

PROPORTIONALITY IN SAFEGUARDING

MAKING SAFEGUARDING PROPORTIONAL- ADENIKE OWONAIYE

MEANING AND INTERPRETATION

- Dictionary: the quality of something corresponding in size or amount to something else.
- DoH: The least intrusive response appropriate to the risk presented.
- For the service user /adult at risk. (In accordance with publishing by the department of health-based on consultations audit).
- Proportionality is about the least intrusive response appropriate to the risk presented.
- MSP 'I' Statement
- **"I am sure that the professionals will work in my interest and they will only get involved as much as is necessary."**
- *How would you interpret Proportionality?*

WHAT PROPORTIONALITY IN SAFEGUARDING IS ABOUT

- Proportionality in safeguarding goes hand in hand with the other principles and cannot be worked on in isolation. Whatever is done in relation to safeguarding concerns reporting, initial actions taken, enquiries made, conclusions reached and decisions made must be proportional to the risks presented. The Care Act emphasises the need to empower people, to balance choice and control for individuals against preventing harm and reducing risk, and to respond proportionately to safeguarding concerns.
- Proportionality in safeguarding is about 'not taking up a sledge hammer to kill a fly'; similarly, it is disproportionate to 'take a fist to face a hounding lion'.
- Supporting people to use their innate strengths and abilities to make the appropriate decisions which will enable them to manage their own risks and develop physical, psychological or emotional resilience.

RISK ASSESSMENT /RAG- RATING

- The key of getting things proportionally right in safeguarding is in being able to undertake adequate and appropriate risk balancing and analysis and measures for management rather than going in (*with all guns blazing*) without making appropriate risk analysis and determining the most appropriate and proportional response to the concern.
- In general work there is what is known as RAG rating (Risk Assessment Guidelines or Red Amber Green). On the MASH team this was used for colour coding to indicate the level of the risks presented by concerns reported and time scales required to intervene and also for fair allocation of cases. Cases with red ratings are prioritised higher than the amber, green and blue cases.
- When undertaking the **risk assessment**, consideration should be given to the client's circumstances + risks identified + the likelihood of the risks occurring + the consequences of the risk + the clients desired outcomes, and this should determine the level of safeguarding measures that are necessary to make the activity safe and will result in proportionate safeguarding.

QUOTE

- *“The fact is that all life involves risk, and the young, the elderly and the vulnerable, are exposed to additional risks and to risks they are less well equipped than others to cope with. But just as wise parents resist the temptation to keep their children metaphorically wrapped up in cotton wool, so too we must avoid the temptation always to put the physical health and safety of the elderly and the vulnerable before everything else. Often it will be appropriate to do so, but not always. Physical health and safety can sometimes be bought at too high a price in happiness and emotional welfare. The emphasis must be on sensible risk appraisal, not striving to avoid all risk, whatever the price, but instead seeking a proper balance and being willing to tolerate manageable or acceptable risks as the price appropriately to be paid in order to achieve some other good – in particular to achieve the vital good of the elderly or vulnerable person’s happiness. What good is it making someone safer if it merely makes them miserable?” Munby, 2007*

CONSIDERATIONS IN PROPORTIONALITY

- Considering the level of action to be taken in response to the risk presented
- Thinking about the outcome expected, is it worth the risk, and is the risk worth the level of action?
- Think about the cost of making someone safe? – is your action likely to cause a greater loss? Similarly is your inaction going to cause a greater loss? The strength of proportionality is in being able to make a balanced decision based on risk and expressed outcome.
- Knowing how to draw the balance is the key- as in court judgements especially in criminality cases, the punishment needs to be appropriate to the level of criminality.

WHAT IS IMPORTANT TO BE AWARE OF

- The basic legislation involved in safeguarding – acting unlawfully- is like travelling without a map and can result in adverse consequences.
- How to take appropriate action in responding to concerns
- Sensitivity in relation to communication and action- *Not taking over /no excessive intrusion*
- Issues of confidentiality and data protection and when you can act in proportion against people's wishes even if and when they say they do not want you to and knowing what to do in such instances.
- Remember values in social work & the core value of social work – the *Importance and centrality of human relationships*

WHERE THERE IS A LACK OF MENTAL CAPACITY

- Consciousness of a person's rights and choice and freedom of action in view of lack of mental capacity - Ties in with the 4th and 5th principle of Mental Capacity Act s.1 (5 & 6)
- *(5) An act done, or decision made, under this Act for or on behalf of a person who lacks capacity must be done, or made, in his **best interests**.*
- *(6) 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.*

- Thank you