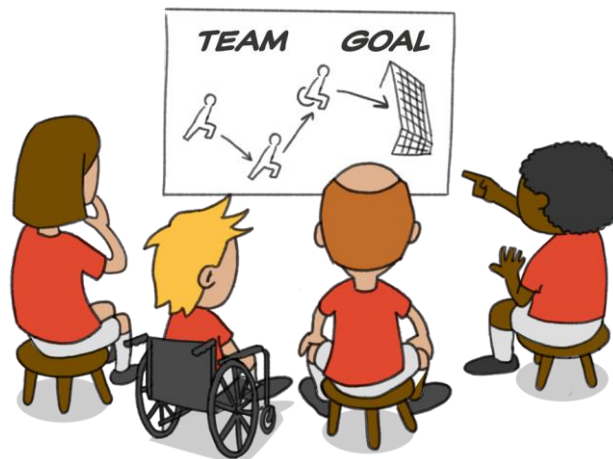


Internal Escalation Procedure for Managing Disagreements on Case Planning for Children and Young People



Herefordshire Children's Well-being Service
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Purpose of this Procedure

Making decisions around the safety and well-being of children are difficult, especially when there can be varying views on what is in a child's best interest. It is why as much assessment, planning, and collaboration as possible should always be done in order to try to achieve the safest and best outcomes for the children and families we support whilst respecting their human rights.

It is expected that disagreements will arise from time to time and these will be explored in various ways such as in supervision, review meetings and in decision making panels. The vast majority of these can usually be resolved when managers and practitioners foster a culture of respectful challenge and reflection on best planning for children and young people. Occasionally, significant areas of disagreement can arise and leave practitioners and managers feeling conflicted between acting in what they believe is in the best interest of a child versus not wanting to "rock the boat" or upset their line managers.

This procedure was developed based on the Principal Child & Family Social Work Network agreed procedure to support Principal Social Workers (PSWs) in escalating issues in a proactive manner. It has been expanded to include all practitioners who work in Herefordshire Children's Social Care. The aim is to provide a means for the PSW, practitioners and managers to escalate issues in order to ensure they are carefully considered to avoid drift and delay or compromising the safety, well-being, or human rights of the children and young people we support.

1. Aims of this Procedure

- 1.1 To encourage a culture where the PSW, managers and practitioners feel confident in raising concerns or question case direction where they believe it may compromise the safety or well-being of a child or the human rights of a child or parent;
- 1.2 To provide every possible opportunity for case decisions to be carefully considered before decisions on a child's plan are carried out;
- 1.3 To ensure decisions are carried out in a timely manner and are always focused on the best interest of the child's safety and well-being;
- 1.4 To protect the PSW, practitioners and managers from any potential negative repercussions that may arise from challenging their line manager's decisions.

2. Application and Scope

- 2.1 This procedure applies to all practitioners and managers (including those not social work qualified, are temporary or agency workers) within Herefordshire Children's Social Care. It is intended to cover disagreements on case direction where there is a belief it may compromise the best interest of a child's welfare and/or unduly place them at risk of significant harm, or compromise the human rights of a child or their parents.
- 2.2 This procedure also covers the role of the PSW in supporting their role in respectful challenge and raising concerns brought to their attention to the appropriate levels of management for resolution.
- 2.3 The aim is to promote a supportive working culture where respectful challenge can take place and is encouraged, but where management direction can also be robust and respected. Although it is hoped this procedure would avoid the need for, it does not however replace the right for anyone to raise issues as appropriate through the [Whistleblowing](#) or [Grievance](#) procedures.

3. Procedure for Practitioners, Managers, and Legal Advisers

- 3.1 All escalations should be done in accordance with the timescales outlined in Section Five of this procedure. A record must be taken that summarises the areas of disagreement, a summary of the discussion, and the decision reached to be recorded on the child's record by the manager chairing the escalation meeting.
- 3.2 Where a practitioner or managing practitioner (or equivalent) has a disagreement on a case direction given and are of the belief it is not in the child's best interest or may compromise their safety, well-being, or human rights (or the human rights of their parents) they should request a meeting with their team manager.
- 3.3 If following the meeting with the team manager disagreement remains with the case direction given, this should be escalated and a meeting requested with their head of service.
- 3.4 If following the meeting with the head of service disagreement remains with the case direction given, this should be escalated and a meeting requested with their assistant director. The assistant director's decision should be considered final.
- 3.5 If significant concerns for the safety and well-being of a child remain following the decision of the assistant director, or if a consideration is being made to initiate Whistleblowing procedures, a meeting should be requested with the Director of Children's Well-being Services. The Director's decision should then be considered final.
- 3.6 In the exceptional circumstances that there remains significant concerns for the safety and well-being of a child or the human rights of a child or parent following the decision of the Director, or if a consideration is being made to initiate Whistleblowing procedures, a meeting should be requested with the Chief Executive and the Solicitor for the Council, who will make the final decision.
- 3.7 If a decision is agreed at one management level, but is later overturned at a higher level which leaves any practitioner or manager of the belief it compromises the safety or well-being of a child or the human rights of a child or parent, they can escalate the matter to the next management level in this procedure.
- 3.8 If there are disagreements with decisions reached at a decision making panel where it is believed it will have an undue and significant impact on the safety and/or well-being of a child, or may compromise the human rights of a child or parent, the practitioner or manager should inform their head of service to resolve the disagreement. If the matter remains unresolved, the practitioner or manager should escalate the matter from section 3.4 of this procedure.
- 3.9 If the appropriate manager is not available within the timescales of the escalation, another suitable manager at the same level may be sought to hear the disagreement and make a decision in their place.
- 3.10 Where legal advisers have issues of dispute regarding the outcome of legal planning meetings or any other meeting where a legal adviser is requested to attend a meeting or offer advice, the legal adviser will need to escalate matters to the person who directly line manages the decision maker. This may be the case if there are concerns by a legal adviser about taking decisions against the legal advice given. If the meeting does not produce a satisfactory outcome then the matter must be escalated to the relevant head of service. Escalations by legal advisers beyond this level up to the director should also include the involvement of the equivalent manager in legal services before further escalation takes place. The timescale for escalating concerns by legal services should be consistent with those outlined in Section Five of this policy.

- 3.11 The Heads of Law for the Childrens Litigation Team may escalate matters directly to either the Assistant Director or Director of Childrens Services when they believe it is appropriate to do so.
- 3.12 Where disagreements regarding case management for children being supported through a child protection or care plan are escalated, their respective child protection conference chair or independent reviewing officer must be notified on the same day, kept apprised throughout, and their views included as part of the process.
- 3.13 At any stage in this procedure, any practitioner or manager can arrange to discuss the disagreement with the PSW in order to assist in a resolution or provide support with the escalation process.
- 3.14 Where disagreements are escalated to section 3.3 or higher of this procedure, consideration should be given to seek legal advice and involvement of legal services on the matter. Where children are already involved in the public law outline (PLO) and care proceedings process, advice must always be sought from legal services.
- 3.15 In all cases where a practitioner or manager is considering initiating whistleblowing and/or grievance procedures in line with this procedure, both legal and human resources advice must be sought.

4. Procedure for the Principal Social Worker (PSW)

- 4.1 Where an issue or concerns has come to the attention of the PSW, the PSW should arrange to meet with the relevant people who have raised the concern or have information that may assist the PSW with how to best proceed with the matter and support the escalation process.
- 4.2 The PSW will seek to resolve any disagreements or issues relating to the safety or well-being of a child, or issues relating to violating the human rights of a child or parent, at the lowest management level that maximises the resolution of the matter in a timely and effective way.
- 4.3 The PSW will make themselves available to advise, assist and support any practitioner or manager who wishes to raise a concern within these procedures. The PSW may also make their own decision to escalate a matter independently, even if the person originating the escalation does not wish to do so themselves, if the PSW is of the belief that not doing so will unduly impact the safety or well-being of a child.
- 4.4 The PSW is also responsible for raising systemic issues that may unduly impact on practice and delivering an effective service to children and families. Such issues may include: obstructive bureaucratic processes, IT problems, environmental constraints of the workplace, and ineffective or toxic communications or working relations within the service. The PSW will seek to resolve these issues at the lowest management level that maximises the resolution of these matters in the most timely and effective way.
- 4.5 The PSW can exercise professional judgement in whether any matters are deemed significant enough to be raised at the assistant director or director level of Children's Social Care.
- 4.6 The PSW can exercise professional judgement in whether they seek legal and/or human resources advice in support of the escalation process.

5. Timescales for Escalation

- 5.1 It is expected that all issues of disagreement should be resolved in the timeliest manner possible. Avoidable delays may expose a child to unnecessary risk of harm to their safety or well-being.
- 5.2 For areas of disagreement where it is not believed the child is being exposed to undue risk of significant harm, or may compromise the human rights of a child or parent, the maximum timescale for resolution will be **two working days** for each level up to the level of head of service, and **three working days** up to the Chief Executive and Solicitor of the Council.
- 5.3 For areas of disagreement where it is believed a child is being exposed to risk of significant harm, the escalation should proceed at minimum to the level of head of service on the same day. If there is no successful resolution, the matter should progress to the assistant director within **one working day** and, if required, **one working day** to the director and the Chief Executive and Solicitor of the Council.
- 5.4 If meetings are not arranged within these timescales, the person making the escalation can decide to proceed to the next management level and should not be referred to a lower management level in doing so (but it should include those managers missed in the discussion if they are available).
- 5.5 If a practitioner or manager is of the belief that a child is at imminent risk of significant harm, they must escalate the matter to the highest management level possible **on the same day** (up to the level of director if necessary) in order for a timely and appropriate decision to be made that adequately safeguards the child. Legal advice must also be sought and consideration given to seeking support of the PSW if necessary.
- 5.6 Practitioners and managers can refer to the escalation flowchart in Appendix A of this procedure as a quick reference for the timescales and process for progressing escalations at each management level.

6. Supporting those who Escalate Disagreements

- 6.1 It is expected that all persons who raise or hear concerns raised through this procedure will do so in a manner that fosters respectful challenge, supports professional disagreement, and aims to achieve the best and safest outcomes for children and young people involved.
- 6.2 No repercussions or disciplinary action should be considered against those who raise concerns in line with this procedure who are acting honestly and in good faith with the best interests of a child's safety and well-being in mind.
- 6.3 Where there are concerns that relate to a culture of unsafe, toxic, or unprofessional practice or where a person believes they are being treated in an unfair or discriminatory manner, they may consider raising those matters concurrently to this procedure under Herefordshire's [Whistleblowing](#) or [Grievance](#) procedures.

Appendix A

This flow chart summarises the Internal Escalation Procedure for Managing Disagreements on Case Planning for Children and Young People for Children’s Social Care and must be used in conjunction with that procedure. Legal advisers will also follow a similar procedure.

In all but exceptional circumstances, the decision on escalations by the Director of Children’s Well-being Services will be considered final in the escalation process.

