

PBNI'S SIGNIFICANT RISK OF SERIOUS HARM TO OTHERS PROCEDURES

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1. INTRODUCTION

1.1 The Probation Board for Northern Ireland (PBNI) is committed to the effective assessment and management of risk, which underpins PBNI interventions with service users. Risk Assessment shall take place at all stages of PBNI contact including:

- At point of first contact with PBNI; usually at the Pre-Sentence Report/Magistrate's Court Report (PSR/MCR) stage.
- Statutory supervision.
- Custodial phase of relevant sentences.
- Post release supervision.
- Any agreed voluntary supervised case.

1.2 PBNI recognises that managing risk of serious harm is complex and may expose staff to distressing material which can have an emotional impact. These procedures are therefore underpinned by a commitment to staff wellbeing, reflective practice and trauma informed supervision, alongside public protection duties.

1.3 The PBNI Significant Risk of Serious Harm procedures outlined below apply to those service users in contact with PBNI where there are concerns about the Significant Risk of Serious Harm posed. The need for multi-agency involvement and engagement in the assessment and management of Risk is central to its effectiveness and success in protecting victims and helping to prevent future victims. The PBNI Significant Risk of Serious Harm procedures cover the following core functions:

- Identification of relevant service users.
- Sharing of relevant information.
- Assessment of Risk.
- Management of Risk.

1.4 Significant Risk of Serious Harm Assessment

1.3.1. ACE (Assessment, Case Management and Evaluation) is a structured assessment tool used by PBNI, in conjunction with professional judgment, to assess the likelihood of general re-offending within a two-year period. Included within the ACE assessment is a RA1 Filter which triggers a Risk of Serious Harm assessment in cases where such concerns exist.

1.3.2. The RA1 is a structured process used by PBNI for assessing the Risk of Serious Harm through gathering, verifying and evaluating a wide range of relevant information, including details from the ACE assessment. The eventual decision as to whether or not a service user is assessed as presenting a Significant Risk of Serious Harm is taken at a Risk Management Meeting (RMM). When assessing the significant risk of serious harm the following information should be considered:

- Pattern of offending (including previous or current risk associated behaviour); in prisons this can include offence paralleling behaviours.
- The extent to which the service user has already caused serious harm, and the frequency and escalation of harm over time.
- Triggers and situations that have been associated with harmful behaviour in the past and whether they still exist.
- Whether opportunities for committing harmful acts are increasing or decreasing.
- The service user's insight into, and attitudes towards, their offending and the harm they have caused.
- Nature and degree of violence including any aggravating factors such as bizarre or ritualistic elements or use of weapons.
- The service user's attitude to victims or victim groups.
- Relevant information about victims, for example, age, race and diversity as well as the relationship of the victim(s) to the service user.
- The service user's motivation to commit further offences.
- The service user's motivation and ability to change including, past responses and history of engagement or non- engagement, and current attitudes to monitoring, supervision and behavioural change programmes.
- Requirement for (intensive) long-term risk management to contain the risk (including long-term intervention).
- Whether seriously harmful offending will happen if controls are absent.
- Whether the service user exhibits little or no self-risk management.

- Presence of pervasive risk and a lack of protective factors to mitigate that risk.
 - Whether the service user is actively seeking opportunities to offend.
 - Whether the service user is actively ‘testing’ or breaching controls on behaviours or limits to opportunities (e.g. curfews, residence conditions, exclusion conditions) (Hazel Kemshall, March 2010).
 - History of extreme impulsivity and/or volatility.
 - Presence of a pronounced negative outlook- ‘nothing to lose’.
 - Established pattern of being out of custody for short periods before re- offending (specified and/or serious offences).
 - The service user reacts negatively to destabilising events e.g. partner leaves or key support figure dies.
 - Pattern of escalating seriousness coupled with no sustainable indicators of change (Gill MacKenzie, De Montfort University, 2010).
 - Gratuitous violence – the use of violence over and above that which is necessary to commit the offence (Appeal Court R v Kubik 2016).
 - Medical evidence as to the impact of the offence on the victim (Appeal Court R v Kubik 2016).
 - Level of degradation of the victim (Appeal Court R v Kubik 2016).
 - The role of protective factors – these are not merely the inverse of risk factors. Protective factors must be assessed as genuinely protective for that individual i.e. there is evidence that they have been protective in the past and could be so in the future. There is a need to be clear as to how protective factors impact on the attitude and/or behaviour of the service user and whether they are sustainable (Hazel Kemshall).
- 1.3.3. Additional PBNI approved assessment tools may also be applied in relevant cases, though an over reliance on assessment tools is advised against. Where appropriate, PBNI’s Significant Risk of Serious Harm procedures shall interface with the risk assessment and review arrangements operating within: Prisons; Young Offender’s Centre; Juvenile Justice Centre; and the Public Protection Arrangements for Northern Ireland (PPANI).

1.4. The victim is central to the offence, and it is therefore essential for all those involved in the Risk Assessment and management of service users to keep a victim perspective in focus. Where the victim is registered, close links should be maintained with the Victim Information Scheme.

1.5. **Staff Safety, Wellbeing and Support:** PBNI acknowledges that managing SROSH cases could place emotional and professional demands on staff. Staff safety includes physical and psychological wellbeing. Managers should ensure that staff supervising SROSH cases:

- Have access to regular, reflective supervision which explicitly considers emotional impact, secondary trauma, and professional stress.
- Are encouraged to seek support and guidance.
- Are aware of the full range of supports that PBNI can offer.
- Are supported to undertake safety planning for home visits and post-visit check-ins where required.

Staff are encouraged to raise concerns about safety, wellbeing, or capacity without fear of judgement or negative consequence. Raising such concerns is regarded as good professional practice.

1.6. Key legislative definitions are:

1.5.1 “Dangerousness”:

Where a service user has been convicted of a specified offence the court has assessed ‘...there is a significant risk to members of the public of serious harm occasioned by the commission by the offender of further such offences’¹

1.5.2 “Serious Harm”

‘death or serious personal injury, whether physical or psychological’²

1.5.3 “Specified offence”

¹ Criminal Justice (Northern Ireland) Order 2008 Article 15 (1)(a)(b)

² Criminal Justice (Northern Ireland) Order 2008 Article 3 (1)

‘an offence is a “specified offence” [for the purposes of this Chapter] if it is an offence specified in Schedule 1’³

1.5.4 “Serious offence”

‘an offence is a “serious offence” [for the purposes of this Chapter] if it is an offence specified in Schedule 2’⁴

1.7. Key PBNI terminology relating to the Risk of Serious Harm:

1.6.1 Risk Assessment

Process of evaluating the Risk of Serious Harm posed by a service user.

1.6.2 “Serious harm”

The definition of ‘serious harm’ used by PBNI is the legislative definition: ‘death or serious personal injury, whether physical or psychological’⁵

1.6.3 “Significant”

The likelihood that an act, the impact of which would be serious harm, will occur i.e. there is a high probability of an offence causing serious harm recurring.

1.6.4 Significant Risk of Serious Harm

The PBNI Significant Risk of Serious Harm assessment is an evidenced based judgement as to the level of risk of a service user committing a further offence, causing serious harm. PBNI assesses a service user to be a ‘Significant Risk of Serious Harm’ when:

There is a high likelihood that a service user will commit a further offence, causing serious harm. (See also Appendix 5 – Significant Risk of Serious Harm Diagram)

(For service users in custody the assessment is made as if the service user is currently in the community.)

1.6.5 Risk Management

Process of addressing the Risk of Serious Harm posed by a service user by the

³ Criminal Justice (Northern Ireland) Order 2008 Article 12 (1)

⁴ Criminal Justice (Northern Ireland) Order 2008 Article 12(2)

⁵ Criminal Justice (Northern Ireland) Order 2008 Article 3 (1)

formulation of a Risk Management Plan, which targets specific risk factors through lawful, necessary, defensible and proportionate actions.

1.8. Dangerousness

- 1.8.1. The Criminal Justice (NI) Order 2008 sets out a list of serious and specified sexual and violent offences respectively in Schedule 1 and Schedule 2⁶. A service user who has been convicted on indictment of a specified or serious offence and, who the court has assessed as ‘dangerous’ (see 1.5.1 above) will meet the criteria for a public protection sentence: an Extended Custodial Sentence (ECS) or an Indeterminate Custodial Sentence (ICS).⁷
- 1.8.2. The Pre-Sentence Report (PSR) provides information, assessment and analysis which the court may take into account in its determination of ‘dangerousness’. The ‘Significant Risk of Serious Harm’ section of a PSR provides details supporting the outcome of assessment, including why a service user has or has not been assessed as a Significant Risk of Serious Harm.
- 1.8.3. When referring to Significant Risk of Serious Harm in a PSR/MCR (and reports to the Parole Commissioners) use the full title: Significant Risk of Serious Harm – do not abbreviate. By way of providing clarity when using the term for the first time in a report, immediately define the term as follows: “PBNi assess a service user to be a Significant Risk of Serious Harm if there is a high likelihood of a service user committing a further offence, causing serious harm.”
- 1.8.4. The legislation does not define ‘significant risk’ within the definition of ‘dangerousness’ and it is for the court to decide whether or not the risk of serious harm posed by a service user is significant. The court of appeal judgement (*R v Lang and others 2005*)⁸ gave guidance on a number of different aspects of the provisions relating to the sentencing of ‘dangerous offenders’ including the following:
- (1) The risk identified must be significant. This is a higher threshold than mere possibility of occurrence and in our view can be taken to mean (as in the Oxford Dictionary) “noteworthy, of considerable amount or importance”.

⁶ *Criminal Justice (Northern Ireland) Order 2008 Schedule 1 and schedule 2*

⁷ *As above Articles 13 and 14.*

⁸ *See R v Lang and others (2005), EWCA Crim 2866.*

1.8.5. Where PBNI has assessed a service user as presenting a Significant Risk of Serious Harm this equates to 'significant risk' as defined in 1.7.4 above.

2. PBNI INITIAL ASSESSMENT

2.1 The PBNI risk assessment and management process commences with an initial Assessment (ACE) undertaken at the Pre-Sentence Stage and in custody at crucial points following the expiry of previous assessments.

2.2 An Initial Assessment (ACE) is completed by the Pre-Sentence Report (PSR)/Magistrates Court Report (MCR)/author on PBNI's Electronic Case Management System prior to a PSR/MCR being completed for court. At this stage the PSR/MCR author is gathering relevant information from a range of sources including:

- Accurate and up to date criminal record.
- Depositions or police statement of facts.
- Victim and witness statements.
- Victim Impact Report, if available.
- Detailed social, personal and offending information including medical, psychiatric, psychological histories/ reports.
- Previous Probation records.
- Direct observations, interviewing service user and significant others.

2.3 The Risk of Serious Harm (RA1) Filter shall be completed on all ACE assessments. This is the first stage in identifying service users who require a full RA1 Risk of Serious Harm assessment.

2.4 As a guideline, and the list is not exhaustive, the following offences are considered to involve serious harm (includes inchoate offences e.g. attempts, conspiracy, aid/abet). If a Probation Officer requires clarification on whether an offence involves serious harm, they should confer with their line manager:

- Murder
- Malicious wounding
- False Imprisonment/Kidnapping
- Manslaughter

- Non-Fatal Strangulation
- GBH/GBH with intent
- Rape/Other serious sexual offence
- Arson / criminal damage endangering life
- Any offence involving use of weapons where serious harm has been caused
- Motoring Offences endangering life (including car crime)

2.5 A Risk of Serious Harm (RA1) assessment shall be completed on all cases where the RA1 filter has recorded at least 1 'Yes' response to the following questions:

2.5.1 Is the current/index offence or previous offence in the list of offences to be taken into account?

2.5.2 Does the service user have a conviction (within the last 10 years) in respect of any of the offences in the list of offences to be taken into account?

2.5.3 Is there a pattern of offending where serious harm has been caused?

2.5.4 Is there other evidence such as an escalation in the seriousness of offending/threats/intention to reoffend which could result in the service user causing serious harm?

2.5.5 Is the victim a child/vulnerable adult?

2.5 The RA1 process is designed to lead to an overall assessment of the Risk of Serious Harm, following a thorough and detailed consideration of a wide range of accurate and up-to-date information. It is important to record the sources used in the assessment and any gaps in the information obtained. If the conclusion to the assessment is that the service user could potentially be assessed as presenting a Risk of Serious Harm then the Area Manager shall be consulted and shall validate the RA1 within 2 working days of the PO completing it: the Area Manager must validate the RA1 prior to a Risk Management Meeting being arranged. If the Area Manager concurs with the assessment and is of the opinion that the service user could potentially be assessed as presenting a Significant Risk of Serious Harm an initial Risk Management Meeting (RMM) is to be convened within 10 working days of the validated assessment. The Initial RMM shall be convened in advance of the PSR/MCR being submitted to court. An explanation for any delay in not convening the meeting within the time frame is to be recorded on the RM1.

- 2.6** The Area Manager in validating, or not validating, the assessment shall record additional comments and in particular any immediate actions that may be required to protect others from Serious Harm including communicating concerns to other agencies in accordance with relevant policies, procedures, legal responsibilities and protocols.⁹
- 2.7** Where the outcome of the RA1 assessment by the probation officer is that the service user does not present a risk of serious harm the reasons for this conclusion shall be recorded on the RA1 assessment and entered on PBNI's Electronic Case Management System. However, whilst there is no requirement to share these 'No' assessments with the Area Manager, the probation officer shall consult with the Area Manager immediately, and not more than 2 days after the completion of the RA1, in any case where:
- The outcome of the RA1 assessment is inconclusive.
 - Where an Area Manager requests an RA1 for his/her validation.
- 2.8** In the event that an Area Manager, when reviewing an RA1 assessment where the service user has been assessed as not presenting a Risk of Serious Harm, is of the opinion that the service user does potentially present a Significant Risk of Serious Harm, a PBNI Initial Risk Management Meeting shall be convened as per 2.6 above.
- 2.9** It is important that the ACE, the RA1 filter and the RA1 are fully completed on PBNI's Electronic Case Management System within 5 working days in advance of a Risk Management Meeting.
- 2.10** If in exceptional circumstances the documentation cannot be completed prior to the meeting an explanation for same is to be recorded on the risk management meeting summary pro forma (RM1).

3. PBNI INITIAL RISK MANAGEMENT MEETINGS (RMM)

- 3.1** The Probation Officer has responsibility for organising and co-ordinating the RMM. This shall include:

⁹ See current: PBNI Child Protection/Safeguarding Policy and Procedures; PBNI Health and Safety at Work (Personal Safety) Policy; PBNI Policy and Procedural Guidance on Disclosure of Information Regarding Commission of an Offence; and PPANI Manual of Practice.

- Specifying who shall be invited, depending on the details of the individual case; every effort should be made to ensure the Investigating Officer is in attendance.
 - Involving PBNI psychology services in all Murder, Serious and/or Specified Offence cases requiring an initial RMM.
 - Notifying all parties about the RMM.
 - Informing the service user of the meeting and providing them with the opportunity to input to the meeting via their supervising Probation Officer or in writing.
 - Ensuring ACE, RA1 (and PSR/MCR where applicable) are available on the Electronic Case Management System for relevant PBNI staff, prior to the meeting.
 - Prepare a Briefing Report (Appendix 1) to be brought to the meeting.
 - Informing other relevant agencies about the identity of the service user and key issues of concern and requesting a short summary report outlining any issues of concern to be brought to the meeting.
 - Making suitable administrative arrangements for the meeting.
- 3.2** The PBNI Initial RMM shall be chaired by an Area Manager. If there are a number of co-defendants in a case, a separate RMM will be convened for each service user.
- 3.3** All participants in the RMM shall share responsibility for decision making about the Significant Risk of Serious Harm assessment. A service user shall be assessed as presenting a Significant Risk of Serious Harm where there is a high likelihood of a service user committing a further offence, causing serious harm. Professional disagreement is legitimate and should be respectfully explored.
- 3.4** **Staff Support Following RMMs:** Managers should consider a follow-up check-in with involved staff.
- 3.5** PBNI Initial RMMs shall follow a standard format as set out in appendix 2.
- 3.6** The purpose of a PBNI Initial RMM is to:
- Share information.
 - Identify risk and protective factors (if present) and outline evidence to support the assessment.

- Decide on whether, or not, a service user presents a Significant Risk of Serious Harm.
- Draw up a Risk Management Plan to address the identified risk factors – irrespective of whether the service user is assessed as presenting a Significant Risk of Serious Harm.

3.7 The PBNI Initial Risk Management Meeting, if required at the Pre-sentence stage, should be convened prior to the court date. In all Murder, Serious and/or Specified Offence cases, the PBNI Initial RMM shall take place pre court. This shall assist the Pre-Sentence Report (PSR)/Magistrates Court Report author to complete the Risk of Serious Harm and Conclusion sections of the PSR/MCR.

Note: If an RMM is required at the PSR stage, and the case involves an existing SROSH service user, the meeting shall have the designation of a review. If the PSR author is from a different team the respective Area Managers are to agree on who should chair and who should attend the review.

3.8 If an initial RMM cannot be held before the date of the sentencing court and the defendant receives a sentence of imprisonment to be followed by statutory supervision, the PSR/MCR author shall convene a RMM within 10 working days of sentence or before the prisoner is released if this is sooner. An explanation as to why the RMM could not be held prior to sentencing should be detailed in the RM1.

3.9 If an RMM cannot be held prior to sentence and the defendant receives a Community Sentence, the relevant team shall convene a RMM within 10 working days of sentence. An explanation as to why the RMM could not be held prior to sentencing, should be detailed in the RM1.

3.10 Where the outcome of the RMM is that the service user is assessed as presenting a Significant Risk of Serious Harm the reasons for this decision shall be recorded clearly on the RM1. The RMM, and summary shall also outline the risk management plan including any immediate actions to address risks. The risk management plan shall also be reflected in the service user's updated case plan.

3.11 The Risk Management Plan shall cover the following:

- Actions to address identified risks; including any immediate actions.
- Who will take each action and when each action should be undertaken.

- Involvement of service user in addressing and managing identified risks.
- Supports and controls, existing or required, to help manage the risks.
- Additional requirements or conditions required to help manage the risks, including any measures specifically to protect the victim.
- Roles and requirements of all agencies involved.
- Level of contact, monitoring and supervision.
- Date of next review RMM.

3.12 The summary of the PBNI Initial RMM shall be recorded by the Probation Officer on PBNI's Electronic Case Management System on form RM1 which records the following:

- Date and location of meeting.
- Details of those in attendance: apologies; those invited but who did not attend.
- Issues discussed.
- Evaluation of Risk (including risk and protective factors).
- Decision on Significant Risk of Serious Harm.
- Evidence on which assessment is based.
- Details of the Risk Management Plan.
- Details of which agencies are responsible for progressing identified tasks in the risk management plan.
- Date of next review meeting.

3.13 Where the outcome of an Initial or review RMM is that the service user does not present a Significant Risk of Serious Harm the reasons for this decision should be clearly outlined in the summary. In these situations, there are likely to be identified risks relating to harm, which still need to be addressed and managed. These should be outlined in the risk management plan and incorporated into the service user's updated case plan.

3.14 The PBNI Initial RMM shall agree the arrangements for communicating the decisions of the RMM to other agencies and individuals, including the service user. Agencies in attendance at the RMM, and those invited who could not attend, can, on request, receive a copy of the RM1 under restricted cover.

3.15 The Chairperson of the PBNI Initial RMM must approve the RMM summary before it is circulated. By way of approval the manager should enter his/her name, with the date of approval onto the RM1. The RMM summary shall be circulated by the Probation Officer. Requests for amendments to the RM1 must be forwarded to and approved by the Chair

of the RMM.

3.16 The outcome of the RMM shall be inserted into the 'RMM tab' on PBNI's Electronic Case Management System selecting one of three options:

- Deferred.
- Not a Significant Risk of Serious Harm.
- Significant Risk of Serious Harm.

3.17 The only circumstance when it is acceptable to defer the outcome of a RMM is when there is insufficient information to make the decision. Awaiting the outcome of an arrest/charge is not an acceptable reason to defer.

4. PBNI RISK MANAGEMENT REVIEW – COMMUNITY

4.1 For service users released from custody subject to PBNI supervision, the RMM shall be reviewed by the receiving community team within 8 weeks (ACE and RA1 do not need to be reviewed) and again, 16 weeks post release to align with the ACE and RA1 review. These reviews will take account of any significant changes which may have occurred since the previous risk management meeting including further offending, conviction and/or breach/recall proceedings.

4.2 Just as risk does not remain static, the risk management plan needs to be reviewed and updated on a regular basis. The risk assessment and progress of a Significant Risk of Serious Harm case shall be reviewed at least every 16 weeks at a RMM Review. On each occasion the risk assessment and Risk Management Plan should also be reviewed. Any changes in the service user's circumstances or behaviour including further offending; conviction and/or breach/recall proceedings shall be discussed and clarified at the review. Reviews should also consider the evidence for risk reduction with recognition of progress, and presence of protective factors.

4.3 If a service user has been designated at a RMM as presenting a Significant Risk of Serious Harm, there is no requirement for the Area Manager to validate the RA1(r), for the purposes of a RMM Review.

4.4 The review RMM shall be brought forward where there are significant changes in the circumstances or behaviour of a service user which indicate increased concerns about

risk as detailed in 4.2 above including a pattern of non-compliance, arrest (for offences listed in 2.4), recall or breach.

4.5 When convening the Community review PBNI RMM the supervising Probation Officer shall ensure the following:

- Notify all parties about the Review RMM.
- Ensure that ACE and RA1r and other relevant documentation is updated and available on the Electronic Case Management System within 5 working days prior to the Review RMM. If the ACE/RA1r documentation are not completed prior to the meeting: an explanation for same should be recorded in the RM1.
- Make suitable administrative arrangements for the meeting.
- Inform service user of Review meeting. There is no requirement to invite a service user to the meeting. Any such invitation requires the approval of the Area Manager.

4.6 The Review RMM shall follow a similar process and structure to the Initial Risk Management Meeting and its purpose is to:

- Review previous Risk Management Meeting recommendations.
- Review the progress of the case in terms of how the risk factors have been addressed.
- Identify any relevant changes or new information since the last RMM.
- Decide on whether or not the service user continues to present a Significant Risk of Serious Harm.
- Review and amend, as appropriate, the Risk Management Plan.

4.7 Where the decision of the PBNI RMM Review is that the service user is still assessed as presenting a Significant Risk of Serious Harm the Risk Management Plan shall identify how the risk factors shall be addressed to manage and/or reduce the risk of serious harm. The risk management plan shall also be reflected in and addressed within the service user's updated case plan.

4.7.1 Where a decision is taken that the service user no longer presents a Significant Risk of Serious Harm the following shall be considered and accurately recorded on the RM1 form and entered on PBNI's Electronic Case Management System:

- What risk factors have changed to reduce the risk of serious harm?
 - What evidence is there to support these changes?
 - Have the concerns of all relevant parties including victim(s), family, service user's partner and the service user themselves been taken into account?
 - Any residual risks identified; and actions to address same should be included in the risk management plan. These actions shall also be reflected in and addressed within the service user's updated case plan.
- 4.7.2 The summary of each Review RMM shall be recorded on the RM1 form on PBNI's Electronic Case Management System and communicated appropriately. The chairperson of the RMM must approve the summary before it is circulated.
- 4.7.3 By way of approval the chairperson should type his/her name, with date of approval, on the RM1. Requests to amend the RM1 must be forwarded to and approved by the Chair of the RMM.
- 4.7.4 In those cases where the PBNI RMM has concluded that the service user does not present a Significant Risk of Serious Harm a further Risk Management Meeting shall only be convened where a change in circumstances and/or behaviour subsequently indicates that the service user may potentially present a Significant Risk of Serious Harm.

5. PBNI RISK MANAGEMENT MEETINGS – CUSTODY

- 5.1** For sentenced prisoners the PBNI assessment shall remain relevant for 6 months after the prisoner is committed into custody and be available to inform the process as within each respective custodial institution.
- 5.2** PBNI will ensure that an ACE/RA1 is completed in relation to all prisoners at the point of committal to custody unless an ACE/RA1 has been completed within the previous 6 months.
- 5.3** The ACE/RA1/SROSH assessment expires 6 months post committal. A RMM is not required to be convened.
- 5.4** PBNI will ensure a new ACE/RA1 is completed and a RMM convened, if applicable, on request by the Prisoner Governor (for example, when the prisoner is eligible for

Conditional Early Release) and/or at critical transition/trigger points for all sentenced prisoners (for example, when a prisoner is eligible for Unaccompanied Temporary Release; PCNI Hearings).

5.5 PBNI will ensure an ACE/RA1 is completed and a RMM is convened, if applicable, within 30 working days prior to a prisoner's release if they will be subject to post release supervision. The RMM meeting will be chaired by the local community Area Manager unless the prisoner's address on release has not been confirmed when it will be chaired by the Prison Area Manager.

5.6 PBNI staff in prisons shall undertake the following tasks in relation to the RMM:

- Notify all parties (including NIPS psychology where appropriate) about the RMM Review including the prisoner, where appropriate.
- Make suitable administrative arrangements for the meeting.
- Ensure that ACE and RA1 are fully completed and updated on PBNI's Electronic Case Management System 5 working days in advance of a RMM Review.
- Ensure that the summary is accurately recorded on the RM1 and attached on PBNI's Electronic Case Management System including:
 - Date and location of meeting.
 - Details of those in attendance: apologies; those invited but who did not attend.
 - Issues discussed.
 - Evaluation of Risk (including risk and protection factors).
 - Decision on Significant Risk of Serious Harm.
 - Evidence on which assessment is based.
 - Details of the Risk Management Plan.
 - Details of which agencies are responsible for progressing identified tasks in the risk management plan.
 - Date of next review meeting.
- The Chairperson of the RMM must approve the RMM summary before it is circulated. By way of approval the Area Manager should type his or her name, with the date approved, onto the RMM. Requests to amend the RM1 must be forwarded to and approved by the Chair of the RMM.
- Where a service user, currently subject to supervision is remanded or recalled to custody the ACE /RA1 shall be updated by the community-based Probation Officer

and a RMM convened (if appropriate) within 10 working days. Following this, the ACE (and RA1 if appropriate) shall be reviewed as set out in 6.4 i.e. it will no longer be necessary for the community Probation Officer to review every 26 weeks.

- If a service user assessed as presenting a Significant Risk of Serious Harm supervised in the community is remanded or recalled to custody; a review RMM shall be held. This shall be convened by the community-based Probation Officer. Following this if Significant Risk of Serious Harm status is maintained the review period will be as set out in 5.4 i.e. it will no longer be necessary for the community Probation Officer to convene a RMM every 26 weeks.

5.7. ICS/Life Sentenced Prisoners

5.7.1. PBNI will ensure an ACE/RA1 is completed and a RMM is convened, if applicable, in respect of Life Sentenced Prisoners: -

- Prior to consideration for progression to periods of 24-hour Unaccompanied Temporary Release.
- Prior to consideration to move to Phase 3 of the Pre Release Scheme, living full time in the community. This will coincide with the preparation of the 6-month Pre Tariff report to the Parole Commissioners Northern Ireland (PCNI).
- Every 16 weeks (or sooner, if deemed necessary) during Phase 3 of the Pre Release scheme and prior to PCNI Hearing.

5.7.2. Where there is a notable change in the prisoner's circumstances, behaviour and/or attitude, or there is new information indicating an increased risk of serious harm.

5.7.3. For ICS/Life sentenced cases a RA1 review is required at the 26 week and 12-month stage. Following 12 months the RA1 should be reviewed in line with assessed level of risk. For cases not assessed as presenting a Significant Risk of Serious harm, where there is no new significant interaction to influence the assessment, the reason for not completing the RA1 review post 12 months shall be recorded on the RA1 filter.

6. PBNI SIGNIFICANT RISK OF SERIOUS HARM - PUBLIC PROTECTION ARRANGEMENTS NORTHERN IRELAND (PPANI)

6.1. Where there is an overlap between PBNI Significant Risk of Serious Harm cases and PPANI cases assessed at Category 2 and Category 3, the service user shall be reviewed

(for the purposes of multi-agency review forums) under PPANI only. A service user can only be regarded as subject to PPANI once he/she has been categorised as such by a Local Area Public Protection Panel (LAPPP). The supervising officer shall ensure the PPANI 'Category' is recorded on PBNI's Electronic Case Management System. The Significant Risk of Serious Harm 'Risk Tab' shall also be selected.

6.2. In order to avoid duplication where a service user is managed under PPANI, PBNI shall not convene separate Review Risk Management Meetings, with the exceptions being:

- At the PSR/MCR stage where all Serious and/or Specified Offence cases which meet the criteria shall have a Risk Management Meeting convened pre court.
- When a service user assessed as presents a Significant Risk of Serious Harm has been remanded or returned to custody Section 5.6 applies.

6.3. Under the Public Protection Arrangements for Northern Ireland PBNI shall:

- Undertake tasks as Designated Risk Manager (DRM) in relevant Cases;¹⁰
- Ensure that ACE and RA1/r are fully completed and updated on PBNI's Electronic Case Management System at least every 16 weeks or when a significant event or change in circumstances requires an updated ACE and RA1/r.
- Inform the service user of the Local Area Public Protection Panel (LAPPP) date and provide them with the opportunity to contribute in writing to the meeting.
- Prepare a DRM report in advance of the LAPPP.
- Ensure that PBNI's Electronic Case Management System management field records that a LAPPP meeting has taken place (this meets the requirement for a PBNI Risk Management Review Meeting). The key outcomes from the LAPPP shall be recorded on PBNI's Electronic Case Management System including:
 - Date of meeting.
 - Classification.
 - Changes or new information from the last Risk Meeting.
 - Any designated actions or tasks; and

¹⁰ PPANI Manual of Practice

- Date of next review meeting.
- 6.4.** The recommendations of the LAPPP which are relevant to PBNI's supervision of the case shall also be reflected in the service user's updated case plan.
- 6.5.** Minutes of the LAPPP shall be attached on to PBNI's Electronic Case Management System when they have been approved by the LAPPP Chair.
- 6.6.** Where PBNI Significant Risk of Serious Harm cases which are Category 2 or Category 3 PPANI have been re categorised as Category 1 these cases shall return to (PBNI) single agency management and be subject to PBNI's Significant Risk of Serious Harm Procedures. In these circumstances a RMM Review shall be convened as soon as possible after the final LAPPP to consider if the Significant Risk of Serious harm categorisation is still appropriate. The level of contact with the service user during this period up until the outcome of the RMM shall reflect the level of assessed risk of serious harm and the stage of the order or licence. These cases can be referred back to PPANI if significant concerns emerge (see PPANI Guidance).¹¹
- 6.7.** PBNI will also convene a RMM Review if, through completing the ACE and RA1, the assessment of the supervising probation officer is the service user no longer potentially presents a Significant Risk of Serious Harm.
- 6.8.** There is no requirement to review ACE/RA1 where the offences committed by a service user are solely sexual, and there is no history of any type of generic offending. There are a number of exceptions to this: -
- If the individual goes on to be convicted of a generic offence.
 - The individual is not PPANI eligible.
 - The offences do not require the SA07 to be scored.

7. RISK MANAGEMENT OF PBNI SIGNIFICANT RISK OF SERIOUS HARM CASES – COMMUNITY

- 7.1.** All Significant Risk of Serious Harm cases shall be allocated to a Probation Officer with the required experience and skills. Where possible, staff experience, training needs and

¹¹ PPANI Manual of Practice

wellbeing should be considered in allocation decisions.

- 7.2. A pair officer shall be appointed to assist in the management and supervision of Significant Risk of Serious Harm cases.
- 7.3. The pair officer allocated to a case shall act as a back-up in the supervision and management of the case by directly supervising the service user in the absence of the supervising officer and also by co-working as appropriate. The level of involvement shall vary from case to case. The pair officer should attend the review RMMs and take the minutes of the meeting.
- 7.4. Supervision shall follow the relevant PBNI standards for the supervision of Significant Risk of Serious Harm cases. (as detailed in section 5 of PBNI's Practice Standards).
- 7.5. Supervision and case management shall implement the Risk Management Plan drawn up at the RMM which targets the identified risk factors. Actions targeting the risk factors shall also be reflected in and addressed in the service user's updated case plan.
- 7.6. For SROSH cases, the initial home visit shall take place within 10 working days of release or commencement of an Order. The circumstances of an individual case may require a home visit prior to the 10 working days.

SROSH cases shall have monthly unannounced home visits. If the service user is not at home during the unannounced home visit, the Probation Officer shall reschedule a home visit within five working days. Staff safety planning should be completed prior to unannounced visits.

- 7.7. When a service user, subject to Community Service is assessed as presenting a Significant Risk of Serious Harm, Review Risk Management Meetings shall be convened at least every 16 weeks by a Probation Officer appointed by the Area Manager The Review RMM shall be brought forward when there are notable changes in the circumstances or details of a service user which indicate increased concerns about risk, as detailed in 4.2. Community Service supervisors should be apprised of relevant information relating to the risk assessment/risk management plan of service users they are supervising.
- 7.8. When a service user, subject to Community Service is assessed as presenting a

Significant Risk of Serious Harm and where it is known in advance that the PBNI supervisor will be absent from work, provision shall be made for that service user to be accommodated in a neighbouring work squad within reasonable travelling distance. This may mean that a service user(s), normally attending the neighbouring work squad, who is not SROSH, being stood down from the squad in order to accommodate the service user assessed as presenting a Significant Risk of Serious Harm.

- 7.9. Inclusion and Cultural Responsiveness:** PBNI is committed to inclusive practice. Risk assessment and management must be culturally responsive and trauma aware. Staff should consider how culture, race, gender, disability, neurodiversity, sexual orientation, and lived experience may influence presentation of risk, communication, engagement and interpretation of behaviour.

8. CLOSING PBNI SIGNIFICANT RISK OF SERIOUS HARM CASES

- 8.1.** The service user shall no longer be categorised as presenting a Significant Risk of Serious Harm when the order/licence expires. PBNI will communicate to relevant agencies/individuals stating clearly:
- Actions required to address and manage any outstanding risks or concerns that may still remain; and
 - That PBNI supervision has ended.
- 8.2.** The case shall be closed in accordance with Practice Standards. The 'Risk tab' on PBNI's Electronic Case Management System shall also be updated.

9. LONG STAY HOSPITAL CASES

- 9.1.** For service users in long term care in hospitals the review periods for ACE/RA1 (and RMMs if required) should be at the discretion of the supervising Probation Officer (in consultation with their Area Manager) and if appropriate, the Responsible Medical Officer.

10. WARRANTS AND RECALL

- 10.1.** When a warrant has been issued the ACE/RA1 (and RMM if required) shall be reviewed within 10 working days. This is the responsibility of the community-based probation staff.
- 10.2.** If the warrant is executed and the service user is returned to custody: the review arrangements for remand cases in custody apply (see Section 6).

- 10.3.** If the service user, is released following execution of the warrant the review arrangements are, as per cases in the community (at least every 16 weeks).
- 10.4.** If the warrant (or recall) is not executed and there is no contact with the service user there is no requirement to review the ACE until the service user is arrested (if the Order/licence is still active). When recall proceedings are initiated the ACE/RA1 (and RMM if required) shall be reviewed. This is the responsibility of the community-based Probation staff. The review shall be completed within 10 working days of the service user's licence being revoked.
- 10.5.** If the recall panel decides that a service user is to remain in custody, the service user reverts to being a sentenced prisoner – the review arrangements for sentenced prisoners in custody apply (see Section 5).

11. SUMMARY OF SUPERVISING PROBATION OFFICERS CASE MANAGEMENT RESPONSIBILITIES

- 11.1.** The risk assessment ACE/RA1 shall take into account all available information about current and past convictions, and behaviour.
- 11.2.** ACE/RA1 document shall be completed within 5 working days in advance of a RMM or a review RMM. Any deviations from this requirement must be agreed with the line Area Manager and recorded on the RM1.
- 11.3.** Prepare a briefing report to be brought to the RMM.
- 11.4.** Forward the draft summary of the RM1 for approval, to the manager who chaired the RMM.
- 11.5.** For SROSH cases in the community, the ACE and RA1 documentation shall be reviewed at least every 16 weeks. The Review RMM shall be held at least every 16 weeks.
- 11.6.** For all sentenced prisoners ACE and RA1 documentation shall be reviewed and a RMM convened, if applicable on request by the Prison Governor and/or at critical transition/trigger points.

- 11.7. There will be circumstances for both cases in custody and in the community when the review may be brought forward.
- 11.8. Actions identified at RMMs to address risk factors shall be included in a service user's updated case plan.
- 11.9. The service user shall be seen at least weekly for the first 52 weeks of the order/licence. After 52 weeks the decision regarding level of contact shall be taken at the RMM.
- 11.10. The initial home visit for a SROSH service user shall take place within 10 working days of release or commencement of an Order and again by the 8 week point of the order/licence.
- 11.11. SROSH cases will have monthly unannounced home visits. If the service user is not at home, the Probation Officer shall reschedule a planned home visit within 5 working days.
- 11.12. If a SROSH service user assessed as Category 2 or Category 3 is returned to custody (remand or sentenced) - the Public Protection Arrangements are suspended. The service user shall then be reviewed as outlined in section 6. As part of the informal and formal supervision process the Area Manager shall be kept apprised on the progress of SROSH cases; and immediately advised if there are any significant developments in SROSH cases.

12. COMPLIANCE ASSURANCE: LINE MANAGERS' RESPONSIBILITIES

- 12.1. Given the nature of cases assessed under the SROSH procedures, Area Managers shall prioritise compliance with these procedures, both in relation to the supervising Probation Officer role, and the line manager's role. Area Managers will also seek to support staff wellbeing and reflective practice.
- 12.2. Compliance assurance should pay particular attention to the following areas:
- The timelines stipulated in respect of the completion of ACE/RA1s and risk management meetings – both at the initial stages and the review stages.
 - Ensure that the documentation for ACE/RA1s and RMMs are quality assured in terms of PBNI's SROSH procedures and Practice Standards. Ensure that PSRs/MCRs explain SROSH decisions in a clear and defensible manner.

- Ensure when a service user's circumstances notably change that reviews for ACE/RA1s and RMMs are brought forward.
- Ensure that actions aimed at mitigating risk are reflected and addressed within the service user's updated case plans. Ensure a record of any deviation from the SROSH procedures is entered on the electronic case management system.

12.3. The line Area Manager shall discharge this assurance role through:

- Formal and informal supervision with Probation Officers. SROSH cases shall be discussed regularly during formal supervision – with a record of discussion retained in the supervision record and /or on the case management record. For prison cases this stipulation applies particularly to those cases serving two years or less. Supervision should include space for emotional impact, learning, and professional development, as well as procedural compliance.
- For SROSH cases in the community, the file shall be monitored at least every 8 weeks.
- For SROSH cases in custody, the file shall be monitored at critical junctures throughout the sentence.
- When file monitoring the line managers shall use the electronic file monitoring process
- Commenting on individual SROSH compliance issues as part of the Quarterly Summary Report for Assistant Directors
- Keeping the line Assistant Director apprised of any significant developments in SROSH cases.
- Ensuring case is closed in line with Practice Standards.

12.4. The line Assistant Directors shall have proactive oversight of compliance assurance. This role shall be discharged through:

- Formal and Informal supervision with the line Area Managers
- Each SROSH case shall be regularly discussed at formal supervision with the Area Manager; and a record of the discussion shall be retained in the Area Managers supervision file.
- Reviewing Quarterly Summary Reports

13. STAFF FEEDBACK

- 13.1 Staff are encouraged to provide feedback on the operation of these procedures. Feedback may be raised through supervision, team meetings, or designated policy review channels.

APPENDIX 1: BRIEFING REPORT FOR INITIAL RISK MANAGEMENT MEETING

**PROBATION BOARD FOR
NORTHERN IRELAND**

BRIEFING REPORT FOR INITIAL RISK MANAGEMENT MEETING

Scheduled to take place on:

Venue:

Time:

Service User's Name:

Current Address:

DOB / Age:

Current Offences:

Current Status:

Additional Requirements:

- 1. Purpose of Meeting (i.e. Reason for convening Meeting):**

- 2. Background Information (i.e. Family Circumstances, Education, Training, Employment, Living Arrangements, Substance Misuse etc.):**

- 3. Analysis of Offending History:**

- 4. Current / Outstanding Offences:**

- 5. Risk Assessment (ACE and RA1):**

- 6. Response to Current / Previous PBNI Supervision (motivation and compliance):**

- 7. Any Other Relevant Information (e.g. Psychiatric, Psychological, Partner Agency involvement):**

- 8. Presenting Risks / Concerns:**

- 9. Safeguards:**

- 10. Concluding Comments and Recommendation to the Initial Risk Management Meeting:**

Name: _____ **(Probation Officer)**

Date: _____

APPENDIX 2: PBNI RISK MANAGEMENT MEETING STRUCTURE

- The Risk Management Meeting shall be chaired by an Area Manager.
- Record details of all those present; any apologies; all invited but did not attend.
- If ACE/RA1 documentation not completed prior to meeting: explanation for same to be recorded on RM1.
- Ensure all participants sign the Confidentiality agreement.
- Go over details of the case.
- Consider victim issues.
- Consider any input from the service user.
- Evaluation of Risk assessment.
- Identify Risk and Protective factors.
- Decide on whether the service user presents a Significant Risk of Serious Harm.
- Address any immediate risk of serious harm concerns.
- Draw up a Risk Management Plan which specifically addressed identified Risk factors including those related to the victim.
- Check those in attendance both understand the Risk Management Plan, and their responsibilities in progressing the plan.
- For cases at the PSR/MCR stage provide general outline of how risk factors can be addressed for those where public protection or custodial sentences are likely.
- Inform the Significant Risk of Serious Harm and Conclusion section of Pre-Sentence Report (PSR)/Magistrate Court Report (MCR), if appropriate.
- Discuss communication of information about risk assessment and management with service user and other relevant agencies or individuals.
- Summarise the main points, and decisions of the meeting.
- Set date for next RMM, if appropriate.

APPENDIX 3: PBNI RISK MANAGEMENT MEETING

PBNI Risk Management Meeting

Confidentiality Agreement

DATE OF MEETING:

In working with service users, victims and other members of the public, all relevant agencies shall have agreed boundaries of confidentiality and shall only disclose personal information with due regard to the Human Rights Act, the Data Protection Act and the Common Law duty of confidentiality. This meeting respects those boundaries and holds the meeting under a shared understanding that:

1. It is called in circumstances where it is felt the risk presented by the subject of the meeting is so great that issues of public or individual safety outweigh those of confidentiality.
2. The disclosure of information outside the meeting, beyond that agreed at the meeting, shall be considered as a breach of the subject's confidentiality and a breach of the confidentiality of the agencies involved.
3. All documents shall be marked 'official sensitive– not to be disclosed without consent'.
4. Any decision to disclose outside the core agencies requires the consent of the meeting.
5. Consent for community disclosure shall be made only on the principle of 'pressing need' to protect the public.
6. This information shall be adequate, relevant and not excessive in relation to the purpose for which it is processed. It shall be accurate and kept up to date. It shall be held securely by the individual agencies concerned and shall not be retained for longer than is necessary.

SUBJECT:

DOB:

Name

Signature

Agency

Tel No

APPENDIX 4: RM1: SUMMARY OF RISK MANAGEMENT MEETING

Initial / Review Risk Management Meeting (Delete as appropriate)

Date of Meeting: _____ Date of Last Meeting _____

Service user: _____

Supervising Officer:	Pair Officer:	Area Manager:

1. Present:

2. Apologies:

3. Issues Discussed: (including, where it is a review RMM, an update on the implementation of the previous Risk Management Plan; and any changes in service user circumstances or behaviour)

4. Evaluation of Risk: (including Risk and Protective Factors)

5. Decision on Significant Risk of Serious Harm:

Does the service user pose a significant Risk of Serious Harm **Yes/No**

Detail the evidence on which this decision is based.

6. Details of Risk Management Plan: To be completed even where there is not a significant Risk of Serious Harm decision. The RMP should also detail which agencies are responsible for progressing identified tasks in the RMP.

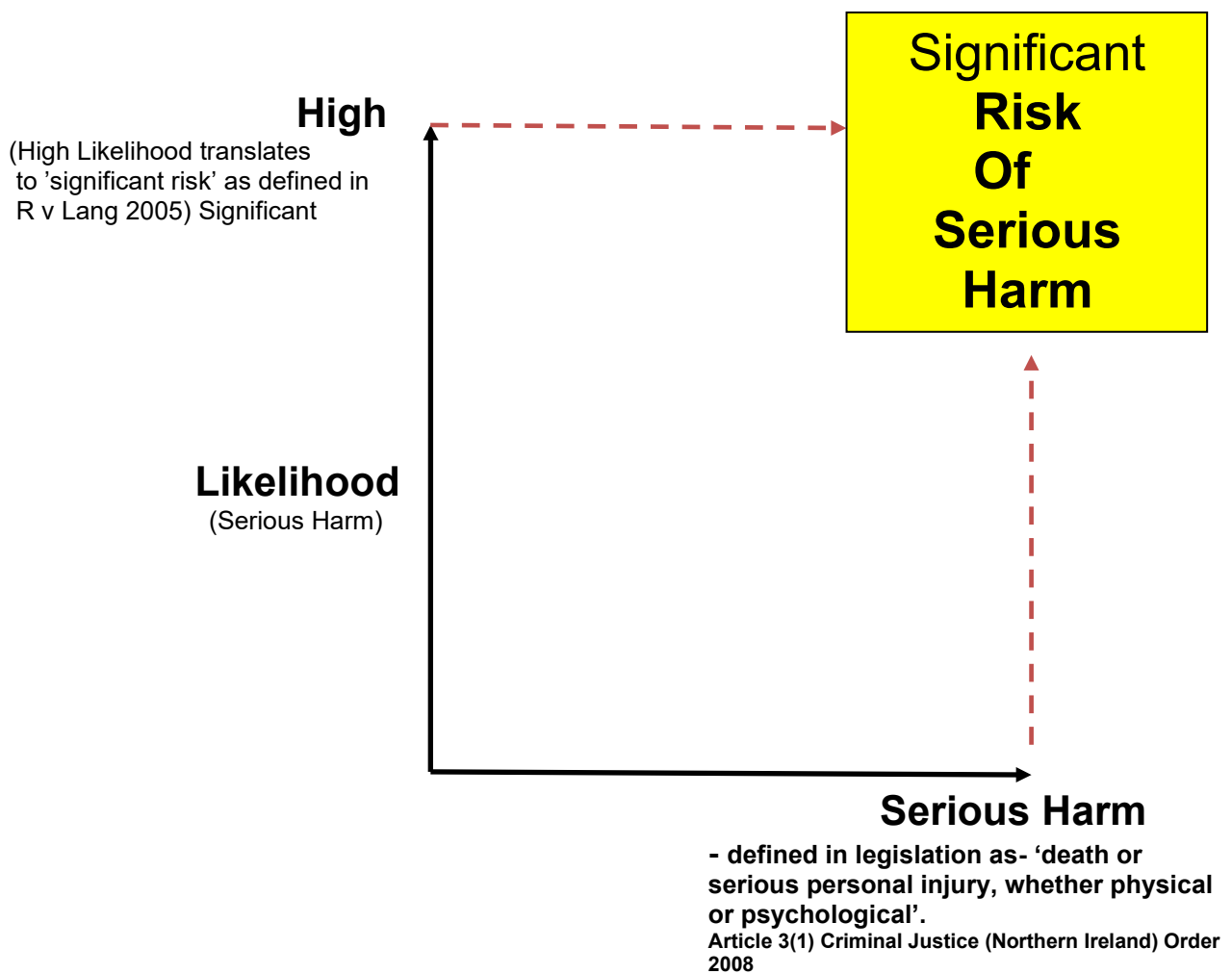
7. Date of Next RMM Review Meeting:

8. Summary approved by Area Manager:

Name:

Date:

APPENDIX 5: SIGNIFICANT RISK OF SERIOUS HARM – DIAGRAM



A service user is assessed as presenting a Significant Risk of Serious Harm where:

“There is a high likelihood that the service user will commit a further offence, causing serious harm.”

APPENDIX 6 - THE 3 Ps OF RISK MANAGEMENT (HAZEL KEMSHALL)

Predisposing factors are those risk factors which increase a person's tendency towards violence or sexual offending, these can include early life experiences (e.g. parenting, attachment relationships, trauma, and neglect), in addition to personal characteristics such as personality traits and coping abilities. These are part of a person's formative years and life course. They can be resolved and mitigated, for example with psychological interventions, and individuals can and do leave them behind, but be clear the evidence that they have done so is there.

Precipitating factors are those which trigger violent or sexual offending; or disinhibit use of behavioural controls. Such factors can include situational variables like a person's emotional state or life stressors, offence variables such as presence of a weapon, victim variables like proximity of victims, and use of disinhibitors such as alcohol. These risk factors are most often expressed as immediate triggers and can be highly contextual and variable. They can be mitigated and controlled, programmes can 'teach' coping skills, abuse management, anger control etc. Service users can make good progress on these.

Perpetuating factors are those which maintain the future risk, and may include factors such as gaining satisfaction, personal esteem, feelings of control, or factors which maintain the risks like lack of pro-social goals in life, non-compliance, and a sense of identity derived from the offending. These are more difficult to eradicate and can be deeply rooted in self-identity, core values and beliefs of the service users. Custodial environments can keep them in check, and service users can learn to talk the right talk, but these risks can often sustain and reassert on release. Failure tends to come quickly- despite relevant programmes and work on precipitating factors having been completed, and prisoners doing most of the right things.

Ask yourself where most of the intervention has been targeted, and what risks are still there.