

# **Calderdale Safeguarding Adults Board**

## **Procedure for Resolving Multi- Agency Professional Disputes and Escalation**

**April 2018**

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# Procedure for Resolving Professional Disputes and Escalation

## Safeguarding Adults

### 1. Introduction

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When working in the arena of safeguarding, it is inevitable that at times there will be professional disagreement between agencies. The people involved in the disagreement should see the challenge as an opportunity for learning and increasing understanding to ensure the service user receives the best response, thereby viewing this as a positive process. It is therefore vital that disagreements are not allowed to adversely affect the outcomes for adults at risk/in need of services. Professional disagreement is only dysfunctional if it is not resolved in a constructive and timely way. This protocol provides a process for resolving professional disagreements between agencies.

Disagreements can arise in a number of areas of multi-agency working, as well as within single-agency working, but are most commonly seen in relation to:

- Criteria for referrals;
- Outcomes of assessments;
- Roles and responsibilities of workers;
- Service provision; and
- Information sharing and communication.

Disagreements can relate both to decisions about individuals or specific processes. This protocol focuses on disagreements between agencies in relation to individuals and is applicable to all agencies, including the Voluntary, Community and Faith (VCF) sectors.

### 2. Principles of Resolving Professional Disagreements

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- All professionals should take responsibility for their own cases, and their actions in relation to such case work;
- Professional disagreement should not always be viewed negatively; it can improve outcomes in a timely and sensitive manner, and provide important learning for the practitioners / agencies involved;
- When there are disagreements between agencies, this should be recognised as an opportunity for healthy debate. The purpose of this protocol is to facilitate the resolution of operational disagreements where an agency considers that, without such action, there would be a negative impact on an adults well-being;
- The safety and wellbeing of individual adults must remain the paramount consideration in any professional disagreement. Professional disagreements which obscures focus on the adult must be avoided;

- Disagreements can be resolved at any stage however it is the responsibility of all the agencies involved to take into consideration the views wishes and feelings of the adult and consider the outcomes that the adult wants;
- Sometimes there are disagreements about whether a person has the capacity to make a particular decision. Where there are disagreements about the capacity assessment, they can be undertaken jointly; undertaken again by someone who is more experienced at capacity assessments; and ultimately referred to the court of protection to make a decision. All efforts must be made to help the person make the decision for themselves eg via education programmes, using different tools etc. Only after establishing that a person lacks capacity should best interest decisions be made.
- Working together effectively depends on an open approach and honest relationships between agencies. It also depends on resolving disagreements to the satisfaction of the person, workers and agencies, with a genuine commitment to partnership;
- All practitioners should respect the views of others, whatever their level of experience. They should also be mindful of the difficulties that challenging more senior or experienced practitioners may present to others;
- Difficulties at practitioner / fieldworker level between agencies should be resolved as simply and quickly as possible between the practitioners concerned. If this is unsuccessful, the challenging agency should formally communicate that this protocol will be implemented, and details escalated to the challenging agency's Safeguarding Lead and/ or the practitioner's Line Manager to agree and record;
- Attempts at problem resolution may leave one worker / agency believing that the adult remains at risk of harm. This person / agency is responsible for communicating any such concerns through their line management and/or the Safeguard Leads for the organisations involved;
- To avoid delay, it is expected that disagreements will be resolved quickly at the lowest level and, if escalated, each step in this process should not exceed **5 working days**.

### 3. Process of Resolving Professional Disagreements

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The following stages are likely to be involved:

- Recognition that there is a disagreement over a significant issue in relation to the safety and wellbeing of an adult;
- Clarification of the issue/problem;
- Discussion of the possible cause of the disagreement; and
- Agreement on what needs to be achieved in order for it to be resolved.

See the Resolving Professional Disagreements Flowchart at Appendix 1 which provides an outline of the complete process involved in resolving disagreements.

## Step 1

The process of resolving professional disagreements should initially involve workers consulting co-workers, to clarify their thinking and practice in the first instance, for example, via a Professional's Meeting, discussion with the Safeguarding Lead or other meeting which promotes reflection, using an appropriate practice tool where available.

In some Voluntary, Community or Faith sector organisations, the role of a Senior Manager, as specified in the Resolving Professional Disagreements Flowchart, may be undertaken by a member of the management committee.

## Step 2

The following should be considered as part of the process of resolving professional disagreements:

- a. Initial attempts to resolve the disagreement should normally be made between the professionals / agencies involved at the time the dispute is identified, unless the adult is at immediate or significant risk;
- b. Both agencies should give clear reason(s) for their safeguarding concerns and approach, which should be put in writing and, where required, clearly recorded as a formal challenge, as per guidance from their Line Manager and/or Safeguarding Lead;
- c. It should be recognised that differences in status and / or experience may affect the confidence of some workers in resolving differences, and some may need support from their Managers and/or Safeguarding Lead.

## Step 3

- a. If unresolved, the problem / disagreement should be referred to the worker's own Line Manager or agency Safeguarding Lead (challenging agency), who will discuss the situation with their equivalent colleague in the other agency.

## Step 4

- a. If the problem remains unresolved, the Line Manager or agency Safeguarding Lead of the challenging agency will liaise with the relevant Service Manager or refer up their agency line management structure. This may be the management committee if in a VCF sector organisation or Designated Safeguarding Lead who will liaise with the relevant Service Manager.

## Step 5

- a. If the issue is not resolved and professional differences remain, the matter **must** be referred to the Heads of Service (or most appropriate management committee member, commissioner or funding body<sup>1</sup> for each agency involved.

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<sup>1</sup> For example, in the case of a sole proprietor or self-employed individual

## Step 6

- a. In the unlikely event that the issue remains unresolved by following the steps described above and/or the discussions raise significant policy issues, the matter should be referred urgently to the Safeguarding Adult Board (SAB) Manager who will determine a course of action including reporting to the SAB Chair for resolution.
- b. At all stages, a clear record of the progress of the disagreement should be kept by all parties on each agency's file. This must include written confirmation between the parties in relation to the agreed outcome of the disagreement and how any outstanding issues will be pursued. Where applicable records of any learning from the disagreement should be shared with the SAB, and then collated and considered to aid wider learning and improvement.
- c. It is imperative that this process should fit within the adult's timescale. Timely action is paramount if there are concerns that an adult is at risk/in need of services.

## 4. Following Resolution

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To avoid similar professional conflicts arising again, amendments may be required to local protocols and procedures.

It may also be helpful for individuals to debrief following some disputes, in order to promote continuing good working relationships.

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## Appendix 1: Resolving Professional Differences Flowchart

The process below does not have to be followed in full. Disagreements can be resolved at any stage.

