



Bath & North East Somerset
Local Safeguarding Children Board



Dispute Resolution between Local Safeguarding Children/Adult Board Partners, Sub Group Members and With Other Boards

Date approved by LSCB & LSAB	Sept 2016
Author	Original Author: Reg Pengelly Review Author: Dami Howard
Date reviewed	
Detail of review amendments	New Policy
Date for Review	Sept 2019

Disputes between LSCB/LSAB or Sub Group Members:

Member agencies of the Local Safeguarding Children Board and Local Safeguarding Adults Board have a shared responsibility for the effective discharge of the LSCB's/LSAB's functions. All members should fully participate in the activities of the LSCB/LSAB. Full participation will anticipate the potential for dispute in any development and provide early opportunities for proactive resolution.

If a dispute arises between Board or Sub Group members the Independent Chair and the Strategic Director People, Communities and Children's Services will convene a joint meeting with the parties in dispute. This should take place as soon as is reasonably practicable but in any event within 6 weeks of determining that the dispute exists. In most cases the Independent Chair of the LSCB/LSAB will chair these meetings. The parties in dispute will agree the agenda jointly. The aim of this meeting is for both parties to agree a formula for resolving the dispute, or agree the issues that separate them and a process for taking the matter to resolution.

If no agreement can be reached, either party to the dispute may suggest to the chair that an independent mediator be appointed in a further attempt to resolve the dispute. If parties are not in agreement with this and no resolution has been identified within 28 days of the meeting then the LSCB/LSAB Chair may refer the dispute to the Chartered Institute for Arbitrators.

Any costs incurred in this process will be borne in equal shares between the parties concerned.

Disputes between Independent Chair and LSCB/LSAB member or another Board:

If there is a dispute between the Independent Chair and an LSCB/LSAB partner or with any other Board; a similar process will be followed. The Strategic Director People, Communities and Children's Services will convene a joint meeting of the parties above. If no agreement can be reached, either party to the dispute may suggest that an independent mediator be appointed in a further attempt to resolve the dispute. If parties are not in agreement with this and no resolution has been identified within 28 days then the Strategic Director People, Communities and Children's Services may refer the dispute to the Chartered Institute for Arbitrators. Any costs incurred in this process will be borne on a 50:50 basis by the agency concerned and the LSCB/LSAB.

Disputes between Independent Chair and Strategic Director People, Communities and Children's Services:

If there is a dispute between the Independent Chair and the Strategic Director People, Communities and Children's Services then the Local Authority Chief Executive will convene a joint meeting of the parties. If no agreement can be reached, either party to the dispute may suggest to the chair that an independent mediator be appointed in a further attempt to resolve the dispute. Any costs incurred in this process will be borne on a 50:50 basis by the agency concerned and the LSCB/LSAB

Complaints about LSAB or LSCB:

Complaints with respect to the Local Safeguarding Adults Board (LSAB) or a Safeguarding Adults Review or the Local Safeguarding Children's Board (LSCB) or Serious Case Review should be made to the People and Communities Complaints and Data Protection Team on:

Complaints and Data Protection Team
People and Communities

Bath and North East Somerset
Freepost SWB10433
Bath BA1 1BF

Tel: 01225 477752

Fax: 01225 396115

Email: complaints_cybandadults@bathnes.gov.uk

Web: www.bathnes.gov.uk

The Complaints and Data Protection Team Manager will determine the most appropriate process to follow in order to respond to the complaint. She will advise the Head of Safeguarding and Quality Assurance that the complaint has been made. The Head of Safeguarding will liaise with the Independent Chair of the Safeguarding Adults/Children's Board and notify senior managers. The Council should have the opportunity to consider complaints and investigate these before they are sent to the Local Government Ombudsman should the complainant remain dissatisfied.

HOW COMPLAINTS ARE DEALT WITH BY THE LOCAL GOVERNMENT OMBUDSMAN

The Local Government Ombudsman (LGO) has jurisdiction to investigate complaints about safeguarding investigations for which Councils have coordinating responsibility.

Depending on the nature of the complaint, LGO's practice is to consider whether:

- The safeguarding investigation is proportionate
- The Council has taken appropriate action in response to the findings of the safeguarding investigation

- The Council continues to monitor the situation e.g. through its contracts and monitoring team or reviews
- The Council can provide evidence why the safeguarding allegation did not meet the safeguarding threshold
- There were any delays or failures in the process
- The conclusions are consistent with the evidence
- The Council considered all relevant and available evidence

In relation to the Safeguarding Adults Board the LGO considers that they can look at the actions of the Board including – in some circumstances – actions of professionals who are not employees of the council. The LSAB, as the only body able to commission a Safeguarding Adults Review, also falls under this jurisdiction.

The LGO can be contacted as below:

The Local Government Ombudsman
PO Box 4771
Coventry,

CV4 0EH

Advice Team: 0300 061 0614

Web: www.lgo.org.uk