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To: Adult Social Services Policy Overview Committee - 22 September 2009

Subject: **KASS POSITIVE RISK MANAGEMENT POLICY FOR STAFF
CARRYING OUT COMMUNITY CARE ASSESSMENTS**

Classification: Unrestricted

Summary: This report tables the draft Kent Adult Social Services (KASS) Positive Risk Management Policy (Appendix 1) and Good Practice Guidance for staff carrying out Community Care assessments (Appendix 2).

It sets out how the Directorate intends to discharge its dual responsibility under Self-Directed Support (SDS) and duty of care for safeguarding vulnerable adults.

Introduction

1. (1) SDS, is the means by which adults eligible for social care support will exercise choice and control over how their needs are met. In practical terms it means giving people freedom to self assess (with support if required) and use their Personal Budget through Direct Payments or the Kent Card, to arrange their support services.

(2) There is a need to re-frame the policy because practitioners face a challenge in balancing the need to support service users and carers whilst at the same time ensuring that any risks to meeting outcomes are addressed. The policy is consistent with the corporate objectives in 'Towards 2010', 'Policy Framework for Later Life' and the KASS 'Active Lives Strategy'.

(3) The Chief Officers Group (COG) discussed the 'Annual Report on Health and Safety, Events and Performance' at its meeting on 3 September 2008. The Managing Director, KASS drew attention to the continuing responsibility for the safety of people who are taking more control of their services as part of the personalisation agenda. COG noted the ongoing dialogue between the Local Government Association (LGA), the Health and Safety Executive (HSE) and the Government about the need to adopt a reasonable approach to risk management. This has been reflected in the draft Risk Management Policy and Guidance.

(4) The policy satisfies the Key Decision criteria because of its far reaching implications that are "likely to have a "significant" effect on KCC's services to the community "and "Adoption of major new policies, or changes to established policies" (Decision-Making Guidance for Officers).

(5) The policy has been included in the Forward Plan of Key Decisions for an Executive decision by the Cabinet Member for Adult Social Services.

(6) The policy was considered by the Directorate's Strategic Management Team (SMT) and COG on 13 March 2009 and 27 May 2009 respectively, as part of the approval process.

(7) The purpose of this report is to inform the Policy Overview Committee (POC) about the draft Policy and Good Practice Guidance (appendices 1 and 2), and take the opportunity to note its comments.

Background

2. (1) The draft Policy and Good Practice Guidance has been influenced by several publications.

(2) In October 2006, The Better Regulation Commission's Report "Risk, Responsibility and Regulation – Whose risk is it anyway?" called for a redefinition of society's approach to risk management, to recognise that within the right circumstances risk can be beneficial, balancing necessary levels of protection with preserving levels of choice and control.

(3) Both the Concordat "**Putting People First**" and the Department of Health's "**Independence Choice and Risk**" guidance emphasises the need for local authorities to support people to exercise choice and control over the services they receive and who provides them. Local Authority Circular (2009)1, "**Transforming Social Care**" sets out information that supports this change agenda;

(4) People have higher expectations of what they need to meet their own particular circumstances, wanting greater control over their lives and the risks they take. They want to be treated with dignity and respect and to have access to high-quality support services at the time they want it and according to their choice.

(5) In line with the principles set out in the White Paper, "**Valuing People: A New Strategy for Learning Disability for the 21st Century**", there has been an increased focus on the management of risks to health and safety in social and health services.

(6) It is important that such risks are appropriately managed, balancing the risks of challenging behaviour against the risks of reduced quality of life. It is not an appropriate or achievable goal that the risk of challenging behaviour be completely eliminated.

(7) The overall vision therefore is of a Directorate moving towards a position of enabling service users and carers to shape their own lives through personally commissioned services.

How the Policy was developed

3. (1) The need for this policy and good practice guidance is driven by the development of SDS. The policy has been co-developed by service users and carers, staff and management teams. It has been benchmarked against other local authorities and KCC's Risk Management Toolkit. We believe this policy will assist practitioners to adopt a

reasonable, proportionate and justifiable approach in the identification, assessment and management of risks.

(2) Others consulted and/or involved:

- KCC's Corporate Health and Safety Manager
- KCC's Corporate Risk and Insurance Manager
- Independent Consultant, who supported planning for the Safeguarding Inspection
- Trade Unions via KASS Health and Safety Committee
- KCC Legal Services
- The Health and Safety Executive.

(3) An equalities impact assessment has been completed and we are satisfied that, if the policy is applied properly it should not disadvantage any particular groups. However, clearer guidance for staff and the public will reduce the likelihood of this occurring.

Next Steps

4. (1) Training programme for all relevant staff has been developed and training is being taken forward on a priority basis.

(2) Produce Information, Advice and Guidance for the public that includes essential information on this policy.

Recommendations

5. (1) Members of the Policy Overview Committee are asked to:

- (a) **NOTE** and comment on the report.
- (b) **ENDORSE** the recommendation that the document should be adopted as a KCC Policy.

Appendices:

Appendix 1: KASS Positive Risk Management Policy for staff carrying out Community Care assessments.

Appendix 2: KASS Practice Guidance for staff carrying out Community Care assessments

Background Documents:

Local Authority Circular (2009), Transforming Adult Social Care, Department of Health.
Business Risk Management Toolkit, Kent County Council.

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