Risk Enablement Panel

Template terms of reference and procedure for use by local authorities implementing Self-Directed Support
This is a template document designed to be adapted for local use by local authorities, provider agencies and any other organisation which works to support individuals who use care and support services.

“The governing principle behind good approaches to risk is that people have the right to live their lives to the full as long as that does not stop others from doing the same.” (Independence, choice and risk: a guide to best practice in supported decision making – DH, May 2007.)
**Context**

The responsibility for arranging a Risk Enablement Panel sits with the Safeguarding Adults Team. **It will convene only when there are complex risks identified during the normal process of signing off an individual’s Support Plan, which cannot be resolved through the usual channels of decision making within the relevant team, and where there is a clear difference in opinion relating to the proposed Support Plan.**

**Aim**

The aim of the Risk Enablement Panel will be to provide a forum for full and frank discussion and resolution of serious concerns relating to the management of identified risks highlighted in an individual’s Support Plan. When there is a significant or perceived substantial risk, it will provide a forum for a shared decision making process where the outcome will lead to the Support Plan being agreed as ensuring that the individual will be enabled by the support described to remain healthy, safe and well, and where the local authority will be seen to have discharged its legal duty of care.

**Objectives**

1. To ensure a consistent approach is taken to considering complex risk decision making, where the risk to independence or safety is balanced with the risk of not supporting an individual’s choices.

2. A shared responsibility when dealing with complex risks between the local authority, its clients, their carers, providers and staff.

3. To ensure there is a written record of discussions and decisions.

**Nature of responsibilities**

The panel will not replace or act in cases where Adult Protection / Safeguarding Procedures or Multi-Agency Protection Panel Arrangements (MAPPA) take precedence.

The panel will support individuals to consider the potential consequences of any decisions that are deemed to carry a significant element of risk, and to offer advice, guidance and support in weighing up these consequences to arrive at an informed decision. If an agreement is made, the panel will then ‘sign off’ the individual’s Support Plan.

All discussions and any agreed actions arising from the meeting must be documented in the individual Support Plan and in the panel records.

Any person presenting a Support Plan to the Risk Enablement Panel must ensure that all relevant parties are informed of the impending panel discussion, in agreement with the individual. The outcome should be communicated to all parties within three working days of the panel.
Membership

The Risk Enablement panel should consist of:
- The individual and/or their advocate.
- Any carers requested by the individual to represent them, or who the panel consider to be affected directly by the decision being considered.
- An independent chairperson, ideally drawn from the local Safeguarding Adults Board.
- The local authority Safeguarding Adults lead.
- The social worker / care manager responsible for the case and/or their team manager.
- Any relevant multi-disciplinary staff, such as a social worker / care manager or health professional.
- Any specialists involved such as consultant psychiatrist or criminal justice advisor.
- Note taker.
- A contingency list of staff that can deputise for primary panel members.

Frequency and location of meetings

The Risk Enablement Panel is a mechanism of last resort in individual cases, and as such it will not meet unless required.

The meetings will take place at a time and in a venue which is acceptable and accessible to enable the individual and/or their carers to fully and meaningfully participate.

How a panel is requested

A referral to the Risk Enablement Panel can be made by anyone involved in the decision making process in relation to Support Plan sign off, and can be made at any stage in this process. However, the panel will only be convened 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 exhausted.

The referral to the panel can be made by any concerned party involved in the support planning process. It is important that individuals and their representatives are made aware of the panel’s existence and role when being given information about the support planning process.

The panel will convene within seven days of the referral being submitted to the Safeguarding Adults team.

At the meeting

The chairperson will explain to all present the nature of the disagreement and summarise all steps taken so far to resolve the issue. They will then invite each relevant party, starting with the individual or their representative, to present their view of the situation along with their suggested resolution.
An open discussion will then be facilitated by the chairperson 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 representative of the local authority social services team.

The chair will then broker an agreement and describe any decision taken, taking care to substantiate any such decisions in terms of the requirements of the Mental Capacity Act and Human Rights Act, as well as the local authority’s duty of care. Any consequences of the individual choosing not to abide by the decision taken must be clearly communicated at the meeting, recorded fully and communicated after the meeting to the individual and/or their representative as appropriate (see below).

After the panel has met

The decision of the panel will be communicated to all parties within three working days of the meeting, in writing, or using an appropriate communication method for the individual service user. NOTE that this may mean someone is required to visit to explain the panel’s decision in person if this is the only way to ensure the decision is adequately communicated.

The individual and/or their representative must be made aware at this stage of the consequences of not complying with any decision which the panel has made.

The individual and/or their representative must also be made aware of their right to complain if they are dissatisfied with the decision.

Thanks

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