



*Safeguarding
is everybody's
business*

RESOLVING INTER-AGENCY DISAGREEMENTS

Guidance and Protocol, including Escalation, for use by staff from all
agencies

February 2016

Introduction

Generally there are good working relationships between agencies, but occasionally there will be a difference of professional views. This protocol describes the actions required within the East Riding of Yorkshire where there is a professional disagreement about what action should be taken.

Good practice includes the expectation that constructive challenge amongst colleagues, within agencies and between agencies, is in the best interests of vulnerable adults. Where members of staff from any agency believe concerns regarding a vulnerable adult are not being addressed it is expected that the escalation process will be used until a satisfactory conclusion is achieved. All ERSAB partner agencies have agreed to the use of this protocol and expect staff to use it in appropriate circumstances.

The vulnerable adult's safety and wellbeing must be the paramount consideration at all times and professional differences must not distract from timely and clear decision making.

Occasionally situations arise when workers within one agency feel that the actions, inaction or decisions of another agency do not adequately safeguard a vulnerable adult.

Disagreements are most likely to arise around:

- Levels of need/thresholds
- Concern about the response of a key agency to a reported concern
- Lack of clarity about roles and responsibilities
- Decision making
- Progressing plans
- Communication

All professionals have a duty to act assertively and proactively to ensure that adult safeguarding is the paramount consideration in all professional activity. All professionals must challenge the practice of other professionals where they are concerned that this practice is placing vulnerable adults at risk of harm. Resolution should be sought within the shortest timescale possible to ensure the vulnerable adult is protected.

Disagreements should be resolved at the lowest possible stage however...

If, during a dispute with another agency about what action should be taken, a vulnerable adult is thought to be at risk of immediate harm the designated safeguarding lead in your agency should be consulted immediately for further advice.

The importance of reducing the likelihood of having to escalate

Transparency, openness and a willingness to understand and respect individual agency views are core aspects of a safe multi-agency and inter agency safeguarding service.

Good preparation, planning and a willingness to listen to the views of others, even if they appear challenging of your own views, will ensure that disagreements are kept to a minimum

Effective communication requires a culture of listening to and engaging in dialogue within and across agencies. It is essential that all communication is as accurate and complete as possible and clearly recorded, in line with individual agency procedures.

Accuracy is essential for without it effective decisions cannot be made and equally, inaccurate accounts can lead to vulnerable adults remaining unsafe, or to the possibility of wrongful actions being taken that affect those at risk of harm.

At all stages of the process actions and decisions must be recorded in writing by the agencies involved and shared with relevant personnel including the worker who raised the initial concern. There must be written confirmation between the parties about an agreed outcome of the disagreement and how any outstanding issues will be pursued. How this is undertaken should be determined in each case.

Timescales

Resolution needs to be found within timescales that are linked to the needs of the vulnerable adult, not the convenience of professionals. When disagreements need to be resolved very quickly in order to safeguard a vulnerable adult professional judgement should always be used.

For a variety of reasons there may be a delay at any stage, for example responding to telephone calls or emails. When this occurs careful consideration should be given to involving managers at the next level of the structure by letting them know there is a disagreement, that a speedy response is required to safeguard the vulnerable adult and that in the absence of such a response, they will be contacted to help progress the disagreement further.

The maximum timescale for completion of a dispute up to Stage 4 is **5 days**. In the rare circumstance that Stage 5 has to be employed this should be begun 5 days from the original dispute being raised and completed within a further 5 days.

Dispute Resolution Stages

Stage One – involving your line manager

Any worker who feels that a decision is not safe or is unsatisfactory or inappropriate should initially consult their own supervisor/manager to clarify their thinking in order to identify the problem, to be specific as to what the disagreement is about, and to identify the desired outcome.

Stage Two – involving the worker from other agency/service

The people who disagree should have a discussion to resolve the problem. This discussion must take place as soon as possible and could be a telephone conversation or a face to face meeting. There may be instances where disparity in perceived status or experience may inhibit the ability of some workers to resolve the disagreement without support. This should be seen as acceptable, rather than an escalation in itself.

Stage Three – escalate line manager to line manager

If the problem is not resolved at stage two the worker should contact their supervisor/manager within their own agency who should have a discussion with the equivalent supervisor/manager in the other agency.

Stage Four – escalate to named/designated safeguarding leads or senior operational managers.

If the problem is not resolved at stage three the supervisor/manager should raise the issue with their respective operational manager or named/designated safeguarding representative. The issue should be discussed with a senior manager at the appropriate level in the other agency and a resolution agreed. If the issue cannot be resolved then consideration should be given to

progressing the dispute through senior management up to Head of Service or Director level or equivalent.

In situations where senior officers have become involved in resolving disagreements between agencies and those disputes relate to the safeguarding needs of individual vulnerable adults, the ERSAB Team should be made aware of this. The purpose of such notification is to help monitor interagency safeguarding activity, and to identify issues which may benefit from an ERSAB Quality Assurance scrutiny. The agency which found it necessary to escalate an issue to such a high level in another organisation should advise the other organisation of their intention to do so and complete appendix A and return it to the ERSAB Team.

Stage Five – resolution through mediation using an East Riding Safeguarding Adults Board (ERSAB) chaired meeting

Operational issues must be resolved by the agencies identified directly involved in the case. When a resolution has not been achieved at stage four, the Chair of the ERSAB should be approached to identify a Board member from an uninvolved agency to chair a meeting of the most senior managers with operational responsibility for the case. This meeting will review the issues at hand and provide a final opportunity for the involved agencies to ensure that there is a full understanding of the issues before the decision is finalised.

The Chair of this meeting will then report on issues arising from this process to the ERSAB Business Implementation Group

Disagreements in specific circumstances:

Where there is an immediate adult safeguarding concern

Where there is an immediate safeguarding concern under **Section 42** of the Care Act of 2015, the Local Authority Adult Services have lead responsibility for decision making regarding the level of need of the vulnerable adult.

Differences of Opinion regarding Vulnerable Adult Professional Meeting

Where there is disagreement about whether a vulnerable adult should be the subject of a vulnerable adult professional meeting the existing ERSAB policy and procedures should be followed.

Sharing information and reports prior to professional meeting will highlight potential areas of difference to the meeting Chair. The service user's social worker should also discuss potential areas of conflict with the meeting Chair in advance.

Differences in view arising during professional meetings should be managed by the meeting Chair. If the issue is not resolved, the meeting should be adjourned for a maximum of 72 hours and the Chair should discuss the matter with the named Senior Managers from each agency. In the interim period the vulnerable adult should be the subject of a **Vulnerable Adult Risk Management**. If there is still no resolution, the ERSAB should be asked to arbitrate. The areas of disagreement should be recorded on the meeting minutes along with the final decision and must include evidence of all attempts to agree the matter prior to the meeting adjournment.

Learning lessons

Consideration should be given as to whether lessons can be learned from the process of dispute resolution, either on a single or inter agency level.

For example:

- Identification of training needs
- Commissioning needs
- New agency practice guidance
- New ERSAB practice guidance

Where an agency/ agencies think that there could be lessons to be learned on a multi-agency level following the resolution of a disagreement, details of the resolution should be forwarded to the East Riding Safeguarding Adults Board Manager for consideration of any multi-agency learning.

East Riding Safeguarding Vulnerable Adults Board

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Appendix A - Stage 4 Monitoring Information

The ERSAB should be informed if a case reaches Stage 4 by returning this completed document to:
ERSAB, Room GF56, County Hall, Beverley HU17 9BA
or email to: sab@eastriding.gcsx.gov.uk (for the attention of the ERSAB Board Manager)

Date of Referral:

Name of Referrer:

Job Title:

Agency?

Address/Email Address:

Service User Details

First name and Surname

DOB

Address:

Agencies Involved: in the dispute or in the case generally?

Issues of Concern/Nature of Disagreement:

Dates and Outcome of Stages 1,2 and 3:

Stage 4 Meeting/Discussion Date:

Names of Senior Officers involved at Stage 4 and their agency

Outcome