



Positive Risk-Taking and Risk Management Policy	
Latest Review: December 2024	Next Review: January 2025
Compliance: Care Act (2014) Health and Social Care (Safety and Quality) Act 2015 Mental Capacity Act (2005)	
Associated Policies: Health and Safety Policy Safeguarding Adults Policy Incident Reporting Policy and Procedure Missing Persons Policy Transport Policy	
<u>Statement of Purpose</u> <p>Risk is an unavoidable part of life, but people who need support can sometimes be discouraged from taking risks. This emphasis on 'keeping safe' can come from the fear that they or others might be harmed, as well as the concern of those supporting the person that they will be blamed if things go wrong.</p> <p>At Assist Trust, we believe that everyone has the right to take risks. Our aim is to take a balanced approach, by finding ways to manage potential risks with the individual, whilst recognising the positive outcomes that taking a risk can bring.</p> <p>This policy sets out the organisation's commitment to a positive risk-taking approach, acknowledging the balance that must be achieved between the right of the individual to make choices and take risks with the duty of care that the organisation has towards its members.</p>	
<u>Values and Principles</u> <p>Risk is the probability that an event will occur, with beneficial or harmful outcomes for those involved. At Assist Trust, the following risk issues could be seen to be particularly relevant for our members:</p> <ul style="list-style-type: none">• Risks associated with physical impairment or disability i.e. falls.• Risks associated with changes in relationships.• Accidents, for example, whilst out in the community or accessing Assist Trust premises.	

- Risks associated with everyday activities that might be increased by a person's impairment or disability, especially if carried out more independently.
- Behaviour resulting in injury, neglect, abuse and exploitation by self or others.

However, by taking a positive approach to risk, staff members at Assist Trust;

- Recognise that risks can also be opportunities – identifying the benefits of a particular activity or situation, as well as the potentially negative outcomes.
- Respond in a person-centered way – identifying risky situations with individuals and talking to them about how risks should be managed, rather than viewing the person themselves as the risk.
- Support age-appropriate decision making and risk taking - assuming that, as adults, members can make their own decisions and we should support them to do so (in line with the Mental Capacity Act).
- Understand that risks should not be seen as a reason not to do something – activities/actions can be broken down into manageable pieces and support offered along the way.
- Look for creative ways to manage risk, drawing on the member's strengths and abilities.
- Talk to parents and carers, recognising different viewpoints but working together to try to find a positive outcome.

The Outcomes of Positive Risk-Taking

Assist Trust aims to help individuals to progress and move forward with their lives. All activities at Assist;

- Build confidence and self-esteem, encouraging members to speak up and make choices in all areas of their lives.
- Support people to take responsibility for their choices and behaviour, and to understand the consequences of these.
- Encourage people to form meaningful friendships and relationships, and to work with others positively.
- Support people to develop the skills needed to become more independent, in whatever way is meaningful for them.
- Encourage people to access and to play a part in the wider community.
- Enable people to take positive risks and to learn from their experiences, whether good or bad.

No risk can be eliminated entirely. However, by supporting people to understand the potential risks in everyday life and to make decisions for themselves, we believe they are more likely to develop the skills needed to become more independent.

Professional Standards and Legal Framework

Duty of Care

A duty of care is an obligation requiring that a reasonable standard of care is exercised when providing support. Assist Trust and its staff members owe a duty of care towards all individuals to whom they provide services. However, this does not imply that the organisation should be risk averse or prevent an individual with capacity from choosing to take a risk.

To promote a positive approach to risk taking, Assist Trust looks to ensure that the process of risk assessment is clearly documented, showing that a 'defensible decision' has been made, i.e. where all reasonable steps have been taken, reliable assessment methods have been used, information has been collated and thoroughly evaluated and policies and procedures have been followed.

Mental Capacity Act (2005)

Assist Trust is committed to upholding the guiding principles of the Mental Capacity Act (MCA), which state that:

- 1. A person must be assumed to have capacity unless it is established that (s)he lacks capacity.*
- 2. A person is not to be treated as unable to make a decision unless all practicable steps to help him/her to do so have been taken without success.*
- 3. A person is not to be treated as unable to make a decision merely because (s)he makes an unwise decision.*
- 4. An act done, or decision made, under the Act for or on behalf of a person who lacks capacity must be done, or made, in his/her best interests.*
- 5. Before the act is done, or the decision is made, regard must be had to whether the purpose for which it is needed can be as effectively achieved in a way that is less restrictive of the person's rights and freedom of action.*

This means that a person who has the mental capacity to make a decision, and chooses voluntarily to live with a level of risk, is entitled to do so.

Safeguarding

Assist Trust understands that there is a clear distinction between putting an individual at risk and supporting someone to take a risk in a managed way.

In situations where there are Safeguarding concerns and the need for protection overrides the person's choice, we will do everything we can to support the person

to understand the potential consequences of the action and why the decision is being made.

Some risks cannot be completely removed or managed, however much support the individual may have. Where risk taking results in negative outcomes for an individual member and/or others, Assist Trust is committed to carrying out a full investigation and using any learning to inform future decisions. See *also: Contingency Plan for Coping With Crises Policy*.

Risk Assessment Procedures

In order to promote a positive risk-taking approach, it is important that the potential impact of any risk is assessed, and accurate information is recorded about the type of risk, its nature and context and any actions to be taken to manage the risk are agreed with those involved. It is also important to recognise that assessment of risk changes in response to changing circumstances, and therefore risk assessments and management plans need to be regularly updated and reviewed.

At Assist Trust, risk is assessed and managed in the following ways:

For individuals

- Members starting at Assist are only allowed to do so providing all relevant background information has been received, including copies of any formal risk assessments.
- A Front Information Sheet will be completed before the member starts at Assist, detailing any factors which may impact on the individual or others when attending the service. This is reviewed annually and updated as necessary. The individual's keyworker is responsible for ensuring that all staff know of any particular risk issues or changes in circumstances that might affect the member's ability to manage risk.
- Opportunities for individuals to gain greater independence (i.e. travelling more independently, obtaining a work placement) are encouraged at Assist Trust. The relevant procedures are followed, which include fully assessing and recording potential risks and discussing these with the member and their parents/carers. See *also: Member's Transport Policy*.
- Assist Trust recognises that some members are more independent than others and that individual circumstances vary; where appropriate, individual risk assessments will be completed which detail the organisation's response to specific situations.
- Where a member's absence is unaccounted for, the Missing Person Policy details the proportional response that should be taken i.e. considering the person's level of independence.

For groups and day-to-day activities

- Managers at Assist ensure that cover arrangements are adequate for all activities taking place on a day to day basis. Staff should alert a manager if they are aware of any problems and any new activities or changes to activities are discussed to consider and manage potential risks.
- An Activity Risk Assessment is completed at the start of the timetable for each group, detailing the relevant risks and how they are to be managed, in conjunction with the group's members. This encourages the members to consider risk and appropriate responses to it.
- Staff members running groups/activities should be aware of the whereabouts of the members in their group. However, they should also maintain a positive and flexible approach to risk taking during groups, encouraging members to take steps towards greater independence at their discretion; weighing up the risks involved with the benefits to the member and their existing abilities and skills, and their capacity to understand the risk. This means that where it is appropriate, members are not always directly supervised, in order to build on their independence.
- At lunch times, one member of staff is on duty to offer general support and supervision, but members are encouraged to spend time with one another to build their social skills. Staff members are always on hand to deal with any issues.

For Assist Trust buildings

All members are subject to Assist Trust's General Health and Safety Policy, which ensures that the premises are regularly risk assessed in the following ways:

- Buildings and Fire Risk Assessments are completed in order to assess physical health and safety issues in all Assist Trust properties.
- General Risk Assessments are completed to assess general physical risks in all areas such as the Heath Gardens site.
- Equipment Risk Assessments are completed in relation to equipment owned by Assist Trust and used by its members.

These Risk Assessments are reviewed on an annual basis or altered as needed.

Signed and Authorised by:

Name:

Role:

Date:

Name:

Role:

Date: