

## *Inspection of Probation and Offender Services in Northern Ireland.*

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**Summary** This article outlines a brief history of inspection of probation and allied services in Northern Ireland, and sets out the current features of inspection as undertaken by the Social Services Inspectorate. It goes on to discuss imminent changes to the inspection of these services within the remit of the new Criminal Justice Inspectorate (CJI). The intention is to inform readers about the inspection process, and outline how inspection can be a positive exercise which adds value to professional practice. The article also examines some implications of establishing the CJI, and highlights anticipated benefits that should flow from the new arrangements.

**Keywords** Inspection, probation, criminal justice, voluntary sector, social work, change, Northern Ireland

### **Background**

The first known inspection of the then NI Probation and After Care Service was undertaken in 1973 by the Probation Inspectorate for England and Wales. A planned follow-up did not take place because of the disturbed situation in Northern Ireland at the time. In their 1973 report the Home Office inspectors had identified the possibility of using the locally-based Social Work Advisory Group (SWAG) to assist with development of the probation service. Consequently the SWAG was asked to undertake a follow-up review of the Northern Ireland Probation Service to assist the Northern Ireland Office (NIO) in planning the service's future direction.

The SWAG Review was a full scale exercise that included an assessment of the work of fieldwork teams, prison welfare and after care, court work, community involvement, training, staff development, and recruitment, accommodation and support services. It preceded the 1979 Report into Legislation and Services for Children and Young Persons in Northern Ireland (The Black Report) which led to the Probation Board (NI) Order 1982 and established the Probation Board for Northern Ireland (PBNI). Meantime the SWAG itself evolved into the Social Services Inspectorate (SSI), in the late 1980s.

Throughout the 1980s and 1990s SSI undertook a range of inspections and other work with PBNI and criminal justice social work agencies, such as Training Schools and Attendance Centres. The criminal justice voluntary sector organisations have had less contact with SSI, though the Efficiency Scrutiny Evaluations that were undertaken have been significant in influencing their core funding arrangements with the NIO.

As SSI's primary focus was initially on juvenile offenders, the NIO accessed the services of Her Majesty's Inspectorate of Probation (HMIP) in relation to PBNI's work with adults. This relationship was not always productive, due in part to cultural differences and PBNI being benchmarked against probation services that operated in very different environments. The inspection experience of the early 1990s offers important learning as current plans for new inspection arrangements are formulated.

During the 1990s inspection evolved into a more sophisticated discipline, as PBNI and other inspected organisations were required to demonstrate increasing levels of effectiveness and accountability in order to justify receipt of public funds. With PBNI assuming a key public protection role, and moving towards greater integration with core criminal justice agencies, so SSI began to focus increasingly on matters such

as enforcement of statutory orders and the effectiveness of supervision, as well as value for money, corporate governance and managerial competence.

### **The Social Services Inspectorate (SSI)**

The SSI is a specialist professional group comprising a Chief Inspector, an Assistant Chief and 10 inspectors (all primarily qualified as social workers, with a varied range of service delivery and management experiences), plus statistical and administrative support. It is located within the Department of Health, Social Services and Public Safety (DHSSPS). Two inspector posts are dedicated to criminal justice matters, one specialising in adult services, the other in youth services. Their role is to work with others to ensure that criminal justice services are responsive to the needs of the population of Northern Ireland, and allow the public to have confidence in them.

SSI does not have a statutory basis, though its Chief Inspector answers directly to the Minister at NIO responsible for criminal justice, and its criminal justice inspectors operate within the terms of two main pieces of legislation: the Probation Board (NI) Order 1982 (amended by the Criminal Justice (NI) Order 1991); and the Criminal Justice (Children) (NI) Order 1998. These give authority for inspecting all the services provided by the PBNI, probation hostels, the juvenile justice centre, attendance centres and the Youth Justice Agency (YJA).

SSI provides two services for the NIOs criminal justice services and criminal justice policy divisions: inspection and policy advice. There are differing views about the compatibility of inspectorates providing both these functions, and establishment of the Health and Personal Social Services Regulation and Inspection Authority (HPSSRIA) within the next few years may have implications for the role of SSI. In the meantime its primary role is to support ministers and government departments in all fields of social care, such as children, mental health and the elderly, as well as criminal justice, through undertaking inspections and providing policy advice.

#### (i) Inspection

SSI undertakes inspections of statutory criminal justice services provided by the PBNI and the YJA. The approach is to inspect against standards, and to help devise standards where none exist. These standards should show clearly what level of service is provided and how it is provided. The standards are derived from a range of sources: government policy, legislation and regulations, international conventions and best practice, supported by research findings and current values within criminal justice social work.

SSI undertakes thematic inspections e.g. the most recent exercises have been a review of the Custody Probation Order after its first 3 years in operation, and a pilot Serious Incident Reporting Scheme that probation and police jointly managed. It also conducts total inspections e.g. of all the services provided by a residential facility such as a juvenile justice centre, an attendance centre or hostels for offenders. The SSI website - [www.dhsspsni.gov.uk/ssi](http://www.dhsspsni.gov.uk/ssi) - contains examples of inspection reports. Investigations into specific matters are occasionally commissioned by the Secretary of State or senior civil servants. However SSI does not usually handle complaints from the public or consider appeals against decisions taken.

Besides inspecting the work of PBNI and the YJA, SSI also evaluates voluntary organisations (currently the Northern Ireland Association for the Care and Resettlement of Offenders – NIACRO – Extern and Victim Support, as well as independent providers of hostels for offenders) which are grant aided by the NIO. "Evaluation" implies a lighter touch than inspection in terms of examining professional practice. This is appropriate as the voluntary sector organisations do not hold responsibility for supervising statu-

tory court orders, although they can contribute significantly to case management. Nor are they required to work to the same sets of standards as PBNI or the YJA. SSI evaluations of voluntary sector providers are only undertaken once every six years, with the aim of measuring the organisations contribution to the criminal justice system and their financial probity. However the SSI inspections alternate every 3 years with NIO-commissioned audits of the voluntary sector providers that are undertaken by private accountancy firms. Voluntary sector providers also work to a range of other accreditation, such as Investors in People and National Training Awards, engage regularly with SSI about a range of practice matters, and contribute feedback to inspections of statutory services.

(ii) Policy advice

While inspection reports obviously help inform policy development, SSI also provides advice about how policies in other fields of work, such as education and social services, affect criminal justice services, and about allocation of resources and achieving value for money. This role helps inform and facilitate the conduct of business between NIO and agencies which are involved in the delivery of criminal justice services. Current examples of SSI policy advice engagement include participation on the steering groups for Youth Conferencing and the new Juvenile Justice Centre, the Northern Ireland Strategic Sex Offender Management Committee, the accreditation body for prison and probation offending programmes, as well as involvement in a range of child protection fora.

SSI has been centrally involved in the review of professional qualification arrangements for criminal justice social work employees. It has also made an important contribution to development of the Northern Ireland Social Care Council (NISCC) during the past 3 years, and the associated introduction of registration for the social care workforce. This is a very important initiative: it is planned that staff working in probation and youth justice settings will be registered with the NISCC as part of the government's arrangements for ensuring improvement in the quality of services and providing greater protection for service users.

**The Criminal Justice Inspectorate**

The CJI was established by the Justice (Northern Ireland) Act 2002, following a recommendation of the Criminal Justice Review that reported in March 2000. The Review, which was initiated by the Belfast Agreement noted the importance of inspection as a tool for holding criminal justice agencies to account for their actions and for the proper expenditure of public resources. The Review recommended creation of a single, independent statute-based criminal justice inspectorate. It envisaged that the CJI, which is due to become fully operational by October 2004, would be an integral part of the process of building confidence and helping to normalise society in Northern Ireland following the 1998 Agreement.

Status of the CJI

The CJI is a non-departmental public body (NDPB). It is not part of the NIO or the Northern Ireland Civil Service, and its inspectors are to be CJI employees, although civil servants and others may work with it on secondment. The Chief Inspector has been in post since late 2003, and currently reports to the Secretary of State for Northern Ireland. The intention is that under devolved government the CJI will transfer to the Assembly Minister with responsibility for criminal justice. The primary aim of the CJI is to contribute in a significant way to the efficient and effective running of the criminal justice system, and help to guarantee that the system functions in an even-handed way. Thus it has an explicit political purpose, as well as providing a valuable mainstream criminal justice service.

Establishment of the CJI is a pioneering venture. No other country has as highly developed a framework of inspection as the United Kingdom, and no part of the United Kingdom is now as advanced as Northern Ireland in seeking to join up the inspection of its criminal justice system. The National Offender Management Service (NOMS) is currently being established in England and Wales, with the aim of integrating prison and probation services. This will have important implications for inspection arrangements there – and for their input to the CJI – as the current prison and probation inspectorates have different cultures and methodologies.

#### Scope of the CJI

The Justice Act provided a very wide remit for the CJI – it must carry out inspections of 20 named organisations, including most of those that comprise the main elements of the criminal justice system: i.e. probation, prisons, Youth Justice Agency and Public Prosecution Service. The Court Service is exempt for the time being, although it has agreed to participate in thematic studies conducted by the CJI on an equal footing with other agencies. The Police Service of Northern Ireland (PSNI), while included in the CJI's remit, reserves the right to be inspected by HM Inspectorate of Constabulary in the first instance. Notwithstanding these dispensations, the reality in practice is that establishment of the CJI has been welcomed by all of Northern Ireland's criminal justice agencies.

The remit of the CJI in relation to Northern Ireland's Health and Social Services Boards and Trusts is limited to inspecting 'activities relating to the keeping of children in secure accommodation under custody care orders' – these orders are not yet available to the courts. However Social Services, together with the PBNI and the voluntary agencies have a much broader interface with the criminal justice system in areas such as the safeguarding of children and the management of sex offenders in the community. Consequently the CJI will work closely with SSI and the Education and Training Inspectorate in these areas. Some of the remaining agencies that come within the remit of the CJI e.g. the Northern Ireland Tourist Board and the Royal Mail Group plc, are not strictly part of the criminal justice system. These have been included because they have significant investigatory and/or prosecutorial functions (generally in order to enforce regulations for which they are responsible) which bring them into contact with the criminal justice system.

While the CJI will be obliged to inspect all of these agencies, subject to certain restrictions, there is no obligation to inspect them all with equal rigour and frequency. The favoured approach is that specific inspections should concentrate on the core agencies, and that inspections of other bodies should either be commissioned ad hoc, as the need arises, or they should be inspected collectively through thematic studies that address their common concerns. There is no explicit requirement upon the CJI to inspect criminal justice voluntary organisations, and consideration needs to be given to their incorporation within the cycle of inspections. This is particularly true for those organisations that receive core NIO funding, and which fulfil roles with offenders and their families, with victims and in the crime prevention field.

#### Other monitoring organisations

The CJI is specifically precluded from inspecting where an agency is already subject to an adequate inspection regime. It is mindful of the number of other monitoring and regulatory bodies that operate in Northern Ireland e.g. the Oversight Commissioners who monitor reform of the criminal justice system and the Patten reforms to policing; the Police Ombudsman; the Northern Ireland Audit Office and the Human Rights Commission. It will have to liaise carefully with them in order to avoid duplication of effort, and to avoid burden on the inspected agencies.

This raises a strategic question about how far the CJI should undertake work itself or should simply co-ordinate work done for it by others, and there are implications for the staffing and resourcing of the Inspectorate. The Justice Act has granted the Chief Inspector an exceptional degree of independence and wide-ranging powers to make use of other Inspectorates under his auspices - he can delegate any of his functions to other inspectorates, including SSI and HM Inspectorate of Probation. Given the extent of its remit the CJI could not provide in-house expertise in all the disciplines involved.

At the same time it needs to have sufficient expertise to participate in inspections and to be assured that the inspection is being conducted to an acceptable standard. It is therefore envisaged that a degree of in-house capability will be required, with around ten professional staff in total, providing core experience and expertise in the main fields of criminal justice work: policing, prosecution, custody, and probation and youth justice. However all members of the inspection team will also be required to be versatile and to engage in inspections outside their field of expertise.

### **Contrast and Commonality between SSI and the CJI**

The status and roles of SSI and the CJI differ in some important respects:

- SSI is a professional group located within an existing government department, whereas the CJI is legislatively established as an independent inspectorate in its own right.
- SSI combines inspection with a policy advice function, whereas the CJI's role is exclusively centred on inspection.
- SSI is entirely locally based, and undertakes practically all its own inspection work (apart from small commissions to sessional inspectors or consultants), whilst the CJI intends to delegate significant elements of its work to inspectorates from other jurisdictions.
- Because of the distancing of the criminal justice system from a large section of Northern Ireland's population over the past 30 years, and the CJIs dedicated criminal justice focus, the CJI is expected to deliver confidence-building – an important political output that has not been required of SSI.
- A further consideration in relation to the probation service is that, whereas current SSI inspectors are entirely drawn from the same professional discipline as probation staff (social work), the CJI will incorporate staff from a range of backgrounds.

Notwithstanding the differences – which are mainly structural - between SSI and the CJI, there are fundamental similarities of approach and philosophy in terms of a range of matters. Some of the key similarities include

- the purpose of inspection;
- styles and methodologies of inspection; and
- the underpinning principles for inspection.

### Purpose of inspection

The UK concept of inspection is unusual by international standards. Military inspection is understood world-wide, as is inspection for hygiene or health and safety. But inspection in the UK public services has developed into a more broadly based family of activities going beyond auditing or monitoring alone. It is about improvement as well as checking, yet is neither consultancy nor a part of the apparatus of management. The essential characteristics of independent statutory inspection are:

- that it stands apart from the management structure;
- that it reports publicly, without fear or favour, on its own authority, and
- that its work is based on evidence collected in the field, not on desk research or speculation.

Inspection takes account of the principles for the inspection of public services promulgated by the Cabinet Office in 2003, namely that public services inspection should:

- pursue the purpose of improvement;
- focus on outcomes;
- take a user perspective;
- be proportionate to risk;
- encourage self-assessment by managers;
- use impartial evidence, wherever possible;
- disclose the criteria used for judgement;
- be open about the processes involved;
- have regard to value for money, including that of the inspecting body; and
- continually learn from experience.

Inspection is subject to ministers, who fund inspectorates out of monies voted by parliament. It is legitimate for ministers to indicate the issues they would like to see examined, and inspectors are required to work in accordance with government policies – it would be out of order for them to make recommendations which were contrary to those policies. But subject to that inspectors are expected, and permitted to report as they find, even if the findings do not reflect well on government departments or agencies.

#### Styles and Methodologies of inspection

A multi-disciplinary approach has been applied to inspection by SSI for many years, and the CJI intends to maintain this practice. Medical and nursing colleagues, inspectors from the Education and Training Inspectorate and staff from Health Estates have all contributed to SSI inspections. In keeping with the Citizen's Charter and Government policy, inspection teams now include independent lay assessors where possible. They take a particular interest in the views of the people who use the services so that these are given due weight in inspection reports. Development of lay engagement is particularly important within the Northern Ireland criminal justice system due to the antipathy that many people have felt towards the system during the Troubles. It is an area where the voluntary sector have traditionally been successful, particularly through their involvement of volunteers in a variety of criminal justice roles.

An Inspectorate is best assessed by the quality of its reports, and the CJI will pay considerable attention to the form of the reports it issues. They are intended to be short and readable, with all technical detail and background material which is only of interest to the specialised reader rigorously excluded and made available instead on the CJI's website. The CJI will use its website to post all its reports and supporting material, although it will not rely exclusively on electronic publication, which would reach only a proportion of the target readership. The aim is to establish clear advance agreement about publication arrangements, and produce balanced reports which encourage good performance and assist improvement, rather than to assign blame for shortcomings.

The CJI will continue SSI's practice of making systematic efforts to obtain feedback about the inspection process from agencies and other stakeholders, as well as seeking any evidence that the work of the inspectorate has contributed to improved outcomes for the public. The inspectorates which will work with the CJI all have their own remits and methodologies, and different practices in reporting and following up

their inspections. For example the prisons inspectorate in England and Wales has a remit to inspect the treatment and conditions of prisoners from an offender centred perspective. This is an interesting task for an inspectorate that comprises many staff who were formerly employees of the prison service, especially and their reports can excite public controversy and media interest - e.g. the March 2004 report into their findings at Wakefield prison. In contrast the probation inspectorate has a remit to inspect the quality of probation services' work. While also reporting publicly, it tends to generate less publicity for the probation services that are being inspected, a factor that is welcomed by senior managers who find their inspection reports sufficiently challenging without the added pressure of a media spotlight.

In Northern Ireland the CJI will need to harmonise a variety of inspection practices, though there will continue to be necessary differences of approach in certain areas of inspection. For example, unannounced inspections are a feature of prisons and juvenile justice centre inspection, but they are not common in other services. Both SSI and the CJI promote self-assessment by inspected agencies, in the belief that agencies should internalise the drive towards improvement, and develop a capacity for rigorous and perceptive self-criticism. This and follow-up inspections, to ensure that recommendations are indeed implemented, are key features of methodology that will continue in the transition from SSI to CJI.

#### Principles of inspection

Evidence of the following 5 criteria are sought in each inspection by SSI and the CJI:

- Openness and accountability;
- Partnership and co-operation with other agencies of the criminal justice system;
- Even-handedness, including respect for human rights and equality in all the dimensions prescribed by s.75 of the Northern Ireland Act, 1998;
- Learning, looking for feedback and contributing to policy improvement; and
- Results (including improvements in effectiveness and value for money) and outcomes in relation to Government objectives.

In addition, for as long as it may be relevant, the CJI intends to examine a sixth element:

- Normalisation, or the extent to which each agency is adjusting to a more normal pattern of operation in line with the normalisation of the political and security situation in Northern Ireland.

In planning its programme of work the CJI has proposed the following priorities, in order of importance:

1. Impact on crime / re-offending / public safety / protection of children;
2. Impact on public confidence in the fairness and effectiveness of the criminal justice system;
3. Possible effect on policy decisions or political outcomes;
4. Amount of public money or other resources at stake.

In terms of their own conduct and management both SSI and the CJI aim to serve as examples of the good practices which they foster, and adhere to the following principles:

- Conduct inspections and report with honesty and impartiality, basing their findings upon evidence;
- Be open about their practices and procedures, and about the expectations against which judgments are made;

- Publish all reports and make all papers freely available, subject to the normal exceptions for security and personal information;
- Encourage self-assessment, and make improvement the main purpose of all its inspections;
- Work in a non-adversarial, consultative and interactive way, collaborating wherever possible with other agencies and Inspectorates;
- Aim to minimise the demands they make on those inspected;
- Treat people courteously, fairly and without discrimination, valuing diversity and promoting equality in accordance with s.75 of the Northern Ireland Act;
- Monitor and evaluate their own performance from the perspective of value for money;
- Welcome and be responsive to any complaints or other feedback from the agencies inspected.

Whilst each inspectorate works to develop a capacity for self-criticism among the management of the agencies, they also check - for example in the prisons and youth custody institutions - that standards of safety and decency are being maintained. In addition they cast light on the operation of the criminal justice system so that the public can understand what is being done in its name, and can participate in an informed debate about criminal justice matters.

### **The Future**

As SSI and the CJI negotiate their future joint working arrangements it has been agreed that in the interim legacy inspection programmes will continue, and one or two additional items will be built into the programme of other Inspectorates. Some major cross-cutting thematic – at least one in each six month period - will be led by the CJI. At the time of writing it is difficult for many of the other UK-based inspectorates to be clear about their plans much beyond the current year because of major impending changes with the establishment of the NOMS.

The content of each year's inspection programme emerges from consultations between the NIO, criminal justice minister, and statutory and voluntary criminal justice organisations. The CJI intends to continue this process, and augment it with an annual stakeholder conference. The aim is that there should be some inspection work undertaken in each year in relation to each of the main areas of the criminal justice system.

Current and planned inspections by SSI and the CJI for the 2004 and 2005 calendar years include:

- Inspection of the Juvenile Justice Centre for Northern Ireland once it has become established in new premises;
- A thematic review of the Multi-Agency Procedures for the Assessment and Management of Sex Offenders (MASRAM), and their potential for development, which is being led by the CJI;
- A review of diversionary schemes for young people, including voluntary organisations;
- Review of provision for girls who are detained in custody;
- A full announced prison inspection;
- A review of delays in completion of court proceedings.

### **Conclusion**

Northern Ireland's criminal justice system is undergoing radical change in a number of areas at present, and during 2004 this change will extend to incorporate its inspection arrangements. SSI has established a culture over the past two decades that blended social work-based inspection with policy advice. This will now develop into a more explicit inspection-only, criminal justice focus with establishment of the

Criminal Justice Inspectorate. The challenge is for the CJI to retain SSIs strengths, and build upon them, particularly the shift towards self-assessment and collaborative inspection. The CJI has undertaken useful preparatory work during the past year, and subject to taking proper account of Northern Ireland's unique criminal justice context, its philosophy and approach are promising.

The CJI will therefore have considerable relevance for PBNI, the YJA and organisations in the voluntary and community criminal justice sectors. Inclusion of PBNI in cross-agency thematic inspections reflects its closer integration with other statutory criminal justice agencies, and provides opportunity for modelling its public protection practice. As for voluntary sector criminal justice organisations, engagement with the CJI would represent an opportunity to demonstrate their unique contribution to the criminal justice system in terms of pioneering services that support statutory interventions with offenders, and offer value for money.

Cross-border cooperation among criminal justice agencies is developing within Ireland. While establishment of the CJI will generate increased engagement with specialist inspectorates in England and Wales, SSI and CJI would also be keen to share learning and experience with providers of probation and offender services in the Republic of Ireland, as new inspection arrangements become more firmly established during the next few years.

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