



CYSCP Guidance on Resolution of Disputes (or escalation of concerns)

Introduction

Professional concerns and disputes can arise at any stage of the child protection process and can lead to ineffective multi-agency working or in rare cases dangerous practice. The purpose of this procedure is to ensure that a robust mechanism exists to resolve professional concerns and disputes before they have a significant impact on the delivery of child protection services.

Principles

The welfare of children must always be the paramount consideration

Good child protection practice depends on effective inter-agency working:

- All concerns and disagreements should be resolved
- Underpinning this procedure is the need to promote learning and continued improvement in the interests of safeguarding children
- Diversity of professional opinion should be respected
- Concerns and disagreements should in the first instant be addressed with the agency concerned at the level at which they occur

Dissent at Enquiry Stage

Disagreements and concerns over the handling of child protection concerns typically occur when:

- A referral is not considered to meet eligibility criteria by Children's Social Care.
- Informal advice is sought and a social worker has concluded that a referral is required
- Children's Social Care concludes that further information should be sought by the referrer before and referral is progressed
- Children's Social Care believes that an initial assessment can be started without invoking child protection procedures
- Children's Social Care considers that child protection procedures must be invoked
- Children's Social Care and the North Yorkshire Police place different interpretations on the need for a s47 enquiry/criminal investigation
- Disagreement regarding the justification for convening/not convening an initial conference
- Information is withheld from Children's Social Care and/or the police

- Good practice or procedures are not being followed or are the subject of differing interpretation

Good practice dictates that disputes should be resolved at the level at which they occur. Consequently, where a dispute arises between practitioners, they should be facilitated to resolve the issues in dispute without the intervention of more senior personnel.

Creative approaches to dispute resolution should be encouraged. Such approaches could for example utilise the services of a facilitator to arbitrate between the protagonists.

If the professionals are unable to resolve differences through discussion and/or meeting within a timescale, which is acceptable to both of them, more senior personnel within the respective agencies must address their disagreement.

If agreement cannot be reached following discussions between first line managers (who should normally seek advice from the designated/named/lead officer child protection advisor) the issue must be referred without delay through the line management to the equivalent of Head of Service/Detective/Inspector/Head Teacher or other designated professional. In the case of health personnel input may be sought directly from the Named Doctor or Nurse in preference to the use of line management.

A record of discussions must be maintained by all agencies involved.

Dissent at Child Protection Conferences

If the Chair of a conference is unable to achieve a consensus as to registration or de-registration, s/he will make a decision and note any dissenting views.

The agency or individual who dissents from the chair's decision must determine whether s/he wishes to challenge the result.

If the dissenting professional believes that the decision reached by the chair places a child at (further) risk of significant harm, it is expected that s/he will formally raise the matter with the IRO Manager within two working days.

The IRO Manager will liaise with the conference chair and either:

- Uphold the decision reached by the conference chair or
- Require that the conference be re-convened to be chaired by the original chair or where necessary a different chair

Where a conference chair is concerned about the conduct (including the quality of information presented or information being withheld) of a participating agency or individual the matter should be referred to the person's line manager for resolution.

Dissent Regarding the Implementation of the Child Protection Plan

Concern or disagreement may arise over another professional's decisions, action or lack of actions in the implementation of the child protection plan, including core group meetings.

The line managers of the professionals involved should first attempt to address any concerns.

If agreement cannot be reached following discussions between first line managers (who should normally seek advice from the designated/named/lead officer child protection adviser) the issue must be referred without delay through the full line management to the equivalent of Head of Service/Detective Inspector/Head Teacher or other designated professional. In the case of health personnel input may be sought directly from the Named or Designated Doctor or Nurse.

Where Professional Difference Remains

If professional disagreements remain unresolved, the matter must be referred to the **head of service** for each agency involved.

Involvement of City of York Safeguarding Children Board (Partnership) (CYSCB/P)

CYSCB/P does not intervene in individual cases other than in exceptional circumstances when the case is approaching the threshold for consideration for a Child Safeguarding Practice Review:

In the unlikely event that the steps outlined above do not resolve the issue, *and/or* the discussions raise significant policy issues and/or a number of similar concerns or disagreements have been recorded, so that the case meets the criteria outlined in **Chapter 4 of Working Together 2018** for consideration for a Child Safeguarding Practice Review, the matter can be referred to the Chair of the City of York Safeguarding Children Board/Partnership via the CYSCB/P Business Manager. Those criteria state that the case:

- highlights or may highlight improvements needed to safeguard and promote the welfare of children, including where those improvements have been previously identified
- highlights or may highlight *recurrent themes* in the safeguarding and promotion of the welfare of children
- highlights or may highlight concerns regarding two or more organisations or agencies working together effectively to safeguard and promote the welfare of children

The CYSCB/P chair may decide to refer to the Case Review & Audit Group (CRAG) for possible consideration for a case review.

Where a matter is referred to CRAG, the CRAG will make a decision about whether the case meets the criteria for a Child Safeguarding Practice Review in line with Working Together 2018 or some other form of review. Written reports will be requested from senior officers with details about the case including:

- A chronology of relevant agency involvement
- A summary and analysis of agency involvement

CRAG may recommend:

- A Child Safeguarding Practice Review, where it is felt that the concerns are sufficiently serious and meet the criteria contained in Working Together 2018.
- Another kind of learning review
- An action plan to address some of the issues
- No further action

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