



HM Inspectorate
of Probation

Consultation on the inspection of youth justice services

HM Inspectorate of Probation, December 2023

Foreword

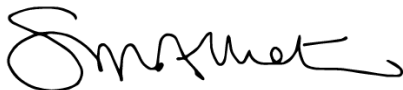
In 2018 we began to inspect and rate youth justice services (YJSs) against inspection standards as part of our routine youth justice service inspections. Overall, our standards and methodology have performed well. We reviewed our approach in 2021 and added a standard to look specifically at the work of YJSs in the resettlement of children leaving custody. By the end of 2024 we will have inspected all YJSs in England and Wales. Although our standards and methodology have performed well, we want to continue to maximise our impact by driving improvements where they are needed and shaping the policy landscape. We have reviewed our work to make sure we are doing this to the best of our ability.

As part of this review, we have consulted widely with YJS leaders, the Youth Justice Board (YJB), the Ministry of Justice, leading academics, and other regulators and inspectorates. We are in the process of consulting with children and parents/carers who have experience of working with YJSs'. We are grateful to everyone involved and would now like to reach out to a wider audience.

In this consultation we are asking for your views on some proposed changes to our standards. Our aim, as it was when we introduced the current standards, is to remain focused on the things that make a difference to the quality of YJS work, aligning strategic activity with frontline work to children and victims. We have reduced the number of standards on which we make our judgements and have broadened the range of work that we will inspect. We will now include bail and remand work with children and look at the arrangements for appropriate adult services as well as the work undertaken with victims. Our ratings will continue to follow the established four-point scale, as we do not want to raise or lower our expectations of the quality of YJS work. We will continue to publish the scores that underpin our ratings of individual YJSs and to present in our reports a detailed narrative describing our findings. Our focus is on improving practice to achieve positive change for children and to keep children and communities safe.

We have also considered the way in which we deliver our inspections. We want to visit each YJS more frequently and to do so where we think we can maximise our impact. Our proposals on how we inspect set out two types of inspection that would enable us to achieve this. The changes we are proposing are important. They will enable us to focus our resources on where we can have the most impact, provide a proportionate approach to inspection and allow ourselves and those who provide youth justice services to measure progress.

Our consultation closes at **23:59 on Sunday 28 January 2024**. We would like to hear your views on the detail of our proposals, and I hope you will take the opportunity to respond.



Sue McAllister

Interim Chief Inspector of Probation

1. Background

1.1 HM Inspectorate of Probation introduced inspection standards and the rating of YJSs in 2018. This was after a full and active consultation with YJSs and other youth justice stakeholders. By the end of 2024 we will have inspected all YJSs over a six-year period. We inspect YJSs against 13 standards, covering organisational delivery, court disposals and out-of-court disposals and (since 2021) resettlement. Our current programme of youth justice inspection is due to finish in late 2024. We must continue to maximise our impact, and the end of the current programme presents a timely opportunity for us to review our approach to youth justice inspection.

1.2 Our standards and methodology are comprehensive. We have a full and complete picture of the performance of each YJS at the point at which we inspect it. The youth justice landscape is ever changing however, and this brings challenges for inspection. Such challenges include the disparate sizes of YJSs, the diverse funding arrangements and the varied approaches to delivering out-of-court disposals work with children and varied local structural and governance arrangements.

There are also different academic perspectives on work with children who have offended vary.

1.3 This consultation covers the detail of three aspects of the inspection framework: changes to existing standards, the addition of one new standard and the approach that we will take to our inspections against these standards. Our proposals are set out below. The proposed standards can be seen in full at **Annexe A** and a summary of our research evidence is available on our website: [The evidence base – youth offending services](#).

1.4 We have taken the opportunity to update the language used throughout our standards to better align with current arrangements. The *Crime and Disorder Act 1998* requires every local authority to establish a multi-agency Youth Offending Team (YOT). The Act came into force in 2001 and since then YOTs have provided services across England and Wales for children who have offended. As YOTs grew, many were renamed youth offending services to reflect their size and the scope of their activity. More recently, the term YJS has become commonplace and is seen as a title that better reflects the work being done with children, parents and carers, victims and communities. As such, we have moved to the term YJS.

2. Our role in overseeing youth justice services

2.1 YJSs are regulated through a combination of independent inspection, performance monitoring by the YJB, and local authority scrutiny arrangements. Since 2023, the YJB has monitored each YJS through 13 key outcome measures in areas such as reducing youth reoffending, first-time entrants, access to education, training and employment, work with victims and the use of custody. Local authorities oversee the performance of their own YJS through the scrutiny of their YJS Management Board.

2.2 We are focuses on inputs and activities. YJSs are more likely to meet their aims with good-quality inputs (such as professional staff and comprehensive services) and activities (such as the effective assessment of children's needs and effective interventions). Our current domain one standards cover aspects of organisational delivery: leadership, staffing, partnerships and services, and information and facilities. Our current domain two and three standards cover the quality of work with individual children: domain two focuses on court disposals and domain three on out-of-court disposals.

2.3 We inspect YJSs under the following ministerial direction:

'To inspect and report on youth offending teams, established under section 39 of the Crime and Disorder Act, and bodies acting on their behalf, to assess the quality of their work with children and young people who have offended, are suspected of having offended or are at risk of offending, in accordance with their duties as set out in section 39 (7) of the Crime and Disorder Act 1998.'

2.4 We do this through inspecting against standards on our core youth inspection programme. It is made up mostly of single agency inspections, but as part of the programme we carry out up to four joint inspections each year with other inspectorates: Ofsted, Care Quality Commission and His Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) in England, and Estyn, Health Inspectorate Wales, Care Inspectorate Wales and HMICFRS in Wales. We also carry out youth thematic inspections and joint targeted area inspections (JTAs).

3. Guiding principles

3.1 Our proposed standards and approach remain underpinned by the following guiding principles:

Fair – our inspections should look at the right things in the right way and do so consistently across inspections.

Valid – our inspections need to generate objective judgements that successfully measure the key areas and stand up to scrutiny and challenge.

Reliable – our findings must be reliable, providing accurate, consistent judgements about the quality of services delivered to children and victims.

Future proof – our standards should benchmark effective practice regardless of local delivery arrangements and as such should be able to stand the test of time.

Flexible – our approach must be flexible enough to enable us to put inspection resources where they will have the greatest impact. We should not unduly constrain ourselves.

Intelligence-led – we should use intelligence to inform where, when and how we inspect.

Proportionate – we must be mindful of the effort and activity that inspection triggers and make sure that all our work is necessary and in the right measure to drive improvement.

Evidence-based – our standards should be based on research and inspection evidence to maintain our authority and credibility and enable effective practice.

Impactful – our inspection regime must promote the right behaviours, without creating any perverse incentives, and must enable services to focus on the quality of their work.

3.2 This consultation has two parts. The first part is about our standards and ratings: the 'what' of our inspection activity. The second part describes our proposed approach: 'how' we deliver our inspection activity.

4. Part one: what we inspect

4.1 In our standards and ratings framework there are things that we think work well. These are:

- our overall rating boundaries
- the 'logic model' – inspecting inputs and activities on the basis that high-quality inputs and activities will lead to positive results
- inspecting YJSs as partnerships.

There are also things that we think could work better. These are:

- fewer standards – the standards framework is big, especially for small services
- a shorter period of time between inspections
- greater flexibility to be responsive and agile
- inspecting work with victims, work done with children on bail and remand and arrangements for appropriate adult provision.

Taking all of this into account, we think that we need to:

- think broadly about 'positive change' and 'achieving safety' and consider whether desistance, the safety of the child and the safety of others remain the right categories to report on
- inspect whether the child's needs are met, regardless of the type of intervention
- make frontline delivery of high-quality services for children and victims our primary concern
- if we find that frontline delivery of quality services is not good enough be able to explain why
- be more flexible and proportionate, while ensuring that we can still compare the quality of different services
- continue to work across the breadth of inspection and research evidence
- retain and refine the way we collaborate with other inspectorates, for example by aligning our inspections and sharing the findings of our youth justice work across inspectorates.

The evidence base

4.1 As an independent and influential voice, we are not aligned with any one single academic approach. Instead, as an evidence-based organisation, all of our activity is founded on research and inspection evidence.

4.2 Our proposed standards are aligned with the research and inspection evidence on the delivery of high-quality YJSs. In reviewing our standards, we have spoken with academics, other regulators and inspectorates, the YJB and the Ministry of Justice (MoJ). We have delivered seven workshops with YJS leaders, convened regular stakeholder group meetings, and are talking to children and parents/carers who have experience of the youth justice system.

4.3 Our proposed standards are based on established models and frameworks, including the primary colours model of leadership, the well-established and recognised ASPIRE model for case management (Assessment, Planning, Implementation, Review and Evaluation), child-first principles, contextual safeguarding and trauma-informed practice. As such, they are grounded in evidence, learning and experience. This evidence can be seen in full on our website: ['The evidence base – youth offending services'](#).

The rationale for change

4.4 Currently we inspect all YJSs against 13 standards. We want to reduce this number without losing our focus on the things that matter.

4.5 When we introduced standards to youth justice inspections, we separated work with children who had received out-of-court disposals from work with children who were subject to court disposals. At the time, the work delivered to each group was very different, and often the needs of children in each group were also different. Since then, there has been a drive to avoid criminalising children through the formal court system. This has meant that a growing number of children who are subject to out-of-court disposals have higher levels of need, and more complex needs, than

previously. Indeed, many children have similar levels of need to children who are working with the YJS as part of a court order. We think it is right that we have the same expectations for the quality of services for all children, regardless of the basis on which they are working with the YJS. As such, we are proposing to inspect the quality of delivery to children based on the needs of each child, rather than the type of disposal.

4.6 This does not mean that we will expect to see the same volume of work delivered directly to a child that has a small number of voluntary interventions and a child being resettled from custody. What we will expect to see is a personalised whole-child approach where each child's needs have been assessed and planned for effectively and that the right delivery, referrals and exit planning arrangements have been made. This requires strong, proactive partnerships and access to the right services, and we are interested in the YJS's arrangements and activity to secure those. Although we will consider all work with children against the same standards, we will continue to report our findings as relevant to specific groups of children. These include children who are subject to bail and remand, resettlement, court disposals and out-of-court disposals. This is important, as it will enable us to make recommendations that are specific and best able to drive improvement.

4.7 We also want to further develop our focus on quality rather than process. We are interested in the quality of work with children and victims rather than simply whether a process has been followed. In some instances, this will, of course, require processes to be followed, but it is the impact of these processes that will be the basis on which we make our judgments. For example, we are not only interested in whether parents/carers have been asked for their views as part of the assessment process, we also want to know whether assessments analyse how work could be carried out collaboratively with the child's family/carers to keep the child safe.

4.8 We propose to increase our focus on the work that YJSs do with victims of crime. YJSs have a statutory duty to comply with the [code of practice for victims of crime](#).

The code requires YJSs to take victims' needs into account in general, and has requirements about:

- ensuring staff working with victims have appropriate training
- contacting victims and allowing them to make informed choices about getting involved in restorative processes
- keeping victims who participate in restorative justice informed about case progress
- storing victims' information.

4.9 There is a renewed focus on criminal justice agencies' work with victims through the Victims and Prisoners Bill 2023, and many victims that YJSs work with are children themselves. Although we currently see some victim work delivered in YJSs, our inspections look at this through the lens of the victim work carried out with the child that is working with the YJS. We want to shine a light on the work done with victims from the perspective of the victim.

Standards for achieving positive change and keeping children and communities safe

4.10 When we inspect work with children against our inspection standards, we make judgements about the quality of services in terms of safety and wellbeing, desistance and risk of harm. We recognise that all three areas are important in the work that YJSs do with children. In our proposed standards we have included desistance, risk of harm, and safety and wellbeing work under the banner of 'achieving positive change and keeping children and communities safe'. This approach accommodates the broad evidence base that includes child-first, risk-based approaches, contextual safeguarding and trauma-informed practice but does not favour one over the other. Instead, we will

look for a personalised, responsive approach that achieves positive change and keeps children and communities safe. This approach will be based on assessing the child's needs, planning to meet those needs, delivering interventions to meet those needs and doing so in the context of regular and dynamic reviews.

4.11 Our proposed standards are grouped into two rather than three domains. We have separated organisational arrangements and activity from the delivery of services to children and victims. Each standard will continue to be underpinned by key questions and prompts. All the key questions and prompts will continue to have a binary yes or no response. The framework will continue to be supported by inspection guidance materials, which help inspectors to make reliable, fair, valid and consistent judgements. The standards are presented in full in **Annexe 1**.

4.12 When we developed our standards framework, we wanted our standards, key questions and prompts to be coherent, sufficiently comprehensive and balanced. This still stands. The greater the number of prompts underpinning a key question, the more difficult it becomes to balance them into a single judgement. We maintain our view that no key question should have more than 10 prompts. Some have as few as three. We will not be raising or lowering our expectations of the quality of YJS work; instead, we will maintain our established view.

Question 1 – Is our focus on 'achieving positive change' and 'keeping children and communities safe' the right approach?

Domain one

4.13 In domain one we focus on how organisational arrangements and activity support effective work with all children. Domain one consists of three standards: governance and leadership; staffing; and partnerships and services. We will rate domain one standards by considering qualitative evidence, such as interviews with YJS partners, staff focus groups, policies and procedures and minutes from meetings. This will be informed by and triangulated with what we find in the evidence in advance and in domain two, where we will look at the quality of work with children. We will also look at the strategic activity and arrangements for appropriate adult services.

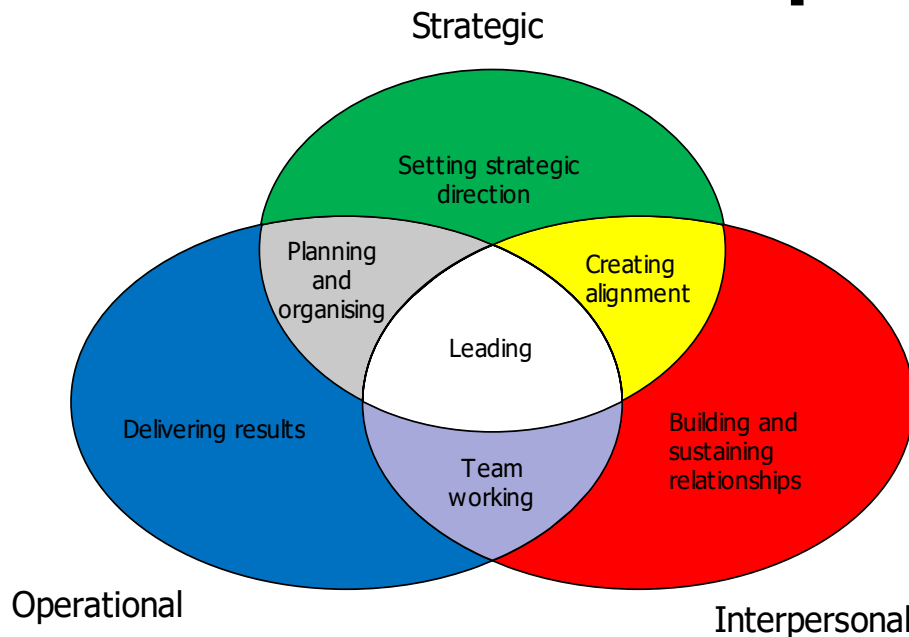
4.14 We propose to remove our current standard '1.4 ICT and facilities'. In line with our approach to focusing more on quality and less on process, we have included the relevant prompts from the existing standard in the new standards, where we can better judge their impact. For instance, in proposed standard '2.3 Delivery', we ask about the suitability of the YJS's environment to deliver relational-based practice with children.

Governance and leadership

4.15 Our proposed leadership standard is based on the Primary Colours Model of Leadership (Pendleton, 2012)¹. This model groups leadership arrangements and activity into three distinct sets: strategic, operational and interpersonal. We have reflected this structure in our key questions and have added a fourth key question about the responsibility of YJS leaders to promote a culture of learning in the YJS.

¹ The Primary Colours Model of Leadership (Pendleton, 2012)

Model of leadership



Primary Colours Model of Leadership (Pendleton, 2012)

Staffing

4.16 The staffing standard focuses on the arrangements and activity that are in place to ensure that YJSs provide a high-quality service. The three key questions under this standard consider whether staff have manageable workloads and the right skills, are effectively trained and are supported by the right levels of management oversight. We will look at this across all job roles.

Partnerships and services

4.17 In inspecting partnerships and services, we are interested in the provision of high-quality services to children working with the YJS. There are three key questions that will enable us to see whether the YJS understands the needs of the children it works with. These focus on effective analysis of needs, whether the YJS has access to the right type and volume of services and whether all of this is underpinned by effective partnerships.

Domain two

4.18 Domain two focuses on delivery outputs, with evidence drawn primarily from our inspections of direct work with children. It consists of three standards, all inspected through individual work with children. Our existing domain two and three standards are based on the well-established and recognised ASPIRE model for case management, and we will continue to follow this structure.

4.19 We will include reviewing in our definitions of assessing, planning and delivery. This recognises that reviewing is a dynamic process that should happen continually as YJSs carry out each of the assessing, planning and delivery elements of their work. It also reflects that our inspections focus on the quality of the work rather than whether a process is being followed.

4.20 Each of the standards in domain two has two key questions. One of those key questions focuses on achieving positive change and one focuses on work to keep children and communities safe. Our judgements against each standard will be based on the sufficiency of work to achieve positive change and the sufficiency of work to keep children and communities safe.

Question 2 – In the standards is there a sufficient balance between work to achieve positive change and work to keep children and communities safe?

Question 3 – Is the inclusion of reviewing into assessing, planning and delivery the right way to inspect reviewing work?

4.21 We recognise that on a short voluntary order it may not be realistic for a YJS to meet all of a child's needs. What we expect to see in such instances is that children's needs are appropriately identified, the right referrals are made and that there are strong partnership arrangements and effective exit planning.

4.22 In 2021, following disappointing findings from two thematic inspections, we introduced a standard that looked at the resettlement of children from custody. The introduction of this standard has driven some improvements, and we will maintain our focus on the quality of resettlement provision. Rather than doing this through a separate standard, we will, in line with our approach to inspect against the needs of the child, look at strategic arrangements and resettlement activity through our domain one standards and the delivery of resettlement work through our domain two standards. We will not give resettlement work a separate rating, but we will comment in our reports on what we see in terms of resettlement, and we will make specific recommendations where appropriate. We will also include children who are subject to bail and remand arrangements and look at the quality of the work done with them.

Question 4 – Is inspecting all work with children against the same standards the right approach for us to take?

Question 5 – Are there any drawbacks to inspecting all work with children against the same standards? If so, how can we mitigate these?

Work with victims

4.23 In our current inspections, we look at victim work where it is delivered as part of a YJS's work with a child. We do not look at the organisational arrangements and activity for delivering services to victims, nor do we look at the services provided for victims through the lens of the victim. This is something that we want to address.

4.24 YJSs have a statutory duty to work with victims. The government has recently renewed its focus on the work of criminal justice agencies with victims with the introduction of the Victims and Prisoners Bill 2023. Many of the victims that YJSs work with are children themselves, often children who may also be working with the YJS on their own disposal. We want to see that YJSs have the right arrangements in place to support high-quality work with victims and we want to see this translate into high-quality work with individual victims.

4.25 The new victims standard sits outside domains one and two, and as such is a standalone standard. We will examine organisational arrangements and activity related to the victims standard through one key question. We will triangulate this through a second key question that looks at service delivery for a separate cohort of victims. Some victims will be adults, and some will be children; some may be children who are working with the YJS already because they have committed an offence. In such instances the work done with them in their capacity as a victim will be judged separately from the quality of work done with them as part of their disposal. We plan to include services for all victims within the scope of our inspections, including corporate victims.

4.26 As with all of our standards, full guidance will underpin the two key questions to ensure validity, fairness and consistency in inspecting work with victims. We will rate the victims standard by taking a view of the work we see in cases alongside the organisational activities and arrangements in place to drive an effective service for victims. We will use the same four-point rating scale as for our other standards: 'Outstanding', 'Good', 'Requires improvement' and 'Inadequate'. The rating for the victims standard will contribute to the calculation of the overall (composite) rating.

Question 6 – Is inspecting a YJS's work with victims in this way the right approach to take?

5. Part two: when and how we inspect

'Inspection of work with children and victims' and 'Inspection of youth justice services'

5.1 We want to put the quality of work with children and victims at the forefront of our inspections. This will enable us to report on work to achieve positive change and keep children and communities safe. We see effective frontline work with children and victims as a product of effective governance and leadership, the right staffing arrangements and strong partnerships and services. Inspection evidence shows that it is only in exceptional cases that we see good-quality service delivery in spite of poor-quality organisational arrangements and activity. In our public assurance role, the quality of services for children and victims must be our priority. As such, the domain two standards and victims standard are the ones that we will look at in every inspection.

5.2 Under our current inspection arrangements, it has taken around six years for us to inspect every YJS in England and Wales. We think this is too long a gap to provide assurance to the public. In any programme of inspection with a start and finish date, a YJS knows that once it has been inspected it is unlikely to be inspected again within that period. This is not an approach that maximises impact. Research tells us that the anticipation of inspection is as important as actual inspection in terms of driving improvement. A long period between inspections removes much of this anticipation and the motivation to improve that it can create. Services themselves have told us that they do not like long periods between inspections. For services rated 'Inadequate', or 'Requires improvement', the lack of a timely opportunity to change this rating can lead to frustration, which can impinge on progress. For services rated 'Good' or 'Outstanding', there could be a temptation to ease off any drive to improve.

5.3 We also want to be more agile and respond with inspection where we have become concerned about a YJS. We think this will enable us to use our resources where they can have most impact, by driving improvement where it is needed. A rolling programme with a start and finish is not conducive to this flexible approach.

5.4 To address these three issues – our focus on frontline delivery, the length of time between inspections and a need to be more flexible in when we inspect – we are suggesting a different approach. This has two types of inspection. First is our inspection of work with children and victims, where we will inspect work with children and victims through domain two and the victims standard. Second is our inspection of youth justice services, where we will inspect work with children and victims through domain two and the victims standard, along with organisational arrangements and activity through the domain one standards.

5.5 Most YJSs will have an inspection of work with children and victims. This does not mean that governance and leadership, staffing, and partnerships and services are not important in those inspections; we will see how effective the organisational arrangements and activity are through the frontline work that we inspect. During the fieldwork, we will carry out activities that sit alongside and provide context to our inspection of domain two and the victims standards. This could include a presentation from the YJS manager and chair of the YJS Management Board, discussions about the

delivery of services to victims, regular meetings with the YJS manager throughout the week, and relevant meetings and observations to enable us to triangulate our findings from the domain two and victims standards.

5.6 For our inspection of youth justice services, we will inspect the YJS against all seven standards. We will schedule some such inspections in advance, taking both a risk and random approach. In doing so, will include YJSs where we think we will find effective practice. If we are concerned about our findings on the quality of work with children and victims, we will inspect the organisational arrangements and activity separately through the domain one standards. So the inspection of work with children and victims will become an inspection of youth justice services, incorporating the domain one standards. We recognise the need to do this in a timely way and propose to return to inspect the domain one standards four to six weeks after the inspection of work with children and victims. This means that all YJSs could have either type of inspection in either a planned or responsive way. This approach will give us the ability to inspect more regularly and be responsive to risk, putting our resources where we can have the greatest impact.

5.7 Through our consultation events, we were assured by a majority support for this approach. However, two concerns were expressed. The first was that inspections of work with children and victims would have no emphasis on the YJS as a partnership, and that partnerships may lose their focus on the YJS if their work is not to be directly inspected. We do not believe this to be the case. We always see the impact of organisational arrangements and activity through the cases that we inspect. For instance, we would see whether workloads were manageable, with staff supported through effective oversight of their work. We would see how effectively partnerships supported the YJS's work. To triangulate this, we would carry out a small number of interviews and focus groups, along with some written evidence such as policies and management board minutes, to provide the context for our domain two findings. Without this, our analysis would be based on case data only and we would be limited in terms of targeting our recommendations.

5.8 The second concern was that, by focusing our inspection of youth justice services only on those areas where we have concerns, we would miss potential effective practice. We will mitigate this by inspecting a small number of YJSs each year where we expect to see effective practice rather than because we have concerns.

Question 7 – What are the benefits and drawbacks of the overall approach and of each type of inspection?

Question 8 – Where we see concerning practice, is returning within a four-to-six-week period practicable?

Ratings

5.9 Domain one ratings for each inspection are not led by our findings in individual cases, although in our inspections of youth justice services we will check the correlation between domains. Instead, the evidence we need for domain one ratings comes primarily from data, documents and evidence submitted by the YJS, and through interviews with leaders, managers and staff, surveys of staff and volunteers and feedback from children and other relevant stakeholders. We will continue with this approach.

5.10 Domain two standards will also be rated as they are currently, based on the results of our inspections of work with individual children. We will make yes/no judgements at key question level in each case and apply ratings at the standard level, based on the consolidated results of all work with children inspected under that standard. For the consolidated results, we will use our same four established performance bandings:

Lowest banding (Key question level)	Rating (Standard level)
Large majority: 80%+	Outstanding
Reasonable majority: 65–79%	Good
Too few: 50–64%	Requires improvement
Minority: <50%	Inadequate

5.11 For each standard, the rating is aligned with the lowest banding at key question level. When we developed our standards, we adopted this approach to recognise that each key question is an integral part of the standard. We do not propose to change this.

5.12 Evidence for the victims standard will be quantitative and qualitative. The starting point will be the qualitative sources of evidence, such as documents and evidence submitted by the YJS, and interviews with relevant leaders, managers and staff. We will look at the work done with victims in individual cases and gather data to allow them to triangulate the qualitative findings. Using all the relevant sources of qualitative evidence and quantitative data, and following the inspection guidance, we will award a rating for the YJS's work with victims.

5.13 We will provide an overall rating derived from the individual standard ratings. The rating boundaries will be set at the tipping points for the standards, as they are currently. This approach creates the following rating boundaries for each type of inspection.

Overall rating	Inspection of youth justice services (seven standards)	Inspection of work with children and victims (four standards)
Inadequate	0–3	0–2
Requires improvement	4–10 (4 = 3 I + 4 RI)	3–6 (3 = 1 I + 3 RI)
Good	11–17 (11 = 3 RI + 4 G)	7–10 (7 = 1 RI + 3 G)
Outstanding	18–21 (18 = 3 G + 4 O)	11–12 (11 = 1 G + 3 O)

5.14 We need to consider how we use the standard level ratings in each type of inspection. The inspection of work with children and victims generates four ratings and the inspection of youth justice services generates seven. If we use all of the standard ratings in each type of inspection, this will generate overall ratings for YJSs that are not comparable right across the sector; the overall rating for some YJSs would be based on four standards, while for others it would be based on seven.

5.15 To generate overall ratings that are fair, valid, consistent, comparable and reliable, we are considering two options.

Option A

Option A is that we do rate domain one standards in inspections of youth justice services but only the domain two and victims ratings contribute to the overall rating, regardless of whether it is an inspection of work with children and victims or an inspection of youth justice services. The benefits of this approach are that our inspection and rating of frontline work is equal across both types of inspection and overall ratings are comparable across YJSs. This would be consistent with our approach to overall ratings, as all overall inspection ratings would be based on four standards regardless of the type of inspection. As such, we think it is a fair and reliable approach. This does

mean that the domain one standards would not contribute to the overall rating and this may be perceived as not providing a complete picture of the inspection.

Option B

Option B is that we rate four standards for our inspections of work with children and victims and seven for our inspections of youth justice services. We would accept that the overall ratings are based on different numbers of standards for each type of inspection and are therefore limited in terms of comparability. We also need to consider whether three domain one standards and four domain two/victim standards represent an appropriate balance in terms of the overall rating.

The benefit of this is that all standards contribute to the overall rating for each individual inspection. The drawback is that the approach to overall ratings would be inconsistent across YJSs and would depend on the type of inspection for each YJS. This is potentially unfair.

Question 9 – Which of the proposed approaches to rating is fair, valid, consistent and reliable and most likely to drive improvements?

Full joint inspection

5.16 Full joint inspections (FJIs) were introduced before our current framework of inspecting and rating against standards. Their purpose was to bring the relevant inspectorates into our inspections to look in more detail at the work of individual partners to support YJS. We carry out four FJIs each year, with one of these usually being in Wales. FJIs added depth to our inspection regime before we introduced our standards, and we continued with this type of inspection when we introduced inspections against the standards. We have reviewed the role of FJIs as part of our current review of youth justice inspections and we are proposing that we do not continue with FJIs beyond 2023/2024. There are a number of reasons for this.

5.17 Four FJIs over a 12-month period represents a tiny proportion of our overall inspections, at around 12 per cent. While this enables us to target areas that we are either concerned about or that we think will demonstrate effective practice, we think we can use these resources differently, better and in a fairer way.

5.18 When FJIs were introduced, JTAIs were not in place. These multi-agency inspections allow inspectorates to work jointly on inspections to be responsive, targeting specific areas of interest and concern. They also identify areas for improvement and highlight good practice from which others can learn. We are an integral part of the JTAI inspection regime and recognise the impact that these joint pieces of inspection work have. This year we have also introduced a dedicated team to work on our joint thematic inspection programme. A large part of our thematic programme is joint inspectorate work. Working with our partner inspectorates on JTAIs and thematic pieces of work has national reach and by definition has more impact than joint work on a very small number of local inspections.

5.19 We continue to value the expertise and depth of knowledge of our partner inspectorates and want to benefit from this through our core YJS inspections. So our proposal is that we discontinue FJIs and instead work with partner inspectorates to:

- better share intelligence to target inspections where they will have maximum impact
- coordinate activity across inspectorates
- increase learning across the findings of partner inspectorates
- maintain our JTAI commitment
- strengthen our joint thematic work.

Question 10 – How can we mitigate any consequences of discontinuing FJIs?

6. Summary of questions

Question 1 – Is our focus on 'achieving positive change' and 'keeping children and communities safe' the right approach?

Question 2 – In the standards is there a sufficient balance between work to achieve positive change and work to keep children and communities safe?

Question 3 – Is the inclusion of reviewing into assessing, planning and delivery the right way to inspect reviewing work?

Question 4 – Is inspecting all work with children against the same standards the right approach for us to take?

Question 5 – Are there any drawbacks to inspecting all work with children against the same standards? If so, how can we mitigate these?

Question 6 – Is inspecting a YJS's work with victims in this way the right approach to take?

Question 7 – What are the benefits and drawbacks of the overall approach and of each type of inspection?

Question 8 – Where we see concerning practice, is returning within a four-to-six-week period practicable?

Question 9 – Which of the proposed approaches to rating is fair, valid, consistent and reliable and most likely to drive improvements?

Question 10 – How can we mitigate any consequences of discontinuing FJIs?

7. Next steps

7.1 The consultation process will run until **11.59pm on Sunday 28 January 2024**. We will then consider all responses carefully before deciding on our approach and update our inspection framework and supporting guidance accordingly. We are aiming to introduce any changes to our inspection approach in the early autumn. Once these changes are in place, we will continue to work with providers and others to keep our inspection standards relevant, comprehensive and up to date.

8. How to respond

8.1 The deadline for responses is **11.59pm on Sunday 28 January 2024**.

Please email responses to consultations@hmiprobation.gov.uk.

You can also send any questions you may have to that address, and we will respond as soon as we can. Alternatively, if you would like to discuss any part of the consultation, please email Helen Mercer (helen.mercer@hmiprobation.gov.uk) to arrange a time to do so.

As part of your response, please ensure that:

- you state clearly who the submission is from, for example from an individual in a personal capacity or sent on behalf of an organisation
- you include a brief description of yourself/your organisation
- you state clearly if you wish your submission to be confidential and/or you do not want to be contacted with follow-up enquiries (see confidentiality statement below).

Confidentiality statement

The information you send HM Inspectorate of Probation may be published in full or in a summary of responses. All information in responses, including personal information, may be subject to publication or disclosure in accordance with the access to information regimes (these are primarily the *Freedom of Information Act 2000*, the *Data Protection Act 1998* and the *Environmental Information Regulations 2004*).

If you want your response to remain confidential, you should explain why confidentiality is necessary. We will grant your request only if it is appropriate in the circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding.

Annexe A – Proposed standards for youth justice inspection

Domain one: organisational delivery

This domain covers the arrangements and activity that support all areas of a YJS's work with children, including out-of-court disposals, court disposals, bail and remand and resettlement.

1.1 Governance and leadership

The governance and leadership of the YJS drives a high-quality service to achieve positive change and safety for children and communities.

1.1.1 Do the YJS's strategic arrangements drive a high-quality, personalised and responsive service to achieve positive change and keep children and communities safe?

- a) Does the YJS Management Board set the direction and strategy for the YJS, enabling it to achieve positive change and keep children and communities safe?
- b) Are there effective governance arrangements and clear delivery plans that enable relational practice and effective evidence-based work with children?
- c) Can the YJS Management Board explain any disproportionality and has it taken sufficient action to address this?
- d) Does the YJS Management Board seek and analyse the views of children, parents and carers and victims, and use them in the YJS's vision and strategy?
- e) Does the YJS Management Board include all statutory and non-statutory partners at the right level where these would add value?
- f) Are YJS Management Board members well engaged and active in their contribution to achieving positive change and keeping children and communities safe?
- g) Does the YJS Management Board sufficiently understand and appropriately challenge the YJS's data and information?
- h) Do other relevant local strategic partnerships give priority to work to achieve positive change and keep children and communities safe?
- i) Are strategic arrangements and activity, and their impact on delivery, monitored and regularly reviewed?

1.1.2 Does the YJS leadership team drive a high-quality, personalised and responsive service to achieve positive change and keep children and communities safe?

- a) Does the YJS leadership team provide an effective link to the YJS Management Board?
- b) Do the YJS's partnership arrangements enable it to deliver effective operational work to achieve positive change and keep children and communities safe?
- c) Does the YJS leadership team successfully deliver and operationalise the vision and strategy?
- d) Does the YJS leadership team seek, analyse and use the views of children, families and victims?
- e) Can the YJS leadership team explain any disproportionality in their delivery area, and have they taken sufficient action to address this?

- f) Do staff understand their roles and responsibilities within the partnership arrangements, and what they are accountable for?
- g) Are the necessary policies in place and understood by all those to whom they apply?

1.1.3 Does the YJS leadership team actively engage with staff to deliver a high-quality, personalised and responsive service to achieve positive change and keep children and communities safe?

- a) Does the YJS culture promote openness, constructive challenge and ideas?
- b) Are staff well engaged and motivated?
- c) Are the views of staff sought, analysed and used to review and improve the effectiveness of services?
- d) Do managers equitably recognise and reward exceptional work?
- e) Is appropriate attention paid to staff safety and wellbeing, and building staff resilience?
- f) Is there support for staff if they feel discriminated against or experience any form of discrimination?
- g) Is there a clear and understood process for staff complaints?
- h) Do YJS leaders understand and promote the meeting of diverse needs, including the need to make reasonable adjustments for staff in accordance with protected characteristics?

1.1.4 Do leaders use analysis, evidence and learning to drive a high-quality, personalised and responsive service to achieve positive change and safety for children and communities?

- a) Are policies regularly evaluated and reviewed, including responding to changes in the evidence base and paying due regard to diversity issues?
- b) Is the delivery of partnership services informed by regular, robust evidence-based monitoring, evaluation and review, including a review of the impact on diverse groups?
- c) Are service improvement plans regularly evaluated and reviewed, including responding to changes in the evidence base?
- d) Does evaluation include the use of data and is it informed by necessary input from other agencies, including those delivering out-of-court, post-court, bail and remand, and resettlement services?
- e) Are the views of children, parents, carers and victims sought, analysed and used to inform and improve the delivery of partnership services?
- f) Does evaluation include active consideration of diversity issues?
- g) Do performance and quality assurance systems drive improvement?
- h) Does the YJS learn systematically and communicate effectively when things go wrong, including serious incidents?

1.2 Staffing

Staff are enabled to deliver a high-quality, personalised and responsive service to achieve positive change and keep children and communities safe.

1.2.1 Do staff and workload levels support staff to deliver a high-quality, personalised and responsive service to achieve positive change and keep children and communities safe?

- a) Are YJS staffing levels sufficient?
- b) Do YJS practitioners have manageable workloads, given the nature of their workload and the range of work undertaken?
- c) Do YJS specialist staff have manageable workloads, given the nature of their workload and the range of work undertaken?
- d) Do support staff have manageable workloads, allowing them to support YJS work effectively?
- e) Do leaders and managers have manageable workloads?
- f) Are workloads managed actively, with resources being redeployed when this is reasonable and necessary, in response to local pressures?

1.2.2 Do the skills and profile of staff support the delivery of a high-quality, personalised and responsive service to achieve positive change and keep children and communities safe?

- a) Does the workforce reflect adequately the diversity of the local population?
- b) Do the skills and diversity of the workforce meet the needs of children?
- c) Is work with children allocated to staff who are appropriately qualified and/or experienced?
- d) Are the learning needs of staff identified and met?
- e) Is a culture of learning and continuous improvement promoted actively?
- f) Is the potential of staff identified and developed?

1.2.3 Does the oversight of work support high-quality delivery and professional development to achieve positive change and keep children and communities safe?

- a) Is an effective induction programme delivered to all new staff that addresses issues of diversity and is accessible to all?
- b) Do staff receive effective child-focused supervision that supports them and enables them to take a relational approach to working with children?
- c) Are there effective management oversight arrangements that enhance and sustain the quality of work with children?
- d) Is the appraisal process used effectively to ensure that staff are delivering a high-quality service?
- e) Is poor staff performance identified and addressed?
- f) Where volunteers and mentors are used, are they supported to fulfil clearly defined roles?

1.3 Partnerships and services

A comprehensive range of high-quality, personalised and responsive services are in place, achieving positive change and keeping children and communities safe.

1.3.1 Does the YJS have a comprehensive and up-to-date analysis of the profile of children, that it uses to deliver well-targeted services?

- a) Is there an up-to-date analysis of all children's needs?
- b) Does the analysis pay sufficient attention to factors relating to achieving positive change and keeping children and communities safe?

- c) Does the analysis pay sufficient attention to factors relating to children's needs across all types of disposals?
- d) Does the analysis pay sufficient attention to diversity factors and to issues of disproportionality?
- e) Is there sufficient analysis of local patterns of sentencing, offence types and the use of out-of-court disposals?
- f) Is the analysis used effectively to drive service delivery?
- g) Does the analysis incorporate the views of children, parents, carers and victims about the services they receive?

1.3.2 Does the YJS partnership provide the volume, range and quality of services and interventions required to meet the individual needs of all children?

- a) Are there effective arrangements to ensure access to the right specialist, mainstream and follow-on services and interventions to meet the needs of all children?
- b) Are services available in a timely manner for all children?
- c) Are building strengths, future focus and enhancing resilience central to the delivery of services?
- d) Are services to children delivered in safe and accessible places?
- e) Do delivery environments enable appropriate relational, strengths-based, personalised work to be undertaken?
- f) Are diversity factors and issues of disproportionality addressed sufficiently in the way that services are delivered?

1.3.3 Are arrangements with statutory partners, providers and other agencies established, maintained and used effectively to deliver high-quality, personalised and responsive services?

- a) Are there effective collaborative arrangements with partners and providers to achieve positive change for all children?
- b) Are there effective collaborative arrangements with partners and providers to achieve safety for children and communities?
- c) Do staff understand how to access the right services from partners and providers?
- d) Are arrangements set out to ensure that children are actively signposted, referred and supported into the most appropriate services?
- e) Is there a clear joint protocol in place with the police, setting out a locally agreed out-of-court disposal policy and practice, including joint and defensible decision-making?
- f) Does the out-of-court disposal eligibility criteria include an escalation process which avoids the inappropriate overuse of specific disposals?
- g) Are there suitable arrangements for out-of-court joint decision-making that are informed by assessment and include contributions from the YJS, police and social care as a minimum?
- h) Are courts made sufficiently aware of the services available to support sentencing options?

Domain two: work with children

This domain covers work with children across all areas of the YJS's delivery, including out-of-court disposals, court disposals, bail and remand and resettlement.

2.1 Assessing

Assessing is well-informed and personalised, effectively analysing how to achieve positive change and keep children and the community safe.

2.1.1 Does assessing sufficiently analyse how to achieve positive change for the child?

- a) Does assessing analyse the context of the child, including the wider familial and social environment?
- b) Does assessing draw sufficiently on available sources of information, including other assessments, and involve other agencies where appropriate?
- c) Does assessing include the active participation of and co-production with the child?
- d) Does assessing analyse the child's strengths and protective factors, with a view to building resilience?
- e) Does assessing analyse capacity and opportunities for change, participation and community integration?
- f) Does assessing sufficiently recognise and analyse diversity issues?
- g) Does assessing analyse the key structural factors affecting the child?
- h) Does assessing analyse the child's attitudes, motivations and behaviour within the context of the child?

2.1.2 Does assessing sufficiently analyse how to achieve safety for the child and the community?

- a) Does assessing clearly identify and analyse risks to the safety and wellbeing of the child?
- b) Does assessing clearly identify and analyse what is needed to achieve safety for other people, sufficiently considering risks?
- c) Does assessing sufficiently analyse issues of vulnerability, victimisation and exploitation?
- d) Does assessing seek and incorporate the needs and wishes of the victims?
- e) Are the child's parents or carers meaningfully involved in assessment activity, and are their views taken into account?
- f) Does assessing sufficiently analyse whether work could be undertaken collaboratively with the child's parents or carers that would keep the child and community safe?

2.2 Planning

Planning is well-informed, holistic and personalised, focusing on how to achieve positive change and keep children and communities safe.

2.2.1 Does planning focus sufficiently on how to achieve positive change for the child?

- a) Does planning take sufficient account of the context of the child, including the child's wider familial and social environment?

- b) Does planning include the active participation of and co-production with the child?
- c) Does planning take sufficient account of the child's strengths and protective factors, and seek to reinforce or develop these in order to build resilience?
- d) Does planning create opportunities for change, participation and community integration?
- e) Does planning sufficiently include and consider all the child's diversity factors?
- f) Is there sufficient planning of delivery with other services, including for exit planning and referral to mainstream services?
- g) Does planning address the key structural factors affecting the child?
- h) Does planning take sufficient account of the child's levels of maturity, ability and motivation to change, and seek to develop these as necessary?
- i) Does planning address the child's attitudes, motivations and behaviour within the context of that child?

2.2.2 Does planning focus sufficiently on how to keep the child community safe?

- a) Does planning set out how to achieve safety and stability for the child as foundations for change?
- b) Does planning set out what is needed to keep other people safe, sufficiently addressing risks?
- c) Does planning sufficiently address issues of vulnerability, victimisation and exploitation?
- d) Does planning give sufficient attention to the needs and wishes of the victims, and opportunities for restorative justice?
- e) Does planning address any specific concerns and risks related to actual and potential victims?
- f) Does planning set out how work will be undertaken collaboratively with the child's parents and carers to keep the child safe?
- g) Does planning pay sufficient attention to the available timescales, coordinating with any other agencies' planning and the need for sequencing?
- h) Is planning responsive to change, including to ensure continued effective arrangements to manage those issues that have been identified?

2.3 Delivery

High-quality, well-focused, personalised and coordinated services are delivered, achieving positive change and keeping children and communities safe.

2.3.1 Does the delivery and review of well-focused, personalised and coordinated services achieve positive change for the child?

- a) Does the YJS focus sufficiently on developing and maintaining a working relationship with the child, with their active participation, that encourages and enables engagement?
- b) Does delivery take sufficient account of the context of the child, including the child's wider familial and social environment?
- c) Does delivery take sufficient account of the child's strengths and protective factors, and seek to reinforce or develop these in order to build resilience?
- d) Does delivery achieve opportunities for change, participation and community integration, including access to services post-supervision?
- e) Does delivery sufficiently include and consider all the child's diversity factors?

- f) Does delivery address the key structural factors affecting the child?
- g) Do interventions address the child's attitudes, motivations and behaviour within the context of that child?
- h) Is the YJS' work sufficiently aligned and coordinated with the delivery of other services including exit planning and referral to universal services?
- i) Is the quality of the work with the child reviewed and adapted where necessary?

2.3.2 Does the delivery of well-focused, personalised and coordinated services achieve safety for the child and the community?

- a) Are the right services delivered to achieve safety and stability for the child as foundations for change?
- b) Are services delivered collaboratively with the child's parents and carers to build safety and protection for the child and the community?
- c) Does delivery of services sufficiently address issues of vulnerability, victimisation and exploitation?
- d) Are the right services delivered to keep other people safe, sufficiently managing risks?
- e) Is sufficient attention given to the protection of actual and potential victims in the delivery of services?
- f) Do the interventions delivered pay sufficient attention to the available timescales and the need for sequencing?
- g) Does delivery respond effectively to changes when required?
- h) Is engagement supported effectively, including by taking enforcement action when appropriate?

Work with victims

*This standard is about **services for victims** rather than work done with children, which is covered by standards 2.1 to 2.3. It includes arrangements and activity for victims and triangulates this with the work undertaken with them.*

Work with victims is individualised, responsive and high-quality, driving positive change for victims and keeping them safe.

V.1 Do organisational arrangements and activity drive an effective service for victims and keep the community safe?

- a) Does the Management Board understand the YJS' role in relation to victims?
- b) Are Management Board members well engaged and active in their contribution to work with victims?
- c) Is there an up-to-date analysis of the needs of victims?
- d) Are the views of victims sought, analysed and used to inform an effective service for victims?
- e) Is there a clear policy and a well-understood, timely process for contacting victims?
- f) Are there effective referral and signposting arrangements in place for victims?
- g) Are staff that work with victims supported effectively in their roles?
- h) Is there a robust restorative justice offer with effective risk management processes in place?

V.2 Is there effective work with victims that is focused, responsive and personalised?

- a) Is clear information given to victims about what they can expect at different points in a child's work with the YJS?
- b) Are victims supported to make an informed choice as to whether to participate in work with children?
- c) Are victim liaison staff provided with appropriate and timely information at relevant stages during their work with a child?
- d) Is there sufficient analysis of the individual needs of victims?
- e) Where appropriate, do victims' views contribute to the work done with children?
- f) Are victims' views treated appropriately?
- g) Are victims supported effectively if they choose to participate in work with a child, with effective individualised risk management processes in place?