

# 8. Explanations and Conclusions

## 8.1 Purpose

The purpose of this section is to:

- **analyse** and **explain** the young person's behaviour,
- identify potential future harmful behaviours and make judgements about the young person's future offending and risk of serious harm to others; and,
- identify the possible circumstances or events that could lead to **adverse outcomes** for the young person and make an overall safety and well-being concerns judgement.

Before completing this section you should review the information and answers in all previous sections.

## 8.2 Overview

The Explanations and Conclusions section includes the following sub-sections:

- **Understanding offending behaviour / Understanding behaviour (prevention cases)**
  - Context and patterns
  - Behaviour so far: interconnections and interactions between factors
  - Factors affecting desistance
- **Future behaviour**
  - Type of behaviour and impact on others
  - Context for behaviour, likelihood and imminence
  - Dangerousness (if applicable)
  - Summary section
  - MAPPA (if applicable)
- **Safety and well-being**
  - Adverse outcome, impact and cause
  - Context, likelihood and imminence
  - Summary section

## 8.3 Section guidance

### 8.3.1 Understanding offending behaviour / Understanding behaviour (prevention cases)

This sub-section looks at understanding and explaining the young person's offending or anti-social behaviour and rating the desistance factors that were identified in the information gathering sections to inform effective planning.

#### 8.3.1.1 Context and patterns

This section captures significant life events in the young person's life and presents them, alongside a number of other information sources, in a context and patterns graph.

#### **Significant life events:**

Provide details of any significant life events for the young person.

#### **Definition – Significant life event**

A significant life event is any positive or negative event in the young person's life that has had a particular impact on the young person's life and may have influenced their behaviour at that time. For every young person the significant life events will be different. Examples could include:

- care history,
- periods of homelessness,
- periods of young person illness or in the family,
- personal or family accidents,
- significant family events, e.g. parent divorce,
- death of a family member or any other significant bereavement,
- membership of a gang,
- events at school, e.g. achieved GCSEs or a period of exclusion; and,
- membership of clubs – where this has an impact on desistance, e.g. joined a football team and found a positive role model in the coach.

You should record significant life events throughout the assessment as they are identified and also consider any events identified by the young person's parent or carers, e.g. in the timeline within their self-assessment where it has been completed.

- **Date from:**

Add the start date of the significant life event, or, the actual date if it occurred on a single date.

- **Date to:**

Add an end date if the event extended over a period of time.

- **Short description of the life event**

Describe the life event clearly.

### **Behaviour (Context and patterns of Offending and ASB graph):**

The graph provides a visual timeline of information from a number of different sources to assist you in identifying patterns and interconnections in the young person's behaviour:

- **Offences / anti-social behaviour**

Offences and anti-social behaviour are plotted over time in the same way as in the Offending and Anti-social Behaviour (patterns and attitudes) section.

- **Previous interventions**

Previous young person interventions including both community and custodial sentences are plotted over time. The information is pre-populated from the Core Record (offending and anti-social behaviour history) section.

- **Significant life events**

Key significant events are plotted over time. This information is pre-populated from the Explanations and Conclusions (context and patterns) section.

- **Contact with services**

Any previous or current contact with other services and agencies is plotted over time. This information is pre-populated from the Core Record (contact with services) section.

Drawing the information together visually serves to help you identify patterns of behaviour and analyse the possible interplays between factors in the young person's life. For example, the young person's offending tended to occur after problematic family events or contact between the young person and a particular service coincided with periods of desistance from offending. It is therefore extremely important that all the sources of information for the graph are completed thoroughly in previous sections for interconnections and patterns to be more easily identified.

### 8.3.1.2 Behaviour so far: interconnections and interactions between factors

**Q.** Review information collected in the information gathering sections in relation to the young person and his or her circumstances. Also consider any information available from other relevant assessments (e.g. AIM, specialist assessments where completed).

**Taking account of this, analyse how all of these factors interact to explain the young person's offending and behaviour.**

You should identify and explain what has caused the young person to offend or engage in anti-social behaviour at each of the points they have done so. The analysis in this section

must be clear and self-contained. It is not sufficient to simply refer to evidence recorded elsewhere, its meaning should be explained here.

In order to complete this question you must consider the evidence you have, including the graph in the context and patterns section, and take account of all other available information. For example:

- pressures that could have contributed to the young person being susceptible to involvement in offending or anti-social behaviour,
- any obvious or specific triggers,
- any lulls or periods of desistance,
- what happened in between offences or incidents,
- specific situations in which the young person avoided offending or anti-social behaviour when the opportunity or pressure was there,
- current and previous offences or behaviour,
- previous interventions and whether they supported the young person to desist,
- how the young person interacts with their environment; and,
- combinations of personal factors and circumstances.

Consideration of the interaction between the young person and their environment can also help in understanding any gaps or lulls in the young person's pattern of offending or anti-social behaviour. It may be possible to identify situations in which their pro-social attitudes were reinforced by positive involvement in community activities which in turn reduced the appeal of offending behaviour. Consider if there have been examples of specific situations in which the young person's goals, relationships or resilience enabled them to resist environmental pressure to offend or engage in anti-social behaviour.

The analysis of the interconnections between factors in the young person's life needs to be detailed and written in a way that is meaningful in explaining your thinking and how this relates to the information gathered.

#### **Q. Unanswered questions: Identify any areas of uncertainty or any unanswered questions**

It is essential to be alert to the importance of unanswered questions and to record them, even if their meaning is not immediately clear. Over time, the significance of this information may become more obvious but for this to happen the questions and uncertainties need to be kept in focus and reviewed as an assessment progresses.

Consider:

- if there are any aspects of the young person's behaviour that are still difficult to explain,
- if there is any information which does not 'fit' with the main explanation or understanding of the behaviour; and,
- does the analysis cover all of the relevant behaviours or are there elements which are still unexplained?

### 8.3.1.3 Factors affecting desistance

**Q What needs or goals is the young person trying to achieve through offending or anti-social behaviour?**

The Good Lives Model suggests that people pursue secondary goals such as friendships or work, as a means to achieve primary human goods. Young people who offend may sometimes find it difficult to achieve these goods through pro-social means and therefore may seek secondary goals that are problematic, e.g. a young person achieving a sense of competence through developing offending skills rather than through engagement in education, training or work.

#### Definition – Primary human goods

Primary human goods are identified in The Good Lives Model<sup>41</sup> as:

**Life** - including healthy living and functioning

**Knowledge** - how well informed someone feels about things that are important to them

**Excellence in play** - hobbies and recreational pursuits

**Excellence in work** - including mastery experiences

**Excellence in agency** - autonomy, power and self-directedness

**Inner peace** - freedom from emotional turmoil and stress

**Relatedness** - including intimate, romantic and familial relationships

**Community** - connection to wider social groups

**Spirituality** - in the broad sense of finding meaning and purpose in life

**Pleasure** - feeling good in the here and now

**Creativity** - expressing oneself through alternative forms

This information about the young person will be important to consider when completing the Pathways and Planning section because it can indicate ways in which a young person could be helped to achieve their goals by seeking non-offending, pro-social secondary goods, such as achieving skills and physical health through involvement in a sports team.

**Q Moving on to look at the future, use the table below to identify and compare the key factors for and against desistance in the young person's life.**

The desistance factors and categories recorded in Foundations for Change (factors affecting desistance) section are automatically populated into this section. This table allows you to add to, remove or amend factors already identified.

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<sup>41</sup> [The Good Lives Model of Offender Rehabilitation - Information](#)

Table 8: Example desistance table

Rating	Category	Factors for desistance	Desistance / reduced offending	Factors against desistance	Category	Rating
Potential	Resilience and goals	Shows some aspirations to turn his life around		Involved with violent gang	Family and wider networks	Strong
Weak	Engagement & Participation	Has been compliant with current and previous YOT interventions		Currently unemployed	Learning, Education, Training & Employment	Moderate
Moderate	Young person as a parent	Has a son and appears to take fatherhood seriously		Recreational cannabis use	Substance misuse	Weak
Moderate	Family and wider networks	Both parents very supportive				Please select
Please select						Please select

You should provide a rating for how influential each factor will be to future offending.

## Definition – Desistance factor ratings

### Potential:

Factors not necessarily associated with previous offending or desistance, and which are not currently occurring, but might feasibly occur in the future.

### Weak:

Factors which have a slight or occasional link to offending or desistance.

### Moderate:

Factors which are sometimes associated with either offending or desistance.

### Strong:

Factors which are clearly and directly associated with each occurrence of either offending or desistance.

Factors that are more dynamic should be rated with a focus on what you expect to happen in the short term. For example, if it is expected that they will have accommodation in the short term but there is a chance they could be made homeless if circumstances change you should rate the factor based on the current accommodation and review the rating should the change in circumstance occur at a later point. You should consider how you would adapt your approach if circumstances change in the Pathways and Planning (dealing with changing circumstances) section.

**Q Give reasons for the ratings, particularly where a factor (either for or against desistance) has been identified as 'strong'.**

You should explain how you have arrived at the ratings assigned to the desistance factors that have been identified and ensure that you consider and explain any relationships between factors.

## Practice Point

It is important to describe the rationale behind the stronger strength ratings as these factors will be the main drivers influencing the young person either towards or away from desistance.

The stronger factors against desistance should help to identify key areas of intervention in the Pathways and Planning section as they give a specific indication of the influences over the young person's behaviour that make offending or anti-social behaviour more likely. The weaker factors should not be ignored and may also require intervention or monitoring.

The weaker factors for desistance may indicate areas where there are opportunities to build upon these and increase their influence over the young person's behaviour to support desistance. For stronger factors for desistance you should consider how you can support the young person to maintain them.

### 8.3.2 Future behaviour

The future behaviour sub-section is where you identify all future harmful behaviours that the young person might engage in, not just those which meet the threshold for serious harm.

You should consider all the information collected so far and use your professional judgement to make an informed assessment about future harmful behaviour in order to start planning for interventions. The sub-section is not asking you to say what definitely will or will not happen but is asking for a judgement about what could reasonably be expected to happen based on your knowledge of the young person.

## Definition – Defensible decision

A defensible decision has been defined by Professor Hazel Kemshall<sup>42</sup> as a decision that will withstand 'hindsight scrutiny' should the case 'go wrong' and negative outcomes have occurred. A decision is defensible if, in spite of a negative outcome, it can be demonstrated that all reasonable steps had been taken in its assessment and management. An action or decision is deemed defensible if an objective group of professionals would consider that:

- all reasonable steps have been taken,
- reliable assessment methods have been used,
- information has been collated and thoroughly evaluated,
- decisions are recorded, communicated and thoroughly evaluated,
- policies and procedures have been followed; and,
- practitioners and their managers adopt an investigative approach and are proactive.

You will record a number of judgements in this section including Likelihood of Reoffending (LoR) and Risk of Serious Harm (RoSH).

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<sup>42</sup> [Defensible Decisions in Forensic Risk Assessment](#)

### 8.3.2.1 Indicators of risk of serious harm to others

These initial questions are key indicators of serious harm based on the young person's historical offending and dangerousness.

**Do any of the following apply to the young person in relation to their offending?**

**Q. The young person has been convicted of a serious specified offence?**

This question will be pre-populated from the Offending and Anti-social Behaviour section of Information Gathering with 'Yes' if the young person has been previously convicted of a serious specified offence.

**Q. The young person is being sentenced in the Crown Court for a specified offence?**

This question will be pre-populated with 'Yes' if offences recorded in the Offending and Anti-social Behaviour section are specified offences.

**Q. The young person has been previously assessed as presenting 'a risk to children'?**

This question relates to *previous* behaviour and a list of major offences against children to identify those who may present a risk to children is attached at Appendix 3 of this guidance.

The essence of this question relates to power or influence imbalances, where **seriously harmful behaviour** has occurred peer to peer or where serious or low impact harm has occurred as a result of a power imbalance. There are many occasions when young people commit offences against other young people, but these are what could be referred to as 'age appropriate' matters (e.g. school playground fights, minor bullying etc.) Such matters could and possibly should come through to the YOT for intervention, but due consideration should be given with regard to categorising such types of behaviours as those posing a 'risk to children'.

It is important to take into account not only known offences, but also other behaviour that may not have resulted in a conviction (e.g. behaviour within the family, at school, in institutions, towards staff etc.). While a trend of consistent and/or increasing harm-related behaviour will tend to cause most concern, it is equally significant to recognise that any of these patterns could have represented a risk to others – even those showing decreasing harmful behaviour.

A later question (8.3.2.5) specifically asks if the young person **currently** presents as a risk to children. Remember also that a young person identified as presenting a risk to children will not necessarily also present a risk to the public as a whole and vice versa.

## Definition – Risk to Children

Working Together to Safeguard Children<sup>43</sup> states:

Where a child or young person (aged under 18 years) offends against another child, a thorough and specialist assessment should be undertaken to establish the extent to which the young person who has offended continues to pose a risk of harm to other children and young people. Practitioners should be alert to the possibility that there may be little or no continuing risk of harm to other children and young people, but should never lose sight of taking all possible actions to ensure that children are adequately protected from any future harm. Practitioners should also assess and put in place services to respond to the, often complex, needs of the young person who has offended.

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<sup>43</sup> [Working Together to Safeguard Children: A guide to inter-agency working to safeguard and promote the welfare of children 2010 : The Department for Education](#)



It is critical for secure establishment staff to know about risks to other children in order that they can appropriately place the young person within the establishment and ensure the safety and well-being of all young people.

This question will be pre-populated from any previously completed AssetPlus stage. If the response is 'Yes' in a previous stage it cannot be changed.

**Q. An assessment of dangerousness is required?**

You should indicate if a dangerousness assessment has been requested by the court. This question is applicable to PSR and PSR (all options) stages only.

### 8.3.2.2 Type of behaviour and impact on others

#### Trigger question for further exploration

**Q. Based on your assessment, is there evidence that the young person may commit offences and/or behave in ways that hurt/harm other people in the near future or at certain times/events?**

This question asks you to consider whether there is any evidence to suggest that the young person may be involved in any future behaviours that will result in harm or serious harm to others or commit offences that will result in harm or serious harm to others in the near future.

The term 'near future' is used because clinical judgements based on knowledge of a young person's situation and circumstances tend to be more accurate when considered in the short-term, e.g. within a 6 month period. If the young person is currently physically prevented from exhibiting the behaviour then you should consider the 'near future' to be the period starting when the restriction is removed.

You should consider the following when making your judgement:

- patterns of past behaviour including frequency and seriousness (refer also to the indicators of risk of serious harm to others sub-section),
- the young person's current attitudes, interests and circumstances,
- forthcoming events or circumstances including anniversaries,
- intentions, plans and threats,
- any un-convicted concerning or harmful behaviour; and,
- any offences for which the young person is currently subject to bail conditions or remanded.

**Q. If 'No', please summarise your reasons:**

If there is no evidence that the young person may commit offences and/or behave in ways that hurt or harm other people in the near future, justification must be provided in the evidence box. The RoSH judgement will be automatically set to 'low' if 'No' is selected here.

**Q. If 'Yes' is selected, please complete the sections below**

If there is evidence that the young person may commit offences that could hurt/harm other people in the near future and/or behave in ways that hurt/harm other people in the near future, you must complete the questions that follow. This must include all harmful behaviour, not just serious harmful behaviour.

### Behaviour/Offence:

Using your judgement, you should select behaviours and/or offences that the young person might realistically commit, whether harmful or seriously harmful to others. Consider the following possibilities:

- the young person committing offences or behaving in ways similar to their current offence or behaviour in the near future,
- the young person committing other types of offences or behaving differently, either more or less seriously, in the near future; and,
- other behaviours that would hurt or harm other people, e.g. bullying or aggression within the family or home setting.

A behaviour or offence should only be selected based on some justification, e.g. past behaviour, police or other relevant intelligence, threats the young person has made or their involvement with a group known to be involved in particular types of offending.

Table 9: Behaviour/offence:

Behaviour/offence	
Absconding or bail offences	Non-domestic burglary
Aggression towards others	Public order
Arson / Fire setting	Racially aggravated
Breach	Robbery
Bullying	Sexual offences / Inappropriate behaviour
Criminal damage	Soliciting or prostitution
Destruction of property	Theft and handling / Acquisitive behaviour
Domestic burglary	Threats / Intimidation or attempts to manipulate / control others
Drugs	Violence against the person
Fraud and forgery	Other anti-social behaviour / offence (please specify)
Motoring offences	

### Victim:

For each behaviour or offence that is identified, you should indicate who would be the potential victim of that behaviour or offence. This is not asking for a list of specific individuals but the likely types of victim that may be involved.

Table 10: Victims:

Victim	
Peers	Public
Younger children	Partner
Staff/person in authority	Family members
Residential staff	Minority groups

Females	Rival gang members
Males	Other (please specify)

If there is more than one potential victim, the behaviour or offence should be added for each victim.

**Impact on others:**

You should select an impact rating for the victim. The following factors should be considered:

- whether the impact would be personal or non-personal,
- whether the impact would be physical, psychological, financial or a combination; and,
- the length of the recovery time for the victims.

**Definition – Recovery**

Recovery is ‘the point where the victim is able to return to everyday functioning as it was before the behaviour or offence’.

Table 11: Impact ratings

Rating	Suggestion
Slight	Recovery immediate or no recovery required
Minor	Recovery in the short term (<1 month)
Medium	Recovery in the medium term (1 to 6 months)
Major	Recovery in the long term (>6 months) or incomplete
Critical	No recovery possible

The impact level selected should be based on the most significant impact on any particular individual and/or the wider community and the combined impact of any physical, psychological and/or financial damage.

 **Nature of behaviour:**

Consider specifically what the behaviour or offence might be, who the potential victims might be and why the specific impact level has been selected.

## Practice Point

There will be cases where the YOT can and should record the names of real or potential victims within the young person's assessment if this is in the interest of risk management and public protection. Recording victim's details without using the information for the purpose of preventing offending or reoffending removes the legitimate purpose for recording and may breach the Victims Code and Data Protection Act. However, having a defensible reason is likely to mean that the requirements are met.

Victim's details may be recorded and shared with Police, MAPPA or Probation in a meaningful attempt to manage risk to this individual/group. However, information recorded should be kept to the minimum required to help safeguard that individual. The critical factor is whether you consider there is a real and potentially significant impact for the victim or potential victim and that their name needs to be recorded in order to mitigate against this risk. If there is no risk or limited risk then there is normally no justification for recording the victim's name.

### 8.3.2.3 Context for behaviour, likelihood and imminence



#### When might the behaviour occur and in what circumstances?

Use the evidence box to explain when, where and how the identified future behaviours would occur. Consider the following areas:

- **Circumstances (why / how it would occur)**
  - Dis-inhibitors such as alcohol, drugs, pornography
  - Unexpected victim reactions
  - Are there other events or circumstances that might act as a trigger for this behaviour, e.g. a difficult anniversary?
- **Context (where it would occur)**
  - Where might the behaviours occur?
  - Is the young person getting into situations or circumstances where this type of behaviour could occur?
  - Influence of peers or associates on the young person
  - Issues relating to status and pride, e.g. how the young person might react to provocation or to a perceived slight to their reputation.
- **Capacity**
  - Does the young person have the resources and knowledge to carry out the behaviours and/or are they trying to acquire them?
- **Opportunities**
  - Is the young person actively seeking opportunities to offend or hurt others?
  - Do they have access to identified potential victims?
  - Would they commit this behaviour as soon as an opportunity arises?

- Are there current constraints on their behaviour which will be removed in the near future? Or, are there likely to be more constraints on their behaviour? How will these changes affect the opportunities open to them for committing this behaviour?
- **Imminence (when it would occur)**
  - How soon is the behaviour likely to occur?
  - What might make it happen sooner rather than later?
  - What is stopping the young person from carrying out the behaviour now?
  - Would the behaviour only occur if the young person's circumstances changed or could it occur in their current situation?

**Q. Please now rate the likelihood of these behaviours occurring:**

You need to add a rating for how likely it is that the identified behaviours and the specific set of predicted circumstances would occur. Consider the following:

- Frequency of any such behaviour in the past, including information about un-convicted concerning or harmful behaviour.
- How likely it is that the particular set of circumstances described in the previous question will come about.

Likelihood of events occurring can also be considered in terms of a percentage when selecting ratings in this section.

Table 12: Examples of likelihood ratings against percentage

Likelihood Rating	Percentage
Unlikely	<20%
Possible	20-40%
Likely	41-70%
Very likely	71-90%
Almost certain	>90%

**Community/Custody**

You are also required to indicate whether the behaviour or offence is likely to occur when the young person is in the community, in custody or both. It is important to think about how the young person's behaviour might be different when they are in a custodial environment versus when they are in the community. Whilst some behaviours may become less likely in custody, e.g. motor-related offending, there are others that might be more likely, e.g. fights with other young people.

## Practice Point

When updating an assessment for the purposes of a pre-sentence report and there is a possibility that a custodial sentence will be imposed, it is particularly important to think about future behaviours in both a community and custodial setting.

If the young person may be released in the next six months, you should continue to consider identified behaviours within the community. When a young person is in custody they may not have the opportunity to exhibit particular behaviours therefore they will not engage in them. As a consequence there is a risk that potential community based behaviours, and the steps required to address them, are lost sight of in the custodial period. You should not lose sight of the level of risk that would apply in the community if the young person were to be released at short notice. Risk in custody should therefore be assessed as though the young person could be released at any time.

### 8.3.2.4 Dangerousness

This sub-section will only be displayed if the question 'An assessment of dangerousness is required?' is answered 'Yes'. All the information completed in this section can be pre-populated into the PSR module.

#### Definition – Dangerous offenders

The Crown Prosecution Service<sup>44</sup> defines an offender as dangerous if 'the court is of the opinion that there is a significant risk to members of the public of serious harm occasioned by the commission by him of further specified offences'.

The final decision in respect of dangerousness will rest with the court dealing with the young person. The YOT will be expected to provide information to aid this decision only if the court requests it or there are other specific or exceptional circumstances associated with the case that require a dangerousness assessment to be made.

**Q. If the young person were to commit a specified offence, what would it be and in what circumstances would it happen?**

#### Definition – Specified offences and serious specified offences

The Youth Justice Board<sup>45</sup> explains that 'a specified offence is one of the 153 sexual or violent offences listed under schedule 15 of the Criminal Justice Act 2003<sup>46</sup>. The majority are grave crimes (those liable, if committed by an adult, to a maximum sentence of 14 years or more), but some are less serious.

A serious specified offence is a specified sexual or violent offence that carries a maximum penalty of life or imprisonment for 10 years or more if committed by an adult.'

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<sup>44</sup> [Sentencing and Dangerous Offenders: Legal Guidance: The Crown Prosecution Service](#)

<sup>45</sup> [Criminal Justice Act 2003, 'Dangerousness' and the New Sentences for Public Protection Guidance for youth offending teams](#) – GOV.UK

<sup>46</sup> [Criminal Justice Act 2003](#) – legislation.gov.uk

Use the evidence box to give details of the types of specified offences the young person is likely to commit and provide further context around the identified specified offence. It is important to consider circumstances, context, capacity, opportunity and imminence.

**Q. How likely is this to occur?**

You should use the descriptions of likelihood given in table 12 to inform your assessment of likelihood.

**Q. What would be the impact? On whom?**

You should consider who may be the victims of any further specified offence and use the information in table 11 as a guide when describing the impact.

**Q. Are there realistic circumstances in which this could result in serious harm?**

You should explain what factors and/or circumstances need to be present for the offence or behaviour to occur.

**Definition – Serious Harm**

Risk of serious harm is defined as: ‘death or injury (either physical or psychological) which is life threatening and/or traumatic and from which recovery is expected to be difficult, incomplete or impossible’.

**Q. What is the likelihood of the specified offences causing serious harm?**

You should use the descriptions given in table 12 above to inform your assessment of likelihood.

Taking into account the definition of serious harm, you should use the evidence box to give details of why the identified further specified offence could lead to serious harm to others.

### 8.3.2.5 Summary Section

**Matrix of impact/likelihood judgements for community and custody:**

These matrices will be pre-populated by the information entered in the preceding sub-sections of Explanations and Conclusions. The matrices provide a visual representation of future behaviours making it easier for you to see and compare all identified future behaviours and offences by likelihood and impact and inform judgements. An example is provided below:

Figure 3: Example community and custody matrices for future behaviour

Matrix of impact / likelihood judgements: Community

		Likelihood				
		Unlikely	Possible	Likely	Very likely	Almost certain
Impact	Slight					
	Minor		Threats/intimidation			
	Medium			Violence		
	Major				Sexual aggression/assault	
	Critical					

Matrix of impact/likelihood judgements: Custody

		Likelihood				
		Unlikely	Possible	Likely	Very likely	Almost certain
Impact	Slight					
	Minor		Bullying	Threats/intimidation		
	Medium				Violence	
	Major	Sexual aggression/assault				
	Critical					

**Q. Assessed as risk to children?**

This question relates to the **current** assessment of a risk to children and as such the response here does not pre-populate. It is however very important to consider the response given earlier when answering this question (see above 8.3.2.1)

**Q. RoSH judgement**

**Definition – Risk of Serious Harm Judgement**

**Low Risk**

There is no evidence at present to indicate likelihood of serious harmful behaviour in future.

**Medium Risk**

Some risk identified but the young person is unlikely to cause serious harm unless circumstances change. Relevant issues can be addressed as part of the normal supervision process.

**High Risk**

Risk of serious harm identified. The potential event could happen at any time and the impact would be serious. Action should be taken in the near future and the case will need additional supervision and monitoring, e.g. supervision by middle or senior management, local registration.

**Very High Risk**

Imminent risk of serious harm identified. The young person will commit the behaviour in question as soon as the opportunity arises and the impact would be serious. Immediate multi-agency action is likely to be required. The potential event is more likely than not to happen imminently.

If the only behaviours or offences that have been identified have impact ratings of slight, minor or medium they would not meet the threshold for serious harm and therefore, a 'low' judgement for risk of serious harm would apply. These behaviours still need to be addressed in intervention plans.

If there are behaviours that have been identified with a major or critical impact, you should use your professional judgement and consider not just the likelihood but also the imminence of those behaviours and the consideration you have given to the context, capacity and circumstances when making a final RoSH judgement.

Figure 4: Determining RoSH judgement



		Community			Likelihood	
		Unlikely	Possible	Likely	Very Likely	Almost Certain/Certain
Impact	Slight					
	Minor			LOW ROSH		
	Medium					
	Major	MEDIUM/HIGH/VERY HIGH ROSH – based on likelihood/imminence				
	Critical	MEDIUM/HIGH/VERY HIGH ROSH – based on likelihood/imminence				

  

		Custody			Likelihood	
		Unlikely	Possible	Likely	Very Likely	Almost Certain/Certain
Impact	Slight					
	Minor			LOW ROSH		
	Medium					
	Major	MEDIUM/HIGH/VERY HIGH ROSH – based on likelihood/imminence				
	Critical	MEDIUM/HIGH/VERY HIGH ROSH – based on likelihood/imminence				

When determining the RoSH judgement for young people in custody, you should not lose sight of the level of risk that would apply in the community if the young person were to be released at short notice. Risk in custody should therefore be assessed as though the young person could be released at any time. The RoSH judgement should reflect the highest level of risk in either environment.

**Q. YOGRS**

The Youth Offender Group Reconviction Scale (YOGRS) score will be calculated where applicable and presented as a percentage of the likelihood of reconviction within two years. For more detail on YOGRS calculation see Appendix 4. This question is not applicable to prevention cases.

**Q. Indicative likelihood of reoffending**

The YOGRS score will correspond to an indicative likelihood of reoffending rating as outlined in the table below:

Table 13: YOGRS scores and indicative likelihood of reoffending

YOGRS score	Indicative likelihood of reoffending (LoR)
0 – 43%	Low
44 – 76%	Medium
77 – 100%	High

This question is not applicable to prevention cases.

**Q. Likelihood of reoffending (LoR) (statutory cases)**

You should apply your professional judgement to determine the likelihood of reoffending over the next two years considering the YOGRS score, the indicative likelihood of reoffending judgement and the wider assessment.

**Q. Likelihood of offending (prevention cases)**

You should use professional judgement to determine the likelihood of offending considering the young person’s overall assessment and analysis of the dynamic factors.

**Q. Please provide reasons for the RoSH judgement**

You should use this evidence box to explain your judgement of the risk of serious harm.

**Q. How do your own judgements compare with the YOGRS indicator and indicative likelihood of reoffending above? If different, consider the reasons why (e.g. recent change in dynamic factors) and whether, based on your assessment, the indicative likelihood of reoffending is correct.**

This question allows you to explain how you have reached the likelihood of reoffending judgement and consider various factors when agreeing or disagreeing with the YOGRS calculation. By way of example, such factors could include additional information from the police or other partner agencies regarding offending and/or anti-social behaviour, history of YOT supervision compliance, gang involvement or increased usage of drugs or alcohol.

There are three potential results:

1. The static and dynamic indicators both suggest the same likelihood of reoffending.
2. YOGRS suggests a higher likelihood of reoffending than your judgement.
3. YOGRS suggests a lower likelihood of reoffending than your judgement.

The likelihood of reoffending judgement is used alongside the risk of serious harm judgement to calculate the Scaled Approach intervention level in the Pathways and Planning section.

Cases with significant differences between the indicated level and your own judgement may benefit from discussion with colleagues and managers to ensure that information has been analysed appropriately.

### 8.3.2.6 MAPPA

Where applicable, you need to determine which MAPPA category you believe the young person falls within and make a referral to MAPPA on that basis. You do not define the level of MAPPA supervision as this is determined following the referral to MAPPA.

#### Practice Point

A common problem in YOT practice is that MAPPA is not well understood; subsequently MAPPA levels and categories are recorded when the case does not meet the criteria for MAPPA. Only a small proportion of the youth justice system caseload is MAPPA eligible. It is also important to clarify that it is the responsibility of the YOT to refer eligible cases to MAPPA and then the local MAPPA Co-ordinator (in the public protection unit) who makes the final determination on eligibility and level.

[Trigger question for further exploration](#)

## MAPPAs Category

### Definition – MAPPAs Categories

**MAPPAs Guidance 2012<sup>47</sup> defines MAPPAs categories as follows:**

#### **Category 1 Offenders - Registered Sexual Offenders (RSOs)**

This Category includes offenders required to comply with the notification requirements set out in Part 2 of the Sexual Offences Act 2003 (“SOA 2003”). The notification requirements relate to both cautions and convictions for offences listed in Schedule 3 of the Sexual Offences Act 2003. These offenders are often referred to as being on the ‘Sexual Offenders’ Register.’

#### **Category 2 Offenders - Violent and Other Sexual Offenders**

This category is based on both CONVICTION and SENTENCE. It is important to note that a conviction for an offence specified in Schedule 15 to the CJA 2003 does not make the offender subject to MAPPAs unless they have committed a violent or other sexual offence which attracted a determinate custodial sentence of 12 months or more, or any indeterminate custodial sentence. Detention and Training Orders of 12 months or more qualify under category 2, subject to the details of the offence, as it is the total length of sentence and not only the custody period that is counted.

#### **Category 3 Offenders - Other Dangerous Offenders**

This category is comprised of offenders not in either Category 1 or 2 but who are considered by the responsible authority to pose a risk of serious harm to the public which requires active inter-agency management. The person must have been convicted of a sexual or violent offence, or have received a formal caution or reprimand or warning. The offence may have been committed in any geographical location which means that offenders convicted abroad could qualify. This category is used in very limited circumstances where the features of a young person’s offending behaviour, usually combined with other factors such as mental health, are so concerning that a multi-agency approach outside that available generically within YOT’s is warranted. MAPPAs supervision under this category would be at level 2 or 3 - cases managed at level 1 are not eligible for MAPPAs registration under this category.

## MAPPAs level

Whilst there is a correlation between level of risk and level of MAPPAs management (the higher the risk, the higher the level), the levels of risk do not equate directly to the levels of MAPPAs management. This means that not all high-risk cases will need to be managed at Level 2 or 3. Similarly, the complexities of managing a low or medium risk case might, in exceptional circumstances, justify it being managed at Level 2 or 3, especially where notoriety is an issue.

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<sup>47</sup> MAPPAs guidance 2012 – [GOV.UK](http://GOV.UK)

## Definition: MAPPA levels

### MAPPA Guidance 2012<sup>48</sup> defines

#### Level 1 – Ordinary Agency Management

Ordinary agency management level 1 is where the risks posed by the offender can be managed by the agency responsible for the supervision or case management of the offender. This does not mean that other agencies will not be involved, only that it is not considered necessary to refer the case to a level 2 or 3 MAPP meeting. It is essential that information-sharing takes place, disclosure is considered, and there are discussions between agencies as necessary.

#### Level 2 – Active Multi-Agency Management

Cases should be managed at level 2 where the offender:

- is assessed as posing a high or very high risk of serious harm, or
- the risk level is lower but the case requires the active involvement and co-ordination of interventions from other agencies to manage the presenting risks of serious harm, or
- the case has been previously managed at level 3 but no longer meets the criteria for level 3, or
- multi-agency management adds value to the lead agency's management of the risk of serious harm posed

#### Level 3 – Active Enhanced Multi-Agency Management

Level 3 management should be used for cases that meet the criteria for level 2 but where it is determined that the management issues require senior representation from the Responsible Authority and Duty-to-Co-operate agencies. This may be when there is a perceived need to commit significant resources at short notice or where, although not assessed as high or very high risk of serious harm, there is a high likelihood of media scrutiny or public interest in the management of the case and there is a need to ensure that public confidence in the criminal justice system is maintained.

## Further exploration

This evidence box is triggered by you identifying the young person as category 1, 2 or 3.

### Please provide as much detail as possible here:

Include the following details:

- reasons for decision to manage case at Level 1,
- whether a referral has been made to MAPPA for management at Level 2 or 3
- whether the case is currently managed by MAPPA at Level 2 or 3

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<sup>48</sup> MAPPA guidance 2012 – [GOV.UK](http://gov.uk)

## Practice Point

### **The Four Pillars of Risk Management: Improving Risk Management for Multi-Agency Public Protection Panels (MAPPA) – Professor Hazel Kemshall (2011) and DeMontfort University.**

This model is used to develop the MAPPA risk management plan.

The Four Pillars of Risk Management is an evidenced based approach to risk management and focuses on risky behaviours, motivations to offend and to desist, and how to enable positive change. The Four Pillars approach seeks to deal with risky behaviours rather than 'providing things' for the offender, and aims to formulate balanced and more holistic risk management plans.

**The model is designed for use with MAPPA cases only and is not a model for day to day case management.**

### **The Four Pillars of Risk Management**

#### **Supervision**

- Structured and focused contact, set at a frequency commensurate with risk
- Intensive supervision, focusing on problematic behaviours, engagement, change and compliance
- Building, supporting and enhancing protective factors
- Supervised accommodation

#### **Monitoring**

- Understanding of behaviours and events which require close monitoring
- Knowledge of and responding to key triggers
- Early warning signs and vigilance
- Surveillance and electronic tagging if required
- Use of local police or other intelligence about offending networks
- Communication arrangements between all parties involved in the case

#### **Intervention / Treatment**

- Identification and intensive one to one work on key triggers
- Development and rehearsal of self-risk management techniques
- Appropriate programmes
- Medication and other treatments

#### **Victim Safety-Planning**

- Information and education of known and potential victims
- Contingency measures

- Emergency contacts
- Appropriate support personnel for victims and victim feedback
- Restriction of access to victims

### Young People Subject to MAPPA

Where young people are eligible for management under MAPPA the Four Pillars approach will also be applied to those cases.

## 8.3.3 Young person's safety and well-being

Safety and well-being focuses on identifying possible circumstances or events which could lead to adverse outcomes for the young person's overall safety and well-being.

### Definition – Safety and well-being

Potential adverse outcomes for a young person's safety and well-being are defined as those outcomes where the young person's safety and well-being may be compromised through their own behaviour, personal circumstances or because of the acts/omissions of others.

AssetPlus encourages you to consider safety and well-being in a similar way to future behaviour risks, e.g. what is the concern, what impact will it have, how likely is it to occur and where will it happen (in the community, custody or both).

#### Trigger question for further exploration



#### Based on your assessment, do you have any concerns about the young person's safety and well-being?

This question asks you to consider whether there is any evidence of any concerns to the young person's safety. The term 'near future' is used because judgements based on knowledge of a young person's situation and circumstances tend to be more accurate when considered in the short-term, e.g. within a 6 month period.

You should consider the following when making your judgement:

- any concerns around his or her own behaviour based on what the young person, their parents/carers or others have said,
- any concerns for his or her personal circumstances; and,
- the potential acts or omissions of others - who might be a risk and what is their access, influence and control?

A number of warning flags will be displayed if triggered by responses to questions in other parts of the assessment to remind you that you have identified concerns previously.



#### Concerns have been identified within the family

This warning flag is triggered by a positive answer to the question 'Do you have any concerns about behaviours or situations within the family which may impact on the young person's

safety and well-being?' in the Personal, Family and Social Factors (parenting care and supervision) section.



### **Concerns have been identified with Sexual Exploitation**

This warning flag is triggered by a positive answer to the question 'Is the young person at risk of sexual exploitation?' in the Personal, Family and Social Factors (how the young person relates to others) section.

#### **If 'No', please summarise your reasons:**

If there is no evidence of any concerns related to the young person's safety and well-being justification must be provided in the evidence box. The overall level of safety and well-being concern will be automatically set to 'low' if 'No' is selected here.



#### **If 'Yes' is selected, please complete the sections below**

If there is evidence of any concerns related to the young person's safety and well-being, you must complete the questions that follow.

### 8.3.3.1 Adverse outcome, impact and cause



#### **Adverse outcome**

You should identify all potential adverse outcomes for the young person's safety and well-being that could realistically happen. You should also have a specific reason for selecting the particular outcome, such as:

- outcomes happening already,
- threats from others,
- evidence of acts or omissions of others in the past; and,
- future behaviours that have been identified.

### **Example – Typical vulnerabilities witnessed in children prior to abuse**

The Office of the Children's Commissioner<sup>49</sup> identifies that the following are typical vulnerabilities witnessed in children prior to abuse and therefore maybe relevant when assessing potential adverse outcomes for young people's safety and well-being. The associated AssetPlus sections where this could be evidenced are in brackets:

- Living in a chaotic or dysfunctional household, including parental substance use, domestic violence, parental mental health issues, parental criminality [**Living arrangements; Parenting, care and supervision**]
- History of abuse, including familial child sexual abuse, risk of forced marriage, risk of 'honour'-based violence, physical and emotional abuse and neglect [**Parenting, care and supervision; Family and wider networks**]
- Recent bereavement or loss [**Family and wider networks**]

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<sup>49</sup> Office of the Children's Commissioner, Inquiry into CSE in Gangs and Groups, One Year On. Appendix 3

- Gang association either through relatives, peers or intimate relationships [**Gang associations**]
- Attending school with young people who are sexually exploited [**Learning, Education, Training and Employment**]
- Learning disabilities [**Education needs and learning disability; LETE**]
- Unsure about their sexual orientation or unable to disclose sexual orientation to their families [**Young person's self-identity; Emotional development**]
- Friends with young people who are sexually exploited [**Friends and wider networks**]
- Homeless [**Living arrangements**]
- Lacking friends from the same age group [**How the young person relates to others**]
- Living in a gang neighbourhood [**Social and community/neighbourhood factors**]
- Living in residential care [**Living arrangements; Care history**]
- Living in hostel, bed and breakfast accommodation or a foyer [**Living arrangements**]
- Low self-esteem or self-confidence [**Young person's self-identity; How the young person relates to others; Emotional development**]
- Young carer [**Family and wider networks**]

You should ensure that you consider the impact of being a looked-after child or subject to child in need or child protection procedures as well as reflecting on information recorded in the Personal, Family and Social Factors section and the significant life events table to inform your thinking in this area.

Table 14: Adverse Outcomes

<b>Adverse Outcome:</b>	
Bullying	Neglect
Domestic abuse	Homelessness
Emotional harm	Emotional abuse
Physical harm	Physical abuse
Sexual exploitation	Sexual abuse
Death	Other (please specify)

Death refers to the death of the young person and not a bereavement that the young person could experience. The impact of any bereavement should be recorded as emotional harm where applicable.



## **Q. Impact**

You should then select the impact that each of the adverse outcomes identified could have on the young person's safety and well-being. Consider:

- whether the impact would be physical, psychological and/or emotional,
- the length of the recovery time for the young person where recovery means their ability to return to everyday functioning as before; and,
- the impact on the everyday functioning of the young person, e.g. relationships, mental or physical health.

Table 15: Impact ratings

Rating	Suggestion
Slight	Recovery immediate or no recovery required
Minor	Recovery in the short term (<1 month)
Medium	Recovery in the medium term (1 to 6 months)
Major	Recovery in the long term (>6 months) or incomplete
Critical	No recovery possible

## **Q. What is the nature and cause of the problem? What are the reasons for your concern? Identify (where relevant) any specific individuals or groups who might hurt the young person or compromise their safety.**

You should consider the causes for the potential adverse outcomes identified and who might be involved in their occurrence.

- **Nature (what is the problem)**

Provide more detail about what the potential adverse outcome is and use the evidence box to explain the ratings and provide an outline of the circumstances in which the events could occur. This will provide useful information for planning interventions in the Pathways and Planning section.

- **Causes (why it will occur)**

There could be several causes of potential adverse outcomes for the young person that should be evidenced from the young person's assessment:

- alcohol use,
- drug use,
- bereavement,
- family members,
- financial deprivation,
- gambling,
- gang affiliation,
- health condition (physical or mental),

- relationship breakdown,
- fear of homelessness,
- lack of family or network support; and,
- isolation.

The identified causes should be written as clearly as possible so that it is easy clear what the drivers are behind the adverse outcomes that have been identified.

- **Reasons**

You should include an analysis of any situational factors and the inter-connections between the young person's behaviour and behaviour of others. It is also important to consider the things that are said by the young person, their parents/carers and intelligence from other agencies.

- **Individuals or groups (who will be involved)**

Where known, you should identify any individual or group who could compromise the young person's safety. These could include:

- gang members,
- members of rival groups,
- specific individuals with whom the young person has a serious rivalry,
- family members with a history of violence; and,
- those involved in the sexual exploitation of children.

### 8.3.3.2 Context, likelihood and imminence

**Q When might the problem occur and in what circumstances?**

Use the evidence box to explain when, where and how the identified adverse outcomes would occur. Consider the following:

- Possible trigger events or other significant changes in circumstance approaching, for example:
  - difficult anniversaries,
  - bereavements or experiences of loss,
  - serious disagreements with parents or carers; and,
  - contact with the criminal justice system.
- Possible constraints on people who might hurt the young person being imposed or removed in near future
  - family members or peers who have been aggressive towards the young person in the past are soon moving back into the neighbourhood or are to be released from custody.
- Situations the young person is likely to get into where they could experience harm

- the young person is putting themselves at risk by being a passenger in cars involved in reckless driving.
- Where the adverse outcomes might occur.

### **Q. Likelihood**

You need to add a rating for how likely each potential outcome is to occur. Consider the following:

- frequency of any such events in the past; and,
- how likely it is that the particular set of circumstances described in the previous question will come about.

Likelihood of events occurring can also be considered in terms of a percentage when selecting ratings in this section.

Table 16: Examples of likelihood ratings against percentage

Likelihood Rating	Percentage
Unlikely	<20%
Possible	20-40%
Likely	41-70%
Very likely	71-90%
Almost certain / certain	>90%

### **Q. Community/custody**

You are also required to indicate whether the adverse outcome is likely to occur when the young person is in the community, in custody or both. It is important to think about how the young person's safety and well-being concerns may change when they are in a custodial environment versus when they are in the community. Whilst some concerns may become less likely in custody, e.g. physical harm from an abusive parent, there are others that might be more likely, e.g. bullying.

### 8.3.3.3 Summary

#### **Q. Matrix of impact/likelihood judgements for community and custody:**

These matrices will be pre-populated by the information entered in the preceding sections. The matrices provide a visual representation of potential adverse outcomes making it easier for you to see and compare all those identified by likelihood and impact and inform judgements. An example is provided below:

Figure 5: Example community and custody matrices for adverse outcomes

		Matrix of impact / likelihood judgements: Community			Likelihood	
		Unlikely	Possible	Likely	Very likely	Almost certain/certain
Impact	Slight					
	Minor					
	Medium		Homelessness		Neglect	
	Major			Physical Abuse		
	Critical					

  

		Matrix of impact / likelihood judgements: Custody			Likelihood	
		Unlikely	Possible	Likely	Very likely	Almost certain/certain
Impact	Slight					
	Minor			Bullying		
	Medium					
	Major					
	Critical					

Overall safety and wellbeing concerns:

**Q Overall safety and well-being concerns**

This overall rating will be based on your professional judgement.

**Definition - Safety and well-being concerns**

**Low**

No risks to the young person’s safety and well-being have been identified or the risks identified are unlikely to occur and would not impact on the young person’s immediate safety and well-being.

**Medium**

Some risks to the young person’s safety and well-being have been identified and are likely to occur. The young person’s immediate safety and well-being is unlikely to be compromised provided specific actions are taken.

**High**

Clear risks to the child or young person’s safety and well-being have been identified, are likely to occur and the impact would compromise the young person’s safety and well-being. Actions are required in the near future and are likely to involve other agencies in addition to youth justice services.

**Very High**

Clear risks to the young person’s safety and well-being have been identified, are imminent and the young person is unsafe. Immediate actions are needed to protect the young person, which will include (or have already included) a referral to statutory child protection services.

In cases where the initial trigger question ‘Based on your assessment do you have any concerns about the young person’s safety and well-being?’ is answered ‘No’, the judgement will be pre-populated as ‘low’. In all other cases the you should consider the information contained within the matrices, specifically likelihood and impact, as well as details from the remainder of the assessment, including the imminence of the identified circumstances, to inform this judgement. The judgement should reflect the highest level of concern identified.

### 8.3.4 Countersignature and oversight

Refer back to details on countersignature in the introduction and also the AssetPlus Quality Assurance Tool for guidance on points to consider.

#### Quality Assurance

Countersignature has three main functions:

1. It demonstrates that the content and quality of the assessment has been checked and agreed by a manager (or senior practitioner)
2. It represents the shared responsibility (between individual practitioners and the wider organisation) for judgements made
3. It enables assessment stages within the case management system to be completed.

Depending on thresholds set locally, some or all assessment updates will require countersignature in the Explanations and Conclusions section.

In providing management oversight to Explanations and Conclusions a manager will be looking to ensure that there is a clear relationship between Information Gathering and Explanations and Conclusions and between the sub-sections within Explanations and Conclusions, including:

- significant life events and offending patterns are identified and it is clear how they have influenced the analysis and RoSH and LoR judgements,
- desistance factors are identified and it is clear how they have influenced the analysis of future behaviours and RoSH and LoR judgements; and,
- safety and well-being concerns are identified and it is clear how they have influenced the analysis of adverse outcomes and safety and well-being judgements.