

From recommendations to concerns

This paper sets out a proposed change in the way HMI Prisons reports on concerns identified in inspections, encouraging leaders to focus on areas of significant weakness to improve outcomes for detainees.

Why are we considering changing our methodology?

Inspection has two main functions: to draw public attention to the treatment and conditions of detainees and, by highlighting both failings and successes, to support the prison service, individual establishments and governors to make improvements. One of the longstanding frustrations of HMI Prisons has been how often inspectors have returned to establishments to find that previous recommendations have not been achieved and outcomes for detainees have not improved.

It has long been the custom in HMI Prisons that when there is something wrong, inspectors should make a recommendation to put it right. Over time, HMI Prisons has reduced the number of recommendations to focus on the most important findings. Despite this, we continue to find that attention is given to recommendations that are easiest to achieve, rather than those which would have the most positive effect on outcomes for those detained. We are also told that establishments are often overwhelmed by the amount of paperwork that they have to generate in response to inspection. Some governors report spending as much time creating and servicing action plans as they do in taking action to improve outcomes.

Over the last year, we have begun inspecting leadership, with the understanding that leaders, with limited time and resources, must focus on the most important factors in improving their establishment. A governor who sets too many priorities is likely to dilute the level of attention paid to each one and confuse staff. We believe it therefore follows that we should avoid making long lists of recommendations that generate more paperwork and less incisive action.

Inspectors have considerable expertise in identifying issues of concern. They use a combination of data, documents, and interviews with staff, leaders, detainees and third sector organisations to build a picture of the treatment and conditions of prisoners, leading them, through the four healthy prison tests and the scoring system, to make sound, evidence-based judgements.

Generating recommendations from these concerns is more problematic when the issues are complex. For example, if violence on one particular wing is too high, this may be down to a number of interacting factors such as the mix of prisoners, the effectiveness of staff, the regime, the fabric, condition and design of the building, the culture of the jail, and any number of other important considerations. With such complex concerns, we believe it will be more effective for inspectors to set out what is wrong and allow the leadership of the jail and the prison service to create a plan to put it right, rather than making a recommendation which may be too static and prescriptive for an evolving situation.

What are we considering changing?

We are consulting on a proposed change to the way we report our concerns. Rather than make recommendations, inspectors will report up to 15 concerns, highlighting between three and six of these as priority concerns.

Concerns identify the areas where there are significant weaknesses in the treatment of and conditions for prisoners/detainees. To be addressed they will require change in practice and/or new or redirected resources. Priority concerns are those that inspectors believe are the most urgent and important and which should be attended to immediately. Concerns and priority concerns will be clearly summarised at the beginning of inspection reports and the body of the report will set out the issues in more detail.

In moving away from recommendations to a more limited set of concerns and priority concerns, HMI Prisons is seeking to reduce bureaucracy for leaders and direct their attention to the most important findings. Responsibility will fall on leaders to consider the best way to respond and use their resources and expertise to find solutions.

Independent reviews of progress (IRPs) will remain an important way of monitoring progress against inspection findings. During the 2022/23 year, some IRPs will take place at establishments where recommendations were made at the most recent inspection. At these establishments, IRPs will follow up on progress against recommendations in line with prior practice.

As the new method of reporting concerns develops, IRPs will begin to take place at establishments where we have set out concerns and priority concerns. At these establishments, IRPs will mainly consider progress against priority concerns. The list of concerns and priority concerns to be followed up will be identified when IRPs are announced.

Which inspections will use the new approach?

This approach is intended for the following sectors:

- Prisons
- Immigration detention
- Court custody
- Young offender institutions

Where will Care Quality Commission regulatory recommendations appear?

When the Care Quality Commission (CQC) issues a regulatory recommendation following a requirement notice, this will appear in a separate text box after the list of concerns and priority concerns.

Will the same approach be used in the inspection of health and social care, and education, skills and work?

Yes, inspectors from HMI Prisons and partner inspectorates will work together to identify concerns and priority concerns in these areas.

How will HMI Prisons follow up on concerns and priority concerns at a subsequent inspection?

Rather than focus on the implementation of specific recommendations, subsequent inspections will examine progress made in addressing concerns and priority concerns and improving the underlying poor outcomes for prisoners. Inspectors will make the following judgements on progress:

- No meaningful progress
- Insufficient progress
- Reasonable progress
- Good progress.

Will you still expect an action plan to be produced in response to concerns?

Yes, an action plan will be produced outlining how the establishment will address the areas of concern.