

SECTION 33

PROFESSIONAL DISAGREEMENTS

This Section was added as a result of a Serious Case Review

This section sets out guidance on

- Recognising and addressing professional disagreements when they arise;
- Referring unresolved disagreements to more senior or more experienced colleagues; and
- Circumstances in which it may be appropriate to refer a disagreement to Birmingham Safeguarding Children Board for further discussion.

1. DEFINITION

- 1.1 In the context of these procedures a professional disagreement is a disagreement between practitioners about the interpretation of the known facts, about the nature and severity of risk to a child and/or about the most appropriate means to reduce the risk. Professional disagreements may arise at any stage in the child protection process.
- 1.2 Practitioners also need to recognise what is not a professional disagreement. For example, if a plan of action has been agreed, and elements of the plan have not been carried out, that is a failure of action, not a disagreement. The appropriate response in this case is to draw the failure to the attention of the core group, the child protection conference or a manager in the relevant agency.
- 1.3 While it is important to address professional disagreements, practitioners must acknowledge that it may not always be possible to resolve them, and that a way of working in the presence of disagreement must be found. For this reason, when a child protection plan, or a plan for carrying out section 47 enquiries, has been agreed, that plan remains in force and binding on all agencies while any disagreements are being addressed.

2. RECOGNISING PROFESSIONAL DISAGREEMENTS

- 2.1 Professional disagreement may be concealed by misunderstandings in the communication between practitioners and between agencies. Misunderstandings may arise from -
- Deference to the seniority of a colleague;
For example a practitioner may feel that they have accepted the advice of a colleague with greater expertise in a specialist area: the colleague may feel that they have presented an alternative interpretation of the facts that must be considered alongside other possibilities.

Working Together

- Failure to recognise the expectations on which a colleague's opinion is based;
For example a practitioner may believe that a colleague agrees with their assessment that the risk is low: the colleague may feel that this can only be a provisional assessment, conditional on the gathering of further information to confirm it, and that consequently the current risk should be assessed as medium - high.

And

- Assumptions about a colleague's commitment to take action
For example a practitioner may state that decisive action must be taken, assuming that a colleague will ensure that it is done: the colleague may believe that the practitioner has given a commitment to do it.

2.2 When practitioners consult each other, it is important that each repeats back clearly to the other what they believe has been agreed, including:

- The assessment of risk;
- Whether this assessment depends on the gathering of any further information or the taking of any further action, and
- Who will take responsibility for any necessary action.

3. RESPONDING TO DISAGREEMENT

3.1 When a disagreement has been identified the practitioners involved should:

- Identify the areas of agreement and disagreement;
- Agree the extent to which the area of disagreement is relevant to the issue of risk to the child;
- Record the extent of the disagreement;
- Refer the matter to more senior or more experienced colleagues; and
- Consider whether the matter raises more general policy issues.
These should be referred to Birmingham Safeguarding Children Board for further discussion. Contact details will be found on the website.

4. DISAGREEMENT AT PARTICULAR STAGES OF THE CHILD PROTECTION PROCESS.

Referral stage

- 4.1 Disagreement may arise at the referral stage when the referrer feels that there is clear evidence that a child is at risk, but children's social care feels that the matter does not meet the criteria for assessment, or when the referrer feels that the available evidence justifies urgent action but children's social care feel that further information should be gathered before making any decision on action.
- 4.2 If the referrer is unhappy about the response of children's social care, they should discuss the matter with their manager/supervisor or the designated or named professional for child protection, who will raise the issue with the team manager in children's social care. If there is still disagreement, the matter should be referred up to more senior managers.

Disagreement at strategy discussion

- 4.3 A strategy discussion may fail to achieve full agreement about the need for section 47 enquiries or about the arrangements and timing of enquiries. In this situation the chair of the strategy discussion may need to impose a decision and record any dissent. If any participant feels that the disagreement has wider implications they may refer the matter to Birmingham Safeguarding Children Board for further discussion. Contact details will be found on the website.

Disagreement about outcome of section 47 enquiries

- 4.4 If any practitioner disagrees with a decision not to arrange an initial child protection conference, the procedure for challenging the decision is in [Section 6](#) of these procedures at Chapter 7.

Disagreement about the outcome of a conference

- 4.5 The procedure for addressing professional disagreements about the outcome of a child protection conference is set out in [Section 6](#) of these procedures at Chapter 7. During consideration of any disagreement the child protection plan agreed by the conference remains in force.

Disagreement in the core group.

- 4.6 The lead social worker will ensure that any disagreement in the core group about the detailed child protection plan is recorded. Significant differences may justify bringing forward the date of the next review conference. In this context a significant difference is one that relates to the degree of risk to the child and the appropriate way to manage that risk.