

West Lothian Adult Protection Committee

Critical Review Team

Protocol

Date of Review and Implementation:	January 2022
Next Review Due:	January 2025
Signed off and agreed by:	APC February 2022

TABLE OF CONTENTS

1.0	Introduction and Context	3
2.0	Legislative Context	3
3.0	Definition of Critical Review Team	3
4.0	Membership of Critical Review Team	4
5.0	Chairing Arrangements	5
6.0	Support Arrangements	5
7.0	Critical Review Team Terms of Reference	5
8.0	Notification process for a Critical Review Team Meeting	6
9.0	Critical Review Team Governance Arrangements	6
10.0	Review and Evaluation of Protocol	6

1.0 **Introduction and Context**

1.1 The Critical Review Team protocol is used as an operational escalation process to request multi agency leadership and governance oversight, requiring active involvement to support staff to manage risk for an individual or when an individual poses a public protection risk to others. The *Report on the Significant Case Review on the Case of Ms E* (December 2010) contained 13 recommendations. Recommendation 2 stated:

“It is recommended that a senior “Multi-agency Critical Review Team” be established to overview, when necessary/by referral, the management of high risk cases that require active involvement from the key statutory partners”.

1.2 Those undertaking the Significant Case Review (SCR) noted that there was evidence from the case that some of the prevalent multi-agency challenges might have benefitted from a senior multi-agency discussion. Such a discussion could have been deployed early on in the process to agree roles, responsibilities, and approaches and later on in the process to address, as required, some of the tensions and different approaches.

2.0 **Legislative Context**

2.1 The Adult Support and Protection (Scotland) Act 2007 provides ways to offer support and protection to certain adults who may be at risk of harm or neglect and The 2007 Act places certain duties upon Local Authorities and other statutory bodies.

2.2 West Lothian Council has a duty to inquire and investigate cases where harm is known or suspected. Council Officers (social workers who have had enhanced training on the legislation) have powers to visit and interview people, to arrange medical examinations and to examine records. They must also consider whether there is any need for advocacy or support services.

2.3 Various Protection Orders, albeit time-limited, are available empowering local authorities to assess, remove, or ban individuals to protect people from harm.

2.4 Multi-agency Adult Protection Committees have been set up in each local authority area.

3.0 **Definition of Critical Review Team**

3.1 A Critical Review Team is a group of people of sufficient seniority who meet “as and when” required to offer direction and guidance in complex cases (aged **15+**) where further discussion and decision-making is required so that agreement on the best way to proceed can be reached. It acts as an escalation process.

3.2 It is proposed that the definition of a “complex case” **may** include **some** of the following:

3.2.1 Adult Protection cases;

3.2.2 Cases involving persons subject to statutory orders under either the Adults with Incapacity (Scotland) Act 2000 or Mental Health (Care and Treatment) (Scotland) Act 2003;

3.2.3 Cases involving Mentally Disordered Offenders (MDOs) as defined under The Mental Health (Care and Treatment) (Scotland) Act 2003;

3.2.4 Cases involving non-convicted and or convicted persons who are in regular contact with the criminal justice system;

3.2.5 Cases involving persons moving from Children and Families services (including the Throughcare and Aftercare Teams) to Adult services who may or may not be subject to any statutory orders and who may present a challenge to services;

- 3.2.6 Cases involving persons who frequently and consistently present a challenge to services and pose a public protection risk to other vulnerable groups;
- 3.2.7 Cases raised at a meeting of the Adult Protection Quality Assurance Sub-committee for multi-agency consideration and follow-up discussion with a Head of Service.

3.3 It is anticipated that such a Team will meet infrequently, for only as long as is needed and will only be required for a “critical few” number of cases at any one time.

4.0 Membership of Critical Review Team

4.1 In West Lothian, membership of the Critical Review Team will be formed, as appropriate from:

- Social Policy, West Lothian Council;
- Housing, West Lothian Council;
- Police Scotland;
- NHS Lothian; West Lothian HSCP
- Scottish Fire and Rescue Service;
- Other services as required (eg. Children and Families, West Lothian Council, for cases involving those aged 15);

All involved agencies must be represented for the meeting to be quorate.

4.2 Whilst this core membership as appropriate will be drawn from statutory agencies, agencies from the third sector may be asked to attend if/where necessary. This will be at the discretion of the Chair of the Critical Review Team.

4.3 It is essential that the Critical Review Team involves those in a senior position so that services and responses can be co-ordinated and approved at a high level. Both the Chair and the membership must be able to take decisions and allocate resources (where appropriate) for the management of the complex case being reviewed.

4.4 It is suggested that core membership as appropriate will comprise:

- Head of Social Policy - CSWO;
- Head of Housing;
- Detective Chief Inspector, J Division, Police Scotland;
- Chief Nurse, West Lothian HSCP;
- Head of Health, West Lothian HSCP;
- And, anyone else as appropriate to meet the circumstances of the case.

4.5 It is essential that each member nominates a substitute to attend the meeting in the event of their absence. Substitutes should be able to take any necessary decisions. Members’ should only nominate one substitute per Critical Review Team.

4.6 A range of officers could also be invited according to their functions, roles, remits and the nature of the discussion. If required and where necessary, the Critical Review Team should be supported by:

- Mental Health Officer;
- Adult Protection Lead Officer;
- Staff with experience of Child Protection and;
- Staff with experience of Criminal Justice services;
- Staff working in educational services.

Other staff members can also be invited by the Chair of the Critical Review Team, as appropriate, including those involved in the case being discussed.

5.0 Chairing Arrangements

5.1 The Chair of the Critical Review Team will be nominated and agreed by the core membership as set out in 4.4 to enable the most suitable agency to Chair the meeting for the circumstances of the case being discussed.

5.2 The nominated and agreed Chair will perform their duties for 12 months at which point a new Chair will be identified and appointed by the core membership.

6.0 Support Arrangements

6.1 The Critical Review Team will be supported by the Social Policy Admin team who can assist with the organisation and taking a minute of each meeting.

7.0 Critical Review Team Terms of Reference

7.1 The terms of reference of the Critical Review Team are as follows:

- 7.1.1 Dispute resolution where there is a dispute between agencies regarding the management of an Adult Protection case whether that be in relation to allocation, direction, management, or closure;
- 7.1.2 Offer clarity regarding case ownership and/or actions;
- 7.1.3 Risk management where there are complex risks that are causing difficulties to those working with the case;
- 7.1.4 Offer direction and guidance in complex cases where there are a number of agencies playing a key role and where leadership, roles and responsibilities are either unclear or disputed;
- 7.1.5 Offer direction and guidance in Adult Protection cases which pose an organisational and reputational risk (to any or all of the statutory agencies);
- 7.1.6 Offer direction and guidance in complex cases where the legislation is not clear and/or cannot offer solutions;
- 7.1.7 Offer direction and guidance in cases where the complexity is hindering or blocking solutions, progress or action frustrating those working with the case;
- 7.1.8 Offer clarity, guidance, and decision-making options for high-risk multi-agency cases causing levels of high anxiety for one or more of the agencies involved.

8.0 Notification process for a Critical Review Team Meeting

8.1 Any core member (4.4) of the Critical Review Team can request a meeting be held and should do so in consultation with other core members. An email should then be sent to the Lead Officer Adult Protection to make a Critical Review Team notification.

8.2 It is anticipated that a Critical Review Team notification will most likely be as a result of a core member of the Critical Review Team being approached by a member of staff in their area of responsibility about a case.

8.3 If it is decided that a Critical Review Team meeting should be convened, a Chair should be identified and appointed. The Chair of the Critical Review Team via the Adult Protection Lead Officer will request Social Policy Admin team organise and minute the meeting.

8.4 The format of the meeting (eg. whether to invite staff involved in the case) will vary and be dependent on the nature of the issues being discussed. The Chair determines other invitees.

- 8.5 Minutes of the meeting will be distributed to all core members and other relevant parties/invitees including those agencies who gave apologies.
- 8.6 The Chair should ensure that staff involved in the case and their managers are informed that a Critical Review Team meeting has been requested, the Critical Review Team's Terms of Reference and that all will be requested to provide reports/ or attend meetings. The Chair should also ensure that staff and their managers are informed by receiving a copy of the minute from each CRT and notified when the process ends. A copy of the minute from the CRT should be indexed and saved on the subject of the Critical Review Team's record for others to access it retrospectively.
- 9.0 *Critical Review Team Governance Arrangements***
- 9.1 The Adult Protection Quality Assurance Sub-committee are appraised about the progression of each Critical Review Team and the Adult Protection Committee informed upon its conclusion for approval to end it.
- 10.0 *Review and Evaluation of Protocol***
- 10.1 It is anticipated that this Protocol will be reviewed and evaluated as part of the ongoing Quality Assurance arrangements within Adult Protection.

Meeting of the Critical Review Team

(Name of Subject)

Agenda

Date at Time

Location

Chair:

1. Present

2. Apologies

3. Introduction

4. Purpose of today's meeting

5. Terms of Reference

6. Identified Risk

7. Restricted Access Information (RAI)

Information may only be restricted on the following basis:

Sub Judice – Information subject to legal proceedings the sharing of which may compromise those proceedings. A report to the Procurator Fiscal by any agency for the consideration of legal proceedings would class the information concerned as sub judice.

Third Party - Information from or about a third party which may identify them if shared; or information about an individual that may not be known to others including those within close family relationships, e.g. medical history, previous convictions, police intelligence reports.

Risk – Information that, if shared, may place any individual(s) at risk.

8. Open Access Information (OAI)

Report Updates and Items for Discussion

- Continue CRT process or not - yes/no
If no, justify why not?

9. Summary of Actions:

Risk/ Concern	Action	By Whom	Timescale	Desired Outcome

10. AOB

11. Date of next meeting (if required)

Meeting of the Critical Review Team

(Name of Subject)

Report

Date and time of Meeting

Location of Meeting

Chair

Subject of Meeting:

Review Requested By:

Chair:

Report Written By:

Restricted Access Information (RAI)

Chronology of Significant Events:

Actions taken to date:

Risk/ Concern	Action	By Whom	Timescale	Desired Outcome

Current risks:

Name:

Service area:

Signature:

Date:

Meeting of the Critical Review Team

(Name of Subject)

Minute

Date & Time of Meeting:

Location of Meeting:

Chair:

-
1. Present
 2. Apologies
 3. Introduction
 4. Purpose of today's meeting
 5. Terms of Reference
 6. Identified Risk
 7. Restricted Access Information (RAI)

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Report Updates and Items for Discussion

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9. Summary of Actions

Risk/ Concern	Action	By Whom	Timescale	Desired Outcome

10.AOB

11.Date of next meeting (if required)

Appendix 4

West Lothian Critical Review Team Multi-agency person/family chronology

Name

DOB:-

Address

Completed by - Name and Agency -

Date(s):	Significant event(s):	Outcome:	Source: Name (and agency where applicable)