

Please complete this form and return it to:
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The Applicant	
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Date of Application	16 July 2021

Nature of Application

Manner relates to (select one)	
Risk Assessment	√
Risk Minimisation	
Both	

Please state the purpose for which accreditation is sought for this manner (e.g. for the purposes of assessments carried out under S210B or S210D of the Criminal Procedure (Scotland) Act 1995)

This manner *shall* be used for the purposes of risk assessments conducted by Accredited Assessors under Section 210B and 210D of the Criminal Procedure (Scotland) Act 1995 (as amended by the Criminal Justice (Scotland) Act 2003).

Accreditation by the Risk Management Authority (RMA) is required by practitioners preparing risk assessments for the High Court under the auspices of Section 210B and 210D of the Criminal Procedure (Scotland) Act 1995 (as amended by the Criminal Justice (Scotland) Act 2003).

Where an assessor is preparing such a Risk Assessment Report (RAR) the most recent version of the RMA Standards and Guidelines for Risk Assessment¹ should be followed, and reference should be made to the most recent version of the RMA Risk Assessment Tools Evaluation Directory (RATED)². Practitioners using this manner should also follow the Principles and Standards set out in the Framework for Risk Assessment, Management and Evaluation (FRAME)³ published by the RMA in 2011.

The manner *may* also be used by practitioners producing other reports requiring an individualised formulation-based risk assessment, e.g. risk assessments carried out on certain offenders covered by Sections 10 and 11 of the Management of Offenders (Scotland) Act 2005 and risk assessments for sentencing of some violent or sexual offenders where an OLR is not being considered. The necessary depth of such assessments places them at the 'Scrutinise' tier of Standard 1 (Risk Assessment) in the Framework for risk

¹ <https://www.rma.scot/standards-guidelines/>

² <https://www.rma.scot/research/rated/>

³ <https://www.rma.scot/standards-guidelines/frame/>

assessment, management and evaluation (FRAME).

Such reports typically inform decisions about the sentencing and management of offenders who pose a risk of serious harm⁴. The serious human rights and public protection implications of such deliberations are such that a robust, defensible and comprehensive manner is required.

Risk Assessment is the process of evaluating the nature, likelihood and impact of future offending, and ascertaining the contexts in which future offending may occur. This is with a view to informing decision-making regarding risk management and prevention, through identification of appropriate and proportionate measures to manage the risk.

Risk assessment involves identifying risk factors and protective factors, assessing their relevance to the case, and integrating such factors into an individualised formulation. Risk Assessment Reports should consider and explore the following dimensions of risk in relation to potential future offending:

- likelihood
- nature (including victims)
- seriousness
- frequency
- imminence (including warning signs and triggers)
- pattern (including escalation)

This should include consideration of:

- Likelihood of reoffending generally
- The specific forms of offending that may occur
- The likelihood and the impact of each
- An overall consideration of 'risk of serious harm'

Description of Manner

Briefly describe and summarise the manner including its intended outcomes(s)

This manner represents a summary of the evidence-based and structured practice process that is variously outlined in RMA Standards and Guidelines. It is based broadly on the research literature underpinning the development of conceptual / theoretically derived methodsⁱ, and the structured professional judgment approachⁱⁱ, and it specifically emphasises the central role of formulation. Its intended outcomes are an individualised formulation that explains the onset, maintenance and occurrence of offending behaviour in order to inform decision making about risk management.

Formulation is an individualised model for understanding a person's offending behaviour, which can directly guide consideration of future risk, including but not limited to harmful behaviour. It involves the integration of the information gathered about a case, including specific risk factors, protective factors, and the application of assessment tools to develop an understanding of likely future risk scenarios. The formulation provides a narrative method of describing how a variety of risk factors interact in time and context to **influence** the

⁴ **Serious Harm** is defined as 'harmful behaviour, of a violent or sexual nature, which is life threatening and/or traumatic and from which recovery, whether physical or psychological, may reasonably be expected to be difficult or impossible'.

individual's likelihood and impact of offending behaviour. It is recognised that there are various models of formulation, but this manner proposes that a formulation should describe the historical and/or current factors that predispose towards offending, that precipitate occurrences, that perpetuate risk or require specific attention, and those characteristics, circumstances or people that may be protective in that they have a mitigating effect on risk.

Elements of a formulation would usually include:

- understanding of the individual's interpersonal, emotional and behavioural functioning, including the role of any mental disorder identified;
- offending behaviour being analysed in the context of this understanding by considering precipitants, motivation, circumstances, victims, method, and patterns of offending (offence analysis);
- understanding of previous response/s to risk management interventions;
- understanding of the individual's insight into their offending behaviour and harm inflicted;
- understanding of periods in the person's life where they have not offended;
- using this information to develop future risk scenarios.

Risk Management in this context is understood as the professional task of applying a range of measures, relevant to the factors identified from the application of appropriate tools and an individualised formulation, with the aim of reducing the risk of serious harm to others. It is implemented and co-ordinated through the development of a risk management plan. This will involve the following:

- Supervision
- Monitoring and Contingency Planning
- Intervention / Treatment
- Victim Safety Planning

Describe any constraints or limits that do or should apply to the use of the manner.

Quality Assurance

Practitioners who use this manner for the purposes of sections 210B and 210D shall be accredited by the RMA. This will ensure that the manner is used only by practitioners suitably qualified to undertake risk assessment at this level. Such practitioners should have undertaken relevant training in risk assessment and should also possess an appropriate level of experience. They should have an appropriate level of expertise and knowledge, and they should be committed to maintaining and improving their knowledge through continuous professional development. Additionally, they should also have a legitimate locus to be undertaking any given risk assessment.

Of primary importance, the practitioner shall demonstrate awareness of the extent and limitations of his /her expertise and competence and clearly identify any matters that cross the boundaries of that expertise and competence.

Literature^{5&6} describes the elements that contribute to the quality of a risk formulation, which can be summarised as:

⁵ Literature indicates criteria that can be used to evaluate a formulation; **External Coherence, Factual Foundation, Internal Coherence, Explanatory Breadth, Diachronicity, Simplicity, Reliability, Generativity, Accuracy and Acceptability.** Hart, S., Sturme, P., Logan, C., & McMurrin, M. (2011). "Forensic Case Formulation". *Journal of Forensic Mental Health*, 10(2), 121.

- It is consistent with empirically supported theory;
- It is based on adequate quality and quantity of information about a case;
- It makes compatible and non-contradictory propositions or assumptions;
- It ties together relevant past, present and future case information;
- It is free from unnecessary depth, propositions or assumptions;
- It produces useful, detailed and testable predictions that lead to risk management;
- It is presented in everyday language telling a coherent, ordered and meaningful story;
- It prioritises and suggests relevant and individualised treatment strategies;
- It is comprehensive, logical, coherent, focused and informative.

Provide the rationale and a technical description of the manner. If the manner involves any forms or paperwork please append them to this application with a full description of their purpose and use.

This manner draws on the key principles of risk assessment, as set out in the RMA Standards and Guidelines and the Framework for Risk Assessment, Management and Evaluation (FRAME).

Collaborative Practice

- a. A multi-agency approach. This will involve communicating with a range of professionals from varying disciplines who have been involved with the offender, as part of the assessment process. The practitioner should also verify at a later stage to ensure that the report accurately represents the information they provided to the assessor.
- b. Seeks to engage the offender, including the provision of feedback.
- c. Maintains a victim / public protection focus.

Gathering Relevant Information

- a. File Review. The practitioner should review a wide and comprehensive range of relevant documents, including documents concerning the individual's social, offending and health background in order to inform their assessment. Documents should be sourced from the various agencies that have had contact with offenders. The credibility and relevance of gathered information should be considered, and the impact of any limitations clearly stated
- b. Offender Contact. For the purposes of a Risk Assessment Report, the practitioner should spend a proportionate time in face-to-face contact with the offender. The amount of time should be sufficient: to engage the offender; to enquire about the offender's background, offending, recent circumstances and current views on their offending and risk. The practitioner should conduct a feedback session with the offender in accordance with the RMA Standards and Guidelines for Risk Assessment.
- c. Collateral Sources of Information, for example relatives and professionals previously or currently involved.

⁶ Further research has defined the critical aspects of a forensic formulation to form a checklist that helps apply best practice standards and principles against an assessor's formulation. These are defined as **Narrative, External Coherence, Factual Foundation, Internal Coherence, Completeness, Events relate over time, Simplicity, Predictive, Action-oriented, and Overall Quality**. McMurrin, M., & Bruford, S. (2016). Case Formulation Quality Checklist: A Revision based upon clinicians' views. *Journal of Forensic Practice*, 18(1), 31-38.

Analysis and Integration of Information

The information gathered should be reviewed against the current research literature relevant to the type of risk in question. This will be guided by the application of risk assessment instruments that are appropriate to the risks, needs and characteristics of individual being assessed.

The practitioner shall select appropriate risk assessment instruments in accordance with the practitioner's competences, experience and training. In so doing the practitioner shall have regard to the range of available instruments and their validation status, and demonstrate awareness of the contribution and limitations of various types of instrument.

Practitioners should also be aware that there may be cases where available instruments have little or no validity. This may be the case with unusual types of offending which have attracted little empirical research. Under these circumstances the assessor should:

- review the relevant publications to look at what the latest academic and clinical literature describes in relation to the type of offender and the approach to the risk under consideration;
- seek the views of other experts on the approach to be taken in the case;
- consult with a sufficiently experienced and expert colleague;
- nevertheless use the structured professional judgement framework, as set out in this manner, to guide the process of case formulation and reaching a risk judgement;
- be explicit in their report about the limitations of the approach used.

In addition, the process of offence analysis shall explore the how, why and when of offending behaviour, seeking to identify the predisposing and precipitating factors which explain why episodes of seriously harmful behaviour occur in specific contexts.

Formulation

Formulation is an initial outcome of this manner and a necessary link to further outcomes. A formulation is a holistic explanation of the risk posed by an individual. As stated above, it should set out an individualised and comprehensive understanding of an offender's offending in the context of the various factors in the person's bio-psycho-social background. It should explain how risk and protective factors interact in time and context, and the precipitating events or triggers that may highlight early warning signs and provide useful indicators for contingency risk management strategies.

Communication

The practitioner shall meaningfully interpret, integrate and present the findings from the above processes articulating the:

- likelihood
- nature(including victims)
- seriousness
- imminence (including warning signs and triggers)
- pattern (including frequency and escalation)

Any terms such as 'low' 'medium' and 'high' should be used meaningfully. The use of such terms should be defined and specified, drawing on the above dimensions of risk.

There may be more than one audience to consider in risk communication. Reports ordered

by the Court should communicate risk in a manner that facilitates sentencing. In addition, reports such as the Risk Assessment Report serve to inform the future case manager in terms of initial risk management planning.

Further exploration and elaboration of the formulation, in relation to future risk, may be enhanced using techniques such as scenario planning.

Risk Management

The primary purpose of risk assessment is the prevention of the identified negative outcome through risk management. To this end, Risk Assessment Reports shall conclude with recommendations relating to the management strategies required to minimise that risk referring to:

- Supervision
- Monitoring and Contingency Planning
- Intervention and Treatment
- Victim Safety Planning

Before an assessor can reach a conclusion about the level of risk posed, there should be consideration of the risk management strategies that would be required to reduce that risk. The manageability of the risk posed is an important consideration in the risk assessment process, and in reaching a conclusion about the risk of serious harm posed by the offender.

Report Structure

Assessors should use the Risk Assessment Report Structure published by the RMA. Other practitioners producing analogous reports may have regard to this structure.

Individualised Approach

The preceding elements provide for a consistent and structured manner of risk assessment. However, the manner, in line with the RMA's standards and guidelines also promotes an approach that is attentive to individual needs. Such needs may represent vulnerabilities or responsivity issues which require to be understood as part of a holistic, balanced approach. Moreover, they may be protected characteristics in terms of the Equality Act 2010⁷; assessors should ensure that the risk assessment process does not disadvantage a person on the basis of age, disability, gender, gender reassignment, sexual orientation, race, religion or beliefs, maternity or pregnancy, and marriage or civil partnership.

Summarise the evidence base supporting this manner. Include references as an appendix.

This manner draws significantly upon the RMA publications “Standards and Guidelines for Risk Assessment Report Writing” (2018) and “Standards and Guidelines for Risk Management” (2016).

⁷ Equality Act (2010) - Part 2 (Key Concepts): Chapter 1 – ‘Protected Characteristics’

These publications were written following consultation with practitioners, policy makers and the judiciary. Both publications draw on an extensive research literature, and the RMA publication, "RATED" sets out the evidence base for the tools evaluated therein, hence the guidance that those using this manner refer to this publication. It is also in line with the RMA's Framework for Risk Assessment, Management and Evaluation (FRAME, July 2011).

This manner is consistent with the research literatures underpinning the development of conceptual / theoretically derived methods in that it encompasses the identification of a range of risk factors that aid in understanding an individual's behaviour⁸; and the structured professional judgment approach which prioritises formulation and scenario planning⁹. Application of both is supported by a wealth of literature that speaks to their effectiveness.

RMA Accredited Risk Assessors are required to have regard to the relevant RMA Standards and Guidelines when completing Risk Assessment Reports for the High Court.

Other risk assessments using this manner should follow the FRAME principles and the FRAME Standard 1 for Risk Assessment. Within Standard 1 of FRAME the assessments undertaken using this manner should fulfil the requirements for a risk assessment at the tier labelled 'Scrutinise'.

However, these publications are subject to periodic review in light of research developments, consultation and quality control processes. The fundamental principles and areas covered are unlikely to change significantly in the life-time of this submission, unlike the finer details of emphasis, format, structure and presentation that will be revised.

Practitioners should ensure that in application of this manner they refer to the most current research literature, RMA standards and guidelines and have continual regard to continuous professional development.

⁸ Bonta, J. & Andrews, D. A. (2017) *The psychology of criminal conduct*, Sixth Edition. New York, NY: Routledge; Hanson, K. (2005) Twenty Years of Progress in Violence Risk Assessment *Journal of Interpersonal Violence*, Vol. 20 No. 2, February 2005 212-217; Hanson, K.R. & Morton-Bourgon, K.E. (2010) The Accuracy of Recidivism Risk Assessments for Sexual Offenders: A Meta-Analysis of 118 Prediction Studies. *Psychological Assessment* © 2009 Public Safety Canada 2009, Vol. 21, No. 1, 1–21

⁹ Pedersen, L., Rasmussen, K., & Elsass, P. (2010). Risk assessment: The value of structured professional judgments. *International Journal of Forensic Mental Health*, 9(2), 74-8; Hart, S. D., & Logan, C. (2011). Formulation of violence risk using evidence-based assessments: The structured professional judgment approach. *Forensic case formulation*, 83-106; Webster, C. D., Haque, Q., & Hucker, S. J. (2013). Violence risk-assessment and management: Advances through structured professional judgement and sequential redirections. John Wiley & Sons; Logan, C. (2016). Risk formulation: The new frontier in risk assessment and management. In *Treatment of Sex Offenders* (pp. 83-105). Springer, Cham.