



# Sandwell Children's **Safeguarding** Partnership

## *RESOLVING PROFESSIONAL DISAGREEMENT AND ESCALATION POLICY*

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## 1. Introduction

The Social Work Act 2017, the Children's Act (2004) and Working Together to Safeguard Children (2018) sets out the expectations for all agencies who work with families, to work together through locally agreed Multi-Agency Safeguarding Arrangements as agreed jointly by the safeguarding partners' At a local level, these forum leading the functions as defined are collectively known as; 'Sandwell Children's Safeguarding Partnership (SCSP).

Through the Threshold Guidance: Continuum of Help & Support, the SCSP have in place arrangements which makes clear how children young people and families should be able to swiftly access support through any of the statutory or relevant safeguarding partners providing services and/or in Sandwell. This is to ensure that children, young people and families are able to receive the best possible service in a timely and safe way.

However, serious case reviews, nationally, regionally and locally here in Sandwell, have routinely highlighted the importance of professionals challenging decisions to ensure the best outcomes for children and their families.

The SCSP recognises that complexity of need and a range of intervention/support will not always fit into a simple formula that leads to *'the right solution'*. Often there may be no right or wrong answers and quite legitimately practitioners may exercise their professional judgement differently. It is also the case that exceptionally, the needs of some children, young people and families may not easily fit within a conventional application of thresholds.

It is of vital importance that children; young people and their families do not become entangled in professional disagreements and that where such disputes do occur they can be resolved with minimum delay.

When working with children and their families' professional disagreement can be positive, as respectful challenge allows for review and can foster creative ways of working and improve working relationships. However, poorly managed disagreements can impact negatively on positive working relationships and consequently on the ability to safeguard and promote the welfare of children. Disagreements always require resolution.

Sandwell Children's Safeguarding Partnership supports and promotes a culture of professional challenge and has devised this framework for timely and effective case resolutions.

## 2. Purpose of the Escalation Policy

The purpose of this policy is to explain what to do when a professional has a concern or a professional disagreement with another agencies decision or action related to a child or young person; and how to respond to that challenge

The framework introduces a transparent escalation process to formally challenge a decision made by another professional, group or organisation. The Escalation model is designed to ensure that all professionals have a quick and straightforward means of resolving professional differences in order to safeguard the welfare of children and young people.

### 3. Who this Policy Applies to

This policy applies to and is relevant for Safeguarding Partners as per the Working Together 2018 guidance;

#### Sandwell Children’s Safeguarding Partnership (SCSP):

Practitioners, managers and leadership within the Local Authority, Sandwell Children’s Trust (SCT), Health (Sandwell’s ICB) and West Midlands Police; any other staff working with children.

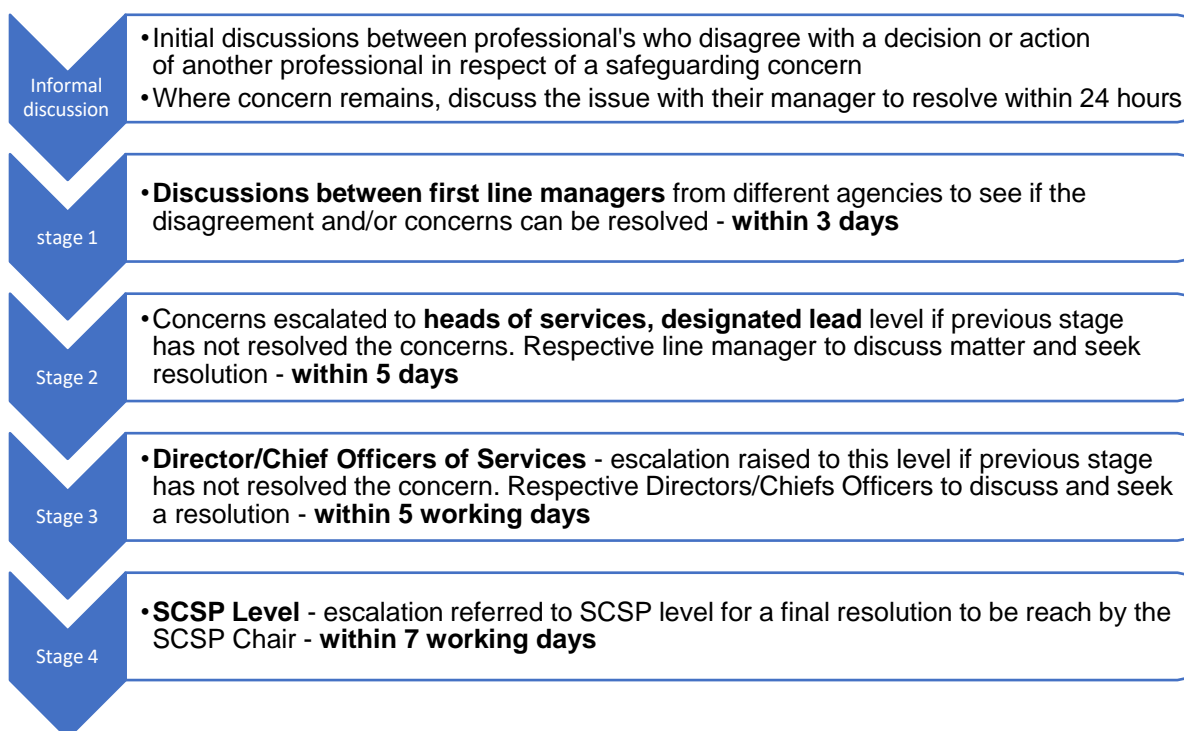
#### Relevant Partner Organisations:

Practitioners, managers and leadership within Education, Child and Adolescent Mental Health Services (CAMHs), the Voluntary Sector and any other agencies that work directly with children.

This policy is a multi-agency approach to resolving differences and does not replace the need for single agency dispute resolution procedures which should be in place to manage disputes on decisions between internal services, nor is it a substitute for reporting serious incidents that individual organisations have in place.

### 4. Escalation Process – at a glance

The flow chart below shows an overview of the Escalation Process as agreed by the SCSP. A detailed explanation of these stages is set out at below:



## 5. Key Principles

Effective working together depends on an open approach, clarity of roles and responsibilities, and genuine and honest relationships between agencies. Escalation is a means of resolving professional differences and is an integral part of joint and effective working to safeguard children. The SCSP has agreed that the following principles should underpin this policy and any associated case resolution activities:

- The safety and wellbeing of individual children and young people is the paramount consideration in any challenge and escalation;
- Effective challenge is a positive action;
- Practitioners should take responsibility for any actions assigned to them;
- Any disagreements between agencies should be resolved as simply and quickly as possible;
- Practitioners should respect the views of others, whatever their level of experience, the role they fulfil or agency they represent;
- Practitioners and managers should always be prepared to review decisions and plans with an open mind;
- Working together effectively depends on resolving disagreements to the satisfaction of practitioners and agencies, with a genuine belief and commitment to partnership working;
- An open approach and honest relationship between agencies;
- Resolution should be sought within the shortest timescale possible to ensure the child's needs are met.

It should be recognised that differences in status and/or experience of individual staff may affect the confidence of some workers to pursue their concerns if unsupported. Agencies should have internal line management process in place to address this and to support the escalation of concerns.

## 6. The Role of Professionals and Agencies

Professionals providing services to children and families should work co-operatively across all agencies. Effective partnership working relies on open and honest relationships and clear communication between staff from different agencies.

SCSP expects members of staff working directly with children and their families to share information appropriately in line with national and local guidance, and to work to plans agreed in all relevant forums (case discussions, meetings and conferences) to safeguard children in the local area.

Safeguarding and promoting the welfare of children is a responsibility shared by all agencies. Whilst Sandwell Children's Trust, through the Local Authority, is allocated a 'lead' role in coordinating responses to risk, or causes, of significant harm to children, effective intervention is dependent upon multi-agency information sharing, planning and multi-agency service responses.

Occasionally a professional may have a different opinion or a concern about how a professional or agency is meeting the needs of a child. Professional challenge is a positive activity and a sign of good professional practice, a healthy system and effective multi-agency working. A respectful challenge is not a 'slur' or professional criticism on the

person being challenged and should be seen as a positive multi-agency approach to ensuring the best outcome for the child. Professionals should feel confident to share their views and raise any concerns without fear of retribution, criticism, or isolation. To promote the individual and collective accountability to safeguard and promote the wellbeing of a child, this framework should be used to ensure that timely and effective resolutions are made.

Differing opinions could arise for a number of reasons, but are most likely to be in relation to:

- levels of need and intervention,
- lack of understanding of roles and responsibilities,
- the need for action and communication.

Examples, where the concerns about the child should prompt action, are given below.

**This list is not exhaustive.**

- Dispute at the point of referral made by one agency to another due to differing opinions about thresholds/eligibility for services
- Concern about the action/inaction of another professional in relation to a child or family member or non-compliance with safeguarding procedures/statutory guidance
- Disagreement about decision making and a course of action to be taken, for example whether there should be a Child Protection Case Conference or whether a case should be closed (step up – step down)
- Disagreement about the outcome of a Child Protection Conference which had been raised during the conference and is recorded in the record of the meeting. (NB family members will use the Council's complaints process if they disagree with the outcome of a Child Protection Conference)
- Dissent arising from the implementation of a child's plan or its effectiveness in bringing about the necessary changes
- Disagreement over information sharing
- Disagreement over the outcome of an assessment and differences around professional analysis and joint decision making
- Disagreement over the provision of services
- Concern that the child's lived experiences are not informing assessment, decision making or planning
- Concern that there is drift or unreasonable delay in progressing a case
- Concerns about the operation of child protection procedures

**Note: In all cases where a professional believes a child to be at imminent risk of harm they must complete and submit a MARF to request support from statutory social care via MASH on the same working day.**

Problem resolution is an integral part of professional co-operation and joint working to safeguard children. The SCSP expects all agencies to adopt a proactive approach towards problem solving which enables professional disagreements to be resolved as close to front line practice as possible.

All agencies are responsible for ensuring that their staff are competent and supported to escalate appropriately any inter-agency concerns and disagreements about a child's safety or wellbeing.

The process of resolution, where difficulties or disagreements arise between agencies, should be kept as simple as possible. The aim, where possible, is to resolve difficulties quickly and without delay at a professional practitioner level.

Professional's actions should always be based on a robust assessment of the risk of harm to the child(ren) and the impact of the given situation on the child's wellbeing. Decisions and actions should be commensurate with the risks posed to the child. Whilst this protocol sets out expected timescales within which matters should be escalated where an inter-agency disagreement has arisen, in some situations it may be necessary to act sooner to protect a child or children. **The timescales indicated should not be a reason for delaying action.**

When there is a need to escalate a concern, professionals should:

- Raise the concern with respectfulness, balance and clarity
- Provide clear evidence or if it is a 'gut feeling', say that it is and own it as such
- Act swiftly and deal with issues and concerns as they arise
- Ensure concerns are raised correctly using this agreed process – telling colleagues isn't enough
- Be open and ready to listen to the responses when provided
- Focus on the child's safety and wellbeing at all times

## 7. The Escalation Process – in detail

It is expected that most disagreements can be resolved by professionals discussing the concerns and agreeing a way forward to meet the child's needs. The practitioner with the concern should raise the issue/concern with their counterpart from the relevant agency; they may also wish to discuss the issues with their named safeguarding lead. Discussions can be a telephone conversation or face to face meeting. This is not a formal stage in the protocol and the agreed outcome of discussions or actions must be recorded on the child's case records and used should there be a need to refer the concerns to a manager to activate the case resolution protocol.

In the event that the initial conversation does not resolve the concerns, the formal stages below **must** be followed until there is agreement as to how the issue/concern will be resolved.

Timescales for resolution may vary depending on the needs of the case, with this, timescales stated at each stage are indicative timeframes and, in some cases, the matter will require a swifter response. The needs and wellbeing of the child must always be the determining factor in deciding when the issue/concern should be escalated to the next stage of the case resolution policy and professionals should exercise professional judgement to ensure that matters are addressed in a timeframe commensurate with the child's needs. The key principle to guide professional judgement is **not to delay if inaction will increase the risk to a child.**

### Initial discussions

Any issue of concern relating to a safeguarding/child welfare concerns should start with a discussion between parties/agencies in order for a resolution to be reached as swiftly as possible. However, where practitioners are unable to satisfactorily resolve matters of concerns, the issues must be escalated to a line or team manager.

### Stage 1.

#### Escalation to Team Manager

The line or team manager should discuss the issue with their counterpart in the other



agency. Respective parties must identify explicitly what the problem is and have absolute clarity about the nature of the professional challenge and what the respective professionals aim to achieve. A summary of the issues and actions agreed including timescales must be recorded on the child's case file\* by both parties.

To ensure a shared understanding of the agreed action, the agencies must agree who will make a record of the agreed actions and share it with the other agency. Agencies should subsequently check that agreed actions have been implemented in the agreed timeframe.

Individual agencies may also have their own internal procedures to record professional disagreement matters and these should also be followed. A template that could be used to record such matters can be found at Appendix 3.

Matters that remain unresolved **must** be escalated to Stage 2. This should be completed within **1-3 working days**, however **do not delay if inaction will increase the risk to a child**.

**\*Where a child is subject to a Child Protection Plan (CPP) or is a Child Looked After (CLA), the Independent Reviewing Officer must also be notified.**

## Stage 2.

### Escalation to Head of Service, Safeguarding Lead/Service Manager

Where matters are escalated to Stage 2, consideration should be given to convening a meeting of relevant professionals in order to explore and resolve the issues/concerns. The outcome of discussions at Stage 2 must be completed no later than by Day 8 however **do not delay if inaction will increase the risk to a child**.

Matters resolved, or actions agreed including timescales must be recorded on the child's file by both parties. To ensure a shared understanding of the agreed action, the agencies must agree who will make a record of the agreed actions and share it with the other agency. Agencies should subsequently check that agreed actions have been implemented in the agreed timeframe.

**A record using the Multi-Agency Escalation of Safeguarding Concern Resolution template (Appendix 3) should also be submitted to the SCSP Business Unit by the agency raising the concern.**

If matters remain unresolved, details of the dispute **must** be recorded and escalated to Stage 3 and the agency's senior SCSP representative notified. (Please contact the SCSP Business Unit for details of your agency's representative).

**NB. For all escalations in respect of Sandwell Children's Trust, if resolution is not agreed before going to Stage 3 the Director for Quality and Review must be informed.**

## Stage 3:

### Escalation to Executive Leader/Manager

If matters remain unresolved, consideration should be given to arranging a meeting between Executive Leaders and relevant professionals in order to explore and resolve the issues/concerns. Matters resolved, or actions agreed including timescales must be recorded on the child's file by both parties and to ensure a shared understanding of the agreed action, the agencies must agree who will make a record of the agreed actions and share it with the other agency. Agencies should subsequently check that agreed actions



have been implemented in the agreed timeframe.

Where Executive Leaders are unable to resolve matters through this process, the matter will be escalated to the Chair of the SCSP. This stage must be completed by day 13 however **do not delay if inaction will increase the risk to a child.**

**A record using the Multi-Agency Escalation of Safeguarding Concern Resolution template (Appendix 3) must also be submitted to the SCSP Business Unit by the agency raising the concern.**

## **Stage 4:**

### **Escalation to SCSP**

If it has not been possible to resolve professional differences following discussion between Directors/Executive Leaders, the matters should be referred by the concerned agency for the attention of the Chair of the SCSP. The Chair of SCSP will request a resolution meeting to be convened.

This stage should be completed by day 20 however **do not delay if inaction will increase the risk to a child.**

A record will be kept of this meeting and will be kept by the SCCP Business Unit and a copy should be held within the child's records in both agencies.

In addition, the Multi-Agency Escalation of Safeguarding Concern Resolution template (Appendix 2) must be submitted along with any other supporting information to the SCSP Business Unit by the agency raising the concern.

At this stage the SCSP Chair will have ultimate responsibilities and final decision for resolving any issues of multi-agency dissent and will if necessary seek/consult with external bodies for support.

## **8. Concerns about practice of colleagues in Partner Organisations**

Each agency should have its own clear and accessible internal policy in respect of 'whistleblowing' which should be consulted when there are serious concerns about the practice of a colleague within the agency which have not yet been resolved by discussion with the relevant managers. If you have exhausted your organisation's internal whistleblowing process you can escalate outside the organisation. See link for details: <https://www.gov.uk/whistleblowing>

Whilst it can be very difficult to raise issues about the professional practice of a colleague this should not be ignored where to do so might leave children at risk of abuse or neglect.

## Appendix 1

# Stage Process for Resolution and Escalation

**Where** practitioners have a concern or disagreement, through discussions and by working together every attempt should be made to resolve the matter in the best interests of the child. Where **concerns cannot be resolved, Stage 1 below must be followed to initiate the escalation process.** Each party is responsible for notifying their own manager of the concern to be escalated. (E.g.: First line/team mgr., Sergeant, Named Professional, Teacher)

Stage No.	Parties involved	Process	Action where unresolved	Duration	Cumulative Duration
1.	<b>Line/Team Managers</b>	Where initial discussion between practitioners remains unresolved, the line/team manager for resolution should make contact with their opposite member in the partner agency within three working days of being made aware of the concern, with an attempt to resolve the differences.	If unresolved, proceed to stage 2 of the process. Escalate to relevant agency Safeguarding Lead/Head of Service (i.e. Sandwell Children's Trust Senior Manager for children social care, Detective Inspector/or another designated professional).	3 days	3 days
2.	<b>Heads of Service/Senior Managers</b>	The response to notification of escalation regarding a safeguarding concern at this level should enable all the facts to be reviewed. to resolve the concern.  The relevant managers should meet <b>within 5 working days</b> to resolve the issue  <b>Note: Complete Appendix 2 is required at this level</b>	If concerns are not resolved at Stage 2 the disagreement must be escalated to Heads/Directors of Service (Stage 3).  The completed resolution template must be completed to formalize the process and forwarded to the service director (or equivalent).	5 days	8 days

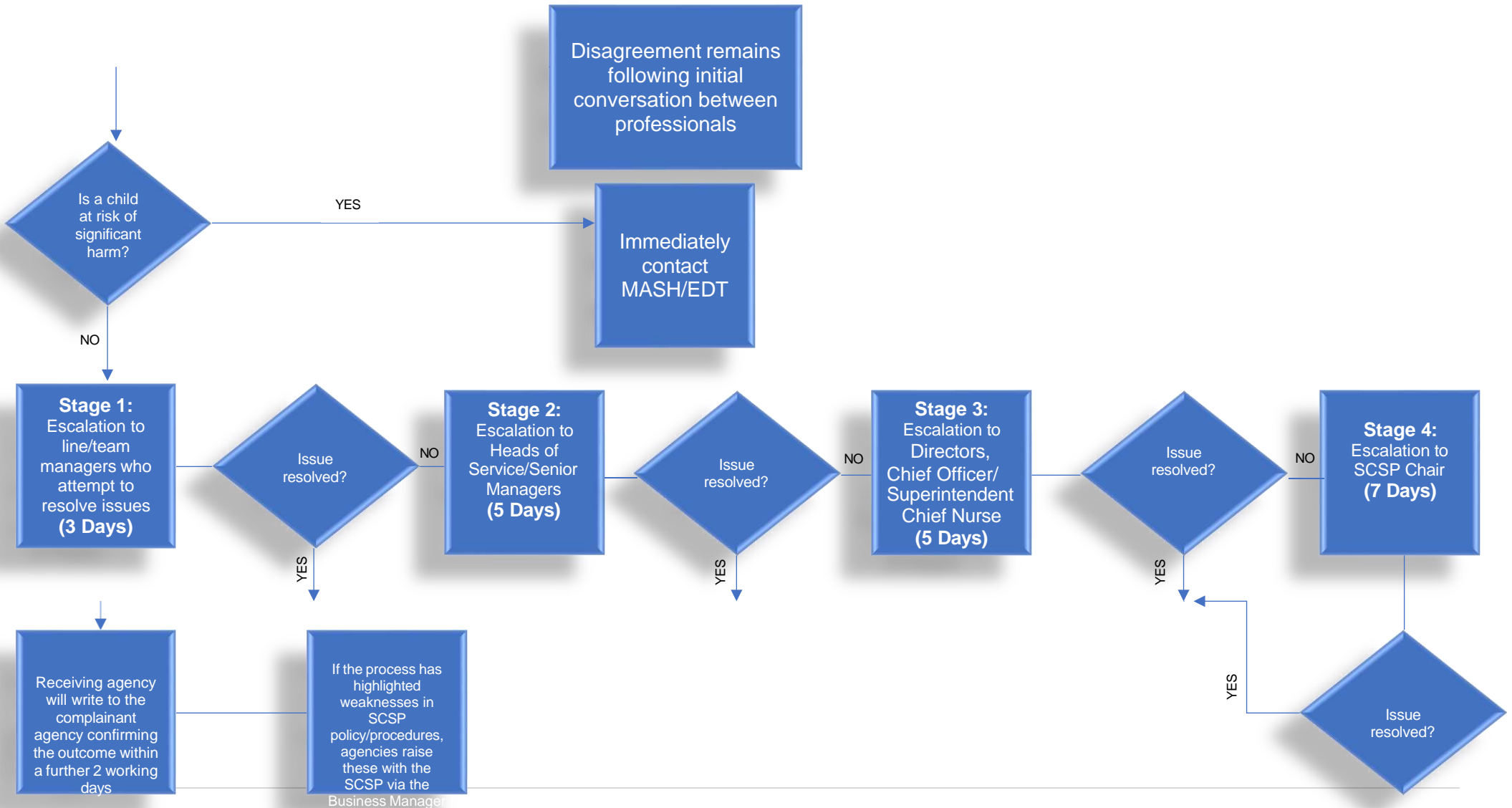
3.	<b>Escalate to Directors Chief Officer/ Superintendent, Chief Nurse,</b>	Where an Escalation of Concern Form is received at Stage 3, the Heads/Directors of Service should make contact with their opposite number in the partner agency within <b>five working days</b> of the receipt to review all information and try to resolve the issues of concerns.  Any actions agreed should be fed back immediately to the relevant professionals and the detail of the dispute and agreements reached should be recorded on the child's file.	Where it is not possible to resolve the disagreement at directorate level, a stage 4 escalation notification to include all supporting information and the completed Escalation of a Safeguarding Concern Report template should be made to the SCSP by or on behalf of the Heads/Directors of Service within five <b>working days</b> .	Targeted timescale: 5 days	13
4.	<b>Escalate to SCSP Chair</b>	Where an Escalation of a Safeguarding Concern Form is received at Stage 4, SCSP Business Manager will convene a meeting within <b>seven working days</b> for the SCSP Chair to review and resolve the concerns and reach a final <b>resolution</b> .  The SCSP Chair is ultimately responsible for the final decision pertaining to professional disagreements and will where necessary seek independent advice and support in such circumstances.	The outcome and any learning from such resolution meetings will be disseminated to all parties within one month of the meeting or review.		20

**Details of the disagreement/escalation must be recorded in each agency's records and check that actions have been implemented in the agreed timeframe**

**Any learning opportunities for multi-agency practice should be referred to the Safeguarding Partnership Business Unit**

## Appendix 2

# Process Pathway for Resolution and Escalation





### Appendix 4 Agency escalation Summary Log

If agencies wish to maintain a summary of cases escalated for resolution, the log below can be used

**AGENCY ESCALATION SUMMARY LOG**

**(For completion by Line Manager/Safeguarding Lead as appropriate)**

Agency / School: (INSERT):

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<b>** Escalation Number</b>	<b>Child Details: Name: DOB: Age:</b>	<b>Concern</b>	<b>Level of Need</b>	<b>Summary of Professional Disagreement</b>	<b>Action taken towards reaching a Resolution</b>	<b>Outcome of Resolution</b>