

PROCEDURES AND GUIDANCE

Resolving Inter-Agency Disagreements

Guidance and protocol, including escalation, for use by staff from all agencies

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1. Introduction

Generally there are good working relationships between agencies, but occasionally there will be a difference of professional views. This protocol describes the actions required within the East Riding of Yorkshire where there is a professional disagreement about what action should be taken.

Good practice includes the expectation that constructive challenge amongst colleagues, within agencies and between agencies, is in the best interests of children. Where members of staff from any agency believe concerns regarding a child are not being addressed it is expected that the escalation process will be used until a satisfactory conclusion is achieved. All East Riding Safeguarding Children Board (ERSCB) partner agencies have agreed to the use of this protocol and expect staff to use it in appropriate circumstances.

The child's safety and wellbeing must be the paramount consideration at all times and professional differences must not distract from timely and clear decision making.

Occasionally, situations arise when workers within one agency feel that the actions, inaction or decisions of another agency do not adequately safeguard a child.

Disagreements are most likely to arise around:

- Levels of need/thresholds
- Concern about the response of a key agency to a reported concern
- Lack of clarity about roles and responsibilities
- Decision making
- Progressing plans
- Communication

All professionals have a duty to act assertively and proactively to ensure that a child's welfare is the paramount consideration in all professional activity. All professionals must challenge the practice of other professionals where they are concerned that this practice is placing children at risk of harm. Resolution should be sought within the shortest timescale possible to ensure the child is protected.

Disagreements should be resolved at the lowest possible stage. However...

If, during a dispute with another agency about what action should be taken, a child is thought to be at risk of immediate harm, the designated safeguarding lead in your agency should be consulted immediately for further advice.

2. The important of reducing the likelihood of having to escalate

Transparency, openness and a willingness to understand and respect individual agency views are core aspects of a safe multi-agency and inter agency safeguarding service.

Good preparation, planning and a willingness to listen to the views of others, even if they appear challenging of your own views, will ensure that disagreements are kept to a minimum.

Effective communication requires a culture of listening to and engaging in dialogue within and across agencies. It is essential that all communication is as accurate and complete as possible and clearly recorded, in line with individual agency procedures.

Accuracy is key for, without it, effective decisions cannot be made and equally, inaccurate accounts can lead to children remaining unsafe, or to the possibility of wrongful actions being taken that affect children and adults.

At all stages of the process actions and decisions must be recorded in writing by the agencies involved and shared with relevant personnel including the worker who raised the initial concern. There must be written confirmation between the parties about an agreed outcome of the disagreement and how any outstanding issues will be pursued. How this is undertaken should be determined in each case.

3. Timescales

Resolution needs to be found within timescales that are linked to the needs of the child, not the convenience of the professionals. When disagreements need to be resolved very quickly in order to safeguard a child's welfare, professional judgement should always be used.

For a variety of reasons there may be a delay at any stage, for example responding to telephone calls or emails. When this occurs, careful consideration should be given to involving managers at the next level of the structure by letting them know there is a disagreement, that a speedy response is required to safeguard the child's welfare and that in the absence of such a response, they will be contacted to help progress the disagreement further.

The maximum timescale for completion of a dispute up to Stage 4 is **5 days**. In the rare circumstances that Stage 5 has to be employed, this should be begun 5 days from the original dispute being raised and completed within a further 5 days.

4. Dispute resolution stages

Stage One – involving your line manager

Any worker who feels that a decision is not safe or is unsatisfactory or inappropriate should initially consult their own supervisor/manager to clarify their thinking in order to identify the problem, to be specific as to what the disagreement is about, and to identify the desired outcome.

Stage Two – involving the worker from other agency/service

The people who disagree should have a discussion to resolve the problem. This discussion must take place as soon as possible and could be a telephone conversation or a face to face meeting. There may be instances where disparity in perceived status or experience may inhibit the ability of some workers to resolve the disagreement without support. This should be seen as acceptable, rather than an escalation in itself.

Stage Three – escalate line manager to line manager

If the problem is not resolved at stage two, the worker should contact their supervisor/manager within their own agency who should have a discussion with the equivalent supervisor/manager in the other agency.

Stage Four – escalate to named/designated safeguarding leads or senior operational managers

If the problem is not resolved at stage three, the supervisor/manager should raise the issue with their respective operational manager or named/designated safeguarding representative. The issue should be discussed with a senior manager at the appropriate level in the other agency and a resolution agreed. If the issue cannot be resolved, then consideration should be given to progressing the dispute through senior management up to Head of Service or Director level or equivalent.

In situations where senior officers have become involved in resolving disagreements between agencies and those disputes relate to the safeguarding needs of individual children, the ERSCB Team should be made aware of this. The purpose of such notification is to help monitor interagency safeguarding activity, and to identify issues which may benefit from an ERSCB Quality Assurance scrutiny. The agency which found it necessary to escalate an issue to such a high level in an organisation should advise the other organisation of their intention to do so and complete Appendix A, and return it to the ERSCB Team.

Stage Five – resolution through mediation using an ERSCB chaired meeting

Operational issues must be resolved by the agencies identified directly involved in the case. When a resolution has not been achieved at stage four, the Chair of the ERSCB should be approached to identify a Board Member from an uninvolved agency to chair a meeting of the most senior managers with operational responsibility for the case. This meeting will review the issues at hand, and provide a final opportunity for the involved agencies to ensure that there is a full understanding of the issues before the decision is finalised.

The chair of this meeting will then report on issues arising from this process to the ERSCB Management, Evaluation and Effectiveness Group.

5. Disagreements in specific circumstances

Where there is an immediate child protection concern

Where there is an immediate safeguarding concern under Section 47 of the Children Act, the Local Authority Children's Social Care have lead responsibility for decision making regarding the level of need of the child.

Differences of opinion regarding Child Protection Conferences

Where there is a disagreement about whether a child should be the subject of a child protection conference, the existing ERSCB policy and procedures should be followed.

Sharing information and reports prior to conference will highlight potential areas of difference to the conference chair. The family's social worker should also discuss potential areas of conflict with the conference chair in advance.

Differences in view arising during conferences should be managed by the conference chair. If the issue is not resolved, the conference should be adjourned for a maximum of 72 hours and the chair should discuss the matter with the named senior managers from each agency. In the interim period, the child should be the subject of a Child Protection Plan. If there is still no resolution, the ERSCB should be asked to arbitrate. The areas of disagreement should be recorded on the conference minutes along with the final decision and must include evidence of all attempts to agree the matter prior to conference adjournment.

6. Learning lessons

Consideration should be given as to whether lessons can be learned from the process of dispute resolution, either on a single or inter agency level.

For example:

- Identification of training needs
- Commissioning needs
- New agency practice guidance
- New ERSCB practice guidance

Where an agency/agencies think that there could be lessons to be learned on a multi-agency level following the resolution of a disagreement, details of the resolution should be forwarded to the ERSCB Service Manager for consideration of any multi-agency learning.

APPENDIX A

Stage 4 Monitoring Information

The ERSCB should be informed if a case reaches Stage Four by returning this completed form to:

ERSCB, Room AF56, County Hall, Beverley, HU17 9BA, or by email to:
child.protection@eastriding.gcsx.gov.uk (for the attention of the ERSCB Service Manager)

Date of Referral:

Name of Referrer:

Job Title:

Agency:

Address/Email Address:

Family Details – First Name, Surname and DOB

Parents:

Children:

Family Address:

Agencies involved – in the dispute or in the case generally

Issues of Concern/Nature of Disagreement:

Dates and Outcomes of Stages 1, 2 and 3:

Date of Stage 4 Meeting/Discussion:

Names of Senior Officers involved at Stage 4 and their Agency:

Outcome: