

Buckinghamshire County Council

2.4 Escalation, Challenge and Conflict Resolution: Procedure

Contents

- [Introduction](#)
- [Disagreements](#)
- [The escalation, challenge and conflict resolution process](#)
- [Mental Capacity Act](#)
- [Disagreement at / arising from Child Protection Conferences](#)
- [Allegations against staff and volunteers](#)
- [Whistleblowing](#)
- [The role of Buckinghamshire Safeguarding Children Board \(BSCB\)](#)
- [Appendix](#)
- [Related Policies, Procedures, and Guidance](#)

Introduction

- 2.4.1 The protection of children will always be an area in which there may be differences of opinion about the best course of action. It is very important that all those working with children and families feel able to air their views and constructively challenge the action of others. This includes cases where the difference of opinion is with professionals who are more senior or experienced. Similarly, agencies/professionals should not be defensive if challenged. Practitioners and managers should always be prepared to review decisions and plans with an open mind and act proportionately.
- 2.4.2 Research and the findings of [serious case reviews](#) have shown that differences in opinion between professionals and agencies can lead to conflict, which may result in less favourable outcomes for children.
- 2.4.3 This procedure will provide professionals with the means to raise concerns they have about decisions made by other professionals or agencies. It will help ensure that:
- the child is kept safe from harm
 - there is appropriate management oversight of the decision-making process
 - difficulties within and between agencies are resolved quickly and openly
 - any problem areas that may require policies or procedures to be updated are identified
 - professional disagreements about one case do not adversely affect inter-

agency relationships.

2.4.4 All agencies are responsible for ensuring that their staff are:

- aware of this procedure and able to access it easily
- supported to manage and refer intra- and inter-agency disagreements in line with this procedure – this includes recognising that differences in status and/or experience may affect the confidence some workers have in escalating concerns.

2.4.5 All parties should promote a respectful acceptance of different viewpoints being aired; acknowledging the important role that challenge can play in the safeguarding of children.

Disagreements

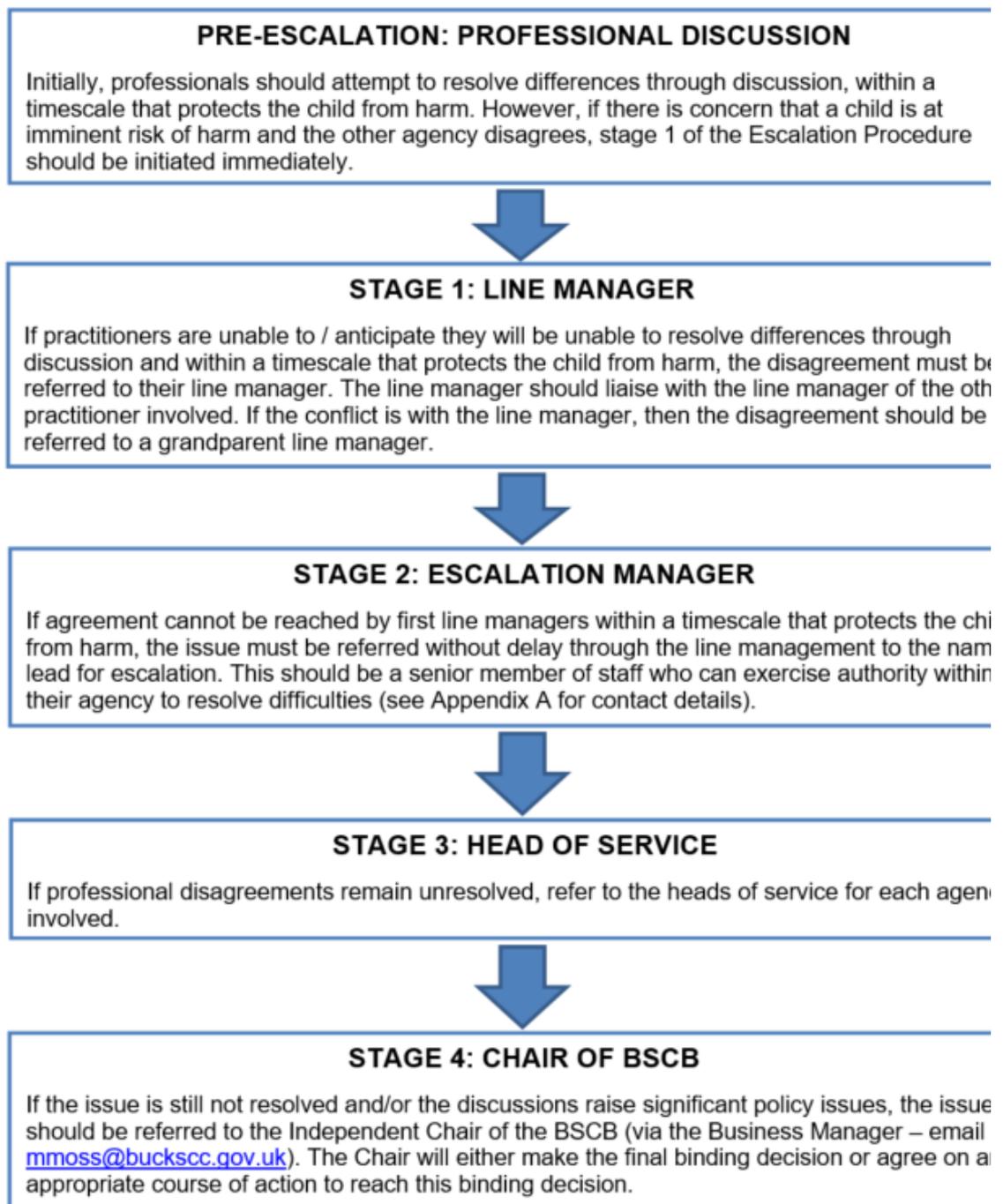
2.4.6 Disagreement over the handling of safeguarding concerns may occur in a range of situations, including when:

- there is internal disagreement within an agency about whether a concern should be brought to the attention of Children's Social Care, either for consultation or referral
- a referral is not considered to satisfy eligibility criteria for assessment by Children's Social Care
- information or advice is being sought, but Children's Social Care concludes that a referral is required
- Children's Social Care concludes that further information should be sought by the referrer before the referral is progressed
- Children's Social Care believes that a children and family assessment should be pursued without invoking child protection procedures
- there is disagreement on the need for a [Section 47](#) enquiry and/or criminal investigation
- there is disagreement about whether or not an initial child protection case conference should be convened
- there is disagreement in relation to information sharing
- there is disagreement about the conclusion of an investigation/enquiry
- there is disagreement about whether a case should be closed
- there is insufficient evidence of the child and/or family's voice and inclusion within the assessment, planning and review process.

Disagreements are most likely to relate to levels of need, roles and responsibilities, the need for action, or communication.

The escalation, challenge and conflict resolution process

- 2.4.7 When a disagreement occurs, it is essential that the professional or agency which disagrees remains involved in any child protection or [child in need](#) plan, and in all relevant future decision making, while a process of resolution takes place.
- 2.4.8 At all stages of escalation, records of discussions and any decisions reached should be recorded in writing in client files and shared with relevant personnel. Although Buckinghamshire Safeguarding Children Board (BSCB) does not prescribe a specific recording format, a suggested template form is provided at Appendix A ([Record of Escalation, Challenge and Conflict Resolution between Practitioners or Agencies](#)).
- 2.4.9 It is important that all professionals are aware of the correct named contacts for escalation within their own organisation. The details of this for your agency can be included in the template at Appendix B ([Named Officers for Advising on Conflict Resolution form](#)).
- 2.4.1 The following escalation and resolution process should be used first (Escalation, Challenge and Conflict Resolution Flow Diagram). This diagram can also be downloaded at Appendix C (below). However, if at any stage it is felt necessary to make a formal complaint, each agency should follow their recognised complaints procedure and adhere to any specified timescales.



2.4.1 In some cases the dispute may be resolved through the natural turn of events rather than by a solution being reached through the above escalation procedure. In such cases there is a risk that the same situation, and conflict, could arise again. It is therefore recommended that in these situations the escalation procedure is still seen through to the end. This will allow any policy or procedural issues, or other relevant issues, to be identified and addressed, and help to prevent the same situation from recurring.

For example:

There is disagreement around how agencies manage a child who has gone missing. The escalation process is started, but the child then returns home and this resolves the issue that caused the disagreement. However, unless the underlying reasons for the disagreement are resolved by continuing the escalation process, there is a risk that the same disagreement could arise again when another child goes missing.

Mental Capacity Act

2.4.12 Under the Mental Capacity Act 2005, a young person aged 16 or 17 may be deemed to lack the mental capacity to make specific decisions in relation to their own care or treatment. However, in such cases there is some overlap with the provisions of the Children Act 1989. Where there are disagreements about the care, treatment or welfare of a young person aged 16 or 17 who lacks capacity to make relevant decisions, legal advice should be sought where no consensus or agreement can be reached through following the escalation procedure. In such instances, the case may need to be referred for decision through either the Family Courts or the Court of Protection. Further information can be found in the [Code of Practice to the Mental Capacity Act 2005](#).

Disagreement at / arising from Child Protection Conferences

- 2.4.13 If the chair of a [Child Protection Conference](#) is unable to achieve a consensus as to whether a child is to be made the subject of a [child protection plan](#), then s/he will make the decision and any views to the contrary will be recorded in the minutes.
- 2.4.14 The agency or individual who disagrees with the chair's decision must determine whether to challenge the conference decision further.
- 2.4.15 Should the professional who disagrees believe that the decision reached by the chair places a child at (further) risk of [significant harm](#), s/he should formally raise the matter with her/his agency's Designated Person for Child Protection/Operations Manager/Detective Inspector (i.e. the agency's contact at stage 2 of the escalation process described above).
- 2.4.16 If that Designated Person concurs with the concerns of the professional, s/he should immediately alert the Child Protection Reviewing Service Manager.
- 2.4.17 In the light of representations made, the Child Protection Reviewing Service Manager must determine whether to:
- uphold the decision reached by the conference chair
 - ensure an immediate interim [child protection plan](#) is put in place
 - require that a review conference be brought forward

- refer the matter to relevant Head of Service.

Allegations against staff and volunteers

- 2.4.18 Where there is disagreement in the initial handling of an allegation against a member of staff or volunteer working with children, the Designated Senior Manager for allegations should inform the Local Authority Designated Officer (LADO) on 01296 382070.
- 2.4.19 Where a member of staff or volunteer disagrees with a decision by the Designated Senior Manager not to consult the LADO, or is concerned that the LADO will not be appropriately consulted – and it is believed that the child/children could remain at risk of **significant harm** – the person with this concern should make direct contact with the LADO (see ‘Whistleblowing’ below).
- 2.4.20 If there is a disagreement in the management of an allegation that cannot be resolved following consultation with the LADO, or the disagreement relates to the advice given by the LADO, the matter should be referred to the Named Senior Officer for Allegations in the agencies concerned.

Whistleblowing

- 2.4.21 Fear about repercussions may make it difficult for staff or volunteers to raise child protection concerns about colleagues or managers. These concerns may relate to harm posed directly to children by a colleague or manager, or they may relate to poor practice in the safeguarding of children.
- 2.4.22 Senior managers should, therefore, ensure provision of a well-publicised ‘Whistleblowing’ or ‘Speak out’ procedure that provides alternative methods of reporting concerns.
- Public Concern at Work**, an independent charity, can give free confidential advice about how to raise a concern about malpractice at work (020 740 6609).

The role of Buckinghamshire Safeguarding Children Board (BSCB)

- 2.4.23 The BSCB is a statutory partnership which is responsible for:
- coordinating what organisations do to safeguard and promote the welfare of children and young people

- ensuring these arrangements are effective.

In this capacity, BSCB will ensure that this procedure is kept up to date. Given the potential for differences of opinion between professionals to have a negative impact on outcomes for the child, BSCB will also seek to ensure that organisations are using this procedure effectively. We will do this in a number of ways, including:

- carrying out audits on the use of the Escalation, Challenge and Conflict Resolution Procedure
- as part of our wider multi-agency audit programme, considering whether challenge and escalation are used appropriately
- seek assurance from partners that the Escalation, Challenge and Conflict Resolution Procedure is well embedded within their agency as part of our Section 11 audit process.

Appendix

Appendix A

[Record of Escalation, Challenge and Conflict Resolution between Practitioners or Agencies](#)

Appendix B

[Named Officers for Advising on Conflict Resolution Form](#)

Appendix C

[Escalation, Challenge and Conflict Resolution Flow Diagram](#)