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**14 Resolving Professional Disagreements**

**14.1 Introduction**

Effective working together depends on resolving disagreements to the satisfaction of workers and agencies, and a belief in a genuine partnership and joint working to safeguard adults. Agencies should work to the principle of restoring relationships and disagreements at the lowest possible level so that each agency is satisfied with the outcome for adults and their families/carers.

Problem resolution is an integral part of professional cooperation and joint working to safeguard adults. Professional disagreement is only dysfunctional if not resolved in a constructive and timely fashion.

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;
* Roles and responsibilities of workers;
* Service provision; and
* Information sharing and communication.

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.

When practitioners are not working well together this may have an impact on an adult’s wellbeing or even place the adult at risk of abuse or neglect. Examples where practitioners have concerns about the welfare of an adult may arise where they perceive other practitioners are:

* Not recognising need or the signs of harm;
* Not sharing information about an adult’s welfare;
* Not accepting referrals for services;
* Not delivering services as agreed;
* Not co-operating in delivering planned interventions;
* Not producing Plans or minutes quickly enough.

At no time must professional disagreement undermine the safeguarding of an adult. The adult’s welfare and safety must remain paramount throughout.

Where a practitioner does identify a concern, then that practitioner/agency has responsibility for communicating such concerns through agreed adult safeguarding procedures on the same working day.

Disagreements could arise in a number of areas, but are most likely to arise around determining the level of support needed, roles and responsibilities, and the need for action and communication.

**14.2 General principles of resolution**

All professionals should take responsibility for their own cases, and their actions in relation to such case work.

Professional disagreement should not always be viewed negatively; it can improve outcomes in a timely and sensitive manner, and provide important learning for the practitioners / agencies involved.

Professional disagreements which obscures focus on the adult must be avoided.

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 adult’s well-being.

Differences in status and/or experience may affect the confidence of some workers to pursue concerns and challenge through the escalation process. If unresolved, the problem should be referred by the practitioner to their line manager or lead for safeguarding who in turn is expected to discuss with their opposite number in the other agency.

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.

Sometimes there are 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; undertaken again by someone who is more experienced at capacity assessments; and ultimately referred to the court of protection to make a decision. 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.

All practitioners should respect the views of others, whatever their level of experience. They should also be mindful of the difficulties that challenging more senior or experienced practitioners may present to other

Difficulties at practitioner / fieldworker level between agencies should be resolved as simply and quickly as possible between the practitioners concerned. If this 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.

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 Safeguard Leads for the organisations involved.

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.

A clear record must be kept at all stages by all parties to the disagreement. In particular this must include written confirmation between the parties about an agreed outcome of the disagreements and how any outstanding issues be pursued. Written records of all discussions must be kept on the service users file.

Each partner agency of the RBSAB should have their own procedures in place for dealing with concerns within their own setting. On occasions where concerns need to be raised with another agency, practitioners should ensure this happens as soon as possible and that discussions are clearly recorded.

**14.3 Resolving Professional Disagreements**

Occasionally there will be a difference of professional views in the way that the safeguarding needs of the adult are addressed. This protocol is designed to clarify the actions required where there is a professional disagreement.

The following stages are likely to be involved:

* Recognition that there is a disagreement over a significant issue in relation to the safety and wellbeing of an adult
* Clarification of the issue/problem
* Discussion of the possible cause of the disagreement; and
* Agreement on what needs to be achieved in order for it to be resolved.

See the Resolving Professional Disagreements Flowchart at the end of this chapter which provides an outline of the complete process involved in resolving disagreements.

**14.3.1 What Happens when Agencies Cannot Agree?**

Stage 1:

Initial attempts should be taken to resolve the problem; the aim should be to resolve difficulties at practitioner/case worker level between agencies. The process of resolving professional disagreements should initially involve workers consulting co-workers, to clarify their thinking and practice in the first instance, for example, via a Professional’s Meeting, discussion with the Safeguarding Lead or other meeting which promotes reflection, using an appropriate practice tool where available.

In some Voluntary, Community or Faith sector organisations, the role of a Senior Manager, as specified in the Resolving Professional Disagreements Flowchart, may be undertaken by a member of the management committee.

When there is recognition that there is a disagreement over a significant issue, which impacts on the safety and welfare of an adult, the practitioners must identify explicitly what the problem is and have clarity about the nature of the disagreement and what the practitioners aim to achieve.

**Stage 2:**

If professionals are unable to reach agreement about the way forward regarding an individual issue then their disagreement must be addressed by more senior staff. In most cases this will mean the first line managers of the agencies involved discussing the issue of dispute and seeking to reach a resolution.

The following should be considered as part of the process of resolving professional disagreements:

* Initial attempts to resolve the disagreement should normally be made between the professionals / agencies involved at the time the dispute is identified, unless the adult is at immediate or significant risk
* Both agencies should give clear reason(s) for their safeguarding concerns and approach, which should be put in writing and, where required, clearly recorded as a formal challenge, as per guidance from their Line Manager and/or Safeguarding Lead
* It should be recognised that differences in status and / or experience may affect the confidence of some workers in resolving differences, and some may need support from their Managers and/or Safeguarding Lead.

Stage 3:

If the issue cannot be resolved at this level then the matter must be referred up through each agencies line management structure without delay to a Head of Service or equivalent (e.g. Designated Adults Safeguarding Manager).

Stage 4:

If the problem remains unresolved, the Line Manager or agency Safeguarding Lead of the challenging agency will liaise with the relevant Service Manager or refer up their agency line management structure. This may be the management committee if in a VCF sector organisation or Designated Safeguarding Lead who will liaise with the relevant Service Manager.

**Stage 5:**

If the issue is not resolved and professional differences remain, the matter must be referred to the Heads of Service or most appropriate management committee member, commissioner or funding body (for example, in the case of a sole proprietor or self-employed individual) for each agency involved.

**Stage 6:**

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 brought to the attention of

1. The agency’s Board member
2. If the disagreements raise significant policy or procedural issues it should be referred to the Chair of the RBSAB via the Business Manager, who will determine the appropriate course of action. If there is any significant learning from the disagreement this may be shared with the Board.

In situations where such senior officers have become involved in resolving disagreements between agencies and those disputes relate to the safeguarding needs of individual Adults at Risk, the RBSAB Safeguarding Business Unit must be made aware of this.Thepurpose of such notification is to help monitor interagency safeguarding activity, and to identify issues which may benefit from RBSAB 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.

Each individual stage (1-6) should be completed within 5 working days.

**14.3.2 What happens when disagreements need to be resolved very quickly in order to safeguard an Adult at Risk's Welfare?**

Where there is a need for intervention to prevent a life threatening episode (for example risk of suicide) immediate action to reduce the risk of harm will be required by all relevant parties whilst the dispute is ongoing. In such circumstances, where certain agencies maintain a position of non-involvement and other agencies disagree with this position, the Rochdale Borough Safeguarding Adults Board Business Unit should be informed at the earliest opportunity.

Professional judgement should always be used. For a variety of reasons there may be a delay in managers at levels 1 and 2 responding to telephone calls or emails. When this occurs careful consideration should be given to involving managers at the next level of the management structure by letting them know there is a disagreement, that a speedy response is required to safeguard the adult and that in the absence of such a response, they will be contacted to help progress the disagreement further.

**14.3.3 Complaints about agencies working together:**

Complaints about agencies working together should be referred directly to the Chair of the Rochdale Borough Safeguarding Adults Board (RBSAB) by emailing rbsb.admin@rochdale.gov.uk

For further information about national guidance, please refer to:

* [A Guide to Better Customer Care: Listening, Responding and Improving (Department of Health)](https://webarchive.nationalarchives.gov.uk/20130104224337/http%3A/www.dh.gov.uk/prod_consum_dh/groups/dh_digitalassets/documents/digitalasset/dh_095439.pdf)
* [Principles of Good Complaint Handling (Parliamentary and Health Service Ombudsman)](https://www.ombudsman.org.uk/about-us/our-principles/principles-good-complaint-handling).

**Resolving Professional Disagreements Flowchart**

The process below does not have to be followed in full. Disagreements can be resolved at any stage.

Concerned professional disagrees with decision/response about the outcome for an adult at risk/in need of services

Concerned professional speaks to person who made original decision in an attempt to resolve situation, if possible





If the disagreement has raised significant policy or procedural issues it may be reported to the Board

Where agreement cannot be reached at this level - the matter will be referred to the RBSAB Board Manager

*Within 5 days of being alerted to the disagreement.*

If the challenging agency remains dissatisfied the designated agency Safeguarding Lead/Senior

Officer should discuss with the

Head of Service/Manager at the equivalent level in the other agency.

*Within 5 days of being alerted to the disagreement.*

Disagreement is progressed through the organisation’s line management structure. *Within 5 days of being alerted to the disagreement*

Agencies involved satisfied that the adult at risk/in need is safeguarded

At all stages actions/decisions must be recorded in writing and shared with relevant personnel, records should clearly articulate that a formal challenge has been lodged

Decision unchanged and professional disagreement remains

Professional disagreement resolved

Professionals can seek advice from their Line Manager and/or

Named or Designated

Safeguarding Lead in their organisation

Both Managers / agency Safeguarding Leads discuss concerns / response

*Within 5 days of being alerted to the disagreement.*

Both professionals discuss decision with their Managers and/or Safeguarding Leads