



East Lothian and Midlothian Public Protection Committee

Adult Support and Protection Dispute Resolution Protocol

Policy Statement

This protocol is to be used when there is a fundamental disagreement over a decision reached at an adult support and protection case conference or in relation to an adults support and protection plan whereby the professional raising the concern considers the adult to be at risk of harm or that a protection order is required and where a resolution cannot be agreed.

In the majority of cases, consensus will be reached regarding the decision as to whether the adult meets the criteria of an adult at risk of harm, the development of the adult support and protection plan and the application of a protection order.

There will be occasions, however, when a professional expresses his / her disagreement with the decisions or recommendations made. It is not in the best interest of the adult for any professional to accept what they perceive to be a poor decision, lack of action or inappropriate intervention, without raising their concerns. It is the responsibility of all agencies to encourage confident and persistent professional challenge in an atmosphere of mutual respect and based on sound risk assessment and evidence based practice.

This protocol sets out arrangements for such instances to be reviewed. The decision making needs to be subjected to independent scrutiny from a senior member of staff with no involvement in the case.

Definitions

- *Consensus* means 'general or widespread agreement'. It does not mean a majority vote, nor does it mean unanimity is required or that one person who dissents can control the overall decision making process; irrespective of the view of any agency representative on the decision made, all involved will abide by it. This includes the implementation of any adult support and protection plan that results from a case conference;
- *Dissent* means to differ in sentiment or opinion, especially from the majority, withhold assent, disagree, disagreement, dissatisfaction and opposition. Dissent may express either withholding of agreement or open disagreement.

Process

- Where participants at an Adult Support and Protection Case Conference fail to reach consensus about whether the adult meets the criteria of an adult at risk of harm or where a professional has a disagreement about the adult support and protection plan, the chair of the case conference should encourage participants to review the information and try to reach a unanimous decision;
- Where consensus cannot be reached and efforts of resolution have been unsuccessful, the chair is responsible for making the decision as to whether the adult meets the criteria of an adult at risk of harm and inclusions in the adult support and protection plan. The reasons for decisions taken should be clearly recorded in the minute. The chair will inform any professional in

disagreement of the dispute resolution process and should notify the chair of the Public Protection Committee (EMPPC);

- The professional not in agreement with either the decision in relation to whether the adult meets the criteria of an adult at risk of harm or the adult support and protection plan should discuss their concern with their line manager and if concerns are maintained, a referral for dispute resolution should be made within 3 working days of the case conference to the chair;
- In **ALL** circumstances where the case has been referred for dispute resolution, the adult **MUST** be confirmed as an adult at risk of harm until the dispute is resolved at a more senior level and a support and protection plan identified to address any identified risk to the adult.

Cases referred for dispute resolution will be considered by the following agency representatives:

- East Lothian Service Manager Adult services or Midlothian Service Manager, Adults and Community Care;
- Chief Social Work Officer
- Police Scotland: Detective Chief Inspector, Public Protection Unit;
- NHS Lothian: Chief Nurse (Clinical Nurse Manager as depute);
- East Lothian and Midlothian Lead Officer for Adult Support and Protection.

These officers (or nominated deputies) will be briefed by relevant staff and will be provided with relevant documentation to allow them to make an informed decision on individual cases.

A timescale of 15 working days has been agreed to complete the dispute resolution process:

- The chair of the adult support and protection case conference will refer the case, with relevant papers, to the Lead Officer for Adult Support and Protection within 3 working days of receipt of referral;
- The Lead Officer will forward the papers to the other nominated agency representatives within 3 working days along with a notification that a referral has been received for dispute resolution;
- Within 10 working days of the date of the notification, the nominated representatives will discuss or if necessary meet to review the circumstances of the case and decide whether the adult is considered to be an adult at risk of harm within the legislative framework or those necessary protection actions need to be added to the adult support and protection plan. A formal written record of this meeting will be taken and this will be held securely on agency recording systems;
- The decision of the dispute resolution discussions or meeting will be communicated by the Lead Officer directly to the chief social work officer and the chair of the case conference, who in turn will notify the other participants, including the adult, family, adults proxy (where appropriate) within 3 working days. This will be followed up in writing to the, and where appropriate, the adult by the Lead Officer;

- Where resolution cannot be agreed the Lead Officer will refer the matter to the chief social work officer and the chair of the EMPPC;
- On notification of the failure to reach a resolution, the chair of the EMPPC will review all relevant information and reports available including the minute of the case conference or core group and the adults support and protection plan, consider consulting other professional colleagues or members of the EMPPC and in turn decide whether the case conference decision should stand or order the case conference to reconvene either with new information that has become available, or with additional attendees with the appointment of a new chair;
- In cases where the dispute relates to the adults support and protection plan, the EMPPC chair will decide whether the plan is robust enough or whether further measures are required in order to ensure the safety of the adult;
- Any decision made by the EMPPC chair will be final;
- Details of the dispute resolution process and outcome will be reported to the EMPPC and CSOG for their information;

Where the outcome of the dispute resolution referral decides that the adult does not meet the criteria of an adult at risk of harm, there will be no requirement for a review case conference to endorse this decision.

Immediate Protection

There will be no delay in any necessary immediate protective action to ensure the safety of the adult pending the outcome of the dispute resolution process.

Where there is dissent over an immediate action to protect an adult, the chair of the case conference should notify the Social Work team leader who in conjunction with their Service Manager will make a decision in respect of any necessary protection action needed. Participants of the case conference should be consulted.

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Date	01/07/2016
Review date	September 2018