

Core Competency 3A: Setting standards, terms of reference, parameters for the review

Why parameters?

Before a review or investigation begins it will be necessary to establish exactly what will be commissioned, its purpose and how it will be conducted.

Whatever procedure or methodology is chosen for a review or investigation, a framework, remit, agenda, set of parameters, terms of reference or other similar written statement should be agreed between the commissioners and the independent chair or reviewer. This should include the what, why and how of the matters outlined below. The statement should be provided to all stakeholders, including families and professionals and should be attached to the published report as an appendix.

Note below that there are slight differences between national guidance on the subject of terms of reference, which are summarised here briefly. Consult the source documents for the detail. Where a jointly commissioned review is to be undertaken, there will need to be joint 'terms of reference' or similar statement.

Whatever the Guidance, it will always be best to aim for agreement between commissioner and reviewer.

Safeguarding adults reviews	The Care Act 2014 sets out the circumstances in which a review must take place but not the review procedure, which is still bound by Vulnerable Adult Serious Case Review Guidance - Developing a Local Protocol states that the Chair of the Safeguarding Adults Panel will be responsible for establishing terms of reference and setting time scales for the review in agreement with the SGAB.
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Mental health homicide investigations	Department of Health Guidance HSG(94)27 as amended in 2005 states 'The SHA (now NHS England) is responsible for commissioning independent investigations.... Commissioning in this context refers toagreeing terms of reference'.
Domestic homicide reviews	The Multi-agency Statutory Guidance for the Conduct of Domestic Homicide Reviews states that the Chair and Review Panel should draw up terms of reference (Paragraph 5.11) and the final decision as to suitability of the terms of reference for each DHR should be with the Review Panel Chair (Paragraph 5.13).
Children's serious case reviews (England)	Working Together to Safeguard Children: A guide to inter-agency working to safeguard and promote the welfare of children , Department for Education, 2013 does not refer to 'terms of reference'. This is because some methodological approaches such as those which use systems learning do not use 'terms of reference' and the Department for Education wishes to ensure options for these approaches are kept open.
Children's serious case reviews (Wales)	Protecting Children in Wales: Guidance for Arrangements for Multi-Agency Child Practice Reviews , 2013, requires that terms of reference be produced, 'The final terms of reference (anonymised) will be included in the Child Practice Review Report at the completion of the review.

Consulting

It is sensible to consult widely when drafting a framework statement for the review, terms of reference or equivalent. This should include giving families an opportunity to contribute their ideas (**Morris, K; Brandon, M; Tudor, P; A study of family involvement in case reviews: Messages for policy and practice, BASPCAN**). It is best for commissioners to carry out this consultation rather than reviewers, so as to maintain the impartiality of the reviewer and avoid the inadvertent taking of evidence.

Accountability

The framework statement for the review, terms of reference or equivalent should describe the system of accountability for the review's work.

It should have **three accountability functions**, being to;

- Stand as part of the commissioning 'contract' enabling (i) the commissioners to determine whether the reviewer they have appointed has satisfactorily completed the tasks required of him/her, (ii) the reviewer to know exactly what responsibilities he/she has and what tasks he/she is expected to undertake, and (iii) the commissioners of the review to know its responsibilities and tasks to be undertaken;
- Act as a public 'to do' list so that all stakeholders can hold the review to account for any specific failures to adhere to the terms of reference, and
- Provide a way for all stakeholders, including the public, to determine whether the terms of reference were adequate for the task - for example, whether the purpose, scope of the review and methodology adopted were appropriate.

Five questions

The terms of reference, agenda or framework for the review should address each of the following questions; what, how, why, when and who. It should state **WHAT** is going to be done, and **WHO** will carry out what tasks and **WHEN** (bearing in mind possible delays). It should explain **HOW** the review will achieve its ends, specifying the methodology and issues it will examine, such as professional decision-making, national and local policies, procedures, working practices, training and any

specialist areas at issue for example availability of interpreters. It should set out **WHY** the review or investigation is being held and include an explanation for commissioning decisions such as the scope (both how far back in time the review will go and how broad will be the information-gathering), timescale or methodology being adopted, based on the principle of proportionality, taking into account time and cost.

Drafting the statement

When writing the framework statement, terms of reference or equivalent, strike a balance between content which is essential and that which is so detailed that repeated revision becomes necessary. Instead of including procedural minutiae, a procedure for the review could be written separately or set out in a letter to individuals. Endeavour to write succinctly using straightforward language.

Suggestions for content

- Purpose of the review
- Scope of the review
- Issues to be examined and their context
- Methodology to be used, including reasons
- A statement that good practice will be acknowledged
- Reference to disclosure, criminal proceedings or any other matters causing delay
- Confidentiality and anonymity arrangements
- Ethos of the review, including a commitment to family involvement and adherence to the Equality Act 2010
- Arrangements for feedback on progress to the commissioners
- A statement that a report and executive summary will be written, with recommendations made if appropriate
- A statement that the report will be published and disseminated, this being the responsibility of the commissioners

A living document

Amendment can be built in. For example, it could be stated that the scope of the review may be revised if certain new information emerges. The Wales Guidance (above) puts this well, stating that terms of reference are a living document and not set in stone.

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