

# Criminal Justice Committee

## 9th Meeting, 2022 (Session 6), Wednesday 9 March 2022

### Risk management in the justice system

#### Note by the clerk

#### Introduction

1. On 3 March, the Cabinet Secretary for Justice and Veterans made a [statement](#) to Parliament about failures in the level of service and case management system, also known as the LS/CMI system. The LS/CMI system is used by social work and prison staff as one part of a wider set of processes to inform a number of decision points within the criminal justice system, including sentencing decisions, programmes access and prison release decisions.
2. In addition to his statement, the Cabinet Secretary for Justice and Veterans wrote to the Committee on 3 March about the problems that had been identified in the system (see **Annex**).
3. The letter from the Cabinet Secretary to the Committee states that the Scottish Government has:

“identified an issue in a number of assessments whereby the (numeric) risk scoring may not have been matching the scoring level (very high/high/medium/low/very low) displayed by the system. In certain circumstances, a systems issue appears to be preventing any subsequent change to that risk level once it is first calculated, even when new information has been entered and an updated risk score is generated. In some cases, it does not match the risk level shown. The issue has affected a small proportion (1.2%) of the 103,394 assessments in total on the LS/CMI system.”
4. The Cabinet Secretary has stated that, as of the weekend of 26-27 February, there were 1,317 assessments where the calculated risk assessment score did not match the final risk need or level. Of those assessments that were affected, he said that 1,032 related to closed cases and 285 related to open cases. He was not able to give an indication of the types of offences covered by these cases.
5. The Cabinet Secretary’s letter and his statement to the Chamber sets out the steps he has taken since the problem was identified.

6. He explained that, LS/CMI system enables social workers to override the risk level shown on the system and, of the 1,032 closed cases, there are 537 where an override has been applied by social work. That means there are “495 closed cases that appear to contain a risk level that is affected by the system error”.
7. The Cabinet Secretary explained that the 537 cases that have an override applied will now need a case-by-case review to determine whether the override superseded any error. As at 3 March, 150 reviews by users of the system have been reported to the Scottish Government and the Cabinet Secretary said that “no users of the system—social worker or SPS—have advised the Scottish Government of any public protection risk as a result of that systems issue<sup>1</sup>.”

## **Additional written evidence**

8. During his statement, the Cabinet Secretary said he had “written to victims organisations to ensure that they are sighted on the issue”. The clerks to the Committee have written to Victim Support Scotland, Scottish Women’s Aid and Rape Crisis Scotland to ask their views on the matter. Should any responses be provided to the Committee in advance of the meeting these will be circulated to Members.
9. Additionally, if the Scottish Government provides any additional material to the Committee, this will also be circulated.

**Clerks to the Committee  
March 2022**

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<sup>1</sup> Official Report, 3 March 2022.

## Letter from the Cabinet Secretary (3 March 2022)

Dear Convener

I would like to draw to your attention an issue that has been found in relation to the Level of Service Case Management Inventory (LS/CMI) system.

### **Background**

The LS/CMI IT system has been in operation in Scotland since 2010. It supports risk assessment and case management for individuals with a history of offending. The LS/CMI application is used by social work and prison staff to help inform a number of decision points within the criminal justice system including information relevant to helping to inform sentencing decisions and progression/prison release decisions.

In 2019 it was recognised that centralisation of the thirty three separate instances of the LS/CMI system would be of benefit and as of 22 November 2021, all thirty three stakeholders (local authorities and the Scottish Prison Service) were migrated to the centralised IT system and all legacy systems have been switched to read only.

### **Approach to risk assessment and management**

LS/CMI whilst being used frequently as a risk assessment tool across the Justice System is not the sole risk assessment tool, as there are a number of other more bespoke risk assessments that are carried out in relation to particular types of offending, including, for example, separate systems to assess sexual and violent offending.

For example in the prison setting, LS/CMI is used as **one** of a suite of risk assessment tools. The choice of risk assessment tool in this context is partly influenced by the nature of the index offence. The management of this assessed risk is governed by a multi-disciplinary team of professionals referred to as the Risk Management Team (RMT) which is chaired by a Prison Senior Manager supported by a range of professionals including but not limited to criminal justice social work, psychologists, health professionals, police, local authorities, as well as chaplaincy and third sector agencies. The challenge of assessing and managing risk draws together this diverse range of professions in the shared objective of protecting the public by preventing or minimising harm.

This multi disciplinary approach is often replicated in the community to ensure effective management of offenders. Registered sex offenders in the community are always managed under the multi agency protection arrangements which includes the police, health boards and local authorities and other relevant partners all sharing relevant information to ensure any risks are managed on an ongoing basis.

Professional judgement will always be applied when using the LS/CMI risk assessment tool. Importantly clinical overrides can be applied where the social worker

considers these are necessary and appropriate to ensure that the individual is managed at the appropriate risk level.

### **Issues identified and action taken**

As a result of a helpdesk call logged by a user of the system, in relation to single assessment we have now identified an issue in a number of assessments whereby the (numeric) risk scoring may not have been matching the scoring level (very high/high/medium/low/very low) displayed by the system. In certain circumstances, a systems issue appears to be preventing any subsequent change to that *risk level* once it is first calculated, even when new information has been entered and an updated risk score is generated. In some cases, it does not match the risk level shown. The issue has affected a small proportion (1.2%) of the 103,394 assessments in total on the LS/CMI system, but it is clearly essential that each case is considered as a matter of urgency.

All Local Authorities have been communicated to on 1<sup>st</sup> March 2022 and were asked to immediately check all potentially affected open cases at present. There are 285 live cases in the system where the IT programme has demonstrated that this error may appear in an assessment. Immediate work arounds have been provided and organisations have been asked to contact any relevant victim support organisations, individual victims or other partners if required to respond to changes in risk level.

We have now received around 150 responses from allocated social workers within Local Authorities confirming the reviews have taken place and none of them to date have highlighted any immediate or concerning public protection issues.

The IT programme has also highlighted 1,032 closed – i.e. no longer active - cases that may have assessments that are potentially affected that go back to 2012. Work will be carried out to manually consider each case to confirm this. It is clear that a number of these assessments have had an override applied which is likely in many instances to be where professional judgement has decided that the risk band should be amended as would be entirely appropriate given the exercise of professional judgement applied in the risk assessment process.

Further to this initial issue that has been investigated as described above, as part of that investigation, previous change logs and helpdesk calls have been reviewed in parallel. It does appear from these investigations that there may be another area of risk scoring relating to alcohol/drug use that creates an error. Whilst the extent of this is not known as yet, it is clear that it may affect the risk score. The initial evidence on the system as presently reported indicates that the score for alcohol/drug use error is likely to over-score risk rather than lower it.

Given this second issue that has now been identified as potentially affecting assessments, and as a precautionary measure and to ensure that no risks are taken with public protection arrangements, it has been agreed that Justice Social Work will revert to the paper based LS/CMI system. Support and training for this will be provided by Community Justice Scotland.

## **CJ/S6/22/9/5**

To support that precautionary approach, and to offer reassurance, Justice Social Workers have been asked to review the assessments within **all open cases**, irrespective of whether they are identified as being affected at this stage, and if required to reassess individuals using the paper based system. There are a number of other actions that have been taken to ensure confidence can be maintained and I will highlight these today in Parliament.

Officials have also communicated to all relevant partners and victims organisations to make them aware of this potential issue.

Whilst I understand that this is concerning, and you will have many questions, I hope you will understand that the situation continues to evolve, and that we will provide regular updates on the situation and further confirmation of any cases impacted by this technical issue in the LS/CMI system.

Given the nature of this issue, I have asked the Minister for Parliamentary Business for a slot to make a statement to Parliament and I will be addressing parliament on this matter today at 15.10 hours.

**Keith Brown**