



Her Majesty's Inspectorate of Probation

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23 March 2020

Re: Consultation on our inspection framework and programmes 2020-2021 and 2021-2022

Under the *Police and Criminal Justice Act 2006* we are required to consult each year on our inspection framework and programmes. While the requirement only applies to consultation with ministers and other Chief Inspectors we have expanded this to include those we inspect and other interested parties.

At the time of writing, Covid-19 is expected to have a very significant impact on the delivery of both probation and youth justice services in 2020-2021 and potentially beyond. We are clear that operational delivery of essential services must be the priority and do not want inspection activity to burden services unnecessarily. We have agreed that, in the short term, we will postpone probation and/or youth offending service inspections – including work on our thematic as well as core local inspections. The proposals set out below, therefore, relate to the longer-term when we hope services will have returned to some semblance of normality.

In this paper we are consulting for the first time on our plans for the next two financial years. Given the long lead in time for our inspections, it is inevitable that we will have agreed the bulk of our work programme for the coming financial year. While we want to be transparent about those plans, we also want to give recipients a real opportunity to influence our priorities. We are therefore consulting on our work plans for both 2020-2021 and 2021-2022.

We would now very much welcome comments on our work programme as currently defined for 2020-2021, and on our prioritisation for 2021-2022, particularly on topics for thematic and research.

1. Core inspection programme

Youth Offending Service (YOS) inspections

After the first year of our approximate four-year cycle of YOS inspections, we committed to review our approach to youth inspection in 2019-2020, drawing on our learning from both the youth and adult programmes.

We have focused on our approach to inspecting out of court disposals based on the feedback we have received from those inspected to date and our conversations with the Youth Justice Board. It was important that we took a systematic early view on this issue and so we have convened a number of workshops with YOS practitioners. We are grateful to the Association of YOT Managers (AYM) and AYM Cymru for facilitating these.

We are also considering how we might incorporate into our core programme the learning from our recent joint thematic inspection with HM Inspectorate of Prisons on the resettlement of children.¹

We will consult on our proposed changes to the youth inspection framework ideally in spring 2020.

In addition, we have piloted a proportionate approach to the inspection of small YOS and are considering re-inspections of YOS with an 'Inadequate' rating.

Adult probation inspections

In 2019-2020 we embarked on the second round of inspecting and rating CRC providers and NPS divisions against our new set of standards. As described in last year's consultation, we applied a number of improvements to our adult inspection approach based on the learning from the first year of our new inspection programme. As a reminder, those adaptations included:

- a better link between judgements on leadership and delivery
- an inspection of the NPS central functions, such as facilities maintenance and probation officer recruitment, in recognition of the limited scope local leaders have in relation to these enablers
- a greater emphasis on quality in domain 3 standards and methodology
- a greater focus on the views of service users.

We continue to inspect against three 'domains' and ten quality standards.

Domain 1: Organisational delivery

We look at leadership, staffing, services, IT and facilities. Our judgements are based on evidence from interviews and focus groups with staff at every level, local management information and now with more of a link to case sample findings.

Domain 2: Case supervision quality

Our judgements are based on a sample of individual case assessments and interviews with Responsible Officers. Sample sizes are designed to meet an 80 per cent confidence interval with a five percentage point margin of error across a CRC or NPS area.

¹ HM Inspectorates of Probation and Prisons. (2019). *Youth resettlement – final report into work in the community*. London: Criminal Justice Joint Inspection.

Domain 3: Provider specific performance

In CRC inspections we judge the quality of unpaid work and Through the Gate services.

In NPS inspections we judge the quality of court reports and statutory victim work.

It was our intention to mirror the new regional structures proposed as part of the government's new probation design,² by inspecting the existing 21 CRCs at around the same time as the co-located NPS division. Unfortunately, the logistics of this proved challenging and we have not so far been able to achieve this across the board. We have, however, stretched the second round of inspections over a longer time period to take account of the challenges of transition, as promised. This second round began in July 2019 and will complete by March 2021 – though this may need to be extended to take account of the impact of Covid-19 on our 2020-2021 programme.

2. Approach for 2020-2021

YOS inspections

For YOS inspections, we will consider the feedback we receive on the consultation on changes to our standards and guidance and will set out how we intend to change our approach and at what point we will introduce those changes.

We will continue to work with our partners and to use collated intelligence to prioritise YOS for (re-) inspection, either singly, or jointly with other Inspectorates.

Although Covid-19 may impact on our programme, we provisionally intend to conduct 18 single and six joint inspections of YOS in 2020-2021, some chosen on a random basis and others on the basis of concerns about their performance. We will also contribute to a number of the Ofsted-led Joint Targeted Area Inspections (JTAI) as well as to the development of Welsh equivalent inspections (Joint Inspection of Child Protection Arrangements; JICPA).

We intend to produce an annual report on the findings from our YOS inspections in 2019-2020 at the end of 2020.

Adult probation inspections

We will complete the second cycle of adult probation inspections of CRC providers and NPS divisions using the same approach as we applied in 2019-2020. We will conduct the remaining 10 CRC inspections and six NPS inspections and will join HM Inspectorate of Prisons in their inspection of Rehabilitation and Release Planning on a number of their prison inspections.

We hope to produce an annual report on the findings from our adult probation inspections in 2019-2020 at the end of 2020.

Extra-jurisdiction inspections

Additionally, we have been commissioned by Guernsey to carry out an inspection of their probation provision in 2020.

² Details on the planned changes can be found here <https://www.gov.uk/guidance/strengthening-probation-building-confidence>

3. Proposed approach for 2021-22

YOS inspections

We will complete our final year of inspections in this current youth programme.

Adult probation inspections

Government plans for the way probation is to be configured and delivered from 2021 will have an impact on the way we inspect adult services.³ We are taking this opportunity to make sure our standards framework, methodology, and timing of inspections continue to measure quality of delivery as effectively as possible and reflect new accountabilities. We will also consider the right type and level of inspection that should be applied in the first six to nine months of the new arrangements.

We are still working up our proposals but intend to formally consult on our high-level thinking in spring 2020 with a more detailed consultation early 2021.

Guiding principles

We have agreed that the following principles will guide our approach from 2021 onwards:

1. We will be robust, fair, transparent, proportionate, flexible and reliable.
2. The quality of frontline service delivery is paramount but is not a standalone measure of an effective service. We will continue to assess how providers are set-up, led and managed.
3. We deliver inspection not audit which requires us to provide as full a picture of delivery as possible, not just the quality assurance of cases, triangulated across domains. We will avoid duplicating the work of other departments.
4. As the offender management function is reunified our focus will shift from different providers to the quality of provision against a standard delivery model.
5. Our inspection findings should both inform practice and influence national policy.

Inspection following transition

The new probation design, which will be introduced fully in June 2021, will take some time to embed. This is, however, also a time of risk. We therefore need to find a balance between being sensitive to the need for probation leaders to focus on building their new organisations, while continuing to provide public assurance on the quality of delivery of probation services.

We will consider what type of inspection is appropriate during the six to nine months following completion of the transition of services. Arguably, any inspection during this time will be too early to judge the application of the new regional probation delivery model, especially on the management of service users, and so would add little insight. We will, however, look at how our core inspection may be adapted so that it provides a level of oversight of the continuing work, for example of the highest risk cases already being managed by the NPS, while recognising the change in operational approach. This necessarily means that our new programme of inspection may not, in reality, be applied in full until 2022.

³ Her Majesty's Prison and Probation Service. (2019). *The proposed future model for probation: A draft operating blueprint*. London: HMPPS.

Units of inspection

The government draft target operating model for the future of probation services describes the alignment of NPS divisions and CRCs across 12 regions, 11 in England and one in Wales. Each of these regions will be led by a Regional Director.⁴ All regions will consist of multiple Probation Delivery Units (PDUs) which will deliver probation services to meet local need. It is estimated that there will be just over 100 of these PDUs nationally.

Our current NPS inspection methodology draws case samples from across very wide geographical areas with only a handful from some (not even all) Local Delivery Units (LDU). This means we only publish evidence about performance at a CRC provider or divisional level. This can mask significant LDU variation.

In future, we intend to inspect a meaningful number of cases in every PDU in a region. This will allow us to feedback on the quality of local as well as regional delivery. We will supplement our case sample evidence with evidence on the quality of leadership at both the local and regional level. This will provide Regional Directors and PDU Heads as well as Ministers and the public with a more granular understanding of where strengths and weaknesses lie.

Frequency of inspection

Our current methodology requires annual inspection of every service. This level of frequency makes it difficult for providers to respond to key recommendations in such a short timeframe and is more frequent than other equivalent inspection regimes such as for YOS and prisons.

Although seven NPS divisions and 21 CRC areas can be inspected in a year, this would not be logistically possible (or desirable) for over 100 PDUs. Inspections of every region (and/or PDU) every two or three years seems more realistic and proportionate.

Once we have calculated the case sample sizes required for an inspection of each PDU we will be clearer on the resource implications and therefore the frequency. This will form part of our consultation.

Standards framework & methodology

We will re-focus our inspection efforts to look at provision rather than provider. This means we will inspect quality of delivery through the lens of the NPS offender management function. We believe judgements on the performance of delivery partners (for example, quality of unpaid work and through the gate services) can be derived from aggregating regional results from our case supervision samples where the service user has done UPW or undertaken a RAR or accredited programme.

We will consider how the new approaches introduced by the Offender Management in Custody (OMiC) model are recognised in our core programme.

We will continue to inspect quality of organisational delivery against our domain 1 standards – at both regional and PDU level. We will apportion the domain 1 standards, key questions and prompts to regional/PDU level.

We will continue to inspect the quality of individual offender management against our quality standards – assessment, planning, delivery and review.

We will increase the evidence gathered from service users to inform our judgements and will look to introduce a new standard on 'effectiveness' – based on the progress offenders make during supervision, including on key intermediate outcomes like accommodation, employment, substance abuse etc.

⁴ HM Prison and Probation Service. (2020). *A draft target operating model for the future of probation services in England and Wales*. London: Probation reform Programme.

Wales

Wales transitioned all offender management functions back to the NPS at the end of 2019. While the Delivery Partner and Dynamic Framework elements of the model will be introduced at the same time as England, they are already, essentially, working to the new offender management model. When we inspect Wales as part of our second cycle of adult probation inspections we will apply our current inspection methodology but will 'pilot' our developing framework to test its efficacy. We will work with the Wales team to prepare for this activity.

Ratings

We will keep inspecting all domains and will continue to produce an overall rating (supported by underpinning ratings) for each region. We will use the four-point ratings scale: 'Outstanding', 'Good', 'Requires Improvement' and 'Inadequate'.

We have yet to decide what kind of judgement we will make at a PDU level but will consult on our proposals.

Consultation questions – core inspections

We will be conducting a separate consultation exercise on the proposed changes to our inspection approach from 2021-2022 onwards, hopefully in spring 2020.

We would request that you respond to that consultation unless you have any immediate issues you want to raise for our consideration, as it will include more detail about our high-level thinking. We will consult again on our more detailed thinking early in 2021

4. Thematic inspections

We apply a systematic approach to the selection of our thematic topics. To prioritise topics for 2020-2021 we have again judged each topic against the following criteria.

Current level of risk

- Risks to public protection / safeguarding
- Significant changes to policy, service delivery or caseloads
- Findings from other inspections
- Intelligence received from any source

Potential impact

- Potential impact of our findings
- Ministerial and other key stakeholder interests
- Quality of current evidence
- Time elapsed since last inspection
- Development of inspection standards and/or position statements

Other

- Suited to thematic inspection or research
- Estimated resource requirements

Having applied these factors, we plan to conduct (jointly with others where appropriate) thematic inspections on the following topics (focused on adults unless otherwise specified) in 2020-2021.

- **Accommodation**

The bulk of this work will have been completed in 2019-2020 but will be published in 2020-2021. We have employed an accommodation specialist to join us and have invited those with lived experience to be members of the inspection team to help us gain the view of current service users.

- **Mental health**

This is a joint thematic with HMCPSI, HMICFRS and HMI Prisons with input from the Care Quality Commission (CQC) that will look at the quality of work undertaken with those who come into contact with the criminal justice system because they have committed, or are suspected of committing, a criminal offence, and who may be acutely or chronically mentally ill, at every stage of the criminal justice process. HMI Probation will lead this work. We hope fieldwork can still take place in 2020.

- **Offender Management in Custody (OMiC)**

The new OMiC model will move the responsibility for offender management from community to custody for all those sentenced to at least 10 months in custody, with responsibility moving back to the community at least 7.5 months before release. This will be a significant shift in responsibility and probation personnel. We will need to think differently about how we judge the quality of service delivered to these individuals from the point they are allocated to community supervision in our core inspection programme as a result. We will conduct a thematic inspection with fieldwork ideally taking place in 2020, jointly with HM Inspectorate of Prisons, to inform the development of our standards framework for 2021-2022 and beyond.

- **Substance misuse**

We will undertake a thematic inspection jointly with CQC on the quality of management and support of people under probation supervision who have a drug or alcohol problem. Fieldwork is planned for early 2021.

- **Serious youth violence**

We have also committed to a joint thematic, led by HMICFRS, with Ofsted on serious youth violence. We have yet to agree timings for this inspection but it's likely fieldwork will begin post April 2021.

We will engage with the Welsh Inspectorates should we decide to include Welsh sites as part of our thematic inspection fieldwork.

- **Independent review of the Joseph McCann case**

As announced in March 2020 we have additionally been asked by the Secretary of State to conduct an independent review of the issues arising from the case of Joseph McCann.

Our review will be in two parts:

- Part 1 – a review of the circumstances leading up to the serious offences committed by Joseph McCann, and the sufficiency of actions taken at a local, divisional and national level in response to the internal Serious Further Offence Review.
- Part 2 – a wider, national thematic review of the 'culture and practice' within the probation service around recall, specifically looking at whether staff understand what is expected of them and are following the guidance in terms of recalling people, including those on indeterminate sentences.

Work has already begun on part 1.

Unless a strong case is made by respondents for us to change our thematic focus in 2020-2021 we intend to deliver the priorities described above. We would, however, welcome comments on future priorities for 2021-2022.

Current topics under consideration for possible thematic inspection or research in 2021-2022 include (but not exclusively):

Youth

- Transitions – youth to probation (last inspected in 2015-2016)
- Support and supervision of young people involved in County Lines offending
- Young people who display sexually harmful behaviour
- Bail support and remand
- Supporting young people on YOS caseloads into education, training and employment
- YOS interface with children's social care – including support for Looked After Children on YOS caseloads

Cohorts of people under probation supervision

- Post-release supervision of Imprisonment for Public Protection cases
- Domestic abuse perpetrators – follow-up to 2018 inspection of CRC supervision – including arrangements for supervision under the reunified offender management model from 2021
- Offenders with learning disabilities
- Supervision and support for young adult offenders - 18-21 or 18-24 year olds
- Probation services for victims of crime – including inspection of the impact of post-Worboys reforms
- Older service users – including post-release supervision of historic child sex offenders
- Women – provision and quality of services for women who offend – a follow-up to our 2016 thematic inspection

Risk

- Supervision of TACT / extremist offenders
- Supervision of high risk of harm (MAPPA level 2 and 3) offenders – particularly arrangements during transition to the new probation structures

Quality of probation and other community supervision services

- Education, training and employment
- Electronic monitoring – including effectiveness of new GPS tagging arrangements
- Facilities management
- Professional development for probation staff
- Quality of professional supervision of responsible officers
- Accredited programmes

Consultation questions – thematic inspections

We welcome views on potential topics (not just restricted to those above) for thematic inspections for 2021 and beyond.

5. Research

We are committed to reviewing, developing and promoting the evidence base for high-quality probation and youth offending services.

Using the same criteria as for thematics, we are currently considering primary research on the following topics:

- Youth out of court disposals
- Knife crime and young people – exploring promising strategy, interventions and casework
- Trauma-informed practice in probation
- Risk of suicide and self-inflicted deaths (probation service users).

In addition to the proposed primary research projects, we will continue to undertake secondary analysis of existing inspection data. This activity will assist with our continuing review of the evidence base underpinning our inspection standards, judgements and ratings.

Possible topics include:

- Key drivers for delivering high quality probation services
- Probation delivery: links between inputs, activities, outputs and outcomes
- Quality of pre-sentence reports – comparing types of report
- Quality of YOS delivery by type of disposal.

Our Academic Insights publications have been well-received. These publications present key insights from leading academics on selected topics, assisting with informed debate and aiding understanding of what helps and what hinders probation and youth justice service delivery. We will continue this series of publications.

We will also seek to collate key findings from the most recent and robust evidence (in support of our standards framework) into a single user-friendly resource on our website.

Consultation questions – research projects

We welcome views on our proposed research projects for 2020 and beyond

6. Effective practice and service user involvement

In our Corporate Plan 2019-2022 we committed to identify and disseminate effective practice to contribute to national policy thinking with a view to improving service delivery. To that end, we will produce effective practice publications alongside each of our thematic and dedicated Effective Practice Guides that will sit in support of our standards framework.

We also produced our first Service User Engagement Strategy in 2019 which strives to give a stronger voice to those who are supervised by the services we inspect.

The strategy sets out how we will involve service users and/or ex-service users in developing our methodology, in our inspections, and in our organisation as employees. We have already begun to involve those with lived experience in our inspections and thematic. We are also investigating how we open our employment offer to be more inclusive. We will continue to deliver against these objectives in 2020-2021.

We will, of course, wish to retain the option to change priorities over the course of the year. We appreciate that ministers may wish us to conduct specific pieces of work and we will want to respond to risks as they arise.

We would very much appreciate your views by **Friday 29 May 2020**. Please direct any queries and your responses to Louise Falshaw louise.falshaw@hmiprobation.gov.uk.

Yours sincerely,



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HM Chief Inspector of Probation

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