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Risk Enablement & Positive Risk Taking Policy, Procedures & Guidance

A Framework to support Risk Enablement & Positive Risk Taking in Adult Social Care

Risk Overview

Assessing the risk to vulnerable people in support of their right to make choices about how to live their life is difficult, and in any given situation different people will have different views on striking the right balance. This means that agreement on the degree of risk in every situation may not be possible. However, professionals should have a common understanding of the principles they are working to, the legal structures in place, and the documentation that can help and that they need to complete. This documents sets out the key principles and considerations that should be made by professionals in assessing and supporting risk taking.

Key principles:

- Risk work should be person-centred and empowering.
- The Mental Capacity Act asserts people's right to make decisions, even unwise ones, if they have the capacity to do so. The Mental Capacity Act and the code of practice and Deprivation of Liberty Safeguards that accompany it are all key legal considerations in evaluating risk.
- Government guidance is that 'people have the right to live their lives to the full as long as that does not stop others from doing the same'.
- Risk assessments should always consider the benefits of the proposed action on the adult at risk and weigh these against any risks.
- The person's strengths should always be considered when evaluating risk.
- Multi-agency working is important in assessing and managing risk, but should always take place within a person-centred framework that avoids blanket restrictions.

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Organisations should model a positive approach to risk-taking that supports people to live the life they want, rather than a defensive approach that focuses too much on risk to the organisation.

Decisions on risk should be reasonable, proportionate, accountable and defensible, and rooted in evidence-based practice and partnership working.

Any safeguarding adult's assessment should be designed to help determine:

- the circumstances of the adult in terms of safeguarding procedures
- the severity and scope of the current risks to the adult, rating these in a systematic way
- the capacity of the adult to evaluate and make choices about these risks
- the potential risks to the adult if safeguarding actions are not put in place
- the urgency and focus of what these actions might be if safeguarding interventions are working or not (and measuring this).

Encouraging the adult at risk to quantify the risks is central to the process – unless this action would place them at more risk at that time. Mental capacity and ensuring compliance with the relevant code of practice also underpin risk evaluation. It is often necessary to strike the right balance between enabling a person to have choice and control while lessening the risks of harm, exploitation or mistreatment that some choices could lead to.

As partners in the adult safeguarding process, difficult judgments have to be made to determine this balance. A good risk assessment tool should aid such judgments by providing a clear, standardised framework for assessing risk as part of the adult safeguarding process.

Risk Management Development in Swindon

In 2014, taking the learning from a Safeguarding Adult Review (SAR) Swindon identified a number of findings. Finding number one in the SAR identified:

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‘The lack of a recognised and understood multi-agency framework for case planning and decision making in Swindon leads to inconsistent and reactive practice; resulting in inconsistent and ineffective support to vulnerable people’.

In response to the findings, the partners within the Local Safeguarding Adults Board have come together to explore the development of a multi-agency risk assessment process to ensure effective case planning and decision making to promote safety and wellbeing of high risk adults in relation to adults with multiple needs.

Swindon Risk Enablement Panel (REP)

Risk management is one of the most complex areas of activity that people working in adult services work with on a daily basis. It possesses an ability to generate untoward incidents, challenging events, threatening situations, attribution of blame and fear of litigation. For these reasons, it is essential that practitioners/professionals and managers work in a culture of mutual understanding and support.

The agencies in Swindon recognise that there are a small number of individuals who have multiple needs and may be at risk of significant harm but fall outside of the criteria for Adult Safeguarding investigations or who have made capacitated decision not to engage with enquires.

In the first instance it remains the responsibility of each practitioner/professional to engage with the individual and offer interventions in a persistent and effective manner. The multi-agency process will only be enacted when all other interventions have not produced an improvement in outcomes for the individual adult.

The processes around risk decision-making need to be clear and responsive. The responsibility to take appropriate action rests with the individual agencies; it is not transferred to the Risk Enablement Panel. The role of the Risk Enablement Panel is to facilitate, develop risk management plans, monitor and evaluate.

Objectives

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The Risk Enablement Panel (REP) has been set up to:

1. To share information to identify, clarify and agree on risk.
2. Promote safety and wellbeing of high risk adults in Swindon
3. Improve multi-agency communication pathways
4. To utilise the resource in Swindon more efficiently
5. To develop Risk Management Plan
6. For those who are not engaging, co-ordinate a risk management plan to seize the opportunities that can enable engagement and/or monitor the well-being of the person e.g. outreach opportunities, support from the community and locality input.
7. Ensure any actions are covered by a legal framework or is lawful
8. To improve agency accountability
9. Identification of a lead/key worker
10. To share risk across agencies
11. To consider options that will enhance the range of possibilities available to professionals to improve the outcome for the individual.

Criteria for cases to Risk Enablement Panel

1. Clear evidence must be shown by professionals currently working with an adult of all the attempts to engage and multi-professional/agency management of the case – except in cases of immediate high risk where professional judgement is required.
2. The professional considers the adult may be at risk of significant harm but the adult safeguarding criteria has not been met.
3. The individual concerned is deemed to have mental capacity and:
 - Who are at risk due to severe self-neglect/self-harm
 - Risk taking behaviours
 - Change resistant
 - Refusal to engage with services

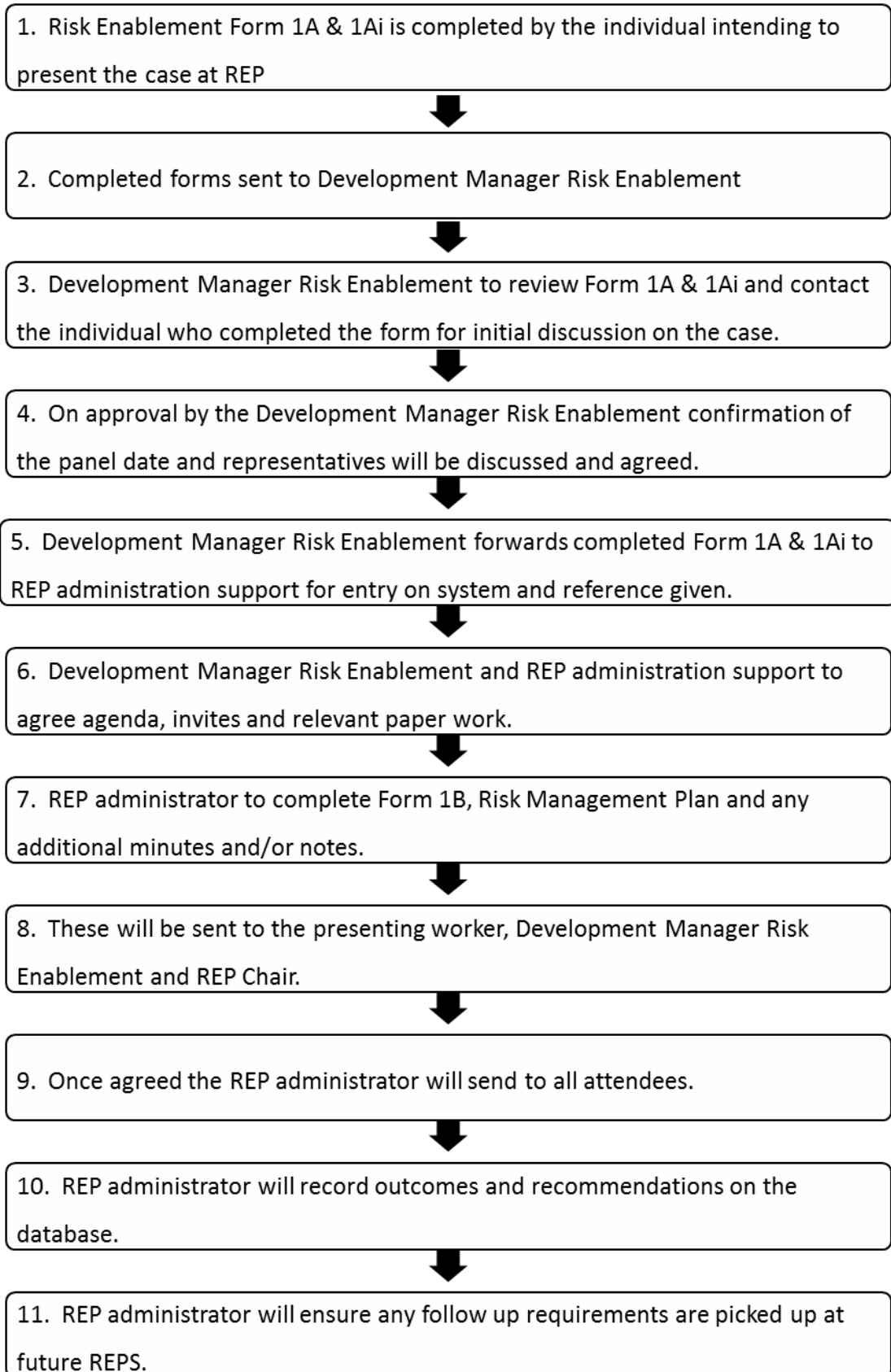
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- Abuse by a third party but is not willing to engage in safeguarding or with services (no coercion)
 - Not willing to engage with eligible services
 - That is a 'frequent caller' to services
 - Where the agency is struggling to maintain a high risk situation as a single agency.
4. Anyone can present a case to the Risk Enablement Panel where there is a complex or challenging risk issue and where guidance and decision-making are needed.
5. The Risk Enablement Panel's purpose is to support the individual and practitioners/professionals to reach agreement around risk decisions and management of those risks which can be managed.

It should be noted that the Risk Enablement Panel will act in an advisory capacity and will make recommendations on what would be reasonable in terms of managing risks while balancing the rights of all concerned. As such it will not seek to reverse decisions that may have been previously assessed and agreed by staff and managers, rather it will offer a reflective space for consultation, reconciliation, problem solving and agreement in cases where the levels of risk raise concerns. The Risk Enablement Panel process will not seek to change financial assessments that have been made, although it may make recommendations that require alternative resources/ further financial consideration.

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REP Process



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Form 1A

Swindon Borough Council

Case Over view

Risk Enablement Panel (REP)

Name		System Reference
Address		Date of Birth
Telephone Number Home: Mobile:	Ethnicity	Does the Person have Mental Capacity?
Known Dependants: Name: DOB & Age: Address:		
Case Presented by: Organisation: Date:		
What would you like the Risk Enablement Panel to consider?		
What is the outcome you are seeking?		
What are the identified risks or potential risks that are not currently managed by the		

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care/support plan (s)?																				
<p>Have there been any differing perceptions/points of view from the resolutions in the current care/support plans?</p> <p>If yes, please give details.</p>																				
<p>Are there issues of conflict between the individual and/or family/carer/community/ and or staff? If yes, please give details.</p>																				
<p>Has a safeguarding alert ever been raised about this individual?</p> <p>If yes, please give details in table below:</p> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <thead> <tr> <th style="width: 33%;">Date</th> <th style="width: 33%;">Type of Abuse</th> <th style="width: 33%;">Outcome</th> </tr> </thead> <tbody> <tr> <td style="height: 25px;"> </td> <td> </td> <td> </td> </tr> <tr> <td style="height: 25px;"> </td> <td> </td> <td> </td> </tr> </tbody> </table>			Date	Type of Abuse	Outcome															
Date	Type of Abuse	Outcome																		
<p>Any other comments or information relevant to the individual/case?</p>																				
<p>Where has this individual/case been previously discussed? E.g. MARAC, MAPPA, ASEP, Housing and Adult Social Care Accommodation Panel, CSP Tasking, Manager/Supervision, professionals meeting:</p> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <thead> <tr> <th style="width: 33%;">Meeting discussed</th> <th style="width: 33%;">Date</th> <th style="width: 33%;">Outcome</th> </tr> </thead> <tbody> <tr> <td style="height: 25px;"> </td> <td> </td> <td> </td> </tr> <tr> <td style="height: 25px;"> </td> <td> </td> <td> </td> </tr> <tr> <td style="height: 25px;"> </td> <td> </td> <td> </td> </tr> <tr> <td style="height: 25px;"> </td> <td> </td> <td> </td> </tr> <tr> <td style="height: 25px;"> </td> <td> </td> <td> </td> </tr> </tbody> </table>			Meeting discussed	Date	Outcome															
Meeting discussed	Date	Outcome																		
<p>Please attach most up to date plan/assessment.</p>																				

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Who are the organisation/agencies/professionals/providers that need to be invited to take part in a REP for this individual?

Name	Organisation	Contact details

Signature of individual completing this form:

Date:

Decision	Yes/No	Reason
Has this application been approved to progress to a REP?		

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Pen Picture, Case & Risk Presentation		
Pen Picture	Agreed to be written by: Print Name: Signature: Date:	Date Required:
Case & Risk Presentation	Agreed to be presented by: Name: Signature: Date:	Date: Time: Venue:

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Form 1Ai
Important to & important for the individual

<i>What is important to the individual?</i> <i>The opinions, wishes and priorities of the individual should be captured here.</i>	<i>What is important for the individual?</i> <i>The opinions and priorities of other people should be captured here.</i>

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Form 1B

Swindon Borough Council

Presentation at Risk Enablement Panel (REP)

Date of Panel:	Venue:	
Attendees:	Panel Chair:	
Who is the individual?		
Was the Support Plan Presented?	Yes	No
Were any other documents presented? If yes, please name:	Yes	No

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Where are we now?		
Where do we want to be?		
What have we tried and learned already?		
What shall we do next? Please see Appendix 1 for Risk Management Plan		
Who is going to do what? Please see Appendix 1 for Risk Management Plan		
By When? Please see Appendix 1 for Risk Management Plan		
Lead Agency:		
Panel Recommendations:		

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Were all parties in agreement with the Panel's recommendations? If no, please give details:	
Any other comments:	
Follow up attendance at Risk Enablement Panel Required? Yes/ No If yes, when?	
Signed (chair of panel):	Date:

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Appendix 1: Risk Management Plan

Section 1: Case Information

Name of person		Case Ref	
Professional Lead bringing to REP		Date of REP	
Is there any requirement to follow Safeguarding Procedures? If yes, please cross reference to safeguarding procedure.			Y/N

Section 2: Mental Capacity

Has a Mental Capacity Assessment been completed?	Y/N
Was the individual deemed to have Mental Capacity?	Y/N If No Please Refer to appropriate Social Care Team

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Section 3: Risk Assessment & Management Plan

1. Risk Identified	2. What is the potential and likelihood of this being achieved?	3. What could go wrong? i. Is there a possibility that anyone may be harmed? ii. What is the likelihood this will occur? iii. Is it more Catastrophic to get involved than not to?	4. Risk Score H/M/L	5. What factors are already in place to reduce this risk?	6. What additional actions would promote benefit and reduce risk?	7. What risks will remain after the action plan is in place. i. For each remaining risk what is the risk management score H/M/L	8. Who/ which organisation is responsible for managing each remaining identified risk	9. What is the time frame on this?	10. When will this be reviewed
1									
2									

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3									
4									

Please complete additional sheet for any other choices/decisions to be considered.

Section 4 - Recommendation and Supporting Information

Who was involved in this risk management process? E.g. person/family member/carer/other professional - please state name and role
Are there any areas of disagreement?
If the individual was not directly involved in this, please state the reason, and explain how their views and wishes have been sought or represented.

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Is the identified professional/lead organisation able to take responsibility for the identified risk, especially the unmanaged risks identified in column 7, with or without the support of others?

Section 5 - Risk Management Plan Decision

Decision & Rationale Has the risk decision been made on sufficient information or is additional information required?	Y/N	Additional Information?
Confirmation of review date		
REP Chair Name		

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Risk Enablement Panel: Risk Management Guidance

Throughout this process practitioners will need to ensure they are making professional judgements based on all the information available to them from their own knowledge, and information provided by others. This assessment should be completed if the risk/decisions are complex and the risk decision making process requires input from the Risk Enablement Panel. Information provided directly by the person including their wishes and aspirations must be at the centre of the assessment so it can be balanced against other available information.

Section 2 Mental Capacity

The Mental Capacity Act 2005 governs decision-making on behalf of adults who may not be able to make particular decisions.

The Risk Enablement Panel Process has been designed for individuals who have capacity. Decision making capacity refers to the everyday ability that individuals possess to make decisions or to take actions that influence their life, from simple decisions about what to have for breakfast, to far-reaching decisions about serious medical treatment. In a legal context it refers to a person's ability to do something, including making a decision, which may have legal consequences for the person themselves or for other people.

For the purpose of the Act a person lacks capacity if, at the time a decision needs to be made, he or she is unable to make or communicate the decision because of an 'impairment of, or a disturbance in the functioning of, the persons mind or brain'.

For further information please see Swindon Borough Council Adult Social Care Commissioning Process and Guidance.

Section 3 - Risk Assessment & Management Plan

When completing the risk assessment, each risk must be considered separately and the potential benefits and harms explored. This will include:

- Deciding to do something or carry out a particular course of action
- Deciding not to do something or carry out a particular course of action

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- Partly undertake an activity or carry out a particular course of action

It is important that time is spent planning the risk assessment and so the Chair of the Panel (when the referral is accepted) will contact the person submitting the application to discuss the application in advance of the panel. This will be to determine the risks which need to be considered and how they should be broken down to ensure potential risks will be considered. The complexity of the assessment should be proportionate to the situation and continuation sheets should be used if necessary.

Risk Identified

During the panel the referred case will be discussed and those present will agree risks identified.

What is the potential and likelihood of this being achieved?

It is essential these are informed by both the individual who is subject of the panel and those who are present to support the case at the panel but these must be based on good information and evidence. If it is unknown then it should be stated, this maybe the case if there is no information on which to base a prediction. Past history can be considered, relevant and evidenced. If the information is based on the statements or observations of others, it is particularly important to weigh this carefully and to seek evidence or corroboration where appropriate.

What could go wrong? Is there a possibility that anyone may be harmed, what is the likelihood of this occurring, is it more catastrophic to get involved than not to?

The potential harms to the person or others needs to be considered here. If there is a potential harm to others this should be specified to ensure the risks are considered fully. There may be a risk to a carer (family member or other), a care worker, other people or professionals involved in the person's social or health care, or to the wider public. It is essential that these potential harms are based on good information and evidence, and in relation to the care workers and other professionals they take into account health and safety legislation. The way this is described should be appropriate to the potential harm specified, and must be based on good evidence and consider the same factors – is the

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information up to date? Is it relevant? Can it be evidenced? What would the severity of the outcome be? It is essential that there is an assessment of the severity of harm that could arise. It is important to consider a worst case scenario e.g. death, serious injury, admission to hospital, loss of accommodation. This may then be balanced by factors in column 5 and column 6.

Consideration also needs to be given to the consequences of getting involved, rather than not getting involved, for example, what behaviours could replace the risk assessed behaviour?

What factors are already in place to reduce the risk?

The individual's current situation needs to be considered. These factors need to include assessments which have taken place, current support and engagement with services (statutory & non-statutory), what their family/friends/other support networks are already contributing.

What additional actions would promote benefit and reduce risk?

Consider what could be done to manage the risk. This is the opportunity to think differently – can we do anything differently? If so, what is needed? The information considered here needs to be recorded with the name of the person who will undertake any actions if they have been identified.

What risks will remain after the action plan is in place?

It may not be possible to manage all of the risks, and it is important to identify where this is the case. Unmanaged risks may impact on the success of the risk management plan, and will inform the risk decision, depending on the severity and likelihood of any risks which cannot be managed within a risk management plan. Clarity needs to be given on who is responsible for the updating the lead and Chair of this risk being achieved.

What is the timeframe on this?

Clear timelines need to be identified on the actions and individual responsible for these.

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When will this need to be reviewed?

Will this case need to come back to the panel for monitoring and if so what are the timeframes on this?