

## From recommendations to concerns

### Why have we changed the way we report our inspection findings?

Inspection has two main functions: to draw public attention to the treatment of and conditions for prisoners and detainees and, by highlighting both failings and successes, to support leaders, from the prison or court services to individual establishments, to make improvements. One of the longstanding frustrations of HMI Prisons has been how often inspectors have returned to establishments to find that previous recommendations have not been achieved and outcomes for prisoners/detainees have not improved.

It has long been the custom in HMI Prisons that when there is something wrong, inspectors should make a recommendation to put it right. Over time, HMI Prisons has reduced the number of recommendations to focus on the most important findings. Despite this, we continue to find that attention is given to recommendations that are easiest to achieve, rather than those which would have the most positive effect on outcomes for those detained. We are also told that establishments are often overwhelmed by the amount of paperwork that they have to generate in response to inspection. Some governors report spending as much time creating and servicing action plans as they do in taking action to improve outcomes.

Over the last year, we have begun inspecting leadership, with the understanding that leaders, with limited time and resources, must focus on the most important factors in improving their establishment. A governor who sets too many priorities is likely to dilute the level of attention paid to each one and confuse staff. We believe it therefore follows that we should avoid making long lists of recommendations that generate more paperwork and less incisive action.

Inspectors have considerable expertise in identifying issues of concern. They use a combination of data, documents, and interviews with staff, leaders, prisoners/detainees and third sector organisations to build a picture of the treatment of and conditions for those detained, leading them, through the four healthy prison tests and the scoring system, to make sound, evidence-based judgements.

Generating recommendations from these concerns is more problematic when the issues are complex. For example, if violence on a particular prison wing is too high, this may be down to a number of interacting factors such as the mix of prisoners, the effectiveness of staff, the regime, the fabric, condition and design of the building, the culture of the jail, and any number of other important considerations. With such complex issues, we believe it will be more effective for inspectors to set out what is wrong and allow leaders to create a plan to put it right, rather than making a recommendation which may be too static and prescriptive for an evolving situation.

## **What we have changed**

From 3 May 2022, rather than make recommendations in prison, court custody and young offender institution reports, inspectors will outline up to 15 key concerns, highlighting between three and six of these as priority concerns.

Key concerns identify the areas where there are significant weaknesses in the treatment of and conditions for prisoners/detainees. To be addressed they will require change in practice and/or new or redirected resources. Priority concerns are those that inspectors believe are the most urgent and important and which should be attended to immediately. Priority and key concerns will be clearly summarised at the beginning of inspection reports and the body of the report will set out the issues in more detail.

In moving away from recommendations to a more limited set of key concerns, HMI Prisons is seeking to reduce bureaucracy for leaders and direct their attention to the most important findings. Responsibility will fall on leaders to consider the best way to respond and use their resources and expertise to find solutions.

Independent reviews of progress (IRPs) will remain an important way of monitoring progress against inspection findings. During the 2022–23 year, some IRPs will take place at establishments where recommendations were made at the most recent inspection. At these establishments, IRPs will follow up on progress against recommendations in line with prior practice.

As the new method of reporting key concerns develops, IRPs will begin to take place at establishments where we have set out priority and key concerns. At these establishments, IRPs will mainly consider progress against priority concerns. The list of concerns to be followed up will be identified when IRPs are announced.

### **Which inspections will use the new approach?**

This approach applies in the following sectors from 3 May 2022:

- prisons
- court custody
- young offender institutions.

Changes will not be made in the immigration estate until piloting and consultation has been completed.

### **Where will Care Quality Commission regulatory recommendations appear?**

When the Care Quality Commission (CQC) issues a regulatory recommendation following a requirement notice, this will appear in a separate box after the list of priority and key concerns.

**Will the same approach be used in the inspection of health and social care, and education, skills and work?**

Yes, inspectors from HMI Prisons and partner inspectorates will work together to identify priority and key concerns in these areas.

**How will HMI Prisons follow up on priority and key concerns at a subsequent inspection?**

Rather than focus on the implementation of specific recommendations, subsequent inspections will examine progress made in addressing priority and key concerns and improving the underlying poor outcomes for prisoners/detainees.

Inspectors will make the following judgements on progress in addressing priority and key concerns:

- no meaningful progress
- insufficient progress
- reasonable progress
- good progress.

**Will you still expect an action plan to be produced in response to priority and key concerns?**

Yes, an action plan will still be produced and published.