



## North Wales Safeguarding Children Board

### North Wales Protocol for Resolving Professional Differences of Opinion

Date ratified	31 <sup>st</sup> July 2014
Review Date	2017

Version	Consultation completion date	Description of Reason for Change	Author	Authorisation	Date Issued
1	2012		D, Barker / NW Protocols sub		
1.1	24/06/14	Reflect change from LSCBs to delivery groups	G Heeney		
1.2	31/07/14	Amendments to sec 2.7 other relevant agencies, from RSCB mtg 31/07/14	G Heeney	RSCB 31 <sup>st</sup> July 2014	

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## **1 Introduction**

- 1.1 The Welsh Assembly Government Guidance, Safeguarding Children Working Together under the Children Act 2004 requires that Local Safeguarding Children Boards have a Protocol for resolving professional differences of opinion. A number of serious case reviews including Victoria Climbié and Baby Peter have cited poor professional working relationships as a reason for the failure of safeguarding systems. Lord Laming: The Protection of Children progress report (2009) recommended that formal procedures are in place for managing a conflict of opinion over the safety of the child. This is an inter-agency protocol which applies to each stage of the child protection process and provides guidance as to what action should be taken if there is a disagreement between professionals about how best to safeguard and protect a particular child or children.
- 1.2 Safeguarding children will always be an area in which differences of opinion will arise about the best course of action. It is therefore essential to have an agreed problem resolution process in place to support all those working with children and families and adults that pose a risk to children to discuss their viewpoint openly and for them to be able to constructively and respectfully challenge other professionals/agencies decisions and practice where necessary.
- 1.4 The Resolving Professional Differences of Opinion Protocol is not a decision making process for Child Protection decisions. The All Wales Child Protection Procedures (2008) must be followed to make decisions in relation to child protection.
- 1.5 The Protocol is not a whistleblowing process but a structure to follow to resolve professional differences of opinion.
- 1.6 The Protocol should not be used when there is a complaint about a specific professional in such situations the relevant organisation's complaint procedure will apply.
- 1.7 The Protocol is not for use by children, young people and families. They should use the Child Protection Conference Complaints Procedure if their complaint relates to the process or decision of a child protection conference and/or the complaints procedure of individual organisations (including the Local Authority) as appropriate.

## **2. Scope**

- 2.1 Differences of opinion between practitioners and agencies can lead to conflict which may result in less favourable outcomes for children. Practitioners and their agencies should not obscure the focus on the child and place the child at risk of harm.
- 2.2 Agencies are responsible for ensuring that staff members are supported and competent in reporting professional differences which are proving difficult to resolve by discussion. A difference in experience or perceived status may affect the confidence of some practitioners in pursuing this course of action.
- 2.3 Supervision is required in addressing professional differences of opinion by a person not directly involved with the family. This can look objectively at the issues in order to ensure that the child is safe from harm and inter-agency relationships are not adversely affected. Issues may be raised when seeking advice and guidance or during group or management supervision.

- 2.4 Commitment within agencies is essential in addressing professional differences of opinion. Agencies should promote a respectful acceptance of differing viewpoints and acknowledge that constructive challenge is necessary in the safeguarding of children.
- 2.5 Professional differences of opinion may lead to interagency conflict if not resolved in a constructive and timely manner.
- 2.6 Agencies are required to identify any lack of clarity or omissions in multi-agency policies/procedures and/or protocols and, where relevant, seek a resolution through their development or amendment.
- 2.7 Wherever possible, resolution of professional differences of opinion should be sought at a practitioner level by practitioners, and if necessary with the involvement of their line managers in their respective agencies. If significant differences of opinion cannot be resolved by practitioners, or the intervention of managers liaising with their counter parts in the relevant agencies, the following should be consulted:
- Named Professional/Designated Professional
  - Independent Child Protection Co-ordinator/Safeguarding Manager or their equivalent.
  - Senior manager/Head of Social Services responsible for Safeguarding Children
  - Detective Inspector, NW Police Public Protection Unit
  - National Probation Service, Local Delivery Unit of North Wales. Offender Management Team Managers for each local authority / county ie Team Managers with responsibility for Mon, Gwynedd, Conwy, Denbighshire, Flintshire and Wrexham.
  - Deputy Director of Nursing and Safeguarding/Named Nurse BCUHB
  - Head of Safeguarding Children/Deputy Named Nurse BCUHB
  - Assistant Chief Executive for the North Wales Local Delivery Unit, Wales Community Rehabilitation Company
- 2.8 A professional meeting may be held, chaired by either the Local Authority Child Protection Co-ordinator /Safeguarding manager or their equivalent, or the Senior manager/Head of Social Services responsible for Safeguarding Children.
- 2.9 If the matter is still unresolved it should be referred to the Chair of the Local Delivery Group arbitrate and to consider if a case audit is necessary.
- 2.10 It is the responsibility of individual agencies to maintain records of all discussions and differences of opinion.
- 2.9 At whatever stage the difference of opinion is resolved, it is standard practice to inform the person that raised the concerns. The aim of this feedback is to facilitate/ restore positive interagency relationships in order to work together to safeguard and promote the welfare of children.
- 2.10 Outcomes of all meetings that instigate the protocol will be shared with the Local Authority Child protection co-ordinator/ Safeguarding manager for Safeguarding Board audit purposes.
- 2.11 Attempts at resolution must be within the protective timeframe for the child(ren).

### 3. Potential areas of disagreement

3.1 Professional differences of opinion occur for various reasons throughout the safeguarding system, below are listed some examples. This is not an exhaustive list.

- A referral is not considered to meet the threshold of need criteria for an assessment by the Children and Families Social Services Department.
- The Children and Families Social Services Department conclude that further information should be sought by the referrer before the referral is progressed.
- The Children and Family Social Services Department and the Police have a different interpretation in the need for a single/joint agency response.
- There is a difference of opinion on the need to have a Child in Need planning meeting.
- There is a difference of opinion on the need to convene a Child Protection Conference.
- There is a difference of opinion on the decision to close a case.
- A practitioner is concerned that another professional agency has not remained child focused and is being distracted by parental issues.
- There is a disagreement around thresholds between agencies.
- There are difficulties in communication, for example; unavailability of staff, restrictions on electronic communication systems, no response to telephone messages.
- There are difficulties in another agency recognising the need to share information.
- An agency is concerned that there is an element of drift; that is, a concerning situation is allowed to continue for an unacceptable period of time.
- There is a lack of understanding/lack of knowledge about other agencies' roles and responsibilities.
- Disagreement may arise from a Core Group
- Disagreement may arise regarding a medical opinion following an examination.

**3.2 PRACTITIONERS SHOULD ALWAYS ATTEMPT TO RESOLVE DIFFERENCES OF OPINION THROUGH OPEN AND HONEST DISCUSSIONS AND WITHIN A TIMEFRAME THAT ENSURES THAT THE CHILD IS PROTECTED FROM HARM.**

#### **4. The process for the resolution of differences of opinion.**

- 4.1 When a professional difference of opinion arises and the protocol is instigated, the professional/agency staff member must always inform their line manager and Local Authority Child Protection Co-ordinator/ Safeguarding manager.
- 4.2 The professional /agency staff member expressing the difference **must** put their concerns in writing. The process starts from the date the letter/fax/email is sent.
- 4.3 The process for the resolution of differences of opinion is a 5 stage escalation process.

**THROUGHOUT THE PROCESS THE WELFARE OF THE CHILD(REN) MUST REMAIN PARAMOUNT.**

##### **Stage 1**

1. At this stage the professional should attempt to resolve matters and reach a way forward through discussion or organising a meeting. This should take place within 10 working days of the written concern being sent or a timescale that ensures that the child(ren) are protected from harm, whichever is less. If there is no resolution then matters move to the next stage.
2. If there is resolution the outcome will be shared with their respective line managers.
3. A written account will be made of the difference of opinion, discussion and its resolution, or lack of resolution,. The written account is to be signed by both parties and placed on the child's file.

##### **Stage 2**

1. At this stage the professional should bring the unresolved matter to the attention of their line manager/designated officer and inform the Local Authority Child Protection Co-ordinator/ Safeguarding manager. Consideration will be given to escalating up to stage 3 or attempt to address at stage 2 level. This will be dependent on the concerns that have been highlighted and the potential on-going risk of harm to the child if matters are not resolved. If in doubt, the line manager should consult with their line manager/designated officer and the Local Authority Child Protection Co-ordinator/ Safeguarding manager.
2. A meeting will be held within 10 working days of the Stage One meeting or within a timescale that ensures the child(ren) is protected from harm whichever is less.
3. The line manager will consider the information, review the case file and clarify the significant issue over which there is disagreement, and which has implications for the safety and welfare of a child(ren).

### **Stage 2 (continued)**

4. It will be the responsibility of the line manager to organise a meeting with their counterpart from the other agency and the professional/agency staff member that has a difference of opinion. The aim of the meeting will be to:
  - Identify and clarify the disagreement
  - Identify the desired outcome for both parties
  - Reach agreed actions
5. There will be a written record of the meeting and outcomes. The minutes will be disseminated to the staff invited and that have been informed/consulted. If matters are unresolved, the process will move to stage 3.

### **Stage 3**

1. At stage three the matter will be reviewed by the senior manager and child protection co-ordinator/safeguarding manager. This will take place within 10 working days of the completion of stage 2, or within a timescale that protects the child(ren) from harm whichever is less.
2. The senior manager/Local Authority Child Protection Coordinator/ Safeguarding Manager will organise a meeting and will decide on an attendance list. This may include the relevant managers, or designated staff with responsibility for safeguarding children in their respective agency. The meeting will be chaired by the senior manager or Local Authority Child Protection Coordinator/ Safeguarding Manager.
3. The Chair of the meeting will have access to the files and the previous recordings of stage 1 and stage 2 meetings/discussions.
4. The meeting will follow the stage 2 meeting process and reach an agreement of the actions that require to be undertaken to resolve matters. All parties should accept the outcome of the problem resolution meeting.
5. The Head of Services or their equivalent will be informed of the outcome of the meeting.

#### **Stage 4**

1. In exceptional circumstances the representative Head of Service may decide to hold a further meeting.
2. If matters still remain unresolved the matter will be referred to the Chair of the Local Delivery Group.

#### **Stage 5**

1. The Chair of the Local Delivery Group will consider the matter decide how to proceed. This may include:
  - a mediation meeting.
  - A Request for a case file audit or single agency management review.
  - A time-frame for the completion of the above
2. The final overview review report and executive summary will be shared with the Local Authority Child Protection Co-ordinator/ Safeguarding Manager and the Local Delivery Group the relevant agency. The report will identify any learning points, actions to be taken and outcomes for the child(ren). An action plan including timescales will be agreed, which will be monitored by the respective agencies.

**Agencies may identify a lack of clarity or omissions in multi-agency policies/procedures and/or protocols at any of the stages and should refer this to the attention of the Local Authority Child Protection Co-ordinator/ Safeguarding Manager.**

#### **5. Professional disagreements regarding child protection conferences.**

- 5.1 The All Wales Child Protection Procedures (2008) section 3.14.16 addresses decision making at child protection conferences where consensus is not reached.
- 5.2 In exceptional circumstances the Chair and/or agencies may not agree with a majority decision made at a child protection conference. If the Chair and /or agencies do not agree that the child protection plan adequately protects the child(ren) then the agency/chair will report this to the senior manager with responsibility for child protection. In these circumstances Stage 3 of the problem resolution protocol will be instigated.

**Professional difference of opinion.**

**Professional puts concerns in writing.**

**Stage 1**  
Within 10 working days or less the professionals discuss/meet to resolve the identified difference. Line manager, CP Co ordinator/safeguarding manager is informed and written record made and signed by both parties.

**unresolved**

**Stage 2**  
Within 10 days or less line manager meets with counterpart in other agency to identify difference and resolve. Informs child protection co ordinator/ safeguarding manager and line manager/ designated officer.

**unresolved**

**Stage 3**  
Within 10 days or less senior manager/CP coordinator/safeguarding manager holds a meeting invites designated officers and relevant managers and staff members to resolve the matter. Head of service informed.

**If required**

**Stage 4**  
If Head of Services considers necessary will hold a meeting with the counterparts in the other applicable agency or move to stage 5

**unresolved**

**Stage 5**  
Refer to Chair of Local Delivery Group for mediation/arbitration meeting or case file review

If findings at any stage identify a procedure/ protocol/policy that is unclear and/or requires developing refer to Child Protection Co -ordinator/Safeguarding manager.  
The outcome of any meetings that have been instigated by the protocol to be shared with Child Protection Coordinator/Safeguarding Manager for LSCB Audit purposes.