



Defensible decision making

October 2025

Overview

- Safeguarding is becoming ever more complex within societal settings which are also demanding far greater accountability and are increasingly litigious.
- In the role as the DSL ,you are the key point for initial responses re. safeguarding.
- You may then be medium to longer term involved in decision making with others , but are more often managing the situation within an ongoing plan within the organisation policies , protocols and procedures
- This is where the practice of DEFENSIBLE DECISION MAKING is key.

What is defensible decision making?

- Take a few minutes and note down your understanding of the meaning of “defensible decision making ?
- Discussion

How ?

- Defensible decision-making sits within the constructs of :
 - the organisation
 - law-civil and criminal
 - guidance and regulatory frameworks
 - local frameworks
 - supporting the police in the process of achieving best evidence (ABE)
 - A secure safeguarding framework underpinned by-professional curiosity , vigilance, forensic analysis , non assumptive and non biased behaviours/ responses.

Range of decisions involved.

- Self-contained : e.g. whether to disclose information to a third party
- Larger decisions, with potentially multiple decisions required
- What may seem not to be decisions such as decided upon a process of “no further action.”

Potential definitions.

- **Cooper, 2011:** 'Critical, reflexive and careful judgements...with the fully considered evidence of incomplete knowledge so that you can defend and justify your assessments, plans and interventions
- **Kemshall, 2009:** Decisions that will withstand the harsh scrutiny of hindsight bias in the event of a risk failure....informed, balanced, proportionate and just risk decisions
- A defensible decision is one that is 'necessary, proportionate, legal, ethical and consistent with the values of the organization' .

A defensible decision is:-

One that is evidence based , which uses all the information available/discoverable to you at the time (while being aware that we rarely have all the information);

- Where the information has been thoroughly evaluated and analysed;
- Which has weighed up different outcomes and options before deciding;
- Which evidences the rationale for the decision , including anyone consulted (e.g. your manager);
- Follows policy and legislative responsibilities/duties;
- Is recorded in a way which evidences all the above.

It is not:

- About making “a correct” decision as when we make a decision, we don’t have the benefit of hindsight. We don’t know what will happen. We may, in the light of later events or evidence , have made a decision that had an untoward outcome. However, if we can justify our decision making, it will be a defensible decision.
- A defensive practice- or shouldn’t be. e.g. referring to the LADO when we know the event does not meet threshold, but want a LADO referral on record.



It is impacted by hindsight bias

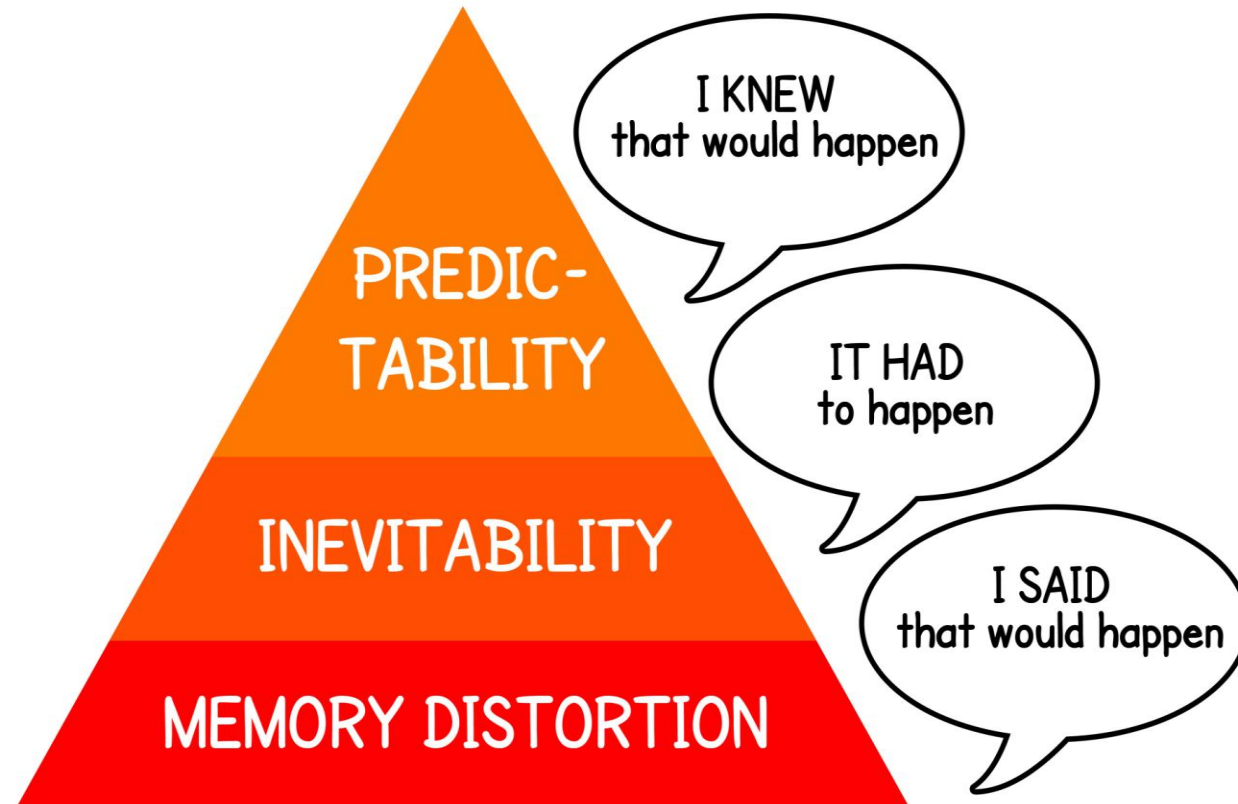
- What is this ?
- OPEN DISCUSSION

Hindsight bias

- Hindsight bias describes the tendency that people have – once an outcome is known – to believe that they predicted (or could have predicted) an outcome that they did not (or could not) predict.
- Sometimes referred to as the “knew-it-all-along” effect, it describes times when people conflate an outcome with what they knew at the time.
- This can be particularly troubling in reviews of safeguarding (serious case reviews etc.)

Hindsight bias

Three Levels of Hindsight Bias



Why?

- **Cognitive:** People tend to distort or even misremember their earlier predictions about an event. It may be easier to recall information that is consistent with their current knowledge.
- **Metacognitive:** When people can easily understand how or why an event happened, that event can seem like it was easily foreseeable.
- **Motivational:** People like to think of the world as a predictable place. Believing an outcome was inevitable can be comforting for some people.

Hindsight bias

- When reflecting on a past event, our perception is clouded by outcome knowledge—we know how things turned out. Hindsight bias describes how we project this current knowledge onto the past, making it difficult to remember the uncertainty we initially faced and distorting our memory of the thoughts, feelings, and knowledge we had at the time.
- However , part of what goes into making good decisions is realistically assessing their consequence- hence defensible decision making.

Confirmation bias

Is the tendency to search for, favour and recall information that confirms our preferences and beliefs.

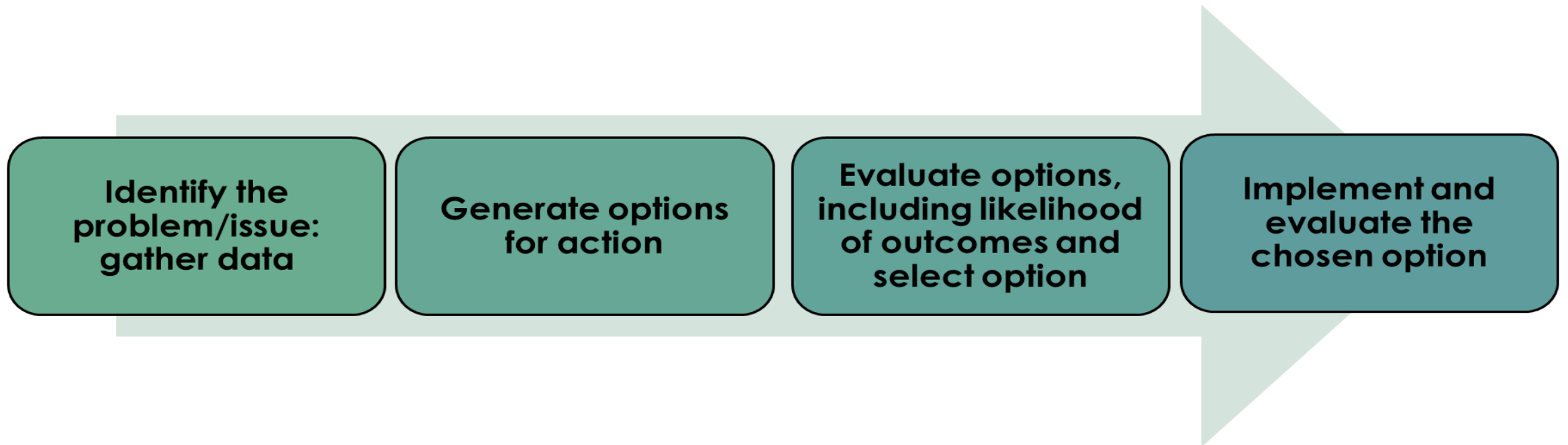
We often develop an initial hypothesis about a situation which is couched in our bias/assumption.

Confirmation bias means we may unconsciously search out information which backs up this hypothesis and disregard (or downplay) information which contradicts it.

Another factor is '**satisficing**' (see Munro, 2008): this is the process of discontinuing information gathering/analysis once we have determined a 'good enough' judgment. Do work pressures mean we might do this too soon? What does 'good enough' mean to different people?

Do you use a model ?

- Using a consistent model and approach across the organisation is key.
- The so- called “Rational” model is useful.



What can impact/influence this process?

Assumption

Bias

Availability of information

Professional experience “gap filling” where information is lacking

Weighing up options and our own knowledge base or available research to support decision making

Intuition

Using stereotypes

Confirmation bias

ARE YOU AWARE OF THE IMPACT THESE HAVE ON SAFEGUARDING DECISIONS ?

Decision making

- We often look to a balance in our decision making
- Do you look at a situation and note the options available to you? Do you review those options ?
- How do you record this ? Do you record this ?
- Do you look at the decision and reflect upon it using failure mode effect analysis (FMEA) – if we do this what could happen , what could go wrong?

Munro offers us the “decision tree” model

- Useful when we are faced with a complex safeguarding / well being decision

Munro (2008 p. 105) suggests there are 7 stages to a decision tree:

1. **What is the decision?**
2. **What options are there?**
3. **What information is needed to help make the choice?**
4. **What are the likely/possible consequences of each option?**
5. **How probable is each consequence?**
6. **What are the pros and cons of each consequence?**
7. **The final decision**

Recording

- Increasingly under scrutiny.
- Recording within your organisation's records system is a vital part of defensible decision making
- If you are later asked to justify your decision making (e.g. in court or to a Coroner), the absence of a written record will weaken your evidence considerably.
- Compliance with your organisation's recording systems is important as is alignment with CP / safeguarding and other policies
- Ensure that you consider for example writing up as soon as possible after events, including who has been consulted etc.

Recording.

- Cover what has been decided, but also why: the rationale for the decision:
- How have you come to this decision?
- What information have you used in making this decision?
- What other options are there, and why do you evaluate they are not viable?
- Increasingly email trails are used as evidence of decision making. Be careful though: they may cover what has been decided and who has been consulted, but does it cover the rationale?
- Has the decision been communicated to all who need this information(Information sharing guidance)

Lots to think about.....

- Any questions or queries ?
- Actions to take away?
- Do you make defensible decisions ?



Thank you.

- Chris Freestone .
Dialogue