

## Topic 6

### The Impact of and Avoidance of Delay in Decision Making

#### Key messages

- Lack of early and decisive action in tackling abuse and neglect can have an impact on all aspects of children's development.
- Delays in decision making can occur at different stages of care proceedings and can have an impact on children's chances of stability and permanence, including the chance of adoption.
- Where parents are not able to change their behaviour within agreed timescales, children who have been abused and neglected do better in local authority care than remaining at home.
- Social workers need to develop a trusting and meaningful relationship with children and families throughout the care proceedings process to help children and families deal with their anxieties and uncertainty in the face of delays in making a permanency decision.

#### The impact of abuse and neglect

While those who work in fostering and adoption services have a different role in identifying and addressing abuse – when compared to child protection social workers, for example – it is still essential that the impact of abuse and neglect is understood as this affects practitioners' decision-making in relation to reunification planning, matching and addressing the support needs of foster carers and adopters.

Abuse and neglect can have an impact on the neurological development of infants (for more information, see briefing 5 on '[Early brain development and maltreatment](#)'). Abuse and neglect are also associated with children developing disorganised attachment – up to 80 per cent of neglected and abused children develop disorganised attachments (Brown and Ward, 2013) (see Briefing 2 on '[Attachment theory and research](#)').

Abuse and neglect in the early years can lead to problems in the following areas over the course of childhood:

- attachment and ability to trust others
- ability to empathise
- ability to regulate emotions
- education outcomes
- delinquency
- mental and physical health
- promiscuity
- eating disorders
- addictive behaviours

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- parenting capacity  
(Davies and Ward, 2012; Brown and Ward, 2013)

Lack of decisive action in tackling abuse and neglect can have an impact on all aspects of children's development. The longer a child is left inadequately protected from abuse and neglect, the greater the chance that their long-term well-being will be compromised (Davies and Ward, 2012; Brown and Ward, 2013).

#### Are children left too long in adverse situations?

A study of infants identified before their first birthday as being at risk of suffering significant harm found they spent lengthy periods in an abusive environment while assessments were made of parenting capacity and progress (Ward et al, 2012). Early decisions were temporary and based on the proviso that parents might be able to overcome their difficulties. On average, it took 14 months for a more definitive decision that might lead to permanence and a further six more months for the plan to be activated.

Many of the children in this study remained living at home amidst ongoing concerns. A substantial number were not adequately safeguarded. Where children had been permanently separated from their parents, it was often after experiencing episodes of maltreatment. Many of these children were displaying developmental problems or showing signs of severe behavioural difficulties (Ward et al, 2012).

These findings are consistent with other research (Farmer and Lutman, 2010; Selwyn et al, 2006). A five-year follow-up study of children who had been neglected found that more than half had been referred to children's social care before they were two years old. Three-fifths of referrals did not lead to decisive action to safeguard the children from harm, often because there was no 'trigger incident'. There was often a lack of direction and planning by social workers and insufficient clarity for parents about what needed to change and by when – and the consequences if no change took place (Farmer and Lutman, 2010).

Selwyn et al (2006) found that children remained at home for an average of 2.7 years from the date of the first social work intervention until being taken into care. In many cases, the children were still being abused and neglected while they continued to live with their families.

#### Reactive case management

Reactive case management has been identified as a factor contributing to delay in decision making (Ward et al, 2012; Farmer and Lutman, 2010). Another key issue is a shortage of suitable placements leading to decisions to place children in care being put off until a crisis forces the issue. This leads to an 'emergency' placement as a

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stop-gap solution, necessitating a subsequent move (Ward, 2009). The move to a more permanent placement is often delayed once the pressure is relaxed (Brown and Ward, 2013).

Ward et al (2012) found that children who were permanently separated often experienced 'double jeopardy'. The children spent lengthy periods in an abusive environment, followed by a short period of stability with an interim carer, followed by a disrupted attachment when they moved out of the temporary placement and entered a permanent placement. These children showed the most severe developmental and behavioural difficulties by the time they were three years old, which persisted as they entered formal education (Ward et al, 2012).

#### Impact of delayed decision making

Delayed decision making during care proceedings means that children have to live with uncertainty and insecurity throughout the process. Cafcass statistics indicate that in 2012-13, the average length of time for the completion of care applications by the court was 48 weeks. Family justice reforms intended to reduce these delays is driving care proceedings timescales down; recent data showed the year to date average standing at 38 weeks (Cafcass, accessed 11/3/14). The length of time to find a stable placement, the uncertain nature of placements during care proceedings, and waiting times in finding out the outcomes of care proceedings all contribute to create a frustrating environment for children. Longer proceedings can also reduce the chances of permanency (Lewis and Erlen, 2012; Giovannini, 2011).

Social workers are often under such pressure to find a placement for a child that the child's needs are downplayed and placements are poorly matched, which makes disruption more likely (Harber and Oakley, 2012; Sinclair, 2005). Placement disruptions mean children do not have consistent carers and may not develop secure attachments, which can have a harmful effect on their ability to form relationships throughout life (Brown and Ward, 2013). Disruption may also exacerbate existing behavioural and emotional difficulties, which in turn can make placements even more difficult to sustain (Schofield and Beek, 2005). (For more discussion, see Briefing 14 on ['Placement stability and permanence'](#).)

Children who have been abused and neglected often need specialist interventions to address the consequences of the abuse and neglect, as well as the consequences of separation from their birth family. One consequence of delayed decision making is that as children grow older they are likely to benefit less from these interventions, or to require longer and more specialist interventions (Davies and Ward, 2012).

For children who are placed for adoption, delays can have an adverse effect on their chances of being adopted. The chances of being adopted reduce by nearly a half for

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every year of delay (Selwyn et al, 2006) and age at joining a new family is the variable that has the most impact on adoption outcomes (Boddy, 2013). Children's emotional and behavioural well-being also affect the likelihood of them being adopted; the fewer emotional and behavioural difficulties they have the more likely they are to be adopted (Thomas, 2013; Biehal et al, 2010).

Dance et al (2010) found there were delays in matching children with adoptive families because of poor planning and inadequate case management. This included a lack of proactive casework, delays in exploring interagency adoptions, slowness in assessing potential adopters and rigidity in family search requirements.

The Adoption Research Initiative provides research briefs and interviews with researchers. The most relevant here are:

[Belonging and Permanence](#)

[Safeguarding Infants](#)

You can watch Harriet Ward talking here about [Decision Making within a Child's Timeframe](#) (Brown and Ward, 2013)

The Table on pages 91-97 of [Decision Making within a Child's Timeframe](#) illustrates the child development timescales and pathways for children. It summarises different outcomes for children at different ages following: proactive casework and timely decision making (positive outcomes); and reactive case work and delayed decision making (cumulative jeopardy).

#### Why are there delays in decision making?

Delays can occur at all stages of the care proceedings process, many of which are outside the control of social workers. At the pre-proceedings stage, delay can occur because of poor planning and reactive rather than proactive case management, resulting in delays in making permanent arrangements. Local authority legal departments can also delay decisions to instigate proceedings, particularly in cases of neglect and emotional abuse, where it may be difficult to collate convincing evidence (Brown and Ward, 2013).

Delays in completing care proceedings in court are attributable to resource issues (eg listing difficulties, delays in completion of reports) as well as more complex

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factors such as the resolution of disputes. The most common cause of delay at this stage is the late ordering and completion of reports and waiting for the results of assessments (Masson et al, 2008). Repeated assessments of parenting capacity and consecutive assessment of relatives are further causes of delay (Brown and Ward, 2013).

There are few cases where there is unequivocal evidence from the start that children are being maltreated. This means that interventions can be indecisive, delayed and cases frequently opened and closed (Brown and Ward, 2013). Reasons for delay include:

- thresholds for access to children's social care are set too high
- an expectation that children will be able to remain with their birth parents, despite substantial evidence to suggest the opposite
- the extensive use of parenting assessments
- extensive use of expert reports. (Ward et al, 2012; Farmer and Lutman, 2010)

#### Reducing delay in decision making

Taking early and decisive action to improve the caretaking environment can help to ameliorate some of the damage resulting from abuse or neglect. However, it can be difficult for practitioners to recognise maltreatment, especially in cases of emotional abuse and neglect, which rarely lead to a crisis (Davies and Ward, 2012).

Delays to decision making can be reduced by:

- *Careful assessment and analysis* – this should be completed quickly and focuses on whether it is safe for the child to stay in their current circumstances. This should include full histories of the child and family. (See also briefing 11 on [‘Analysis and using information’](#).)
- *Careful planning* – where planning is weak (i.e. not linked to a high-quality assessment and without clear goals being set) there is evidence of drift, so that children are left too long in abusive circumstances.
- *Challenging unacceptable parental behaviours* – (see Briefing 16 on [‘Working with birth parents’](#)) to be confident in doing this, practitioners need up-to-date knowledge on the impact of abuse on children's welfare, as well as a good understanding of child development and attachment timescales (Brandon et al, 2011). There should be time-limited written agreements with parents setting out the consequences for non-compliance (Davies and Ward, 2012). High-quality supervision that enables practitioners to develop and test hypotheses, and develop their confidence in challenging parents, is essential here (see Briefing 7 on [‘Leadership and supervision’](#))

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This training pack can be used by practitioners to help them identify and respond to neglect:

[Training Resources on Child Neglect](#) (Department for Education, 2012)

The importance of practitioners identifying and responding to child maltreatment is outlined in the following resources:

[The State of Child Neglect in the UK](#) (Action for Children, 2013)

[Safeguarding Children Across Services: Messages from research](#) (Davies and Ward, 2012) – this resource also provides a checklist (p52) of what frontline practitioners across services should look out for as indicators of maltreatment

Where parents do not have the capacity to overcome adverse behaviour patterns, placement in local authority care is generally more beneficial for maltreated children than remaining at home or returning home following a period in care (Wade et al, 2010; Farmer and Lutman, 2010).

There have been a number of government reforms in recent years to address delays in services for looked after children. This includes reforms to the adoption system to make sure children are placed swiftly with a family.

Further information on changes to the adoption system and services for looked after children can be found here on the Department for Education's web pages: [Improving the Adoption System and Services for Looked After Children](#)

Following the Family Justice Review (Norgrove, 2011) and subsequent reform programme, the time limit for the completion of care proceedings has been set at six months. Reforms include reducing the excessive use of expert reports and strengthening their quality and timeliness. The reforms also include measures to tackle the need for improvements in the quality of assessments and plans in order to reduce delay, to reduce the number of hearings and to identify the issues where expert input is genuinely needed (Lewis and Erlen, 2012).

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Further information on the Family Justice Review can be found here on the government's web pages:

[Making the Family Justice System More Effective](#) (Ministry of Justice and Department for Education)

It is important for social workers to develop a trusting and meaningful relationship with children and families throughout the care proceedings process (and beyond) to help them deal with their anxieties and the uncertainty that will arise when there are delays in a permanence decision being made. (See Briefing 9 on '[Communicating effectively with children and young people](#)'.) The Munro Review (2011) identified the need for someone to be allocated to act on behalf of the child early in proceedings so that the child can participate fully from the start of the process, and so that their needs can be represented.

Further information can be found here: [The Munro Review of Child Protection](#) (Department for Education, 2011)



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## Impact of Abuse and Neglect

- Lack of decisive action in tackling abuse and neglect can have an impact on all aspects of children's development
- The longer a child is left inadequately protected the greater the chance that their long-term wellbeing will be compromised
- Abuse and neglect in the early years can lead to problems in the following areas over the course of childhood:
  - attachment and ability to trust others
  - ability to empathise
  - ability to regulate emotions
  - education outcomes
  - delinquency
  - mental and physical health
  - promiscuity
  - eating disorders
  - addictive behaviours
  - parenting capacity

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## Children Left Too Long in Unsafe Environments (1)

- Ward et al (2012)- follow-up study of infants identified before their first birthday as at risk of suffering significant harm
- Children spent lengthy periods in an abusive environment while assessments were made of parenting capacity and progress
- On average, it took fourteen months for a definitive decision to be made, and six more months for the plan to be activated

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## Children Left Too Long in Unsafe Environments (2)

- Farmer and Lutman (2010)- five year follow up study of children who had been neglected
- Half of the children had been referred before they were two years old
- Three fifths of referrals did not lead to decisive often because there was no 'trigger incident'
- Selwyn et al (2006)- children remained at home for 2.7 years before being taken into care
- In many cases, the children were still being abused and neglected while they were still living with their families.

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## Case Management

- Delayed decision making during care proceedings means that children have to live with uncertainty and insecurity
- Longer proceedings can reduce chances of permanency
- A shortage of suitable placements leads to decisions to place children in care being put off until there is a crisis
- Social workers often under pressure to find a placement- child's needs often downplayed and placements poorly matched and more likely to be disrupted
- The move to a more permanent placement is often delayed once the pressure is relaxed

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## Double Jeopardy

- Children permanently separated often experienced 'double jeopardy'.
- The children spend lengthy periods in an abusive environment
- This is followed by a short period of stability with an interim carer
- The child then suffers a disrupted attachment when they move out of the temporary placement and enter a permanent placement
- These children showed the most severe developmental and behavioural difficulties by the time they were three years old, and these persisted as they entered formal education (Ward et al, 2012)



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## Delayed Decision Making and Adoption

- Delayed decision making can have an adverse effect on children's chances of being adopted
- The chances of being adopted reduce by nearly a half for every year of delay (Selwyn et al, 2006)
- Age at joining a new family is the variable that has the most impact on adoption outcomes (Boddy, 2013)
- Dance et al (2010) found that there were delays in matching children with adoptive families because of poor planning and inadequate case management including
  - a lack of proactive case work
  - delays in exploring inter-agency adoptions
  - slowness in assessing potential adopters and rigidity in family search

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## Reasons for Delay

- Delays can occur at all stages of care proceedings- many are outside the control of social workers
- Pre-proceedings stage- delay through poor planning and reactive rather than proactive case management
- Local authority legal departments can also delay decisions to instigate proceedings
- During court proceedings- most common cause of delay are
  - the late ordering and completion of reports
  - waiting for the results of assessments
  - repeated assessments of parenting capacity
  - consecutive assessment of relatives
- Other causes of delay
  - expectation that children able to remain with birth parents, despite evidence to suggest the opposite
  - thresholds for access to children's social care set too high

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## Reducing Delayed Decision Making

- Careful and quick assessment focusing on whether it is safe for the child to stay in their current circumstances
- Careful planning- where planning is weak, there is evidence of drift so that children are left too long in abusive circumstances
- Challenging unacceptable parental behaviours- having time-limited written agreements with parents setting out the consequences for non-compliance
- Where parents do not have the capacity to overcome adverse behaviour patterns, placement in local authority care is generally more beneficial for maltreated children than remaining at home or returning home following a period in care (Wade et al, 2010; Farmer and Lutman, 2010)
- Social workers need to develop a trusting and meaningful relationship with children and families to help them deal with their anxieties and the uncertainty where there are delays in a permanence decision being made

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## Videoclips

- [Decision Making Within a Child's Timeframe](#)

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#### Key questions for the child's social worker

#### Methods

Suitable for self-directed learning or reflection with a colleague or supervisor.

#### Learning Outcome

Review decision-making processes and identify actions you can take to reduce delay in your area of practice.

#### Time Required

A series of 30 minute review and 30 minute reflection sessions with a colleague or supervisor.

#### Process

- How can you ensure that you have a good knowledge and understanding of the impact of maltreatment on children's development? (See Briefings 2, 3 and 4 on [Attachment theory, Child development theory](#) and [Early brain development and maltreatment](#) for further information)
- How do you and your team ensure that you are making the most of relevant training and development opportunities?
- Do you have a good understanding of thresholds for children's social care?
- What support do you need to ensure you take timely and decisive action to avoid long-term damaging consequences?

See the Table on pages 46-47 of Brown and Ward's (2013) review for a [Summary of key timeframes for child development](#)

- Do you carry out a timely and thorough assessment of the child and family and include historical information (See Briefing 11 on [Analysing and using information](#)) . What support do you need to improve this further?
- How do you ensure that you critically analyse and reflect on the information you have gathered?
- Do you set time limited written agreements with parents and proactively monitor compliance with these?
  - What challenges do you face in this, and how could other professionals / agencies help? (See Briefing 8 on *Measuring, monitoring and enabling Parent capacity*).

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- Are you confident in challenging unacceptable parental behaviour? What difficulties do you face in this?
  - How could you and your supervisor work together to overcome these difficulties?
- What would help to improve links with professionals in adult services, health, education and the police to ensure that risk factors for abuse and neglect are identified and concerns are acted upon in a timely manner? (See Briefing 10 on [Working in a multi-disciplinary team around the child](#)).
- What support do you need to produce evidence for the court that sets out critical key decisions and the rationale behind them and set out the options and recommendations in a clear and reasoned manner?

See Research in Practice: [Evidence matters In Family Justice](#)

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#### Key questions for social worker managers

#### Methods

Suitable for self-directed learning or reflection with a colleague or supervisor. You will need to have access to a recent case that involved matching.

#### Learning Outcome

Review decision-making processes and identify actions that you can take to improve them.

#### Time Required

30 minutes review and 30 minutes reflection with a colleague or supervisor.

#### Process

Answer the following questions based on your current practice.

- How can you ensure that you have a good knowledge and understanding of the impact of maltreatment on children's development? (See Briefings 2, 3 and 4 on [‘Attachment theory’](#) [‘Child development theory’](#) and [‘Early brain development and maltreatment’](#) for further information).
- Are there good systems in place to manage caseloads and facilitate reflective practice so that social workers are able to make informed and timely decisions? How do you know these systems are effective?
- Do social workers have the practical tools and resources available to take timely action? What else do they need to ensure this?
- Do you provide regular supervision that promotes critical thinking, to improve the quality of defensible decision-making? Is the recording fit for purpose if needed for court proceedings? (See Briefing 7 on [‘Leadership and supervisory competencies’](#)).
- Are you proactive in establishing effective partnerships with other services to facilitate early information sharing?
  - What support do you need from your organisation to further improve these partnerships?

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#### Key questions for Independent Reviewing Officers

#### Methods

Suitable for self-directed learning or reflection with a colleague or supervisor. You will need to have access to a recent case that involved matching.

#### Learning Outcome

Review decision-making processes and identify actions that you can take to improve them.

#### Time Required

30 minutes review and 30 minutes reflection with a colleague or supervisor.

#### Process

Answer the following questions based on your current practice.

- How can you ensure that you have a good knowledge and understanding of the impact of maltreatment on children's development? (See Briefings 2, 3 and 4 on and '[Attachment theory](#)', [Child development theory](#) and '[Early brain development and maltreatment](#)' for further information).
- What processes are in place to monitor each child's care plan to avoid 'drift'?
  - What difficulties do you encounter here, and how are they overcome?
- How do you ensure that care plans are based on detailed and informed assessments?
- How do you ensure that timely decisions in relation to individual children's developmental timescales are made?
  - What support do you need to balance the child's wishes and feelings with the need for timely decision-making?
- How do you bring areas of poor practice in relation to decision-making and planning to the attention of colleagues and senior managers?
  - What support do you need in this respect?



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#### Case study - Sereta, Tia and Paulo

#### For social workers

#### Methods

Suitable for a small group discussion in a team meeting or as part of a facilitated workshop. Individuals will need a copy of the case study for Sereta, Tia and Paulo.

#### Learning Outcome

To identify the impact of delay in decision-making and assess the support that the foster carers may require to support Sereta, Tia and Paulo.

#### Time Required

40 minutes for discussion plus 20 minutes for feedback

#### Process

Give each group a hand-out of the case study for Sereta, Tia and Paulo and ask each group to appoint someone to feedback their ideas.

Ask the group to read the case study and answer the following questions.

1. What evidence is there of reactive case management?
2. How might the case have been better managed so that an earlier decision to protect the children could have been made?
3. What is the likely impact on the children's well-being of delayed decision-making?
4. How would you support the foster carers to help these children recover from their earlier adversities?

[Decision-Making Within a Child's Timeframe](#) - (Brown and Ward 2012) has a number of case study exercises for training to supplement the above (see pp 100-104)

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#### Case study - Sereta, Tia and Paulo

#### For foster carers and adopters

#### Methods

Suitable for a small group discussion in a team meeting or as part of a facilitated workshop. Individuals will need a copy of the case study for Sereta, Tia and Paulo.

#### Learning Outcome

To identify the impact of delay in decision making and assess the support that the foster carers may require to support Sereta, Tia and Paulo.

#### Time Required

30 minutes for discussion plus 15 minutes for feedback

#### Process

Give each group a hand-out of the case study for Sereta, Tia and Paulo and ask each group to appoint someone to feedback their ideas.

Ask the group to read the case study and answer the following questions.

1. How would you help these children recover from the damage they have suffered? What support would you need to do so?

Decision Making Within a Child's Timeframe- (Brown and Ward 2012) has a number of case study exercises for training to supplement the above (see pp 100-104)