

Section 11 - Safeguarding adults - risk assessment and management

This section will consider risk assessment and management in the context of adult safeguarding.

Fear of supporting adults to take reasonable risks in their life can prevent them from doing things that others take for granted. The adult's well-being must be considered alongside how safe they feel. Through consideration of the benefits to the adults independence, wellbeing and choice, it should be possible to support the adult in a way which enables them to manage identified risks and still live the life they choose.

"The emphasis must be on sensible risk appraisal, not striving to avoid all risk, whatever the price, but instead seeking a proper balance and being willing to tolerate manageable or acceptable risks as the price appropriately to be paid in order to achieve some other good....What good is it making someone safer if it merely makes them miserable?"

Lord Justice Munby (Local Authority X v MM (By the Official Solicitor) and KM [2007] EWHC 2003 (Fam))

Definition of risk

- 11.1 **Risk** is the *"likelihood of an event happening with potentially harmful or beneficial outcomes for self and others. It is a combination of the chance that something might happen and the impact or consequence associated with the event"*. (Morgan, D. (2014) Risk Decision-making: Working with risk and implementing positive risk-taking. Pavilion Publishing).
- 11.2 In the context of adult safeguarding the focus of risk assessment and management will be on likelihood and impact of abuse or neglect.
- 11.3 The purpose of identifying and assessing risks is to determine whether any intervention is necessary and, if so, what is the most appropriate course of action (risk management).

Risk Assessment

- 11.4 **Risk assessment** is the “*gathering of information through processes of communication, investigation, observation and persistence, and the analysis of potential outcomes of identified behaviours. It is about identifying specific risk factors of relevance to an individual, and the circumstances in which they may occur*” (Morgan, 2014).
- 11.5 It is important to recognise that risk is a normal everyday experience and therefore the Safeguarding Principles (refer to Section 1) must be applied in a manner that promotes empowerment and proportionality as well as prevention.
- 11.6 In order to put these principles into practice, risk assessment and safeguarding planning need to take place in the context of an open conversation and negotiation with the adult who may be experiencing the risk.
- 11.7 Risk assessment is a continuous process and must be considered throughout the safeguarding process.
- 11.8 **What is reasonable risk?**
- Everyone perceives risk differently.
 - It is often viewed negatively and can prevent people from doing things that most people take for granted.
 - It is about striking a balance between empowering adults to make choices, while supporting them to take informed everyday risks.
 - The governing principle behind good approaches to choice and risk is adults have the right to live their lives to the full as long as that doesn’t stop others from doing the same.
 - In the decision-making process we should support adults to identify areas that might be potentially unsafe/harmful to them and consider measures that could reduce the risk and promote independence.
- 11.9 **Important things to consider:**
- The level and seriousness of harm that has, or could, occur. This should include consideration of the adult’s perception of harm.
 - The impact of the alleged abuse on the physical, emotional, and psychological wellbeing of the adult.
 - The duration and frequency of the alleged abuse.
 - Whether the incident is one of a pattern or trend in respect of the adult with care and support needs, the person causing

the harm, the location of the abuse or the nature of the abuse. Consider whether it is indicating a systemic abuse issue.

- Whether the adult has care and support needs that mean they are unable to protect themselves from abuse or neglect
- The relationship between the adult and the person alleged to be a source of risk. Does this involve a person in a position of trust? If so, please refer to Section 9 of these procedures.
- The adult's capacity to understand what has happened and to make decisions in relation to the safeguarding concern.
- The apparent extent of premeditation, threat, or coercion.
- The context in which the alleged abuse takes place.
- Potential risks to other adults or children.
- Whether any measures or actions have been put in place to minimise risk and protect the individual or other adults at risk.
- Has a crime been committed against the adult at risk?
- Risk assessments must recognise and acknowledge the protective factors that may be in place and which reduce the risk of further harm.

- 11.10 In accordance with the safeguarding principles of empowerment and partnership, the adult (and/or their representative) should be involved in the risk assessment process as much as possible.
- 11.11 Risk assessment should focus on the desired outcomes of the adult. In recognition of the fact that life is never free from risk, desired outcomes need to be considered alongside other potential consequences.
- 11.12 Where the adult lacks the mental capacity to make decisions relating to risk then the principles of the Mental Capacity Act 2005 apply, and risk assessment and management will be a matter for a Best Interests decision. This should be informed by the adult's wishes and the views of others interested in the adult's welfare.
- 11.13 The fact that an adult lacks mental capacity does not reduce the need for interventions to be proportionate. The least restrictive principle of the Act requires interventions to be no more intrusive than is required by the situation.
- 11.14 Professionals have the responsibility to reach their own assessment of the potential risk of harm and this is a dynamic and continuous process.

- 11.15 Different professions and agencies may each have their own risk assessment documentation. All risk assessments should be recorded in line with individual agencies own processes.
- 11.16 In complex situations where there may be a high likelihood of serious harm agencies must work in partnership to share information, consider options for intervention and be accountable for their contributions in mitigating the risks.
- 11.17 Refer to Levels of harm and risk assessment matrix at the end of this section.
- 11.18 The Risk Matrix and associated guidance should be used to assist Safeguarding Officers/Managers to make an assessment of risk based on the level of harm and the likelihood of this occurring.

Risk Management

- 11.19 **Risk management** involves planning the response to any identified risks. It includes a broad range of responses linked closely to the wider process of care planning. Risk management and support planning may involve preventative, responsive and supportive measures to mitigate the future risk of harm and to promote potential benefits of taking appropriate risks. It should also clearly identify the dates for reviewing the assessment and the management plans (Adapted from Morgan, 2014).
- 11.20 Not every adult will require a risk management plan, but where there are concerns, a plan should be developed.
- 11.21 The risk management plan should:
- identify each risk and detail the measures taken or services applied to remove or reduce it.
 - identify who is responsible for each aspect of the required monitoring.
 - identify and plan the frequency of reviews.
 - identify who is responsible for coordinating reviews.
 - identify the role and contribution of each agency in the management of the identified risk/s.
 - contain a contingency plan in case of emergency or in response to risks identified.

- 11.22 Within Staffordshire and Stoke-on-Trent, a safeguarding plan (See Section 6) will usually be required where the risk of abuse or neglect cannot be managed appropriately or adequately by other processes and /or the risk of abuse is, for example:
- ongoing,
 - complex,
 - unpredictable
 - the risk of harm to the adult or others is significant,
 - other factors such as coercion, undue influence, or duress add to the complexity and uncertainty of the risk,
- 11.23 In some situations, it may be that the risks cannot be mitigated in any significant way, and it is for the multi-agency partners to work together to ensure that this is acknowledged and jointly owned with a clear plan of what has been implemented and a realistic assessment of how far this has mitigated the identified risks.
- 11.24 In situations where the mitigation of the risks is not possible the workers should ensure that their recording makes clear what steps have been taken and also how the situation has been concluded.
- 11.25 Enquiries must acknowledge all protective factors and ensure that safeguarding measures do not cause greater disruption or distress to the adult than was caused by the alleged abuse. Protective measures must offer better choices and opportunities than those that previously existed.
- 11.26 In a small number of cases of very high risk where it is believed that the adult is acting under undue influence or is otherwise prevented from protecting themselves there may be a need for a safeguarding plan to be completed without the adult's consent. Further, there may be consideration of an application to the High Court to use its inherent jurisdiction to determine or enforce necessary protective measures. Please see the Guidance Note: Using the Inherent Jurisdiction in Relation to Adults [Mental-Capacity-Guidance-Note-Inherent-Jurisdiction-November-2020.pdf \(39essex.com\)](https://www.39essex.com/Mental-Capacity-Guidance-Note-Inherent-Jurisdiction-November-2020.pdf)

Levels of Harm chart

11.27 To be used in relation to both harm that has occurred and harm that is anticipated.

None	To be used when abuse is disproved, not substantiated or removed.
Low level of harm (A)	<ul style="list-style-type: none"> • Misuse or theft of small amounts of money or property • Lack of care leads to discomfort or inconvenience but no significant injury • Occasional harassment, taunts or verbal outbursts • Isolated assaults that cause temporary marks, minor injury or no lasting distress
Medium level of harm (B)	<ul style="list-style-type: none"> • Injury causing lasting marks, temporary discomfort or incapacity or requiring a period of treatment or care • Repeated assaults that cause distress and injury • Misuse / misappropriation of benefits, properties and possessions leading to short or medium term difficulties in budgeting or income • Continued neglect that has caused a limited period of distress and/or physical harm requiring clinical intervention • Controlling behaviours that lead to a significant restriction of independence and the loss of relationships and opportunities • People other than the adult (e.g. children, relatives, other adults) are disturbed or distressed by the abuse.
High level of harm (C)	<ul style="list-style-type: none"> • Serious physical harm, risk to life or permanent injury • Rape or serious sexual assault • Life threatening neglect or negligence • Harassment and/or threats leading to lasting psychological harm • Coercion and/or control that leads to a total loss of autonomy • Major financial loss leading to significant changes in lifestyle and autonomy Risk to life or lasting psychological harm to others.

Assessment of level of risk

Severity Of Impact					
Likelihood		No Impact	Low Impact (A)	Medium Impact (B)	High Impact (C)
	Unlikely	None 0	Low 2	Low 3	Medium 7
	Possible	Low 1	Low 2	Medium 6	High 9
	Likely	Low 1	Medium 4	Medium 7	High 10
	Certain	Low 1	Medium 5	High 8	High 10

Example: X has been raped and a Safeguarding Concern has been raised. The level of harm is *High*. The alleged rapist has not yet been arrested and X continues to be distressed and fearful. Some protective measures are in place and so the likelihood of further harm is *Possible*. On the matrix this shows as:

High Impact + Possible = score of 9 and the risk of harm continues to be *High*.