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Chief Inspector, Estyn
Chief Executive, Healthcare Inspectorate Wales
Chief Executive, Care Inspectorate Wales

18 March 2019

Re: Consultation on our inspection framework and programmes 2019-20

Under the Police and Criminal Justice Act 2006 we must consult each year on our inspection framework and programmes. As I have said before, we think it right to consult not just with ministers and other inspectorates (as the Act requires) but also with those we inspect and other interested parties.

We would very much welcome your views on our work programme for 2019-20, as well as our proposed topics for thematics and research.

Routine inspections

As previously indicated we changed the way we inspect probation and youth offending services in April 2018. Our first inspection report in the new format was published in September 2018.

A detailed description of our inspection approach can be found on our website¹ but as an aide memoire, the key changes included:

- creating dedicated teams for National Probation Service (NPS), Community Rehabilitation Company (CRC) and Youth Offending Service (YOS) inspections;
- inspecting NPS divisions and CRCs annually and inspecting YOSs using a risk and random approach;
- increasing the number of cases we inspect in each inspection;
- underpinning our inspections and judgements with agreed standards;
- rating each NPS division, CRC and YOS we inspect;
- extending the scope of our inspections to cover almost all the regular work of probation and youth offending services.

¹ <https://www.justiceinspectorates.gov.uk/hmiprobation/about-our-work/>

As with any new work programme there is a need to monitor and review how the approach is applied in practice and whether it is delivering the intended aims and objectives. As we are nearing the end of the first year of this inspection programme we have consolidated that learning and have updated the Case Assessment Rules and Guidance (CARaG) to provide further support to our inspectors, as well as offer a further level of transparency to those inspected. We have been careful to ensure that this provides extra guidance rather than changing the way we judge providers during this first year.

Proposed approach for 2019-20

YOS inspections

We will continue to inspect YOSs as we do now. We have only recently started our approximate four-year cycle of inspections and want to ensure consistency of approach where possible. We will, however, consider how the changes we propose to the adult inspection programme might enhance the youth inspection programme. We will therefore review our approach to youth inspection in 2019-20.

We will continue to work with our partners and to use contemporary intelligence to prioritise YOS for inspection, either singly, or jointly with other Inspectorates. We intend to inspect approximately 30 YOS in 2019-20 chosen on a risk and random basis.

We will develop and seek views on our proposals for the inspection of small YOS to best ensure service improvement.

We will propose a method for following up our recommendations from inspection so that we can measure the progress made, especially in services judged as inadequate, in terms of improving quality of service delivery.

We will consult separately on any significant change to our inspection approach.

Adult probation inspections

The government consultation² on the changes to the way probation is to be configured and delivered will undoubtedly have an impact on the way we inspect adult services. We are confident in the approach we have taken in this inspection programme but want to take this opportunity to make sure our standards framework, methodology, and timing of inspection are measuring quality of delivery as effectively as possible. As far as is appropriate, we will also ensure that our inspection approach and timing are sensitive to the planned transition in the coming year.

Units of inspection

The government consultation on the future of probation services described the intention to align NPS divisions and CRCs across 10 regions in England plus one in Wales. This will reduce the number of CRCs from 21 to 10 and increase the number of NPS divisions from seven to 11.

To maintain our role in service improvement, we will attempt to mirror these new regional structures, inspecting the existing 21 CRCs around the same time as the co-located NPS division (we cannot achieve this for all areas in our next inspection round). This will necessarily change the expected inspection time for providers. We will, however, ensure that there is at least 12-months

² Ministry of Justice (2018). *Strengthening Probation, Building Confidence*. London: MoJ.

between fieldwork dates to allow providers time to address the recommendations from the first year's inspection.

Should government decide a different probation operating model or configuration to that outlined in its 2018 consultation, we will consider at that stage whether the inspection schedule we are proposing here needs to be reconsidered.

As we are anticipating that we will have a greater number of inspections of adult probation services to conduct during this transition period we are proposing that we extend the inspection cycle. We intend to inspect every CRC and NPS division, including Wales, within an 18-month period from September 2019.

Standards framework & methodology

We have reviewed our standards twice in this first year of inspection and have found that they have performed well. We have, however, identified that some of the key questions and prompts that inform the standards as well as the guidance for inspectors could be revised as could our methodology.

Domain 1 – Organisational delivery

Some of our inspections have revealed a disjoint in ratings between domain one (organisational delivery) and domains two and three (practice domains), whereby a good or outstanding rating can be achieved on the domain 1 standards despite an inadequate rating on domain 2 and 3 standards.

In addition, our domain one standards do not differentiate sufficiently between CRC ownership/national NPS directives and local leadership autonomy.

We have revised our domain one standards to better make the link between management inputs and case management, recognising the scope of local leadership.

We propose to reconfigure our inspection methodology so that we inspect domains two and three first so we can consider the findings from practice when we inspect domain one. We therefore propose to inspect domains two and three in the first two weeks of fieldwork, with a week off-site for data analysis, returning for the fourth week (or third week of fieldwork) to focus on domain one.

We also want to recognise the impact that CRC owners/ the NPS centre can have in driving improvement. To this end, we will inspect aspects of the NPS centre in summer 2019 and we are considering how to increase our understanding of the impact of CRC owners. We are seeking views on how best to do that.

While we recognise that the change in geographical boundaries will mean that areas and providers may have changed, we will assess, where fair and practical, how far providers have made progress against their action plan.

Domain 2 – Quality of case management

We propose no changes to the standards framework or our methodology.

Domain 3 – NPS & CRC specific work

We have concluded that our domain 3 standards and methodology should have a greater emphasis on quality.

NPS Court reports and case allocation

We are proposing just one change at prompt level. When we ask whether the appropriate checks have been made we want to be clearer that this should always include safeguarding and domestic abuse checks. The standard remains the same as does our methodology.

NPS Statutory victim work

Victim contact practice in probation divisions has developed and processes improved since we started our new inspection programme. While we do not propose a need to change the standard, we do think the questions and prompts need to better reflect the quality of the victim's experience. We will revisit our standards framework once the reforms to the Victim Contact Scheme are fully embedded.

We will continue to inspect statutory victim work through our case sample. We may look at the evidence from our domain two cases as well as from our statutory victims' case sample.

CRC Unpaid work

Again, we are not proposing a change to the standard, but at the question and prompt level. The most notable proposal is the addition of a new question that focuses on the rehabilitative potential of unpaid work. This will include application of a desistance focus and pro-social modelling by supervisors. There will be an additional new question on safe provision and effective communication.

All questions will be assessed through the case sample as now, except the new question covering the rehabilitative potential of unpaid work. For this we believe a more qualitative approach is needed. This is likely to include interviews with supervisors and workers, site visits, observation of induction etc.

We would also like to get the views of service users. We are inviting comments on the best way to seek and use their feedback.

CRC Through the gate

The standards, questions and prompts have all worked well. We will keep the standards framework under review as the new enhanced contract specification beds in and Offender Management in Custody (OMiC) is rolled out. Our methodology will remain the same.

Wales

We are working with the Wales team to develop a bespoke methodology that reflects their unique operating model. We will maintain the integrity of our approach by using the same inspection standards as applied in England, where appropriate.

Ratings

We will keep inspecting all domains and will continue to produce an overall rating (supported by underpinning ratings) for each YOS, NPS division and CRC we inspect. We will use the four-point ratings scale: Outstanding; Good, Requires Improvement; Inadequate.

Offender Management in Custody

When Offender Management in Custody (OMiC) is delivered across all relevant establishments this will account for around 50% of NPS divisions' workload.

We will work jointly with HM Inspectorate of Prisons to develop a standards framework and methodology for inspecting and assessing the delivery of OMiC which will be ready to apply once OMiC has been rolled out fully.

We will consult on these products separately.

Consultation questions – core inspections

We are conducting a separate four-week consultation exercise on the proposed changes to our inspection approach to run alongside our statutory consultation (18th March to midnight 14th April 2019).

Please see the more detailed consultation document here

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

If you have comments on our proposals please send your comments direct to helen.mercer@hmiprobation.gov.uk

Thematic inspections

We have again applied a systematic approach to the selection of our thematic topics. For our prioritisation of topics for 2019-20 we have added a small number of additional considerations (highlighted) to aid the decision-making.

Current level of risk

- Risks to public protection / safeguarding
- Significant changes to policy, service delivery or caseloads
- Findings from other inspections
- Intelligence received from any source

Potential impact

- Potential impact of our findings
- Ministerial and other key stakeholder interests
- **Quality of current evidence**
- Time elapsed since last inspection
- **Development of inspection standards and/or position statements**

Other

- **Suited to thematic inspection or research**
- Estimated resource requirements

Consultation questions – thematic inspections

1. We welcome views on the additional considerations applied to our prioritisation of thematic inspections.

Having applied these factors, we propose to conduct (jointly with others where appropriate) thematic inspections on the following topics (all focused on adults) in 2019-20.

- Accommodation

Inspection and research findings repeatedly indicate that offenders face barriers accessing/ retaining stable accommodation which can be a key component of successful rehabilitation.

- Mental health

Mental illness/ disorders are common in people under community supervision. Between 25% and 40% of offenders are estimated to have a mental illness.

This topic is under active consideration by the Criminal Justice Joint Inspectorate Group (CJJIG). We will commit to joint activity on this topic should the CJJIG choose, but will pursue this singly should that not be considered their priority for 2019-20.

- Extremism

As at 31 March 2018 there were 228 individuals in custody in Great Britain for terrorism-related offences, an increase of 27% on the previous year. Figures from the Sentencing Council reveal that a large number of convicted terrorists were due for release in 2018. All will fall under the supervision of the NPS.

HMI Prisons have expressed a wish to work jointly with us on this project.

In addition, we have committed to a number of joint thematic projects which have already been consulted on and can be found in the CJJI Business Plan 2018-19³. These include:

- leading on a joint inspection of Integrated Offender Management with HMICFRS
- contributing to a scoping/ feasibility study of disproportionality across the CJS
- discussion with HMICFRS about our possible input to their thematic on county lines.

We will continue our contribution to Joint Targeted Area Inspections with Ofsted, HMICFRS and CQC. The three themes, which have already been agreed, include:

- multi-agency response to children living with mental health issues
- effectiveness of prevention and early intervention at reducing current and future risks to children and meeting their needs
- multi-agency response to older children in need of help and protection focussing on contextual safeguarding and exploitation.

Unless a strong case is made by respondents for us to change our thematic focus in 2019-20 we intend to deliver the priorities described above. We would, however, welcome comments on topics to add to our long list for consideration in 2020 and beyond.

Consultation questions – thematic inspections

2. We welcome views on our proposed topics for thematic inspections for 2020 and beyond.

³ <https://www.justiceinspectors.gov.uk/cji/wp-content/uploads/sites/2/2018/09/criminal-justice-joint-inspection-business-plan-2018-19.pdf>

Research

We are committed to reviewing, developing and promoting the evidence-base for high-quality probation and youth offending services.

Using the same criteria as for thematics we propose conducting primary research on the following topics (all adult):

- Caseloads – the caseloads of probation professionals across the probation service and how those caseloads are best determined
- Staff training and development
- Courts – confidence, awareness and engagement with probation

In addition to the proposed primary research projects, we will continue to undertake secondary analysis of existing inspection data. A key driver for this activity will be the continuing review of the evidence base underpinning our inspection standards, judgements and ratings.

Possible topics include:

- The quality of delivery of court disposals vs out of court disposals (youth)
- Out of court disposals – the effectiveness of joint working with the police (youth)
- Views of YOT staff vs volunteers (youth)
- Service user involvement and engagement (probation and youth)

We have also introduced a series of Academic Insights. These publications present key insights from leading academics on selected topics, assisting with informed debate and aiding understanding of what helps and what hinders probation and youth justice service delivery. We will continue this series of publications.

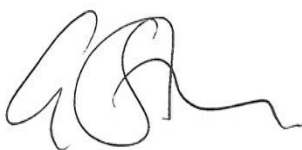
Consultation questions – research projects

3. We welcome views on our proposed research projects.

We will, of course, wish to retain the option to change priorities over the course of the year. We appreciate that ministers may wish us to conduct specific pieces of work at any one time or in response to an unanticipated event, and we will wish to respond to risks as they arise.

We would very much appreciate your views by **midnight 14th April**. Please direct any queries and your responses to Louise Falshaw louise.falshaw@hmiprobation.gov.uk.

Yours sincerely,



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