



ELHAP Positive Risk Taking Policy

Introduction

The saying ‘nothing ventured, nothing gained’ makes the point that unless someone takes a risk and tries new activities, they will never know of the positive benefits that might result. In our society, people are encouraged to travel widely, take part in regular leisure and sporting activities, go to college, develop careers and have families. These are all activities that don’t just happen, but mean people have to take risks to achieve their aspirations.

For many people risk is an accepted part of life. But disabled children, young people and adults people are often discouraged from taking risks. Either because of their perceived limitations or fear that they or others might be harmed, resulting in criticism or compensation claims against health, social care and other community based services.

This policy is concerned with setting out the approach that ELHAP expects its staff to adopt towards the issue of risk when they work with disabled children, young people and adults people. When implementing this policy in day-to-day practice, ELHAP recognises that any positive risk-taking approach must be balanced with its responsibilities to implement its related policies and its legal requirements in relation to Safeguarding Children and Adults, care standards and health and safety legislation.

It is noteworthy that positive risk taking lies at the very heart of adventure play. Whilst “positive risk taking” is a somewhat new concept, adventure playgrounds (including ELHAP) have long been supporting, encouraging and facilitating playful, serious and managed exposure to risks for all its users and visitors.

What is risk?

Risk is the probability that an event will occur with beneficial or harmful outcomes for a particular person or others with whom they come into contact.

An event can occur because of:

- risks associated with impairment or disability such as falls
- accidents, for example, whilst out in the community or at ELHAP premises
- risks associated with everyday activities that might be increased by a person’s impairment or disability
- the use of medication
- the misuse of drugs or alcohol
- behaviours resulting in injury, neglect, abuse, and exploitation by self or others
- suicide or self-harm
- aggression and violence

The type of event depends on the nature of the person, their relationships with others and the circumstances they find themselves in.

Risk is often thought of in terms of danger, loss, threat, damage or injury. But as well as potentially negative characteristics, risk-taking can have positive benefits for individuals and their communities.

The difference for many disabled children, young people and adults when they take risks is that they will do so when being supported by ELHAP playworkers, support workers or visiting group staff.

A balance therefore has to be achieved between the desire of disabled children, young people and adults to do everyday activities, the duty of care owed by ELHAP to its employees, the duty of care owed to ELHAP users and ELHAP's legal duties and responsibilities. As well as considering the dangers associated with risk, the potential benefits of risk-taking have to be identified ('nothing ventured, nothing gained'). This should involve everyone affected – ELHAP service users, their families and practitioners.

Principles of Working with Risk

A number of important issues need to be considered by ELHAP staff when carrying out risk assessments and risk management:

1. The identification, assessment and management of risk should promote the independence and social inclusion of disabled children, young people and adults.
2. Risks change as circumstances change.
3. Risk can be minimised, but not eliminated.
4. Information will sometimes be incomplete and possibly inaccurate.
5. Identification of risk carries a duty to do something about it, ie risk management.
6. Involvement of service users, their families, advocates and practitioners from a range of services and organisations helps to improve the quality of risk assessments and decision-making.
7. 'Defensible' decisions are those based on clear reasoning.
8. Risk-taking can involve everybody working together to achieve positive outcomes.
9. Confidentiality is a right, but not an absolute right and may be breached in exceptional circumstances when people are deemed to be at serious risk of harm or it is in the public interest.
10. The standards of practice expected of practitioners must be made clear by the ELHAP Manager/Project Worker/Team Leader to give them the confidence to support decisions to take risk.
11. Sensitivity should be shown to the experience of people affected by any risks that have been taken and where an event has occurred.

Risk Identification

Identification of a risk should involve a balanced approach, which looks at what is and is not an acceptable risk. It should be a view based on a disabled children, young people and adults aspirations that aims to support them to get the best out of life. The views of service users and their families are equally as important as those of staff.

Not every situation or activity will entail a risk that needs to be assessed or managed. The risk may be minimal and no greater for the disabled children, young people and adults concerned than it would be for any other ordinary person. For example, if a disabled adult living in residential care is used to travelling independently, taking a train trip to London where family meets them at Kings Cross might not necessarily entail a risk that needs to be assessed or managed.

Risk- Benefit Assessment

Risk assessment is the activity of collecting information through observation, communication and investigation. It is an ongoing process that involves considerable persistence and skill to assemble and manage relevant information in ways that become meaningful for the users of services (and significant other people) as well as the staff involved in delivering services and support.

To be effective it needs disabled children, young people and adults, their families, carers, advocates and staff to interact and talk to each other about decisions that have been taken and their appropriateness in the light of experience.

Where a risk assessment is needed, a decision then has to be taken about whether or not positive risk-taking is necessary to achieve certain outcomes for the person concerned. It will not always be appropriate to take positive risks but this has to be determined in partnership with the person affected, and their family where appropriate. It is a professional judgement that should not be influenced by an overly cautious approach to risk. At the same time though, positive risk-taking is not negligent ignorance of the potential risks – nobody benefits from allowing risks to play their course through to disaster.

During risk assessment, the following should be considered:

- Disabled children, young people and adults should not simply be seen as the source of risk – their view of risk and that of their families and carers have a prominent place in the identification, assessment and management of risk.
- When gathering information from service users, or family carers, ELHAP staff need to emphasise the importance of information that is both accurate and identifies any concerns or issues that may increase the probability of an event occurring.
- There should be a focus on a person's 'strengths' to give a positive base from which to develop plans that will support positive risk-taking. Consider the strengths and abilities of the service user, their wider social and family networks, and the diverse support and advocacy services available to them.
- There should be equal attention on the benefits as well as the risk in order to develop an accurate picture of the activity.
- A person-centred approach should be used to identify, assess and manage risk. This depends on the willingness of staff to work in this way and for some may present a challenge to traditional ways of working.
- 'Positive risk-taking' may sometimes need to distinguish between the short-term, and long-term position. Short-term heightened risk may need to be tolerated and managed for longer-term positive gains.
- Taking risks can give people confidence and enables them to manage their involvement in community activities better.
- An assessment needs to be clear if it is to protect the individual or others.
- Every individual or agency directly affected should be involved in the development of a positive risk management plan that agrees on the approach to risk and how identified risks will be supported. Consensus helps to support positive risk-taking and promotes a person-centred response.
- Each assessment should identify a review date and include the signatures of everyone involved in the assessment.
- If anyone involved in the care plan or the provision of support does not agree with the assessment, they should be asked to document their concerns and reasons.
- The influence of historical information in any assessment should be concerned with understanding what happened if risk-taking resulted in harm rather than the stigma of the events themselves.

Risk Management

Risk management is the activity of exercising a duty of care where risks (positive and negative) are identified. It entails a broad range of responses that are often linked closely to the wider process of care planning. The activities may involve preventative, responsive and supportive measures to reduce the potential negative consequences of risk and to promote the potential benefits of taking appropriate risks. These will occasionally involve more restrictive measures and crisis responses where the identified risks have an increased potential for harmful outcomes. Decisions though need to be negotiated and agreed between all parties, and clearly understood.

When carrying out risk management, the following must be considered:

- Decision making in relation to risk must be clearly evidenced on relevant documentation.
- Managers / supervisors have a key role in the successful application of the Positive Risk Taking Policy. They have a responsibility to ensure that their approach to supervision is conducive to supporting staff in risk decisions.
- High quality supervision and support are essential to provide an opportunity to discuss concerns and refine ideas, as well as review the progress of the implementation of risk assessments.
- Managers / supervisors need to recognise that there is joint accountability / ownership for risk decisions. Staff need to know that support is available if things begin to go wrong.
- Risk-taking is further enhanced by limiting the duration of the decision i.e. working to shorter timescales and with smaller goals broken down. This is supported by having mechanisms in place to check on progress; and an ability to quickly change previous decisions when needed, including intervening in a more restrictive way where necessary.
- Risk management should become part of a staff's ongoing work with a service user and events should be reflected in people's case notes where appropriate.
- Individual staff can reasonably be expected to accept responsibility for the professional standards of conduct set out by their professional body. **But** it is the collective responsibility of the team to share information, make decisions and plan.
- Issues of confidentiality need to be considered by staff and supervisors to ensure service user and public safety.
- This approach supports the recognition of an individual's right to make informed decisions about the care or support they receive. It recognises the concept of empowerment when working with vulnerable people.
- The rights of adult service users of services and family carers to make decisions are acknowledged. In certain circumstances these can be overruled, particularly when the individual is regarded as lacking in 'mental capacity' in relation to a specific decision. Where someone lacks 'mental capacity', anything done for or on their behalf must be in their 'best interests'.
- Where this happens, practitioners should refer to guidance on best practice in dealing with decision-making and incapacity, and on the principle of "best interests" of the person who lacks capacity.
- The assessment and management of risk should be, as far as possible, a multi-disciplinary exercise.
- Positive risk-taking needs to be underpinned by contingency planning for the 'fears' and possibilities of failure. This will help to prevent some harmful outcomes, and minimise others. Risk-taking should be pursued in a context of promoting opportunities and safety not negligence. Therefore, service users, their families and practitioners should be encouraged to learn to think about 'what ifs' and contingencies as part of their day-to-day thinking.
- Where people are behaving recklessly, risk management may include the setting of explicit boundaries to contain situations that are developing into potentially dangerous circumstances for all involved. If a person or their carer makes a decision to continue behaviour that is reckless, a record should be made of their decision and when it was taken. If staff are affected by this decision, any support service being provided will be reviewed to ensure that how it is delivered guarantees the safety of any worker involved.
- Positive risk-taking should be ingrained into the working culture and be reflected in the content of team training. It is not a one-off experiment, but the natural first line of thinking.

Review of Incidents

In the context of this policy, an incident is when an event occurs that results in physical, emotional or psychological harm to an adult who is receiving ELHAP services or another person as a consequence of the actions or behaviour of that service user, staff or a member of the public.

When positive risk-taking has a negative consequence, it is necessary to identify what has gone wrong and how the assessment and management of the risk contributed to this. ELHAP recognises that the point at which a risk becomes an incident is a traumatic time for staff, as well as everyone else involved. It is

recognised that to fail to support staff after an incident would have a negative impact on morale within a service.

In situations where **incidents of serious concern** occur that involve ELHAP staff or users of its services, the ELHAP Manager must be notified and will undertake the accident investigation procedure.

Defensible Decisions

The decision-making involved in the assessment of risk and its management is generally effective in avoiding harmful situations from arising. But it is not infallible. If harm occurs to a service user or others because of their actions, any employee involved in the assessment or management of risk might need to defend the decisions they made and their reasoning.

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.
- Decisions are recorded and subsequently carried out.
- Policies and procedures have been followed.
- Staff and their supervisors adopt an investigative approach and are proactive.