PUBLIC PROTECTION FRAMEWORK, RISK OF HARM & MAPPA THRESHOLDS

PURPOSE
This PC outlines a Public Protection Framework, to clarify the relationship between OASys, Multi-Agency Public Protection Arrangements and other existing risk management frameworks. It also outlines action required by Probation Areas to improve risk of harm processes.

ACTION
Chief Officers and Assistant Chief Officers are asked to ensure that the circular is drawn to the attention of all staff, who should note the contents and implement with immediate effect. Probation Areas are asked to:

• Include a Risk of Harm improvement objective in Area Business Plan 2005/06.
• Ensure there are clear links between other risk management frameworks and Multi-Agency Public Protection Arrangements
• Ensure Offender Managers follow proposed headings for risk management plans in OASys
• Ensure Offender Managers specifically record on OASys where an offender is managed by Level 2 or 3 of MAPPA
• Ensure Middle Managers monitor the use of exemption from a completion of Full Analysis of OASys risk of serious harm for staff under their supervision and ensure these documents are counter-signed.

SUMMARY
This circular seeks to address recent reports of weak practice in respect of Risk of Harm assessments and provide guidance to bring about organisational improvement.

RELEVANT PREVIOUS PROBATION CIRCULARS

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1. Introduction

Core to the delivery of public protection is accurate, sound and considered risk assessment of offenders (risk of reconviction and risk of harm), which should lead to well planned and co-ordinated intervention designed to reduce the likelihood of further offending and the successful reintegration of the offender into the community. It is therefore important to ensure that staff understand how the tools available to assist in this work complement each other. In recent years a range of tools and frameworks has been developed. Since publication of the MAPPA guidance (PC25/2003) practice has developed in the use of OASys and in the work with domestic abusers and there is now a need to clarify alignments between MAPPA and these assessment frameworks.

Recent reports by Her Majesty’s Inspectorate of Probation (HMIP) have provided consistent and quantitative evidence of shortcomings in risk of serious harm work. This was highlighted in the 2003/04 Annual Report and has been further supported by subsequent HMIP Effective Supervision Inspections (Inspection Findings 2/04)

Early analysis of risk of harm levels from OASys indicates there is noticeable variation between areas in how these thresholds are applied. For high and very high risk of harm levels the range is between 16% and 2%, the median is 8% of the sample.

One of the triggers for full review in the Serious Further Offence procedure (SFO) is that the offender was managed at MAPPP Level 3. The number of offenders at Level 3 may be determined by the quality of initial risk of harm assessment of offenders and management of risk of harm thresholds. Any variation in the use of the threshold of level 3 will affect the number of full reviews and we need to be aiming at consistency in the use of this procedure.

This circular seeks to

- address the identified shortcomings in the quality of risk of harm work
- provide guidance to assist staff in aligning the OASys assessment tool and the MAPPA framework
- and begin to help Probation Areas achieve greater consistency in their application of these tools with a view to delivering cross-organisational improvement.

2. Performance Target

The National Probation Service Business Plan for 2005-06 includes protecting the public from harm, as a priority. To support this a Performance Target (PT 1) has been introduced into the weighted scorecard (10) (PC 58/2004):

PT 1 - 90% of risk of serious harm assessments, risk management plans and OASys sentence plans on high risk offenders are completed within 5 working days of the commencement of the order or release into the community.

The completion of initial sentence plans and sentence plan reviews remains an important national standard to support rigorous assessment of offenders in respect of likelihood of re-offending and risk of harm and underpins the planning of intervention and allocation of resources.

For offenders being released from custody there is an opportunity now in place to take forward and build upon the OASys and sentence plan that will have been commenced in prison. It is important that the offender manager requests a copy of this document. Likewise it is important that the initial OASys follows an offender who commences a custodial sentence into prison. It is anticipated that electronic transmission will become available in Oct 2005.

Action Required:
Probation areas are required to identify an improvement objective in Area Business Plans for 2005/06. These will be kept under review by the Public Protection & Courts Unit and the Performance and Planning Unit throughout 2005/06.

3. Principles that underpin Public Protection Arrangements

- Public Protection is an organisational responsibility, which all members of staff of every grade have a duty to implement.
- There should be excellent communication and co-operation across function, role and between all relevant agencies.
- Any offender may present a potential risk of serious harm and organisational skill is required to monitor changes in the risk presented and determine the level of seriousness.
- Resources and priority should rise with risk of harm levels
• Prediction of a future event resulting in harm is subject to chance, uncertainty and unpredictability. A risk assessment is a defensible calculation of the likely occurrence of a future event, its impact and consequences.
• The probation service must ensure that each offender under community supervision has an up to date accurate assessment of risk of harm. The determination of resources will be dependent upon a sound assessment of risk of harm, likelihood of re-offending and assessment of criminogenic need. To deliver interventions without quality assessments and reviews in place can be harmful, wasteful and reduce the capacity of the service to protect the public and reduce re-offending.
• Attention to ‘risk of harm’ should run as a thread through all probation service operational activity.

4. Risk Management Framework

Given the development of a range of assessment tools and particular methods for specific groups of offenders it is important that probation areas are clear about allocating only those offenders who need ‘active’ risk management of serious harm (or notoriety) to level 2 or 3 of MAPPA.

The MAPPA Guidance (PC25/2003) defined Level 3 offenders as being high or very high risk of causing serious harm using the OASys assessment tool. As practice has developed there has been evidence of Level 3 being over loaded with cases assessed as high by OASys, some of which might reasonably be managed as level 2. Similarly evidence suggests that a number of cases referred to Level 2 could more appropriately be managed at Level 1. The MAPPA framework will cease to be effective if the thresholds for Level 2 and 3 are not robustly managed. With the development of NOMS Offender Management model involving 4 tiers of offenders, attention will be paid to whether the MAPPA Guidance may need revision to ensure clarification between the two frameworks. Definitions of the connections between OASys and MAPPA may need to be revisited at the same time.

It is important that offender managers understand that supervision of an offender may well involve the overlap of more than one risk management process that will demand co-ordination by the offender manager.

Fig 1 highlights two important concepts for offender managers:

• The OASys risk of serious harm assessment should clearly support the decision to manage an offender at Level 2 or 3.
• The offender manager should ensure there is clarity and communication between MAPPA and other risk management processes.

![Public Protection – Risk Management Framework Fig.1](image-url)
Some offenders in these frameworks will not be covered by the MAPPA provisions. Where they do fall within the MAPPA categories, the assessment of risk of harm may indicate they should be more appropriately managed in the MAPPA framework Level 1.

Until the guidance can be revised offender managers need to make a judgement as to whether the frameworks offered by these other processes are sufficient to manage the risk of serious harm. The explanation in the MAPPA Guidance that ordinary risk management should normally be achieved through one agency may have focussed too much attention on ‘single agency’ assignment to Level 1. On occasion when it is the requirements of other procedures e.g. the Care Programme Approach, that bring in other agencies, but the risk of serious harm assessment has not been assessed as significantly high, MAPPA level 1 may be appropriate. Offender managers need to be clear that the move to Level 2 or 3 only takes place where it is clear that ‘active’, co-ordinated risk management is necessary to manage the risk of serious harm.

**Action required:**

If an offender manager makes the judgement that an offender should be referred to MAPPA level 2 or 3 a current complete OASys assessment must be provided to the MAPPA meeting. Where new information has been disclosed which raises the risk from medium or low it is important that the risk of harm full analysis is reviewed and updated. It is not the responsibility of the MAPPA Level 2 or 3 meeting to determine the OASys assessment.

5. **OASys and assessment of risk of serious harm**

OASys - Risk of Serious Harm is defined in the User Manual as ‘a risk which is life threatening and/or traumatic, and from which recovery, whether physical or psychological can be expected to be difficult or impossible’. OASys also assesses specific risk of harm to children, staff and prisoners, to whom the duty of care is greater (OASys manual ch.8).

If the need for a full risk of harm analysis is indicated, this must be completed unless the assessor believes there is sound reason for not doing so. In this situation, the assessor will sign and date Section R5.2, which must also be countersigned and dated by the line manager. Recent analysis of OASys indicated that just under a third of risk screening documents where a requirement for a full analysis had been triggered had been exempted by the assessor at R5.2. Line managers should ensure this is a considered process and that attention to the number of R5.2 exemptions is formally discussed with offender managers. Exemption reasons must be considered, reasonable, supported by explanation and evidence and recorded in OASys.

In all instances for high and very high risk of serious harm middle managers are required to endorse the OASys assessment, risk management plan and sentence plan. The role of the middle manager is critical to quality control for this smaller group of offenders, ensuring that a focus on quality of assessment and risk management planning is maintained and promoted.

When assessing the risk of harm to the public and known adults, OASys uses both the seriousness and the imminence of the risk posed to distinguish between the different categories, as shown in Fig 2. The distinction between Seriousness and Imminence provides clarity to managing the threshold to MAPPA Level 2 and 3.

<table>
<thead>
<tr>
<th>OASys assessment of risk to public and known adults</th>
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<tbody>
<tr>
<td><strong>Risk Category</strong></td>
</tr>
<tr>
<td>Low</td>
</tr>
<tr>
<td>Medium</td>
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<tr>
<td>High</td>
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<tr>
<td>Very High</td>
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Fig 2 Ralph Coulbeck Oct 2004
**Action required:**

This circular places a requirement on offender managers to formally record into the risk management plan that Level 2 or 3 MAPPA processes have been considered to assist in the management of the risk of serious harm.

Where a decision is taken not to manage the risk under MAPPA Level 2 or 3 for an offender assessed as High/Very High Risk of Serious Harm, the offender manager must ensure that the reasons for this decision are clearly recorded onto the risk management plan.

The OASys team has amended OASys Risk of Serious Harm Analysis R11.1 which previously asked whether the case had been referred to “a community based public protection panel (MAPPP)” to “community based Public Protection Arrangements”. It will then ask the offender manager to record whether it was Level 2 or Level 3.

Offender managers must record in OASys R11.1 whether relevant offenders are being managed at Level 2 or 3.

### 6. Risk of Serious Harm and Domestic Abuse

Feedback has been received from a number of probation areas that there is confusion about risk of harm thresholds for offenders who have been assessed as having a propensity for domestic abuse, following the implementation of the Integrated Domestic Abuse Programme. All work with domestic abuse perpetrators is likely to involve more than one agency. It is recognised that the processes will inevitably demand some complexity and the specific detail of arrangements will need to be determined at an area level, as they will be influenced by size of the area, locality and importantly partnerships.

While the specific arrangements will need to be determined locally the following must be incorporated:

Completion of OASys for domestic abuse perpetrators should draw on the use of SARA (Spousal Assault Risk Assessment). With domestic abuse there is scope for work to reduce risk not only with the offender but also to potential victims. Because the potential risk for serious harm can escalate at speed within a domestic relationship and the potential for long term and serious injury can be significant, it would be unusual for an offender who has a (current/recent) history of domestic abuse to be assessed as a ‘Low’ risk of harm. Research tells us that victims usually experience a significant number of incidents before an offender reaches court and conviction.

Where an offender has been identified with a propensity for domestic abuse with a risk of serious harm it is imperative that a clear risk management plan is completed, and that the plan references other key agencies involved in managing the risk. Good practice suggests that domestic abuse work with offenders requires an ‘inter’ agency approach as a minimum, with links to police domestic violence units, agencies supporting victims and social care departments, where children are also involved. However active inter agency risk management is a requirement for the accredited domestic abuse programmes.

Where an offender is assessed as a High or Very High Risk of serious harm they should be counted within MAPPA Level 2 or 3. Probation Areas should ensure there are explicit linkages in place between MAPPA level 2 and 3 processes and domestic abuse inter-agency arrangements.

- If there are different people from other agencies managing domestic abuse from those who are routinely involved in MAPPA level 2 or 3 meetings, it may not be necessary to have both sets of representatives attending.
- It may prove possible to overlap domestic abuse risk management meetings with multi-agency public protection level 2 or 3 forums for some areas. Clearly areas and other agencies will wish to avoid duplication of meetings and resources.
- There should be a mechanism in place to count high and very high risk of serious harm offenders under MAPPA Level 2 or 3 recording processes.
- It is important that areas do not inadvertently count medium risk of serious harm offenders within MAPPA levels 2 and 3. MAPPA seeks to focus attention and multi-agency commitment and resources to the ‘critical few’.
7. Risk Management Plans

Where an offender has been assessed as medium risk of harm or above, offender managers are required to complete a risk management plan in OASys.

A consistent theme from the HMIP Effective Supervision Inspections completed to date has been the poor quality of risk management plans inspected. Work is now in hand with the OASys team to review and revise the structure of the risk management plan within OASys. This is a longer-term piece of work, which will require careful co-ordination to ensure it meets both the requirements of the Offender Management Model and offenders’ needs in the community and in prison.

Action required:
Offender managers must ensure risk management plans are completed to sufficient standard. The risk management plan plays a critical role in demonstrating a defensible position with regard to managing offenders assessed as a risk of serious harm.

The following headings should be addressed within the existing text box in the OASys Risk management Plan:

1. Other agencies involved
   Provide brief outline of the activity of each agency that can be shared with the offender. Cross-reference should be made to any supporting risk management framework used, e.g. child protection procedures.

2. Existing support/controls
   In place or can be re activated if offender is being released into community.

3. Added measures for specific risks
   e.g. reference to work with Victim Contact Unit where appropriate

4. Who will undertake the actions and by when
   Cross reference to any recent or planned MAPPA meeting.

5. Additional conditions/requirements to manage the specific risks.

6. Level of contact
   Including frequency of home visits

Risk management plans by their purpose should be managed robustly and reviewed on a regular basis, especially when significant new information or events arise. The above headings will assist offender managers in the preparation of release plans for those on licence.

8. Risk Management Training

OASys was launched on the basis of there being existing local arrangements for risk of harm management training. It did not, in itself, provide a substitute for risk management training. Some, but not all Probation Areas have sustained a core risk management training element as part of all induction packages for new offender managers (PSO and PO). There is evidence and feedback from newly qualifying probation officers that they have had insufficient exposure to high risk of serious harm cases during their training. Areas are reminded of their responsibility to ensure offender managers are trained to a sufficient level to manage risk of harm cases and should ensure this is included within area training plans. The Public Protection and Courts Unit will lead a longer-term piece of work to develop a training package to support areas.

9. Management oversight, role of managers in attending to staff development, understanding of risk of harm in supervision, appraisal processes with offender managers

The first principle to underpin public protection arrangements highlights the importance of organisational responsibility. Evidence from HMIP suggests that middle managers have a key role to play in providing oversight of risk of serious harm cases. Initially this is formally captured through the countersigning of OASys for these cases, and there is clear scope to monitor thresholds and quality of risk management plans. Managers also have the capacity to provide support and
develop offender manager risk management skills through ongoing supervision, potential peer development through staff meetings and the use of appraisal processes.

Senior managers are required to counter sign all very high risk of serious harm assessments and are required to attend and contribute to Level 3 MAPPPs for such cases. Senior managers have a similar key role to play in providing support and developing middle manager risk management skills through ongoing supervision, potential peer development through staff meetings and the use of appraisal processes. In addition senior managers have responsibility for monitoring area performance and ensuring strategic arrangements are in place.