



# HMPPS Parole Reform: Practice Guidance for Psychological Risk Assessment (PRA) Reports<sup>1</sup>

## V2: 28<sup>th</sup> October 2022<sup>2</sup>

### 1. Background

1.1 This document is linked to the document “HMPPS Parole Reform Notice: Psychological Risk Assessment Reports V2: 28<sup>th</sup> October 2022”, which provides an overview of recent changes to the Parole Board Legislation.

1.2 This document is intended as a practice guide and describes how these changes should be reflected in the Psychological Risk Assessment (PRA) reports.

1.3 This guidance **replaces** the guidance contained in the Open Test for Parole Boards, June 2022 and the previous version of this guidance – HMPPS Parole Reform: Practice Guidance for Psychological Risk Assessment (PRA) Reports and Oral Hearings V1 13<sup>th</sup> July 2022. It should be read in conjunction with the guidance provided by Public Protection dated 4<sup>th</sup> October 2022 [OralHearingsGuidance4Oct2022](#).

### 2. General/Principles

2.1 Whilst the pace of change around Parole Reform appears fast and presents some challenges to us as psychologists, the changes implemented in July 2022 sit well alongside our position of neutrality and our well embedded assessment and report writing processes. The changes reinforce the focus on the use of the full Structured Professional Judgement (SPJ) structure for PRA reports and draws on our understanding of the changing nature of risk and how to apply this to decision making.

2.2 In other settings, a precedent has been set for psychological practice when recommendations are not made. Expert witness Psychologists provide reports for court proceedings where findings are presented but a final recommendation is not. Psychological advice is highly regarded in this setting where the approach has not been found to diminish the value of the opinion being provided.

2.3 As noted in the guidance provided by the Public Protection Team (4<sup>th</sup> October 2022), the new legislation addresses some problems with report writers making recommendations:

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<sup>1</sup> This guidance has been reviewed in consultation with PPCS – Public Protection Casework Section and received consultation via MOJ Legal. It has been shared internally with staff within HMPPS and with the Parole Board.

<sup>2</sup> Version 1: Issued 13<sup>th</sup> July 2022

- i. “Individual report writers would normally only ever be addressing certain aspects of a prisoner’s risk, rather than be purporting to provide an informed view on all aspects of the multi-factorial and multi-dimensional judgment potentially relevant to an overall recommendation to the Parole Board.
- ii. Differing views could be presented by different report writers, all of whom are employed or engaged by the MoJ;
- iii. Offering a recommendation could potentially blur the clear distinctive responsibilities of the Parole Board and the report writers, where it is the Parole Board alone that determines the issue. On occasion decisions made by the Parole Board have been attributed to the report writers’ recommendation(s)”

2.4 The changes implemented in July 2022 apply to reports for the Parole Board only. Reports for other processes such as MAPPA, Risk Management Boards and re-categorisation board can still contain recommendations. However, psychologists should note that the Parole Board may have access to the minutes from such processes.

2.5 Psychology Services Group (PSG) will continue to monitor any challenges brought about by the new legislation and provide psychologists and prisoners with support, whilst continuing to work in an ethical and professional manner, holding this as a central principal to all our work. Further details regarding the ethical requirements of our profession can be found at <https://www.hcpc-uk.org/standards/standards-of-conduct-performance-and-ethics/>.

### 3. Engagement Factors

3.1 **Consent.** The consent process should include a full explanation of the recent Parole Board changes to ensure that prisoners are informed. Report writers should ensure that changes as a result of Parole Reform are referenced in the consent process. This should include making them aware of the potential outcome/s of the psychological assessment and report process and how this may have changed since previous PRA reports. It should be made clear that, whilst reports will no longer make a final recommendation for open conditions or release, they will still be required to provide information that will assist the Parole Board in assessing the open and release tests.

3.2 **Motivation to engage with assessment.** It is important to bear in mind that the recent changes may impact on a prisoner’s motivation to engage with the assessment and report process. More time may need to be allocated to the consent and engagement process and to respond to questions prisoners may have. There should be an acknowledgment of the shifting power dynamic that these changes have brought, and, in some cases, this could be emphasised to encourage prisoner engagement. The impact could be positive or negative depending on the prisoner. Prisoners who have previously declined to engage with the assessment process should be spoken to, to check whether recent changes have altered this position.

3.3 **Impact.** Consideration should be given to the impact of the changes on all those affected, but specific consideration should be given to those populations where the changes are likely to have more impact, including individuals serving an Indeterminate Sentence for Public Protection (IPP), women and young people with indeterminate sentences. As psychologists we will be expected to notice and respond to this impact whilst remaining neutral and within the requirements of our report writing role.

#### 4. Collateral

4.1 The changes should not result in changes to the collateral process. Although a final recommendation is no longer necessary it is still a requirement to liaise with the Community Offender Manager (COM) in advance regarding risk management options. Several risk management options will need to be discussed in reports and specific details of each covered.

4.2 To comply with legislative changes, reports in the current review cannot include a recommendation. In order to comply with HMPPS policy, neither can a verbal recommendation be discussed in hearings. However, if a historical report contained a recommendation we are able to discuss this and why the recommendation may have been made at that time.

#### 5. Assessment Principles/Process

5.1 SPJ processes are already well embedded within our working practices. These recent changes require us to be even more explicit regarding our understanding and use of SPJs to guide risk assessment. The following risk assessment principles apply to all reports and should be made explicit within the relevant sections of the report. These principles will allow us to build our understanding of the changes into our reporting process.

- Risk is a fluctuating concept. We should highlight this at all stages of the risk assessment and move away from absolute statements of risk where possible.
- All steps of the SPJ process should be applied and reflected in reports as the most helpful way to assist the Parole Board make recommendations.
- SPJs allow us to assess the presence and relevance of risk management items in all settings: closed, open (where relevant) and community (based on a specific time period). These should be presented in full within reports, in line with the decisions available to the Parole Board as outlined in the Terms of Referral.<sup>3</sup>
- Scenario planning provides the opportunity to review risk in a variety of settings and should be presented in full within the report. Scenario planning should always include a best case or improvement scenario (sometimes referred to as a desistance scenario<sup>4</sup>).
- SPJs should be used to develop case management plans for each setting which include monitoring, treatment, supervision, victim safety planning and any other considerations.
- Most SPJs conclude with a final step that summarises action priority, risk of harm, imminence and when the risk assessment should be reviewed. Reference to the lifespan of the risk assessment and the appropriate date/scenario for review should be explicit within reports.
- To ensure that risk is described in each context, report writers should use the full sub-headings of the SPJ they have applied; terms used may differ slightly across tools.

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<sup>3</sup> The terms of referral will only be available for cases that have been referred to the Parole Board by the Secretary of State. Within these, the specific considerations the Parole Board can make are outlined – i.e., consideration for release/open conditions etc.

<sup>4</sup> Desistance is the process of abstaining from crime amongst those who have previously engaged in a sustained pattern of offending. It is best seen as a process rather than an event or decision. This focuses attention from trying to understand turning points in a person's life (why did they desist) to instead thinking about how people desist from crime. Maruna, S (2010).

## 6. Report Template

6.1 This section describes how the Parole Board changes should be reflected in each section of the PRA report template. Details have been provided below on the sections that require change. Headings and section numbers may be slightly different depending on which assessment tools you are using.

6.2 The PRA report template is being reviewed and an updated version will shortly be available but will be similar to:

Section 1: Author Credentials

Section 2: Issues to be addressed

Section 3: Executive Summary

Section 4: Method of Assessment

Section 5: Background History

Section 6: Psychological Assessment: Summary of risk factors (risk management items rated for different settings), formulation, risk scenarios, case management plans for each risk scenario and case prioritisation.

Section 7: Conclusion

6.3 The following section outlines how the sections listed above should be amended as a result of recent Parole Board changes.

### Section 1: Introduction/Author Credentials

**Minimal change.** The report author should demonstrate that they are aware of and have incorporated Parole Board reform changes into their report.

### Section 2: Executive Summary

**Minimal change.** This section should provide a summary of the full report, making brief reference to the directions and/or the terms of the referral to the Parole Board. If it is a Psychology Note Advice (P-CAN) case there may be no directions, so refer only to the terms of referral to the Parole Board (found in PPUD) and to the outcome of the PCA-N. A final recommendation/preferred option should no longer be presented in this section.

### Section 3: Issues to be Addressed and Context of Report

**Minimal change.** An additional paragraph should be added to demonstrate the report author's understanding of the Parole Board changes (relating to not giving a recommendation and considering risk beyond the conditional release / sentence expiry date for determinate sentence prisoners) and how these have impacted the context of the report.

#### Section 4: Methods of Assessment

**Minimal change.** Report writers should make it clear that the consent process has covered the recent Parole Board reform changes, and should make it clear that the risk of abscond has been considered as part of the assessment.

#### Section 5: Background Information

**Minimal change.** In addition to general background factors, the background information section should include specific reference to the prisoner's abscond/escape/response to supervision history and the push and pull factors associated with these. This provides clear signposting for the evidence provided regarding the risk of abscond in Section 6 and ensures the reader knows that you are aware of the requirements of the open test.

#### Section 6: Psychological Assessment

**Moderate changes.** This section should include an overview of the outcome of the SPJ/s conducted including all the key principles referred to in Section 5 of this guidance. This could be presented as a coherent narrative that emphasises the mechanisms between items and the functional link to risk.

A PRA report will need to demonstrate psychological understanding of the case in relation to the different 'conditions' the prisoner could be managed under including the specific setting. It should be based on a risk assessment in each setting and the options available in that setting to manage any such risk.

The Open Test (which is a test for the Parole Board to consider) is only relevant for prisoners serving indeterminate sentences.

When considering the open criteria present the essential elements of the risk management plan required were the individual to be in open conditions.

It is important for the PRA to include evidence relating to the risk of abscond in order to assist the Parole Board in their decision making around the open test, referring specifically to the risk management options available in open conditions to manage risk of abscond (if present).

It is important to ensure that the assessment is formulation-led and specific to the individual factors relevant to the prisoner being assessed.

The PRA report should also emphasise a best case or improvement scenario, by providing management strategies that would be needed to move the individual towards desistance. Reference to protective factors and strengths may be particularly relevant when discussing best case scenarios.

Report writers need to be aware that whilst recommendations for release cannot be made for any case, in view of the Johnson Ruling<sup>5</sup>, for determinate cases (including extended determinate and recall cases) panels may ask for judgements on risk beyond the CRD/SED. In this instance Psychologists should emphasise that assessments of risk are time bound and scenario based in accordance with the appropriate SPJ tools; they give guidance and advise

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<sup>5</sup> *Johnson* [EWHC 1282 (Admin)]

when and in what circumstances re-assessment should take place. Scenarios for a time-period over the usual 6-12 months may be beneficial if possible and with clear limitations noted.

A structured assessment of protective factors must be included in PRA reports and woven into the formulation and final risk judgement.

## Section 7: Conclusion

**Moderate change.** The title of this section must be changed to **Conclusion**. No final recommendation should be made in relation to the test for release or open.

Psychologists should include information within PRA reports to assist the Parole Board in **their** recommendations. This is to be done without making a recommendation for open/closed conditions or release.

Final conclusions should be succinct and clear. They should summarise the main body of the report without including any recommendations.

It is not simply a matter of removing the word “recommendation” from your conclusions section, as this will be too directed towards a course of action and will make an implicit recommendation. It is important to remain neutral.

## 7. Report Disclosure

7. 1 Extra consideration should be given to the **report disclosure** process on the basis that this has changed from the previous focus upon recommendations for release or open conditions. There is no change however, to the importance of focusing upon risk reduction and risk management including desistance strategies to support safe progression. Additional time may need to be allocated to the disclosure process. The usual support processes available to prisoners in custody should be offered to those prisoners who experience distress as a result of report disclosure.

## 8. CPD/Training Requirements

**8.1 The Open Estate.** Under the Single SoS View whilst HMPPS report writers cannot make a recommendation for release into the community or for a move to open conditions, it is important that psychologists have a good working knowledge of open conditions and understand the opportunities available as part of the open regime, alongside the factors that help manage risk and strengthen the desistance pathway.

**8.2** Not all psychologists who write risk assessments for the Parole Board have experience of working in an open prison and may have limited understanding of the open provision/regime. Teams should consider opportunities to increase awareness of the open regime for psychologist report writers, including the general living conditions, access to the community, monitoring, and supervision as well as support arrangements for ISPs. This will help ensure that risk scenarios and risk management plans for location in the open estate are well informed.

8.3 ISPs are classed as restricted RoTL prisoners and automatically receive an **Enhanced Behaviour Monitoring (EBM)** Case File Review (CFR) when they transfer to the open estate. As part of the current policy framework, psychologists will write the CFR prior<sup>6</sup> to or once the prisoner has moved to open conditions to consider the benefits of EBM (please see the policy framework for further details<sup>7</sup>). Decisions as to whether individuals would benefit from EBM are made based on the degree of presence of risk-related behaviours, as well as focusing on broader compliance behaviours, and the extent to which EBM would be helpful in the risk management of the case.

8.4 The policy framework focuses on the factors that may lead to EBM, which involves regular multi-disciplinary meetings with relevant staff within the open prison. Report writers should be familiar with the EBM policy framework and guidance to help consider relevant factors and the availability of services identified to help manage the risk.

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<sup>6</sup> It is good practice to begin the CFR when the prisoner is in closed conditions, following the completion of the PRA and for it to be completed were the prisoner to be transferred to open conditions. This is essential for noteworthy cases.

<sup>7</sup>[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/804415/enhanced-behaviour-monitoring-pf.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/804415/enhanced-behaviour-monitoring-pf.pdf).