Introduction
The introduction of Self-directed Support (SDS) should mean greater choice and control for individuals. Risk enablement is an important element of ensuring choice, but there are questions about how organisations manage risk and protection in an era of co-production and SDS.

Policy Background
The Social Care (Self-directed Support) (Scotland) Act came into force in April 2014. The Act includes the following principles for individuals receiving support:

- Involvement
- Informed choice
- Collaboration
- The right to participate in society
- The right to be treated with dignity

The Social Care (Self-directed Support) (Scotland) Act, 2013 ensures the right for individuals to have greater choice and control over their support and promotes a shift towards support which is outcomes based and assessments which are co-produced with supported people.

The Statutory Guidance to accompany the Act explains in detail what Local Authorities must do and includes a section on approaches to risk:

Section 14 of the Statutory Guidance
‘The authority should ensure that professionals involved in assessment and support planning for both adults and children take a person-centred approach to risk assessment…..building and maximising the individual’s control over their own risks’.

Risk Enablement and SDS
Since the Act was passed, there has been an ongoing debate about how the rights and principles in the SDS Act fit with current approaches to risk assessment, adult support and protection and local authorities’ responsibility for Duty of Care. Risk management and protection have been identified as one of the potential barriers to implementation of SDS and the Scottish Government has convened a National Risk Enablement group to look at how to promote a culture of risk enablement under SDS.

Some people consider that the current approaches to risk assessments and a risk averse culture that exists in some organisations and public bodies can be a major barrier to supporting the principles of SDS and may be stifling choice for individuals.

Recent research by the Joseph Rowntree Foundation (JRF), Whose risk is it anyway?, highlighted that supported people often consider risk assessments as being a barrier to choice:

‘Risk is important – but people using services often perceive this in a disempowering way as something that is imposed on them by the system’

However with Self-directed Support, the focus needs to be on risk enablement: promoting positive risk taking whilst ensuring that risk assessments are co-produced with the person and are kept to a minimum.
Shared Responsibility
Responsibility for risk should be shared by all partners – local authorities, providers and the individual so that burden is not just on one stakeholder.

Tensions: Risk vs. Protection
Whilst some tensions exist between the duties in existing legislation, which is there to protect people who lack capacity, the Adult Support and Protection (Scotland) Act 2007 and the Mental Health (Care Treatment) (Scotland) Act 2003, and the new duties in the Social Care (Self-directed Support) (Scotland) Act 2013 to promote greater choice for supported people, risk enablement should be about supporting individuals to take meaningful choices in a safe and supported way.

Challenges for Providers
Providers have highlighted some of the challenges around promoting positive risk taking. In 2014 Providers and Personalisation carried out research into SDS, regulation and inspection which highlighted some of the tensions that exist around regulation, risk and choice: P&P SDS, Regulation and Inspection Research Report

Providers face scrutiny from the Care Inspectorate and are subject to annual inspections. Compliance with regulation and inspection from the Care Inspectorate often means increased paperwork and reporting, which can in turn lead to a more cautious approach by providers to risk assessments and risk management. Providers can be downgraded for non-compliance with regulatory requirements and sometimes err on the side of caution when supporting people, particularly those who are identified as lacking capacity or being an adult at risk.

Risk and contracting
Support providers are also subject to compliance with local authority contracts in order to receive funding. Some local authorities and individual social workers are more risk averse than others. Often providers have no option but to sign up for contracts which place all of the burden and responsibility for risk with the provider.

Lengthy and bureaucratic contracts can also be a barrier to promoting risk enablement. Low barrier, short, accessible contracts with a minimum number of clauses are key to enabling choice for individuals and supporting risk enablement under SDS.

Taking Meaningful Risks Events
In June 2014, Providers and Personalisation hosted three events in Edinburgh, Glasgow and Inverness attended by a total of 170 participants from a range of different organisations, including support providers and local authorities.

Defining risk enablement:
"Take risks to fail, succeed, learn and live..."

Participants at the events compiled Top Tweets #sdspositiverisktaking to capture their understanding of risk enablement:
Top Tweets Edinburgh  
Top Tweets Glasgow  
Top Tweets Inverness

More talk about a good life, less talk about risk
The Thistle Foundation shared their experiences of adult support and protection and co-produced risk assessments. The Thistle Foundation worked with Altrum on a user-led research project aimed at increasing knowledge of the decision-making skills required in risk assessments within social care. The work was led by people who use services and who had been subject to adult support and protection processes.(ASPA)1 The findings of the research were published in a report ‘Working Together in Adult Support and Protection’ and a range of risk assessment tools were produced: Adult Support and Protection project

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The project found that adults seen as ‘at risk’ often feel excluded from decision making about their lives. The user-researchers found that many of the risks they want to take were reasonable and should be treated as such. Being ‘at risk’ didn’t mean exclusion from the risks of normal life (e.g. relationships, travel, independence, going out…)

The research found:

- You cannot underestimate the anxiety that the feeling of being under scrutiny, or having your capacity judged, causes.
- The processes of ASPA (and risk assessment) can make it easy for people to feel they are not in control and at the heart of the situation.

They suggested that a powerful, simple and ethical way to change the culture of ‘risk assessment’ and promote choice for individuals is to involve individuals in decision-making about their own lives.

The speaker noted that the risk assessment perspective and language didn’t exist in social care pre- 1990s. Risk assessment as a concept comes from the management of risk in industrial settings and has an uneasy fit with social care.

In order to change the culture, organisations also need to change the language and terminology used around risk: ‘bureaucratic language often leads to bureaucratic solutions’.

Workers should focus on using ordinary, everyday language, talking about ‘worry’, rather than ‘risk’ – E.g.: ‘What are we worried about? How worried are we? What can we do to reduce the worries?’ The discussion about worries arises naturally from an outcomes focussed conversation and should be built into a person’s support plan- signalling that risk taking is part of living.

<table>
<thead>
<tr>
<th>What are we worried about?</th>
<th>How worried are we?</th>
<th>What can we do to worry less?</th>
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Changing the Culture

_“Security is mostly a superstition... Avoiding danger is no safer in the long run than outright exposure. Life is either a daring adventure, or nothing.”_  
_Helen Keller_

Nick Thorpe, a writer and journalist, gave a unique perspective on his own personal approach to risk taking and illustrated how our personal approach to risk taking can impact on the wider organisational culture. Nick led a workshop that invited participants to consider their personal and organisational attitudes to risk.

**Personal Approaches to Risk Taking**

In order to create a culture of positive and meaningful risk taking for individuals who are receiving support, workers should have an awareness of their individual approach to risk taking.

Some workers may be more risk averse than others and people’s appetite for risk taking can vary depending on how safe they are feeling or what kind of risk the supported person wants to take. For example in the workshop all the participants agreed that the risk that Joe wanted to take (to find a boyfriend) was a risk they were comfortable with however not everyone agreed that it was safe for Carole to manage her own budget (due to her fluctuating mental health problems.)

The key to positive risk taking is ensuring that frontline workers feel well supported to enable service users to have greater choice and control, achieve their outcomes, take risks and try out new activities.

Workers also need to be encouraged to take care of their own wellbeing as risk aversion can increase when people are feeling overwhelmed, depleted or distressed.

Workers need to be assured that positive risk taking is supported by their organisation.
**Organisational Approaches to Risk Taking**
Providers highlighted the need to promote positive risk taking through a range of activities including: providing training for staff on risk enablement and compliance with relevant protection legislation; providing training on outcomes based support planning and co-produced risk assessments for individuals; and developing an organisational strategy for promoting positive risk taking and choice for individuals under Self-directed Support.

**Workshop Discussions**
The participants were given two case studies to work on in groups. One case study was about a man with learning disabilities and the other was someone with mental health problems. The group discussions highlighted the following as being of importance:

- Talk and listen to the supported person when discussing risk. Be non-judgemental.
- Respect the views, wishes and concerns of the supported person.
- Focus on the person’s outcomes and choices rather than potential risks.
- Work with the person to find solutions and ways to enable the person to take risks.
- Assess the impact on the person if they are denied the right to try out new things, form new relationships and take everyday risks.
- Uphold and respect the supported person’s human rights.

The notes from the case studies and discussions are here:
[Case Studies and Feedback from discussions](#)

**Next Steps**

"I will... research risk taking, try and keep perspective, remember the importance of living life."

Participants from all three events wrote their commitments for their Next Steps. Here are some of them:
[Next Steps](#)

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**Top Tips for Risk Enablement**

1. Use ordinary language to talk about risk- what are we worried about? How worried are we? What can we do to worry less?
2. Develop the right tools for carrying out risk assessments.
3. Involve people who are receiving support in making decisions about their own lives.
5. Share responsibility for risk assessments between all stakeholders: individuals, providers and local authorities.
6. Promote positive risk taking, focus on outcomes and enabling choice.
7. Develop a risk enablement strategy for your organisation so that staff feel comfortable supporting people to take risks.
Resources
Social Care (Self-directed Support)(Scotland) Act 2013
http://www.legislation.gov.uk/asp/2013/1/enacted
Statutory Guidance for self-directed support 2014
http://www.scotland.gov.uk/Publications/2014/04/5438
Adult Support and Protection (Scotland) Act 2007
Mental Health (Care and Treatment) (Scotland) Act 2003
Whose Risk is it Anyway? – Joseph Rowntree Foundation
http://www.jrf.org.uk/publications/whose-risk-it-anyway
Taking Meaningful Risks – Nick Thorpe
http://www.nickthorpe.co.uk/
Altrum/Thistle Foundation Risk Research Project
Thistle Foundation Risk Assessment Tools
http://www.thistle.org.uk/our-services/supported-living/risk-research-project/adult-protection-resources/documents

About P&P
P&P is a four year policy and practice change programme supporting providers to prepare for, and showcase good practice in the journey to Self-directed Support. P&P is open to all third sector care and support providers.

More about P&P http://www.ccpscotland.org/pp

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