



Keeping Bristol Safeguarding Partnership

Adult Safeguarding Risk Enablement

Document Control

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What is Safeguarding?

Safeguarding means protecting an adult's right to live in safety, free from abuse and neglect. It is about people and organisations working together to prevent and stop both the risks and experience of abuse or neglect, while at the same time making sure that the adult's wellbeing is promoted including, where appropriate, having regard to their views, wishes, feelings and beliefs in deciding on any action.
(The Care Act Statutory Guidance, 2014 Chapter 14)

For all adults, no matter their circumstance, being involved in their own adult safeguarding will be a protective factor in increasing their choice, self-esteem and confidence, along with a knowledge of what abuse looks like and what to do if concerned
(Stevenson et al 2014)

"No decision about me without me!"

"What is the point of me being safe if it makes me miserable?"

"Whose risk is it anyway?"

Introduction

The Keeping Bristol Safe Partnership (KBSP) is committed to safeguarding adults from abuse whilst promoting their right to live independent and fulfilling lives. Local Serious Adult Reviews (SARs) have highlighted the need for local agencies to balance managing risk with enabling individuals to make their own decisions and enjoy a good quality of life. Risk is multi-faceted and can mean different things to different people. Risk can be fun and exciting or represent a challenge.

Local Serious Case Reviews have highlighted the need to consider all facets of risk when undertaking risk assessments, which should not be prepared in isolation but include any risk the individual may pose to others, or vulnerabilities which might expose them to the risk of harm from others. An example of this would be when risk assessing an individual in supported, shared, or sheltered housing.

At the local level, adult safeguarding can often be a complicated task, so taking a contextual approach which incorporates risk in relation to an individual's relationships and peers, locations and networks/groups can provide more opportunity to identify, engage and manage risk more effectively.

Including the voice of the individual and following a person-centred approach to risk will also help us to manage it more effectively and enable not restrict the individual to live independently.

Legal Framework

The Care Act 2014 sets out six principles of adult safeguarding. The Local Government Association produced a Making Safeguarding Personal Toolkit in January 2020 which gives examples of how these principles translate to providing a person-centred approach.

1. **Empowerment: People being supported and encouraged to make their own decisions and informed consent.** *'I am asked what I want as the outcomes from the safeguarding process and these directly inform what happens.'*
2. **Prevention: It is better to take action before harm occurs.** *'I receive clear and simple information about what abuse is, how to recognise the signs and what I can do to seek help.'*
3. **Proportionality: The least intrusive response appropriate to the risk presented.** *'I am sure that the professionals will work in my interest, as I see them, and they will only get involved as much as needed.'*
4. **Protection: Support and representation for those in greatest need.** *'I get help and support to report abuse and neglect. I get help so that I am able to take part in the safeguarding process to the extent to which I want.'*
5. **Partnership: Local solutions through services working with their communities. Communities have a part to play in preventing, detecting and reporting neglect and abuse.** *'I know that staff treat any personal and sensitive information in confidence, only sharing what is helpful and necessary. I am confident that professionals will work together and with me to get the best result for me.'*
6. **Accountability: Accountability and transparency in delivering safeguarding.** *'I understand the role of everyone involved in my life and so do they.'*

Assessing and Managing Risk in the Context of Personalisation

Traditionally, continuing risk assessment and risk management have been essential aspects of safeguarding adults but has often raised difficult questions of balance in professional practice. At times adults do not wish to engage with the Adult Safeguarding process, but are living in high risk situations, for example domestic violence or self-neglect which is life threatening. The practitioner must be able to weigh their duty of care and rights of adults to live independently and take the risks they choose against the likelihood of significant harm to them and others.

Using a strength based approach can improve engagement with individuals and provide a better insight into the individual's circumstances and enable a more realistic and appropriate risk assessment to be identified and achieved. Elements of strengths-based person-centred approach include:

- How does this assessment support the adult's human rights?
- What has the adult tried in the past, what worked, and when it didn't work and what can be learned.
- What gets in the way of the adult being able to make use of their strengths in this situation?
- What supports and resources are available for the adult to use?
- What is important now to the adult, what kind of life do they want to lead? What does "wellbeing" mean to them?
- Planning out the steps that can be taken toward the adult's goal (outcome)
- Planning out steps and making contingency plans with the adult and their close networks as appropriate.

In current guidance on assessing the risk of abuse, other relevant issues or factors could also increase vulnerability, so should also be considered. These include:

- environmental factors
- communication
- financial factors
- the existence of social and cultural networks and support
- the nature and extent of the abuse
- the length of time over which the abuse has been happening
- the impact on the individual
- the impact on others.

Non-engagement

There will be times when a practitioner is unable to engage with an individual, they believe needs help and support, despite their best efforts. Try to understand the person's beliefs, fears and previous experiences. Why are they refusing to see you? Is there something you can do or ask someone else to do to reassure the person?

There are several reasons adults may choose not to engage, they may be scared, or feel they don't need help. They could be being abused or exploited, or might have had previous negative experiences of services. In these cases, the practitioner should consider how imminent is the risk and how severe the potential impact? Does an urgent multi agency meeting need to be convened with agencies who know the adult, or who may be able to contribute to a plan to engage them.

Is there an agency or person who can help you engage with the person? Is there someone who can begin engagement or help you get in through the door and help to facilitate a conversation?

Managing Risk in Transition (18 – 25-year-olds)

There is a growing recognition that the years between the ages of 18 and 25 are a distinct time when young people are expected to make transitions including from education to work, and from living as a dependent at home to independent living. For those with multiple needs, these transitions may be complicated by mental health problems, pregnancy, substance misuse or involvement in the Criminal Justice System (CJS). Some young people may also be making transitions across services being 'transferred' from children's social care into adult services.

Without specialist support, some young people making these transitions may 'fall between' children's and adult services, with neither being appropriate or accessible. The absence of such support can increase vulnerability and heightens the risk of young people being abused or exploited, involved with the CJS, homelessness and an increased risk of developing mental health problems.

Transition should be an ongoing process rather than a single event and tailored to suit the individual's needs. It is vital that assessments and planning for transition are undertaken at an early stage with input from both children's and adult services and that a contextual safeguarding approach is adopted and other support services including health and social care, mental health, housing, education etc. are included.

Managing Risk in Housing

Housing partners play an important role in safeguarding adults in social housing and supported housing, as they may have local knowledge of anti-social behaviour or crime patterns, be the first to become aware of an individual developing care and support needs, be aware of people with care and support needs not known to social services and may be in a position to pick up signs of abuse and neglect when visiting tenants.

Early intervention and reporting of concerns from housing providers can prevent a serious incident from occurring and ensures that residents who are at risk are listened to and their needs met. Housing partners should take a multi-agency approach with public protection forums and both voluntary and statutory agencies to address issues and concerns around the welfare of residents, to ensure correct escalation routes are followed and appropriately respond to a safeguarding concern.

All staff working in housing that support adults with care and support needs should understand who safeguarding applies to and how to report concerns. Allocation policies should also consider risk to residents and who may be vulnerable to abuse, ensuring that adults are appropriately placed in accommodation, considering their individual needs and what areas or type of accommodation will ensure their safety and mitigate risks toward or from them.

Information Sharing

Professionals who safeguard adults will often need to share information with other relevant parties and in doing so need to ensure they have an appropriate balance between the protection of confidential information and the use and sharing of information to manage risk, improve an individual's support or provide better integrated services.

Making Safeguarding Personal promotes independence and choice, with individuals having greater control in their assessment and support planning process and the information contained within these. In gaining and recording an individual's consent to share their personal information/data we can do so quickly and legally. However, there may be times when an individual refuses to give consent but in certain circumstances we may not need to have it. These circumstances may include emergency or life-threatening situations or preventing a serious crime. If it does not increase risk, professionals should inform the individual if they need to share their information without consent.

Health professionals may want to view the BMA confidentiality toolkit which assists with information sharing, confidentiality, and consent to share medical and health record information.

www.bma.org.uk/advice-and-support/ethics/confidentiality-and-health-records/confidentiality-and-health-records-toolkit

The local KBSP Information Sharing Protocol is available on the KBSP website and sets out the processes and principles for sharing information between organisations across the city.

www.bristolsafeguarding.org/media/duxbyfuk/kbsp-information-sharing-protocol-june-21-final.pdf

What is Risk Enablement?

As an approach, risk enablement identifies a link between risk and enablement. Risk enablement recognises that taking carefully considered risks can enable individuals and help improve their wellbeing. Positive risk-taking is a way of working with risk that promotes enablement, whilst minimising any potential harmful outcomes. It is important to recognise that the 'positive' in positive risk-taking refers to the outcome not the risk! We can do this by remembering that risk is:

- Integral to achieving many common outcomes – it can be minimised, but not eliminated
- Specific to the circumstances of the individual
- Dynamic and, therefore, subject to change
- Intrinsically linked to enablement and wellbeing

How Can We Work in a Risk Enabled Way?

A strengths-based approach will support these shared conversations about risk between practitioners and adults. A strengths-based assessment focuses on the adult's situation and what factors make them more vulnerable, not on the perceived deficits of the adult themselves. It enables conversations which are solution focused and builds trust and a rapport with the adult.

We can work in a risk enabled way by including the following some principles of risk enablement into our daily practice. These include:

Involving the adult - Empowering the adult to be involved in considering the risks they face and in planning any actions to address them. Communication with the adult should be adapted to their needs. Some helpful questions to ask may be:

- What is important in your life?
- What is working well?
- What things are difficult for you?
- Do you think there are any risks?
- Could things be done in a different way, which might reduce the risks?
- Who is important to you?
- Are there any differences of opinion between you and the people you said are important to you?

Involve the network around the adult - to the degree the adult wishes (e.g., family members, friends, support networks)

Multi-agency best practice - Involve and work collaboratively with other agencies around the adult to gain a full picture assess risk and plan any strategy to address it. This is especially important where issues are complex and/or the impact of the risk is judged very severe. This will involve timely sharing information appropriately and reaching shared decisions

Assess risk - Assess each risk involved to gauge both its severity and likelihood of occurring (there are a variety of tools to do this with, dependent upon circumstances). Identify: The strengths of the adult and what the risk may help them achieve that they value. Remember, the identification of a risk carries a responsibility to do something about it!

Risk management - Consider actions to mitigate the risk. Planning this will involve consideration with the adult and those important to them. The safeguarding outcomes that the adult wants to achieve (their balance between safety and wellbeing) The resources and assets around the adult and in their community and how these could be used to reduce the risk. The impact on their wellbeing of any proposed actions to mitigate the risk with the emphasis on achieving an acceptable balance between reducing risk and the impact on the adult's wellbeing.

Risk to others - Consider the impact of the risk, and any action to address it, upon others. Remember that an individual's right to take risks does not give them the right to put others at risk

Mental capacity - Consider the adult's ability to understand and make decisions about the risks they face, and where doubt about this exists, ensuring that the principles of the Mental Capacity Act (MCA) 2005 are followed. Further details of the MCA 2005 can be found at Appendix 1 of this document.

Advocacy - People who have substantial difficulty in going through the safeguarding process should have an appropriate person to support them. An appropriate person could be a family member or a friend but should not be a paid person i.e support worker, or a carer if they are an alleged perpetrator in the safeguarding enquiry. When an appropriate person isn't available a Care Act Advocate should be offered to the person, the advocate can provide independent support for the person during the enquiry. An Independent Mental Capacity Act (IMCA) Advocate can also be referred to for any best interest decision which would have a significant impact on the person.

Complex situations - Where agreement with an adult about managing risk is not possible or is refused, a defensible decision will need to be collectively taken where there is continual risk of harm to the person and/or others. This should include assessing the impact of any mental health concerns on decision making and risk to the adult or others. Risk management plans which involve people or organisations providing support or services with everybody in the risk management plan knowing the extent of their involvement, where it starts and finishes

Information sharing – Timely and appropriate Information is securely shared when it is relevant and proportionate to the risk identified, to those who have a need to know.

Defensible decision making - Assessments, judgements and defensible decisions should be clearly recorded. The names of those involved in decision making and those responsible for actions should be documented; this is especially important where situations are complex, high risk, or controversial. Recording should include the reasons for decisions, that these decisions are balanced, and that the adult has been appropriately supported with decision making. This includes them being supported to weigh the potential negative consequences of the options they consider. Decisions should also be regularly reviewed and include reference to relevant legislation.

Bristol Adult Multi-Agency Safeguarding Hub (MASH)

The KBSP have agreed the development of a local adult MASH model will improve the early identification and assessment of individuals or groups at risk. The MASH model is currently being finalised with our multi-agency partners and we hope this will be implemented city wide in 2022.

How Can Managers Support this Approach?

Organisations must be clear about their support to staff when working with adults who are in situations of risk, encouraging an approach which involves the adult in shared decision making. Managers need to foster a culture of positive risk taking which supports practitioners to work in a risk enabling way.

This requires a culture of supportive learning including training and regular good, reflective supervision and an emphasis on evidence-based practice. In turn, staff involved in supporting an adult to make decisions about risk must be accountable to both the adult and their organisation by documenting the process and their decisions clearly. Managers should ensure training for staff is regularly undertaken and reviewed and staff casefiles include details for decision making which are clearly justified and responsive to individual need.

Legal Literacy: Understanding How Legislation Underpins Practice

Practitioners must be aware of the legal options that will support adult safeguarding plans. These provisions should be considered in emergency situations and after all other approaches have been tried and failed. A list of the key pieces of legislation along with useful references on adult safeguarding and managing risk can be found at Appendix 1 of this document.

Appendix 1

Key Areas of Legislation and Guidance

The Care Act 2014 and its statutory guidance:

<https://www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance>

Mental Capacity Act 2005 and its Code of Practice:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/497253

Deprivation of Liberty Safeguards (DoLS) at a glance:

<https://www.scie.org.uk/mca/dols/at-a-glance>

Human Rights Act 1998

<https://www.legislation.gov.uk/ukpga/1998/42/contents>

European Convention of Human Rights (ECHR)

https://www.echr.coe.int/Documents/Convention_ENG.pdf

Bristol Adult Safeguarding Guidance

<https://bristolsafeguarding.org/policies-and-guidance/>

SCIE Gaining access to an adult suspected to be at risk of neglect or abuse: a guide for social workers and their managers in England; SCIE 2014 (Updated 2018)

<https://www.scie.org.uk/files/safeguarding/adults/practice/gaining-access/gaining-access-to-an-adult-at-risk.pdf>

References and Further Reading

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