

JOINT INSPECTION FRAMEWORK

2012-14

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Introduction

Criminal justice (CJ) joint inspection is a product of long-standing co-operation between the four CJ inspectorates (of Constabulary; the Crown Prosecution Service; Probation; and Prisons) which was formalised by the Police and Justice Act 2006.

This joint inspection framework has been produced in accordance with the provisions of the Act which requires CJ Chief Inspectors to produce: a document setting out what inspections are proposed (an inspection programme); and a document setting out the manner in which they propose to carry out the functions of inspecting and reporting (an inspection framework).

Framework content

This inspection framework incorporates the following elements:

- 1 The purpose of CJ joint inspection;
- 2 Underpinning principles;
- 3 Inspection focus and scope;
- 4 Consultation;
- 5 Risk assessment and prioritising activity;
- 6 Inspection methodology;
- 7 Programme governance and support structures;
- 8 Joint website;
- 9 Gate-keeping arrangements;
- 10 Delegated authority and non-CJ collaboration;
- 11 Inspection reports;
- 12 Communication strategy;
- 13 Recommendations and follow-up;
- 14 Benefits realisation plan and value for money; and
- 15 Human resources, diversity and culture.

This framework document remains under constant review and revision as the joint inspection programme is further developed by the Criminal Justice Chief Inspectors’ Group (CJCIG).

Date of amendment	Authority	Summary of change
7 Sept 2011	CJCIG	Full revision (still draft)
6 March 2012	CJCIG	Updated to reflect progress in planning

THE JOINT INSPECTION FRAMEWORK

1 The purpose of CJ joint inspection

- 1.1 We work together to address issues that involve more than one criminal justice agency and have a direct impact on the public who use the justice system. Working together produces a more rounded examination of issues that cut across the system and enables us to achieve more than if just one inspectorate acted alone.
- 1.2 We support democratic accountability, local transparency and the drive to reduce bureaucracy. Joint inspection particularly provides a unique focus on:
 - Systemic issues within the criminal justice system (CJS) as a whole;
 - Identifying and driving cost from the system;
 - Addressing risks and public safety;
 - Looking at the system end-to-end and the role individual agencies play;
 - Universal issues, standards and constraints within the CJS; and
 - Public reassurance and confidence.

2 Underpinning principles

- 2.1 The principles of inspection within the public sector were set out in the Policy on Inspection of Public Services (published by the Cabinet Office in 2003) reproduced in **Annex A**.
- 2.2 In 2007, we adopted these principles as core to criminal justice joint inspection and, despite the passing of time and change of Government, they remain valid.

3 Inspection focus and scope

- 3.1 Our four inspectorates increasingly collaborate to focus on end-to-end and cross-cutting justice processes. To reflect this, we have focussed activity around four high level business processes (community safety; bringing offenders to justice; offender management; and custodial conditions) and three cross-cutting issues (victim and witness experience; equality and diversity; and achieving value for money and efficiency).
- 3.2 Latterly, our increased focus on outcomes and the user experience have been key drivers. The overall balance of our joint programme also relies heavily on stakeholder consultation and resultant prioritisation.

4 Consultation

- 4.1 The Police and Justice Act 2006 established a statutory obligation on our inspectorates to engage in formal consultation with Ministers, named individuals and specified organisations. In addition, we have broadened consultation to include key stakeholders - both generically and focussed on specific areas of joint business - and users of CJ services.
- 4.2 **Statutory consultation** - The Police and Justice Act 2006 stipulates that, before preparing an inspection programme (or framework), each CJ Chief Inspector shall consult the relevant Ministers and - subject to exceptions - the following:
- Other CJ Chief Inspectors;
 - Chief Inspector of Ofsted;
 - Commission for Care Quality¹;
 - Auditor General for Wales;
 - Any other person or body specified by the relevant Ministers.
- 4.3 It is subsequently incumbent upon the Chief Inspector(s) to send each of the consultees a copy of the programme and framework, once prepared.
- 4.4 **Wider stakeholder consultation** - We have also engaged in substantive consultation with other statutory and voluntary organisations with direct interest in the areas under scrutiny - for example Victim Support, and the Health and Safety Executive - as well as the inspected agencies and inspectorate staff.
- 4.5 This consultation has variously included specific workshops or events and pre-circulation of inspections under consideration - for comment and contributions to inform the final selection.
- 4.6 In addition, within each joint work stream, contact is made at an early stage with the most relevant stakeholders and/or subject experts to seek views and contributions in respect of individual inspections. These individuals are often co-opted onto an 'Inspection Reference Group' and thereby provide ongoing advice and feedback throughout the life of the work stream.
- 4.7 **User consultation** - Historically, direct consultation with service users has been limited to specific groups relevant to individual inspection themes - for example victims of specific offence types under scrutiny. Wider consultation, such as focus groups and questionnaires, have been largely discounted on the basis of cost and practicality - not least in view of the very wide potential catchment area for 'customers' or 'users' when considering the CJS. However, with increasing focus on user perspectives and localism, we are reviewing the feasibility of greater interaction with service users, both in planning programmes and provision of feedback on outcomes.

1 Original list in the Act included other Commissions now either merged or disbanded.

5 Risk assessment and prioritising action

5.1 **Risk assessment** - risk assessment is informed by environmental scanning, emerging results from customer or user feedback and mapping of outcomes against the activities undertaken by the inspectorates, singularly and jointly.

5.2 A key factor in deciding the final balance of the joint CJ inspection programme is a comprehensive assessment of the risk posed by elements competing for attention. A substantial part of the risk assessment is informed from data and intelligence gathered during the consultation process. Other sources include:

- Data on targets and outcomes - joint and single-agency;
- Knowledge held within the four inspectorates - from liaison and/or assessments of agencies;
- Knowledge from other inspectorates or agencies - e.g. Victim Support;
- Organisational self-assessments - e.g. Local Criminal Justice Boards;
- Performance assessments - including from Departments.

5.3 It should be noted, however, that some subject areas - such as child protection - have an intrinsically high risk element and will always be considered within programme planning, regardless of their profile within the above information sources.

5.4 **Prioritisation** - With the overall scope and focus agreed, and the results of individual and joint consultation collated, a long-list of potential areas for inspection activity are required to be subject to a process of prioritisation, to reach an achievable but relevant short-list of projects. In achieving this, two categories of criteria are applied, namely:

- *Qualifying criteria*: to be included in the joint inspection programme proposed activity needs to meet basic requirements; and
- *Prioritising criteria*: to rank the qualifying joint projects, to inform programme compilation and validate decisions on inclusion or exclusion.

5.5 The *qualifying criteria* applied since 2006 has been that all joint CJ systems inspection projects to be included on the long-list should:

- Relate to cross-cutting work that involves two or more of the CJ inspectorates;
- Have an identified lead CJ inspectorate;
- Have a clearly defined scope and purpose; and
- Meet the key principles for public sector inspection, in particular:
 - a contribute to service improvement;
 - b be outcome focussed; and
 - c have a user perspective. (See Annex A for full list.)

5.6 Those candidate projects which pass the first stage enter the long-list for *prioritisation*, being assessed against three qualifying elements:

Pre-existing commitment to delivery

- A number of projects are elements of extant programmes and will be progressed in response to pre-existing commitments.

Current priority factors

- Support to Government priorities for the CJS;
- Balance of impact versus resource: the degree of impact or value added in proportion to the effort required to implement the inspection activity;
- Practicality, deliverability and risk: having regard to the availability of staff, specialist skills or expertise in the relevant timetable for implementation;
- Incompatibility with other programmes: the potential to clash or adversely affect other activity in the same or similar subject area;
- Additional value gained through joining up inspectorate working: the ability to shed greater light or achieve greater insight through joint working than by the sum of individual efforts; and
- Proportionate coverage of relevant high level CJ processes: contributing in areas of scrutiny otherwise under-represented in the overall programme.

Additional considerations

- Individual projects may particularly complement or support single-agency inspection outside of the joint CJ systems programme;
- ‘Joint inspections’ which are led by non-CJ inspectorates may seek one or more of the CJ inspectorates’ involvement; or
- High profile may be afforded by events to particular topics which would not otherwise be expected to feature in a risk-assessed or prioritised list.

5.7 While the above criteria are applied with a degree of formality, the key determinant in finalising a long-list of potential areas for inspection remains the professional judgement of the Chief Inspectors, as informed by the full range of consultation and the expressed views of CJ Ministers.

6 Inspection methodology

6.1 Tried and tested inspection methodologies already exist in each of the individual inspectorates. While many aspects are similar, there are some significant differences which often mirror the differences in operational approach of the agencies and institutions inspected. Currently for joint inspections all concerned adopt the lead inspectorate’s methodology for the duration of that particular work stream.

6.2 The design of a separate, bespoke joint inspection methodology has been subject of considerable debate but rejected in part because a blanket ‘one-size-fits-all’ approach would not be appropriate to such a diverse landscape, and secondly to avoid the bureaucracy and additional training demands of a new methodology.

6.3 It was agreed, however, that some core elements of each methodology could be standardised and then supplemented by a ‘menu’ of additional elements, any combination of which might be relevant to specific work streams. Based on the experience of programmes to date, we have developed a standard ‘checklist’ of key methodological elements which have been agreed as the starting point for all work stream development and delivery (see Annex B under development).

7 Governance and support structures

7.1 The pivotal elements of the governance and support for joint inspection are the Criminal Justice Chief Inspectors' Group, the Development Group and the Joint Secretariat. The Chief Inspectors retain individual lines of communication for core, single-agency business to their respective Ministers, also involving relevant departmental leads, but in addition, CJCIG has established structured processes for consulting with, and providing formal progress reports to, CJ Ministers collectively. There is also close liaison with the Ministry of Justice.

Criminal Justice Chief Inspectors' Group

7.2 The strategic aim of CJCIG is:

“To foster and contribute to the continuous improvement of the criminal justice system for all its stakeholders, through a programme of individual and co-ordinated inspections and monitoring, in accordance with the Ministers’ policy for better joined-up Government.”

7.3 The key purpose of this Group is to provide the most appropriate balance between delivery of individual inspectorate priorities and of the agreed joint programme, and to meet the commitment to Ministers to deliver an enhanced joint programme, based on consultation and risk assessment.

7.4 In order to meet the strategic aim and key purpose, CJCIG will advise and air discussion of major strategic and cross-inspectorate issues and will:

- Develop common positions, where appropriate, on matters of mutual interest seeking to influence Ministers and other criminal justice agencies, taking into account the statutory independence of each inspectorate;
- Endorse new and developing joint work streams on issues which affect either the criminal justice system as a whole, or at least two or more inspectorates;
- Agree a joint business plan on an annual basis, including the resourcing of such a plan, ensuring that there is effective delivery and that due account is taken of the statutory consultation which each inspectorate is required to undertake;
- Promote a culture within inspectorates of approaching issues and evaluating performance from an holistic perspective; and
- Monitor agreed work streams and ongoing joint work and evaluate the results, overseeing practical arrangements for efficient joint working between inspectorates.

7.5 To allow for effective delivery of the intended aims of CJCIG much of the day-to-day implementation of CJCIG decisions and planning is delegated to the Development Group and/or the Joint Secretariat.

Development Group

- 7.6 Chief Inspectors have established the Development Group as a meeting of senior managers from each inspectorate which is tasked with progressing the current year's programme of joint inspections and developing any new products commissioned by CJCIG.
- 7.7 The Group has three main areas of activity and responsibility:
- *Work stream management* - members identify and address any issues, problems or barriers to current year programme delivery;
 - *Development projects* - the group or individuals take the lead in developing new products or projects as commissioned by CJCIG; and
 - *Business planning* - members input to the compilation of draft programmes, debate scope and scale of potential work streams and make recommendations to CJCIG on long and short-listing of possible inspections.
- 7.8 Although having no definitive executive function, the Group is commissioned by CJCIG to resolve as much as possible without the need for referral. However, significant issues of overall policy or strategy will always be referred to CJCIG for decision and/or approval.
- 7.9 The Development Group is convened and chaired by the Secretary to CJCIG and its work forms a standing item for report at all CJCIG meetings.

Joint Secretariat

- 7.10 CJCIG is supported by a Joint Secretariat, consisting of the Secretary (part-time post) and secretarial and administrative support (as required). The Secretariat functions include:
- Providing advice and support to the Chair and Deputy Chair;
 - Arranging and servicing meetings of CJCIG and Development Group;
 - Acting as single point of contact for external bodies and Government Departments in respect of CJ joint inspection;
 - Arranging and compiling all documentation for annual consultation exercises; and
 - Drafting and finalising the annual joint business plan.
- 7.11 The costs of provision of the Secretariat function are shared equally among the four inspectorates.

8 Joint website

- 8.1 It has been the practice for each inspectorate to publish on their own websites any joint inspection reports where they took the lead inspectorate role. With effect from 19 January 2012, there is now a single joint site, located on HMCPSI's website (www.hmcpsi.gov.uk/cjji/).
- 8.2 This shared website has electronic copies of all joint reports (which include a subject summary) and in some instances a copy of the original press notice which accompanied publication. The site will further simplify and improve public access to our plans, reports and findings.

9 Gate-keeping arrangements

- 9.1 The Police and Justice Act 2006 established a formal, statutory gate-keeping role for each of the CJ inspectorates. In essence, where another of the public service inspectorates intends to inspect a relevant organisation, to which the gate-keeping function refers, the relevant CJ Chief Inspector can take a view on the reasonableness and the potential burden it represents and, if appropriate, issue a notice not to carry out that inspection.
- 9.2 Each inspectorate will have its own individually tailored gate-keeper remit, reflecting the principle that the inspectorate with the best overview of the collective impact on an area of business should perform the gate-keeper role for that area. However, CJCIG seeks to achieve a degree of consistency in the application of the provisions, for example in judging what constitutes an unreasonable burden on an inspected body for the purpose of triggering a gate-keeper notice.
- 9.3 It is intended that the Joint Secretariat will play a role in encouraging and supporting this consistency of application and in advising individual inspectorates on the potential for standardisation of approaches.

10 Delegated authority and non-CJ collaboration

- 10.1 Under the provisions of the Police and Justice Act 2006, each Chief Inspector (or HM Inspectors in some instances) may delegate any of their functions to another public authority, who will then be regarded as having the same status and powers as the delegating inspectorate. This means, for example, that HM Chief Inspector of Constabulary could delegate power to inspect aspects of the work of police prosecutions teams to colleagues from HMCPSI - obviating the need to 'double-up' on staffing of inspection or to unnecessarily duplicate effort, or impact on the inspected body.

11 Inspection reports

- 11.1 [under development by CJI Development Group]

12 Communication strategy

- 12.1 While each of the inspectorates has an individual communication strategy, there is also a need for an agreed approach across all four organisations in respect of the communication and marketing of the joint CJ systems working. This includes such issues as:
- Consistent 'corporate' styling for joint reports and communications;
 - Standard arrangements for publication and information releases;
 - Joint bulletin for staff updates and awareness;
 - Co-ordinated programme of internal questionnaires;
 - Comparable and/or complementary stakeholder surveys;
 - Exit surveys - to obtain feedback from inspected bodies; and
 - Shared website items.
- 12.2 The lead inspectorate for each work stream has responsibility for consideration of the above issues and the Secretariat can advise on issues of consistency.

13 Recommendations and follow-up

13.1 Across the four CJ inspectorates, there are a number of differing approaches to making recommendations and taking specific action to ensure their implementation. In discussions, the differences in approach were highlighted and some core standard elements proposed, which include:

- Any recommendations should be ‘SMARTer’ - specific; measurable; achievable; realistic; and time-limited - and capable of evaluation;
- Inspected bodies and associated authorities must take responsibility for implementation and have clear action plans to do so;
- Any follow-up activity will be bespoke and risk-assessed;
- Such follow-up would include independent assurance of any claimed progress or improvement; and
- Other terms such as ‘aspect for improvement’, ‘suggestions’, ‘strengths’ and ‘good practice’ need to have a consistent meaning even when used in different inspectorates.

13.2 Clearly, where inspection and subsequent recommendations are cross-cutting, responsibility for implementation and follow-up are equally likely to be shared between agencies and inspectorates, respectively. There is also a high likelihood that other groups or bodies, such as Local Criminal Justice Boards (LCJBs) will be the relevant focal point for joined-up implementation of some recommendations. CJCIG will be seeking to establish processes and protocols to ensure that such recommendations are fully implemented.

13.3 There is ongoing discussion at CJCIG as to the extent to which ‘improvement’ activity by individual inspectorates - for example HMIC working directly with individual police forces to identify solutions and good practice - is reflected in cross-cutting work.

14 Benefits realisation and value for money

14.1 A key element in the underpinning principles of inspection² is that:

“Inspection itself should be able to demonstrate it delivers benefits commensurate with its cost, including the cost to those inspected.”

14.2 In 2005, CJCIG established a working group to examine the costs and benefits of inspection and this group produced a report: *“Assessing the costs and benefits of inspection”*. It is proposed a number of ways to assess costs, benefits and value for money, including through questionnaire surveys. CJCIG will be reviewing the report to assess continued relevance.

14.3 A further report in 2007 evaluated the capacity for sharing of support services between the inspectorates and other pooling of resources. CJCIG will continue to explore any opportunities for making savings and efficiencies in joint working.

² *The Government’s Policy on Inspection of Public Services*; Office of Public Service Reform; 2003.

15 Human resources, diversity and culture

- 15.1 While the work on potential shared services will examine aspects of human resources (HR) such as potential efficiencies in recruitment and training, there will be a need to examine more widely a number of HR issues such as staff development, fairness at work, disparities in conditions and diversity in organisational cultures.
- 15.2 In recognition of the duties placed on all authorities as a result of equalities legislation, all relevant products and policies of CJCIG will also be subject to the regulatory impact assessment.

ANNEXES

A THE TEN PRINCIPLES OF PUBLIC SECTOR INSPECTION

The principles of inspection in this formal statement from 2003 place the following expectations on inspection providers and on the Departments sponsoring them:

- 1 The *purpose of improvement*. There should be an explicit concern on the part of inspectors to contribute to the improvement of the service being inspected. This should guide the focus, method, reporting and follow-up of inspection. In framing recommendations, an inspector should recognise good performance and address any failure appropriately. Inspection should aim to generate data and intelligence that enable Departments more quickly to calibrate the progress of reform in their sectors and make appropriate adjustments.
- 2 A *focus on outcomes*, which means considering service delivery to the end users of the services rather than concentrating on internal management arrangements.
- 3 A *user perspective*. Inspection should be delivered with a clear focus on the experience of those for whom the service is provided, as well as on internal management arrangements. Inspection should encourage innovation and diversity and not be solely compliance-based.
- 4 *Proportionate to risk*. Over time, inspectors should modify the extent of future inspection according to the quality of performance by the service provider. For example, good performers should undergo less inspection, so that resources are concentrated on areas of greatest risk.
- 5 Inspectors should encourage rigorous *self-assessment* by managers. Inspectors should challenge the outcomes of managers' self-assessments, take them into account in the inspection process, and provide a comparative benchmark.
- 6 Inspectors should use *impartial evidence*. Evidence, whether quantitative or qualitative, should be validated and credible.
- 7 Inspectors should *disclose the criteria* they use to form judgments.
- 8 Inspectors should be *open about their processes*, willing to take any complaints seriously, and able to demonstrate a robust quality assurance process.
- 9 Inspectors should have regard to *value for money*, their own included.
- 10 Inspectors should *continually learn from experience*, in order to become increasingly effective. This can be done by assessing their own impact on the service provider's ability to improve and by sharing best practice with other inspectors.

B STANDARD CHECKLIST FOR JOINT INSPECTIONS

[under development by CJI Development Group]

TO CONTACT US OR TO FIND OUT MORE

Joint website: www.hmcp.si.gov.uk/cjji/

Inspectorates: www.hmic.gov.uk

www.hmcp.si.gov.uk

www.justice.gov.uk/inspectorates/hmi-probation/

www.justice.gov.uk/inspectorates/hmi-prisons/

Or write to: HM Inspectorate of Constabulary
6th floor, Globe House,
89 Eccleston Square,
London SW1V 1PN.

HM Crown Prosecution Service Inspectorate
4th Floor, One Kemble Street,
London WC2B 4TS.

HM Inspectorate of Probation
2nd Floor, Ashley House,
2 Monck Street,
London SW1P 2BQ.

HM Inspectorate of Prisons
1st Floor, Ashley House,
2 Monck Street,
London SW1P 2BQ.

HM Inspectorate of Constabulary
6th floor, Globe House,
89 Eccleston Square,
London SW1V 1PN.

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London WC2B 4TS.

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London SW1P 2BQ.

HM Inspectorate of Prisons
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2 Monck Street,
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Website:
www.hmcp.si.gov.uk/cjji/

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