

# What is risk?

*Risk refers to the possibility of something harmful happening either to the child or young person, or to the staff or carers providing the service.*

## **Many disabled children have been excluded from services because the service is overly concerned with risk. Why has this happened?**

- ◆ During the past 10 to 20 years, the UK has become much more concerned about risk due to the developing culture of litigation, that is *where there is blame, there is a claim*.
- ◆ The care needs of disabled children have become more challenging with an increased number of children with complex health needs; more children needing moving and handling; and an increased number of children with ASD (autism spectrum disorders) and severe learning disability who have behaviour that is challenging.

## **How should service providers manage risk so that disabled children are not seen as too disabled to be included in services?**

Service providers have a duty to ensure that disabled children are not exposed to unacceptable risks and they are responsible for ensuring that they (their staff) are not being reckless or negligent when they provide a service.

- ◆ This is done by firstly assessing what the risk is and avoiding the risk if it is unnecessary.

- ◆ However, if the risk is necessary as part of a child's daily care (e.g. moving and handling), they should reduce it to a level which is 'reasonably practicable'.
- ◆ Whilst carrying out a risk assessment is the responsibility of the service provider, they should consult with you, as parents, and with other professionals as part of the process. These other professionals could include the occupational therapist, if your child requires moving and handling; school staff, if your child's behaviour is challenging; nursing staff, if your child is tube fed or has seizures.

Although the Equality Act requires that service managers use risk assessments to help them include, not exclude disabled children, some are not prepared to include disabled children if the risk cannot be totally eliminated because of their concerns about insurance and litigation. This, however, contravenes the Disability Discrimination Act and the East Sussex Judgement (see the web-based information sheet *The inclusion of children and young people who require moving and handling*).

Service providers who work with a 'can do' attitude towards including disabled children will want to involve you and share their risk assessment with you. You should ask to see the risk assessment if your

has been refused access to a service on the grounds of risk, so that you can see if the decision to exclude your child is based on an inability to make it safe, rather than a desire to totally eliminate risk.

There will of course be instances where even providers with a 'can do' attitude cannot reduce the risk to an acceptable level. For example, where a child requiring moving and handling who is placed with a short-break foster carer becomes older and heavier and can no longer be carried upstairs by the carer. If the cost of equipment and adaptations to the carer's house are unreasonable for the amount of time that a child stays, or the house is unsuitable for the appropriate equipment and adaptations, then a risk assessment will not be able to make this situation safe for both the child and the short-break carer. An alternative service would therefore need to be found.

This leaflet pack can be obtained by emailing [NCB@robertguy.co.uk](mailto:NCB@robertguy.co.uk) or telephoning 020 7232 3049. The leaflets can also be downloaded from [www.councilfordisabledchildren.org.uk/rightsresponsibility](http://www.councilfordisabledchildren.org.uk/rightsresponsibility) where you will also find web-based information covering the inclusion of children with specific needs.

