

## 1 Background

This is the fourth edition of RATED, a directory intended to assist practitioners in selecting and applying risk assessment tools. Whether used as aids to initial decision making or case management in wider criminal justice settings, risk assessment instruments must be applied with an understanding of their respective strengths and weaknesses. In addition, to be used with any degree of confidence, risk instruments should have a sound empirical basis and validation history. The RMA's 'Framework for Risk Assessment Management and Evaluation' ([FRAME](#)) highlights the importance of how this information is analysed, evaluated and then communicated in a meaningful way to inform decision making and action.

The Equalities Act (2010) has informed the latest edition of RATED. The Equalities Act maintains that the equalities duty of the public sector is to recognise differences based on social characteristics and to thereafter tailor the needs of individuals accordingly, to ensure the outcomes are equal for everyone in society. As part of its equalities duty, the [RMA \(2015\)](#) will “inform practitioners of relevant equalities considerations and help them apply appropriate risk assessment tools to specific populations.” Where the empirical research is available, the applicability of validated risk assessments to the relevant protective characteristics are considered: people with a mental impairment/learning disability (mental disability); people from an ethnic minority (ethnic group); females (gender); adolescents (age).

RATED is an ongoing project to be continuously updated and revised. Feedback and suggestions about new and emerging tools or new research studies related to the tools in the directory are welcomed.

### 1.1 Background to RMA

The report of the Committee on Serious Violent and Sexual Offenders, chaired by Lord MacLean, highlighted the need for an independent public body to ensure the effective assessment and minimisation of risk. The Committee reported to Scottish Ministers in 2000 and its work informed the Criminal Justice (Scotland) Act 2003. The legislation introduced a new sentence, the Order for Lifelong Restriction (OLR) and established the Risk Management Authority (RMA).

As part of its duties, the RMA is responsible for preparing and issuing guidelines on the assessment and minimisation of risk; as well as publishing standards by which measures taken in respect of the assessment and minimisation of risk are judged. In 2006, the RMA published the [‘Standards and Guidelines for Risk Assessment,’](#) focusing primarily on practice in relation to the Order for Lifelong Restriction (OLR). A year later, the [‘Standards and Guidelines for Risk Management’](#) was published.

## **1.2 Risk assessment tools**

Risk assessment instruments are intended to assist the practitioner in different ways by anchoring the assessment in empirical evidence to identify relevant risk factors. They may be used for a variety of purposes: aiding decision making, planning treatment, predicting the risk of recidivism, using in specialist settings or for case management in criminal justice settings. It is important that risk assessment instruments are applied with an understanding of their respective strengths and weaknesses. [Fazel and Wolf \(2017\)](#) highlight that external validation, performance in the population to be assessed and sound methodology are pivotal factors in deciding whether a tool should be chosen. In addition, to be used with any degree of confidence, risk instruments should have a sound empirical basis and validation history.

The publication of RATED is intended to assist practitioners apply appropriate tools as part of a structured approach to risk assessment to assist with the identification of risk factors, needs and strengths of an individual. It should be noted that the application of a tool is one step in the risk assessment process; it is essential that the emerging information is analysed, evaluated and then communicated in a meaningful way to inform decision making and action.

The evolution of risk assessment has been well documented, with the general recognition that the incorporation of the ever growing research literature delivers an incremental improvement to each new generation of risk assessment instrument ([Andrews, Bonta and Wormith, 2006](#)). Actuarial instruments are described as non-discretionary procedures, whereby the evaluator makes a decision based on fixed and explicit rules designed to predict the future ([Hart and Logan, 2011](#)). Actuarial instruments were designed specifically to assess risk or estimate the probability or likelihood of an outcome using ‘predictor variables’ ([Hart, Douglas and Guy, 2016](#)).

The development of actuarial instruments has evolved over thirty years. Initially, instruments were based on static risk factors that may contribute to broad classifications based on longer term risk. These have since progressed to more sophisticated approaches that contain a range of dynamic factors and are designed to assist in an understanding of an individual and his/her behaviour, with the aim of reducing the likelihood of that behaviour through appropriate interventions (Hanson, 2007).

A further suite of risk assessment instruments, commonly known as 'structured professional judgement (SPJ) instruments, are distinct from actuarial tools in that they are guidelines designed to reflect the discipline with respect to scientific knowledge and practice ([Hart and Logan, 2011](#)).

Whilst they incorporate the empirical evidence, they also include consideration of other clinical factors and do not lead to a quantified 'score.' In this sense, instruments can assist with the identification of risk factors and strengths of an individual (Baird 2017). There are a range of SPJ approaches, ranging from those requiring scenario planning and formulation to others that require an appraisal of the risk and protective factors of individual cases. Several instruments are primarily, although not exclusively, developed for application with mentally disordered individuals who offend; these are most commonly used by mental health professionals, psychologists and psychiatrists. Dynamic instruments allow for reassessments to be carried out to evaluate the effectiveness of treatment in order to guide future decisions. Each SPJ tool focuses on a particular offence type, such as sexual or adolescent violence, and, as such, these instruments are predominantly utilised in specialist settings for the purposes of detailed and individualised risk management planning ([Abbiati et al., 2014](#); [Lloyd, 2019](#); [Logan 2016](#)).

It must be highlighted, however, that concerns have been raised about an over-reliance on the findings of risk instruments in proceedings that have a bearing on sentencing and/or restriction of liberty ([Singh, Grann and Fazel, 2011](#)). The implications from this are that all types of risk instruments share a common weakness if relied upon solely to evaluate 'individual' risk.

Running in parallel with this development has been an on-going academic debate concerning the applicability of group data to the individual and the relative superiority of actuarial and clinical approaches ([Quinsey et al., 2006](#)). A useful guide for practitioners is an approach that bridges both perspectives, drawing upon research work highlighting the limitations of the actuarial approach ([Cooke and Michie, 2010](#); [Hart, Michie and Cooke, 2007](#)); while endorsing the counsel of others that abandonment of the actuarial tradition is unwise ([Craig and Beech, 2010](#)).

In line with the conclusions of researchers ([Boer, 2006](#); [Rettenberger et al., 2009](#)), the RMA Standards and Guidelines encourage a 'convergent' approach to risk assessment which incorporates the use of both actuarial and SPJ tools. Furthermore, structured professional judgement and decision-making are necessary components of all risk assessment practice, regardless of the type of instruments employed or the professional background of the practitioner. It is within this context that the RATED has been developed.