



**Professional Challenge  
Procedure and Practice Guidance  
(Child and Adult)**

**February 2021 (revised)**

## Version Control

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DSP1	Buisness Unit	July 2019	Rebranded under new Safeguarding arrangements to reflect Statutory Guidance.
DSP1.1	Business Unit/Task and Finish Group	November 2020	Revisions required following Task and Finish Group to raise awareness of Protocol and implementation of challenge recording template for Level 3 of Procedure
DSP1.2	Learning and Development Sub Group	January – February 2021	Revised version shared for final consultation, deadline 12/02/21.

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## 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. Decisions are made on the information available to people at the time. It is acknowledged that there may be times when professionals from differing agencies have differing views, which will need further exploration. Practitioners need to be open to being questioned about how a decision was reached or a particular course of action was taken and 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 adult at risk.
- 1.4 Disagreements can arise in a number of areas of multi-agency working such as:
- response to a safeguarding concern
  - threshold decisions
  - not recognising the signs of harm
  - outcomes of assessments
  - mental capacity issues
  - issues concerning consent and best interest decisions
  - decision making – including to convene a meeting/strategy discussion or during multi-agency safeguarding meetings
  - 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 a child or adult with care and support needs, or others within the family, including children
  - recording practices
  - decisions regarding implementation and/or responding to and addressing the Executive Strategy Process

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

- 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.

## 2. Purpose

- 2.1 To:
  - Provide a framework that encourages professional challenge in a constructive and non-threatening way
  - Establish processes to ensure a culture of learning which promotes professional challenge is embedded across all agencies
  - Ensure that staff in agencies are competent and confident in challenging practice in the interests of children or adult at risk

- 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 a child, 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

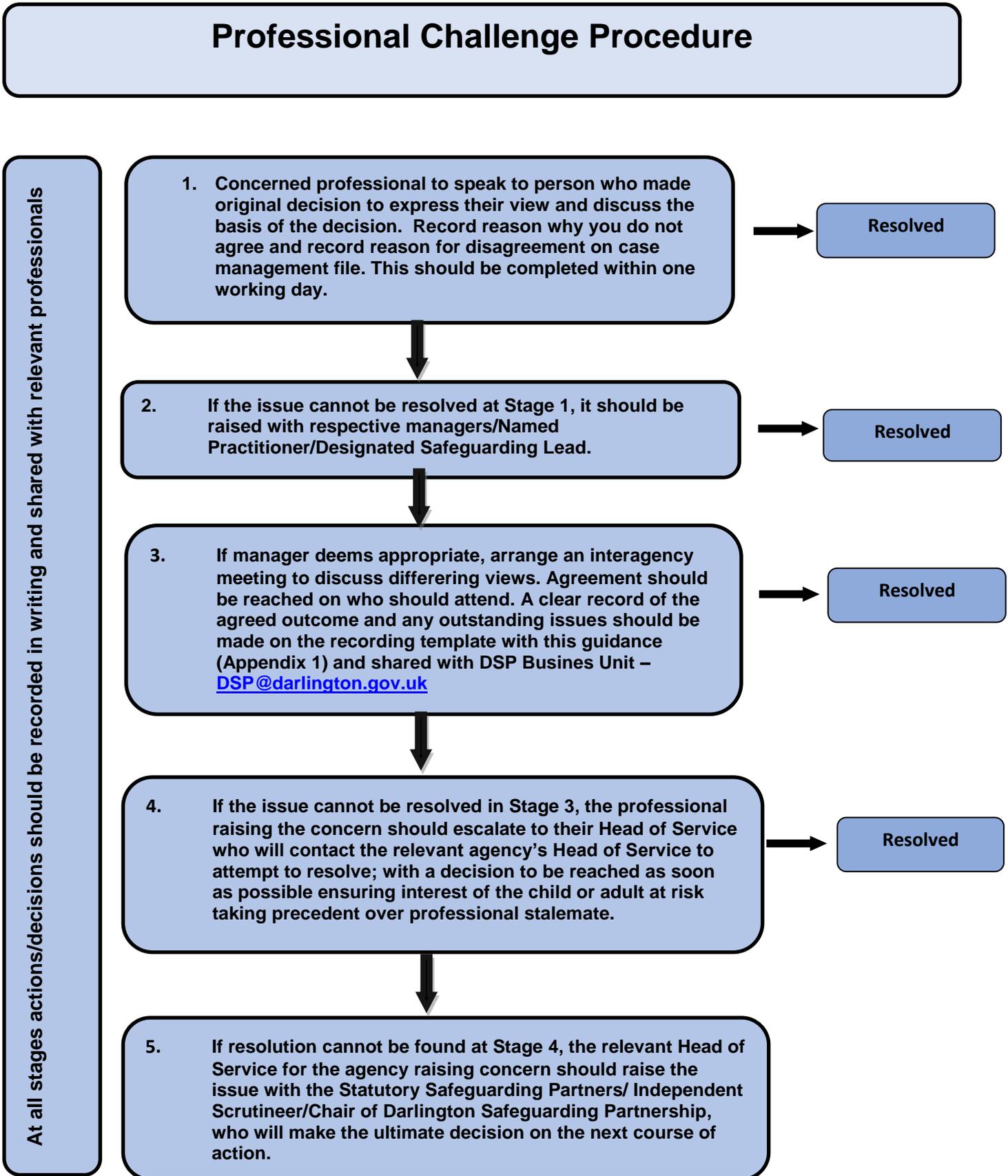
- 2.3 **At no time must professional disagreement detract from ensuring that a child or an adult at risk is safeguarded.**

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 this is escalated as soon as possible and discussions are clearly recorded.

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



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### 3/...Guidance

#### Stage 1:

Any Practitioner who is unhappy about a decision, action or inaction of another professional/agency should contact the person/agency who made the decision or took the action to:

- obtain details of the rationale for decision
- express their views and concerns
- attempt to achieve a shared understanding of the issues raised; and
- agree a plan of action to be implemented

Professionals who disagree, should work with an open and honest approach to resolve the problem. This discussion must take place as soon as possible and should outline the reasons why you do not agree. It is good practice to make a record of the reason for disagreement, what was discussed, agreed and follow up telephone correspondence with an email to summarise the key points. This should be completed within one working day.

#### Stage 2:

If the issue cannot be resolved at Stage 1; the involved parties should immediately discuss with their respective line managers/Named Practitioner/Designated Safeguarding Lead. The line manager for the professional raising the challenge should review the concerns and if justified; liaise with the line manager for the professional receiving the challenge to attempt to reach a resolution. Where possible, this should be completed within 3 working days.

#### Stage 3:

If issue not resolved at Stage 2; if manager deems appropriate, an interagency meeting to discuss differing views should be arranged. Agreement should be reached on who should attend. A clear record of discussion and the agreed outcomes/actions including details of any outstanding issues should be made using the Professional Challenge Recording Tool (Appendix 1). Details of next steps should also be captured. A copy of the recording tool should be shared with the DSP Business Unit ([DSP@darlington.gov.uk](mailto:DSP@darlington.gov.uk)) for recording purposes.

#### Stage 4:

If the issue cannot be resolved in Stage 3; the professional and/or their manager should escalate to their Head of Service, who will contact the agency's Head of Service to attempt to resolve; with a decision to be reached as soon as possible, ensuring the interest of the child or adult at risk taking precedent over professional stalemate.

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#### **4. Stage 5: 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 is when it becomes necessary to move to Stage 5 in the flowchart (because the issue cannot be resolved at stages 1-4).
- 4.2 The following information should be provided to the Business Unit by the designated lead/manager for the agency which raised the challenge, (using information in the Professional Challenge Recording Tool and any decisions made at Stage 4) and email to [DSP@darlington.gov.uk](mailto:DSP@darlington.gov.uk):
- 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?
- 4.3 The Business Unit will share details of the Professional Challenge with the Statutory Safeguarding Partners/Independent Scrutineer who will make the ultimate decision on the next course of action.

#### **5. Challenging Professional Non-Compliance within 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 an Adult 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 an Adult 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 in the DSP Annual report. This procedure will be reviewed in light of any feedback provided to the DSP.



**Appendix 1**

**Professional Challenge Recording Tool**

**NOTE: Only to be used at Stage 3 of Procedure, after attempts to resolve at Stage 1 & 2 have been exhausted.**

Date Challenge raised:	
Challenge initiated by:	Name:  Job Role:  Organisation:
Who issue raised with and organisation:	Name:  Job Role:  Organisation:
What is the area of disagreement:	
Details of any Monitoring Activity: (including details of attempts to resolve at Level 1 and 2 of Procedure) i.e. recording of discussions, meetings, or email exchange and with whom)	
What do you see as the barriers towards reaching a resolution?	

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<p>Manager agreement to hold interagency meeting and who to invite:</p>	<p>Manager Agreement (Name): Date:  Agencies to invite:</p>
<p>Date meeting held and details of discussion and agreed outcome/actions – record details of any outstanding issues:</p>	
<p>Date Resolved or if not resolved, next steps (i.e. escalated to Head of Service – Level 4):</p>	
<p><b>To be completed by DSP Business Unit only:</b></p>	
<p>Individual ID Number – All cases to be entered on Professional Challenge Log for recording purposes</p>	<p><b>ID Number:</b>  <b>Date recorded:</b>  Ensure details are captured within Performance reporting and included in scorecards for quarterly reporting into Statutory Safeguarding Partners.</p>
<p>Details of the stage of the process this issue was resolved – i.e Stage 3,4 or 5</p>	