



SEND

# Resolution and Escalation Protocol

## **Foreword**

The Children and Families Act 2014 introduced the SEND Code of Practice that strengthened the duties upon agencies to work in partnership and collaborate on the co-production of events in relation to children's assessments, provision and outcomes.

Children, parents and families are at the heart of Sandwell's approach to special educational needs and disabilities. Establishing a Person-Centered Planning approach and a much closer degree of partnership working between services and agencies is crucial to ensure that families receive a consistent, coherent and high-quality response from all agencies.

This document provides a framework for professionals to more closely align their approaches to working with families whose children may have special educational needs and/or a disability.

Where it is identified that professionals have different views and opinions in relation to the same child or young person the framework provides a rapid process to bringing about a positive resolution and moving the case forward to the satisfaction of parents, children and young people.

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Chair of the SEND Strategic Partnership Board

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## **Purpose**

Occasionally situations arise when workers within one agency feel that the actions, inaction or decisions of another agency do not follow SEND procedures or are in the best interests of a child. The purpose of this protocol is to ensure that in such situations differences between agencies are resolved in a timely manner.

Professional disagreements will sometimes arise over another professional's decisions, actions or lack of actions in relation to a referral, an assessment or an enquiry. Disagreements can be healthy and foster creative ways of working with children and families. However, all disagreements always require a timely resolution.

**The child's safety and wellbeing must be the paramount consideration at all times and professional differences must not detract from timely and clear decision making in relation to the child or young persons special educational needs and/or disability.**

All professionals working with children and their families have a duty to act assertively and proactively to ensure the child or young persons needs are met and that this is a priority at all levels of professional activity.

It is also incumbent on the professionals involved to ensure that problems are resolved within the shortest timescale possible to achieve a solution to ensure that the special educational needs of the child or young person are met.

Individuals should therefore exercise their judgement as to whether the timelines outlined in this protocol need to be achieved more quickly.

## Key Principles:

Professionals should:

1. Share key information appropriately and often.
2. Seek to resolve the issue within an agreed timeline at the practice rather than the management level.
3. Avoid disputes which place children or young people at further risk by obscuring the focus on the child or which delay decision making.
4. Liaise with lead professionals in safeguarding or child protection designates in their organisation at the earliest opportunity. Clarity is expected from all agencies in respect of designated roles and responsibilities.
5. Keep the focus on the child or the young person's special educational needs and disability at all times.
6. Familiarise themselves with the escalation routes **within their agency** for escalation and resolution.
7. Ensure that at all stages of the process accurate actions and decisions are recorded (on the child's file) and shared with relevant personnel (including the worker who raised the initial concern). This must include written confirmation between the parties about an agreed outcome of the disagreement and how any outstanding issues will be pursued.
8. Stay proactively involved in the SEN process until it is confirmed that the child's special educational needs are met in full.

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If the process highlights gaps in policies, they must be brought to the attention of the Chair of the SEND Partnership Board.

## **The Role of Professionals and Agencies**

Professionals providing services to children and families should work co-operatively across all agencies. Effective partnership working relies on open and honest relationships and clear communication between staff from different agencies.

The Sandwell Childrens Safeguarding Partnership (SCSP) and the Sandwell Safeguarding Adults Board (SSAB) expects members of staff working directly with children, young people and their families to share information appropriately in line with national and local guidance and to work to plans agreed in all relevant forums (case discussions, meetings and conferences) to safeguard children and young people in the local area.

Safeguarding and promoting the welfare of children and young people is a responsibility shared by all agencies. Effective intervention is dependent upon inter-agency information sharing, planning and multi-agency service responses.

Problem resolution is an integral part of professional co-operation and joint working to safeguard children and young people. The SCSP and SSAB expects all agencies to adopt a proactive approach towards problem solving which enables professional disagreements to be resolved as close to front line practice as possible. All agencies are responsible for ensuring that their staff are competent and supported to escalate appropriately any inter-agency concerns and disagreements about a child or young persons safety or wellbeing.

The process of resolution, where difficulties or disagreements arise between agencies, should be kept as simple as possible. The aim, where possible, is to resolve difficulties quickly and without delay at a professional practitioner level.

Professionals' actions should always be based on a robust assessment of the risk of harm to the child or young person and the impact of the given situation on their wellbeing. Decisions and actions should be commensurate with the risks posed. Whilst this protocol sets out expected timescales within which matters should be escalated where an inter-agency disagreement has arisen, in some situations it may be necessary to act sooner to protect the child or young person.

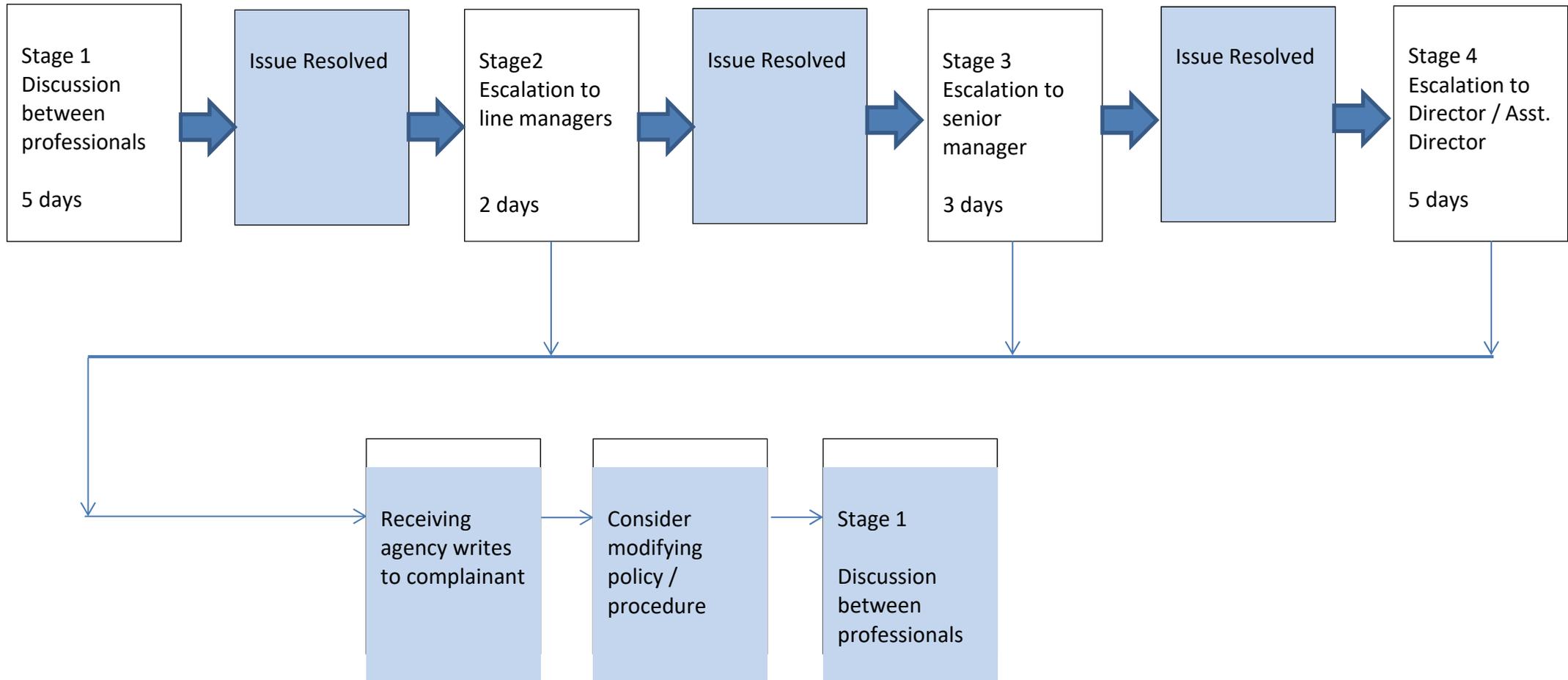
### **The timescales indicated should not be a reason for delaying action.**

If a child is thought to be at immediate risk of harm the designated safeguarding lead within the agency identifying the concern should be informed immediately. The designated safeguarding lead should inform the Sandwell Multi Agency Safeguarding Hub (MASH) on 0121 5693100 / for Adults Sandwell Enquiry on 0121 5692266. Each staff member is responsible for recording professional conversations and decision-making in line with the case recording protocols and procedures.

Occasions may arise where one professional disagrees with the actions of another professional and therefore in such cases Sandwell's SEND resolution and escalation protocol should be followed. Some examples include the following (although the list is not exhaustive):

1. Where one professional disagrees with the action of another in relation to a particular course of action, such as the significance or complexity of the child or young persons needs.
2. Where one worker or agency considers that another worker or agency has not completed an agreed action for no acceptable or understood reason.
3. Where one agency considers that the SEND plan for a child or young person is inappropriate and that the identified needs are not being best met.
4. A disagreement as to whether a particular agency needs to be involved in the statutory assessment process.
5. Where a range of professionals have concerns about an agency's response to concerns relating to a child or young persons special educational needs.
6. There is disagreement over the sharing of information and/or provision of services for a child or young person with special educational needs.
7. The agency has pre-empted or breached the statutory guidance relating to the SEND Code of Practice.
8. Where an agency has misinformed parents in relation to the SEND Code of Practice and led parents to expect provision that is inappropriate.

# SEND Resolution and Escalation Pathway



## Process for resolution and escalation

Professionals should attempt to resolve differences through discussion within 10 working days or a timescale that ensures that the child or young person's special needs are met.

Stage No.	Parties involved	Process	Duration	Cumulative Duration
1	Practitioners	<p>Upon disagreement in relation to the special needs of a child or young person, in the first instance the professional from the other agency should raise the matter with the relevant practitioner verbally or in writing within 2 working days of the disagreement or receipt of a decision.</p> <p>The practitioner should provide clear evidence-based reasons for their disagreement. The receiving agency must read and review the case file. They must speak to the complainant practitioner and attempt to find a mutually agreeable way forward within 3 working days. Where a resolution is reached the responsible worker will advise the agency of the outcome in writing (i.e. e-mail) within 2 further working days.</p>	<p>2 days</p> <p>3 days</p>	<p>2 days</p> <p>5 days</p>
2	Line/Team Managers	<p>If the receiving agency practitioner and the complainant practitioner are unable to resolve the disagreement following exploration of the facts, each practitioner should raise their concerns with their respective line/team manager or named lead for special needs, who should attempt to resolve the differences within 2 working days. If agreement is reached, the receiving agency will write to the complainant agency confirming the outcome within a further 2 days.</p>	2 days	7 days
3a	Service/Senior Managers	<p>If agreement cannot be reached following discussions between the line/team managers, the issue that must be referred within 24 hours to the relevant service/senior manager. The relevant managers should meet within 2 working</p>	3 days	10 days

		days to resolve the issue.		
3b	Director/ Assistant Directors	<p>Where resolution is still not agreed after Stage 3a, the service/senior manager will raise the disagreement within a further 2 working days at Director/Assistant Director level within their own agency. The Director/Assistant Director will then write to the Director/Assistant Director of the agency that is the subject of the complaint and meet within a further 2 working days to achieve a final resolution.</p> <p>Exception Circumstances</p> <p>Whilst it is a firm expectation that professional disagreements relating to SEND must be resolved within the 3-stage process set out above, in exceptional circumstances, where the matter remains unresolved, there is provision for it to be considered by the Director of Children’s Services.</p> <p>Where there is a potential for the DCS to be involved they will be alerted to the situation at stage 3b by the joint Directors.</p>	4 days	14 days