



HM Inspectorate  
of Probation

# A consultation on standards and ratings for a national inspection of the Probation Service

HM Inspectorate of Probation, October 2024

## Foreword

The national arrangements for the delivery of probation services have a crucial role in enabling effective frontline delivery. We see some of the impact of this national activity through our regional and PDU inspections, but these do not give us a full picture of the impact of national arrangements. We need this information so that we can target recommendations where they will best drive improvement. This is why we are preparing to carry out an inspection of the Probation Service, focusing on the arrangements and activity in place at a national level. This will give us a comprehensive picture of the things that help or hinder the effective delivery of probation services by regions and PDUs.

We have published fifteen reports and two regional inspection reports during 2024. Whilst we have found some positive practice and leadership in some areas, all of those reports have rated PDUs and regions as either Inadequate or Requires improvement. The themes underpinning our scores are consistent. Areas are still hamstrung by staffing deficits (including retention difficulties), consistent shortfalls in our standards on public protection, and the workload pressures.

My conclusion, is that we are unlikely to see any significant improvements in our findings in the short term and I am concerned at the potential damage to morale on the front line and public confidence if we merely report similar findings. Regions and PDUs need more time to allow matters including the recent SDS40 changes and probation reset to embed. We have a brief gap before we start the next regional inspection and we plan to utilise that time by undertaking a national inspection.

In this consultation, we are asking for your views on our proposed standards for a national probation inspection, as well as how we rate the evidence that we see against the standards. Our aim is to focus on the things that make a difference to the ability of regions and PDUs to deliver probation services effectively. We are proposing four standards for which we will award ratings. Our ratings will continue to follow our established four-point scale and we are interested in your views on whether we should also provide an overall rating. We will make recommendations to drive improvement, targeting them where we believe they can have the most impact, and will publish our findings.

This consultation is hugely important to us in shaping an approach that best drives improvement.

Subject to the outcome of this consultation and resources, we plan to carry out the first national inspection in the first half of 2025. We have designed inspection standards that are future proof to enable us to undertake further national inspections when we think there is a need to do so.

Our consultation closes at **11:59pm on Sunday 10 November 2024**. We would very much welcome your views on the detail of our proposals, and I hope you will take the opportunity to respond.



**Martin Jones CBE**

Chief Inspector of Probation

## **1. Background**

**1.1** The Probation Service is split into 12 regions across England and Wales. Seven area executive directors provide leadership across the regions. Each region is overseen by a regional probation director, who is responsible for the commissioning and delivery of probation services in their region. Operational delivery in each region is organised around 108 PDUs, led by a head of PDU. The governance for all of these arrangements sits under His Majesty's Prison and Probation Service (HMPPS).

**1.2** HM Inspectorate of Probation (the Inspectorate) currently inspects probation regions and PDUs. We inspect these against a set of evidence-based standards. We are proposing the same approach for the national inspection. Our inspection standards at regional and PDU level are comprehensive and enable us to provide a full picture of the region or PDU at the point at which we inspect it. What we want to do now is explain how national arrangements and activity act as enablers and barriers to the effective delivery of probation services by regions and PDUs. We believe this will allow us to best target our recommendations across all of our probation inspections and maximise our impact.

**1.3** This consultation covers the detail of our proposed standards for national inspection. The proposed standards can be seen in full at **Annexe A**.

*Question 1 – Should HM Inspectorate of Probation undertake a national inspection?*

## **2. Legislation**

**2.1** The Inspectorate has a statutory duty to inspect probation services. Section 7 (1) of the *Criminal Justice and Court Services Act 2000* (subsequently amended) confirms our duty to inspect the probation service. It states:

*The Chief Inspector must secure that the provision made in pursuance of arrangements made by the Secretary of State under section 3 of the Offender Management Act 2007 (power to make arrangements for the provision of probation services) is inspected by a member of the Inspectorate.*

## **3. Guiding principles**

**3.1** All of our inspections are underpinned by a set of guiding principles. We will inspect national arrangements and activity in a way that is:

**Fair** – we will look at the right things in the right way and do so consistently across inspections.

**Valid** – our inspections will generate objective judgements that successfully measure the key areas and stand up to scrutiny and challenge.

**Reliable** – our findings will be reliable, providing accurate, consistent judgements about national enablers and barriers to the effective delivery of probation services.

**Future proof** – our standards will benchmark the elements of effective arrangements and activity and as such should be able to stand the test of time.

**Proportionate** – we will be mindful of the effort and activity that inspection triggers and make sure that our standards are proportionate to drive improvement.

**Evidence-based** – our standards will be based on research and inspection evidence to maintain our authority and credibility and enable effective practice.

**Impactful** – our standards will drive the right behaviours, without creating any perverse incentives, and must enable national arrangements and activity to effectively support regions and PDUs.

## **4. The evidence base**

**4.1** As an independent, influential and evidence-based organisation, our approaches are founded in research and inspection evidence. We have considered findings from inspections of regions and PDUs and from our thematic inspections. Our proposed national inspection standards have been informed by this evidence, learning and experience.

## **5. Purpose**

**5.1** We think that inspecting end-to-end provision is the best way to capture how well probation services are delivered and their impact on those who receive them. We do this by focusing our standards on how inputs and activities result in improved outputs and, in turn, better outcomes for people on probation and victims. Probation services are less likely to meet their aims without good-quality inputs (such as professional staff and comprehensive services) and activities (such as case assessment and effective interventions). We think that our regional and PDU inspection standards do this well. However, regional and PDU provision is influenced by national arrangements and activity. Our current inspection of regions and PDUs does not allow us to sufficiently comment on or rate these national elements.

**5.2** Our proposed national inspection standards are designed to enable us to comment on the sufficiency of national arrangements to support, enable or drive the effective delivery of probation services by regions and PDUs. What we are interested in is the relationship between what happens at a national level and how this links to the effective delivery of probation services. We propose to rate the national arrangements and activity against each of the national inspection standards as well as awarding an overall national rating.

*Question 2 – Is our focus on how national arrangements and activity enable the effective delivery of probation services the right approach?*

## **6. Our proposed standards**

**6.1** There is no one way to structure standards. Regulators and inspectorates each do it differently, but they all tend to group standards together in a sensible way to reflect the industry they work with and the key things they do. All have standards relating to the way the organisations they inspect are run, with each standard underpinned by key questions and prompts. This is how we structure standards across our inspections of regions and PDUs, and it is the approach that we are proposing for our national inspection standards.

**6.2** Our standards will form the basis for a transparent and independent national inspection. Our standards, key questions and prompts should be coherent, sufficiently comprehensive and balanced. They must also be sufficiently discrete and they must support fair and transparent inspection judgements. All the proposed key questions and prompts will have a binary yes or no response. The greater the number of prompts underpinning a key question, the more difficult it becomes to balance them into a single judgement. This is why we have taken the view that no key question should have more than eight prompts. Some have as few as three.

**6.3** Unlike our regional and PDU inspection standards, our proposed national inspection standards are not separated into domains one and two. Instead, there is one set of four standards. We will use the findings from our inspection of cases as evidence for those standards, alongside other sources of qualitative evidence that we gather in advance, and inspection fieldwork.

The four proposed standards are:

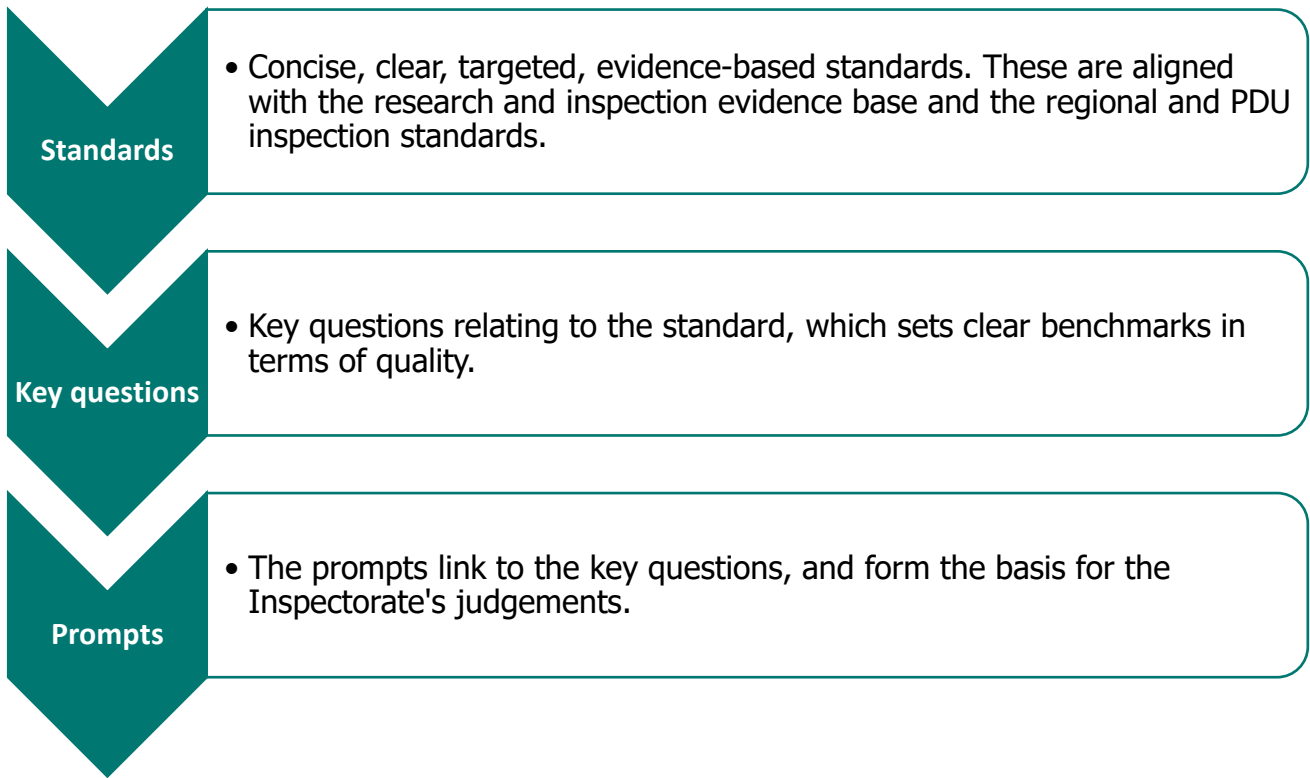
*N.1 Leadership and governance*

*N.2 Staffing*

*N.3 Services*

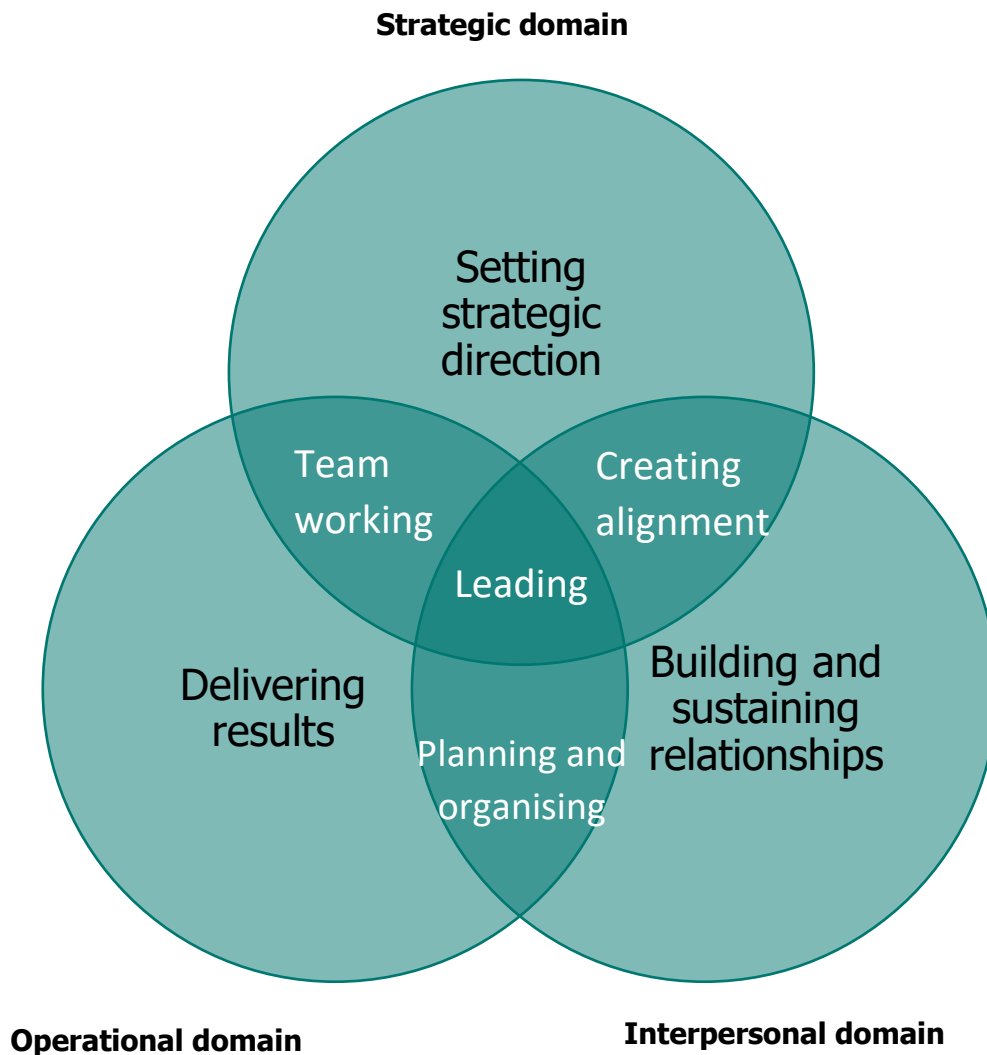
*N.4 Infrastructure*

## Structure of inspection standards



### N.1 Leadership and governance

**6.4** Our proposed *Leadership and Governance* standard is based on the *Primary Colours Model of Leadership* (Pendleton, 2012) and *Future-Engage-Deliver: The Essential Guide to your Leadership* (Steve Radcliffe, 2008). This model groups leadership arrangements and activity into three distinct sets: strategic, operational and interpersonal leadership. We have reflected these areas in our key questions and prompts. We also propose to ask how effectively the organisation uses evidence and learning to improve practice.



**6.5** Our key questions will enable us to see whether strategic, operational and interpersonal leadership arrangements and activity drive the effective delivery of probation services.

**6.6** In terms of strategic leadership, we expect to see a national vision and strategy, translated into an effective delivery plan, underpinned by effective governance arrangements and supported by strong collaborative arrangements with key partners and across government. For operational leadership, there should be an operating model that supports the effective delivery of probation services. Leaders should manage risk and change effectively and take an approach that supports and enhances regional and PDU leadership. For effective engagement, we want to see a nationally driven culture with opportunities for regions and PDUs to be innovative where appropriate. Leaders should use analysis, evidence and learning to promote the effective delivery of services. To do this, they should have in place effective national assurance systems, monitor the impact of policies and use the views of people on probation to improve services.

**6.7** We are interested in whether regions and PDUs are given the right levels of autonomy to make the best decisions and take the actions that will be most effective for the delivery of services in their areas. Our expectations will be set out in full in our guidance documents.

*N.2 Staffing*

**6.8** Through our proposed national inspection standards, we are looking for staffing arrangements and activity at a national level that enable probation services to be delivered effectively. We have not changed our expectations around probation staff and what staff need in order to deliver a high-

quality service. This is set out in our regional and PDU standards.<sup>1</sup> We will look at the national arrangements and activity around workloads, recruitment and retention, and learning and development.

**6.9** In inspecting the national activity to manage workloads, we will look at whether national resourcing arrangements, and the tools to support these, enable regions and PDUs to manage workloads effectively. For recruitment and retention, we want to see that the national arrangements and activity enable regions and PDUs to recruit and retain the right number of high-quality, diverse staff with the right skills. We want to see this done efficiently, so that these staff are in the right places at the right time and vacancies are filled promptly. Alongside this, we expect to see learning and development in place for staff at all levels that meets their needs and the needs of the organisation.

**6.10** We will also consider whether the national arrangements and activity provide regions and PDUs with the appropriate autonomy to manage workloads in response to local pressures.

### N.3 Services

**6.11** In our regional and PDU inspections, we look at the delivery of probation services. We check that delivery is based on an effective analysis of need, that it is delivered to the right individuals at the right time, and that a sufficient range and volume of services are available. In our national inspection, we want to test how well the national arrangements and activity enable regions and PDUs to deliver a comprehensive range of probation services effectively.

**6.12** Our proposed *Services* standard will measure whether there is a complete and up-to-date national analysis of the profile of people on probation and whether this is used to provide a sufficient range and volume of services. We will judge whether the right partnerships and commissioned services are in place and working effectively at a national level and that these are well understood by regions and PDUs. We will look for national-level collaborative and commissioning arrangements that strengthen protective factors. We want all this to be informed by robust evidence-based monitoring, evaluation and review.

**6.13** As with our other proposed national inspection standards, we will consider whether regions and PDUs have sufficient autonomy to deliver probation services effectively.

### N.4 Infrastructure

**6.14** Our proposed fourth standard looking at *Infrastructure* does not exist as a separate standard in our regional and PDU inspections. In those inspections, we look at infrastructure as we inspect cases, observe premises and talk to leaders and staff. What we have found is that many of the accountabilities for providing effective infrastructure are held at a national level. So for our national inspection standards, we propose to have a standard that examines the effectiveness of the national infrastructure arrangements.

**6.15** We propose to focus on two key elements of infrastructure: facilities and ICT. In our inspections of regions and PDUs, we have seen significant differences in the quality of facilities available to staff and people on probation. We know that safe, accessible facilities for staff and people on probation are important in providing personalised services. Through our national inspection standards, we want to highlight the elements of national arrangements and activity that enable regions and PDUs to provide good-quality facilities.

**6.16** In our inspections of PDUs and regions, we have seen effective ICT systems and we have also seen systems that do not work well enough, making it difficult for staff to deliver probation services effectively. For staff to deliver their work in a timely way, they must be able to access and

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<sup>1</sup> [Probation inspection standards \(justiceinspectorates.gov.uk\)](https://www.justiceinspectorates.gov.uk/probationinspectionstandards/)

share information and work remotely where required. ICT systems should produce management information that is timely, accurate and able to be used as intended.

**6.17** Through both of the key questions in the proposed *Infrastructure* standard, we want to see whether the national infrastructure enables regions and PDUs to reach their own local solutions where this would offer effective solutions.

*Question 3 – Are ICT and facilities the right elements of infrastructure for us to focus on?*

*Question 4 – Does the standards framework overall cover the key national areas that contribute to the effective delivery of probation services? If not, what is missing?*

*Question 5 – Are any of the proposed prompts insufficiently linked to effective service delivery? If so, which ones?*

*Question 6 – Are any of the proposed prompts insufficiently precise? If so, which ones?*

## **7. Ratings**

**7.1** We will make judgements against our standards by considering evidence such as interviews with staff and other relevant stakeholders and by examining policies and procedures and data and information. We will examine some of this evidence before the inspection, some through the inspection of cases and some through inspection fieldwork. Gathering a range of different types of evidence in these different ways will enable us to triangulate our findings, ensuring that our judgements are fair and valid.

**7.2** Once we have collected evidence, both before and during our inspection fieldwork, our inspectors will form their judgements against each of the four standards. We will rate individual standards because we know from studies across different disciplines that ratings are likely to be more reliable and valid if they are organised in this way and underpinned by comprehensive guidance. Our judgements will be informed by rules and guidance documents for each standard, question and prompt. These will be published on our website.

**7.3** In our inspection of regions and PDUs, we use a four-point rating system consisting of 'Outstanding', 'Good', 'Requires improvement', and 'Inadequate'. Similar systems are used by regulators and inspectorates such as CQC and Ofsted. The public is familiar with these categories and knows broadly what they mean. We plan to use this same four-point rating system to rate each of the four national inspection standards.

**7.4** We also propose to have an overall rating for the national inspection, which will be derived from the individual ratings at the standard level. We award overall ratings in our inspections of regions and PDUs, so this approach provides consistency. We believe that combining an overall rating with standard-level ratings will give an overall national picture and provide clarity about where strengths and deficiencies lie.

**7.5** We will use straightforward scoring rules to generate the overall rating. Each of the four standards will be scored on a 0 to 3 scale in which 'Inadequate' = 0, 'Requires improvement' = 1, 'Good' = 2 and 'Outstanding' = 3. Adding these scores produces a total score from 0 to 12, which will be banded to produce the overall rating as follows:

<b>Overall rating</b>	<b>Total score</b>
Inadequate	0–2
Requires improvement	3–6
Good	7–10
Outstanding	11–12



*Question 7 – Should we rate individual standards in our national inspections?*

*Question 8 – Should we award an overall rating for national inspections?*

*Question 9 – Is there anything in our proposed standards or the way we suggest we will produce ratings that you think could lead to undesirable behaviours, outputs or outcomes? If so, please tell us.*

## **8. Impact assessment**

### Regulatory

**8.1** The quality of probation work is important for all, and we believe that our proposals for a national inspection will help to drive improvements in service delivery where they are needed. Our inspection will set clear, evidence-based standards and provide independent oversight against these standards. We think the standards and ratings that we are proposing are appropriate and proportionate.

**8.2** We have seen in our regional and PDU inspections how an overall rating for a service can drive improvements. The proposal to include national ratings at the standard level alongside an overall rating will highlight where national arrangements and activity are effective and where improvements need to be made.

### Equalities

**8.3** The proposed national inspection standards will highlight how well national arrangements and activity drive, enable and support regions and PDUs to deliver probation services effectively. This includes factors relating to equity, diversity and inclusion. The standards framework will be supported by inspection guidance documents, which will include material relating to specific sub-groups and protected characteristics.

## **9. Summary of questions**

*Question 1 – Should HM Inspectorate of Probation undertake a national inspection?*

*Question 2 – Is our focus on how national arrangements and activity enable the effective delivery of probation services the right approach?*

*Question 3 – Are ICT and facilities the right elements of infrastructure for us to focus on?*

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*Question 9 – Is there anything in our proposed standards or the way we suggest we will produce ratings that you think could lead to undesirable behaviours, outputs or outcomes? If so, please tell us.*

## **10. Next steps**

10.1 The consultation will run until **11:59pm on Sunday 10 November 2024**. We will then consider all responses carefully before deciding on our approach and we will develop our inspection framework and supporting guidance accordingly. We will pilot our standards and approach from October 2024. We will continue to work with services and stakeholders to keep our inspection standards relevant, comprehensive and up to date.

## **11. How to respond**

**11.1** The deadline for responses is **11:59pm Sunday 10 November 2024**.

Please email responses to [helen.mercer@hmiprobation.gov.uk](mailto:helen.mercer@hmiprobation.gov.uk)

**11.2** You can also send any questions you may have to that address, and we will respond as soon as we can. Alternatively, if you would like to discuss any part of the consultation, please email Helen Mercer ([helen.mercer@hmiprobation.gov.uk](mailto:helen.mercer@hmiprobation.gov.uk)) to arrange a time to do so.

**11.3** As part of your response, please ensure that you:

- state clearly who the submission is from, for example from an individual responding in a personal capacity or sent on behalf of an organisation
- include a brief description of yourself/your organisation
- state clearly if you wish your submission to be confidential and/or you do not want to be contacted with follow-up enquiries (see confidentiality statement below).

### **Confidentiality statement**

**11.4** The information you send HM Inspectorate of Probation may be published in full or in a summary of responses. All information in responses, including personal information, may be subject to publication or disclosure in accordance with the access to information regimes (these are primarily the *Freedom of Information Act 2000*, the *Data Protection Act 1998* and the *Environmental Information Regulations 2004*).

**11.5** If you want your response to remain confidential, you should explain why confidentiality is necessary. We will grant your request only if it is appropriate in the circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding.

# **Annex A**

## **Proposed standards for national inspection**

### **N.1 Leadership and governance**

#### **National leadership and governance arrangements drive the effective delivery of probation services.**

##### ***N.1.1 Do national strategic arrangements support the effective delivery of probation services?***

- a) Is there a national evidence-based vision and strategy for the probation service?
- b) Is there a national delivery plan that supports the delivery of the vision and strategy?
- c) Do national governance arrangements effectively support the delivery of the vision and strategy?
- d) Are strong and well-maintained collaborative arrangements in place with HMPPS and cross-government partners?

##### ***N.1.2 Does national leadership activity support the effective delivery of probation services?***

- a) Does the national operating model support the effective delivery of probation services?
- b) Does the national operating model take a deliberate, strategic, and informed approach to meeting diverse needs?
- c) Do national leaders ensure the effective implementation of policies?
- d) Do national leaders understand and drive improvements to the quality of service delivery?
- e) Does national leadership activity support and enhance regional and PDU leadership?
- f) When implementing national changes, is the impact on service delivery, including equality impact, assessed, and appropriate action taken?
- g) Is risk well managed nationally with appropriate mitigations and controls in place?

##### ***N.1.3 Does the national culture support the effective delivery of probation services?***

- a) Is there effective national communication to regions and PDUs that supports the effective delivery of probation services?
- b) Are regions and PDUs supported to be sufficiently innovative and provided with appropriate levels of autonomy?
- c) Does the culture of the probation service promote openness, constructive challenge, and ideas?
- d) Is there a sufficient focus at the national level on staff wellbeing?
- e) Is there a sufficient focus at the national level on staff engagement?

##### ***N.1.4 Do national leaders use analysis, evidence, and learning to support the effective delivery of probation services?***

- a) Are comprehensive national assurance systems in place that support the effective delivery of probation services?

- b) Is there a sufficient national understanding of performance across the probation service and at all levels?
- c) Do national leaders learn systematically?
- d) Do national leaders understand and use equity, diversity and inclusion information to drive improvement?
- e) Do national leaders seek, analyse and use the views of people on probation at a national level to review and improve services?
- f) Do national leaders monitor the impact of policies?
- g) Are probation services improved through evaluation and development of the underlying evidence base?

## **N.2. Staffing**

### **National arrangements for staffing enable the effective delivery of probation services.**

#### **N.2.1 Do national workload management arrangements support the effective delivery of probation services?**

- a) Do national resourcing arrangements ensure manageable workloads for regional and PDU staff?
- b) Do national resource management tools support regions and PDUs to effectively manage staff workloads?
- c) Are regions and PDUs supported to be sufficiently innovative and provided with appropriate levels of autonomy to manage workloads in response to local pressures?

#### **N.2.2 Do national recruitment and retention arrangements support regions and PDUs to deliver effective probation services?**

- a) Does national recruitment and retention ensure the provision of sufficient numbers of staff to regions and PDU?
- b) Does national recruitment and retention ensure the provision of staff with the right skills to regions and PDU?
- c) Does recruitment support the achievement of a diverse workforce?
- d) Is national recruitment and retention efficient?
- e) Does national recruitment and retention offer sufficient autonomy for local arrangements?

#### **N.2.3 Do national learning and development arrangements support regions and PDUs to effectively deliver probation services?**

- a) Is a culture of learning and continuous improvement promoted actively at a national level?
- b) Do policies, strategies and arrangements for learning and development support the effective delivery of probation services?
- c) Are practitioners sufficiently skilled, competent and experienced?
- d) Do learning and development sufficiently support the continuous professional development of practitioners?
- e) Are managers sufficiently skilled, competent and experienced?

- f) Do learning and development sufficiently support the continuous professional development of managers?
- g) Is the impact of learning and development evaluated and changes made in response?
- h) Are learning and development effectively followed up to ensure that learning is embedded?

### **N.3. Services**

#### **National arrangements drive the effective delivery of a comprehensive range of probation services.**

##### **N.3.1 Is there a complete and up-to-date national analysis of the profile of people on probation that enables the effective delivery of a comprehensive range of probation services?**

- a) Does the analysis capture sufficiently the desistance and offending-related factors presented by people on probation?
- b) Does the analysis capture sufficiently the risk of harm profile of service users?
- c) Does the analysis pay sufficient attention to equity, diversity and inclusion factors and to issues of disproportionality?
- d) Is there sufficient analysis of local patterns of offending and sentencing?
- e) Does the analysis inform the national delivery plan?
- f) Is the analysis used to support resource allocation, including specialist provision and commissioning?

##### **N.3.2 Do national arrangements ensure the provision of a sufficient range and volume of probation services?**

- a) Are the right partnerships in place and working effectively at a national level to effectively deliver probation services?
- b) Are national arrangements for the provision of services well understood by regions?
- c) Do national arrangements for the provision of services meet the needs of regions and PDUs?
- d) Are regions and PDUs supported to be sufficiently innovative and provided with appropriate levels of autonomy?
- e) Do national arrangements promote effective collaborative working between service providers and probation practitioners?
- f) Are building strengths and enhancing protective factors central to the national commissioning and delivery of services?
- g) Are equity, diversity and inclusion factors and issues of disproportionality addressed sufficiently in the way that services are nationally commissioned and delivered?
- h) Are national arrangements for the provision of services informed by regular, robust, evidence-based monitoring, evaluation, and review?

### **N.4. Infrastructure**

#### **Infrastructure supports the effective delivery of probation services.**

##### **N.4.1 Do facilities support the effective delivery of probation services?**

- a) Do national arrangements ensure that premises and offices support the delivery of appropriate personalised work and effective engagement?
- b) Do national arrangements provide safe environments for the effective delivery of services?
- c) Do national arrangements provide accessible environments for the effective delivery of services?

**N.4.2 Do ICT systems enable regions and PDUs to effectively deliver probation services?**

- a) Do ICT systems enable staff to plan, deliver and record their work in a timely way?
- b) Do ICT systems enable staff to appropriately access information?
- c) Do ICT systems enable effective information-sharing with partners?
- d) Do ICT systems support remote working where required?
- e) Do ICT systems support the production of the necessary management information?
- f) Are regions and PDUs supported to find local ICT solutions where these may be needed?