

## **CHALLENGE AND ESCALATION PROCEDURE**

### **MULTI-AGENCY PROCEDURE FOR THE RESOLUTION OF PROFESSIONAL DISAGREEMENTS**

(Reviewed 07 October 2024)

#### **1. Introduction**

Protecting children will always be an area where there may be differences of opinion about the best course of action. These differences can encourage further exploration and healthy discussion about what is best for each child and can therefore contribute to better outcomes for children. It is important that all those working with children and families feel able to air their views and constructively challenge decisions and actions, or lack of actions of others.

The context for professional disagreements can (but not exclusively) include:

- Response to a referral and the threshold criteria for assessment or other involvement has been reached;
- Decisions about an agency closing a case or ceasing its involvement with a child or family;
- Decision to commence a s.47 Child Protection Investigation and/or convene a Child Protection Conference;
- Decision as to whether to make a child subject of a Child Protection Plan;
- The development and implementation of the Child Protection Plan;
- Course of action to secure immediate safety for a child, including application for court orders.

The purpose of this procedure is to ensure where issues between agencies arise involving the safety and welfare of children, matters can be resolved in a clear and timely manner.

#### **2. Key principles**

- All agencies and services should promote a culture which encourages constructive challenge within and between organisations; acknowledging the important role that challenge can play in safeguarding children.
- Different professional perspectives are healthy, and their expression should be encouraged and always given serious consideration.
- Escalation of concerns should be carried out in the spirit of achieving better outcomes for children.

- Safeguarding is everyone's responsibility and effective intervention is dependent upon good inter-agency working.
- All agencies must adopt a proactive approach towards problem solving which enables professional disagreements to be resolved as quickly as possible and in most cases by the practitioners directly involved.

### 3. Timescales and Recording

Some matters will be resolved very quickly, and this will be determined locally by the complexity of the issues.

Where a child is believed to be at risk of significant harm, there must be **no delay** in escalating concerns to a higher stage where immediate resolution is not achieved.

**The guiding principle for all escalations is resolution must occur within timescales relevant to the child's safety and well-being. Timescales below are guidelines only and must be accelerated as needed to protect a child from significant harm.**

**Where a child is not believed to be at immediate or significant risk of harm, guideline timescales for completion any any cross-agency liaison are as follows:**

- Stage 1 (Worker to Worker) and Stage 2 (first line manager to first line manager) should both be concluded within 7 days from date of initial escalation.
- Stage 3 (Head of Service/Named Lead Professionals/Detective Chief Inspector) should be concluded within 14 days from date of initial escalation (total).
- Stage 4 (Assistant Director/Detective Superintendent/Designated Nurse) should be concluded within 21 days from initial date of initial escalation (total).
- Stage 5 (DSP Group) will be concluded at next DSP Group meeting or within 28 days of initial escalation (total), should circumstances require an extraordinary discussion.
- Stage 6 (Independent Scrutineer) – timescales for resolution will be agreed by the DSP Group.

**Note:** As below, escalations beyond Stage 4 will usually be a consequence of inconsistency in professional guidance or protocols. As such, it is not acceptable for a child to remain at risk of immediate or significant harm 21+ days after an escalation has initially been raised.

At all stages of the process, actions and decisions must be recorded and shared with relevant personnel, including the practitioner who raised the initial concern. In particular, this must include written confirmation between the parties about the agreed outcome and how any outstanding safeguarding or service provision issues will be pursued.

It may be useful for individuals to debrief following some differences of professional opinion, in order to promote continuing good working relationships.

## **4. Process for Practitioner Resolution**

### **Stage 1 – Discussion with worker from the other agency or service**

Initial attempts should be taken to resolve the problem at an operational level. Practitioners should always attempt to resolve differences through direct discussion with those involved, but they must be mindful of doing so within a timescale that protects the child from harm.

#### **Notes:**

- Face-to-face discussion or a telephone call can assist in relaying a tone and spirit of respect and a personal keenness to find a resolution. A record of this discussion should be made.
- When receiving challenge, remember that it may have taken courage for the other practitioner to raise this with you/your organisation. Some practitioners may view your profession as holding a higher degree of expertise in certain areas, but may still want to air a concern from their perspective (e.g. a voluntary worker)

### **Stage 2 – Involving the Line Manager / Safeguarding Lead Professional**

If practitioners involved are unable to resolve differences within an appropriate timescale, or anticipate they will be unable to do so, they should consult their line manager or a member of senior staff. In most organisations, the senior member of staff will be their organisation's Named or Lead Person for Safeguarding.

The senior member of staff will either support the member of staff in their response to the other agency, or where appropriate, intervene directly by liaising with their managerial equivalent in the other agency (e.g. Named Nurse/Doctor, Designated Person/Head Teacher, Social Care Manager, Detective Sergeant/Inspector). These managers should attempt to speed up resolution and ensure any perceived safeguarding matters are addressed in the meantime.

#### **Notes:**

- It should be recognised that differences in status and/or experience may affect the confidence of some workers to pursue the matter unsupported.
- Internal consultations must always be recorded, in addition to recording the communications with the agency involved in the disagreement.
- Both managers should ensure that there is compliance by their agency/service with local procedures and professional standards that may apply.

### **Stage 3 – Where differences remain at First Line Management/Named Lead Professional Level**

If the problem is not resolved at Stage 2, the Line Manager or Lead Person for Safeguarding should consult their respective Operations Manager or Designated Safeguarding Advisor (e.g. Designated Doctor or Nurse, Head of Service for Social Care, Education Strategy Advisor, Detective Chief Inspector.) They too should discuss the difference with their managerial equivalent in the other agency and make every effort to resolve the issue, without further delay.

#### **Stage 4 – Escalation to Assistant Directors & Relevant HSCP Representative**

In the rarer event that the matter cannot be resolved at one of the lower stages, the concern must be referred to Assistant Directors, Detective Superintendent, Designated Safeguarding Nurse, Borough Director or their agency equivalent.

If not resolved at this level, it is possible that the difference is a consequence of inconsistency in professional guidance, protocols or guidance. Where these are nationally-led, the relevant professional bodies must be consulted. Where these are local multi-agency based, then the HSCP must be notified and resolution sought through procedural change, agreed by the HSCP via the most relevant Subgroup or HSCP representatives.

#### **Stage 5 – Resolution by Harrow Safeguarding Children Partnership (HSCP) DSP Group**

If it has not been possible to resolve the professional differences within the agencies concerned, the matter should be referred to the HSCP Delegated Safeguarding Partners Group, who may either seek to resolve the issue directly, or to convene a Resolution Panel.

The Panel must consist of Partnership representatives from the 3x core agencies and include (if not one of the three) the agencies concerned in disagreement. Where appropriate and agreed, an education representative from the DSP Group may also support resolution of the disagreement.

The Panel will receive representations from those concerned and make a decision as to the next course of action. Once any dispute is resolved, the DSP Group must be notified of the actions determined from the Resolution Panel Meeting and receive a report on how the actions have been implemented within 3 months of the Resolution Panel Meeting.

#### **Stage 6 – Referring concerns to HSCP Independent Scrutineer**

The Independent Scrutineer by definition is a step removed from all partner agencies and as such, provides an objective perspective on inter-agency differences.

The Scrutineer may choose to join a DSP Group Resolution Panel or LSP Group Discussion to resolve any dispute, casting a deciding vote if the Resolution Panel or LSP Group cannot resolve an issue. Alternatively, the Independent Scrutineer can hear high-level inter-agency differences of opinion following a unsuccessful efforts by the DSP or LSP Groups to resolve the issue

The adjudication of the Independent Scrutineer in these exceptional circumstances is final, with key elements of any such inter-agency difference being documented in the Annual Scrutiny Report and potentially reported to regional & central governing bodies as warranted.

#### **Appendix 1 - Dissent at Child Protection Conferences**

If a practitioner disagrees with the process or outcome of a Child Protection Conference, this should be explicitly noted by the Chair of the Conference and recorded in the minutes. Whilst the dissent is being resolved, the Conference decision stands.

The Chair's manager should attempt to resolve the issues, ideally through a meeting with the person raising their dissent and their Designated Lead for Safeguarding. The outcome could be that the existing decision is maintained, the Conference is reconvened with a different chair, or a review Conference is brought forward with the same chair.

If the issue remains unresolved, the complainant may wish recourse to a Final Review Panel, involving three independent senior officers from the Key Partnership agencies (ICB, Local Authority and MPS). If the matter is still not resolved, the complainant may wish recourse to the Ombudsman or Judicial Review (Please see Harrow Council Policy: Complaints in Relation to Child Protection Conferences).

If a practitioner considers at the end of a Child Protection Conference that its final decision places a child at risk, they should raise this with the Conference Chair before leaving the meeting, inform their Safeguarding Lead and refer to this Resolution Procedure.

### **Appendix 2 - Dissent at Child Looked After Reviews**

If a practitioner has concerns regarding the decisions of a Child Looked After Review, this should be raised with the Independent Reviewing Officer (IRO), who chaired the Review and explicitly recorded in the minutes. If the matter is not resolved, the Chair can initiate the instigation of Harrow Council's dispute resolution Policy.

### **Appendix 3 - Dual or Alternative Processes**

In order to secure prompt and appropriate action for safeguarding children, **every effort** should be made to resolve differences through the processes described in this procedure 'Resolution of Professional Disagreements'.

On rarer occasions, other lines of recourse may also be relevant e.g. Complaints, Whistleblowing or Allegations Against Staff Procedures. It is essential however, that the safety of children remains paramount and as such efforts to resolve the matter must be undertaken speedily.