Section 5

The organisation operates an effective procedure for assessing and managing risks with regard to safeguarding vulnerable adults.
Standard 5

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Criteria:

1. A risk assessment is carried out to identify and evaluate risks to vulnerable adults.

2. The identified risks are managed by putting in place risk-reducing measures.

3. All identified risks and risk-reducing measures are recorded and reviewed at least once per year.

4. The organisation should recognise that vulnerable adults have the right to take risks and should provide help and support to enable them to identify and manage potential and actual risks to themselves and others.

5. The organisation has a procedure in place for reporting, recording and reviewing accidents, incidents and near misses, which should in turn inform practice and the risk assessment and management procedure.
5.1 A risk assessment is carried out to identify and evaluate risks to vulnerable adults.

Assessing and managing risks to vulnerable adults should be integral to your organisation's risk management strategy. Risks may relate to the working of the organisation; its provision of services; its delivery of individual activities; or its social guardianship responsibility.

**What is risk assessment?**

Assessment of risk is the process of examining what could possibly cause harm to vulnerable adults, staff, volunteers or others in the context of the activities and services your organisation provides; in the interactions with and between vulnerable adults; and with the wider community.

Risk of harm can be posed by actions and inactions in many different situations such as:

- intimidation and other threatening behaviours;
- behaviours resulting in injury, neglect, abuse, and exploitation by self or others;
- the use of medication;
- the misuse of drugs or alcohol;
- aggression and violence;
- suicide or self-harm;
- a person’s impairment or disability; or
- accidents, for example, whilst out in the community or participating in a social event or activity.

For the individual, the level of risk, that is the likelihood of an event occurring and the impact it might have depends on the nature of the person, their relationships with others, the choices open to them and the circumstances in which they find themselves.

For the organisation, the level of risk will depend on the balance achieved between the right of a vulnerable adult to be safeguarded; the duty of care owed to the vulnerable adults served by the organisation; the duty of care owed by the organisation to its staff/volunteers; the legal duties of statutory bodies and service providers; and the right of vulnerable adults to make informed lifestyle choices and take part in activities.

No endeavour or activity, or indeed interaction, is entirely risk free and even with good planning, it may be impossible to completely eliminate risks from any activity, service or interaction. However, having in place good risk assessment and management practice is essential to reduce the likelihood and impact of identified risks. In some situations, living with a risk can be outweighed by the benefit of having a lifestyle that the individual really wants, values and freely chooses. In such circumstances, risk-taking can be considered to be a positive action. Consequently, as well as considering the dangers associated with risk, the potential benefits of risk-taking have to be considered.
Why assess and manage risk?

In assessing and managing risks, the aim is to minimise either the likelihood of risk or its potential impacts. In safeguarding terms, the aim of risk assessment and management is to prevent abuse occurring, to reduce the likelihood of it occurring and to minimise the impacts of abuse by responding effectively when it does occur. An organisation should always take time to identify, evaluate and put in place risk-reducing measures.

Principles of working with risk

A number of important issues need to be considered by staff and volunteers who carry out risk assessments and risk management in relation to vulnerable adults:

- The assessment and management of risk should promote the independence, real choices and social inclusion of vulnerable adults;
- Risks change as circumstances change;
- Risk can be minimised, but not eliminated;
- Information relating to vulnerable adults, activities, relationships and circumstances will sometimes be incomplete and possibly inaccurate;
- Identification of risk carries a duty to do something about it, i.e. risk management;
- Involvement of vulnerable adults, their families, advocates and practitioners from a range of services and organisations helps to improve the quality of risk assessments and decision-making;
- ‘Defensible’ decisions are those based on clear reasoning;
- Risk-taking can involve everybody working together to achieve positive outcomes;
- Confidentiality is a right, but not an absolute right and may be breached in exceptional circumstances when people are deemed to be at serious risk of harm or it is in the public interest;
- The standards of practice expected of staff/volunteers must be made clear by their team manager/supervisor to give them the confidence to support decisions to take risk;
- Sensitivity should be shown to the experience of people affected by any risks that have been taken and where an event has occurred.

The risk assessment process

There are a number of risk assessment methodologies available and it is important to use the methodology that is most suited to your organisation’s activities, or that is recommended or required by a Regulatory Body.

The risk assessment process involves:

- The identification of risks; and
- Determining the level of risk by evaluating its potential impact and the likelihood of it happening.
The identification of risks

This involves identifying in advance what risks may be associated with all of the activities of your organisation and the services you provide. Risks may vary for individuals and can depend on the nature and extent of an individual’s vulnerability. Identification of risk should involve a balanced approach which looks at what is and what is not an acceptable risk. When identifying risks, there should be a specific focus on safeguarding risks, for example, by identifying the circumstances where abuse or exploitation are more likely to occur.

Risk to vulnerable adults is known to be greater when:

- The vulnerable adult is emotionally or socially isolated;
- A pattern of violence exists or has existed in the past;
- Drugs or alcohol are being misused;
- Relationships are placed under stress.

When care services are provided, abuse is more likely to occur if staff/volunteers are:

- Inadequately trained;
- Poorly supervised;
- Lacking support or working in isolation.

In addition, to the known risk factors, a range of other factors may increase the likelihood of abuse:

- Where an illness causes unpredictable behaviour;
- Where the person is experiencing communication difficulties;
- Where the person concerned demands more than the carer can offer;
- Where the family dynamics undergoes change in circumstances (for example the sudden death of partner, unemployment, divorce);
- Where a carer has been forced to change their lifestyle as a result of becoming a carer;
- Where a carer experiences disturbed nights on a regular basis;
- Where a carer becomes isolated and is offered no relief from a demanding role;
- Where other relationships are unstable or placed under pressure whilst caring;
- Where persistent financial problems exist;
- Where a partner abuses drugs (especially alcohol), is unemployed or underemployed, is poorly educated or has been in a previous, perhaps turbulent, relationship with the victim;
- Where a victim seeks to disclose abuse; get support; or to leave an abusive relationship.

The circumstances and factors listed above are neither exhaustive nor placed in order of priority.

The number of staff/volunteers available is crucial, and, for Regulated Services, the need for an appropriate number of suitably qualified, skilled, competent and experienced staff is a requirement. How and where services and activities are organised can also heighten or lessen the level of risk.
Determining the level of risks

You need to be able to determine the level of risk (e.g. high, medium or low) associated with the risks identified. The purpose of determining the level of risk is to establish which risks warrant most attention. While an organisation will want to be mindful of all risk, those which have been determined to be ‘high’ level should be given the greatest and most urgent attention.

The level of risk is a combination of likelihood and impact. For each risk identified, you need to rate the risk according to the likelihood of it happening (e.g. from unlikely to likely) and the seriousness of the impact (e.g. from minor to major) if it were to happen. The matrix below maps ‘likelihood’ against ‘impact’ and gives an overall risk level of high, medium or low.

For example, an organisation, which provides services to adults with epilepsy, might assess the level of risk associated with an adult with severe epilepsy having a seizure as high, on the grounds that a seizure is ‘likely to occur’ and will have a ‘major impact’ if it does. As a risk-reducing measure, the organisation would want to ensure that it had sufficient numbers of staff available, trained in responding appropriately to seizures.

To take another example, the abuse of a vulnerable adult would in all cases be considered as having a major impact on the adult involved. To reduce the likelihood of the risk of abuse occurring, the organisation will want to put in place a range of safeguarding measures (as set out in the Safeguarding Policy), the aim of which is to reduce the likelihood of abuse.

**Likelihood of the identified risk**

<table>
<thead>
<tr>
<th>Likelihood of the identified risk</th>
<th>Determining the levels of risk</th>
</tr>
</thead>
<tbody>
<tr>
<td>Likely</td>
<td>Medium</td>
</tr>
<tr>
<td>Possible</td>
<td>Low</td>
</tr>
<tr>
<td>Unlikely</td>
<td>Low</td>
</tr>
<tr>
<td></td>
<td>Minor</td>
</tr>
</tbody>
</table>

**Impact of the identified risk**

Note that the level of risk, assessed as high, medium or low, is a combination of the likelihood of an identified risk occurring and the impact it would have if it did occur. So where a risk is:

- **likely to occur** and of **major impact** the level of risk is **high**;
- **possible** and of **moderate impact** the level of risk is **medium**; and
- **unlikely** and of **minor impact** the level of risk is **low**.
The management of risk

The next step is to look at what can be done to reduce the likelihood and lessen the impact of the identified risks. Risks can be managed in a number of ways. It is the responsibility of a named individual (the risk owner) to ensure that each identified risk is properly managed. Risk ownership is an ongoing process for the lifetime of the identified risk. The risk owner will normally be a senior person within the organisation and s/he will be named in the organisation’s risk log/register (see Section 5.3), alongside the risk(s) for which s/he is responsible.

For the organisation, the primary aim of the Safeguarding Policy (see Section 1) is to manage the risk of abuse to vulnerable adults by establishing an organisational culture in which the rights of vulnerable adults are fully respected and by putting in place a range of procedures which support that culture. Establishing a culture, which is mindful of and has a ‘zero tolerance’ of abuse wherever it occurs and whoever causes it, and putting in place robust procedures are all part of an organisation’s risk-reducing armoury. If properly implemented, the Safeguarding Policy has the potential to reduce both the likelihood and impact of abuse by, for example:

- Preventing unsuitable people from joining the organisation through good recruitment and selection practice;
- Making staff and volunteers aware of the indicators of vulnerability and risk and the possible signs of abuse and equipping them to respond quickly to concerns about actual, alleged or suspected abuse;
- Ensuring that staff and volunteers are properly inducted, trained, supported and supervised in their work with vulnerable adults;
- Ensuring that staff and volunteers know what constitutes acceptable behaviours and good practice and that they are supported when they challenge poor practice;
- Promoting a culture of inclusion, transparency and openness throughout the organisation and its services and activities;
- Making staff and volunteers aware of how information about vulnerable adults should be handled; and
- Having in place good overall organisational management and practice supported by a range of organisational policies and procedures.

Risk management options

For activity/service provision, an identified risk can be managed in a number of ways. It can be avoided, controlled, financed, transferred or accepted.

Avoid the risk

If the level of risk cannot be satisfactorily reduced through other means, you may decide not to engage in a particular activity or provide a particular service.

*Example:* Due to widespread travel disruption there is a high risk of an insufficient number of staff/volunteers being present to safely supervise an activity for vulnerable adults with physical disabilities who require assistance to participate. As the risk of injury is considered too great in such circumstances, the activity is cancelled.
Control the risk
Controlling risk involves implementing measures to both reduce the likelihood of a harmful event occurring and to minimise the impact of such an occurrence. This is about identifying the good practice policies that need to be adhered to and the staff/volunteer training required to reduce risk and harm.

- Example: An organisation which provides activities for an adult with severe epilepsy will ensure that there are suitably trained staff/volunteers present at all times to deal with the situation should the person have a seizure. While the likelihood of a seizure happening may be high, the impact will be reduced by having in place sufficient numbers of staff trained to deal with seizures.

Finance the risk
It is important to provide resources to meet the liabilities caused by the risks when they are identified.

- Example: An organisation which risks losing volunteers because some of them are out of pocket through their volunteering, may decide to allocate a budget to cover volunteer expenses. So while the impact of losing volunteers may be high, the likelihood of it happening will be reduced by financing the risk.

Transfer the risk
This typically happens when an organisation decides to have a qualified third party carry out a particular activity so that the risk is transferred to him/her.

- Example: An organisation does not have adequately qualified staff or volunteers to take a group of physically disabled adults canoeing and commissions qualified instructors to do this. Risk of financial loss can be mitigated through insurance, indemnity or exemption from liability. However, if an organisation fails to take reasonable steps to prevent/manage risk, then it may still be liable, despite insurance or any form of indemnity or exemption from liability.

Accept the risk
Tolerate the risk, perhaps because no reasonable action can be taken to mitigate it or the likelihood of the risk occurring and its impact are at an acceptable level. An organisation should only ever accept risks, which they have judged to be very low level, without putting in place some form of risk-reducing measure. All the while, having regard to the positive outcomes for the vulnerable adult that may accrue from positive risk taking (see Section 5.4).

5.3 All identified risks and risk-reducing measures are recorded and reviewed at least once per year.

It is essential that all risks and risk-reducing measures are recorded. Typically this will take the form of a Risk Register. For organisations dealing with vulnerable adults, it would be helpful to have a section of the Risk Register that deals specifically with safeguarding risks. It is also essential that risks and risk-reducing measures are kept under review. It is recommended that a risk review should be carried out at least once per year. Also, a risk review may be necessary at the point an organisation undergoes a process of change, for example, in circumstances where organisations with different cultures or experience merge or an organisation takes on a new activity or service.

See Resource 5.1 – Sample Risk Register
5.4 The organisation should recognise that vulnerable adults have the right to take risks and should provide help and support to enable them to identify and manage potential and actual risks to themselves and others.

It is important that the organisation has a policy of ‘positive risk-taking’ and avoids becoming totally risk averse. Risk averse cultures can stifle and constrain and could lead to inappropriate restriction to the individual’s rights. Life is never risk free. Some degree of risk-taking is an essential part of fostering independence. For instance, if you identify an activity or set of circumstances as potentially risky to a vulnerable adult or group of vulnerable adults, this needs to be offset against the benefits which the individual or group might draw from taking part in that activity. Risk-taking should be pursued in a context of promoting opportunities and safety, not poor practice.

In a culture of positive risk-taking, risk assessment should involve everyone affected – vulnerable adults and carers, advocates, staff and volunteers and, where they are involved, health and social care staff.

5.5 The organisation has a procedure in place for reporting, recording and reviewing accidents, incidents and near misses, which should in turn inform practice and the risk assessment and management procedure.

Very often, there are lessons to be learned from accidents, incidents or near misses, which occur within an organisation. As a result, the organisation should have in place a procedure for reporting and recording accidents, incidents and near misses that occur. These may involve vulnerable adults; they can also involve staff members or volunteers. Staff and volunteers should be aware of the reporting and recording procedure.

Accidents, incidents and near misses, particularly those which are recurring, can be indicators of organisational risk, including a risk to safeguarding, which needs to be managed. It is important, therefore that the risk identification exercise makes reference to reported accidents, incidents and near misses and that the learning from these is (a) identified and disseminated to staff and volunteers; and (b) used to inform changes in practice, policy and procedures.

Where the accident, incident or near miss is in some way connected to a safeguarding matter, it should be drawn to the attention of the Nominated Manager for appropriate action.

See Resource 5.2 – Sample Accident/Incident/Near Miss Record Form
### Resource 5.1 Sample Risk Register

<table>
<thead>
<tr>
<th>Identify MAIN RISKS to people, property and/or organisation’s work and reputation</th>
<th>Evaluate the seriousness of these risks</th>
<th>Assessed Level of Risk</th>
<th>Risk Owner</th>
<th>How can you manage these risks?</th>
<th>Action Completed (date)</th>
<th>By Whom</th>
<th>Review</th>
</tr>
</thead>
<tbody>
<tr>
<td>Likelihood of it happening</td>
<td>Impact of it happening</td>
<td>Combination of likelihood and impact</td>
<td>Stop the Activity</td>
<td>Reduce the Risk</td>
<td>Finance the Risk</td>
<td>Transfer the Liability</td>
<td>How and when will you review the risks in this area?</td>
</tr>
<tr>
<td>Unlikely</td>
<td>Minor</td>
<td>Low</td>
<td>Action needed</td>
<td>Action needed</td>
<td>Action needed</td>
<td>Action needed</td>
<td></td>
</tr>
<tr>
<td>Possible</td>
<td>Moderate</td>
<td>Medium</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Likely</td>
<td>Major</td>
<td>High</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

A)  

B)
# Resource 5.2  Sample Accident/Incident/Near Miss Report Form

## ACCIDENT/INCIDENT/NEAR MISS

*Please circle one of the above*

**REPORT FORM** Ref No:

<table>
<thead>
<tr>
<th>Name: (person involved/injured)</th>
<th>Date:</th>
<th>Time:</th>
</tr>
</thead>
</table>

*If more than one person has been involved please use separate forms for each person.*

**Status:**
- Vulnerable Adult
- Employee
- Volunteer
- Visitor
- Other

*If Other, please specify:*

**Details of Accident/Incident/Near Miss:**

*(Please include what happened prior, event details and what was done immediately/by whom? Please include a drawing if helpful and use extra sheets if necessary).*

**Details of injuries or damages and any first aid/medical treatment given:**

<table>
<thead>
<tr>
<th>Name of Person Reporting:</th>
<th></th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Job Title:</th>
<th>Date:</th>
</tr>
</thead>
</table>
### Manager Section

**Long Term Action Plan:**
*(What action is to be carried out to prevent the Accident/Incident/Near Miss happening again).*

<table>
<thead>
<tr>
<th>Is a risk assessment (or support plan) review required as a result of this Accident/Incident/Near Miss?</th>
<th>YES [ ] NO [ ]</th>
</tr>
</thead>
<tbody>
<tr>
<td>Action to be carried out by: <em>(name)</em></td>
<td>By Date:</td>
</tr>
<tr>
<td>Line Manager Section Reviewed by: <em>(name)</em></td>
<td>Date:</td>
</tr>
<tr>
<td>RIDDOR 12 Report confirmed by: <em>(name)</em></td>
<td>Date:</td>
</tr>
</tbody>
</table>

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12 The reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR), place a legal duty on employers, self-employed people, people in control of premises to report work-related deaths, major injuries or over-three-day injuries, work related diseases and dangerous occurrences (near miss accidents).