

JOINT INSPECTION BUSINESS PLAN

2019–21

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Introduction

This plan sets out the programme of criminal justice inspections for 2019–21 in which two or more of our inspectorates will be working together. Such collaboration allows us to examine issues of importance to the public that cut across agency boundaries, and which therefore might not be examined in our separate inspections of individual agencies.

This is the first time that our plan covers two years. We have adopted this new time frame to give greater scope and flexibility to include work on topics for which either we do not have resources in the first year, or for other reasons that deferring a decision about precisely how we will consider the matter is warranted.

Our joint programme includes a core of rolling inspections which cover every area in England and Wales over a period of several years. Most of our remaining work streams are time-limited, targeted and themed inspections, where we visit a small number of areas and highlight good and poor practice in a particular subject for the benefit of all areas.

We inspect on behalf of the public but also to benefit those agencies and partnerships subject to scrutiny. All our reports are published in full and where appropriate we return to review progress against our recommendations. We also recognise and take account of recent and projected changes in the criminal justice landscape itself, as well as the changing nature of crime and offending.

From our consultation process, we received positive and constructive comments on our proposed areas of focus for joint inspections as well as suggestions for new ones. We have carefully considered all responses and assessed them against risks to the public and available resources. Consequently, we have included one new fully joint inspection and two further topics that we propose to consider in 2020/21.

Our joint programme for 2019–21 represents an examination of areas of critical importance across a wide span of criminal justice activity. We feel sure that those whose work we inspect will continue to respond positively to our reports, resulting in improved practice across the criminal justice system (CJS).

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

A. The context to our programme

1 The landscape for joint inspection

- 1.1 The long history of collaborative working between the criminal justice (CJ) inspectorates – of Constabulary, Crown Prosecution Service (CPS), Court Administration,¹ Prisons and Probation – was placed on a statutory footing by the Police and Justice Act 2006.
- 1.2 This Act established an obligation to publish a joint inspection programme, and to include collaboration with other inspectorates or public authorities – for example with the Care Quality Commission (CQC), Ofsted and Health Inspectorate for Wales (HiW) – and so this business plan encompasses joint work where such bodies will be working with one or more of the CJ inspectorates.
- 1.3 Both individually and jointly, the CJ inspectorates consistently deliver against the ten principles for public sector inspection (see **Annex A**). However, with the increasingly tight financial climate, inspectorates have prioritised further the issue of proportionality, and constantly review the potential for adverse administrative impact on inspected bodies of both the inspection process and any recommendations.
- 1.4 In addition, the increased focus by Government on enabling local accountability for public service provision has informed the inspectorates' approach to the balance between highlighting local and national responsibilities in findings and reports.

2 Our focus

- 2.1 We work together to address issues that involve more than one criminal justice agency, and which have a direct impact 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.
- 2.2 We support democratic accountability, local transparency and the drive to reduce bureaucracy. Joint inspection particularly provides a unique focus on:
 - systemic issues within the CJS as a whole;
 - identifying and driving cost from the system;

¹ HM Inspectorate of Court Administration was subsequently administratively closed in 2010.

- addressing risks and public safety;
- looking at the system end-to-end and the role individual agencies play;
- universal issues, standards and constraints within the CJS; and
- public reassurance and confidence.

2.3 Our main areas of joint focus relate to four high-level processes:

- **community safety**: involving police, probation and youth offending teams (YOTs);
- **bringing offenders to justice**: police, CPS, courts and YOTs;
- **offender management**: probation, prisons and YOTs; and
- **custodial conditions**: prisons, police, courts and immigration services.

2.4 In addition, in all our inspections we have regard to three cross-cutting issues that are fundamental to success and effectiveness in the above activities, namely:

- **the quality of victim and witness experience**;
- **active promotion of equality and diversity**; and
- **achieving value for money and efficiency**.

2.5 We aim to achieve an appropriately balanced programme each year which allows us to examine the CJS across all the above areas of focus, accepting that the degree of engagement with each will vary according to relevant priorities.

3 Our approach

3.1 We work within a rolling two-year programme. We set priorities at the start of the period but react flexibly to changing circumstances and re-prioritise as necessary. Any potential work streams highlighted for year two of our programmes may subsequently be brought forward or otherwise amended to meet such changed circumstances.

3.2 In addition, wholly new work may be commissioned in-year, sometimes at short notice. Where this occurs, we re-assess the programme and re-prioritise as appropriate, to ensure best use of finite resources.

- 3.3 Each work stream, whether a full inspection or a scoping study (an inquiry to identify focus and scope for a future inspection) has a nominated 'lead inspectorate' and others either support or otherwise contribute. All criminal justice joint inspection (CJJI) work is ***“singly-led but jointly owned”*** – which means that while the lead inspectorate is responsible for the management, support, inspection methodology, report authoring and publication, the supporting inspectorates provide inspection team members and resources, make written contributions and agree and 'own' the final report and any recommendations.
- 3.4 This approach has allowed us to avoid having to create any additional support structures or bureaucracy and reduces training requirements for inspection staff. However, we have developed a suite of standardised guidance on methodology and engage in shared training where relevant, to reduce costs and duplication.

4 Deciding the programme

- 4.1 Before finalising the joint programme, chief inspectors undertake an extensive process of consultation with key stakeholders, other inspectorates and government. This consultation helps to identify any overlaps or potential synergies with proposed work of other bodies, and to decide the prioritisation of the individual work streams that make it to the final programme. We were pleased to receive all contributions and have considered each in detail before finalising our programme.
- 4.2 Once the above considerations are completed, the programme is finalised by chief inspectors. The programme for 2019–21 is set out in detail in **section B**.

B. Joint inspection programme for 2019–21

Work programme for 2019–21

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 thematic:** ‘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 six 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 own 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; they may lead to full inspections;

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

Potential inspection activity in 2020/21: topics for further consideration for the second year of the plan.

5 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 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 on release from youth offender institutions.</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) UK Border Agency 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.</p>	<p>HMICFRS and HMI Prisons</p>	<p>CQC</p>
<p>Joint targeted area inspections (JTAs) of child protection</p> <p>Following the Munro report, Ofsted led redesigned joint child protection inspections in England – supported by CJ and other inspectorates. JTAs inspect multi-agency child protection arrangements, focusing on initial referral and assessment, together with a ‘deep-dive’ theme that changes periodically. JTAs commenced in February 2016 and there are approximately ten per year. Deep-dive themes for 2019/20 include children with mental ill health, and protection of older children.</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 will inspect all YOTs on a risk and non-predictable basis. A proportion of inspections will be undertaken jointly. We rate the quality of work delivered by each YOT using a four-point scale, with the following categories: Outstanding, Good, Requires Improvement, Inadequate.</p>	<p>HMI Probation</p>	<p>HMICFRS and CQC; in Wales, HMICFRS, Care Inspectorate Wales, Estyn and HiW</p>
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The second category under this heading consists of *thematic inspections* that started in 2018 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, HMCPSP and HMICFRS are conducting a joint inspection of the effectiveness of conduct of cases that 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?” Worked commenced in late 2018 and estimated publication is September 2019.</p>	<p>HMCPSP</p>	<p>HMICFRS</p>
<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 while 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 in spring 2020.</p>	<p>HMICFRS</p>	<p>HMCPSP</p>

<p>Integrated Offender Management</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 Ministry of Justice 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 has changed the landscape for the management of offenders and further changes are planned with the ending of Community Rehabilitation Company contracts. An updated thematic inspection will shed light on the effectiveness of these arrangements and consider how they will operate under the new probation model. It is estimated that the report will be published early in 2020.</p>	<p>HMI Probation</p>	<p>HMICFRS</p>
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6 New inspections planned for 2018/19

Subject	Lead inspectorate	Others involved
<p>Prosecution team case file quality</p> <p>The quality of case files continues to be an issue of concern. During 2019/20, HMICFRS and HMCPSI will carry out inspection activity to better understand the barriers to effective and consistent practice and will make recommendations to promote improvements in this area.</p>	<p>HMICFRS</p>	<p>HMCPSI</p>
<p>The causes and impact of the reduction in the number of prosecutions for rape</p> <p>The 2019–21 business plan consultation highlighted growing concern about this issue. This inspection will examine the causes behind this trend and examine whether the police and CPS are working together effectively.</p>	<p>HMCPSI</p>	<p>HMICFRS</p>

7 Collaborative work

None identified at present.

8 Scoping and feasibility studies

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

Subject	Lead inspectorate	Others involved
<p>Ethnic disproportionality in the CJS</p> <p>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 is well targeted. Work is underway to review 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>HMCPSP, HMI Probation and HMI Prisons</p>
<p>Welfare and dignity in custody</p> <p>Following evidence provided by the Independent Custody Visiting 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 CJS. This will be used to target future inspection activity as appropriate. Work has begun to identify work streams that together will encompass treatment of both victims and offenders.</p>	<p>HMICFRS, HMCPSP, HMI Probation, HMI Prisons and 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 April 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. In addition, HMI Probation will work with the Youth Justice Board on a survey of YOT knife crime interventions.</p>	<p>HMICFRS and HMI Probation</p>	
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9 Other programmes of work

This includes all non-inspection work, such as desk-top, paper-based studies and very focused fieldwork, so as to identify good practice alone. It also includes work to include the working practices of the Joint Inspectorate.

Subject	Lead body
<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 have developed improved monitoring of follow-up to inspections to ensure that inspection activity has the greatest possible impact. In 2019/20, they will be publishing a first-ever joint commentary on the state of the CJS.</p>	<p>CJJI Development Group / Joint Secretariat</p>

10 Potential inspection activity in 2020/21

For the first time, the joint inspectorates are extending the life of the plan by a further year. The following are a list of topics to which they will give further consideration with a view to identifying how they will be taken forward. This could involve scoping work, moving directly to a joint inspection or other approach.

Subject	Lead inspectorate	Others involved
<p>Crimes in prison</p> <p>This work will look at the prevention, detection, investigation and prosecution of crimes committed in prison in the light of the new Crime in Prison Referral Agreement published in May 2019.</p>	HMI Prisons	HMICFRS
<p>Access to justice</p> <p>The aim is to conduct a truly cross-CJS piece of work and involve all the CJI. The current intention is that this will look at access to justice in the light of digitalisation and other infrastructure changes to the CJS such as court closures.</p>	HMCPSI	All

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.

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