



North Tyneside Safeguarding Adults
Policy, Procedure & Guidance

Safeguarding Information Book 5:

Dispute Resolution, Complaints and Appeals in the Adult Safeguarding Process



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The purpose of this Safeguarding Information Book

Book 5: Dispute Resolution, Complaints and Appeals in the Adult Safeguarding process

This Information workbook aims to provide an understanding of how to gain resolution whenever there has been a professional disagreement in safeguarding protection action.

The series is split in to:

- The Policy

Supported by the following workbooks:

- Book 1 The Procedure
- Book 2 The Practice
- Book 3 Documentation
- Book 4 Agency Involvement
- **Book 5 Professional Resolution and complaints**
- Book 6 Serious Case Review

The North Tyneside SAB want to ensure all disagreements that emerge within the safeguarding framework are resolved in the most immediate time frame. However in recognition that issues may arise the process outlined in this document must be followed

1. Introduction

Disagreements over the handling of concerns reported to Adult Social Care (ASC) can impact negatively on positive working relationships and consequently on the ability to safeguard and promote the welfare of adults at risk.

All agencies are responsible for ensuring that their staff are supported and know how to appropriately escalate interagency concerns and disagreements about the well being of an adult at risk. This protocol has been developed to assist in the process of resolving conflict between professionals in respect of actions to protect an adult at risk. It will relate to where there is a discrepancy or disagreement between members that cannot be resolved to an agency's satisfaction.

Professional disagreement can occur due to:

- Obvious deviation from the safeguarding process
- A flaw in decision making at the safeguarding meeting - decisions made without key information or not taken properly into account
- One organisation had evidence that other organisations were involved in the issues, but they were not brought into the decision-making process
- New information submitted late
- A conflict of interest has been identified in the make-up of the investigation team or meeting members.
- The plan and actions taken are not agreed as sufficient to protect the individual/s
- Concern about practice issues or quality of work that might place the adult at risk.
- Referral is not progressed within the adult safeguarding framework.
- Where a request for further information is sought from the person bringing the concern before the referral is progressed and this action is not agreed upon by the concerned partner
- Partner sought informal advice yet Adult Social Care conclude a referral is required and this is not an action agreed upon by the partner members
- Identifies alternative procedures/processes are used which are not agreed upon by the concerned partner
- An agency/ agencies are not in agreement to case closure

Such a discrepancy or disagreement can take place:

- From raising the concern and the referral decision
- Within strategy discussion outcome
- Strategy meeting
- Case conference protection plan meetings and Review
- Outside of any of these processes when a professional has cause for concern
- Changes to protection plan group personnel
- on receipt of minutes

2. Process

Upon disagreement, in the first instance the professional from the other agency should raise the matter with the Adult Social Care within 48 hours of the disagreement or on receipt of an outcome decision.

The agency should provide clear evidence based reasons for their disagreement. Adult Social Care will read and review the particular case file and speak to the referring partner agency ASAP, and attempt to find a mutually agreeable way forward, via discussion or a meeting. Where a resolution is reached the responsible worker will advise the agency of the outcome by letter within 48 hours.

If the disagreement is unable to be resolved following re-exploration of the facts, workers from both areas should raise their concerns with their respective line managers who should attempt to resolve the differences within a further 48 hours

Line managers are frequently:

- Team manager/Senior social worker
- Safeguarding leads
- Senior health visitor/ nurse/
- Detective sergeant in the police public protection unit
- Home Managers
- CQC

If agreement is reached the identified ASC Line Manager will write to the agency confirming the outcome within 48 hours. If agreement cannot be reached following discussions between the 'first line' managers the issue must be referred without delay to the Senior Manager and by the line manager of the agency to the equivalent Senior service manager i.e. detective inspector / or other designated professional within 5 working days.

In all cases, the professional should bring the matter to the attention of their line manager, so that a discussion can be held about the issue / concern in question. This will enable some professional challenge to take place and a robust discussion about the plan, which will facilitate educational progress for the Safeguarding Adults Board.

Once a dispute issue has been raised with the ASC Senior Officers the following processes will be utilised:

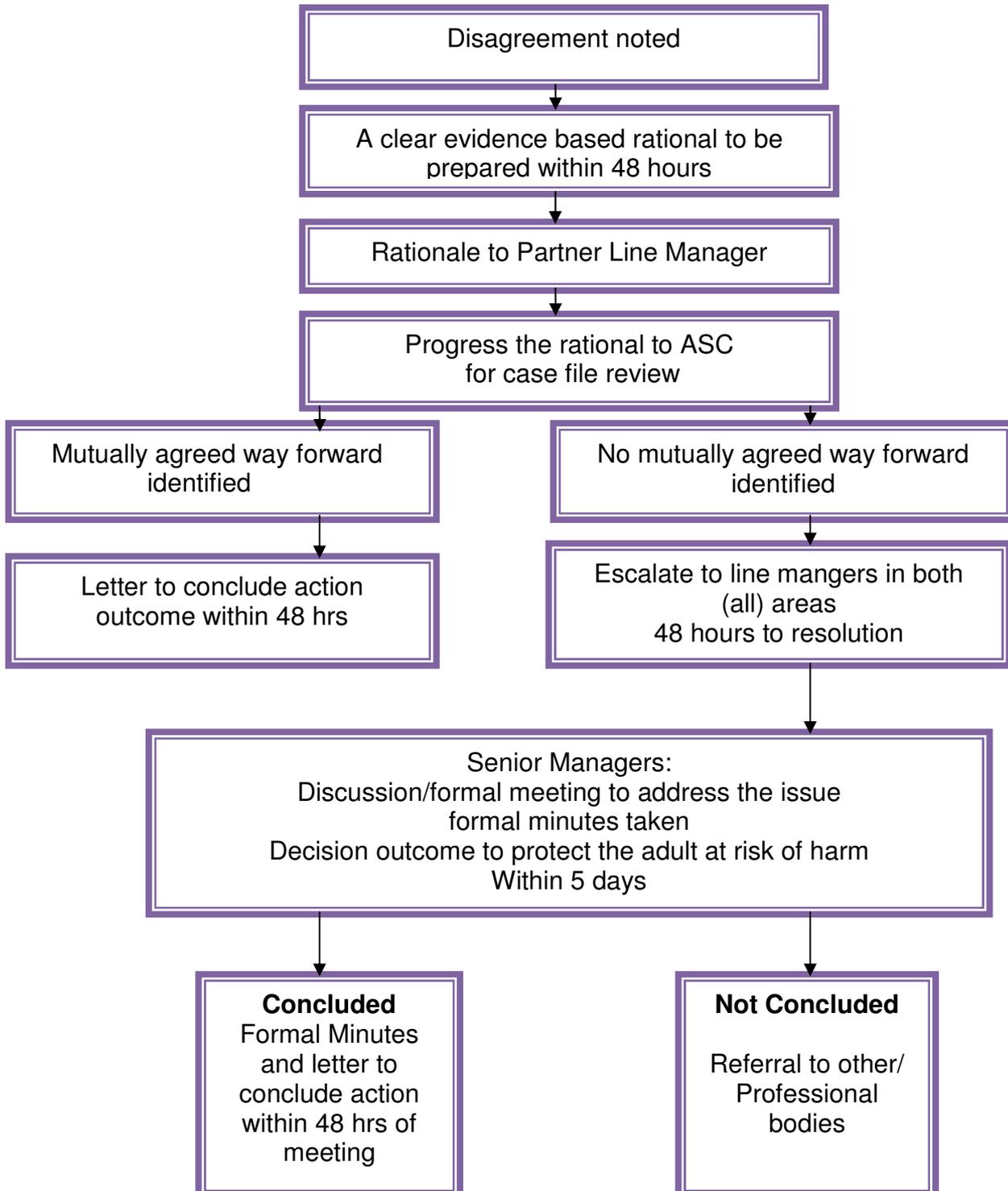
- Discussion will be held about the practice issue between all the professionals involved to include safeguarding leads
- If an agreement still cannot be made then the ASC Senior Officer will call a formal meeting in order to address the issue.
- On listening to all the information available the ASC Senior Officer will make a decision on the action that needs to take place to protect the identified Vulnerable Adult/s.
- If this means a change in the Protection Plan then a review conference will need to be brought forward to consider the plan.

The meeting will be formally recorded and sent out to all Multi-agency members.

If there can be no resolution, escalation of the dispute will then be decided upon through alternative processes. The Adult at risk of harm will be protected at all times.

If differences or disputes arise from a complaint which involves different local authorities or health authorities, for example, between a host and commissioning authority, reference should be to senior managers within the respective organisations up to directorate level if disagreements cannot be resolved.

Flow Chart



3. Complaints

Complaints received from any source about the Safeguarding Adults practice and arising from the Safeguarding Adults process should be handled by the relevant complaints procedures of the organisation about which the complaint has been made. If more than one organisation has been named or is implicated in the complaint, the complaints officers from the named organisations must reach joint agreement with the complainant about how the complaint investigation will be taken forward.

If the complaint results from the experience of the adult safeguarding process by the adult at risk, their carer, family member or personal representative the Safeguarding Senior Manager must be notified of the complaint and the findings. If the complaint is upheld a decision should be made by the chair of the SAB, in consultation with relevant members, about whether a case review or a serious case review should be conducted to enable lessons to be learnt.

3.1. Appeals

An appeal against the decisions made as a result of the Safeguarding Adults process, , may be made by the adult at risk, their carer, friend or personal representative including an advocate.

The Ombudsman recommends an appeal process to be included within Safeguarding Adults procedures and has set out conditions to consider an appeal:

- When there has been an obvious deviation in the Safeguarding planning and investigation.
- When there is a flaw in the meeting decision making, when a decision is made without key information or where information is not taken properly into account
- When one agency has evidence that other agencies were involved in the issues but have not been brought into the decision-making process,
- When new information is submitted to the investigation process following the outcome of the case conference
- When a conflict of interest has been identified in the make-up of the investigation team and or the chair of the Safeguarding Vulnerable Adults meeting.

North Tyneside Council is dedicated in dealing with everybody who makes contact in a fair and impartial way whilst providing a high quality service. However there are occasions when the Council may need to active guidelines on dealing with people who display unacceptable behaviour. This action may be required when Responding to family members, friends and neighbours who make repeated unfounded allegations and further investigation is not in the best interests of the adult at risk. This area of practice will be considered by the Customer and Member Liaison Section responsible for Complaints



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