

Kirklees Safeguarding Adults Board

Protocol for Resolving Multi-Agency Professional Disputes and Escalation

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1. Introduction

- 1.1. In order for practitioners to work together effectively to safeguard adults at risk of harm and abuse, professional challenge should be seen as part of a 'healthy' professional working relationship. Successful partnership working is reliant upon resolving professional disagreements in a timely manner in order to avoid any potential risks to the adult in question

- 1.2. Occasionally situations arise when workers within one agency feel that the actions, inaction or decisions of another agency do not adequately safeguard an adult. This inter-agency policy defines the process for resolving such professional difference and should be read alongside The Care Act (2014), 'accountability' and 'partnership' are two of the six key principles that underpin adult safeguarding and the [Joint Multi-Agency Safeguarding Adults Policy and Procedures](#) and relevant internal policies on escalating matters of concern

2. Principles of Resolving Professional Disagreements

- 2.1. All professionals should take responsibility for their own cases, and their actions in relation to such case work
- 2.2. Professional disagreement can improve outcomes in a timely and sensitive manner, and provide important learning for the practitioners / agencies involved
- 2.3. 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
- 2.4. The safety and wellbeing of individual adults must remain the paramount consideration in any professional disagreement

- 2.5. 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
- 2.6. Sometimes there are professional 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; or by someone who is more experienced at capacity assessments; and ultimately referred to the court of protection to make a decision
- 2.7. All efforts must be made to help the person make the decision for themselves e.g. via education programmes, using different tools etc. Only after establishing that a person lacks capacity should best interest decisions be made
- 2.8. 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
- 2.9. All practitioners should respect the views of others, whatever their level of experience. Consideration should be given to the difficulties that practitioners may face when challenging more senior or experienced practitioners
- 2.10. When disagreement resolution 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
- 2.11. 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 Safeguarding Leads for the organisations involved
- 2.12. 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. Professional challenge

- 3.1. Professional challenge is a positive activity and a sign of good professional practice and effective multi-agency working. Being professionally challenged should not be seen as a criticism of the practitioner's professional capabilities
- 3.2. Both national and local Safeguarding Adults Reviews (SARs) continue to draw attention to the importance of interagency communication and have identified an apparent reluctance to challenge interagency decision making, with concerns that were not followed up with robust professional challenge potentially altering the professional response and the outcome for the adult(s) at risk

4. Reasons for professional difficulties

- 4.1. 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
 - mental capacity disputes
 - issues concerning consent and best interest decisions
 - decision making
 - roles and responsibilities of practitioners
 - service provision
 - information sharing and communication in relation to practice or actions which may not effectively ensure the safety or well-being of and adult with care and support needs or others within the family including children
 - recording practices
- 4.2. 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.

- 4.3. Many professional difficulties will be resolved on an informal basis by contact between the professional raising the challenge (or their manager) and the agency receiving the challenge and will end there
- 4.4. Managing professional difficulties is about challenging decisions, practice or actions which may not effectively ensure the safety or well-being of an adult at risk and other family members including children
- 4.5. To establish processes to ensure a culture which promotes professional challenge and resolution of professional difficulties is embedded across all agencies, the following is likely to be involved:

If a professional disagrees with the outcome of a safeguarding meeting or a review meeting, then other professionals involved with the adult at risk have the right to challenge the decision in accordance with this policy.

- Identification of area of disagreement between professionals
- Recognition there is a disagreement over a significant issue in relation to the safety and wellbeing of an adult at risk or a family member
- Identification of the problem
- Identification of the possible cause of the problem
- Planning needs to be achieved in order for it to be resolved
- In addition to this, if there are concerns that professionals are not sharing information appropriately in line with national and local guidance and not working within the KSAB procedures, professionals should challenge non-compliance. Lack of information at safeguarding meetings and reviews or lack of sharing with carers and family members can impact on the adult and impact upon effective conduct of the meetings.

5. Professional resolution and escalation process

- 5.1. Each stage of the escalation process should be executed within five working days or a timescale which protects the adult. A clear record should be kept at all stages, by all parties. In particular this must include written confirmation between the parties about their rationale for decision-making, an agreed outcome of the disagreement and how any outstanding issues will be

pursued. This written confirmation must be retained and made available to the chair, should the issue escalate to stage four.

5.2. Escalation routes for individual agencies is outlined in Appendix 2.

5.3. Escalation can be via telephone, face to face meeting or teleconference calls.

Stage One: direct professional to professional discussion

Differences of opinion or judgement should be discussed between frontline professionals to achieve a shared understanding and agree a resolution and plan. If professionals are unable to resolve differences within time scale, the disagreement should be escalated to stage two.

Stage Two: direct first line manager to first line manager discussion

If stage one fails to resolve the issue, then each professional should discuss the issue with their first line manager or safeguarding supervisor/named safeguarding professional. The first line manager should then liaise with the other professional's line manager in an attempt to reach a resolution. Keeping both professionals involved in the dispute updated on the discussions taken place. If a resolution cannot be reached, the disagreement should be escalated to stage three.

Stage Three: Senior manager to senior manager discussion

If concerns remain unresolved at this stage a senior manager to senior manager discussion should take place to discuss the concerns and convene jointly a meeting with the practitioners and first line managers to try to resolve the professional difficulties. Advice and support should also be sought from the senior safeguarding within their agency. The board manager may be advised at this stage to give the board advance notification if there is potential for the matter to escalate to stage four.

Stage Four: Kirklees Safeguarding Adults Board (KSAB) resolution panel chaired by the KSAB independent chair

In the unlikely event that the issue is not resolved by the steps described above and/or the discussions raise significant policy issues, the matter should be

referred urgently to the KSAB for resolution. This should include forwarding a written account of the dispute and what attempts have been made to resolve this. The chair of the KSAB who will convene a resolution panel made up of senior representatives.

6. Learning from professional disagreements and escalation

- 6.1. When the issue is resolved, any general issues should be identified and referred to the agency's representative on the KSAB for consideration by the relevant KSAB subgroup to inform future learning.
- 6.2. At any stage in the process, it may be appropriate to seek expert advice to ensure resolution is informed by evidence based best practice.
- 6.3. It may also be useful for individuals to debrief following some disputes in order to underpin and support continuing effective working relationship.

Appendix 1 - Flowchart for managing the escalation process

Stage One: direct professional to professional discussion

Differences of opinion or judgement should be discussed between frontline professionals to achieve a shared understanding and agree a resolution and plan. If professionals are unable to resolve differences within time scale, the disagreement should be escalated to stage two.



Stage Two: direct first line manager to first line manager discussion

If stage one fails to resolve the issue then each professional should discuss the issue with their first line manager or safeguarding supervisor/named nurse. The first line manager should then liaise with the other professional's line manager in an attempt to reach a resolution. If a resolution cannot be reached, the disagreement should be escalated to stage



Stage Three: senior manager to senior manager discussion

If concerns remain unresolved at this stage a senior manager to senior manager discussion should take place to discuss the concerns and convene jointly a meeting with the practitioners and first line managers to try to resolve the professional difficulties. Advice and support should also be sought from the designated professional within their agency. The board manager may be advised at this stage to give the board advance notification if there



Stage Four: Kirklees Safeguarding Adults Board (KSAB) resolution panel chaired by the KSAB independent chair

In the unlikely event that the issue is not resolved by the steps described above and/or the discussions raise significant policy issues, the matter should be referred urgently to the KSAB for resolution. This should include forwarding a written account of the dispute and what attempts have been made to resolve this. The chair of the KSAB who will

Appendix 2 - Escalation routes for individual agencies

If unresolved, the problem should be referred to the worker's own line manager, who will discuss with their opposite number in the other agency. Some examples of pathways individual agencies may follow whilst working primarily with adults with care and support needs are given below:

- **Adult Social Care**

Social Worker/Occupational Therapist → Team Manager → Head of Service/Operational Head of Integrated Care → Operations Director → Director of Social Work / Director of Community Health and Social Care Operations

- **GP Practices**

GP → Safeguarding Lead GP → Named GP for Safeguarding Adults (ICB) → Lead Professional for Safeguarding Adults (ICB) → Head of Safeguarding Director of Nursing and Quality (ICB)

- **Acute Hospital Trusts and community health providers**

Frontline Staff → Named Professionals/Lead Safeguarding Adults → Head of safeguarding → Director of Nursing/Chief Nurse

- **Mental Health Services**

Mental Health Practitioner → Named Professionals/Lead Safeguarding Adults → Associate Director of Nursing, Quality and Professions

- **Police**

Police Constable or Police Staff member → Safeguarding and Investigation command (S&I) Detective Sergeant (DS) → S&I Detective Inspector → S&I Detective Chief Inspector → S&I Detective Superintendent → Ch Supt S&I

- **Voluntary /Faith Sector Organisations**

Member of Staff / Volunteer → Designated Safeguarding Lead → Senior Manager (if applicable) → Chair of Trustees/ Board of Management