



Response to the consultation on HM Inspectorate of Probation's inspection framework and programmes for 2016/2017

16 August 2016

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1. Introduction

Under the Police and Criminal Justice Act 2006, HM Inspectorate of Probation (HMI Probation) is required to consult named key stakeholders each year on its inspection framework and programmes of inspection.

The 2016/2017 consultation letter was issued on the 19th May 2016, setting a deadline for responses of 17th June. The consultation letter was published online and is available at:

<http://www.justiceinspectorates.gov.uk/hmiprobation/about-hmi-probation/consultations/>

The consultation included the following five questions:

Adult inspection programme

1. We intend to adopt a transparent, risk-based approach to deciding when and where to inspect. We welcome views on this approach and the factors that we intend to take into account.

Thematic inspections

2. We welcome views on the factors that we intend to take into account when considering thematic topics.
3. We welcome views on the additional topics currently under consideration, should we devote more resource to thematic work.

Balance of resources

4. We welcome views on our intention to increase our resource allocation for thematic inspection.
5. We welcome views on whether we should retain our current level of commitment to Prison Offender Management Inspections (POMI) or whether Through the Gate (TTG) Inspections would be a better use of resources.

As important changes were being proposed, the consultation was extended from ministers and other inspectorates (as required by statute) to those subject to inspection and associated bodies. The consultation was also discussed by the newly established HMI Probation Advisory Group.

Twenty responses were received to the consultation. This document summaries the responses and clarifies the decisions subsequently made by HMI Probation.

2. Summary of HMI Probation changes

| | Proposal | Post consultation decision |
|---|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 | <p>Adult inspection programme</p> <p>We intend to adopt a transparent, risk-based approach to deciding when and where to inspect. We welcome views on this approach and the factors that we intend to take into account.</p> | <p>We will develop a risk matrix linked to the factors set out in the consultation, which will attempt to identify areas at both ends of the risk spectrum. The information and intelligence feeding into the matrix will reflect the work of both the National Probation Service (NPS) and Community Rehabilitation Companies (CRCs). For now, we will target those areas which rank highly against the risk-based criteria, but we will also put greater emphasis on identifying promising practice and positive innovations as we inspect. We will review our approach to targeting these inspections in 2017/2018.</p> |
| 2 | <p>Thematic inspections</p> <p>We welcome views on the factors that we intend to take into account when considering thematic topics.</p> | <p>We will develop a risk/impact matrix linked to the factors set out in the consultation. The matrix will rate (i) the current level of risk to the successful delivery of probation/youth justice services and (ii) the potential impact of our findings, whilst also considering the likely resource requirements for undertaking the inspection. All potential thematic topics will be considered against this matrix and those that score most highly will be selected.</p> |
| 3 | <p>Thematic inspections</p> <p>We welcome views on the additional topics currently under consideration, should we devote more resource to thematic work.</p> | <p>The additional topics outlined in the consultation will be assessed against the risk/impact matrix alongside the other topics suggested by respondents. We will announce the selected thematics prior to their commencement.</p> |
| 4 | <p>Balance of resources</p> <p>We welcome views on our intention to increase our resource allocation for thematic inspection.</p> | <p>As proposed in the consultation, we will increase the resources given to thematic inspection within our overall budget allocation for 2016/2017.</p> |
| 5 | <p>Balance of resources</p> <p>We welcome views on whether we should retain our current level of commitment to Prison Offender Management Inspections (POMI) or whether Through the Gate (TTG) Inspections would be a better use of resources.</p> | <p>Following discussion with HM Inspectorate of Prisons (HMI Prisons) we will move to fewer but more targeted POMI inspections. Much of the saving will be redirected to TTG inspections. The inspection methodology will be reviewed and developed following completion of a TTG thematic inspection which is currently taking place.</p> |

3. Summary of responses

Twenty responses were received to the consultation. There was a wide range of respondents, including ministers, inspectorates, regulators and ombudsmen, NOMS, NPS, CRCs, the Youth Justice Board, the Welsh Assembly Government and independent commentators/charitable organisations.

The vast majority of respondents supported each of the proposals.

Below is a summary of the main comments received, taking each consultation question in turn.

Proposal 1: Adult inspection programme

We intend to adopt a transparent, risk-based approach to deciding when and where to inspect. We welcome views on this approach and the factors that we intend to take into account.

Within the consultation, it was proposed that the following factors would be taken into account in deciding when and where to inspect:

- Poor previous inspection results (including findings in thematic inspections)
- The volume and nature of the organisation's caseload
- Data and information on performance
- Significant changes or challenges to the operating model
- Intelligence received from any source, including Serious Further Offence Reviews
- Time elapsed since last inspection

Respondents agreed overall with the intention to adopt a transparent, risk-based approach to deciding when and where to inspect. Two respondents stated that there was a need for the factors to be further developed and clarified. One of these respondents asked for more detail on the data and evidence that would be used. Another respondent argued that the findings from thematic inspections could be used to inform the adult inspection programme and help to provide the framework against which work is assessed.

In relation to the fourth factor set out above ("significant changes"), one respondent highlighted the NPS plans to introduce a new seven tier framework for the tiering of cases, and the implementation of the E3 ("Effectiveness, Efficiency and Excellence") change programme.

One respondent was of the view that consideration should be given to inspecting low risk units within a fixed cycle, stating that there was a danger of some areas (perceived to be strong performers) being rarely inspected. The respondent further asked whether there should be a maximum elapsed time period where a body would be inspected regardless of risk. Another respondent

warned that solely targeting high risk areas could allow “cruising” services to avoid scrutiny.

One respondent argued that inspection targeting should include identifying areas exhibiting best practice as well as areas for improvement. Another respondent made a similar argument, stating that the proposed approach appeared deficits-based and should be balanced by strengths-based targeting criteria. Another response noted that inspecting some higher performing areas would assist with benchmarking the inspection findings.

One respondent, whilst accepting that resource constraints mitigated against blanket coverage, noted that the quality of frontline practice can rapidly change and a risk based inspection programme may miss this danger.

Within the consultation, it was stated that “the balance of our effort is on the CRCs’ work, because that is where (for the moment) we see we can add most value”. One respondent questioned this assumption, stating that both CRCs and the NPS are new organisations requiring scrutiny and support. Another respondent highlighted the changes being implemented to the operating models on both sides, and the higher risk profile of the NPS caseload, whilst another argued that it would be unfair to portray that the NPS was trusted whilst CRCs were not. A further response highlighted the “robust contract management and operational assurance arrangements” for CRCs, concluding that HMI Probation should place the balance of its efforts on the effectiveness of whole system delivery, giving a particular focus to the operation of system interfaces and the work of NPS.

One respondent stressed the need for the Inspectorate to complement and not replicate the work of NOMS Operational Assurance, with the two organisations working together on scheduling activities.

Proposal 2: Thematic inspections

We welcome views on the factors that we intend to take into account when considering thematic topics.

Within the consultation, it was proposed that the following factors would be taken into account in deciding thematic topics:

- Potential impact of our findings
- Significant changes to policy or service delivery
- Risks to public protection
- Aggregate findings from core inspection programmes
- Intelligence received from any source
- Time elapsed since last inspection
- Estimated resource requirements
- Ministerial and other key stakeholder interests

Respondents expressed support for the factors outlined. Two respondents stated that there was a need for the factors to be further developed and clarified.

One respondent thought that consideration could be given to incorporating the findings from thematic inspections across inspectorates. Another respondent stated that consideration should be given to safeguarding issues, and another stated that consideration could be given to changes in the demographics of offenders falling within the remit of inspection.

Proposal 3: Thematic inspections

We welcome views on the additional topics currently under consideration, should we devote more resource to thematic work.

Within the consultation, it was stated that consideration was being given to the following additional topics.

- Court work: the interface between the NPS and CRC, and the quality of written and oral court reports
- Sex offenders and the quality of probation services
- Community (CRC) hubs and how they are working

A number of respondents supported a focus upon NPS/CRC interfaces, including court work but also covering other aspects such as risk escalation.

Two respondents supported a thematic on sex offenders.

One respondent saw little value in inspecting community hubs, one noted that 'hub' is not a term familiar to all CRCs and it can be interpreted differently, and another respondent noted that community hubs are still in development.

Respondents made a wide range of suggestions for other thematic topics. These included the following:

Offender sub-groups

- <12 month sentenced prisoners
- Women Offenders
- Ex Armed Service Personnel
- Domestic Violence perpetrators
- Foreign National Offenders

Offender needs

- Accommodation
- Education, training and employment
- Drugs

- Mental health needs (of young offenders)

Services/interventions

- Pre-release work
- Recall decision making
- Mentoring (including peer mentoring)
- New technologies, e.g. online accredited programmes/apps
- Application of desistance models
- Integrated Offender Management arrangements
- Interfaces with prisons, local authorities, and Police & Crime Commissioners
- Role of the voluntary sector

Proposal 4: Balance of resources

We welcome views on our intention to increase our resource allocation for thematic inspection.

There was unanimous support for the proposal to increase the resource allocated to thematic inspection. To reap the benefits from this increased resource, one respondent argued that attention must be given to the monitoring and following through of consequent action plans.

Proposal 5: Balance of resources

We welcome views on whether we should retain our current level of commitment to Prison Offender Management Inspections (POMI) or whether Through the Gate (TTG) Inspections would be a better use of resources

Most of those respondents expressing a view preferred TTG inspections to POMI as a better use of limited resources.

However, this view was not unanimous. One respondent argued that, given the far reaching prison reform proposals, this was the wrong time to reduce POMI and that TTG scrutiny was covered by detailed contract management and assurance audit. Another respondent agreed that TTG is well scrutinised currently, whilst another argued that POMI was an essential accountability mechanism for prisons and more vital in the light of the reform prisons proposals.

Two respondents believed that prison offender management and TTG work should be viewed holistically. Another stated that there was a need to ensure that sufficient attention was paid to the extension of post-release supervision to short-sentenced prisoners.

4. Changes to inspection framework and programmes

Following a review of the proposals and consultation responses, HM Chief Inspector of Probation and the Senior Management Team have made the decisions set out below.

Adult inspection programme

We will develop a risk matrix linked to the factors set out in the consultation, which will attempt to identify areas at both ends of the risk spectrum. The information and intelligence feeding into the matrix will reflect both NPS and CRC work.

We will publish a summary of the matrix and the criteria on our website.

For now, we will target those areas which rank highly against the risk-based criteria, but we will also put greater emphasis on identifying promising practice and positive innovations as we inspect. Through our thematic inspections, we will further increase our geographical coverage. We believe this represents the most appropriate use of public funds.

One source of information/intelligence for the risk matrix will be NOMS contract management and operational assurance teams. We will liaise with these teams when targeting and scheduling activities.

Our immediate focus will be upon the bedding in of the new inspection methodology. We will look again at the approach to the targeting of these inspections in 2017/2018.

Thematic inspections

We will develop a risk/impact matrix linked to the factors set out in the consultation. The matrix will rate (i) the current level of risk to the successful delivery of probation/youth justice services and (ii) the potential impact of our findings, whilst also considering the likely resource requirements for undertaking the inspection.

We will publish a summary of the matrix and the criteria on our website.

The additional topics outlined in the consultation will be assessed against the risk/impact matrix alongside the other topics suggested by respondents. Those that score most highly will be selected. We will announce the selected thematics prior to their commencement, also explaining the rationale for their selection.

As with our adult inspection programme, we will liaise with NOMS contract management and operational assurance teams to reduce any overlap and duplication of their work and ours.

Balance of resources

It seems to us that well-targeted thematic inspections can provide government and other interested parties with relatively timely information on the extent to which government policy aims and intentions are being delivered. As proposed in the consultation, we will thus increase the resources given to thematic inspection within our overall budget allocation for 2016/2017.

Following discussion with HMI Prisons, we will move to fewer but more targeted POMI inspections. We will reduce our annual contribution to POMI from 4000 inspection hours to 1000. The changes will take effect from the end of October 2016. We will offer support and guidance to HMI Prisons colleagues as they prepare for the handover. After that, we will attend a total of 12 POMIs a year. These are likely to be high security and sex offender prisons, where our expertise in risk assessment and sentence planning is of most value.

Much of the saving will be redirected to TTG inspections. The benefit of the TTG inspection approach is that it allows us to report on both the effectiveness of release planning and initial resettlement outcomes. Ministers and others expect us to be able to provide assurance on this key element of the *Transforming Rehabilitation* programme and these changes allow us to do so.

The TTG inspection methodology will be reviewed and developed following completion of a TTG thematic inspection which is currently taking place. As part of this review, we will also reflect upon learning from POMI.

Continuing review and consultation

We will continue to review our inspection framework and programmes over the year, retaining the ability to adjust according to changing government priorities and policies. We will respond to risks as we see them, and we also recognise that ministers may wish us to conduct specific pieces of work at any one time or in response to an unanticipated event.

In our consultation, we did not propose any immediate changes to youth inspection, but we will review our youth framework and methodologies once government policy develops in this area.

We will continue to review our new adult inspection methodology and develop a range of proportionate follow-up activities to check the impact of our recommendations in a timely way. We will also consider how best to follow up on our thematic inspections.

Within the responses to our consultation, further helpful points were made which did not link specifically to the five questions raised. We will take account of these points in our continuing reviews.

We will continue to consult annually on our proposed inspection frameworks and programmes.

Annex A: List of respondents

The organisations represented by the consultation responses were as follows:

- Care and Social Services Inspectorate Wales (CSSIW)
- Care Quality Commission
- Clinks
- Cumbria & Lancashire, Northumbria and South Yorkshire Community Rehabilitation Companies
- Essex Community Rehabilitation Company
- HM Inspectorate of Education and Training in Wales (ESTYN)
- Interserve Justice
- Ministry of Justice
- National Audit Office
- National Offender Management Service
- National Probation Service
- Prisons and Probation Ombudsman
- Sodexo Justice Services
- University of Cambridge
- Wales Community Rehabilitation Company
- Welsh Assembly Government
- Youth Justice Board

Contacts

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