



East Lothian and Midlothian Public Protection Committee

Dispute Resolution Protocol For Adult Support and Protection and Child Protection

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Policy Statement

The purpose of this document is to set out the processes to be followed when agreement cannot be reached in the decision making within Child Protection and Adult Support and Protection Case Conferences. In the majority of cases, consensus will be reached. There will be occasions however when a professional expresses their disagreement with the decisions and recommendations made. This protocol sets out the arrangements for reviewing such instances. The decision-making needs to be independently scrutinised by a senior member of staff who is not involved in the case.

Definitions

Consensus means 'general or widespread agreement'. It does not mean a majority vote, it does not 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 about the decision made, all involved will abide by it. This includes the implementation of any Adult Support and Protection Plan/Child Protection Plan that results from a Case Conference.

Adult Support and Protection

Disagreements can arise at any point within the Adult Support and Protection Case Conference; these are most likely to arise around:

- Levels of risk;
- Application of the criteria; or
- Support and protection and the Application of Protection Orders

Child Protection

Disagreements in the Child Protection Case Conference processes may arise in relation to:

- Levels of risk;
- Whether the child's name is entered or removed from the Child Protection Register; and/or
- The detail of the Child Protection Plan

During this resolution process, should circumstances dictate, there will be no delay in enacting immediate protective procedures to ensure the safety of a child or adult.

Adult Support and Protection

The Process

Stage one

1. Where participants at an Adult Support and Protection Case Conference fail to reach consensus on the points identified, the Chair of the Case Conference should encourage participants to review the information and try to reach a consensus.
2. Where consensus cannot be reached and efforts of resolution have been unsuccessful, the Chair will determine the adult as an Adult at Risk of Harm and implement an Adult Support and Protection Plan pending resolution through this protocol.
3. The reasons for interim decisions will be clearly recorded in the minute.
4. The professional raising the dispute about the decision-making should discuss their concerns with their immediate line manager and if the concerns are supported, a referral for Dispute Resolution should be submitted with the relevant papers within three working days to the Lead Officer for Adult Support and Protection.

Stage two

1. The Lead Officer for Adult Support and Protection will instigate the Dispute Resolution Protocol and schedule a resolution meeting within three working days.
2. Agency representatives will be invited from:
 - Group Service Manager (East Lothian)/ Service Manager (Midlothian), Adult Services
 - Police Scotland: Detective Chief Inspector, Public Protection Unit
 - NHS Lothian: Chief Nurse /Clinical Nurse Manager Public Protection
 - East Lothian and Midlothian Lead Officer for Adult Support and Protection.
3. The Lead Officer for Adult Support and Protection will provide relevant documents to the participants of the Dispute Resolution meeting within three days of notification of the Dispute Resolution.
4. Within 10 working days of the date of the notification, the nominated representatives will discuss the circumstances of the case. They will decide whether the adult is considered to be an adult at risk of harm within the legislative framework and consider if protection actions need to be added to the Adult Support and Protection Plan.
5. A formal written record of the meeting will be undertaken (by East Lothian and Midlothian Public Protection Office where practicable) and held securely by all agencies.

6. The decision of the Dispute Resolution discussions or meeting will be communicated by the Lead Officer for Adult Support and Protection 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 three working days. This will be followed up in writing.
7. Where resolution cannot be agreed the Lead Officer for Adult Support and Protection will refer the matter to the Chief Social Work Officer and the Chair of the EMPPC.
8. 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 adult's Support and Protection Plan.
9. The Chair of EMPPC will consider consulting other professional colleagues or members of the EMPPC and in turn decide whether the Case Conference decision should stand or instruct the Case Conference to reconvene, either: with new information that has become available, or with additional attendees with the appointment of a new Chair. Should the criteria be met, the Chair will review the Adult Support and Protection Plan and make any adjustments necessary to ensure the continued support and protection of the adult.
10. In cases where the dispute relates to the adult's 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.
11. Any decision made by the EMPPC Chair will be final.
12. 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.

Child Protection

The Process

Stage one

1. Where participants at a Child Protection Case Conference fail to reach consensus on the points identified, the Chair of the Case Conference should encourage participants to review the information and try to reach a consensus.
2. In those circumstances, the Chair will register the child on the Child Protection Register pending resolution through this protocol.

3. The reasons for interim registration will be clearly recorded in the minute.
4. The professional raising the dispute should discuss their concerns with their immediate line manager and if the concerns are supported, a referral for dispute resolution should be submitted with the relevant papers within three working days to the Lead Officer for Child Protection.

Stage two

1. The Lead Officer for Child Protection will instigate the Dispute Resolution Protocol and schedule a resolution meeting within three working days of the Case Conference.
2. Agency representatives will be invited from:
 - The 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 for Public Protection
 - East Lothian and Midlothian Lead Officer for Child Protection
3. The Lead Officer for Child Protection will provide relevant documents to the participants of the Dispute Resolution meeting.
4. Within 10 working days of the date of the notification, the nominated representatives will meet to review the circumstances of the case. These nominated representatives will decide whether the child meets the criteria for Child Protection Registration. The Child Protection Plan will be further considered and amended if appropriate.
5. A formal written record of the meeting will be undertaken (by East Lothian and Midlothian Public Protection Office where practicable) and held securely by all agencies.
6. The decision of the Dispute Resolution meeting will be communicated by the Lead Officer for Child Protection directly to the Chief Social Work Officer and the Chair of the Case Conference. The Chair of the Case Conference will in turn notify the other participants and the child and their family, within three working days. This will be followed up in writing by the Lead Officer for Child Protection.
7. Where resolution cannot be agreed the Lead Officer for Child Protection will refer the matter to the Chief Social Work Officer and the Chair of the EMPPC.
8. The Chair of EMPPC will consider consulting other professional colleagues or members of the EMPPC and in turn decide whether the Case Conference decision should stand or instruct the case conference to reconvene: either with new information that has become available, or with additional attendees with the appointment of a new Chair. If the Child Protection Registration is to stand they will review the Child Protection Plan and make any adjustments necessary to ensure the continued protection of the child.

9. Any decision made by the EMPPC Chair will be final.

10. 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 child does not meet the criteria of a child at risk of harm, there will be no requirement for a review Case Conference to endorse this decision.

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