



HM Inspectorate
of Probation

Response to consultation on HM Inspectorate of Probation's proposed adult standards for the 2023-2024 inspection programme

HM Inspectorate of Probation, July 2023

1. Introduction

- 1.1. Under the *Police and Criminal Justice Act 2006*, HM Inspectorate of Probation is required to consult key stakeholders on its inspection framework and programmes of inspection. It is our practice to consult more widely with those we inspect and associated bodies who can provide valuable insight and information as we develop our framework and programmes.
- 1.2. This consultation focused on proposed changes to the inspection standards framework. We asked for views on standards for leadership, staffing, and services organised and managed at a regional level (domain one standards) and probation delivery unit (PDU) standards, and how we make our judgements. The consultation letter was issued in July 2022.
- 1.3. The consultation set out the following questions:

Consultation questions – probation inspection standards

1. Should we inspect and rate regional arrangements and activity against domain one standards?
2. Is the proposed read across from regions to delivery at PDU level sufficient and clear?
3. How should PDU findings influence regional judgements?
4. What evidence should we draw on to make judgements against the regional standards?
5. Can we reliably use inspection ratings for a third of PDUs in a region to inform overall regional judgements in that region? Are there any pitfalls to this and how can we avoid them?
6. What is the optimum frequency for regional inspection?
7. Does the proposed leadership standard capture the important factors in effective leadership at the right levels?
8. In addition to evidence about PDU staffing what other evidence should we use in making judgements about staffing at a regional level?
9. Is the balance between the standards right?
10. How can we create an overall rating for each of these standards, given the breadth of evidence and diversity of delivery covered by each standard?
11. Are we looking at the right things through our regional prompts?
12. Under which standard should unpaid work and resettlement sit?

- 1.4. This document summarises the responses we received to the consultation and sets out the decisions we made in response.

2. Probation inspection standards – decisions

Question 1	Post-consultation decision
<p><i>Should we inspect and rate regional arrangements and activity against domain one standards?</i></p>	<p>There was general agreement from respondents that regions should be inspected as well as PDUs.</p> <p>Decision: We will inspect and rate probation regions and PDUs against standards.</p> <p>We will inspect a region's organisational arrangements and activity through our domain one standards by focusing on leadership and staffing.</p> <p>We will inspect a region's delivery through our domain two standards, focusing on public protection, desistance, court work, unpaid work, resettlement and statutory victim work.</p> <p>In total, there will be eight standards for regional inspection.</p>

Question 2	Post-consultation decision
<p><i>Is the proposed read across from regions to delivery at PDU level sufficient and clear?</i></p>	<p>The overall view was that the proposed read across from the regions to delivery at PDU level was unclear.</p> <p>Decision: We have strengthened the read across between PDU and regional standards. At the domain level, we have two domains across PDU and regional inspection that are based on the same activities. These are organisational arrangements and activity, including leadership and staffing, for domain one, and case supervision for domain two. At the key question level, we will use PDU data to make regional judgements about case supervision standards. We will also have decision rules and guidance that formalise the links between PDU and regional findings.</p>

Question 3	Post-consultation decision
<p><i>How should PDU findings influence regional judgements?</i></p>	<p>There was overall agreement that PDU findings should influence regional judgments, but concern was expressed about how the weighting for PDU scores would be applied.</p> <p>Decision: The regional leadership rating will be based on qualitative evidence gathered at regional level, not on aggregated PDU leadership ratings.</p> <p>For the regional staffing standard, 50 per cent of the judgement will be based on the findings from the staffing standard across all of the PDUs in the region. The other 50 per cent will relate to staffing arrangements for regional functions.</p> <p>For the regional case supervision (domain two) standards, we will base our judgements on case data.</p>

Question 4	Post-consultation decision
<p><i>What evidence should we draw on to make judgements against the regional standards?</i></p>	<p>The effectiveness of governance structures and the impact of regional strategy at PDU level were highlighted as key to rating regions. PDU findings, case inspections and the consistency of regional implementation and communication were also cited.</p> <p>Decision: Regional inspection will consist of two standards based on qualitative evidence (1.1 Leadership and 1.2 Staffing) and six standards that will be rated entirely on the basis of aggregate case data from PDU domain two cases and a regional sample of unpaid work and victim contact scheme cases.</p> <p>For our regional domain one leadership standard, we will draw on evidence such as:</p> <ul style="list-style-type: none"> • mechanisms at a regional level that enable the vision and strategy to be delivered across the region and by the PDUs • evidence of consultation in relation to annual service commissioning plans

- evidence that appropriate programme and project management approaches have been followed
 - analysis/strategy needs assessment completed within the past year
 - review and evaluation of the vision and strategy
 - evidence of how regional leaders enable the delivery of high-quality services, in place to meet all needs across the region
 - evidence that the region has benchmarking systems, processes and performance measures in place across its PDUs and with other regions.
 - impact assessments, change management plans and risk assessments
 - appropriate methods of staff engagement being in place, including staff surveys, face-to-face encounters, feedback from line managers and management/union meetings
 - communication strategies, innovation strategies and probation practitioner surveys
 - positive action policies, newsletters, bulletins and websites
 - HR policies relating to diversity, inclusion equality and equitability
 - policies and processes for providing support and dealing with complaints.
- For our regional domain one staffing standard, we will draw on evidence such as:
- national and regional workforce planning strategies
 - aggregated PDU staffing ratings
 - regional staffing plans and reviews, including workloads and other assumptions
 - learning and development strategies for regional staff; access to training opportunities; and data on numbers of staff trained

	<ul style="list-style-type: none"> formal procedures for addressing regional staff competence issues evidence from inspected cases management oversight policies, guidance and framework.
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Question 5	Post-consultation decision
<p><i>Can we reliably use inspection ratings for a third of PDUs in a region to inform overall regional judgements in that region? Are there any pitfalls to this and how can we avoid them?</i></p>	<p>The majority view was that it would be problematic to rate regions informed by findings from only a third of PDUs.</p> <p>Decision: We will inspect and rate every PDU within each region as part of our inspection of that region.</p>

Question 6	Post-consultation decision
<p><i>What is the optimum frequency for regional inspection?</i></p>	<p>There was widespread agreement that two-yearly inspection was too frequent. The preferred model was for each region and all its constituent PDUs to be inspected on a three-year cycle.</p> <p>Decision: We will inspect each region once every three to three and a half years and will inspect all of the PDUs within the region at that time.</p>

Question 7	Post-consultation decision
<p><i>Does the proposed leadership standard capture the important factors in effective leadership at the right levels?</i></p>	<p>Generally, there was a view that the standards and key questions need to reflect the role of regional staff and to be clear about what they are, and are not, responsible for.</p> <p>Decision: The regional leadership ratings will be based on qualitative evidence about leadership activity at a regional level. PDU leadership will continue to be inspected and rated separately as part of our PDU inspections.</p>

Question 8	Post-consultation decision
<p><i>In addition to evidence about PDU staffing what other evidence should we use in making judgements about staffing at a regional level?</i></p>	<p>Strong views were expressed that alongside judging whether there are sufficient numbers of staff, we should consider the level of experience of staff groups, especially in relation to middle management positions.</p> <p>Decision: When inspecting staffing at a regional level, we will consider three elements: staffing levels and workloads; the skills and profile of staff; and how well staff are supervised and supported, including the arrangements for management oversight.</p> <p>We will be using evidence including:</p> <ul style="list-style-type: none"> • regional workforce planning strategies, including workload management monitoring and sickness absence monitoring • organisational staffing data, evidence from key regional lead meetings and review of monitoring arrangements • evidence around learning and development and training.

Question 9	Post-consultation decision
<p><i>Is the balance between the standards right?</i></p>	<p>The majority view was that the balance between the standards is right.</p> <p>Decision: The balance of the standards has been maintained and each standard reflects the key areas that are needed to deliver high-quality provision.</p>

Question 10	Post-consultation decision
<p><i>How can we create an overall rating for each of these standards given the breadth of evidence and diversity of delivery covered by each standard?</i></p>	<p>Some challenges in this approach were recognised, and we reviewed the standards following our pilot inspection testing.</p> <p>Decision: The regional standards consist of eight standards, covering leadership, staffing, public protection, desistance, court work, unpaid work, resettlement and victim work. Each standard will be rated individually and</p>

	<p>each will contribute equally to the overall rating, with no weightings applied.</p> <p>For the regional leadership standard, a judgement will be made based on the qualitative regional evidence for the regional key questions and prompts in the same way that we judge qualitative PDU-level evidence to make judgements about PDU leadership.</p> <p>Our regional staffing standard will include scoring based on the aggregated ratings from the PDU staffing standard alongside findings about regional staffing arrangements.</p> <p>Ratings for our six regional domain two delivery standards will be based entirely on PDU domain two case data. We will use aggregated case data to rate a region across each of these six regional domain two standards, and we will use our report narrative to describe the findings. We will use the same percentage bandings for each regional domain two standard as we use for case inspection in PDU domain two: an 'Outstanding' rating would apply where 80% or more of inspected cases across all PDUs in the region were judged to be 'sufficient' against the standard; 'Good' 65% to 79%; 'Requires improvement' 50% to 64%; and 'Inadequate' less than 49%.</p>
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Question 11	Post-consultation decision
<i>Are we looking at the right things through our regional prompts?</i>	<p>Feedback was positive and respondents felt that the right areas were covered for the key questions and standards that the prompts related to.</p> <p>Decision: Prompts have been amended or moved where necessary to fit the revised key questions and standards.</p>

Question 12	Post-consultation decision
<p><i>Under which standard should unpaid work and resettlement sit?</i></p>	<p>The overall view was that unpaid work should sit under the proposed delivering the sentence of the court standard, and that resettlement should sit under the proposed desistance standard.</p> <p>Decision: Following learning from the pilot, unpaid work and resettlement will be rated as separate standards in their own right, as two of our six regional domain two delivery standards. They will sit alongside standards on public protection and desistance rather than as part of them. This is in recognition of the distinct and important nature of these core areas of probation work.</p>

3. Summary of consultation responses

3.1. We received written responses from the following:

- East of England Region Probation Service
- Greater Manchester Region Probation Service
- North West Region Probation Service
- Transition to Adulthood Alliance
- His Majesty's Prison and Probation Service
- Operational and System Assurance Group (HMPPS)
- Effective Practice Service Improvement Group (HMPPS)

3.2. We also held three consultation meetings.

Question	Summary of responses
1 <i>Should we inspect and rate regional arrangements and activity against domain one standards?</i>	<p>There was general agreement that regions should be inspected and rated as well as PDUs. The link with PDU inspections was highlighted and the view expressed that a PDU's performance always has a link to the broader organisational perspective and to make fair judgements this needs to be understood.</p> <p>There were also calls for a stronger focus through inspection at national as well as regional and PDU level. It was highlighted that the service is a national organisation and regions do not always have control over the development and implementation of policy in significant areas of service delivery.</p> <p>There were some concerns about the frequency of inspection and whether a third of PDUs would consistently provide a representative picture of regional performance.</p>
2 <i>Is the proposed read across from regions to delivery at PDU level sufficient and clear?</i>	<p>The overall view was that the proposed read across from the regions to delivery at PDU level was unclear. Tension in the current methodology between inspectors' expectations and regional functions was highlighted.</p> <p>There was a general view that there is currently insufficient information on the 'delivery prompts' and how they will read across from PDUs to inform regional ratings.</p> <p>Concern was also expressed about how the standards will be applied where there are variations between PDUs in each region. Staffing was cited as an example of where there were often significant variations between PDUs in the same region.</p>

3	<p><i>How should PDU findings influence regional judgements?</i></p>	<p>There was overall agreement that PDU findings should influence regional judgements, but concern was expressed about how the weighting for PDU scores would be applied.</p> <p>It was generally accepted that a link between PDU performance and regional rating was inevitable, but again, how this would be weighted was of concern.</p>
4	<p><i>What evidence should we draw on to make judgements against the regional standards?</i></p>	<p>There was a general view that the documents asked for in the evidence in advance will provide key information, and it was also emphasised that regional initiatives such as integrated offender management and their impact at PDU level should be incorporated.</p> <p>The effectiveness of the regional governance structure and the impact of regional strategy at PDU level were highlighted as key to rating regions. PDU findings, case inspections and the consistency of regional implementation and communication were also cited.</p> <p>It was highlighted that a third of PDUs was not necessarily a reliable proportion to make overall judgements on a region.</p>
5	<p><i>Can we reliably use inspection ratings for a third of PDUs in a region to inform overall regional judgements in that region? Are there any pitfalls to this and how can we avoid them?</i></p>	<p>The majority view from the feedback was that it would be unfair to rate the region based on the findings in only a third of PDUs. An inspection of all PDUs and then the region was the preferred model.</p>
6	<p><i>What is the optimum frequency for regional inspection?</i></p>	<p>The clear view from consultees was that the current inspection methodology is onerous for regions and that the preferred model was for all the PDUs and the region to be inspected on a three-year cycle.</p>

7	<p><i>Does the proposed leadership standard capture the important factors in effective leadership at the right levels?</i></p>	<p>The revised leadership standard was generally viewed positively, with the effectiveness of the link with PDU leadership seen as key. One respondent emphasised the need for inspectors to consider factors such as the lifespan of organisations in their judgements. Another respondent described the leadership model as "helpful and clear" but felt that organisational culture should feature more strongly in our inspection judgements.</p>
8	<p><i>In addition to evidence about PDU staffing what other evidence should we use in making judgements about staffing at a regional level?</i></p>	<p>There were strong views expressed that, as well as the number of staff, inspections should analyse the level of experience of staff groups, especially in relation to middle management positions. There was also a view that currently there is too much weight attributed to the Workload Management Tool and that this was not relevant for many people in the organisation.</p> <p>Generally, there was a view that the standards and key questions need to reflect the role of regional staff and to be clear about what they are, and are not, responsible for.</p>
9	<p><i>Is the balance between the standards right?</i></p>	<p>The overwhelming consensus was that the balance between the standards is right. The proposed services standards were generally accepted.</p> <p>However, one respondent's view was that it is not clear how the standards will be weighted.</p>
10	<p><i>How can we create an overall rating for each of these standards given the breadth of evidence and diversity of delivery covered by each standard?</i></p>	<p>It was suggested that the Inspectorate could learn from the Operational and System Assurance Group (OSAG) and other inspectorates in devising a fair overall rating for the standards.</p>

11	<p><i>Are we looking at the right things through our regional prompts?</i></p>	<p>It was suggested that, given the number of areas and questions, some negative judgements are almost inevitable. It is, therefore, the Inspectorate's responsibility to be fair and consistent in balancing judgements.</p>
12	<p><i>Under which standard should unpaid work and resettlement sit?</i></p>	<p>Although there was some feedback that unpaid work should sit under the desistance standard, the overall view was that it should sit under delivering the sentence of the court. Similarly, the overall view was that resettlement should sit under the desistance standard.</p> <p>Other areas proposed an overarching standard that includes both desistance and delivering the sentence of the court, which would incorporate both resettlement and unpaid work. Other responses were clear that both resettlement and unpaid work should be assessed within the domain two PDU standards.</p>