



HM Inspectorate
of Probation



DATED: November 2023

**Memorandum of Understanding (MOU) for the
oversight of youth justice services across England
and Wales**

Between

**His Majesty's Inspectorate of Probation
(HM Inspectorate of Probation)**

And

**The Youth Justice Board for England and Wales
(YJB)**

The Parties

His Majesty's Inspectorate of Probation (HM Inspectorate of Probation)

His Majesty's Inspectorate of Probation is the independent inspector of youth justice and probation services in England and Wales. It promotes excellence in probation and youth justice services, and does this through independent inspections, recommendations, research, and effective practice guidance. The inspectorate undertakes core and thematic inspections, as well as conduct adult Serious Further Offence (SFO) reviews and produces annual reports each year. It reports on the effectiveness of probation and youth justice service work with adults and children.

The vision of the inspectorate is for 'high-quality probation and youth justice services that change people's lives for the better' and its purpose statement outlines:

'HM Inspectorate of Probation is the independent inspector of probation and youth justice services in England and Wales. We set the standards that shine a light on the quality and impact of these services. Our inspections, reviews, research, and effective practice products provide authoritative and evidence-based judgements and guidance. We use our voice to drive system change, with a focus on inclusion and diversity. Our scrutiny leads to improved outcomes for individuals and communities.'

HM Chief Inspector of Probation's responsibilities are set out in Section 7 of the *Criminal Justice and Court Services Act 2000*, as amended by the *Offender Management Act 2007*, section 12(3)(a). This requires the Chief Inspector to inspect (section 1) and report to the Secretary of State (section 3) on the arrangements for the provision of probation services.

Under Section 7(6) of the *Criminal Justice and Court Services Act 2000*, HM Chief Inspector of Probation is also conferred to inspect and report on Youth Offending Teams, established under section 39 of the *Crime and Disorder Act 1998*, and bodies acting on their behalf.

The Youth Justice Board for England and Wales

The Youth Justice Board (YJB) is a non-departmental public body created by the *Crime and Disorder Act 1998*, section 41. It has oversight of the whole youth justice system in England and Wales and guides and advises on the provision of youth justice services. As well as creating the YJB, the *Crime and Disorder Act 1998* identifies two specific monitoring functions¹ for the Youth Justice Board (YJB); these are to monitor:

- the operation of the youth justice system and the provision of youth justice services

- the extent to which the system aims are being achieved and any such standards met.

The YJB's statutory functions also include:

- distributing of grants to local services
- supporting the provision of IT services for YOTs
- collating and publishing information
- commissioning research to support practice development
- identifying and sharing evidence-informed practice across the sector.

The YJB's vision is for a Child First youth justice system: a youth justice system that sees children as children, treats them fairly and helps them to build on their strengths so they can make a constructive contribution to society. This will prevent offending and create safer communities with fewer victims. To this effect we engage with a wide variety of organisations, partners, and parties with an interest in youth justice; we share good practice, champion improvement and issue grants.

The YJB is the only statutory body to have oversight of the entire youth justice system. We provide independent, evidence-based advice and leadership to drive improvements that increase children's positive outcomes and prevent offending.

Aims of the Youth Justice System

Prevention of offending by children and young people:

- To reduce the number of children in the youth justice system
- To reduce reoffending by children in the youth justice system
- To improve the safety and wellbeing of children in the youth justice system
- To improve outcomes of children in the youth justice system

Contents

1. Introduction
2. Context of the MoU
3. Underlying principles
4. Oversight model
5. Interfaces between the organisations
6. Reviewing, amending, and monitoring of the MoU

Introduction

This Memorandum of Understanding (MoU) is agreed by His Majesty's Inspectorate of Probation (HM Inspectorate of Probation) and the Youth Justice Board for England and Wales (YJB). The MoU sets out for the public the key roles and responsibilities of these bodies in conducting the monitoring and oversight of youth justice services² England and Wales; and outlines an agreement between these bodies on how they will work together in achieving the most effective oversight and understanding of the youth justice system.

As set out in the Crime and Disorder Act (1998), local provision of multi-agency youth justice services is the duty of each local authority in partnership with their statutory delivery partners, with the aim of preventing and reducing offending. Whilst HM Inspectorate of Probation and the YJB both play a role in overseeing the performance of YJSs, local authorities (and their statutory partners) are ultimately accountable for this performance.

The MoU recognises the distinct delivery landscape in Wales. The Welsh Government has responsibilities in relation to health, social services, education, housing, local government, language and culture and public services. Where there are areas of common interest, and to achieve key aspirations for the oversight of youth justice services, it is essential for all parties to engage with the Welsh Government and the corresponding appropriate inspectorates in Wales at the earliest opportunity and coordinate accordingly to ensure the best outcomes for children.

The MoU sets out the principles that underpin the oversight model. It outlines how the parties will work together to ensure that services effectively meet the needs of children and deliver improved outcomes for them. It summarises the key interfaces between the parties and identifies how information is exchanged. It also provides clarity for the sector on the roles and responsibilities of the agencies engaged directly in the oversight, monitoring, inspection, and escalation of local youth justice services provided in the community.

The MoU does not confer any legal powers or responsibilities and it is not intended to be legally binding. It does not set out details of HM Inspectorate of Probation inspection standards or methodologies, details of which are available on the HM Inspectorate of Probation website³. It also does not set out detail of the YJB's Youth Justice Oversight Framework, details of which are available [here](#)

The MoU does not seek to describe, in any detail, aspects of oversight that are entirely within the remit of one of the parties but covers key interfaces that need agreement.

² The statutory definition of a local youth justice service is contained in the Crime and Disorder Act 1998. In statute these are known as youth offending teams. However, as services have evolved, they have become known by different names. For the purposes of this document, we use the term youth justice services.

³ [HM Inspectorate of Probation - Home \(justiceinspectors.gov.uk\)](https://www.justiceinspectors.gov.uk)

The MoU does not seek to change what is asked of youth justice services.

Context of the MoU

In April 2023, the Youth Justice Board for England and Wales published its first public facing Oversight Framework⁴ the YJBs oversight, assurance and compliance framework that is used to monitor the performance of youth justice services.

Assessments of performance across individual youth justice services is led through the YJBs oversight teams which are situated within the Operations Directorates, covering Wales and the North and South of England. These teams maintain oversight of delivery, and gain assurance of partnership and service level performance, by working collaboratively with local services and strategic partners to gather intelligence. They also lead and coordinate identified support requirements as necessary and identify and share effective practice.

As well as making assessments of performance across individual youth justice services, oversight teams build, maintain, and strengthen relationships with statutory and delivery partners, locally and regionally. These relationships enable the YJB to provide appropriate challenge to policy and process decisions and increase opportunities to influence and create system changes, leading to the most effective outcomes for children and our wider communities. HMI Probation continuously reviews the way they inspect, with a focus upon driving best practice in youth justice services. As the independent inspectorate of youth justice services, HMI Probation inspect the quality of local youth justice services against a set of standards, agreed in consultation with the sector. A targeted and intelligence-led approach will contribute to the planning of inspections within the new inspection framework. Information provided by the YJB, other inspectorates, and other intelligence, will contribute to the planning and prioritisation of inspections.

HMI Probation will also be involved in the delivery of some thematic aspects of Joint Area Targeted Inspections (JTAI) in recognition of the holistic and partnership nature of youth justice work.

All youth justice services are expected to produce an area action plan following their inspection, which clearly describes how the recommendations will be progressed. HMI Probation will brief the YJB on the outcome of each inspection and the recommendations identified. As part of their oversight framework the YJB will follow up on implementation of the action plan and the progress against each of the recommendations.

Underlying principles

⁴ [Youth justice oversight framework - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/115444/youth_justice_oversight_framework.pdf)

The parties of this MoU are not accountable for the operational delivery of youth justice services, but will work together to address the following key aspirations for the oversight of youth justice services:

To improve partnership working at local, regional, and national level: The success of oversight and delivery of youth justice services is dependent on effective partnership and meaningful relationships at local, regional, and national level. This requires commitment, transparency, and collaboration from the parties to this agreement, and effective engagement and co-operation between local partners to improve services and outcomes for children.

To improve youth justice service performance. The parties to the MoU will consider how best MoJ and YJB can use and respond to HMI Probations findings and recommendations to ensure youth justice services have the tools they need to improve performance and support the achievement of positive outcomes for children and create safety for children, victims, and communities.

To enable innovation. The parties to the MoU will work to ensure that oversight does not restrict innovation, but rather identifies it and incentivises youth justice services to share any evidenced effective practice more widely. Both parties will work proactively to identify and promote effective practice across the sector.

Oversight model

Oversight of youth justice services sits primarily across the YJB and HMI Probation. Each organisation takes on a distinct role within the oversight model. The effectiveness of youth justice service delivery is understood through a combination of oversight by the YJB, independent inspection by HM Inspectorate of Probation, and local authority scrutiny arrangements.

The YJB's oversight framework and HM Inspectorate of Probation's inspection activities are complementary elements to understanding performance across the youth justice sector; they inform each other and there is active information-sharing between the agencies. The YJBs oversight, alongside other intelligence and information informs HM Inspectorate of Probation's risk and random approach to planning inspections.

The YJBs oversight framework, provides support and challenge to local services in preparing their post-inspection action plans and includes the proactive follow up on their implementation and progress against recommendations.

An outcome of inspection activity is that HM Inspectorate of Probation makes a series of recommendations. Recommendations from single inspections are generally directed towards youth justice services, statutory partners, partnership boards, or local authorities. Where change is required to national policy or guidance and/or at strategic partnership level, recommendations may also be directed to the YJB, the MoJ, or other partners or government departments, as appropriate (such as the

DfE). Recommendations from thematic inspections are, by their nature, likely to be directed to the most relevant national bodies or combinations thereof who can impact on the required response. Where strategic themes emerge from oversight activity, these are fed into the MoJs Youth Justice Policy Unit (YJPU) to inform the evidence base for policy development and change.

The YJB places a requirement on services to describe activity against inspection reports (single and thematic) as elements of their annual youth justice plan; and incorporates tracking against these as a key element of the 'continuous improvement' considered within its oversight activity. This enables the YJB to offer an understanding of how well single inspection action plans are being achieved and how services respond to thematic inspection findings.

To ensure recommendations are appropriately targeted, HM Inspectorate of Probation share all thematic recommendations with the YJB for comment in advance of publication. This ensures that recommendations are targeted appropriately, and that positive action is taken to deliver improved services and outcomes for children, communities, and victims. Any other relevant recommendations resulting from thematic inspections will be shared as appropriate.

Interfaces between the organisations

Bilateral engagement between the YJB and HM Inspectorate of Probation takes place quarterly, and informally at other times, as appropriate. This will ensure strategic alignment between the organisations and provide opportunities for ongoing dialogue and contributions to strategic planning. The YJB also attends HM Inspectorate of Probation Youth Justice Inspection Group (YJIG) meeting (on a quarterly basis) and offers an overview based on performance and intelligence from their oversight of youth justice services. The YJB does not have a role in the decisions taken at YJIG regarding inspection timescales but offers information to support the primary objective of the YJIG, which is to advise on and co-ordinate delivery of multi-agency inspection of youth justice services in England and Wales. The YJIG will also provide an opportunity to identify emerging themes arising from inspections and YJB Oversight activity.

As part of the new inspection framework, HM Inspectorate of Probation are exploring how to work more closely with the YJB within their oversight framework. This will include regular conversations between regional HM Inspectorate of Probation inspectors and YJB Heads of Regional Oversight regarding performance and oversight of youth justice services within their region.

Where a youth justice service has been identified by HM Inspectorate of Probation for inspection, the YJB are included in the announcement documentation, ordinarily dispatched on the same day as the inspection announcement.

Pre-Inspection interfaces:

Core Inspections: In the period following an inspection announcement, lead inspectors will ensure that they contact the relevant YJB Heads of Regional Oversight for each inspection, prior to starting fieldwork. The intention is to use this meeting to have a contextual discussion regarding the performance of the service, any relevant data and any intelligence or information that would be helpful to note prior to undertaking fieldwork.

Thematic inspections: HM Inspectorate of Probation will engage the YJB in considerations regarding the scope of any thematic inspection and consult on the intended approaches to fieldwork and key lines of enquiry. The intention is to ensure that any thematic inspections are informed by the YJBs intelligence of the system as a whole, and any key areas of note that might support the quality of inspection considerations.

In addition, the YJB will formally respond to the annual consultation against considered themes as part of the joint Criminal Justice Inspections framework. More informal consultation is also undertaken at regular bilateral meetings.

During inspection

In the event that an organisational alert⁵ is raised during a fieldwork week, the lead HMI will contact the relevant YJB Operations Director (North of England, South of England, or Wales) and inform them of the nature of the alert and any immediate action required.

Post-inspection interfaces

Core inspections: Following the fieldwork a further conversation between the lead inspector and the YJB Head of Regional Oversight will take place to share initial findings and the ratings decision. This is to update on the findings of the inspection and the ratings given to each service as well as identify anything significant or relevant for the responsible Head of Regional Oversight. This sharing of intelligence and information is intended to enable the YJB to better support the youth justice service in the development of the post-inspection action plan and improvement activity. Additionally, it is also a means of identifying areas of effective practice, or things that have stood out from the inspection. This is followed by the sharing of a copy of the embargoed inspection report.

The recipient of any HM Inspectorate of Probation recommendations is required to respond with the proposed action set out in an action plan. The local authority or youth justice service has responsibility for overseeing and monitoring progress against recommendations. As part of the oversight framework the YJB will also proactively follow up on the implementation of the action plan and the youth justice service progress against recommendations. Where performance is a cause for

⁵ An organisational alert encompasses policy, systemic or large-scale approaches or omissions, that require immediate remedial action to be taken to reduce or contain an identifiable, systemic, significant and imminent risk.

concern, either through HM Inspectorate of Probation inspection or YJB oversight, the YJB will provide additional focus on the action plan development and progress and escalation to ministerial attention may occur in line with the YJB's Youth Justice Oversight Framework.

Thematic inspections: Where recommendations are directed towards the YJB or MoJ, in either core inspections or thematic inspections, HM Inspectorate of Probation shares these in advance of publication. Where strategic themes are emerging across inspections these are shared with MoJ and YJB. Strategic themes inform the YJBs ongoing oversight, enabling them to target activity and set youth justice priorities, and inform the MoJs/Welsh Government's policy framework.

The YJB will respond in writing to any recommendations directed to them, to accept or otherwise, and to provide a narrative to support this decision - along with outline of activity. The MoJ will be copied into this response and the content will be captured within the wider MoJ-held action plan against inspectorate recommendations. Where recommendations are directed towards youth justice services or management boards, the YJB will contribute to any subsequent MoJ led activity to oversee progress against such action plans and, activity by local services against these recommendations will inform the overall YJB assessment of youth justice services performance in line with the Oversight Framework.

Research: The YJB and HMI Probation will consult in advance of any planned research being led by their organisations where relevant and appropriate to do so. This will ensure each agency is aware of research being undertaken and is provided an opportunity to feed into it.

Informing Ministers

HM Inspectorate of Probation have a duty to report to the Secretary of State (SoS) on the findings from each inspection. In advance of every publication, HM Inspectorate of Probation highlight the main findings in a submission to the SoS. This is copied to the YJB and MoJ.

The YJB have, through its Oversight Framework, introduced regular reporting to Ministers, against system performance from their oversight intelligence. Where this includes escalation to Ministers regarding significant failures or poor progress against improvement activity, then the YJB shares the submission and intended recommendations to the Minister, with HM Inspectorate of Probation and with the MoJ/Welsh Government.

Monitoring progress

Discussions on the progress made by inspected youth justice services will take place through regular quarterly engagement between the YJB and HM Inspectorate of Probation. These discussions also inform the YJIG considerations as to whether

satisfactory progress against the action plan has been made. The YJB will also continue to monitor progress through their routine oversight of services.

As part of the review of the youth inspection programme, it is intended that regular discussions between the YJB and HMI Probation will also help inform prioritisation of further inspection visits or contact by HMI Probation with a youth justice service.

Reviewing, amending, and monitoring of the MoU

The MoU will be effective from the date it is approved by the parties to this MoU and will be subject to an annual review to ensure that the processes outlined are an accurate reflection of practice and are working effectively.


Signatories:



Marc Baker

Chief Operating Officer

HM Inspectorate of Probation



Jamie Bennett

Chief Strategy Officer

Youth Justice Board for England and Wales