

CONSULTATION ON CRIMINAL JUSTICE JOINT INSPECTION PROGRAMME – 2018/19

Purpose of this paper

We are setting out our proposed joint inspection activity in relation to the criminal justice system during 2018/19 – and are inviting comments from statutory consultees, and others, before we finalise it.

Summary

SECTION A explains the background to this statutory consultation, its context, the overall focus of joint inspection and how our programmes are informed by Government and stakeholder priorities.

SECTION B describes our on-going programme of work and those subject areas where we are proposing to carry out joint inspections in 2018/19.

SECTION C summarises joint thematic inspections and other joint work which have been completed since March 2017.

Action requested

You are asked to send us any comments about our programme of work and, in particular, address the following questions:

- Do any programmes of work duplicate, overlap or clash with inspections or other work you have planned (or are otherwise aware of) for 2018/19?
- Are there any other subject areas which you believe warrant inclusion in our criminal justice joint inspection programme?
- Is the programme balanced, reflecting the breadth and depth of issues facing the criminal justice system?

Please forward all comments by Monday 18 May 2018 to the Joint Secretariat (address and contact details on page 8 of this document).

Peter Clarke	HM Chief Inspector of Prisons
Kevin McGinty	HM Chief Inspector of the Crown Prosecution Service
Dame Glenys Stacey	HM Chief Inspector of Probation (Chair)
Sir Thomas Winsor	HM Chief Inspector of Constabulary and Fire & Rescue Services

SECTION A – BACKGROUND TO THIS CONSULTATION

Purpose of consultation

The Police and Justice Act 2006 established a statutory duty on criminal justice (CJ) chief inspectors to deliver a joint inspection programme and in its preparation to undertake formal consultation with Ministers and named commissions and inspectorates.

The consultation helps us ensure that our inspection programme is focused on the right topics, is balanced and does not duplicate activity conducted by other inspectorates.

What we will do with your responses

We will review all responses to this consultation. In the case of new topics, we will carefully assess them in terms of risk and impact alongside the existing programmes and those that we have recently completed. This may mean that a new inspection is incorporated into the final plan. Alternatively, we may need more information such as by conducting a scoping study, or there may be other actions which we feel could be helpful such as reinforcing messages from recent inspections.

Overall focus for CJ Joint Inspection

All our joint inspections are carried out in line with the principles of public sector inspection (see **ANNEX A**).

We work together to address issues that involve more than one CJ agency and have a direct effect on the public who use the justice system. Working together produces a more rounded examination of issues that cut across the system and enables us to achieve more than if just one inspectorate acted alone.

We support democratic accountability, local transparency and the desire to reduce bureaucracy. Joint inspection provides a unique focus on:

- systemic issues within the CJS as a whole;
- identifying and driving cost from the system;
- addressing risks and public safety;
- examining the system end-to-end and the roles of individual agencies;
- universal issues, standards and constraints within the CJS; and
- public reassurance and confidence.

We focus on four high-level business processes and three cross-cutting issues, which appear in full in **ANNEX B**.

The planning horizon

We work to a two-year planning timescale, which allows us to include suitably-timed research and investigation of work to better inform future inspections.

However, this consultation is focused specifically on the joint activity proposed to take place within the coming business year, as reflected in the draft programme set out in **SECTION B**.

SECTION B – JOINT INSPECTION PROGRAMME FOR 2017/18

Provisional work programme for 2018/19

There are some programmes of work from the 2017/18 CJI programme which are still be underway. These are included below for information and completeness.

Inspections these fall into the following two categories:

a. Core programmes: longer-term rolling programmes visiting all areas of England and Wales over several years with published reports following each inspection within the programme.

b. Joint thematics: 'one-off' inspections visiting a selection of locations (usually four to six) examining a cross-cutting CJ theme and producing one composite report.

The overall proposed programme has four component parts, namely:

Continuing commitments – ongoing work from previously published programmes for both core and thematic inspections;

New inspections – inspections arising from our business planning process;

Collaborative working: where partner inspectorates collaborate to support delivery of elements of an individual inspectorate's core programme (e.g. through information exchange or joint working);

Scoping or feasibility studies: these are conducted, where necessary, to establish the nature, priority and extent of an issue. These may lead to full inspections; and,

Other work programmes: including developmental work and consolidation reports (drawing from published findings).

Further subject areas may be raised for consideration during this formal consultation process and the programme will be finalised for publication in the CJI Joint Business Plan by June 2018. Inspectorates may also be commissioned in-year to carry out other work which is not in the provisional programme that follows.

Continuing commitments

The first group under this heading consists of relatively long-term rolling programmes (**Core inspections**) – visiting all areas of England and Wales over several years and publishing reports on each individual inspection.

Subject	Lead inspectorate	Others involved
<p>Prison Offender Management Inspections (POMI)</p> <p>As part of the Prison Offender Management Programme, HMI Probation joins HMI Prisons to inspect a targeted selection of prisons housing those aged 18 and over. HMI Probation assesses the quality of offender management work, including how well public protection is managed and contributes to the overall judgments in relation to the ‘healthy prison test’ on rehabilitation and release planning. During 2018-19, HMI Prisons and HMI Probation will be using a revised joint inspection methodology in adult prisons. During 2018/19 HMI Probation is planning to join HMI Prisons on YOI inspections, focusing on the resettlement needs of young people managed by Youth Offending Teams.</p>	<p>HMI Prisons</p>	<p>HMI Probation</p>
<p>Police and UK Borders Authority custody inspections</p> <p>This programme was established to meet the UK’s UN Convention Against Torture obligations to inspect all places of detention. The focus is on leadership; pre-custody; in the custody suite; the custody cell; and release and transfer. The programme started in 2008 and all police forces in England and Wales and (then) UKBA and customs facilities were inspected by 2014. Since 2014/15, a risk-based approach to inspection has been adopted to decide on the order in which forces are visited. A custody change programme was completed during 2015/16 and new Expectations and supporting methodology were introduced in 2016/17. This brought a greater emphasis on partnerships, vulnerability and accountability. In 2018/19, activity will include a thematic inspection of TACT (Terrorism Act) suites.</p>	<p>HMICFRS & HMI Prisons</p>	<p>CQC</p>
<p>Joint targeted area inspections of child protection</p> <p>Following the Munro report, Ofsted led a redesign of joint child protection inspections in England– supported by CJ and other inspectorates. JTAs inspect the multi-agency arrangements for the protection of children with a particular focus on the initial referral and assessment process, together with a ‘deep-dive’ theme which changes periodically. Inspections commenced in February 2016 and there are approximately eight per year. Deep dive themes for 2018/19 include gang-related child protection issues, and abuse within the family.</p>	<p>Ofsted</p>	<p>CQC, HMICFRS & HMI Probation</p>

<p>Youth inspection programme</p> <p>In June 2018, we will begin to inspect youth offending services using our new methodologies. We will inspect all Youth Offending Teams on a risk and non-predictable basis. A proportion of inspections will be undertaken jointly. We will rate the quality of work delivered by each Youth Offending Team using a four-point scale, with the following categories: Outstanding, Good, Requires Improvement, Inadequate.</p>	<p>HMI Probation</p>	<p>HMICFRS, CQC and Ofsted and in Wales CIW, Estyn & HiW</p>
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The second group under this heading consist of *thematic inspections* which started in 2017/18 and continue into 2018/19.

Subject	Lead inspectorate	Others involved
<p>Hate crime</p> <p>The Home Secretary commissioned HMIC to carry out an inspection of how police forces understand and respond to hate crimes of all types. Fieldwork started in February 2018, with publication of the final report planned for Summer 2018. In parallel, HMCPSI and HMICFRS are inspecting the handling of Disability Hate Crime casework. This is being led by HMCPSI and will be the subject of a separate report.</p>	<p>HMICFRS</p>	<p>HMCPSI</p>
<p>Review of National Crime Agency procedures for warrant applications</p> <p>In late 2015, the National Crime Agency conducted an internal review of its processes for applying for search warrants, following judicial criticism in two cases. The review was assisted by representatives from the Crown Prosecution Service, and the findings scrutinised by an independent assurance group. That group recommended that progress in implementing the recommendations should be reviewed by the relevant inspectorates, namely HMIC and HMCPSI. This review started in March 2018.</p>	<p>HMICFRS</p>	<p>HMCPSI</p>

New Inspections planned for 2018/19

There are currently two new thematic work programmes that were already scheduled to start in 2018/19.

Subject	Lead inspectorate	Others involved
<p>Domestic Abuse: Evidence-led prosecutions</p> <p>As a further strand to extensive work on the CJS response to domestic abuse undertaken by inspectorates jointly and separately, HMCPPI and HMICFRS intend to conduct a joint inspection on the effectiveness of conduct of cases which are prosecuted on evidence other than that provided directly by the victim. The inspection question is “Are police forces and the Crown Prosecution Service using the potential of evidence led prosecutions in domestic abuse cases to ensure offenders are brought appropriately to justice?” Work is planned to commence in quarter two of 2018/19</p>	HMICFRS	HMCPPI
<p>Older People</p> <p>HMICFRS and HMCPPI intend to conduct an inspection of issues affecting older people within the criminal justice system. This will include crime, abuse and exploitation (including financial) committed against them. Inspection fieldwork is planned to commence in quarter three of 2018/19.</p>	HMICFRS	HMCPPI

Collaborative work

Subject	Lead inspectorate	Others involved
<p>Social care in prisons</p> <p>Since April 2015 in England (and April 2016 in Wales) local authorities have had responsibility for assessing and meeting the social care needs of adult prisoners whilst they are in custody. The Care Act (England) and Social Services and Wellbeing (Wales) Act clarify that adults who are detained or residing in a custodial or other HMPPS offender accommodation settings are treated as if they were ordinarily resident in the area where the custodial setting is located, regardless of where they have lived prior to imprisonment. Before the Care Act came into law local authorities (LAs) were not responsible for providing care and support for prisoners. This meant that very few prisoners with care and support needs were having these needs properly assessed or met in an effective way. The objective of this thematic review is to identify the state of preparedness to deliver social care in prisons and to identify if revised strategic and operational approaches to social care have improved outcomes for prisoners.</p>	HMI Prisons	CQC, CIW

Scoping and feasibility studies

These studies can take various forms but their purpose is to fully understand the nature of a problem to agree what further action including inspection activity is required.

<p>Ethnic disproportionality in the CJS – This is a very wide topic which has come to the fore not least due to the publication of the Lammy Review. The joint inspectorates will consider this in greater depth to ensure that any inspection activity was well-targeted. As a first step, they will be conducting a review of data held by each of the inspectorates relating to this issue, to determine areas for consideration for future thematic activity (either single-agency or joint)</p>	<p>HMICFRS</p>	<p>HMCP HMI Probation, HMI Prisons</p>
<p>Management of Sex Offenders in the CJS – This is a very wide topic concern for which has come to the fore not least due to recent high-profile cases. The joint inspectorates will consider which aspects of the management of such offenders should be targeted for inspection.</p>	<p>HMI Probation</p>	<p>HMI Prisons HMICFRS</p>

Other programmes of work

Subject	Lead body
<p>Prosecution team case file quality –</p> <p>This was a topic which had been suggested for inspection during the consultation on the 2017/8 business plan. The Criminal Justice Chief Inspectors Group concluded that rather than conduct an inspection which would be likely to reinforce the persistence of poor file quality in many local areas, they would adopt an alternative approach. During 2018/19, a piece of work would be scoped focusing on areas where there had been some evidence of improved performance or good practice, to then promulgate that to a wider audience.</p>	<p>HMICFRS (with HMICPSI)</p>
<p>Improved business processes, communications and impact</p> <p>The CJS inspectorates continue to explore and implement ways of improving the way they work. This includes an improved business planning framework, a shared methodology for joint inspections and sharing training and information on good practice through web-based fora.</p> <p>They are working to improve the follow-up to inspections to ensure that inspection activity has the greatest possible impact.</p> <p>They are also making a number of improvements to their website to provide more effective ways of identifying Criminal Justice System-wide issues of concern, highlighting good practice and areas for improvement. This will include cross-cutting themes such as the quality of services to victims of crime.</p>	<p>CJJI Development Group /Joint Secretariat</p>

Next steps

After we have considered responses to this consultation we will revise the plan and publish it by June 2018

All contributions are welcome. They should be forwarded to the Criminal Justice Joint Secretariat by email to Anne.Halliday@hmic.gsi.gov.uk or at the following address:

**Anne Halliday – Secretary to the CJ Chief Inspectors Group
c/o HM Inspectorate of Constabulary, Private Office,
6th Floor, Globe House, 89 Eccleston Square, LONDON SW1V 1PN**

The ten principles of inspection

The principles of inspection in this policy statement place the following expectations on inspection providers and on the departments sponsoring them:

1. The ***purpose of improvement***. There should be an explicit concern on the part of inspectors to contribute to the improvement of the service being inspected. This should guide the focus, method, reporting and follow-up of inspection. In framing recommendations, an inspector should recognise good performance and address any failure appropriately. Inspection should aim to generate data and intelligence that enable departments more quickly to calibrate the progress of reform in their sectors and make appropriate adjustments.
2. A ***focus on outcomes***, which means considering service provision to users of the services rather than concentrating on internal management arrangements.
3. A ***user perspective***. Inspection should have a clear focus on the experience of those for whom the service is provided, as well as on internal management arrangements. Inspection should encourage innovation and diversity and not be solely compliance-based.
4. ***Proportionate to risk***. Over time, inspectors should modify the extent of future inspection according to the quality of performance by the service provider. For example, good performers should undergo less inspection, so that resources are concentrated on areas of greatest risk.
5. Inspectors should encourage rigorous ***self-assessment*** by managers. Inspectors should challenge the results of managers' self-assessments, take them into account in the inspection process, and provide a comparative benchmark.
6. Inspectors should use ***impartial evidence***. Evidence, whether quantitative or qualitative, should be validated and credible.
7. Inspectors should ***disclose the criteria*** they use to form judgments.
8. Inspectors should be ***open about their processes***, willing to take any complaints seriously, and able to demonstrate a robust quality assurance process.
9. Inspectors should have regard to ***value for money***, their own included.
10. Inspectors should ***continually learn from experience***, to become increasingly effective. This can be done by assessing their own impact on the service provider's ability to improve and by sharing best practice with other inspectors.

The focus for CJ Joint Inspection

Since 2007/08, joint CJ inspection activity has been organised around four high-level business processes, namely community safety; bringing offenders to justice; offender management; and, custodial conditions.

The broad objectives for inspection for each business process are:

- **community safety**– to challenge the principal partner organisations in crime and disorder reduction, in the context of wider proposed changes in the inspection of local partnerships;
- **bringing offenders to justice** - to inspect the process of enforcing the criminal law through the institution of proceedings, their determination and the enforcement of court orders, including the experience of victims and witnesses throughout the process;
- **offender management** – to continue to develop inspections that assess how well offenders are managed from start to end of their sentences (custodial or community sentences), with a special focus on the assessment and management of each offender’s risk of harm to others; and
- **custodial conditions** – to develop joint arrangements in inspecting prisons, prisoner escort services, police and court cells and immigration detention.

We have also identified three cross-cutting factors for focus, namely:

- **victim and witness experience** – to examine the overall experience of victims and witnesses throughout their interaction with the criminal justice system to identify levels of satisfaction and areas for service improvement;
- **equality and diversity** – to actively promote equality and diversity – both in respect of internal processes and in-service provision to all users – and to identify and address improper discrimination within the CJS; and
- **achieving value for money and efficiency** – to identify and cut down on cost and bureaucracy from the CJS.

**Inspections and collaborative work and other studies completed since
March 2017**

Subject
<p>Through the gate</p> <p>Through the gate services were launched in May 2015 to assist the resettlement of prisoners. During 2016, there were two phases of inspection which considered how well prisoners' resettlement needs were identified and responded to; the quality of work undertaken in preparation for release; and the initial outcomes achieved following release into the community. The second phase report was published in June 2017 and marks the conclusion of this work.</p> <p>The reports can be found at:</p> <p>www.justiceinspectorates.gov.uk/cjji/inspections/throughthegate2016/</p> <p>www.justiceinspectorates.gov.uk/cjji/inspections/throughthegate2/</p> <p>This area continues to be a priority for the joint inspectorate and Through the gate work will be inspected as part of our routine performance inspections in future.</p>
<p>Youth out of court disposals</p> <p>The inspection focused on those young people who have committed an arrestable offence and the police have agreed with the local YOT that an intervention will be carried out rather than referring to court for sentence.</p> <p>The report was published on 29 March 2018 and can be found:</p> <p>www.justiceinspectorates.gov.uk/hmicfrs/publications/out-of-court-disposal-work-in-youth-offending-teams/</p>
<p>New psychoactive substances (NPS)</p> <p>The market for new psychoactive substances (NPS) has grown significantly over recent years, with reports from HMI Prisons, the Prisons and Probation Ombudsman and the Independent Monitoring Boards, all highlighting concern about use in prisons. NPS can be more dangerous than the illegal drugs they are trying to mimic, largely because the user cannot be sure of the contents and potency, and little is known about long-term effects. There is also a lack of clarity regarding the extent to which traditional drug rehabilitation interventions work for NPS users. This inspection focused upon the impact of NPS use on probation work in the community and the treatment options available.</p> <p>The report was published on 29 November 2017 and can be found at:</p> <p>www.justiceinspectorates.gov.uk/cjji/inspections/newpsychoactivesubstances/</p>

Harassment and Stalking

The aims of the inspection were to:

- assess the effectiveness of police forces at identifying and managing the vulnerability and risk associated with victims of harassment and stalking;
- assess the effectiveness of police forces and the CPS at investigating and prosecuting cases of harassment and stalking; and
- identify effective practice and lessons learned and to make recommendations for improvement.

The report was published on 5 July 2017 and can be found at:

www.justiceinspectorates.gov.uk/cji/inspections/living-in-fear-the-police-and-cps-response-to-harassment-and-stalking/

Disclosure of unused material

This inspection analysed the process handling of unused material by the prosecution to defense teams in relation to volume Crown Court cases. Every unused item that is retained by police and considered relevant to an investigation should be reviewed to see whether it can undermine the prosecution case or assisting the defence case. If either factor applies it must be disclosed to the defence.

An inability to deal with disclosure appropriately can have a negative impact on the efficiency of the justice system, incur extra costs and cause emotional distress to victims, witnesses and defendants.

This inspection identified a number of issues which are contributing to widespread failures across the board by both police and prosecutors.

The report was published on 17 July 2017 and can be found at:

www.justiceinspectorates.gov.uk/cji/inspections/making-it-fair-the-disclosure-of-unused-material-in-volume-crown-court-cases/

Full Joint Inspection of YOTs

The FJI programme concluded in March 2017. It was targeted at a small number of YOTs each year where performance gave cause for concern, together with one where published performance was strong and worth sharing. Partner inspectorates covered health, policing, children's social care and education and training, and all were full members of the inspection team. It ran over five years and included re-inspection of some YOTs where performance was of significant concern across inspectorates. The re-inspection process evidenced improvement. **HMI Probation's annual report provides an overview of youth offending team inspection findings.**

Modern Slavery and Human Trafficking

The effect of slavery and trafficking on the victims of crime is substantial. It is also closely aligned with other aspects of serious and organised crime.

In July 2016, the then Home Secretary commissioned HMIC to inspect “the policing response to the Modern Slavery Act (2015)”. In October 2017, HMICFRS published the results of the first phase of its inspection work in this area, which has focused on the police only. These helped inform the scope and timing of further activity in this area, HM Crown Prosecution Service Inspectorate carried out similar inspection activity in quarter three 2017-18, looking at the contribution of the Crown Prosecution Service. The two reports gave a comprehensive assessment of how two of the main agencies are performing.

The reports can be found at:

www.justiceinspectorates.gov.uk/hmicfrs/publications/stolen-freedom-the-policing-response-to-modern-slavery-and-human-trafficking/

www.justiceinspectorates.gov.uk/hmcpsi/inspections/the-cps-response-to-the-modern-slavery-act-2015/

The number and impact of criminal cases started by postal requisitions

This subject was one of the suggested themes received in the consultation on the 2017/18 business plan. A scoping exercise was conducted by HMCPSI and HMICFRS in 2017. This showed that the issue, whilst of concern, was a matter relating to the activity of one agency: the police and would therefore be considered by HMICFRS for inspection.