

Response to the consultation on HM Inspectorate of Probation's inspection framework and programmes for 2018/2019

HMI Probation, 18 May 2018



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1. Introduction

Under the *Police and Criminal Justice Act 2006*, Her Majesty's Inspectorate of Probation (HMI Probation) is required to consult named key stakeholders – other inspectorates and ministers – each year on its inspection framework and programmes of inspection. It is now our practice to consult also with those we inspect and associated bodies who can provide valuable insight and information as we develop our framework and methodologies.

The 2018/2019 consultation letter was issued on the 23 March 2018, setting a deadline for responses of 16 April 2018. The consultation letter was published online and is available at:

<http://www.justiceinspectors.gov.uk/hmiprobation/about-hmi-probation/consultations/>

The consultation set out the following four questions:

Consultation questions – youth justice inspections

1. We welcome views on the criteria we propose to select Youth Offending Teams (YOTs) for inspection.

Consultation questions – thematic inspections

2. We welcome views on our proposed topics for thematic inspections.

Consultation questions – balance of inspection

3. We welcome views on our proposals for the balance of inspection work.

Consultation questions – research

4. We welcome views on potential research topics.

This document summarises the responses received and clarifies the decisions subsequently made by HMI Probation.

2. Summary of HMI Probation changes

	Question	Post-consultation decision
1	<p>Youth justice inspections</p> <p>We welcome views on the criteria we propose to select YOTs for inspection.</p>	<p>We will select YOTs for inspection using a risk-based approach, guided by published criteria. We will be intelligence-led and focus our resources in a way that drives improvement. We expect to conduct up to 30 YOT inspections over the course of the year.</p>
2	<p>Thematic inspections</p> <p>We welcome views on our proposed topics for thematic inspections.</p>	<p>We have commenced a thematic inspection of the work undertaken in the community by Community Rehabilitation Companies (CRCs) to reduce the incidence of domestic abuse and protect victims. We have also commenced scoping a thematic inspection of the work undertaken by the National Probation Service (NPS) and the Prison Service with men who have been convicted of sexual offences.</p> <p>Following two Through the Gate thematic inspections, we believe the time is right to focus on post-sentence supervision. With regard to the remaining three proposed topics (Integrated Offender Management, mental health and extremism), we will consider further in discussion with other Inspectorates.</p> <p>We will evaluate two further suggested topics against our established risk/impact criteria: (i) electronic monitoring as part of a community sentence, and (ii) gangs and youth violence.</p>
3	<p>Balance of inspection</p> <p>We welcome views on our proposals for the balance of inspection work.</p>	<p>During 2018/2019, we are moving to annual inspection of all NPS divisions and CRCs. These inspections will be a priority. Together, routine probation service and youth offending inspections are likely to take up about eighty per cent of our resource.</p> <p>We intend to conduct up to six thematic inspections this year, using about ten per cent of our resource. We will continue to conduct joint inspections with other criminal justice inspectorates. We estimate that together, these types of inspection will take up about ten per cent of our resource.</p>

	Question	Post-consultation decision
4	<p>Research</p> <p>We welcome views on potential research projects.</p>	<p>We will undertake secondary analysis of existing inspection data to develop the evidence-base underpinning our inspection standards, at both the organisational level and individual case level. We will examine the main drivers of effective delivery and compare findings for different sub-groups (e.g. by age, gender, ethnicity) where possible.</p> <p>We will commence new research projects on (i) the engagement of service users; (ii) remote supervision and new technologies; (iii) community hubs and other multi-agency facilities; and (iv) the extent to which providers are investing in research and innovation, and building the evidence-base.</p>

3. Summary of responses

Fifteen responses were received to the consultation, capturing the views of ministers, politicians, government, providers, the voluntary sector, other inspectorates, and sentencers.

The majority of respondents broadly supported our proposals. The main comments received are summarised below, taking each consultation question in turn.

Consultation questions – youth justice inspections

1. We welcome views on the criteria we propose to select YOT's for inspection.

Respondents indicated support for our risk-based approach to the targeting of YOT inspections, applying the criteria set out.

Some respondents expressed concern that smaller YOTs may not be inspected sufficiently regularly and that they may not yield a sufficient sample for comment, with protected groups insufficiently represented.

Consultation questions – thematic inspections

2. We welcome views on our proposed topics for thematic inspections.

There was support for our planned thematic inspections on (i) sexual offenders and (ii) domestic abuse, and the further proposed thematic inspections on (iii) post-sentence supervision, (iv) Integrated Offender Management (IOM), (v) mental health and (vi) extremism. For the latter three, some respondents highlighted the role of other agencies (and other Government Departments), stressing the need for the necessary connections to be made.

A wide range of further topics for thematic inspections were suggested, outlined below.

Probation inspection

- Education, training and employment (ETE)
- Learning difficulties/disabilities
- Accommodation
- Diversity and inclusion (following the Lammy Review)
- Service user engagement, involvement and co-production
- Electronic Monitoring as part of a community sentence
- Care leavers
- Safeguarding

Youth justice inspection

- Resettlement
- Transitions between services
- Safety in custody
- Secure schools
- The disproportionate representation of children from Black, Asian and Minority Ethnic (BAME) backgrounds (following the Lammy Review)
- Gangs and youth violence

Consultation questions – balance of inspection

3. We welcome views on our proposals for the balance of inspection work.

Respondents agreed with our proposed balance of inspection activity.

Some respondents highlighted the need to monitor and consider the demands placed upon providers and the timing of inspections, taking into account the work of those other inspectorates/agencies involved in overseeing the delivery of services.

Consultation questions – research

4. We welcome views on potential research projects.

Respondents supported the strengthening of HMI Probation's research function.

A wide range of potential research projects were suggested, outlined below. As can be seen, some of these overlapped with the suggestions for thematic inspections.

Probation research

- 18-25 year olds
- BAME service users
- The role of the voluntary sector
- Proceedings to bring potential breaches back to court
- Pre-Sentence Reports and information relating to vulnerabilities, caring responsibilities and maturity
- Use of community sentences
- Methods of service user engagement
- Effectiveness of accommodation solutions
- Mental Health provision
- Contribution of social care support to managing high-risk offenders
- Development and sharing of good practice

Youth justice research

- Resettlement
- Transitions between services
- Safety in custody
- Secure schools
- The disproportionate representation of children from BAME backgrounds (following Lammy Review)
- Special Educational Needs and Disabilities (SEND)
- Peer support
- The prevalence of domestic abuse in the lived experience of young people who offend
- The impact of Restorative Justice approaches in reducing offending for young people with Speech, Language and Communication Needs (SLCN)
- Over-representation of Looked After Children in the criminal justice system
- YOT interventions, services and practices which enable young people to make progress into ETE

4. Changes to inspection framework and programmes

Following a review of the proposals and consultation responses, HM Chief Inspector of Probation and the Senior Management Team have made the decisions set out below.

Youth justice inspections

We will inspect YOTs less frequently than probation services, given their number and their comparative size. We will be intelligence-led and focus our resources in a way that drives improvement, selecting YOTs through a risk-based approach, guided by published criteria. We expect to conduct up to 30 YOT inspections over the course of the year.

In each inspection, our case assessment sample size will be linked to the number of children and young/people subject to YOT supervision. This will enable us to inspect in a proportionate way whilst producing statistically valid findings. We will be intentionally non-prescriptive about the nature of cases to ensure we inspect a representative sample of the work, checking that we have the appropriate ratios in relation to gender, type of disposal and risk level. We will collate the data across inspections to enable further sub-group analysis.

Thematic inspections

We have commenced a thematic inspection of the work undertaken in the community by CRCs to reduce the incidence of domestic abuse and protect victims. We have also commenced scoping a thematic inspection of the work undertaken by the NPS and the Prison Service with men who have been convicted of sexual offences. We will be joined on this inspection by HM Inspectorate of Prisons.

Following two Through the Gate thematic inspections, we have decided that the time is right to focus on post-sentence supervision, which will examine issues such as accommodation and ETE, both of which are central to successful rehabilitation.

Regarding our remaining proposed topics (Integrated Offender management, mental health and extremism), we will give further thought to the scope of these inspections through the Criminal Justice Joint Inspectorate Group. This group is also considering the matter of diversity and inclusion in the light of the Lammy Review. It has been agreed to analyse the data held by each of the inspectorates, with the results of this analysis being used to inform next steps.

Our selection of thematic topics is always guided by an assessment of the current level of risk to the successful delivery of probation/youth justice services and the potential impact of our findings. We will evaluate two further suggested topics against our risk/impact criteria: (i) electronic monitoring as part of a community sentence, and (ii) gangs and youth violence.

We will announce all selected thematic inspections prior to their commencement.

Balance of resources

During 2018/2019, we are moving to annual inspection of all NPS divisions and CRCs. They will be a priority, and will rightly take up most of our resource. Having focused on

thematic inspections for youth offending services last year, we will now commence routine YOT inspections, and plan to conduct up to 30 inspections over the course of the year. Together, routine youth offending and probation service inspections are likely to take up about eighty per cent of our resource. We will also assess methods of inspection for the new Offender Management in Custody model, and we will develop a new approach to inspecting youth resettlement, taking us into the youth juvenile estate for the first time.

We intend to conduct up to six thematic inspections this year, using about ten per cent of our resource. We believe thematic inspection is particularly useful in showing, for example, how key initiatives and government policies are working. We will also continue to conduct joint inspections with other criminal justice inspectorates. We estimate that together, these types of inspection will take up about ten per cent of our resource.

Through this programme of inspection, we will seek to drive improvement, enabling both local and system-wide improvements, and ensure that we hold services accountable to clear standards of delivery. In terms of the demands upon providers, we recognise that oversight activity as a whole should not be unduly demanding, and we are pleased to have agreed a [Memorandum of Understanding with the Ministry of Justice and HMPPS](#) detailing our respective roles in the oversight of probation services.

The memorandum highlights the following principle:

***"Proportionality.** The level of oversight, including the sanction in response to poor service delivery, should be proportionate to the risks posed. Inspection and assurance programmes will be proportionate and not unduly burdensome overall or for any one NPS division or CRC. HMIP and Operational Assurance will keep under review the frequency of their inspections and audits respectively. All parties will ensure, so far as possible, that any information from any party need be provided once only."*

We will work with the Ministry of Justice and the Youth Justice Board to develop a similar memorandum for the oversight of youth offending services.

Research

HMI Probation is committed to reviewing, developing and promoting the evidence-base for high-quality probation and youth offending services. To assist with the development of the evidence-base, we will focus upon the following research areas in 2018-19:

- We will undertake secondary analysis of existing inspection data to develop the evidence-base underpinning our inspection standards, at both the organisational level and individual case level. We will examine the main drivers of effective delivery and compare findings for different sub-groups (e.g. by age, gender, ethnicity) where possible.
- We will commence new research in the following areas:
 - Methods of service user engagement, including the active engagement of service users in designing, developing and improving the quality of services.

- Remote supervision and new technologies, exploring their effectiveness in managing probation service users.
- Community hubs and other multi-agency facilities, exploring the extent to which they can help to engage probation service users and support their desistance.
- Research and innovation, exploring the extent to which providers are building and adding to the evidence-base.

In selecting these research areas, we were mindful of the need to consider which topics were best suited to thematic inspection and which were more appropriate for research.

We will publish our research findings and use them, alongside our inspection findings, to inform our understanding of what helps and what hinders youth offending and adult probation services. We will use this evidence to consider system-wide change that can improve public protection, reduce the likelihood of reoffending, and change people's lives for the better.

Continuing review and consultation

During 2018/2019, all our routine inspections will be underpinned by standards and we will rate organisations using a four-point scale. We will keep the standards frameworks and the underlying evidence-base under continual review, working with providers and others. We will also keep our approach to ratings under review, reflecting upon our inspection findings. We will work with the Ministry of Justice and its agencies to make sure our inspection ratings sit sensibly alongside other measures so that providers are held to account in balanced and proportionate arrangements, with measures aligned well.

If we propose to make any significant changes to the standards or ratings, we will consult before doing so. We will be fully transparent and publish all changes on our website.

We will continue to draw upon the experience of other inspectorates and regulators and established best practice, to ensure our methodologies and programmes of inspection are as good as they can be. We will also keep the demands upon providers under review, aiming to keep demands manageable for those we inspect and indeed for our own organisation.

We will retain the ability to adjust our programme during the year according to changing government priorities and policies, considering the need for additional or alternative thematic inspections or research reports. We will respond to risks as we see them, and we recognise that ministers may wish us to conduct specific pieces of work at any one time or in response to an unanticipated event.

Annex A: List of respondents

The organisations represented by the consultation responses were as follows:

- Minister of State for Justice (on behalf of Ministry of Justice and HM Prison and Probation Service)
- Justice Select Committee
- Youth Justice Board for England and Wales
- Welsh Government
- National Audit Office
- Care Inspectorate Wales
- Ofsted
- Estyn
- Durham Tees Valley Community Rehabilitation Company
- Purple Futures Pan Community Rehabilitation Company
- Association of Youth Offending Team Managers
- Darlington Youth Offending Service
- County Durham Youth Offending Service
- Clinks
- Magistrates' Association

Contacts

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