



East Lothian and Midlothian Public Protection Committee

Child Protection Dispute Resolution Protocol

Policy Statement

This document sets out arrangements for the resolution of disputes at Child Protection Case Conferences and in relation to child's plans in East Lothian and Midlothian. It gives due consideration to s.384-387 and s.423-425 of the National Guidance for Child Protection in Scotland (2014) and the arrangements set out in the Edinburgh and Lothian's Inter-agency Child Protection Procedures (2012).

This protocol is to be used when there is a fundamental disagreement over a decision reached at a child protection case conference or in relation to a child's plan whereby the professional raising the concern considers the child to be at significant risk of harm and where a resolution cannot be agreed.

In the majority of cases, consensus will be reached regarding the placing of a child's name on the Child Protection Register and the development of the outline Child's Plan.

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 child/young person 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.

The Edinburgh and Lothian's Inter-agency Child Protection Procedures (2012) and National Guidance for Child Protection (2014) state that where there is no clear consensus in the discussion, the Chair of the CPCC will use his/her professional judgement to make the final decision, based on an analysis of the issues raised. Where this happens and where all efforts at resolution have been unsuccessful, the chair of the CPCC must refer the matter to the chair of the Public Protection Committee. The chair of the CPCC will ensure that the protection of the child is the paramount concern and that appropriate measures are in place and detailed within the Child's Plan.

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.
- *Consensus* means that irrespective of the view of any agency representative on the decision made, all involved will abide by it. This includes the implementation of any Child's Plan that results from a case conference.
- *Dissent* means to differ in sentiment or opinion, especially from the majority; withhold assent; disagree. Disagreement, dissatisfaction, opposition. Dissent may express either withholding of agreement or open disagreement.

Process

- Where participants at a CPCC fail to reach consensus about the need for Child Protection registration or de-registration or where a professional has a disagreement about a child's plan, the Chair of the CPCC or core group should encourage the 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 about Child Protection registration or inclusions in the child's 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 (PPC);
- The professional not in agreement with either the decision in relation to registration or the child's 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 CPCC to the Chair;
- In **ALL** circumstances where the case has been referred for dispute resolution, the name of the child **MUST** be added to or retained on the Child Protection Register until the dispute is resolved at a more senior level and a Child's Plan identified to address any identified risk to the child.

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

- East Lothian or Midlothian: Service Manager, Children's Wellbeing / Services;
- Police Scotland: Detective Chief Inspector, Public Protection Unit;
- NHS Lothian: Lead Paediatrician for Child Protection;
- NHS Lothian: Chief Nurse (Clinical Nurse Manager as depute)
- East Lothian and Midlothian Lead Officer for Child 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 CPCC or core group will refer the case, with relevant papers, to the Lead Officer for Child Protection within 72 hours of receipt of referral;
- The Lead Officer will forward the papers to the other nominated agency representatives within 72 hours 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 to retain the child's name on the Child Protection Register or that necessary protective actions need to be added to the child's 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 Chair of the CPCC, who in turn will notify the other participants, including the family and child (where appropriate) within 72 hours. This will be followed up in writing to the parents, and where appropriate, the child by the Lead Officer;
- Where resolution cannot be agreed the Lead Officer will refer the matter to the Chair of the Public Protection Committee;

- On notification of the failure to reach a resolution, the Chair of the PPC will review all relevant information and reports available including the minute of the CPCC or core group and the child's plan, consider consulting other professional colleagues or members of the PPC and in turn decide whether the CPCC decision should stand or order the CPCC to reconvene either with new information that has become available, or with additional attendees or with the appointment of a new Chair. In cases where the dispute relates to a child's plan, the PPC chair will decide whether the plan is robust enough or whether further measures are required in order to ensure the safety of the child;
- Any decision made by the PPC chair will be final;
- Details of the dispute resolution process and outcome will be reported to the EMPPC/CSOG for their information.

Where the outcome of the dispute resolution referral is to remove the child's name from the Child Protection Register, there will be no requirement for a review case conference to endorse this decision. Where a decision is reached to remove a child's name from the child protection register, agency guidelines in relation to a final or ongoing multi agency meetings should be followed in order that the future support arrangements for the family and where necessary a child's plan are considered and implemented.

Where the child's name is retained on the Child Protection Register, a core group should be held within 15 working days of the initial child protection case conference. Any subsequent core groups will be held as documented within the Child's Plan but with no less frequency than once every 8 weeks. These standards are as set in line with the National Guidance for Child Protection (2014) and the Edinburgh and Lothian's Inter-agency Child Protection Procedures (2012).

Immediate Protection

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

Where there is dissent over an immediate action to protect a child the Chair of the CPCC should notify the Social work Team Leader who in conjunction with their Service Manager will make a decision in respect of any necessary protective action needed. Participants of the CPCC should be consulted.

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