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HM Chief Inspector of Prisons
PETER CLARKE CVO OBE QPM

4 March 2019

Justice Secretary
Home Secretary
Chief Inspectors of Criminal Justice
HM Chief Inspector, Ofsted
Chief Executive, Care Quality Commission
Chief Inspector, Estyn
Chief Executive, Healthcare Inspectorate Wales
Chief Executive, Education Scotland
Chief Inspector, Criminal Justice Inspection Northern Ireland
Provost Marshal (Army), Brigadier David Neal
Independent Chief Inspector, Borders and Immigration

HMI PRISONS: STATUTORY CONSULTATION ON THE DRAFT INSPECTION PROGRAMME 2019–2020 AND CONCOMITANT INSPECTION FRAMEWORK

Under the Police and Justice Act 2006, the criminal justice inspectorates are required to consult with identified stakeholders, including relevant Ministers, on their joint inspection programme, their draft individual programmes and respective inspection frameworks. In the case of HMI Prisons, we take this to require that we should consult both the Justice Secretary (prisons, young offender institutions and court custody) and the Home Secretary (immigration detention and police custody), as well as other interested parties.

This letter is to invite comments or views on:

- the structure and scale of our proposed inspection programme in 2019–2020;
- the topics and focus of our proposed thematic inspection programme in 2019–2020;
- our inspection framework, which sets out the statutory basis for our inspection programme and the inspection approach we take.

INSPECTION OF CUSTODY

This year, as was the case in previous years, almost all our inspections will be unannounced. It therefore seems more productive to again seek views on the types of establishment we should inspect, and our proposed thematic topics, before we finalise our programme.

The inspection programme is structured as follows.

- The vast majority of inspections will continue to be unannounced. We will, in certain circumstances, particularly where we believe it might assist a prison that we had previously judged to be poor to make improvement, provide up to six months' notice of arrival.
- There will be a similar methodology for our immigration removal centre (IRC) and juvenile/young offender institution (YOI) inspections. All inspections will be full and all will consider progress since the last inspection by commenting on the achievement or otherwise of previous recommendations.
- We will publish on our website the action plans returned by inspected bodies in response to the recommendations made.
- This year we will introduce a new methodology we have termed Independent Reviews of Progress (IRP). Such review visits will follow up previous inspections, but they will not be a reinspection and we will not make judgements against our healthy prison tests. Instead we will follow up a selection of key recommendations and make judgements about the extent of progress in achieving those recommendations.
- The IRP methodology was piloted late in the year 2018–19 and we have incorporated learning from these pilots. Our intention is to undertake between 15 and 20 visits each year. Our methodology and selection criteria are reflected in our updated Framework document, publicly available on the HMI Prisons website.
- The aims of IRPs are:
 - a. to provide an independent, evidence-based assessment of how the prison is progressing against the key concerns and recommendations identified at the previous inspection
 - b. to assess, where possible, progress in terms of outcomes for prisoners in the areas of main concern
 - c. to promote improvement
 - d. to identify any emerging difficulties or slippage in progress at an early stage

- e. to assess the sufficiency of the leadership and management response to our main concerns at the previous inspection.

Inspection arrangements for all custodial sectors are as follows:

Sector	Frequency	Comments
Prisons, YOIs holding young adults, and specialist units	Inspected at least once every five years.	Inspections are determined by risk assessment.
YOIs holding children under the age of 18	Inspected annually.	
Immigration removal centres	Inspected at least once every four years, and every two years if the IRC holds children.	Inspections are determined by risk assessment.
Immigration non-residential short-term holding facilities	Inspected at least once every six years.	Most facilities can expect to be inspected every three to four years. Those with high throughput of detainees or considered to be higher risk may be inspected more frequently.
Immigration residential short-term holding facilities	Inspected at least once every four years.	Most facilities can expect to be inspected every two to three years and more frequently if considered to be higher risk.
Immigration escorts	Two or three escorts inspected each year.	These will normally be charter or scheduled overseas escorts, but may also include in-country escorts.
Police force areas	All suites inspected at least once every six years.	In partnership with HM Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS). Inspections are determined by risk assessment.
Court custody	Three court custody areas inspected each year.	
Border Force (customs) facilities	Inspected every two years.	In partnership with HMICFRS.
Secure training centres (STC)	Inspected annually.	In partnership with OFSTED.
Military Corrective Training Centre	Inspected at least once every four years.	By agreement and invitation from the military.
Armed forces service custody facilities (SCF)	Inspected at least once every four years.	By agreement and invitation from the military.

We will determine the timing of, and resources for, an inspection based on a risk assessment. Factors we will consider include, but are not limited to:

- the time elapsed since the last inspection
- the functional type and size of the establishment
- detainee outcomes as assessed previously by the Inspectorate
- significant changes to the establishment or changes in leadership
- intelligence received via correspondence or through other channels
- HMPPS safety data and incident reports
- Prison Performance Tool (PPT) data
- consultations with partner inspectorates (as required).

At this stage we expect our inspection programme in 2019–2020 to be as follows:

Prisons, specialist units and young offender institutions holding young adults

- 39 unannounced inspections
- 3 announced inspections
- 1 extra-jurisdictional prison (NI)

Institutions holding children and young people

- 6 unannounced inspections of YOIs
- 3 unannounced inspections of secure training centres (STC)

Immigration removal centres and other facilities

- 3 unannounced inspections of IRCs
- 4 unannounced inspections of short-term holding facilities (clusters both residential and non-residential)
- 3 inspections of immigration escorts (including overseas)

Police and courts

- 8 unannounced inspections of police force custody facilities (consultation on our joint police custody inspection programme takes place separately under the Criminal Justice Chief Inspectors joint inspection consultation arrangements)
- 3 court area inspections

Other inspections

- The inspection of Border Force custodial facilities

Inspections of prisons, young offender institutions and immigration removal centres are conducted jointly with Ofsted or Estyn (Wales) or Education Scotland, the Care Quality Commission or Healthcare Inspectorate Wales.

Inspection of police and UK Border Force custody facilities are led jointly with HMICFRS with support from the Care Quality Commission. All STC inspections are jointly led with Ofsted, again supported by the CQC.

Consultation Question (1)

Each year we seek views on the types of establishment or individual establishments we inspect, the overall shape of the inspection programme and the factors we consider when deciding which establishments to inspect.

THEMATIC INSPECTIONS AND REVIEWS

HMI Prisons will also conduct a number of thematic inspections and shorter thematic reviews, in addition to our work with other criminal justice inspectorates. (A joint inspection programme, which includes joint thematics and targeted collaborative work, will be offered for consultation separately by the Criminal Justice Chief Inspectors).

We are planning to continue publishing our annual survey reports of young people in custody:

- Children in Custody – An analysis of 12–18-year-olds' perceptions of their experiences in secure training centres and young offender institutions.

In order to be responsive to changes in the policy and practice environment, HMI Prisons no longer determines its full thematic programme for the year in advance. Furthermore, we are currently reviewing our approach to identifying and prioritising topics for thematic inspection. We would therefore welcome suggestions from stakeholders regarding subjects that would benefit from thematic review or inspection.

Consultation Question (2)

We would welcome views on topics that might usefully be the subject of thematic inspection or a shorter review.

INSPECTION FRAMEWORK

Our approach to custody inspection is now set out in four documents:

- An Inspection Framework that describes the statutory basis for our work and our overall inspection approach. This has been recently updated to include our new work on Independent Reviews of Progress and is available on the [HMI Prisons website](#). We welcome any views on the Framework.
- Three detailed guides for inspectors:
 - Manual for inspectors
 - Manual for report writing
 - Preparatory inspection pack

The manuals for inspectors and report writing are available at:
<http://www.justiceinspectorates.gov.uk/hmiprisons/about-our-inspections/>. The preparatory inspection pack is available on request.

REVISING EXPECTATIONS (inspection criteria)

This year, we will complete a review of our Expectations for women in custody, Border Force custodial facilities, military custody, police custody (in conjunction with HMICFRS) and court custody. These new Expectations will take account of important developments over recent years and will provide a foundation for ongoing robust, independent inspection of these sectors.

Comments should be sent by 25 March 2019 to:

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Yours sincerely



PETER CLARKE

cc: Michael Spurr, HMPPS
Phil Copple, HMPPS
Digby Griffith, HMPPS
Helga Swidenbank, Youth Custody Service
Chris Jennings, Interim Executive Director, HMPPS in Wales
Kate Davies, NHS England
Mark Sweeney, Director, Policy, Communications & Analysis Group
Clare Toogood, Director, Prison Reform Policy
Diane Caddle, Deputy Director, Sponsorship of Independent Scrutiny Bodies
Sally Grocott, Head of Sponsorship Team & New Methodology
Charlie Taylor, YJB
Colin Allars, YJB
Dame Anne Owers, Chair of IMB
Sue McAllister, PPO

Susan Melvin, General Pharmaceutical Council
Tyson Hepple, HO Immigration Enforcement
Phil Riley, HO Immigration Enforcement
Emma Moore, Chief Operating Officer, Border Force
Wendy Williams, HMICFRS
Katherine Riley, HMICFRS
Anne Halliday, CJCIG
Katie Kempen, ICVA
Damian McCleave, HMCTS
Tim Coates, PECS
John Thornhill, National Chairman, Lay Observers
Captain John Wharton (RMP at PM/A HQ Andover)
Major Nia Taylor, MOD HQ
Alison Lott, Welsh Government
Sarah Cooper, Welsh Government