



# **National Guidance** for Child Protection Committees Undertaking Learning Reviews



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## Changes made in 2024

Following the publication of this Guidance in 2021, the Learning Review Implementation Group have worked hard to support the implementation of the guidance across Scotland.

During this time the Group have considered feedback on the implementation of this Guidance and in 2024 have revised the Guidance to reflect necessary updates and developments.

The table below shows the updates that have been made, colour-coded as follows based on the significance of the change:

**Blue:** Significant additions or amendments (SA) that might require a change in practice

**Orange:** New text (NT) to be aware of

**Yellow:** Minor amendments (MA) or additions to existing sections

| 2021 location     | 2024 location           | Level of change | Update  |
|-------------------|-------------------------|-----------------|---|
| Chapter 2, page 5 | Chapter 2, page 5       | SA              | Split out into separate sections the criteria for when a child sustained or is at risk of significant harm and when a child has died.   |
| Chapter 2, page 5 | Chapter 2, page 5       | MA              | Updated National Child Protection Guidance link to 2023 version.  |
| N/A               | Chapter 2, page 5       | NT              | Addition to Learning Review criteria in the case of the child being managed under Care and Risk Management (CARM) processes and causing harm to another person or themselves. |
| N/A               | Chapter 2, page 6 and 7 | NT              | Added references to Scottish Children's Reporter Administration (SCRA) processes.   |
| Chapter 2, page 8 | Chapter 2, page 8       | MA              | Amendment to include link to National Hub's National guidance when a child or young person dies.  |
| N/A               | Chapter 2, Page 8       | NT              | Additional wording on how to contribute to the National Hub Core Review Data Set.   |
| N/A               | Chapter 3, page 9       | NT              | Additional wording to reflect importance of early discussions between multi-agency partners.  |
| N/A               | Chapter 3, page 9       | NT              | Additional wording on initiating a Learning Review when a child has died, ensuring CPCs consult with the partnership's Child Death Review Group to minimise duplication.      |

|                    |                    |    |   |
|--------------------|--------------------|----|---|
| N/A                | Chapter 3, page 11 | NT | Additional wording to give consideration to cross-border placements of high risk children during cross-border Learning Reviews.                                 |
| N/A                | Chapter 3, page 11 | NT | New heading on involving Adult Protection Committees when the review involved a young person over 16.   |
| Chapter 3, page 13 | Chapter 3, page 13 | NT | Additional wording to ensure any learning gathered from cases which do not meet the criteria for a Learning Review is still shared.                             |
| Chapter 3, page 13 | Chapter 3, page 13 | MA | Updated link for the Care Inspectorate's Quality Framework for Children and Young People in Need of Care and Protection.  |
| Chapter 4, page 20 | Chapter 4, page 20 | MA | Updated Annex number from 6 to 5.   |
| Chapter 4, page 21 | Chapter 4, page 21 | NT | Additional wording on who is the data controller when writing the Learning Review Report.   |
| Chapter 4, page 21 | Chapter 4, page 21 | MA | Updated number on Annex from 1.6 to 1.5.  |
| Chapter 4, page 22 | Chapter 4, page 22 | MA | Bolded sentence to underline importance of ensuring learning is still shared even if a report is not published.   |
| Chapter 4, page 24 | Chapter 4, page 24 | SA | Addition of final step for alternative learning and minutes to still be shared with the Care Inspectorate even when a Learning Review has not been carried out. |
| Chapter 5, page 26 | Chapter 5, page 6  | NT | Additional wording on the role of the Care Inspectorate.  |
| Annex 1, page 28   | Annex 1, page 28   | MA | Addition of CPC abbreviation.   |
| Annex 1, page 29   | Annex 1, page 29   | SA | Split into separate sections the criteria for when a child sustained or was at risk of significant harm and when a child has died.                              |
| Annex 1, page 30   | Annex 1, page 30   | MA | Signposted to Learning Review Notification in Annex 1.1.  |
| Annex 1.2, page 34 | Annex 1.2, page 34 | MA | Amendment from "to conduct" to "for consideration" to reflect that a decision might be taken to not conduct a Learning Review.                                  |
| Annex 1.3, page 37 | Annex 1.3, page 37 | MA | Combined Annex 1.3 and 1.4 so there is one form for Learning Review Recommendation and Decision Template.   |
| Annex 1.4, page 39 | Annex 1.3, page 39 | MA | Combined Annex 1.4 with 1.3.  |

|                       |                       |    |  |
|-----------------------|-----------------------|----|--|
| Annex 1.5,<br>page 42 | Annex 1.4,<br>page 42 | MA | Updated Annex number due to combining Annex 1.3 and 1.4  |
| Annex 1.6,<br>page 43 | Annex 1.5,<br>page 43 | MA | Updated Annex number due to combining Annex 1.3 and 1.4  |
| Annex 1.6,<br>page 43 | Annex 1.5,<br>page 43 | MA | Updated to include full terms of reference, rather than requiring the drafting of a summary of the terms of reference. |
| Annex 2,<br>page 45   | Annex 2,<br>page 45   | MA | Grammatical edit.  |
| Annex 2,<br>page 46   | Annex 2,<br>page 46   | MA | Grammatical edit.  |
| Annex 2,<br>page 46   | Annex 2,<br>page 47   | MA | Grammatical edit.  |
| Annex 2,<br>page 49   | Annex 2,<br>page 49   | MA | Grammatical edit.  |
| Annex 2,<br>page 50   | Annex 2,<br>page 50   | MA | Spelling out "Learning Review".  |
| Annex 3,<br>page 54   | Annex 3,<br>page 54   | SA | Updated National Child Death Review and Learning Hub Process Map.  |

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## Ministerial Foreword



Learning from cases where children have died, been significantly harmed or put at risk of significant harm is a vital part of an effective and improving child protection system.

Reflecting on learning enables agencies to identify good practice in protecting children, and to ensure that any necessary practice changes are made, not only in the area where the harm occurred, but throughout the country to better protect children in the future.

The 2017 Child Protection Systems Review highlighted the need to “move beyond apportioning blame to learning together about what is helping and what is hindering efforts to help children.” This new Learning Review Guidance, which replaces the National Guidance for Child Protection Committees - Conducting a Significant Case Review (2015), supports reflection, learning and improvements in systems and practice by reviewing events when children or young people have been harmed, placed at risk of harm, or where effective practice has prevented harm or risk of harm.

Learning Reviews are more proportionate, flexible and timely to ensure that learning is relevant to the current practice context and is more systematic in approach, moving beyond any shortcomings and seeking to understand why events took place, with a strengthened focus on how learning can be actioned and implemented. The new model has a greater focus on involving families in the review process, engaging practitioners throughout the review period and establishes a standardised approach to conducting reviews in cases that involve criminal proceedings.

The Scottish Government has established a group in partnership with Child Protection Committees Scotland, to support local areas to implement the new model. Our collective efforts are key to supporting a culture of learning and continuous improvement in this critical area.

A handwritten signature in black ink that reads "Clare Haughey".

**Clare Haughey MSP**  
**Minister for Children and Young People**

# 1. Introduction

This guidance replaces the National Guidance for Child Protection Committees – Conducting a Significant Case Review (2015). All references to ‘Initial Case Review’ and ‘Significant Case Review’ in other current policy and guidance documents will be understood as referring to a ‘Learning Review’ as defined by the present guidance.

This guidance is primarily intended for members of Child Protection Committees (CPCs) across Scotland, whilst it also has relevance for Chief Officers Groups, the Scottish Government and the Care Inspectorate. However, it should also be read and understood by a wide multi-agency audience.

Protecting children and young people is an inter-agency and inter-disciplinary responsibility overseen by CPCs and it is the CPC, on behalf of the Chief Officers Group, that decides whether a Learning Review is warranted and agrees how the review is conducted.

The overall purpose of a Learning Review is to bring together agencies, individuals and families in a collective endeavour to learn from what has happened in order to improve and develop systems and practice in the future and thus better protect children and young people. The process is underpinned by the rights of children and young people as set out in the [United Nations Convention on the Rights of the Child](#) (UNCRC).

## Context

The Learning Review approach stemmed from Scotland’s commitment to strengthen its learning culture. In 2017 [Protecting Scotland’s Children and Young People: It is Still Everyone’s Job – Child Protection Systems Review](#) highlighted the need to “move beyond apportioning blame to learning together about what is helping and what is hindering efforts to help children”. The report made three recommendations in this regard, fully adopted by the Scottish Government’s Child Protection Improvement Programme, which informed the development of the present guidance.

The 2019 [Protecting Children & Young People - Child Protection Committee and Chief Officer Responsibilities](#) guidance states that Chief Officer Groups should be advised by the chair of the CPC of any cases that should be considered in respect of meeting the criteria for warranting a Review. Once agreed that there is a need to undertake a Review, the CPC should consider and agree how the Review is to be undertaken and who should lead the Review, and ensure that appropriate communication of the case has taken place in respect of key contacts. Once a Review is concluded, all findings and recommendations should be considered by the Chief Officers Group.

## Definition of a child

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.

A comprehensive definition is provided in the [National Guidance for Child Protection in Scotland](#).

## Supporting resources

In the [supporting documents](#) alongside this Guidance, there is a resource toolkit containing exemplars of reports and action plans and ideas for disseminating and embedding learning.



## 2. Key Features of Learning Reviews

The key features of a Learning Review are:

I. **Inclusiveness, collective learning and staff engagement**

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.

II. **Support for staff**

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.

III. **A systems approach**

The Learning Review does not stop at the points when shortcomings 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 points and how these will be actioned and implemented in future practice and systems

IV. **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.

V. **Timing and Timelines**

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.

## Underpinning principles and values

Learning Reviews are underpinned by the following core principles and values:

- they promote a culture that supports learning
- their emphasis is on learning and organisational accountability and not on culpability
- they recognise that a positive shared learning culture is an essential requirement for achieving effective multi-agency practice
- they are objective and transparent
- they are sensitive to the needs and circumstances of children, young people and families
- they ensure that staff are engaged and involved in the process and supported throughout the period of the review
- they recognise the complexities and difficulties in the work to protect children and young people and to support families
- they produce learning which can be disseminated, both at local and national level, so it directly impacts on and positively influences professional practice and organisational systems

## Creating the preconditions for learning

Learning Reviews are **not** investigations. They are an opportunity for in-depth analysis and critical reflection in order to gain greater understanding of inevitably complex situations and to develop strategies to support practice and improve systems across agencies. It is important, therefore, to create and sustain a positive shared learning culture throughout the process of the Review.

Reviewing complex situations can raise anxiety in individuals and organisations. This anxiety can block learning by generating defensiveness, with a consequent inability to review and reflect. In order to create the preconditions for learning it is essential that individuals who are part of the review process feel safe<sup>1</sup> so that they can begin to honestly consider what has happened and engage in appropriate and constructive questioning and challenge. This will then result in the development of ideas and realistic and realisable action plans. Clarifying objectives, setting out purpose and being transparent about expectations, based on a culture of respect and value for all professions and services, will help to minimise defensiveness and manage the inevitable anxiety within organisations, systems and individuals.

Effective leadership is crucial to creating the preconditions for learning. Chief Officers, who are accountable for all of the work of the Child Protection Committee, must promote and support national learning and improvement activity in the protection of children as a matter of course, providing leadership and guidance in relation to the need to carry out Learning Reviews.

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<sup>1</sup> Professional Development Group, University of Nottingham in Charles, M, Stevenson, O (1990)  
*Multidisciplinary is Different* University of Nottingham

## Criteria for undertaking a Learning Review

A Child Protection Committee will undertake a Learning Review in the following circumstances:

**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 conduct, or act of violence

Please be reminded that, following the establishment of the [National Hub for Reviewing and Learning from the deaths of Children and Young People](#), all child deaths should be reviewed (see page 8). A range of review processes are currently in place when a child or young person dies. Therefore early discussion between child/public protection leads, NHS Board and local authority implementation leads for child death reviews, and relevant senior officers from the local authority/Health and Social Care Partnership (HSCP), will be important to consider and agree the most appropriate review process.

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 young people.

This criteria does not preclude a CPC reviewing the death of a child pre-birth.

### **Parallel or other processes**

Learning Reviews are one of the many processes that exist to support continuous improvement. Where a child or young person is significantly harmed or has died and the criteria for a Learning Review have been met there may be parallel processes to consider due to the specific circumstances for that child or young person.

The parallel processes to be considered may include (this is not an exhaustive list):

- local authority report on the death of a looked after child
- NHS significant critical incident or significant adverse event reviews
- Drug-Related Death Review
- Fatal Accident Inquiries (FAI)
- police investigations
- report of death to the Procurator Fiscal
- ongoing criminal proceedings
- independent investigations by the Police Investigations and Review Commissioner
- death-in-prison learning audit and review held jointly within two weeks of a death in custody by the Scottish Prison Service and NHS
- Multi-Agency Public Protection Arrangements (MAPPA)
- Mental Welfare Commission Review
- Scottish Children's Reporter Administration (SCRA) - ongoing proceedings (possibly involving a children's hearing or court) following referral to the children's reporter
- local authority Serious Incident Reviews
- disruption meetings and Carer Review Panels that public and provider agencies hold internally when there is a significant detrimental event in a child's placement (including abusive)
- Sudden Unexplained Deaths in Infants (SUDI)
- Suicide Reviews

These processes have distinct purposes, and some are the subject of separate statutory guidance. No process is inherently more important and therefore expected to automatically take precedence, however where there are ongoing criminal proceedings or an FAI, or ongoing proceedings following referral to the children's reporter, the Crown Office and Procurator Fiscal Service (COPFS) may include conditions that impact on whether a Learning Review can be easily progressed or concluded. To help establish what status a Learning Review should have relative to other formal investigations there should be ongoing dialogue with Police Scotland, COPFS, Scottish Children's Reporter Administration (SCRA) or others to determine how far and fast the Learning Review process can proceed in certain cases. Good local liaison arrangements are important. Issues to be considered include how to:

- link processes
- avoid witness contamination
- avoid duplicate information being collected
- decide whether to postpone a Learning Review if a parallel process is running, and wait for the determination of the parallel proceedings

Where a case is subject to police investigations, court proceedings or proceedings following referral to the children's reporter, these should not inhibit the setting up of a Learning Review nor delay immediate remedial action being taken to improve services. It is important that the purpose of the review process, which is to support professional and organisational learning and to promote improvement in future inter-agency child protection practice, is understood and remains the focus. The COPFS and Police Scotland have a protocol which recognises that criminal proceedings can be managed simultaneously (see [Annex 2](#)). This is a National Protocol agreed by COPFS, Police Scotland and Child Protection Committees to provide a framework for the sharing of appropriate information generated through both processes wherever possible.

In all other cases, consideration must be given to the potential parallel processes listed above, with a multi-disciplinary meeting taking place to agree how best to proceed at the earliest opportunity, in order to minimise duplication and maximise learning. The Child Protection Committee will discuss the most appropriate review type and sequence with the body responsible for the parallel process.

These processes contribute to increasing confidence in public services, providing accountability and a level of assurance about how those services acted in relation to a situation concerning a child.

Confidence in the agreed process and a joint commitment to keeping the child and their family at the centre will ensure that a robust and shared learning culture takes place without delay.

## **National Hub for Reviewing and Learning from the Deaths of Children and Young People**

The National Hub for Reviewing and Learning from the Deaths of Children and Young People has been set up by the Scottish Government to ensure that the death of every child in Scotland is subject to a quality review and that there is a consistent approach and coordinated process for all local review activity that is undertaken in relation to learning from the circumstances surrounding the deaths of all children and young people in Scotland. The overarching purpose of the National Hub is to ensure that data generated from these reviews will inform national policy, education and learning and contribute to the prevention of child deaths in the future.

The National Hub, hosted by Healthcare Improvement Scotland and the Care Inspectorate, will ensure reviews are conducted on the deaths of all live born 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.

When a health board or local authority is notified about the death of a child or young person there should be clear governance arrangements and processes in place to determine the appropriate review mechanism. Engagement must take place early in the process with any other organisations involved in the child or young person's care to reach a decision about the most suitable review process. All organisations and agencies involved should work together to undertake one single review wherever this is possible and appropriate. The rationale for deciding which review process should be carried out should be clear, take into consideration any statutory, legal, or national requirements, and be reached in a timely manner. A National Child Death Review and Learning Hub process map can be found at [Annex 3](#).

The National Hub for Reviewing and Learning from the Deaths of Children and Young People guidance sets out the implementation processes for health boards and local authority areas when responding to, and reviewing, the death of a child or young person. Whilst organisations can establish their own structure and process for reviewing the deaths of children and young people, they should ensure the local processes align to this. National Hub Guidance, titled 'National Guidance when a Child or Young Person Dies' can be found [Healthcare Improvement Scotland's website](#).

## **National Hub Core Review Data Set**

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. The Core Review Data Set is included in the National Hub for Reviewing and Learning from Deaths of Children and Young People – National Guidance for when a Child or Young Person Dies.

This dataset information will enable the consistent gathering and analysis of data on all child deaths across Scotland. Only one dataset should be completed per child/young person. The local area child death review group should agree who will be best placed to do this. Core review dataset information should be completed online and uploaded to the National Hub via the secure electronic portal. NHS Board and local authority implementation leads for child death reviews have been provided with information on how to access to the portal. For more information, contact the National Hub team at [his.cdrnationalhub@nhs.scot](mailto:his.cdrnationalhub@nhs.scot).

More information about the core review dataset can be found on [Healthcare Improvement Scotland's website](#).

### 3. Initiation of a Learning Review: The Decision-Making Process

Child Protection Committees should have in place mechanisms for deciding whether or not to initiate a Learning Review. The decision-making process should embody the key features of proportionality and timeliness. As a range of review processes are currently in place when a child or young person dies, early discussion between child/public protection leads, NHS Board and local authority implementation leads for child death reviews, and relevant senior officers from the local authority/HSCP, will be important to consider and agree the most appropriate review process. When considering a Learning Review which relates to the death of a child, Child Protection Committees should consult with the partnership's Child Death Review Group to ensure that duplication is minimised. This consultation should continue until the CPC has reached a decision as to undertaking a Learning Review or not.

Any member of the Child Protection Committee, agency or practitioner can raise a concern about a case which it is believed meets the criteria for a Learning Review and submit a notification to the CPC (a link to a notification form template is at [Annex 1.1](#)). On receipt of this notification the nominated person or sub-group within the CPC should request further information from agencies involved with the child and family or who may support the understanding of the situation (a link to a template is at [Annex 1.2](#)). The purpose of information gathering at this stage is to make a decision about whether or not to proceed with a Learning Review with reference to the criteria as specified in the previous section and therefore the data gathered should be only enough to make that decision. It will include a brief account of agency involvement prior to the event which triggered the notification and some very initial reflection regarding practice and decision-making within that agency.

After consideration of the gathered data the nominated person or sub-group will then make a recommendation to the CPC on whether or not to proceed with a Learning Review. The recommendation will contain the following information (a link to a template is at [Annex 1.3](#)):

- a brief outline of the case and the basis for referral
- the current circumstances of the child and family and what actions have been taken
- any other formal proceedings underway including criminal investigations or ongoing criminal proceedings

The subsequent decision on whether or not to proceed with a Learning Review will be accompanied by (a template for a Learning Review Decision is at [Annex 1.4](#) and a Learning Review Notification Response is at [Annex 1.5](#)):

- (if yes) proposed terms of reference of a Learning Review, as well as a Family Liaison Strategy for ensuring appropriate communication and support (see [section 4](#) and [Annex 4](#))
- (if not) consideration of an alternative approach for learning (see the section on [‘If a situation does not meet the criteria for a Learning Review’ page 10](#))
- an assessment of the likely communication and media issues, as known at the time

The Chief Officers Group should be informed of the recommendation and of the subsequent decision about whether to proceed with a Learning Review or the reasons for not doing so.<sup>2</sup> The Care Inspectorate will also be informed. This will be done via an [electronic notification form](#).

If the decision is to go ahead with a Learning Review then a review team will be established, and a Chair and Reviewer(s) appointed.

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<sup>2</sup> In line with Scottish Government (2019), [Protecting Children & Young People - Child Protection Committee and Chief Officer Responsibilities](#), section 2.9.

## Potential media interest

Consideration of potential media interest should be discussed by the CPC and Chief Officers Group (COG). When cases are likely to attract high public and media interest, a strategy should be prepared allowing for a range of scenarios. Media statements should make it clear that the purpose of the review is learning and not culpability.

When dealing with Learning Reviews which are likely to attract high levels of media attention CPCs and Chief Officers Groups should consider the impact on the staff and families involved in the review, advising and supporting them as much as possible. This includes those likely to be approached by the media for statements or who may be put forward as spokespersons. Whilst general media training or coaching is helpful it can be more effective to hold training sessions focused on the specifics of the Review in question.

It is advisable that key local and national partners, particularly the Scottish Government, are made aware that media enquiries are anticipated, including when the decision is not to proceed with a Learning Review. This may include sharing the strategy and any pre-prepared statements with them so that they can provide an informed and agreed response.

The email address for informing and liaising with the Scottish Government is:  
[child\\_protection@gov.scot](mailto:child_protection@gov.scot)

## Timeframe for the initial decision-making process

The timeframe for this initial decision-making stage will vary depending on the situation being considered. However, timeliness is important, so that any learning arising is relevant to the current practice context. Clear systems and mechanisms for arriving at a decision will facilitate and expedite the process. It is suggested that 28 to 42 days from the receipt of a referral would be an appropriate and realistic timeframe for the completion of this initial process.

## More than one Child Protection Committee is involved

In the case of a potential cross-authority Learning Review within Scotland, the relevant CPC Chairs should meet and agree a mechanism for joint working, including which CPC should take the lead and if required, joint commissioning of the Reviewer and agreement on the composition of the Review Team. It will also be important that clear channels are identified for how information is shared across local authorities. Any disputes (between local authorities) should be escalated to the relevant Chief Officers Group for consideration.

In the case of a potential cross-border Learning Review, the CPC Chair should meet with the relevant Chair of the Safeguarding Children Partnership (in England) or with the Chair of the Regional Safeguarding Children Board in Wales or the Chair of the Safeguarding Board for Northern Ireland to agree a mechanism for joint working. Any cross-border Learning Review should include an examination of how cross-border placement of high-risk children and young people can be supported in the future.

## Involving Adult Protection Committees

If the subject of a review is a young person over 16, the potential relevance of adult protection processes and legislation must be considered. The Adult Support and Protection Committee should therefore be contacted and consulted. Consideration should be given to the Review team including adult protection membership.



## More than one child

There may be cases where more than one child has died or sustained significant harm as a result of abuse, harm, neglect or exploitation and each child is the subject of the same Review. The review process must consider each child's perspective and experience individually but ensure that learning arising from the children's circumstances is brought together in one Learning Review report at the conclusion of the Review.

## The Learning Review and other formal staff processes

If any issues of staff malpractice or competency emerge during the course of a Review these should be referred to and managed by the relevant agency's own staff procedures. Learning Reviews are about multi-agency learning in order to improve future practice. They are not investigations or a means of dealing with complaints.

## If a situation does not meet the criteria for a Learning Review

There will be some situations where, after careful consideration, it is decided that the criteria for undertaking a Learning Review have not been met. However, the situation may contain some valuable reflective learning for practitioners and services and therefore it is important that CPCs give consideration to what might be learned and how that learning can be disseminated to the multi-agency workforce.

There are several ways in which this learning can be accessed such as facilitated multi-agency or single agency reflective sessions or other quality assurance or evaluation processes. Whatever the approach they are all part of a continuous programme of learning and development. They should be considered as part of the Learning Review process. As such they need to conclude with a short and succinct report identifying key learning and if appropriate, some multi-level strategies for changing, improving, or strengthening practice in the future and for sustaining effective practice. Learning points should be aligned to the quality indicators set out in the [Care Inspectorate – A Quality Framework for Children and Young People in Need of Care and Protection \(2022\)](#).

## 4. Undertaking the Learning Review

### A systemic approach

This guidance is not prescribing a model for undertaking a Learning Review as it is recognised that CPCs have a variety of review models that work well for them. However, it is important to emphasise that a Learning Review is a collective endeavour and that, whilst the detail of how a review is undertaken may vary, all reviews must adopt a systemic approach. Such an approach goes beyond individual or professional practice to explore underlying systemic factors, the links with organisational factors and the wider contexts. The central idea is that any professional's performance is a result both of their own skills and knowledge, and of the organisational setting in which they are working. A Learning Review, therefore, must focus on understanding how people saw things at the time, why things happened as they did, what belief systems were operating and how capabilities and capacity were affected by the roles and positions adopted by family members and other professionals, together with the emotional impact of the work and the resources available.

An effective systemic model has the following components:

- it is truly participatory and collective, involving all relevant professionals, managers, agencies, and families
- all participants in the Review contribute to the critical reflection and analysis of the situation under review and the development of strategies to support practice and improve processes and systems across agencies
- it adopts an analytical and evidence-based approach
- there is an appreciation that learning is not something 'done' to people but rather something that people themselves do and own
- it takes learning to a deeper level by examining systems, structures, and cultural and contextual factors
- it explores the interrelated and interdependent parts of different services and agencies and the impact this has had on the lived experience of the child who is the subject of the review
- it explores how user/human friendly systems are for children and families, as well as professionals
- it does not focus solely on what went wrong but also includes an examination and analysis of effective practice
- learning does not just come at the end of the Review once the report is published, there is a 'thread of learning' throughout the review process. The learning develops with each Review Team meeting and professionals' event, as hypotheses are formulated and tested, and issues identified and explored
- the learning from a Review is disseminated and implemented in practice and in systems at both a local and a national level

## The Review Team

When a decision has been made to proceed to a Learning Review the first step is to set up a Review Team. The Review Team manages the whole process of the Review and is a multi-agency group whose members should have a working knowledge of the relevant services involved in supporting children and families (including child protection and adult services), but, as far as possible, does not have direct involvement in the situation under review. Consideration must be given to ensuring a group size that is conducive to learning and joint working. The number and composition of the Review Team will be specific to each case and there may be situations where the initial membership will need to be adjusted after the first meeting of the Review Team, based on a better understanding of the situation under review. Nevertheless, efforts should be made to ensure consistent participation of all members throughout the Review and to keep membership changes to a minimum.

It is the Review Team's responsibility to ensure the Learning Review remains proportionate and focused and is conducted in accordance with the underlying principles and values set out in Section 2 of this Guidance.

The Review Team works together within a culture of collaborative problem solving to review and assess all information available; clarify issues for further exploration and to identify any gaps or deficiencies in the information available to the Review. The Review Team brings to the task the ability to reflect; to analyse and to look at the wider impact for practice and service delivery.

The Review Team consists of the separate roles of:

- the Chair
- team members
- the Reviewer(s)
- the Administrator

## The role of the Chair of the Review Team

The key components of the role of the Review Team Chair are to:

- consider whether there are parallel processes ongoing i.e. criminal proceedings/FAI. This will involve making enquiries to establish whether there is an ongoing criminal investigation or ongoing criminal proceedings (see [Annex 2](#))
- coordinate the identification and engagement of the relevant partners and suitable contributors to the Learning Review
- coordinate the work of the Review Team
- ensure that a clear and realistic timetable for the 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 review process
- ensure the review process has a consistent child-centred perspective throughout
- meet with family members alongside the Reviewer as appropriate
- attend practitioner and manager events alongside the Reviewer

## The role of the Review Team members

Members of the Review Team have an important role to play in the process and outcome of the Learning Review and therefore, it is important that they manage and prioritise different work demands so that sufficient time is allocated to the Review.

The main aspects of the role of Review Team members are to:

- attend the meetings of the Review team
- contribute to the collection and collation of information throughout the 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 Review that are required from their service or organisation
- identify those professionals within their service or organisation who will be part of the Review
- help participants to feel informed and supported when they enter the 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 Review report by critical and constructive appraisal

## The role of the Reviewer

The overarching role of the Reviewer is to facilitate and manage the learning emerging throughout the review process and to take responsibility for the production of the report at the end of this process which brings together all of the learning into a coherent whole.

The essential elements of the Reviewer's role are therefore to:

- 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 shortcomings of complex, multi-agency systems
- establish effective relationships with contributors to the Review
- effectively facilitate group work and manage complex group dynamics
- facilitate practitioner and manager events so that:
  - participants understand the purpose of the 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 children, young people, and their families
- pull together the learning and write the report, with the assistance of the rest of the Review Team

In some circumstances it may be appropriate to have two Reviewers. For instance, if a case is particularly complex or there is more than one child who is the subject of the Review, or sometimes as a means of increasing the competence and confidence of someone new to the role of a Reviewer. When there is more than one Reviewer it will be important that they work closely together and agree how tasks will be allocated.

### **The role of the Administrator**

To support and coordinate the Learning Review process it is essential that high quality administrative support is in place. The Administrator is an important member of the Review Team and the key aspects of this support role are to:

- administer meetings and events that are part of the Review, including scheduling Review Team meetings, booking venues, managing some financial arrangements, and supporting with other associated practicalities
- take minutes and notes of Review Team meetings and practitioner and manager events
- support the communications of the Review Team, including collating, distributing and storing documents and information as required

### **Skills, attributes, experience, and knowledge**

The skills, attributes, experience, and knowledge associated with the various roles within a Review Team are outlined in [Annex 5](#), which is intended to support the local process of appointment and, where suitable, the specific training and coaching arrangements. These will be dependent on the nature of the Review and the requirement of the Child Protection Committee and Chief Officers Group.

### **Enabling factors within the wider context**

A supportive Chief Officers Group is an essential enabling factor in ensuring that Learning Reviews are effective and fulfil their purpose. This means the Chief Officers Group taking ownership of and a constructive interest in the review process, findings and learning, with strategic level commitment to implement the actions and learning stemming from the Review.

There needs to be sufficient budget in place to resource Learning Reviews, for example if an Independent Reviewer is needed or for coaching and training staff in Learning Review methodology, as well as to support wider learning opportunities across areas. Staff time must be made available to the Learning Review process and recognition that Review Team members may need to devote multiple days to the Review over and above their day-to-day work responsibilities.

### **Terms of reference**

Terms of reference are a guiding statement which define the scope of the Learning Review. Terms of reference should reflect the rationale for undertaking a Review and be relevant and specific to the situation under review. Based on the information known at the time, proposed terms of reference will have been drawn up at the point a recommendation is made to the Chair of the CPC to proceed with a Learning Review. It should be noted that terms of reference are a living document and, once the Review is underway, may need to be amended as further information is collated by the Review Team. The CPC should be informed of and in agreement with any changes to the terms of reference.

The final terms of reference will be included in the Learning Review report at the completion of the Review.

## Collecting and collating further information

The preparation of single agency chronologies is an important first step in the collection and collation of further information. The decision about how far back to go in terms of the timeframe preceding the incident will, to a certain extent, be dependent on the situation under review. However, in the interests of proportionality, timing, and timeliness the guiding principle must be that chronologies cover as short a timeline as possible. In most instances two to three years preceding the incident should be sufficient. If agencies and services have been involved with a child and their family for many years, then a brief summary of that earlier involvement should be prepared.

Chronologies might not necessarily conclude at the point of the precipitating incident. Sometimes the responses of agencies in the immediate aftermath will provide useful learning and should be part of the Learning Review.

Once single agency chronologies have been compiled, they will be merged, thus providing the Review Team with an overview of the situation from which issues can be identified and questions developed in order to begin to explore what happened in the situation under review. Information on systems, structures, and cultural and contextual factors will also be explored in order to enhance the overview of the situation.

As the Review progresses gaps in information will emerge and it is the responsibility of Review Team members to facilitate the gathering of any additional information or access to other pertinent documents. This will ensure that the Reviewer and the Review Team have sufficient information to conduct the Review.

## Managing emerging issues and challenges during the Review

There may be instances, when, during the course of a Learning Review, an issue arises that may challenge or confuse or add further complexity to the review. If this should happen it is important that the Terms of Reference are revisited, potentially leading to pausing the review process in order that the Review Team consider sources of advice and an appropriate strategy for moving forward. If it is likely that an issue or challenge will delay the review reaching its conclusion then the CPC and the COG must be informed.

## Engaging the family in the Review process

A Learning Review is a collective endeavour to bring together agencies, individuals, and families to learn from what has happened in order to better protect children and young people in the future. As the family are, therefore, integral to Learning Reviews, the Review Team must consider how to involve them in the process in a meaningful and sensitive way by developing a Family Liaison Strategy as per [Annex 4](#).

The purpose of engaging with the family is to explore their perspective and to elicit their opinions about the practitioners and services who were involved in their lives. This will include what they found helpful or unhelpful and their suggestions for how services to children and families could be improved. Their thoughts, opinions and feelings contribute to the overall learning of the Review.

Careful consideration should be given as to who constitutes the family group. This will differ from Review to Review but may include:

- parents
- step parents
- carers
- siblings
- grandparents
- aunts and uncles
- the child/young person
- other significant family members, including partners or spouses
- close family friends

The family should be informed as soon as possible that a Learning Review is being undertaken and the purpose of that Review should be clearly stated. Inviting them to take part in the Review must be done sensitively. If there are professionals still involved with the family then they may be involved as appropriate in explaining to families the purpose of the Review and ascertaining their wishes as to if, how and when they want to be involved.

If family members wish to participate in the Learning Review, then a decision will be made as to who, from the Review Team, should meet with them and where. Usually this would be the Reviewer accompanied by either the Review Team Chair or a Review Team member. Where and how to meet will be dependent on the wishes of the family; it may be at the family home or at a neutral venue or online. It is also important to note that it may not be appropriate to meet all family members at the same time. There may have to be more than one meeting.

It is helpful if meetings with the family can be arranged before any practitioner events or managers' events. This means that the family views can be taken into those forums for reflection and discussion.

At the end of the review process arrangements should be made to feedback to the family the conclusion of the Review, the learning contained within the report and any strategies to improve practice and systems in the future. Again, this must be approached in a sensitive manner as the family may not agree with the findings of the Review. The family should also be asked how they found the process of the Review itself and their feedback should inform the conduct of future Learning Reviews.

The feedback may have a number of functions for the family. It may provide validation or reassurance, but it may also cause distress or revive painful memories. In some circumstances support from professionals may need to be available to family members.

Families and others involved in Learning Reviews may well be suffering from trauma. There is a commitment to ensuring that Scotland has a workforce that is fully aware of the impact of trauma, and is equipped to respond appropriately to people who have experienced trauma at any age. Information on this can be found at [Scottish Government: Adverse Childhood Experiences – Trauma Informed Workforce](#).

Scotland was one of the first countries in the world to develop a robust [Knowledge and Skills Framework for Psychological Trauma](#). This framework lays out the essential core knowledge and skills needed by all tiers of the Scottish workforce to ensure that the needs of children and adults who are affected by trauma are recognised, understood and responded to in a way which recognises individual strengths, acknowledges rights and ensures timely access to effective care, support and interventions for those who need it.

A [National Trauma Training Programme](#) has been established to implement this knowledge and skills framework and to support all sectors of the workforce to upskill staff in trauma-informed practice, as well as to embed and sustain this model of working. The programme of work is being led by NHS Education for Scotland (NES) and informed by people with lived experience, to create and deliver quality training resources.

### **Involving practitioners, first line managers and strategic managers**

Whilst this Guidance does not prescribe a particular model for undertaking a Learning Review, all Reviews must adopt a systemic and proportionate approach. Such an approach should be participatory and collective and, as well as engaging with families, should involve all relevant staff. This will include those practitioners and first-line managers who were involved in the situation under review as well as strategic managers, who, though not directly involved in a review situation, are responsible for the development of processes and structures to facilitate the delivery of services to children and their families.

Bringing together practitioners and first line managers in a group ensures that their voice directly contributes to the Review and has two distinct purposes:

- firstly, it enables them to describe what they did and why; to reflect on and analyse assessments and decision-making at the time and to identify what could have been done differently but also what prevented them from doing this. It also enables the group to recognise effective practice and what worked well and why
- secondly, it generates immediate learning, at both an individual and at a group level, that can be taken back into practice

For strategic managers, meeting as a group is an opportunity to understand the learning from a particular situation in order to consider the implications from both a single agency and a multi-agency perspective.

[Annex 5](#) looks at how to facilitate and shape events for practitioners, first line managers and strategic managers.



## Review Team meetings

Regular meetings of the Review Team should be scheduled throughout the course of the Learning Review. The overall purpose of these meetings is to review the progress of the Review, identify the emerging learning, highlight issues and questions for further exploration, set out the next steps and allocate tasks.

The focus of each Review Team meeting will differ depending on the stage in the review process. For instance, in the early stages collating information, identifying any significant gaps in that information, and clarifying which practitioners and managers should be involved in the Review and how they will be supported to participate effectively will be on the agenda. As the Review progresses the Review Team meetings will consider the learning emerging from contact with family members and from the practitioner and manager events. In the latter stages of the Learning Review the focus will be on the construction of the report.

All information processed by the Review Team must be kept secure, particularly given its sensitivity, and should be relevant to and necessary for the Review, rather than excessive. This information will be retained in perpetuity.

## The Report

The purpose of a Learning Review report is to identify key learning points and how and why that learning has emerged throughout the review process. Reports should be clear, succinct, and as anonymous as possible. This will simplify any process of redaction of Personal Data prior to circulation for learning purposes or wider publication and ensure that the redacted report is still meaningful. When this is not possible, detailing Personal Data in particular sections of the report, rather than including with more general content, is recommended.

Child Protection Committees are not Data Controllers and should satisfy themselves as to which relevant public authority will be the Data Controller in respect of the Learning Review prior to undertaking the review. The Data Controller will be the public authority that holds the collated learning review information and report on their system.

Where a living individual can be identified from the report or even from the report and other information held, this will be Personal Data and so data protection principles, including a data subject's right of access, will apply. Personal Data includes opinions and indications of intentions. A Learning Review, by its very nature, will contain professional opinions, but it is important that these are recorded as such and distinguished from fact.

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 Review process.

The report content should cover (a link to a report template is at [Annex 1.5](#)):

- a brief description of how the Review was conducted
- a brief outline of the circumstances that led to the Learning Review
- the practice and organisational learning that has been identified and the evidence substantiating this learning
- examples of effective practice in the situation under review and the reason why it was effective
- suggested strategies for improving practice and systems. It must be noted that in some situations the Review Team may conclude that practice and processes have not failed or been inappropriate and, therefore, at this point no changes are required

It is recommended that suggested strategies for improving practice and systems should be CLEAR.<sup>3</sup> This means that:

- **Case for change:** the Review Team should clearly identify the issues that give rise to the need for change, outlining the likely consequences should no change occur. Any proposed change should be set within the context of current policy or that which is known to be in preparation.
- **Learning orientated:** any suggested strategies should highlight key lessons for practice identified by the review process and should promote the transfer of learning.
- **Evidence based:** proposed strategies for improving systems and practice should draw on evidence of any shortcomings in policy or practice revealed by the Review and only be made if evidence exists that their implementation will effectively address the shortcomings identified in the Review report.
- **Assign responsibility:** each strategy should identify the discipline or organisation with responsibility for implementation, recognising that some will require a collaborative response.
- **Review:** any strategies recommended by the Review report should be amenable to review. This can be done by specifying desired outcomes and timelines and any additional resources required to achieve them.

The Learning Review report will be presented to the CPC and the COG for consideration and sign off. It is recommended that the Reviewer and the Chair of the Review Team take responsibility for presenting the report.

## Publishing the Report

The COG, informed by a recommendation in this regard from the Child Protection Committee, will decide if and when to publish the report. In making this decision issues of confidentiality and data protection principles must be considered. The family should also be consulted, and their views taken into account and given due weight in arriving at a decision. Any publication must be suitably anonymised but also clearly reflect the learning emerging from the Review and the evidence for any proposed changes. Where a decision not to publish the report is reached, the exceptional circumstances underpinning that decision will be noted in the minutes of the COG meeting.

**If a report is not published, then the learning should be extracted from the report and be published separately.**

Even if a decision is reached not to pro-actively publish the report, there is always a possibility, particularly in high profile cases, that a Freedom of Information (FOI) request may be received. In such cases the relevant public authority will be obliged to disclose information on request, unless one of the fairly narrow exemptions apply, particularly where there is a public interest in doing so. Although there is an exemption for Personal Data when disclosure of which would breach the data protection principles, it may be difficult to justify withholding the report in its entirety and it may need to be issued under redaction of Personal Data.

It is important to note that publication of the report may need to be delayed until the conclusion of criminal or FAI proceedings. Where criminal, FAI or children's hearings proceedings are ongoing the publication of any report must be discussed with COPFS and/or SCRA. See [Annex 2](#) for further information.

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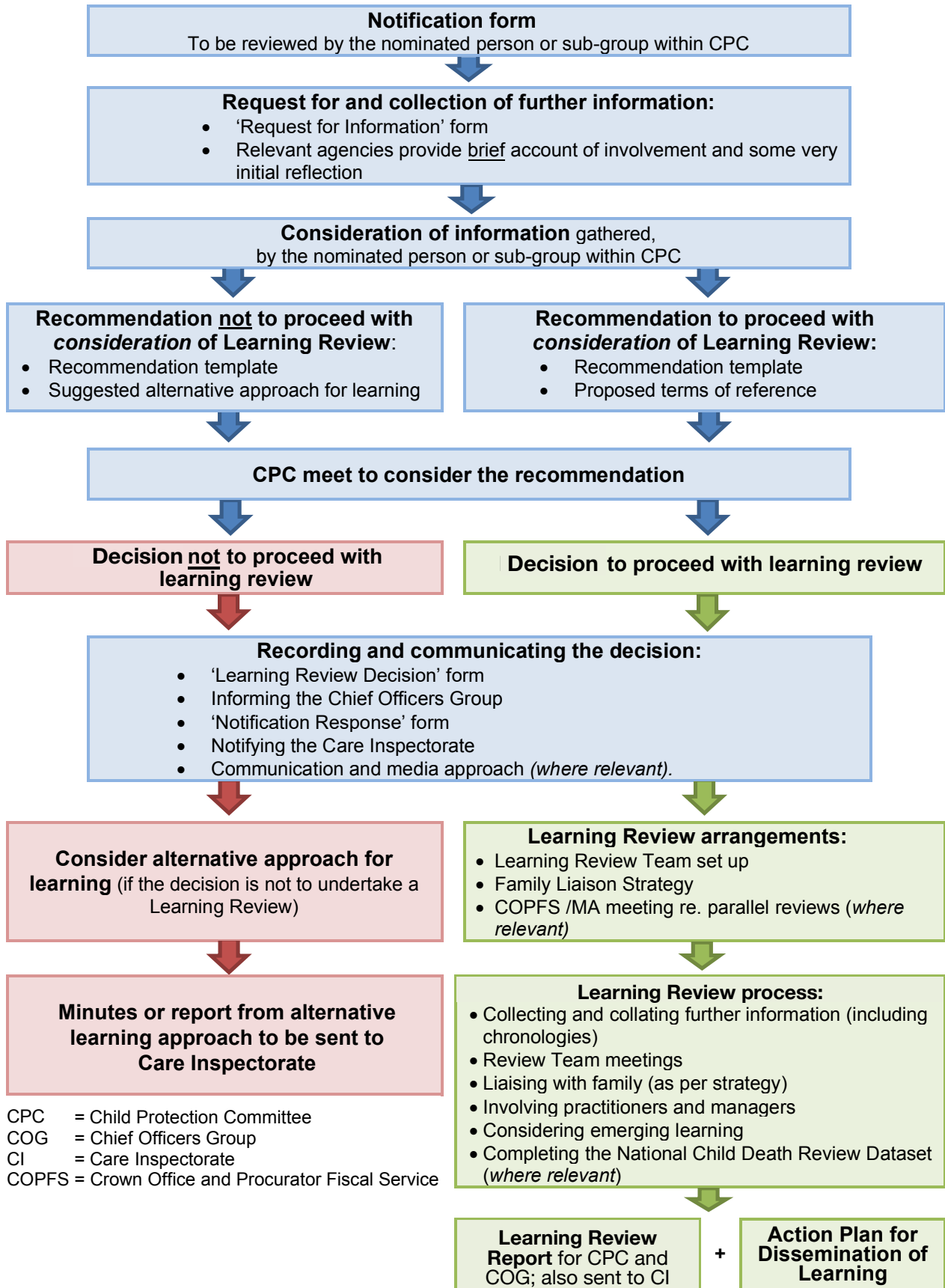
<sup>3</sup> Buckley H, O'Nolan C (2014) *Child Death Reviews: Developing CLEAR Recommendations* in Child Abuse Review Vol 23

## **Timescale for the Learning Review**

If the learning identified throughout the review process is to be relevant and helpful to the development and improvement of child protection practice and processes it is important that the Review is completed as soon as possible. Once a decision has been made to undertake a Learning Review, the process should be completed within a timeframe of six to nine months, thus avoiding drift.

However, in some situations there may be some unavoidable delay at any stage, for instance because of parallel processes. The Chair of the Review Team should communicate the reasons for any delay back to the CPC, with a revised timescale. Lengthy delays should be avoided because of the impact on both staff and families involved.

## Learning Review Process Map



## 5. Disseminating and Implementing the Learning from the Review

The dissemination and implementation of learning from a Learning Review has several components which are:

- the implementation of suggested strategies, specified in the report, for improving practice and systems
- dissemination of learning at a local level
- dissemination of learning at a national level

### Implementation of suggested strategies

The final section of the report will often but not always (see [Section 4](#) of this Guidance) contain suggested strategies for improving practice and systems, which identify the case for change; are learning orientated; evidence based; and assign responsibility. The CPC must then ensure that a succinct action plan is drawn up to support the implementation of these strategies. The action plan will clarify who will do what and within what timescale.

The COG will consider the action plan, as well as any resource issues that are relevant for the production and progress of the action plan.

Implementation or improvement methodologies, as well as evidence-based approaches, could be used to guide the change process. Examples can be found in the supporting resources alongside this Guidance.

The implementation efforts should use data and evidence to periodically review and evaluate whether or not they have achieved the desired outcome.

### Dissemination of learning at a local level

The purpose of dissemination at a local level is twofold:

- firstly, to clarify what the learning is and what led to that learning so that it is understood by practitioners, managers and organisations
- secondly, to explore how that learning can be embedded in practice and systems

There are a variety of approaches and models that can be used to disseminate learning at a local level. These may include multi-agency reflective sessions, seminars, learning summaries and briefings. To ensure dissemination of learning is sensitively tailored to meet the needs and learning styles of different individuals and groups, a variety of modes, and approaches should be used. It is essential that dissemination takes place in a timely manner, is targeted at the right audience and allows space for consideration of the implications for practice and systems and identifies what needs to happen to ensure the learning is applied.

## Dissemination of learning at a national level

The purpose of disseminating learning at a national level is to look at recommendations and suggested strategies that are outside the remit of an individual CPC but require action; share learning across the CPC areas; identify overarching themes and consider if issues need further exploration, or if they should underpin or inform the development of national policy.

Dissemination of learning at a national level is facilitated by the publication of annual overview reports by the Care Inspectorate and by regular meetings of the Learning Review Liaison Group. This group, comprising representatives from the Scottish Government, the Care Inspectorate and CPCScotland, has been established to provide a forum to discuss thematic findings from Learning Reviews that have national implications for policy and practice development.

Dissemination of learning at a national level can also be facilitated by the online Learning Review [Knowledge Hub](#). This online forum enables members to participate, contribute and share information, knowledge and best practice relating to the Learning Review process, practice and learning. Membership of the Learning Review Knowledge Hub is restricted to those who have a specific role, remit and focus on case review processes, research, policy and learning.

## The role of the Care Inspectorate

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.

The Care Inspectorate provides an overview 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. This is informed by the notifications and reports that CPCs submit.

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.

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)

In some circumstances, when the criteria is met, CPCs agree to carry out an alternative approach for learning. When this occurs, CPCs should submit anonymised completed reports or minutes that record learning and recommendations to the Care Inspectorate via secure e-mail to: [cistrategicteamnotification@careinspectorate.gov.scot](mailto:cistrategicteamnotification@careinspectorate.gov.scot).

This will enable the Care Inspectorate to use the learning from these alternative approaches to inform the content of annual national overview reports. The Care Inspectorate will not provide feedback on these types of submissions.

Guidance on notifications and submissions you must make to the Care Inspectorate can be found on their [website](#).

## The Care Inspectorate

- acts as a central collation point for the notification of decisions for proceeding or not proceeding to a learning review taken by CPCs, in order to better understand the rationale
- acts as a central collation point for all Learning Reviews completed across Scotland at the point at which they are concluded

- identifies themes, aspects of good practice and learning opportunities to share nationally
- provides COGs and CPCs with observations on the Learning Review report will discuss with COGs and CPCs how learning will be shared and implemented

## Annex 1:

**Templates** (available as editable versions in the Supporting files menu on this Guidance website)

**In the interests of consistency the use of these templates is strongly recommended in order to aid quality assurance of the review process**

Elements of corporate visual identity (e.g. specific logo, footer) can be added

### Annex 1.1 – Learning Review Notification Template

[TO BE SPECIFIED] CHILD PROTECTION COMMITTEE

OFFICIAL – SENSITIVE – PERSONAL

**LEARNING REVIEW NOTIFICATION**

|                         |  |
|-------------------------|--|
| <b>Request from:</b>    |  |
| <b>Contact details:</b> |  |
| <b>Agency:</b>          |  |
| <b>Date completed:</b>  |  |

Any member of the Child Protection Committee (CPC), agency or practitioner can ask for a case to be considered by [to be specified] Child Protection Committee for a Learning Review if they consider it meets the following criteria:



**Criteria:**

**When a child has sustained significant harm or risk of significant harm as defined in the [National Guidance for Child Protection in Scotland 2021 – updated 2023](#)**

**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's death or sustaining of significant harm, unless it is absolutely clear to the Child Protection Committee that the child having been on the CPR or looked after has no bearing on the case
- the child's sustaining of or risk of significant harm is by attempted suicide, 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
- 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, culpable homicide, reckless conduct, or act of violence

Please be reminded that, following the establishment of the [National Hub for Reviewing and Learning from the deaths of Children and Young People](#), all child deaths should be reviewed.

A range of review processes are currently in place when a child or young person dies therefore early discussion between child/public protection leads, NHS Board and local authority implementation leads for child death reviews, and relevant senior officers from the local authority/HSCP, will be important to consider and agree the most appropriate review process.

**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 young people.**

**This criteria does not preclude a CPC reviewing the death of a child pre-birth.**

Where the referring agency or individual considers that a case meets the criteria above, they should complete and forward this Learning Review Notification form ([Annex 1.1](#)) to the Child Protection Committee at [\[insert email\]](#).

(The Referrer can discuss the referral with the Chair and/or the Learning Review nominated person within the CPC [\[insert contact details\]](#)).

The decision about whether a Learning Review will be undertaken will be made by the Child Protection Committee after information from services/agencies/individuals who are involved with the child has been submitted and considered using the Learning Review Request for Information form ([Annex 1.2](#)). The request for information to other services/agencies/individuals will be by e-mail. The referrer will receive a Notification Response form ([Annex 1.5](#)).

## Information for Consideration of Learning Review

|  |  |
|--|--|
| <b>Child's details</b>   |  |
| Child's name/identifier:   |  |
| Child's date of birth:   |  |
| Child's date of death (if applicable):   |  |
| Child's home address:  |  |
| Child's current residence:   |  |
| Child's gender:  |  |
| Child's current legal status:  |  |
| Education establishment details:   |  |
| Please include key additional factors such as disability, ethnicity, religion:   |  |
| <b>Parents'/carers' details</b>  |  |
| Names and DOB of child's parents/carers:   |  |
| Address if different to child's:   |  |
| <b>Child Protection Register</b>   |  |
| Is the child's name currently on the Child Protection Register?  |  |
| Are any siblings currently on the Child Protection Register?   |  |
| Has the child's name previously been on the Child Protection Register? If yes, provide details, including dates.   |  |
| Have any siblings previously been on the Child Protection Register? If yes, provide details, including dates.  |  |
| <b>Looked After Child</b>  |  |
| Has the child been looked after by, or received aftercare/continuing care from local authority? If yes, please give details, including dates.            |  |
| Have any siblings been looked after by, or received aftercare or continuing care from the local authority? If yes, please give details, including dates. |  |

In case of more than one child for whom a Learning Review should be considered, please repeat or amend the relevant rows in the table above, making sure to present the information in a clear manner, with adequate differentiation (e.g. using ‘parents of Child 1’ if they differ from the ‘parents of Child 2’)

|   |  |
|---|--|
| <b>Criteria for Learning Review</b>   |  |
| What grounds within criteria do you consider to apply for a Learning Review?  |  |
| <b>Immediate and general concerns</b>   |  |
| <p>Are there any immediate concerns? If yes:</p> <ul style="list-style-type: none"> <li>● What are the immediate concerns and have these been passed to the relevant agency for consideration/ action?</li> <li>● What action has been taken?</li> </ul>  |  |
| <p>Are there any general concerns identified during this process of notification? If yes:</p> <ul style="list-style-type: none"> <li>● What are the general concerns and have these been passed to the relevant agency for consideration/ action?</li> <li>● What action has been taken?</li> </ul> |  |
| <b>Parallel processes</b>   |  |
| Are you aware of any parallel processes for any other type of review being undertaken for this case? If yes, please give details.   |  |
| Are you aware of any criminal procedures being undertaken in connection with this case? If yes, please give details.  |  |

|                                      |
|--------------------------------------|
| <b>Date of significant incident:</b> |
|                                      |
| <b>Summary of the case:</b>          |
|                                      |

| <b>Name of service/agency/individuals involved with the child(ren) and/or family, including named person and Lead Professional</b> |  |                                     |                         |
|--|--|-------------------------------------|-------------------------|
| <b>Service:</b>  | <b>Role with the child/the family:</b> | <b>Practitioner name and title:</b> | <b>Contact details:</b> |
|  |  |                                     |                         |
|  |  |                                     |                         |
|  |  |                                     |                         |
|  |  |                                     |                         |

The recommendation is that this notification will be responded to within 28 to 42 days, with the outcome of the CPC's consideration of whether or not to proceed with a Learning Review.

## Annex 1.2 – Request for Information Template

[TO BE SPECIFIED] CHILD PROTECTION COMMITTEE

OFFICIAL – SENSITIVE – PERSONAL

### REQUEST FOR INFORMATION FOR CONSIDERATION OF A LEARNING REVIEW

|   |                   |
|---|-------------------|
| <ul style="list-style-type: none"> <li>You have been identified to participate in a Learning Review and are asked to complete this request for information.</li> <li>This requires to be completed within 14 calendar days and sent electronically to [insert email address].</li> <li>This report is required to contain information outlining your agency/service contact/interaction with the child and/or family whose details are below.</li> <li>Please include a brief account of agency involvement prior to the event which triggered the notification and some very initial reflection regarding practice and decision-making within that agency. If you have historical information please give a brief summary of the themes and issues you have identified in the background history section.</li> </ul> |                   |
| Learning Review identifier:   | [to be specified] |
| Date of the request for information:  | [to be specified] |

|                                     |                    |
|-------------------------------------|--------------------|
| Child's Name and Identifier number: | [to be specified]* |
| Date of birth:                      | [to be specified]* |
| Date of death (if applicable):      | [to be specified]* |
| Date of significant incident:       | [to be specified]* |
| Gender:                             | [to be specified]* |

\*If more than one child for whom the Learning Review is considered, repeat the second column.

Please provide the following information

| Details   |  |
|---|--|
| Names of child's parents/carers and dates of birth: |  |
| Names of siblings and dates of birth:               |  |
| Child's home address:                               |  |
| Child's current address, if different from above:   |  |
| Education establishment details:                    |  |

\* If more than one child for whom the Learning Review is considered, please amend or repeat the table above.

|  |
|--|
| <b>Summary of involvement with the child(ren) and/or family:</b> |
| <br><br><br><br><br><br><br><br><br><br>                         |
| <b>Background history:</b>                                       |
| <br><br><br><br><br><br><br><br><br><br>                         |

|   |
|---|
| <b>Key practice issues:</b><br>Please provide information on:   |
| <ul style="list-style-type: none"><li>● recognition and assessment of risk and need in relation to the child(ren)/family</li><li>● information sharing in this case</li><li>● strategies and actions to minimise harm</li><li>● timely and effective action taken</li><li>● multi-agency responses</li><li>● evidence of planning and reviewing</li><li>● quality of record keeping</li><li>● appropriate use of legal measures</li><li>● evidence of child-centred practice</li><li>● any good practice identified</li><li>● any areas identified for practice improvement</li></ul> |
| <br><br><br><br><br><br><br><br><br><br>  |

| <b>Parallel processes</b>   |  |
|---|--|
| Are you aware of any current or planned reviews being undertaken for this case?<br>If yes, please give details. |  |
| Are you aware of any criminal proceedings associated with this case?<br>If yes, please give details.            |  |

| <b>Report completed by:</b> |  |
|-----------------------------|--|
| Name:                       |  |
| Title:                      |  |
| Agency:                     |  |
| Email address:              |  |
| Date:                       |  |



## Annex 1.3 – Learning Review Recommendation and Decision Template

[TO BE SPECIFIED] CHILD PROTECTION COMMITTEE

OFFICIAL – SENSITIVE – PERSONAL

### LEARNING REVIEW RECOMMENDATION AND DECISION

|  |  |
|--|--|
| Child(ren)'s name(s) and date(s) of birth: |  |
| Learning Review identifier:                |  |

|                           |  |
|---------------------------|--|
| <b>Notification from:</b> |  |
| Name:                     |  |
| Agency:                   |  |
| Date of notification:     |  |

|                            |
|----------------------------|
| <b>Basis for referral:</b> |
|                            |

|   |
|---|
| <b>Agencies that provided information during the information gathering stage:</b> |
|   |

|                                     |
|-------------------------------------|
| <b>A brief outline of the case:</b> |
|                                     |

|   |
|---|
| <b>Current circumstances of the child and family (including actions taken):</b> |
|   |

|  |
|--|
| <b>Details about other formal and/or parallel processes:</b> |
|  |

| <b>Summary of key practice issues from single agency information (Annex 1.2)</b> |  |
|--|--|
|  |  |

| <b>Recommendation</b><br>After consideration of the notification and the information submitted from relevant agencies, the nominated person/sub-group within the CPC: |   |
|---|---|
|   | <b>recommends a Learning Review to be undertaken.</b>         |
|   | <b>does not recommend a Learning Review to be undertaken.</b> |

| <b>A brief rationale for the recommendation</b> (overall views on the information gathered and the criteria): |
|---|
|   |

| <b>Recommendation completed by:</b> |  |
|-------------------------------------|--|
| Name:                               |  |
| Title:                              |  |
| Email address:                      |  |
| Date:                               |  |

**For completion after the Child Protection Committee decision**

| <b>Section 1: The Decision</b>  |   |
|---|---|
|   | After consideration of the information submitted from relevant agencies, CPC have considered the request for undertaking a Learning Review and have <b>decided that this does reach the criteria for a Learning Review.</b> See Section 2A below.     |
|   | After consideration of the information submitted from relevant agencies, CPC have considered the request for undertaking a Learning Review and have <b>decided that this does not reach the criteria for a Learning Review.</b> See Section 2B below. |
| <b>A brief rationale for the decision</b> (short comment on the recommendation made by the nominated person/sub-group within the CPC, the information considered and criteria): |   |
|   |   |

| <b>Section 2: Next steps</b>  |   |
|---|---|
| 2A: To be completed if the decision is to proceed with a Learning Review  | Initial considerations regarding: <ul style="list-style-type: none"> <li>● Learning Review Team set up</li> <li>● terms of reference and the time-period under review</li> <li>● family liaison approach</li> </ul> |
|   |   |
| 2B: To be completed if the decision is not to undertake a Learning Review | Reason for not proceeding with a Learning Review:   |
|   |   |
|   | Initial considerations regarding an alternative approach for learning (e.g. facilitated multi-agency or single agency reflective sessions, file audits etc.):   |
|   |   |

| <b>Section 3: Further considerations</b>                 |  |
|--|--|
| Communication and media approach (where relevant):       |  |
|  |  |
| Other (/parallel) reviews or processes (where relevant): |  |
|  |  |

| <b>Completed by:</b> |  |
|----------------------|--|
| Name:                |  |
| Title:               |  |
| Email address:       |  |
| Date:                |  |

## Annex 1.4 – Learning Review Notification Response Template

[TO BE SPECIFIED] CHILD PROTECTION COMMITTEE

OFFICIAL – SENSITIVE – PERSONAL

### LEARNING REVIEW NOTIFICATION RESPONSE

|                                 |                   |
|---------------------------------|-------------------|
| Request from:                   | [to be specified] |
| Contact details:                | [to be specified] |
| Referring agency:               | [to be specified] |
| Date of notification:           | [to be specified] |
| Child's name and date of birth: | [to be specified] |
| Learning Review identifier:     | [to be specified] |

|  |  |
|--|--|
| <b>Thank you for the notification for consideration of a Learning Review.<br/>The CPC has considered the information submitted and have determined that:</b> |  |
|  | This reaches the criteria and the CPC decided to proceed with a Learning Review.   |
|  | This does not reach the criteria for a Learning Review, however it may be that an alternative approach for learning may be undertaken.[include more details, if available] |

|                      |  |
|----------------------|--|
| <b>Completed by:</b> |  |
| Name:                |  |
| Title:               |  |
| Email address:       |  |
| Date:                |  |

## Annex 1.5 – Learning Review Draft Report Template

**[TO BE SPECIFIED] Child Protection Committee**

### **Learning Review Report**

**Re: [insert Learning Review identifier]**

#### **Introduction**

To include:

- age of the child
- the precipitating incident
- the criteria for a Learning Review

#### **The Process of the Review**

To include:

- the constitution of the Review Team including the Chair and the Reviewer(s)
- how many times the Team met
- the length of the review process (and the initial notification date)
- the terms of reference and the time-period under review
- the Family Liaison Strategy: how were family members involved in the review? Which family members participated? When were they seen? How were they kept informed of the progress of the review? How were their views represented throughout the review?
- when the practitioner/first line manager event was held; how many attended and from what agencies and the shape of the event?
- when the strategic manager event was held; how many attended and the shape of the event?

#### **The Circumstances that Led to the Learning Review**

To include:

- family composition
- a brief account of the main events in the family history
- what involvement the child/family had with professionals and services

#### **Practice and Organisational Learning**

Identify and analyse each area of learning emerging from the review with supporting evidence from the relevant circumstances to substantiate that learning

| <b>Effective Practice</b>  |
|--|
| List areas of effective practice identified by the Review and explain what made them effective |

| <b>Suggested Strategies for Improving Practice and Systems</b>   |
|--|
| <ul style="list-style-type: none"><li>● any suggested strategies must be CLEAR i.e.<ul style="list-style-type: none"><li>○ set out the need for change and the likely consequences should no change occur</li><li>○ be learning orientated</li><li>○ be evidence based</li><li>○ assign responsibility – who should do what</li><li>○ be amenable to review</li></ul></li><br/><li>● in some situations the review may conclude that practice and processes have not failed or been inappropriate and, therefore, at this point, no changes are required</li></ul> |

| <b>Signed and dated by:</b> |  |
|-----------------------------|--|
| Reviewer(s):                |  |
| Review Team Chair:          |  |
| Date:                       |  |

## Annex 2:

### **National Protocol for the Police Service of Scotland, the Crown Office and Procurator Fiscal Service, and Child Protection Committees on Learning Reviews.**

#### **Parties**

The parties to this protocol document are Child Protection Committees (CPCs), the Crown Office and Procurator Fiscal Service (COPFS) and the Police Service of Scotland.

#### **Aim**

The aim of this protocol is to provide a framework between the parties for conducting Learning Reviews (LRs) when criminal prosecutions, Fatal Accident Inquiries (FAIs) or investigations with a view to such proceedings are running in parallel and for the sharing and exchange of relevant information generated by each process.

#### **Principles**

The parties to this protocol recognise that criminal proceedings, FAIs and LRs are important processes which should each be carried out as expeditiously as possible, and should not adversely affect the progress of the other unless it is necessary in the interests of justice.

All processes are crucial to ensuring the safety and wellbeing of children and young people. The parties recognise that a significant consideration in any decision should be the welfare of children and young people.

#### **Learning Review**

A LR examines the circumstances and context of a child being harmed or killed, to evaluate the nature and quality of professional contact, if any, with the child, to identify any system failures which may impact on other children, and to learn from the incident, any specific lessons which will strengthen child protection systems, locally and nationally.

A LR is not an enquiry into why any child or young person died, was harmed or to establish who may be culpable. These are matters for criminal investigation and for employer disciplinary procedures as appropriate. It is further acknowledged that agencies may additionally have their own internal/statutory review procedures to investigate serious incidents and mechanisms for reflective practice reviews, which take place independently of any LR or criminal investigation.

LRs are commissioned by local CPCs. Protecting children and young people is an inter-agency and inter-disciplinary responsibility. While social work children's services usually lead on the discharge of local authorities' legal responsibilities in respect of safeguarding children, any agency (including voluntary sector organisations) or profession may be the initiator of the LR process.

LRs will sometimes be undertaken in circumstances where there is no concurrent criminal investigation or FAI. Similarly, some cases of criminal investigation involving harm to children or young people will not be subject to a LR. Good relationships and liaison arrangements between CPCs, COPFS and Police Scotland will ensure that parallel processes are pre-planned and that changes in the status of a case (e.g. where early in an LR the need arises to refer matters for a criminal investigation) are readily shared.



## Learning Reviews and the work of Police Scotland and COPFS

The paramount consideration in any decision or arrangement in respect of LRs taking place alongside other investigations is the need to protect children and young people from harm. In many instances this will be achieved by the successful prosecution of those who pose a threat to children in conjunction with securing improvements in systems which exist to prevent children being exposed to harm.

In the event of a child fatality or a case of serious harm which may be subject to a LR, it is essential for the CPC, Police Scotland and COPFS to confirm the likely processes of review and investigation to which the case is likely to be subjected (e.g. LR, criminal investigation, FAI, LAC Review by Care Inspectorate, Health and Safety investigation, Fire Brigade investigation).

At the earliest possible opportunity where it is identified that a LR may be appropriate, the Chair of the CPC or designated member should contact Police Scotland to confirm:

- whether a death report or criminal case has been reported to COPFS; or
- that there is evidence of a crime having been committed although no report has been submitted to COPFS

Where a report has been submitted, a Procurator Fiscal (PF) reference number should be ascertained.

Where a criminal case or death report **has been reported** to COPFS, the Chair of the CPC or designated member should, in conjunction with the local policing Detective Superintendent or the Senior Investigating Officer, complete the LR Notification Form ([Annex 2.1](#)), setting out the focus of the review, the witnesses who will be contacted (if any) and the timescales for the work.

The LR Notification Form should be sent to the Single Point of Contact (SPOC) within COPFS and copied to the local policing Detective Superintendent. The SPOC within COPFS will ensure that a relevant member of staff is tasked with considering the LR Notification Form and contacting the CPC and the local policing Detective Superintendent to arrange a meeting and/or confirm the steps that the CPC can take. Where appropriate, the Senior Investigating Officer will attend.

In circumstances where a case **has not been reported** to COPFS and a police investigation is ongoing, the Chair of the CPC or designated member should complete the LR Notification Form, setting out the focus of the review, the witnesses who will be contacted (if any) and the timescales for the work.

The LR Notification Form should be sent to the local policing Detective Superintendent who, along with the Senior Investigating Officer, will prepare a report for COPFS on the ongoing police investigation highlighting its progress, the ongoing investigative strategy, remaining lines of enquiry and an assessment on the likelihood of a report being submitted to COPFS.

The LR Notification Form should then be sent to the SPOC within COPFS **along with** the report on the investigation prepared by the police. The SPOC within COPFS will ensure that a relevant member of staff is tasked with considering the LR Notification Form and contacting the CPC and the local policing Detective Superintendent to arrange a meeting and/or confirm the steps that the CPC can take. Where appropriate, the Senior Investigating Officer will attend.

Consideration will be given in this discussion to arrangements which allow review of systems critical to the welfare of children and young people to get underway in the context of the need to secure and preserve the integrity of best evidence within criminal and other investigations.

## Timescales for a Learning Review

It is desirable that the LR should be undertaken as speedily as feasible in order to identify and redress any individual or systemic factors which may put children or young people at risk. CPC's are required to agree timescales for when reports should be produced in light of the circumstances and context of that particular case.

The timing of different processes will be determined by the particular circumstances of individual cases. It should not be necessary to postpone the initiation of a LR until the conclusion of criminal proceedings or FAI but care must be taken that the LR does not prejudice or put in jeopardy either of these proceedings. Therefore in some instances, a LR process may have to be adjourned after an initial review of critical systems until the conclusion of aspects of the criminal or other investigations or alternatively it may be possible to take information from a limited number of witnesses at first.

Criminal cases and FAIs can take a long time to resolve and there may be some circumstances where the CPC, in carrying out its duties to conduct the LR, considers it would not be appropriate to wait to gather all possible learning about how best to safeguard children and young people. If, prior to charge or conclusion of a trial or FAI, those engaged in the LR wish to undertake interviews with people who are either witnesses, suspects or who have been charged with a criminal offence or potential witnesses in a FAI, **this should be agreed beforehand with Police Scotland and COPFS.**

Where there is an FAI, or potential for one, and where no criminal proceedings are anticipated, the conclusions of the LR may assist the decision-making and such interviews should be encouraged.

Where there are criminal proceedings anticipated or ongoing and COPFS are giving consideration as to whether witnesses can be interviewed as part of the LR process, the following are some of the factors which may be taken in to account:

- the risk around the rehearsal of evidence in advance of trial
- the vulnerability of witnesses
- the risk of any confusion about the two processes
- the impact of information being in the public domain

## Disclosure/Freedom of Information

If agreed by Police Scotland and COPFS, a LR will usually involve the reviewer interviewing members of staff of the relevant authorities who have had engagement with the child or young person, as well as people who may be considered as having a significant part in the life of the child or young person. The material generated from this activity, including interview notes is likely to contain information which is of relevance to any potential criminal proceedings or FAI.

Police Scotland has a duty to reveal the existence of relevant information to COPFS and all such information must be made available to the Reporting Officer/SIO as soon as possible for consideration. To allow Police Scotland to fulfil this duty, in these circumstances close collaboration between the Lead Reviewer and the SIO will be required. Revelation to the prosecutor does not mean automatic disclosure to the defence. COPFS will assess whether the information is material and thus whether it should be disclosed and how it should be disclosed to the defence. It should further be noted that the law is not settled in relation to Freedom of Information status of LR reports and the material from which they are compiled. A presumption of exemption currently exists, but this has not been tested.

### **Interview of parent, carer or significant family members**

It is good practice that parents, carers and significant family members are interviewed or otherwise engaged during the LR process to seek any learning from them. The CPC, COPFS and, where appropriate, the police officer leading the investigation, or their representative, must discuss the timing and scope of such interviews or other engagement. While there may be no need to delay LR interviews pending the outcome of criminal proceedings or FAI, a balance must be achieved between the need to capture relevant data and learning in order to protect children and the investigation of a death or prosecution of a criminal case in the public interest.

The best timing of such interviews will differ depending on the circumstances and features of the case and as such arrangements should be made on a case-by-case basis.

Persons conducting LR interviews must be conversant with rules of evidence and competent in the management of investigative processes running in tandem with criminal investigations.

### **Interview or individual suspected or accused of a crime**

Where suspicion has crystallised on a person for a crime, permission must be sought from COPFS before any contact is made with that person as part of any LR process. This would apply if the person has been charged and either released, released on police bail, bailed by the court or has been remanded in custody. It will also apply if the person has not been charged but remains a suspect, including any period where a suspect is released on Investigative Liberation.

If there is any doubt as to whether or not a person remains a suspect in any given case, the matter should be raised with Police Scotland and COPFS.

If permission is given by COPFS, the individual's legal representative must also be informed that the individual is to be interviewed. It should at all times be stressed to legal representatives that their client's participation in the LR process is voluntary, that no adverse inference will be drawn from a refusal to participate and that any information provided for the purpose of the LR may be disclosed in criminal or related proceedings.

### **Interview of member of staff from relevant authority or other professional witnesses**

It is good practice that members of staff from the relevant authority or other professional witnesses are interviewed or otherwise engaged during the LR process to seek learning from them. In all cases where COPFS is approached by a CPC to speak to members of staff from the relevant authority or other professional witnesses, there is a presumption that this will be facilitated unless speaking to the witness is likely to prejudice a criminal prosecution or a deaths investigation. In assessing this, COPFS will consider factors such as the nature of the case and the importance of the evidence being given by that witness in the context of the case.

### **Duty to keep circumstances under review**

Investigations are dynamic. It is incumbent on both Police Scotland and COPFS to keep the circumstances of any investigation under review and where it is apparent that there has been a change in circumstances, which may lead to the conclusion that a previous decision regarding interviewing of witnesses is no longer appropriate, that the matter is revisited. This may include the rescinding of previous agreement given.

## **Publication of the findings of a Learning Review**

In circumstances where there is an ongoing criminal investigation, prosecution or death investigation, the CPC must seek permission from COPFS before publishing learning from a LR. Publication may need to be delayed if it is likely to prejudice an ongoing criminal investigation, prosecution or death investigation.

## **Conclusion**

It should be possible, in many circumstances, to manage LRs and criminal proceedings/FAIs simultaneously, without one jeopardising the other. In their own way, all processes are important to protect and promote the safety and wellbeing of children and young people, which should always remain the primary consideration.

The learning obtained from a LR is largely dependent on the willingness of individual professionals and family members to engage in the process. They need to have confidence that any information they give will be treated with respect, and they should be made aware if it could be used for any purpose other than that for which it was intended.

## **Annex 2.1 – Learning Review Notification To Crown Office & Procurator Fiscal Service**

Where a criminal case or death report has been submitted to COPFS and a Learning Review is to be conducted, the Chair of the Child Protection Committee (CPC) or designated member should, in conjunction with the local policing Detective Superintendent or the Senior Investigating Officer, complete this Notification Form and submit it to the Single Point of Contact (SPOC) within the Crown Office and Procurator Fiscal Service (COPFS) copying in the local policing Detective Superintendent.

In circumstances where a case has not been reported to COPFS, the Chair of the Child Protection Committee or designated member should complete this Notification Form and send it to the local policing Detective Superintendent who will arrange for a report to be prepared for COPFS. Once prepared, this Notification Form along with the report should be submitted to the SPOC within COPFS.

\*This report should only be submitted once authority has been given by the Chair of the CPC after a Learning Review has been agreed but before it has commenced.

\*\*All email communications must be made from a secure email address i.e. .Gov.Uk/NHS.net or PNN.Police.uk and sent to the agreed copfs.gov.uk address.

## Stage 1: Learning Review Notification

| <b>1. DETAILS OF CASE UNDER REVIEW</b>   |  |
|--|--|
| Child's Name:  |  |
| Child's Address:   |  |
| Names of those with parental responsibility and their relationship to the child:   |  |
| Date of Incident:  |  |
| Name and contact details of Reviewer:  |  |
| Police Scotland Crime Reference Number:  |  |
| Name and contact details of Senior Officer in charge of investigation:   |  |
| Crown Office Procurator Fiscal Reference Number:   | (Where a case has been submitted to COPFS, this form should not be submitted without the PF reference number)  |
| Confirmation that the case has been reported to COPFS  | Y/N – If no, confirm that the Notification Form has been sent to the local policing Detective Superintendent and the report on the investigation prepared by Police Scotland is available. |
| <b>2. SUMMARY OF CASE UNDER REVIEW</b>   |  |
| (Provide information regarding the circumstances of the incident and information as to why a Learning Review is being conducted).  |  |
| <b>3. FORMAT OF THE REVIEW PROCESS</b>   |  |
| (As a minimum, this should include: the intended structure of the review i.e. paper/file read only, group discussions, one to one conversations or a mixture of both; the focus of the review; the witnesses who will be contacted and the purpose of the contact with those witnesses). |  |

| <b>4. DETAILS OF PERSONS WHO WILL BE SPOKEN TO DURING THE REVIEW PROCESS</b>   |   |
|--|---|
| <b>NAME</b>  | <b>EMPLOYED BY OR ADDRESS IF NOT EMPLOYEE</b> |
|  |   |
|  |   |
|  |   |
|  |   |
| <b>5. INTENDED TIMESCALES</b>  |   |
| (Please specify the intended start date together with an estimated completion date.<br>If there are any timescales for contacting proposed witnesses, please include this information) |   |
| <b>6. ANY OTHER RELEVANT INFORMATION/CONCERNS</b>  |   |
|  |   |
| <b>7. DETAILS OF CPC CHAIR OR OTHER AUTHORISED CONTACT</b>   |   |
| Name:  |   |
| Telephone number:  |   |
| Email address:   |   |
| (All email communications must be made from a secure email address<br>i.e. .Gov.Uk/NHS.net or PNN.Police.uk and sent to the agreed copfs.gov.uk address)                               |   |
| Date signed:   | Signature:                                    |
|  |   |

**(to be submitted to the Chair of the CPC)**

**Stage 2: COPFS response**

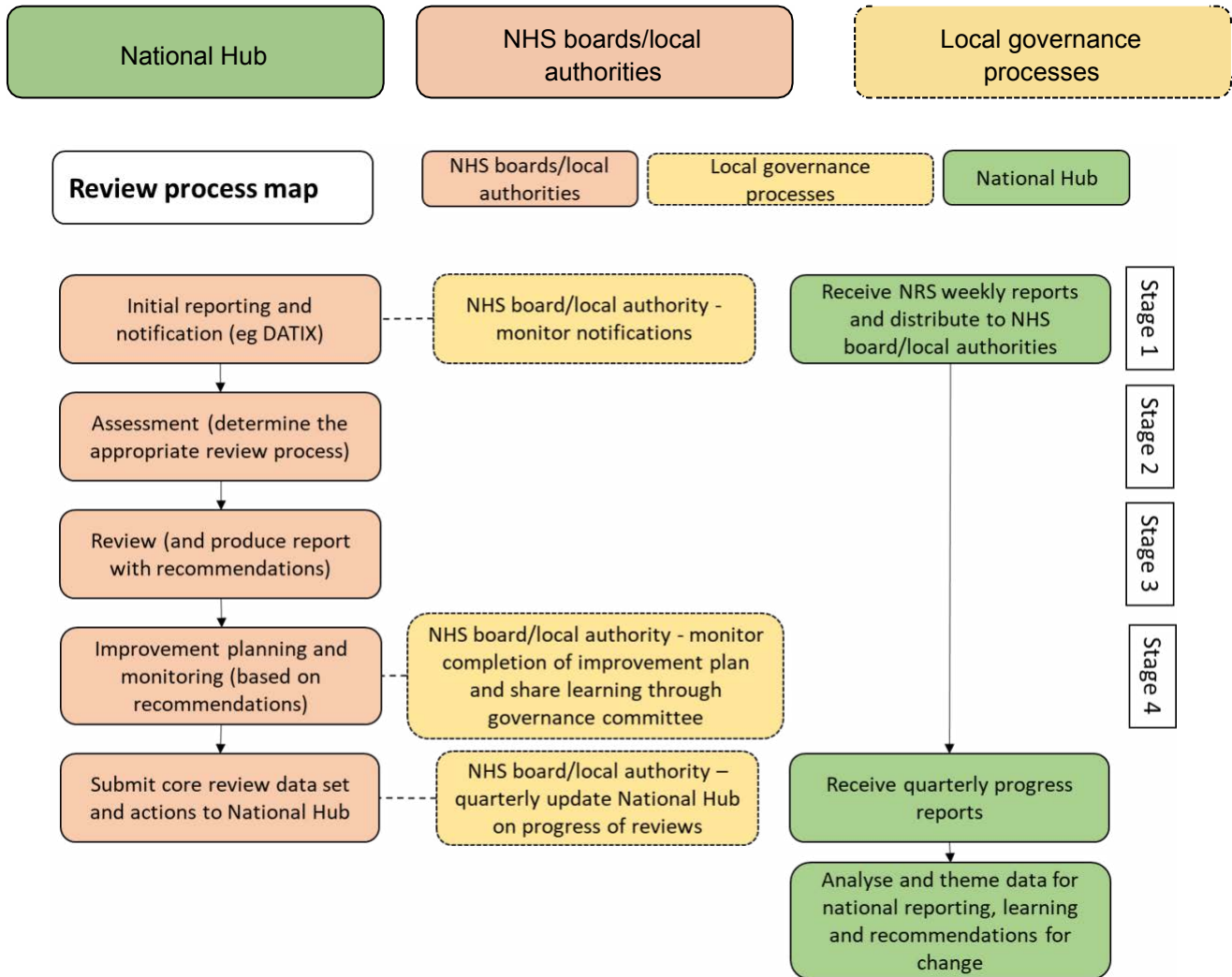
(The response should be intimated to the person submitting the request within 28 days)

| 8. DETAILS OF ANY FURTHER INFORMATION REQUESTED FROM CPC               |  |
|--|--|
|  |  |
| 9. COMMENTS ON PERSONS WHO WILL BE SPOKEN TO DURING THE REVIEW PROCESS |  |
| NAME   |  |
|  |  |
|  |  |
|  |  |
|  |  |
| 10. DECISION FOLLOWING NOTIFICATION OF LEARNING REVIEW                 |  |
| I. No objections to LR proceeding                                      | Provide summary of reasons for decision.   |
| II. LR can proceed but additional conditions are set                   | Provide summary of reasons for the decision and clearly set out any additional considerations/constraints.   |
| III. LR cannot proceed   | Provide information about the decision. If the case is particularly sensitive and there are reasons why we are unable to explain our decision, advise the CPC accordingly. |
| Date signed:   | Signature:   |



## Annex 3:

### National Child Death Review and Learning Hub Process Map



## Annex 4:

### Family Liaison Strategy

An important function of the Review Team is the formation of a Family Liaison Strategy that ensures that families are included in any review process that is being undertaken in a planned and structured way.

The strategy should include:

- identification of Review Team members who are responsible for informing the family of the review, this would usually be the Chair of the Review group, however it may be another professional who is involved with the family and is considered to be the most appropriate person
- identifying who the family is and who should be invited to contribute their views. This could include
  - parents
  - step parents
  - carers
  - siblings
  - grandparents
  - aunts and uncles
  - the child/young person
  - other significant family members or close family friends

It is important to take into account the possible dynamics of a family's structure to ensure that the appropriate family members are contacted. This is particularly important in situations where families may be split in some way.

- informing the family that a Review is to be undertaken will include explaining the purpose of the Review, the process of the Review and the request to have their views taken into account by the Reviewer and the Review Panel. It is good practice to provide the family with the available information leaflet that includes contact numbers of the Review Team members who will be in communication with them. (A format for an information leaflet for families can be found in the Supporting Resources available in the Supporting files menu alongside this Guidance)
- consideration of any particular cultural or lifestyle considerations, religious beliefs, or any communication requirements in terms of language or disability
- consideration of sensitivities due to experience of bereavement due to the death of a child, significant abuse that a child may have experienced or that the child or children may no longer be in parental care
- the planning for meeting of parent/carer or guardian with the Reviewer and Review Group Chair to invite contribution of their views, should be arranged for a mutually convenient time and venue. The planning for the venue should take into consideration safety issues
- updating the family on completion of the review and sharing the findings when it is possible to do so
- if the review is paused, stopped or delayed the family must be informed of this.
- consideration should be given to the discussion being documented, with the family's consent

In some cases, where there is an ongoing criminal investigation a Police Family Liaison Officer may have been appointed. If a Learning Review is to take place in such a situation then the Police Family Liaison Officer should be invited to meet with the Review Team, before any contact with the family, to help plan and support the Learning Review Family Liaison Strategy.

## **Annex 5:**

### **Learning Review Team – attributes, skills, experience and knowledge**

#### **Supplementary Guidance for Child Protection Committees**

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## 1. Introduction

### Context

This Supplementary Guidance is primarily for use by members of Child Protection Committees and sits alongside the National Guidance for Child Protection Committees Undertaking Learning Reviews, which details the different roles within a Learning Review Team:

- the Chair
- team Members
- the Reviewer(s)
- the Administrator

The [Child Protection Systems Review](#) considered challenges around the skills and competencies of reviewers and recommended that:

*“A set of National Standards should be developed setting out the skills and competences required of those reviewers (...)” (Recommendation 9)*

This recommendation was accepted by the Scottish Government in March 2017 as part of the broader [Child Protection Improvement Programme](#) and has informed the development of this Supplementary Guidance.

### The Purpose of the Supplementary Guidance

This Supplementary Guidance is intended to support the local processes of appointing and, where suitable, training and coaching Chairs, Team Members, Reviewers and Administrators for Learning Reviews. It supports Child Protection Committees and Chief Officers Groups by enabling:

- multi-agency partnership to better understand the attributes, skills and areas of knowledge of those who form a Learning Review Team, which may be required to effectively undertake Learning Reviews
- learning Review Teams to better understand the attributes, skills and areas of knowledge they may need to hold and/or develop

The attributes, skills and areas of knowledge outlined are applicable across different review methodologies and approaches.

This document aims to provide guidance to support Child Protection Committees and Chief Officers Groups and is not intended to be seen as a list of mandatory requirements. It is acknowledged that Reviews will differ and therefore requirements of Learning Review Teams will vary in different circumstances.

The process for selecting a Learning Review Team will be dependent on local arrangements, circumstances of the Review and the requirements of the Child Protection Committees and Chief Officers Groups.

## Structure of the Supplementary Guidance

The profile of Learning Review Team has been organised under three main headings:

- **attributes** – the personal qualities that may be required by Learning Review Teams ([Section 2](#))
- **skills** – the abilities and expertise that may be required by Learning Review Teams ([Section 3](#))
- **experience and knowledge** – the professional and practice experience and knowledge that may be required by Learning Review Teams (see [Section 4](#))

### 2. Attributes

This section sets out the personal qualities or attributes that may be required by those who are part of a Learning Review Team. These are supported by:

- examples of descriptors for each set of attributes, illustrating what a person with those attributes may say or do
- an indication of whether the attributes are of particular relevance to specific roles within a Learning Review Team – Chair, Team Member, Reviewer or Administrator

This has been set out to support local decision-making and professional judgement. The specific attributes required, as well as their descriptors, will be dependent upon the nature of the Learning Review and the requirement of the Child Protection Committee.

| Attributes:                                    | Examples of descriptors:   | Applicable to:  |
|--|--|-----------------|
| <b>Honest, fair, objective and open minded</b> | <ul style="list-style-type: none"> <li>• Is non-judgemental of individuals' and organisations' involvement in the case, with the focus on understanding the learning that can be taken from the case as a whole;</li> <li>• Supports contributors to be open, honest and non-protective in presenting and discussing their own organisation's involvement with the case;</li> <li>• Avoids hindsight bias so that reflections on policies, procedures, actions and experiences are at the time of the incident, and do not reflect on what is now known.</li> </ul>  | <b>Everyone</b> |
| <b>Empathetic and calm manner</b>              | <ul style="list-style-type: none"> <li>• Is sensitive to and empathetic of contributors' emotions, noting that contributors can be confused, angry, emotionally fragile, worried and/or in need of support;</li> <li>• Remains mindful that, in a Review, some contributors might feel more 'under the spotlight' than others and, hence, supports their participation in a safe manner;</li> <li>• Brings a calm manner, reassurance and open approach to communication, paying attention to the 'power of words';</li> <li>• Identifies and makes contributors aware of wellbeing and counselling services that are available to them;</li> <li>• Maintains the confidentiality of the evidence throughout.</li> </ul> | <b>Everyone</b> |
| <b>Respectful and collaborative</b>            | <ul style="list-style-type: none"> <li>• Is open to learning and recognise that no single individual will know everything about the case. Establishing a full picture of the situation requires trusting, listening to and learning from the information and views of all contributors;</li> <li>• Respects and values all contributors.</li> </ul>  | <b>Everyone</b> |
| <b>Methodical and rigorous</b>                 | <ul style="list-style-type: none"> <li>• Is systematic in requesting, collating and checking information required to build full case picture.</li> </ul>   | <b>Everyone</b> |
| <b>Attention to detail</b>                     | <ul style="list-style-type: none"> <li>• Cross-checks information across different sources for building the full case picture;</li> <li>• Identifies gaps or deficiencies in the information available to the Review.</li> </ul>   | <b>Everyone</b> |
| <b>Flexible</b>                                | <ul style="list-style-type: none"> <li>• Makes and/or supports adjustments throughout the Learning Review to ensure that the purpose of the Review and the underpinning principles and values are followed.</li> </ul>   | <b>Everyone</b> |

### 3. Skills

This section sets out the skills and abilities that may be required by those who are part of a Learning Review Team. These are supported by:

- examples of descriptors for each set of skills/abilities, illustrating what a person with those skills/abilities may say or do
- an indication of whether the skills/abilities are of particular relevance to specific roles within a Learning Review Team – Chair, Team Member, Reviewer or Administrator

This has been set out to support local decision-making and professional judgement. The specific skills and abilities required, as well as their descriptors, will be dependent upon the nature of the Learning Review and the requirement of the Child Protection Committee.

| Skills/abilities:               | Examples of descriptors:  | Applicable to:  |
|---------------------------------|---|---|
| <p><b>Leadership skills</b></p> | <ul style="list-style-type: none"> <li>• Leads planning, delivery and completion of the Learning Review;</li> <li>• Coordinates the identification and engagement of the relevant partners and suitable contributors to the Learning Review (e.g. professionals who have the appropriate knowledge, skills and attributes, senior managers, participants who can contribute and/or benefit from being involved in the Learning Review);</li> <li>• Coordinates the distribution of roles and responsibilities of Learning Review partners and contributors, where this has been agreed by CPC;</li> <li>• Coordinates the drafting of the Terms of Reference and/or agreed ways of working for the Learning Review process, where this has been agreed by CPC.</li> </ul> | <ul style="list-style-type: none"> <li>• <b>Chair</b></li> </ul>                            |
|                                 | <ul style="list-style-type: none"> <li>• Ensures that the underpinning principles and values governing Learning Reviews in Scotland are followed throughout the Review (e.g. is guided by the underpinning principles and values in using an appropriate degree of flexibility and ensuring that the Review remains proportionate, inclusive and collective, with a systems approach and focused on learning; reiterates the underpinning principles and values at various times during the Review process, assertively bringing them to the forefront, where needed).</li> </ul>   | <ul style="list-style-type: none"> <li>• <b>Chair</b></li> <li>• <b>Reviewer</b></li> </ul> |

| Skills/abilities:                                   | Examples of descriptors:   | Applicable to:  |
|---|--|---|
| <p><b>Planning and organisational skills</b></p>    | <ul style="list-style-type: none"> <li>• Ensures that a clear and realistic timetable for the Learning Review process is set out and makes suitable adjustments, where needed (e.g. amending the Review timetable to allow additional information to be provided);</li> <li>• Ensures timely requests made for key documentation relevant to the Review from organisations involved (e.g. practitioner case notes, organisational policies, procedures etc.) and follows up with organisations where information is not provided;</li> <li>• Ensures timely circulation of key documentation in advance of Review meetings;</li> <li>• Manages and prioritises different work demands so that sufficient time is allocated to the Review.</li> </ul> | <ul style="list-style-type: none"> <li>• <b>Chair</b></li> <li>• <b>Everyone</b></li> </ul>                               |
| <p><b>Facilitation and interpersonal skills</b></p> | <ul style="list-style-type: none"> <li>• Helps contributors to enter the Review process feeling informed and supported (e.g. provides adequate information, including about the supports available; remains open for further clarifications etc.);</li> <li>• Helps family members feel supported and maintains a relationship with them, while managing the boundaries and responsibilities of this task (particularly relevant for those liaising with the family);</li> <li>• Works well in a group setting.</li> </ul>   | <ul style="list-style-type: none"> <li>• <b>Everyone</b></li> </ul>   |
|   | <ul style="list-style-type: none"> <li>• Discusses and debates with others in an objective, non-judgemental and transparent manner, demonstrating that they have no 'hidden agenda' (e.g. openly shares their own thoughts and understanding of the case, tests key ideas with the Review Team).</li> </ul>  | <ul style="list-style-type: none"> <li>• <b>Chair</b></li> <li>• <b>Team Member</b></li> <li>• <b>Reviewer</b></li> </ul> |



| Skills/abilities:                                    | Examples of descriptors:  | Applicable to:  |
|--|---|---|
| <p><b>Facilitation and interpersonal skills</b></p>  | <ul style="list-style-type: none"> <li>• Establishes effective relationships with participants, noting that they will come with differing levels of status, expertise, experience and education;</li> <li>• Effectively facilitates group work and manages complex group dynamics (is able to assess, react and change).</li> <li>• Facilitates practitioner and manager events so that:               <ul style="list-style-type: none"> <li>– Participants understand the purpose of the Review, as well as the underpinning principles and values of Learning Reviews;</li> <li>– Trust is established between participants;</li> <li>– All participants can voice their views in a safe manner;</li> <li>– Discussion, debate, probing and constructive challenge are encouraged;</li> <li>– Meetings remain focused on the core purpose of the Review;</li> </ul> </li> <li>• By establishing their independence from any operational management responsibilities or decision-making in relation to the case under review, asks challenging but constructive questions;</li> <li>• Puts participants at ease and encourages them to openly and honestly express their views and reflect on their involvement in the case;</li> <li>• Uses a range of participatory and creative approaches to obtain the views and experiences of children, young people and parents/carers and practitioners in a safe manner.</li> </ul> | <ul style="list-style-type: none"> <li>• <b>Reviewer</b></li> </ul> |
|  | <ul style="list-style-type: none"> <li>• Effectively chairs and facilitates Review meetings (is able to assess, react and change).</li> </ul>   | <ul style="list-style-type: none"> <li>• <b>Chair</b></li> </ul>    |
| <p><b>Active and reflective listening skills</b></p> | <ul style="list-style-type: none"> <li>• Shows interest in and empathy with the views expressed by others. Is respectful of the views expressed by others;</li> <li>• Seeks to understand the idea expressed by the other person, then relays the idea back, to confirm that it has been understood correctly;</li> <li>• Remembers what others said and builds on their contributions.</li> </ul>  | <ul style="list-style-type: none"> <li>• <b>Everyone</b></li> </ul> |

| Skills/abilities:               | Examples of descriptors:  | Applicable to:  |
|---------------------------------|---|---|
| <p><b>Analytical skills</b></p> | <ul style="list-style-type: none"> <li>• Reviews and assesses all information available (events/consultations/meetings minutes, practitioner case notes, organisational policies, procedures etc.) to develop a full and multi-faceted understanding of the case;</li> <li>• Identifies gaps or deficiencies in the information available to the Learning Review;</li> <li>• Is able to undertake own research, where there is a knowledge gap; Learning Review Team are not expected to know everything, but they are expected to know where to seek and how to review evidence;</li> <li>• Verifies information presented through cross-checking of information against other sources, in order to understand the multiple lenses of the case (e.g. whether facts and explanations provided are aligning and complementing one another, addresses contradictory perspectives etc.);</li> <li>• Interprets and analyses the workings and shortcomings of complex, multi-agency systems (e.g. taking into account policies and procedures, resources, staffing levels etc.);</li> <li>• Elicits and analyses information from a learning and child-centred perspective, looking at the wider impacts for practice and service delivery (e.g. going beyond the identified challenges and understanding what had caused them, the systems' implications and needed improvements);</li> <li>• Makes sound judgements based on the information collected and analysed during the Learning Review, through logical thinking and a culture of collaborative problem solving.</li> </ul> | <ul style="list-style-type: none"> <li>• <b>Reviewer</b></li> <li>• <b>Team Member</b></li> <li>• <b>Chair</b></li> </ul> |

| Skills/abilities:                                     | Examples of descriptors:   | Applicable to:  |
|---|--|---|
| <p><b>Communication skills (written and oral)</b></p> | <ul style="list-style-type: none"> <li>• Is able to communicate with multiple audiences (e.g. children, young people, families, practitioners, senior managers and Chief Officers Group, as appropriate) about the Review purpose, process, timetable and outcomes, in a clear and accessible manner. This may require:                             <ul style="list-style-type: none"> <li>– Adopting different communication methods with specific groupings;</li> <li>– Providing updates throughout the Review process.</li> </ul> </li> </ul>  | <ul style="list-style-type: none"> <li>• <b>Reviewer</b></li> <li>• <b>Chair</b></li> </ul> |
|   | <ul style="list-style-type: none"> <li>• Conveys complex issues in a concise, well-structured and accessible manner, using plain English, listen wherever possible, so that multiple audiences (the family, practitioners, senior managers, elected members and the public) can understand the findings and learnings. The clarity is required in both written and verbal communication. The objective should be to draft the report so that it can be published;</li> <li>• Uses a neutral tone in the report, with a focus on learning, not blaming;</li> <li>• Balances the importance of providing detailed (but confidential) insight to the case with the learning that can be taken from it;</li> <li>• Focuses on communicating key points of learning from the case.</li> </ul> | <ul style="list-style-type: none"> <li>• <b>Reviewer</b></li> </ul>                         |
|   | <ul style="list-style-type: none"> <li>• Recognises and responds to non-verbal signs from others (e.g. body language, tone of voice etc.);</li> <li>• Adapts and changes their communication styles where appropriate (for example, from a sensitive and listening style to a more assertive and challenging style where appropriate – where trust is achieved and probing and constructive challenge can be used).</li> </ul>   | <ul style="list-style-type: none"> <li>• <b>Everyone</b></li> </ul>                         |

## 4. Experience and knowledge

This section sets out the professional and practice experience and knowledge that may be required by those who are part of a Learning Review Team. These are supported by:

- examples of descriptors illustrating what a person who has that area of experience and knowledge may say or do
- an indication of whether the area of experience and knowledge is of particular relevance to specific roles within a Learning Review Team – Chair, Team Member, Reviewer or Administrator

This has been set out to support local decision-making and professional judgement. The specific experience and knowledge required, as well as their descriptors, will be dependent upon the nature of the Learning Review and the requirement of the Child Protection Committee.

| Experience and knowledge:                    | Examples of descriptors:  | Applicable to:  |
|--|---|---|
| <b>Systems insight</b>                       | <ul style="list-style-type: none"> <li>• Understands and can interrogate the workings of the whole system around the child/family, including relevant single-agency and multi-agency procedures;</li> <li>• Understands how organisations and systems influence and impact on how individuals operate;</li> <li>• Knows where, and from whom, to get specific information and expertise in order to build a comprehensive understanding of the system;</li> <li>• Has a good understanding of the differences in the terminology used by various agencies.</li> </ul> | <ul style="list-style-type: none"> <li>• <b>Reviewer</b></li> <li>• <b>Chair</b></li> <li>• <b>Team Member</b></li> </ul> |
| <b>Review methodologies</b>                  | <ul style="list-style-type: none"> <li>• Is knowledgeable and understands methodologies and approaches for undertaking Reviews.</li> </ul>  | <ul style="list-style-type: none"> <li>• <b>Reviewer</b></li> </ul>   |
| <b>Adult learning and group facilitation</b> | <ul style="list-style-type: none"> <li>• Has experience of facilitating active engagement within a group setting;</li> <li>• Understands group processes and dynamics and has experience of helping people to explore, reflect and learn;</li> <li>• Understands how to build on what participants and contributors have experienced and learnt in the past.</li> </ul>   | <ul style="list-style-type: none"> <li>• <b>Reviewer</b></li> </ul>   |

| Experience and knowledge:                    | Examples of descriptors:   | Applicable to:  |
|--|--|---|
| <b>Child Protection system(s) experience</b> | <ul style="list-style-type: none"> <li>• Has recent experience and understanding of child protection practice, processes and procedures in Scotland, including the <a href="#">National Guidance for Child Protection Committees Undertaking Learning Reviews (Scottish Government, 2020)</a> and specific legal processes and requirements;</li> <li>• Has experience and understanding of child protection organisational arrangements – both multi-agency working arrangements and internal organisational structures;</li> <li>• Has experience and understanding of the complexity of communication, collaboration and cooperation within multi-agency child protection practice and policy.</li> </ul>       | <ul style="list-style-type: none"> <li>• <b>Reviewer</b></li> <li>• <b>Chair</b></li> </ul>                               |
| <b>Child development theory knowledge</b>    | <ul style="list-style-type: none"> <li>• Has up to date knowledge of child developmental theory and research.</li> </ul>   | <ul style="list-style-type: none"> <li>• <b>Reviewer</b></li> </ul>   |
| <b>Related services knowledge</b>            | <ul style="list-style-type: none"> <li>• Understands the role, practice and impact of services connected to child protection, e.g. social work, health, education, adult services, criminal justice, addictions or domestic violence.</li> </ul>   | <ul style="list-style-type: none"> <li>• <b>Reviewer</b></li> <li>• <b>Team Member</b></li> <li>• <b>Chair</b></li> </ul> |
| <b>Legal and policy systems knowledge</b>    | <ul style="list-style-type: none"> <li>• Understands relevant legislation and policy within the Scottish context;</li> <li>• Differentiates between Learning Review remit and task as opposed to criminal or negligence proceedings;</li> <li>• Understands roles, responsibilities and governance of Learning Review processes as set out in national and local guidance;</li> <li>• Considers rules of evidence and is able to manage the Learning Review process where criminal proceedings also taking place using the <a href="#">Crown Office and Procurator Fiscal Service (COPFS) Protocol (Annex 2 of the National Guidance for Child Protection Committees Undertaking Learning Reviews)</a>.</li> </ul> | <ul style="list-style-type: none"> <li>• <b>Chair</b></li> <li>• <b>Reviewer</b></li> <li>• <b>Team Member</b></li> </ul> |
| <b>Report writing</b>                        | <ul style="list-style-type: none"> <li>• Has experience of writing comprehensive reports in a concise, well-structured and accessible manner, allowing the findings and learnings to be understood by multiple audiences.</li> </ul>   | <ul style="list-style-type: none"> <li>• <b>Reviewer</b></li> </ul>   |

## Acknowledgments

Consistent with the aspiration to build a learning culture, the process of developing this Supplementary Guidance has sought to learn from the experience of individuals involved in Reviews and previous work undertaken into reviewer skills needs. Specifically, the process has involved the following two elements:

- a desk-based review of guidance, evaluation and other relevant documentation to identify key skills and competences required of reviewers. This included learning from the experience of different Review models in the UK and internationally
- in-depth discussions with individuals who have direct and multiple experiences of Reviews to capture their opinions on what skills and competencies are required

We would like to acknowledge our thanks for the invaluable input and in depth participation that informed the development of this supplementary guidance to: Alan Small, Alexander McTier, Anne Houston, Anne Neilson, Barbara Firth, Caren McLean, Colin Anderson, Fiona Miele, Louise Ward, Mihaela Manole, Moira McKinnon, Safaa Baxter, Sharon Glasgow, Sharon Robertson and Viv Boyle.

## Annex 6:

### Facilitating and shaping practitioner and first line manager events and strategic manager events

Learning Reviews are a collective endeavour to learn from what has happened in order to improve systems and practice in the future and thus better protect children and young people. Bringing together practitioners and their first line managers in a facilitated event is an opportunity for them to reflect on practice and also to ensure that their voice directly contributes to the review. A sensitively facilitated event can also generate immediate learning at both an individual and a group level; learning which can be applied directly to current practice. For strategic managers, meeting together in a facilitated group is an opportunity to understand the learning from a particular situation in order to consider the implications from both a single agency and a multi-agency perspective.

However, reviewing complex situations where a child or young person has been harmed or been at risk of significant harm can raise anxiety in organisations and individuals. This anxiety can block learning by generating defensiveness, with a consequent inability to review and reflect, or to acknowledge the need for change and development in processes and practice. It is essential, therefore, that careful consideration is given to the shape and structure of group events and that they are well facilitated.

Careful preparation is essential if the events for practitioners and their first line managers and events for strategic managers are to be effective and make a meaningful contribution to the Learning Review. Preparation includes identifying participants so that the relevant people attend, selecting an appropriate venue, and thinking about the duration of the event.

At this preparation stage all participants need clarity about the purpose of the group session and a sense of how it will be conducted. They also need a framework to help them prepare and for participants and first line managers this will consist of asking them to revisit their involvement with the situation under review and to think about the assessments they completed, the decisions they made, the actions they took and their interaction with other professionals and services. They should also be asked to identify areas of effective practice and areas where, in retrospect, they realise that something could have been done better.

Review Team members have an important part to play in preparing participants and should be the link with those staff from their service area or organisation to ensure they are well briefed and understand the purpose. Review Team members should also be prepared to answer any queries prior to the event.

Group sessions may vary in duration depending on the situation under review, but for practitioners and first line managers it is advisable to set aside a full day. Sessions for strategic managers can usually be completed in half a day.

The venue, as well as the structure of the day, must facilitate the process and so needs to be comfortable and fit for purpose. The layout of the room is an important factor and it is helpful if participants are able to see one another in order that they can develop a conversation together. Rooms laid out in boardroom style or horseshoes or circles should assist this, together with space to move in and out of small groups and sub-sets if required. If the event is to be held for the duration of a day then it is preferable to provide lunch. This will help participants to continue thinking together in a less formal way and avoid disruption to the process.

The discussions at this group event do need to be captured as they will directly contribute to the overall learning and to the review report. A note taker should be identified before the events and this will usually be the Review Team Administrator. It should be noted that what they will produce are not formal minutes, but working notes to assist the Reviewer(s) and the Review Team in identifying key learning and recommended actions.

Practitioner/first line manager events and strategic manager events require the facilitators to work in the moment with the material generated by the group and cannot be rigidly structured. However, in order that they have some coherency and provide a framework in which participants can work productively they do need some shape with carefully crafted beginnings, middles, and endings.

However well-prepared participants are there will still be some apprehension as they gather for the group session and so a careful introduction is essential. This should cover:

- introductions to everyone in the room and why they are there
- reiteration of purpose and process
- an acknowledgement of the apprehensions and anxiety within the room
- setting out working principles for the sessions
- a brief overview of the situation under review

For practitioner and first line manager events the next stage is the exploration of their involvement in the situation under review. This is best done chronologically and, as the story unfolds, it will be important to remind participants to differentiate between their thoughts and actions at the time, and the wisdom of hindsight afforded by a retrospective reflection. In other words, it is about exploring the question 'why did we do that then?' and following this up with the question 'could we have done it differently and what would have helped us to do so?'

As the discussions and thinking develops within the group, the Reviewer(s) should ensure that the following areas are covered:

- were the risks in the situation identified and understood?
- how were family members engaged with?
- what were the family's views at the time and what are they now?
- how did the professionals work together?
- what went well? This is about identifying effective practice and what facilitated that practice.
- what could have been done better and why did it not happen at the time?

To help participants make sense of the emerging issues and learning it is essential that the Reviewer(s) pause from time to time to summarise the discussion.



How the practitioner/first line manager event is brought to a close is important if it is to have some ongoing value and therefore, should not be rushed. This final session of the day should include:

- a summary of the key learning
- an outline of the next steps
- an opportunity for participants to think about their personal learning from the day and how to take it forward
- checking out how participants feel about the process they have been through

The events for strategic managers also need a careful and thorough introduction similar to the one for practitioner events. However, they will need more input on the circumstances leading to the review so that they have material to work with for the rest of the session. The session will then cover the following areas:

- small group work to think about:
  - challenges and missed opportunities in this situation
  - what worked well and why?

Followed by careful feedback to identify themes and issues

- feedback from the practitioners and frontline managers event, with an opportunity for discussion
- input on the views of the family, again with an opportunity for discussion
- discussion on 'what needs to change' to think about:
  - what changes have already been made?
  - what else can be done?
- summary and agreement on the emerging recommendations/future actions
- setting out next steps in terms of the process of the Learning Review

For the Reviewer(s) these group events will bring to the fore their facilitation skills. This includes managing the group dynamic but also working sensitively with the individuals within the group. It is about creating an atmosphere of safety and trust, which encourages participants to openly and honestly express their views and reflect on their involvement in the situation. It is about opening up discussion, allowing people to consider and debate but also knowing when to intervene and lead from the front so that the event does not lose its focus

## Glossary

- CI** Care Inspectorate
- COG** Chief Officers Group
- COPFS** Crown Office and Procurator Fiscal Service
- CPC** Child Protection Committee
- FAI** Fatal Accident Inquiry
- SUDI** Sudden and unexplained death in infancy



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