

Complex Case and Risk Enablement Panel

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Version Control Sheet

Version	Date	Author	Status	Comment / changes
V1.0	12/17	Andrew Errington	Final	Final draft version for compliance check via Policy Group and approval
V1.1	09/20	Andrew Errington	Final	Review due and updated
V1.2	03/23	Andrew Errington	Final	Review due and updated
V1.3	22/05	Andrew Errington	Final	Review and name change

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Introduction

Risk is part of everyday life, inherent in everything that we do and it is often through taking risks that people learn and develop. Fear of supporting disabled and older people to take reasonable risks in their daily lives and focusing on risk as what can potentially go wrong, can limit opportunities for trying something new or different, and in turn limit positive outcomes for individuals.

Positive risk-taking is a process of more balanced decision-making in relation to risk, working in collaboration with people to better understand the reasoning and motivation behind what they want to do.

'Positive risk-taking is weighing up the potential benefits and harms of exercising one choice of action over another. It involves identifying the potential risks involved (i.e. good risk assessment) and developing plans and actions (i.e. good risk management) that reflect the positive potentials and stated priorities of the service user (i.e. a strengths approach). It also involves using 'available' resources and supports to achieve the desired outcomes, and to minimise the potential harmful outcomes'. (Morgan, 2013)

Decision making in relation to risk is a difficult and complex process. There is no guarantee that even the clearest set of decision-making guidelines will yield simple solutions to complex problems. Even the most thoughtful and reasonable practitioners may disagree about the best course of action.

A framework for validating case management decisions is useful and helps to guide the practitioners' decisions; however, it does not guarantee clear-cut solutions or consensus. What it does ensure though is systematic, thorough analysis and reflection, essential elements of competent practice.

Risk Enablement Panels are designed to support staff in developing care and support plans in cases where there is a significant or perceived substantial risk to the individual. The Panel will provide a clear process for discussion, and shared decision making to support both staff and individuals in considering potential consequences of any decisions. The Panel may provide advice and recommendations, but ultimate decision-making responsibility will continue to rest with the practitioner and their manager.

The Panel will form part of Coventry City Council (2022) Positive Risk Taking and Risk Management Guidance and is not to be viewed as an alternative to, for example, formal supervision or safeguarding processes. Furthermore, a Legal Planning Meeting process is in place to provide legal oversight of cases to give consideration as to whether court proceedings are an appropriate course of action.

Context

The Care Act 2014 places emphasis on the general duty of the local authority to promote the wellbeing of people who use services. Enablement is a key skill for practitioners in achieving this objective, because it offers people as much

independence and control over their daily lives as possible. Practitioners are also required to identify when people who use services are at risk of harm and promote their safety.

In promoting wellbeing, it is important to understand the relationship between risk and enablement. Risk enablement should not be misinterpreted as working 'to enable risks to happen', but rather working 'to enable individuals through carefully considered risk-taking' (Research in Practice for Adults, 2016).

Making Safeguarding Personal (MSP) forms part of the legal basis of safeguarding according to the Care Act 2014, both MSP and positive risk taking are underpinned by the principle that enablement and working with risk are intrinsically linked. Positive risk taking is also consistent with a strength-based approach, focusing on a person's assets, both individually and in their support network.

The Risk Enablement Panel forms a key part of our Adult Services Strengths-based Practice Framework, supporting the delivery of the Adult Social Care Offer and our commitment to adopting a strength-based approach.

Guiding Principles

A number of guiding principles can be identified by which to understand risk (Morgan, 2013) and will support the Panel process:

- Risk is dynamic... it is constantly changing in response to altered circumstances.
- Risk can never be eliminated, but it can be assessed and minimised.
- Assessment of risk will be enhanced through accessing several sources of information, including service-user and carer perspectives.
- Identifying risks carries a duty to do something about them (i.e. managing risk).
- Taking risks can engage positive collaborations for beneficial outcomes.
- Defensible (not defensive) decisions are based on clear reasoning.

It is fundamental to a positive risk-taking approach that, once identified, the perspectives of people accessing services are central to subsequent decisions relating to risk.

Function of the Risk Enablement Panel

The aim of the Panel is to ensure that individuals and staff feel confident in seeking positive solutions while demonstrating that no one individual is left to make difficult decisions alone. When there is a significant or perceived substantial risk, it will provide a clear process for discussion, advice and recommendations to inform decision making. The process will ensure that the individual is listened to, has a voice and is fully involved in any decision making with regards to their life.

The objectives of the Panel are;

- To ensure that all processes support Coventry Councils Adult Social Care commitment to focus on effective enablement, prevention and wellbeing.
- To ensure that people have the right to live their lives to the full as long as that does not stop others from doing the same.
- To ensure a consistent approach is taken to considering difficult risk decision making, where the risk to independence or safety is balanced with the risk of not supporting an individual's choices.
- To provide a forum for discussion when dealing with difficult decisions regarding risks to the local authority, the individual, their carers, providers and staff.
- To provide a practice framework for staff to feel supported in their decision making and promote a culture of positive risk management.
- To ensure there is a written record of discussions, advice and recommendations.

The Panel should be used;

- When the worker has shown they have firstly considered risk ordinarily as part of the assessment. When there is a significant or perceived substantial risk.
- Where there is no agreement between the individual and the organisation as to how the risk can be managed in a positive way.
- Where all other attempts to fully discuss the issues of concern and reach a mutually acceptable agreement with the individual and/or their representative have been explored.

Any type of risk can be considered by the Panel. This could include the following;

- Risk to the individual
- Risk to informal carers
- Risk to paid carers
- Risk to the public
- Risk to the reputation of the organisation
- Environmental risks
- Financial or budgetary risk
- Risks to individual employees

Risk Enablement Panel Process

A referral to the Risk Enablement Panel can be made by any member of staff, by completing the Referral Form and sending via email to SafeguardingAdultsTeam@coventry.gov.uk

Please use 'Risk Enablement Panel' in the subject line.

The Panel will meet on a monthly basis at the minimum or following receipt of referral/s.

The meetings will take place at a time and in a venue which is acceptable and accessible to attendees and to enable the individual and/or their carers or representatives to fully and meaningfully participate should they wish to do so.

The Panel will;

- Provide a forum to support individuals and staff to consider the potential consequences of any decisions based on pertinent legislation and the guiding principles of this Framework, to arrive at an informed conclusion.
- Provide advice and recommendations on specific courses of action to be taken following Panel if a decision regarding risk management is reached. This will in many cases allow the Care and Support Plan to be agreed.
- Make recommendations about monitoring arrangements and the frequency of reviews required as part of an ongoing risk enablement strategy.

The Panel will not;

- Replace or act in cases where Adult Safeguarding Policies and Procedures or Multi-Agency Protection Panel Arrangements (MAPPA) take precedence.
- Replace the decision-making process and accountability that sits with the worker or their Team Leader and any cases presented to the Risk Enablement Panel by workers must evidence that they have followed a clear process in arriving at Panel.
- Replace Legal advice and existing Legal Planning Meetings.
- Authorise the amount or replace the usual sign off process of the Personal Budget or Continuing Healthcare Funding.

The Panel can consist of the following core members;

- Adults Principal Social Worker (Chair)
- Safeguarding Adults Coordinator
- MCA/DoLS/AMHP Development Lead
- Operational Manager (Local Authority or Organisation with delegated responsibility for Adult Social Care)
- Practice Development Social Worker
- Team Leader Deprivation of Liberty Safeguards (DoLS)
- Independent Living Practice Adviser
- Lead Officer Continuing Healthcare
- Relevant multi-disciplinary representation or specialist as needed

Each Panel will usually consist of 3 members with experience relevant to inform the issue or risk.

The Panel will be attended by the worker responsible for the case and/or their Team Manager/Leader and can include the individual concerned and any family, carer or advocate requested by the individual to represent them. Others involved in the support of the person (providers of health and social care) may be invited to attend and contribute but would not be Panel decision makers.

Prior to the meeting the person presenting the case to the Panel must ensure that all relevant parties are informed of the impending panel discussion. This must be done using a method of communication appropriate in the individual circumstance.

During the Meeting;

- The Chair will explain to all present the nature of the discussion and summarise all steps taken so far to resolve the issue.
- They will then invite each party to present their view of the situation along with their suggested resolution.
- An open discussion will then be facilitated by the Chair to enable members of the Panel to fully explore and understand the issues and for potential consequences of any decision to be identified and explained.
- The Chair will then invite the individual and/or their representative to describe their preferred outcome, followed by the views of other parties affected by the decision.
- The Chair will invite Panel members to engage in discussion and provide any advice or information regarding any proposed decisions, taking care to substantiate any such decisions in terms of the legislative requirements and the guiding principles of this Framework.
- The Chair will summarise the discussions, confirming any advice and recommendations.
- All discussions, recommendations and any agreed actions arising from the meeting must be documented in the Panel minutes.

After Panel;

- Following the meeting, the Panel Chair will complete the Recommendations Form to record the discussion and any recommendations of the Panel.
- The Recommendations Form can be saved on the Care Director Electronic case management system.

Monitoring and Review

The core members of the Panel will be responsible for monitoring and reviewing the effectiveness of the Panel in conjunction with the relevant Heads of Service/s.

This will help to;

- Assess the number of referrals being presented and the appropriateness of the cases.
- Identify knowledge and skills gaps within the organisation and training needs in regard to promoting a positive risk culture.
- Assess whether staff feel more supported in the decision-making process around risk.
- Highlight the need to update processes and procedures.

A regular report regarding implementation progress will be provided to the Adult Social Care Management by the Adults Principal Social Worker.

References and Supporting Documents

- Adult Safeguarding: Multi-agency policy & procedures for the protection of adults with care & support needs in the West Midlands (2019)
- Coventry City Council (2022) Positive Risk Taking and Risk Management Guidance
- Coventry City Council (2017) Mental Capacity Act 2005 & Deprivation of Liberty Safeguards: Legal Planning Meetings
- Morgan S (2013) Risk decision making: Working with risks and implementing positive risk taking
- Research in Practice for Adults (2016) Frontline Briefing – Risk Enablement
- Understanding Mental Capacity <http://www.umccoventry.co.uk/>

Appendix

RISK ENABLEMENT PANEL REFERRAL

Name of Person		DOB	
Care Director No.		Date of Referral	
NHS No.			

Presenting Worker	
Team Leader	
Team/Agency	

Others attending panel (e.g. person, informal carers, relatives, providers, health staff etc.)

Name	Status	Name	Status

What would you like Risk Enablement Panel to consider?

Does the person have the mental capacity to make a decision in respect of the issues being presented to panel?

YES NO

If the person lacks capacity to make a decision in respect of the issues being presented please forward mental capacity assessments/relevant documentation to panel

Please give details of the actions taken to resolve differences of opinion/conflicts including supervision discussions and team managers' actions

Have safeguarding alerts been raised in relation to the risk? YES/NO
 If yes, please provide dates and outcomes of safeguarding work?

Supporting Documents (please list)

Any other information that panel needs to be aware of

Signatures of presenting team

Presenting Worker	Name (print):	Signature:
Team Leader	Name (print):	Signature:

RISK ENABLEMENT PANEL RECOMMENDATIONS RECORDING

Date of Panel:	Name of Person:
Panel Chair:	Care Director No:
	NHS No:

Panel members

Name	Job Title	Signature

In attendance

Name	Relationship to person	Job Title/Role

Panel discussion

Panel recommendation

Record of disagreements (including any residual risk)

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Any other comments

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Signed (Chair of Panel):	Name (print):
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