ADULT SAFEGUARDING PRACTICE GUIDANCE

RISK CONSIDERATIONS

WHAT IS RISK

The HSE defines risk as;

... the effect of uncertainty on objectives. It is measured in terms of consequences and likelihood. In the context of the HSE and its services, it is any condition or circumstance which may impact on the achievement of objectives and/or have a significant impact on the day-to-day operations. This includes failing to maximise any opportunity that would help the HSE or service meet its objectives [1]
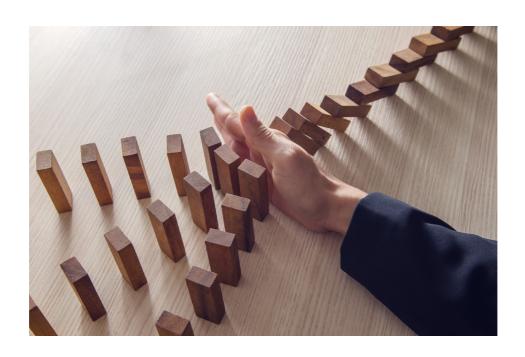
Considerations;

- Risk can be minimised but not always eliminated
- Risks change as circumstances change therefore a flexible approach is required to assess and manage risk
- Risk work should be person-centred and empowering
- An adult at risk of abuse is assumed to have capacity and has a right to make what may be considered an unwise decision
- A risk assessment should always consider the benefits of the proposed action for the adult at risk of abuse and weigh these up against any risks
- Always consider the wishes of the adult at risk of abuse
- Multi-agency working is important in assessing and managing risk
- Decisions on risk should be;
  - reasonable
  - proportionate
  - accountable
  - defensible
  - rooted in evidence based practice
- Consider the person's strengths and weaknesses and weigh them in making decisions
- Identification of risk carries a duty to manage the identified risk

[1] HSE Integrated Risk Management Policy, 2017, page 14

- Engagement with adults at risk of abuse, their families, advocates and practitioners from a range of services and organisations, as appropriate, helps to improve the quality of risk assessments and decision making.
- Risk-taking can involve everybody working together to achieve desired outcomes
- Confidentiality is a right, but not an absolute right. Other circumstances such as when a person is deemed to be at risk of harm or it is in the greater public interest, also need to be considered
- Sensitivity should be shown for the experience of people affected by any risks that have been taken and where an event has occurred

RISK ASSESSMENT AND RISK MANAGEMENT

> *The aim of risk assessment is to consider a situation, event or decision and identify where risks fall on the dimensions of 'likely or unlikely' and 'harmful or beneficial'. The aim of risk management is to devise strategies that will help move risk from the likely and harmful category to the unlikely or beneficial categories* [2]

[2] Assessment in social work: a guide for learning and teaching The nature of assessment: Risk assessment, SCIE, 2007

SAFEGUARDING RISK ASSESSMENT

This is the stage in the risk decision making process when information is collected and judgments are formed about the level of risk. It is concerned with predicting the likelihood of the risk event occurring and the consequences of same should the risk event occur.
Many risk assessment models outline three stages in the risk assessment process;

FACTORS TO CONSIDER

- The circumstances of the adult in terms of safeguarding procedures
- The severity and scope of the current risk(s) to the adult
- 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
- How other safeguarding interventions have worked [3]

[3] Protecting adults at risk: Good practice guide, SCIE, 2012

Staffordshire and Stoke-on-Trent Adult Safeguarding Partnership Board [4] has suggested that the following should be considered in the context of an assessment of the presenting level of risk to the adult at risk of abuse;

- The level of threat to independence
- The impact of the alleged abuse on the physical, emotional and psychological well-being
- The duration and frequency of the alleged abuse
- The degree and extent of alleged abuse
- The level of personal support needed by the adult at risk, and whether that support is normally provided by the person causing concern
- The extent of any premeditation, threat or coercion
- The context in which the alleged abuse takes place
- Potential risks posed to other adults or children

Gathering Information
- Person and their network
- Clarity about the concern raised
- Other considerations.

Analysis of Information
- Severity
- Vulnerability
- Likelihood

Judgement of Risk
- Harm Consequence
- Harm Likelihood

[4] Staffordshire and Stoke-on-Trent Adult Safeguarding Partnership Board, Safeguarding Enquiry Procedure, v4 (2017), p 37

SAFEGUARDING RISK MANAGEMENT

As well as assessing the risk(s), those tasked with safeguarding planning will undertake tasks in the on- going management of identified risks to the adult at risk of abuse. These tasks will be outlined in the Safeguarding Protection Plans developed and these plans will need to be flexible enough to reflect changes in the level of risk or the introduction of a new risk.

Continuous assessment of risk is an essential component of risk management. Contingencies should always be made explicit to all parties and should be recorded and updated in the Safeguarding Protection Plan as necessary. Prediction of likely future risk of harm should always be based on evidenced risk factors and the identified relevant vulnerabilities (if any) of the adult at risk of abuse. These should always be understood alongside identifiable protective factors available to and for the adult.

The HSE Integrated Risk Management Policy sets out a number of core principles to follow when considering risk and risk management and every organisation must have an effective procedure for assessing and managing risks with regard to safeguarding

In assessing and managing risks, the aim is to minimise the likelihood of risk or its potential impacts while respecting an ambition that the individual is entitled to live a normalised life to the fullest extent possible. Striking this balance can be difficult (where there is a necessity to identify and manage risk) can raise anxieties for the adult, their family, the practitioner and the organisation. Spreadbury and Hubbard [5] explore this idea further and state;

> *Approaches must be balanced to ensure that adults can exercise their rights to choice and control over their lives while ensuring that they also enjoy their right to life free from harm, exploitation and mistreatment*

In safeguarding terms, the aim of risk assessment and management is to prevent abuse occurring, to reduce the likelihood of it occurring and to minimise the impacts of abuse by responding effectively if it does occur. An organisation should evaluate and put in place risk reducing measures in respect of all relevant activities and programmes.

No endeavor, activity or interaction is entirely risk-free and even with good planning, it may not be possible to completely eliminate risks. Risk assessment and management practice is therefore essential to reduce the likelihood and impact of identified risks.

In some circumstances, living with a risk can be outweighed by the benefit of having a lifestyle that the individual values and freely chooses. In such circumstances, risk-taking can be considered to be a positive action. Consequently, as well as considering the dangers associated with risk, the potential benefits of risk-taking have to be considered. In such circumstances strategies to manage/mitigate the risk need to be put in place on a case by case basis.

[5] Spreadbury, K., Hubbard R, 2020 The Adult Safeguarding Practice Handbook, p148

[6] Assessment in social work: a guide for learning and teaching The nature of assessment: Risk assessment, SCIE, 2007

MESSAGES FROM MAKING SAFEGUARDING PERSONAL

Good safeguarding practice focuses on working with the person who is at risk of abuse to identify the risk(s) as they experience it and to identify the elements of the safeguarding plan that they require to be in place in order to feel safe. In order for safeguarding to be as effective as possible it must prioritise a space where the voice of the adult at risk of abuse is heard, recorded and taken seriously. The views, wishes and desires of the adult at risk of abuse must be obtained so that any decisions that are made fully reflect their will and preference.

The Making Safeguarding Personal Guide (UK) was produced in 2014 to develop outcomes-focused, person-centred safeguarding practice across safeguarding services in the UK.

The guide includes the following observations and recommendations on making safeguarding personal; [7]

- It is about having conversations with people about how we might respond in safeguarding situations in a way that enhances involvement, choice and control as well as improving quality of life, well-being and safety
- It is about seeing people as experts in their own lives and working alongside them
- It is a shift from a process supported by conversations to a series of conversations supported by a process
- It is about collecting information about the extent to which this shift has a positive impact on people's lives

[7] Making Safeguarding Personal Guide (UK), 2014, Lawson, J, Lewis, S., Williams, C.

MESSAGES FROM MAKING SAFEGUARDING PERSONAL

MAKING SAFEGUARDING PERSONAL PRINCIPLES [8]

- Person led and outcome focused- working with the adult and not doing to them
- Focus on the individual, their perception of what is happening, what is important to them, what needs to change. The intention is therefore to enhance involvement, choice and control, aiming for resolution and recovery
- A key practitioner skill is that of concerned curiosity.
- Support is offered to the adult to build resilience and to make meaningful changes to reduce or remove risk
- Always consider the capacity of the adult too make decisions
- Communicate about risks and options with openness and honestly
- Ensure options for intervention are rooted in a firm understanding of legal rules
- Think flexibly about how others can contribute to interventions, building on networks and relationships
- Work proactively to engage and coordinate agencies with specialist expertise to contribute towards shared goals.

[8] https://www.adass.org.uk/making-safeguarding-personal-publications

POSITIVE RISK TAKING/ RISK ENABLEMENT

" *At the heart of adult safeguarding is the tension between the duty to protect the adult from the risk of harm with the duty to promote and enable the adult's well-being. Safeguarding is about supporting adults to achieve the right balance between the risk they face and the way they want to live their life. This approach is known as Risk Enablement (or Positive Risk Taking)* [8]

The promotion of the central tenets of the "socially valued lives" or "social role valourisation" movement is essential for all adults at risk. Socially valued roles in the community are the everyday roles of ordinary life and are based on individual interests, skills and gifts. These roles are viewed positively and are valued. Some people can find it difficult to access socially valued roles in society and as a result their lives are less socially valued. One self-advocate, interviewed as part of the review of services at Áras Attracta stated in a focus group;

" *I don't want the service providers telling me what to do. I am an adult and want more choice.' 'Service providers won't tell me how much money I have in my own bank account. I should know, it's my account. It's (our) money but we have to sign for it, I want control of my own money. Out of my allowance each week I have very little left for myself after paying rent, etc.* "
[9]

Supporting people to live socially valued lives involves positive risk taking. Positive risk taking recognises that in addition to potentially negative outcomes, risk taking can have positive benefits for individuals, enabling them to do things which most people take for granted. In the right circumstances, risk can be beneficial, balancing necessary levels of protection with preserving reasonable levels of choice and control. A balance has to be achieved between the wishes of adults at risk of abuse or neglect, and the common law duty of care. HIQA has also produced **guidance for health and social care professionals** to promote the autonomy and human rights of service users which recognises this balance. [10]

[8] Birmingham Safeguarding Adults Board; What Safeguarding Adults is all about
 [9] Start listening to us. Report on self advocates focus groups. 2016
[10]Supporting people's autonomy: a guidance document, HIQA, 2016

RISK TOOLS/RISK MATRICES

Matrix tools can assist staff in relation to risk evaluation, decision making and overall case management. Most risk assessment tools involve a form or table which the worker completes either on a one-off basis or over a period of time. Many staff of the HSE will be familiar with and have used the Risk Matrix tool associated with the risk assessment process in the Quality and Patient Safety system. A note of caution is sounded by some however in relation to the possibility of an over reliance on risk assessment tools including White, [11] argues;

> *Over-reliance on tools can lead to a false sense of security and simplistic application of risk management techniques as well as a failure to engage and to take appropriate action. Tools must be seen as a support to or a means of engaging with people about what is important to them about risks. Tools support revealing 'truth' towards risk assessment*

[11] White, E, 2017; Assessing and Responding to Risk, p:115