



## CONSULTATION ON CRIMINAL JUSTICE JOINT INSPECTION PROGRAMME - 2014 to 2016

### Purpose of this paper

To set out our proposed joint inspection activity in the criminal justice system during the next two years - 2014 to 2016 - and to invite comment from statutory consultees, and others, to inform the finalisation of our programme.

### Summary

The attached paper sets out in **SECTION A** the background to this statutory consultation, its context, the overall focus of joint inspection and how our programmes are informed by Government and stakeholder priorities.

**SECTION B** lists our on-going work streams and those subject areas where we are proposing to carry out new joint inspections in 2014-16.

### Action requested

You are asked to forward any comments about the listed work streams and in particular to address the following questions:

1. Do any work streams duplicate, overlap or clash with inspections or other work you have planned (or are otherwise aware of) for 2014/15 or 2015/16?
2. Are there any other subject areas which you believe warrant inclusion in our criminal justice joint inspection programme?

**Please forward all comments by 31 January 2014 to the Joint Secretariat (address and contact details on page 7 of this document).**

Michael Fuller	- HM Chief Inspector of CPS
Nick Hardwick	- HM Chief Inspector of Prisons
Liz Calderbank	- HM Chief Inspector of Probation
Tom Winsor	- HM Chief Inspector of Constabulary

## SECTION A – BACKGROUND TO THIS CONSULTATION

### 1. Purpose of consultation

- 1.1. The Police and Justice Act 2006 established a statutory duty on criminal justice (CJ) chief inspectors to deliver a joint inspection programme and, in its preparation, to undertake formal consultation with Ministers and named commissions and inspectorates.
- 1.2. The list of our proposed inspections appears in **SECTION B**. You are invited to comment on individual work streams but also on the overall programme balance. We particularly want you to highlight any areas of potential overlap with your own (or other's) proposals for inspection activity in the next two years.
- 1.3. You are also invited to highlight any additional subject areas which you believe we should consider for inclusion in our programme.

### 2. Overall focus for CJ Joint Inspection

- 2.1. All our joint inspections are delivered in line with the principles of public sector inspection (see **ANNEX A**).
- 2.2. We work together to address issues that involve more than one CJ 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.
- 2.3. We support democratic accountability, local transparency and the drive to reduce bureaucracy. Joint inspection particularly provides a unique focus on:
  - Systemic issues within the CJS as a whole;
  - Identifying and driving cost from the system;
  - Addressing risks and public safety;
  - Examining the system end-to-end and the roles of individual agencies;
  - Universal issues, standards and constraints within the CJS; and
  - Public reassurance and confidence.
- 2.4. We focus on four high level business processes and three cross-cutting issues, which appear in full in **ANNEX B**. Each year, we review the overall balance and focus of our programme and whether it remains valid in an environment where the justice landscape is subject to rapid and fundamental challenge and change.

### 3. The planning horizon

- 3.1. We work to a two-year planning horizon, to give strategic coherence to successive years' programmes and suitably timed research and scoping activities to better inform future inspections.
- 3.2. The two-year nature of the programme means that there are always some inspections underway, some in preparation and others in the early planning stages, as reflected in the programme in **SECTION B**.

## SECTION B – JOINT INSPECTION PROGRAMME FOR 2014-16

### 4. Inspections already planned for 2013/14

4.1. There are a number of programmes already planned for 2014/15 and either underway or due to start during 2014. More detail of these appear in our published joint business plan<sup>1</sup> but in brief those which will generate inspection activity during 2014/15 are:

#### A. CORE PROGRAMMES

- ***Inspection of adult offending***  
Inspection of adult offending changed from April 2013 when a four-year programme started, focussed on evidence of positive outcomes. Started as Trust-based, they will evolve to Local Delivery units. Inspections will be topic-based with topics changed at six-monthly intervals. The first theme related to violent offenders. The topic for the next round of inspections will be protecting children.
- **Prison Offender Management Inspections (POMI):** As part of the Prison Offender Manager Programme, HMI Probation joins HMI Prisons on their full inspections of prison establishments to assess the quality of offender management work. HMI probation then contributes to each of the relevant HMI Prisons reports, and also publishes at least one report a year summarising the aggregate findings from these visits.
- **Police & UKBA custody inspections:** HMI Prisons' and HMI Probation's 6-year programme of joint police custody inspections will be completed in 2013/14. Planning is underway for a new cycle of joint inspections for 2014-2019. We plan to inspect 12 forces or boroughs during 2014/15 including some re-inspections and Border Force custody suites. Recent inspections have found a general improvement in safer custody and the beginning of some improvements in health service provision as a result of imminent NHS commissioning. Forces continue to respond positively to inspection. HMI Probation has led engagement with individual Police & Crime Commissioners since the autumn of 2012 and the relationship will continue to develop.
- **Inspection of Youth Offending:** From Autumn 2012, a four-year programme started, combining four elements:
  - Full joint inspection programme of small number of Youth Offending Teams (YOTs) with strong or poor performance;
  - Thematic inspections across a range of YOTs;
  - Contribution to Ofsted's child protection inspections; and
  - An annual screening programme of approx 20% of YOTs.All elements will have contributions from health, social care, education & training and police.

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<sup>1</sup> Available on all CJ inspectorate websites

- **Child protection inspections:** Following the Munro report, Ofsted has led a redesign of child protection inspections – supported by CJ and other inspectorates. After pilot inspections in Dec 2012, a full programme was due to commence in 2013, involving CJ inspectorates. Ofsted-led joint inspections will not now start before April 2015. In the interim period, CJ inspectorates will be carrying out a range of single and joint agency inspections of child protection issues – including a focus on child sexual exploitation and missing children.

## **B. JOINT THEMATIC INSPECTIONS**

- ***Learning disabilities and difficulties***  
To review how well offenders with learning disabilities and difficulties are managed through the CJS. **Phase 1** (completed in 2013) examined the stage from arrest to conviction – focussing particularly on the effectiveness of information exchange between agencies in informing sentencing, facilitating access to treatment and support and reducing reoffending. **Phase 2** will assess the engagement of probation and prison services from sentence to the end of any order or licence.
- ***The contribution of Youth Offending Teams to the work of the Troubled Families Programme***  
This will focus on the work of the Troubled Families programme (together with parallel developments in Wales) and its impact on the service provision. We will take into account how public bodies, including youth offending services, evolve in response to this significant change in policy and practice and how effective their contribution has been towards achieving the objectives of the programme. Fieldwork is scheduled for spring 2014.
- ***Disclosure***  
There have been a number of high profile complex cases involving disclosure failures by the police and CPS. The review will look for solutions to the problems identified in managing disclosure effectively drawing on issues from R-v- Mouncher and wider practitioner experience. There will be a particular focus on handling of disclosure in serious and complex cases – e.g. those involving terrorism and undercover operations. Field work will take place during 2014/15.
- ***Road traffic offences involving fatalities***  
With continuing concern about road traffic offences involving fatalities, despite the introduction of new offences in 2008, the review will analyse and assess the quality of police/CPS investigation and prosecution of such cases, the progress made by the CPS following HMCSI's 2008 review, to establish good practice and make recommendations for positive change. Fieldwork is planned for 2014.

- **Child sex abuse**

In the light of the continuing concern about all aspects of child sexual abuse highlighted by recent high profile cases and investigations, can the public be reassured that investigation and prosecution of such offences make efficient and effective use of Achieving Best Evidence (ABE) Pre Recorded Interviews to ensure successful outcomes and reduce the trauma of court proceedings for child victims and witnesses?

Focus is on the quality of the service offered to victims by the police and CPS throughout the investigation and whether prosecution of these cases can be improved by more effective use of ABEs.

- **Substance abuse in the CJS** - The focus of this joint thematic is on the response of CJS agencies to changing patterns of substance use – in particular the diversion and misuse of prescription drugs within prisons and the continuity of services and support on reception and release. Phase 1 commenced in Aug 2013. with fieldwork scheduled from March 2014.
- **Effectiveness of local criminal (CJ) partnerships:** A joint report published in May 2012<sup>2</sup>, identified that changes to funding and accountability arrangements had led to some LCJBs merging, and others operating in a more limited way or even shutting down altogether. The report found that there was little clarity about how the activities of local CJS agencies would be coordinated in the future, in many parts of the country. The focus is how local CJ inter-agency work is managed and supported and the effectiveness of relationships in driving new and innovative changes to improve efficiency and effectiveness. Fieldwork is scheduled from July 2014.

## C. FOLLOW-UP INSPECTIONS

4.2 Each year, we consider evidence of progress against recommendations from our previous reports, to identify areas where follow-up inspection may be required. Such inspections may also be commissioned in-year.

- **Disability hate crime**

The joint report on disability hate crime was published in March 2013. At the launch, concerns were raised over monitoring implementation and so this follow-up will include formal interim meetings and file reviews between October 2013 and April 2014. Fieldwork is planned from mid-2014.

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<sup>2</sup> 'Improving the Criminal Justice System – lessons from local change projects', a joint report by HMIC, HMCPSI, HMI Probation and National Audit Office, published May 2012.

- **Statutory charging**  
The previous joint report in 2008<sup>3</sup> highlighted a number of concerns over the efficiency of the process. With changes in the landscape implemented in 2010/11, a follow-up has been planned to start during 2014.

- **Multi-Agency Public Protection Arrangements (MAPPA)**  
The previous joint report in 2011<sup>4</sup> found that, while all agencies involved took responsibilities towards public protection very seriously and there was a strong culture of information sharing, the quality of the planning to manage the risk of harm posed by individual offenders was sometimes inadequate. A number of recommendations were made aimed at securing improvement.

MAPPA remains a central component of the criminal justice system and a follow-up inspection will take place at the end of 2014, led by HMI Probation and supported by HMI Constabulary. It will seek to establish how far the recommendations in the original report have been implemented by the agencies involved, and whether improvements to practice have resulted.

## 5. New subjects under consideration for 2014-16

5.1. During 2013, a number of potential subjects for joint inspection were researched and a scoping exercise undertaken – to identify the key issues and highlight the likely areas of focus for any joint inspection activity. This process produced potential inspection work streams, including:

- **Identifying vulnerability and risk in police case files:** Previous reports (including “Stop the Drift 2”<sup>5</sup> and police file quality<sup>6</sup>) highlighted a lack of adequate identification of the vulnerability of victims and witnesses – so they do not receive appropriate support. The focus will be on agencies’ response to previous recommendations, how vulnerability is identified and prioritised and approaches to risk assessment and management. Fieldwork is scheduled from October 2014.
- **Digitisation in the CJS:** Digitisation is a high priority for all CJS agencies and central to driving out waste and reducing bureaucracy. It also impacts daily working practices. The focus will be on interfaces and information sharing between CJ agencies. Fieldwork is planned to start after October 2014.

5.2. In addition, following several high profile cases involving human trafficking and slavery, work is underway to identify an appropriate focus for CJ joint inspection – potentially centred on evidence gathering, decisions to prosecute, victim support, and the interface between the agencies involved.

<sup>3</sup> “Joint Thematic Review of the New Charging Arrangements”; CJI; November 2008

<sup>4</sup> Joint inspection of MAPPA: CJI: 10 November 2011

<sup>5</sup> “Stop the Drift 2: Focus on 21<sup>st</sup> century justice: CJI; 4 June 2013

<sup>6</sup> Police File Quality: HMIC: 15 July 2013

## 6. Next steps

- 6.1. We will publish a revised joint business plan in April 2014 setting out our proposed programme of work for the coming two-year period. That programme will be based on the list of work streams above but there is also an opportunity to add or amend the programme's coverage based on the responses to this consultation process.
- 6.2. All contributions are welcome. They should be forwarded to the Criminal Justice Joint Secretariat at the below address:

***Peter Todd***  
***Secretary to the CJ Chief Inspectors Group***  
***c/o HM Crown Prosecution Service Inspectorate,***  
***4<sup>th</sup> Floor, One Kemble Street,***  
***LONDON WC2B 4TS***

Or electronically to:

[Peter.todd@hmic.gsi.gov.uk](mailto:Peter.todd@hmic.gsi.gov.uk)

## ANNEX A

### The ten principles of inspection

The principles of inspection in this policy statement 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.

### The focus for CJ Joint Inspection

- 1.1. Since 2007/08, joint CJ inspection activity has been configured around four high level business processes, namely community safety; bringing offenders to justice; offender management; and, custodial conditions.
- 1.2. The broad objectives for inspection for each business process are:
  - **Community safety**– to challenge the key partners in crime and disorder reduction, in the context of wider proposed changes in the inspection of local partnerships;
  - **Bringing offenders to justice** –to inspect the process of enforcing the criminal law through the institution of proceedings, their determination and the enforcement of Court Orders, including the experience of victims and witnesses throughout the process;
  - **Offender management** - to continue to develop inspections that assess how well offenders are managed from start to end of their sentences (custodial or community sentences), with a special focus on the assessment and management of each offender’s risk of harm to others; and
  - **Custodial conditions** – to develop joint arrangements in inspecting prisons, prisoner escort services, police and court cells and immigration detention.
- 1.3. We have also identified three cross-cutting factors for focus, namely:
  - **Victim and witness experience** – to examine the overall experience of victims and witnesses throughout their interaction with the criminal justice system to identify levels of satisfaction and areas for service improvement; and
  - **Equality and diversity** – to actively promote equality and diversity - both in respect of internal processes and in service provision to all users – and to identify and address improper discrimination within the CJS.
  - **Achieving value for money and efficiency** – to identify and drive out cost and bureaucracy from the CJS.