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| **Joint Case Review Sub Group Terms of Reference** |
| **Approved by:**  | HSCP, HSAB and CSP |  |
| **Date:**  | March 2021 |
| **Date for Review:**  | March 2023 |
| **Chairperson:** | Associate Director for Nursing and Quality/Designated Nurse for Safeguarding Adults and Children. Herefordshire and Worcestershire CCG |
| **Vice Chair:**  | Detective Inspector West Mercia Police |
| **Meeting Frequency:** | Quarterly |  |
| **Quorum:** | 3 agencies (or nominated deputies – health agencies count as one for the purposes of quoracy) |

1. **Overall Purpose and Accountability Arrangements**

The Joint Case Review Sub Group (JCR) acts as a learning sub group to:

* Herefordshire Safeguarding Children Partnership (HSCP)
* Herefordshire Safeguarding Adults Board (HSAB)
* Community Safety Partnership (CSP)

The group is accountable to the Herefordshire Safeguarding Children Partnership, Herefordshire Safeguarding Adults Board and the Community Safety Partnership.

**Herefordshire Safeguarding Children Partnership**

The responsibility for how the system learns the lessons from serious child safeguarding incidents lies at a local level with the safeguarding partners and at national level with the Child Safeguarding Practice Review Panel (the Panel).

Locally, safeguarding partners must make arrangements to identify and review serious child safeguarding cases which, in their view, raise issues of importance in relation to their area. They must commission and oversee the review of those cases, where they consider it appropriate for a review to be undertaken.

Safeguarding partners should have regard to any guidance which the Panel publishes. Guidance will include the timescales for rapid reviews (15 working days) and for the Panel response.

 Serious child safeguarding cases are those in which:

• abuse or neglect of a child is known or suspected and

• the child has died or been seriously harmed

Serious harm includes (but is not limited to) serious and/or long-term impairment of a child’s mental health or intellectual, emotional, social or behavioural development. It should also cover impairment of physical health78. This is not an exhaustive list. When making decisions, judgment should be exercised in cases where impairment is likely to be long-term, even if this is not immediately certain. Even if a child recovers, including from a one-off incident, serious harm may still have occurred.

When a serious incident becomes known to the safeguarding partners, they must consider whether the case meets the criteria for a local review.

Meeting the criteria does not mean that safeguarding partners must automatically carry out a local child safeguarding practice review. It is for them to determine whether a review is appropriate, taking into account that the overall purpose of a review is to identify improvements to practice

**Herefordshire Safeguarding Adults Board**.

The Care Act 2014 states that Safeguarding Adult Boards (SABs) must arrange a Safeguarding Adult Review (SAR) when an adult in its area dies as a result of abuse or neglect, whether known or suspected, and there is concern that partner agencies could have worked together more effectively to protect the adult.

SAR criteria:

(a) there is reasonable cause for concern about how the SAB, members of it or other persons with relevant functions worked together to safeguard the adult, and

(b) Condition 1 or 2 is met.

(2) Condition 1 is met if—

(a) the adult has died, and

(b) the SAB knows or suspects that the death resulted from abuse or neglect (whether or not it knew about or suspected the abuse or neglect before the adult died).

(3) Condition 2 is met if—

(a) the adult is still alive, and

(b) the SAB knows or suspects that the adult has experienced serious abuse or neglect.

(4) A SAB may arrange for there to be a review of any other case involving an adult in its area with needs for care and support (whether or not the local authority has been meeting any of those needs).

The criteria for such reviews is set out in the Care Act 2014 (See Care Act Guidance 2016). The JCR will make a recommendation to the Chair of HSAB, who has the responsibility for decision making about whether to conduct a review in individual cases.

**Community Safety Partnership.**

Responsibility for establishing a review rests with the local Community Safety Partnership (CSP) Statutory Guidance under section 9(3) of the Domestic Violence, Crime and Victims Act 2004 (the 2004 Act)1.

(1) In this section “domestic homicide review” means a review of the circumstances in which the death of a person aged 16 or over has, or appears to have, resulted from violence, abuse or neglect by—

(a) a person to whom he was related or with whom he was or had been in an intimate personal relationship, or

(b) a member of the same household as himself,

held with a view to identifying the lessons to be learnt from the death (Multi-agency Statutory Guidance for the Conduct of Domestic Homicide Reviews December 2016) The chair of CSP has the responsibility for decision making in individual cases.

The Domestic Abuse Act 2021 defined domestic abuse as any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence or abuse between those aged 16 or over who are, or have been, intimate partners or family members regardless of gender or sexuality. The abuse can encompass, but is not limited to psychological, physical, sexual, financial or emotional.

For the definition to apply both parties must be 16 or over and “personally connected” which means that they are:

* Married to each other
* Civil partners of each other
* Have agreed to marry each other
* Have entered into civil partnership agreement
* In or have been in an intimate relationship with each other
* Currently, or there has been a time when they each have had, a parental relationship in relation to the same child
* Relatives

A Learning Partnership

Herefordshire is a learning partnership and is committed to learning from cases that do not meet the criteria for Safeguarding Adult Review (SAR), Child Safeguarding Practice Review (CSPR) or Domestic Homicide Review (DHR), where there could be useful learning for organisations in Herefordshire.

Commissioning of Reviews

Any costs incurred in commissioning external reviews will be met from the Partnership Unit budget. Through a robust commissioning process, the Partnership Team will secure an Independent Reviewer with the relevant knowledge and skills for each particular review. The Partnership Manager (as budget holder) must be consulted before any expenses are incurred.

Should there be insufficient budget remaining contributions will be sought from statutory partners divided as per their annual percentage contribution.

1. **Purpose of Reviews**

Reviews should seek to prevent or reduce the risk of recurrence of similar incidents. They are not conducted to hold individuals, organisations or agencies to account, as there are other processes for that purpose, including through employment law and disciplinary procedures, professional regulation and, in exceptional cases, criminal proceedings.

These processes may be carried out alongside reviews or at a later stage.

The overall purpose of a review is to identify improvements to practice. To do this a review should:

* establish whether there are improvements to practice to be made and what can be learned from the case
* identify what those improvements are, how they will be acted upon and what is expected to change as a result
* inform and improve local inter-agency working
* review why the incident happened in the context of the overall system and the effectiveness of the system
* focus on impact, evidence, assurance and learning.
1. **Role, Function and Responsibilities of the JCR Group Members**
* Determine if submitted cases which may fall into one or more of the Reviews described above and gather information to determine whether the case meets the criteria for a CSPR / SAR / DHR.
* Scoping is requested from all agencies known to be involved in an individual case that has been referred for consideration as to whether the relevant ‘Review’ criteria is met.
* Scoping requires those agencies to co-operate with the relevant Partnership or Board. Such agencies are required to scope their records and provide a brief analysis of practice for the period under review, including any significant events that in the professionals’ judgment, are relevant but are outside the review period.
* Scoping should be completed in the timescales requested to inform the Rapid Review process.
* Rapid Reviews are required under Working Together 2018 Statutory guidance.

In Herefordshire, the “Rapid Review” process has been agreed by the Safeguarding Adult Board and Community Safety Partnership and as the most effective way of determining if a case meets criteria for either a SAR or DHR with the added advantage of identifying learning earlier..

* Following completion of a Rapid Review, the JCR chair will make a recommendation to the Safeguarding Children Partners or the relevant chair regarding the decision as to whether a CSPR/SAR/DHR should be undertaken. In addition, the report to the Partners or Chair will include the rationale for the decision, what the immediate learning from the case is, recommendations and actions required to be taken and by whom. As well as whether any other activity, such as any single agency actions or audit is required.
* N.B. With regard to Rapid Reviews involving children, if the criteria for conducting a CSPR are met and additional audit or other learning activity, such as a roundtable is convened, then this is considered to be a CSPR (Working Together 2018) not an alternative review.
* Where a potential case could fall into the criteria for more than one type of review, the JCR group will consider whether the needs of the case could be covered by a Joint Review (for example DHR / SAR) andwill recommend to the relevant board chairs which type of review should be conducted. This recognises the different legislative frameworks under which each review is conducted but aims to minimise impact on resources and impact on families by avoiding duplication.
* Draft terms of reference for reviews, and make recommendations on proportionality or methodology for such reviews to the Safeguarding Partners or Chairs.
* To liaise with the commissioned Independent Reviewer to finalise the Terms of Reference, following input from relevant family or carers; and relevant stakeholders
* Review draft reports and provide feedback in the requested timescales
* receive, review/challenge /develop and implement recommendations arising from reviews
* Through the commissioning process (including the North East Procurement Organisation) the nominated JCR members and Partnership Team Officer will approve the appointment of the Independent Reviewer for each CSPR / SAR / DHR commissioned.
* Select and approve a panel to oversee the review process. The Panel must include, system leads with appropriate skills and expertise specific to the case under review. Panel members must be independent of the case under review and not be the Authors for the case in question.
* Approve the Overview Report and any Executive Summary prior to submission to the relevant Board / Partnership, ensuring relevant quality markers are met
* Identify and share learning from national reviews and local learning from reviews conducted in other areas.
1. **Role, Function and Responsibilities of the Partnership Team**
* Overseeing the quality and progress of reviews, including review reports.
* Media planning and publication planning of reviews
* Disseminate learning as relevant within the partnership (through the JCR sub group representatives) and wider workshop using a range of methods and mechanisms, including the joint multiagency safeguarding agency training and development pathway.
* Ensure that the findings/learning inform policy and procedure development as relevant and audit and assurance activity (including connectivity around assurance with the HSCP Quality & Effectiveness Sub-group) to improve safeguarding practice.
* Monitoring progress on actions arising out of review activities.
* Actions to be included as part of case review discussion at JCR sub group meetings and included in the action log.
* Submit completed CSPR to the National Panel of Experts at least 7 days before publication
* Submit completed DHR report to the Home Office
* Submit completed SAR reports to the regional / national repository
1. **Membership and Chairing Arrangements**

A chair and vice chair will be appointed for a period of no less than two years and reviewed after two years. The chair must be a full member of the Executive Board of either HSCP, HSAB or CSP, ideally they must have expertise across both the adult and child safeguarding agenda’s.

The Chair should not have been directly involved in the case under review or had direct Line Management responsibility for those directly involved in the case.

The following organisations/sectors will be represented as ‘standing’ members within the group. Other’s with relevant expertise will be requested to attend as appropriate:

**Health**

* Herefordshire and Worcestershire CCG
* Herefordshire and Worcestershire Health and Care NHS Trust
* Wye Valley NHS Trust

**Local Authority**

* Children and Families (Head of Service within Children’s Social Care)
* Children and Families (Education)
* Adult and Communities (Head of Service within Adults Social Care)
* Public Health

**West Mercia Police**

**Other Organisations/Sectors**

* Probation – when appropriate
* West Mercia Youth Justice Service – when appropriate
* Hereford & Worcester Fire and Rescue Service
* Housing representative(s)

**In attendance**

* Partnership Officer
* Partnership Support Officer
1. **Attendance**

The JCR Group will meet quarterly for Business Meetings. There will be additional meetings in respect of Rapid Reviews. Other meetings such as Panel Meetings will have specific nominated membership and will be convened as set out in the Terms of Reference.

Attendance at the sub-group is a statutory responsibility (duty to co-operate) and priority for partnership organisations. If a sub group member misses two of the previous three meetings without ensuring an appropriate deputy is able to attend, the JCR Chair will write to that member along with their organisational Board / Partnership representative to remind them of their obligation to attend meetings.

If the matter continues then the Chair will escalate to the respective Board / Partnership Chair representative to request a solution, such as a permanent replacement.

In addition to the duty to attend meetings and to contribute to discussions, members will have the additional responsibility to ensure that members of their own agency who contribute to a review are appropriately briefed, trained, prepared and supported.

1. **Referral Process~~es~~**
	* 1. Any agency becoming aware of the existence of a case that may meet the respective criteria for a review in relation to multi-agency practice or safeguarding learning must refer the case to the JCR Group for consideration. The agreed referral form should be completed without delay and sent to the Partnership Team.

***Referrals for decisions as to whether the case meets the criteria for a review should be approved by the organisational safeguarding lead prior to submission to the JCR Group for consideration***.

***Following receipt of a referral, cases are reviewed according to the Scoping Decision Flowchart (See appendix)***. This allows for transparency of decision making and provides a clear rationale if referrals are declined at this stage.

* + 1. In most cases, following receipt of a referral, scoping templates will be sent out to the relevant organisations. The scoping template will clearly state the expected return date for the template. A date for a Rapid Review meeting will be sent at the same time.
		2. All agencies will complete the scoping document, providing a brief analysis and summary of the case. To include: whether they have had any contact with the named individual or family; key points of involvement and decisions made; and any factors that may lead to review being required, either coming from their own agency’s involvement or from concerns about multi-agency working.(See West Midlands Documentation).
		3. Completed scoping documents should be returned to the Partnership Team within the timescale. Non receipt will be escalated to the relevant Board / Partnership member.
		4. The case is then discussed at the Rapid Review meeting and a recommendation made as to whether the case meets the criteria for a statutory review; or whether any other actions need to be taken. Once the JCR’s recommended decision has been ratified the Partnership Team Officer on behalf of the JCR Group Chair / will notify the referrer of the decision.
		5. The outcome of the recommendation is reported back to the next JCR meeting as well as reporting to the relevant Strategic Board.
1. **Monitoring effectiveness**

The group will monitor performance against these terms of reference annually. In particular this will include:

* seeking assurance from partner organisations (the relevant agencies for HSCP, HSAB and CSP) that they have implemented the learning from Reviews, including multi-agency and single agency recommendations and actions taken to address these.
* provide evidence as to progress
* any mitigating actions
* evidence of impact (improved practice/outcomes for children, young people, adults (with care and support needs) and victims of domestic violence and abuse).

In addition, the group will evaluate whether the subgroup has met its identified objectives and responsibilities. This will inform the annual reports for the HSCP, HSAB and the CSP.

**Panel Responsibilities when undertaking a Review**

The role of the Review Panel is to agree the terms of reference, review the progress of enquiries, consider all data being submitted before the Panel, give consideration to the findings and conclusions and make recommendations in relation to what action is required to address the learning identified.

It is expected that all Review Panel members will attend each Panel meeting. Each Review Panel member has a key role and professional responsibility within the statutory Review process. Agencies must be robust in selecting their nominated panel member and be clear on time commitment for the panel meetings and involvement in the review including preparation between and for panel meetings. It is imperative to the integrity of the review process to ensure it is quorate at each meeting of the Review Panel meetings; and that there is continuity.

Once the Review Panel is established, nomination of any deputy panel member is only permitted under exceptional circumstances. It is a requirement for the panel members to prepare for each panel meeting thoroughly and input in other ways that the Review Panel Chair or Overview Report Author may require.

The Review Panel will be quorate when the police, health and local authority representatives are present, together with the Chair and will meet on average between 3 and 6 times during the course of the review.

Each Panel member must be of requisite seniority to be able to fully secure their organisation’s full participation in the Review. This includes supporting the Panel Chair to convey any urgent learning points emerging from the review while it is in progress.

The panel member must not have been directly involved in the first line management or frontline care of the individual (s) concerned.

At its initial meeting the Review Panel will confirm:

* The detailed terms of reference and if necessary ask for clarification from the Learning and Review Subgroup Chair.
* The information required from each participant.
* The support and other resources needed, any perceived deficits to be referred to the Learning and Review Subgroup Chair.
* Dates, times and venues for meetings.
* The nature and extent of legal information required, in particular any Data Protection considerations.
* Confirmation of who will be responsible for liaising with family members and when this should be undertaken within the process. This is usually the Independent Author and one other panel member.

A statutory Review is a forum for formal information sharing and all members of the Review Panel will be expected to **critically analyse all the information presented**.

Subsequent meetings of the panel will receive the IMR, request any additional information or seek necessary clarifications.

On the basis of the above analysis, the Review Panel will undertake an assessment of good practice, what might have been done differently or better and recommend how to embed this learning into practice or procedures.

They will then agree the content of the Overview Report prior to its drafting, having overseen the collation of the findings.

The Review Panel will support the Independent Author to formulate and then finalise recommendations as part of the Overview Report which will indicate:

* What action is required to meet each recommendation
* Who will be responsible for the various actions
* The intended outcome of the various actions and recommendations
* The means of monitoring and reviewing intended improvements in practice and/or systems

The Review Panel will meet to consider, amend as necessary and finalise the Overview Report prior to its submission to the Joint Case Review Subgroup Chair.

*N.B. Whilst the report remains confidential, there is an expectation that an organisations Executive/Director (depending on the governance arrangements in place in a particular organisation), will have had sight of the report and will have been informed by the Panel member of any organisational concerns or learning as they emerge during the review.*

The Joint Case Review Subgroup will meet to consider, amend as necessary and ratify the Overview Report prior to its submission to the relevant Board/Partnership Independent Chair/Scrutineer

The final Overview Report and Executive Summary will be forwarded to the relevant Board/Partnership Independent Chair/Scrutineer for approval and presentation at relevant Board/Partnership for sign off.

Once the recommendations and the action plan are agreed it will be the responsibility of the relevant Board/Partnership Subgroup to monitor the implementation of action plans.

**JCR Group Responsibilities when a Review has concluded**

**Disseminating and sharing learning from the review**

JCR members will be responsible for ensuring the identified improvements are implemented locally, including the way in which organisations and agencies work together.

The Partnership Team will develop a clear plan for disseminating and sharing the learning from the review. This will be shared with all relevant agencies. The Partnership Team will develop the appropriate ‘tool’ for sharing the learning, (for example a webinar/7 minute-learning briefing/success review) prior to publication. Subject experts may be requested to contribute where appropriate. JCR Members will be expected to ensure learning is shared across their organisation as appropriate using the tools provided. This may be as part of wider learning and development sessions/workshops, supervision or reflective sessions, for example

It is the responsibility of the agencies who have participated in the review to ensure their agency recommendations are - implemented and used to make improvements to practice and the effectiveness of their safeguarding arrangements. Evidence on this and the impact of improvement is reported to JCR.

**Monitoring progress**

The Partnership Team on behalf of JCR will regularly monitor, review and follow up actions to ensure improvement is sustained including evidence of their effectiveness and evidence of impact on practice.

1. **Agenda and papers**

## The Partnership Team will support the administration of this group and will be responsible for liaising with the chair and ensuring that agendas and papers are sent out in a timely fashion.

The Partnership Team Officer or Manager will review all submitted documents prior to dissemination to members. The purpose is to quality assure that the documents meet the requirements and purpose of the meeting and that all information requested or required is available. Where there is doubt as to whether the meeting will be able to conduct its business, for example, if essential information is missing, then the Partnership Officer will discuss with the JCR Chair / Vice Chair whether the decision needs to be taken to cancel the meeting and re-arrange.

This will be reported to the relevant Executive Board Leads if necessary, i.e. if the agency has not completed the required scoping to the standard needed and/or a meeting is cancelled as a result.

## Agendas and papers will be made available to the members of the sub group five working days before the meeting. It is the responsibility of any person producing papers for the meeting to ensure it is with the Partnership Team seven working days before the meeting.

## Minutes of the meetings will be made available to the members within 10 working days of the meeting.

Links to: Working Together 2018

 Care Act 2014

 Domestic Homicide Review Guidance

 Localised Multi-Agency Handbook

Appendix-Rapid Review Process