



Calderdale Dispute Resolution Process

October 2024

Introduction

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 child or adult at risk, receives the best response, thereby viewing this as a positive process. It is therefore vital that disagreements and disputes are not allowed to adversely affect the outcomes for adults at risk and/or children in need of services. Professional disagreement is only dysfunctional if it is not resolved in a constructive and timely way. This procedure, therefore, provides a process for resolving dispute and professional differences 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 and disputes can relate both to decisions about individual children or adults at risk, or specific processes. This protocol focuses on disagreements between agencies in relation to individuals and is applicable to all agencies, including Statutory, Voluntary, Community, Faith, and Sports sectors.

Principles of Resolving Disputes and Professional Disagreements

- The safety and wellbeing of an individual child and/or adult at risk is the paramount consideration in any professional disagreement. Professional disputes obscuring focus on the child or adult must be avoided. Similarly, every effort should be made to ensure that disputes are not made personal.
- It should be recognised that professional disagreement should not be viewed negatively if it improves outcomes for children or adults in a timely and sensitive manner and learning for the practitioners involved.
- Difficulties at practitioner or 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 policy will be implemented, and details escalated to the challenging agency's Line Manager and/or Safeguarding Lead to agree and record.
- All practitioners should be respectful of each other's views, whatever their level of experience and be mindful that it can be difficult to challenge the view of a person more senior or more experienced.
- Working together effectively depends on an open approach and honest relationships between agencies. It also depends on resolving disagreements to the satisfaction of workers and agencies, with a genuine commitment to partnership working.
- Attempts at problem resolution may leave one worker or agency believing that the child or adult at risk remains at risk of harm. This person or agency has responsibility for communicating such concerns through line management and/or the Safeguard Leads for the organisations involved.
- Disagreements can be resolved at any stage however it is the responsibility of all the agencies involved to achieve the best outcome for the child/adult and take into consideration the views, wishes and feelings of the child/adult and consider the outcomes that they want;
- Sometimes there are disagreements about whether a person has the mental competence to make a particular decision. Where there are disagreements about a mental capacity assessment or for children under 16 their Gillick / Fraser competence then an assessment can be undertaken jointly; undertaken again by someone who is more experienced at the relevant 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 mental competence / capacity should best interest decisions be made.

To avoid delay, it is expected that disputes are resolved quickly at the lowest level and if escalated, steps 1 to 5 in this process should not exceed 5 working days, step 6 should be dealt with as a matter of urgency.

Process of Resolving Professional Disagreements and Disputes

The following stages are the starting point of implementing the resolution process:

- Recognition that there is a disagreement over a significant issue in relation to the safety and wellbeing of a child or adult;
- Clarification of the issue;
- Discussion of the possible cause of the disagreement; and
- Agreement on what needs to be achieved in order for it to be resolved.
- Setting the timescales needed for safe resolution.

Step 1

The process of resolving professional disagreements should initially involve workers checking policy and procedures to see if they can clarify the situation practically. Secondly, the practitioner should consult with colleagues, to clarify their thinking and practice, 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. There are various briefing, tools and guidance on the [Safeguarding Partnership Website](#) including:

- [Thresholds Tool](#) for Children
- [Threshold Guidance](#) for Adults

Any written disagreement requires a written response, for transparency and a clear record.

Step 2

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

- Initial attempts to resolve the disagreement should normally be made between the professionals / agencies involved at the time the dispute is identified, unless the child/adult is at immediate or significant risk;
- If this is not possible 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. This should be supported with evidence wherever possible. This could be chronologies, completed tools, views of the person, other multi-agency views etc
- 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

- If unresolved, the challenging practitioner should refer the dispute or disagreement to their own Line Manager or agency Safeguarding Lead, who will then make contact with their equivalent colleague in the other agency.
- The two managers should aim to resolve the dispute at this stage, record the outcome of their discussion with any supporting evidence and communicate the decision to the front-line practitioners. They should also give advice about

how this should be communicated to the child, adult or family and any impact on multi-agency working.

Step 4

- If the problem remains unresolved, the Line Manager or agency Safeguarding Lead of the challenging agency will refer up the line management structure. This may be the management committee if in a Voluntary, Community, Faith or Sport sector organisations or Designated Safeguarding Lead.

Step 5

- If the issue is not resolved and professional differences remain, the matter **must** be referred to a more senior leader, this may be a Heads of Service /Department, Director or Chief Executive or most appropriate management committee member, commissioner or funding body etc for each agency involved.

Step 6

- In the unlikely event that the issue remains unresolved by following the steps described above or the discussions raise significant policy issues, the matter should be referred urgently to the Safeguarding Partnerships Manager who will determine a course of action including reporting to the Safeguarding Children Partnership Executive / Safeguarding Adult Board Independent Chair for urgent resolution.

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 dispute and how any outstanding issues will be pursued. Where applicable, records of any learning from the disagreement should be shared with the CSCP/ CSAB, and then collated and considered to aid wider learning and improvement.

It is imperative that this process should fit within the child or adult's timescale. Timely action is paramount if there are concerns that a child or adult is at significant risk or in need of services.

Immediate/24 hour Escalation

In exceptional circumstances, where an agency has made a decision that another agency does not agree with, and the situation is perceived to present a significant risk to the child or adult, the usual escalation process of 5 days is not viable.

In these circumstances, the following action should be taken, which may involve contacting the relevant out of hours on call managers:

The person with the concern should in the first instance speak to their Safeguarding Lead for advice, and where it is agreed an immediate escalation within 1 working day is warranted, either the Safeguarding Lead and/or the concerned professional should contact the relevant line manager (Step 4), with a request for an urgent review of the decision. Should the line manager uphold the decision, and the view of the Safeguarding Lead is that the concerns remain immediately high, then the Safeguarding Lead should escalate this further to the senior leader (Step 5) for urgent attention.

Following Resolution

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.

Child Protection Conference Specific Guidance

Dissent about Need for Child Protection Conference

The decision whether 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 Child Protection Conference in a specific case, every effort should be made to resolve them through discussion and explanation.

Dissent at Child Protection Conferences

If a Child Protection Conference Chair is unable to achieve a consensus as to the need for a Child Protection Plan, they should 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 their decision making powers as set out in Initial [**Child Protection Conference Procedure, The Decision Making Process**](#).

The agency or individual who dissents from the Chair's decision should consider whether they wish to further challenge the outcome of the Conference using the process set out in this document.

Appendix:Resolving Professional Differences Flowchart demonstrating steps 1-6 above

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

If at any point the risk to the individual is deemed significant and this 5 day process is not appropriate then refer to the Immediate / 24 hr Escalation process above.

