

CONSULTATION ON CRIMINAL JUSTICE JOINT INSPECTION PROGRAMME - 2015 to 2017

Purpose of this paper

To set out our proposed joint inspection activity in the criminal justice system during the next two years - 2015 to 2017 - and to invite comment from statutory consultees, and others, to inform the finalisation of our programme.

Summary

The attached paper sets out in **SECTION A** the background to this statutory consultation, its context, the overall focus of joint inspection and how our programmes are informed by Government and stakeholder priorities.

SECTION B lists our on-going work streams and those subject areas where we are proposing to carry out new joint inspections in 2015-17.

Action requested

You are asked to forward any comments about the listed work streams and in particular to address the following questions:

1. Do any work streams duplicate, overlap or clash with inspections or other work you have planned (or are otherwise aware of) for 2015/16 or 2016/17?
2. Are there any other subject areas which you believe warrant inclusion in our criminal justice joint inspection programme?

Please forward all comments by 31 January 2015 to the Joint Secretariat (address and contact details on page 6 of this document).

Michael Fuller	- HM Chief Inspector of CPS
Nick Hardwick	- HM Chief Inspector of Prisons
Paul McDowell	- HM Chief Inspector of Probation
Tom Winsor	- HM Chief Inspector of Constabulary

SECTION A – BACKGROUND TO THIS CONSULTATION

1. Purpose of consultation

- 1.1. The Police and Justice Act 2006 established a statutory duty on criminal justice (CJ) chief inspectors to deliver a joint inspection programme and in its preparation to undertake formal consultation with Ministers and named commissions and inspectorates.
- 1.2. The list of our proposed inspections appears in **SECTION B**. You are invited to comment on individual work streams but also on the overall programme balance. We particularly want you to highlight any areas of potential overlap with your own (or other's) proposals for inspection activity in the next two years.
- 1.3. You are also invited to highlight any additional subject areas which you believe we should consider for inclusion in our programme.

2. Overall focus for CJ Joint Inspection

- 2.1. All our joint inspections are delivered in line with the principles of public sector inspection (see **ANNEX A**).
- 2.2. We work together to address issues that involve more than one CJ agency and have a direct impact on the public who use the justice system. Working together produces a more rounded examination of issues that cut across the system and enables us to achieve more than if just one inspectorate acted alone.
- 2.3. We support democratic accountability, local transparency and the drive to reduce bureaucracy. Joint inspection particularly provides a unique focus on:
 - Systemic issues within the CJS as a whole;
 - Identifying and driving cost from the system;
 - Addressing risks and public safety;
 - Examining the system end-to-end and the roles of individual agencies;
 - Universal issues, standards and constraints within the CJS; and
 - Public reassurance and confidence.
- 2.4. We focus on four high-level business processes and three cross-cutting issues, which appear in full in **ANNEX B**. Each year, we review the overall balance and focus of our programme and whether it remains valid in an environment where the justice landscape is subject to rapid and fundamental challenge and change.

3. The planning horizon

- 3.1. We work to a two-year planning horizon, to give strategic coherence to successive years' programmes and suitably timed research and scoping activities to better inform future inspections.
- 3.2. The two-year nature of the programme means that there are always some inspections underway, some in preparation and others in the early planning stages, as reflected in the programme in **SECTION B**.

SECTION B – JOINT INSPECTION PROGRAMME FOR 2015-17

4. Provisional work programme for 2015-17

- 4.1. There are a number of work streams from the 2014-16 CJI programme where fieldwork will either still be underway in 2015 or scheduled to start during the year. In addition, as a result of in-year consultation, there are also new work streams under consideration for addition to the 2015-17 programme.
- 4.2. The work streams in the provisional programme for 2015-17 fall into three categories:
- a. Core Programmes:** longer-term rolling programmes visiting all areas of England & Wales over several years with published reports on each inspection event.
 - b. Joint Thematics:** ‘one-off’ inspections visiting a selection of locations (usually four to six) examining a cross-cutting CJ theme and producing one composite report.
 - c. Other work streams:** including ‘scoping studies’, where further work is required to evaluate elements of a potential subject area which might justify future joint inspection.
- 4.3. Further subject areas may be flagged for consideration during the formal consultation process (December and January) and the programme will be finalised for publication in the CJI Joint Business Plan in April 2015.

a. CORE PROGRAMMES

Prison Offender Management Inspections (POMI)	As part of the Prison Offender Manager Programme, HMI Probation joins HMI Prisons on their full inspections of prison establishments to assess the quality of offender management work. HMI probation then contributes to each of the relevant HMI Prisons reports, and also publishes at least one report a year summarising the aggregate findings from these visits.
Police and UKBA custody inspections	This programme was established to meet UN Convention obligations to inspect all places of detention. The focus is on strategy; treatment and conditions; and healthcare. The programme started in 2008 and all police forces in England and Wales and UKBA and customs facilities were inspected by 2014 (including some re-inspections). The inspection criteria have been revised for the new cycle of joint inspections during 2014-19.
Child protection inspections	Following the Munro report, Ofsted led a redesign of child protection inspections – supported by CJ and other inspectorates. After significant revisions to methodology, and pilot inspections in November and December 2014, Ofsted-led joint inspections are due to re-start from June 2015.

b. JOINT THEMATIC INSPECTIONS

4.4. During 2015, a number of on-going work streams from the 2014-16 programme will commence and/or complete their main fieldwork:

<p>Local Criminal justice partnerships (Lead: HMIC)</p>	<p>A joint report published in May 2012¹, identified that changes to funding and accountability arrangements had led some Local CJ Boards (LCJBs) to merge, and others to operate in a more limited way or shut down altogether. The report found little clarity about how the activities of local CJS agencies would be coordinated in the future, in many parts of the country. The focus of this inspection is how local CJ inter-agency work is led, managed and supported and the effectiveness of partnerships in driving change and innovation to reduce costs and improve outcomes for the public. Inspection criteria, methodology and selection of criminal justice areas underway. Fieldwork commenced Sept 2014.</p>
<p>Identifying vulnerability in case files (HMIC)</p>	<p>Previous inspection reports highlighted the lack of adequate identification of the vulnerability of victims and witnesses – meaning they do not receive appropriate support. The focus will be on agencies' response to previous recommendations, how vulnerability is identified and prioritised within case files and approaches to risk assessment and management. HMCPSI examined a timed sample in Oct/Nov 2014 and results will inform HMIC's PEEL annual all-force inspection in Jan/Feb. HMIC will conduct fieldwork in 43 forces and a composite thematic report will follow.</p>
<p>Digitisation in the CJS (HMCPSI)</p>	<p>Digitisation is a high priority for all CJS agencies and central to driving out waste and reducing bureaucracy. It also impacts daily working practices. The focus will be on interfaces and information sharing between CJ agencies. Fieldwork from Spring 2015.</p>

4.5. There will also be the following new thematic inspections from April 2015.

<p>Trafficking & slavery (HMIC)</p>	<p>A comprehensive literature review has confirmed the complexity of the issues. There are concerns about identification, evidence gathering, decisions to prosecute, victim support and the interfaces between the plethora agencies involved in tackling human trafficking and modern slavery. HMIC will conduct an inspection into honour-based violence which may have overlaps with and/or implications for any work in this area. A pre-scoping to June CJCIG highlighted the submerged nature of trafficking and modern slavery, identified further research and reconnaissance necessary prior to full scoping and considered timing. CJCIG approved a scoping document in October 2014. Fieldwork is planned towards the end of 2015.</p>
<p>Harassment & stalking (HMIC)</p>	<p>A study supported by ACPO suggests that victims of stalking and harassment are systemically failed by the CJS, being put at risk by poor police response, poor understanding of risk and a failure to prosecute stalking perpetrators. Despite introduction of guidance, police and CPS responses are reported as inconsistent. CJCIG approved a scoping document in October 2014. In planning the inspection, inspectors will liaise with ACPO to identify the best way to understand and address the barriers to consistent and effective agency response.</p>

¹ 'Improving the Criminal Justice System – lessons from local change projects', a joint report by HMIC, HMCPSI, HMI Probation and National Audit Office, published May 2012.

c. OTHER WORKSTREAMS

4.6. During 2015/16, there will also be developmental work, including a number of scoping studies:

Scoping and re-scoping	
Disclosure (HMCPST)	There have been a number of high profile cases involving disclosure failures by the police and CPS. The review will look for solutions to the problems identified in managing disclosure effectively drawing on issues from R-v- Mouncher and wider practitioner experience. Initial scoping was Jan-Mar 2013. The inspection was postponed until 2014 to allow the Attorney General's new guidance on disclosure to bed-in. There are now further initiatives under way which will necessitate re-scoping in Spring 2015 – to establish if joint inspection remains an appropriate action.
The effectiveness of CJ agencies in dealing with foreign nationals (HMI Probation)	Over the past decade, patterns of migration to the United Kingdom have changed significantly - most notably the arrival of substantial numbers of people from Eastern Europe. Whilst much movement is circular, in that many foreign nationals live in the United Kingdom for a relatively short time before returning to their country of origin, these changes in population have had an impact on public services. This scoping study will seek to assess the viability and value of undertaking a joint thematic inspection during 2015/16 to assess the effectiveness of CJ agencies in dealing with foreign nationals who come into contact with the criminal justice system. Likely areas for examination will include: assessing any changes in crime trends, the response of CJ agencies to meet their specific needs (e.g. translation services) and the effectiveness of work to reduce the likelihood of reoffending after sentence.
Composite report	
Quality of victims' services (Development Group)	The CJS inspectorates already examine aspects of victims' services within their individual and joint inspections. In addition, in 2015, we will consolidate these findings to produce our first joint annual appraisal of the quality of victim and witness experiences - highlighting good practice and areas for improvement. In response, agencies will be asked by Ministers to produce an action plan setting out how they will ensure victims actually receive the services to which they are entitled.

5. Next steps

- 5.1. We will publish a revised joint business plan in April 2015 setting out our proposed programme of work for the coming two-year period. That programme will be based on the list of work streams above but there is also an opportunity to add or amend the programme's coverage based on the responses to this consultation process.
- 5.2. All contributions are welcome. They should be forwarded to the Criminal Justice Joint Secretariat at the below address:

**Peter Todd - Secretary to the CJ Chief Inspectors Group
c/o HM Crown Prosecution Service Inspectorate,
4th Floor, One Kemble Street, LONDON WC2B 4TS**

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The ten principles of inspection

The principles of inspection in this policy statement place the following expectations on inspection providers and on the Departments sponsoring them:

1. The ***purpose of improvement***. There should be an explicit concern on the part of inspectors to contribute to the improvement of the service being inspected. This should guide the focus, method, reporting and follow-up of inspection. In framing recommendations, an inspector should recognise good performance and address any failure appropriately. Inspection should aim to generate data and intelligence that enable Departments more quickly to calibrate the progress of reform in their sectors and make appropriate adjustments.
2. A ***focus on outcomes***, which means considering service delivery to the end users of the services rather than concentrating on internal management arrangements.
3. A ***user perspective***. Inspection should be delivered with a clear focus on the experience of those for whom the service is provided, as well as on internal management arrangements. Inspection should encourage innovation and diversity and not be solely compliance-based.
4. ***Proportionate to risk***. Over time, inspectors should modify the extent of future inspection according to the quality of performance by the service provider. For example, good performers should undergo less inspection, so that resources are concentrated on areas of greatest risk.
5. Inspectors should encourage rigorous ***self-assessment*** by managers. Inspectors should challenge the outcomes of managers' self-assessments, take them into account in the inspection process, and provide a comparative benchmark.
6. Inspectors should use ***impartial evidence***. Evidence, whether quantitative or qualitative, should be validated and credible.
7. Inspectors should ***disclose the criteria*** they use to form judgments.
8. Inspectors should be ***open about their processes***, willing to take any complaints seriously, and able to demonstrate a robust quality assurance process.
9. Inspectors should have regard to ***value for money***, their own included:
10. Inspectors should ***continually learn from experience***, in order to become increasingly effective. This can be done by assessing their own impact on the service provider's ability to improve and by sharing best practice with other inspectors.

The focus for CJ Joint Inspection

- 1.1. Since 2007/08, joint CJ inspection activity has been configured around four high level business processes, namely community safety; bringing offenders to justice; offender management; and, custodial conditions.
- 1.2. The broad objectives for inspection for each business process are:
- **Community safety**– to challenge the key partners in crime and disorder reduction, in the context of wider proposed changes in the inspection of local partnerships;
 - **Bringing offenders to justice** –to inspect the process of enforcing the criminal law through the institution of proceedings, their determination and the enforcement of Court Orders, including the experience of victims and witnesses throughout the process;
 - **Offender management** - to continue to develop inspections that assess how well offenders are managed from start to end of their sentences (custodial or community sentences), with a special focus on the assessment and management of each offender’s risk of harm to others; and
 - **Custodial conditions** – to develop joint arrangements in inspecting prisons, prisoner escort services, police and court cells and immigration detention.
- 1.3. We have also identified three cross-cutting factors for focus, namely:
- **Victim and witness experience** – to examine the overall experience of victims and witnesses throughout their interaction with the criminal justice system to identify levels of satisfaction and areas for service improvement; and
 - **Equality and diversity** – to actively promote equality and diversity - both in respect of internal processes and in service provision to all users – and to identify and address improper discrimination within the CJS.
 - **Achieving value for money and efficiency** – to identify and drive out cost and bureaucracy from the CJS.