



Speech

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What can you expect from an inspectorate?

Good evening, and thank you so much for the invitation to speak. It is always good to talk with practitioners and learned professionals, and I am fortunate to be with so many this evening.

You have asked that I speak about the challenges of inspection, and my hopes and aspirations for my period of office as Her Majesty's Chief Inspector of Probation. Let me begin by exploring what folk expect from an inspectorate, and let me start with the government, and Parliament.

They see inspection as a tool to give assurance, enable accountability and improve public services.

Around £20 billion of public money is spent on the home affairs and justice sectors each year. Parliament, government and the public have an appetite for independent, robust information about how well this money is used, the performance of organisations delivering services, whether government's policy aims are being met, and the experience of people using these services, sharpened by the context of resource constraints in this age of austerity, and rising expectations. And seasoned, in the case of probation services, by a concern about how well recent seismic changes in the delivery model are working. In short, folk want to know what is on the menu, and to know it is sufficiently appetising and nutritious even if it is a set price menu.

Done well, inspection can provide independent assurance and valuable, often unique insights into how public services are run. It can identify where service performance is at risk or failing, and opportunities for efficiencies, service improvements and better outcomes; and it can increase transparency and promote public confidence in the safety and quality of services provided¹.

There are four criminal justice inspectorates. Each has a different and distinctive remit set out in legislation, but broadly, we are each seen to focus on performance improvement and transparency².

HMI Probation's stated aims are to report on the effectiveness of work with adults, children and young people who have offended, aimed at reducing offending and protecting the public, and to make recommendations assisting providers to continually improve the effectiveness of their services and improve their reducing reoffending outcomes.

¹ NAO 'Inspection: a comparative study', February 2015.

² NAO 'Inspection: a comparative study', February 2015. We take transparency in this context to mean public accountability.

Those remain our stated aims. *Transforming Rehabilitation* has not deflected the Inspectorate from its longstanding mission. When you boil it down, we and other inspectorates exist to make sure standards are met, to drive improvement where it is necessary and to provide a measure of independent scrutiny and public accountability. That remains the case.

At this point I should remind myself that you have asked me about the challenges. So, what is challenging about that, about meeting those laudable aims?

Let us talk then about standards, and standards and probation. Our job is to make sure standards are met, but are they explicitly and comprehensively stated?

The National Standards were first introduced in 1989 in relation to community service. By 2007 there were 96 national standards, but a retraction occurred earlier this decade: we now have 12 standards separated out into 29 requirements. A Practice Framework provides guidance on those standards.

Whilst National Standards were relaxed, NOMS service specifications were developed with minimum outcomes and outputs set out, albeit they do not detail how services should be delivered or by whom.

Then more recently we have seen the development and implementation of CRC contractual provisions and schedule seven – the Services Output Specification – and schedule ten, covering interfaces between CRCs and others.

More recently still, in 2015 the NPS Quality Strategy and Quality Assurance Framework set out the NPS quality standard – a nationally agreed understanding of quality, articulating a recognised level of best practice in relation to all aspects of NPS probation practice – but it is early days.

The Probation Institute aims to set standards as well, by providing an evidence based view of what constitutes good practice- although that work is still in its infancy as we speak. And then there are international standards, although none of them appear binding.

When we map these standards across into any one area of endeavour, for example in relation to ‘Approved Premises’, we find that they conflict in places, and that there are gaps. What is more, government’s policy aims for Approved Premises are not clearly stated, and may well have changed in recent years.

So a first challenge then is to be clear and consistent about the standards we are expecting, and assessing against, and any relevant and current policy aims in the field we are inspecting. Those of you familiar with HMI Probation will know that we have played our part in the past in influencing National Standards, and we know that our own Case Assessment Guidance detailing how we make judgements has been influential on the ground, most especially as National Standards relaxed, but we are left with some tricky questions. For example:

- To what extent should we set standards or expectations
- Should we (alone or in partnership with others) plug the gaps we identify, or should we be developing a different standard (an inspection standard) if we think it required?

We are not alone. Other inspectorates struggle to articulate standards, and fear (like us) that in articulating standards, they may stultify innovation and development on the ground, and so constrain the service rather than allowing it to flourish and deliver well. And of course, systems and expectations change, and work on standards struggles to keep up. Nevertheless, those inspected are entitled to know the standards they are being judged by, as they are being inspected. To go back to my dining theme, the cooks need to know what diners expect on the menu, and the proprietor needs to be sure he can deliver it at a fixed price.

We will shortly publish the latest version of our Case Assessment Guidance, showing the questions we seek to answer as we inspect adult probation provision. It goes some way to inform those inspected of our expectations, but we accept we have more to do.

In our current thematic inspection of Rehabilitation Activity Requirements we are taking a step forward, and developing a statement of expectations, or standards, showing what we think good RAR looks like. We hope and expect this will be helpful, a material contribution not just to inform those we inspect what we expect, but a useful source of information on how best to deliver RAR and so increase the prospects of successful rehabilitation and reduced reoffending.

Having said that inspectorates set standards and drive improvement, I am led now to the next challenge, and how to best drive improvement.

I have no doubt that we have impact as we inspect. I have seen enough examples already of specific case reviews and individual conversations between responsible officers and seasoned inspectors to know that we influence individuals and improve their practice through those reviews and conversations. That is so valuable, precious, but nowhere near enough to justify our existence.

One way we drive improvement both locally and nationally is by reporting and recommending: reporting what we find truthfully and fairly, that is holding up a mirror to show an unadorned, honest reflection – and then making recommendations that will make a difference.

Of course, in the new world we are inspecting both a new national, regionalised public sector organisation – the NPS – and 21 privately owned CRCs. And what is expected of them differs, they have different remits. Generally speaking, CRCs have experienced more, and more complex change, and they are being asked to deliver more than in the past – through the gate resettlement services, and the supervision of short sentence offenders who are often prolific offenders, and resource intensive. And the menu is expected to be more *à la carte*.

These changes have led us to consider how we best inspect, to drive improvement. Our start point was to suspend our usual programme of inspection while TR was implemented and to deliver instead a series of inspections designed to aid the implementation, by picking up teething problems and more systemic issues early enough in the process. We produced five TR reports, designed to do that.

While we were doing that, we redesigned the way we proposed to inspect probation services from then on. Now by unhappy coincidence, TR coincided with several changes in leadership at HMI Probation, with successive Chief Inspectors with their own views about the methodologies to be employed, and that meant getting to a new and broadly acceptable methodology took longer than needed, but we have it, and have been using it in earnest since April this year.

It is designed with the new operating model for probation in mind, and it recognises the history and state of play in relation to standards and expectations. Consequently, the judgements we make on inspection are less data driven than in past. We aim to make considered and nuanced judgements – yes, informed by case review but triangulated with other data and information as well. This is not uncontentious within HMI Probation by the way. There remain different schools of thought, a healthy dynamic in any organisation, in my view.

We have also considered the *unit of inspection* – so should we inspect an NPS region, a CRC, or something more local. We plumped for the latter to start with, to get our new inspection programme up and running in a manageable way. We generally inspect the NPS and the CRC alongside each other in each area covered by Police and Crime Commissioners. There are arguments in favour or against this option, as compared to

others, and indeed now that we have some experience of inspecting NPS and CRC delivery together and by PCC area we are ready to reflect and consider other options, but at the end of the day, inspection must be deliverable, that is manageable.

Here my dinner analogy is probably stretched to breaking point! But is it best to inspect six breakfasts, three dinners or the food provided for the day as a whole?

Whatever the unit of inspection, when service provision is steady, and generally of an acceptable standard or better, it is fine to inspect area by area in a stately progression around the country. When things are fast changing and the standard of work uncertain, it make sense to adopt a risk based approach to deciding when and where to inspect – so that inspection adds most value, and that is what we have done. Risk indicators can be hard to come by and of course, you don't know what you don't know, but there are some basic rules. So for example, the more people subject to probation in an area, the bigger the risk, potentially.

And when things change, and are fast moving, thematic inspection comes into its own. Thematic inspection can tell ministers and other interested parties how flagship policies of government are working, are being played out on the ground. They can shine a light on areas neglected, or in danger of slipping. And so we have changed the balance of our inspection plans, doing more thematic work and less in other areas, although we have retained fully our commitment to risk based inspection of the NPS and CRCs. We are about to publish our thematic reports on women in the criminal justice system and on Through the Gate (short-sentence offenders), and we have other interesting and pertinent reports in train.

We have always sought to drive improvement by identifying examples of good practice, as we inspect, but that is not always straightforward. There is a live debate within HMI Probation, and no doubt elsewhere about what is good practice or promising practice, as opposed to practice to be expected. And equally, what is sufficiently poor practice, deserving of attention by way of a case example in an inspection report?

We will do more thinking about that, and also consider and decide how to best promulgate good and promising practice, and promising innovations as well. Ideas welcome. Good recipes are available in books, and on the intranet, of course....

One thing is clear: as CRCs develop their operating models, some of our established notions of accepted practice are challenged, for example the traditional practice of providing the service user with a copy of his sentence plan. And increasingly service users touch base by phone, text or using other modern technology. Such technology has its place, but not does take the place of good, effective supervision and intervention.

To stand the best chance of making a difference, and to ensure that inspection is as beneficial as possible, I ask inspectors to keep three questions in mind: why, why and why? If, in finding something good, or something of concern, they can answer these questions then we can make a difference both locally and nationally.

I have been asked to speak not just of these matters, but to say as well what I hope to achieve during my tenure as Chief Inspector – above and beyond being able to enjoy good company, such as yours, and the occasional good dinner.

There are three things I would point to. Firstly, inspectorates influence through the power of their voice. That does not mean the Chief Inspector has to shout from the rooftops. Rather, the inspectorate must produce first class, timely, evidence based, well expressed and absolutely pertinent reports that the Chief Inspector can hold up, stand by, and yes, on occasions, shout about.

Secondly, we are inspecting a troubled service, still struggling to get back on its two feet. I think we can help with that, in the ways that I have touched on this evening and in other ways, and that is my aim.

And then lastly, I would like to be seen to have played my full part in the inspectorate delivering well on all fronts and meeting the legitimate expectations others have of it: providing public accountability, setting standards and driving improvement – so that probation services are sustained and continue to make a material difference to people's life chances, and reoffending.

Thankyou.

ENDS