review Process

(Covers the stages between the first meeting of the Review Team and the beginning of dissemination)

First Review Team Meeting

Practicalities including discussing
The principles and ways of working
Clarifying roles and functions
Identifying Practitioner event participants and Strategic Manager event participants and their preparation
Sense making of the situation
First pass at issues and questions to explore
Arrangements for collating further information (if gaps identified)
Setting dates and venues for Review Team Meetings, and Practitioner and Strategic Manager events
Verifying that the Care Inspectorate was notified of the decision to proceed to a Learning Review

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Second Review Team Meeting

Confirming tasks done
Checking on the implementation of the Family Liaison Strategy
Checking on the preparation for the Practitioner and Strategic Manager events (confirmations, information and support for practitioners attending)
Further exploration of the emerging issues and reflections

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Engaging with family members

(according to the Family Liaison Strategy)

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Briefing for Attendees at Practitioner and Strategic Manager events

Presented by the Reviewer and relevant Lead Officer
Providing an outline of the Learning Review Process and expectations
Creating the conditions for positive engagement in the events by identifying supports

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Practitioner event

Jointly discussing the story of involvement, identifying and analysing significant events;
Identifying learning
Identifying effective practice
Thinking about possible strategies for improving practice and systems, including possible recommendations

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Post Practitioner event

Write up learning points and circulate to participants to check for accuracy/agreement

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Strategic Managers event

Discussing the outline of the situation, the challenges and what worked well and why, the changes needed and strategies for improvement, together with the emerging recommendations

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Draft report

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Third Review Team Meeting

Discussion of draft report

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Fourth Review Team Meeting

(This might not be necessary. If the Learning Review Learning is clear there is a possibility this can all be done at the third meeting)

Finalising report

Outline action plan

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Feedback to family

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Presentation/dissemination to East Lothian and Midlothian Public Protection Committee and Critical Services Oversight Group

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Lead Officer submission ofcompleted report to Care Inspectorate

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Feedback provided to attendees at the Practitioner and Strategic Manager events

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Improvement plan developed

13. Appendix 2 - Review Team Roles

Senior Business Support Administrator
• Support the Review Team Chair, Reviewer and Lead Officer to ensure that the process of the Learning Review is in accordance with local and national guidance and is undertaken effectively, co-ordinating and scheduling the Learning Review Meetings and Practitioner and Strategic Manager events. • Administer meetings that are part of the Learning Review, take minutes and notes of the Review Team Meetings and Practitioner and Strategic Manager events. • Support the Reviewer and Lead Officer to undertake their roles, including the preparation of reports and presentations. • Support the communications of the Review Team, including collating, distributing and storing documents and information as required.
Adult Support and Protection Lead Officer/Child Protection Lead Officer
• Be the conduit between the Reviewer and Review Team between meetings. • Work with the Review Team to support the identification of staff who would attend the Practitioner and Strategic Manager events. • Support the Chair and Reviewer to develop the agendas for Review Team Meetings. • Support the Reviewer in an advisory capacity to help understand the context of local service delivery, processes and procedures. • Source further information where required. • Co-facilitate the Briefing for staff involved in the Practitioner and Strategic Manager events. • Provide information and support to any member of staff involved in the Learning Review about the process. • Attend the Practitioner and Strategic Manager events and support the Reviewer to create the cultural conditions for open and trusting discussion within a safe environment.
Chair
• Consider whether there are parallel processes ongoing i.e. criminal proceedings/Fatal Accident Inquiries. • Co-ordinate the identification and engagement of the relevant partners and suitable contributors to the Learning Review. • Co-ordinate the work of the Review Team. • Ensure that a clear and realistic timetable for the Learning Review process is set out and is adjusted where and when needed. • Ensure timely requests are made for key documentation relevant to the Review from organisations involved in the situation under review and to follow up instances when that information is not provided in a timely manner. • Chair and facilitate meetings of the Review Team. • Contribute to the development of the learning emerging through the Learning Review process.

- Ensure the Learning Review process keeps its focus on the perspective and experience of the child or adult who is the subject to the Learning Review.
- Meet with family members alongside the Reviewer as appropriate.
- Attend Practitioner and Strategic Manager events alongside the Reviewer.

Reviewer

- Work collaboratively and transparently with the Review Team Chair and members.
- Attend the meetings of the Review Team.
- Review and assess all information available to develop a full and multi-faceted understanding of the case.
- Interpret and analyse the workings and challenges of complex, multi-agency systems.
- Establish effective relationships with contributors to the Learning Review.
- Effectively facilitate group work and manage complex group dynamics.
- Facilitate Practitioner and Strategic Manager events so that:
    - Participants understand the purpose of the Learning Review as well as the underpinning principles and values of Learning Reviews.
    - Trust is established between participants.
    - All participants can voice their views in a safe manner.
    - Discussion, debate, probing, and constructive challenge are encouraged.
- Use a range of participatory and creative approaches to obtain the views and experiences of adults, children, young people, and their families.
- Pull together the learning and write the report, with the assistance of the Review Team.

Learning Review Team Members

- Attend the meetings of the Learning Review Team.
- Contribute to the collection and collation of information throughout the Learning Review.
- Identify any gaps or deficiencies in the information available to the Learning Review and seek to remedy this.
- Act as an interface between their service or organisation and the Learning Review Team, contributing to all practical aspects of the Learning Review that are required from their service or organisation.
- Identify those professionals within their service or organisation who will be part of the Learning Review.
- Help participants to feel informed and supported when they are part of the Learning Review, as well as throughout and at the end of the review process.
- Contribute to the identification of emerging themes and issues.
- Participate in the verification, interpretation, and analysis of the information.
- Assist in the drafting of the Learning Review report by critical and constructive appraisal.