



## Response to the consultation on HM Inspectorate of Probation's inspection framework and programmes for 2019-20

HMI Probation, June 2019

# 1. Introduction

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- 1.1. 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 our practice to consult more widely, with those we inspect and associated bodies who can provide valuable insight and information as we develop our framework and programmes.
- 1.2. The 2019-20 consultation letter was issued on the 18 March 2018, setting a deadline for responses of 14 April 2019. The consultation letter was published online and is available at:  
<http://www.justiceinspectorates.gov.uk/hmiprobation/about-hmi-probation/consultations/>
- 1.3. The consultation set out the following three requests:

## Consultation questions – thematic inspections

1. We welcome views on the additional considerations applied to our prioritisation of thematic inspections.
2. We welcome views on our proposed topics for thematic inspections for 2020 and beyond.

## Consultation questions – research

3. We welcome views on our proposed research projects.

- 1.4. This document summarises the responses received to the consultation requests and sets out the decisions made by HMI Probation in response.
- 1.5. In addition, we conducted a separate four-week consultation exercise on the proposed changes to our core probation inspection approach to run alongside this statutory consultation. The findings of that consultation are detailed in a separate document.

## 2. Summary of HMI Probation changes

	Question	Post-consultation decision
1	<p><b>Thematic inspections</b></p> <p>We welcome views on the additional considerations applied to our prioritisation of thematic inspections.</p>	<p>We will systematically apply the full list of considerations when prioritising topics for thematic inspection. This will include the additional three factors:</p> <ul style="list-style-type: none"> <li>• Quality of current evidence (<i>Potential Impact</i>)</li> <li>• Development of inspection standards/ position statements (<i>Potential Impact</i>)</li> <li>• Suited to thematic inspection or research (<i>Other</i>)</li> </ul> <p>We will consider on a case-by-case basis how we will engage service users/ those with lived experience in defining and delivering our single thematic inspections.</p>
2	<p><b>Thematic inspections</b></p> <p>We welcome views on our proposed topics for thematic inspections for 2020 and beyond.</p>	<p>In addition to the joint CJS thematic inspections that are consulted on separately <a href="https://www.justiceinspectorates.gov.uk/cjji/inspections/">https://www.justiceinspectorates.gov.uk/cjji/inspections/</a>, and include some of the additional topics proposed by respondents, we intend to pursue thematic inspections in 2019-20 covering mental health and accommodation.</p> <p>Mental health is being considered as part of the consultation on the Criminal Justice Joint Chief Inspectors plan for 2019-20. Should the joint Chiefs be minded to pursue this topic, HMI Probation would be happy to lead the project. In the event this does not get prioritised for 2019-20, HMI Probation will conduct a single thematic on this topic.</p> <p>We will start a thematic on accommodation in 2019-20.</p> <p>We will not conduct a thematic on extremism as proposed.</p> <p>We will, instead, re-direct our resources to conduct a thematic on the process for investigating serious further offences (SFOs).</p> <p>We will evaluate three further suggested topics against our risk/impact criteria: (i) women (ii) electronic monitoring as part of a community sentence, and (iii) those subject to an indeterminate sentence for public protection.</p>
3	<p><b>Research</b></p> <p>We welcome views on our proposed research projects.</p>	<p>We will undertake secondary analysis of our new inspection data to develop the evidence-base underpinning our inspection standards. We will examine the main drivers of effective delivery and compare findings for different sub-groups (e.g. by age, gender,</p>

ethnicity) where possible.

We will consider the following topics:

- 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 will continue scoping primary research projects on:

- Caseloads – the caseloads of probation professionals across the probation service and how those caseloads are best determined. This will include the difference between caseloads and workloads
- Staff training and development
- Courts – confidence, awareness and engagement with probation

In addition, in light of the increasing focus on serious youth violence, we will pursue a short research exercise investigating YOS interventions on knife crime. We have already committed to a scoping exercise with HMICFRS on youth violence with a view to conducting a larger exercise in due course. We see this as being in direct support of the Government's Serious Violence Strategy and the programme of action planned following the March 2019 Serious Youth Violence Summit.

### 3. Summary of responses

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3.1. We received ten responses from the following respondents:

- Lord Chancellor and Secretary of State for Justice
- Parole Board
- Prison Reform Trust
- Youth Justice Board
- Clinks
- Criminal Justice Alliance
- Magistrate's Association
- Revolving Door Agency
- Sodexo
- Ofsted

3.2. Respondents broadly supported our proposals. The main comments received are summarised below, taking each consultation question in turn.

#### Consultation questions – thematic inspections

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

3.3. Respondents were supportive of the additional considerations and one stated, when taken together, that they would be useful in prioritising thematic inspections.

3.4. Engaging with services users and those with lived experience was a strong theme from a number of respondents, specifically taking the views and experience of service users to help define our thematic topics as well as getting service users or those with lived experience involved in the delivery.

3.5. We have committed to consider on a case-by-case basis how we will engage service users/ those with lived experience in defining and delivering our single thematics.

3.6. Another respondent suggested we engage with the voluntary sector in identifying our thematic topics.

3.7. We certainly want to do this and would ordinarily access the views of the voluntary sector through this consultation process. However, due to the short consultation period it was not possible to engage this sector through a third party. In future years we will make every effort to set a consultation period that facilitates this.

#### Consultation questions – thematic inspections

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

3.8. We received general support for our proposals to conduct thematics on mental health and accommodation.

3.9. There was less support for a thematic on extremism. Two respondents provided explicit support for such a thematic topic, though there was some concern about

the detrimental focus this might have on the Muslim community from another.

- 3.10. Our continued commitment to JTAI was welcomed.
- 3.11. In addition, given the importance of these issues, we will in future revisit progress against the recommendations set out in our recent thematics, specifically domestic abuse and sexual offenders, on a regular basis.
- 3.12. Additional proposed topics offered for our consideration are detailed below.

## **Probation inspection**

### IPP users

We will consider this topic for prioritisation as part of future business planning.

### Women

We will consider this topic for prioritisation as part of future business planning once the women's strategy has had time to embed.

### Supervision relationship

This is already considered as part of our core inspections.

### BAME service users

This is already the topic of a joint CJS Inspectorate scoping exercise to define future joint thematic activity.

### Service user involvement

This topic is included in the research priorities for 2019-20.

### Employment

This topic was considered as part of our Through the Gate thematics (2016; 2017) and raised again as an issue in the Post-Release supervision thematic (2019).

### Victims

A joint thematic on victims is being considered by the joint Chiefs.

### Electronic monitoring

We will consider this topic for prioritisation as part of future business planning.

### Out of court disposals

This falls outside of statutory probation work, as it is police led. We will raise this as a potential topic in response to the Joint Criminal Justice Inspectorates consultation.

### Practitioner prejudice – bias and subjectivity in risk assessment

We will consider the background to this proposal and how we could add to the sum of knowledge.

### Risk management of low risk/ high impact of offending service users

This group is included in our core inspection case sample. While the numbers may be small within the sample for individual inspections we could segment the data over time to look in more detail at this cohort.

## Youth justice inspection

National referral mechanism

Criminal exploitation including county lines is the subject of two JTAI revisits in summer 2019.

Release under investigation

HMICFRS and HMCPSI are due to conduct a joint inspection of the use of release under investigation as described in the CJI business plan 2018/19

<https://www.justiceinspectorates.gov.uk/cji/inspections/cji-business-plan-2018-19/>

BAME service users

This is already the topic of a joint CJS Inspectorate scoping exercise to define future joint thematic activity.

## Consultation questions – balance of inspection

3. We welcome views on our proposed research projects.

3.13. Again, there was support for the research topics proposed, especially for service user involvement and engagement.

3.14. A wide range of potential research projects were suggested, outlined below.

## **Probation research**

### **Young adults**

We include an age breakdown in all our collated case analysis and have reported our findings in each Research and Analysis Bulletin published to date.

### **BAME disproportionality**

This is already the topic of a joint CJS Inspectorate scoping exercise to define future joint thematic activity.

### **Service user and practitioner relationships & the role of procedural justice**

We will consider as part of the scoping of what we had described as our service user involvement and engagement project.

### **Impact of new probation model**

This will be the focus of our core inspections once the new design is in place.

### **Confidence of the courts**

This was the focus of a recent thematic on the work of probation services in courts (2017).

### **Pre-sentence reports**

The quality of PSRs is covered as part of our inspections of the National Probation Service divisions.