

ITEM 3.2 CALDERDALE SAFEGUARDING CHILDREN BOARD: THE RESOLUTION OF INTER-AGENCY PRACTICE DISPUTES IN THE MANAGEMENT OF CHILD PROTECTION CASES – THE PROCESS AND PRACTICE GUIDANCE.

This procedure and practice guidance provides all professionals who are involved in the child protection process and specifically in Initial Child Protection Conferences (ICPC) and Child Protection Review Conferences (CPRC), with the information they need in order to;

- Share and raise any concern they have that the process and the outcome of the conferences may not be ensuring that children and young people are not being protected**
- Understand how they should address these concerns in a professional and appropriate way that supports their professional duties and responsibilities, and supports effective joint working.**
- Support the authority and responsibilities of the Chair of the meetings to ensure that decisions and outcomes protect children and young people**
- Ensure that line management and designated professionals are involved to ensure that concerns are responded to wherever possible on an informal basis and in a timely way**
- Escalate when informal resolution is unsuccessful so that the LSCB may support and determine an appropriate resolution.**
- Be able to be confident that challenge at all points will be taken seriously and that a learning approach will be adopted.**

Author/agreed and adopted by CSCB partner/Review date

1. Context:

- 1.1. Safeguarding children is everyone's responsibility. Children are best protected when professionals are clear about what is expected of them individually, and how they need to work together (Working Together, 2013).
- 1.2. Section 14, Children Act 2004, sets out the objectives for all Local Safeguarding Children's Boards (LSCB), namely: a) to coordinate what is done by each person or body represented on the Board for the purposes of safeguarding and promoting the welfare of children in the area; and b) to ensure the effectiveness of what is done by each person or body for those purposes.
- 1.3. In order to fulfil this statutory duty an LSCB should have a source of reliable data to evaluate the effectiveness of LSCB partners in fulfilling their statutory obligations which should include the quality assurance of practice at practitioner level with a view to identifying lessons for improvement in service delivery.
- 1.4. There is a significant body of evidence to be found in the lessons from Serious Case Reviews (SCR) to indicate that all too frequently failures or weaknesses in practice leads to poor service delivery and consequently poor outcomes for some of the most vulnerable children. Thus a thorough understanding of the child protection services being delivered is critical for all LSCBs in terms of knowing where services are weak and their ability to generate improvements. Equally understanding where services are demonstrating good practice so that these approaches can lead the way for improvements.
- 1.5. A reliable source of performance and quality assurance data relating to inter-agency service delivery within the child protection system exists with the Independent Reviewing Service (IRS). This sits alongside other performance information the Board requires from partners within its core dataset and Performance Management and Quality Assurance Framework (PMQA)
- 1.6. The Calderdale Safeguarding Children's Board (CSCB) adopts the West Yorkshire Consortium Procedures Manual, Section 2, sub section 2.9 which provides a broad procedural approach to managing deficits in practice performance relating to the implementation of the child protection plan. However the procedure lacks sufficient depth in terms of an underpinning structure and process capable of generating data to better inform the Calderdale SCB about the strengths and weakness of its safeguarding apparatus.
- 1.7. This Practice Dispute Resolution Procedure (PDRP) provides operational guidance and process to enhance the existing procedure (section 2, sub section 2.9) by introducing an informal and formal process for managing the

identification and resolution of practice deficits also the appropriate escalation of practice issues across the inter-agency safeguarding system in Calderdale. Once adopted the Practice Dispute Resolution Process (PDRP), can be integrated with the CASS (Children's Assessment & Safeguarding System) data base, it is capable of generating reliable data relating to both the strengths and weakness of safeguarding practice across the child protection system.

- 1.8. The CPCC is personally or professionally responsible for activating the PDRP. The PDRP is activated when the CPCC in the performance of their scrutiny and quality assurance role identifies a concern relating to practice non compliance and /or the quality of practice when delivering child protection services which in their professional judgement will negatively impact on the outcome for the child if not addressed.

2. The Basis for PDRP under Current CP Policy/Procedure:

- 2.1. Calderdale Safeguarding Children's Board is committed to ensuring that all partner organisations fulfil their statutory duty to effectively safeguard children through the delivery of quality services that are compliant with current Multi Agency Child Protection Policy and Procedures.
- 2.2. The current CP Policy/Procedure for the operation of the PDRP is located in the West Yorkshire Consortium Procedures Manual under section 2, West Yorkshire Safeguarding Children Boards and Organisational Responsibilities, sub-section 2.9. Resolving Professional Disagreements. The specific relevant sub-sections are reproduced below:

3. Dissent at Child Protection Conferences

- 3.1. If a Child Protection Conference Chair is unable to achieve a consensus as to the need for a **Child Protection Plan**, s/he will 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 his or her decision making powers as set out in **Section 13.4, The Decision Making Process of Initial Child Protection Conference Procedure**.
- 3.2. An agency or individual who dissents from the Chair's decision will determine whether s/he wishes to further challenge the result.
- 3.3. If the dissenting professional/agency believes that the decision reached by the Conference Chair places a child at (further) risk of Significant Harm or that a Child Protection Plan isn't required, it is expected that s/he will formally raise the matter with their line manager and/or Designated or Named

Professional in their agency. If this does not resolve the matter, it should be discussed with the Safeguarding Children Board Manager or their nominated board representative, who will consider what further actions are required.

- 3.4. If there is an immediate and significant concern for the safety of the child/children, escalation to and between the Local Authority Childrens Social Care Managers and equivalent line manager within the partner agency should take place immediately
- 3.5. Escalation to the CSCB will only take place once the above have been exhausted and or any partner wishes to share the learning and advise the Board.
- 3.6. The immediate protection of children should be the primary concern in the event that there is an immediate and significant concern about the outcome of an Initial Child Protection Conference.

4. Dissent Regarding the Implementation of the Child Protection Plan(CPP)

- 4.1. Concern or disagreement may arise over another professional's decisions, actions or lack of actions in the implementation of the Child Protection Plan, including participation in Core Group meetings
- 4.2. The line managers of the professionals involved should first address these concerns
- 4.3. If agreement cannot be reached following discussions between the above 'first line' managers, the issue must be referred without delay through the line management of each agency.
- 4.4. Where the issue cannot be resolved, the individual/agencies involved should contact the CPCC and consideration should be given to convening a **Child Protection Review Conference**.

5. Where Professional Differences Remain

- 5.1. If professional disagreements remain unresolved, the matter must be referred to the LSCB member for each agency involved.
- 5.2. In the unlikely event that the issue is not resolved by the steps described above and/or the discussions raise significant policy issues, it should be referred to the Safeguarding Children Board Manager and Independent Chair who will arrange an appeals panel, chaired by the agency not directly involved in the dispute. The panel will consist of the professionals involved directly in the dispute and at least another two agencies who are not directly involved (one of these agencies will chair the panel). The Independent Chair and/or board manager may also attend this panel, their role will be to advise and any learning as a result.

6. The PDRP Practice Guidance:

- 6.1. In line with section 2.9. Sub-section 3, every professional involved in the decision making about how best to safeguard a child has the right and a responsibility to raise a concern if in their professional judgement a child protection conference has not acted appropriately in the decision made about whether or not to make the child subject to a child protection plan.
- 6.2. This situation is likely to occur when the Child Protection Conference Chair (CPCC) either makes a determining decision about the need or not for a child protection plan when a child protection conference membership fails to reach a consensus or, overrules a child protection conference consensus through the application of the CPCC procedural authority.
- 6.3. In the event that a professional dissents from the decision made by the CPCC the following process applies:
- 6.4. The professional must determine following reflective discussion with their line manager and/or Designated Child Protection Professional whether to further challenge the CPCC decision;
- 6.5. Where the outcome of this discussion is to further challenge the CPCC decision the professional/agency will make a formal representation setting out the basis for the challenge to the Service Manager for Safeguarding and Quality Assurance. The Service Manager will review the CPCC decision and respond to the professional/agency within 5 working days of receipt of the challenge.
- 6.6. Where further challenge of the CPCC decision is on the basis that a child may be at (further) risk of significant harm the matter should be discussed with Safeguarding Board Manager and Independent Chair who will convene an appeals panel, chaired by an agency not directly involved in the dispute (see above). But as a minimum the CPCC decision should be immediately reviewed by the Service Manager for Safeguarding and Quality Assurance and if a child is subsequently deemed to be at (further) risk of significant harm appropriate protective action should be implemented and a Child Protection Conference should be convened immediately with a different CPCC appointed.
- 6.7. It is important to note that where a professional/agency is of the opinion that the CPCC has acted in a manner outside of the standards expected of professional conduct (eg. Rude, bullying in directing the decision making etc) then consideration should be given to raising a complaint with their line manager, following the Calderdale MBC Complaints Policy and Procedures.

- 6.8. The authority of the CPCC to raise concerns about safeguarding practice is found in section 2.9. The practice guidance identifies and acknowledges the pivotal role of the CPCC as the professional with the responsibility to scrutinise and challenge poor safeguarding practice and provides a formal PDRP structure and process to record and evidence this crucial CPCC activity.
- 6.9. The PDRP practice guidance is underpinned by the principle of speedy resolution to practice disputes raised by the CPCC. Where deemed appropriate by the CPCC an issue of concern relating to procedural non compliance and/or the quality of practice delivered by a professional involved with the development and delivery of the child protection plan will be raised informally with the professional and their supervising manager with a view to resolving the issue.
- 6.10. Where a resolution is not achieved at the informal stage, the dispute will progress to the formal practice dispute resolution process stage. The formal process will normally follow a staged approach but where a child is judged to be at risk of immediate harm the CPCC will take immediate action to ensure the child is safeguarded, for example, alert the service manager with responsibility for safeguarding. The formal practice dispute resolution process facilitates the escalation of the dispute through the management tiers should the issue(s) not be resolved at any particular stage. Each of these stages has a prescribed timescale. The overall process will not exceed 15 working days.
- 6.11. The CPCC has the authority, if in their professional judgement a practice issue is sufficiently serious, to refer the practice dispute issue(s) to the Calderdale SCB manager and Independent chair at any point in the lifespan of the practice dispute resolution process, following consultation with the Independent Reviewing Service Team Manager. In the event that the CPCC elects to notify the LSCB manager and Independent Chair of a serious concern the CPCC must alert the Safeguarding and Quality Assurance Service Manager, Head of Service Commissioning and Partnerships and the relevant designated manager representative to Calderdale SCB member in the referred professional's organisation by email prior to the notification being made by the CPCC.
- 6.12. A concern may relate to, for example, timescales for written reports, non-attendance at core groups, missed statutory visits, the quality of assessments, the quality of the child protection plan, the quality of reports to child protection conference, a failure to recognise risk to a child and so forth.
- 6.13. Where the CPCC identifies a practice related concern the informal PDRP should be initiated, provided the child is not deemed to be placed at risk requiring a more urgent response. The Informal PDRP involves the CPCC

communicating the nature of the dispute to the professional and their immediate supervising manager. Most often this will occur by email, though where possible this should be coupled with a telephone call and/or face to face discussion, with a deadline that is reasonable and realistic in terms of both parties, but will not exceed 10 working days. It is the responsibility of the professional and supervising Manager to respond within the set timescale as to what remedial action has been undertaken.

- 6.14. If the issue is not resolved in the agreed timescale then the formal PDRP will be instigated following consultation with the CPCC's line manager. The professional and Supervising Manager will be informed by the CPCC why the practice issue has been escalated in a Formal Notification by email. A record of the action will be recorded on the child's file.
- 6.15. The formal PDRP is supported by notification documentation (see **Appendix 1**) which will be employed to convey the concern notification at all stages in the formal PDRP.
- 6.16. There are three stages in the formal PDRP:

Stage 1: Notifying the Supervising Manager.

- Stage 1 is specifically aimed at the professional's supervising manager. The CPCC will record the nature of the concern and recommendations for remedial action on the Practice Dispute Notification document (see **Appendix 1**) and a copy sent by email to supervising manager with the professional CC'd.
- The timescale for a response is 5 working days.
- In the event that the CPCC has not received a response in timescale or is dissatisfied with the response the practice dispute will progress to stage 2.
- A record of this activity must be entered onto the child's file by the CPCC.

Stage 2: Notifying the Senior Manager/Designated Child Protection Lead.

- Stage 2 is specifically aimed at the next management tier or the Designated Child Protection lead in the professional's organisation. Whilst a practice dispute may be resolved by email, a meeting between the CPCC, the professional and the manager may be more appropriate. The CPCC will record the rationale for the escalation on the Practice Dispute Notification document (see **Appendix 1**) and include the original concern(s) and recommendations. A copy of the notification will be sent by email to the responsible manager.
- The timescale for a response is 5 working days.
- In the event that the CPCC has not received a response in timescale or is dissatisfied with the response the practice dispute will progress to stage 3.
- A record of this activity must be entered onto the child's file by the CPCC.

Stage 3: Notifying the Calderdale SCB Manager and Chair.

- Stage 3 is the final level of representation which is specifically aimed at the Children's Safeguarding Board Manager and the CSCB Independent Chair.
- The CPCC will record the rationale for the escalation on the Practice Dispute Notification document (see **Appendix 1**) and include the original concern(s) and recommendations. A copy of the notification will be sent by email to the Safeguarding Board Manager, who will alert the Independent Chair.
- The timescale for a response is 5 working days.
- Stage 3 represents the end of the process in that the Safeguarding Board Manager and Independent Chair will convene a panel. The panel will consist of the professionals involved directly in the dispute and at least another two agencies who are not directly involved (one of these agencies will chair the panel). The Independent Chair and/or board manager may also attend this panel, their role will be to advise and any learning as a result. The Safeguarding Board manager will convey the outcome of how the practice dispute has been resolved or the proposal for resolution to all those who were in attendance at the panel, the Independent Chair, CPCC and the Service Manager for Safeguarding and Quality Assurance within the prescribed timescale.
- Once the outcome of the CSCB PDRP Panel is received by the CPCC it may be necessary to convene a Review Child Protection Conference (RCPC) to ensure that all involved professionals are advised of the required next steps/actions and that the case will move forward positively. Or the CPCC will write to all involved professionals to ensure they are made aware of what action is required to move the case forward, including any revisions to the protection plan and required changes in actions. A record of this activity and the outcome must be entered onto the child's file by the CPCC.
- A report will be provided to the CSCB bi annually, the purpose of which will be to monitor and scrutinise the process as well as ensuring the board is aware of any themes or emerging patterns.

Glossary

LSCB- Local Safeguarding Children's Board

IRO- Independent Reviewing Officer

CPC- Child Protection Conference Chair

ICPC- Initial Child Protection Conference

PDRP- Practice Dispute Resolution Process

Appendix 1

INFORMAL DISPUTE RESOLUTION PROCESS

Dispute Resolution Notification Form

From: (CPCC) - Response Expected within (insert) working days.	To: <i>(Social worker – Practice Supervisor/Team Manager - Service Manager – Head of Service)</i>
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Name of Child:	DOB:
CASS Number:	
Date of Child Protection Conference:	

Stage 1- date sent:	
Summary of CPCC Concern(s):	
Recommendation(s) for remedial action:	
Recipient Response:	
Name & Status:	Date returned:
Response timescale 5 working days.	

FORMAL PRACTICE DISPUTE RESOLUTION PROCESS - STAGES 1 - 3:

NOTIFICATION DOCUMENT

From:

(CPCC)

To:

**(Professional – Line Manager -
Senior Manager)**

Response Expected within (insert) working days.

Name of Child:

DOB:

CASS Number:

Date of Child Protection Conference:

Stage 1- date sent:

Summary of CPCC Concern(s):

Recommendation(s) for remedial action:

Recipient Response:

Name & Status:

Date returned:

Response timescale 5 working days.

Stage 2 - date sent:

Reason for escalation:

Recommendation(s) for remedial action:

Recipient Response:

Name & Status:

Date returned:

Response timescale 5 working days.

Stage 3 - date sent:

Reason for escalation:

Recommendation(s) for remedial action:

Recipient Response:

Name & Status:

Date returned:

Response timescale 5 working days.

Resolution of Practice Dispute (recorded by CPCC):

Date: