

# Risk

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First published 23 October 2013 Updated 23 October 2013

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26 mins read

This authorised professional practice (APP) presents ten principles related to taking and reviewing risk.

## Risk principles

The approval of ten risk principles is a first step towards the police service encouraging a more positive approach to risk by openly supporting decision makers and building their confidence in taking risks.

The ten principles convey strong and consistent messages about the nature and consequences of risk taking and should provide reassurance to the public and the police service. When police officers and staff use the [national decision model \(NDM\)](#) and the principles, they have a more flexible policing environment where they are better equipped and supported in exercising professional judgement.

When responding to an incident which involves partners from other agencies, one of the key principles is having a joint understanding of risk and the use of the joint decision model (JDM). Further information can be found within the [Joint Emergency Service Interoperability Principles \(JESIP\)](#).

## Principle 1

The willingness to make decisions in conditions of uncertainty (that is, risk taking) is a core professional requirement of all members of the police service.

Uncertainty is an inherent feature of operational decision making.

- By definition, decisions involve uncertainty, that is, the likelihood and impact of possible outcomes cannot be totally predicted, and no particular outcome can be guaranteed.
- Operational incidents are by their nature dynamic. Decision making in dynamic situations often has to take place on the basis of incomplete or inaccurate information, and can be exacerbated by ambiguity, confusion, contradictions, ill-defined problems, blurred boundaries and other factors affecting the amount of control that can be applied.

Making decisions in an operational context is a form of risk taking.

- Risk relates to anything uncertain in the future. It is everywhere – at work, at home, at play, in both activity and inactivity.
- If everything was known about a situation, or there was complete control over it, there would be no risk. Thus, every operational problem awaiting a decision can be restated as a risk.
- Viewing decision making as risk taking allows the police service to focus on controlling and improving the quality of decision making.

Risk taking offers the possibility of harm but also the chance of success.

- As a natural part of life risk should not be feared, yet the term has assumed negative connotations, that is, that something is a risk only when the chance of harm and criticism is high.
- As a result, making risk decisions has become associated with blame, fear, internal and external inquiries and, therefore, something to be avoided. Despite the inherent uncertainty, however, operational decision making provides the opportunity for success as well as the possibility of harm.

As professional risk takers, members of the police service must be willing to take risks rather than avoid them.

- Using their special legal authority and access to resources, police officers are expected to respond to risks and act in the face of uncertainty.
- Avoiding making a decision because of the level of uncertainty, or simply to avoid the possibility of harm, is unprofessional and could have disastrous consequences both for the public and the police. Although the risk of harm always exists, more often than not police operational decisions are successful and harm does not occur.
- Officers must take risks in order to learn to be a good risk taker.

## Principle 2

Maintaining or achieving the safety, security and wellbeing of individuals and communities is a primary consideration in risk decision making.

The police have a duty to confront risks and to make risk decisions on behalf of the communities they serve.

- Protection of the public (directly and indirectly) is the primary consideration for all decisions made by police officers and staff.

Fear of being criticised if harm results from a risk decision should not distract the police from their duty to protect the public.

- Even though making a decision involves the risk of criticism if harm occurs, this risk to the reputation of a police force or an individual member is secondary to the primary responsibility to protect life.

Although there is a duty to protect life, this duty is not absolute.

- Court judgments have consistently said there can be no rigid standard regarding the positive obligation to protect life. They emphasise that police officers are entitled and expected to take other considerations into account. See, for example, re Officer L [2007] UKHL 36, para 21 (in relation to the positive obligations on authorities under Articles 2 and 3 of the European Convention on Human Rights).

The standard is based on reasonableness, which brings in consideration of the circumstances of the case, the ease or difficulty of taking precautions and the resources available. In this way, the state is not expected to undertake an unduly burdensome obligation – it is not obliged to satisfy an absolute standard requiring the risk to be averted, regardless of all other considerations.

## Principle 3

Risk taking involves judgement and balance. Decision makers are required to consider the value and likelihood of the possible benefits of a particular decision against the seriousness and likelihood of the possible harms.

Risk takers should consider and compare the value of the likely benefits and the possible harms of their proposed decision.

- Decision makers must be able to exercise sound judgement in coming to an appropriate decision. They should consider how to make the benefits more likely and valuable, and the harms less likely and less serious.
- Practitioners may be unused to identifying potential benefits but they can do this simply by identifying and assessing the short, medium and long-term benefits of their proposed risk decisions. In the event of subsequent scrutiny, practitioners should be prepared to communicate (to judges and others) the perceived importance and likelihood of those beneficial outcomes.
- In the face of uncertainty the object is to think clearly and rigorously to obtain the best possible picture, without pretending that the comparison can ever be exact.
- If it becomes apparent that a decision cannot be justified because the seriousness of the likely harm exceeds the potential value of the possible benefits, an alternative decision should be considered.

Greater consideration and mitigating action should be directed at serious risks where the likelihood of harm is high.

- Risks relating to minor offences need consideration and appropriate action, particularly as repeating a particular risk decision (for example, to stop and search someone) can affect the public's perception of the police.
- Greater effort should go into addressing the risks that may cause the most harm (for example, offences which result in people being killed or seriously physically and emotionally injured).
- The seriousness of a risk should be determined by examining both the gravity of the outcome and its likelihood. For example, something may be extremely serious if it happens, but highly unlikely to occur at a particular time. A person can be killed crossing a road but this does not – and should not – stop people from crossing roads. If the potentially serious outcome is unlikely to happen, then it can be a wise risk to take.
- This approach (that is, determining the likely seriousness and degree of possible harm):
  - enables efforts to be focused on reducing the risk posed by those considered to represent or be at highest risk
  - takes account of the need for a proportionate, cost effective and practical response

- allows the police to target resources where most needed and to improve the security of the community even further

The rigour of operational decision making must be proportionate to the seriousness of the risks involved and be supported by appropriate, considered and robust systems.

- Effective risk taking relies on decision makers being able to make quality decisions, that is, recognising risks, thinking through possible solutions (at the same time weighing up the likely benefits and possible harms of each) and then managing the risk while implementing the chosen solution (often but not always in fast time).
- Forces are responsible for ensuring officers and staff are able to apply a range of risk-related knowledge, skills and techniques when dealing with operational incidents. This includes:
  - inserting risk into national, regional and local plans, training courses and audit processes
  - using validated formal risk models, wherever possible, to address specific types of offences and situations (such as domestic abuse)
  - establishing partnerships between the police and others, eg, multi-agency public protection arrangements (MAPPA) and multi-agency risk assessment conferences (MARAC)
  - providing appropriate equipment for operational activities, and training in its use
  - enabling senior officers – through training, assessment and monitoring – to provide effective leadership when commanding operational situations

## Principle 4

Harm can never be totally prevented. Risk decisions should, therefore, be judged by the quality of the decision making, not by the outcome.

It is in the nature of risk taking that harm, including serious harm, will sometimes occur.

- The task of identifying, assessing and managing risk is challenging, yet many people judge risk decisions simply by examining the end result, that is, whether the decisions led to success or failure, to benefits or harm. The law, however, recognises that harm will sometimes occur irrespective of the quality of the decision making, and does not require that all risks are eliminated.
- If it becomes apparent that a decision cannot be justified because the seriousness of the likely harms exceeds the potential value of the possible benefits, an alternative decision should be

considered.

The fact that a good risk decision sometimes has a poor outcome does not mean the decision was wrong.

- Even when all the right and appropriate precautions have been taken, injuries and deaths may still occur. Good risk management should increase the likelihood of successful decisions but will not, in itself, guarantee that harm will not occur.

Similarly, it cannot be assumed that a decision was right just because no harm occurred.

- Although the risk of harm always exists when a decision is made, more often than not the decision is successful and harm does not occur. Some successful outcomes, however, may happen in spite of poor decision making or management.

A risk decision should be judged by how it was made, implemented and managed rather than by the outcome.

- Rather than focusing on the outcome, assessments of decisions should concentrate on whether they were reasonable and appropriate for the circumstances existing at the time. If they were, the decision maker should not be blamed for a poor outcome.

Good risk management can to help reduce potential harms and increase potential benefits.

- Officers and staff should not focus exclusively on risk identification and risk assessment but consider also the potential for risk management. Whereas risk management (for example, the use of skills and resources) can remedy a poor risk assessment, the converse does not apply.
- All documents concerned with risk decision making should address the potential contribution of improved:
  - risk identification
  - risk assessment
  - risk management
  - risk procedures
  - management of resources
  - learning from experiences (positive and negative)

- coordination of risk taking with partner agencies

Good risk-making tools can help to ensure quality decision making.

- Formal risk identification (RI), assessment (RA) and management (RM) processes and tools are a useful aid to decision making in relation to:
  - reducing the risk posed by serious offenders
  - increasing the protection available to vulnerable people
  - improving the identification and management of 'risky' locations
- The Association of Chief Police Officers (ACPO) has approved a small number of RI, RA and RM tools for use by the police. These include RM Matrix 2000, OASys, ASSET and DASH (a model developed specifically for domestic abuse).
- Care is needed in using other risk-assessment tools, particularly clinical models, as they may require more specialist knowledge, experience and training than the police can supply. While other disciplines (for example, psychology and medicine) have valid claims to expertise in some forms of risk assessment, the police are the authorities on risk management.
- The police service should continue to research, develop, validate and maintain RI, RA and RM processes and instruments.

All risk assessment is affected to some degree by imprecision and subjectivity.

- Expectations about risk assessments, decisions and management must be realistic. No matter how good they appear to be, it is impossible to use the information derived from a formal risk instrument to predict with certainty the behaviour of an individual or the outcome of a particular situation.
- RI, RA and RM tools should be regarded as an excellent, but limited, means of improving the likelihood of identifying and preventing future offending or victimisation. They can enhance professional judgement but not replace it.
- Risk assessment necessarily involves value judgements when assessing the importance or seriousness of different outcomes (for example, how valuable it is to convict a suspected paedophile, or how serious it is to put a child through the trauma of a court appearance while pursuing a conviction). The police service and other agencies can legitimately disagree on these topics but should avoid imposing personal opinions by calling on professional values whenever

possible. No values, however, are involved when predicting the likelihood of different outcomes occurring. The duty is to obtain the most reliable, scientific assessment possible.

## Principle 5

Making risk decisions, and reviewing others' risk decision making, is difficult. This needs to take into account whether they involved dilemmas or emergencies, were part of a sequence of decisions or might appropriately be taken by other agencies.

The quality of risk decisions is inevitably affected by the many influences that decision makers are subjected to.

- In their daily professional lives, police decision makers are subjected to numerous influences. These can impact individually or in some combination on how an officer reacts to and manages a given situation, and can have a profound effect on the likelihood of harm or benefit arising from a decision.
- While many of these influences are formal (for example, legislative, hierarchical, policy and procedural constraints) others are intangible or much less formal, but no less powerful.

When a risk decision is being reviewed, the full conditions and influences existing at the time should be identified and examined to determine whether the action taken was reasonable in those circumstances.

Risk decisions do not occur in a vacuum. Influences on risk decisions include the following.

- The dynamic nature of risks in the policing environment – risks are seldom static. Situations alter, sometimes undergoing rapid and frequent change. Constant monitoring is needed to reassess and manage risks.
- The context within which a decision is made – this is multilayered and multifaceted, and has the potential to increase or reduce a particular threat.
- Previous decisions – it is unfair to take a risk decision out of the context of those that preceded it, as they will have formed part of the reasoning that went into the final action taken.
- Organisational factors – factors to be taken into account include the availability of resources, the effect of time constraints, the existence of suitable policies and processes, access to effective information systems, the effects of workload and shift work, the example set by managers, the nature and extent of supervision and the effects of the police culture.

- Personal factors – in reacting to and managing a risk situation, a decision maker is influenced by many personal factors including their own knowledge, experience, skills, characteristics, values, preferences and emotions.
- External factors – decision making can be affected to varying degrees by factors such as knowledge of government statements and policies on crime, the outcomes of official reviews, and public expectations. Difficulties can be exacerbated in situations where the decision maker faces direct aggression or abuse, deals with highly-charged incidents or meets a lack of respect or cooperation from the community.

Decision makers have legitimate constraints on the scope of their action to investigate crime and bring offenders to justice.

A relevant consideration in assessing risk decisions is that the police must exercise their powers to control and prevent crime in a manner which fully respects the due process and other guarantees which legitimately place limitations on the actions they can take.

Decision-making strategies that can be used in real-life, dynamic, high-stake situations may be significantly different from those that can be applied when the risk can be anticipated and controlled.

- The quality of decision making can be affected by the amount of time available to make a risk decision. Dealing with an emergency, for example, (where action cannot be delayed to obtain more information or wait for assistance) places greater demands on a police decision maker than where there is time to plan ahead.
- The shortage of harm-free options may also have a bearing on the quality of decision making. For example, in situations involving dilemmas, the decision maker is faced with choosing between solutions, all of which may lead to harm.
- In situations such as emergencies and dilemmas, officers are still required to act reasonably and professionally, but the normal standards of decision making cannot be expected and, in law, are not expected.

The police service is not responsible for all forms of risk.

- The police should not assume, directly or indirectly, responsibility for all forms of risks. They may have no legal right or power to do so and could compromise their reputation by exceeding their

role. Other agencies may have more appropriate skills (for example, in risk assessment), resources (for example, ability to provide long-term interventions) and legal powers.

- Officers should consider whether it is appropriate for them to accept, or to continue to accept, responsibility for a risk when there are more appropriate agencies or methods of tackling the problem. They should not encourage the public to think automatically of the police as the first or most appropriate port of call for every problem. The police must work with partner agencies rather than take on their responsibilities.

Being helpful may create other risks for police.

Assisting other agencies to meet their responsibilities can set up other risks for the police, for example, police officers helping ambulance staff to lift heavy patients downstairs when other calls of more direct relevance to the police may be going unanswered.

## Principle 6

The standard expected and required of members of the police service is that their risk decisions should be consistent with those a body of officers of similar rank, specialism or experience would have taken in the same circumstances.

Total agreement between all members of the police service on the most appropriate solution in a risk situation is neither possible nor required.

- People have different levels of experience, knowledge and skills that inevitably affect the decisions they make.
- Similarly, all those involved in a risk situation, whether creating it, attempting to resolve it, or merely observing it, will perceive it in different ways. Recognising these differences and taking them into account is crucial in judging risk decisions.
- The objective is to create the conditions where risk-based decision making can flourish, that is, allow officers to identify and assess risks, and make balanced and proportionate decisions in response to them.
- Officers and staff will often feel that they lack the knowledge, skills or experience necessary for making particular risk decisions. That should not be considered a problem because policing involves such a diverse range of competencies. They should, provided it is safe to do so, refer the decision to someone who does have the appropriate knowledge and authority. If, of course, they

or someone else might be harmed before that can occur, the police officer or staff member must act in that emergency to, at least, contain the threat.

- Many cases will involve, or require, a sequence of risk decisions. This has advantages because it is easier to predict likelihood and to contain what happens over short periods. Other decisions taken before a particular decision should always be taken into account when reviewing outcomes.

A risk decision does not have to be one that even the majority of officers would make.

- The standard expected of police decision makers requires only that the risk decision was comparable to one that a similarly experienced body of the decision maker's peers would have made in the same circumstances.

Police forces can use policies, plans, guidelines, checklists and rules to help with decision making but none of these can cover every eventuality.

- Official documentation can be the cornerstone of effective risk taking. These kinds of documents:
  - facilitate decisions
  - ensure legal and other requirements are met
  - help officers to know what other officers would do (although they must always think for themselves and consider the particular circumstances of their decision)
  - help both police and non-police readers to identify what current professional practice involves
- As perceptions of a risk emerge (for example, an increase in a specific type of crime) or following a specific high-profile incident, police forces typically respond by producing new and often prescriptive rules, policies or other official documents. This has led to accusations of risk aversion, whereby the police service's attitude to risk is said to have become defensive and disproportionate, with staff relying too heavily on being told what to do rather than thinking for themselves. The courts only require professionalism, as explained below.

Rules, policies or guidelines should be as light as possible while still likely to achieve what is intended.

- Where official guidelines are created, the police service should seek to be clear about their purpose, the risk to be managed, the costs, trade-offs and options considered, and how results will be achieved.

- Policies and other guidance should help rather than hinder decision makers, that is, allow them to make a balanced decision based on all the factors and then take action in a calculated and proportionate way, neither overdone nor inadequate.

Police officers and staff must, when taking risks, act reasonably.

- This is not a concession to the police. It reflects reality and is the same standard as applies to all professions. Perfection – recalling that it is a risk because all the desirable knowledge for decision making is not available – is not required.
- It is also the law. While many areas of law relate to risk taking (for example, health and safety at work) they all reflect this basic requirement. It is the basis of the law of negligence. Police officers and staff can only be sued for negligence if:
  - they owed the injured person a duty of care
  - they failed to comply with the standard of care which applies to that duty
  - the breach caused losses which the courts compensate
- The standard of care is that which a reasonable police officer would take in the particular circumstances. Even if the police officer or staff member is not being sued for negligence (for example, he or she is facing disciplinary proceedings or an inquiry has been established) he or she can refer to the standard of care in the law of negligence.
- Police officers and staff must make reasonable risk decisions. A decision cannot be unreasonable just because harm results, or reasonable because no harm results. The question is whether other officers or staff of a similar rank, specialism and experience would have made a similar decision in those particular circumstances. If a responsible body of such officers or staff would have made that decision and harm resulted, the standard of care will still have been met.
- In addition, the courts have demonstrated that they will take into account the difficulties of policing, such as competing objectives, limited resources and different practices in different places. They also recognise the influence and effects of emergencies and dilemmas.

The police service should ensure that officers and staff as well as non-police individuals and groups understand the standard of care that underpins acceptable professional risk taking.

- The problem is not the law, which supports professional risk taking. The problem, in some cases, is proving what the standard of care is. Whenever the current professional standards and practices are clear, both officers and the public 'know where they stand'. The officers know what is

acceptable practice and the public know when they do, and do not, have legitimate grounds for complaint. When there is uncertainty, however, officers and staff are insufficiently supported and the public can be expected to continue with their complaints.

- Prevention is better than litigation. The police, both nationally and within individual forces, should help themselves by recognising existing risk policies. These are any documents (such as policies and guidance, and force policies and orders) which identify acceptable practice. They can be quoted to any court or inquiry as evidence of current professional standards.

For further information, see Carson D and Bain A. (2008). Professional Risk and Working with People: Decision-Making in Health, Social Care and Criminal Justice.

Decisions must be judged against the standard that existed at the time they were made, not the standard that may exist at the time of a review.

- While professional standards should naturally improve over time as new ideas, practices and forms of equipment are introduced, if a decision is being reviewed (for example, by an Independent Office for Police Conduct (IOPC) investigation) it is always the standard at the time the incident occurred that must be applied. The police have nothing to fear if they can show that their practices were professional at the time they were taken.
- Forces should ensure that they are up-to-date with practices and procedures approved by ACPO.

Risk decisions made by members of one agency may, quite properly, differ from those made by members of another.

- Risk decisions inevitably involve value judgements over which there can be legitimate differences of opinion. In a situation, for example, where two agencies are considering how best to resolve a child abuse case, one agency might favour prosecuting the alleged abuser whereas another may prefer to shield the child witness from a potentially harmful criminal justice experience.
- These differences (which can arise from organisational values, policies and philosophies) need to be acknowledged, and agreement sought on how they will be managed.

## Principle 7

Whether to record a decision is a risk decision in itself which should be left to professional judgement. The decision whether or not to make a record, and the extent of that record, should be made after considering the likelihood of harm occurring and its seriousness.

It is impossible to record all decisions.

- Recording a risk decision has numerous benefits, for example, it can help the decision maker work through the issues and demonstrate at a later point that various matters were rigorously considered. A need to record every single decision, however, would leave little or no time to do anything else. If harm occurs from a risk decision and an officer has contemporaneous documents to show that he or she did contemplate a list of possible benefits and/or did consider a possible outcome highly important and/or unlikely, he or she will be in a much better position in an inquiry or trial.
- Predicting which decisions will be scrutinised (whether because they went particularly well or catastrophically badly) is seldom possible. In some circumstances the need to record a decision is prescribed by statute. In other circumstances strategies, policies or local practices demand documentation or some other type of record and in others, deciding whether or not to record is left to the decision maker's discretion.

Not all risk decisions need to be recorded.

- According to Sir Ronnie Flanagan (Review of Policing – Interim Report, 2007, p 8) 'Distinction must be made between necessary and unnecessary bureaucracy and there must be greater discretion allowed for the exercise of professional judgement in making this distinction'.
- The term professional judgement refers to a finding, determination or decision that is consistent with the facts of the situation the professional goal, evidence-based practice, applicable laws, and the organisation's values, policies and non-prescribed procedures.
- Professional judgement requires that police officers have available, and can professionally apply, the most appropriate, accurate and up-to-date knowledge.
- Given the need to reduce the time spent on documentation and other aspects of bureaucracy, forces need to think carefully about which decisions should be documented or otherwise recorded. They may, for example, relate to situations:
  - of a particular type (for example, all 'hate' crimes)
  - that are liable to become critical
  - that could affect community attitudes and reflect badly upon the police
  - where the degree or likelihood of potential harm is high (for example, domestic abuse, threats to life and other public protection matters)
  - where the values involved are controversial (for example, honour-based violence)

- where the decision is complex (for example, the number of issues involved)
- that officers believe represent a dilemma rather than a mere risk (there appear to be no harm-free options)

For further information on improving the quality of professional judgements about documenting decisions, see [Information management](#).

A record of decisions and their rationale will assist in ensuring risk decisions are defensible.

- Practitioners may be called on to justify their decisions to audiences both within and external to the organisation. If so, a written or electronic record is more reliable than memory alone. The following elements, if present, are likely to make a decision defensible.
  - All available information has been collected, recorded and thoroughly evaluated.
  - Policies and procedures have been followed.
  - Reliable assessment methods have been used where available.
  - All reasonable steps have been taken and any information acted on.
  - Practitioners and their managers have communicated with each other and with other agencies, been effective and proactive, and have adopted an investigative approach.
  - Decisions have been recorded (and subsequently carried out).
- A written record of the rationale for particular decisions (that is, being explicit about which benefits and harms were identified, and how important and how likely they were considered to be) enables others to judge the decision maker's actions appropriately and will therefore help to resolve complaints and appeals. A decision aid, such as outlined above, will not only help a decision maker think through the risk but provide evidence of what they considered and that they did so carefully. Note, however, that decision-making records completed after harm has occurred may be interpreted as an attempt to influence the record in a certain direction, or even falsify it.
- An individual police officer's discretion can be justifiably restricted or directed by the organisation. For example, in order to promote a deterrent effect (and because research shows that warnings do not work) a force may say that officers are to issue tickets rather than warnings to all motorists apprehended for speeding. If individual officers decide to use their discretion and issue a warning rather than a ticket, it would be advisable to document that decision and its rationale. Otherwise it could appear that they were improperly influenced in their decision.

## Principle 8

To reduce risk aversion and improve decision making, policing needs a culture that learns from successes as well as failures. Good risk taking should be identified, recognised and shared.

More valuable lessons can be learned from examples of successful decisions rather than from the much rarer ones that lead to loss or harm.

- Most risk decisions have successful outcomes, and experience shows that people learn more useful lessons from what works than from what does not work.
- Rather than focus on poor decisions, therefore, (especially where harm has occurred) a risk management approach needs decision makers to have access to lessons learned and good practice.

A selection of risk decisions, both those leading to benefits and to harm, should be examined openly and regularly to assist future decision makers.

- If risk taking is to improve further, however, the police service needs to foster a culture that:
  - helps decision makers and the organisation learn from experience
  - gives decision makers access to lessons learned from both good and poor practice
  - avoids finger pointing and blame
  - allows confidential reporting and discussion of near misses

Identifying and learning from successful and good risk decisions will help the police service move from a culture of risk aversion.

- There is a need to ensure that transferable lessons are learned and communicated to those who can benefit from them.
- Current policies and procedures should be examined and extended, where applicable, to ensure that lessons from both successful and adverse incidents are collated, analysed, disseminated and implemented.
- As people learn more about risk, try things out and develop experience, a more positive and professional attitude to risk should take shape.

## Principle 9

Since good risk taking depends on quality information, the police service will work with partner agencies and others to share relevant information about those who pose risk or those who are vulnerable to the risk of harm.

Sharing information about individuals between public authorities is essential to keeping people safe.

- Good quality information exchange and shared risk assessment and risk management planning between government agencies, non-government organisations, community groups and service providers is essential to managing risk effectively. This requires relevant agencies to work collaboratively in relation to people who pose a risk of harm to others, or are deemed to be at risk of harm.
- Good risk management may involve briefing victims or potential victims (for example, where a woman does not know that her new partner has a history of domestic abuse) about risks that the police have reason to think they face so that they can take steps to protect themselves.
- The anticipated benefits of effective information sharing can be summarised as:
  - better decision making
  - improved protection of individuals at risk
  - reduction in crises through taking earlier effective action
  - improved inter-agency working
  - better profiling of individual need or risk
  - more effective intervention, support and targeting of resources

All information sharing must be conducted in accordance with a relevant legal power or duty.

- The principal legislative instruments that control the exchange of information in the fulfilment of public sector responsibilities are the:
  - [Data Protection Act 1998](#)
  - [Human Rights Act 1998](#)
  - [Freedom of Information Act 2000](#)
  - common law duty of confidence
- Numerous other statutes bestow a power or a duty on public authorities to share information in specific circumstances.

- If there is no other power, then the [Crime and Disorder Act 1998 s 115](#) authorises disclosure of information – provided it is necessary or expedient for the purposes of that Act – to any ‘relevant authority’.

Sharing information with other agencies should be consistent with agreed guidelines.

- ACPO approved guidance on information sharing is contained in [Information management](#). It covers principles on the duty to obtain and manage information, the grading and recording of police information, the protection of sensitive information and sources, the sharing of information both inside and outside the police service, and the obligations of those receiving information from the police.
- Information management requires forces to implement information sharing agreements (ISAs) as a means of facilitating confidence in the way information is shared. An ISA must cover access and usage, necessity, recording, security, accuracy, accountability, authorisation and approval.
- Information must always be accurate and confidential if public trust is to be deserved and maintained.

## Principle 10

Members of the police service who make decisions consistent with these principles should receive the encouragement, approval and support of their organisation.

Where their decisions can be shown to be defensible, decision makers deserve to be actively supported by their organisation.

- Good decision making is central to good policing. Decision makers deserve to receive the support and approval of their organisation in all instances where they can demonstrate that their decisions were assessed and managed well in the circumstances existing at the time, and were consistent with existing risk management processes, standards and documentation.
- Identifying good decision makers helps managers to identify and promote good police officers and staff.

This principle applies even if harm results from risk decisions.

- The uncertainty inherent in risk taking means that some harm may result from a decision or series of decisions, even where all the appropriate guidelines are followed, precautions taken and

circumstances taken into consideration.

Case law recognises the difficulties involved in policing modern societies.

- Case law demonstrates that the courts will support reasonable and defensible risk taking (see Chief Constable of the Hertfordshire Police v Van Colle [2008] UKHL 50).
- Case law also makes it clear that the preventive operational measures expected to be taken by the police to protect individuals must not impose an impossible or disproportionate burden on the police (see re E (a child) (AP) (Appellant) (Northern Ireland) [2008] UKHL 66).

## Tags

Risk