

## Risk Assessment Practice Guidance

### What is a Risk Assessment and when is one required?

A good indicator of future risk is past behaviour and consequently there will be times where we are worried about the risk that an adult may pose to a child because of their past behaviour, for example if they have a conviction for a crime against a child. In these circumstances, a risk assessment will need to be undertaken.

Arguably all social work assessment are risk assessments, however where there is a specific identified risk and a decision to be made, then a focused risk assessment should be undertaken.

For the purpose of this guidance, any of the following circumstances may indicate that an adult poses a risk to children:

- Where an assessment by another agency e.g. Police or Probation has identified that the adult is a Person Posing a Risk or Potential Risk to Children;
- Where the adult has a conviction, caution or reprimand for an offence which indicates they may pose a risk to children;
- Where a Finding of Fact has identified the adult as a perpetrator of an offence or behaviour which indicates that they may pose a risk to children;
- Where a person has made an admission of guilt in relation to violent offences or offences against children;
- Where there is a clear pattern of harmful behaviour or offending that indicates the adult may pose a risk to children.

The risk assessment is a standalone document used to inform whether it is safe for the adult who poses a potential risk to children to **have contact with** or **live in a household with** children. The assessment can be used to inform whether someone linked to the family, but who does not hold parental responsibility, for example a parent's partner, wants to have contact or live in the household, and this is also wanted by the parent/ carer, but where we are concerned about the potential risk. In addition to this, the assessment should consider if and how the risk could be managed or mitigated. A risk management plan should be set out at the end of the assessment.

If there is a **disagreement** between adults with parental responsibility regarding spending time arrangements, it is more appropriate for them to be signposted to private law proceedings. The local authority does not have parental responsibility to be able to make decisions about who the child lives with and spends time with; this should be undertaken within the court arena in the form of a Section 7 report. If a potential risk is identified, safeguards should be put in place while decisions are made in the private law proceedings.

The risk assessment does not replace a parenting assessment or single assessment, and where other areas of parenting capacity are of significant concern, consideration should be given to the most appropriate assessment in these circumstances.

There will be circumstances where the risk to a child is too high to wait for a risk assessment to be undertaken, in these cases action should be taken immediately to safeguard the child.

A template assessment is available on Trix which contains guidance which should be followed but must be deleted prior to filing the report. It should be used as a framework, not just a form to be completed.

A robust risk assessment will draw on historic information; factual information regarding any offending behaviour; any assessments by other agencies; interviews with the adult concerned and any other involved adults or children where appropriate. Social workers may want to incorporate the use of other available tools to inform their assessment.

Consideration should be given throughout to the impact on the child of any decisions that may be made, as well as the non-abusive or 'safe' involved adult (usually the child's parent or carer). The child should be spoken to as part of the assessment.

Risk factors can commonly be divided into two groups:

- Static factors: Those which are based in the individual's history and background and cannot be changed.
- Dynamic factors: Those which can change through treatment, intervention or the passage of time for example external factors like drug use, or internal factors like attitude and beliefs.

The risk assessment should pay close attention to the history, or 'static factors'. Social workers need to ensure that they gather and look carefully at factual information about the history before interviewing the involved adults, so that they feel confident to challenge distorted views or perceptions in order to effectively determine the level of risk.

In considering the level of risk and the adult's capacity to change or reduce the risky behaviour, social workers need to be mindful of the 'rule of optimism'. Serious Case Reviews have illustrated that practitioners' views can be strongly influenced by factors such as seeing indicators of progress or disguised compliance and co-operation. This does not, however, always mean that the child is safe and such factors need to be balanced against the overall balance of evidence and actual risks.

It is essential that information is shared between agencies. The social worker should retain a 'respectful uncertainty' and apply critical evaluation to any information received from other professionals or the family; any information should be triangulated with other sources.

When forming the analysis of information gathered, the risk assessment should consider both imminent risk and future risk, should nothing change. It should consider any protective factors which could be built on. The assessment should be clear about how any protective factor mitigates against the risk, for example while it is good to acknowledge 'strengths' within a family, these should not be considered protective factors if they do not protect against the risk.

A risk cannot be considered in isolation, and the assessment needs to look at the wider context for example how able the 'non-abusive' parent is to protect themselves and the child, and whether there are any external circumstances making it harder or easier to manage the risk. The assessment should consider who else is in the network, and whether they are supportive or whether they heighten the risk.

The assessment should take into account any cultural factors which may impact on practical arrangements or on the risk assessment itself. For example, does the adult being assessed believe that their culture condones their behaviour, or does their cultural background make it more difficult for them to seek and accept support.

Remember that the purpose of the assessment is not just to identify the level of risk, but also to consider how this risk could be managed in the best interests of the child. Based on the assessment, are there any support services which could help the adult to reduce their risky behaviour, or are there protective factors within the adult's life or friends and family network which can be built upon in order to effect change. However; social workers need to remember that we cannot assume the risk has decreased just because somebody has sat through a treatment programme or because they have not had the opportunity to re-offend for example due to bail conditions. The assessment needs to consider what behaviour change would you need to see in order to feel confident that the risk had reduced.

If there is an existing assessment that categorises the adult as posing a risk to children, for example from the Police, Probation, MAPPA or MARAC, this risk assessment should not seek

to replace it. However, that assessment should be considered and incorporated into this one, with the focus being on whether the risk has changed and/or how the risk can be managed without breaching any restrictions or conditions already in place. If the adult being assessed is already subject to restrictions put in place by the Police, Probation or the Courts then these restrictions need to be clearly set out in the report. If there are restrictions in place around their contact with children, the risk assessment must take these into account and any proposed risk management or safety plans must work alongside them.

### **Decision-making and management oversight**

The social worker's role is to assess the degree of risk and consider whether it is manageable in light of other factors, for example the ability of any other involved adult to protect the child, and the child's ability to protect themselves. The assessment should make clear recommendations about the likelihood of future harm, and what will be done to reduce the risk in the form of a proposed plan to safeguard the children.

While the assessment will make recommendations, for example to a parent or carer with parental responsibility wishing to allow a person posing a risk into their household, it is not legally binding. If the parent or carer goes against the advice or recommendations, the local authority would need to consider whether further action, for example legal advice, is needed to safeguard the child. The assessment should make clear the contingency plan, for example what action would need to be taken if the safety plan is not followed given the social worker's analysis of the level of risk.

Once the assessment has been completed, the social worker should discuss the findings and proposed risk management plan with their Team Manager and the Team Manager should add their analysis and oversight to the document.

## Appendix 1

### Defining 'Person Posing a Risk to Children'

The police may identify a 'Person Posing a Risk to Children'; this is a term which replaces 'Schedule One Offender' which was previously commonly used for anyone convicted of an offence against a child listed in Schedule One of the Children and Young Person's Act 1933. However, inclusion on the Schedule was determined solely by the age of the victim and offence for which the offender was sentenced, and not by an assessment of future risk of harm to children. Additionally, information may be held that indicates persons may pose a risk or have an offending history but those persons may or may not have been convicted. Therefore, the term Schedule One Offender is no longer used and it has been replaced with the term 'Persons Posing a Risk to Children'. This clearly indicates that the person has been identified as presenting a risk, or potential risk, to children.

Home Office Guidance explains how those offenders who present a risk to children should be identified. [Schedule 15 of the Criminal Justice Act 2003](#) provides a list of relevant offences to help practitioners identify those who may pose a risk to children. However, this is not an exhaustive list and there are other offences and behaviours not included in Schedule 15 that may indicate a person poses a risk to children. These may include specific offences regarding children such as those brought about by the Serious Crime Act 2015.

Once an individual has been identified as presenting a risk to children, agencies have a responsibility to work collaboratively to monitor and manage the risk of harm to others. Where the offender is sentenced and given a community sentence, offender managers monitor the individual's risk to others and their behaviour, and liaise with partner agencies as necessary.