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Parliamentary Under Secretary of State for Justice
Chief Inspectors of Criminal Justice
HM Chief Inspector, Ofsted
Chief Executive, Care Quality Commission
Chief Inspector, Estyn
Chief Executive, Healthcare Inspectorate Wales
Chief Executive, Care Inspectorate Wales

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Re: Consultation on our inspection framework and programmes 2021–2022

Under the *Police and Criminal Justice Act 2006* we are required to consult each year on our inspection framework and programmes. While the requirement only applies to consultation with ministers and other Chief Inspectors, we have expanded this, as in previous years, to include those we inspect and other interested parties.

At the time of writing, Covid-19 continues to have a significant impact on the delivery of both probation and youth justice services and has required us to review our inspection approach to accommodate. After a short halt to our inspection activity, all our inspections, since March 2020, have been delivered remotely. We also shifted our focus from core inspections to thematic reviews to maintain our crucial public assurance role while being mindful that rating services during the early days of this exceptional period would have added little value. The proposals set out in this document assume that some of our early activity in 2021–2022 will continue to be delivered remotely, at least in part, but that we will be able to return to some on-site delivery as we move further into the financial year. As with the services we inspect, we will not return to our pre-Covid-19 ways of working, i.e. full on-site inspection, but will operate a hybrid model of inspecting with some remote and some on-site activity. This is in direct response to feedback from our staff and will take account of their needs as well as those of providers.

In last year's consultation, we consulted on our proposals for work activity in both 2020–2021 and 2021–2022. We have used your feedback to inform the content of this proposed work programme for 2021–2022. We would now very much welcome your comments on these priorities.

1. Core inspection programme

Youth Offending Service (YOS) inspections

We are now approaching the end of the third year of what is now anticipated to be an approximate six-year programme of YOS inspections (this was originally intended to be a four-year programme but has been significantly impacted by the pandemic). Towards the end of 2019–2020 we reviewed our approach to youth inspection and last spring, [we consulted on our proposals](#). [We responded to the consultation feedback](#) in September and intend to apply changes to our inspection framework in our YOS inspections in the new financial year.

There are two new elements to our inspection framework.

Resettlement

More than four in every five consultation respondents supported the proposal to introduce a new resettlement standard into the inspection framework. This modular standard will sit outside of our 12 core standards and the rating will not contribute to a YOS's overall composite score. However, we will introduce a hurdle whereby any YOT that is rated as 'Inadequate' on the resettlement standard is unable to achieve an 'Outstanding' composite rating. We will apply the standard to all YOSs that have had one or more relevant cases in the 12 months preceding inspection.

Out of court disposals

There was almost universal support for the proposal to introduce a specific new standard on OOCDC policy and provision which recognises the local approach. This will replace the previous 'Joint working' standard.

Our core YOS inspections will begin again in April 2021. We will continue to work with our partners and use collated intelligence to prioritise YOS for inspection, either singly, or jointly with other Inspectorates. We will begin to re-inspect those areas of greatest concern to monitor progress since our last inspection.

We provisionally intend to conduct 32 inspections of YOS — 26 single and 6 joint inspections — in 2021–2022, some chosen on a random basis and others on the basis of concerns about their performance.

We will produce an annual report on the findings from our YOS inspections in 2020–2021 in spring 2022.

Adult probation inspections

We did not fully complete our second cycle of adult probation inspection in 2020–2021, as planned, due to the continuing impact of Covid-19 on frontline services. We, instead, diverted our resources to conduct thematic reviews, particularly of the inspected services' response to the pandemic, and to the continued development of our new inspection approach post transition to the new probation service. [We consulted on our inspection proposals](#) in the summer and piloted in Wales at the end of 2020. At the time of writing we are reviewing the learning from the pilot. We intend to consult again on the detail of our approach, in spring 2021.

Key changes to our inspection approach include:

- inspecting at the Probation Delivery Unit (PDU) level rather than just regionally, to provide a more granular view of local delivery
- introduction of a new evaluation standard which will look at the impact of delivery on intermediate outcomes for service users

- incorporation of domain 3 standards (on those aspects that were provider-specific e.g. input at court or unpaid work) in our domain 2 case sample
- greater input from service users to inform our judgements
- inspection over a longer timeframe e.g. every two to three years, in order to be able to provide a more local perspective.

We will begin our new format adult probation inspections following the unification of probation into a public sector led organisation in June 2021. Our first inspections will begin in the third quarter of 2021–2022.

The number of inspections we can complete has yet to be agreed as the decision rests on the nature of the task mapped against our available resource. Our proposed cycle, and the resultant number of PDU and regional inspections we expect to conduct every year, will be included in our consultation document.

We are also in discussions with HM Inspectorate of Prisons as to whether we will continue to contribute to their inspection of Rehabilitation and Release Planning on a number of their prison inspections.

We will produce an annual report on the findings from our adult probation inspections and thematics in 2020–2021 at the end of 2021.

Extra-jurisdiction inspections

No current plans.

2. Thematic & joint inspections

We apply a number of criteria to identify our thematic topics as follows:

1. Has this been identified as an ongoing area of weakness/concern in our core inspections?
2. Is this a ministerial priority?
3. Are there major change programmes or major national changes being applied to the operating model that require external oversight and assurance?

Having considered these criteria, we plan to conduct (jointly with others where appropriate) thematic inspections on the following topics in 2021–2022.

Adult

• Mental health

This is a joint thematic with HMCP, HMICFRS and HM Inspectorate of Prisons with input from the Care Quality Commission (CQC) and Healthcare Inspectorate Wales (HiW) that will look at the quality of mental health provision at every stage of the criminal justice system. This thematic was due to take place in 2020 but was postponed to spring 2021 as a result of the pandemic. HM Inspectorate of Probation will lead this project.

• Electronic monitoring

This is an HM Inspectorate of Probation only thematic looking at the use of electronic monitoring as a tool for probation in reducing reoffending and managing risk including the use of new GPS technology. Fieldwork will take place in summer 2021.

- **Offender Management in Custody (OMiC)**

The new OMiC model has moved responsibility for offender management from community to custody for all those sentenced to at least 10 months in custody, with responsibility moving back to the community at least 7.5 months before release. We want to look at how this is applied in practice.

This thematic will be conducted jointly with HM Inspectorate of Prisons, with HM Inspectorate of Probation as lead. The fieldwork for this thematic was originally due to start in summer 2020 and then summer 2021. The project has been postponed again due to the significant impact of Covid-19 on the functioning of prisons and the delivery of OMiC. The fieldwork is now likely to take place in late 2021–2022.

- **High risk cases**

Ideally, we would like to carry out a joint thematic review of probation work with high risk offenders with HMICFRS before the end of 2021–2022. This would include the effectiveness of joint working arrangements with police and other agencies to manage risk of serious harm. We are awaiting confirmation from the Joint Chief Inspectors' Group on viability.

- **Extremism**

As above, we would like to scope and carry out a thematic review, jointly with HMICFRS, of arrangements for people who have committed extremist offences. However, this is now unlikely to take place before 2022–2023. Again, we are awaiting confirmation from the Joint Chief Inspectors' Group as to whether this is possible.

Youth

- **Race**

This is a thematic review of the quality of youth offending service delivery specifically to black and mixed heritage boys. We will conduct fieldwork in spring 2021.

- **Youth to adult transitions**

This is a thematic review of YOS to adult probation transitions looking at the quality of provision for those who exceptionally remain in YOS and for those who transfer to adult services at the age of 18 years. This has had to be postponed due to Covid-19 restrictions and then the transition of probation to a new unified service. It is likely to now take place late 2021–2022 or early 2022–2023 should this still be considered a priority topic at that stage.

- **Education, training and employment (ETE)**

This thematic will look at the provision of education, training and employment opportunities to children. We will conduct fieldwork in late 2021.

- **Girls**

This joint thematic review, with HM Inspectorate of Prisons (lead), CQC and Ofsted, will comment on the experience of girls in custody and their resettlement in the community. This will take place in autumn 2021.

- **Serious youth violence**

We are also committed to conduct a joint thematic, led by HMICFRS, with Ofsted and CQC on serious youth violence (among those up to the age of 25 years). We have yet to agree timings for this inspection, though it is likely to be towards the end of 2021.

We will engage with the Welsh Inspectorates should we decide to include Welsh sites as part of our thematic inspection fieldwork.

We will also contribute to the Ofsted-led Joint Targeted Area Inspections (JTAI), when they resume, as well as to the continued development and delivery of Welsh equivalent inspections (Joint Inspection of Child Protection Arrangements; JICPA).

Consultation question – thematic inspections

The projects described above are those we intend to conduct unless an exceptional case is made by respondents. Where alternative suggestions are proposed, please outline the following in support of your proposals:

- what is the compelling evidence to suggest your proposal needs to be covered by HM Inspectorate of Probation, as a thematic, in this next financial year?
- if you offer more than one proposal what priority order do your suggestions take and why?
- which project(s) described above would you replace with your proposal(s) and why?

Q1: Taking into account the criteria above, do you have any alternative proposals for thematic topics for 2021–2022?

3. Research

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

To prioritise topics for 2021–2022 we have judged each topic against the following criteria.

Current level of risk

- Significant changes to policy, service delivery or caseloads.
- Risks to public protection/safeguarding.
- Findings from inspections, research and other forms of evidence/intelligence.

Potential impact

- Potential impact of our findings.
- Ministerial and other key stakeholder interests.
- Quality of current evidence.
- Development of inspection standards etc.

Other

- Suited to research or inspection.
- Estimated resource requirements and timescales.

As with our thematics, the pandemic has meant the delivery of a number of our primary projects has been delayed. We will therefore aim to complete the following projects in 2021–2022:

- knife crime and young people (exploring promising strategy, interventions and casework in YOTs)
- staff experiences of supervising service users at risk of self-harm and/or suicide
- working with trauma in adult probation.

We will additionally consider primary research projects on the following topics that were flagged through last year's statutory consultation. These topics will deliberately shift our focus to youth.

- County lines.
- Contextual safeguarding.
- Trauma-informed approaches.
- YOTs and use of technology.
- Research on wider YOS preventative/diversionary work (following secondary analysis of our out of court disposal data which is already underway).

In addition to the proposed primary research projects, we will continue to undertake secondary analysis of existing inspection data (matched with other data where necessary).

Possible topics include:

- links between YOS inputs, activities, outputs and outcomes (including an examination of the impact of differing types of disposal, e.g. Community Resolutions)
- exploring different YOS typologies (considering operating models, caseloads etc).

We will continue to commission leading academics to contribute to our Academic Insights series. These publications will present key insights on selected topics, assisting with informed debate and aiding understanding of what helps and what hinders probation and youth justice service delivery.

The topics already commissioned include:

- needs assessment: risk, desistance and engagement
- mentoring
- procedural justice
- blended public protection
- social capital and desistance
- professional curiosity
- technology and probation
- women
- co-creation in youth justice
- youth justice – reconciling the evidence
- adolescent to parent violence.

Consultation question– research projects

The projects described above are those we intend to conduct unless an exceptional case is made by respondents. Where alternative suggestions are proposed, please outline the following in support of your proposals:

- what is the compelling evidence to suggest your proposal needs to be covered by HM Inspectorate of Probation, as a research project, in this next financial year?
- if you offer more than one proposal what priority order do your suggestions take and why?
- which project(s) described above would you replace with your proposal(s) and why?

Q2: Taking into account the criteria above, do you have any alternative proposals for research projects in 2021–2022?

4. Effective practice and service user involvement

We have made great strides in the last year to identify and disseminate practice that meets our standards by producing effective practice guides alongside most of our thematic reviews and producing a dedicated case supervision guide for probation and case management guide for youth. All have been well-received. We will continue to produce effective practice guides on our thematic topics and will continue to deliver our objective to promote and promulgate the good work that probation and youth practitioners deliver.

We are also building up our involvement of service users in our core inspections and will consult on our detailed proposals as part of the wider consultation on our post-transition adult inspection approach in spring 2021.

We will, of course, 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, as they have in 2020–2021, and we will want to respond to risks as they arise.

We would very much appreciate your views by **5pm Friday 30 April 2021**. Please direct any queries and your responses to Louise Falshaw louise.falshaw@hmiprobation.gov.uk.

Yours sincerely,



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HM Chief Inspector of Probation

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Other interested parties

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