

Significant Risk Test – Operational Guidance

Background

The Sentencing Bill removes the use of standard recall for most Standard Determinate Sentenced offenders unless excluded under an eligibility criteria set out in the legislation.

The '**Significant Risk Test**' (SRT) can be used in exceptional circumstances to request conversion to standard recall for cases *that do not meet the exclusion criteria* but for whom there are significant concerns about the risk of serious harm if the prisoner is released at the automatic 56-day point.

The SRT should only be used in exceptional circumstances where the probation practitioner has grounds to believe there is an imminent risk if the prisoner is released after a 56-day fixed term and so believes that their recall should be converted to a standard recall, enabling the Parole Board to determine if they are safe to be released.

Significant Risk Test Criteria

The SRT can be used if:

- 1) The prisoner is serving a Standard Determinate Sentence (SDS)
- 2) The prisoner **does not meet the exclusion criteria** for FTR
- 3) The prisoner is assessed as **Very High Risk of Serious Harm**
- 4) The prisoner poses a **significant risk of serious harm** to the public by committing;
 - murder or
 - an offence listed in Schedule 18 offence - [Sentencing Act 2020](#);
- 5) The prisoner meets the **Dangerousness Test** and the **Public Interest Tests**

Process

If a probation practitioner identifies that a prisoner meets the SRT threshold and criteria, they should discuss it with their Senior Probation Officer who should add a sensitive Management Oversight contact to NDelius.

If it is agreed that this case meets the threshold for a SRT, then the referral should be completed and signed off by the Head of Probation Delivery Unit (PDU).

The Head of PDU should make the regional Head of Public Protection (HoPP) aware of the application.

To create a Significant Risk Test application a new nDelius contact entry has been created '**Significant Risk Test**'. The application is embedded in this entry and when completed should be emailed to PPCS [REDACTED]. PPCS will inform the prison and probation practitioner of the outcome.

When the outcome is received from PPCS the PP can then record the Contact Outcome on nDelius selecting either '**SRT Accepted**' or '**SRT Rejected**'.

Should there be a change to indicate that the prisoner no longer meets the Significant Risk Test threshold, then probation practitioners can use the RARR process for re-release.

Timings

Applications for SRT can be made at the time of recall or during recall if new or emerging risk information arises, or existing risk has escalated. In order to give PPCS the best time to process please:

- Allow up to 28 days prior to release for the SRT application to be processed by PPCS wherever possible.
- Note that given Thursday releases from some establishments, prisoners can be released earlier than 56 days from the point of recall.
- Mark the email to PPCS clearly as 'Urgent' if the SRT process is being submitted closer to the release date.

At times information will be received which means a SRT application cannot be made within these timeframes. However, they should be adhered to wherever possible.

PPCS will aim to reply to the PP with their decision within 5 working days from receipt of the application.

Intelligence

Evidence of concerning behaviour or risk related intelligence or information will be required to support the application.

This evidence must be disclosable to the prisoner as they will need to be provided with a rationale as to why they have been converted from a fixed to a standard recall.

Any risk related intelligence must be in a disclosable format.

Role of PPCS

•PPCS, on behalf of the SSJ will process SRT applications to ensure consistency of decision making and quality assurance of applications.

- PPCS will not override operational judgement but will act in its role as operational assurer to ensure the quality of the evidence provided to support the SRT assessment and determine that there is evidence to support the dangerousness test has been met

- PPCS will also ensure that evidence is disclosable and sufficient to enable a rationale for the recall conversion to be provided to the prisoner.

Significant Risk Test Application Checklist

Confirm Eligibility

- ✓ Offender is serving a **Standard Determinate Sentence (SDS)**.
 - ✓ Offender **does not meet exclusion criteria** for Fixed Term Recall (FTR). Consider whether the case requires management at MAPPA Level 2 or 3 and would be excluded from FTR based on this criteria.
 - ✓ Offender presents a **significant risk of serious harm** of committing murder or an offence listed in Schedule 18
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Apply Dangerousness Test

- ✓ Risk of serious harm to members of the public (through terrorism, death or serious injury/sexual assault or present a national security threat, Schedule 18 - Sentencing Act 2020)
 - ✓ Risk is **likely to materialise soon after release**.
 - ✓ Risk is **credible** (offender has means and capability).
 - ✓ Risk **cannot be managed safely** under normal means of applying even very stringent licence conditions, supervision and restrictions.
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Apply Public Interest Test

- ✓ Further detention is in the public interest

Consider:

- Short-term risk reduction vs. long-term risk increase.
 - Impact if offender is released at sentence expiry with no supervision.
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Evidence

- ✓ Evidence is **disclosable** to the offender.

- ✓ Any risk related intelligence must be in a disclosable format
 - ✓ Document risk-related behaviour or intelligence.
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Application Process

- ✓ Case has been discussed with **Senior Probation Officer**.
- ✓ **Significant Risk Test Application Form** has been completed
- ✓ **Head of Probation Delivery Unit** has signed it off.
- ✓ **Head of Public Protection** has been sighted
- ✓ Form has been submitted to **PPCS at:**
[REDACTED]
- ✓ Decision and rationale has been recorded on **nDelius**

Application process:

