

Wednesday, 15 April 2026

1  
2 (1.59 pm)  
3 **THE CHAIR:** Yes, Mr Weston.  
4 **MR WESTON:** Chair, may I please call Dr Ruth Tully.  
5 **THE CHAIR:** Yes, thank you.  
6 **DR RUTH TULLY (sworn)**  
7 **Questioned by MR WESTON**  
8 **MR WESTON:** Dr Tully, you should have in front of you  
9 a report you prepared dated 23 October 2025.  
10 **A.** Yes, I do.  
11 **Q.** That report was prepared further to instructions to you  
12 to provide an independent expert report to this Inquiry.  
13 **A.** That's correct.  
14 **Q.** Is that report true to the best of your knowledge and  
15 belief?  
16 **A.** It is, yes.  
17 **Q.** Dr Tully, you are a forensic psychologist?  
18 **A.** That's right.  
19 **Q.** You're registered with the Health & Care Professionals  
20 Council and a member of the British Psychological  
21 Society.  
22 **A.** Yes.  
23 **Q.** Can you assist us, please, with your brief background?  
24 **A.** I have a bachelor degree in psychology and counselling  
25 studies, I have a master of science in psychology and

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1 **A.** I've worked in a private provider hospital in  
2 non-forensic mental health services. It was a substance  
3 misuse and mental health unit combined.  
4 **Q.** Thank you for that clarification.  
5 Can you assist, in a forensic psychiatric service,  
6 what is the role of a psychologist?  
7 **A.** Typically each ward would have a psychologist assigned  
8 to it. One psychologist might be assigned to more than  
9 one ward, it depends how many beds are in that  
10 particular unit. The primary role is the psychological  
11 assessment and psychological treatment focusing on  
12 clinical presentations and risk to others.  
13 **Q.** So that would be the risk assessment element of it?  
14 **A.** Absolutely, and there would also be consultation,  
15 training other professionals, potentially support of  
16 other professionals, for instance after serious  
17 incidents and so on.  
18 **Q.** You have extensive experience of assessing people that  
19 may pose a risk of violence; is that correct?  
20 **A.** That's correct.  
21 **Q.** You do some of those assessments on your own, and you do  
22 some of them as part of a multi-disciplinary team?  
23 **A.** Typically now in private practice there will be  
24 assessments that I conduct alone, but in NHS services in  
25 particular, typically they're done as part of

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1 crime, and I also have a professional doctorate in  
2 forensic psychology which is an academic and clinical  
3 qualification.  
4 **Q.** In your professional career, is it right that you've  
5 worked both with inpatient and community NHS forensic  
6 services?  
7 **A.** That's right.  
8 **Q.** You have also worked in private practice?  
9 **A.** Yeah.  
10 **Q.** You have experience of dealing with a wide range of  
11 adults, both in healthcare, prison, and in community  
12 settings?  
13 **A.** That's correct.  
14 **Q.** You've worked with patients that are detained under the  
15 Mental Health Act --  
16 **A.** Yes.  
17 **Q.** -- and those that have been released into the community  
18 after a period of detention?  
19 **A.** Yes.  
20 **Q.** You also have experience of working with patients whose  
21 primary diagnosis is schizophrenia?  
22 **A.** Yes.  
23 **Q.** You told us you work, worked, in forensic psychiatric  
24 services. It's right that you haven't worked in  
25 non-forensic general adult psychiatric services?

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1 a multi-disciplinary team and that's what I was involved  
2 in in my time there.  
3 **Q.** You've published in peer review journals and books on  
4 the issue of violence risk assessment?  
5 **A.** That's correct.  
6 **Q.** Particularly as regards a risk assessment tool, which  
7 I'm going to come onto in a moment, the HCR-20v3?  
8 **A.** Yes.  
9 **Q.** With regards to that tool, it's right that you provide  
10 professional training, isn't it?  
11 **A.** That's correct, yes.  
12 **Q.** In terms of who that training is given to, it's quite  
13 a wide range of clinical and non-clinical professionals.  
14 **A.** Yes, so when I say non-clinical professionals, typically  
15 they'd be criminal justice professionals, but they might  
16 not be registered clinicians, for instance, under  
17 statutory regulation.  
18 **Q.** Can you give examples, please?  
19 **A.** For example, probation officers might attend, but also  
20 so do psychiatrists, psychologists who are registered as  
21 a clinical professional.  
22 **Q.** Psychiatric nurses?  
23 **A.** Absolutely, yes.  
24 **Q.** Care coordinators?  
25 **A.** Not typically people presenting with that title, but

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1 where a care coordinator is also perhaps a nurse, then  
 2 yes.  
 3 **Q.** The psychiatrists that attend your training, are most or  
 4 the majority from forensic psychiatric services or from  
 5 more general psychiatric services?  
 6 **A.** They're primarily from forensic psychiatric services,  
 7 whether or not they use the title "Forensic  
 8 Psychologist".  
 9 **Q.** The psychologists, what kind of area do they work in  
 10 usually; forensic, non-forensic?  
 11 **A.** It tends to be people working in forensic services, it  
 12 tends to be clinical psychologists who attend the HCR-20  
 13 training which I would hypothesise is because a lot of  
 14 trainee forensic psychologists get that training or  
 15 achieve competency before qualification.  
 16 **Q.** Dr Tully, when we come in a moment to look at the  
 17 principles for what makes a good risk assessment, those  
 18 are principles that apply or can apply to quite a wide  
 19 range of professionals?  
 20 **A.** Absolutely, yes. Risk assessment is the responsibility  
 21 of a range of different professionals, in forensic and  
 22 non-forensic services.  
 23 **Q.** Those professionals that you train come from a wide  
 24 range of organisations, particularly NHS Trusts; is that  
 25 correct?

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1 be unusual for someone to reach qualification and to not  
 2 have that competency already.  
 3 **Q.** What about clinical psychologists, competency and  
 4 training? Do they need to have undertaken this  
 5 pre-qualification -- or do they have the same sort of  
 6 experience in terms of risk assessment?  
 7 **A.** I'm not a clinical psychologist so I can speak generally  
 8 from my experience on that, but typically the difference  
 9 is that forensic psychologists' placements, when they're  
 10 training, have to be in forensic areas, whereas  
 11 a clinical psychologist could qualify without having  
 12 done forensic-specific training in my experience, but  
 13 they may have done so they may have reached competency  
 14 in those areas before qualification.  
 15 **Q.** It wouldn't stop a clinical psychologist going on to  
 16 work in a forensic setting.  
 17 **A.** Absolutely not. In fact there are lots of clinical  
 18 psychologists and forensic psychologists working in  
 19 forensic settings, in many instances doing exactly the  
 20 same jobs.  
 21 **Q.** I want to turn to the issue of risk assessment, please.  
 22 Before we do that can you just tell us broadly, what is  
 23 a risk assessment?  
 24 **A.** Well, a risk can be considered a hazard that's  
 25 incompletely understood, and assessment is the process

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1 **A.** Yes.  
 2 **Q.** You've told us that you are a forensic psychologist.  
 3 The Inquiry has heard from forensic psychiatrists. For  
 4 the sake of clarity, can you just set out what you mean  
 5 by "forensic", please?  
 6 **A.** "Forensic" can mean a lot of different things and people  
 7 use the term quite differently. In the context that  
 8 we're talking about today, typically we'd mean forensic  
 9 patients, people who may pose a risk to others.  
 10 Forensic can mean helping the courts, helping the  
 11 criminal justice system and it also involves working  
 12 with victims, but the focus today, perhaps we should  
 13 focus on that, being risk to others.  
 14 **Q.** Just assist me with what a forensic psychologist is in  
 15 terms of their background. It's right, isn't it, that  
 16 they have pre-qualification training that would involve  
 17 developing and evidencing competency and experience and  
 18 violence risk assessment specifically?  
 19 **A.** Typically, there's no requirement that they have to  
 20 demonstrate competency in a or any specific violence  
 21 risk assessment, but forensic psychology trainees would  
 22 usually complete placements in different settings with  
 23 different client groups where usually competency and  
 24 risk assessment is demonstrated, but risk assessment is  
 25 a key part of a forensic psychologist's work, it would

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1 of gathering information to assist with exploring that  
 2 risk.  
 3 **Q.** Can we go to Dr Tully's report please, paragraph 2.21.  
 4 Can I take you to the third sentence in the third line,  
 5 Dr Tully, where you say:  
 6 "Violence risk is complex (eg nature, severity,  
 7 imminence, frequency) and is also contextual and dynamic  
 8 (eg may be influenced by living situation, available  
 9 services, motivation, stressors, and so on)."  
 10 Can you just explain what you mean by violence risk  
 11 being complex, contextual and dynamic, please?  
 12 **A.** I think that sometimes people would assume that risk  
 13 assessment just means we give some sort of rating of  
 14 low, moderate, high, or yes, or no, someone will be  
 15 violent or won't be violent, when actually risk  
 16 assessment in particular is much more complex because  
 17 risk is a function usually of more than one factor.  
 18 Violence, to have a single motivator would be an  
 19 exception rather than the rule, and ultimately it's not  
 20 just about will they offend; it's what might they do?  
 21 Could that be lower level violence? Could that be  
 22 lethal violence? How soon, imminence, is a key concern;  
 23 how soon could that occur?  
 24 We also have to think about the context, the living  
 25 situation. If someone is an inpatient, violence might

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1 manifest in a completely different way than it could in  
2 the community, for instance. So it is complex and  
3 multifaceted.

4 **Q.** Can I take you just a little further down the page, two  
5 lines further down, after the semicolon where it starts:

6 "risk assessment is an attempt to identify a range  
7 of plausible futures, to consider uncertainties, and  
8 risk assessment should go hand-in-hand with risk  
9 management planning. The ultimate goal of violence risk  
10 assessment is to prevent violence and thus protect the  
11 public, by considering and combining risk factors, to  
12 guide the development of effect risk management plans.  
13 Risk assessment in the clinical context is therefore  
14 about risk reduction and management rather than  
15 prediction."

16 Can you just help us with that dichotomy between  
17 risk reduction management on the one hand, and  
18 prediction on the other?

19 **A.** You asked me earlier to define what risk and risk  
20 assessment are. Another side of that coin is risk  
21 management. A key part of risk assessment is risk  
22 management and they go hand in hand. Now if we just  
23 look at the predictive value of risk tools and do they  
24 predict that high risk offenders in a certain group will  
25 offend more frequently or more seriously than lower-risk

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1 that sense that's unstructured and unguided can be  
2 affected by a number of different things, so it's the  
3 most subjective way of conducting a risk assessment.

4 **Q.** What's the role of literature on violence in that kind  
5 of assessment?

6 **A.** Generally unstructured clinical judgement has been found  
7 to be little or no better than chance in prediction in  
8 looking at who will or is not violent in the future.

9 **Q.** Why is that, do you think? Why is it little better than  
10 chance?

11 **A.** In my clinical experience, having a structure to follow,  
12 regardless of whether that's what will we'll come on to  
13 in terms of actuarial or a structured professional  
14 judgement approach, it guides people to consider the  
15 evidence base, so what does the research tell us links  
16 to violence?

17 If a professional doesn't have that structure they  
18 may be distracted by things in front of them, how the  
19 patient is presenting at that time, they may neglect  
20 historical factors or they may only look at historical  
21 factors and not consider recovery or worsening of  
22 somebody's mental health, for instance, and how it  
23 relates to risk.

24 There are also other subjective things like if  
25 a patient presents as friendly and nice, does that

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1 offenders, that helps us look at the efficacy of the  
2 tool in principle, but the whole purpose is about  
3 developing a risk management plan. And if we don't  
4 understand the why, if we only see the how, of how  
5 somebody was violent, then we can't put together and  
6 form a decent risk management plan that is based on  
7 their individual risk factors.

8 So the ultimate goal is managing risk, rather than  
9 predicting whether the person in front of us will or  
10 won't offend. It's about a holistic understanding of  
11 the factors that came together for that individual.

12 **Q.** Dr Tully, in your report you helpfully set out three  
13 broad types of risk assessment approach.

14 Firstly, unstructured clinical judgment. Secondly,  
15 actuarial risk assessment, and third, structured  
16 professional judgement. I want to take those in order,  
17 please, if I may.

18 What is an unstructured clinical judgement, please?

19 **A.** An unstructured clinical judgement would be a clinician,  
20 knowing the facts of a case, deciding themselves without  
21 using a tool or a structure, what level and what kinds  
22 of risk that the individual in front of them posed.

23 **Q.** That sounds like it can be quite subjective and  
24 impressionistic.

25 **A.** That's absolutely what it is. So clinical judgement in

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1 affect the risk assessment? But is that something we  
2 should actually be considering? Should we be  
3 considering the empirical literature on violence, or if  
4 they present as difficult to work with, for example  
5 somebody might overestimate risk just based on that  
6 clinical intuition in the moment, so ultimately that's  
7 not evidence based.

8 **Q.** With unstructured clinical judgement, can there be an  
9 increased risk of getting it wrong, if I can put it that  
10 way, where a patient is seen by different clinicians  
11 over a period of time?

12 **A.** It's highly likely that the judgement of different  
13 professionals or even the same professional on  
14 a different day might differ because they're not guided  
15 by a structure to assist them in the task at hand.

16 **Q.** There is an advantage to this sort of approach; it can  
17 be done quite quickly, can't it?

18 **A.** Yes, and the advantage there can be seen, for instance,  
19 when a psychiatrist might be faced with an acutely  
20 unwell person who is posing very obvious risks to others  
21 or indeed themselves and they need to make a decision  
22 about detention and that needs to happen in the moment.

23 So it does occur and it can be effective, but if that  
24 did occur, I would expect, when time allows, a more  
25 structured risk assessment to take place.

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1 **THE CHAIR:** Thank you. Could you slow down when giving your  
2 answers, just so we can take a note. Thank you.

3 **A.** Of course, sorry.

4 **MR WESTON:** What about using this sort of unstructured  
5 approach as a gateway to determine whether something  
6 more is required in terms of assessment?

7 **A.** In principle, that's how we operate more generally,  
8 because there must be some sort of trigger or some  
9 feature of the case that makes the clinician or the  
10 service think that a more in-depth risk assessment is  
11 needed. So it does begin with that unstructured  
12 clinical judgement, but not necessarily in giving  
13 a level of risk to that patient's case.

14 **Q.** The second type of risk assessment that you identify in  
15 your report is actuarial tools. Can you please explain  
16 what they are?

17 **A.** Actuarial tools are algorithms that result in  
18 probabilistic estimates of likelihood of violence in the  
19 future. They're developed based on factors that are  
20 associated in the literature with recurrence of violence  
21 or occurrence of violence, if it's not occurred before,  
22 and they are tested and designed and validated on  
23 a specific sample, such that a common outcome from an  
24 algorithm or actuarial tool might be presented as Mr X  
25 is within the high-risk group according to this tool and

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1 one, that I'm sure he'll elaborate on. So there are  
2 these in development. And actuarial tools can have the  
3 benefit of helping screen patients who might be at  
4 higher risk of violence to help us see who might need  
5 a more in-depth assessment that formulates how and why  
6 that may occur in the future.

7 **Q.** How long would you ordinarily expect these kind of  
8 actuarial tools to take to undertake the assessment?

9 **A.** If you have the information in front of you, it can just  
10 be minutes, really, because often they're checklists.  
11 Do they have a history of substance use? Do they have a  
12 history of, you know, insert other risk factor here. So  
13 if you have the information in front of you, they can  
14 take 15 to 20 minutes. Quite often, it's seeking out  
15 the information that takes the time.

16 **Q.** But in terms of the results, it sounds like, from what  
17 you're saying that, that the conclusion should be  
18 empirically based?

19 **A.** The conclusion is empirically based because the tool  
20 itself is developed as an algorithm. It's a little bit  
21 like car insurance quotes are calculated. So the  
22 insurer will look at what risk factors they see that you  
23 have. You know, do you have any points? Have you  
24 claimed before? And they will compare you to samples  
25 that claim at higher rates and at higher levels and then

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1 in the literature on the specific sample, X percent of  
2 these people at high risk reoffended violently.

3 **Q.** Actuarial tools are often quite favoured in terms of  
4 sexual risk assessment; is that correct?

5 **A.** There seem to be more actuarial tools available for  
6 sexual risk assessment than there are for general  
7 violence risk assessment.

8 **Q.** Why are there less on the violence risk assessment side,  
9 do you consider?

10 **A.** I'm unsure, but a hypothesis could be that policy often  
11 drives the development of such tools. So one sexual  
12 risk assessment tool that was actuarial that was  
13 commonly applied in prisons and probation in England and  
14 Wales was called the Risk Matrix 2000 and the Ministry  
15 of Justice had the author of that tool, David Thornton,  
16 design it for them and it was thus widely applied and it  
17 may just have been a policy decision that the same  
18 didn't apply for violence. There are equivalents that  
19 the Ministry of Justice use, but sometimes policy drives  
20 practice in that way.

21 **Q.** Do you think that actuarial tools in the assessment of  
22 violence risk should be developed further? Do you think  
23 there's a gap there?

24 **A.** There are tools in development. I've read other expert  
25 reports such as that by Professor Fazel, who describes

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1 they'll calculate a premium. But they don't calculate  
2 within that why, whatever misdemeanor occurred occurred,  
3 and they can't take into account that you may have  
4 become a much worse driver since.

5 **Q.** It sounds like the actuarial approach is much less open  
6 to subjectivity than the unstructured clinical  
7 judgement.

8 **A.** Absolutely. It's clear and transparent. I could  
9 describe to you or a patient why they've fallen in  
10 whichever risk group that they've been stratified as.

11 **Q.** You get a score at the end which can quite easily be  
12 communicated; that's an advantage of it as well,  
13 I presume?

14 **A.** Yes, so typically the scores translate into risk levels  
15 in these tools but that can definitely be easily  
16 communicated to people working with that patient, and  
17 the patient themselves.

18 **Q.** But on the other hand I suppose the disadvantage is they  
19 can be somewhat simplistic, as you've explained.

20 **A.** (*The witness nodded*).

21 **Q.** They lack flexibility and they can't look at the full  
22 range of risks as they're arising going forwards.

23 **A.** Absolutely. So what's missing from that approach that  
24 is helpful for screening high numbers of people is  
25 actually formulation, understanding why, and thus

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1 informing the risk management plan and what happens  
2 next.

3 **Q.** It's with a view to remedying that that those  
4 limitations, the structured professional judgement risk  
5 assessment tools were developed; is that correct?

6 **A.** That's right.

7 **Q.** They try to provide the structure and empirical basis  
8 that was lacking from the unstructured clinical  
9 judgement whilst avoiding the inflexible nature of the  
10 actuarial tools and providing, as you say, a greater  
11 focus on risk management planning; is that fair?

12 **A.** That's fair.

13 **Q.** Structured professional judgement, SPJ as you refer to  
14 it in your report on occasions. They usually have a set  
15 of guidelines to assess risk, don't they?

16 **A.** Yes, they do. So typically for a structured  
17 professional judgement tool there will be a manual which  
18 provides guidance on the process but also on the items  
19 that are included and how they are defined.

20 **Q.** The factors to be considered in that process, they are  
21 based upon research on violence perpetration and risk,  
22 aren't they?

23 **A.** Absolutely, they're empirically-based risk factors.

24 **Q.** But the tool retains a degree of freedom to bring in  
25 other factors if the assessor considers they are

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1 that takes place. So it's a decision.

2 **Q.** Once you've got that formulation, that "why", you then  
3 go on to consider actual scenarios; is that right?

4 **A.** Yes, so after formulating and trying to understand the  
5 presenting issue of violence, the Structured  
6 Professional Judgement Assessor will consider future  
7 risk scenarios. So that's not what will happen, it's  
8 not predicting the future, we couldn't possibly do that,  
9 it's about looking at if violence were to reoccur, what  
10 is it likely to look like? What could it look like?  
11 And in doing so, we consider possible repeats of similar  
12 past violence, twists where something might change about  
13 how it manifests, for example, victim group or context,  
14 and we would also typically consider an escalation or  
15 a lethal or worst-case scenario.

16 **Q.** For the formulation and setting out of the scenario, it  
17 sounds like you need quite a high degree of judgement to  
18 be involved in doing that?

19 **A.** Yes, it goes beyond technical skills in rating items and  
20 rating tools, it goes down to the clinician judgement  
21 and experience and typically that's why it tends to be  
22 clinicians who use these tools.

23 **Q.** All that then leads to a risk management plan; is that  
24 correct?

25 **A.** Yes. So the whole purpose of violence risk assessment

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1 relevant to this particular person being assessed.

2 **A.** Yes, so the tools are quite flexible in that regard and  
3 that allows for unique considerations for the case at  
4 hand to be considered.

5 **Q.** Is it right that for each risk factor you need to  
6 consider whether the factor is there, whether it's  
7 present?

8 **A.** *(The witness nodded).*

9 **Q.** Then the relevance of it to the overall picture of risk.  
10 So by considering relevance, the assessor is applying  
11 weight to each individual factor.

12 **A.** Yes, so we would assess the presence of each item,  
13 consider its relevance, and that relevance assessment  
14 informs the formulation, with the formulation being how  
15 we make sense and hypothesise about the factors that  
16 came together to contribute to that violent decision  
17 that the person made.

18 **Q.** Why the violence happens, effectively.

19 **A.** Yes. So these tools operate from the perspective that  
20 all violence is a decision. That decision can be  
21 affected by a number of factors. It can be affected by  
22 life experiences, substance use might be disinhibiting  
23 somebody. It can be affected by mental health but  
24 ultimately the premise is that between the brain and the  
25 hand punching someone, for instance, there is a message

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1 is to prevent future violence. So all of that would  
2 become redundant if we didn't formulate a risk  
3 management plan based on the assessment at that point.

4 **Q.** You say in your report that structured professional  
5 judgement is commonly used throughout the justice system  
6 and in forensic mental health settings; is that correct?

7 **A.** That's correct.

8 **Q.** In your view, structured professional judgement can be  
9 considered the current best practice in terms of those  
10 assessing violence risk?

11 **A.** Yes, where the purpose is risk management and reducing  
12 risk, that's my view.

13 **Q.** Your preference would certainly be to use this sort of  
14 approach when you're undertaking a risk assessment; is  
15 that correct?

16 **A.** That's correct.

17 **Q.** Can I turn to HCR-20v3, please. What does "HCR" stand  
18 for?

19 **A.** Historical clinical and risk management, and the 20  
20 designates that there are 20 risk factors included in  
21 the tool as a minimum which, as we've discussed, can be  
22 added to by the clinician.

23 **Q.** I'll come back to those in a moment, but it's  
24 a structured professional judgement tool?

25 **A.** That's right.

20

- 1 Q. It's one that you -- as we've covered already -- one  
2 that you provide training on?  
3 A. That's correct, yes.  
4 Q. Now, usually that training is a two-day course?  
5 A. The training that I deliver is a two-day course, yes,  
6 it's fairly intensive.  
7 Q. So you'll forgive me if today in your evidence we try  
8 and cover things in just the key features about how the  
9 tool works. We'll come to your recommendations at the  
10 end, but it's right, isn't it, that you would like to  
11 see structured professional judgement tools used more  
12 widely?  
13 A. Yes, certainly, where indicated.  
14 Q. But you don't think that a specific tool such as this  
15 must be prescribed?  
16 A. No, I think that guidance for trusts and services should  
17 allow discretion because there may be a valid reason why  
18 one tool might not be appropriate in a given case. But  
19 that there needs to be a wider awareness of structured  
20 professional judgement approaches, for instance within  
21 the now outdated 2015 NICE Guidelines on managing  
22 violence and aggression.  
23 Q. HCR-20, it's got a very detailed manual, hasn't it?  
24 A. Yes.  
25 Q. That manual is available to the Chair and to the CPs,

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- 1 A. That's right. It's fair to say that a risk assessment  
2 is only as good as the information on which it's based.  
3 Q. Can I take you to paragraph 2.3.20, and towards the  
4 bottom of that page is an extract from the manual about  
5 gathering information. And we've got a list of  
6 information that it is said ideally -- ideally -- that  
7 a risk assessor would have available; do you see that?  
8 A. Yes.  
9 Q. Just to go through it, point one, interview with the  
10 evaluatee; why is that important?  
11 A. That's important for a number of reasons. One is so  
12 that the clinician can have an understanding of how that  
13 person is presenting at that time, symptoms, for  
14 example, do they understand their risk? And they can  
15 have a discussion and gather factual information about  
16 that person's background.  
17 Sometimes it's not possible to interview the person  
18 being assessed. They might be too unwell. They simply  
19 decline to be interviewed. So the assessment can still  
20 be done with some limitation without an interview, but  
21 where the person isn't interviewed, one can find out  
22 information about their presentation from other  
23 professionals or indeed arms-length or further away  
24 observations.  
25 Q. Point 2:

23

- 1 but I won't ask that that manual is put on the screen,  
2 because there are concerns that if a detailed manual  
3 like this was broadly publicised it could invalidate the  
4 use of it or the results from it if people knew exactly  
5 what they're being asked about and why?  
6 A. Absolutely, and that's not because it's a secret in any  
7 way, but there are also concerns about it being widely  
8 accessible to anyone, and then potentially being misused  
9 by people who shouldn't be using it.  
10 Q. Okay. But helpfully, you do summarise some of the key  
11 features of the manual in your report. So perhaps we  
12 could just turn to part of that. Could we go to  
13 paragraph 2.3.5 in Dr Tully's report, please. Perhaps  
14 if we could just focus in on the middle part of the  
15 page.  
16 Dr Tully, these are the seven stages of risk  
17 assessment that are identified under the tool; is that  
18 correct?  
19 A. That's correct.  
20 Q. Stage one:  
21 "Gathering information (information [that's]  
22 reasonably necessary to form an opinion)".  
23 You need a range of clinical and collateral  
24 information to undertake a good risk assessment, don't  
25 you?

22

- 1 "Interviews with or information from past victims."  
2 Why is that important, please?  
3 A. Past victim statements, or even speaking to them where  
4 that's appropriate, can give wider information about the  
5 context of what occurred. In my experience, if I am  
6 working with someone, for example, who offended 20 years  
7 ago, every time somebody reports on that and the  
8 information is condensed for services, for ease of  
9 access, things can be lost, important details about what  
10 happened, things that might give indications as to  
11 triggers for violence, precipitance and so on. So as  
12 much information as possible from other perspectives  
13 that you can get is all the better.  
14 Q. Point 3 is more than that:  
15 "Interviews with or information from collateral  
16 sources, including the evaluatee's family members,  
17 friends, neighbors, and professionals who have worked  
18 with the evaluatee".  
19 Why are those collateral witnesses particularly  
20 helpful? And why is it useful to speak with them as  
21 opposed to just using information at times?  
22 A. Speaking with the person allows you to tailor what  
23 you're asking to the responses you get. For example, if  
24 I'm faced with a written report that's somebody's  
25 provided, I can't ask wider questions that I might be

24

1 interested in as the risk assessor, as a psychologist,  
2 that they haven't thought to write down. So speaking to  
3 them can be really helpful but I have to say is not  
4 always possible in terms of contacting neighbours and so  
5 on, practically or feasibly, within forensic services.  
6 But that doesn't mean that it's impossible.

7 **Q.** What about family members? Are they usually easier to  
8 contact than some other collateral witnesses?

9 **A.** It depends. As the earlier witness said, a lot of  
10 patients, but also particularly those in forensic  
11 services, don't have family members or people to contact  
12 and are quite isolated. Where they are involved,  
13 absolutely they can be contacted to gather information,  
14 and should be.

15 **Q.** Can these collateral sources be particularly important  
16 or particularly helpful where the patient may present  
17 differently to different professionals or because of  
18 fluctuations in their behaviour?

19 **A.** Definitely. And you've summarised it in your question.  
20 People can present differently to a person one day as  
21 they might present the next day, but also between  
22 professionals. And that might be because their  
23 condition is fluctuating but it also might be that  
24 they're masking their symptoms and they don't want to be  
25 seen as unwell, and certainly most of the people that I

25

1 duly considered too.

2 **Q.** Point 5 refers to "health care records". That's  
3 obviously needed, and usually is going to be available  
4 for the person doing a risk assessment.

5 **A.** Typically, although as your previous witness  
6 highlighted, sometimes there are difficulties in  
7 accessing even health information from one Trust to  
8 another.

9 **Q.** Can you assist, finally, with points 6 and 7, please.

10 **A.** Points 6 and 7 would basically mean anything else you  
11 can get from point 6. So any education records, any  
12 social care records. Employment records are more  
13 difficult to get. Often it's secondhand information  
14 that they've reported in the past to professionals,  
15 rather than firsthand information. And then the final  
16 point 7, psychometric or psycho-diagnostic tests really  
17 looks at anything else that might be present. So have  
18 they been assessed by a psychologist before? Do they  
19 have a personality disorder assessment in place, for  
20 example, or have they been screened for other  
21 conditions? What diagnoses are in place.

22 **Q.** Would that sort of psychometrical or psychodiagnostic  
23 test be done as part of a risk assessment, or are you  
24 looking for evidence of it being done elsewhere, or  
25 what's the position?

27

1 assess don't want to be seen as risky.

2 **Q.** What about collateral sources and patients that don't  
3 want to share information?

4 **A.** Impression management is a huge concern when we're doing  
5 violence risk assessment, and professionals, typically  
6 those with a regulated profession, are aware of these  
7 issues and know clinically how to interview to try and  
8 pick more than surface level when they're discussing  
9 violence and risk-related factors with a patient.

10 But how that patient presents can vary, and we do  
11 have to seriously consider that impression management is  
12 a real problem in forensic assessment.

13 **Q.** Can I take you to point 4, please:

14 "A review of criminal justice records concerning the  
15 evaluatee, including criminal records, police reports,  
16 transcripts of court proceedings, corrections records,  
17 and probation and parole logs".

18 So it goes well beyond just looking for information  
19 about convictions.

20 **A.** Absolutely. It's the circumstances of those convictions  
21 that are of importance too, and it isn't just about  
22 convictions. So the benefit of a structured  
23 professional judgement approach is that allegations that  
24 are unproven, information that you have from the records  
25 that hasn't resulted in a conviction or a charge, can be

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1 **A.** It actually depends who's doing it. So, for instance,  
2 a psychiatrist might do this as part of a mental health  
3 assessment and make a diagnosis, and a psychologist may  
4 do the same. It tends to be psychologists who use  
5 psychometric tests more than other professions and  
6 I may, for example, in my own practice, apply  
7 psychometric tests to inform the collateral information  
8 that I'm putting together for the risk assessment.

9 **Q.** You've said that a risk assessment is only as good as  
10 the information it's based upon, but it's worth noting  
11 that the authors of this tool do make the point that you  
12 need to balance comprehensiveness with efficiency.

13 **A.** Absolutely. I've worked with people who have been in  
14 prison longer than I've been alive and going through  
15 every single record that they have is going to be  
16 impossible, and actually is not essential for the task  
17 at hand. So it's about gathering the information that  
18 is reasonably necessary to form your opinions.

19 **Q.** What is essential, then? What is essential for you,  
20 when you're undertaking risk assessments? If you can't  
21 get all seven and it's set out as an ideal? Where do  
22 you start? What's the order that you approach it in?

23 **A.** I wouldn't say it's an order, but I typically would  
24 require information about past violence. That is  
25 absolutely crucial for a risk assessment. Not only in

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1 coding the different items and so on, but in trying to  
2 understand what happened, because we don't know why, if  
3 we don't have the contextual information. So that's  
4 where the criminal justice records in particular come  
5 in.

6 Additionally, mental health records are essential in  
7 terms of looking at different diagnoses. I also work  
8 with people who don't have mental health conditions and  
9 so it's going to be less essential, where I'm not  
10 suspecting that there have been things like that in the  
11 past, to have their full record. But in a mental health  
12 patient it certainly would be.

13 And importantly is interview with, or observation  
14 of, the patient, that I would say that's essential  
15 unless it's not possible due to, for example, them  
16 refusing or simply being too unwell.

17 **Q.** Can I take you back to paragraph, 2.3.5 where we've got  
18 the list of the seven stages of the risk assessment,  
19 please. 2 and 3 are about assessing the presence and  
20 the relevance of risk factors. Presence, pretty  
21 straightforward -- well, not that straightforward, but  
22 if you've got the documents, is the risk there?

23 Relevance. How do you exercise that particular part  
24 of the process?

25 **A.** So for relevance ratings we look at basically are they  
29

1 in these areas, and each -- the presence is rated on  
2 a three-point scale of not present, partially or  
3 possibly present, or fully present, and each item is  
4 defined. But just by way of example, if somebody loses  
5 jobs because they're turning up at work drunk all the  
6 time, that's evidence towards the item of substance  
7 misuse and problems with employment.

8 So because it's not an actuarial tool, a checklist,  
9 that's not double weighting information; it's  
10 considering whether it truly fits within the meaning and  
11 flavour of that item.

12 **Q.** So the first part is historical risks. Have these  
13 things ever happened? The second part looks at clinical  
14 recent items within the last six or 12 months; is that  
15 correct?

16 **A.** That's right. So the past items "ever" are not mediated  
17 by recent improvement. So for example, if somebody  
18 previously had a diagnosis of major mental illness, for  
19 example schizophrenia, but that's been well managed  
20 they're not symptomatic at the moment, it would still be  
21 rated as having been present in the past, it wouldn't be  
22 mediated.

23 In the clinical items, the assessor can specify the  
24 timeframe that they're considering, and that's typically  
25 six or 12 months, and we look at the last six or

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1 relevant to the person's violent decision-making? So do  
2 we consider that that factor was influential? It may  
3 have motivated, disinhibited or destabilised the  
4 individual, so these things can work in different ways;  
5 and/or does the factor affect or complicate risk  
6 management? So an item can still be relevant, even if  
7 it wasn't causal, if it affects risk management.

8 **Q.** You mentioned before that there is -- there are  
9 20 criteria that you have to look at as a minimum when  
10 considering the presence and relevance of risk factors.  
11 Can I take you to that, please. It's page 27 and 28 of  
12 your report paragraph 2.3.3.

13 So these are factors which, based upon literature  
14 and the subject of violence and risk assessment, have  
15 been identified by the authors to be specifically  
16 looked at.

17 **A.** Yes, these are detailed in the manual and each item has  
18 its own definition as the authors' intended it.

19 **Q.** We'll go through them in a moment but there can be quite  
20 a degree of overlap, can't there, between some of the  
21 subjects and the same issues can come in at -- the same  
22 bits of evidence can come in at different points, can't  
23 it?

24 **A.** Yes. So let's look at the historical domain first.  
25 This is where we rate if someone has ever had problems

30

1 12 months for each item, one of which, for example, is  
2 current symptoms of major mental illness.

3 **Q.** The third section is about future risk or future  
4 problems. How do you approach that, please?

5 **A.** So these are risk management items, so what we do is we  
6 specify the future timeframe, again that's typically six  
7 or 12 months, and we consider the context in which that  
8 person is or may be. So we will code that on what I  
9 would call an in or out basis. So, for example, if  
10 somebody is in the community, I'm concerned with their  
11 risk in the community and they will be coded on an 'out'  
12 basis on the assumption that they're in the community.  
13 Each item is considered in line with the authors'  
14 definitions and rated accordingly. But it's more  
15 speculative in that what we're saying, for example, is:  
16 in the next 12 months, is this person likely to have  
17 problems with their treatment or supervision response?

18 And as you may have seen, treatment or supervision  
19 response is also coded in the clinical items and  
20 considered recently and it's also coded in the  
21 historical items and considered ever. So what we --

22 **Q.** All three stages, yeah?

23 **A.** Absolutely. So what we're doing there for that  
24 particular item is looking at on the basis of the  
25 history, on the basis of the more recent history, what

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1 do we think the likelihood of compliance and engagement  
2 is in the future? And it's not about quantifying it,  
3 it's about considering are there likely to be problems  
4 in this area? Should this be an area that we could  
5 focus on as part of risk management?

6 **Q.** Can I take you back to the top of the table, please.  
7 H1. Serious violence. You set out the definition of  
8 violence in the tool. Could we, please, Sarah, go to  
9 2.3.29, second sentence of that paragraph:  
10 "The authors define violence as 'actual, attempted  
11 or threatened infliction of bodily harm on another  
12 person'. It goes on to state that 'Bodily harm includes  
13 both physical and serious psychological harm, so long as  
14 it substantially interferes with the health or wellbeing  
15 of an individual' and 'psychological harm includes fear  
16 of physical injury, and other emotional, mental, or  
17 cognitive consequences of the act in question'."

18 So that's violence, but H1 is asking the assessor to  
19 assess serious violence. What is serious violence,  
20 what's not serious violence?

21 **A.** What it's actually asking is to assess whether there  
22 have been serious problems with violence. So what we  
23 would consider there for a full present rating is either  
24 a pattern of lower level violence, so let's say, for  
25 example, three assaults that involved punching and did

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1 considered other antisocial behaviour. It's not  
2 antisocial in the sense of social withdrawal, it more  
3 means behaviour that could be criminal in the sense of  
4 accruing a conviction.

5 **Q.** You talk about smashing up of the room. So you're  
6 looking for signs of aggressive behaviour, potentially?

7 **A.** I would consider that aggressive, but it doesn't count  
8 as violence unless that's done deliberately to  
9 intimidate a person. That would be considered other  
10 antisocial behaviour. People do smash things up to  
11 intimidate others and I would actually code that in H1,  
12 problems with violence.

13 **Q.** What about targeting or intimidation of others; where  
14 would that come in, H1 or --

15 **A.** That would absolutely be violence within this  
16 definition.

17 **Q.** Can I take you to H5, please, substance misuse. Why is  
18 that in there?

19 **A.** Substance misuse is wide evidence in the literature as  
20 linking to violence. Within this item in terms of how  
21 it's defined we would look at not just using substances  
22 but the problems that that has influenced for that  
23 individual. So for example, health, legal, social  
24 problems.

25 Just by way of an example, somebody using cannabis

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1 not result in physical -- serious physical injury such  
2 as that that we might consider to merit perhaps a GBH  
3 conviction, or one incident of serious violence would  
4 code that as fully present, but there is a partially  
5 present rating also for things that are in between.

6 Typically most violence that you could think of is  
7 coded within the tool. There are very few exceptions.  
8 The only real exception is things like sanctioned  
9 violence, violence that took place within a sanctioned  
10 bound forces activity, for example, or boxing.

11 **Q.** Can I take you back to the table, please, at  
12 paragraph 2.3.3, page 27. "H2: Non-violent antisocial  
13 behaviour". What would be classified in that category,  
14 please?

15 **A.** Pretty much anything that could accrue a criminal  
16 conviction, but which is not violence. So the first  
17 place I would look for evidence for this item would  
18 typically be somebody's Police National Computer  
19 previous convictions list, and I'd be looking for  
20 non-violent convictions, and I'd be looking at those for  
21 my evidence.

22 But you would also consider things that didn't  
23 result in a criminal conviction, but which may have, for  
24 example, a patient smashing up their room, damaging  
25 their room, is property damage. That would be

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1 occasionally, that's not been around times of offending  
2 violently, or which hasn't negatively influenced their  
3 life to a serious degree, might be coded as partial, but  
4 someone with a cannabis problem that's affected their  
5 relationships with others, employment, legal  
6 consequences, possession convictions, for instance, that  
7 would tip more towards being fully present, and of  
8 course an addiction would code here; alcohol is  
9 considered within that item too.

10 **Q.** What at H6 is meant by "Major mental illness"?

11 **A.** Major mental illness is typically something that is  
12 grossly impairing, something that could or has attracted  
13 a diagnosis by a relevant mental health professional.  
14 So it's typically any mental health related diagnosis  
15 you'd see in the typical diagnostic manuals used by  
16 psychologists and psychiatrists, for example ICD-11 and  
17 DSM-5. It does exclude personality disorder within that  
18 item which is a diagnosable condition within those  
19 manuals but which is captured separately in the next  
20 item.

21 **Q.** Would you be looking at what the diagnosis is, if there  
22 is one at this stage?

23 **A.** Absolutely. As this is a structured professional  
24 judgement approach, that they have a diagnosis is  
25 important, but what it is, how it manifests, how it

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1 affects them and those around them, is central to the  
2 assessment of risk.

3 **Q.** Are some diagnoses recognised in the literature to carry  
4 a greater risk of violence than others?

5 **A.** Yes. Schizophrenia is one of those.

6 **Q.** Can I take you to H9, "Violent attitudes". Can you just  
7 give an example of what you're looking for there or what  
8 you might record there?

9 **A.** What we're looking at here really is assessing violent  
10 attitudes ever, which includes the past. Now, assessing  
11 attitudes currently is quite a difficult task anyway,  
12 unless somebody is explicitly saying, "I think and feel  
13 this way" and then you can capture those thoughts  
14 because they're verbalising them, but not everybody will  
15 do.

16 So what we tend to look at here are patterns of  
17 behaviour, things that they've said and done that would  
18 give us an indication as an assessor that there is  
19 an entrenched attitude that supports violence. And that  
20 doesn't have to be things like saying, "Violence is okay  
21 in X, Y or Z circumstance."

22 We can look at people repeatedly being violent.  
23 That repeating, despite the consequences to them and  
24 others, may be indicative of violent attitudes. But  
25 sometimes it is difficult to separate that out from

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1 attend appointments and is hostile to criminal justice  
2 and health professionals, that can be hugely problematic  
3 for risk management and is really key to effective risk  
4 management in my experience. So that item in particular  
5 is considered across all three domains.

6 **Q.** Can I take you to C1, "Insight". As I understand it  
7 from your report, that's not something that appears in  
8 any of the actuarial tools; is that correct?

9 **A.** That's correct. Actuarial tools tend to look at factors  
10 that are less invisible, for want of a better phrase.

11 **Q.** Why is it important to assess insight?

12 **A.** So insight within the HCR-20 considers insight into  
13 mental disorder, violence risk, and need for treatment.  
14 So there are three strands to consider within that item.

15 Now it's hugely important, because if somebody  
16 doesn't have insight into the risk that they pose and  
17 why they pose that risk, so the formulation that we  
18 talked about earlier, then they're going to be much less  
19 likely to be able to self-manage those issues because  
20 they don't see them. If somebody doesn't believe that  
21 they have a mental disorder they may be less likely to  
22 take medication, or if it's not a medication issue they  
23 may be less likely to engage with staff or psychological  
24 treatment designed to help mitigate and reduce risk.

25 **Q.** It sounds like lack of insight can be quite a common

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1 mental health as a major causal factor, where somebody  
2 is violent predominantly or only when they're unwell.  
3 Being unwell can mask underlying attitudes that might  
4 link with personality difficulties or disorder.

5 So it's quite a clinical task in some respects to  
6 tease that apart, but the manual helpfully provides  
7 guidance for assessors of the types of things to  
8 consider.

9 **Q.** "H10: Treatment or supervision response." You pointed  
10 out that that appears three times in the 20 points. Why  
11 is that something that's so important to be considered  
12 in all three stages?

13 **A.** Just to highlight for H10, there are two strands to that  
14 item in a way. So one is treatment response, treatment  
15 being anything that you might classify as medical,  
16 psychological, designed to aid risk reduction. But  
17 supervision can be things like breaching an order,  
18 non-attendance of probation, and so breaking rules in  
19 institutional settings, for example. So there are two  
20 strands to it.

21 But treatment engagement, treatment compliance, is  
22 a huge issue in terms of somebody's risk management. If  
23 somebody doesn't believe they're unwell, if somebody  
24 refuses to take medication that might assist them in  
25 regaining mental stability, if somebody refuses to

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1 feature of those you're assessing.

2 **A.** It can be, particularly when they're acutely unwell.

3 **Q.** How do you go about assessing lack of insight? How do  
4 you look at that?

5 **A.** If the person was able to be interviewed, interview is  
6 a really useful source of information for looking at  
7 insight. Of course somebody could talk the talk if  
8 they're well and know -- and have some social awareness  
9 about what a risk assessor might be looking for in terms  
10 of saying that they understand things, but we also look  
11 to wider behaviour as well. So there, the interview is  
12 important, but also their actual behaviour. Are they  
13 doing what they say they do in terms of self-management  
14 of risk? And so on.

15 So what I'm trying to find out is do they understand  
16 their own mental processes? And that's where the  
17 interview can be very important.

18 **Q.** For patients that are or may be trying to mask their  
19 mental ill health, would that come in here, would it  
20 come in at a different point in the assessment? Where  
21 would that come in?

22 **A.** I think the masking would come in in various areas  
23 because if, as an assessor, you consider they're not  
24 being open with you, so perhaps there's other evidence  
25 that suggests they're more unwell than they present, and

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1 that they are impression managing in that sense, I'd  
2 consider that in treatment or supervision response  
3 because I'm part of the supervision or treatment as  
4 an assessor. But I would also consider that within  
5 insight because if somebody is masking, it suggests to  
6 me that they don't understand their risks fully in terms  
7 of accepting the help that is available for whatever  
8 reason I'm doing the assessment. It might be in  
9 a mental health service or for court, masking their true  
10 presentation shows me that they don't have insight into  
11 the need for support.

12 **Q.** Why do people mask? Is it because they're trying to  
13 deceive you? Is it because potentially they're paranoid  
14 about clinicians because of their mental ill health?  
15 Can you just touch upon that?

16 **A.** It can be a range of things. For some people there  
17 might be reasons such as they don't want medication, and  
18 they think that if you see that they're unwell, somebody  
19 might recommend medication. It might be deliberate,  
20 some sort of malicious attempt to go on to be violent,  
21 but I would say that that's more rare. That would be in  
22 more extreme cases. Typically it's because they don't  
23 really understand the seriousness of their presentation,  
24 and quite often it can be because they simply don't want  
25 professional involvement, and there can be a range of

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1 So it's based on the earlier steps. People often think  
2 this is distinct, it's totally separate, but it's based  
3 on your existing analysis of what the risk factors are  
4 for this individual but it's making sense of how they  
5 may have come together.

6 There are different approaches to formulation, the  
7 one I tend to teach within the training for the HCR-20  
8 is a 5P approach.

9 **Q.** Can you just explain what that is please?

10 **A.** Yeah, so the 5P approach is the approach to formulation  
11 which looks at the presenting problem, that's one of the  
12 Ps. It looks at predisposing factors, which are distal  
13 factors from across the person's life that may have  
14 contributed to the violence risk decisions; it looks at  
15 precipitating factors that were occurring in the lead-up  
16 to the violent decision; it looks at perpetuating  
17 factors that might keep that person within the cycle of  
18 offending; and finally it looks at protective factors  
19 which are factors that might aid desistance from  
20 violence in the future.

21 Now this isn't just a list of factors approach; it  
22 is about integrating them. And a criticism of the 5P  
23 model from my own observations, really, is that  
24 sometimes people can just list factors without truly  
25 integrating them, which is what its purpose actually is.

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1 factors underpinning that, some of which can be  
2 attitudinal, some of which can be cultural.

3 **Q.** Can I just take you to the next page, one further item  
4 please, R3, "Personal support". Why is that important  
5 to consider?

6 **A.** Research does demonstrate that desistance from violence  
7 is supported where somebody has what I would call  
8 positive personal support. And by "positive" I mean  
9 people who can support them with their mental health,  
10 are aware of warning signs of relapse, for example, and  
11 who are pro-social. The value placed on that support by  
12 that individual is also important here too.

13 **Q.** Can we go back, please, to paragraph 2.3.5 and the seven  
14 stages, or the list of seven stages. I'm grateful.

15 So stages 2 and 3, you look at those 20 factors that  
16 we've touched upon. Any other factors that the assessor  
17 thinks is relevant, identify where they're there and  
18 weight their relevance; is that correct?

19 **A.** Yes.

20 **Q.** Next we get to stages 4 and 5. Formulation. What's  
21 that about, please?

22 **A.** Formulation can usefully be described as trying to make  
23 sense of a problem. It's trying to consider the factors  
24 that contributed to the problem, and in violence risk  
25 management, violence is always considered the problem.

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1 **Q.** From a layman's perspective, stepping back a little bit,  
2 you're trying to understand why someone commits acts of  
3 violence here.

4 **A.** Yeah. If I was to give it a one-word title, it would be  
5 "Why".

6 **Q.** We've touched upon five scenarios of violence. That's  
7 really where the assessor has to think to themselves:  
8 what am I worried that this person might do?

9 **A.** That's exactly what we think. So based on the analysis  
10 of the risk factors, their relevance and how the  
11 assessor considers they came together, you're in a much  
12 better informed position to think about: right, what is  
13 my concern about this person doing in the future?

14 **Q.** And in that you can consider is the risk imminent or is  
15 it more in the long term?

16 **A.** Absolutely. We would look at the scenarios, and we  
17 would consider if that scenario is highly imminent or  
18 not and we would consider the reasons for that, for  
19 example, and typically something that might concern us  
20 as being of imminent risk is where these risk factors  
21 have not been addressed and they're currently active.

22 **Q.** This is quite an important stage at which you can  
23 consider the severity of the outcome of what the person  
24 you're evaluating may or may not do.

25 **A.** Definitely. So the -- as you may have seen from the

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1 definition of violence within the tool, it's quite broad  
2 and includes things that might be psychologically  
3 harmful but would include lethal acts as well. And  
4 there'd be little point in having a risk tool that gave  
5 outcomes of yes or no in terms of likelihood because  
6 it's about what are we concerned about?

7 For some people we're concerned mainly about  
8 lower-level violence, repeats of what they've done  
9 before, but other people have concerning presentations  
10 and certain risk factors and formulations that concern  
11 us seriously about a potential escalation to a lethal or  
12 life-threatening situation.

13 **Q.** So it might be that the pattern previously is reasonably  
14 low-level, but because of the various factors that  
15 you've considered in the earlier stages, you're  
16 concerned that there's a risk of escalation that could  
17 lead to something really quite serious?

18 **A.** Absolutely.

19 **Q.** Then in light of considering why, and then considering  
20 that the actual scenarios you're concerned about, you  
21 then turn to risk management planning, and this is what  
22 it's all about, getting to this particular point, isn't  
23 it, that you can actually put in place a plan?

24 **A.** Yes. So based on the work you've done in the risk  
25 assessment tool so far, the formulation, your future

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1 or reduce risk. This is where you might consider, for  
2 example, whether detention is required.

3 **Q.** That wouldn't be a -- you would be referring on for  
4 psychiatric assessment if you considered that was  
5 something that was necessary?

6 **A.** Yes, I would give an opinion that if that's what  
7 I thought based on my risk assessment, that detention is  
8 one of either the only way to help prevent violence in  
9 the circumstance, and I would be referring on for  
10 a further assessment if that's required. Typically,  
11 where these assessments are done as part of  
12 multi-disciplinary teams, there'd be a psychiatrist  
13 involved in the assessment who may be further involved  
14 in that.

15 **Q.** As part of risk management planning, would you be  
16 looking at trying to identify warning signs or signs of  
17 relapse and putting in places contingency plans? Is  
18 that part of this as well?

19 **A.** Yes, so we would consider warning signs, things that  
20 concern us that imminence or level of risk is raised,  
21 imminence being how soon the violent scenario could  
22 occur. So they'd be very personalised to that  
23 individual. We'd be looking at their past behaviours.  
24 And in this section, if there were identifiable relapse  
25 indicators for mental health where mental health was

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1 scenarios of concern, we can consider now how to  
2 mitigate or reduce risk of future violence in a much  
3 better informed way.

4 **Q.** There's probably a number of very broad things that can  
5 be considered, but can you give us the most important  
6 issues that would be the most important bits of a plan  
7 that you'd be looking at?

8 **A.** Typically a plan would be broken down into monitoring,  
9 treatment, supervision, and victim safety planning.

10 So monitoring can usually be discussed as how we  
11 see, how do we know risk might be changing? Whether  
12 risk is going up or down?

13 Treatment is anything that you might think of that  
14 can reduce risk, support the wellbeing of the person,  
15 and that might include further assessments where those  
16 are indicated by the risk assessment too.

17 Monitoring, we've talked about monitoring  
18 treatment --

19 **Q.** Yes, restrictions I think -- (*overspeaking*) --

20 **A.** Supervision is about restriction. So whilst  
21 I appreciate the term "supervision" is used more  
22 broadly, particularly in the criminal justice system, in  
23 this risk tool supervision is concerned with  
24 restrictions, necessary and proportionate restrictions.  
25 So what is imposed or what can be imposed to help manage

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1 a driver, this is where we would be documenting that.

2 **Q.** Sometimes, or I imagine sometimes the risk management  
3 plan can be contrary to the wishes and feelings of the  
4 person you're assessing?

5 **A.** Absolutely. It's very rare that I assess people who are  
6 perhaps already detained who are happy with their  
7 current detention.

8 **Q.** If you're putting forward a plan that they don't agree  
9 with, how do you manage that?

10 **A.** Through open discussion with that person, with that  
11 individual, and being clear and transparent with them.

12 But my -- the recommendations that I would make in  
13 a risk management plan are based on risk and public  
14 protection and that's where the line is drawn, really.  
15 So I would be accepting that we could discuss  
16 a disagreement, which can be a difficult discussion,  
17 which actually in some patients who are at high risk of  
18 violence can place a risk to the assessor, but  
19 ultimately the decisions are based on risk.

20 **Q.** Can having a structured professional judgement tool like  
21 this being used, can that help to justify the outcome of  
22 the plan when you're talking to the assessed person?

23 **A.** Yes. I would say that where somebody fundamentally  
24 disagrees with the recommendations, it's likely that  
25 they disagree with other aspects of your assessment too

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1 because if you think about the things that we've talked  
2 about, lack of insight, problems with treatment and  
3 supervision, if somebody is at higher risk, they may  
4 have problems in all of those areas which may actually  
5 mean they're more likely to disagree with the suggested  
6 plan.

7 But this is how, in an environment that is  
8 a litigant environment, people's freedom is at stake,  
9 human rights are at stake of everyone concerned, the  
10 public, the person being assessed, documenting a clear  
11 risk assessment that's defensible can help justify where  
12 those decisions need to be made.

13 **Q.** Having something structured, something that's  
14 empirically based, you can say why the plan for public  
15 protection needs to be what it is?

16 **A.** Yes, and as long as of the assessor is operating from  
17 least restrictive practices based on risk, then  
18 decisions to detain can absolutely be justified where  
19 that is necessary.

20 **Q.** Can you help me with the final stage, stage 7, please.

21 **A.** Stage 7 is the final step of the HCR-20 and this is  
22 where really the fact that what we were referring to  
23 earlier, that risk is multifaceted and complex comes up  
24 again, because it's not about having an opinion that is  
25 as simple as low, moderate, high risk, it's about

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1 **A.** Yeah, and just to give an example of that, a life  
2 sentence prisoner may have been judged to have reduced  
3 their risk from committing a murder 50 years ago and  
4 been released into the community on the direction of the  
5 Parole Board. What we are concerned about for that  
6 individual, even if risk isn't imminent at this time, is  
7 lethal violence, and those people can be and should be  
8 managed differently to others who perhaps might have  
9 a more general of getting into fights outside pubs, but  
10 there's very limited evidence of other risk factors, but  
11 they might do that quite frequently.

12 So their imminence might be high, but in terms of  
13 level of harm, unless something changed, which we'd also  
14 consider -- people can grab a weapon in such fights --  
15 these would be different risk management considerations.

16 **Q.** Dr Tully, you've been approved and licensed by the  
17 authors of HCR-20 to provide training. You say in your  
18 report that as far as you're aware you're the only  
19 trainer in the UK that's approved by the authors.

20 Are you able to assist with any reasons why you  
21 think that is that you're the only one, there aren't  
22 more in this country?

23 **A.** Not particularly, no, other than to hypothesise that  
24 there are some people who I believe would have been  
25 trained in their services by the authors to train, for

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1 likelihood, which might be low, moderate, high, but it's  
2 also about imminence, which is how soon and crucially  
3 it's about level of harm. So the level of harm that you  
4 might be concerned about could reasonably be lethal  
5 violence or it could be lower-level violence.

6 Now, of course everybody who has a violence history  
7 could escalate to something lethal, but when we're  
8 looking at serious concerns about an escalation, that  
9 generally is based on a solid risk assessment and you're  
10 able to give a rationale and be clear about the reasons  
11 for that concern.

12 You're also able to consider other factors here.  
13 For example, do they need a more specific risk  
14 assessment if they pose a risk of sexual violence, for  
15 instance? This rule does capture sexual violence within  
16 its definition, but there are additional tools that can  
17 be used that are more nuanced or, for example, for  
18 partner violence.

19 We'd also consider here that the person may pose  
20 a risk to themselves as well, and refer on or complete  
21 any further assessments that are required.

22 **Q.** Stepping back and looking at this process as a whole, it  
23 does appear that the tool accommodates for cases where  
24 the likelihood of risk is quite low or uncertain, but  
25 the outcome could be catastrophic?

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1 example. But importantly, my training is not required  
2 to use this tool and author-approved training isn't  
3 required to use the tool. The authors highlight in the  
4 manual what they consider is required to use the tool,  
5 and people, other trainers provide open events like  
6 I do, and I'm very aware that in forensic mental health  
7 contexts, in-house training will be delivered by  
8 relevant professionals to their staff.

9 So while I offer author-approved training, that's  
10 because of an affiliation with the authors and using  
11 their approved materials, for instance, within that  
12 training so that I can be sure the training I deliver is  
13 in line with the intent and how they intended the tool  
14 to be used.

15 And that's important because in terms of the  
16 research on its efficacy, the tool should be used in  
17 line with the manual. So it's important that people use  
18 the tool, how it's been designed, developed, and  
19 researched. But there are different training programmes  
20 available. I would strongly advise training. It's  
21 a complex task to learn, particularly if this process is  
22 new, but how people achieve competency in doing that can  
23 vary.

24 **Q.** Can I take you to paragraph 2.4.13, please.

25 It's the bit over the page. This is an extract

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1 about "User Training", so this is where the user has to  
2 effectively train themselves, and it sets out four  
3 stages for that, and then it goes further down to say:

4 "In our experience, the first two components likely  
5 require ... 8 to 16 hours ..."

6 The second part, the last two components, "8 to  
7 16 hours", and therefore it says "16-32 hours". So two  
8 to four days of study time is what is advised by the  
9 authors if you're going to train yourself on this  
10 particular manual.

11 **A.** Yes. So in terms of the training I offer, that's  
12 two days, particularly in terms of the time, but  
13 professionals are advised -- well, directed, more than  
14 advised -- that they need to read the manual cover to  
15 cover before they even think about using it, and they  
16 may wish to engage in other CPD activities like  
17 supervised practice, collaboration with a colleague, and  
18 importantly keeping up to date with any critical  
19 advances in the literature on the tool or violence-risk  
20 assessment.

21 So the training is designed to cover these key  
22 points here, but other up-skilling typically is  
23 required. This is because it is a specialist tool and,  
24 as everyone in this room will know, stakes are high when  
25 it comes to violence risk assessment.

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1 you're utilising a structured professional judgement  
2 tool, HCA-20 (sic) or otherwise, does it assist to do  
3 this in a multi-disciplinary setting, and why, please?

4 **A.** Yes, it can do. So typically in mental health services  
5 the tools are done by a multi-disciplinary team. Now  
6 there might be one member of the team of sufficient  
7 seniority who leads on that and they might have  
8 specialist training, for instance. That might be the  
9 psychiatrist or the psychologist typically within  
10 a team, but it could be an experienced nurse for  
11 instance also. And the items would be rated together  
12 or, for example, one member of the team might be  
13 responsible for that part and then come back and  
14 discuss. So how teams do it is multi-disciplinary and  
15 that's quite important in health settings.

16 The reason for that is that there is the risk of  
17 subjectivity in cases where, especially, the assessors  
18 are also the treating team. So just to give an example  
19 of that, there was a serious case review, the Rice  
20 Review, which was a released prisoner who went on to  
21 commit a further serious offence, and he was released by  
22 parole, and the review into that concluded that there  
23 was a potential risk of bias because in that case the  
24 risk assessor had also treated the individual. And that  
25 makes sense. If that person had been great in treatment

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1 **Q.** And in the sessions you provide, you train around, you  
2 say in your report, around 100 to 150 people per year in  
3 recent years.

4 **A.** Loosely, yes.

5 **Q.** I want to ask you about how widespread the use of HCR-20  
6 is to the best of your knowledge. First of all, in  
7 forensic services, please.

8 **A.** To the best of my knowledge, the HCR-20 is used within  
9 most, if not all, forensic specified services.

10 **Q.** What about in a non-forensic setting?

11 **A.** Again, my expertise isn't particularly within the  
12 non-forensic setting, but it would be reasonable to say  
13 that it's probably not used in a very widespread manner,  
14 if at all, in some of those services. And that in part  
15 is because they don't necessarily need that. So  
16 typically in forensic services, patients would be  
17 assessed on admission using the HCR-20 where that's  
18 appropriate to do so, which it is in most forensic  
19 admission cases. But in general adult mental health, it  
20 wouldn't be necessary for all of those patients, and as  
21 such, that would be a lot of resource when it is not  
22 necessary for all of those patients.

23 The problem of course is that it may be necessary  
24 for some of those patients.

25 **Q.** I'll come in to that in just a moment if I can, but when

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1 for 12 months, it might affect you on risk, or they had  
2 been really difficult to treat, it might affect you on  
3 risk the other way.

4 In forensic services people have to assess the  
5 person they work with, so a multi-disciplinary team  
6 approach can help reduce the risk of subjectivity and  
7 include the whole team in that.

8 Now if you were doing that alone as a clinician,  
9 that is also okay as long as you consider other people's  
10 views within it. So typically outside of forensic  
11 mental health services I would complete of the HCR-20 as  
12 a single practitioner.

13 Interestingly, the research on the HCR-20's  
14 effectiveness typically is done on single rater codings,  
15 but some of the field-based research in England and  
16 Wales, of which there is some, there's quite a large  
17 study of medium secure unit releases that found the tool  
18 to be effective, and those typically would be conducted  
19 as a multidisciplinary team. So either of those  
20 approaches is perfectly acceptable and  
21 a multi-disciplinary approach within mental health  
22 services has certain benefits that I would advocate for.

23 **Q.** You mentioned a potential risk if a treating clinician  
24 is doing the risk assessment. Can there be benefits in  
25 a treating clinician undertaking the risk assessment?

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- 1 **A.** Yes. They will know the patient well. They will know  
2 the background information, they may know very easily  
3 some relapse indicators, where it's a mental health  
4 patient, for example, so there can certainly be some  
5 benefits there.
- 6 **Q.** Quite a broad question, I know, but when do you consider  
7 this sort of risk assessment, structured professional  
8 judgement risk assessment should be undertaken?
- 9 **A.** The threshold for whether it can be used with an  
10 individual is the clinician's opinion. So where you  
11 reasonably consider that there may be a risk of violence  
12 for that individual, then you can use it. So there is  
13 no entry threshold of must have a violent conviction or  
14 approve an incident of violence.
- 15 **Q.** Or be necessarily in forensic services?
- 16 **A.** Absolutely. So the tool was originally designed for  
17 forensic services, but also the validation was in what  
18 the north Americans and Canadians might call a civil  
19 psychiatric setting, which we would call a general adult  
20 mental health setting. So the settings is to some  
21 degree irrelevant, it's whether it's relevant for the  
22 individual concerned. The setting should not be  
23 a barrier to the application of this tool.
- 24 **Q.** Person not service; is that the message?
- 25 **A.** Yes.

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- 1 plan.
- 2 **Q.** I think you accept in your report that sometimes it can  
3 take days to collect the information and do the  
4 assessment?
- 5 **A.** Yes.
- 6 **Q.** Is it really realistic that this sort of tool can be  
7 used in a busy community service?
- 8 **A.** Not with every patient. Not at all. It can be used --  
9 I think there could be a way of screening, perhaps using  
10 actuarial measures, who may be at higher risk, or who  
11 clinically people are concerned about, and it could be  
12 applied then. There is no barrier to using it in those  
13 services, but I very much doubt it would be (a)  
14 appropriate to use it with all of those patients, or (b)  
15 feasible.
- 16 **Q.** But no, you don't practise generally, in general  
17 psychiatry, but do you consider to have this kind of  
18 person on individuals, identifying the right people to  
19 do this kind of risk assessment, do you think there are  
20 additional resources that are required to undertake that  
21 sort of approach?
- 22 **A.** I think if somebody's profession and experience is in  
23 general mental health settings and not forensic, they  
24 might reasonably feel ill-equipped to use a tool like  
25 the HCR-20 over and above an algorithm which is much

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- 1 **Q.** Yes. One of the criticisms that is made in the  
2 literature of HCR-20 is that this process takes a long  
3 time and you acknowledge that in your report. How long  
4 does a good HCR-20 structured professional judgement  
5 risk assessment take?
- 6 **A.** I'm afraid my answer to that is a little bit vague, in  
7 that there's no real benchmark because each case is so  
8 unique. And it goes back to what I said earlier about  
9 having enough information to reasonably code it and form  
10 your opinions versus reading 40 years' worth of files,  
11 for instance.
- 12 Interviewing a patient might take two hours, might  
13 take four hours, and so on. But actually applying the  
14 tool, if you have the information in front of you,  
15 should just be a few hours, which in essence is somewhat  
16 comparable to actuarial tools which are much quicker to  
17 actually use the algorithm and tick the rating on each  
18 item, but to do that you still need the information in  
19 front of you. I would say more information is needed  
20 for a structured professional judgement tool and they do  
21 take longer than actuarial methods, but that's not  
22 necessarily insurmountable.
- 23 So whilst it's a limitation in some respects that  
24 they take time, that is because what is produced is  
25 a comprehensive risk assessment with a risk management

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- 1 more simple to use.
- 2 So it could be that there is a key person identified  
3 within services who has received training on that, or  
4 there should be systems in place to refer to a forensic  
5 team or to a team or professional with the relevant  
6 experience to conduct further risk assessment.
- 7 It doesn't require knowledge of or training in the  
8 HCR-20 or any violence risk tool to be able to consider  
9 that a patient's presentation and risk is of concern;  
10 it's what then is done next, which could be via multiple  
11 routes that's important.
- 12 **Q.** Indeed, you've touched -- that's one of your  
13 recommendations, isn't it, that we'll come onto in just  
14 a moment?
- 15 **A.** *(The witness nodded).*
- 16 **Q.** Can resource pressures sometimes get in the way of risk  
17 assessment when it needs to be undertaken clinically in  
18 your experience?
- 19 **A.** I think so and I think also complacency in the use of  
20 risk assessment tools can be a barrier. So as you might  
21 imagine, I read emerging literature on violence risk  
22 assessment and on the HCR-20 in particular and previous  
23 criticisms have included people saying that they're used  
24 as if they're, you know, it's Nostradamus himself  
25 predicting what will happen in the future, or they're

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1 used as a tick box, but if they're being used in that  
2 way, I would suggest they're being used wrong and that  
3 there are some training needs there. So I think there  
4 are a range of things, there's resources, but there's  
5 also applying tools as they were intended to be used and  
6 these tools do not give all the answers. The clinicians  
7 will take and decide the next steps.

8 The tool is not designed to say whether somebody  
9 should be detained or shouldn't be detained, if that is  
10 the question that you are asked, then you as a clinician  
11 can make a better informed decision on the basis of risk  
12 assessment.

13 So I would say that they are specialist tools,  
14 structured professional judgement tools, that wouldn't  
15 be practical to use on every general forensic mental  
16 health patient, but settings should absolutely not be a  
17 barrier to their use with those patients where it is  
18 indicated.

19 **Q.** The Inquiry is going to hear from two witnesses,  
20 Professor Fazel, Forensic Psychiatrist and Christopher  
21 Hart, Psychiatric Nurse, that will give evidence in  
22 relation to age being a key risk factor. That's not  
23 something that's in HCR-20, is it?

24 **A.** No, but primarily that's because it's not a predictive  
25 tool. It's about the individual. So most people

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1 it also leads you to give a case prioritisation. So you  
2 can come out with a low, moderate, high rating if you  
3 want to discuss it in those simple terms, but actually  
4 there are limitations and risks of using such simple  
5 terms. So I don't think the actuarial and SPJ approach  
6 can be compared necessarily in that way, both have  
7 limitations and both have strengths, but their purpose  
8 is different. The purpose of structured professional  
9 judgement is not prediction; it is risk management.

10 **Q.** One of the other criticisms of SPJs is that they are  
11 overly reliant on clinical judgement and the experience  
12 of the assessor.

13 **A.** I wouldn't say that they're over reliant on, I would say  
14 that they are reliant on, because somebody could use the  
15 tool completely inappropriately if they don't have the  
16 requisite skills, training and experience, whereas  
17 generally, it's quite easy to teach and learn how to  
18 apply a simple algorithm.

19 So they are more specialist tools, and that can be  
20 seen as a limitation in a way because what that implies  
21 is that people might need training, support in the  
22 workplace and time to conduct them, and of course that  
23 costs resources and money.

24 **Q.** Another matter that's raised about HCR-20 is its  
25 efficacy. Indeed, you touch upon this in your report.

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1 assessed using the HCR-20, due to the statistics of who  
2 commits violence, will be men. We already know that  
3 they're men.

4 Another thing that's predictive is age, as you've  
5 said, and we will consider the relevance of age within  
6 the wider formulation. So because it's not used as an  
7 algorithm, those items are not there, but the assessors  
8 are not blind to those things either, it's just that  
9 they're not built into the tool. But age is an  
10 important factor. Younger men are more violent than  
11 older men, typically it tails off, but there are  
12 atypical cases, of course, and being male is the single  
13 biggest predictor of violence, statistically speaking,  
14 but that won't inform us as to how to prevent violence  
15 in that male.

16 **Q.** A specific criticism of HCR-20, particularly when  
17 compared with the actuarial tools, is that they don't  
18 give a score or a number at the end, something that can  
19 be compared across services and easily communicated;  
20 what do you say about that?

21 **A.** I'd perhaps say that we're comparing carrots and pears  
22 that can't really be compared in that way. The risk  
23 communication aspect of the HCR-20 is multifaceted  
24 deliberately because risk is not simple. So it talks  
25 about imminence, level of harm, likely to be caused, but

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1 Can we go to paragraph 2.3.14 of Dr Tully's report  
2 please.

3 You say there:

4 "Overall I would summarise the tool may be effective  
5 in accurately assessing risk in some groups some of the  
6 time with moderate predictive accuracy being found in  
7 meta-analysis."

8 What do you mean by "some groups some of the time",  
9 please?

10 **A.** I think that what we would like to think is that  
11 violence risk can be predicted in most people really  
12 reliably, when actually it can't. The research on any  
13 tools is that the predictive ability of these tools is  
14 moderate at best, and the important thing I would stress  
15 about that though is that there were difficulties with  
16 assessing predictive validity for structured  
17 professional judgment tools because field-based studies,  
18 for instance, should be acting on the risk management  
19 plan. So somebody rated as high risk in a field-based  
20 study hopefully actually has had scaffolding support,  
21 restrictions, treatment, supervision and so on, that may  
22 have reduced risk. So this skews field-based studies in  
23 terms of how predictive they can actually be, because if  
24 we're using the tool as it's intended they won't be  
25 predictive because we will prevent violence through the

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1 risk management plan. But we do have to look to the  
2 literature and we can use, you know, tools that are  
3 coded, looking backwards, and try and assess whether the  
4 tools are predictive and ultimately generally these  
5 tools as a whole have moderate predictive accuracy.

6 There is enough evidence of predictive accuracy of  
7 the HCR-20 version 3 across different groups, including  
8 mental health populations and non-mental health  
9 populations, that's resulted in it being the most widely  
10 used risk assessment tool in the world.

11 **Q.** You go on to say:

12 "Perhaps a more relevant question, on which there is  
13 very little literature (likely because measuring this  
14 would be difficult) is whether use of the tool actually  
15 decreases the likelihood of violence occurring in  
16 field-based studies (eg through good risk management  
17 influenced by the tool's use)."

18 So you say there there's a lack of literature,  
19 probably because it's difficult to measure. Can you  
20 just explain why it's difficult to measure?

21 **A.** It's difficult to measure because the question you're  
22 asking is: is having had a HCR-20, does that result in  
23 less violence? That can't easily be answered through  
24 most research designs and certainly not in field-based  
25 studies, because we never know for certain whether

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1 **Q.** Could you kindly take that particular page off the  
2 screen.

3 Another point, another criticism that's made by  
4 Dr Fazel, and it also appears in the Royal College of  
5 Psychiatrists' guidance on risk assessment, is that  
6 HCR-20 not validated for the general adult psychiatric  
7 population, and I think you've touched upon this  
8 already: that's not your view.

9 **A.** There is international research on what the north  
10 Americans and Canadians would call a civil psychiatric  
11 population in terms of its use in those settings. So  
12 that's not generally the view that I would present as  
13 being the same as Professor Fazel's. But as mentioned,  
14 what I would say is that the setting in many respects is  
15 irrelevant; it's the person being assessed that's  
16 important.

17 **Q.** So if you have someone with a history of violence or  
18 associated risk behaviours, are you effectively saying  
19 that puts them in the forensic population in any event?

20 **A.** Yeah, because there is a wider question about what is  
21 forensic? What is a forensic patient? Is it somebody  
22 detained or who has been detained under a forensic  
23 section of the Mental Health Act? Or is it a person who  
24 presents with risk to others? And I would suggest it's  
25 the latter.

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1 somebody would have gone on to be violent. So these  
2 things are extremely difficult to measure.

3 The risk assessment literature is what we think we  
4 know about violence, but there is so much that we don't  
5 know that we need to accept the limitations of what  
6 we're doing, because, as mentioned earlier, the stakes  
7 in this field are high at an individual level.

8 **Q.** It's right to say that you do accept there are limits to  
9 the tool.

10 **A.** Mm.

11 **Q.** And it needs to be used with care by clinicians in the  
12 right circumstances.

13 **A.** Yes, that's a fair summary.

14 **Q.** But where there are patients where there's a risk of  
15 violence that's in contact with mental health services  
16 you would expect this tool or something similar to be  
17 utilised?

18 **A.** Yes. With that said, when we categorise with a risk of  
19 violence, all humans have the ability to be violent if  
20 they so chose. What I would perhaps frame that as is  
21 more where there is reason to be concerned that a more  
22 in-depth assessment of violence is required, and that  
23 might be through clinical observations, what's known  
24 about the history of the patient, or it might be through  
25 screening via use of an actuarial tool, for instance.

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1 **Q.** So use of the structured professional judgement tools,  
2 good practice in forensic teams, and very helpful in  
3 general psychiatric teams, where there may be risk of  
4 violence, is that --

5 **A.** I would say good practice where there's a concern about  
6 violence --

7 **Q.** In both?

8 **A.** Yes, but that doesn't mean in a general psychiatric  
9 setting, that I'm saying that everybody should have an  
10 HCR-20, because I don't believe that to be the case.

11 **Q.** I think we've touched upon this, but just to clarify,  
12 who can use this tool, it's designed for a range of  
13 professionals involved in risk assessment and that  
14 includes both clinical professionals, psychiatrists,  
15 psychologists, psychiatric nurses, but also those  
16 involved in the criminal justice system such as social  
17 workers, probation, et cetera.

18 **A.** Yes, a limitation where the person isn't what you might  
19 call a clinician in terms of their statutory regulation  
20 is that there are certain items that are coded based on  
21 mental health or personality disorder, i.e. diagnosis,  
22 which they won't be able to make or consider in the same  
23 way as a clinician. So in those instances, those  
24 professionals would be more reliant on collateral  
25 information, psychiatric reports, for example,

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1 psychological reports, or consultation with a mental  
2 health professional.

3 But the tool was designed for ease of use, so it's  
4 deliberately not restricted to only certain  
5 professionals so that it can be used practically and  
6 feasibly and realistically within mental health and  
7 non-mental health settings.

8 **Q.** Can I take you please to WITN0401001, pages 15 and 16,  
9 please. This is Dr Fazel's report where he identifies,  
10 at the bottom of the page and going over to the next  
11 page, the OxMiv risk assessment. He accepts there it's  
12 a novel risk assessment.

13 Do you have much familiarity with this, do you have  
14 any views on the OxMiv, please?

15 **A.** Only what I've read in Dr Fazel's report and he reports  
16 positive predictive validity studies in relation to this  
17 tool which is an actuarial tool that he developed with  
18 his colleagues and has tested in quite large samples,  
19 which is good practice particularly for an actuarial  
20 tool.

21 **Q.** Can I take you to another document, please, WITN0058002,  
22 page 1. It is the Royal College of Psychiatrists  
23 "Rethinking risk to others in mental health services".  
24 It was published in August of 2016, produced as a result  
25 of the work by the Royal College of Psychiatric Patient

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1 the top there:

2 "Different types of structured risk-assessment tool  
3 have been developed by experts in the field over the  
4 last 15 years. They include the VRAG, first published  
5 in 1993, HCR-20 and Classification of Violence Risk  
6 published in 2006 ..."

7 What's that, the Classification of Violence Risk,  
8 please?

9 **A.** That's not a tool I'm familiar with.

10 **Q.** It then goes on further down the page, fourth line of  
11 the next paragraph:

12 "Evaluations of these tools have shown that the  
13 HCR-20 in particular has significant predictive value in  
14 detecting recidivist rates among violent offenders with  
15 mental health problems (Douglas et al ...) and that its  
16 use during admission to general adult wards was feasible  
17 ... However, some practitioners report that this tool is  
18 too lengthy and time-consuming for use by busy crisis  
19 teams and community mental health teams and, further,  
20 that it has not been validated for non-forensic  
21 populations. Some individual trusts have developed  
22 their own risk-assessment forms."

23 Putting aside the validation for non-forensic  
24 populations, I assume you'd agree with the rest of that  
25 passage I just read out?

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1 Safety Expert Working Group, which was chaired by  
2 Professor John Morgan, who the Inquiry will be hearing  
3 from in due course.

4 Can I take you to page 21, please, of that guidance.  
5 External page 21 internal, page 19, thank you. Just at  
6 the top there, it says:

7 "The use of structured risk-assessment instruments  
8 is subject to debate, but it can add to the quality of  
9 clinical assessment. Even the best-structured  
10 instrument, such as the HCR-20, will have limitations  
11 but are appropriate in the range of settings in which  
12 they have been validated."

13 It sounds from your evidence that you would agree  
14 with that particular part of the guidelines?

15 **A.** Yes, and how the first line is described as secured risk  
16 assessment, I would take what is written there to mean  
17 any structured risk assessment which would include  
18 actuarial or structured professional judgement is how  
19 I have read that. But yes, I would agree with that.

20 **Q.** Then the third paragraph starts with:

21 "The accuracy of risk assessment is dependent on  
22 accurate information."

23 That very much accords with the evidence you have  
24 given.

25 Can I take you to page 23, please, internal 21, at  
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1 **A.** Yes, in principle, and I have seen the HCR-20 used more  
2 routinely in psychiatric Intensive Care Unit settings  
3 which are not always considered forensic, but which  
4 accept patients who may pose risks. So when we think  
5 about how they've talked about crisis teams there,  
6 that's what I've perhaps considered them to be  
7 referencing as well.

8 **Q.** Can I take you to the last paragraph on the page:

9 "The College continues to see structured risk  
10 assessment as valuable, if it is part of a process  
11 rather than a stand-alone toolkit, in capturing dynamic  
12 features of patient risk. The College construes risk  
13 formulation, and a strengths-based risk assessment, as  
14 providing the necessary dynamic approach. The revised  
15 version of the HCR-20 has recognised the importance of  
16 risk formulation, and now includes this as a step in  
17 which the evaluator develops a formulation of  
18 a patient's risk of violence ..."

19 Again you'd agree with that, that particular  
20 passage?

21 **A.** I would, yes.

22 **Q.** If I can take you to page 26, please, there's a summary  
23 of best practice and it says:

24 "A structured professional judgement approach is a  
25 helpful adjunct in certain settings. ... adds to the

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1 primary process of risk assessment for psychiatrists:  
 2 a structured history, mental state examination and  
 3 clinical formulation, including risk formulation. Risk  
 4 assessment should maximise the involvement of patients  
 5 and carers, emphasising strengths, positive risk-taking  
 6 and recovery."  
 7 Then further down it says:  
 8 "The College advocates a consistent approach across  
 9 the UK rather than a variety of locally based  
 10 strategies".  
 11 Again, you'd agree that that is best practice in  
 12 your view --  
 13 **A.** Yes.  
 14 **Q.** -- as a psychologist?  
 15 **THE CHAIR:** Mr Weston, is this a good moment to stop for  
 16 a break?  
 17 **MR WESTON:** Certainly.  
 18 **THE CHAIR:** All right, then. We'll start again at 3.50.  
 19 Thank you.  
 20 (3.32 pm)  
 21 (A short break)  
 22 (3.51 pm)  
 23 **MR WESTON:** Dr Tully, before the break I took you to the  
 24 Royal College of Psychiatrists guidance on risk  
 25 assessment which you indicated that you indicated you

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1 What's BVC please, the Brøset Violence Checklist?  
 2 **A.** Both of these tools are very similar, so I will have to  
 3 talk about both together.  
 4 **Q.** Please.  
 5 **A.** These are quite brief actuarial risk assessment tools  
 6 that are not particularly well validated in the UK.  
 7 **Q.** The guidance goes on to say that you should use them  
 8 instead of unstructured clinical judgement alone. That  
 9 piece of advice, guiding people away from unstructured  
 10 clinical judgement alone is probably something you would  
 11 agree with?  
 12 **A.** That is good advice, any structure is better than none.  
 13 **Q.** But what is striking here is the absence of any  
 14 reference to a structured professional judgement tool?  
 15 **A.** It is considering when these were published, although it  
 16 may have been that there is a delay between stakeholder  
 17 responses and input to guidelines before publication.  
 18 The current version of the HCR-20v3, for instance,  
 19 is dated 2013, versions 2 and 1 were out long before  
 20 that and were reasonably widely used.  
 21 It may be that awareness of the use of those outside  
 22 of forensic settings was not as widely known perhaps as  
 23 it is today.  
 24 **Q.** But at the time of this guidance, structured  
 25 professional judgement tools had been around for

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1 broadly agreed with.  
 2 Can I now take you to the NICE guidelines please.  
 3 This document RLIT0000018, 001 to start with. So this  
 4 is the NICE guideline on "Violence and aggression:  
 5 short-term management in mental health, health and  
 6 community settings".  
 7 So quite a broad number of areas it's covering  
 8 there. It's dated 28 May 2015, so just a year before  
 9 the Royal College of Psychiatrists guidance that we've  
 10 looked at, and certainly a long time after HCR-20 and  
 11 structured professional judgement risk assessments had  
 12 been around by that time. And it's correct, isn't it,  
 13 that this remains extant today, albeit it's subject to  
 14 review?  
 15 **A.** Yes, it's correctly under revision, with stakeholder  
 16 responses submitted, I understand.  
 17 **Q.** Can I take you to page 26, please, paragraph 1.2.11.  
 18 This is a paragraph that refers to risk assessment in  
 19 the broad settings that I've just set out, and it says:  
 20 "Consider using an actuarial prediction instrument  
 21 such as ... BVC ... or the DASA-IV ... rather than  
 22 unstructured clinical judgement alone, to monitor and  
 23 reduce incidents of violence and aggression and to help  
 24 develop a risk management plan in inpatient psychiatric  
 25 settings."

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1 decades.  
 2 **A.** They certainly had and, as you've highlighted, in the  
 3 psychiatrists, the Royal College Guide, just a year  
 4 later, they advocated for the use of structured  
 5 professional judgement, so they were clearly known  
 6 about.  
 7 **Q.** So it's right to say that this guidance doesn't accord  
 8 with what you consider as best practice?  
 9 **A.** Not today, no.  
 10 **Q.** Indeed, not a year later, according to the Royal College  
 11 of Psychiatrists, as we've just seen?  
 12 **A.** Agreed, yes.  
 13 **Q.** Was it best practice in 2015 to use, in your view,  
 14 structured professional judgement?  
 15 **A.** I would say so, yes.  
 16 **Q.** There's been a consultation about updating the  
 17 guideline. Can I take you to RLIT0000019, please, then  
 18 it's page 101. Thank you. This is your submission in  
 19 relation to that bit of the guideline. We can see the  
 20 relevant bit of the guideline set out at the top, and  
 21 you say further down:  
 22 "I agree that any structured approach is better than  
 23 unstructured clinical judgement alone. However, this  
 24 part of the guidance limits suggestions to actuarial  
 25 risk assessment methods. There is a lot of evidence of

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1 the effectiveness of structured professional judgement  
 2 ... based violence risk assessment approach ... using  
 3 tools like the HCR-20v3."  
 4 You suggest that that could be included in there.  
 5 The NICE Guidelines that we've just looked at have  
 6 been in place for 11 years now. Do you consider that  
 7 guidance in the way it's framed has legitimised  
 8 a potentially unsafe practice in terms of risk  
 9 assessment?  
 10 **A.** Potentially. I don't think I could say definitively  
 11 because even if actuarial tools are used in a way that  
 12 they are over-relied on, that would not be best practice  
 13 either and these are very brief actuarial tools in  
 14 particular. But potentially the inclusion of the varied  
 15 approaches to risk assessment and some caution about the  
 16 need for formulation to assist a risk management plan,  
 17 the research was there around that time and potentially  
 18 could have been included, but I'm not an expert in these  
 19 more general NICE Guidelines.  
 20 **Q.** One of your main recommendations from your report is  
 21 that these NICE guidance need to be updated?  
 22 **A.** Yes. So the consultation, as you'll see from the top of  
 23 this page, was open in early 2025, and because I was  
 24 aware that they were being updated, I registered as  
 25 a stakeholder to provide -- to attempt to provide some

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1 higher risk people who need it.  
 2 **Q.** Do you think the updated guidance should prescribe one  
 3 tool over another?  
 4 **A.** No. I think that should be left to the judgement of  
 5 those involved with the patient because there might be  
 6 valid reasons why a tool isn't applicable, and if you  
 7 stipulate what tool has to be used, I also think there's  
 8 a risk of people then using tools in a way that they  
 9 weren't intended, just to get them done, and that there  
 10 is a real risk of that and that won't help risk  
 11 management.  
 12 So I think there needs to be professional discretion  
 13 from what are experienced clinicians working in these  
 14 services, but that usefully NICE could give specific  
 15 examples of tools that at the time they updated the  
 16 guidelines are well validated and considered good  
 17 practice.  
 18 **Q.** But couldn't you provide guidance saying "in these  
 19 circumstances" -- and you can be several paragraphs and  
 20 setting this out -- "use this tool. In these  
 21 circumstances, use this tool". Would that sort of  
 22 approach help for consistency of approach?  
 23 **A.** I think if you inserted "consider using this tool", then  
 24 that would be better because there's still -- you can't  
 25 describe all circumstances where a specific tool might

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1 input to that.  
 2 **Q.** So just give us an idea of what you would like the  
 3 updated advice to look like. You'd want it to say that  
 4 structured professional judgement tools should be  
 5 considered?  
 6 **A.** Yes.  
 7 **Q.** Would you want it to say that they should be considered  
 8 as best practice where you're assessing violence of  
 9 risk?  
 10 **A.** I think you have to be conscious of careful wording  
 11 because there might be some implication that it's  
 12 implying that that is required for every patient when it  
 13 might not be.  
 14 Based on my more broad reading and opinions, it  
 15 actually might be more relevant that, if something is  
 16 mandated for every patient, that it's a tool, like the  
 17 Oxford tool or similar, an actuarial tool, and that  
 18 patients who are considered to have a need for it are  
 19 then considered for furthermore in-depth resource  
 20 intensive assessment that will aid the risk management  
 21 plans.  
 22 I think we just need to be careful about mandating  
 23 something that might not be applicable to all and might  
 24 place in some instances unnecessary pressure on services  
 25 and take them away from actually focusing on those

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1 be needed, and also people might think that their case  
 2 has some violence risk indicators, but doesn't quite  
 3 meet what it says in the guideline and then they might  
 4 assume that they shouldn't or can't use the tool. So  
 5 I think wording is important.  
 6 I think what needs to be instilled more is the need  
 7 for careful assessment and consideration of violence  
 8 risk assessment with these options and current good  
 9 practice highlighted for clinicians and Trusts to make  
 10 decisions about their use.  
 11 **Q.** So in your evidence, it's less about the specific tool,  
 12 but more about making sure the right structure of  
 13 analysis is there; is that fair?  
 14 **A.** Yes, and that whatever they are doing informs the risk  
 15 management plan. That's the main crux of it. Risk  
 16 assessment is no good without risk management. You can  
 17 do the best risk assessment in the world that's  
 18 accurate, because it's based on all the relevant  
 19 information, that comes out with low, moderate or high  
 20 that might turn out to be accurate, but unless there is  
 21 a risk management plan to mitigate what you've  
 22 highlighted as a concern, it is not serving public  
 23 protection whatsoever.  
 24 **Q.** As we've touched upon, HCR-20 can be quite long, it can  
 25 be quite complex. But is the take home from what you're

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1 saying that what is necessary here is the sort of  
 2 structure that we've seen in those seven stages: the  
 3 getting of the information, the assessment of the risk,  
 4 the formulation of the risk, the consideration of the  
 5 scenarios of where this could all lead, and all that  
 6 going into a risk management plan. Is that the key --  
 7 sort of the key structure that needs to be looked at?  
 8 **A.** Yes, but I would label that structure as using  
 9 a structured professional judgement tool. I think  
 10 there's a risk of if you listed those steps, for  
 11 instance, people would follow them in a way that they  
 12 just think is good, and they've got no indication or  
 13 empirical support for the factors that they're actually  
 14 considering.  
 15 So I'd perhaps avoid generic, more generic  
 16 processes. But what should be highlighted is that  
 17 a structured professional judgment approach can be used  
 18 that will then inform formulation and the risk  
 19 management plans.  
 20 **Q.** Is there a way to have an HCR-20v3 redux? A kind of  
 21 reduced, sort of more time-sensitive approach that's  
 22 structured?  
 23 **A.** Not and then to say it's a HCR-20, no.  
 24 **Q.** Right. But possibly some room there for other types of  
 25 tools that can do that same sort of structured approach

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1 professional judgement tools, I should say, SPJs, in  
 2 non-forensic teams where it's appropriate.  
 3 **A.** Yes, I think the guideline should include that  
 4 structured approaches to risk assessment, not to be  
 5 confused with structured professional judgement which is  
 6 very specific, structured would include actuarial and  
 7 SPJ, are recommended more generally.  
 8 **Q.** So you would like to see SPJ in non-forensic teams.  
 9 **A.** Where indicated.  
 10 **Q.** Where indicated. You told us before that it's not, as  
 11 far as you're aware, generally used in non-forensic  
 12 teams at the moment. Do you consider there is a gap  
 13 there currently in terms of the assessments of going on  
 14 in non-forensic teams?  
 15 **A.** I'm not clear on the picture across all Trusts in the  
 16 UK, or even in England, but what I would say is that I'm  
 17 aware that some Trusts have processes through which  
 18 non-forensic teams can draw on consultancy from their  
 19 forensic branch, whether that's a gatekeeping assessment  
 20 for whether that person should be in a forensic branch  
 21 of their service, or a stand-alone risk assessment, or  
 22 for some advice and consultancy and so on. I'm not sure  
 23 that that is consistent across all Trusts. I don't  
 24 believe that all Trusts always have forensic or  
 25 certainly widespread forensic services anyway, so I do

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1 but not taking several hours or several days?  
 2 **A.** If something was adopting that approach, it would take  
 3 several hours. I would argue that to reduce it, you're  
 4 diluting the process to such a degree that we don't know  
 5 what the outcome of that will be. At the moment we've  
 6 got actuarial approaches which are quick and can help  
 7 classify risk, and those tools have been found to be at  
 8 least moderately predictive in some instances in the  
 9 research; then we've got the structured professional  
 10 judgement approach, like the HCR-20, which takes longer,  
 11 also found to be moderately predictive in the research  
 12 but which helps provide a risk management plan.  
 13 Something in between is reducing it to a really  
 14 unknown degree, really, and actually the structured  
 15 professional judgement approach was designed to help  
 16 fill the gaps left from unstructured clinical judgement  
 17 where empirical research wasn't considered, and  
 18 actuarial approaches, where they consider historical  
 19 factors only, to form a professional judgement system  
 20 that is based on the literature and clinical judgement.  
 21 So we're already at that point with the HCR-20.  
 22 I don't think there is somewhere in between,  
 23 particularly.  
 24 **Q.** As I understand it from your evidence, you would like  
 25 any guideline to advise the use of structured

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1 suspect that there are some gaps but I don't know for  
 2 certain.  
 3 **Q.** And that's another thing you'd like to see in the  
 4 guideline, a pathway where the guideline says: either  
 5 you undertake the structured professional judgment risk  
 6 assessment tool in the non-forensic service, or you have  
 7 a pathway to ensure that one is undertaken elsewhere?  
 8 **A.** Yeah, that was one of the key recommendations I made in  
 9 my report: that there should be a clear pathway,  
 10 a documented pathway, that people can refer to to get  
 11 a more in-depth violence risk assessment where violence  
 12 is a concern.  
 13 **Q.** You'd also like to see the NICE guidance updated more  
 14 often; is that correct? It's 10 years at the moment.  
 15 You've mentioned every five years. Can you just assist  
 16 with that?  
 17 **A.** Yeah, I think it does have to be years to some degree  
 18 because the research into what works, what's good  
 19 practice has to develop, but 10 years in my opinion is  
 20 too long.  
 21 **Q.** Do you think there's a role for standardised training to  
 22 be rolled out as regards risk assessment in both  
 23 forensic and non-forensic teams?  
 24 **A.** I suppose it depends what you I mean by standardised,  
 25 because with different populations, locally people might

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1 have different particular needs, but there should be  
 2 an identified training programme for professions. For  
 3 example, psychologists might have certain training,  
 4 psychiatrists might have certain training as part of  
 5 their qualification that equips them with the  
 6 fundamental skills to go on to further training in risk  
 7 assessment, if that doesn't already exist. There should  
 8 be something in there about training, expectations and  
 9 good practice for training.

10 For example, some Trusts do refresher training on  
 11 the HCR-20, some don't. I've never delivered  
 12 a refresher training for people already trained.  
 13 Whether that is required, whether you need someone  
 14 external, internal, is up for discussion in many  
 15 respects and may not be needed, but there do need to be  
 16 some initial guidelines around initial training  
 17 expectations because otherwise, thinking about budget,  
 18 that will not be allocated to training.

19 **Q.** We've spoken about the national guidance, at a Trust  
 20 level, and this is really your second recommendation,  
 21 you'd like to see all Trusts have a clear policy on  
 22 violence risk assessment.

23 **A.** Yes.

24 **Q.** And that would effectively be operationalising the  
 25 updated NICE guidelines we've just discussed?

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1 So size of service, patient turnover, isn't really  
 2 something that NICE can guide on because all services  
 3 differ. So I do think there needs to be discretion, but  
 4 that local policies should be in place.

5 **Q.** No doubt you'd want such policies to deal with that  
 6 pathway that you've talked about, either where someone  
 7 can be assessed in a non-forensic service or it's  
 8 ensured that they are passed on to a forensic service  
 9 for assessment?

10 **A.** Yes, because it's come to that question again of when is  
 11 a patient a forensic patient? Does it depend on the  
 12 service, the history, the order, if there is one? That  
 13 should not be a barrier. So people in non-forensic  
 14 services should have a pathway to a risk assessment  
 15 where the team are sufficiently concerned about  
 16 violence.

17 **Q.** To help identify that, I think you say in your report it  
 18 would help to have a risk assessment lead in the  
 19 non-forensic teams?

20 **A.** Yes. I think it is realistic that there could be  
 21 someone who has, for example, training in the HCR-20  
 22 within at the very least the trusts, but ideally more  
 23 locally within trusts within teams, who could take the  
 24 lead on that or who screens or takes referrals on that.  
 25 Even if risk of violence isn't that team's day-to-day

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1 **A.** Yes, the NICE guidelines are good practice guidelines to  
 2 inform local policies and procedures.

3 So if NICE use this current opportunity with the  
 4 update to provide something robust which could helpfully  
 5 be informed via the outcomes of this and other  
 6 inquiries, then that provides an opportunity for trusts  
 7 to review their local policies and procedures to ensure  
 8 they're in line with NICE Guidelines.

9 **Q.** In your view, would it assist for such policies to state  
 10 when violence must be assessed?

11 **A.** I think it could give some useful examples. I think  
 12 that, again, providing something that is too  
 13 prescriptive can risk people getting it done for getting  
 14 it done's sake, and not spending adequate time on it.  
 15 But I think there should be local policies and  
 16 procedures, for example, albeit forensic, in  
 17 a low-secure setting that I once worked in, on  
 18 admission, on our admissions ward we would typically  
 19 complete the HCR-20, the initial HCR-20 within a week or  
 20 two weeks of admission, but informally, or less  
 21 formally, risk would be reviewed before then. There's  
 22 no reason it needs to be one or two weeks; it was just  
 23 the practice that we did at the time that was manageable  
 24 and that worked effectively in our service based on the  
 25 size of the service, and turnover of patients.

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1 bread and butter in terms of what they're dealing with,  
 2 there should be a someone, I think, with sufficient  
 3 specialism that cases can be referred on to.

4 The risk, of course, with that is that staffing  
 5 fluctuates. People move jobs, people change, so it  
 6 would be about how to manage that on the ground and  
 7 there are some systemic issues with that to consider in  
 8 terms of staff turnover and having experienced staff.

9 **Q.** No doubt you'd want the Trust policies to reflect the  
 10 need for training as per the NICE -- the updated NICE  
 11 guideline that you proposed?

12 **A.** Yes, but trusts aren't just limited by NICE Guidelines;  
 13 they can add to their own policies as they see fit. So  
 14 it may be that they want more frequent or different or  
 15 additional training than that suggested, and that might  
 16 be good practice in certain cases.

17 **Q.** So you've recommended reform, both at national and at  
 18 Trust level. Do you consider that risk assessment of  
 19 violence is something that's perhaps not received  
 20 sufficient attention at an organisational level in  
 21 recent years?

22 **A.** I think that in forensic services it does. I'm not  
 23 overly-familiar and I'm not as experienced in  
 24 non-forensic services. So I think your previous witness  
 25 who spoke about the difference between interest or

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1 attention to suicide risk assessment and violence risk  
 2 assessment perhaps could be relied on more for  
 3 a response to that.

4 **Q.** The third recommendation you touch upon is there being  
 5 better policies and guidelines in terms of  
 6 information-sharing between agencies. Risk formulation  
 7 can no doubt be undermined when there's a fragmented  
 8 information picture.

9 **A.** Absolutely. As I've mentioned, the risk assessment is  
 10 only as good as the information on which it's based.

11 **Q.** Do you, when you undertake risk assessments yourself, do  
 12 you have problems in terms of obtaining information from  
 13 other agencies?

14 **A.** Yes, I included some examples in my written reports.  
 15 Would you like me to detail a couple?

16 **Q.** Well, perhaps, yes, at least one.

17 **A.** I was completing a risk assessment, violence risk  
 18 assessment, for -- instructed by the Family Court on  
 19 a father who was under probation services. Probation  
 20 were contacted with the consent of the parents, with the  
 21 agreement of all parties, and thus the court, in the  
 22 Family Court. Probation simply refused to speak to me  
 23 and to have a spoken meeting; would provide information  
 24 only in written format if directed by the court, and  
 25 they said that that was on the advice of -- data

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1 information and ensuring people are sharing information?

2 **A.** Yeah, I wouldn't describe it really as risk assessment  
 3 culture; I would describe it as information protection  
 4 or data protection culture. I think it's wider than  
 5 that because it doesn't always come down to just being  
 6 about risk. I think it's more systemic than that, and  
 7 it is a huge problem that I faced myself and it  
 8 fundamentally limits my ability to assess risk.

9 **Q.** Do you think there's a place for policies or working  
 10 agreements between agencies to ensure reliable and  
 11 efficient access to information, particularly where  
 12 there's a risk of serious harm?

13 **A.** I do, but I don't think it should be needed. With the  
 14 Caldicott principles around how the principles are in  
 15 place, I wonder if perhaps there's not enough emphasis  
 16 on that within organisations, and it can create  
 17 a culture of fear about getting into trouble for sharing  
 18 information when really what we should fear is people  
 19 getting killed.

20 **Q.** So in relation to safeguarding of children, for example,  
 21 there's a multi-agency framework incorporated in  
 22 document entitled Working Together to Safeguard  
 23 Children. It sets out the ways in which information can  
 24 be shared or should be shared between agencies in order  
 25 to effectively risk assess and look at safeguarding.

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1 protection advice was what was quoted.

2 Other instances are unnecessarily redacted documents  
 3 when everyone has even consented to things being  
 4 provided, so that documents become, in essence, useless.  
 5 And what I've noticed, I think generally across all of  
 6 those settings, is that people seem more afraid of  
 7 sharing -- of getting into trouble for sharing  
 8 information than they are of somebody getting harmed  
 9 because of risk concerns.

10 I have at times faced insurmountable barriers, the  
 11 example with Probation being one, to which there was  
 12 nothing I could do, but I documented that in most  
 13 serious case reviews, a recommendation is around  
 14 communication of information, and that I'm not trying to  
 15 convince them to change their minds necessarily, but I  
 16 want to document my concerns.

17 You know, there are lots. The report details more  
 18 examples of that and I know I'm not alone in facing  
 19 that. Gathering information can be really difficult and  
 20 I think really difficult is okay, people can continue  
 21 and work with that, but it is unnecessarily difficult  
 22 and that's the difference, and some of that information  
 23 can be particularly time-critical information.

24 **Q.** Do you think there needs to be quite a sort of wholesale  
 25 change in risk assessment culture in terms of providing

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1 Would something like that between key agencies, the  
 2 sorts that we've touched upon with information, would  
 3 that be helpful, do you think, in undertaking proper  
 4 risk assessments?

5 **A.** It would be helpful, but it would be no guarantee  
 6 because that existed when I was trying to get  
 7 information from Probation to assess a father's risk to  
 8 his own children. So I think that those frameworks and  
 9 guidance should be in place, but I think that the bigger  
 10 problem is people actually applying that and I don't  
 11 have all the solutions to that.

12 **Q.** They wouldn't have been for Probation, for example, a  
 13 clear working agreement between them and other agencies  
 14 as to how information can be shared and when? That  
 15 wouldn't have existed?

16 **A.** I'm not sure.

17 **Q.** Okay.

18 **A.** I think in that example -- and I really have countless  
 19 others, it's not that I don't focus on Probation other  
 20 than it being one example, I've had various other  
 21 examples with getting NHS information on behalf of  
 22 working for a prison, for instance, I don't think it's  
 23 unique to one agency, but there does seem to be  
 24 a culture that data protection as this, in essence,  
 25 invisible thing that people talk about, I don't think

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1 they fully understand when it comes to risk of harm to  
2 others, and there does need to be something, whether  
3 that is legislative more than a document, a working  
4 agreement, it isn't working.

5 **MR WESTON:** Chair, those are all the questions I have but I  
6 believe there are some others.

7 **THE CHAIR:** No? All right, thank you very much.

8 **Questioned by THE CHAIR**

9 **THE CHAIR:** Can I just briefly ask you about when you were  
10 talking about violence and being taken into account even  
11 though it wasn't serious violence, as it were.

12 Yes, so I think you've said, if we can just get  
13 paragraph 2.3.29 of your report up -- sorry, I don't  
14 have reference to the report. But you were talking  
15 about taking into account problems with violence, and  
16 you said that you would take into account a pattern of  
17 lower level violence, for example, three incidents of  
18 that as well as an incident of more serious violence.

19 So GBH, something like that.

20 Would you include stalking in that?

21 **A.** Yes, I would.

22 **THE CHAIR:** Even though there's no physical attack? It's  
23 just there is --

24 **A.** The definition --

25 **THE CHAIR:** -- the components of stalking.

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1 tools. One of the key differences between actuarial,  
2 which considers static historical factors and the  
3 HCR-20, or all structured professional judgement tools,  
4 is that realistically, they have a shelf life in the  
5 sense that once you've done the assessment, something  
6 could change tomorrow. So typically they are reviews,  
7 certainly in forensic services that can often coincide  
8 with care pathway meetings, or in the example you gave,  
9 important decision-making times such as whether the  
10 patient is safe to discharge.

11 **THE CHAIR:** In terms of discharge and the information, your  
12 information gathering and who you spoke to, would you  
13 include speaking to, for example, those who they were  
14 going to live with or live in the vicinity?

15 **A.** Definitely those that they were going to live with. It  
16 depends in terms of vicinity. I would want to speak to  
17 people who know the patient. If that's people living in  
18 the vicinity, then yes, that would be ideal and I think  
19 that should be sought where that's possible.

20 **THE CHAIR:** So information about effectively the environment  
21 in which they're going to be living is important in  
22 relation to risk?

23 **A.** I would say it's essential, not just important.

24 **THE CHAIR:** Yes, thank you.

25 Right, I don't have any further questions. Thank

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1 **A.** Excuse me. The definition within the HCR-20 does define  
2 harassment, stalking, as violence. The point of it is  
3 behaviour that reasonably could cause psychological  
4 harm. So I would consider that violent behaviour within  
5 this tool.

6 **THE CHAIR:** Yes, thank you. And just in terms of the use of  
7 the tool, would you expect an assessment, for example  
8 when somebody came into a unit in a hospital, if they,  
9 for example, were under a mental health section for  
10 an assessment to take place, that point --

11 **A.** Are you referring --

12 **THE CHAIR:** -- HCR-20?

13 **A.** Are you referring to a general psychiatric unit?

14 **THE CHAIR:** Yes, where there was an indication of violence.

15 **A.** Yes, that well be a good point to do it.

16 **THE CHAIR:** And would that be just a one-off assessment or,  
17 for example, if they remained under section, say, for  
18 six months, would there be, in your view -- should there  
19 be a further assessment at the end of that before they  
20 go back into the community?

21 **A.** Yes, particularly if someone has been detained because  
22 they possible, a risk to other people and that was  
23 a primary reason, I would say that a reassessment or  
24 an updated assessment should inform the discharge plan.

25 Importantly, these tools are not designed as one-off

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1 you.

2 We'll finish there for today and start again at  
3 10.00. Thank you.

4 **(4.19 pm)**

5 **(The hearing adjourned until 10.00 am the following day)**

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<p><b>U</b></p> <p><b>used... [4]</b> 77/11 79/7 81/17 83/11</p> <p><b>useful [3]</b> 24/20 40/6 86/11</p> <p><b>usefully [2]</b> 42/22 79/14</p> <p><b>useless [1]</b> 90/4</p> <p><b>user [2]</b> 53/1 53/1</p> <p><b>using [19]</b> 10/21 13/4 22/9 24/21 35/21 35/25 52/10 53/15 54/17 59/9 59/12 62/1 63/4 64/24 74/20 77/2 79/8 79/23 81/8</p> <p><b>usually [9]</b> 5/10 6/22 6/23 8/17 17/14 21/4 25/7 27/3 46/10</p> <p><b>utilised [1]</b> 66/17</p> <p><b>utilising [1]</b> 55/1</p>	<p>53/19</p> <p><b>violent [22]</b> 8/15 8/15 10/5 11/8 18/16 30/1 34/12 34/20 37/6 37/9 37/22 37/24 38/2 41/20 43/16 47/21 57/13 62/10 66/1 66/19 71/14 94/4</p> <p><b>violently [2]</b> 14/2 36/2</p> <p><b>VRAG [1]</b> 71/4</p>	<p>47/19 48/1 48/15 49/22 51/5 57/19 62/2 62/5 64/1 64/10 64/25 65/1 65/2 65/25 66/3 66/3 66/4 66/5 66/18 72/4 76/19 78/22 82/4 86/18 86/23 91/18 93/12</p> <p><b>we'd [4]</b> 6/8 47/23 50/19 51/13</p> <p><b>we'll [6]</b> 11/12 21/9 30/19 60/13 73/18 96/2</p> <p><b>we're [11]</b> 6/8 26/4 32/15 32/23 37/9 45/7 50/7 62/21 64/24 66/6 82/21</p> <p><b>we've [19]</b> 20/21 21/1 23/5 29/17 42/16 44/6 46/17 49/1 68/11 74/9 76/11 77/5 80/24 81/2 82/5 82/9 85/19 85/25 92/2</p>	<p>78/12 86/10 87/10 89/7 89/11 90/3 91/18 92/6 92/14 93/1 93/9 94/8</p> <p><b>where [64]</b> 5/1 6/23 8/5 9/5 12/10 19/12 20/11 21/13 23/21 24/3 25/12 25/16 28/21 29/4 29/9 29/17 30/25 35/13 38/1 40/16 40/20 42/7 42/17 44/7 44/20 46/15 47/1 47/11 47/25 48/1 48/14 48/23 49/11 49/18 49/22 50/23 53/1 54/17 55/17 57/3 57/10 61/17 66/14 66/14 66/21 68/3 68/5 68/18 69/9 78/8 79/25 81/5 82/17 82/18 83/2 83/9 83/10 84/4 84/11 87/6 87/15 91/11 94/14 95/19</p> <p><b>whereas [2]</b> 7/10 63/16</p> <p><b>whether [22]</b> 5/7 10/9 11/12 13/5 18/6 18/6 31/10 33/21 46/11 47/2 57/9 57/21 61/8 65/3 65/14 65/25 83/19 83/20 85/13 85/13 93/2 95/9</p>	<p>79/1 87/21 87/23 87/24 88/25 89/19 95/12 95/13 95/17</p> <p><b>who's [1]</b> 28/1</p> <p><b>whole [5]</b> 10/2 19/25 50/22 56/7 65/5</p> <p><b>wholesale [1]</b> 90/24</p> <p><b>whose [1]</b> 2/20</p> <p><b>why [32]</b> 10/4 11/9 11/9 14/8 15/5 16/2 16/9 16/25 18/18 19/2 19/21 21/17 22/5 23/10 24/2 24/19 24/20 29/2 35/17 38/10 39/11 39/17 41/12 42/4 44/2 44/5 45/19 49/14 51/20 55/3 65/20 79/6</p> <p><b>wide [5]</b> 2/10 4/13 5/18 5/23 35/19</p> <p><b>widely [6]</b> 14/16 21/12 22/7 65/9 75/20 75/22</p> <p><b>wider [7]</b> 21/19 24/4 24/25 40/11 62/6 67/20 91/4</p> <p><b>widespread [3]</b> 54/5 54/13 83/25</p> <p><b>will [32]</b> 3/23 8/14 8/20 9/24 10/9 11/8 11/12 15/22 15/24 17/17 19/6 19/7 32/8 32/11 37/14 52/7 53/24 57/1 57/1 60/25 61/7 61/21 62/2 62/5 64/25 70/2 70/10 75/2 78/20 81/18 82/5 85/18</p>
<p><b>V</b></p> <p><b>vague [1]</b> 58/6</p> <p><b>valid [2]</b> 21/17 79/6</p> <p><b>validated [6]</b> 13/22 67/6 70/12 71/20 75/6 79/16</p> <p><b>validation [2]</b> 57/17 71/23</p> <p><b>validity [2]</b> 64/16 69/16</p> <p><b>valuable [1]</b> 72/10</p> <p><b>value [3]</b> 9/23 42/11 71/13</p> <p><b>varied [1]</b> 77/14</p> <p><b>variety [1]</b> 73/9</p> <p><b>various [3]</b> 40/22 45/14 92/20</p> <p><b>vary [2]</b> 26/10 52/23</p> <p><b>verbalising [1]</b> 37/14</p> <p><b>version [3]</b> 65/7 72/15 75/18</p> <p><b>version 3 [1]</b> 65/7</p> <p><b>versions [1]</b> 75/19</p> <p><b>versus [1]</b> 58/10</p> <p><b>very [20]</b> 12/20 21/23 34/7 40/17 46/4 47/22 48/5 51/10 52/6 54/13 57/2 59/13 65/13 68/2 70/23 75/2 77/13 83/6 87/22 93/7</p> <p><b>via [3]</b> 60/10 66/25 86/5</p> <p><b>vicinity [3]</b> 95/14 95/16 95/18</p> <p><b>victim [3]</b> 19/13 24/3 46/9</p> <p><b>victims [2]</b> 6/12 24/1</p> <p><b>view [9]</b> 17/3 20/8 20/12 67/8 67/12 73/12 76/13 86/9 94/18</p> <p><b>views [2]</b> 56/10 69/14</p> <p><b>violence [125]</b></p> <p><b>violence-risk [1]</b></p>	<p><b>wards [1]</b> 71/16</p> <p><b>warning [3]</b> 42/10 47/16 47/19</p> <p><b>was [45]</b> 1/11 3/2 4/1 10/5 14/12 14/12 14/14 14/16 17/8 22/3 30/2 40/5 44/4 47/4 47/5 47/25 55/19 55/20 55/21 55/23 57/16 57/17 69/3 69/24 70/1 71/16 75/22 76/13 77/17 77/23 77/23 82/2 82/15 84/8 86/22 86/23 89/17 89/19 89/25 90/1 90/1 90/11 92/6 94/14 94/22</p> <p><b>wasn't [3]</b> 30/7 82/17 93/11</p> <p><b>way [24]</b> 9/1 11/3 12/10 14/20 22/7 31/4 35/25 37/13 38/14 46/3 47/8 56/3 59/9 60/16 61/2 62/22 63/6 63/20 68/23 77/7 77/11 79/8 81/11 81/20</p> <p><b>ways [2]</b> 30/4 91/23</p> <p><b>we [83]</b> 5/16 6/12 7/22 8/3 8/13 8/24 9/22 10/3 10/4 10/5 12/1 12/2 13/2 13/7 18/12 18/15 19/8 19/11 19/14 20/2 21/7 22/11 22/12 22/14 26/10 29/2 29/3 29/25 30/2 30/25 31/25 32/5 32/5 32/7 32/8 32/21 33/1 33/4 33/8 33/22 34/2 35/21 37/16 37/22 39/17 40/10 42/13 42/20 44/9 44/16 44/16 44/18 45/6 46/1 46/10 46/11</p>	<p><b>weapon [1]</b> 51/14</p> <p><b>Wednesday [1]</b> 1/1</p> <p><b>week [1]</b> 86/19</p> <p><b>weeks [2]</b> 86/20 86/22</p> <p><b>weight [2]</b> 18/11 42/18</p> <p><b>weighting [1]</b> 31/9</p> <p><b>well [18]</b> 7/24 16/12 26/18 29/21 31/19 40/8 40/11 45/3 47/18 50/20 53/13 57/1 72/7 75/6 79/16 89/16 93/18 94/15</p> <p><b>wellbeing [2]</b> 33/14 46/14</p> <p><b>went [1]</b> 55/20</p> <p><b>were [20]</b> 17/5 19/9 43/15 47/24 49/22 56/8 61/5 64/15 75/15 75/19 75/20 76/5 77/24 89/20 93/9 93/11 93/14 94/9 95/13 95/15</p> <p><b>weren't [1]</b> 79/9</p> <p><b>Weston [4]</b> 1/3 1/7 73/15 97/4</p> <p><b>what [116]</b></p> <p><b>what's [10]</b> 11/4 16/23 27/25 28/22 33/20 42/20 66/23 71/7 75/1 84/18</p> <p><b>whatever [3]</b> 16/2 41/7 80/14</p> <p><b>whatsoever [1]</b> 80/23</p> <p><b>when [38]</b> 4/14 5/16 7/9 8/15 12/19 12/24 13/1 20/14 26/4 26/8 28/20 30/9 38/2 40/2 48/22 50/7 53/24 54/21 54/25 57/6 60/17 62/16 64/12 66/18 72/4 75/15</p>	<p>87/6 87/15 91/11 94/14 95/19</p> <p><b>whichever [1]</b> 16/10</p> <p><b>while [1]</b> 52/9</p> <p><b>whilst [3]</b> 17/9 46/20 58/23</p> <p><b>who [46]</b> 4/12 4/20 5/12 6/9 11/8 12/20 14/25 15/3 15/4 19/22 22/9 24/6 24/17 28/4 28/13 29/8 42/9 42/11 47/13 48/5 48/6 48/17 50/6 51/8 51/24 55/7 55/20 59/10 59/10 60/3 62/1 67/22 67/23 68/12 70/2 72/4 78/18</p>	<p>87/24 88/25 89/19 95/12 95/13 95/17</p> <p><b>who's [1]</b> 28/1</p> <p><b>whole [5]</b> 10/2 19/25 50/22 56/7 65/5</p> <p><b>wholesale [1]</b> 90/24</p> <p><b>whose [1]</b> 2/20</p> <p><b>why [32]</b> 10/4 11/9 11/9 14/8 15/5 16/2 16/9 16/25 18/18 19/2 19/21 21/17 22/5 23/10 24/2 24/19 24/20 29/2 35/17 38/10 39/11 39/17 41/12 42/4 44/2 44/5 45/19 49/14 51/20 55/3 65/20 79/6</p> <p><b>wide [5]</b> 2/10 4/13 5/18 5/23 35/19</p> <p><b>widely [6]</b> 14/16 21/12 22/7 65/9 75/20 75/22</p> <p><b>wider [7]</b> 21/19 24/4 24/25 40/11 62/6 67/20 91/4</p> <p><b>widespread [3]</b> 54/5 54/13 83/25</p> <p><b>will [32]</b> 3/23 8/14 8/20 9/24 10/9 11/8 11/12 15/22 15/24 17/17 19/6 19/7 32/8 32/11 37/14 52/7 53/24 57/1 57/1 60/25 61/7 61/21 62/2 62/5 64/25 70/2 70/10 75/2 78/20 81/18 82/5 85/18</p> <p><b>wish [1]</b> 53/16</p> <p><b>wishes [1]</b> 48/3</p> <p><b>withdrawal [1]</b> 35/2</p> <p><b>within [36]</b> 13/25 16/2 21/20 25/5 31/10 31/14 34/7 34/9 35/15 35/20 36/9 36/17 36/18 39/12 39/14 41/4 43/7 43/17 45/1 50/15 52/11 54/8 54/11 55/9 56/10 56/21 60/3 62/5 69/6 86/19 87/22 87/23 87/23 91/16 94/1 94/4</p> <p><b>without [5]</b> 7/11 10/20 23/20 43/24 80/16</p> <p><b>WITN0058002 [1]</b> 69/21</p> <p><b>WITN0401001 [1]</b> 69/8</p> <p><b>witness [6]</b> 16/20 18/8 25/9 27/5 60/15 88/24</p> <p><b>witnesses [3]</b> 24/19 25/8 61/19</p> <p><b>won't [7]</b> 8/15 10/10 22/1 62/14 64/24</p>

<p><b>W</b></p> <p><b>won't... [2]</b> 68/22 79/10</p> <p><b>wonder [1]</b> 91/15</p> <p><b>word [1]</b> 44/4</p> <p><b>wording [2]</b> 78/10 80/5</p> <p><b>work [12]</b> 2/23 5/9 6/25 7/16 12/4 29/7 30/4 31/5 45/24 56/5 69/25 90/21</p> <p><b>worked [10]</b> 2/5 2/8 2/14 2/23 2/24 3/1 24/17 28/13 86/17 86/24</p> <p><b>workers [1]</b> 68/17</p> <p><b>working [14]</b> 2/20 5/11 6/11 7/18 16/16 24/6 70/1 79/13 91/9 91/22 92/13 92/22 93/3 93/4</p> <p><b>workplace [1]</b> 63/22</p> <p><b>works [2]</b> 21/9 84/18</p> <p><b>world [2]</b> 65/10 80/17</p> <p><b>worried [1]</b> 44/8</p> <p><b>worse [1]</b> 16/4</p> <p><b>worsening [1]</b> 11/21</p> <p><b>worst [1]</b> 19/15</p> <p><b>worst-case [1]</b> 19/15</p> <p><b>worth [2]</b> 28/10 58/10</p> <p><b>would [140]</b></p> <p><b>wouldn't [10]</b> 7/15 28/23 31/21 47/3 54/20 61/14 63/13 91/2 92/12 92/15</p> <p><b>write [1]</b> 25/2</p> <p><b>written [4]</b> 24/24 70/16 89/14 89/24</p> <p><b>wrong [2]</b> 12/9 61/2</p>	<p>68/8 68/18 70/15 70/19 72/1 72/21 73/13 74/15 76/12 76/15 77/22 78/6 80/14 81/8 83/3 85/23 86/1 87/10 87/20 88/12 89/14 89/16 93/12 93/21 94/6 94/14 94/15 94/21 95/18 95/24</p> <p><b>you [254]</b></p> <p><b>you'd [11]</b> 36/15 46/7 71/24 72/19 73/11 78/3 84/3 84/13 85/21 87/5 88/9</p> <p><b>you'll [2]</b> 21/7 77/22</p> <p><b>you're [28]</b> 1/19 15/17 20/14 24/23 28/20 35/5 37/7 40/1 44/2 44/11 44/24 45/15 45/20 48/4 48/8 48/22 50/9 50/12 51/18 51/18 51/21 53/9 55/1 65/21 78/8 80/25 82/3 83/11</p> <p><b>you've [22]</b> 2/4 2/14 4/3 6/2 16/19 19/2 25/19 28/9 29/22 45/15 45/24 51/16 60/12 62/4 67/7 76/2 80/21 84/15 87/6 88/17 93/12 95/5</p> <p><b>Younger [1]</b> 62/10</p> <p><b>your [48]</b> 1/14 1/23 2/4 3/21 5/3 10/12 13/1 13/15 17/14 20/4 20/8 20/13 21/7 21/9 22/11 25/19 27/5 28/18 30/12 39/7 43/3 45/25 48/25 51/17 54/2 54/6 58/3 58/10 59/2 60/12 60/18 63/25 67/8 70/13 73/12 76/13 76/18 77/20 77/20 80/11 82/24 85/20 86/9 87/17 88/24 93/13 94/18 95/11</p> <p><b>yourself [2]</b> 53/9 89/11</p>			
<p><b>Y</b></p> <p><b>yeah [9]</b> 2/9 32/22 43/10 44/4 51/1 67/20 84/8 84/17 91/2</p> <p><b>year [4]</b> 54/2 74/8 76/3 76/10</p> <p><b>years [10]</b> 24/6 51/3 54/3 71/4 77/6 84/14 84/15 84/17 84/19 88/21</p> <p><b>years' [1]</b> 58/10</p> <p><b>yes [81]</b> 1/3 1/5 1/10 1/16 1/22 2/16 2/19 2/22 4/8 4/11 4/14 4/23 5/2 5/20 6/1 8/14 12/18 16/14 17/16 18/2 18/12 18/19 19/4 19/19 19/25 20/11 21/3 21/5 21/13 21/24 23/8 30/17 30/24 37/5 42/19 45/5 45/24 46/19 47/6 47/19 48/23 49/16 53/11 54/4 55/4 57/1 57/25 58/1 59/5 66/13 66/18</p>				