



Defensible decision-making in children's social care

Challenge questions for leaders



Foreword

In 2020 the North West Regional Research in Practice Partnership (comprising 23 local authorities) commissioned Research in Practice to develop a publication to support practice supervisors in the task of making defensible decisions about work with children and families. In order to do so, we consulted with staff working in children's social care including practice supervisors, Principal Social Workers, HMI Inspectors from Ofsted and senior leaders.

The original publication has now been developed further to create three related resources on the topic of defensible decision-making. We hope that you find the resources useful.

We are grateful to Samantha Sirisambhand, (previously) Policy and Performance Manager, North West Association of Directors of Children's Services, whose input helped shape the remit of this work.

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Section One: Introduction

This short publication provides an overview of key issues for middle and senior leaders to consider when planning how to support skill development in defensible decision-making within your organisation.

Section Two reminds us of the importance of having a clear understanding about the significant role that case files play in helping people to understand their own childhood and their family's involvement with services.

Section Three provides a number of challenge questions for middle managers and senior leaders to consider. As you work through the challenge questions you will be prompted to identify strengths and areas for development in relation to your own organisational context.

This publication links with two other related resources exploring defensible decision-making:

Defensible decision-making in children's social care: a resource pack for practice supervisors

- > Developed for first-line managers and practice supervisors who provide individual or group supervision and / or line management as part of their role.
- > Provides a range of tools to support defensible decision-making.

Defensible decision-making in children's social care: CPD Guide

- > Relevant to anyone who has responsibility for training and development.
- > Provides detailed guidance about how to facilitate three half-day CPD sessions using tools provided in the resource pack for practice supervisors.

We have designed the three publications to be used together to support and promote defensible decision-making within children's social care organisations. To gain the maximum benefit from these resources it would be helpful to:

- > Share the resource pack for practice supervisors with first-line managers in your organisation.
- > Follow this up by tasking staff with a remit to provide training within the organisation to provide CPD sessions for practice supervisors outlined in the CPD Guide.
- > Use the challenge questions in this resource to kick start a wider discussion about supporting defensible decision-making within the wider organisation.

Collins and Daly (2011, p.15) argue that decision-making processes are 'something that can be taught and improved upon'. We hope that these resources support this process within your organisation.

Section Two: The importance of defensible decision-making

When we think about the term ‘defensible’ we might be thinking, for instance, about internal scrutiny and quality assurance carried out by colleagues, the judgment of the inspectorate on an organisation’s records, or defending decisions and recommendations in the Family Court. Perhaps the most meaningful lens with which we want to review our decision-making and record keeping is through the eyes of the child we are writing about.

... the record should clearly and succinctly explain what has happened to and for the child, both to inform the support provided to the child today, and, when they become adults, to help them understand what decisions were made during their childhood and why
(Yvette Stanley, National Director of Social Care at Ofsted, 2019a).

This perspective requires a shift away from seeing records as primarily a vehicle for professionals to share information between themselves, to thinking about the very significant role that case files play in shaping people’s understanding of their own childhood and their family’s involvement with services. The fact that Ofsted inspectors frequently highlight difficulties in understanding the sequence and progression of actions and decisions taken about children and families when they look at written records is, therefore, a matter of concern (Stanley, 2019a).

A child’s record isn’t all in one place, even within the same system. It sits in assessments, reports to court and case conferences, review records, chronologies, records of visits to the child, direct work with the child and so on
(Lillis & Gray, 2016, p. 10).

Children’s social care practitioners are required to make dynamic assessments about safeguarding children and young people in uncertain and complex situations. Working out how much uncertainty and risk can be tolerated, and when preventive or protective action needs to be taken, is a difficult balancing act. Children’s social care organisations are rightly aware of the reputational risk if adverse outcomes occur, and in such circumstances it is easy for the focus to move from defensible decision-making to an approach of ‘defensive recording’ (Balkow & Lillis, 2019, p. 4). When we record defensively the focus shifts towards demonstrating ‘accountability’ and ‘providing an electronic audit trail showing that correct procedures have been followed’ (Wastell & White, 2014, p. 144). Where the focus is on providing evidence of organisational accountability, there is a tendency for records to be written for a future auditor or inspector, and we can lose sight of the primary objective, which is to provide a clear picture of the child and family’s journey.

Yvette Stanley, National Director of Social Care at Ofsted, highlights that local authorities and trusts who are rated highly in Ofsted inspections ensure that workers closest to the child and family are supported to have the most responsibility for decision-making (2019b). Consequently, it is important to acknowledge the key role which practice supervisors play in supporting practitioners to make defensible and reasoned decisions in practice. Defensible decision-making should, therefore, run like a golden thread throughout social care practice with children and families. It should be evident in every supervision discussion between first-line managers and practitioners, and all case records and management oversight summaries on a child's file. Three key elements need to be in place to support defensible decision-making within the organisation:

- > Practitioners need high quality supervision which supports the process of defensible decision-making.
- > Both practitioners and practice supervisors should be able to provide clearly written commentary on a child's file which explains how and why decisions were made.
- > A child's file belongs to them. We need to be confident that decision-making is recorded in respectful and clear language, providing a coherent narrative about ongoing work with a family and the rationale behind key decisions.

A key point to note here is the role which the organisation plays in ensuring that staff at different levels are supported to make decisions when working with children and families and provide high quality written accounts of the nature of this decision-making on a child's file. In order to do so, there needs to be a consistent focus on building a culture of learning within the wider organisation which promotes defensible decision-making and a clear strategy about different approaches which the organisation can put in place to achieve this.

Section Three: Building capacity in defensible decision-making in your organisation

The questions which follow prompt you to consider how your organisation might support practice supervisors and practitioners to engage in defensible decision-making in relation to four key areas:

- > Induction, training and development of practitioners.
- > Reflective and analytical discussions in supervision.
- > Evidencing defensible decision-making on a child's file.
- > Nurturing defensible decision-making and recording within your organisation.

At the end of each section you will be prompted to reflect on your response to the questions and identify areas of effective practice and areas for improvement within your own organisation.

Making defensible decisions - Induction, training and development of practitioners

- > Does the organisation provide training, support and guidance about defensible decision-making and the role of supervision in this process? Who takes responsibility for ensuring this happens at a macro and micro-level?
- > Do practice supervisors encourage practitioners to review their own practice in relation to defensible decision-making and reflect on how they can continue to develop skills and knowledge in this aspect of their work? Is this part of the annual appraisal process?
- > Are there opportunities for practitioners to share learning with each other and mentor new staff in relation to defensible decision-making?
- > Are examples of effective practice in relation to defensible decision-making shared within teams for discussion, learning and development?
- > Do team discussions or group supervision sessions routinely prompt practitioners to learn from practice using defensible decision-making as a lens?

Having read the questions in this section you may find it useful to pause and reflect on the prompts below:

What was your initial response to the questions? What did you notice yourself thinking?	
Can you identify areas where your organisation is working well when reading the questions?	
Where do you think you might need to improve? What areas of work are a priority?	
Which people in the organisation do you need to talk to in order to find out more about any of the areas highlighted in the challenge questions?	
How will you know you are making progress in relation to any areas of improvement you have identified?	

Defensible decision-making – Promoting reflective, analytical discussions in supervision

- > Does the organisation's policy and approach to supervision promote reflective, curious and analytical discussions in supervision and make clear how this supports defensible decision-making?
- > Does training, mentoring and support for new practice supervisors help them to understand their role in contributing to defensible decision-making in supervision?
- > Does the organisation provide training, support and mentoring for practice supervisors to develop skills in facilitating reflective and analytical discussions in supervision?
- > Are practice supervisors encouraged to try out different models and approaches which support defensible decision-making in supervision?
- > Are there opportunities for more experienced practice supervisors to continue to develop skills in supervision, and learn from each other within the organisation?
- > Are practice supervisors encouraged to seek regular feedback from supervisees about their experience of supervision, identifying how this supports the supervisee to make defensible decisions, and how this might be improved?
- > Do practice supervisors have the opportunity to consider their role in promoting defensible decision-making in supervision and review ongoing skill development during line management supervision?
- > Are practice supervisors regularly observed undertaking supervision and given feedback about how to improve the quality of supervision discussions?
- > Do practice supervisors have protected time in line management supervision to reflect defensible decision-making, unpick dilemmas and challenges and consider how they can continue to develop in this area?

Having read the questions in this section you may find it useful to pause and reflect on the prompts below:

What was your initial response to the questions? What did you notice yourself thinking?	
Can you identify areas where your organisation is working well when reading the questions?	
Where do you think you might need to improve? What areas of work are a priority?	
Which people in the organisation do you need to talk to in order to find out more about any of the areas highlighted in the challenge questions?	
How will you know you are making progress in relation to any areas of improvement you have identified?	

Evidencing defensible decision-making on a child's file

- > Are practitioners clear about the principles of effective case recording and why it is important to provide a coherent narrative about decisions which have been made about the child and why?
- > How are expectations about effective case recording communicated to new practitioners joining the organisation? Who takes responsibility for this at a macro and micro-level?
- > Are practitioners and practice supervisors encouraged and prompted to write case records with 'the child at their shoulder' (Watts, 2020, p. 21)?
- > Do practice supervisors give regular feedback to practitioners about the quality of their recording with guidance about how this could be improved? Is this formally included within annual appraisals?
- > Are there opportunities for practitioners to reflect on their experience of writing records and reports and consider how they focus attention on this key area of ongoing professional development?
- > Are examples of high quality written records shared within the organisation which can be used as exemplars for learning, discussion and development?
- > Are there opportunities for practitioners to share learning with each other and mentor new staff in relation to evidencing defensible decision-making on a child's file?
- > Does initial training, mentoring and support for new practice supervisors allow them to understand their role in evidencing defensible decision-making on a child's file?
- > Does the organisation clearly communicate to practice supervisors the important role which they play in ensuring that the child's file contains a coherent narrative? How is this done and by whom?
- > Are there clear expectations that practice supervisors review and reflect on how their own written inputs on a child's file provide evidence of defensible decision-making and a coherent narrative about the child's experiences?
- > Are there opportunities for practice supervisors to continue to develop their skills in evidencing defensible decisions on a child's file, and learn from each other within the organisation?
- > Are practice supervisors given feedback about the quality of their written inputs on a child's file? Is this part of the annual appraisal process or given as feedback during line management supervision?

Having read the questions in this section you may find it useful to pause and reflect on the prompts below:

<p>What was your initial response to the questions? What did you notice yourself thinking?</p>	
<p>Can you identify areas where your organisation is working well when reading the questions?</p>	
<p>Where do you think you might need to improve? What areas of work are a priority?</p>	
<p>Which people in the organisation do you need to talk to in order to find out more about any of the areas highlighted in the challenge questions?</p>	
<p>How will you know you are making progress in relation to any areas of improvement you have identified?</p>	

Nurturing defensible decision-making and recording within your organisation

- > Who leads on defensible decision-making within the organisation to ensure that this stays on the radar as an organisational priority and an area of learning and development?
- > Does the organisation support practitioners and practice supervisors to continue to develop their professional writing skills and focus on the quality of written inputs on a child's file?
- > How does the organisation nurture the development of these skills and set expectations for these for staff joining as NQSWs, experienced practitioners, practice supervisors, middle managers and senior leaders?
- > Are there spaces within the organisation's premises which staff can use to have quiet protected time to think, reflect and write?
- > Are practitioners and practice supervisors encouraged to share feedback about what is working well in relation to defensible decision-making and what could be improved? Does this include a focus on understanding how the electronic recording system supports or gets in the way of evidencing defensible decision-making? Is this learning disseminated throughout the organisation and fed back to senior leaders?
- > How are young people and adults who wish to access their files supported to do so?
- > Are children and young people who have been involved with children's social care consulted with so that their views and experiences inform organisational practice and policy about record keeping on a child's file?

Having read the questions in this section you may find it useful to pause and reflect on the prompts below:

What was your initial response to the questions? What did you notice yourself thinking?	
Can you identify areas where your organisation is working well when reading the questions?	
Where do you think you might need to improve? What areas of work are a priority?	
Which people in the organisation do you need to talk to in order to find out more about any of the areas highlighted in the challenge questions?	
How will you know you are making progress in relation to any areas of improvement you have identified?	

Having worked through the questions in this section, we suggest you spend a few minutes reflecting on the stop/start/continue challenge below. This activity can be also used to prompt reflection and feedback about defensible decision-making with colleagues in your organisation.

The stop/start/continue challenge

What gets in the way of making defensible decisions in our organisation? What do we need to stop doing?

What do we need to start doing to improve defensible decision-making in our organisation?

What is working well? What do we need to continue doing to support defensible decision-making?

Further information about recent research in children's social care record keeping and participatory approaches to record keeping with children and families can be found in ***Good practice in recording and access to records: Strategic Briefing*** (2022). You can also access two linked **podcasts** – Reflections on accessing care records and supporting good recording – which explore the emotional impact of receiving care files, the importance of child-centred recording, and provide suggestions of how practitioners can implement good recording.



Section Four: References

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