

To: SOCIAL WORK (OPERATIONS & SERVICES) SUB COMMITTEE		Subject: RISK MANAGEMENT AUTHORITY CONSULTATION ON ACCREDITATION
From: DIRECTOR OF SOCIAL WORK		
Date: 20 th February 2006	Ref: kg	

1. PURPOSE OF REPORT / INTRODUCTION

- 1.1. To seek homologation of a response by North Lanarkshire Council (attached as Appendix 1) in relation to the Risk Management Authority's consultation on accreditation. The consultation papers were received on the 20 December 2005 and responses were to be returned to the Risk Management Authority by 13 January 2006

2. BACKGROUND

- 2.1. Following recommendations from the MacLean Committee on Serious Violent and Sex Offenders, the Risk Management Authority (RMA) was created via the Criminal Justice (Scotland) Act 2003
- 2.2. The RMA exists to enable, promote and regulate best practice in risk assessment / management to help manage and minimise the risk of serious harm caused by sexual and violent offenders.
- 2.3. The initial focus of the RMA is to over see the introduction of Orders for Lifelong Restriction (OLR) as highlighted in the Criminal Justice (Scotland) Act 2003.
- 2.4. The OLR legislation requires that when the High Court considers the imposition of such a disposal it is required to make a formal Risk Assessment Order (RAO).
- 2.5. An OLR can be considered by the High Court if the offence is of the following nature:
- A sexual offence
 - A violent offence
 - An offence that endangers life
 - An offence, the nature of which or the circumstances of the commission of which, are such that it appears to the Court that the person has a tendency to commit any such offence as listed above
- 2.6. The RAO must be undertaken by a Risk Management Authority accredited assessor who will produce a Risk Assessment Report (RAR) for the High Court.
- 2.7. It is the responsibility of the 'lead authority' to produce the RAR – in cases where the person is in the community it is the responsibility of the local authority in which that person resides.
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2.8. As a disposal, Orders for Lifelong Restriction will be available to the High Court from early 2006.

2.9. If an OLR is imposed, it is the responsibility of the lead authority to prepare a Risk Management Plan on the individual and submit it to the RMA for approval.

3. PROPOSALS / CONSIDERATIONS

3.1 The RMA is proposing detailed plans on the following:

- How Risk Assessment Orders should be processed and a format for Risk Assessment Reports
- The process for accreditation of assessors who undertake this work
- A document outlining the range and suitability of assessment tools available to practitioners

3.2 North Lanarkshire Council's response is attached as appendix 1.

3.3 The Council welcomes the development of a clear, accredited framework for working with high risk offenders. A number of areas still require clarification at a national level e.g. the sharing of confidential information.

4. FINANCIAL / PERSONNEL / LEGAL / POLICY IMPLICATIONS

4.1. Presently, there are no immediate implications as this is a consultation paper. However, if such recommendations are implemented on the basis outlined in the consultation paper, there will be a substantial increase in workloads for, primarily, Justice Services. This is on the basis that the accreditation process is intensive and complex, requiring practitioners to produce a portfolio of risk assessment work and also that the assessment process itself (leading to the compilation of a Risk Assessment Report) is resource intensive.

4.2. There has been no additional funding identified for the completion of this work in terms of resources, workload management, training or ongoing costs (e.g. in relation to assessment tools). This is an issue which will continually be progressed with the Executive during ongoing consultations.

5. RECOMMENDATIONS

5.1 Committee is asked to :

- (i) Homologate the response attached as Appendix 1; and
- (ii) Otherwise note the contents of this report



Jim Dickie
Director of Social Work
27th January 2006

For further information on this report please contact Jim Scullion, Service Manager, Justice TEL@01698 332040) or Keith Gardner, Senior Officer, High Risk Offenders

- **A copy of the consultation papers are available in the member's library**
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NORTH LANARKSHIRE COUNCIL

Risk Management Authority (RMA) Consultation Response Paper

January 2006

Response to RMA Consultation paper "*Standards and Guidance for RMA Accredited Risk Assessors*"

- Standardisation of process is welcome in this area of work
- The process outlined appears comprehensive and will contribute to post-liberation supervision
- If fully implemented, the process would give report writers greater access to information
- Sets a framework for agencies to communicate within
- Access arrangements in respect of crucial information is not yet agreed between key stakeholders, e.g. Crown Office PF service and Scottish Courts Service, State Hospital and Scottish Prison Service (in terms of structured behavioural observations)
- The actual timescale for submission of the Risk Assessment Report is 76 days (calendar dates) – although there is some limited scope for extension under the Criminal Procedures (Scotland) Act 1995
- The process is very resource intensive – over the period available to compile and submit the report this equates to 15% of a workers overall workload (based on a 50-hour assessment process)
- The 'lead authority' for offenders in the community is the local authority in which they reside, i.e. all community-based Social Enquiry Reports for the High Court that fall into the OLR categories, which are
 - A sexual offence
 - A violent offence
 - An offence that endangers life
 - An offence, the nature of which or the circumstances of the commission of which, are such that it appears to the Court that the person has a tendency to commit any such offence as listed above
- In the last twelve months, North Lanarkshire Council has prepared 57 SER's for the High Court – a large number of which could have resulted in the High Court giving consideration to an OLR. This indicates potentially intensive resource implications.
- There is also scope for cases to be remitted from the Sheriff Court to the High Court for sentencing
- There is no mechanism for the submission of Risk Management Plans to the RMA or the process for re-submission following non-approval by the RMA – it is the responsibility of the lead authority to submit a risk management plan within nine months of an OLR being imposed
- There is no reference to either the impending change in risk management planning by SPS (Integrated Case Management – to be implemented April 2006) or the ViSOR system used by the Police which is being promoted as the future tool of choice for the co-ordination of risk management plans for offenders in the community

Response to RMA Consultation paper "*RMA Accredited Risk Assessors – Information for Applicants*"

- The accreditation of assessors is a welcome concept that ensures best practice is achieved and a standard of professional practice is applied across this field of work
 - Accreditation achievement demonstrates commitment to professional development
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- To apply to be an accredited assessor would require a high degree of commitment and investment from the Council and from area team Justice staff who are already involved in other 'non-core' activities such as Practice Teaching, Mental Health Officer and high-risk offender groupwork
- Access to the type of training described in the proposal may be limited for a range of staff
- There is no additional funding to offset the costs of workers applying for / becoming accredited assessors (both in a local sense and as being part of a register of accredited assessors held by the RMA)
- If a local authority worker becomes accredited it would mean a considerable volume of additional work to be completed outwith current hours of employment

Response to RMA Consultation paper ***"RATED – Risk Assessment Tools Evaluation Directory"***

- This is the first comprehensive aggregation of available risk management tools to be published in Scotland
 - The colour-coded system is helpful and accessible for ease of tool selection
 - According to some practitioners, there appears to be some missing data that would have altered the rating of a particular tool
 - The age ranges are clear in the section detailing tools for assessing young people who have offended, which therefore makes the assumption that in the previous sections the tools apply only to those aged 18 years and over
 - There is scope for conflict in Court if an accredited assessor uses a tool from the 'red' classification of tools and a defence-sponsored assessor uses a tool from the 'green' section
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