

# Framework Document between the Ministry of Justice and HM Inspectorate of Probation

## 1. Introduction

### 1.1. The purpose of the framework document

This document describes the respective roles and responsibilities of HM Inspectorate of Probation (HMI Probation) and the Ministry of Justice (MoJ) and how the relationship between them will be conducted including the delivery of services by the MoJ to support the work of HMI Probation.

### 1.2. The structure of the framework

The document is structured as follows:

Section 2	Remit and what is delivered
Section 3	MoJ sponsorship and other relationships
Section 4	Planning and performance
Section 5	Finance, audit and assurance
Section 6	Human Resources
Section 7	Other Corporate Services

### 1.3. Key accountability relationships between HMI Probation and the MoJ

Her Majesty's Inspectorate of Probation for England and Wales (HMI Probation) is a statutorily independent inspectorate. It is sponsored by the Ministry of Justice (MoJ).

HMI Probation's role is to report independently to the Justice Secretary on the effectiveness of work with individual offenders, children and young people aimed at reducing reoffending and protecting the public ("adult and youth offending work"). HMI Probation reports primarily to the Secretary of State for Justice but it also reports to Ministers responsible for other departments whose services it inspects.

This framework document primarily sets out HMI Probation's relationship with the MoJ and detail in subsequent paragraphs should be read in that light.

#### **1.4. How the framework can be reviewed**

This framework document is effective from 1 December 2009. It will be subject to review at least every three years. Amendments may be made at any other time by mutual agreement. HMI Probation and the relevant support services in the MoJ will maintain and keep under review protocols for the operation of these services.

## **2. Remit and what is delivered**

### **2.1. Function, activities and legislative basis**

HMI Probation's main statutory functions are:

- To report to the Secretary of State on the effectiveness of work with individual offenders, children and young people aimed at reducing reoffending and protecting the public, whoever undertakes this work under the auspices of the National Offender Management Service or the Youth Justice Board
- To report on the effectiveness of the arrangements for this work, working with other Inspectorates as necessary.
- To contribute to the overall effectiveness of the Criminal Justice System, particularly through joint work with other inspectorates.

In carrying out these functions the Inspectorate also:

- contributes to improved performance by the organisations whose work it inspects;
- contributes to sound policy and effective service delivery, especially in public protection, by providing advice and disseminating good practice, based on inspection findings, to Ministers, officials, managers and practitioners; and

- actively promotes race equality and wider diversity, especially in the organisations whose work it inspects.

The Inspectorate was put on a statutory basis by the Criminal Justice Act 1991. The Criminal Justice and Court Services Act 2000 provided the Secretary of State with further powers to appoint inspectors and to provide them in turn with the powers of inspection. Under amendments inserted in section 7 of the Criminal Justice and Court Services Act 2000 by the Police and Justice Act 2006, HMI Probation must consult the Secretary of State about its inspection programme and inspection framework who may by Order specify the form that inspection programmes or inspection frameworks are to take. It is also required to work in co-operation with other inspectorates in discharging its functions. The Offender Management Act 2007 introduced new arrangements whereby the provision of probation services could include providers other than probation boards so the remit of the Inspectorate has been amended to reflect those arrangements.

In consultation with the Secretary of State where appropriate, HMI Probation may carry out work outside the remit for example providing advice on the development of effective probation work in other countries.

## **2.2. Independence**

HMI Probation is a statutorily independent inspectorate. It therefore operates independently of the MoJ and other departments and bodies such as the National Offender Management Service Agency, the Youth Justice Board and any organisations whose work it inspects.

In this connection, HMI Probation publishes its reports in its own name. Reports are not cleared with any other person or agency (although relevant reports are shown in draft to policy units in MOJ and organisations whose work is inspected, to avoid any factual inaccuracies). Similarly, HMI Probation decides on the appropriate means of conducting inspection activities, assessing evidence, reaching conclusions and communicating the outcomes of such activities.

This independence reflects the need for adult and youth offending work to be subject to independent scrutiny and assurance.

### **2.3. Aims and objectives**

To discharge HMI Probation's statutory functions, the Inspectorate's annual plan sets out its programme which aims to help improve effectiveness in the CJS through independent inspection of adult and youth offending work. The majority of the work is carried out jointly with Criminal Justice and other Inspectorates.

HMI Probation's independent inspection of offending work contributes to the MoJ's regulatory framework and to the MoJ's objective 3: Protecting the public and reducing reoffending and 4: A more effective, transparent and responsive criminal justice system for victims and the public.

### **2.4. Products**

The main products of HMI Probation's work are inspection reports, all of which are published and held on HMI Probation's website.

The main reports cover:

- Inspection of adult offending work including offender management with participation from other inspectorates such as HMI Prisons and Ofsted, and covers work in prison as well as in the community.
- joint inspection, with other inspectorates, of youth offending work in youth offending teams.
- joint thematic inspections, with other Inspectorates covering youth offending and adult offending themes.
- Special inquiries into particular cases, usually relating to serious further offences committed by offenders under probation or YOT supervision.

Inspection reports are submitted to the Secretary of State prior to publication. Reports for youth offending work are also addressed to the Minister for Children. Where relevant, reports are also provided to other government Ministers.

## **2.5. Organisation, size and location**

HMI Probation is headed by the Chief Inspector who is currently supported by some 50 staff, of whom 5 are Assistant Chief Inspectors, around 30 are inspection staff and 15 are support staff. The budget of HMI Probation in 2008-09 was £3.9 million which does not include the cost of services provided by the MOJ. HMI Probation has offices in London and Manchester.

## **2.6. Status of the office holder**

The Chief Inspector of Probation is a statutory postholder appointed by the Secretary of State under the Criminal Justice and Court Services Act 2000.

Future candidates for the post of Chief Inspector of Probation may be subject to scrutiny by Parliamentary select committee prior to appointment. Such pre-appointment hearings will be non-binding but the Government will consider the committee's conclusions and recommendations before deciding whether to proceed with the appointment.

## **2.7. Internal structure of HMI Probation**

HMI Probation has a management group comprising the Chief Inspector and the Assistant Chief Inspectors.

## **3. Ministry of Justice, sponsorship and other relationships**

### **3.1. Relationship with Ministry of Justice**

#### **3.1.1. Secretary of State for Justice**

The Secretary of State is accountable to Parliament for matters relating to the discharge of HMI Probation's remit. The powers of the Secretary of State in relation to HMI Probation include the following:

- Under the Criminal Justice and Court Services Act 2000 the Secretary of State may give directions to HMI Probation as to the information and its form to be provided in reports and the timing of reports.
- Under the Criminal Justice and Court Services Act 2000 as amended, the Secretary of State may direct the members of the Inspectorate to assess

the provision made in pursuance of arrangements made by probation providers by reference to criteria specified in directions.

- Under amendments inserted into the CJCS Act 2000 by the Police and Justice Act 2006 HMI Probation must consult the Secretary of State about its inspection programme, who may by Order specify the form that inspection programmes or inspection frameworks are to take.

The Chief Inspector of Probation will meet from time to time with the Secretary of State and Ministers as appropriate.

The Secretary of State will approve the framework document and any significant changes and revisions.

### **3.1.2. Permanent Secretary**

The Permanent Secretary is the Principal Accounting Officer for HMI Probation. In line with this, the Chief Inspector of Probation accounts to the Permanent Secretary for the appropriate use of resources in accordance with budgetary delegation arrangements.

The Chief Inspector of Probation and the Permanent Secretary will meet from time to time as appropriate to their roles.

### **3.1.3. Director General Criminal Justice Group and Sponsorship team**

The Criminal Justice Group exercises responsibility for sponsorship of HMI Probation, which covers policy and administrative arrangements. This role is managed within the Group by the sponsorship team.

The principal contact for the Inspectorate at official level will be the Director General of the Criminal Justice Group, supported by the sponsorship team in day-to-day contact with the Chief Inspector and his/her staff.

The Chief Inspector and the Director General of the Criminal Justice Group will meet at least quarterly.

#### **3.1.4. MoJ generally**

The MoJ will consult the Inspectorate over policy proposals which impact on its work. The MoJ will invite the Inspectorate's views on the development of MoJ strategy and policy where appropriate.

HMI Probation may informally consult MoJ officials (including officials in NOMS Agency and CJG) about its inspection programme.

HMI Probation have day to day operational contact with those providing support services. Where significant policy issues about service provision arise, the sponsorship team should be contacted to facilitate resolution.

#### **3.2. Relationship with relevant MoJ agencies**

HMI Probation informs the NOMS Agency and the Youth Justice Board of inspection results and recommendations. It is for the Probation Trust, Area or YOT to produce an improvement plan. Implementation of the improvement plan is then monitored by NOMS or the YJB.

#### **3.3. Other Relationships**

##### **3.3.1. Relationship with Parliament**

All HMI Probation reports are provided to the House of Commons and House of Lords libraries. Relevant inspection reports will be laid before Parliament as set out in legislation.

The HMCI Probation may be asked to provide evidence to the Justice Select Committee or the Public Accounts Committee, and if so does in his/her own right as an independent Chief Inspector.

PQs on matters relating to the Inspectorate will be sent by Parliamentary section to the sponsorship unit. The sponsorship unit will inform the Inspectorate, and agree with it whether the PQ is about Government policy on inspection, or about the work or operation of the Inspectorate.

In the case of the former, the sponsorship unit will produce the draft reply and submit to Parliamentary section, but will first seek any immediate comments from the Inspectorate.

In the case of the latter (the PQ is about the work or operation of the Inspectorate), the Inspectorate will produce the draft reply. The Inspectorate will send it to the sponsorship unit, who will send it on to Parliamentary section, making it clear that the reply is as provided by the Inspectorate.

The general expectation is that the sponsorship unit would not amend the Inspectorate's draft. Only in exceptional circumstances would an amendment be made. In that event the background note would show verbatim the Inspectorate's original words; an explanation as to why MoJ considered it necessary to amend the wording; and any comment on the change from the Inspectorate.

HMI Probation is not within the remit of the Parliamentary Commissioner for Administration.

### **3.3.2. Relationship with other arms length bodies**

HMI Probation has links with other inspectorates and scrutiny bodies.

Joint Inspections with other Criminal Justice Inspectorates (HMI Prisons, HMI Constabulary, HMI Court Administration and HM Crown Prosecution Service Inspectorate) are managed and coordinated by the CJ Inspectorates Chief Inspectors' Group and through statutory consultation with key stakeholders as described in the Police and Justice Act 2006.

On the inspection of Youth Offending work specifically, HMI Probation works with Ofsted, the Care Quality Commission, HMI Constabulary, HMI Prisons, Estyn, Health Inspectorate Wales and Care & Social Services Inspectorate Wales. Similarly, it works with those bodies where appropriate in relation to the inspection of work with adult offenders.



HMI Probation works with other bodies with an interest in the scrutiny of adult offender management to raise awareness of each other's work and to avoid duplication.

HMI Probation works with the Audit Commission (for example on the Comprehensive Area Assessment system) and with the Wales Audit Office.

There is a protocol setting out the working relationship between HMI Probation and the Prisons and Probation Ombudsman.

### **3.3.3. Relationship with other Government departments**

HMI Probation keeps DCSF as well as MoJ officials and ministers informed about youth offending issues and the results of the inspections of youth offending work led by HMI Probation. HMI Probation also has a working relationship with the Department for Communities and Local Government on Comprehensive Area Assessment matters.

HMI Probation primarily communicates with relevant inspectorates with whom joint work is carried out. Where appropriate, HMI Probation will make contact with officials in sponsoring departments including the Welsh Assembly Government.

### **3.3.4. Relationship with Private and Third Sector bodies**

The OM Act 2007 introduced new arrangements for the future provision of probation services which may include public, private and third sector probation providers and the remit of the Inspectorate has been amended to reflect those arrangements.

HMI Probation liaises with and provides copies of reports and newsletters to relevant private or third sector bodies where their work is directly inspected by HMI Probation. HMI Probation's focus is on the inspection of work carried out with adult and young offenders, not with the organisational arrangements of the body who carries out that work.

### **3.3.5. Relationship with international bodies**

HMI Probation has no formal links to international bodies but provides reports and other information as appropriate. HMI Probation supports the European Probation Conference.

### **3.3.6. Relationship with the media**

HMI Probation issues a press notice to the media, in its own name, for each of its reports, with the assistance of the MoJ Press Office. The Chief Inspector will engage with the media for one-to-one interviews or press briefings as and when appropriate and at the discretion of the Chief Inspector in liaison with and with the support of the MoJ Press Office.

### **3.3.7. Relationship with the public**

Through the publication of reports and accompanying press releases, interviews with the media and public speaking events HMI Probation provides independent assurance to the public on the effectiveness of adult and youth offending work.

HMI Probation provides information to the public through its website and publications and by replying to enquiries from the public.

### **3.3.8. Freedom of Information and data protection requests**

HMI Probation is subject to MoJ policies on data protection and any such requests will be handled in line with those procedures.

Requests for information will be handled in line with Government guidance on FOI requests.

## **4. Planning and performance**

### **4.1. Business and corporate framework planning framework**

HMI Probation's annual Plan sets out work for the coming year. It is agreed with the Justice Secretary and published on the Probation Inspectorate

website. During preparation of the plan, HMI Probation carries out statutory consultation with relevant Secretaries of State and specified scrutiny bodies. It also consults informally with officials in NOMS, CJG and YJB.

HMI Probation contributes to the Joint Inspection Business Plan produced for Ministers by the five Criminal Justice Inspectorates.

#### **4.2. Business Risk management**

HMI Probation has in place relevant arrangements to identify and manage risks to its business, which it will share with MoJ as appropriate.

#### **4.3. Performance monitoring and reporting**

HMI Probation is accountable to the Justice Secretary for its performance in delivering inspections against plan, and reports to the Justice Secretary, principally in the Annual Report.

HMI Probation monitors its performance through its quality assurance system.

#### **4.4. Complaints handling**

HMI Probation deals with any complaint about the conduct of inspections according to its procedure, published on its website.

### **5. Finance and Procurement**

#### **5.1. Finance, audit and assurance**

HMI Probation receives an annual budget to allow it to carry out the inspection programme agreed with the relevant Secretaries of State, administered through the Director General of CJG.

The Chief Inspector of Probation is the budget holder for HMI Probation's budget, and is responsible for the efficient and proper use of resources in accordance with HMI Probation's Plan (see 4.1).

The Chief Inspector accounts to the Permanent Secretary for the appropriate use of resources allocated to the Inspectorate by the MoJ in accordance with budgetary delegation arrangements. In line with this, the Chief Inspector provides financial information to comply with the financial cycle and timetable of the MoJ. This does not affect the independence of HMI Probation but is the mechanism by which the MoJ monitors finances throughout the financial year.

The HMI Probation may be required to provide an annual assurance regarding its system of internal control.

The MoJ will provide efficient and effective finance services including a finance system enabling prompt payment for goods and services once approved by HMI Probation, and clear financial information to enable HMI Probation to manage its budget; and a payroll system. These arrangements will be detailed in a separate protocol.

HMI Probation, whilst not requiring internal or external audit services for its own purposes, is expected to provide access to either, including the NAO for the purpose of specific audit activity or compiling Value for Money reports, should the need arise.

## **5.2. Procurement**

The MoJ will provide procurement services as necessary to enable HM Chief Inspector of Probation to fulfil his functions whilst maintaining his/her independence. The specific responsibilities of the MoJ and HMI Probation will be the subject of a protocol.

## **6. Human resources**

### **6.1. Status of staff**

Staff appointed by HMI Probation are civil servants, employed by the MoJ, and are subject to MoJ terms and conditions.

HMI Probation may also recruit staff on loan or secondment for an agreed fixed term from an organisation outside the MoJ. Such staff will have contracts agreed with their parent organisation, and will be subject to the terms and conditions of the parent organisation.

## **6.2. Provision of HR services**

HMI Probation will look to the MoJ for its HR services. These services will be provided in a timely and efficient manner. The provision of HR services to HMI Probation is described in the protocol which sets out the HR services and the responsibilities of both parties in relation to these services.

## **7. Other corporate services**

### **7.1. General approach**

This chapter identifies the other corporate services that MoJ provides to HMI Probation to enable it to fulfil its remit.

The protocols between MoJ and HMI Probation which define the service to be provided by MoJ for each of the items below, and also for finance and HR as above, will be subject to an annual review including the service levels delivered.

### **7.2. Information and communication technology**

In May 2009 the MoJ took responsibility from the Home Office for the provision to HMI Probation of efficient and effective IT (including remote access IT) and telephony services. A protocol will be produced detailing the services and service levels to be provided.

MoJ provides library services to HMI Probation.

### **7.3. Accommodation**

The MoJ will take responsibility for the strategic and day to day provision of accommodation and related facilities to enable HMI Probation to

fulfil its functions. The day to day management of accommodation and facilities will be the subject of a separate protocol.

**7.4. Security and Business Continuity**

MoJ will provide corporate advice, assurance and specialist support on all issues relating to physical, personnel, information and personal security as well as business continuity issues. Specific details, including on the provision of a national security vetting service for HMI Probation staff will be included in a detailed protocol.

**7.5. Legal Services**

The MoJ will provide legal services to HMI Probation. Should advice be requested in an area where a conflict of interest between the MoJ and HMI Probation exists, or is perceived to exist, a neutral legal team, either internally to the MoJ or the Treasury Solicitor, will provide the necessary advice. Advice, when required, will be provided to agreed timescales. The details of provision of legal services may be the subject of a separate protocol.

**7.6. Health & Safety**

The MoJ will coordinate compliance with occupational health and safety standards. The Chief Inspector will retain management responsibility for implementation of, and compliance with, health and safety standards within his business area. The specific responsibilities of the MoJ and the Chief Inspector will be the subject of a separate protocol.

**7.7. Communications with MoJ, including NOMS agency**

The MoJ will provide professional communication advice and services to enable HMI Probation to communicate readily with MoJ and NOMS, and with organisations sponsored by MoJ and NOMS whose work HMI Probation inspects. These arrangements will be detailed in a protocol.

### **7.7.1. Media Support**

Press Office support is currently provided to HMI Probation by MoJ but the arrangements will change when HMI Probation has established a separate press function.

The MoJ Press Office will maintain a dialogue with HM Inspectorate of Probation to ensure appropriate media and press handling services are in place. Current support provided from the MoJ Press Office will be detailed in a Communications protocol.

### **7.7.2. Publications**

MoJ will continue to provide a publishing service to HMI Probation. Details will be set out in a protocol.

### **7.8. Website**

The content of HMI Probation's website is determined by HMI Probation. The MoJ hosts the website and detailed arrangements for this may be set out in a protocol.