

Risk Enablement Policy and Guidance

Fact Sheet

What is Risk Enablement?

- Risk is the uncertainty of something happening, which can lead to a positive or negative outcome.
- Positive risk taking involves taking carefully considered risks that create positive outcomes for people with care and support needs, such as improved wellbeing and promotion of independence and dignity.
- Risk enablement is not promoting risky behaviour.
- Risk enablement is supporting the person to ensure they fully understand the risk and looking at strategies to reduce the likelihood or severity of potential harm.
- North Somerset Council (NSC) is a risk aware, not a risk adverse organisation and therefore supports risk enablement, providing the adult social services worker has ensured the person fully understands the risk.

What is risk management?

Risk management involves a range of responses including preventative, responsive and supportive measures to reduce the potential negative consequences of risk, and to promote the potential benefits of taking risks.

Why do North Somerset Council have a duty to consider risk enablement?

- Ensuring adult social services workers are not risk adverse aligns with Article 2 and Article 8 of the Human Rights Act (1998).
- Under Section 1 of the Care Act (2014) adult social services workers are required to promote the wellbeing of adults who access adult social services



and therefore need to consider risk. Section 1, paragraph 3(a) of the Care Act (2014) assumes that individuals know how to ensure their own wellbeing.

- North Somerset Council has a safeguarding duty under Section 42 of the Care Act (2014). 'Making Safeguarding Personal' focuses on the person's choice, and discussion about risk is part of person-centred practice.
- The five key principles of Section 1 of the Mental Capacity Act (2005) need to be considered in relation to risk. Adult social services workers should start from a position that enables people to take risks before concluding their decision making needs to be managed.
- North Somerset Council becomes the 'decision maker' in relation to best interest decisions around social care if an individual has been assessed as lacking capacity regarding a specific decision.

How is risk identified?

- When concerns have been raised about a person's behaviour, the adult social services worker should complete a 'risk enablement plan' with the person to assess the likelihood and severity of the risk.
- The risk enablement plan should be used in collaboration with the person but can also be used with the person's network of support, or key agencies where appropriate.
- Where significant or high-level risks remain following the person's decision, adult social services workers should develop a plan that is proportionate to the likelihood and severity of the risk and use this plan for monitoring and reviewing the situation.
- Full guidance on how to use the risk enablement plan are found in the Risk Enablement and Guidance Policy.
- [Manual handling risk assessments](#) may also identify risk to the person and/or carers in relation to a given task[s] or the environment in which a person lives. Manual handling risk assessments seek to empower people to live with autonomy by developing, recovering, or maintaining a person's competence in meaningful activities, reducing the negative consequences of risk, and

promoting the benefits of taking risks (such as reducing the inability to engage in the roles, relationships and occupations expected of a person of a similar age and sex within their particular cultural context).

Risk management with people who have been assessed as having capacity in relation to a specific decision regarding risk taking behaviour.

- The person becomes the 'decision maker' in relation to the risk if they have been assessed as having capacity in relation to this decision.
- Complete the risk enablement plan with the person (see Section 6 of Risk Enablement and Guidance Policy).
- On completion, the adult social services worker will save the risk enablement plan on to the Liquidlogic Adults' Social Care System (LAS) in the 'documents' section and record a case note that captures the decisions taken (See section 7.1 of Risk Enablement and Guidance Policy).
- The adult social services worker should discuss with their supervisor if the risk has not been mitigated and remains significant and follow the escalation process if required (see section 7.1 of Risk Enablement and Guidance Policy)

Risk management with people who have been assessed to not have capacity in relation to a specific decision regarding risk taking behaviour.

- The adult social services worker should complete a mental capacity assessment with the person in relation to the risk if there is doubt about the person's ability to understand, retain, use or weigh up the salient information related to the risk and the adult social services worker suspects there is an impairment or disturbance in the functioning of the mind or brain.
- There are some circumstances when a person may appear to meet the functional test for mental capacity (i.e. they appear able to understand, retain, use and weigh salient information and communicate their decision) in the context of an abstract conversation. However, when it comes to enacting decisions, their actions may not be in keeping with what they say they will do. There may be a variety of reasons for this and it is potentially a normal part of

human behaviour. However, where there is a pattern of someone repeatedly saying they will do something, which is not later reflected in their actions, this may, in some circumstances, call into question their ability to “use or weigh” salient information at the appropriate moment. In situations where this disparity is placing someone at risk, this may require their mental capacity assessment to be revisited. Practitioners should consider arranging further investigations and assessments exploring the person’s ability to use salient information in the appropriate context, for example using observations (for example, a person may be able to describe the process of making a meal in the abstract, but, under observation, lack capacity to use this information and make a meal in reality). If this is the case, it might be a sign of executive dysfunction, which can be caused by a range of factors such as acquired brain injury, dementia, or health conditions arising from long-term alcohol use. Social care practitioners are not qualified to diagnose executive dysfunction and should not reach this conclusion without supporting medical evidence. Where executive dysfunction is suspected, practitioners should discuss the appropriateness of a specialist assessment with the person’s GP. If the person is assessed as lacking capacity in relation to this decision, then a decision should be made in their best interests in line with [Section 4 of the Mental Capacity Act \(2005\)](#)

- The risk enablement plan can be used to support best interests’ decision making.
- The wishes and feelings of the person should be clearly recorded.

Complaints

If you are unhappy about any action or decision taken by Adult Social Services in relation to risk enablement, you should initially talk to the person you normally deal with. If you are unable to resolve your complaint in this way, you can contact:

Complaints Manager,
Adult Social Services and Housing,
Town Hall,

Walliscote Grove Road,
Weston super Mare,
BS23 1UJ
Telephone: 01275 882171
Email: complaints.manager@n-somerset.gov.uk

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