

4LSCB Joint Working Protocol for the Professional Challenge and Resolution of Professional Disagreement.

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1. Aim

Professional challenges should be seen as part of 'healthy' professional working relationships. Practitioners should be encouraged to give or receive professional challenge in a constructive and positive way. Successful joint working is reliant upon resolving disagreements effectively, and a genuine belief in a partnership approach to safeguarding children. The focus of this policy is to ensure that positive resolution of professional difference leads to better outcomes for children and the continuation of good partnership working. Agencies should work to the principle of resolving disagreements and maintaining positive relationships at the lowest possible level, so that each agency is satisfied that their concerns have been listened to and the focus has been on achieving the most appropriate outcomes for children and families.

This policy relates to the resolution of differences between agencies. For disputes within agencies, in house procedures should be followed.

2. Introduction

It is the Local Safeguarding Children Board's responsibility to publish a Threshold Document, which sets out the local criteria for action in a way that is transparent, accessible and easily understood. However, it is recognised that working with children and families can be difficult and complex. It involves dealing with uncertainties and making important, complex judgements on the basis of incomplete information to demanding timelines in what may be changing, hostile or stressful circumstances.

In most circumstances, there is mutual agreement between professionals as to the application of thresholds when working together to safeguard children and young people. However, when there are professional concerns or disagreements over another professional's decisions, including their actions or lack of actions, the repercussions can be extremely serious for the children and young people concerned. When communicating disagreement, professionals should remain respectful of each other at all times and this should be evidenced in both their direct and written communication, and throughout the escalation resolution process.

Problem resolution is an integral part of professional co-operation and joint working to safeguard children and it is important to:

- Ensure professional disputes do not put children at risk or obscure the focus on the child.
- Ensure professional disputes between agencies are resolved in a timely, open and constructive manner.

- Identify problem areas in working together where there is a lack of clarity and to promote resolution via amendment to protocols and procedures.

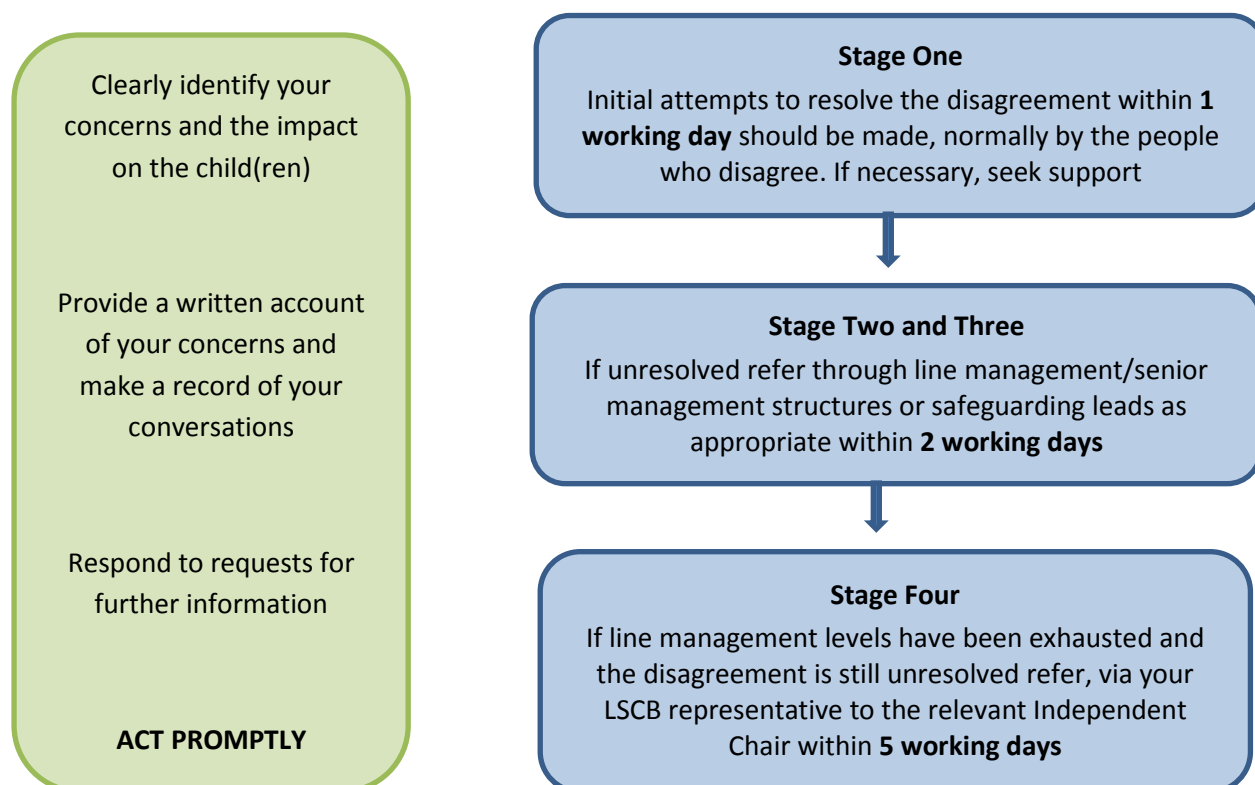
When a practitioner identifies a concern which requires resolution, the practitioner has a duty to ensure that they communicate their concerns in writing to the relevant professional on the same working day, or as soon as possible thereafter.

The policy is to be used by all those who work with children and families. The rationale is to provide a framework by which professionals can have an open, honest and transparent conversation to resolve the conflict of their professional opinion. By managing differences of opinion in a restorative manner, the aim is to achieve the best outcomes for the child to ensure they receive the right support at the right time. To aid these conversations, all professionals should have due regard to their local areas **Thresholds Documents**, considering the indicators of need within these and be clear about which are currently present within the child's life. They should also have regard to, and use where appropriate, any relevant **toolkits** that support practitioners in describing and quantifying their concerns.

It is also essential to recognise that all contacts and/or referrals to the Multi-Agency Safeguarding Hub (MASH) or Children's Social Care should be done so with the knowledge and agreement of the parent/carer(s). They need to know what information is being shared and the purpose for this, without this consent the contact/referral will not be accepted. However there are exceptional circumstances under which a contact/referral will be accepted without parent/carer consent and these are:

- When seeking consent to share information would put a child or others at risk of significant harm; or
- If it would undermine the prevention, detection or prosecution of a crime; or
- The professional has either tried to seek consent, or consent was refused, and they feel that the indicators clearly demonstrate that the thresholds for tier 3 or 4 are met **and** not to do so would potentially have a significant impact on the child's safety and well-being; or
- Where fabricated or induced illness (FII) is suspected (see the [4LSCB Guidance on FII](#)).

3. Process and timescales



Stage One: Direct Professional to Professional Discussion.

Differences of opinion or judgement should be discussed between frontline professionals, where any indication of risk or need that demonstrates a threshold has been met should be clearly set out including any supporting evidence. The aim is to achieve a shared understanding, agree a resolution and plan. If professionals are unable to resolve differences within 1 working day, the disagreement should be escalated to stage two.

Stage Two: Direct First Line Manager to First Line Manager Discussion.

If stage one fails to resolve the issue then each professional should discuss the issue with their line manager and/or [safeguarding](#) professional. This first line manager (or safeguarding professional) should then liaise with the other professional's line manager in an attempt to reach a resolution, highlighting the risk or need that the child has and why this meets or does not meet the threshold in their professional opinion. Within this process, the manager may disagree with their employee's assessment and this will be confirmed with the other party. If a resolution cannot be reached, the disagreement should be escalated to stage three.

In agencies where the management chain has already been exhausted, the most senior staff member should escalate their concerns to the next tier of management in the other agency. This principle applies to **all** escalation sections within this policy.

Stage Three: Senior Manager to Senior Manager Discussion.

If concerns remain unresolved at this stage a senior manager to senior manager discussion should take place to discuss the concerns and convene jointly a Resolving Professional Disagreements Meeting with the practitioners and first line managers. Advice and support should also be sought from the designated safeguarding children professional within their agency.

Stage Four: Local Safeguarding Children Board Resolution Panel chaired by the LSCB Independent Chair.

In the unlikely event that the issue is not resolved by the steps described above and/or the discussions raise significant policy issues, the matter should be referred urgently to the LSCB for resolution. This should include the agency from which the professional difference originates forwarding a written account of the dispute and what attempts have been made to resolve this. The Chair of the LSCB who will convene a resolution panel made up of senior representatives from the statutory and voluntary organisations within the LSCB.

Timescales: Stage one of the escalation process should be completed within one working day, stages 2 and 3 should be completed within two working days, and stage 4 should be completed within 5 working days or a timescale which protects the child (whichever is less). A clear record should be kept at all stages, by all parties. In particular this must include written confirmation between the parties about an agreed outcome of the disagreement and how any outstanding issues will be pursued, ensuring the actions and timescales for this are clearly defined and agreed by all parties.

4. Disagreement at Contact/Referral Stage within the Multi-Agency Safeguarding Hub (MASH)

Principle: The safety of the child or children is the paramount consideration in any professional disagreement and any unresolved issues should be escalated with due consideration to the risks that might exist for the child.

Initial attempts should be taken to resolve the problem; the expectation should be to resolve difficulties at practitioner/case worker level between agencies. All agencies are responsible for ensuring their staff are competent and supported to escalate appropriately [intra](#) and [inter](#)-agency concerns and disagreements about a child's wellbeing. Agencies / professionals should not be

defensive if challenged and should always be prepared to review decisions and plans with an open mind and revise decisions in light of new information.

At no time must professional dissent detract from ensuring that the child is safeguarded. The child's welfare and safety must remain paramount throughout.

Disagreements over the handling of concerns reported to the MASH typically occur when:

- The contact/referral is not considered to meet eligibility criteria for assessment by Children's Social Care Services;
- MASH concludes that further information should be sought by the referrer before the contact/referral is progressed;
- There is disagreement as to whether child protection procedures should be invoked and a strategy meeting held;
- Children's Social Care Services and the Police place different interpretations on the need for single/joint agency response;
- There is disagreement regarding the need to convene an Initial Child Protection Conference (see **Section 5, Dissent about Need for Child Protection Conference**).

Where disagreement occurs regarding the contact/referral into MASH, the first stage should be for a conversation between the referring professional and the MASH Team to explore the reasons and to understand the issues from each other's perspective. All conversations should start with the MASH team asking the referring professional to "**help me understand why you are worried?**" The referring professional should have regard to the indicators of need for tier 4 within the **Thresholds Document**, and be clear about which of these are currently present within the child's life that are causing concern that they are at risk of or are currently experiencing significant harm.

Should this conversation not resolve the difference in a way or within a time scale which is acceptable to both of them; they should discuss this with their manager or supervisor. Differences in knowledge and experience may affect individuals' ability to challenge and all professionals should seek advice and support from the safeguarding lead in their organisations if needed.

Escalation can be via telephone, face to face meeting or teleconference calls, but must always be fully recorded by both parties.

In the particular circumstances where there is disagreement between police and social care as to whether a joint agency approach is required the matter should be escalated from Team Manager/Sergeant to District or Service Manager/Inspector level. If there is still no agreement (such circumstances should be rare) further escalation can occur to Area /Deputy/Assistant Director/Chief Inspector level for final resolution.

At this point a discussion/meeting should be called to discuss the situation involving all parties. Records of discussions must be maintained by all the agencies involved. The outcome of discussions and agreed actions should also be recorded.

5. Dissent about Need for Child Protection Conference

The decision whether or not to convene a Child Protection Conference rests with Children's Social Care Services. However, those professionals and agencies who are most involved with the child and family, and those who have taken part in a Section 47 Enquiry, have the right to request that Children's Social Care Services convene a Child Protection Conference if they have serious concerns that a child's welfare may not otherwise be adequately safeguarded.

Any such request that is supported by a senior manager, or a designated or named Professional, should normally be agreed. Where there remain differences of view over the necessity for a

conference in a specific case after the above escalation processes have been followed, the concerns should be escalated via the line management of Children's Services and the other agency involved, to the LSCB.

6. Dissent at Child Protection Conferences

If a Child Protection Conference is unable to achieve a consensus as to the outcome, the Conference Chair will make a decision and note any dissenting views. This will include the situation where there is no majority view and where the Conference Chair exercises his or her decision making powers. The Chair will take the views of the Conference into account but can overrule the majority view if necessary. The Chair's decision is final.

The agency or individual who dissents from the Chair's decision must determine whether s/he wishes to further challenge the result.

If the dissenting professional believes that the decision reached by the Conference Chair places a child at (further) risk of Significant Harm, it is expected that s/he will formally raise the matter first with the Conference Chair and if no resolution is reached then with their line manager and/or Designated or Named Professional in their agency.

This will require a discussion between a Children's Services Social Care senior manager and their equivalent in the relevant agency.

If agreement cannot be reached following discussions between the above managers the issue must be referred without delay through the line management of the respective agency/agencies structure.

At this point a meeting should be called to discuss the situation involving all parties. Records of discussions must be maintained by all the agencies involved. The outcome of discussions and agreed actions should also be recorded. If the concern still remains at this stage the dissenting professional / agency can appeal via the LSCB

7. Dissent Regarding the Implementation of the Child Protection Plan

Concern or disagreement may arise over another professional's decisions, actions or lack of actions in the implementation of the Child Protection Plan, including participation in Core Group meetings.

The line managers of the professionals involved should first address these concerns.

If agreement cannot be reached following discussions between the above 'first line' managers, the issue must be referred without delay through the line management of each agency.

Within Health services, input should be sought from the Named professionals within the organisation who may seek further support from the designated professionals within the CCG.

Where the issue cannot be resolved, this should be referred back to the Conference Chair for consideration of convening a Review Child Protection Conference to review the plan and the progress against agreed actions.