

The Applicant	
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Date of Application	17 July 2012

Nature of Application

Manner relates to (select one)	
Risk Assessment	<input checked="" type="checkbox"/>
Risk Minimisation	<input type="checkbox"/>
Both	<input type="checkbox"/>

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 Assessment ^[1] 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 assessment, management and evaluation (FRAME)

Such reports typically inform decisions about the sentencing and management of offenders who pose a risk of serious harm^[4]. The human rights implications of such deliberations are such that a robust, defensible and comprehensive manner is required.

Risk Assessment is the process of evaluating the likelihood and impact of future offending, and ascertaining the contexts in which future offending may occur with a view to 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 a Risk 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 is based on risk formulation and risk management. Its intended outcomes are advice on the 'pattern of behaviour' and the level of restriction and intervention required to minimise that risk.

Risk Formulation is an individualised model for understanding a person's offending behaviour, which can directly guide consideration of future risk. It involves the integration of the information gathered about a case, including specific risk factors, protective factors, the outcome of assessment tools (for example, personality assessment), and using this information to develop future risk scenarios. The formulation describes how a variety of risk factors interact in time and context, identifying those factors that precipitate episodes of seriously harmful behaviour, so as to guide consideration of future risk.

Elements of a risk formulation would usually include:

- understanding of the individual's interpersonal, emotional and behavioural functioning;
- offending behaviour being analysed in the context of this understanding by considering precipitants, motivation, circumstances, victims, method, pattern of offending (offence analysis);
- understanding of previous response/s to risk management interventions;

- 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 with the aim of reducing the risk of serious harm to others. It is 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.

Practitioners who use this manner for the purposes of sections 210B and 210D must 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.

Quality assurance should be ensured through the application of FRAME Standard 5 (Quality Assurance).

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 first 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 must review a range of relevant documents, including documents concerning the offender'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 the offenders.
- 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 must 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 must conduct a feedback session with the offender in accordance with the RMA Standards and Guidelines for Risk Assessment.
- c. Collateral Sources of Information.

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 validated risk assessment instruments.

The practitioner shall select an appropriate range of risk assessment instruments from those appropriate to the case in question and 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 current validation status, and demonstrate awareness of the contribution and limitations of various types of instrument.

The practitioner should refer to the RMA publication *RATED – A Risk Assessment Tools Evaluation Directory*, in the selection of appropriate instruments.

Practitioners must 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. 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.

Risk Formulation

Risk formulation is an initial outcome of this manner and a necessary link to further

outcomes. A risk formulation is a holistic explanation of the risk posed by an individual. As set out 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 psychosocial 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
- frequency
- imminence (including warning signs and triggers)
- pattern (including escalation)

Any terms such as 'low' 'medium' and 'high' must 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 RAR serve to inform the future case manager in terms of initial risk management planning.

Further exploration and elaboration of the risk formulation should be enhanced by the use of thinking techniques such as problem solving and 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 must 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.

Report Structure

RMA accredited assessors submitting Risk Assessment Reports to the High Court shall

conform to the RMA Risk Assessment Report Structure. Other practitioners producing analogous reports may have regard to this structure.

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, Version 1” (April 2006) and “Standards and Guidelines: Risk Management of Offenders Subject to an Order for Lifelong Restriction, Version 1 (May 2007). 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 stipulation 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).

RMA Accredited Risk Assessors must have regard to the RMA’s published Standards and Guidelines for Risk Assessment when completing RARs 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 publications and have continual regard to continuous professional development.

^[1] <http://www.rmascotland.gov.uk/try/standards-and-guidelines/>

^[2] <http://www.rmascotland.gov.uk/try/rated/>

^[3] http://www.rmascotland.gov.uk/files/5713/0943/0052/FRAME_Policy_Paper_-_July_2011.pdf

^[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’.