

# **Working protocol to support joint inspection of Prison Establishments and Immigration Removal Centres by Her Majesty's Inspectorate of Prisons and Ofsted**

## **Scope**

This protocol has been agreed between HM Inspectorate of Prisons (HMIP) and The Office for Standards in Education, Children's Services and Skills (Ofsted). It applies to the inspection of those prison establishments and immigration detention centres holding children and young people up to the age of 18 years and adults aged 18 plus.

It outlines our commitment to co-operation and collaboration so that together we meet our respective aims and objectives. This protocol is not a legally binding document and is subject to regular change as policy and practice changes.

## **Context**

### **The Role of Her Majesty's Inspectorate of Prisons**

Her Majesty's Inspectorate of Prisons (HMIP) was established as an independent inspectorate in 1980. It carries out its functions under section 5A of the Prison Act 1952 as amended by the Criminal Justice Act 1982 and the Immigration and Asylum Act 1999. The main statutory functions are to inspect and report to the Secretary of State on the conditions for and treatment of those detained in prisons and young offender institutions in England and Wales, and immigration removal centres in England, Wales and Scotland. In addition, HMIP inspects by invitation prison establishments in other jurisdictions including Northern Ireland, the Channel Isles and certain Commonwealth territories, as well as immigration short-term holding facilities. HMIP works jointly with a range of other inspectorates. Ofsted HMI are invited to inspect purposeful activity in prisons, YOIs and IRCs in England by agreement with HMIP.

Her Majesty's Chief Inspector of Prisons produces an annual programme of inspections. Currently HM Chief Inspector of Prisons carries out a full inspection of every Prison during a five year cycle of inspections. In addition it inspects Prison Service establishments holding children and young people under 18 every three years.

### **The Role of Office for Standards in Education, Children's Services and Skills**

The Office for Standards in Education, Children's Services and Skills (Ofsted) regulates and inspects to achieve excellence in the care of children and young people, and in education and skills for learners of all ages.

It regulates and inspects:

- childcare and children's social care;

It inspects:

- schools;
- colleges of further education;
- initial teacher education;
- work-based learning and skills training;
- adult and community learning and education;
- training in prisons and other secure establishments.

It also assesses local authority children's services, and inspects services for looked after children, safeguarding and child protection.

### **Joint Working Practice**

This protocol is intended to assist joint working between the two organisations with a clear focus on improving efficiency and effectiveness when conducting joint inspections within places of detention, including minimising burdens on the inspected body.

The Deputy Chief Inspector of Prisons produces an annual inspection programme each December for the twelve months from the following April. The Deputy Chief Inspector of Prisons will liaise with the Ofsted Deputy Director Further Education and Skills and national lead before the production of the annual inspection programme each year and inform them of the planned inspection programme and likely staffing needs.

Ofsted HMI will take the lead role in inspecting purposeful activity in establishments in England. The Ofsted scheduling team will allocate appropriate Ofsted resources to each relevant HMIP inspection.

Most HMIP inspections are unannounced and the annual programme is given in confidence to the Ofsted dedicated scheduling personnel who will maintain this confidentiality.

Amendments to respective programmes will be shared at the earliest opportunity.

Ofsted HMI will normally attend inspections simultaneously with HMIP during the second week of the inspection.

The appointment of inspectors will be a matter for the respective inspectorates. However, in the interests of security, Ofsted will liaise with HMIP on the security requirements necessary for custodial inspection. All inspectors require enhanced Disclosure and Barring Service checks. HMIP will assist and advise Ofsted on issues of enhanced security clearance where necessary.

Deployment of staff will be a matter for the respective inspectorates. However, in the interest of minimising burdens on those to be inspected, Ofsted will liaise with HMIP on the capacity of particular places of detention to ensure an appropriate balance and total number of inspectors on site.

Ofsted will appoint a lead inspector for each inspection and during the inspection the Ofsted lead inspector will report to the HMIP team leader.

The organisational lead contacts will be:

Ofsted – Deputy Director of further education and skills and the National Lead for judicial services inspections

HMIP – Deputy Chief Inspector and Team Leader with responsibility for liaison with Ofsted

## **Pre-Fieldwork Activity and Planning**

HMIP will notify Ofsted of inspections as early as possible to allow inspectors to be allocated. Ofsted will then inform HMIP of the lead inspector's name.

For all inspections, HMIP will send a pre-inspection pack to the Governor\Director. This will be done during week one for all unannounced inspections and around one month before announced inspections. This explains the process and requests advance information. This will include information required by Ofsted in accordance with Ofsted's *Handbook for Inspection*. Ofsted will arrange their own (internal) planning separately and make telephone contact with the head of learning and skills at the prison to be inspected to ensure that pre-inspection planning is proceeding as agreed. This will include requesting data requirements on the outcomes for individuals in respect of their education and training. The Ofsted lead inspector will provide the HMIP inspection coordinator with the names of all the Ofsted inspectors who will be present during the inspection, including dates of attendance and who will require keys.

The HMIP inspection coordinator will notify Ofsted of hotel arrangements. However, Ofsted inspectors will make the final arrangements for their own accommodation. The HMIP inspection coordinator will produce an inspection pack including a summary report providing an overview of the establishment in accordance with an agreed template. This report will be sent in a pack, usually electronically, containing other relevant preparatory information to the Ofsted lead inspector no later than one week before the beginning of the inspection.

## **Fieldwork**

Ofsted will conduct its inspections using the *Common Inspection Framework 2015* and the *Learning and skills inspection handbook for adults, young adults, children and young people in custody* and HMIP's *Expectations*. They will assist HMIP with its inspection of purposeful activity and time out of cell, specifically looking at the quantity, quality and outcomes of:

- Learning and Skills and Work Activities
- Physical Education and Healthy Living

Ofsted will also assist HMIP with the inspection of education, training and employment within the Resettlement section of the inspection.

Ofsted will consult HMIP on changes to their *Common Inspection Framework* and HMIP will consult Ofsted on changes to its inspection framework.

A joint team briefing on the first day of the inspection will determine how the Ofsted inspection team will assist and support HMIP with, for example, the inspection of association, time out of cell, work and purposeful activity, planning meetings and how learning and skills and work, PE and the regime work together. Ofsted will complete evidence forms (EFs) for all activities inspected and provide HMIP with a summary of their key findings.

The Ofsted lead inspector may attend the governor's initial briefing along with the HMIP Team Leader. A daily whole team briefing will be held to inform the HMIP Team Leader of progress and to bring emerging issues to his/her attention as required. At this meeting the Ofsted lead inspector will also provide emerging key points for daily feedback to the governor. The Ofsted lead inspector will provide the HMIP team leader with written bullet points for the draft feedback summary by close of play on Wednesday of the inspection. The Ofsted lead inspector will attend the 'judgements and challenge' meeting and deliver verbal feedback, as part of the full HMIP debrief to the establishment on the last day of the inspection.

Ofsted will usually maintain a separate base room for the inspection. Ofsted's lead inspector and team members will meet daily with the nominee to discuss emerging issues, further inspection activities and to provide an opportunity for the presentation of further evidence. A written record will be maintained of this meeting and copied to the HMIP Team Leader if requested.

The Ofsted lead inspector will provide a separate, short feedback session to the nominee by way of bullet points of strengths and areas for development on the last day of inspection. The draft feedback will be shared with HMIP, the nominee and the SFA.

Ofsted will quality assure the inspection in line with its own procedures.

### **Sensitive documents and data**

Documents containing sensitive personal data will not be taken away from establishments.

### **Reporting and Publication**

Ofsted will not produce a separate report. The Ofsted lead inspector will submit a copy of their draft findings to the HMIP coordinator within three days of the completion of the inspection. These will be subject to HMIP editorial processes. In addition, the report will include additional standalone judgements against the Ofsted *Common Inspection Framework* at the beginning of the learning and skills section of the HMIP report and judgements on the quality of OLASS-funded provision and National Careers Service provision.

Within approximately eight weeks of the end of the inspection, HMIP will send a draft report to the National Offender Management Service\Home Office for factual accuracy checks. A response is required within three weeks; any follow-up responses from HMIP/Ofsted will be completed within a further two weeks. Amendments will be made at the discretion of HMIP and in relation to education and training issues by Ofsted. The

report will be formally submitted to the Justice Secretary with a view to publication four weeks later and will include recommendations for change and any areas of good practice.

### **Media relations**

HMIP takes final responsibility for all reports relating to the inspections. Any requests made to Ofsted for public comment on such reports will be forwarded to the Deputy Director for further education and skills who will liaise with HMIP.

### **Quality assurance and evaluation of inspections**

HMIP will issue a feedback sheet on all inspections that it leads. Any significant issues or complaints from the prison or from HMIP concerning Ofsted or an Ofsted inspector will be referred to the Ofsted Deputy Director Further Education and Skills and will be dealt with through Ofsted's complaints procedure.

Any significant issues or complaints from the prison or from Ofsted concerning HMIP or an HMIP inspector will be dealt with through the HMIP complaints procedures.

The HMIP team leaders and the Ofsted lead inspector will keep each other informed of progress on any significant issues or complaints. The involvement of HMCIP, HMDCCIP, the Ofsted HMI and/or Ofsted's National Director or Deputy Director for further education and skills will be requested as appropriate.

An analysis of feedback responses will be carried out by both HMIP and Ofsted to inform future practice. Ofsted may arrange for a visit by an HMI colleague to the inspection to further assure the quality of the inspection by prior agreement with HMIP who will secure the agreement of the establishment.

### **Protection of children, young people and vulnerable adults**

Ofsted and HMIP inspectors will follow the HMIP and Ofsted's safeguarding policies and procedures which sets out procedures to be followed in the event of information coming to the attention of any member of staff indicating that a child or vulnerable adult held in any secure estate has suffered, is suffering or is at risk of suffering harm during their period in detention. If any such information comes to the attention of Ofsted inspectors they must report it immediately to the HMIP team leader. Any general undertaking of confidentiality or anonymity during the inspection must have the caveat that this cannot be maintained where information suggests that a child or a vulnerable adult has been harmed in any way.

### **Inspectors' safety**

Inspectors' safety is paramount. Ofsted HMI will follow all appropriate advice and guidance given by the custodial establishment being inspected.

Ofsted and HMIP inspectors will also adhere to all health and safety advice provided by their own inspectorates.

## **Confidentiality**

This joint protocol is subject to the duty of confidentiality owed by each organisation to those providing them with confidential information. Where either organisation receives information which bears upon the other's responsibility both organisations agree to share such information.

Nothing in this protocol precludes HMIP from taking relevant action as necessary to safeguard prisoners, staff and/or the public.

**JUNE 2016**