

SPS Risk Management Review

Reviewer: John Podmore

March 2020

SPS Risk Management Review

Purpose of this review

To examine the revised policy and guidance for Risk Management Teams within the SPS in order to identify improvements and ensure consistency in application and make any recommendations necessary.

The review should provide an assessment of whether the guidance is robust enough and highlight any areas for improvement or recognised best practice which would build on and strengthen our current arrangements. In this regard, the review should include an assessment of the current practice relative to how SPS decision makers at RMT meetings are deemed to be competent.

Taking account of the multi-disciplinary nature of the process, the review should also include advice as regards what mechanisms and/or procedures should be put in place to provide assurance that the guidance is being applied consistently in line with the SCR recommendations.

1. Acknowledgements

The reviewer would like to thank all members of SPS staff at HQ and in the field for their cooperation in conducting this review. All those consulted were helpful, candid and constructive. Particular thanks go to Eddie Kotrys and Stan McLeod for facilitating all aspects of the review.

2. Background

In February 2018, Prisoner Z was convicted of the attempted murder of a woman in Dundee on 7 August 2017. An Order for Lifelong Restriction (OLR) with a punishment part of five years was imposed by the High Court.

At the time of the attack, Prisoner Z was on Home Leave from HMP Castle Huntly, having transferred there in September 2016. This had been his ninth period of Home Leave since January 2016. He had a Parole Hearing scheduled for 9 August 2017 to consider whether he should be released on Life Licence, having been serving a life sentence for the murder of a woman in 2001. The punishment part of that sentence had expired on 9 August 2016.

Prisoner Z had been accepted under MAPPA arrangements as a Category 3 (other risk of serious harm) offender. Accordingly, and in line with MAPPA guidance, the Tayside MAPPA Strategic Oversight Group commissioned a Significant Case Review (SCR).

The SCR contains 10 recommendations – five of which apply directly to the SPS – and was published on 26 November 2019. Much of what the SCR highlights as requiring attention in the five recommendations applicable to the SPS, has been or is in the process of being addressed. The SPS has commissioned this review of the implementation of the revised policy and guidance for Risk Management Teams in order to identify improvements and ensure consistency in application.

3. Scope of service

The review has examined the current guidance and policy relative to the management of risk by Risk Management Teams i.e. *The SPS Risk Management, Progression and Temporary Release Guidance* (August 2018) and the *Supplementary Guidance for RMT Decision Makers* (December 2018). In order to put this guidance into context the review has had sight of ancillary guidance, risk assessments and assessment tools that support the RMT process.

4. Methodology

The review was conducted in three stages:

- Stage 1: Document review;
- Stage 2: Fieldwork; and
- Stage 3: Report compilation.

5. Fieldwork

During the fieldwork stage of the review, four prisons were visited:

- HMP Greenock;
- HMP Glenochil;
- HMP Edinburgh; and
- HMP Castle Huntley.

At each prison a scheduled Risk Management Team (RMT) meeting was observed, documentation reviewed and one-to-one interviews conducted. This included:

- Four RMT Chairs;
- Five psychologists;
- Four prison based social workers (PBSW);
- Two healthcare workers;
- One addictions specialist; and
- One intelligence analyst.

In addition, a questionnaire was compiled and circulated to all RMT members across SPS. Other interviews took place in SPS HQ with a range of staff members with responsibilities pertaining to general issues of risk management.

RMT documentation from establishments not visited was also reviewed alongside a sample of risk management plans, audit reports and other risk assessment tools.

6. Risk management in context

The Risk Management Authority (RMA) exists to make Scotland safer by setting the standard for risk practice to reduce reoffending and the harm that it causes. It describes its main focus as: *“protecting the public by ensuring that robust risk management practices are in place to reduce the risk of serious harm posed by violence and sexual offenders”*.

It further declares its purpose accordingly: *“The RMA works closely with partner agencies to develop and promote risk assessment and management practices that are proportionate, meaningful and legitimate. And by supporting the practitioners who work within the field of criminal justice, helping them to carry out their work effectively and consistently, we contribute to our wider purpose of reducing reoffending and the harm that it causes.”*¹

SPS is clearly one of the RMA’s most important partner agencies in that it is tasked with the care and management, for significant periods of time, of the vast majority of those individuals that pose a threat to the public. The management of risk is integral to the vision of SPS - *“Helping to build a safer Scotland, unlocking potential, transforming lives”*² – and is one of its most important tasks. The SPS operates a three-directorate model comprising Operations, Strategy and Stakeholder Engagement, and Corporate Services Directorates. Aspects of risk management currently fall under more than one Directorate.

Recommendation 1: A single directorate should be given overall responsibility for risk management and that task should be reflected in the name of that directorate.

7. Questionnaires, RMT and guidance

The questionnaires focused on the level of knowledge and awareness at RMT level, the role and frequency of RMT. In total, 76 questionnaires were completed by:

- 18 Deputy Governors/Chairs;
- Seven prison-based social workers;
- Nine psychologists; and
- Two healthcare professionals.

¹ <https://www.rma.scot>

² 341141_SCT0519143158-001_SPS Annual Report_Accounts 2018-2019_p66616_3144.pdf

The remaining 40 contributors ranged across the spectrum of potential attendees.

Attendance

- The core membership of RMTs is five individuals as specified in the categories above, plus an administrator, with additional members as required.
- Across the 13 public sector prisons in SPS average attendance figures are not available but the questionnaire completion rate at c 90% is substantial.
- The only group arguably under-represented is healthcare professionals.
- The sample size is high, therefore the results are statistically significant.

Frequency of meetings

The designated frequency for RMTs is clearly prisoner led, depending on sentence timelines, individual sentence plans and behavioural transgressions. It is clear the workload varied across establishments and over any prescribed period but that RMTs were a substantial commitment for all establishments:

- *33% of respondents attended weekly;*
- *51% every two weeks; and*
- *16% on a monthly basis.*

Participant experience

Workload was not just about attendance but also about preparation, which – given the case material on prisoners, especially those who had served long periods in prison – was considerable. From both the questionnaires and observation it was apparent that the most onerous workload fell upon Chairs/deputy Governors.

It was also clear that individuals were continually being inculcated into the process but that overall experience levels in the process were high:

- *Two-thirds of participants had been attending RMTs for over 12 months;*
- *A similar percentage attended more than 20 meetings in the last two years; and*
- *The average number of meetings attended is 37.*

The guidance

- *97% of respondents had seen the revised guidance documents; and*
- *Only 60% had received any briefing on its application.*

Managing prisoner information

- *86% of respondents reported that they had sufficient preparation time before the meeting either always or most of the time;*
- *90% felt that the quality and amount of information on individuals was sufficient either always or most of the time; and*

- 90% of respondents felt that information before the meetings and minutes afterwards was timely either always or most of the time with 80% finding the information useful on a similar basis.

Individual contributions

- 94% of respondents felt that they were always given sufficient opportunity to contribute at meetings;
- 82% of respondents felt they were always able to object to any findings they disagreed with; and
- 97% felt any objections they made would always or most of the time be recorded.

8. The guidance issued August 2018

8.1 The SPS is to be commended for its swift response in updating the guidance. It is clear, concise and robust. All those consulted during the review regarded the 2018 guidance as a significant improvement on what had gone before. It had been well circulated and everyone involved was familiar with it.

8.2 The policy content was well described and the purpose of the RMT well set out. Where it sits in the context of Integrated Case Management (ICM) is clear. The compilation of Risk Assessment Reports (RARs) following an OLR is stressed alongside Risk Management Plans (RMPs) and the importance of considering Annual Implementation Reports (AIRs) prior to sending to the Risk Management Authority (RMA) for approval. Learning from Critical Incident Reviews (CIRs) is given a high priority.

8.3 The RMA's Framework for Risk Assessment Management and Evaluation (Frame 2011) ³ is set out as an important reference document for the process promoting: *“defensible and ethical risk assessment and management practice that is proportionate to risk, legitimate to role, appropriate to the task in hand and communicated meaningfully”*

8.4 The RMA purpose is clearly set out under the main headings and appropriate reference made to vital supporting processes and instruments, namely Level of Service, Case Management Inventory (LSCMI), Risk of Serious Harm (RoSH), MAPPA guidance, RMA standards and guidelines and OLR guidelines.

8.5 Access to less secure conditions and community access is placed in the context of those aspects of the SPS prison estate that supports such progress within a prison sentence. SPS is to be commended for the range of opportunities for progression it makes available to prisoners. However, greater emphasis should be given to seeking out prisoners for whom such progress is appropriate in relation to the point of their sentence and according to their need. There is a

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

danger that progression opportunities will default to compliant prisoners who self-refer rather than those prisoners who need proactive support and guidance.

Recommendation 2: Staff should be encouraged to be proactive in seeking prisoners for progression and ensure maximum opportunity to all suitable prisoners.

8.6 Detailed guidance is given to ensure the rights of victims. The Victim Notification Scheme (VNS) is given appropriate high priority with RMT considerations specified and particular importance stressed in relation to First Grant of Temporary Release (FGTR). The core membership of the RMT and each person's role is appropriately described but the reviewer would make two observations:

Healthcare workers: many prisoners have complex healthcare needs, which may involve physical health, mental health and substance misuse; frequently all three components will underpin a prisoner's needs. It is unlikely that one individual healthcare worker will be a specialist practitioner in all three fields. It may be the case that a representative has only primary care expertise. The Chair should consider in advance whether particular mental health or substance misuse needs specialist input and require qualified individuals to attend.

Recommendation 3: RMT Chairs should consider whether specialist mental health or substance misuse input is required and direct attendance accordingly.

- (i) *Community Based Social Workers (CBSWs)* are given a standing invite for OLR and progression cases. It is accepted that Chairs cannot compel attendance and community based resources are sufficiently stressed to make this inappropriate. However, while there are some cases where it is vital, there are many where such input would be beneficial. To that end Chairs should encourage remote attendance via video-link or conference call.

Recommendation 4: RMT Chairs should encourage and facilitate the attendance of CBSWs via video link or conference call.

8.7 Referrals to the RMT are in most cases proscribed, particularly with regard to those with longer and indeterminate sentences. More routine referrals, especially for those serving shorter sentences, should be considered in relation to progression. Such referrals should come as a matter of routine from personal officers. There is a danger that without such improved guidance; short sentence, low security prisoners will not be progressed to open conditions.

Recommendation 5: Guidance on the role of personal officers in referring prisoners to the RMT should be added.

Similarly the guidance for prisoners and Annex B is arguably not suitable for those with learning difficulties or even those of limited educational achievement. These documents should be reviewed and that review should take into account the views of those with lived experience.

Recommendation 6: Annex B and guidance for prisoners on the process should be reviewed and take into account the views of those with lived experience.

8.8 The guidance sets out in considerable but clear and appropriate detail the range and source of information available to support a decision. The reviewer would draw attention however to Parole Board decisions. A Parole Board decision will be a culmination of a range of processes often over many years and involving considerable number of reports from many experienced professionals. Parole Board members themselves are experienced and well trained. If they have made a decision not to release someone and set a future date for a tribunal/hearing they will have set out reasons for their decision and what steps they expect to be taken.

This will often involve issues of accommodation for example. Such a review will provide a clear focus for the subsequent SMTRMT, which is – unless there is a change in circumstances or other risks come to light – the only thing to be addressed will be the Parole Board recommendation.

Recommendation 7: The guidance should indicate clear action to be taken following a decision not to release a prisoner after a parole hearing.

8.9 The role of the Prisoner Monitoring and Assurance Group (PMAG).

The existence of this group should be considered to be good practice given the cases it deals with. The needs of such individuals will transcend the entire SPS estate. While the function of this group is tangential to this review the reviewer would add two other types of case that PMAG should consider:

- (i) *OCG Nominals*: the ability of such individuals to condition and manipulate others and, at the extreme, threaten or corrupt others should be made explicit in the RMT process. Progression and community access should be based on returning an individual back into the community such that they are more likely to be law-abiding citizens. Progression and community access should not be allowed for potentially nefarious purposes or in order to minimise the effects of imprisonment for those with considerable support and assets in the community.
- (ii) *Prisoners with Serious Crime Prevention Orders*: these indicate OCG nominals at the extreme end of the spectrum. Such individuals require particular attention and should be specifically flagged at all stages within the RMT process.

8.10 Progression pathways

The guidance contains a thorough explanation of the progression pathways for the full range of prisoners. The criteria for STPs serving sentences of 12 months or more (and less than four years) includes a provision that they have served a minimum of three months in custody to allow sufficient time for adequate assessments to be carried out. It is possible that some prisoners, especially those serving short sentences with no previous history of offending, might be unduly delayed by this provision and it might militate against maximum use of lower security conditions in an overcrowded closed estate.

Recommendation 8: The guidance should allow for a 'fast track' process of prisoners if staff working with them believe it is appropriate and of benefit to the prisoner.

8.11 Offenders requiring Special Consideration

The reviewer would concur with all the special categories and actions identified however additional consideration should be given to those prisoners who have been served with Serious Crime Prevention Orders (SCPOs). (See also 8.9 (ii) above).

The Lord Advocate in Scotland can make a Serious Crime Prevention Order (SCPO) on application. Applications are made to the Crown Court, if a person has been convicted of a serious offence, or the High Court on standalone application, if the person has been involved in serious crime. Schedule 1, as amended by Section 47 of the SCA 2015 and Schedule 5, of the Modern Slavery Act 2015 (Section 7) sets out an extensive list of offences under 15 headings.

Given this list of offences it is highly likely that such individuals will be members of Organised Crime Groups and as such operate in a sophisticated framework that may transcend the custodial environment. Such individuals may be adept at conditioning and manipulation and in extremis engage in more nefarious activities such as intimidation and corruption.

Care must be taken that such individuals progress through the system according to need, with that need balanced against the needs of those, for example, with acute substance misuse and mental health problems. Therefore, while such individuals will present as compliant, drug and problem free and therefore likely to outwardly at least conform to all the tests of progression, there will be others who will test the system with chaotic behaviour but will nevertheless need the benefits of progression much more if they are to be returned safely to the community.

RMTs' face a dilemma when dealing with such individuals and this is encapsulated in: " (R v Desmond Carl Wright (1979) 1 Cr. App. R. (S.) 82 and R v Surbjeet Singh Davegun (1985) 7 Cr. App. R. (S.) 110.) "...once a man has served the imprisonment which is passed upon him as a punishment he should be given every help and consideration in re-establishing himself in an honest life and

particularly in earning a living. Conditions should not therefore seriously inhibit the offender from rehabilitating himself in society, having served his sentence of imprisonment, by returning to his previous type of employment unless doing so is seen as the only way of preventing further involvement in serious crime”

Therefore those with SCPO flags should not be treated more harshly, but they should be assessed carefully and what the prison estate can offer them balanced against the potential greater need of others.

Recommendation 9: The guidance should be amended to better reflect the complexities of dealing with those with SCPOs in particular and OCG nominals in general.

8.12 Prisoners sentenced for Terrorism Act Offences (TACT prisoners)

Special consideration and guidance should be given to TACT prisoners. Although the numbers in the Scottish prison system are currently low, there is the potential for the numbers to increase; in any event most of those that are in the system will soon be coming to wards the end of their sentence. All jurisdictions holding such prisoners are wrestling with issues of risk and the problems of effective interventions and de-radicalisation.

It was clear from discussion during the review that such issues are beginning to be addressed but guidance needs to be issued. It is likely that it will need to change as lessons are learned across the world but the absence of guidance at the moment is a deficit that needs to be addressed with some urgency.

Recommendation 10: Guidance should be given on the risk management of TACT prisoners.

9. Supplementary Guidance December 2019

9.1 This guidance is to be commended for emphasizing the benefits of planned community integration. All but a small handful of prisoners will be returned to the communities they came from and the better this is done the less risk individuals will pose to the public. The overall strategy for community access and integration is articulated well.

9.2 The guidance balances the benefits with the risks and accurately describes the concept of defensible decision-making with appropriate emphasis given to potential negative outcomes. However, defensible decisions are not tested in relation to positive outcomes. 10.4 below deals with the issues of putting positive and negative outcomes into a wider context.

9.3 In general the reviewer concludes that, as with the initial guidance, there are no gaps. However, as the next section explores, the problem is one of decision-makers being overwhelmed with guidance that overlaps, supports and feeds into

each other. As an early initial step consideration should be given into combining the initial and supplementary guidance into one document.

9.4 Risk is emphasised as the main consideration in the process with decisions made to mitigate and manage risk rather, than trigger progression.

10. Quality assurance of the processes.

10.1 Overview of the process.

The RMT process is given high priority both centrally and in establishments. It is carried out with considerable professionalism and commitment. Meetings observed and reviewed on paper were well attended, respectful and prisoner-focused. Meetings were truly multi-disciplinary and participants were well prepared and able to make an effective contribution. It is clear that the guidance was well understood and underpinned the process and the decision-making.

10.2 Questionnaire

The questionnaire underpins the field observations, namely that meetings were resource intensive but given a high priority and well led. Experience in the process varied but overall was high and continually being built up as people moved on. The guidance underpinning the process was well understood but official briefings on it could be improved.

Information on the prisoners being reviewed while although voluminous in many cases, was regarded as of good quality and of value to the process. Members were taking the time to review it beforehand and their subsequent contributions were encouraged and fed into the process and any conclusions. The process appeared not only multi-disciplinary in theory but also in practice.

10.3 Assessment of current practice

In order to ascertain whether the guidance was being properly implemented the reviewer drew up the following summary of the RMT outputs and outcomes as a framework for that analysis. This summary is not exhaustive but aimed at capturing the primary outputs of RMTs. There are many others particularly pertaining to the commission of further report.

The reviewer had sight of self-audit and Standards Audit reports pertaining to RMT from a range of establishments. The reviewer has also had discussions with HQ officials about evolving quality assurance of FGTR documents and the professional input of psychologists. This work is to be commended.

The headline data for the outputs of RMTs is encouraging. Significant Case Reviews are rare but obviously one is too many. Absconds are few as are failures to return and failures to comply with licence conditions. Other data to do with making maximum use of the open estate suggests more should be done on progression. Other data, while probably held locally, is not collected or analysed centrally such as capacity in NTE and CIUs. There was evidence that at a local

level initiatives had been taken to analyse local problems and implement appropriate interventions.

For example, at HMP Castle Huntly figures collected at the establishment showed that approximately 100 prisoners per year were being returned to the closed estate. Seen against a backdrop of absconds being extremely rare this reflects well on the management within the establishment. An analysis of the reasons behind the 'returns; revealed that approximately 60% were substance misuse related. With that in mind support packages for problematic substance misusers had been put in place. An ongoing analysis of their effectiveness was underway. *This should be regarded as good practice.*

10.4 Defining risk

The SPS defines risk as: *“the potential for an adverse event to lead to a negative outcome, and by assessing risk we seek to estimate how likely the event is to occur and the nature and seriousness of its impact, in order to inform decision-making’.*⁴

It is important to see 'negative outcomes' as not just in terms of, for example, harm to others but the absence of a potential positive outcome. For example, not allowing someone to attend a community placement might militate against an individual's likelihood of gaining employment on release.

The risk of adverse outcome while in custody and on placement must be balanced against the potential positive outcome for employment and the reduced likelihood of reoffending. Risk management must therefore take account of the potential for being risk averse.

10.5 In summary, there is ample evidence to suggest that overall RMTs are making competent decisions and managing risk across the SPS well. There is scope however for drilling down into the decision-making process to ensure every prison is afforded the maximum level of support and best use is made of the whole SPS estate.

Development work is underway around FGTR documentation and psychological input and long-standing audit process are prescribed. There is however other potential monitoring which is not done routinely. The reviewer believes that while there is an overall level of competence within an improved and improving process there are opportunities missed.

Recommendation 11: A substantive review should be undertaken of the potential measure of effectiveness and performance of RMTs.

⁴ Supplementary Guidance for RMT Decision Makers in Relation to Progression and Community Access: SPS 2018

11. Documentation

RMTs are faced with a considerable number of risk assessment documents and instruments.

- The RMA provides a range of publications by way of principle, practice and overview.
- Integrated case management Integrated Case Management (ICM) is a fundamental process underpinning the sentence of every prisoner.
- The Custodial Report provides a broad analysis of information from the use of the Level of Service Case Management Inventory (LS/CMI) within a custodial setting in Scotland and draws upon aggregated data provided by all prison based Criminal Justice Social Work Services.
- The Risk of Serious Harm Report draws on aggregated data provided by Criminal Justice Social Work Services across Scotland between 2010 and April 2015 and provides a profile of individuals assessed within the community who met the criteria for further risk of serious harm assessment. Further, it provides a comparison of those assessed as high or very high risk of serious harm against those assessed as low or medium risk of serious harm.

Other documentation ranges and includes:

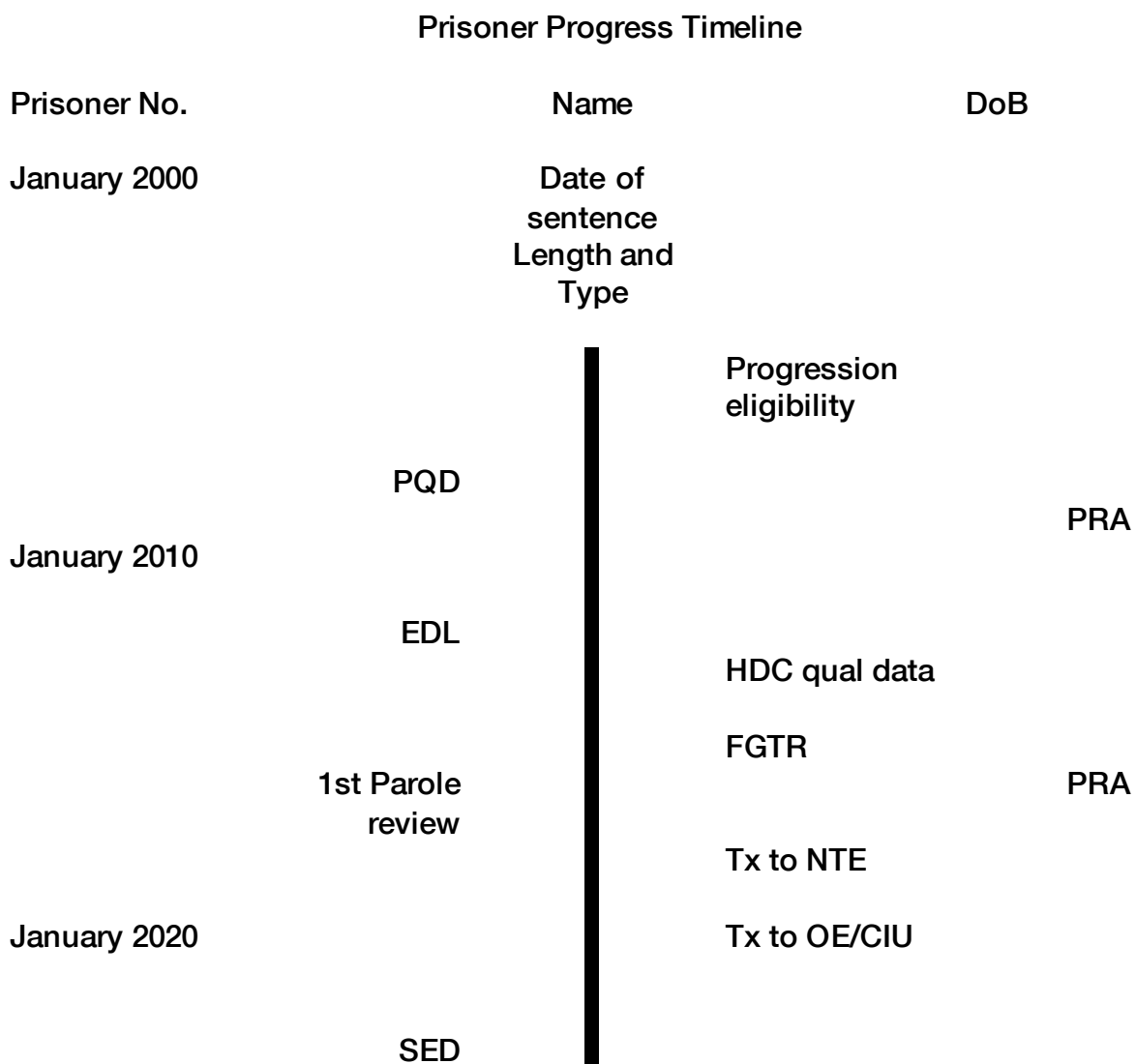
- Psychological Risk Assessments (PRA);
- Community Access Risk Assessments (CARA);
- External Enquiry Forms (EEF);
- Work Placement Directions (WPD); and
- Home Leave Reports (HLR).

Table 1: RMT outputs/outcomes, illustrative examples only

RMT outputs	Measures/Assessments	Current Position
Escapes	Data recorded centrally	2018-19: 2
Absconds	Data recorded centrally	2018-19: 1
FGTR Assessments	Those requiring further work, returned from Ministers office for further work	Aggregate data not held
Failure to return from temp. release		2018-19: 4
Failure to comply with licence conditions	Recorded as breaches of discipline and published in annual report	2018-19: 30
Av. daily population pop in OE vs capacity	178 vs 250 (2018-19)	Monitored locally on a daily basis but numbers remain low
Av. Daily Pop in NTE vs capacity	Monitored locally	No aggregated data available
Av. Daily Pop. in CIU vs capacity	Monitored locally	No aggregated data available
Serious further cases	Nos over prescribed period of years	No aggregated data available
Community placements LTs vs 'failures'	Monitored locally	No aggregated data available
Community placement OLRs vs 'failures'	Monitored locally	No aggregated data available
Community placements STs vs 'failures'	Monitored locally	No aggregated data available
Return to closed conditions from OE	Local work has been initiated at Castle Huntly	c100pa with 60% substance misuse related
Reoffending rates Scotland		

While none of these documents is superfluous there is scope for rationalisation. Some documents depend on others, some are used to partially populate others. Many are time and sentence stage dependent and often overlapping. RMT members and particularly RMT Chairs are expected to assess vast quantities of information for RMT meetings considering multiple prisoners.

The processes should ensure that information is not merely ‘dumped’ but structured to enable a defensible decision to be made. Templates have been designed to assist in this aim but within them there is a danger of information repetition. While it may be argued that LS/CMI and ICM are core processes, the reviewer is of the view that a core timeline should be produced to make clear where in his or her sentence a prisoner is and what decision is being made and on what basis. The diagram below is an idealised chart, which could be developed.



Recommendation 12: RMT documentation should be supported by a timeline document, which would better inform the context in which all risk assessments have been made.

Recommendation 13: All documentation should be reviewed to try and streamline the processes and place greater focus on decision-making at specified times.

12. Resources

This table below gives an overview of the number of RMTs held in each establishment. The onus on participants in general and Chairs in particular is significant. The greatest burden is in the OE where as much as 50% of the Chair/Deputy Governor's time needs to be committed to RMTs. This clearly takes Deputy Governors away from other duties at a time when the SPS is under considerable pressure. The problem can be exacerbated where senior staff sickness or interregnums between appointments accentuate workloads. There are no quick fixes at a time when all resources are stretched but it is a problem that needs to be owned and methods of providing support examined.

Table 2: Establishment RMTs

% of RMT	No. of assurance cases processed (Jan 2018-Jan 2019)	% of RMT	No. of high-risk cases processed (Jan 2018-Jan 2019)	% of RMT	No. of any other RMT cases processed (Jan 2018-Jan 2019)	% of RMT
17.45%	59	19.80%	32	10.74%	60	20.13%
8.02%	237	23.77%	196	19.66%	484	48.55%
7.08%	6	5.31%	2	1.77%	33	29.20%
0.00%	0	0.00%	0	0.00%	16	94.12%
7.66%	88	35.48%	0	0.00%	72	29.03%
2.50%	33	27.50%	24	20.00%	22	18.33%
22.35%	?		?		1	1.18%
0.00%	0	0.00%	0	0.00%	0	0.00%
14.21%	1	0.51%	64	32.49%	40	20.30%
15.00%	0	0.00%	7 (OLR)	3.55%	5	6.25%
11.43%	0	0.00%	10	9.52%	0	0.00%
0.00%	0	0.00%	76	36.19%	23	10.95%
8.89%	424	16.18%	404	15.41%	756	28.84%

Recommendation 14: consideration should be given to providing supernumerary support to establishment with a high RMT workload.

13. Staff training

13.1 Training for RMT members, especially Chairs was seen during the review as a significant area of concern. While psychologist, social worker and healthcare workers all have significant specialist training and qualifications in their respective fields, even they approach the principles and practices of the risk management from a range of perspectives. Other participants, particularly uniformed grades, while potentially having considerable operational experience have little opportunity for training or inculcation into RMT roles.

Recommendation 15: A training needs assessment should be undertaken for those performing the following roles within RMTs: ICM/RMT Case coordinator, OLR Case Manager, Lifer Liaison Office (LLO), Early Release Liaison Officer (ERLO).

It is clear from the questionnaire that there is currently considerable expertise and experience within the existing RMT processes, so while any training should have high level input from outside organisations such as the RMA, existing practitioners should be selected to add operational experience to any training delivered.

13.2 Deputy Governor/RMT Chair Training

Everyone spoken to during the review as a current, future or past RMT Chair expressed concern about the levels of training they had been provided with either prior to or while carrying out the role. Individuals became RMT Chairs by dint of becoming Deputy Governors. Becoming a Deputy Governor was through a generic promotion process. Anecdotally, there seemed little evidence that the role of RMT Chair was examined in assessment and interview process leading to appointment. Substitution for and oversight of the role was by governors in charge (GIC). While some had themselves performed the role in the past and brought with them various levels of experience, they too felt their training needs should be assessed. That being said some skilled chairing was observed during the review, which reflected collaborative working, conscientious adherence to the revised guidance, prisoner focus and high quality decision-making. The reviewer was advised that 'seminars' for Chairs had been organised. While, there has been no formal evaluation of their effectiveness, those involved who were spoken to during the review found them of limited value.

Recommendation 16: A training programme for RMT Chairs should be devised and delivered at the earliest possible opportunity. A multi-disciplinary task force should be set up to devise what is needed. This should involve the RMA specialist contributors, current past and future Chairs. Consideration should be given to involving those with lived experience.

13.3 Resources for training

The reviewer acknowledges the challenge of finding the resources and time to deliver such training in a prison system under pressure. The reviewer therefore offers three models each with increasing resource implication.

- *Model 1: Introductory training* for a period outside of the prison environment with practical, observed exercises. This would be followed by observations of RMTs following a range of referrals in establishments of different security categories. A third stage would be Chairs being observed in practice and through RMT minutes by peers or senior staff in order to receive feedback. The whole process would be logged and a senior manager required to ‘sign off’ the individual as having participated appropriately.
- *Model 2: Accredited training* would be along the same lines as Model 1 but with the training following a full accreditation process and for participants to receive a formal qualification on a pass, fail or extension process.
- *Model 3: A combined approach* would incorporate Models 1 and 2 but would involve the selection and appointment of a group of dedicated RMT Chairs who would carry out meetings on a full-time basis across the estate with no routine operational duties. Given the current level of RMT meetings across the estate the reviewer would make a very provisional assessment that up to five individuals would be required. The SPS should be open to recruiting chairs who are not traditional deputy governor grades.

14. Conclusions and recommendations

14.1 The revised and supplementary guidance is considered by the reviewer to be comprehensive and robust with only minor recommendations being made to strengthen the process.

4.2 SPS decision-makers and RMT meetings are regarded as competent, thorough, professional and properly multi-disciplinary. Improved training at all levels could strengthen the processes and decision-making especially for Deputy Governors/Chairs.

14.3 The processes are resource intensive but the quality of decision-making was not sacrificed to the benefit of other activities. The processes could be strengthened with additional resources.

14.5 Documentation to support the processes is comprehensive but considerable in scope and detail. There is scope to streamline the documentation to focus on and support key decisions at various stages.

15. Strategic priorities for the SPS

15.1 The review includes 16 core recommendations, some of which could be implemented directly and with minimal cost, while others will be more challenging.

15.2 The reviewer responds directly to the relevant SCR recommendations and makes reference to the review.

Strategic priority 1: The Scottish Prison Service should review the information provided to Scottish Ministers when submitting reports that recommend First Grants of Temporary Release to ensure that the report gives a balanced reflection of a prisoner's period of imprisonment and the assessed risk.

This has been done and work is underway to develop a more formal quality assurance process. At the moment documentation for FGTR is initiated in establishments and submitted through SPS HQ Strategy and Stakeholder Engagement Directorate for submission to Ministers. Submissions are amended at various stages. The level of amendments needs to be monitored such that the right detail and quality are initiated at stage 1 rather than later in the process (see *Recommendation 11*).

Strategic priority 2: The Scottish Prison Service should review what information is available and considered during the Risk Management Team meetings when considering a prisoner's progression. The full LS/CMI risk assessment, together with any other risk assessments carried out, should be considered in full.

The revised guidance is detailed, thorough and prescriptive. The reviewer has made recommendations regarding the way in which the documentation is used and whether it can be streamlined to ensure the most appropriate decision is made (see *Recommendations 12 and 13*).

Strategic priority 3: At the point where a prisoner is considered for progression to the Open Estate, the Chair of the Risk Management Team within the Scottish Prison Service must ensure that the LS/CMI and any Risk of Serious Harm (RoSH) assessment have been fully completed, endorsed by a Senior Prison Based Social Worker and that all documentation is forwarded to the Open Estate for their consideration within seven days before the date of the proposed transfer.

All documentation and processes reviewed during the review confirmed that this recommendation is complied with.

Strategic priority 4: The Scottish Prison Service should develop how risk is assessed and mitigated within Risk Management Team meetings. Risk requires to be the main consideration and decisions made should serve to mitigate and manage risk rather, than trigger progression.

Everything examined during the review confirmed that risk was always seen as the main consideration. There was no evidence that the need or desire to ensure progression through the system was ever an overriding factor. Spare capacity within the OE gave evidence to this fact.

Strategic priority 5: The Scottish Government and Scottish Prison Service should consider what technological options are available to assist with the management and monitoring of high risk prisoners who are being granted Home Leave - specifically evaluating the viability of GPS tagging solutions.

While outside, the scope of this review, a final recommendation feels appropriate considering the wider issues around the gathering and reporting of information about individuals in the community.

Strategic priority 6: The Scottish Prison Service should review the start to end process of how information regarding individual prisoners' unsupervised community access is consistently reported to and received by Police Scotland and Criminal Justice Social Work in a way that facilitates the identification and management of individuals who may pose a risk in the community.

The reviewer is satisfied that all processes are in place to report appropriate information to Police Scotland. Whether that information is received by Police Scotland is out of the scope of the review.

Annex A: Recommendations

- 1 A single directorate should be given overall responsibility for risk management, with the name of the directorate reflecting its role.
- 2 Staff should be encouraged to be proactive in seeking prisoners for progression and ensure maximum opportunity to all suitable prisoners.
- 3 RMT Chairs should consider whether specialist mental health or substance misuse input is required and direct attendance accordingly.
- 4 RMT Chairs should encourage and facilitate the attendance of CBSWs via video link or phone in.
- 5 Guidance on the role of personal officers in referring prisoners to the RMT should be added.
- 6 Annex B and guidance for prisoners on the process should be reviewed and take into account the views of those with lived experience.
- 7 The guidance should indicate clear action to be taken following a decision not to release a prisoner after a parole hearing.
- 8 The guidance should allow for a 'fast track' process of prisoners if staff working with them believe this is appropriate and of benefit .
- 9 The guidance should be amended to better reflect the complexities of dealing with those with SCPOs in particular and OCG nominals in general.
- 10 Guidance should be given on the risk management to TACT prisoners.
- 11 A substantive review should be undertaken of the potential measure of effectiveness and performance of RMTs
- 12 RMT documentation should be supported by a timeline document, which would better inform the context in which all risk assessments have been made.
- 13 All documentation should be reviewed to try and streamline the processes and place greater focus on decision-making at specified times.

- 14 Consideration should be given to providing supernumerary support to establishment with a high RMT workload.
- 15 A training needs assessment should be undertaken for those performing the following roles within RMTs: ICM/RMT Case coordinator, OLR Case Manager, Lifer Liaison Office (LLO), Early Release Liaison Officer (ERLO).
- 16 A training programme for RMT Chairs should be devised and delivered at the earliest possible opportunity. A multi disciplinary task force should be set up to devise what is needed. This should involve the RMA specialist contributors, current past and future Chairs. Consideration should be given to involving those with lived experience.

Annex B: SCR Strategic Priorities

Significant case review: strategic priorities

- 1 The Scottish Prison Service should review the information provided to Scottish Ministers when submitting reports that recommend First Grants of Temporary Release to ensure that the report gives a balanced reflection of a prisoner's period of imprisonment and the assessed risk.
- 2 The Scottish Prison Service should review what information is available and considered during the Risk Management Team meetings when considering a prisoner's progression. The full LS/CMI risk assessment, together with any other risk assessments carried out, should be considered in full.
- 3 At the point where a prisoner is considered for progression to the Open Estate, the Chair of the Risk Management Team within the Scottish Prison Service must ensure that the LS/CMI and any Risk of Serious Harm (RoSH) assessment have been fully completed, endorsed by a Senior Prison Based Social Worker and that all documentation is forwarded to the Open Estate for their consideration within seven days before the date of the proposed transfer.
- 4 The Scottish Prison Service should develop how risk is assessed and mitigated within Risk Management Team meetings. Risk requires to be the main consideration and decisions made should serve to mitigate and manage risk rather, than trigger progression.
- 5 The Scottish Government and Scottish Prison Service should consider what technological options are available to assist with the management and monitoring of high-risk prisoners who are being granted Home Leave - specifically evaluating the viability of GPS tagging solutions.
- 6 The Scottish Prison Service should review the start to end process of how information regarding individual prisoners' unsupervised community access is consistently reported to and received by Police Scotland and Criminal Justice Social Work in a way that facilitates the identification and management of individuals who may pose a risk in the community.

Annex C: RMT Questionnaire

Following the recent publication of a significant case review, SPS gave a commitment to Scottish Government to review policy and guidance for Risk Management Teams (RMT) in order to identify improvements and ensure consistency in application.

While as part of the review, I will be attending some RMT's as an observer, I would wish to give all those who regularly attend RMTs the opportunity to provide an input. Accordingly, I have drafted a short questionnaire to allow you to do this should you wish to. I would be grateful if you could complete the following questionnaire and return it to me via SPS HQ by Friday 13 March. Please e-mail the completed questionnaires to HQSSEBusinessManagementUnit@sps.pnn.gov.uk

Notwithstanding, if you have any other comments you wish to make please feel free to e-mail me direct; johnpodmore@me.com All information from this survey will be represented in the form of aggregated data, no specific comments will be personally attributed.

With thanks
John Podmore

1. Please state your job title and role within the RMT?
2. How often are RMTs held at your establishment?
3. Please say in months how long you have been expected to attend RMT?
4. Please estimate the total number of RMTs have you attended over the last two years?
5. Have you had sight of the RISK MANAGEMENT, PROGRESSION AND TEMPORARY RELEASE GUIDANCE document?
 - Yes
 - No
 - Don't know
6. Have you had any briefing or development on its application?
 - Yes
 - No

If yes, please say what you found was particularly helpful.

.....
.....

7. Do you believe you have had sufficient preparation time before attending meetings?

- Always
- Yes, most of the time
- Not most of the time
- Never

8. If you feel you have had insufficient time please give reasons below

.....
.....

9. Do you believe you have had sufficient knowledge of the prisoner being evaluated?

- Always
- Yes, most of the time
- Not most of the time
- Never

10. Do you feel the overall quality and amount of information each prisoner concerned is sufficient?

- Always
- Yes, most of the time
- Not most of the time
- Never

11. Is documentation before the meetings and the minutes following them timely?

- Always
- Yes, most of the time
- Not most of the time
- Never

12. Is documentation before the meetings and the minutes following them useful?

- Always
- Yes, most of the time
- Not most of the time
- Never

Please use this space for any further comments on the process

.....
.....
.....

13. Do you feel you are given sufficient opportunity to contribute in meetings?

- Always
- Yes, most of the time
- Not most of the time
- Never

14. Do you feel able to object to the findings of a meeting?

- Always
- Yes, most of the time
- No, most of the time
- Never

15. Are confident that any objections would be adequately recorded?

- Always
- Yes, most of the time
- No, most of the time
- Never

Thank you for taking the time to fill in this questionnaire. To stress, these responses will not be attributed; the aim is to gauge how well the process is working and to identify potential improvements.

John Podmore

March 2020