

## **Derbyshire Safeguarding Adults Board**

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### **Vulnerable Adult Risk Management (VARM)**

#### **Practice Guidance**

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### **Vulnerable Adult Risk Management (VARM) Meeting Record**

#### **Practice Guidance**



## Derbyshire Safeguarding Adults Board

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#### Supporting Documents

1. VARM Policy;
2. VARM Meeting Record;
3. VARM What To Expect Leaflet.

## Guidance Summary

### Criteria for a Vulnerable Adult Risk Management (VARM)

As agreed by the Derbyshire Safeguarding Adults Board the agency who identifies a risk around an Adult would be the agency that leads and coordinates the VARM.

There may be cases where it is appropriate for the lead agency/chair to change during the process in order to promote the best outcomes for the individual. All relevant agencies involved in the VARM must be notified of any changes to the lead agency/chairing arrangements as soon as they occur.

Consent for holding an VARM should be obtained from the person whenever possible and the person should be encouraged to participate in the VARM process. However, a lack of consent would not prevent a VARM from taking place. Under common law a person may act to prevent serious harm from occurring if there is a necessity to do so.

In order to consider a person for a VARM meeting **all** the following criteria should apply:

- A person **must have capacity** to make decisions and choices regarding their life;
- There is a **risk of serious harm or death** by self-neglect, fire, deteriorating health condition, non-engagement with services or where an Adult is targeted by local community, is the victim of Hate Crime or Anti-Social Behaviour or the victim of sexual violence - and they do not meet the criteria for Safeguarding;
- There is a **public safety** interest;
- There is a high level of **concern from partner agencies**.

Serious harm means death or injury (either physical or psychological) which is life threatening and / or traumatic and which is viewed to be imminent or very likely to occur.

Any agency can initiate a VARM meeting. The expectation is that the appointed VARM champion within the organisation will exercise professional judgement when referring a case to the process.

The DSAB VARM administrator should be informed of all VARMS initiated via email - DerbyshireSAB@derbyshire.gov.uk

The VARM Meeting Record will be used by the lead agency to inform and invite partner agencies to a VARM Meeting. It will also be used to record risks, actions outcomes and reviews for the whole process.

## Section 1

### Invitation to Attend a VARM Meeting

The lead agency is responsible for arranging and chairing the VARM meeting and any subsequent review meetings. It is essential that attempts are made to include full participation of the adult's views either by themselves or an advocate.

Think about the adult that is being invited and what needs to be considered, for example:

- Venue accessibility;
- Consider how the adult can be included in the meeting process;
- Are there any risks / concerns to consider?

The 'Working With You To Keep You Safe VARM Meeting What To Expect' Leaflet needs to be completed by the Chair and sent to the adult or their advocate. This leaflet acts as the invite for the Adult or their Advocate to attend the VARM meeting and also seeks the views of the Adult. This can be discussed with the Adult either at a face to face meeting prior to the VARM Meeting or posted to the Adult with a stamped addressed envelope for them to return their comments. Allow some time to seek the Adult's views and also to ascertain whether they will be attending the VARM meeting. In order for the VARM Working Group to learn and improve provision for service users it is useful for the completed 'What to expect' forms to be sent to the VARM administrator, so these can be collated. It is important to make reasonable adjustments to support the individual to be able to attend their own VARM meeting.

The nominated Chair from the Lead Agency will also complete '**Section 1**' of the VARM Meeting Record form, paying close attention to appropriate & meaningful information regarding professional concerns, the views of the Adult if they are known and highlighting the initial risk(s).

- Detail Adult history & current situation;
- Detail the Adult's views & expectations;
- Detail what work has been undertaken to reach this point/ reduce the risk;
- Consider which agencies need to be invited / form part of the VARM process;
- Consider appropriate venue, date & time to hold the VARM meeting;
- Clearly list the risk of serious harm or death;
- Consider how the views of the person can be included. The person, or an appropriate Advocate, may attend.

It is the Chair's responsibility to circulate the VARM Meeting Record to partner agencies using a secure email account or secure delivery. It is recommended 10 working days is reasonable time for partner agencies to prepare information and access any risks prior to the VARM meeting.

The DSAB VARM administrator can be asked to take minutes at VARM meetings. Requests can be made via email [DerbyshireSAB@derbyshire.gov.uk](mailto:DerbyshireSAB@derbyshire.gov.uk)

## Receiving an Invitation to Attend a VARM Meeting

Agencies receiving an invitation to attend a VARM meeting need to:

- Gather information held within their organisation about the Adult;
- Take reasonable steps to gather further information if required;
- Liaise with the Chair or Lead Agency to confirm attendance or submit a detailed; information report to support the VARM process.

**Note:** The Adult may attend the meeting and consideration should be given to the contents of the meeting and whether full or partial attendance is necessary, each agency needs to give consideration to confidentiality and data protection issues.

There may be some circumstances where having the Adult attend is not appropriate. For example, the matters raised in the meeting may trigger combative behaviour by the Adult. Having the Adult attend may also impede candid discussion between group members. In such circumstances, a pre-meeting might be helpful, prior to the arrival of the Adult. The Chair shall need to consider the method of recording the minutes of the pre-meeting.

Each agency should consider professional representation, ideally this person should have the knowledge and expertise in their field and have the authority to make decisions on behalf of their agency.

## **Section 2**

### **The VARM Meeting**

The nominated Chair from the Lead Agency is responsible for chairing and coordinating the VARM meeting. 'Section 2' of the VARM Meeting Record Form provides an aide memoir for the Chair as to what needs to be covered in the meeting. The Chair is also responsible for completing Section 2 of the form.

**Introductions** The Chair will introduce all attendees, clarifying roles and the agencies represented. They will also introduce the Adult or their Advocate if they are in attendance. The chair will read out the VARM information sharing confidentially statement which makes specific reference to the legal basis for the information sharing in relation to VARM. The Chair will confirm any apologies received and whether a report has been submitted from the agency not in attendance.

These details will be recorded on the VARM Meeting Record Form.

**Is the Adult present?** Whilst efforts should be made to have the Adult present at the meeting, at times this may not be achievable or appropriate. The details of a representative/Advocate should be recorded, including the nature of the relationship to the Adult.

The Chair should consider the appropriateness of the representative/Advocate in attending the meeting. The representative/Advocate should be appointed or permitted attendance on the basis of 'best interest'.

N.B. The VARM meeting may highlight or raise sensitive, confidential information which may not ordinarily be accessible.

The Chair and those in attendance should, on a case by case basis, consider the value of information sharing having careful regard to the context of the risk or cause for concern. For example, matters of fire risk may not require discussion regarding the Adult's health or specific clinical circumstances. However, matters contributing to the Adult's ability to escape fire given infirmity and/or disability may be applicable when considering risk reduction. In such circumstances some health-related information sharing might be appropriate.

**Does the Adult understand the purpose of the meeting?** All reasonable effort should be made to inform the Adult as to why the meeting is to be conducted. This may be explained in writing; however an additional verbal discussion might be helpful as the purpose of the meeting can be explained in a clear and conciliatory manner.

**What is important to the Adult at risk/What is important for the Adult at risk?** This section requires the Chair (and those attending) to provide a distinction on those matters which the Adult may consider important and those which the attendees think are important.

This provides an opportunity for the group and the Adult to indicate what they think is important from the VARM process. This may reflect those actions raised in the protection action plan. It also provides an opening to explore varying and potentially conflicting points of view. Effort should be made to harmonise differing perspectives; however not at the expense of hazard/harm mitigation. For example, in the case of a hoarder; the Adult may indicate a desire to retain combustible artefacts in their home. It may however, be the objective of the group (by regulatory intervention or otherwise) to encourage de-cluttering activities.

**Description of risks (including a risk rating):** Set out the risks known to the group. It may be necessary to write a short explanation of the risk and the hazard to which the risk relates. The 'risk' may be harm from fire. The 'hazard' may relate to a dangerous electrical installation (electrical fire). For example:

- Risk of fire from old electrical installation;
- Risk of infection given the absence of a wash hand basin;
- Risk of scolding given excessively high water temperature;
- Risk of a fall given the absence of a hand rail;
- Risk of malnourishment given immobility, low financial income.

**Rating the risk:** Each specific risk should be rated by the most appropriately qualified attendee. The rating does not require complex computation but should broadly reflect the likelihood of harm given the circumstances of the Adult.

If possible, the group should have regard to any known guidance, codes of practice or general knowledge. However, risk rating research should not be necessary for this task.

**Actions to reduce the risk:** The plan is a list of activities agreed during the meeting which are considered to reduce the Adult's exposure to harm.

The extent to which risk is reduced shall initially depend on the opinion (and expertise) of the group and the success of the agreed actions. For this reason, the actions detailed shall be central to any VARM review meetings (or the need for).

The plan may include a diverse list of actions, some which directly reduce risk for example, the installation of a smoke alarm for fire hazards, whilst other actions may seem less tangible – for example, financial advice.

The meeting record should specify the individual/agency that has been tasked with an action and any anticipated completion or review dates.

**Description of conflict identified:** Conflict of opinion or circumstances may arise of any number of reasons. This is an opportunity to describe the nature of the conflict and the persons/agencies involved. For example, a Fire Officer or Environmental Health Officer may demand the removal of materials from a hoarded property for the purpose of fire prevention and/or vermin management. It may, however, be the opinion of an attendee that this action is a violation of the lifestyle choices of the Adult.

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**Legal Powers and Duties considered:** Those in attendance should consider any legislation, policies or codes of practice which might be relevant to the case. Primarily, duties (with associated powers) should be identified and statutory interventions specified within the action plan.

Agencies may have discretionary powers which may be applicable and if appropriate they should be recorded (even if not actioned). In all cases, regard should be given to the provisions of the Human Rights Act 1998 (Article 8 - the right to the quiet enjoyment of home and family life). This should be extended to persons affected directly or indirectly by behaviour or life choices of the Adult.

There is an assumption that VARM chairs will be aware of applicable legislation which may include:

- Human Rights Act 1998 – European Convention for Human Rights;
- Mental Capacity Act 2005;
- Care Act 2014;
- Mental Health Act 1983;
- Public Health Act 1936;
- Housing Act 2004 – Housing Health and Safety Rating System Regulations 2005;
- Environmental Protection Act 1990;
- Fire and Rescue Services Act 2004;
- Regulatory Reform (Fire Safety) Order 2005.

**Outcome of the Meeting:** The Chair will need to verbally summarise the recorded risks and agency actions which have been identified. It is the responsibility of the individual agency to assess and action their identified risk within the timescale identified.

The Chair may task an action to an agency if they are absent or unable to attend. It is not the responsibility of the Chair to ensure the action is carried out this lies with the individual agency appointed to do so.

During this meeting a decision may be made that another pathway is more appropriate to manage the risks. Examples of these might be Mental Capacity Act 2005, MHA 1983 Act or any other Statutory Legislation.

During the meeting there may be also consideration given to whether the person might meet the criteria for safeguarding procedures. In these cases, it may be necessary to close the VARM and reopen in the Safeguarding process.

It may be that the risks have been reduced or removed in which case a decision will be made that the VARM can be closed. This needs to be recorded in 'Section 4' Closure of VARM part of the form.

**Review Meeting Required:** The Chair will decide whether a further meeting is required or not and it may be decided by the group that the person may no longer meet the VARM criteria. This will need to be closed and recorded appropriately in Section 4 of the form.





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It is more than likely that a review meeting will be required to record the actions and outcome of these at a further review.

The Chair will need to consider whether all agencies have been considered in the process and decide whether other agencies need to be invited to a review meeting.

Following the VARM Meeting:

It is the Chair's responsibility to ensure that all of Section 2 of the VARM Meeting Record Form and circulate using secure email where possible to all attendees and those that sent their apologies. In some circumstances a minute taker may have formally recorded the meeting and the minutes should be included in the free text box within the meeting record.

As per previous guidance, information needs to be shared with the Adult and it is for the Chair to decide how this will be communicated.

Details of any review meetings should also be communicated to the Adult or their Advocate using the guidance detailed in this document.

### **Section 3**

#### **VARM Review Meeting**

The Chair will need to undertake the VARM Review meeting and record information in 'Section 3' of the VARM Meeting Record form and use the guidance as detailed in Section 2. The DSAB VARM administrator should be informed of the closure of all VARMS via email DerbyshireSAB@derbyshire.gov.uk

**Agency Update:** Each agency will provide an update on their actions with details of any outstanding actions. It shall be incumbent on each of the attendees to follow up and complete actions assigned to them. It is not for the Chair to monitor the actions of the attendees.

The Chair will record details on the form.

**Additional actions:** VARM attendees may specify other appropriate actions necessary other than those specified in previous meetings. It should not include outstanding actions. Any additional actions that may be required should also be recorded on the form with details of the individual / agency responsible for the action and the time scales.

The Chair will decide whether a further review meeting is required or not and make the necessary arrangements if required.

The Chair will circulate the completed VARM Meeting Record form.



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### **Section 4**

#### **Closure of VARM**

The Chair is responsible for completing this section of the form when it has been agreed that the VARM process can be closed.

**Date of closure:** This identifies the date that the VARM process concludes. This does not prohibit the re-opening of a VARM should that be necessary at a later point.

**Reason for closure / update from Chair / Evaluation of Meeting:** This gives the Chair the opportunity to summarise and conclude discussions undertaken to reach the conclusion of the VARM. VARM meetings are often complex by nature and there may be conflicting views, lack of engagement by clients, this should be detailed by the Chair.

Many people choose to remain in high risk situations; it may be worth noting that each agency has reached the decision to close the VARM noting which risks still remain. Concerns/risks often still exist and the role of the meeting is to reduce risk and minimise death and serious harm.

A summary concluding all actions have been taken within the appropriate laws and legislation may be useful in summary. The Chair can also comment on shortfalls and triggers for re-referral into the process.

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### Glossary

<b>Acronym</b>	<b>Description</b>
VARM	Vulnerable Adult Risk Management.
Risk	The term used to judge the likelihood of harm.
Adult	The person at risk of harm or death.
Advocate	A representative for the Adult.
Attendee	An appropriately appointed/invited professional representing an organisation at the meeting.

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