



# **Professional Challenge Procedure and Practice Guidance**

**July 2019**

## Version Control

<b>Title</b>	Professional Challenge Procedure and Practice Guidance (Joint)
<b>Version</b>	DSP1 (July 2019)
<b>Date</b>	July 2019
<b>Author</b>	Safeguarding Partnership Business Unit

<b>Update and Approval Process</b>			
<b>Version</b>	<b>Group/Person</b>	<b>Date</b>	<b>Comments</b>
DSP1	Buisness Unit	July 2019	Rebranded under new Safeguarding arrangements to reflect Statutory Guidance.

<b>Issue Date</b>	<b>July 2019</b>
<b>Review Date</b>	
<b>Reviewing Officer</b>	

## CONTENTS

<b>Number</b>	<b>Section Title</b>	<b>Page(s)</b>
1	Introduction	4
2	Purpose	5
3	Procedure (Flowchart)	6
4	Threshold for Reporting	7
5	Challenging Professional Non-Compliance with the Child Protection process	7
6	Challenging the outcome of a Safeguarding Planning (Strategy) meeting or a Safeguarding Review	8
7	Darlington Safeguarding Partnership Monitoring	8

## **1. Introduction**

- 1.1** When working in the arena of safeguarding it is inevitable that from time to time there will be practitioner disagreement. Whilst this is understandable and generally acceptable, it is vital that such differences do not affect the outcomes for children and adults with needs for care and support. This procedure provides a process for resolving practitioner disagreements and ensuring there is effective challenge in the system. It also provides practitioners with advice and support to enable them to escalate concerns where disagreements are not resolved at a practitioner level.
- 1.2** Professional challenge is a positive activity and a sign of good professional practice and effective multi-agency working. Being professionally challenged should not be seen as a criticism of the practitioner's professional capabilities. Practitioners should be supported in raising a professional challenge irrespective of the seniority or status of the practitioner who has made the decision which is disputed.
- 1.3** Both national and local Safeguarding Adults Reviews (SARs) and Child Safeguarding Practice Reviews (CSPRs) continue to draw attention to the importance of interagency communication and have identified an apparent reluctance to challenge interagency decision making with concerns that were not followed up with robust professional challenge which may have altered the professional response and the outcome for the children or an adult at risk.
- 1.4** Disagreements can arise in a number of areas of multi-agency working such as:
  - threshold decisions
  - not recognising the signs of harm
  - outcomes of assessments
  - mental capacity issues
  - issues concerning consent and best interest decisions
  - decision making
  - roles and responsibilities of practitioners
  - service provision
  - information sharing and communication in relation to practice or actions which may not effectively ensure the safety or well-being of and adult with care and support needs or others within the family including children
  - recording practices
- 1.5** Professional challenge and critical reflection about the focus and intended outcome of intervention should include questioning and being open to professional challenge from colleagues, as well as being confident to challenge others.
- 1.6** Many professional challenges will be resolved on an informal basis by contact between the professional raising the challenge (or their manager) and the agency receiving the challenge and will end there.

- 1.7 Professional challenge is about challenging decisions, practice or actions which may not effectively ensure the safety or well-being of a child, an adult at risk and other family members including children.

## 2. Purpose

- 2.1 To establish processes to ensure a culture which promotes professional challenge is embedded across all agencies.

- 2.2 The following stages are likely to be involved:

- identification of area of disagreement
- recognition there is a disagreement over a significant issue in relation to the safety and wellbeing of an adult at risk or a family member
- identification of the problem
- possible cause of the problem
- what needs to be achieved in order for it to be resolved

- 2.3 **At no time must professional disagreement detract from ensuring that a child or an adult at risk is safeguarded.** Any unresolved issues should be escalated with due consideration to the safety and wellbeing of the individual. Every effort should be made to resolve the disagreement as quickly and openly as possible, within a time frame which clearly protects the child or the adult at risk, determined on a case by case basis. Effective inter-agency working depends on resolving disagreements to the satisfaction of practitioners and agencies and a belief in a genuine partnership.

- 2.4 Each organisation within Darlington Safeguarding Partnership should have a procedure in place for dealing with concerns within the organisation and on occasions where concerns need to be raised within another organisation practitioners should ensure that this is escalated as soon as possible and that discussions are clearly recorded.

### 3. Procedure - How should a practitioner make a challenge?

## Professional Challenge Procedure

**AT NO TIME MUST PROFESSIONAL DISAGREEMENT DETRACT FROM ENSURING THE CHILD OR ADULT AT RISK IS SAFEGUARDED**

At all stages actions/decisions should be recorded in writing and shared with relevant professionals

1. Concerned professional to speak to person who made original decision to express their view and discuss the basis of the decision. Record reason why you do not agree and record reason for disagreement on case management file. This should be completed within one working day

2. If the issue cannot be resolved at Stage 1 it should be raised with respective managers/Named Practitioner/Designated Safeguarding Lead

3. If manager deems appropriate, arrange an interagency meeting to discuss differering views. Agreement should be reached on who should attend. A clear record of the agreed outcome and any outstanding issues should be made.

4. If the issue cannot be resolved in Stage 3 the professional raising the concern should escalate to their Head of Service who will contact the relevant agency's Head of Service to attempt to resolve. With a decision to be reached as soon as possible ensuring interest of the adult at risk taking precedent over professional stalemate.

5. If resolution cannot be found at stage 4 the relevant Head of Service for the agency raising concern should raise the issue with the Statutory Safeguarding Partners/ Independent Scrutineer/Chair of Darlington Safeguarding Partnership who will make the ultimate decision on the next course of action.

At no time must professional disagreement detract from ensuring that a child or an adult at risk is safeguarded.

#### **4. The threshold for reporting the use of professional challenge to the Statutory Safeguarding Partners/Independent Scrutineer**

4.1 The threshold for reporting professional challenge to the Statutory Safeguarding Partners when it becomes necessary to move to stage 5 in the flowchart (because the issue cannot be resolved at stages 1 – 4).

4.2 To monitor the use of this procedure the following information should be provided to the Business Unit by the designated lead for the agency which raised the challenge:

- What was the challenge?
- What was done to address the challenge?
- What was the outcome of these actions?
- How was the issue resolved?
- Are the professionals involved satisfied with the outcome?
- If resolution could not be achieved was the issue referred to the Statutory Safeguarding Partners/Independent Scrutineer

4.3 The areas of challenge, the use of this procedure and the outcomes will be reported to the DSP and subsequently reported to Statutory Safeguarding Partners (as the lead agencies for safeguarding children) on a six monthly basis. Statistical information about professional challenge and the use of this procedure to address professional challenges will be reported in the DSP Annual Report. The procedure will be reviewed in light of feedback provided to the DSP.

#### **5. Challenging Professional Non-Compliance with the Child Protection Conference Process**

5.1 As specified in [Working Together to Safeguard Children 2018](#) – ‘Local authority social workers are responsible for deciding what action to take and how to proceed following section 47 enquiries’.

5.2 If local authority Children’s Social Care decides not to proceed with a child protection conference then other professionals involved with the child and family have the right to request that local authority children’s social care convene a conference, if they have serious concerns that a child’s welfare may not be adequately safeguarded. As a last resort, the DSP should have in place a quick and straightforward means of resolving differences of opinion.

5.3 In addition to this if there are concerns that professionals are not sharing information appropriately in line with national and local guidance and not working within the DSP procedures, professionals should challenge non-compliance. Lack of information at conference or reviews or lack of sharing with parents can impact on the child, potentially putting the child at risk, impact on parental involvement, affect the efficiency of time of all the professionals, and impact upon effective conduct of the meetings. In instances identified above professionals should follow the procedures as outlined on page 6 of this document.

## **6. Challenging the outcome of a Safeguarding Planning (Strategy) meeting or a Safeguarding Review:**

- 6.1** The [Care Act 2014](#) and [Care and Support Statutory Guidance](#) states that Safeguarding Adult Managers (SAMs) within the Local Authority have overall responsibility for managing safeguarding arrangements in respect of adults with care and support needs who may be at risk of abuse or neglect.
- 6.2** If a professional disagrees with the outcome of a Safeguarding Planning (Strategy) meeting or a review meeting then other professionals involved with the adult at risk have the right to challenge the decision in accordance with this policy.
- 6.3** In addition to this if there are concerns that professionals are not sharing information appropriately in line with national and local guidance and not working within the DSP procedures, professionals should challenge non-compliance. Lack of information at safeguarding planning (strategy) meetings and reviews or lack of sharing with carers and family members can impact on the adult and impact upon effective conduct of the meetings. In instances identified above professionals should follow the procedures as outlined on page 6 of this document.

## **7. Darlington Safeguarding Partnership Monitoring**

- 7.1** The areas of challenge, the use of this procedure and the outcomes must be recorded and will be reported to the Darlington Safeguarding Partnership. Statistical information about professional challenge and the use of this procedure to address professional challenges will be reported Darlington