

Inspection Reform: Establishing an Inspectorate for Justice and Community Safety

Consultation

March 2005

CRIMINAL JUSTICE SYSTEM



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Foreword

The Rt Hon. Baroness Scotland of Asthal QC

Independent inspection has an important role to play in the reform and improvement of the criminal justice system (CJS). It provides assurance to the public, holds organisations to account for their performance and helps to make improvements to services. In the last few years the CJS has been through a major programme of reform to reduce crime and anti-social behaviour and make people feel safer. This is being achieved in a number of ways – wherever possible, by stopping crime from happening in the first place; when a crime does happen, by catching the offender swiftly and bringing them to justice; and, once an offender has been convicted, by giving them a punishment which addresses why they committed the crime in the first place, so that they are less likely to offend again. The overriding principle is to deliver criminal justice that puts the victims of crime and the law-abiding citizen first.

Every criminal justice agency has been redesigned. The Government has put in place new arrangements to improve the delivery of services. The police service has introduced fundamental changes as part of the police reform programme and there have been major changes in the delivery of correctional services, with the creation of a National Offender Management Service. The Department for Constitutional Affairs has established Her Majesty's Courts Service, replacing the Court Service and the 42 Magistrates' Courts Committees to manage all courts from April 2005. The Crown Prosecution Service and the Police have introduced new arrangements under which the CPS takes responsibility for charging decisions in all but

routine and minor cases. At national level, the National Criminal Justice Board is developing joined up criminal justice strategies to meet key government objectives. At local level, Local Criminal Justice Boards have been established to oversee new joint working arrangements between agencies in each criminal justice area to deliver key objectives.

The criminal justice system requires a modern approach to inspection that supports these changes and promotes improvements to services, supporting front line staff by ensuring that there is no duplication with other scrutiny bodies and reducing unnecessary burden and bureaucracy. It needs a regime which at its heart will examine whether the public receives the high quality service it deserves.

The proposals in this document point the way to a more unified inspectorate, enhancing its capacity for leadership and decision making by changing the structure of inspection in the criminal justice system. The new arrangements will continue with the rigorous independent inspection of criminal justice agencies, including the treatment and conditions of those in custody, but will also increasingly examine how the CJS as a whole delivers for the people who come into contact with it: victims, witnesses, defendants, jurors and the wider public it serves.

I know there will be a lively and positive response to this document. Consequent on this, we will publish final proposals in 2005. This is an ambitious agenda but, as a Government, we are ambitious for the inspection regime to support the changing

criminal justice system. All contributions to the debate are warmly welcomed. These should be sent by 15 June 05 to:

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Rt Hon Baroness Scotland of Asthal QC
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Executive Summary

1.1 The Home Office, Department for Constitutional Affairs and the Attorney General's Office – the three Government Departments with responsibility for the criminal justice system – are committed to building a modern and effective independent inspection regime that scrutinises services to ensure they are safe and effective and promote service improvements. The Government proposes to build on the current expertise and commitment offered under the existing inspection arrangements, by creating a new inspectorate for justice and community safety with the responsibility and capacity to deliver end-to-end inspection of the criminal justice system, including the boundaries between services which can be the most complex areas to inspect. The new inspectorate will focus on the outcomes crucial to service users and other members of the public and will concentrate inspection on promoting improvements to services, targeting inspections where there is greatest risk and taking the perspective of the service user – whether offender, defendant, victim or witness – in evaluating the services provided.

1.2 In recent years every part of the criminal justice system has undergone a rigorous process of restructuring and reform to build a system where each component works well alone and as part of the wider system. Recent reforms to the police service and the creation of the National Criminal Justice Board, Local Criminal Justice Boards and the new National Offender Management Service have driven up performance and set solid foundations for continuing improvement through establishing stronger links between organisations and developing new and more cooperative ways of working.

1.3 While progress has been substantial there is still more to be done. Inspection has a crucial role to play in embedding the work done so far. It can focus attention to the issues that really matter to the public, increasing cooperation between services, easing burdens on service providers by reducing duplication and seeking efficiencies so that resources can be directed to the frontline where they are most needed.

1.4 The new inspectorate for justice and community safety should continue to provide rigorous independent inspection of criminal justice agencies, including the treatment and conditions of those in custody, whilst broadening its remit to inspect across organisational boundaries to deliver a more strategic and joined up inspection system. The new inspection regime will inspect the criminal justice process from end to end, supporting the front line by reducing unnecessary burden and bureaucracy and examining how the system can better deliver for those that come into contact with it.

1.5 This consultation document seeks views on the future purpose of inspection.

Inspection for justice and community safety should act as a catalyst to help those agencies inspected improve performance both individually and working together to improve the CJS as a whole. Inspection should work across institutional boundaries to evaluate impact on service users. It

should deliver independent judgements, reporting in public to provide assurance to Ministers and the public about the safe and proper delivery of services, including the treatment and conditions of those in custody. Inspection should inform policy and standard setting and be concentrated where it will add most value and deliver value for money.

Your views are sought on the future purpose of inspection for justice and community safety. Do you agree with the proposed definition outlined above?

1.6 To achieve objectives, changes need to be made to ways of inspecting and to the ways in which the current inspectorates are structured. The consultation document outlines a range of structural options the Government has considered and sets out the preferred option, to create a single inspectorate for justice and community safety:

Objective	A single inspectorate can deliver this by:
Deliver the Government's principles of inspection. Inspection that provides both public assurance and service improvement, that is proportionate to risk and offers value for money.	Implementing the principles consistently, delivering an inspection regime that has regard to value for money, so that the public can clearly see that inspection delivers benefits commensurate with costs.
Embed a user perspective in inspection.	Following the pathways of different service users across the criminal justice process, looking for weaknesses in the process. Producing reports that are written for the users of services, as well as internal management arrangements.
Support wider structural reforms of the police service, the charging process and the National Offender Management Service.	Tailoring inspection to new demands of reformed organisations – for example the new focus on local accountability in the police service or joint working between the police and CPS to support the new charging process.
Support CJS reforms. Inspection to support cross-CJS PSA's and Local Criminal Justice Boards.	Removing inspection silos. Enabling recommendations to be made to more than one agency simultaneously, to deliver improvements across service boundaries.
Safeguard inspection of the treatment and conditions of those in custody.	Preserving a discrete function providing independent, inspectorate-initiated (including unannounced) scrutiny of closed custodial conditions.
Build strategic direction and leadership and coherent prioritisation of inspection.	Appointing a single Chief Inspector who can take an overview of inspection for justice and community safety, consulting on strategic direction and prioritising inspection where it is most needed.
Support the frontline by reducing burden and aligning inspection methodologies.	Delivering an inspection regime that continuously supports the frontline by aligning inspection and reducing requests to participate in inspections in other agencies. Delivering inspection that is joined up and proportionate to risk, so that good performers undergo less inspection and resources are concentrated on areas of greatest risk.
Raise the profile of criminal justice inspection.	Speaking as a unified expert voice on the criminal justice system and its agencies.
Deliver inspection rationalisation.	Delivering a single inspectorate and reforming the current five inspectorates, making efficiency savings.

The Government is minded to move to a single inspectorate. Do you support the creation of a single inspectorate? Please give reasons in support of your answer.

1.7 The creation of a new inspectorate is an opportunity to do more than simply aggregate the subject areas and activities of existing inspectorates. This consultation document invites views on what services should be inspected in the future. It outlines support for a new inspectorate to inspect the police, the Serious and Organised Crime Agency, the Crown Prosecution Service, the Courts, the National Offender Management Service, Youth Offending Teams, HM Revenue and Customs, Customs and Excise Prosecution Office, the treatment and conditions of those in custody and increased cross-CJS inspection to support Local Criminal Justice Boards. It also invites views on the future structure of the single inspectorate and accountability arrangements.

What services should be included (and/or excluded) within the core remit of a single inspectorate? Please give reasons in support of your answer.

1.8 A new inspectorate for justice and community safety will deliver new ways of working and will make a difference to service users and staff, by bringing greater leadership, coherence and strategic direction to inspection.

1.9 For staff on the frontline, inspection reform will deliver:

- A reduction in demands for information.
- Greater coordination in inspection.
- Recommendations which help address how different parts of the CJS can work together effectively to deliver improvements to services.
- Targeted inspections will mean that for those areas which perform well, inspections will be less frequent.

- A simpler and more transparent inspectorate structure.

1.10 For service users, inspection reform will deliver:

- Inspection which takes account of and values their experience, tracking user pathways through the CJS and identifying the problems which real people face every day.
- A leaner and more efficient inspection regime delivering real improvements in services.
- User friendly reports, written for members of the public and service users.
- Frontline services with greater capacity to focus on services rather than meeting demands for reports and data.

1.11 In order to deliver the objectives outlined, a great deal of further work is needed. It is crucial that the criminal justice system receive the appropriate support and challenge it needs to continue to improve and build on the reforms to date. The right inspection regime will make a difference in achieving this.

1.12 This executive summary to the report 'Inspection Reform: Establishing an Inspectorate for Justice and Community Safety' highlights three key consultation questions. The document itself goes into greater depth on the key issues raised and raises a number of other issues for discussion. Your views are sought by 15 June 05, consequent on this, final proposals will be published in 2005.

Chapter 1

Inspection – The story so far

2. Context

2.1 The inspection regimes examined in this consultation paper support the three main Government Departments with responsibility for the CJS in England and Wales – the Home Office, the Department for Constitutional Affairs and the Attorney General’s Office – and a range of local and national agencies responsible for delivering criminal justice services. These include the 43 Police Services, the Crown Prosecution Service, Her Majesty’s Courts Service, the National Offender Management Service, the Serious and Organised Crime Agency, Serious Fraud Office, Customs and Excise Prosecutions Office and the 42 area Local Criminal Justice Boards¹. They are supported by the Office for Criminal Justice Reform (OCJR), a cross-departmental team that supports all criminal justice agencies in working together to provide an improved service to the public.

2.2 There are other Departments with responsibilities for criminal policy and for the prosecution of cases within their remit, notably the British Transport Police and the Department of Trade and Industry. There are also a range of other smaller bodies that bring their own prosecutions such as Local Authorities, RSPCA and consumer protection bodies. Other organisations involved in the CJS, include the Youth Justice Board, the Criminal Defence Service and Victim Support.

2.3 The CJS is going through a major reform programme. Every criminal justice agency has been redesigned. The number of offences

brought to justice has increased. The law has been reformed to make it fit for a modern criminal justice system. The right leadership (National Criminal Justice Board) and structures (Local Criminal Justice Boards) are now in place to make sure that the CJS acts as a coherent whole. In July 2004, the government published its Strategic Plan for criminal justice. The plan charts the progress made by all partners over recent years in reforming the criminal justice system.

2.4 The purpose of the CJS is to deliver justice for all, by convicting and punishing the guilty and helping them to stop offending, while protecting the innocent. It is responsible for detecting crime and bringing criminals to justice; and carrying out the orders of court, such as collecting fines, and supervising community and custodial punishment.

2.5 A proportion of the work of the three main Departments and their agencies (and much of the police services’ work in particular) extends beyond the CJS and therefore this consultation paper includes inspection of non-CJS work. Non-CJS issues covered include: crime prevention, public reassurance, immigration and nationality, community cohesion and active communities, identity cards, drugs strategy, command and control of critical incidents, dealing with emergencies, call handling, public order, traffic control, anti-social behaviour, civil and family courts and partnerships, such as Crime and Disorder Reduction Partnerships and Local Strategic Partnerships.

¹ Local Criminal Justice Boards are partnership arrangements that bring together the heads of the principal criminal justice agencies in each of the 42 criminal justice areas.

3. The current inspection regime

3.1 The five main inspectorates considered within this report are:

- Her Majesty's Inspectorate of Constabulary (HMIC);
- Her Majesty's Crown Prosecution Service Inspectorate (HMCPIS);
- Her Majesty's Inspectorate of Court Administration (HMICA);
- Her Majesty's Inspectorate of Prisons (HMI Prisons); and
- Her Majesty's Inspectorate of Probation (HMI Probation).

Although constituted differently, they all predominantly ensure the safe and proper delivery of the services inspected and promulgate good practice. Some inspect both CJS and non-CJS functions (full remits at Annex A).

3.1.1 **HMIC** has a stated purpose to promote the efficiency and effectiveness of policing through inspection of police organisations and functions to ensure agreed standards are achieved and maintained, good practice is spread, and performance is improved. It has a developing remit, with its inspection responsibilities growing to include Her Majesty's Revenue and Customs (HMRC) enforcement work and the Serious Organised Crime Agency (SOCA) – two large non-police agencies. It also provides advice and support to the Home Secretary, police authorities and forces and plays a role in the development of future leaders.

3.1.2 **HMCPIS** has a stated purpose to promote continuous improvement in the efficiency, effectiveness and fairness of the prosecution services within a joined-up criminal justice system, through the process of inspection, evaluation and identification of

good practice. It inspects the Customs and Excise Prosecutions Office on a non-statutory basis.

3.1.3 From April 2005, **HMICA**² will have responsibility for inspecting and reporting on the performance of court administration. It will also have a duty to inspect and report on the performance of Children and Family Court Advisory Support Service (CAFCASS).

3.1.4 **HMI Prisons** has a remit to inspect Prison establishments and to report on the conditions of those establishments, the treatment of prisoners and other inmates and the facilities available to them. The Inspectorate also undertakes inspection of Immigration Removal Centres and by invitation, the military corrective centre.

3.1.5 **HMI Probation** reports on the work and performance of National Probation Service and of Youth Offending Teams (YOTs), particularly on the effectiveness of work aimed at reducing re-offending and protecting the public. It contributes to policy and service delivery by providing advice and disseminating good practice.

3.1.6 **HMI Prisons and HMI Probation** are jointly developing a shared approach to inspection of offender management as it is developed by the National Offender Management Service (NOMS).³

3.2 The five inspectorates undertake both single agency inspection and joint inspection:

- **Single agency inspection:** The statutory remit of each inspectorate requires them to inspect and report on the performance of their relevant organisation (or for prisons the treatment and conditions of those in custody). This can be done via cyclical inspection of an area, risk based inspection of an area or thematic inspections on a particular topic. Given the current remit of the five Inspectorates, their primary attention is on the safe and proper delivery of services within their separate organisations.

² Until April 2005 MCSI undertakes inspection in MCC's, HMICA replaces MCSI.

³ The new National Offender Management Service has been introduced to ensure an end-to-end approach to the management of offenders. It will replace the current system where responsibility for offenders is split between the probation and prison services, and will provide a more effective structure to deliver real reductions in re-offending rates.

	HMIC	HMCPSC	HMICA	HMI Prisons	HMI Probation
Annual budget⁴	£8.2m	£3.5m	£2.57m	£2.6m	£3.2m
Approx no. of full time employees	130	45	40	40	49
No. of Inspectors	7 (3 assistant) supported by inspecting 'staff officers'	24 inspectors	15 inspectors and 9 P-T inspectors	23 & 3 fee paid	29
Reporting line	Home Secretary (Police) Chancellor of the Exchequer (HMRC)	Attorney General	Lord Chancellor (Cts admin) SoS for Education and Skills (CAFCASS)	Home Secretary	Home Secretary
Remit	England/Wales and Northern Ireland (NI)	England/Wales NI by invitation	England/Wales NI by invitation	England/Wales NI on invitation by CJINI (England/Wales/Scotland for immigration removal centres)	England/Wales
Approach to inspection	All police forces subject to baseline assessment which delivers grading of excellent, good, fair or poor across a range of policing activities. Limited scrutiny of mission critical areas and aspects of corporate governance.	Previously 4yr cycle. Currently planning a system of base line overall performance assessments with the programme of Area effectiveness inspections informed by risk assessments.	Previously 4yr inspection cycle of 42 magistrates' court committees. HMICA focus likely to be on a theme of service users, starting with victims and witnesses.	5yr inspection cycle of all adult prisons. 3yr cycle for establishments holding juveniles and immigration removal centres. Also risk-based unannounced follow-up inspections.	3 yr inspection cycle of all 42 probation areas, plus (jointly) 5yr cycle of 150 Youth Offending Teams in England & Wales, plus 40 Supporting People reviews a year.

4 Based on 2003/04 figures (HMICA indicative)

- **Joint inspection:** Joint inspection can take the form of either routine or thematic inspections conducted by more than one inspectorate, on a particular topic involving more than one inspected organisation. These can be done both within the CJS and outside in areas such as education, health or local services, for example HMI Prisons routinely inspects with OfSTED, the Royal Pharmaceutical Society and the British Dental Board. Currently joint inspections are resourced from existing budgets and must take into account the resource demands of single agency inspection. To facilitate cross-CJS inspection, in 1998, the Chief Inspectors established a Criminal Justice Chief Inspectors Group (CJCIG) to undertake inspections within the CJS on a joint basis. Since then the number of joint inspections have increased; initially they were thematic in nature, but since 2003 the five inspectorates have combined together to start inspecting Criminal Justice Areas (or Local Criminal Justice Boards). A full list of recent cross-CJS inspections is at Annex B.

3.3 The inspectorates perform different functions, are different sizes, and are structured differently. The table on page 10 demonstrates some of the key differences:

4. The case for change

4.1 The CJS has five inspectorates of which it can be proud. But to remain responsive to the system it serves, inspection needs to change to support the wide-ranging reform of the system and new structures for cross-CJS working. The CJS requires a modern approach to inspection, with strong leadership and strategic direction that helps improve services and supports front-line staff, reducing unnecessary burden and bureaucracy. Inspection should be capable of acting swiftly, investigating a particular problem or area of concern to Ministers, providing crisply defined recommendations within short timescales and have the flexibility to react to and reflect changing priorities across the whole system.

4.2 [The Government's Policy on Inspection of Public Services \(2003\)](#) has been a key driver for inspection reform. The Government clarified the role of inspectorates in relation to the Departments that sponsor them and set out 10 principles of inspection covering purpose, (focusing on users and improving the outcomes they experience) processes, and value for money (list at Annex C). Reform of inspection arrangements enables implementation of the principles consistently across the CJS. In particular this will provide the opportunity to deliver increased risk based inspection and align inspection and assessment criteria.

4.3 Reform will enable inspection to increasingly reflect the provision of services from different [user's perspective](#) as it is experienced for example by prisoners, probationers, victims, witnesses, defendants and court users to drive up performance. Currently, inspection has to be undertaken as a collective initiative, with individual inspectorates contributing separately, funded from separate budgets constrained by many of the limitations outlined in paragraph 4.4.5. Inspection reform will enable constraints to be reduced. It will also facilitate a necessary shift of focus from inspection of internal processes to inspection from the perspective of service users and their experience as they move across the system.

4.4 [Reform across the Home Office, DCA and Attorney General's Office requires changes to the inspection regime:](#)

4.4.1 [The police reform programme](#) has introduced fundamental changes to the police service that call for the examination of the remit of HMIC. These reforms make it timely to consider how police inspection can support a modernised police service and fit with new bodies such as the National Policing Improvement Agency. The police reform programme provides an opportunity to consider HMIC's non inspection functions and consider whether those functions could be more appropriately located elsewhere.

4.4.2 [The changes to the charging process](#), which involves CPS lawyers in police stations deciding on charges in all but minor cases, and providing the police with early legal advice before and during the charging process, have introduced a new partnership approach between the Police and the CPS (the prosecution team). This involves the CPS working with the police locally to implement performance measures and procedures. These new arrangements require a joined up inspection regime to support effective implementation and delivery.

4.4.3 [The creation of a National Offender Management Service](#) (NOMS) has initiated major change in the delivery of correctional services, introducing end-to-end management of offenders, whether they serve their sentence in prison, the community, or both. This requires a unified inspection regime rather than two separate inspectorates as now (Prison and Probation Inspectorates). In addition, the creation of a purchaser provider split means that NOMS will focus on specifying service standards and procuring services rather than running them directly, a shift a new inspection regime will need to address.

4.4.4 [CJS reform](#) has led to the creation of new structures for cross-CJS working as well as increased backing from Ministers, Departments, inspectorates and agencies for inspection to support the work of the National Criminal Justice Board and Local Criminal Justice Boards and the delivery of joint CJS Public Service Agreements (PSAs). The CJS has a five year strategy for the delivery of justice up to 2008, which will be achieved via the PSAs and supporting programme of work. In recent years the joint CJS PSAs have helped focus attention on the joins between criminal justice agencies, to ensure agencies are focused on improving public confidence, striving to provide a high quality service for the public, ensuring that crime is tackled, victims and witnesses are supported and offenders are punished and rehabilitated. The CJS needs an inspection regime that supports new ways of working, so that inspection is set in the context of a wider strategy for crime

prevention, reduction and corrections and supports the delivery of the CJS strategic plan, joint CJS PSAs and Local Criminal Justice Boards.

4.4.5 Currently there are organisational and structural barriers to effective cross-CJS inspections, including:

- a lack of resources for increased joint inspection, or adjustments in other inspection arrangements in order to make room for it;
- insufficient prioritisation between single agency inspection, joint inspection and cross-CJS inspection;
- a lack of strategic direction and lack of direction on inspection priorities across the CJS as a whole;
- the restricted ability to make recommendations across agencies; and
- uncertainty about how some inspection regimes fit into and contribute to the criminal justice process.

4.5 The inspection regime would benefit from the introduction of improved strategic direction, [strengthened leadership and mechanisms to agree inspection priorities](#) with Ministers across the CJS, to ensure that inspection is focused where it is most needed. Currently inspection is focused on single agency inspection and the priorities and balance between cross-CJS, joint and single agency inspection determined by inspectorates, without sufficient direction on priorities.

4.6 Inspected agencies continue to report [increasing burden and duplication](#) between the roles of audit bodies, the inspectorates and departmental oversight arrangements. Over recent years Departments have developed improved and stronger performance arrangements to support the delivery of improved outcomes, particularly through Public Service Agreements. These arrangements can include direct support to organisations to

ensure improvements as provided by the Police Standards Unit, the Office for Criminal Justice Reform Performance and Planning Directorate and there are plans for the new HM Court Service to have a close focus on delivery of improved services to users supported by performance management at area, regional and national level. These arrangements perform a function that previously belonged within some inspectorate remits. These changes have led to some confusion over roles and the risk of duplication for inspected agencies. Reform should help reduce burdens on frontline service providers, by clearly defining the roles of inspection, audit and departmental performance management arrangements and eliminating duplication. This could reduce bureaucracy for a range of services.

4.7 [Rationalisation](#) to improve efficiency is a driver for reform. Success in delivering the Government's objectives, of reduced crime, reduced reoffending and increasing offences brought to justice, has been secured through increasing focus on desired outcomes. Taken together with the recommendations of Sir Peter Gershon's Efficiency Review – that Government should rationalise and streamline its business so as to minimise duplication and focus expertise on key priorities – there is a compelling case for bringing together the large number of existing inspection functions. The Government is proposing to streamlining inspection across all public services by developing better co-ordination and by integrating inspectorates. The Chancellor announced in the budget that the 11 existing public service inspectorates will be consolidated into four streamlined inspectorates. The proposed new inspectorates – Children's Services, Education and Skills, Health and Adult Social Care, Local Services and Justice and Community Safety – will present a less confused pattern to service users and service providers.

resides in the inspectorates. Chapter 3 considers the options for structural reform setting out the Government's preferred option – to create a single inspectorate – for comments. Chapter 4 considers the organisations and areas for inspection and the structure of a new inspectorate, chapter 5 considers other scrutiny bodies and chapter 6 seeks views on approaches to inspection.

5. Structure of this report

5.1 The next chapter examines the purpose of inspection and explores options for the future conduct of non-inspection activity that currently

Chapter 2

Purpose of inspection for justice and community safety

This chapter considers the purpose of inspection. It:

- proposes a vision for the future purpose of inspection;
- considers where non-inspection functions could be located in the future; and
- explores the role of inspection in the CJS in relation to the judiciary.

6. The purpose of inspection

6.1 Currently the purpose of inspection differs somewhat between inspectorates. Predominantly they provide independent assurance to the public and Ministers about the safe and proper delivery of services and act as a catalyst for improvement, providing valuable information to inspected services, so that recommendations can be implemented and improvements to service delivery achieved.

6.2 The most well known purpose of the current inspection system is to ensure independent scrutiny of the treatment and conditions in closed custodial institutions, to reassure Ministers, Parliament and the public, that those detained are treated decently and their human rights are respected. There is a strong and well established political commitment to independent inspection in places of detention. Internationally recognised obligations enshrine the principle that the human rights of those held in custody should be demonstrably provided with effective practical protection. This is presently achieved

by a specific statutory duty on HMI Prisons to report “on the treatment of prisoners and conditions in prisons”. Preservation of a discrete function providing conspicuously independent, inspectorate-initiated (including unannounced) scrutiny of closed custodial conditions must continue to be a priority. The strong public profile that such a function brings is key in assuring Ministers, Parliament and the public that the protection of human rights and decent treatment has not been compromised.

6.3 Of equal importance to Ministers and the public, but in particular, to local communities, is the vital reassurance that inspection can provide about the safe, proper and effective conduct of the police in England, Wales and Northern Ireland. Not only does the police service act as the gateway to the criminal justice system, it is also the agency which has the widest contact with the public, both in its criminal justice and non-criminal justice responsibilities. There continues to be a need for rigorous inspection of policing, both on a single agency basis, and as part of cross-cutting inspection activity.

7. The vision for independent inspection for justice and community safety

7.1 Independent inspection makes an important contribution to the improvement of public services, provides assurance on the stewardship of public resources and assists with the development of public services and policy. A study carried out by the Office for

Public Services Reform⁵ (OPSR) found that inspection works best when it is focused on providing assurance to the public and Ministers about the quality of service delivery, emphasises outcomes rather than processes and works across institutional boundaries to evaluate impact on service users. The subsequent statement of Government policy outlined the following definition, “Inspection of public services is a review, conducted by external bodies, that should: be independent of the service providers; provide assurance to Ministers and the public about the safe and proper delivery of those services; contribute to improvement of those services; report in public and deliver value for money.” It goes on to state that “the role of inspection is to provide well-informed, objective judgements and constructive recommendations. It is for inspection to assess whether the systems and policies being operated by management of the service provider are delivering effective outcomes for the service user, and to make recommendations according to the findings from the inspection process.”

7.2 The Government want to establish an inspection regime for justice and community safety that builds on the existing inspection arrangements and delivers robust inspection that continues with the rigorous independent inspection of criminal justice agencies, including the treatment and conditions of those in custody, but will also increasingly examine how the CJS as a whole delivers for the people who come into contact with it: victims, witnesses, defendants, jurors and the wider public it serves. A regime which at its heart will examine whether the public receives the high quality service it deserves and promotes improvements to services.

7.3 The Government proposes the following purpose for future CJS inspection: **Inspection for justice and community safety should act as a catalyst to help those agencies inspected improve performance both individually and working together to improve the CJS as a whole. Inspection should work across institutional boundaries to evaluate impact on service**

users. It should deliver independent judgements, reporting in public to provide assurance to Ministers and the public about the safe and proper delivery of services, including the treatment and conditions of those in custody. Inspection should inform policy and standard setting and be concentrated where it will add most value and deliver value for money.

Your views are sought on the future purpose of inspection for justice and community safety. Do you agree with the proposed definition outlined in paragraph 7.3?

7.4 *What is meant by independence?*

A fundamental principle of inspection is that it must be independent of service providers. The following characteristics are crucial to ensuring this independence:

- the line of reporting and accountability should be from Chief Inspector direct to Ministers on inspection issues;
- any inspectorate must be separate from the organisation which it inspects;
- there must be no constraints on the ability of an inspectorate to carry forward a programme of inspections (announced or unannounced) in any part of the organisation within its remit provided only that the proposed inspections fall within its budget and statutory remit;
- in deciding priorities for inspection, a Chief Inspector should consult with Ministers and Departments on the inspectorates proposed programme of work and strategy so that their legitimate concerns and expectations can be taken into account.
- any inspectorate must have full editorial control of its reports i.e. the freedom and confidence to report accurately on what it finds;

- inspectorates must be able to publish their findings without fear or favour, subject only to those constraints (which should be provided for in statute) necessary to protect national security or avoid other serious harm to the public interest;
- inspectorates should determine the timing of publication of reports;
- Ministers must be able to direct that there be an inspection of a particular organisation (or part of an organisation) on a particular theme or issue. Such a direction would not compromise the independence of the inspectorate and Ministers would have no role in determining outcome of the report, nor would they have the power to delete planned inspections from a programme; and
- inspectorates should discharge their responsibilities in a manner compatible with and supportive of Government policy; but in the event that the Chief Inspector felt that a particular Government policy compromised the proper professional standards, efficiency or effectiveness of an inspected agency, it should be open to the inspectorate to state that publicly.

Your views are sought on inspectorate independence. Do you agree with the principles outlined in paragraph 7.4?

7.5 *Inspection of national initiatives*

In recent years Departments have been taking an enhanced role in service delivery by implementing national initiatives and directly supporting agencies to deliver key targets. They are increasingly providing consultancy-like support to drive up performance. In future, inspection could be limited to the inspection of local services (including where necessary those provided by the private and not for profit sectors) and some national services such as the CPS. Or alternatively inspection could include those departmental bodies that launch initiatives and assist local agencies with service delivery.

Departments and agencies are already audited by the National Audit Office (NAO) under their remit to audit the accounts of all central government Departments and agencies, and report to Parliament on the economy, efficiency and effectiveness with which they have used public money. In addition there are wide-ranging means of scrutinising Government policy via select committees. It is important to prevent duplication with the work of the NAO, whilst ensuring that Ministers and the public benefit from independent inspection of initiatives from conception through to delivery. Inspectorate reports which include judgements and recommendations on the role of centrally run organisations can sometimes highlight areas of significance which have not been explored by the NAO. This could be achieved if Ministers retain the ability to commission inspection of national thematics that consider the efficiency and effectiveness of initiatives from conception through to delivery (for example, inspection of the Street Crime Initiative, undertaken in 2003). This would leave inspectorates with the capacity to report on initiatives, as part of their core inspection, without routinely inspecting Departments.

Your views are sought on whether the inspection of national initiatives from conception through to delivery, should increase.

7.6 *Should inspectorates perform a consultancy function?*

Some inspectorates have developed a consultancy role with those they inspect, giving guidance, advice and support outside formal inspection. However, the role of consultancy is difficult to balance with that of independent inspection; a supportive friend one day cannot easily independently and publicly criticise the next. While a consultancy role can be carried out by an agency's parent Department, the role of inspection must be performed by an independent body.

Your views are sought on whether inspectors should perform a consultancy role for the services they inspect.

7.7 *Should inspectorates validate data?*

In recent years performance management has become an important internal tool to identify weaknesses in the system and drive up performance. Increasingly performance management is undertaken by local managers, with oversight arrangements located at departmental level. This is to reflect the fact that managers not inspectorates are accountable for services. The National Audit Office examines the quality of the data systems used by the three main Departments to measure and report progress against their Public Service Agreement targets. In conducting these examinations, the NAO draw, where possible on work undertaken elsewhere. However the data underpinning local performance management is often not always routinely validated by an independent body. Clearly, it is important that data is accurate to enable effective performance management. In the future data validation could take place routinely during the course of an inspection or as part of a thematic inspection.

Your views are sought on whether inspectors should routinely validate performance data for the services they inspect.

8. Non-inspection functions

8.1 Over their history, inspectorates and in particular HMIC have taken on additional responsibilities and duties beyond their core inspection role. HMIC's additional responsibilities include:

- advice on operational policing matters;
- assessment of generic and service-wide priority policing issues (often referred to as "thematics");
- consultancy and liaison with police forces;

- advisory role in the appointment of: chief officers, officers of Commander rank and above in the Metropolitan and City of London Police, and the senior management of Centrex (the police training and development agency); and chairmanship of the Senior Appointments Panel;
- role in the development of senior leaders in the police service through the Police Leadership Development Board;
- oversight of Performance and Development Reviews (PDRs) of chief officers; and
- role in making recommendations for Honours in the police service.

8.2 There is no statutory requirement for HMIC to carry out these functions and whilst there were sound historical reasons why these responsibilities fell to HMIC, they can sometimes blur the distinction between being an independent inspectorate and being a communication channel between the police service and Ministers. The emerging proposals for a professionally driven National Policing Improvement Agency (NPIA) to support the delivery of continuous improvement in the police service, and other recent developments in policing, such as the establishment of the Police Standards Unit, make it opportune to examine whether the functions listed can be conducted by other means.

8.3 In principle, the Government proposes that inspectorates should not conduct non-inspection functions, unless there are compelling reasons for inclusion in their remit and this does not in any way compromise independence in their central inspection role. This will inevitably have financial consequences for the agencies who take on these additional tasks.

Your views are sought on the exclusion of non-inspection activities from the remit of inspection.

8.4 [Proposals for the future conduct of HMIC's non-inspection functions](#)

8.4.1 The following section considers where the non-inspection functions listed in paragraph 8.1 could be located in the event that they were no longer a core task of the inspectorate.

[Policing thematics/developing senior leaders – to the NPIA?](#)

8.4.2 Proposals for the National Policing Improvement Agency (NPIA) were set out in the November 2004 Police Reform White Paper 'Building Communities, Beating Crime'. The core functions of the NPIA will include horizon scanning and the identification and investigation of priority policing issues of national strategic importance; the identification and dissemination of good practice; and liaising with forces to provide operational policing support and more general support on issues such as workforce modernisation and leadership.

8.4.3 With this remit, the NPIA would be well placed to take over responsibility for conducting assessments of generic and service-wide priority policing issues, or as they are often labelled, "thematic" reviews. A recent example of such a review, which was undertaken by Her Majesty's Inspectorate of Constabulary, investigated forces' call handling capabilities across the service, identifying best practice and making recommendations in order to disseminate this. The NPIA is also likely to take responsibility for knowledge management and best practice, and consulting with forces across the service to support them in improving service delivery. Therefore, in future the Agency should have the capacity both to explore the generic policing issue to be addressed and to help deliver the solutions, supporting and advising forces on how to implement recommendations and best practice. Clearly, input from those who inspect policing could add value to thematic reviews, and findings from inspectors' local work would continue to inform national appraisals of key policing capabilities and issues. In addition the

NPIA could, in time, take forward work on developing senior leaders in the service.

Your views are sought on whether 1) policing thematics and 2) the development of future leaders could in future be undertaken by the National Policing Improvement Agency.

[Operational policing advice](#)

8.4.4 The NPIA could be headed up by a senior leader from the police service, and such an individual could be key in terms of the relationship between the service and ministers. That person, advised as necessary by NPIA staff, would be in a strong position to provide advice to Ministers on operational matters. But this sort of advice need not come from just one source and the source of advice may very well depend on the issue at hand. Others, such as the ACPO President or the Metropolitan Police Service Commissioner may well have a role. Indeed, suitably senior staff from the single inspectorate with relevant knowledge and experience might well be called upon to provide advice at appropriate times. Above all, for the future, the requirement for the provision of operational policing advice should be seen as being business-driven, not role-driven.

Your views are sought on how operational policing advice could best be delivered at the national level.

[Personnel-related functions](#)

8.4.5 Most of the remaining current, non-inspection roles of HMIC relate to personnel: advising Ministers and police authorities on senior appointments, overseeing performance reviews and recommending officers and police staff for honours. Close involvement is increasingly recognised as incompatible with the sense of detachment inherent in an independent inspection function.

8.4.6 The Government therefore proposes to end the lead role of HMIC in respect of advising on senior appointments. Ministers would continue to receive advice on the

suitability of potential chief officer appointees from the Senior Appointments Panel, on which there would continue to be tri-partite representation, and which would, amongst other sources of evidence, draw on relevant information from inspection activity in providing this advice. However, a new Panel Chair, possibly someone with senior leadership expertise who is independent of the tri-partite structure could be appointed. In line with these changes, it is an option that the inspectorate could cease to play a role in police authorities' interviews for Chief Constables or to assess candidates' suitability for a post. The latter could be done by the previous line manager, and through improved performance review processes and data on individual and force performance. Notwithstanding their independence, however the inspectorate could continue to add value if their role in this context was seen to be appropriate.

Your views are sought on who would manage the senior appointments process if this was no longer a core remit of HMIC. In particular, your views are invited on how best to provide police authorities, when interviewing prospective chief constables, with an appropriate level of advice from a service perspective, including any role of any of the inspectorate in this context.

8.4.7 The recently published Police Reform White Paper, *Building Communities, Beating Crime* suggests as part of a package of measures to strengthen accountability arrangements for policing, that police authorities should in future carry out Chief Constables' Performance Development Reviews, with a duty to consult HMIC in doing so. Clearly under future arrangements, police authorities will need to continue to take account of inspectorate views and expertise in fulfilling this role, but the inspectorate would no longer administer the process directly.

8.4.8 HMIC currently collates recommendations for honours from forces (except the Met), adds recommendations for

Chief Constables where it feels this is appropriate, and makes a judgement on the suitability and prioritisation of the list. HMIC goes on to advise the Home Secretary on policing honours, in conjunction with Association of Chief Police Officers, senior civil servants and the Commissioner of the Metropolitan Police. It is important an independent inspectorate does not hold responsibilities for the rewards and recognition of the senior officers whose services it inspects. It is therefore proposed that the secretarial aspect of this function be conducted within the Home Office (contacting forces, requesting recommendations and collating these) and the advisory role be conducted by a new group with relevant knowledge and experience of the policing environment.

Your views are sought on who should advise on nominations for honours in the police service.

9. Setting standards

9.1 The Government's policy on inspection⁶ is clear that it is the responsibility of Ministers and their Departments to set standards determining how a service should be delivered. It is Ministers, not inspectorates, who are accountable to Parliament and the public for the service provided. Services and inspectorates must work to a single set of standards, and government policy and accountability requires that those standards should be set by Ministers.

9.2 Certain minimum standards may be set by international law – for example, in the case of prisons, any standards set nationally must be sufficient at least to protect the basic human rights of prisoners, as interpreted ultimately by the European Court of Human Rights. Beyond that, setting the specification for what quality and level of service are to be provided is a matter for Government.

6 The Government's Policy on Inspection, OPSR, July 2003

9.3 It is essential that inspectorates are able to take a holistic, qualitative view of the service provided from the perspective of the end user, and to say if, from that perspective, the standards set are producing the right outcomes. Inspectorates should also have the right to criticise service standards if they think they are insufficiently challenging.

precisely defined. Therefore where the role of inspection coincides with the role of the judiciary, sensitivity is needed to ensure that the independence of the judiciary is not compromised.

10. The judiciary and inspection

10.1 The Courts Act (2003) makes clear that it is the duty of the Lord Chancellor to “ensure there is an efficient and effective system to support the carrying on of the business of the....courts and that appropriate services are provided for those courts. From April 2005 the remit of Her Majesty’s Inspectorate of Court Administration (HMICA), in relation to court administration, is as follows: to inspect and report to the Lord Chancellor on the system that supports the carrying on of the business of the courts (Crown, county and magistrates’ courts) and the services provided for those courts (the Courts Act 2003, Section 59(1)(a)). The role of the inspectorate is thus to provide assurance to Ministers and the public of the “safe and proper delivery of those services” and lead to service improvements. (Government’s Policy on Inspection, 2003).

10. Section 59(5) of the Courts Act 2003 goes on to state:

“Nothing in this section is to be read as enabling inspectors to inspect persons-

(a) making judicial decisions, or

(b) exercising any judicial discretion.”

10.3 Judicial independence is a key principle of the Constitution. Neither the Government nor inspectors have any role in particular judicial decisions of individual judges. In particular, the interests of justice require that in their work, judges remain independent of, and not subject to, the views or control of the Government. It is inevitable that in inspecting the courts administration, there will be grey areas around the boundaries between judicial and administrative roles that cannot be

Chapter 3

Structural reform

11. Objectives

11.1 The structure of the inspection regime is crucial to the capacity for inspection to deliver key objectives. New arrangements will need to deliver the following:

- [Deliver the principles of inspection](#) consistently across the inspection regime, establishing consistent ways of working. To deliver joined up inspection that is proportionate to risk, so that good performers undergo less inspection and resources are concentrated on areas of greatest risk; to deliver an inspection regime that has regard to value for money, so that the public can clearly see that inspection delivers benefits commensurate with costs.
- Improve inspection across agency boundaries from a [user's perspective](#). To deliver an inspection regime that produces informative concise inspection reports to be used by the public as an information tool to their local services. To produce reader friendly reports on salient topics, focusing on the experience of users. Publishing reports that track the experience of a victim from the crime through to outcome, or the experience of defendants from charge to disposal. To produce reports that are written for the users of services, as well as internal management arrangements.
- [Support wider reform](#) of the police service, the new charging process and the creation of a National Offender Management Service. To deliver specialist inspection of the police service whilst enabling a rethink of its non-inspection functions in light of the wider reform programme. To ensure a system that brings together the inspection regimes of the police and CPS to support the charging process. To help unify inspection of NOMS, rather than retaining two separate inspectorates.
- [Support CJS reforms](#), by developing inspection that supports cross-CJS working, the National Criminal Justice Board and Local Criminal Justice Boards and achieves effective inspection across criminal justice areas. To support improved performance by producing findings and making recommendations across the criminal justice process. Provide a united inspection regime.
- [Retain inspection of the treatment and conditions of those in custody](#). The preservation of a discrete function providing independent, inspectorate-initiated scrutiny of closed custodial conditions.

- [Improve strategic direction, leadership and coherent prioritisation of inspection.](#) To deliver an inspection regime that has clear leadership, the ability to set strategic priorities and a coherent, unified programme of inspection that supports both single agency inspection and inspection across the criminal justice process. The ability to review and modify inspection priorities, adapting to meet stakeholder requirements, retaining flexibility. To achieve strengthened strategic direction by consulting on a unified strategy and inspection programme to ensure that it delivers Ministerial and public priorities.
- [Support the frontline,](#) by reducing burden, aligning inspection methodologies (where inspected functions permit), sharing findings and co-ordinating fieldwork. An inspection regime that continuously supports the frontline by aligning inspection and reducing requests to participate in inspections in other agencies. Allowing recommendations to be made to more than one agency simultaneously, to deliver improvements across service boundaries.
- [Raise the profile of criminal justice inspection,](#) by creating an inspection regime that has a significant public profile, producing informative, well written reports. Enabling inspectors to speak as a unified expert voice on the criminal justice system and its agencies
- [Achieve inspection rationalisation,](#) streamlining inspectorates and focusing expertise on key priorities. Delivering an inspectorate with the collective knowledge and experience to create and deliver an effective inspection programme, unifying support and back office processes.

12. The structural options considered

12.1 A range of structural options have been considered to achieve the objectives in paragraph 11. These are:

12.2 [Introducing a strengthened joint secretariat and planning unit.](#)

This model would leave the five inspectorate structure intact, but would introduce a stronger joint inspection secretariat and planning unit to play an active role in promoting and supporting area inspection and joint thematics. This model would not deliver a strategic view on the balance between single agency and joint inspection and could result in friction between the joint unit and the five Chief Inspectors. It could also lack clear leadership and may not result in real cultural change.

12.3 [Appointment of a Commissioner for CJS Inspection](#)

This model would see the appointment of a Commissioner, with a supporting Commission, charged with developing a strategic approach to inspections. It would provide clarity of structure and remit and a clear distinction between the role of inspection and that of strategic leadership and development. This would require considerable additional resources and may lead to duplication with the five inspectorates and additional burden on those inspected, rather than rationalisation of inspection.

12.4 [Creating a sixth inspectorate](#)

This model retains the existing five inspectorates but would lead to the creation of a sixth Chief Inspector and a small core inspection team, empowered to negotiate and deliver a strategic programme of joint-CJS inspection. It could report to the National Criminal Justice Board and employ inspectorates from agencies, existing inspectorates and audit bodies to carry out an inspection programme. This model would deliver an increased programme of joint inspections, enhancing the capacity to develop methodologies for cross-CJS inspection. It would require considerable additional resources and may lead to duplication with the five inspectorates and additional burden on those inspected. It would add to inspectorate boundaries.

12.5 *A four inspectorate model*

This model would deliver a reduction of the five inspectorates to four, with an inspectorate for the Police Service, the CPS, the Courts Service and the National Offender Management Service. The four inspectorates would include strengthened arrangements for joint-CJS inspection by introducing a Ministerial CJS Inspection Co-ordinator to support the Home Secretary, Lord Chancellor and Attorney General. This role would be performed by a junior Minister who would put forward trilateral advice on an expanded programme for cross-CJS inspection. This model would retain clear accountability lines to Departments, at the same time as facilitating increased cross-CJS inspection.

This model may not achieve improved mechanisms to assess and select priorities for inspection across Departments, and could result in friction between inspectorates. Preserving four separate inspectorates may undermine the capacity to examine how the services interact with each other and develop inspection from a user's perspective and the issues of managing inspection across organisational boundaries would remain.

12.6 *A three inspectorate model*

This model would deliver a reduction of the five inspectorates to three; an inspectorate for the Police Service, an inspectorate for the CPS and Courts and an Inspectorate for the National Offender Management Service (to include the treatment and conditions of those in custody). The three inspectorates would include strengthened arrangements for cross-CJS inspection as in the four inspectorate model. This model would retain accountability lines to the Home Office, (but with joint accountability to the Lord Chancellor and Attorney General for CPS/Courts inspection), at the same time as facilitating increased cross-CJS inspection.

Three inspectorates would not achieve increased alignment and streamlining between the police and CPS inspection regimes to support the charging process.

12.7 *A two inspectorate model*

This model would deliver a reduction of the five inspectorates to two, one inspectorate for the Police, CPS, Courts, Probation and a separate inspectorate for the treatment and conditions of those in custody. The two inspectorates would include strengthened arrangements for cross-CJS inspection as in the four inspectorate model. Two inspectorates would provide the opportunity to align inspection methodologies at the same time as retaining a free-standing inspectorate for the treatment and conditions of those in custody. This model might inhibit an effective focus on the interfaces between prisons and other CJS agencies and would impede an integrated approach to inspection of correctional services, at a time where there is great emphasis on integrated service delivery across custodial and community settings.

An alternative two inspectorate model would deliver an inspectorate for the Police CPS and Courts and a separate inspectorate for the National Offender Management Service. This model might inhibit an effective focus on inspecting the interfaces between NOMS and other agencies.

13. A single inspectorate model

13.1 This model would reform the five inspectorates and create a single inspectorate allowing the functions and focus to be radically re-examined. This would facilitate the pooling of resources and knowledge, the convergence of practices and methodologies, the streamlining of programmes and reduction in the need for cross boundary protocols. It would achieve rationalisation of inspection, with the ability to reduce the burden on frontline staff whilst driving through radical change. It would improve co-ordination of inspection across the CJS, enabling inspectors to see across the CJS process from a user's perspective and drive up performance on a single theme across more than one agency. This could support inspection of Local Criminal Justice Boards and the delivery of CJS public service agreements, whilst at the same time retaining the capacity to provide valuable single agency inspection and in particular, the

inspection of the treatment and conditions of those in custody. The Government believes that it is necessary to preserve in the new body a clearly identifiable function to inspect the treatment and conditions of those held in custody, and to establish appropriate accountability lines.

13.2 It would support the proposed changes to the police service, including the new charging system and support the creation of a National Offender Management Service. It would help to align inspection methodologies, risk assessment criteria and ratings. It may achieve a reduction in inspection costs – direct and indirect – by streamlining programmes and eliminating some functions no longer considered critical. The model would establish improved mechanisms to assess and select priorities for inspection across Departments and across the CJS. It would also provide economies of scale, i.e. a larger inspectorate

could support additional processes/skills/knowledge that may be beyond the capacity of each of the current inspectorates and relative scale – the current five inspectorates which are relatively small compared to the Audit Commission, Ofsted and the Healthcare Commission. A single inspectorate would deliver a significant player to the table with the potential for a higher public profile than any of the five separate inspectorates. However a single inspectorate will incur additional set up costs and a possible loss of focus on single agency inspection.

13.3 The table below illustrates the strengths and weaknesses of the seven models considered.

The Government is minded to move to a single inspectorate. Do you support the creation of a single inspectorate? Please give reasons in support of your answer.

	Joint Secretariat	Commissioner	Sixth Inspectorate	Four Inspectorate	Three Inspectorate	Two Inspectorate	One Inspectorate
Principles of inspection	P	P	P	P	P	✓	✓
Users perspective	P	P	P	P	P	P	✓
Support wider reform, police, charging, NOMS	✗	✗	✗	P	P	P	✓
CJS reform/CJS inspection	P	✓	✓	✗	P	✓	✓
Distinct custody inspection	✓	✓	✓	P	P	✓	✓
Strategic direction/ leadership	✗	✓	✗	✗	P	P	✓
Support front line	✗	✓	✗	✗	P	✓	✓
Public profile	✗	✗	✗	✗	✗	✓	✓
Rationalisation of inspection regime	✗	✗	✗	✗	P	P	✓
P = partially met	✗ = not met		✓ = met				

Chapter 4

Delivering a single inspectorate

This chapter considers the services that a single inspectorate should inspect in the future and considers those areas that could be excluded. It then considers accountability lines and possible internal structures.

14. What should a single inspectorate inspect?

14.1 The organisations inspected by the five inspectorates are diverse and include both CJS and non-CJS areas. Creating a single inspectorate for justice and community safety enables the examination of those services that should continue to be inspected and which services may no longer need inspection, rather than simply merging the current subject areas of existing inspectorates. In addition to those areas that are currently inspected, it is a logical time to consider the gaps in the inspection regime and whether any may need to be addressed.

14.2 What should remain?

Inspection of the following services should be considered as the most critical and would be core to the single inspectorate's work:

14.2.1 Police and Serious Organised Crime Agency

14.3 Monitoring and reporting on the performance of police forces and SOCA and contributing to improvements in service delivery across the full range of policing activities and SOCA's law enforcement activities, both within and outside of the criminal justice system. Particular emphasis could be given to delivery of public service agreement objectives and implementation of

police reform; tackling level 2 criminality and counter-terrorism; inspection of diversity and community cohesion; scrutiny of high-risk and mission-critical aspects of policing such as child protection, hate crime, domestic violence, sex offenders and intelligence/vetting; corporate governance; citizen focus and neighbourhood policing; and compliance with emerging Codes of Practice. Increasingly, inspection could also be directed at regional and sub-regional initiatives to tackle serious crime, civil contingencies and fraud.

14.3.1 CPS/Courts Administration/National Offender Management Service/ Youth Offending Teams/HM Revenue and Customs /Customs Prosecution Office

Independent inspection of the effectiveness of agency performance where it is most needed, so that inspection acts as a catalyst to help agencies improve performance, in particular from the perspective of the service user.

14.3.2 Treatment and conditions of those in custody

Independent inspection arrangements and public reporting of conditions and treatment in closed custodial institutions, including inspection of HM Prisons, Young Offender Institutions, Immigration Removal Centres, military corrective centre, custody arrangements in Courts and Police stations. Human rights issues associated with the treatment and conditions of those detained in closed custodial institutions make the preservation of a dedicated function in that respect crucial. Prisons inspection must retain the ability to take a holistic view of the culture of an institution and the qualitative outcomes for those detained; to do so independently of

prison management and on the basis where necessary of unannounced inspections; and to report its findings to the Home Secretary, Parliament and the public.

14.3.3 [Cross-CJS inspection](#)

Independent inspection of the efficiency and effectiveness of the criminal justice system from a service user's perspective including swift thematic studies and inspection of the efficiency and effectiveness of Local Criminal Justice Boards (LCJBs), working together to deliver the CJS public service agreements. This would provide Ministers and the public with an independent oversight of LCJBs in addition to Departmental oversight arrangements.

14.3.4 [Promoting diversity and equality](#), by establishing protocols with the Equal Opportunities Commission, the Disability Rights Commission and the new Commission for Equalities and Human Rights so that where inspectorates encounter serious problems, they can involve the Commission for Racial Equality, which will support the agency in question in developing a five-year action plan to address racial inequality.

Your views are sought on what services should be included in the core remit of a single inspectorate. Please give reasons in support of your answer.

14.4 [New areas for inspection](#)

In addition to those areas already inspected there are a number of areas where inspection could be added to or strengthened. For example:

- [Inspection of the Coroners Service](#) which is currently not inspected. Tom Luce's Review⁷ recommended there should be a Coroner Service inspectorate. The Government Position Paper⁸ on coroner reform has not accepted the case for a stand-alone inspectorate although it recognises the need for appropriate inspection arrangements to be put in place.
 - [Other prosecutors](#). There are a range of small bodies that bring their own prosecutions such as Local Authorities, RSPCA and consumer protection bodies that are not currently inspected by the 'criminal justice' inspectorates.
 - [Inspection of Police Authorities](#). This is discussed further below.
 - [Police Authority Inspection](#)
- 14.4.1 The recently published Police Reform White Paper, *Building Communities, Beating Crime*⁹ suggests a package of measures to strengthen accountability arrangements for policing – essentially to provide clearer, stronger methods for ensuring effective policing. Clarifying and strengthening the existing arrangements – so that people are clear about who is responsible for what in terms of keeping their communities safe – is vital for increasing trust and confidence in policing in this country. At the police force level, police authorities have a statutory responsibility for ensuring that all areas have an efficient and effective police force. To enhance police authorities' ability to do this, *Building Communities, Beating Crime* proposed a series of reforms to police authorities' membership intended to strengthen the calibre, representative nature and democratic legitimacy of police authority membership; and to their role in setting force policing priorities, holding chief officers to account, increasing community engagement and the responsiveness and customer service culture of forces.
- [UK Immigration Service – enforcement](#) which is currently not inspected, this is being reviewed as part of business delivery options.

7 Death Certification and Investigation in England, Wales and Northern Ireland, June 2003 Cm 5831

8 Reforming the Coroner and Death Certification Service: A Position Paper, March 2003 Cm 6159

9 White Paper - Building Communities, Beating Crime – A better police service for the 21st Century, Nov 2004

14.4.2 As part of this reform, it is proposed that police authorities, for the first time, be subject to inspection and that there should be some redress where this inspection or appraisal process determines that there is a serious problem with an authority. The White Paper proposed that the existing intervention powers, provided under the Local Government Act 1999, should be broadened to cover the whole range of the police authority's obligations.

14.4.3 There are some crucial choices to be made about who is best placed to lead police authority inspection. It needs to be an inspectorate which will best support improvement and minimise the burden of regulation, with the appropriate skill-set to review the work of police authorities, some of which is of direct relevance to local policing and some of which relates more broadly to the delivery of local services. In this respect, the inspection of police authorities could in future be led by either the Criminal Justice and Community Safety Inspectorate, or the Audit Commission/Local Services Inspectorate, or some form of collaboration between the two. Clearly, these are details to be worked through in consultation with police authorities themselves and the tripartite structure. A revised version of the Association of Police Authorities' own existing Assessment and Improvement Framework could provide the components against which individual authorities might be assessed, using a combined process of self-assessment and validation (covering, for example, community engagement; planning and performance management; resource management; and corporate governance). Inspection will also need to involve assessment of police authorities' ability to work effectively in local partnerships and their ability to deliver national policing priorities and local priorities within a local framework; as well as take account of the experiences of service users – local people and communities.

14.4.4 The issue of police authority inspection should be considered alongside choices that need to be made in relation to the future conduct of HMIC's current duty of inspection (under the Local Government Act 1999) to ensure that police authorities' Best Value Reviews have been carried out in accordance with the statutory requirements, and that they are likely to bring about the desired improvements. A key consideration in this decision will be to ensure the proposed arrangements are aligned and any burdens minimised.

14.4.5 As these proposals are developed, consideration will need to be given to ensure this activity is co-ordinated with other existing arrangements and the wider inspection reform agenda. Clearly, clarity will be needed over who leads inspections to minimise the risk of confusion and duplication.

Your views are sought on the most effective approach to delivering outcome focused police authority inspection.

14.5 [What could be excluded?](#)

The following inspection could be considered as the least critical and could be excluded from the routine remit of a single inspectorate, scaled down or undertaken elsewhere:

14.5.1 [Efficiency and effectiveness of some centrally run services](#)

It could be possible to cease or scale down inspection of some centrally run services where the need for independent scrutiny is no longer crucial in reassuring Ministers and the public of their effectiveness because scrutiny is performed internally because of strengthened internal management. This would leave inspection of some services limited to cross-CJS inspection. This has the advantage of reducing the burden of inspection and would ensure that there was no longer any duplication between single agency and cross-CJS inspection/area inspection. However this could leave Ministers and the public without independent scrutiny of some services.

14.5.2 [Scrutiny of performance management arrangements](#)

Performance management arrangements in criminal justice areas/Local Criminal Justice Boards (LCJB) are already carried out by departmental oversight bodies that are independent of service deliverers, for example the Office for Criminal Justice Reform scrutinises LCJB performance management arrangements. Additional inspection in this area could duplicate this function, placing extra burdens on front line staff. Therefore this could be excluded from the remit of a single inspectorate. In addition, the development of the National Offender Management Service towards a body that will commission services for offenders from a range of public, private and voluntary sector providers suggests revision of the current arrangements for inspection of the probation service.

14.5.3 [Inspection of CAFCASS](#)

The Children and Family Courts Advisory and Support Service (CAFCASS) was established in April 2001 as a non-departmental public body, accountable to Parliament through the Lord Chancellor. However in 2003, the creation of a Minister for Children, Young People and Families within the Department for Education and Skills transferred responsibility for certain functions involving children from the Lord Chancellor to the Secretary of State for Education and Skills. A decision was taken that Magistrates' Courts Service Inspectorate should continue to have responsibility for inspection of CAFCASS functions and this arrangement should continue in HMICA. However inspection of CAFCASS may be better aligned with inspection of other children's services. It has therefore been agreed in principle that inspection of CAFCASS should be more closely associated with inspection of other children's services as part of the creation of the justice and community safety inspectorate.

14.5.4 [Inspection of Crime and Disorder Reduction Partnerships \(CDRPs\)](#)

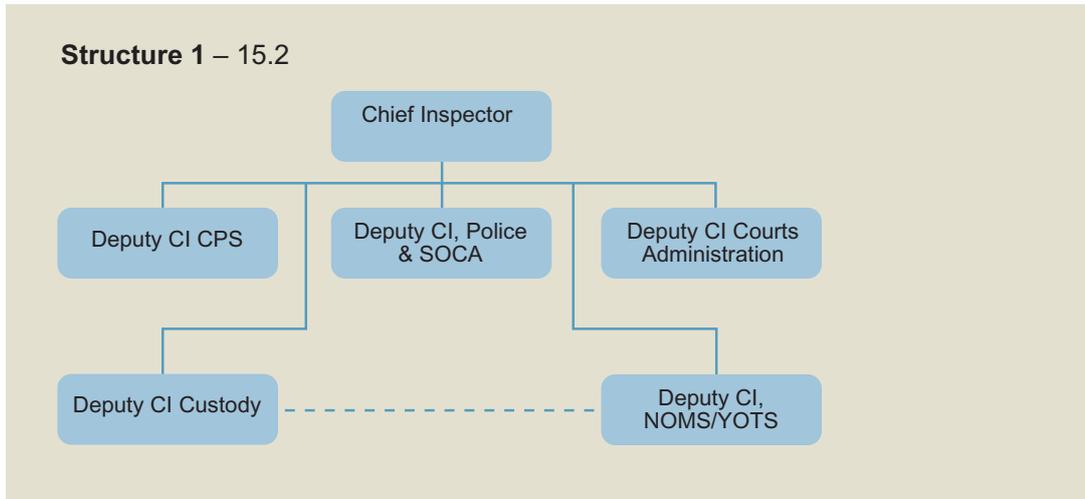
CDRPs are not currently subject to inspection, although the agencies which make up the Responsible Authorities within CDRPs are already inspected on a single agency basis e.g HMIC inspects the Police, the Audit Commission inspects local Authorities, and they are often inspected in relation to their effectiveness in partnership working. (Government Offices in the Regions have used information from a Self Assessment Framework tool to assess partnership effectiveness, but this is not mandatory and is completed by CDRPs without being subject to verification.) It is likely to remain the case the CDRPs will not be inspected separately, as this would increase inspection burden and could duplicate existing activity unnecessarily. CDRP inspection is considered further in chapter 5.

Your views are sought on what could be excluded from a single inspectorate. Please give reasons in support of your answers.

15. Internal structure of a single inspectorate

15.1 A new Chief Inspector will need to decide how to structure a new inspectorate to best deliver the aims and functions agreed by Ministers and those laid down in statute. The following diagrams illustrate different ways in which a single inspectorate might be structured:

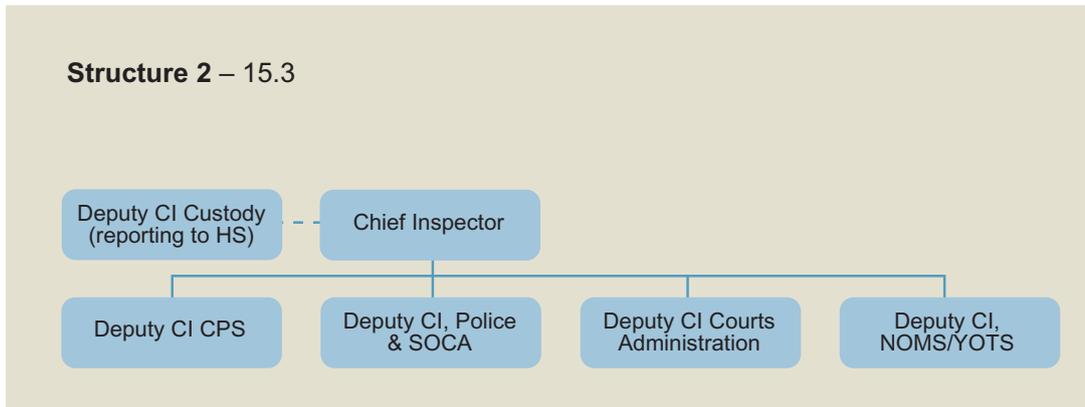
Structure 1 – 15.2



15.2 Structure one provides distinct deputies for each inspected area/organisation so that the single inspectorate clearly retains specialist areas of inspection for each area of service delivery. It also provides a separate deputy for the inspection of the treatment and conditions of those in custody. The deputies and their

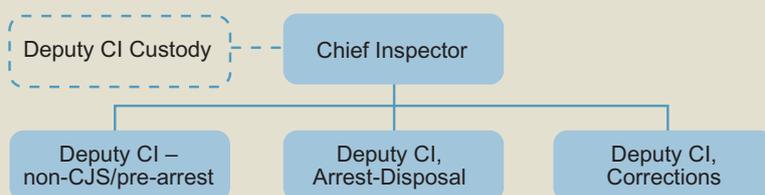
inspection staff would join together to undertake cross-CJS and area (LCJB) inspections. This has the advantage of clearly retaining specialisms for each inspected area; however it may not provide effective cross-CJS inspection, retaining existing barriers.

Structure 2 – 15.3



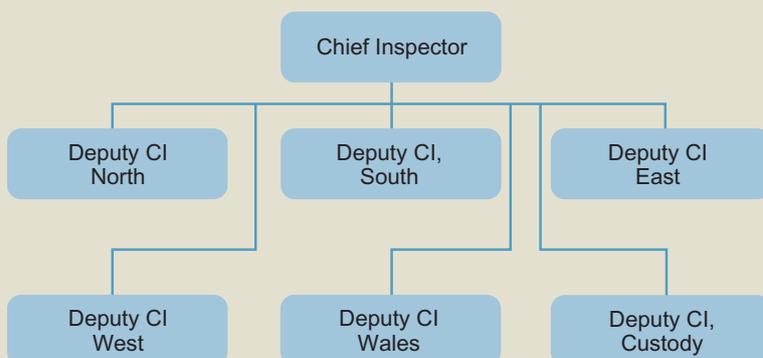
15.3 Structure two is similar to one, but provides for a separate statutory post holder reporting directly to the Home Secretary for the treatment and conditions of those in custody. This would help to allay fears that the inspection of the treatment and conditions of

those in custody might become subordinated to other priorities if its status and line of accountability was not preserved. However this may cause difficulties agreeing inspection priorities and bringing together an inspection system for NOMS.

Structure 3 – 15.4

15.4 Structure three provides for a streamlined option one, merging the Deputy Chief Inspector of Custody and NOMS/YOTs into a single post and focusing inspection on the criminal justice process. This would allow inspectorates to track the pathway of service users – such as victims/offenders – and

highlight issues across the process. This model allows for both cross-CJS inspection and single agency inspection. However this model does not retain a separate post holder for inspection of prisons, although the model could be adapted to accommodate this.

Structure 4 – 15.5

15.5 Structure four provides for the single inspectorate to be structured around geographical areas, rather than inspected areas/organisations. The geographical areas would be designed so that they fit with LCJB and other area boundaries. Each Deputy Chief Inspector would be responsible for inspecting the full range of functions in their area. This model may better facilitate cross-CJS and area (LCJB) inspection. It also provides for a separate Deputy Chief Inspector for the treatment and conditions of those in custody, to reflect the differences in prison structures (this could be a statutory post holder as with

structure two). However this structure may lack focus on single agency inspection because there are not distinct deputies for each inspected organisation and it might lead to development of inconsistencies across geographical areas.

Your views are sought on the structure of a single inspectorate. Which, if any, of the proposed structures do you prefer and why? Should a Deputy Chief Inspector for the treatment and conditions in custody remain a statutory office holder?

16. Proposals for the accountability arrangements for a single inspectorate

16.1 As a single inspectorate will inspect on behalf of more than one Government Department, it will have multiple lines of accountability. Clear lines of accountability are important to ensure independence and to agree inspection priorities across the different Departments and agencies. Whatever option is chosen, there needs to be clear accountability lines to Ministers, individually for single agency inspection and jointly for cross-CJS inspection. All options would be jointly funded by the three Departments. There are two options:

- The Chief Inspector could be an independent statutory post holder reporting jointly to the main Government Departments and their Secretaries of State and the Attorney General. The post would be established as a distinct legal entity by primary legislation, which provides for appointment, functions, reporting etc. The three Departments would have equal say in agreeing inspection priorities to focus inspection where it is most needed, possibly decided by a Ministerial committee. Problems may arise if the three Departments do not agree on inspection priorities. The Chief Inspector could report to individual Secretaries of State on inspections relating to individual departmental business and jointly for joint inspections, dispensing with the need to have Ministers unnecessarily involved in unrelated inspections. This arrangement could be established on similar terms to that of the trilateral Office for Criminal Justice Reform, which is hosted by one Government Department, comprising staff from across the three Departments and CJS agencies. It might be possible to utilise the NCJB to advise on inspection priorities for cross-CJS inspection. This model may incur set up costs to unify pay and conditions of existing inspectors and equip suitable accommodation.

- The single inspectorate could be set up as an executive non-departmental public body (ENDPB). Like statutory post holders, ENDPBs are established as distinct legal entities by primary legislation, but usually entail the creation of a separate corporate structure on a more formal basis (for example, by the creation of a board). To protect the separate interests and service leads of the three main sponsor Departments an ENDPB for the inspection of justice and community safety would be given statutory responsibility to reflect these Ministers' views in their programmes. This model may incur additional set up costs to standardise pay and conditions of staff.

16.2 Two other models have been considered and dismissed because they do not retain ministerial accountability lines:

- The single inspectorate could be set up as a non-ministerial department (similar to the OfSTED model) and thus not be accountable to the Home Office, DCA or Attorney Generals Office. The Chief Inspector would be a Crown appointment and directly accountable to parliament for the way they carried out their functions. The Chief Inspector could be called before the Public Accounts Committee. This model may achieve an increased degree of independence but may incur additional bureaucracy and cost in set up and transfer of staff.
- The single inspectorate (either as a statutory post holder or ENDPB) could report to the National Criminal Justice Board – the governing body for Local Criminal Justice Boards (LCJB), with Ministerial representatives from each Department. It has been suggested that this arrangement could assist in the direction of LCJB inspections and inspection in support of cross-CJS targets. However the Board is large and accountability lines to Ministers for single agency inspection could be blurred. In addition, the NCJB contains heads of inspected agencies which might lead to

questions about independence. The NCJB does not have a statutory remit nor executive authority, which would make reporting arrangements complex nor does it have a remit for non-CJS functions, e.g. civil and family courts.

Your views are sought on the accountability arrangements for a single inspectorate.

17. Title of a single inspectorate

17.1 Because some of the services to be inspected are expected to fall outside that of the criminal justice process, a working title of 'Justice and Community Safety Inspectorate' has been adopted rather than using the title 'Criminal Justice Inspectorate' or 'Justice Inspectorate'. However using the term 'community safety' may cause confusion with some expected functions of other inspectorates most notably the Local Services Inspectorate.

Your views are sought on the title of a new inspectorate. Do you support the title 'Her Majesty's Inspectorate for Justice and Community Safety'? If not, do you have an alternative suggestion?

18. Funding a single inspectorate

18.1 Currently the inspectorates are all funded via their relevant Departments and cross-cjs inspection is funded out of the allocation for single agency inspection. Detailed funding arrangements for a single inspectorate will be agreed following decisions on structures and accountability arrangements, but it is proposed that a 3 year rolling budget for all inspection activity will be agreed, in line with the spending review settlement and based on a bottom up assessment of the costs and benefits of the inspection activity required, following this consultation. The single inspectorate's budget will be set, taking into account the current level of spending on inspection and the need to make efficiency savings.

18.2 In addition, it is proposed that a ceiling on future inspection budgets could be set as a percentage of the total spending of the inspected activities, so that inspection costs remain in line with agency spending and to restrict growth of inspection. This would compel inspection to be focused where it is most needed. This ceiling would need to be set in the light of the bottom-up budget assessment described above, and reviewed periodically in the light of changing circumstances. Such a ceiling could be reviewed as part of the spending review, for instance.

Your views are sought on the funding of a single inspectorate. Do you agree that a bottom-up assessment of the budget should be undertaken and rolling 3 year budgets established? As an additional counterweight to the risk of growth in inspectorate costs, should a percentage be set against agency budgets and reviewed periodically (e.g. each SR period)?

19. Location of a single inspectorate

19.1 All the five inspectorates have their Headquarters in central London. MCSI has offices based in Leeds and Bristol. HMI Constabulary has offices in Bromsgrove, Woking, Cambridge and Wakefield. HM CPSI has an office in York and HMI Probation has an office in Manchester.

19.2 The Government has committed to locate offices outside of London and the South East. The Lyons Review¹⁰ argued the case for pursuing models for relocation built on clusters of related services. 'The government should consider how to apply a presumption of non-London Headquarters for regulators and inspectorates'. The creation of a single inspectorate provides the opportunity to relocate an inspectorate to one or more offices outside of London and the South East.

10 The Lyons Review - Independent Review of public sector relocation - 2004

Your views are sought on the location of a single inspectorate.

20. Staffing a single inspectorate

20.1 The current inspectorates employ a range of staff – inspectors, research and analytical staff and administrative support. The types of staff, role, remit and grades of posts vary across the inspectorates and are therefore not directly comparable. The inspectorates employ staff from a range of backgrounds, and most have either a relevant professional qualification and/or experience within a closely related professional area. The inspectorates operate an open appointment process, except for HMIC where traditionally the Chief Inspector and regional Inspectors have been recruited from a limited pool of applicants, namely chief constables. Currently joint inspection entails the involvement of inspectors from each separate agency under review. This is costly, and could be avoided if inspectors gained experience in inspecting other parts of the CJS and appropriate were authority provided.

20.2 It is important to ensure that the right balance of skills and expertise is available to inspectorates as they take on additional responsibilities (ie SOCA/HMRC¹¹). Mixed skill teams will be needed in a single inspectorate, blending different professional, business and process skills, with a mix of permanent core staff and staff with specialist skills and knowledge. In particular it will be important that the inspectorate retains senior operational policing experience and knowledge. It may be more efficient to buy in some skills for specific inspections. There is also an opportunity to develop staff to better understand cross-cutting issues. Joint training and inspectorate secondments would assist staff to take a more holistic approach.

20.3 Recruiting a single Chief Inspector will be a challenge for a single inspectorate with such diverse functions. The post holder (and his/her staff) will need to have professional skills,

inspection skills and negotiating skills. The post holder will have to be a leader in their field, with a wide knowledge of the criminal justice system and related issues. The Chief Inspector appointment would be made on a fixed term basis.

Your views are sought on the type of staffing required in a single inspectorate.

21. Triggering inspection

21.1 In the White Paper, *Building Communities, Beating Crime: A better police service for the 21st century*, the Government set out a proposal for communities to be able to trigger inspections of a particular agency when there were specific problems affecting their environment. This would be part of the overall customer responsiveness approach and would be used as a last resort when it had become clear that there were intractable problems with the agencies involved. Inspectorates do not routinely invite comments from the public on inspection topics prior to agreeing an inspection programme. However, there is some good practice emerging from the Criminal Justice Inspectorate in Northern Ireland.

Your views are sought on how communities would be able to trigger inspection and your views are sought on whether communities should routinely be consulted on areas of inspection.

22. Monitoring and measuring the benefits of a single inspectorate

22.1 It is important that a single inspectorate includes mechanisms at departmental level for compliance with the Government's policy on inspection of public services that requires Ministers and their Departments to:

- set standards determining how the service is to be delivered and to make sure effective performance management systems are in place;

11 Serious Organised Crime Agency/Her Majesty's Revenue and Customs

- consider whether inspection of a service is needed and should set up, commission or disband an inspectorate as appropriate; and
- have a duty to co-operate with other Departments in managing the overall inspection landscape, to minimise the potential burden of review on service providers and reduce bureaucracy.

22.2 It is equally important that mechanisms are in place to assure Ministers that inspection is achieving its stated purpose, delivering value for money and contributing to improvements in services.

Chapter 5

Other scrutiny arrangements

23. Other scrutiny arrangements

23.1 In addition to inspectorates, there are a plethora of bodies¹² that place the agencies of the Home Office, Department for Constitutional Affairs and the Attorney General's Office under scrutiny and regulation. These include:

- The National Audit Office
- The Audit Commission
- Prison Service Standards Audit Unit
- Internal Audit arrangements
- Prison and Probation Ombudsman
- The Independent Police Complaints Commission
- Performance management oversight arrangements within the Home Office, Attorney General's Office, Department for Constitutional Affairs, including trilateral performance management oversight arrangements for LCJBs
- Lay Visitors System – Police
- Independent Monitoring Boards – Prisons
- In addition there are other statutory bodies, such as the Youth Justice Board who are required to set and monitor performance targets and bodies that undertake one-off reviews such as the Commission for Racial Equality.

23.2 The majority of these bodies perform different functions to those of the inspectorates, but some perform a similar function, most notably the Audit Commission and performance oversight bodies. Departments are increasingly investing in performance management arrangements, many of which have contributed to improvements in service delivery, for example in bringing more offences to justice. These arrangements should complement independent inspection, but there is a need to clearly define roles and purpose to prevent duplication.

24. The relationships between inspectorates/performance/audit

Audit

24.1 The role of audit is to determine whether or not an organisation has the necessary checks and balances in place to run its business in a proper way. Whilst it is relatively easy to appreciate the differences between financial audit (assurance on the accounts) and inspection, one of the basic principles of audit in the public sector is that its scope should be understood to go beyond giving assurances on accounts. Audit should include examination of aspects of corporate governance and the use of resources (value for money). Audit judgements are increasingly being seen as part of the evidence base used in the assessment of bodies and inspectorates should access this data, not necessarily create it themselves.

¹² Detailed remits at annex A

Audit Commission

24.1.1 The main area of overlap between inspection in the CJS and audit can occur when the Audit Commission uses its wide ranging statutory power to conduct national studies. Their statutory powers enable them to look across sector boundaries as well as undertake sector specific studies. The studies can be similar to those undertaken by inspectorates and the National Audit Office, such as recent studies on Local Criminal Justice Boards. These studies can add duplication without clear value to those inspected. The Audit Commission has committed to work with CJS inspection arrangements to prevent duplication, overlap and unnecessary burden to inspected agencies and in future has committed to cease studies which focus solely on CJS agencies. It is important that national studies in the CJS do not add to burden of inspection on front line staff and feed into a coherent programme of inspections to tackle cross-boundary social and economic problems, improving the lives of local people.

24.1.2 In future, inspectors in the justice and community safety inspectorate should work with the Audit Commission/Local Services Inspectorate where cross-boundary national studies or thematic inspections are undertaken that involve CJS issues, to where practical, undertake fieldwork and contribute to reports, thus ensuring their specialist skills are utilised and not duplicated elsewhere.

National Audit Office

24.1.3 The single inspectorate will need to take into account the National Audit Office remit to undertake value for money studies, to prevent duplication and overlap and unnecessary burden to inspected agencies.

Performance management oversight bodies

24.2 In recent years there has been substantial growth in departmental oversight arrangements for local agency performance management, for example in the establishment of bodies such as the Police Standards Unit and the trilateral Office for Criminal Justice

Reform. Performance oversight units are, on the whole focused on ensuring the delivery of key objectives, particularly those contained in the departmental public service agreements. They make arrangements to collect and analyse key performance data regularly so that performance can be assessed. Arrangements are often in place to intervene, initially to support local managers develop and deliver an improvement plan, with reserve powers to take more serious steps, through the use of intervention powers to require that certain remedial action is taken. They are distinct from inspectorates because they can perform a consultancy role, agreeing what is to be done, monitoring progress, discussing problems and helping agencies resolve them. They often assess manager's capacity helping them to strengthen. These units therefore perform a distinct role from inspection but can duplicate scrutiny if there are not close working relationships.

25. Relationship with other inspectorates

Criminal justice inspection in Northern Ireland

25.1 The first Chief Inspector of Criminal Justice in Northern Ireland (CJINI) was appointed in August 2003, and the Inspectorate began work in mid 2004 in advance of its official start date of 1 October 2004. It consists of a Chief Inspector, Deputy Chief Inspector, Head of Research and Communication, four Inspectors and two Assistant Inspectors, plus a small support staff. It has a wide remit encompassing all the criminal justice agencies in Northern Ireland except, for the time being, courts administration. Its function is slightly different from that envisaged for the single inspectorate in England and Wales in that CJINI forms part of the Good Friday Agreement settlement. CJINI has already undertaken four individual inspections and two cross-cutting thematic studies of the management of sex offenders and services to victims and witnesses.

25.2 CJINI calls on each of the separate professional inspectorates in England and Wales to assist it in relation to the various agencies, and it would need to continue to do this following the creation of a justice and community safety inspectorate. HMIC is currently in a special position in that it has a separate statutory remit to inspect the Police Service of Northern Ireland alongside CJINI's remit to inspect the PSNI, so whereas other inspectorates act as CJINI's agents when they work in Northern Ireland there is more of a partnership with HMIC. Sometimes HMIC takes the lead and sometimes CJINI. Amalgamation could bring HMIC into the same relationship to CJINI as the other inspectorates, which may represent a simplification.

26. Inspection with other inspectorates

26.1 The five existing inspectorates work frequently with other public sector inspectorates to undertake joint inspections. For example HM Prisons works extensively with the OfSTED, the Royal Pharmaceutical Society and the British Dental Board in the routine inspection of prisons. Joint inspections are expected to continue with the creation of a single inspectorate for justice and community safety and fit into the wider public sector inspection arrangements to deliver four inspectorates for the public sector – Children's Services, Education and Skills, Health and Adult Social Care, Local Services and Justice and Community Safety. Examples of joint inspections for involvement of the Justice and Community Safety Inspectorate are:

Youth Offending Team inspections (YOT)

26.2 Youth Offending Team inspections are led by HMI Probation, with participation from eight other criminal justice and other inspectorates. It is expected the Justice and Community Safety Inspectorate will continue to lead these arrangements.

Comprehensive Performance Assessment

26.3 The Audit Commission use comprehensive performance assessment (CPA) to measure how well councils are delivering services for local people and communities. CPA inspections involve making judgements using information from a range of sources and are informed by contextual evidence drawn from HMIC and HMI Probation reports. In 2005 a component of CPA will be the assessment of councils' achievements against the shared priority of 'safer and stronger communities'.

Joint Area Reviews

26.4 The Children Act 2004, made provision for the inspection of children's services. As a result a framework for the inspection of children's services will apply when any inspection of children's services in an area is undertaken and there will be a new inspection process known as Joint Area Reviews (JARs). JAR inspections will review children's services provided in the area of each Children Service's Authority in England. The inspectorates covered by these arrangements include: HMI Constabulary; HMI Probation and HMI Prisons as well as Ofsted, the Commission for Social Care Inspection and the Audit Commission. The Justice and Community Safety Inspectorate will clearly have a role to play in the inspection of children's services, and will work with other inspectorates in line with the agreed framework for these inspections.

Community safety inspection

26.5 Too often, victims and the communities from which they have come have felt ignored in the fight against crime and excluded from the justice process. Agencies must respond rapidly and effectively to the crime and disorder that affects the community. Notable innovations include the use of anti-social behaviour orders, multi agency public protection arrangements, restorative justice programmes and young offender panels. The Justice and Community Safety Inspectorate must be able to lead on inspections to ensure that these initiatives are improving services.

26.6 It is important that the community safety services of the agencies of the three Departments continue to be inspected by the Justice and Community Safety Inspectorate in partnership with other inspectorates, despite the fact that some of these are delivered locally. The crucial interrelation between community safety and the criminal justice system would make a division of inspection responsibilities in this area problematic, and would be likely to reduce the effectiveness of inspection across both areas.

Crime and Disorder Reduction Partnerships (CDRPs)

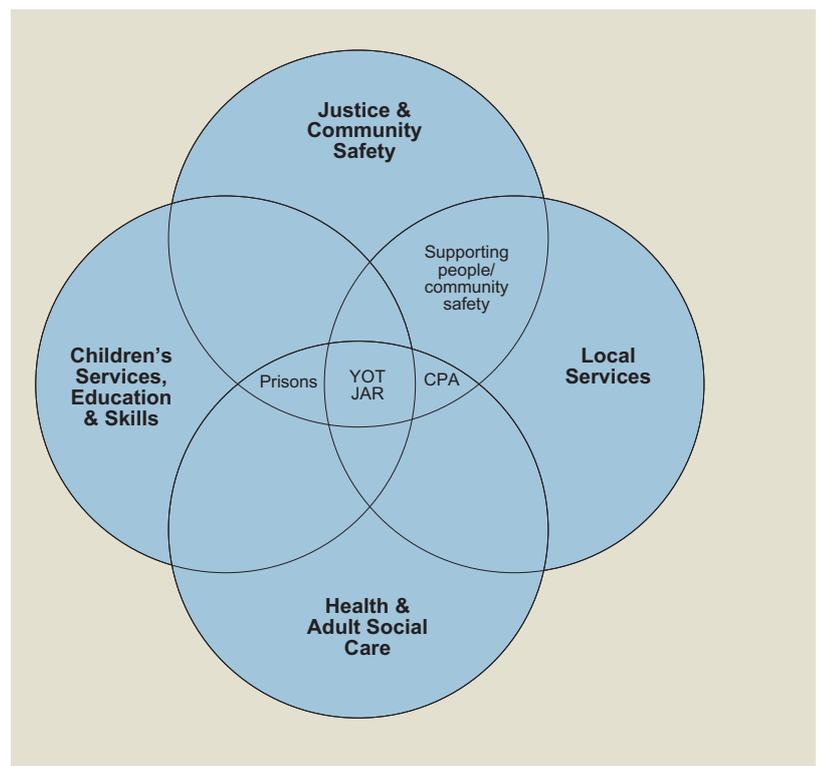
26.7 The Crime and Disorder Act 1998 as amended by the Police Reform Act 2002 sets out statutory requirements for responsible authorities to work with other local agencies and organisations to develop and implement strategies to tackle crime and disorder and misuse of drugs in their area. These statutory partnerships are known as Crime and Disorder Reduction Partnerships (CDRPs) or Community Safety Partnerships in Wales. The responsible authorities are:

- the police,
- local authorities,
- fire and rescue authorities,
- police authorities,
- health authorities in Wales, and
- primary care trusts in England (became responsible authorities on 30 April 2004)

26.8 Working together these responsible authorities are required to carry out an audit to identify crime and disorder and misuse of drugs problems in their area and develop strategies that deal effectively with them. Partner organisations are required to work in co-operation with local education and probation authorities and invite co-operation of a range of local private, voluntary, other public and community groups including the community itself.

26.9 CDRPs do not currently have a statutory inspectorate and are not inspected as a separate body, although the agencies which make up CDRPs are of course inspected on a single agency basis, and often in relation to their effectiveness in partnership working. The question of whether CDRP agencies, operating as a partnership, should collectively and regularly be inspected (as CDRPs) in order to drive through improvements in their performance has been considered. Such additional inspection would increase burdens on frontline staff, and will duplicate inspection activity undertaken in the individual CDRP agencies where this already evaluates their contributions to CDRPs. Therefore it is likely to remain the case that CDRPs will not be subject to separate inspection.

26.10 The following diagram illustrates examples of joint inspections involving justice and community safety issues:



Chapter 6

Approaches to inspection

27. It will be for a new Chief Inspector and single inspectorate to design inspection methodologies, with due consideration to both the Government principles of inspection and the wishes of Ministers. Inspection methodologies do not have to be identical, as the subject matter being inspected differs but there should be consistency of approach to matters such as risk assessment, quality assurance, what counts as evidence, involvement of lay inspectors, evaluation of value for money as well as common inspection methodologies for non-agency generic issues such as corporate capacity and promotion of diversity. These steps would facilitate the aggregation of findings on issues that cut across agency boundaries.

28. Announced or unannounced inspection

28.1 All inspectorates currently undertake announced inspections. This type of inspection is felt to help drive up performance as the agency prepares to be inspected.

28.2 In addition to announced inspections, unannounced inspections enable inspectors to see the agency or prison without the agency undertaking any preparation or planning prior to an inspection. This can provide more accurate assessments of service, in particular from a user's perspective. Unannounced inspections are an important tool for the inspection of the treatment and conditions of those in custody and these will be retained in a new inspection regime.

28.3 A single inspectorate could continue to employ unannounced inspections for the treatment and conditions of those in custody only, or could expand these more routinely into inspection. Unannounced inspections have the advantage of being unique to inspectorates and a distinct function to that of performance management oversight bodies. They also ensure front line staff are not distracted from service delivery as they prepare for an inspection.

Your views are sought on whether to expand the use of unannounced inspections to all inspection functions within a single inspectorate for justice and community safety.

29. Format of reports

29.1 Inspectorates have been reviewing the style of their reports to make them more user-friendly and concise. More could be done to develop quick, concise user friendly reports, written so that the public can use them to assess their local (and national) services. Reports should:

- Be short and make clear judgements.
- Begin with a short summary, which is capable of being read and understood as a stand alone report.
- Summarise findings, adapting to the needs of different users.
- Be clear on delivering value for money.

Your views are sought on the format of reports for a single inspectorate for justice and community safety. Do you think the list in paragraph 29.1 is right?

30. Risk based inspection – inspection breaks and light touch inspection

30.1 There is increasing support for the frequency and scope of inspection to be based on an assessment of risk and on performance levels, thus giving a light touch inspection regime to high performers. This can reduce the burden and cost of inspection. However if inspection is focused solely on poor performing areas, the ability to highlight and share good practice from good performing areas is reduced.

30.2 Inspection breaks can only be awarded when performance data is of the highest quality. Performance data across the CJS is improving, but more improvement may be needed before it can be wholly relied on for awarding inspection breaks.

30.3 It is argued that inspecting the treatment and conditions of detainees in closed custodial institutions requires cyclical inspection of all institutions within a pre defined period to ensure human rights are protected.

Your views are sought on inspection breaks for a single inspectorate for justice and community safety.

31. Assessment ratings

31.1 Currently the five inspectorates do not use a standardised language for making assessments. The use of 'poor', 'fair' 'good' and 'excellent' is increasingly being used in other inspection regimes and could be adopted into a single inspectorate. As a consequence there would be a convergence of criteria for inspection and methodologies.

Your views are sought on whether a single inspectorate should develop standardised assessments for the agencies they inspect.

32. Making recommendations

32.1 Recommendations can help inspected agencies focus on improvements and are an important outcome of an inspection. Currently recommendations are often not allocated priorities or a degree of urgency. They do not come with an assessment of how much resources it would take to implement or indeed how practical implementation would be. In future inspectors' recommendations could:

- be prioritised;
- be specific about what action the inspected organisation should consider taking;
- be useful, practical and based on an assessment of the benefits to the inspected agency of implementing them and
- take account of the costs of implementation.

Your views are sought on whether the principles in paragraph 32.1 on making recommendations should be adopted by a single inspectorate for justice and community safety. Should any further principles be adopted?

Annex A

Scrutiny bodies

This annex provides an overview of the main statutory and other responsibilities of the full range of bodies.

Police	
Her Majesty's Inspectorate of Constabulary (Statutory Remit)	<p><u>Section 54 Police Act 1996</u></p> <p>(2) The Inspectors of Constabulary shall inspect and report to the Secretary of State on the efficiency and effectiveness of every police force maintained for an area [and the National Criminal Intelligence Service and the National Crime Squad]</p> <p>(2A) The Inspectors of Constabulary may inspect and report to the Secretary of State, on police authorities compliance under the requirement of the Local Government Act 1999 (best value)</p> <p>(3) The Inspectors of Constabulary shall carry out such other duties for the purpose of furthering police efficiency and effectiveness as the Secretary of State may from time to time direct.</p>
	<p><u>Section 77 Police Act 1996</u></p> <p>Responsibility to review the investigation and handling of complaints against the police by assessing whether correct procedures have been followed.</p>
	<p><u>Section 1 (24) (2) Local Government Act 1999</u></p> <p>All police authorities to make arrangements to secure continuous improvement in the way in which the function of policing is exercised within their force area, having regard to a combination of economy, efficiency and effectiveness. (Best value)</p>
	<p>HMIC reports to the Home Secretary with a stated remit to promote the efficiency and effectiveness of policing in England, Northern Ireland and Wales through inspection of police organisations and functions to ensure agreed standards are achieved and maintained, good practice is spread, and performance is improved. It also provides advice and support to the Home Secretary, police authorities and forces and plays a role in the development of future leaders. HMIC also inspects the National Criminal Intelligence Service and the National Crime Squad (soon to be replaced by the Serious Organised Crime Agency). It will shortly inspect Her Majesty's Revenue and Customs' enforcement activities (HMRC), reporting to the Chancellor of the Exchequer. It also inspects by invitation the three island forces (Jersey, Guernsey and the Isle of Man); other organisations responsible for policing such as the United Kingdom Atomic Energy Authority Constabulary, British Transport Police, and the Ministry of Defence Police, including those at the Sovereign base in Cyprus; and police forces overseas. HMIC performs a range of non-inspection functions over and above its core inspection activities.</p>

Police	
Independent Police Complaints Commission	The IPCC is independent of government and the police, and has overall responsibility for the system of complaints against the police. It aims to raise standards, cut delays, increase public confidence and transform the way police forces handle complaints against the police; and it introduces new rights, including the rights to be kept informed of the progress of the investigation and to appeal where there is evidence that a case may have been inappropriately handled.
Police Standards Unit	The Home Secretary set up the PSU in July 2001. The focus of the Unit's activities is to develop and implement effective performance measures (in particular, the Police Performance Assessment Framework) in order to identify areas of under-performance and best practice. This then facilitates the provision of support by the PSU to under-performing forces and the identification and dissemination of best practice in the service.
Lay Visitors	Lay visitors are local people who make unannounced visits to police stations at any time of the day and night. They play a valuable role in police/community relations, because they can give an unbiased view on the conditions in which people are held in police stations. They send reports on what they find to the police authority responsible for the police station they visit.
National Police Improvement Agency	The detailed design of the NPIA is currently being developed. It will not be a scrutiny body; but it will have the aim of embedding a culture of self-improvement across the service, harnessing professional leadership in that work and providing a more focused and consistent momentum for modernisation. Early proposals for the core functions of the NPIA include scanning the horizon for issues of national strategic importance and considering the effectiveness of critical policing processes; delivery of mission critical programmes; identifying and disseminating good practice; and providing operational and more general support (on issues such as workforce modernisation and leadership) to forces. Inspection and monitoring will not be conducted by the NPIA; nor will the performance management functions conducted by the Police Standards Unit.
Her Majesty's Courts Service	
Her Majesty's Crown Prosecution Inspectorate (Statutory Remit)	<u>Section 2 Crown Prosecution Service Inspectorate Act 2000</u> The Chief Inspector shall: a) Inspect or arrange for the inspection of the operation of the CPS b) Report to the Attorney General on any matter connected with the operation of the Service, which the Attorney General refers to him c) Submit an annual report to the Attorney General on the operation of the Service. HMCPISI reports to the Attorney General and has a stated purpose to promote continuous improvement in the efficiency, effectiveness and fairness of the prosecution services within a joined-up criminal justice system, through the process of inspection, evaluation and identification of good practice. It also inspects the Customs and Excise Prosecution Office (CEPO), on a non statutory basis; this remit will shortly be made statutory and extended to the Revenue and Customs Prosecutions Office (RCPO) which will incorporate CEPO and which will report to the Attorney General.
Business Development Directorate	BDD contains a performance section that looks at area performance. This Directorate is new and is bedding in its performance management arrangements.

Her Majesty's Courts Service	
Her Majesty's Inspectorate of Court Administration (Statutory Remit)	<p><u>Section 58 of Courts Act 2003</u></p> <p>(1) The Lord Chancellor may appoint such number of inspectors of court administration as he considers appropriate.</p> <p>(2) They are to be known collectively as "Her Majesty's Inspectorate of Court Administration".</p> <p>(3) The Lord Chancellor must appoint one of the persons so appointed to be Her Majesty's Chief Inspector of Court Administration.</p> <p>(4) In this Part that person is referred to as "the Chief Inspector".</p> <p>(5) The Lord Chancellor may make to or in respect of inspectors of court administration such payments by way of remuneration, allowances or otherwise as he may determine.</p> <hr/> <p><u>Section 59 of Courts Act 2003</u></p> <p>1) It is the duty of inspectors of court administration to-</p> <p>(a) inspect and report to the Lord Chancellor on the system that supports the carrying on of the business of the courts listed in subsection (2) and the services provided for those courts;</p> <p>(b) inspect and report to the Lord Chancellor on the performance of CAFCASS functions;</p> <p>(c) discharge any other particular functions which may be specified in connection with-</p> <p>(i) the courts listed in subsection (2), or</p> <p>(ii) CAFCASS functions or related functions of any other person</p> <hr/> <p><u>Section 60 of Courts Act 2003</u></p> <p>(1) The Chief Inspector must make an annual report to the Lord Chancellor as to the discharge of the functions of Her Majesty's Inspectorate of Court Administration.</p>
Her Majesty's Magistrates' Court Service Inspectorate <i>(until April 2005)</i>	<p>HM MCSI's remit is to promote continuous improvement in the magistrates' courts service and the Children and Family Court Advisory and Support Service (CAFCASS) and to support joint inspection of the criminal justice system in England and Wales. MCSI also inspects, by invitation, the Northern Ireland Court Service.</p>
Her Majesty's Inspectorate of Court Administration <i>(from April 2005)</i>	<p>From April 2005, HM Inspectorate of Court Administration will have responsibility for inspecting and reporting to the Lord Chancellor on the system supporting the carrying out of business in magistrates' courts, the Crown Court and county courts. It will also have a duty to inspect and report to the Secretary of State for Education and Skills on the performance of Children and Family Court Advisory Support Service (CAFCASS) functions. It may also report to the First Minister of the National Assembly for Wales on performance of similar functions in Wales by invitation. It may also inspect courts in Northern Ireland by invitation.</p>
Performance Management for Her Majesty's Courts Service	<p>Within HM Courts Service, there will be a Performance Directorate, currently being designed and scoped, with responsibility for performance across all courts. In the Department for Constitutional Affairs, the Public Service Agreement target owners and support teams will continue to monitor performance against PSA targets</p>

Prisons	
Her Majesty's Inspectorate of Prisons (Statutory Remit)	<p><u>Section 5A of the Prison Act 1952 as amended by s57 of the Criminal Justice Act 1982</u> 5A (2) It shall be the duty of the Chief Inspector to inspect or arrange for the inspection of prisons in England and Wales and to reports to the Secretary of State on them.</p> <p>(3) The Chief Inspector shall in particular report to the Secretary of State on the treatment of prisoners and conditions of prisons.</p> <p>(4) The Secretary of State may refer specific matters connected with prisons in England and Wales and prisoners in them to the Chief Inspector and direct him to report on them.</p> <p><u>Section 147 of the Asylum Act 1999 extends S5(2) to the inspection of immigration detention centres (now called removal centres) including those in Scotland.</u> HMI Prisons has a remit to inspect and report to the Home Secretary on Prison establishments in England and Wales, in particular, on the conditions of those establishments, the treatment of prisoners and other inmates and the facilities available to them. The Inspectorate also undertakes inspection of immigration removal centres and, by invitation, Prison Service establishments in Northern Ireland, and prisons in the Channel Islands, the Isle of Man, and immigration short term holding facilities and the Military Corrective Training Centre, Colchester.</p>
Independent Monitoring Board	Independent Monitoring Boards (IMBs), supported by the Independent Monitoring Board Secretariat, act as independent, lay watchdogs in prisons and immigration removal centres. IMB members are all unpaid volunteers.
Probation	
Her Majesty's Inspectorate of Probation (Statutory Remit)	<p><u>S7 of the Criminal Justice and Court Services Act 2000.</u> 7(1) The Chief Inspector must secure that the provision made in pursuance of arrangements of each local probation board under S5 is inspected by a member of the inspectorate.</p> <p>7(2) The Secretary of State may direct the members of the inspectorate to assess the provision made by reference to criteria specified in directions.</p> <p>7(6) The Secretary of State may give directions in connection with the purposes mentioned in section 1 or any related purposes, conferring further functions on the chief inspector and the other members of the inspectorate.</p> <p>HMI Probation reports to the Home Secretary on the work and performance of National Probation Service and of Youth Offending Teams (YOTs), particularly on the effectiveness of work with individual offenders, children and young people aimed at reducing re-offending and protecting the public. It contributes to sound policy and effective service delivery (including promoting race equality) by providing advice and disseminating good practice, based on inspection findings, to Ministers, Home Office staff, the Youth Justice Board, probation boards/areas and YOTs.</p>

Prisons and Probation	
Ombudsman	The Ombudsman provides prisoners and those under probation supervision or upon whom reports have been written with a means to resolve their complaints. It also conducts independent investigations into deaths of prisoners and those in probation hostels and immigration detention accommodation.
Cross-Criminal Justice System and wider public services	
Criminal Justice System Performance Management	There is a range of performance management and support arrangements to drive up performance, including Performance Action Teams that support teams for each of the CJS PSAs, a joint performance management tool and statistical analysis.
Performance Action Team	The purpose of the Performance Action Team (PAT) is to enable the centre to offer areas more focused, practical support and assistance to overcome obstacles to delivery of CJS PSA targets. PAT offers a flexible resource – a team with a core of performance advisers and a smaller number of consultants, with members of central delivery teams. Analysts and Youth Justice Board staff join the team as and when necessary.
Auditing bodies	One of the basic principles of audit in the public sector is that the scope of the audit should go beyond giving assurances on accounts. Performance audit should include examination of aspects of corporate governance and the use of resources (value for money). Internal audit arrangements also exist within each Agency, and within Departments.

Cross-Criminal Justice System and wider public services

Audit Commission

The Audit Commission is the non departmental public body responsible for appointing and regulating the external audit of local authorities, police authorities, probation boards and health authorities in England. The Commission undertakes financial audit work to certify that each authority's:

- statement of accounts is a true and accurate record; and
- management arrangements ensure regularity and probity of financial and non-financial transactions.

The Commission's performance audit work covers analysis of the effectiveness of key functions for individual authorities. Key functions include oversight; scrutiny; procurement; and commissioning activity; plus partnership work with other local bodies, for example through drug action and youth offending teams.

The Commission assesses local government and fire service performance through the Comprehensive Performance Assessment (CPA) and places a high priority on driving improvement in public services. CPA has significant impact on local government by:

- reporting publicly, in straightforward language, how well each local authority is performing;
- helping councils to focus on their own improvement and targeting support for improvement where it is needed;
- providing an independent challenge to local authorities that has contributed to an improvement in public services;
- improving the co-ordination of audit and inspection; and
- reducing the burden of inspection and other forms of regulation.

CPA tests whether authorities are delivering value for money services. It drives authorities to deliver overall improvement as it brings together a rounded assessment encompassing performance improvement, governance arrangements and effective use of resources. The proposed CPA framework from 2005 will assess local authorities' achievements in delivering safer and stronger communities, the shared priority agreed by local and national government.

In addition to its audit functions, the Commission is statutorily required to undertake or promote national value for money studies designed to improve economy, efficiency and effectiveness of public services.

National Audit Office

The NAO reports to Parliament (at its own discretion) on the economy and efficiency and effectiveness with which Government Departments and agencies, and many other public bodies, have used public funds. The financial audit of the three main Departments of the criminal justice system and their agencies is also within its remit. And the NAO examines the quality of the data systems used by the three main Departments to measure and report progress against their priority PSAs.

Annex B

Cross-CJS and joint inspections 1998 – 2005

How Long Youth Cases Take – 1998 – HMMCSI/HMCPSI/HMIC – The speed with which the CJS deals with young offenders (especially persistent young offenders) while ensuring that all the decisions necessary to the proper disposal of each case remain of the highest possible quality.

Lifers – 1999 – HMIPrisons/HMIProbation – The report emphasises the problems experienced at the next stage of the lifers system and identifies steps that must be taken to improve the overall performance of both the prison and probation service's work with lifers.

Casework Information Needs – 1999 – HMIC/HMCPSI/HMMCSI/HMIProbation/HMIPrisons/SSI – Investigation into the prompt and accurate information exchange needs of the criminal justice process.

Implementation of the MC(P)Act 1998 – 2000 – HMMCSI/HMIC/HMCPSI – The Masefield Scrutiny introduced a change to allow defendants to plead guilty through the post, or in person, to a summons served with a witness statement, as an alternative to a statement of facts, with a view to endeavouring to reduce administrative burdens placed upon the police.

Progress made in Reducing Delay in the Youth Justice System – 2001 – HMMCSI/HMCPSI/HMIC – Undertaken following a request by the YJB to assess the progress made in reducing delay in the youth justice system, and in particular, the progress made towards achieving the Govt's pledge for PYOs

Joint follow up of the Progress made in Reducing Delay in the Youth Justice System – 2002 – HMMCSI/HMCPSI/HMIC – To consider whether unnecessary delays occurred at any stage of the process and how those delays could be reduced or removed.

Creating the Virtuous Cycle – October 2002 – a thematic review of the listing and management of criminal cases.

Through the Prison Gate – October 2002 – HMIProb/HMIPris – the coverage of prisoner resettlement arrangements and the shortcomings in NPS/Prison Service joint working for resettlement purposes (issues also taken up by the NAO report of Jan 2002 and the SEU report of June 2002)

Xhibit – September 2002 – HMIC/HMIProb/HMIPris/HMCPSI/HMMCSI – emerging findings into the Xhibit Project implementation in Chelmsford and lessons to be learnt for further pilot areas.

A Report on the Joint Re-inspection of the Handling of Discharged Committals in the West Midlands – 2002 – HMCPSI/HMIC/HMMCSI – A joint scrutiny of the steps taken by the CJ agencies in the West Midlands to reduce the high number of committal cases discharged because they were not ready.

Investigation and Prosecution of Cases involving Allegations of Rape – 2002 – HMIC/HMCPSP – To analyse and assess the quality of investigation, decision making and prosecution by the police and CPS of allegations of rape. In doing so, its aim was to ascertain, if possible, the reasons for the high attrition rate, and to identify good practice and make recommendations to address this.

Safeguarding Children – Oct 02 – (All CJ Inspectorates plus SSI, CHI and Ofsted). An inspection of all of the services involved in safeguarding children, bringing together evidence from a number of recent inspections along with specific findings from a programme of joint inspections addressing inter-agency arrangements for safeguarding children.

Protecting Children From Potentially Dangerous People – 2002 – HMIProbation/HMIC – An Inter-Agency Inspection on Children’s Safeguards.

Street Crime Initiative – (All inspectorates) – 2003. A joint inspection of the street crime initiative.

Violence at Home – Feb 2004 – HMIC/CPSI – An Inspection of the investigation and prosecution of cases involving domestic violence.

Gloucestershire CJS Area – Feb 2004 – All 5 CJ Inspectorates and Victim Support. A joint inspection of the Gloucestershire Criminal Justice Area.¹⁴

Joint inspection report into Persistent and Prolific Offenders – May 04 – All 5. A joint review of the practical workings of local Persistent Offender schemes, together with local initiatives directed at a slightly different set of offenders known as Prolific Offenders.

Payback Time – Joint Review of Asset Recovery since the Proceeds of Crime Act 2002 – Nov 04 – HMIC/CPSI/MCSI. A joint review of Asset Recovery since the introduction of POCA.

Surrey CJS Area – March 05 – A joint inspection of the Surrey Criminal Justice Area

14 Joint Inspection of North Yorkshire CJS area for publication shortly.

Annex C

The Government principles of inspection¹⁵

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:

- Inspection looks to see there are arrangements in place to deliver the service efficiently and effectively.
- Inspection itself should be able to demonstrate it delivers benefits commensurate with its cost, including the cost to those inspected.
- Inspectorates should ensure that they have the capacity to work together on cross-cutting issues, in the interests of greater cost effectiveness and reducing the burden on those inspected.

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.

¹⁵ The Government's Policy on Inspection of Public Services', OPSR (2003)

Annex D Consultees

- National Criminal Justice Board (NCJB)
- Criminal Justice Council
- Operational Board
- Home Office
- Attorney General's Office inc Advisory Board for HMPCSI
- Department for Constitutional Affairs
- The Judiciary
- Local Criminal Justice Boards
- Crown Prosecution Service
- Her Majesty's Courts Services
- Her Majesty's Inspectorate of Constabulary
- Her Majesty' Inspectorate of Prisons
- Her Majesty's Inspectorate of Probation
- Her Majesty's Inspectorate of Court Administration
- Her Majesty's Inspectorate of the Crown Prosecution Service
- Northern Ireland CJ Inspectorate
- Children and Family Courts Advisory and Support Service /Head of Children and Families, NA Wales
- Serious Organised Crime Agency (SOCA)
- HM Revenue and Customs (HMRC)
- Office of Criminal Justice Reform (OCJR)
- Internal Audit Bodies
- Inspectorates – Ofsted/HC/BFI
- Cabinet Office/Treasury/ODPM/DFES/ No. 10
- Audit Commission/ National Audit Office (NAO)
- Local Government Association
- Association of Chief Police Officers (ACPO)
- Association of Police Authorities (APA)
- Trade Unions
- Serious Fraud Office
- Customs and Excise Prosecutions Office
- Whitehall Prosecutors Group
- Council of Circuit Judges
- All Party Parliamentary Group on Penal Affairs
- Home Affairs Committee
- The Legal Services Commission
- The Bar Council
- The Law Society
- Police Authority Chairs
- Chief Constables

Annex E

Consultation questions

The questions in this paper are as follows (key questions in bold):

The purpose of inspection for justice and community safety

Your views are sought on:

- **The future purpose of inspection for justice and community safety. Do you agree with the proposed definition outlined in paragraph 7.3?**
- Inspectorate independence. Do you agree with the principles outlined in paragraph 7.4?
- Whether the inspection of national initiatives, from conception through to delivery, should increase.
- Whether inspectors should perform a consultancy role for the services they inspect.
- Whether inspectors should routinely validate performance data for the services they inspect.
- **The exclusion of non-inspection activities from the remit of inspection.**
- Whether 1) policing thematics and 2) the development of future leaders could in future be undertaken by the National Policing Improvement Agency.
- How operational policing advice could best be delivered at the national level.

- Who would manage the senior appointments process if this was no longer a core remit of HMIC.
- Who should advise on nominations for honours in the police service.

Structural reform

- **The Government is minded to move to a single inspectorate. Do you support the creation of a single inspectorate? Please give reasons in support of your answer.**

Delivering a single inspectorate

Your views are sought on:

- **What services should be included in the core remit of a single inspectorate? Please give reasons in support of your answers.**
- The most effective approach to delivering outcome focused police authority inspection.
- **What services could be excluded from a single inspectorate? Please give reasons in support of your answers.**
- **The structure of a single inspectorate. Which, if any, of the proposed structures do you prefer and why? Should a Deputy Chief Inspector for the treatment and conditions in custody remain a statutory office holder?**

- **The accountability arrangements for a single inspectorate.**
- The title of a new inspectorate.
- The funding of a single inspectorate. Do you agree that a bottom-up assessment of the budget should be undertaken and rolling 3 year budgets established? As an additional counterweight to the risk of growth in inspectorate costs, should a percentage be set against agency budgets and reviewed periodically?
- The location of a single inspectorate.
- The type of staffing required in a single inspectorate.
- How communities would be able to trigger inspection and whether communities should routinely be consulted on themes and areas of inspection.

Approaches to inspection

Your views are sought on:

- Whether to expand the use of unannounced inspections to all inspection areas within a single inspectorate for justice and community safety.
- The format of reports for a single inspectorate for justice and community safety. Do you think the list in paragraph 29.1 is right?
- Inspection breaks for a single inspectorate for justice and community safety.
- Whether the single inspectorate should develop standardised assessments for the agencies they inspect.
- Whether the principles in paragraph 32.1 on making recommendations should be adopted by a single inspectorate for justice and community safety. Should any further principles be adopted?

How to Comment

Responses and comments on the issues raised in this paper are required by **15 June 05.**

We want this to be a genuine consultation in which everybody – the public, inspectorates, the police, police authorities, CPS, Courts, Prisons, Probation and all other organisations with an interest in inspection, has an opportunity to get involved in the debate.

You can email to:
inspectionreview@CJS.gsi.gov.uk

You can write to:
Inspection Policy Unit
Office for Criminal Justice Reform
Ground Floor, Fry
2 Marsham Street
London, SW1P 4DF

This consultation is being conducted in line with the Code of Practice on Written Consultation issued by the Cabinet Office. The Code criteria are set out at annex F.

What Happens Then?

The responses to this consultation will help to shape the future inspection regime. Some changes will require legislation and these will be introduced when parliamentary time allows. We intend to publish results of this consultation exercise alongside a policy document in 2005.

Annex F Consultation Criteria¹⁶

This consultation follows the Code of Practice on Consultation the criteria for which are set below.

1. Consult widely throughout the process, allowing a minimum of 12 weeks for written consultation at least once during the development of the policy.
2. Be clear about what your proposals are, who may be affected, what questions are being asked and the timescale for responses.
3. Ensure that your consultation is clear, concise and widely accessible.
4. Give feedback regarding the responses received and how the consultation process influenced the policy.
5. Monitor your department's effectiveness at consultation, including through the use of a designated consultation co-ordinator.
6. Ensure your consultation follows better regulation best practice, including carrying out a Regulatory Impact Assessment if appropriate.

The full code of practice is available at:
<http://www.cabinet-office.gov.uk/regulation/Consultation/introduction.htm>

Consultation Coordinator

If you have any complaints or comments about the consultation process, you should contact the Home Office consultation coordinator Pio Smith

by email at:
pio.smith31@homeoffice.gsi.gov.uk

Alternatively, you may wish to write to:
Pio Smith
Consultation Coordinator
Performance and Delivery Unit
Home Office
3rd Floor Seacole
2 Marsham Street
London
SW1P 4DF

¹⁶ 'Code of Practise on Written Consultation', Cabinet Office (November 2000)

Annex G

Partial Regulatory Impact Assessment

The following annex sets out the draft regulatory impact assessment that will be finalised during policy development.

1 Title of proposal

1.1 Criminal Justice System (CJS) Inspection Reform: Issue of consultation paper on establishing a Justice and Community Safety Inspectorate

2 Purpose and intended effect of measure

Policy objective

2.1 The Government proposes to build on existing inspection arrangements by creating an inspectorate for justice and community safety that continues with the rigorous independent inspection of criminal justice agencies, including the treatment and conditions of those in custody, whilst broadening this to inspect across organisational boundaries to deliver a more joined up inspection system. An inspection regime with strong leadership and strategic direction that inspects the criminal justice process from end to end, supports the front line by reducing unnecessary burden and bureaucracy and examines how the system can better deliver for those that come into contact with it.

Background

2.2 There are three main Government departments with responsibility for the Criminal Justice System (CJS) in England and Wales – the Home Office, the Department for

Constitutional Affairs and the Attorney General's Office. They are responsible for a number of local and national criminal justice agencies – the Police Service, the Crown Prosecution Service, Her Majesty's Courts Service, the National Offender Management Service, the Serious and Organised Crime Agency, Serious Fraud Office, Customs and Excise Prosecutions Office and the 42 area Local Criminal Justice Boards. They are supported by the Office for Criminal Justice Reform (OCJR), a cross-departmental team that supports all criminal justice agencies in working together to provide an improved service to the public.

2.3 There are currently five main inspectorates with responsibility for inspecting agencies in the CJS and reporting to Ministers:

- HM Inspectorate of Constabulary
- HM Crown Prosecution Service Inspectorate
- HM Magistrates' Courts Service Inspectorate (to become HM Inspectorate of Court Administration on 1 April 2005)
- HM Inspectorate of Prisons
- HM Inspectorate of Probation.

2.4 Each inspectorate is constituted differently and predominately ensures the safe and proper delivery of the services inspected and promulgates good practice. Many inspect both CJS and non-CJS functions and some undertake non-inspection functions. For example, in addition to inspection of police

	Annual budget (2003/04)	Approx. no. of full time employees	No. of inspectors
HMIC	£8.2m	130	7 (3 assistant)
HMCPST	£3.5m	45	24
HMICA	£2.57m	40	15 + 9 part-time
HMI Prisons	£2.6m	40	23 + 3 fee paid
HMI Probation	£3.2m	49	29

forces, HMIC also provides advice and support to the Home Secretary, police authorities and forces and plays a role in the development of future leaders. HMCPST inspects the Customs and Excise Prosecutions Office on a non-statutory basis. HMMCSI/HMICA has a statutory duty to inspect and report in the performance of Children and Family Court Advisory Support Service (CAFCASS). HMI Prisons also undertakes inspection of immigration removal centres and, by invitation, the military corrective centres, whilst HMI Probation inspects the work of Youth Offending teams. The table above shows the differences between inspectorates in terms of budget and size.

2.5 The five Inspectorates join together to undertake joint thematic inspections both in the CJS and with other non-CJS inspectorates and have, since the establishment of Local Criminal Justice Boards in April 2003, started to undertake joint Area inspections. Two such inspections have been carried out to date, in Gloucestershire and Surrey and these have begun to look at the delivery of CJS objectives. To facilitate cross-CJS inspection, the Chief Inspectors established a Criminal Justice Chief Inspectors Group, supported by a small joint Secretariat.

2.6 The CJS itself is going through a major reform programme. The police reform programme has introduced fundamental changes to the police service and the National Policing Improvement Agency is being established. Changes to the charging process have been introduced, involving a new partnership approach between the Police and the Crown Prosecution Service. The creation

of the National Offender Management Service (NOMS) has initiated major change in the delivery of correctional services, introducing end-to-end management of offenders, whether they serve their sentence in prison, the community or both. Criminal justice agencies have been redesigned and new structures are in place (National Criminal Justice Board and Local Criminal Justice Boards) to ensure coherence across the system. Joint CJS Public Service Agreements have helped focus attention on the joins between criminal justice agencies.

2.7 A new inspectorate structure is therefore required to ensure that inspection can support joined up working across the CJS and help improve services, with the flexibility to react to and reflect changing priorities across the system, apply a consistent approach and to focus inspection activity where it is most needed. The consultation document seeks views on the proposal for a single inspectorate, including views on the purpose, functions and structure of an inspectorate for justice and community safety.

3 Risk assessment

3.1 The Government has published ten principles of inspection, attached at Annex C, covering purpose (focusing on users and improving the outcomes they experience), processes and value for money. The Government is committed to ensuring that independent inspection across the public sector places a focus on customers, service clients and outcomes, is cost effective and is effectively planned, organised and managed. The purpose of inspection is to assure the

public and Ministers of the safe and proper delivery of the services provided; to help improve these services; and to inform national and local policy formulation in respect of these services.

3.2 The Government considers that current inspection arrangements need reforming to support a more joined up CJS, which has fundamentally altered the way that services are delivered. Inspectorates have found their current statutory frameworks limit their ability to undertake effective cross-cjs inspection. Additional limitations include:

- a lack of resources for increased joint inspection;
- insufficient prioritisation between single agency inspection, joint inspection and cross-cjs inspection;
- the restricted ability to make recommendations across agencies;
- a lack of strategic direction; and
- uncertainty about how some inspection regimes fit into and contribute to the criminal justice process.

3.3 There is evidence of duplication between the roles of the inspectorates and other internal and external scrutiny bodies and inspected agencies have commented on the increasing burden of scrutiny/inspection.

3.4 There is a risk that inspection costs will continue to increase without sufficient focus or attention to strategic priorities. These costs not only apply to the inspectorates themselves, but also to inspected agencies, to the extent that they need to divert resources from service delivery to facilitate inspections.

3.5 Although existing Inspectorates are working towards the Government's 10 principles, a single inspectorate would be able to implement them coherently. There is a risk that without greater coherence the inspection regime will not be able to align methodologies.

4 Options

4.1 Ministers considered the following models before reaching a preferred option:

Option 1: maintain the status quo. This would not address the weaknesses of the current system and would maintain existing limitations such as the restricted ability to make recommendations across agencies, the lack of strategic direction and leadership. It would not achieve the type of inspection regime needed to support recent and ongoing changes to the CJS and the agencies within it and there would be continuing uncertainty about how some inspection regimes fit into and contribute to the criminal justice process. It would not assist inspectors in delivering increased cross-cjs inspection, nor would it provide an improved opportunity to 'follow' service users across service and agency boundaries. This would not attract any additional costs.

Option 2: Introduce a strengthened joint secretariat and planning unit. A stronger joint inspection secretariat and planning unit would play an active role in promoting and supporting area inspection and joint thematics, but would not deliver a strategic view on the balance between single agency and joint inspection. It would not achieve the type of inspection regime needed to support a reformed CJS and could result in potential friction between the joint unit and the five Chief Inspectors. It would not provide clear leadership across the CJS.

Option 3: appoint a Commissioner for CJS Inspection, to act as an umbrella organisation to existing inspectorates. A Commissioner, with a supporting Commission, would be charged with developing a strategic approach to inspections. It would provide clarity of structure and remit and a clear distinction between the role of inspection and that of strategic leadership and development, but would require considerable additional resource. It could lead to duplication with the five inspectorates and additional burden on those inspected, rather than rationalisation of inspection.

Option 4: create a sixth Inspectorate. A sixth Chief Inspector and a small core inspection team would negotiate and deliver a strategic programme of cross-CJS inspection facilitate a strategic programme of joint-CJS inspection. It could employ inspectors from agencies, existing inspectorates and audit bodies to carry out an inspection programme. Although it would deliver an increased programme of joint inspections it would require considerable additional resources and may lead to duplication with the five inspectorates and additional burden on those inspected.

Option 5: A four inspectorate model, retaining separate inspectorates for the Police Service, the CPS, HM Courts Service and establishing an Inspectorate for the National Offender Management Service. This option would facilitate a slight increase in cross-cjs inspection but may not achieve improved mechanisms to assess and select priorities for inspection across Departments, and could result in potential friction between inspectorates.

Option 6: A three inspectorate model, retaining an inspectorate for the Police Service, merging the inspectorates for the CPS and Courts and establishing an Inspectorate for the National Offender Management Service. This option would facilitate some increased cross-cjs inspection. However it would not achieve increased alignment and streamlining between the police and CPS inspection regimes, nor achieve reform of HMIC in light of the wider police reform programme.

Option 7: A two inspectorate model, providing one inspectorate for the Police, CPS, court administration and Probation and a separate inspectorate for the treatment and conditions of those in custody. Although this option would facilitate increased cross-cjs inspection and would retain a free-standing inspectorate for the treatment and conditions of those in custody, it would retain some of the disadvantages of the current position in respect of boundaries between inspectorates, and inspection priorities and focus.

Option 8: A single inspectorate model, which would retain capacity for single agency inspection and independent inspection of the treatment and conditions of those in custody whilst providing a greater focus on cross-cjs inspection. This option would achieve inspection rationalisation, and provide increased strategic direction, leadership and coherent prioritisation of inspection activity to support the improvement of service delivery. It would reduce the burden of inspection on front line staff, by enabling alignment of inspection methodologies, enabling data collected by one inspection to be used to support other inspections and by enabling inspection to be focused where it is most needed. It would also enable inspections across the criminal justice agencies, e.g. from a service user's perspective. It may achieve a reduction in inspection costs – direct and indirect – by streamlining and ceasing some functions no longer considered critical, and through economies of scope, i.e. a larger inspectorate could support additional processes/skills/knowledge that may be beyond the capacity of each of the current inspectorates.

5 Benefits

Option 1: Maintain the status quo

The do nothing option has been discounted as it would not achieve the objectives for reform, but would avoid disruption to the existing inspectorates.

Option 2: Introduce a strengthened joint secretariat and planning unit.

This option would promote and support area inspection and joint thematics, but would not achieve the type of inspection regime needed to support a reformed CJS, rationalisation of inspection or more coherent prioritisation of activity. It may continue to encounter some of the limitations currently experienced by inspectorates.

Option 3: Appoint a Commissioner for CJS Inspection

This option would provide clarity of structure and remit and a clear distinction between the role of inspection and that of strategic leadership and development.

Option 4: Create a sixth Inspectorate

This option would facilitate a strategic programme of cross-CJS inspection. The additional inspectorate would be empowered to negotiate and deliver a strategic programme of joint-CJS inspection. It could employ inspectors from agencies, existing inspectorates and audit bodies to carry out an inspection programme. It would increase inspectorate boundaries.

Option 5: A four inspectorate model

This option would facilitate some increase in cross-cjs inspection but would retain some of the disadvantages of the current position in respect of boundaries between inspectorates, and inspection priorities and focus.

Option 6: A three inspectorate model

This option would facilitate increased cross-cjs inspection, but would retain some of the disadvantages of the current position in respect of boundaries between inspectorates, and inspection priorities and focus.

Option 7: A two inspectorate model

This option would facilitate increased cross-cjs inspection and would retain a free-standing inspectorate for the treatment and conditions of those in custody, but would retain some of the disadvantages of the current position in respect of boundaries between inspectorates, and inspection priorities and focus. It would not facilitate jointly developing a shared approach to inspection of offender management, as it is developed by the National Offender Management Service.

Option 8: A single inspectorate model

This option would achieve inspection rationalisation, providing increased strategic direction, leadership and coherent prioritisation of inspection activity to improve service delivery. In addition to actual inspection costs, frontline services face preparation and reporting costs. This option would reduce the burden of inspection on front line staff and enable alignment of inspection methodologies. It would bring together the inspection programme to support CJS reform and reflect increasing cross-cjs service delivery whilst retaining capacity for single agency inspection and a programme of inspection for the treatment and conditions of those in custody. It would also enable inspection across the criminal justice process, e.g. from a service users' perspective. It may achieve a reduction in inspection costs – direct and indirect – by streamlining and ceasing some functions no longer considered critical, and through economies of scope, i.e. a larger inspectorate could support additional processes/skills/knowledge that may be beyond the capacity of each of the current inspectorates. There may be additional efficiencies to be achieved through the pooling of support functions of the existing inspectorates.

5.2 There are no environmental benefits for any of the options identified.

5.3 There could be some social benefits for each of the options (save option 1), in terms of an improved quality of service delivered by the various agencies for users within the criminal justice system. The extent of the benefit would depend on the scope for each option to make cross-CJS assessments and recommendations to CJS agencies, and on the ability of those agencies to deliver improved services.

6 Costs

6.1 The projected cost and savings in this section are early assumptions based on limited information. They will be refined as the detail of the policy is developed. The cost analysis below assumes that the total amount spent on justice and community safety inspection for all the options would remain at a level similar to

that spent currently on inspection (£20m). Option 8 could mean a slightly smaller overall budget where some of the functions of existing inspectorates were transferred to other bodies or discontinued (e.g. removing the direct involvement of the inspectorate in police senior appointments and performance reviews would reduce the overall budget). The functions of a single inspectorate are subject to consultation. Where economies of scale permitted there could also be some saving for example where methodologies could be aligned, or scope for increased joint inspection. There may be significant start-up costs, in particular if IT systems are aligned.

6.2 The additional costs for option 4 could be reduced if there was a reduction in the number of inspectors employed by the existing 5 inspectorates.

6.3 There could be some savings for options 5-8 (Chief Inspector salaries and administration support), although this would depend on the grading and salary of any Deputy Chief Inspector role designated for particular functions, which could result in no savings. Estimated savings for both Chief Inspector and administrative support are £100k for option 5, £150k for option 6, £200k for option 7, £250k for option 8.

6.4 There would be significant one-off start up costs for option 4 and for options 5-8 for the merger of existing organisations. These would include harmonisation of IT, HR policies and accommodation and establishment of the new organisation. Cross-departmental working groups, including representatives from the five inspectorates, will be set up to establish the scope of the work required to merge inspectorates, and to establish costs. Prior to this work commencing, it is estimated that the cost of merging IT systems might be in the range of £0.6m – £4m. Merging HR policies might be in the range of £0.3m – £1m. The cost of rationalising accommodation would depend upon the timescales and structure involved – for example, if existing leases were maintained until they expired, then there could be no or limited additional costs beyond the

current arrangements, but this strategy would need to be balanced against the needs of the business.

6.5 There is no additional funding available to meet start-up or additional running costs. All costs would need to be absorbed by the inspectorates' budgets. There might be some limited continuing savings for options 5-8, which could either be retained by front-line services or be directed to increased joint inspection.

6.6 Options 5-8, could have an impact on the morale of inspectorate staff and inspection activity during the transitional period.

6.7 There are no environmental or social costs for any of the options identified.

Option	Measure	Implementation costs	Additional running costs (on top of existing 5 inspectorate budgets)
1	Status quo (5 inspectorates)	Nil	Nil
2	Maintain status quo and introduce a strengthened joint secretariat and planning unit	£50k	£300k pa
3	Appoint a Commissioner for CJS Inspection	£100k	£400k pa
4	Create a sixth inspectorate	£250k	£1.05m pa
5	A four inspectorate model	Merger costs for NOMS*	nil
6	A three inspectorate model	Merger costs for NOMS and HMCP/PSI/HMICA*	nil
7	A two inspectorate model	Merger costs for NOMS and HMCP/PSI/HMICA/HMIC*	nil
8	A single inspectorate model	Costs of merging 5 inspectorates*	nil

* Merger costs will involve harmonising IT, HR policies (including aligning pay scales, terms and conditions), accommodation and facilities issues, designing new organisational structures and management arrangements and equipping the new organisation. It is likely that merger costs would increase according to the number of inspectorates involved and any savings might also increase. It is not possible to establish the costs of merging these organisations as the functions of the inspectorates and structural design are subject to consultation.

7 Equity and fairness

7.1 The proposed measure would not alter the current arrangements in respect of treatment of particular groups. By reducing the scope for duplication of inspection activity, it would minimise the burdens on inspected bodies (including those in the private and voluntary sectors, such as privately operated prisons). By enabling inspection activity to focus more consistently on issues that cut across several CJS agencies, it would increase the prospect of improvement in services as experienced by the end user. We intend to preserve a discrete function for inspection of closed custodial conditions, to provide assurance that those detained are treated decently and their human rights are respected.

7.2 **Small Firms' Impact Test** – It is not envisaged that this proposal will have a significant impact on small firms. The proposals will not impose any regulation or

extra costs on small business. Where inspectorates do business with small companies, there may be some economies of scale to be achieved which could impact small business (either positively or negatively) although where inspectorates are aligned to parent Departments eg. for purchasing goods/services, any impact is likely to be very marginal.

7.3 **Race equality** – As with other cross-cutting issues, a single inspectorate could facilitate more consistent scrutiny of race equality issues across the board, and provide a stronger point of engagement with the CJS for other bodies such as the Commission for Racial Equality.

7.4 The proposal has no impact on rural communities.

8 Competition Assessment

8.1 No significant competition implications have been identified.

9 Devolution

9.1 The consultation document proposes that the new inspectorate should have primary responsibility for inspecting in England and Wales only (with the exceptions noted below) and may inspect in other jurisdictions by invitation.

9.2 The existing statutory duty for HMIC to inspect the Police Service of Northern Ireland (PSNI) will be included in the consultation document. The remit of the Criminal Justice Inspectorate in Northern Ireland (CJINI), created under s.45 of the Justice (Northern Ireland) Act 2002, covers a large number of agencies, although not, as yet, the administration of the courts. HM Inspectorate of Court Administration has been invited to inspect court administration in Northern Ireland by the Northern Ireland Court Service. The creation of a single inspectorate presents an opportunity to align HMIC's relationship to PSNI with that of other CJS inspectorates at present, who can be invited to act the Northern Ireland Criminal Justice Inspectorate's agents in conducting inspections of CJS agencies in Northern Ireland (with the exception of HMMCSI). This could represent a simplification for criminal justice inspection in Northern Ireland.

9.3 The Prisons Inspectorate's statutory remit to inspect immigration removal centres includes any in Scotland. Immigration is a reserved matter. The Prisons Inspectorate also inspects prisons in Northern Ireland, under a statutory delegation of inspection powers by the Chief Inspector of Criminal Justice in Northern Ireland. Prisons in Northern Ireland are a reserved matter. The Prisons Inspectorate also undertakes inspections in other territories on a non-statutory, "by invitation" basis. We do not consider that any of the above activities raise devolution issues.

10 Enforcement and Sanctions

10.1 The proposal will require primary legislation.

11 Monitoring and Review

11.1 The proposal will be implemented once legislation is passed. There may be scope to begin some harmonisation prior to legislation. The Inspectorate would be required to report annually to CJS Ministers on its performance. The Inspectorate would be subject to review in accordance with Cabinet Office guidelines (Guidance on carrying out end-to-end-reviews (OPSR May 2003) and Non-Departmental Public Bodies: A Guide for Departments (Cabinet Office September 2004)).

12 Consultation

12.1 Consultation is taking place with colleagues in other government departments, other public service inspectorates and key stakeholders (Chief Inspectors, the judiciary and inspected bodies). Details of this proposal can be found in the consultation paper, Inspection Reform: Establishing an inspectorate for Justice and Community Safety. This Regulatory Impact Assessment can be found at Annex G of the consultation document.

12.2 Consultees will have the opportunity to comment on a policy statement that will be published later in 2005, following comments on the consultation paper: Establishing an inspectorate for Justice and Community Safety.

13 Summary and Recommendation

13.1 Our recommended option is option 8. This option would incur start-up costs for merging and establishing the new inspectorate but would assist in meeting the government's commitments to reforming inspection and, indirectly, to improving public services and re-engaging the trust of the public in the services and institutions of government.

Option	Total cost per annum	Total benefit per annum
1. Maintain the status quo (5 inspectorates)	Nil	None
2. Maintain the status quo and introduce a strengthened joint secretariat and planning unit.	£300k plus £50k start up	Limited capacity to strengthen cross CJs inspection
3. Appoint a Commissioner for CJS Inspection Limited benefit	£400k plus £100k start up.	Strategic approach to joint inspection.
4. Create a sixth inspectorate	£1.05m plus £250k start up	Strategic approach to joint inspection. Limited benefit
5. A four inspectorate model	One off merger costs	Limited facilitation of increased cross-cjs inspection. Savings on salaries
6. A three inspectorate model	One off merger costs	Some facilitation of increased cross-cjs inspection. Savings on salaries
7. A two inspectorate model	One off merger costs	Increased facilitation of increased cross-cjs inspection. Savings on salaries
8. A single inspectorate model	One off merger costs	Increased cross-cjs inspection whilst retaining capacity for single agency inspection. Savings on salaries

13.2 Option 1 (do nothing) would not enable increased cross CJS inspection or deliver the Government's commitment to reform in this area.

13.3 Options 2, 3 and 4 would incur additional costs for establishing and running new bodies but would provide only a limited benefit in the approach to cross CJS inspection.

13.4 Options 5-7 would incur costs for merging organisations and would facilitate cross CJS inspection to varying degrees, with limited savings.

Declaration

I have read the regulatory impact assessment and I am satisfied that the benefits justify the costs

(This remains blank until the legislation is to be sent to Parliament. It then becomes a final RIA)

Signed

Date

Minister's name, title, department:

Contact point: Zoe Wilkinson, OCJR



Criminal Justice System: working together for the public