Developing Terms of Reference for Incident Reviews
Draft Guidance for Consultation

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Guidelines on the development of terms of reference for incident reviews

Introduction
The purpose of a review is to establish the sequence of facts around the incident in order to determine what happened, why it happened and what actions are required to reduce the risk of recurrence and improve safety through shared learning.

Terms of reference (ToR) form the foundation stone for the commencement of any review. They are the road map to the review and should be distinct and comprehensive. They should clearly and concisely set out the issues and scope of the review as well as the core people, boundaries and methods to be utilised. Defining matters that are in the scope of the review are particularly important in ensuring that the review stays within those bounds. The importance of spending time debating and developing terms of reference for an adequate and appropriate review should not be underestimated.

The ToR should also seek to include any key issues or questions raised by the service user/family in the aftermath of the incident.

Benefits of a TOR
As well as establishing an understanding of what is required and by when, ToR can prevent such pitfalls as misunderstandings, unintended breaches of privacy and negative effects on relationships. Sound ToR provide the means by which emotive or biased considerations can be eliminated from the review and also provide an excellent starting point for drafting a review plan.

In the rare event that matters that have been reviewed subsequently move into legal processes, ToR and constituting documents may be subject to significant scrutiny by courts or tribunals. The availability of a well-defined and expressed TOR in conjunction with evidence that the review process applied was in line with these can mitigate against challenge at a later stage.

When should ToR be developed?
When ToR should be developed may depend on the circumstances of the incident but as a rule of thumb ToR should always be developed for the reviews recommended by the SIMT to the SAO.

What should ToR contain?
The ToR should contain the following elements;

**Introduction**
The introduction provides a brief overview of the background to the incident being reviewed e.g. this is the ToR in relation to *an incident* which occurred in XX location on XXXX date. It also identifies who is the commissioner of the review.

**Purpose**
The purpose of the review details the rationale and sets out what the review is required to examine. It may be described in terms such as:
“To establish the facts relating to <the incident>, to identify any factors which caused and contributed to <the incident> and to make recommendations which when implemented would reduce the risk of a similar incident occurring in the future.”

Scope
The scope sets out the bounds of the review. Determining the scope, or the issues that are to be reviewed, is a critical component of any review. Defining and maintaining a clear understanding of the review’s scope, and effectively conveying that to relevant parties, is essential to an effective review. Without a statement of scope, the reviewer/review team may be tempted to take the review into areas that are not necessarily material to the original incident and the review may lose direction.

When determining scope, it is important to cast the net wide enough to ensure that the review elicits all relevant facts. Therefore the scope should be framed as broadly as possible around the central focus of the incident. e.g. “from admission of the service user to her death” or “from time of referral to time of diagnosis”

Membership of the Review Team
This should provide detail of the names and titles of the team and identify the Chair. It should also include detail of any experts or other persons to whom the team may access for advice.

Objectives
The objectives set out the actions and deliverables required by the review and should contain the following detail;

- The policy under which the review is being carried out,
- The process and methodology to be applied
- The need to ensure that the review adheres to the principles of natural justice and fair procedures.
- The preparation of a report to the commissioner providing details of the incident, findings and recommendations

Timeframe for the completion of the review
This should include the expected timeframe for completion of the review and also set out the need to advise the commissioner of any issues that might result in a delay to achieving completion within the stated timeframe.

Revisions to the terms of reference
Whilst it is not desirable, in some limited circumstances there may be a need to amend or modify aspects of the terms of reference in the course of conducting a review e.g. due to unanticipated events or the availability of new information. The availability of a review/amendment clause may therefore be advisable. If it is decided to include such a clause then the process attaching should be explicit e.g. following discussion and agreement with the commissioner and that all parties will be informed of the change.

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