

# Oxfordshire Resolving Professional Concerns and Disagreements

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## 1. Introduction

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When working in the arena of safeguarding children and young people, it is inevitable that at times there will be professional concerns and disagreements between professionals and/or agencies about the way a child or young person and family are being worked with and the provision of services. Whilst this is accepted, it is vital that such disagreements are not allowed to adversely affect the outcomes for children and young people. Professional disagreement is only dysfunctional if it is not resolved in a constructive and timely way. This protocol, therefore, provides a process for resolving professional disagreements between agencies.

It is important to note at the outset that this policy extends to care experience young people that are supported up to the age of 25 through Local Authority Care Leavers Services.

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

(This procedure has been compiled with reference to Portsmouth Safeguarding Children Partnership procedures)

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- Outcomes of assessments
- Roles and responsibilities of workers
- Service provision
- Information sharing and communication

Disagreements can relate both to decisions about individual children or specific processes. This protocol focuses on concerns and disagreements between agencies in relation to individual children and is applicable to all agencies, including the Voluntary, Community and Faith (VCF) sectors.

## 2. Responsibilities: the importance of acting on and responding to concerns

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When working with practitioners from other agencies there will at times be differences of opinion on how to respond to an identified concern about a child, young person or family. Disagreements can be a sign of developing thinking, and the value of exchanging ideas from different perspectives should not be under-estimated.

Everyone needs to keep an open mind and to consider very carefully points of view with which they may not immediately agree. Healthy debate is normal and usually practitioners will be able to come to agreement through that debate. Remember, this is not personal. We are part of a 'children's system' and we bring different professional and agency perspectives together to get good outcomes for children, young people and families. Services are rarely perfect, but the professionals working in them are committed to doing their best. This should be your starting point.

Immediate agreement is not always possible, and this guidance is designed to help practitioners take the right steps in those circumstances. Throughout our work the safety and wellbeing of the child or young person is the primary concern, and professional disagreements must not obstruct this.

**If you feel that a practitioner or an agency is not progressing the best interests of the child, young person, or family, you have a responsibility to respectfully challenge the practitioner or agency.**

### 2.1 Take the time to reflect

If you are professional working with a child and there is disagreement around safeguarding between different practitioners. It is the duty of all practitioners to seek to resolve through debate in a respectful and restorative way. **If the challenge is to you, you must always take time to consider it carefully, listen to what is being said** and ensure that the position you come to is well-founded in your view and that others understand the rationale for that position. **If you resist challenge, you are putting the safety of a child at risk.**

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Giving and receiving honest challenge can be difficult and taking time to 'slow down' and consider how to go about hearing challenge is vital to ensure children and their families are kept at the centre of all conversations. Resolving concerns should be seen as an integral part of how we advocate for children and their families in Oxfordshire.

In many circumstances concerns can be resolved by simply have the right conversation with the right person at the right time, leading to action which is recorded and undertaken in a timely way. If there is a need for further exploration engaging more senior professionals can be a helpful strategy to bring professionals together. The reflective guidance here is designed to help practitioners feel comfortable either using the protocol or taking steps to reach agreement without the need to use it.

## **2.2 What we expect from one another when making a challenge**

Consistent with our ambition to be restorative in all our work with each other, the following should be expected behaviours across the partnership when any of us challenge plans and actions:

- We make observations which are neutral descriptions on what happened - this takes us away from 'who is right' and therefore stops us punishing or others feeling punished (even if this is not our intention!)
- We keep the needs of the child and family at the centre of our observation
- We use equal challenge, authority, and boundaries as we listen, support, nurture and show compassion - high challenge high support
- We are resolution focussed and open to different ways of doing things
- We seek to understand and be curious, asking open questions to further develop thinking and resolution

## **2.3 What we expect from one another when receiving a challenge:**

Equally there are behaviours which should be expected of anyone who is receiving challenge:

- We listen openly and respectfully asking curious questions to understand fully the perspective which is being shared
- We use equal challenge, authority, and boundaries as we listen, support, nurture and show compassion - high challenge high support
- We accept that all professionals have an equal voice, and it is our role to hear what is being shared
- We are calm and patient in our responses and use the restorative questions to re-balance any power differences

## **3. Principles of Resolving Professional Disagreements**

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- The safety and wellbeing of individual children / young people remain the paramount consideration in any professional disagreement. Professional disagreements which obscure focus on the child / young person must be avoided.

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- Professional disagreement should not always be viewed negatively; it can improve outcomes for children and young people in a timely and sensitive manner and provide important learning for the practitioners / agencies involved.
- All professionals retain responsibility for their actions in relation to children, young people and families.
- When there are disagreements between agencies, this can 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 a child's well-being.**
- **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 line manager to agree and record; it's important to note that practitioners are supported by their line managers to resolve disagreement for children at the earliest point of intervention.
- Safeguarding Teams in some agencies exist to provide consultative support for practitioners and may become directly involved in escalation in certain circumstances.
- It is important that all practitioners respect the views of others, whatever their level of experience and be mindful of the difficulties that challenging more senior or experienced practitioners may present.
- Working together effectively depends on an open approach and honest relationships between individuals and agencies. Teams, services, and schools which work together frequently in support of the same children and families find resolving disagreements easier if they have built relationships and know each other by name and face. Working together also depends on resolving disagreements to the satisfaction of workers and agencies, with a genuine commitment to partnership.
- Attempts at problem resolution may leave one worker / agency believing that the child / young person remains at risk of **Significant Harm**. This person / agency is responsible for communicating any such concerns up through their line management and/or the safeguarding leads for the organisations involved.
- Disagreements can be resolved at any stage however it is the responsibility of all the agencies involved to achieve the best outcome for the child.
- To avoid delay, it is expected that disagreements will be resolved quickly at the lowest level and, if escalated, with each step in this process not exceeding **5 working days**.

#### 4. Process of Resolving Professional Disagreements

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The following approach is recommended:

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- Recognition that there is a disagreement over a significant issue in relation to the safety and wellbeing of a child / young person and that seeking to clarify, or challenge is a normal and healthy feature of safeguarding practice.
- Most disagreements can be resolved through discussion and negotiation. The practitioners involved should attempt resolution within 24 hours and not longer than 5 working days.
- Ideally this will involve a face-to-face meeting in person, or by videocall if it is not possible to meet.
- Adopt a conversation that allows everyone's perspective on the nature of the problem to be heard using the 5-step framework for restorative practice:
  - The current concerns - sharing perspectives
  - How the professionals think and feel about the situation
  - How the professionals see the impact and who/how the child/family/professionals are affected
  - Together find ways forward to resolve the challenges
  - Record all agreed actions and decide who needs to be made aware
- If feelings are running high a senior person may be sought to support a restorative approach to facilitate the conversation. Helpful questions to assist resolution, are at the end of this chapter
- The same approach should be used by professionals at all Steps of the process, see below.

## Step 1

The process of resolving professional disagreements will initially involve workers consulting co-workers within their own organisation, to clarify their thinking and practice in the first instance, for example, via discussion with the safeguarding lead, a [Professionals Only Meeting](#) or other meeting which promotes reflection, using an appropriate practice tool where available, such as the [Threshold of Needs Guidance](#).

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

- a. Initial attempts to resolve the problem will normally be made between the professionals / agencies who have the original disagreement, at the time the dispute is identified, unless the child / young person is at immediate or significant risk. This is best done face to face, or if not possible by phone or videocall.
- b. Both agencies will give clear reason(s) for their safeguarding concerns and approach, which should be confirmed in writing so that the basis of the concern or disagreement is understood by them.

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- c. It is important to recognise that differences in status and / or experience may affect the confidence of some practitioners in resolving differences, and some may need support from their line manager or safeguarding lead.
- d. Record the outcome of the meeting and agreed actions, ensuring that relevant agencies receive a copy of the record within 5 working days.

## Step 2

If unresolved, the problem / disagreement is then referred to the practitioner's line manager or safeguarding lead, who will discuss the situation with their equivalent colleague in the other agency.

a. to d. in Step 1 to be followed and written response is required within 5 working days. Should the issue remain unresolved proceed to Step 4.

## Step 3

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 voluntary, community and faith sector organisation or designated safeguarding lead who will liaise with the relevant service manager.

a. to d. in Step 1 to be followed. Written response within 5 days

## Step 4

If the issue is not resolved and professional differences remain, the matter **must** be referred to the head of service/service director (or most appropriate management committee member, commissioner, or funding body [1]) for each agency involved.

a. to d. in Step 2 to be followed.

## Step 5

In the unlikely event that the issue remains unresolved by following the steps described above and/or the discussions raise significant strategic or policy issues, the matter should be referred urgently to the Local Authority Deputy Director for Safeguarding who will determine a course of action including reporting the matter to the Oxfordshire Safeguarding Children Board Independent Chair. In all cases where it has not been possible to resolve difference and/or where there may be lessons to be learned for future practice, consideration should be given to holding a multi-agency case review. At all stages, it is important that a clear record of the progress of the disagreement is kept by all parties on each agency's child's file. This must include written confirmation between the parties in relation to the agreed outcome of the disagreement and how any outstanding issues will be pursued. Where applicable records of any learning from the disagreement should be shared with the Oxfordshire Safeguarding Children Board, and then collated and considered to aid wider learning and improvement.

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It is imperative that this process fits within the child's timescale. Timely action is paramount if there are concerns that a child or young person is at risk.

## **5. Inter-agency co-operation to prevent conflict in emergencies**

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On occasion situations will arise where normal inter-agency planning is unable to ensure the appropriate provision and children's circumstances are highly unstable as a result. These events require inter-agency co-operation to resolve, e.g., children admitted or unable to be discharged from acute hospital due to insufficiency of social care placements or specialist mental health services; children at risk of or who are placed in unregistered or illegal settings.

In such emergencies senior managers from relevant agencies will problem-solve together on a daily basis to support children and families, finding creative solutions to meet needs and mitigate risks, until stable arrangements are put in place.

## **6. Child Protection Conferences**

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### **6.1 Dissent about Need for Child Protection Conference**

The decision whether or not to convene a [Child Protection Conference](#) rests with Children's Social Care. However, those professionals and agencies who are most involved with the child and family, and those who have taken part in a Section 47 Enquiry, have the right to request that Children's Social Care convene a Child Protection Conference if they have serious concerns that a child's welfare may not otherwise be adequately safeguarded.

Any such request that is supported by a senior manager, or a Designated or Named Professional, will be considered. Where there remain differences of view over the necessity for a Child Protection Conference in a specific case, every effort should be made to resolve them through discussion and explanation.

### **6.2 Dissent at Child Protection Conferences**

If a Child Protection Conference Chair is unable to achieve a consensus as to the need for a [Child Protection Plan](#), they should make a decision and note any dissenting views and the dissenting professional. This will include the situation where there is no majority view and where the Conference Chair exercises their decision making powers as set out in Initial [Child Protection Conference Procedure](#).

The frequency with which dissent is recorded in Conferences and the themes will be collated as part of the Chair's monitoring form, so that challenge can be evidenced, learning derived and practice in agencies addressed, as appropriate.

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The agency or individual who dissents from the Chair's decision can consider whether they wish to further challenge the outcome of the Conference using the process set out in this. The name of the professional dissenting and the reason for the dissent must be clearly set out in the record of the conference. A dissent cannot be recorded by a professional not in attendance at the conference or after the conference has finished being recorded. This should be followed by a conversation between the Independent Chair and the dissenting professional following the conference and to seek resolution. If resolution cannot be reached in this conversation the professional disagreeing should, through their safeguarding line management trigger this procedure to seek resolution.

## **7. Gaps in Provision: Role of Multi-Agency Forums and Panels**

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Concerns about professional responses can also arise when children and young people are experiencing persistent and high levels of safeguarding risk and professionals are working in agreement, but unable to make an impact.

The concern is not disagreement about the assessment/diagnosis and care plan, but instead about the effectiveness of multi-agency resources and/or gaps in provision.

These circumstances may benefit from multi-agency professionals coming together to problem-solve and commit their resources in flexible ways that are more individualised to the child or young person. Where necessary this can be chaired by the Head of Service ensuring attendance, collaboration and decision making for the child's care plan and the risk being highlighted.

Support for practitioners to improve safeguarding outcomes can be sought from professional forums and panels. Examples are: Self-Harm Forums; Missing & Exploited Panels, MARRAC, MAPPA, Youth Justice Risk Management Panel. Children Missing Education.

## **6. Following Resolution**

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To avoid similar professional conflicts arising again, amendments may be required to local protocols and procedures.

It may also be helpful for individuals, teams, and agencies to debrief together, in order to derive learning, develop practice and promote continuing good working relationships.

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## Appendix A - Question phraseology to support resolution of professional concerns or disagreements

Developing a curious questioning style is helpful when exploring concerns and respectfully challenging other professionals. The below sets out how language and the way we phrase questions can help or hinder communication.

**Why** questions can often cause the respondent to feel defensive and shamed resulting in a loss of connection and progress being limited, for example:

Why questions	Alternatives
Why haven't you...?	Tell me what got in the way of...
Why has this happened?	How come this happened?
Why did....?	What happened next?
	How do you think that happened?

**Leading questions** subtly prompt the respondent to answer in a particular way. **Leading questions** are generally undesirable as they may result in false or biased information. They can also limit connection and progress, for example:

Leading questions	Alternatives
Why haven't you thought about....?	What else could happen / work?
Do you have a problem with this?	How do you feel about...?
You saw the family on Tuesday, didn't you?	When was the family last seen?
Have you asked your manager for help?	Who could help with this?

### Examples of open and curious questions:

What have you done so far?	Can you see a pattern emerging?	What do you think about the situation?
What are the family saying about this?	Who has the power to make it happen?	What is stopping you....?
What makes the concern challenging?	Whose help is needed?	What other reasons could there be to explain why this has happened?
Who else is involved?	What sense are you making from the feedback you are receiving?	What help & support might be needed?
Who have you spoken to so far?	How do you feel about what is happening?	What could we do more of / less of?
What needs to happen next?	What alternatives are there?	How will you / we decide what action to take?

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