

East Sussex Safeguarding Adults Board Resolution Protocol

Introduction

Disagreements can arise in a number of areas, but are most likely to arise around:

- Adult Safeguarding concerns/enquiries where the threshold for intervention is contested
- Communication offered within safeguarding decision making and actions
- Situations where there are concerns about an organisation's involvement in adult safeguarding arrangements
- Whether to proceed with, or end, a section 42 enquiry

The process outlined in this document provides for the resolution of such disagreements where an agency or professional considers decisions made by other professionals or another agency is not a safe decision.

Matters relating to assessment for care and support needs fall outside the scope of this process. Individual practitioner performance also lies outside the scope of this process.

All professionals should feel able to challenge decision-making and to see this as their right and responsibility in order to promote the best multi-agency safeguarding practice. This procedure provides professionals with the means to raise concerns they have about decisions made by other professionals or agencies by:

- avoiding professional disputes that put vulnerable adults at risk or take away focus from the adult
- resolving the difficulties within and between agencies quickly and openly
- identifying problem areas in working together where there is a lack of clarity and to promote the resolution via amendment to protocols and procedures
- offering a way for resolution at practitioner level between agencies, if necessary with the involvement of their line managers.
- offering a way to focus disagreements on whether a desired outcome has been achieved for an adult(s) at risk, thus keeping Making Safeguarding Personal central to the outcome

Effective working together depends on an open approach and honest relationships between agencies. Problem resolution is an integral part of professional co-operation and joint working to safeguard adults at risk.

Resolution should be sought within the shortest timescale possible to ensure the adult at risk is protected. Disagreements should be resolved at the lowest possible stage, however if an adult is thought to be at risk of immediate harm discretion should be used as to which stage is initiated.

Principles

- A timely resolution to any disputed safeguarding concern at the lowest level is the preferred approach.
- Any immediate risks should be addressed regardless of any ongoing disputes.
- It is every professional's responsibility to problem solve.

Context

The duty of enquiry begins at the point that the professional in the local authority decides the three key tests are met.

An enquiry begins when any action is taken by the local authority following receipt of a safeguarding concern. This could range from an informal conversation to more formal multi-agency discussions.

In adult safeguarding the threshold for enquiry is set out in the Sussex Safeguarding Adult Policy and Procedures and in the majority of cases this provides sufficient guidance.

However, there are situations where disputes over thresholds may emerge. In other situations Adult Social Care may have concerns about the response of a professional colleague, for example –

- A poorly framed safeguarding concern
- A failure to raise a safeguarding concern in a timely way.
- A failure to share relevant information needed by ASC to make an adequate judgment as to how the safeguarding concern should be dealt with.
- A failure to discharge professional responsibility in relation to adult safeguarding, including providing reports where required in the context of a section 42 safeguarding enquiry.

The Winterbourne View serious Case Review (SCR) also highlighted the necessity of multi-agency challenges in helping to ensure the robustness of best practice in adult safeguarding.

Process

The following process should be followed for SAB members seeking resolution.

Stage one

Any professional who feels that a decision in relation to a Safeguarding concern or a Section 42 Enquiry is not safe or is inappropriate should initially consult a supervisor/manager in their own organisation.

When consulting with the supervisor/manager the individual should be encouraged to:

- clarify their thinking in order to identify the problem
- be specific as to what the disagreement is about;
- be clear about what they aim to achieve

- be supported to discuss the issues with the other professional involved

Initial attempts should be taken to resolve the problem at practitioner level between agencies; this would normally be between the people who disagree. It should be recognised that differences in status and/or experience may affect the confidence of some workers to pursue this unsupported, however all members of staff have a duty to raise concerns about the safety and wellbeing of service users, and act promptly.

STAGE 1

Professional to Professional.

If issue resolved, no further action or mediation required.

Stage two

If the problem is unresolved at stage one, the worker should ask the supervisor/manager within their own agency to raise the issue with the equivalent supervisor/manager in the other agency.

STAGE 2

Manager to Manager.

Line Manager of individual liaises directly with the line manager responsible for safeguarding in this service area. The two managers will seek to resolve the dispute at this stage.

Stage three

If the problem is unresolved at stage two the supervisor/manager reports to their respective operations manager or named/designated safeguarding representative. These two managers must attempt to resolve the professional differences through discussion. Heads of Service must be prepared, where necessary, to intervene.

STAGE 3

Senior Manager to Senior Manager

Stage four

If the problem is unresolved at stage three, the senior manager raises the issue to their organisation's SAB member to seek resolution. At this stage, the SAB Manager is to be notified in order to keep a record of the ongoing disagreement and when resolution is reached.

STAGE 4

If the issue remains unresolved, escalate to the organisation's SAB member for resolution

Stage five – Final Stage

If the problem remains unresolved, the Chief Officer for the Local Authority is to be notified and the final decision rests with them as the Lead Agency for Adult Safeguarding.

FINAL STAGE

If the dispute continues, the final decision on conflict resolution rests with the Chief Officer for the Local Authority as the Lead Agency for Adult safeguarding.

At all stages actions / decisions must be recorded and shared with the relevant personnel.

If the process highlights wider learning points or gaps in policies and procedures:

Any general issues should be identified and referred to the agency's representative on the Safeguarding Adults Board for consideration by the Board Manager who will take forward via the relevant sub group.