

CONSULTATION ON CRIMINAL JUSTICE JOINT INSPECTION PROGRAMME

2019/20

Contents

Purpose of this paper	3
SECTION A – Background to this consultation	4
SECTION B – Joint inspection programme for 2019/20	6
ANNEX A – The ten principles of inspection	13
ANNEX B – The focus for CJ Joint Inspection	14
ANNEX C – Inspections and collaborative work and other studies completed since March 2017	15

Purpose of this paper

We are setting out our proposed joint inspection activity in relation to the criminal justice system during 2019/20 – 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 2019/20.

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 2019/20?
- 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 11 June 2019 to the Joint Secretariat (address and contact details on page 12 of this document).

Peter Clarke	HM Chief Inspector of Prisons
Kevin McGinty (Chair)	HM Chief Inspector of the Crown Prosecution Service
Dame Glenys Stacey	HM Chief Inspector of Probation
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 2019/20

Provisional work programme for 2019/20

There are some programmes of work from the 2018/19 CJI programme which are still underway. These are included below for information and completeness.

Inspections 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 2019. 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 2019-20, HMI Prisons and HMI Probation will continue to use a revised joint inspection methodology in adult prisons and develop our approach to the Offender Management in Custody (OMiC) model as it rolls out. HMI Probation and HMI Prisons joint work on youth resettlement will continue with a focus on meeting the needs of young people upon release from YOI.</p>	HMI Prisons	HMI Probation
<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 2019/20, activity has included a thematic inspection of TACT (Terrorism Act) suites. Publication of the associated report is expected during the summer of 2019.</p>	HMICFRS and HMI Prisons	CQC

<p>Joint targeted area inspections of child protection (JTAls)</p> <p>Following the Munro report, Ofsted led redesigned joint child protection inspections in England – supported by CJ and other inspectorates. JTAls inspect multi-agency child protection arrangements, focusing on initial referral and assessment, together with a ‘deep-dive’ theme which changes periodically. JTAls commenced in February 2016 and there are approximately eight per year. Deep-dive themes for 2019/20 include children with mental ill health, and protection of older children. Follow up inspections in the summer will include county lines.</p>	<p>Ofsted</p>	<p>CQC, HMICFRS and HMI Probation</p>
<p>Youth inspection programme</p> <p>In June 2018, we began to inspect youth offending services using our new methodologies. We inspect all Youth Offending Teams on a risk and non-predictable basis. A proportion of inspections are undertaken jointly. We 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 in Wales CIW, Estyn and HiW</p>

The second group under this heading consist of **thematic inspections** which started in 2018/19 and continue into 2019/20.

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, HMCPSI and HMICFRS are conducting 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 has commenced and estimated publication is June 2019.</p>	<p>HMCPSI</p>	<p>HMICFRS</p>

<p>Crimes against older people</p> <p>The population of England and Wales is ageing. While research shows that those in this age group are less at risk of crime overall than other groups, some crime types – such as those linked to physical, mental, or financial abuse – disproportionately affect older people. This inspection assesses, for the first time, the police and CPS responses to a range of offences affecting older people. Estimated publication for the report is currently summer 2019.</p>	HMICFRS	HMCPSI
<p>Released under investigation</p> <p>The Police and Crime Act 2017 (PCA) brought changes to the way police use pre-charge bail. These include introducing the presumption that the police will, unless bail can be justified, release detainees without any obligation to return to police custody whilst the investigations continue.</p> <p>This inspection will examine the use of released under investigation. The inspection will commence with scoping work. It is estimated that the final report will be published early in 2020.</p>	HMICFRS	HMCPSI
<p>Integrated Offender Management (IOM)</p> <p>Integrated Offender Management (IOM) aims to bring cross-agency partners together to manage high priority offenders – usually the most persistent or prolific. There is no prescribed model although Key Principles were published by the Home Office and MOJ in 2015. In 2014 HMI Probation led a joint inspection with HMIC in which six local schemes were visited and found a mixed picture with differing degrees of commitment from agencies. Transforming Rehabilitation (TR) has changed the landscape for the management of offenders and an updated thematic inspection would give us a greater understanding of how IOM is operating under TR.</p> <p>It is estimated that the report will be published early in 2020.</p>	HMI Probation	HMICFRS

New inspections planned for 2019/20

There is currently one new thematic work programme that is scheduled to start in 2019/20.

Subject	Lead inspectorate	Others involved
Prosecution team case file quality The quality of case files continues to be an issue of concern. During 2019/20, HMIFRS and HMCPSI will carry out inspection activity to better understand the barriers to effective and consistent practice and make recommendations to promote improvements in this area.	HMICFRS	HMCPSI

Collaborative work

None identified at present.

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.

Subject	Lead inspectorate	Others involved
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. Work is underway to 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).	HMICFRS	HMCPSI, HMI Probation and HMI Prisons

<p>Welfare and dignity in custody</p> <p>Following evidence provided by the Independent Custody Visitors Association, about concerns for welfare and dignity of individuals in police custody, HMI Prisons and HMICFRS will conduct a desk-top exercise to bring together evidence from current inspection activity including the joint custody inspection programme. This will enable the Inspectorates to assess where there are gaps in information and whether further work is warranted. The work is progressing with findings and recommendations for further work expected during the summer of 2019.</p>	<p>HMI Prisons</p>	<p>HMICFRS</p>
<p>Mental health</p> <p>All inspectorates, mindful of the importance, breadth and complexity of this issue, intend to take a wider view of mental health pathways across the criminal justice system. This will be used to target future inspection activity as appropriate. Work has begun to identify workstreams which together will encompass treatment of both victims and offenders.</p>	<p>HMICFRS, HMCPSI, HMI Probation, HMI Prisons, CQC</p>	
<p>Youth violence</p> <p>This work will be in support of the Government's Serious Violence Strategy and the programme of action planned following the March 2019 Serious Youth Violence Summit and will scope the possibility of joint thematic inspection activity in 2020/21. HMICFRS and HMI Probation will review the current data, youth violence reduction plans, and evidence held by both inspectorates on effective practice in and barriers to addressing youth violence.</p>	<p>HMI Probation</p>	<p>HMICFRS</p>

Next steps

After we have considered responses to this consultation we will revise the plan and publish it by July 2019.

All contributions are welcome. They should be forwarded to the Criminal Justice Joint Secretariat by email to anne.halliday@hmicfrs.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**

ANNEX A – 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.

ANNEX B – 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.

ANNEX C – Inspections and collaborative work and other studies completed since March 2017

Through the Gate

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.

The reports, [*An Inspection of Through the Gate resettlement services for short-term prisoners*](#) and [*An inspection of Through the Gate resettlement services for prisoners serving 12 months or more*](#), can be found on CJI's website.

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.

Youth out of court disposals

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.

The report, [*Out-of-court disposal work in youth offending teams*](#), was published on 29 March 2018.

New psychoactive substances

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.

The report, [*New psychoactive substances: the response by probation and substance misuse services in the community in England*](#), was published on 29 November 2017.

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 inspection included visits to six police forces and recommended improvements to both police and CPS practice. The report, [*Living in fear – the police and CPS response to harassment and stalking*](#), was published on 5 July 2017.

One of the forces visited was Sussex and following several concerns, the police and crime commissioner for Sussex requested that HMICFRS return to carry out a follow-up inspection of Sussex Police in 2018.

As part of this inspection, we also reviewed the progress made by the police and other bodies against recommendations from the 2017 reports. We found that national organisations have also taken positive steps towards improving their response to stalking and harassment cases, but again more work needs to be done.

The follow-up report, [*Stalking and harassment: An inspection of Sussex Police commissioned by the police and crime commissioner, and an update on national recommendations in HMICFRS's 2017 report*](#), was published on 8 April 2019.

Disclosure of unused material

This inspection analysed the process handling of unused material by the prosecution to defence 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 assist 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, [*Making it fair: The disclosure of unused material in volume Crown Court cases*](#), was published on 17 July 2017.

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. [*Reports can be found on HMI Probation's website*](#).

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 September 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. HMCPSI carried out similar inspection activity in quarter three 2017–18, looking at the contribution of the CPS. The two reports gave a comprehensive assessment of how two of the main agencies are performing.

The reports, [*Stolen freedom: the policing response to modern slavery and human trafficking*](#) and [*The CPS response to the Modern Slavery Act 2015*](#), can be found online.

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.

Disability hate crime

HMCPSI and HMICFRS have undertaken two previous joint inspections of the handling of disability hate crime casework.

This inspection focused on progress made by the police and CPS in response to findings from the previous reports: [*Living in a different world: Joint review of disability hate crime*](#) in 2013, and [*Joint review of disability hate crime: Follow up*](#) in 2015.

The inspection teams from HMCPsi looked at magistrates' court and Crown Court files from across each of the 14 geographical CPS areas and CPS Direct. Fieldwork was then carried out in six of the CPS areas. Similarly, the HMiCFRS inspection team looked at the counterpart police file of a portion of the cases examined by HMCPsi.

The findings from this joint inspection showed that the CPS focus has been maintained and there has been substantial progress in most respects, but more needs to be done by prosecutors and police in handling disability hate crime cases.

Overall, more than half of the police files examined were assessed as requiring improvement or as inadequate.

The report, [*Joint inspection of the handling of cases involving disability hate crime*](#), was published on 9 October 2018.

Both HMCPsi and HMiCFRS will separately be following up this work to assess progress during 2019/20.

Social care in prisons

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 objective of this joint thematic review by HMi Prisons, CQC and CIW was 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. The review identified several developments that are good practice in the social. However, there continue to be wide variations, so that as yet they are neither equitable nor consistent.

The report, [*Social care in prisons in England and Wales: A thematic report*](#), was published on 16 October 2018.

Review of National Crime Agency procedures for warrant applications

HMiCFRS and HMCPsi carried out a joint inspection to assess whether the National Crime Agency (NCA) has made improvements in how it deals with applications to search premises and obtain productions orders, following recommendations in a 2015 review.

We found that the that the NCA has been working to tackle the areas of concern highlighted in the 2015 review and had made good progress. The report includes six recommendations which, when completed, will further improve procedures and update guidance.

The report, [*A joint inspection of search application and production order processes*](#), was published on 24 January 2019.

Management and supervision of men convicted of sexual offences

This joint inspection by HMI Probation and HMI Prisons focused on the work undertaken by the National Probation Service and the Prison Service with men who have been convicted of sexual offences. It found that significant improvement was needed both in prison and in the community.

The report, [*Management and supervision of men convicted of sexual offences*](#), was published on 24 January 2019.

HM Inspectorate of Constabulary and Fire & Rescue Services
6th Floor, Globe House,
89 Eccleston Square,
London SW1V 1PN

HM Crown Prosecution Service Inspectorate
4th Floor, One Kemble Street,
London WC2B 4TS

HM Inspectorate of Probation
9th Floor, The Tower,
102 Petty France,
London SW1H 9AJ

HM Inspectorate of Prisons
6th Floor, Victory House,
30-34 Kingsway,
London WC2B 6EX

Website: www.justiceinspectorates.gov.uk

© Crown copyright 2019

This publication is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated. To view this licence, visit nationalarchives.gov.uk/doc/open-government-licence/version/3

Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.

Alternative format versions of this report are available from the CJI secretariat on request. For more details, visit justiceinspectorates.gov.uk/hmicfrs/contact-us