

An inter-agency dispute resolution procedure for the management of individual safeguarding adults cases where professional disagreement arises.

1. Principles

- 1.1 Multi-agency working is the bedrock of effective adult safeguarding. Partner agencies have their own roles to play in the safeguarding process as set out in the Care Act (2014), Care Act Statutory Guidance and in the [West Midlands Multi-Agency Policy and Procedures](#) for the protection of adults with care and support needs. It is important that all partner agencies are accountable for delivering their part of the safeguarding process to the highest possible standard.
- 1.2 There will be occasions where staff from one partner agency may have concerns about the way in which staff from another partner agency is/are delivering their part of the safeguarding process. Solihull Safeguarding Adults Boards expects that practitioners will challenge each other and raise concerns directly and immediately when they disagree with each other and that they retain a focus on the wellbeing of the adult.
- 1.3 Disagreements could arise in a number of areas, but are most likely to arise around thresholds, roles and responsibilities, the need for action and communication. Examples include:
 - A poorly framed or constructed safeguarding concern
 - Disagreement about a decision not to make Section 42 enquiries about the concern
 - Disagreement about who should carry out the s42 enquiry
 - A failure to refer a concern in a timely way
 - A failure to share all the relevant information.
- 1.4 Solihull Safeguarding Adults Board (SSAB) is committed to the principle that appropriate challenge and escalation is an essential part of being a learning partnership, achieving high standards and challenging poor practice. Appropriate and timely challenge and escalation are vital to delivering continuous improvement and obtaining good outcomes for adults with care and support needs.
- 1.5 The principle of the dispute resolution procedure is that concerns relating to individual cases should be taken up promptly and openly through the appropriate agency line management structures and resolved at the lowest possible level. Effective working together depends on an open approach and honest relationships between agencies.

- 1.6 At no point should disputes place adults at greater risk, obscure the focus on the adult, or delay decision making.
- 2. Procedure**
- 2.1 The first responsibility to raise a concern about the judgement or action of another practitioner and seek resolution rests with the staff member who first identifies the potential issue. Only where that fails to resolve the matter should an issue be escalated.
- 2.2 Where an issue of professional dispute arises, initial attempts should be made to resolve the problem by the people who disagree, unless the adult is at immediate risk.
- 2.3 If unresolved, the problem should be referred to the worker's own line manager or Safeguarding Adult Lead, who will discuss with their opposite number in the other agency. The aim should be to find a resolution within 5 working days.
- 2.4 If the problem remains unresolved, the line manager will refer 'up the line' (see Appendix 1 Flow Chart).
- 2.5 If the concern cannot be resolved within the appropriate agency management structure it should be taken to the organisations Safeguarding Lead for resolution. If an agency is unsure about an agencies management structure or who an agencies safeguarding lead is – the Safeguarding Adults Board Business Team should be consulted via ssab@solihull.gov.uk
- 2.6 If the matter is still unresolved, consideration will be given to referring the matter to the Chair of SSAB Policies and Procedures Sub Committee to offer mediation.
- 2.7 If there is a conflict of interest with the Chair of SSAB Policies and Procedures Sub Committee the matter should be raised through the SSAB Business Team to the SSAB Independent Chair will mediate.
- 2.8 A clear record should be kept at all stages, by all parties. In particular this must include written confirmation between the parties about an agreed outcome of the disagreement and how any outstanding issues will be pursued. All records should be retained on the adult's case file and agency database.
- 2.9 At each stage it is important that the person who originally raised the concern is given feedback on what action has been taken in response. It is the responsibility of the person to whom the issue is referred to ensure that clear and timely feedback is provided.

- 2.10 When the issue is resolved, any general issues should be identified and referred to the agency's representative on the SSAB Policy and Procedures Sub Committee to inform future learning and possible changes to existing policies and procedures.
- 2.11 It may also be useful for individuals to receive a debrief in order to promote continuing good working relationships and identify possible training needs.
- 2.12 The Local Government Ombudsman (LGO) has jurisdiction to investigate complaints about safeguarding investigations for which Councils have coordinating responsibility. Depending on the nature of the complaint, LGO's practice is to consider whether the:
- safeguarding investigation is proportionate
 - Council has taken appropriate action in response to the findings of the safeguarding investigation
 - Council continues to monitor the situation e.g. through its contracts and monitoring team or reviews
 - Council can provide evidence why the safeguarding allegations did not meet the safeguarding threshold
 - there were any delays or other failures in the process
 - Conclusions are consistent with the evidence
 - Council considered all relevant and available evidence.

Although safeguarding investigations are multi-agency in nature this does not preclude the LGO from investigating some matters that relate to the actions of professionals employed by organisations that do not fall within the LGO's jurisdiction. For example, if someone complains that a health professional did not properly investigate clinical matters as part of the safeguarding investigation we can still investigate the impact of this on the decision-making process (for which the Council has overall responsibility) if the complainant alleges that it affected the outcome of the safeguarding investigation.

For further information please see: Local Government Ombudsman - Casework Guidance Statement - Complaints about Safeguarding Adults Boards (October 2016) <https://www.adass.org.uk/media/4104/cpf-26-150203-safeguarding-adults-boards.pdf>

Please note that this Policy does not apply to cases where there may be concerns about the behaviour or conduct of another professional that may impact on an adult's safety and well-being. In such cases, reference should be made to the SSAB Position of Trust Framework. https://www.safeguardingsolihull.org.uk/wp-content/uploads/sites/2/2021/09/WM_Adult_PoT_Framework_v2.01.pdf

NB: Solihull LSCP Dispute Resolution / Escalation Procedures are available - <https://www.safeguardingsolihull.org.uk/lscp/multi-agency-procedures-and-practice-guidance/practitioners-tool-box/>

Appendix 1

Dispute Resolution Procedure Flow Chart

Key principle: it is every professional's responsibility to problem solve. The aim must be to resolve concerns at the earliest stage and lowest level and to ensure the adult concerned is safeguarded whilst the dispute is resolved.

