

KASS GOOD PRACTICE GUIDANCE FOR STAFF CARRYING OUT COMMUNITY CARE ASSESSMENTS

1.1 KASS has to maintain at all times a delicate balance between empowerment and safeguarding; choice and risk. It is essential for practitioners to consider when the need to protect people from harm overrides the obligation to promote choice and empowerment. The following guidance aims to improve decision-making in this regard to enable service users to achieve the outcomes that matter to them.

2.1 WORKING THROUGH THE 4 STEPS OF THE POSITIVE RISK MANAGEMENT PROCESS

Step 1: Identify Strengths/Risk(s)

Step 2: Evaluate Strengths/Risk(s)

Step 3: Support the person to develop an Action Plan

Step 4: Manage the Risk(s)

Step 1: Identify strengths and risk(s)

STEP 1	Find out what factors will have an impact or effect on the risk(s).
	<ul style="list-style-type: none"> • Allocate cases to practitioners with the appropriate level of knowledge, experience and skills to carry out risk assessments based on the complexity of the issues. • Find out what the <u>service user</u> wants to do (or not do) and the outcomes they are seeking.
	<ul style="list-style-type: none"> • If communication with the service user is not possible because of their mental capacity, language or culture, you must provide support to obtain the information. e.g. a British Sign Language (BSL) interpreter for someone who is deaf.
	<ul style="list-style-type: none"> • You must compile information about the service user that is relevant, accurate, current and sufficient for the purposes of your assessment. If appropriate, consult past records, note any conflicting information and seek clarification as soon as practicable. • Make sure your assessment is “suitable and sufficient” in the particular circumstances of the case.
	<ul style="list-style-type: none"> • If you identify a safeguarding issue because you consider that the service user is in a vulnerable situation then raise an alert in line with the Kent and Medway Multi-agency Adult Protection Policy, Protocols and Guidance.
	<ul style="list-style-type: none"> • Record the risk(s) clearly and separately along with any related strengths or opportunities, and identify the effect they may have on the outcome which the service user seeks. • State what can happen, how it can happen, and who might be affected.

Step 2: Evaluate Strengths/Risk(s)

STEP 2	<p>The next task is for you to weigh up the impact and likelihood of the risk(s). Complete this step using the template below</p>						
<ul style="list-style-type: none"> • Make sure you involve all the relevant people i.e. service user, carer, advocate. • Take account of any relevant environmental factors and where necessary, alert the appropriate agency. 							
<ul style="list-style-type: none"> • Use risk assessment template (below) to determine the likelihood (chance of the event occurring) and impact (level of harm) that might result from each risk. 							
Likelihood	Very likely		5 Low	10 Medium	15 Medium	20 High	25 High
	Likely		4 Low	8 Medium	12 Medium	16 High	20 High
	Possible		3 Low	6 Low	9 Medium	12 Medium	15 Medium
	Unlikely		2 Low	4 Low	6 Low	8 Medium	10 Medium
	Very Unlikely		1 Low	2 Low	3 Low	4 Low	5 Low
RISK RATING MATRIX			Minor	Moderate	Significant	Serious	Major
			Impact				

Adapted from Kent County Council Business Risk Management Toolkit: Revised 2008

LOW	MEDIUM	HIGH
1 - 6	8 - 15	16 - 25

- Use scores to determine the rate of response with high risk(s) being addressed as a priority.
- Bear in mind any safeguarding issues that might affect the risk rating.
- Bearing in mind any strengths and opportunities linked to service user outcomes, rate the risk(s) using the template.

<ul style="list-style-type: none"> You must ensure that the service user and/or carer fully appreciates and genuinely understands the consequences of the risk(s) to enable them to make their best decisions.
<ul style="list-style-type: none"> Note that in some cases it may be acceptable for you to accommodate a high level of short-term risk to achieve long-term gains for the service user, provided a clear and well-reasoned case can be made to support the decision and authorisation is obtained from your manager.
<ul style="list-style-type: none"> If the risk assessment reveals that an event is likely to occur that will be extremely harmful to the health and safety of the service user, carer, staff or the public, take immediate steps to address the risk(s) by alerting the Health and Safety representative. You must advise all those involved of the potential harmful event and the need to cease any activity (or inactivity) which might cause it to occur or increase its possible impact
<ul style="list-style-type: none"> Use the Supported Decision Tool (Appendix 1) if necessary to establish if the risk is acceptable to the individual and/or carer. Find out if the risk is unacceptable or if it places the Council in an unlawful position by discussing the case with your manager or supervisor.
<ul style="list-style-type: none"> Managers and supervisors must guide and support practitioners in borderline, challenging or complex cases to strike the right balance between safeguarding people and supporting them in achieving their desired outcomes.
<ul style="list-style-type: none"> You must consider any children who may be young carers of an adult and who could be at risk. Work with the Children Families and Education (CFE) directorate to produce an action plan that meets the outcomes of all concerned while managing risk.

Step 3: Support the person to develop an action plan

<p>STEP 3</p>	<p>You now need to place the service user and/or their carer at the centre of action planning by supporting them to make decisions that address the risk(s).</p>
<ul style="list-style-type: none"> • Provide information about services and community resources that is clear, accessible and of high quality. • Use appropriate interpretation and advocacy services to communicate the information to those people with language or sensory needs. • Support people in looking at all options to manage the risk(s) and achieve their outcomes, even if they differ from the options you would have chosen. • Record and communicate discussions and negotiations in service user's case notes. 	
<ul style="list-style-type: none"> • You must seek professional input and work with other agencies as appropriate i.e. in complex and challenging cases. 	
<ul style="list-style-type: none"> • Where the person has been assessed as lacking capacity, you must always act in their best interest when reaching decisions on the actions that are needed to address the risk(s). 	
<ul style="list-style-type: none"> • Allow sufficient time for service user and/or carer to decide which actions they are willing to support to manage the risk(s), even if it means putting in place interim measures to address the risk(s). • Record the details in case notes and discuss the matter in supervision. 	
<ul style="list-style-type: none"> • If people choose not to accept your advice or decline offers of support and decide to live with a level of risk to themselves that is not illegal, you should make sure that they understand the level of risk, but they cannot be coerced into acceptance. • You must discuss the case with your manager or supervisor, inform others involved on a "need to know" basis, monitor the situation and provide the service user or carer with contact details in case they change their mind. 	
<ul style="list-style-type: none"> • Draw up the action plan, involving the relevant people. • Ensure each person's role in delivering the plan is clearly understood and accepted. • Agree what actions need to be taken, when they will be taken, who will take them and the outcomes that are being sought. • Decide the implementation date and record any disagreements. 	

Step 4: Manage the risk(s)

<p>STEP 4</p>	<p>Finally, you have to manage the risk(s) by implementing, monitoring and reviewing the action plan.</p>
<ul style="list-style-type: none"> • Implement the action plan promptly in accordance with the risk level. • Agree how and when it will be reviewed, who will carry it out and who else will be involved. • Carry out reviews within 3 months of the service starting and annually thereafter. • Depending on the risk level, reviews may be more frequent. • Clearly record the details in service user's case notes and share copies of the action plan with those involved. 	
<ul style="list-style-type: none"> • Ensure the review is proportionate to the risk level. • Self-review may be more appropriate than a full and comprehensive review. • The following is a guide for carrying out reviews proportionate to the level of risk: <p>Low = Monitor via telephone call, texting, self-review, etc</p> <p>Medium = Face to face review, further risk reassessment if necessary</p> <p>High = Face to face, full and comprehensive review, reassessment if necessary, regular monitoring.</p>	
<ul style="list-style-type: none"> • You must monitor progress of the action plan, make quick changes to previous decisions if required and intervene in a more restrictive way if necessary. • Avoid policing people's decisions unless there are very good reasons for doing so. Record the reasons in service user's case notes. 	
<ul style="list-style-type: none"> • You must discuss with your supervisor or manager any post-implementation disagreement and seek to achieve a quick resolution. • Managers and supervisors are jointly accountable for decisions associated with positive risk management. 	

<ul style="list-style-type: none"> • Encourage service users and carers who directly employ support workers to take up Criminal Record Bureau (CRB) or Independent Safeguarding Authority (ISA) checks of their suitability for employment. • Offer KASS's support in obtaining the required information as individuals are unable to apply directly for CRB and ISA checks.
<ul style="list-style-type: none"> • Use review to find out if the actions to reduce the risk(s) have been effective and to what extent. • Find out from service user and/or carer if their outcomes have been or are currently being met and to what extent. • Share the result of the review with those involved. • Amend the action plan accordingly.
<ul style="list-style-type: none"> • If a full reassessment is necessary, identify the strengths and risk(s) and follow the Good Practice Guide once again.
<ul style="list-style-type: none"> • Attend training in Positive Risk Management as part of continuing professional development. This will help to develop a culture where the appropriate balance is achieved between the need to meet service user's outcomes and the directorate's duty to safeguard vulnerable adults.

3

The use of Personal Budgets and Direct Payments

KASS will provide Personal Budgets to people who meet the Fair Access to Care Services (FACS) eligibility criteria for non-residential services. A Personal Budget may be taken as a Direct Payment, with conditions in certain circumstances. The Directorate has to ensure the proper use of the council’s monies. The table below is a guide to staff on the proper use of Personal Budgets and Direct Payments, to meet needs identified in the support plan.

The support plan will be agreed if the Personal Budget or Direct Payments will be used to fund the following;	The support plan may be agreed, subject to conditions laid down by KASS, if the Personal Budget or Direct Payments is to be used to fund the following:	The support plan will not be agreed if the Personal Budget or Direct Payments will be used to fund the following;
<ul style="list-style-type: none"> • Services from a person or private sector agency that is competent to provide it, including equipment and minor adaptations. • Services from Voluntary Sector agencies, other than those services currently being funded under agreements or contracts with KASS • Other arrangements that will demonstrably achieve the agreed outcomes 	<ul style="list-style-type: none"> • Short periods of respite and some specialist equipment • Services from a spouse, partner or relative due to: <ul style="list-style-type: none"> - reasons relating to service user’s religious practice or belief, - actual or potential inability to secure services from people in the local area, - communication needs of the service user which cannot be met in the local community areas, including British Sign Language (BSL), - a family emergency or event e.g. funeral or sickness requiring “one off” stays away from the home. • Services directly provided by KASS. A Personal Budget can fund these but a Direct Payment may not 	<ul style="list-style-type: none"> • Residential or nursing care other than short periods of respite and some specialist equipment. • Services that will not meet outcomes agreed with KASS e.g. a gift for a carer. • Services which district and borough councils currently have a duty to provide. • Services that Health is responsible for providing e.g. NHS Continuing Healthcare. • Support from someone who might put you or others members of the public at risk. • Anything that is illegal

Appendix 1

A Supported Decision Tool

This tool is designed to guide and record the discussion when a person's choices involve an element of risk. It will be particularly helpful to a person with complex needs or if someone wants to undertake activities that appear particularly risky. **(It can be amended to suit different service user groups)**

It can be completed by the practitioner with the person or by the person themselves with any necessary support, (including the use of communication aids/pictures where necessary). It is important that, in discussing any risk issues, the person has as much information as possible (in an appropriate form), fully appreciates, and genuinely understands any consequences, to enable them to make their best decisions.

The tool could be adapted for use within existing needs assessment and care planning processes. It also has potential application for any organization or individual providing advice and support services to people who are self-funders and ineligible for support from their local councils.

Using the tool – Practitioners need to:

- Ensure that the person has the right support to express their wishes and aspirations
- Assume capacity unless otherwise proven
- Consider the physical and mental health of the person and any specialist services they need or are already receiving

Issues for the practitioner to consider

When using the tool with the individual, consider carefully the following aspects of the person's life and wishes:

- dignity
- diversity, race and culture, gender, sexual orientation, age
- religious and spiritual needs
- personal strengths
- ability/willingness to be supported to self care, in terms of:
- opportunities to learn new skills
- support networks
- environment - can it be improved by means of specialist equipment or assistive technology?
- information needs
- communication needs - tool can be adjusted (braille, photographs, simplified language)
- ability to identify own risk(s)
- ability to find solutions
- least restrictive options
- social isolation, inclusion, exclusion
- quality of life outcomes and the risk to independence of 'not doing'.

Supported decision tool

1. What is important to you in your life?	
2. What is working well?	
3. What isn't working so well?	
4. What could make it better?	
5. What things are difficult for you?	
6. Describe how they affect you living your life.	
7. What would make things better for you?	
8. What is stopping you from doing what you want to do?	
9. Do you think there are any risk(s)?	
10. Could things be done in a different way, which might reduce the risk(s)?	
11. Would you do things differently?	
12. Is the risk present wherever you live?	
13. What do you need to do?	
14. What does staff/organization need to change?	
15. What could family/carers do?	
16. Who is important to you?	
17. What do people important to you think?	
18. Are there any differences of opinion between you and the people you said are important to you?	
19. What would help to resolve this?	
20. Who might be able to help?	
21. What could we do (practitioner) to support you?	
Agreed next steps-who will do what	
How would you like your care plan to be changed to meet your outcomes?	
Record of any disagreements between people involved	
Date agreed to review how you are managing	
Signature	
Signature	

Appendix 2a

KASS POSITIVE RISK MANAGEMENT RISK RATING FORM

Likelihood	Very likely		5 Low	10 Medium	15 Medium	20 High	25 High
	Likely		4 Low	8 Medium	12 Medium	16 High	20 High
	Possible		3 Low	6 Low	9 Medium	12 Medium	15 Medium
	Unlikely		2 Low	4 Low	6 Low	8 Medium	10 Medium
	Very Unlikely		1 Low	2 Low	3 Low	4 Low	5 Low
RISK RATING MATRIX			Minor	Moderate	Significant	Serious	Major
Impact							

Use risk assessment key to determine the possible impact (level of harm) that might result and the likelihood (chance of the event occurring) from each risk.

Risk Rat

LOW	MEDIUM	HIGH
1 - 6	8 - 15	16 - 25

Risk Level	Action and Timescale
Low	No additional measures are required; however you must monitor to ensure that the risk(s) remain acceptably low.
Medium	Take prompt action to address the risk(s). Timescales must be consistent with the complexity of the issues and the likely impact on service users and others if action was delayed.
High	Take immediate steps to address the risk(s).

This risk rating form must be used with the risk evaluation form (see reverse) to calculate the overall risk score and risk level. Where there are multiple risks the overall risk level will be determined by the highest risk score.

This form must be used to develop the detailed action plan and be placed in the service user's case file.

Appendix 2b

POSITIVE RISK MANAGEMENT RISK EVALUATION FORM

Service User name:..... **Service User ref:**..... **Risk Score:**..... **Overall Risk Level:**.....

Assessor's name (print):..... **Assessor's signature:**..... **Date of Assessment:**.....

Define risk (Describe it)	Evaluate risk	Risk Score	Actions to address risk	Resulting score	Monitor and review
give a brief description	Weigh up the strengths, opportunities and protective factors with the impact and likelihood of the activity/inactivity	20	List actions	8	Describe how you will monitor and how frequent (in proportion to risk)

Appendix 3

KASS POSITIVE RISK MANAGEMENT GOOD PRACTICE MINI GUIDE

Step 1 Identify strengths/risks	Step 2 Evaluate strengths/risks	Step 3 Support the person to develop an action plan	Step 4 Manage the Risk(s)
<p>You must ensure the service user has the right support to communicate their wishes and aspirations</p> <p>Find out what the service user wants to do (or not do) and the outcomes that matter to them.</p> <p>Find out their strengths (e.g. highly motivated, very good insight) and opportunities (e.g. to learn new life skills)</p> <p>Identify the risks (What can happen, how can it happen and who can be affected?)</p>	<p>You must involve all the relevant people.</p> <p>Take account of any relevant environmental factors and where necessary, alert the appropriate agency.</p> <p>If the service user is about to move to a different environment assess that too.</p> <p>Consider any identified strengths and/or opportunities plus any safeguarding issues when deciding the risk level.</p> <p>You must consider Health and Safety issues and raise an alert if there is potential for extreme harm.</p> <p>Involve all the relevant people in deciding the risk level and record any disagreement.</p> <p>Use Positive Risk Management Risk Rating form to decide the risk level. Retain copy on case file.</p> <p>Discuss the case in supervision and obtain support and authorization for your decision.</p> <p>You must record details of the risk assessment in the case file.</p>	<p>Find out if things could be done differently to reduce the risk(s) level. If so, what?</p> <p>You must provide information about services and community resources to enable service to choose how to reduce risks to acceptable levels.</p> <p>Work in a multi-disciplinary and/or multi-agency way particularly in complex and challenging cases.</p> <p>Depending on the risk level, allow service users sufficient time to consider the options.</p> <p>Do not leave people exposed to risks that are illegal or places others in vulnerable situations. If in doubt consult.</p> <p>Always act in the best interest of the service user.</p> <p>You must draw up action plan with involvement of all the relevant people. Note and record any disagreement.</p> <p>You must discuss action plan in supervision and obtain managers support.</p> <p>You must ensure that Personal Budget and/or Direct Payments is at a level that enables the service user to purchase the services required to reduce the risk rating to an acceptable level.</p>	<p>You must co-ordinate the implementation of the action plan.</p> <p>You must monitor the action plan in proportion to the risk level and by the most appropriate means.</p> <p>You must review the action plan after 3 months and annually thereafter, but you can schedule them more frequently depending on the risk level.</p> <p>You must make quick changes to previous decisions if required and intervene in a more restrictive way if necessary.</p> <p>You must record monitoring and review details in service user case notes.</p> <p>You must find out if the actions to reduce the risk(s) were successful and to what extent.</p> <p>You must find out if service user outcomes have been, or are being met and to what extent.</p> <p>Revise the action plan or reassess if necessary.</p>

Acknowledgements

1. Department of Health: Independence Choice and Risk: A Guide to Best Practice in Supported Decision Making 2007.
2. HM Government 2007: Putting People First: A Shared Vision and Commitment to the Transformation of Adults Social Care.
3. Cumbria County Council: Positive Risk Taking Policy “From Risk Aversion to Risk Management” 2007.
4. Gateshead Council: Positive Risk Taking Policy 2008.
5. Department of Health: The NHS Constitution, “the NHS belongs to us all”
6. KCC Business Risk Management Toolkit (Revised 2008)

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