



Response to the consultation on HM Inspectorate of Probation's inspection framework and programmes for 2017/2018

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1. Introduction

Under the *Police and Criminal Justice Act 2006*, Her Majesty's Inspectorate of Probation (HMI Probation) is required to consult named key stakeholders – other inspectorates and ministers – each year on its inspection framework and programmes of inspection. It is now our practice to consult also with those we inspect and associated bodies who can provide valuable insight and information as we develop our framework and methodologies.

The 2017/2018 consultation letter was issued on the 30 March 2017, setting a deadline for responses of 21 April 2017. The consultation letter was published online and is available at:

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

The consultation set out the following six questions:

Consultation questions – developing probation services inspection

1. We welcome views on our intention to rate and grade probation providers.
2. We welcome views on our intention to inspect providers annually.
3. We welcome any further views on the plans set out for developing probation services inspection.

Consultation questions – youth justice inspections

4. We welcome views on how we can best add value through our next youth justice inspection programme.

Consultation questions – thematic inspections

5. We welcome views on our proposed topics for thematic inspections.

Consultation questions – balance of inspection

6. We welcome views on our proposals for the balance of inspection work.

This document summarises the responses received and clarifies the decisions subsequently made by HMI Probation.

2. Summary of HMI Probation changes

	Question	Post-consultation decision
1	<p><i>Probation services inspection</i></p> <ul style="list-style-type: none"> • We welcome views on our intention to rate and grade probation providers. • We welcome views on our intention to inspect providers annually. • We welcome any further views on the plans set out for developing probation services inspection. 	<p>We will develop and test a new probation inspection methodology and approach, so that from 2018/2019, we inspect by Community Rehabilitation Company (CRC) contract package area and National Probation Service (NPS) division, look at more cases in each inspection, inspect more frequently and regularly, and grade the quality of services that we find. Our new approach will be underpinned by quality standards and we will work with commissioners, providers, probation professionals, service users and others to build a common view of high quality probation services and what is expected.</p> <p>We will agree with the Ministry of Justice (MoJ) adjustments to the oversight model for probation services, so that arrangements are proportionate and as coherent and seamless as possible.</p>
2	<p><i>Youth justice inspections</i></p> <ul style="list-style-type: none"> • We welcome views on how we can best add value through our next youth justice inspection programme. 	<p>We will develop and test a new Youth Offending Team (YOT) inspection methodology and approach, ensuring that the programme is ready to commence in 2018/2019. We will inspect individual YOTs at least every four years, with some inspected more frequently based upon a targeted, intelligence-led approach. We plan to conduct some inspections jointly with others (to add value) and to grade the quality of services that we find. Our new methodology will be underpinned by our quality standards and will cover a broader range of YOT work, including out-of-court disposals. We are eager to work with others to build a common view of high quality.</p> <p>Our youth justice and probation methodologies and programmes will be congruent, with common features, but will differ where necessary.</p>
3	<p><i>Thematic inspections</i></p> <ul style="list-style-type: none"> • We welcome views on our proposed topics for thematic inspections. 	<p>The topics suggested by respondents will be considered against our established risk and impact criteria for prioritising thematic inspections. We will announce the selected</p>

Question	Post-consultation decision
	<p>thematics prior to their commencement.</p>
<p>4 <i>Balance of inspection</i></p> <ul style="list-style-type: none"> • We welcome views on our proposals for the balance of inspection work. 	<p>In 2017/2018 we will conduct up to eight announced inspections of probation services, and we will use up to 30% of available hours on thematic inspections. We will continue to conduct Joint Targeted Area Inspections (with Ofsted, the Care Quality Commission, and HMI Constabulary) and joint inspections with other criminal justice inspectorates. We will review and develop with HMI Prisons the way we inspect Offender Management services and the work of probation professionals in prisons.</p> <p>We will ensure that sufficient resources are dedicated to the development of our new probation and youth justice inspection methodologies and approaches, so that they are ready to commence in 2018/2019.</p>

3. Summary of responses

Twenty-one responses were received to the consultation. There was a wide range of respondents, including ministers, inspectorates, regulators and ombudsmen, HM Prison & Probation Service (HMPPS), CRCs, the Youth Justice Board, YOTs and the Welsh Government.

The majority of respondents broadly supported our proposals. The main comments received are summarised below, taking each consultation theme in turn.

Consultation questions – developing probation services inspection

1. We welcome views on our intention to rate and grade probation providers.

2. We welcome views on our intention to inspect providers annually.

3. We welcome any further views on the plans set out above for developing probation services inspection.

Respondents agreed that a system of **ratings and grading** would be useful to drive improvement. CRC respondents were keen that any such system would dovetail, and not conflict, with other performance and contract management frameworks.

Respondents were also generally (but not universally) supportive of **an annual inspection** cycle, again stressing the need to complement other assurance activities. Some CRCs were in favour of a two year inspection cycle to manage the burden upon providers and to allow for improvement work to bed in between inspections. Other respondents argued for a flexible regime with inspection breaks for high performers.

One respondent commented on our proposal to change the unit of inspection from the Police and Crime Commissioner area to the larger CRC contract package areas and NPS divisions. They understood our reasoning for changing the unit, but added a cautionary note in that we should consider how we can ensure that local variations are visible and explored.

Consultation questions – youth justice inspections

4. We welcome views on how we can best add value through our next youth justice inspection programme.

Respondents indicated support for our risk and volume approach to the targeting of inspections and our proposals to extend the scope of our youth justice inspections to include out-of-court disposals.

One respondent reported that the voluntary sector in youth justice was fragile and recommended that our new programme investigate this problem.

Consultation questions – thematic inspections

5. We welcome views on our proposed topics for thematic inspections.

There was support for our proposed thematic inspections on new psychoactive substances, enforcement and recall, and supply chain provision. A wide range of further topics for thematic inspections were suggested, outlined below.

Probation inspection

- CRC/NPS Interface.
- Court proposals and delivery.
- Service users with discriminatory views.
- Domestic abuse.
- Learning disabilities and special needs.
- Accommodation, employment, health and mental health.
- Impact of the *Offender Rehabilitation Act 2014*.
- The reduction in proposals for drug/alcohol/mental health rehabilitation requirements.
- Black, Asian and minority ethnic offenders (to tie in with the Lammy Review – the independent review of the treatment of, and outcomes for, Black, Asian and minority ethnic individuals in the Criminal Justice System).
- Operating models of CRCs.
- Division of responsibilities between CRCs and the NPS.
- Gender.

Youth justice inspection

- Looked After Children.
- Police custody.
- Child sexual exploitation.
- Resettlement.
- Speech and language needs.
- Participation.
- Antisocial behaviour.
- Victims.
- Parenting.
- Special educational needs and disability (SEND) reforms.

Consultation questions – balance of inspection

6. We welcome views on our proposals for the balance of inspection work.

There was overall agreement to our proposed balance of inspection activity. CRCs again emphasised the need to consider our work alongside other contract management and audit work.

Some respondents argued that it would be useful for HMI Probation to examine the transition of young people from youth justice to the adult system in our inspections. One respondent called for a breakdown of our findings by gender and ethnicity.

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.

Probation services inspection

We will develop and test a new probation inspection methodology and approach, so that from 2018/2019, we inspect by CRC contract package area and NPS division; look at more cases in each inspection; inspect against clear, concise and evidence based quality standards; inspect more frequently and regularly; and grade the quality of services that we find using a four point scale: Outstanding, Good, Requires Improvement, Inadequate. Our focus will be upon the inspection standards and ratings driving improvements in the quality of provision and consequently rehabilitative and public protection outcomes. The available research indicates that ratings and gradings are particularly effective in driving improvement in immature and developing markets.

In summary, we will develop and test:

1. A clear standards framework against which we will judge the work of NPS divisions and CRCs
 - The standards will, as far as possible, be accepted and owned by the NPS and CRCs, having been developed through consensus
 - The standards will be underpinned by more detailed components and quality indicators – what ‘good’ etc. looks like
2. A coherent underpinning methodology which produces robust, up to date and consistent evidence against the standards
 - The methodology will be multimodal, seeking triangulation of evidence from different sources
3. A defensible system of rating/grading NPS divisions and CRCs
 - Ratings which are sufficiently reliable, valid and sensitive.

Some respondents favoured a two year inspection cycle, but we believe that an annual cycle is justified at this time. It would best support a system of ratings, providing a clear trajectory of performance and provide the necessary momentum for providers to improve where necessary, while also enabling government to rely more heavily on our ratings and to act (as commissioner) in response to them.

Those who questioned an annual cycle were mindful of the burden upon providers, and we will work with the MoJ in reviewing the oversight model for probation services, so that arrangements are proportionate and as coherent and seamless as possible. We will also improve the level of information we obtain from commissioners and those that monitor the performance of probation service providers, so as to inform our inspections and reduce the requirement on those we inspect to provide information more than once or to more than one oversight organisation.

Youth justice inspections

We will develop and test a new YOT inspection methodology and approach, ensuring that the programme is ready to commence in 2018/2019. We will inspect YOTs less frequently than probation services, given their number and their comparative size, but each will be inspected at least every four years, with some inspected more frequently based upon a targeted, intelligence-led approach. Our new methodology will be underpinned by quality standards and will cover a broader range of YOT work, including out-of-court disposals. We plan to conduct some inspections jointly with others due to the holistic nature of youth offending work. We will grade the quality of services that we find using a four point scale: Outstanding, Good, Requires Improvement, Inadequate.

Our youth justice and probation methodologies and programmes will be congruent, with common features in respect of the underlying standards framework and methodology, but will differ where necessary. Divergence in any aspect of the two programmes will be the result of a conscious decision arising from any of the following:

1. The different nature, purpose and target groups of the organisations
2. The operational context of the organisations
3. The purpose and place of inspection within the oversight model.

Thematic inspections

We are in the process of publishing the reports from our thematic inspections of resettlement (Through the Gate) probation services for longer-term prisoners, Approved Premises (probation hostel) services, and probation work in courts. We will continue to progress thematic inspections on new psychoactive substances, enforcement and recall, and supply chain provision.

The further topics suggested by respondents will be considered against our established risk/impact criteria:

1. Potential impact of our findings.
2. Significant changes to policy, service delivery or caseloads.
3. Risks to public protection.
4. Findings from other inspections.
5. Intelligence received from any source.
6. Time elapsed since last inspection.
7. Estimated resource requirements.
8. Ministerial and other key stakeholder interests.

Balance of resources

During 2017/2018, we will conduct up to eight announced inspections of probation services. Sites will continue to be selected using our established risk criteria (while also factoring in the size of the inspection and the resource required):

1. Previous inspection results.
2. The volume and nature of the organisation's caseload.
3. Data and information on performance.
4. Significant changes or challenges to the operating model.
5. Intelligence received from any source.
6. Time elapsed since last inspection.

We will use up to 30% of available hours on thematic inspections. We believe thematic inspection is particularly useful in showing, for example, how key government policies are working. We will continue to conduct Joint Targeted Area Inspections (with Ofsted, the Care Quality Commission, and HMI Constabulary) and joint inspections with other criminal justice inspectorates. We will review and develop with HMI Prisons the way we inspect Offender Management services and the work of probation professionals in prisons.

We will ensure that sufficient resources are dedicated to the development of our new probation and youth justice inspection methodologies and approaches, so that they are ready to commence in 2018/2019.

Continuing review and consultation

During 2017/2018, we will develop inspection standards and quality indicators by consensus over the course of this year, working alongside providers, commissioners and others, taking their views into account. We will also extend and develop our relationships with those interested and involved in probation and youth justice standards and quality internationally. We see real value in building a consensus on what good looks like, and then using those agreed views to underpin our inspection methodology and judgements.

We will work with the MoJ and its agencies to make sure our inspection ratings sit sensibly alongside other measures so that providers are held to account in balanced and proportionate arrangements, with measures aligned well.

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

Annex A: List of respondents

The organisations represented by the consultation responses were as follows:

- Sam Gyimah MP, Parliamentary Under-Secretary of State for Justice (also for Dr Phillip Lee, Parliamentary Under-Secretary of State for Justice)
- Justice Committee, House of Commons
- Welsh Government
- Ofsted
- Estyn
- Care and Social Services Inspectorate Wales
- HM Prison & Probation Service (HMPPS)
- Sodexo Group CRCs, comprising Bedfordshire, Northamptonshire, Cambridgeshire & Hertfordshire CRC; Cumbria & Lancashire CRC; Essex CRC; Norfolk & Suffolk CRC; Northumbria CRC and South Yorkshire CRC
- MTCnovo
- Purple Futures CRCs
- Kent, Surrey & Sussex CRC
- Reducing Reoffending Partnership CRCs
- Youth Justice Board for England and Wales
- Children and Young People Services, Vale of Glamorgan Council
- Blaenau Gwent & Caerphilly Youth Offending Service
- Bridgend Youth Offending Team
- Derbyshire Youth Offending Team
- Lancashire Youth Offending Team
- Prisons and Probation Ombudsman
- National Audit Office
- Clinks.

Contacts

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