

TSAB Professional Challenge Procedure

Version 2

Version Control
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Revision Number	Change Record	Date Approved by the Board	Links to Other Policies	Review Date:
1	New document	24 April 2018	All other Teeswide Safeguarding Adults Policies	April 2020
1.1	18.11.18 Removed Vision statement, added reference to Data Protection/ISA	Not required (minor change)	All other Teeswide Safeguarding Adults Policies	November 2020
2	Full review, more detail included about the type of dispute and each stage of the process.	29 June 2020 Approved by Ann Baxter	All other Teeswide Safeguarding Adults Policies	June 2022

1. Purpose

- To provide a framework that encourages professional challenge in a constructive and non-threatening way
- To establish processes which promote a culture of learning from professional challenge within adult safeguarding practice across the Boroughs of Hartlepool, Middlesbrough, Redcar & Cleveland and Stockton-on-Tees
- To ensure that staff in all agencies are competent and confident in challenging practice in the interests of adults at risk of abuse or neglect

2. Overview

2.1 Professional challenge can be a positive activity and a sign of good professional practice, a healthy organisation and effective multiagency working. Being professionally challenged should not be seen as a criticism of a person's professional capabilities.

2.2 Decisions are made on the information available to people at the time; no-one sets out with the intention to make a poor professional decision. Practitioners need to be open to being questioned about how a decision was reached or a particular course of action was taken.

2.3 Some safeguarding adult reviews (SAR), both nationally and locally, have identified an apparent reluctance to challenge decision making – both decisions within single organisations and across agencies. Many SARs have identified that concerns have not been followed up with robust professional challenge which may have altered the professional response and the outcome for the adult at risk of or subject to abuse or neglect.

2.4 Inspections, Peer Audits and the Teeswide Safeguarding Adults Board Quality Assurance Framework look at leadership and culture within organisations and whether there is the opportunity for staff to raise concerns within their own organisation about decisions and practice. Organisations must have processes in place for responding to whistleblowing incidents: this Professional Challenge procedure supports this process and also offers a channel for raising issues within a structure where practitioners may be from different professional backgrounds.

2.5 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 having the confidence to challenge others.

2.6 Professional challenge is a fundamental professional responsibility. Professionals are expected to comply with any Code of Conduct and/or registration requirements of their role and this procedure will work alongside these. In this context this procedure is in place to challenge decisions, practice or actions which could jeopardise the safety or well-being of any adult at risk of or subject to abuse or neglect.

2.7 Organisations must have robust supervision processes in place to support staff to reflect on their professional practice, particularly when their practice has been subject to challenge but also to offer support and guidance to those who invoke this procedure.

3. Making Safeguarding Personal (MSP)

3.1 Decisions made within adult safeguarding may be challenged by practitioners from within and between agencies. Whilst this is understandable and generally acceptable, it is vital that such differences do not affect the outcomes for adults with care and support needs.

3.2 Problem resolution is an integral part of professional co-operation and joint working to safeguard adults with care and support needs and it is important to:

- Ensure professional disputes do not put adults at risk or obscure the focus on the adult
- Ensure professional disputes between agencies are resolved in a timely, open and constructive manner
- Identify problem areas in working together where there is a lack of clarity and to promote resolution via amendment to protocols and procedures

3.3 The safety of the adult is the paramount consideration in any professional disagreement and any unresolved issues should be escalated with due consideration to the risks that might exist for the adult.

4. Disagreements and Disputes

4.1 Disagreement arising from professional challenge is healthy professional practice and is based on the need to improve outcomes for adults at risk. Disagreements and disputes can arise in many areas of practice, the list below provides some common examples and is not meant to be exhaustive:

- Response to a safeguarding concern
- Roles and responsibilities
- Mental Capacity issues
- Issues concerning consent and best interest decisions
- Decision making to convene or during multi-agency safeguarding meetings
- Decisions to close a case
- Service provision
- Information sharing and communication in relation to practice, or actions which may not ensure the safety and well-being of an adults with care and support needs and/or others within the household, including children
- Decisions regarding the implementation of the TSAB Responding to and Addressing Serious Concerns (RASC) procedure

4.2 Resolution of disagreement is an integral part of professional co-operation and joint working to safeguard adults at risk. All agencies must adopt a proactive approach towards problem solving which enables professional disagreements to be resolved as quickly as possible and in most cases by the practitioners involved.

4.3 Many professional challenges will be resolved on an informal basis by contact between the individual raising the challenge (or their manager) and the individual/manager/agency receiving the challenge and will end there. However, in some cases a resolution may not be reached and the dispute would be escalated following the process below.

5. Process for Challenge

Stage One: Direct Professional to Professional Discussion

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

- 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 is best face to face or, if that is not practical, by telephone. The discussion should outline the reasons why the practice is unsafe, specifically what they would like to change for the adult at risk and how it is having an impact on them. It is good practice to make a record of what was discussed, agreed and follow up telephone correspondence with an email to summarise the key points.

When on the receiving end of a challenge, professionals should remember that it may have taken courage for the other practitioner to raise this. A natural response is to feel defensive; however, professionals should give respectful consideration to alternative perspectives.

Stage Two: Escalate to Line Manager / Safeguarding Lead Professional

If Stage 1 does not produce a mutually agreed resolution, the involved parties should immediately alert their respective line managers to the issues of dispute. The line manager for the professional raising the challenge should review the concerns and; if the concerns are deemed justified; should liaise with the line manager for the professional receiving the challenge to arrange an inter-agency meeting. The meeting between managers should include the reasons why the practice is unsafe, specifically what they would like to change and how it is impacting on the outcomes for the adult at risk. They should attempt to reach a resolution and agree a plan of action.

Following this discussion the TSAB Business Unit should be notified in writing of the details of the professional challenge including:

- a. A summary of the challenge
- b. The actions taken to address the challenge
- c. The outcome of the actions taken
- d. How the issues were resolved?
- e. Are the professionals involved satisfied with the outcome?

Stage Three: Escalate to Senior Managers

If Stage 2 fails to achieve a resolution, the manager for the professional raising the challenge should consult with their senior manager/ head of service. This senior manager should then consult immediately with their counterpart within the agency receiving the challenge and attempt to reach a resolution and agreed plan of action. The TSAB Business Unit will be informed of progress.

Stage Four: Escalation to the Teeswide Safeguarding Adults Board (TSAB)

If a resolution is not agreed at Stage 3, then the relevant Head of Service will raise the issue with their agency's TSAB representative for discussion at the next Board meeting.

It will be unusual for unresolved disputes to reach this stage and for this reason the TSAB should consider whether there are wider lessons to be learned; including any possible inconsistencies in procedures, guidance, protocols, or policies. TSAB will consider the issues, identify any learning and make recommendations, where appropriate.

Should specific learning not be identified and the dispute remains unresolved, TSAB may wish to convene a resolution meeting. Representatives from the two disputing agencies will be invited to attend alongside selected TSAB representatives and the TSAB Independent Chair. The agencies will discuss the dispute in a chaired and minuted meeting, with a resolution being agreed and recommendations made to the agencies involved.

NB The outcome of the challenge should be shared with the referrer at each stage of the process so that they can be assured that their concerns have been escalated.

Any personal data received at any stage of the process will be dealt with in accordance with the current Data Protection legislation and the [TSAB Information Sharing Agreement](#).

6. Monitoring Professional Challenge

6.1 The details of any professional challenge will be considered by the Operational Leads Sub-Group to share learning from the outcomes of professional challenge, as appropriate.

6.2 This framework does not replace existing Human Resources policies and procedures for dealing with performance issues e.g., Capability and Disciplinary Procedures and Staff Concerns/ Grievance Policy.

7. Procedure Flowchart

AT NO TIME MUST PROFESSIONAL DISAGREEMENT DETRACT FROM ENSURING THE ADULT AT RISK IS SAFEGUARDED.
At all stages actions / decisions should be recorded in writing and shared with relevant professionals.

