



Association of
Independent
LSCB Chairs

Publication of Serious Case Review Reports

Intelligence gathering exercise undertaken August – October 2013

Context

In August 2013, the Association of Independent LSCB Chairs began an intelligence gathering exercise concerning the publication of serious case review (SCR) reports.

In June 2010, Tim Loughton MP (Parliamentary Under-Secretary of State for Children and Families at that time) wrote to all Independent Chairs of LSCBs, instructing them to publish the full overview reports of SCRs. However, provision was made for LSCB Chairs to exercise their professional judgement in not publishing full overview reports of SCRs, where “compelling reasons” relating to the welfare of children, prevailed. Whilst this provision for exceptions to SCR publication has not been repeated in *Working Together 2013*, the legacy of the original instruction remains strong among LSCB Chairs.

Since June 2010, a number of comments have been made by senior politicians, including the Secretary of State for Education (16 November 2012) and the Children’s Minister (18 April 2013), which suggest that LSCBs have too often chosen not to publish SCRs, in order to protect adults and professional reputations, rather than children.

Whilst the Association has consistently challenged these views, until now it has only had anecdotal evidence to support its strongly held belief that LSCB Chairs hold the protection of children as their highest priority.

Working Together 2013 introduced a new “National panel of independent experts on Serious Case Reviews”. The remit for the national panel includes: “... to support LSCBs in ensuring that appropriate action is taken to learn from serious incidents in all cases where the statutory SCR criteria are met and to ensure that those lessons are shared through publication of final SCR reports.” (Chapter 3: para 15)

In July 2013, the Association requested a list of all *ongoing*, commissioned SCRs from the Department for Education and this was provided. This included SCRs commissioned up to 6 June 2013. The Association then undertook to contact all of the commissioning LSCBs, to gather information about publication, and intentions to publish, of these SCRs.

Summary of findings

What has emerged from this exercise is confirmation of the strong commitment by LSCB Chairs to publish SCR reports.

Where decisions have been made *not* to publish a SCR report in full, LSCB Chairs have provided a description of the compelling reasons which led to this decision. In all cases where a decision has been made not to publish an SCR, this has been based on significant concerns about the safety and well-being of vulnerable children and vulnerable adults. Expert opinion has been sought by LSCB Chairs in determining the levels of risk to vulnerable children and families.

Non-publication has never been based on a concern for the professional reputation of those who may have been involved in the case.

Neither has a decision *not* to publish ever been based on a desire to protect the identity of a specific LSCB. On the contrary, LSCB Chairs have demonstrated considerable determination, and tenacity, in publishing SCR reports, whilst simultaneously complying with legal restrictions on potentially identifying vulnerable children.

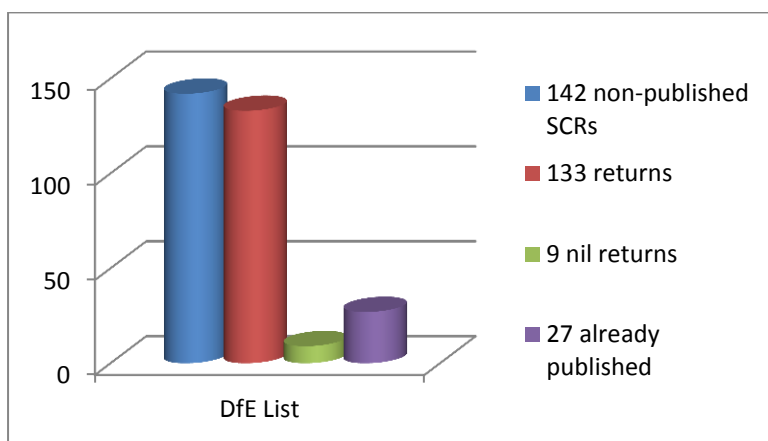
However, in a small but significant number of cases, the vulnerability of some children and adult members of their family is such that legal and medical advice to the LSCB Chair has led to a decision not to publish the full SCR report. For example, vulnerability to continued sexual exploitation of a young person, high risk of suicide and police

reports of death threats to family members are some of the contributory factors to making the decision not to put the full details of an SCR report into the public domain.

In circumstances such as these, LSCBs have demonstrated that they have found other routes to share the learning from these case reviews, both locally and nationally. This has been achieved through local learning events, the publication of an executive summary rather than the full report and the anonymous publication of key learning/messages through the Association's website.

Presentation of data

Intelligence gathering exercise

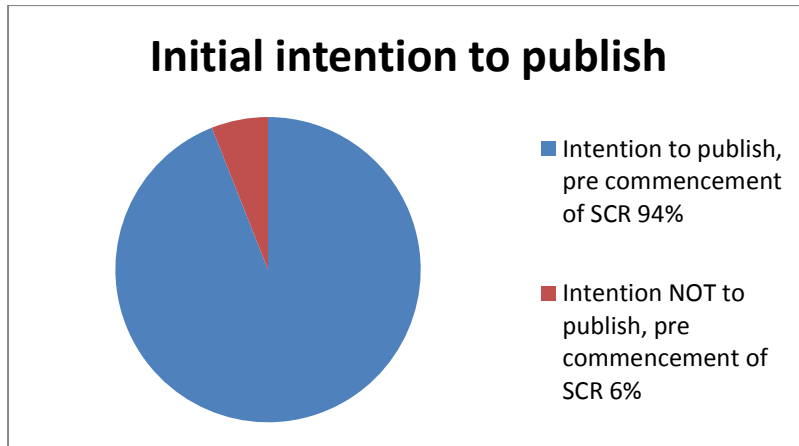


The Department for Education provided the Association with a list of 142 non-published Serious Case Reviews.

The Association approached all of the commissioning LSCBs, seeking information about publication of their SCRs. Intelligence was received about 133 of the 142 SCRs.

Of the 133 SCRs being considered by the Association in this exercise, 27 (20%) had already been published.

Intention to publish at time of commissioning SCR



The intention to publish the SCR, at the time of its commissioning, was high.

94% (125/133) of all SCRs commissioned were done so with the intention of final publication.

6% (8/133) of the SCRs commissioned were done so with the intention *not* to publish.

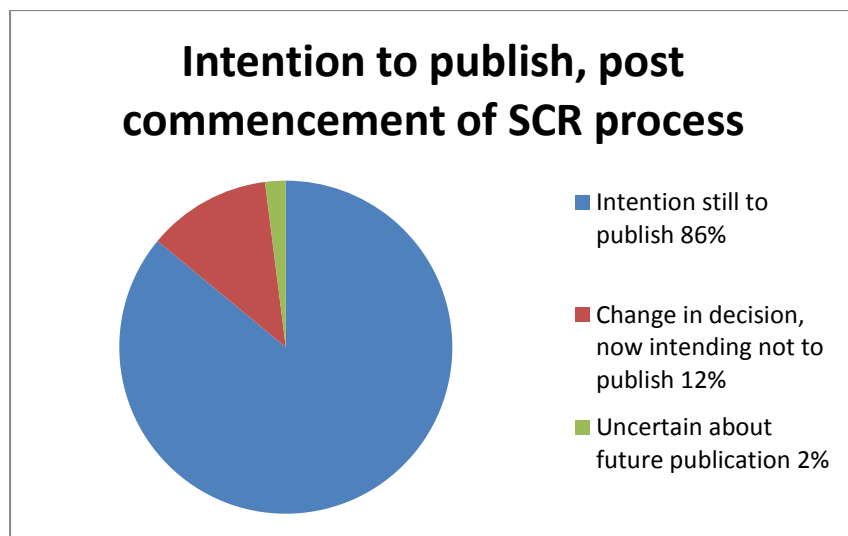
The reasons given for this early decision were:

- concerns about impact of publication on the vulnerability of a surviving sibling
- concerns about impact of publication on a vulnerable adult
- psychiatric advice about a surviving victim
- legal advice about the human rights of a non-abusing father

However, half of those reports not intended for publication, *were* in fact published.

The LSCBs found ways to mitigate their concerns about the impact of publication.

Review of decisions to publish, on completion of SCR



Whilst the vast majority of SCRs continued to head towards final publication (86%), the information and personal details of family members, which emerged through 12% (13/106) of the SCR processes, led to the original intention of publication being reviewed, with the ultimate decision *not* to publish. In two of these cases, an executive summary was published, rather than the full overview report.

The reasons given by LSCB Chairs for not publishing specific SCRs included:

- police advice re death threats to vulnerable mother
- psychiatric opinion re threat to mental health of parent
- psychiatric opinion re suicide risk of father
- psychiatric opinion re high suicide risk of mother
- concern re the impact of publication on well-being of siblings and vulnerable adults
- concern re privacy of surviving child and mother following considerable press interest
- welfare concerns for surviving children
- risk of repeated child sexual exploitation
- psychiatric opinion re risk of child suicide

In all cases where the SCR was not published, the LSCBs undertook to share the learning which had emerged from the review process. This was achieved through different routes, including local learning events and the publication of key lessons/messages through the Association's network.

Delays to publication

Whilst the majority of LSCB Chairs maintained their intention to publish the SCR reports, the time between the LSCB commissioning the SCR and then planning to publish the full overview report, was often long.

The Association therefore used to this intelligence gathering exercise to better understand the reasons for these delays, to test whether this was a result of an innate reluctance on the part of LSCB Chairs to publish, or whether there were mitigating circumstances.

The LSCB Chairs were asked to identify any causes for delay in the publication of the 106 SCRs, which had not yet been published. All LSCB Chairs maintained their intention to ultimately publish the full overview report.

Explanation for delay (some SCRs had more than one cause for delay)	Incidence/no. of SCRs
Legal restrictions/court injunction	4
Awaiting completion of criminal proceedings	44
Awaiting completion of inquest	17
Concern about impact on surviving siblings	10
Concern about impact on vulnerable adults	9
Awaiting completion of care proceedings	2
Insufficient resources to bring SCR to completion	2
SCR process still ongoing	34
Awaiting outcome of complaint against police	1

Since gathering this intelligence, some of the reports cited above have now been published. This demonstrates the constant movement in the progress of SCRs and their ultimate publication.

Conclusion

LSCB Chairs have demonstrated their commitment to publishing the full overview reports of SCRs.

There is evidence that where a decision *not* to publish was made at the time of commissioning the SCR, this has been reviewed and overruled, in half of those cases. This has led to publication of the full overview report.

In the course of gathering this intelligence, some LSCB Chairs have described their need to exercise professional courage in pressing ahead with the publication of SCRs, when some LSCB members have raised concerns or suggested obstacles to publication.

There is also evidence that some SCRs, which were intended for publication, have not been published. LSCB Chairs have been clear in their description of the compelling reasons which led to this outcome. The rationale for these decisions was always based on the need to protect vulnerable children, and sometimes vulnerable adults. In some cases this protection extended, potentially, to the difference between life and death.

There is no evidence that any LSCB Chair has prevented the publication of an SCR report, in order to protect the identity or interests of professionals, or the LSCB itself.

This intelligence gathering exercise has also cast light on the reasons why there is often a delay in the publication of SCR reports. This delay can potentially be misinterpreted as reluctance on the part of LSCBs and their Chairs to publish the report. There is no evidence to support this.

What is evident is that the reasons for delay in the publication of SCRs are invariably beyond the control of the LSCB Chair; including, for example, parallel legal processes and threats to the mental health and emotional well-being of vulnerable children. Sufficient evidence has been provided by this exercise to convince the Association that LSCB Chairs demonstrate effective leadership in promoting the publication of SCR reports. However, publication of individual serious case reviews is just one part of the story.

As yet there is no evidence available to indicate that the publication of SCRs leads to a strengthening of the child protection system. The search for such evidence is beyond the scope of this specific intelligence gathering exercise.

However, the Association is optimistic that the development of a national repository for published SCR reports, in partnership with the NSPCC library, will provide an accessible, coherent source of shared learning for LSCBs and their member agencies, based on the insights and findings of serious case reviews.

7 November 2013