What should you do when a person who has full mental capacity acts in a way that is a risk to their safety or wellbeing?

If someone makes a decision that you or others think is unwise or not in their interests, this does not necessarily mean that they lack the capacity to decide. It is inevitable that there will be times when an adult who has capacity decides to accept a situation that you perceive as potentially abusive or neglectful. This is a decision that they are free to make, unless:

* other people are being put at risk (for example, letting friends who are abusive or exploitative into a shared living environment, where they may put other residents at risk)
* a child is involved
* the alleged perpetrator has care and support needs and may also be at risk
* a serious crime has been committed
* staff are implicated
* coercion is involved.

It is worth bearing in mind that the Data Protection Act 1998 permits information to be shared in a situation of ‘vital interest’, where it is critical to prevent serious harm or distress or where someone’s life is threatened. However, if the only person who would suffer if the information is not shared is the subject of that information, and they have mental capacity to make a decision about it, then sharing it may not be justified.

You should make sure that the person is aware of any risks and the potential impact on their safety and wellbeing, and encourage them to develop strategies to protect themselves. This might involve them becoming involved with a user-led organisation or a support group, for example.

If someone’s decision is having a significant, negative impact on their own safety and wellbeing, you may wish to discuss this with colleagues and seek advice about what options may be available. Any action you take must be informed by the principles of choice, respect and dignity for the person concerned, with a clear focus at all times on helping them to achieve the outcomes they want.

It should be established whether the person is driven purely by their own views and wishes, or whether they are potentially being unduly influenced or coerced by another person. If you believe that they are being coerced, the [**inherent jurisdiction of the High Court**](http://www.scie.org.uk/care-act-2014/safeguarding-adults/adult-suspected-at-risk-of-neglect-abuse/law/mca2005.asp) could apply.

If you believe that a person is acting in a way that is a risk only to *their own* safety or wellbeing, and they are not being unduly influenced by anyone else, then you may decide not to intervene and not to share safeguarding information with other partners. If this is your decision, then you should ensure that you:

* support the person to weigh up the risks and benefits of different options
* make sure that they are aware of the level of risk and possible outcomes,
* agree on the level of risk they are taking
* offer to arrange an advocate or peer supporter for them, if they would like this
* offer support for them to build their confidence and self-esteem, if it appears relevant
* record your reasons for not intervening or sharing information, including every detail of your assessment of the person’s capacity and of your conversations with them about the potential risks posed by their chosen action
* review the situation regularly
* make sure that they understand where they can go if they want to seek help in the future
* try to build trust and use your professional skills and the relationship you have with the person to make it possible for them to better protect themselves, encouraging them to continue the conversation with other people who they trust, such as family members, friends and other professionals.

You may think that it is necessary to share information about the person outside your organisation without their consent, if you conclude that other people’s safety is potentially at risk. If this is the case, you should share the information. As long as it does not increase the risk to the person, you should inform them that you will share their information, and why. You should also:

* explore the reasons for their objections and find out what their concerns are
* explain why you are concerned about them and why you think it is important to share the information
* tell them who you would like to share it with and why
* explain what the benefits may be to the person of sharing information about them
* discuss the potential consequences of not sharing the information
* reassure them that their information will not be shared with anyone who does not need to know.