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| Version: V4 FOI Status: Public | Self Directed Support Risk Enablement Practice Guidance Derbyshire County Council - Adult Social Care | Originally Issued: April 2014 V4 Issued: June 2021 Review Due: June 2023 Author: Josie Hill / Dominic Sullivan |
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Self Directed Support Risk Enablement Practice Guidance Derbyshire County Council - Adult Social Care

This document will be reviewed on a regular basis – if you would like to make any comments, amendments, additions etc. please email – ASCH.adultcare.policy@derbyshire.gov.uk

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Introduction

Risk enablement is an approach to the process of decision making which is based on the premise that all people should be supported to make their own choices and take actions in order to improve their quality of life. This may include choices or actions that are considered risky or unwise. Risk enablement does not mean the disregard of potential risks to a client or others and needs to be balanced with safeguarding responsibilities, health and safety procedures and our duty of care for clients and their carers.

Risk is part of everyday life and is inherent in everything we do. Positive risk taking can enable people to learn from experience, discover new skills, and develop as a person. It is impossible and undesirable to live in a risk-free world. People who use services from Derbyshire County Council (DCC) Adult Social Care should not have less opportunity than other citizens to strive towards interesting and rewarding lives. Therefore, this guidance is written within this context.

Risk can be defined as the uncertainty of outcome, whether positive opportunity or negative threat, of actions and events. The risk must be assessed in respect of the combination of the likelihood of something happening, and the impact which arises if it does actually happen.

Guiding Principles

The guiding principles for risk enablement are:

- person centered approach
- capacity
- consent
- defensible decisions

A person must be assumed to have capacity unless it is established that he/she lacks capacity in relation to a specific decision. Capacity will be determined in line with the requirements of the Mental Capacity Act 2005 and relevant assessments should be completed in line with that procedure. People without capacity are entitled to live with a level of risk, with appropriate support.

An individual who has the mental capacity to make a decision, and chooses to live with a level of risk, is entitled to do so and takes responsibility for that decision. The law will treat that person as having consented to the risk and there will be no breach of the duty of care by professionals or public authorities.

However, Adult Social Care remains accountable for the proper use of its public funds, and whilst the individual is entitled to live with a degree of risk, Adult Social Care need to evidence a thorough risk enablement process where concern about the acceptability of risk or otherwise can be properly debated, resolved, and decisions recorded.

A 'defensible decision' is one where:

- all reasonable steps have been taken to avoid harm
- reliable assessment methods have been used
- information has been collected and thoroughly evaluated

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- decisions are recorded and subsequently carried out
- policies and procedures have been followed
- practitioners and their managers adopt an investigative approach and are proactive

The Care Act 2014 emphasises strength-based approaches and positive risk taking which increase the need for a balanced yet robust approach to risk and enablement.

Risk Enablement and Care and Support Planning

This section aims to support a proportionate risk assessment/enablement approach when planning in detail how agreed personal outcomes will be met. Different views may exist around the level of risk associated with the plan/choices that the person or their representative wants to make to achieve their personal outcomes.

Where there are concerns, discussions held, and decisions made, will need to be clearly recorded. A ***'risk enablement record of decisions'*** document which provides a standard format for this purpose is available in the electronic Casework Management System (CSM) as a 'stand-alone' document.

The responsibility for identifying and managing risk is a shared responsibility between the local authority and the person/carer or their representative. Risk enablement is a collaborative process with the person and their family/carers /representatives. In complex situations this may also involve other professionals. For people with joint funded support packages, health needs should be managed and supervised safely. A stand-alone risk management plan from Public Health is needed to identify the risk, it's intensity, frequency, and how it will be managed.

This process is based on finding creative solutions rather than simply ruling things out. Good risk enablement implies a thorough understanding of the person's motivation to want to achieve their goals/outcomes.

It is possible that a person may present risks associated with their disability/medical condition/mental health but the choices they or their representatives make, in terms of how the budget is to be spent, present no or minimal risks. In these circumstances a separate risk enablement record will not need to be completed.

However, usual departmental risk assessments still need to be completed to manage risks associated with a client's disability/medical condition/mental health in line with departmental risk assessment policies and procedures.

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Risk Enablement – Recording Decisions

When dealing with risk, DCC Adult Social Care seeks to take a person centred approach which focuses on promoting real choice and independence by supporting people and carers to understand risk and enabling them to take risks if it is appropriate to do so. As such what is **important to** and what is **important for** are fundamentally important in the risk enablement approach.

What is **important to** a person *includes only what people are “saying”*:

- with their words
- with their behaviour

What is **important for** people *includes only those things that we need to keep in mind for people regarding*:

- issues of health or safety (and legal requirements)
- what others see as important to help the person, including social care professionals, family members and other professional view - this could include what steps can be taken to assist the person to better participate in decision making around specific risks/decisions, or improve their understanding of this aspect

Balance



The risk enablement document

The **risk enablement** document- available in the electronic CSM - contains the subject headings listed below and these themes should be considered whatever format is used to record decisions.

What is the identified risk(s)?

Be as specific as possible; what are we concerned about? Record which personal outcomes/goals this relates to and define as clearly as possible what the risk is to enable further discussion.

What is our current understanding of the risk?

Include previous learning and history; i.e. past/present incidents and their context/circumstances.

Where appropriate indicate any other documents or previous assessments that have been considered.

Likelihood

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How likely is it that the identified risk will occur?

Impact

How serious is the impact on the person or others? What is the severity of potential harm and / or negative consequences? Consider also what lost opportunities there are to the person, their friends and family, and the community. DCC Adult Social Care legal considerations should also be noted.

The following table is one way in which the impact and seriousness of the risk can be collated.

| Consequence of doing nothing | Impact | Opportunity lost | What does the law/policy say? |
|------------------------------|--------|------------------|-------------------------------|
| To the person | | | |
| To family and friends | | | |
| The community | | | |
| The organisation (DCC) | | | |

Positive factors to support risk enablement

Include the strengths of the individual, their support network, their families and the benefits to the person of supporting risk-taking.

Negative factors that inhibit risk enablement

Include any known issues, e.g. carer has a track record of financial abuse.

Risk Managed Plan

Describe actions to be taken. Consider actions that could reduce the likelihood or impact of the risk. For example, what can be put in place to support the person, what might the early warning signs be that something is going wrong, and what can be put in place to plan for if something did go wrong (contingency plan). Include reference to other options considered and discounted.

Agreement

Differences of opinion about risk amongst the people contributing to this process need to be recorded as part of the agreement reached.

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Safeguarding Adults

Where concerns or allegations emerge during the support planning process which suggest that the client is being/or has been abused, or is at imminent risk of abuse, a safeguarding adults alert needs to be made and the safeguarding policy and procedures followed.

Complaints

Where complaints are made about a decision (i.e. the outcome of a decision-making process), consideration will be given to the way in which the decision has been reached. This may result in a change to, or a review of, that decision.

People will also have the right to formally register a complaint through the complaint's procedure. For further information see the Adult Social Care Complaint's Policy and Procedure on Our Derbyshire.

Author History

Authorisation History

Authored by: Jenny Hudson Service Manager Efficiencies and Performance April 2014
Approved by: Quality Assurance Group April 2014

Change History

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|-----------|---------------|-----------------------------|--|
| Version 1 | April 2014 | Jenny Hudson | New document |
| Version 2 | July 2015 | Jenny Hudson | Reviewed for compliance with Care Act – changes in terminology |
| Version 3 | November 2017 | Dominic Sullivan | Minor change to / enhance strength-based approach to assessment |
| Version 4 | June 2021 | Josie Hill/Dominic Sullivan | Changes to language / terminology – including changing client to person and information on risk managed plan |