



*Independent inspection of  
adult & youth offending work*

# HM Inspectorate of Probation:

## A Short History of its evolution since 1936

March 2010

## **Foreword**

Founded in 1936, and given its independence in statute in 1993, the Probation Inspectorate has been entrusted with a wide variety of evolving duties and responsibilities over the last 74 years. This short history traces some of the main themes in that evolutionary process.

In particular the Inspectorate had to identify a new role for itself after 2001, when the Probation Service became centrally managed, first within the Home Office, and then in the Ministry of Justice from 2007.

During this decade, the Inspectorate has established its role as a source of well evidenced fair comment on how often Probation and Youth Offending work is being done well enough in practice, including in particular the Public Protection and Safeguarding aspects of that practice.

The safety of the public in general, and of children in particular, are hugely sensitive areas of public concern. The Inspectorate has taken a leading role in emphasising that risk to the public cannot be eliminated, but it is right to expect the relevant authorities to do their job properly. The best available means of judging whether this has been done well enough with an individual case is a case review, while a case inspection can measure how often this is being done well enough with a whole sample of cases. No better alternative to case inspection has been found for measuring the quality of Public Protection or Safeguarding work.

As 2011 approaches, HM Inspectorate of Probation has been evolving and adapting to changing times over its first 75 years, and will no doubt need to continue doing so in the years to come.

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## **Establishment of the Probation Inspectorate**

1. The probation service was initiated on a statutory basis by the Probation of Offenders Act 1907, which made it possible for Magistrates' Courts to appoint probation officers, with local authorities paying them and deciding their level of remuneration. By 1922 the Departmental Committee on the conditions of service of probation officers recognised that they had now taken a prominent and permanent role in the courts system. However, it also found that many petty sessional divisions had taken no steps to make such appointments. This led to the Criminal Justice Act 1925, which put into force the committee's recommendation that while retaining an essentially local basis, there should also be provision for larger units of administration by the formation of what were to be called combined probation areas bringing different court areas together. Both single and combined areas were also to have Probation Committees with a duty to appoint and pay probation officers and deal with general administration. The 1922 Departmental Committee also suggested that the then Home Office Children's Branch should interest itself in the development of the probation service to give advice and help at a local level.
2. A Departmental Committee to study the whole question of social services in courts of summary jurisdiction was set up in 1934. As extensive use was now being made of the probation service in the courts there was seen to be a need to address the adequacy of the arrangements, the appropriate level of pay of probation officers, and the training of suitable persons to become probation officers. The committee's brief from the Home Secretary Sir John Gilmour was:

*'to inquire into the social services connected with the administration of justice in courts of summary jurisdiction, including the supervision of persons released on probation and in suitable cases of persons ordered to pay fines; the application of conciliation methods to matrimonial disputes; the making of social investigations on behalf of the court and other work falling or likely to fall upon probation officers; and to report on the above questions and as to what changes are required in the existing organisation of probation services and otherwise.'*

3. The report was published in October 1936. The committee's findings included:
  - The Home Office had played a central part in the development of the probation service, contributing greatly to the general raising of standards, including facilitating the formation of Combined Probation Areas. Through circulars and magistrates' conferences it had also tried to get courts to make greater use of probation
  - Inspectors from the Home Office Children's Branch had made friendly visits to probation offices to discuss difficulties and to give advice and help. Magistrates, court clerks and probation officers stated that these visits had been useful. However, associating probation with the Children's Branch had contributed to the idea that probation was primarily intended for young people

- As the probation service was now developing rapidly it needed direction and guidance from an active central authority, and the Home Office needed to take responsibility for its general administration and supervision. It was difficult to see how adequate control of the payment of the government's grant could be exercised without some degree of inspection. Up until that time the Home Office could only rely on annual reports sent in by Probation Committees, but these were only submitted by a minority.
4. The committee accordingly recommended:
- The Home Office should accept greater responsibility for the general administration, supervision and direction of the probation service. The responsible officials should keep in close touch with the probation authorities, and the Secretary of State should be given a general power of inspection to satisfy himself that a reasonable standard of efficiency is being maintained*
5. The committee's report added that inspection by the Home Office had also been advocated by the Magistrates' Association, the Incorporated Justices' Clerks Society and the National Association of Probation Officers, as well as by individual magistrates, Clerks and probation officers.
6. The first probation inspector was appointed later that year, with two more appointed during 1937, one of the latter to be concerned specifically with probation officer training. On the outbreak of the war in 1939, staffing was reduced to just one man and one woman, but there was subsequent growth with the records showing that by 1949 ten probation inspectors were in post, with the first Principal Probation Inspector, F.J. MacRae, appointed the following year.

### **Early years**

7. The Inspectorate's main tasks in these early stages of its life and indeed for several years after were as follows:
- Increasing the number of people being trained to become probation officers, so as to reduce the use of part-time staff. Probation committees were advised on how much probation officers should be paid and on the number of staff they needed
  - Making representations to committees on the need for suitable office accommodation and equipment. Many probation officers had previously worked from their own homes
  - Prior to 1936 it had been exceptional for clerical assistance to be provided. Inspectors were able to persuade committees that this was necessary and indeed increasingly indispensable
  - Ensuring allowances were paid to probation officers if they used a car as part of their work, or that cars were provided for them by the probation committee

- Continuing to facilitate the creation of combined areas, as means of improving the service's administrative and professional development, especially in more rural areas. By 1958 there was only one county in England and Wales (the former Radnorshire) which did not have a large measure of combination
  - Encouraging the creation of supervisory posts. The Criminal Justice Act 1925 had authorised the creation of Principal Probation Officer posts but by 1936 only six of these were in existence. From 1949 onwards the approval of the Secretary of State was also required, both for the creation of any new supervisory post and for the appointment of the individual to it, this being given on the recommendation of the Inspectorate. By 1958 there were nationally in England and Wales 58 Principal Probation Officers, 17 Deputy or Assistant Principal Probation Officers, and 116 Senior Probation Officers
  - Probation area inspections, with the basis of this being the inspection of the work of each individual officer. Inspectors were described as giving constructive criticism as well as advice, encouragement and stimulation. The inspector would help to keep the officer up to date and pass on good ideas from one officer to another
  - As part of area inspections there would also be meetings with the magistrates' probation case committee and with the Clerk to the Justices, both to ascertain their views about the work of the probation service and to help stimulate their interest in probation generally.
8. Although a written report would be prepared at the end of any inspection, it would be confidential to the Secretary of State, the findings being communicated to the probation committee and the Principal Probation Office mainly in a meeting at the end of the actual inspection.
  9. A further significant part of the Inspectorate's work was involvement in the selection, training and subsequent confirmation in post of all probation officers, to ensure that the right individuals were appointed to do the work. Following an initial paperwork sift, inspectors interviewed every person applying for training and later visited students on their training courses. They also ran the Home Office's own training course for probation officers at Rainer House near Sloane Square in London, which combined two practical placements in probation offices with three months of lectures and teaching. After appointment every new probation officer would receive two visits from an inspector during their first year of work. A large number of probation officers at this time were also being recruited directly by probation areas in order to meet the increasing demands on the service, and here too the Inspectorate provided teaching input on short residential courses to people who were having to learn the work 'on the job', sometimes with only limited supervisory input wherever they were working.
  10. The confirmation of every new probation officer in post was a key part of the Inspectorate's work and it remained its responsibility until the end of the 1960s. Its importance cannot be over-emphasised. It ensured that no probation officer (whether trained or a direct entrant) could continue in

post, unless the Inspectorate had assessed their practice as satisfactory, and as such gave the Inspectorate a crucial role in maintaining standards of good practice. All probation officers would receive two visits from an inspector during this period who would look at their work and make a recommendation which could lead to confirmation in post, the appointment ended, or confirmation deferred to a later date for improvements to be made.

11. A further Departmental Committee on the Probation Service was appointed by the Home Secretary RA Butler and the Secretary of State for Scotland John Maclay in May 1959. Known as the Morison Committee after its chairman, it was tasked with inquiring into all aspects of the probation service in England and Wales and in Scotland, including recruitment and training, its organisation and administration, the duties of probation officers and their pay and conditions of service.
12. The committee's report published in March 1962 made positive comment about the Inspectorate's work, stating:

*'We have no doubt that the inspectors have performed the task that the 1936 Committee set for them. We believe that it is in great measure to their credit that the service has kept abreast of the knowledge and casework method that have enabled it to attain its present professional standing. In the administrative sphere they have also made a major contribution, placing their wide experience freely at the disposal of probation committees; and to them has fallen much of the considerable and delicate task of consulting and preparing local opinion that has enabled the valuable consolidation of probation areas to take place.'*

13. However, the committee also noted that the balance of inspectors' duties had been altered by the recent rapid growth in the size of the probation service. It had been necessary to curtail full inspections of probation areas (which were thought to be desirable once every three years), because so much inspector time was taken up in selection, training and confirmation of new probation officers. Concern was expressed about this with the hope that recent increases in the number of inspectors would allow more frequent area inspections to be re-instituted. It nevertheless recommended that the arrangements for inspectors to confirm all new staff in post should continue, stating:

*'A high proportion of the present entrants to the service are untrained, have no nationally stipulated qualification, and have passed through no uniform method of selection. While this influx continues, the confirmation procedure is an essential safeguard, if only of minimum standards, and an essential accompaniment of the training which these entrants receive after appointment.'*

14. It accordingly recommended:

- *'There should be no change in the inspectorate's functions. Training should remain a function of suitably qualified members of it'*

- *Full inspections of probation areas are desirable at about three yearly intervals*
- *The confirmation of probation officers' appointments by the Secretary of State and the consequent visits to them by probation inspectors should continue. When the service has reached a universally satisfactory of qualification, the confirmation procedure might be further considered.'*

15. The committee considered whether a separate probation inspectorate should be established for the probation service still existing at that time in Scotland, but concluded that the much smaller size of the service there could not support this, and that inspection functions should continue to be carried out by the joint Child Care and Probation Inspectorate, some of whose members were former probation officers. Finally it recommended against Inspectorate reports becoming public documents, stating:

*'We think that the present practice should be retained, not only because inspectors are officers of the Secretary of State, and ought, if their reports are to be of real value, to be in a position to report to him confidentially, but because it encourages the personal and informal exchanges between inspectors and local administrators we consider essential.'*

## **Consolidation**

16. The Home Office's Report on the Work of the Probation and After-Care Department 1966 to 1968 describes 29 inspectors as being in post (including management grades), either in London or in Manchester, with ten of them now engaged full-time on training duties, including running the Home Office Training Centre. Other tasks related to training involved responsibility for stimulating recruitment; promoting new courses (both pre-service and in-service); and co-ordinating training for probation officers over the country as a whole. An important change though was that as from January 1968, responsibility for the confirmation of probation officer appointments when the individual had completed a course of approved training (now the vast majority of entrants to the service) was transferred to local committees. The report commented:

*'Probation and after-care committees generally have welcomed this new responsibility, and one important advantage of the new arrangements is that members of the Probation Inspectorate are required to spend much less of their time on examining the work of officers whose appointment is subject to confirmation.'*

and continued:

*'...inspectors are thus able to concentrate more on the inspection of probation and after-care areas and on the promotional aspects of their work.'*

17. The report described how inspectors had also shifted their emphasis from detailed inspection of different aspects of the service's work to giving attention to management arrangements to ensure that these were sufficient to promote the aims of the service and foster the professional development of staff. This was deemed as appropriate at a time when the professional responsibilities of the service were rapidly increasing. Examples of work which came under scrutiny as part of this process included social enquiry reports (as they then were) for the higher courts; dealing with homeless offenders; matrimonial casework; and the use of volunteers. As well as these inspection duties, the Inspectorate still remained responsible for approving probation officers for promotion to supervisory grades (the number of senior probation officers in post in England and Wales had increased from 260 in 1965 to 442 in June 1969) and for advising the Probation and After-Care Department on the wide variety of matters now affecting the work of the service.
18. By the time of the next departmental report in November 1972 the Inspectorate had acquired an additional regional office in Birmingham, the greater regional spread being seen as a means of facilitating easier communication with probation areas. The responsibility for approving senior probation officers in post had also now been given to the local committees. While inspectors continued to be heavily involved in policy advice at the centre (for example in planning implementation of the Criminal Justice Act 1972, which among other things introduced the community service order), it was clear that there had been a slowing down of the number of actual area inspections it was able to complete, with the report commenting:
- 'Some progress has been made towards catching up on arrears and now that full responsibility for approving the appointment of persons to be senior probation officers has been given to probation and after-care committees, the desired frequency of one full inspection of each area every four years should be facilitated. The Expenditure Committee recommended that the Home Office aim to increase the frequency of area inspections should be achieved as soon as possible, and maintained at the same or a higher rate, and the Government agreed with that recommendation.'*
19. In relation to probation officer training, inspectors continued to run the Home Office's training course at the enlarged training centre, now based in Cromwell Road, West London, until its discontinuance in the early 1980s. They were heavily involved in courses for direct entrants, student supervisors, supervisory grades and probation officers assigned to work in prisons. Meanwhile the newly established Central Council for Education and Training in Social Work (CCETSW) had taken over responsibility for the training of social workers, including probation officers, and three inspectors were seconded to that body to assist its development.
20. As the probation service moved on into the 1970s, arrangements developed for members of the service to be seconded to the Inspectorate on two year contracts to assist with the Cromwell Road course. It had also

become possible to revert to a system of all probation areas (reduced from 79 to 56 as a result of the 1972 local government reorganisation) being inspected at least once every four years.

21. As part of its methodology, there had also been increasing focus in the Inspectorate's work on the efficiency of probation areas and the maintenance of standards. These elements came into much greater prominence after the government issued a Statement of National Objectives and Priorities for the Probation Service in 1984, with the implementation of the statement becoming a central part of the Inspectorate's work during the period up until 1987. The Inspectorate also played a key role in the drawing up and periodic review of the Home Office's National Standards for the Supervision of the Offenders in the Community.

### **Development of role**

22. However, there was also an increasing government view that the Inspectorate needed new direction and focus, following the disappearance of its training and recruitment functions. A Cabinet Office Efficiency Unit scrutiny (known as the Grimsey Report, after its author) recommended its work should now be primarily directed towards the efficiency and effectiveness of probation areas, and that these should become the main pillars of the inspection programme. As a result attention was directed more and more towards the policy and management of areas, with practice examined much more selectively. In 1988 another major change was the appointment of the first Chief Inspector from outside the Home Office, with Colin Thomas, previously Chief Probation Officer of South Yorkshire, and the recruitment of a number of experienced probation service managers on short-term secondments.

23. The practice was continued when Graham Smith, the Chief Probation Officer of Inner London succeeded Colin Thomas in 1992, completing the Inspectorate's first ever annual report at the end of his year of office. At the same time all Inspectorate reports became public documents – an important development in terms of the transparency and independence of the Inspectorate's role. The Criminal Justice Act 1991 also placed the Inspectorate on a statutory footing to strengthen its authority and widen its powers. These included a key role in the use of default powers, if these had to be applied to any probation area failing to fulfil its responsibilities.

24. The Efficiency Unit scrutiny had identified what should now be the three principal fields of inspection activity and these were realised in its subsequent work:

- Efficiency and Effectiveness Inspections: a rolling programme was started in 1989 with the intention of covering the then 55 probation areas over a four year period. Follow up visits also took place about two years after the original inspection to assess progress in implementing inspection recommendations

- Thematic inspections: these involved the selection of themes or topics in probation work that were of current interest to Ministers, the Department, the probation service and related bodies. Between 1990 and 1993 the Inspectorate produced twelve such reports, examples including the work of the probation service with sex offenders, probation service provision for women offenders, offender employment and approved probation and bail hostels
- Internal Monitoring and Inspection: helping probation areas to develop their own arrangements for monitoring and inspecting their work, with particular focus here on the quality of service delivery. Between 1988 and 1991 the Inspectorate engaged in a consultative and training exercise with the probation service to ensure that suitable arrangements were in place in all areas.

25. The pattern of a rolling cycle of probation area inspections has continued to date under various different titles and formats, though with some change in emphasis. These have been:

- The Quality and Effectiveness Inspection Programme (1994-1998) continued to address strategic management of areas but also gave greater focus to the quality of service delivery, the views of service users (partnership organisations, sentencers, community service beneficiaries and offenders), and direct inspection of practice
- The Performance Inspection Programme (1999-2002) had an increased focus on service delivery in probation areas' main fields of practice, namely pre-sentence reports, supervision of community orders and licences, and work with high risk of harm offenders. Inspection of management arrangements related to how they supported service delivery and provided value for money. All areas in a particular region were inspected around the same period to facilitate comparisons in performance
- The Effective Supervision Inspection Programme (2003-2006): areas were inspected on how well they met defined inspection criteria focusing on:
  - the overall management of the area;
  - the quality of the assessments carried out with offenders;
  - the quality of interventions, including compliance with probation service national standards; and
  - the initial outcomes of the interventions, both in relation to criminogenic factors (for example employment, accommodation, substance misuse etc) and whether there had been any change in the risk of harm and likelihood of reoffending.
- Areas were inspected in family groups, depending on their size and population density. Each inspection also included a separate thematic element focusing on the work of the several probation areas in a particular area of practice. Examples included employment and basic skills, domestic violence, racially motivated offenders and offender accommodation.

- Inspection of areas on the programme also saw the introduction of a new grade of staff to the Inspectorate, practice assessors. These were experienced probation service practitioners, recruited on short-term secondments, who were heavily involved in assessments of individual cases
- The Offender Management Inspection Programme (2006-2009): these inspections assessed the quality of work with offenders by a number of agencies, including the Prison Service, working in conjunction with probation areas. Under the OMI programme the emphasis has increasingly been on inspecting the work rather than inspecting the organisation. Evidence has been gathered through the detailed inspection of cases under the four key headings of assessment and sentence planning; implementation and interventions; achievement and monitoring of outcomes; and leadership and strategic planning. There has been a particular focus on the quality of work to assess and manage risk of harm to others, with areas being given a separate score on this. Ofsted played a part in these inspections and HMI Probation has also worked closely with HMI Prisons in their inspection of offender management in various custodial establishments

26. Since 1993, the Inspectorate has carried out a total of approximately 380 inspections or follow-up probation inspections in England and Wales, as well as undertaking comparable inspections in the Isle of Man, Jersey, Guernsey and the former British Forces Probation Service in Germany.

### **Effective practice**

27. During the second half of the 1990s and early 2000s the Inspectorate played a significant leadership role in the development of effective practice. During 1996 and 1997 the Inspectorate chaired a working group with the Home Office Probation Unit and the Association of Chief Officers of Probation leading to the publication of two significant documents aimed at improving probation service practice in work with offenders, *Strategies for Effective Offender Supervision* and *Evidence Based Practice: a Guide to Effective Supervision*. They provided a review of the types and effectiveness of the supervision and programmes currently provided by the probation service, addressing issues of professional practice, operational management, and effective monitoring and evaluation. From these initiatives various programmes for probation service work designed to reduce offending were developed and evaluated, a number of them gaining Home Office accreditation and national implementation.

28. Following on from the Effective Practice initiative described above, between 2001 and 2004 the Inspectorate carried out an audit of the accredited programmes by then being delivered in all probation areas, undertaking the work on behalf of the then National Probation Directorate (see further below). Audits measured both the quality of programme delivery, its integration with other areas of probation work and area leadership commitment. The work was undertaken by a new grade of Inspection and Audit Officers, who were recruited mainly from probation

service middle managers. To begin with, audits focused on the programmes designed to address offenders' thinking skills, but as new programmes were introduced audits were broadened to address drug and alcohol work, and supervision of violent offenders and sex offenders. All areas were given a numerical score on the sufficiency of their programme arrangements. There were published reports with recommendations, and follow-up audits took place later to assess progress in their implementation.

### **Thematic Inspections**

29. Alongside the inspection of the work of individual Probation Areas HMI Probation has also, as indicated, since the early 1990s undertaken a substantial amount of thematic inspection work, examining a particular topic across a number of probation areas. As well as the thematic work under the Effective Supervision Programme during 2003-06 already mentioned, other particularly significant pieces of earlier thematic inspection work included *Towards Race Equality*, published in 2000 and followed up with a further report in 2004, and *Through the Prison Gate*, the report of a joint inspection with HMI Prisons in 2001 on the resettlement needs of prisoners, and inspection of Drug Treatment and Testing Orders, undertaken in co-operation with the National Audit Office. Since 2007 all thematic inspection work has been carried out jointly with other CJ and other Inspectorates (see below), and since 2009-10 thematic work has included inspection of youth offending work as well as of adult offending work.

### **Recent changes and developments**

30. Four major developments in HMI Probation's work in recent years have been:

- (i) evolving the role of inspection following the establishment of central national management of the Probation Service
- (ii) an increasing emphasis on inspection of public protection and safeguarding work
- (iii) leadership of the joint inspection of youth offending work
- (iv) joint work with the other Criminal Justice Inspectorates

#### ***(i) Evolving the role of inspection following the establishment of central national management of the Probation Service***

31. A major development relevant to the role of HMI Probation was the establishment of the National Probation Service in 2001. Up to that point HMI Probation had been the major source of information about the performance of local probation services. From 2001, a large part of this role was taken on by the National Probation Directorate, and subsequently by the National Offender Management Service (NOMS), with its responsibility for the performance management of the Probation (and,

subsequently, also the Prison) Service. HMI Probation has developed a revised role following this - in line with its statutory duty - aimed at complementing the role of NOMS, and focused on key aspects of work where direct inspection makes assessments which cannot be made by other means.

32. The role of HMI Probation has developed to have two main components. Firstly, as an independent inspectorate to provide assurance to Ministers and the public, through an inspection regime that establishes whether or not probation and youth offending work is being delivered effectively; and secondly to promote improvement in this work. The improvement role has aligned well with the Government's 2003 policy on 'Inspecting for Improvement'. Mainly as a consequence of this revised role, and as noted above, an increasing focus of HMI Probation has been the inspection of the actual work done with individuals under supervision - by assessing a sample of representative cases - instead of trying to assess the management arrangements or the organisation of the services that deliver the work.

***(ii) An increasing emphasis on inspection of public protection and safeguarding work***

33. Public protection and safeguarding work are both topics which cannot be readily measured by any means other than inspection, and are key examples of where and how inspection uniquely adds value. The two subjects can be seen as being largely the same type of work in many respects but approached from the opposite direction. With safeguarding the focus is on current and potential victims (individuals who are at risk of harm from others or themselves); with public protection the focus is on current and potential offenders (of individuals who are at risk of harm to others). Within the context of this work the Inspectorate sometimes carries out special inquiries, at the request of Ministers, into serious further offences committed by offenders while under probation supervision. The reviews carried out by the Inspectorate of the Hanson & White and Rice cases in 2006 attracted considerable public attention. The Inspectorate has also undertaken a number of special inspections following up certain serious further offence cases, among them Chester-Nash, Craig Sweeney and Dano Sonnex. Assessment of the effectiveness of public protection and safeguarding work has also been built into HMI Probation's regular inspections of both probation and youth offending work.

***(iii) Leadership of the joint inspection of youth offending work***

34. The largest addition to the Probation Inspectorate's work in recent years has been its leadership since 2003 of the joint inspection of youth offending work. This followed the establishment of the new arrangements for youth justice, involving Youth Offending Teams and the Youth Justice Board, established following the Crime and Disorder Act 1998.

35. During 2003-09 HMI Probation led a joint inspection of all (then) 155 Youth Offending Teams in England and Wales, by a multi-disciplinary group of inspectorates comprising HMI Constabulary, HMI Prisons, Ofsted, the Commission for Social Care Inspection (now merged with Ofsted), the Healthcare Commission (which has now merged into the Care Quality Commission), and in Wales HM Inspectorate of Education and Training in Wales (Estyn), the Care and Social Services Inspectorate Wales and Healthcare Inspectorate Wales. As with the inspections of probation work (see para 25), these inspections focused on the assessment, planning, interventions and outcomes of work with individual cases, with additional sections later being included about the quality of management and leadership in the YOT, and access to staff development and training. A report was published on each YOT. As the programme developed, arrangements were made to link the findings of the inspections to the Joint Area Reviews of Children's Services being carried out on the local authorities in England, and through that fully into the remit of local authority inspection.
36. A second round of inspections of Youth Offending work began in 2009. This comprises a core case inspection of Youth Offending work which is inspecting work in all 157 YOT areas over a three year period, and a programme of thematic inspections. The core case inspection has a particular focus on the key elements of public protection and of safeguarding, and as with HMI Probation's other inspection programmes, is based mainly on the inspection of a representative sample of specific cases. Results from the core case inspections feed into the Comprehensive Area Assessment of local areas in England, led by the Audit Commission, of which HMI Probation is a full partner.
37. The thematic programme examines a series of particular issues in youth offending work in depth across a number of authorities. The programme is coordinated by HMI Probation with specific inspections led by other participating Inspectorates. In 2009-10 thematic inspections have been carried out covering gangs, prevention work, alcohol misuse and offending, and court work and reports.

***(iv) Joint work with the other Criminal Justice Inspectorates***

38. On several occasions from the late 1990s consideration was given to merging HMI Probation with one or more of the other criminal justice inspectorates. In particular, during 2005 and 2006 plans were developed by the Government for the merger of the then five criminal justice inspectorates – HMI Probation, HMI Prisons, HM Inspectorate of Constabulary, HM Inspectorate of Court Administration and HM Crown Prosecution Inspectorate – into a new single Inspectorate covering criminal justice issues. However, in October 2006 the Government decided, in the context of the passage of the Police and Justice Bill (which was to include the necessary legislation) not to proceed with the merger. Instead, the Chief Inspectors of the five Inspectorates agreed with Criminal Justice Ministers to work together more closely on joint inspection, and in particular to develop an annual Joint Inspection Plan.

39. Prior to October 2006, HMI Probation - which had already undertaken a number of pieces of joint inspection work with other inspectorates - strongly supported the plans for merger, and published 'First Principles' which it believed should underlie the establishment of the new Inspectorate. Nevertheless, following the Government's decision in October 2006 not to pursue the merger, HMI Probation has worked closely with the other criminal justice inspectorates to develop and carry out a programme of joint inspections.
40. Joint thematic inspection work has indeed become a major area of HMI Probation activity. Since 2007 HMI Probation has led joint inspections on enforcement of community orders, getting community orders started, probation hostels, electronic monitoring, the management of offenders' Risk of Harm to others by the police, prison service and probation service, prolific and other priority offenders, indeterminate sentences for public protection (jointly with HMI Prisons), offenders with mental health disorders, and sex offenders. As part of this process, HMI Probation contributes to a Joint Inspection Plan published by the Criminal Justice Inspectorates. Over 90% of HMI Probation's activity now takes place within this Joint Inspection programme, jointly owned by all the Criminal Justice Inspectorates.
41. On reflection, HMI Probation considers that, while there was a good case for a single Inspectorate if one were starting from a blank sheet of paper, experience since 2006 has shown that it has been more efficient and effective for the existing separate inspectorates to work together on delivering joint inspections, than to devote the large amount of time, money and energy required to establish a newly merged organisation. HMI Probation's experience demonstrates that adapting is often more effective than restructuring.
42. **Supporting People Inspection Programme:** Another example of HMI Probation's joint work with other inspectorates in recent years was the contribution made to the Supporting People inspection programme: Supporting People is the Government's long-term policy to enable local authorities to plan, commission and provide support services which help vulnerable people live independently. The inspection was a national five year programme, starting in 2003, led by the Audit Commission, and partnered by the Probation Inspectorate and the (then) Commission for Social Care Inspection. All 42 probation areas were visited to examine how the probation service ensured that the accommodation needs of offenders were being properly addressed so as to promote social inclusion and reduce the risks of re-offending.
43. **Departmental sponsor:** For most of its history the Inspectorate was hosted and funded by the Home Office. However in May 2007 the Inspectorate, along with HMI Prisons and NOMS HQ moved from the Home Office to the newly created Ministry of Justice (MoJ), and is now hosted and funded by MoJ. The Inspectorate's core role and work has however not been materially affected by the move.

## **HM Inspectorate of Probation today**

44. As the Inspectorate enters its 75<sup>th</sup> year it has identified the key tasks in its 2009-2010 Plan as follows:

- **Inspecting Adult Offending work:** a successor programme to the Offender Management Inspection started in September 2009, with a continuing focus of the quality of work with a representative sample of cases, especially in relation to public protection. There is also further joint work with HMI Prisons to assess the quality of offender management work in each prison establishment subject to an announced inspection. In addition, the Inspectorate continues to be strongly involved with joint thematic inspections with other criminal justice and other inspectorates.
- **Inspecting Youth Offending work:** the successor programme includes both the core case inspection and the thematic element as noted above.
- **Public Protection Work (minimising *Risk of Harm to others*) and Safeguarding (minimising risk of harm to self from others):** These issues remain integral to all inspection practice. It is important to emphasise that risk of harm to the public can never be eliminated but the public and Ministers are still entitled to expect that relevant agencies do their job properly and take all reasonable action to keep offenders' risk of harm to a minimum.
- **Diversity:** the best principles of diversity are incorporated into HMI Probation inspection practice, as well as into the management of HMI Probation staff. The core inspection programmes will assess what measures are in place to address the diverse needs of different offenders. In this connection HMI Probation analyses and publishes inspection findings by diversity characteristics, so that any disproportionality in the quality of work with different groups of offenders can be identified. Within the Inspectorate itself the induction, training and appraisal processes for staff will be used to promote diversity across all areas of its work. HMI Probation continues to maintain its commitment to its Welsh Language Scheme which has been approved by the Welsh Language Board.

## **In conclusion**

45. The year 2011 will see the 75<sup>th</sup> anniversary of the establishment of the Probation Inspectorate and of the appointment of the first inspector. The period has seen its development from a very specialist unit in the pre-war and immediate post-war period, mainly focusing on the training and competence of individual probation officers, to one whose current tasks extend across a wide range of probation and youth offending work and also stretch into many other aspects of the criminal justice system. Its history demonstrates it to be an organisation that has both initiated change and adapted to the demands placed on it by both government and the wider community. It will no doubt have the capacity to continue to do so and meet these and future expectations.

## Appendix 1

### Chief Inspectors of Probation

No Chief/Principal	1936-1949
Finlay MacRae	1949-1972 (title of Principal Probation Inspector)
Mike Hogan	1972-1980
Roy Taylor	1980-1985
Cliff Swann	1985-1988
Colin Thomas	1988-1992
Sir Graham Smith	1992-2001
Professor Rod Morgan	2001-2004
Andrew Bridges	2004-

## Appendix 2

### HMI Probation: Legislative Basis

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

## Appendix 3

### **HM Inspectorate of Probation:** **Statement of Purpose and Code of Practice** (March 2010)

#### **Statement of Purpose**

HMI Probation is an independent Inspectorate, funded by the Ministry of Justice and reporting directly to the Secretary of State. Our purpose is to:

- report to the Secretary of State on the effectiveness of work with individual offenders, children and young people aimed at reducing reoffending and protecting the public, whoever undertakes this work under the auspices of the National Offender Management Service or the Youth Justice Board
- report on the effectiveness of the arrangements for this work, working with other Inspectorates as necessary
- contribute to improved performance by the organisations whose work we inspect
- contribute to sound policy and effective service delivery, especially in public protection, by providing advice and disseminating good practice, based on inspection findings, to Ministers, officials, managers and practitioners
- promote actively race equality and wider diversity issues, especially in the organisations whose work we inspect
- contribute to the overall effectiveness of the Criminal Justice System, particularly through joint work with other Inspectorates.

#### **Code of Practice**

HMI Probation aims to achieve its purpose and to meet the Government's principles for inspection in the public sector by:

- working in an honest, professional, fair and polite way
- reporting and publishing inspection findings and recommendations for improvement in good time and to a good standard
- promoting race equality and wider attention to diversity in all aspects of our work, including within our own employment practices and organisational processes
- for the organisations whose work we are inspecting, keeping to a minimum the amount of extra work arising as a result of the inspection process.

While carrying out our work we are mindful of Ministerial priorities and the Strategic Plan for the Criminal Justice System. We work closely with other Criminal Justice Inspectorates through the Criminal Justice Chief Inspectors' Group, and also with Inspectorates involved with work with young people.

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Alternative formats are available upon request