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# Understanding the impact of inspection on probation

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## Executive summary

This research sought to understand the impact of probation inspection on probation policy, practice and practitioners. This important but neglected area of study has significant ramifications because the Her Majesty's Inspectorate of Probation has considerable power to influence policy through its inspection regime and research activities.

The study utilised a mixed methodological approach comprising observations of inspections and interviews with people who work in probation, the Inspectorate and external stakeholders. In total, 77 people were interviewed or took part in focus groups. Probation practitioners, managers and leaders were interviewed in the weeks after an inspection to find out how they experienced the process of inspection. Staff at HMI Probation were interviewed to understand what inspection is for and how it works. External stakeholders representing people from the voluntary sector, politics and other non-departmental bodies were interviewed to find out how they used the work of inspection in their own roles. Finally, leaders within the National Probation Service and Her Majesty's Prisons and Probation Service were interviewed to see how inspection impacts on policy more broadly.

The data were analysed thematically with five key themes being identified. Overall, participants were positive about the way inspection is carried out in the field of probation. The main findings are:

1. Inspection places a burden on practitioners and organisations. Practitioners talked about the anxiety that a looming inspection created and how management teams created additional pressures which were hard to cope with on top of already high workloads. Staff responsible for managing the inspection and with leadership positions talked about the amount of time the process of inspection took up. Importantly, inspection was seen to take people away from their day jobs and meant other priorities were side-lined, even if temporarily. However, the case interviews that practitioners take part in were seen as incredibly valuable exercises which gave staff the opportunity to reflect on their practice and receive positive feedback and validation for their work.
2. Providers said that the findings and conclusions from inspections were often accurate and, to some extent, unsurprising. However, they sometimes find it difficult to implement recommendations due to reports failing to take context into account. Negative reports have a serious impact on staff morale, especially for CRCs and there was concern about the impact of negative findings on a provider's reputation.
3. External stakeholders value the work of the Inspectorate. The Inspectorate is seen to generate highly valid and meaningful data which stakeholders can use in their own roles. This can include pushing for policy reform or holding government to account from different perspectives. In particular, thematic inspections were seen to be useful here.
4. The regulatory landscape in probation is complex with an array of actors working to hold providers to account. When compared to other forms of regulation such as audit or contract management the Inspectorate was perceived positively due to its methodological approach as well as the way it reflects the values of probation itself.
5. Overall, the inspectorate appears to garner considerable legitimacy from those it inspects. This should, in theory, support the way it can impact on policy and practice. There are some areas for development here though such as more engagement with service users. While recognising that the Inspectorate has made a concerted effort to do this in the last two years participants all felt that more needs to be done to increase that trust between the inspectorate and service users. Overall, the Inspectorate was seen to be independent and

impartial although this belief was less prevalent amongst people in CRCs who argued that the Inspectorate has been biased towards supporting its own arguments around reversing the now failed policy of Transforming Rehabilitation. There was some debate amongst participants about how the Inspectorate could, or should, enforce compliance with its recommendations although most people were happy with the primarily relational way of encouraging compliance with sanctions for non-compliance being considered relatively unnecessary.

To conclude, the work of the Inspectorate has a significant impact on probation policy, practice and practitioners. The majority of participants were positive about the process of inspection and the Inspectorate more broadly, notwithstanding some of the issues raised in the findings. There are some developments which the Inspectorate could consider to reduce the burden inspection places on providers and practitioners and enhance its impact such as amending the frequency of inspection, improving the feedback given to practitioners and providing more localised feedback, and working to reduce or limit perceptions of bias amongst people in CRCs. The Inspectorate could also do more to capture the impact it has on providers and practitioners – both positive and negative - through existing procedures that are in place such as post-case interview surveys and tracking the implementation of recommendations.

## 1. Introduction

This research report outlines the key findings of an empirical study into the impact of inspection on probation policy and practice. Despite being in operation since 1936, holding a budget of £6.4m in 2019/20 and being a key part of the Ministry of Justice's three lines of defence approach to holding probation providers to account, the work of Her Majesty's Inspectorate of Probation (HMI Probation) has never been subjected to external or academic scrutiny. Nor has there been any attempt to understand and collate examples of the various ways in which inspection impacts on policy, practice and practitioners. The Inspectorate holds considerable power to influence the work of probation providers, practitioners and the experiences of people under probation supervision and so this lack of attention on the impact of its work represents a real gap in knowledge about how probation policy and practice is constructed, and how probation services are governed. As shown in this report, the Inspectorate has considerable sway over the shape and structure of the criminal justice system and so a better understanding of the impact of its work will lead to a deeper understanding of what and why the criminal justice system functions in the way it does.

The report starts with an overview of the Inspectorate and its work, and highlights some of the key organisational contexts in which inspection work takes place. These contexts are important for understanding the findings, as well as for understanding the implications and recommendations. I then consider the limited body of existing research in this area and provide an overview and justification of the methodological approach. As the analytic approach adopted was thematic, the findings are presented according to the five key themes identified in the data: impact on front-line practitioners; impact on the organisation; how stakeholders use the work of the inspectorate; how inspection compares to other mechanisms of accountability; and potential barriers to the impact that the organisation has.

## 2. Policy and organisational context

### 2.1. Probation delivery in England and Wales

The data collection for this study took place during 2019 and the first three months of 2020, at which point the Covid-19 pandemic paused data collection. It is thus necessary to give a brief overview of the structure and delivery of probation services and how the Inspectorate responded – operationally – to a significant restructure in 2014 under the then coalition government's transforming rehabilitation reforms. These reforms have been covered elsewhere in some detail so this overview is brief (Robinson et al., 2015; Tidmarsh, 2020). Prior to 2014, probation in England and Wales was delivered by Probation Trusts which had some autonomy over how they functioned, although there was a high degree of consistency between trusts. Transforming Rehabilitation (TR) sought to privatise part of probation by outsourcing 'offender management' for people who posed a low and medium risk of reoffending to Community Rehabilitation Companies (CRC). CRCs were contracted on a payment by results basis, with any reduction in reoffending triggering a bonus payment over and above the value of the contract. It was anticipated that CRCs would be responsible for managing around 60 – 70% of people under supervision and they were also given responsibility for overseeing Unpaid Work and delivering through the gate services for people leaving prison. Meanwhile, the newly re-formed National Probation Service (NPS) took on responsibility for managing 'high risk offenders' and cases managed under Multi Agency Public Protection Arrangements (MAPPA) as well as becoming responsible for court report writing. It is not



necessary to go into the detail of what went wrong in the aftermath of these reforms (see Tidmarsh, 2020). Suffice it to say, in 2020 the Government announced its intention to effectively abandon the part-privatised model and bring all offender management, unpaid work, court work and accredited programme delivery under the one remit of an enlarged NPS. CRCs will cease to exist, but the new model will see the involvement of some private and voluntary sector organisations which will deliver housing support, drug support and other services. At the time of writing, the Government is aiming to implement this new model in June 2021.

## *2.2. HMI Probation*

The reforms in 2014 led HMI Probation to adapt its approach to inspection to reflect the different work undertaken by CRCs and the NPS. As such the organisation is currently structured along the same lines as probation more broadly, with one team responsible for undertaking NPS inspections and a separate team conducting CRC inspections. As part of this restructure the organisation undertook an overhaul of its inspection methodology and inspection standards. More detail about the Inspectorate's approach to inspection can be found on its website but it is worth highlighting the key aspects of its work here.

HMI Probation's main aim is to inspect services to improve the quality of probation, hold providers to account and ensure value for money. The inspectorate adheres to the ten core principles for public sector inspection which includes being clear and transparent about the standards against which services are assessed. These standards – again, published in detail on the Inspectorate's website – sit across three domains. In Domain 1, the focus is on the organisation and the leadership of the organisation. Domain 2 is concerned with practice and delivery. Each case that is inspected is assessed using the ASPIRE model. This means that inspectors seek to understand how well the case was assessed, and then how well the intervention was planned, implemented and reviewed. In the NPS Domain 3 focuses on court work and Victim Contact, whilst for CRCs the focus is Unpaid Work, resettlement and Accredited Programmes. HMI Probation also inspects youth justice services, but this does not fall into the remit of this study.

HMI Probation has two main forms of inspection: 'core inspection' which focuses on a discrete CRC or NPS division, with each 'area' being inspected annually. The findings from these inspections result in an overall rating for the service and a rating for each area of practice in the standards. The ratings are Outstanding, Good, Requires Improvement or Inadequate. The Inspectorate publishes a report alongside the rating, using evidence to substantiate the overall judgment. More recently, the Inspectorate has begun publishing good practice guides that are underpinned by inspection data. One recent example is its guide to 'effective case supervision'. HMI Probation also conduct thematic inspections which take a national view of an issue which is considered worthy of in-depth investigation, sometimes conducted with other inspectorates or regulators. Examples of thematic inspections conducted in recent years include an inspection of the supervision of sex offenders, and Integrated Offender Management (IOM). Both core and thematic inspections rely on a range of methods to generate data that are then used to evaluate the service including: analysis of case files, interviews with case managers about a specific case, analysis of policies and documents, interviews with leaders focusing on strategy, conversations with service users (although this has been introduced only relatively recently) and visits to Unpaid Work sites to observe practice.

In addition to its inspection work the organisation has sought to enhance the impact of its work through an enhanced research team in recent years. This team conducts its own research into evidence-based practice, commissions external research and commissions academics to write ‘Academic Insights’ papers which provide practitioners with the opportunity to stay up to date with current research. The Inspectorate can also be asked by the Ministry of Justice to conduct reviews into serious failings. For example, HMI Probation recently conducted reviews into the supervision of Joseph McCann and Leroy Campbell. Similarly, although HMI Probation does not routinely investigate serious further offences it can be asked to do so in certain circumstances by the Secretary of State. Finally, the Chief Inspector can be asked to give evidence to the Justice Select Committee and, as participants in this study testify, the organisation plays an important role in supporting providers in developing policy and responding to challenges in more informal ways (one pertinent example includes the way the Chief Inspector supported the implementation of the EDM in the context of the COVID-19 pandemic).

### *2.3. The regulatory landscape*

Inspection is one of the government’s three lines of defence in assuring accountability. In addition to inspection, providers are held to account through internal quality assurance frameworks and contract management for CRCs. As part of this, the Operational and System Assurance Group (OSAG) which is situated within HMPPS fulfils an agency-wide operational audit and quality assurance function for HMPPS. Through scrutiny of organisational documentation, comprehensive audit of case records and interviews with practitioners and service users, the OSAG community team assess probation provider compliance with contractual measures, achievement of HMPPS performance targets and progress against practice quality indicators (which, importantly, differ from those developed by HMI Probation). HMI Probation differs from both of these forms of accountability by being independent from the Ministry of Justice and HMPPS (although the question of how independent HMI Probation is – or is perceived to be – is considered as part of this study) by having autonomy over its standards, budget and staffing and with the Chief Inspector reporting directly to the Secretary of State for Justice.

Other independent forms of governance exist alongside HMI Probation. The Prisons and Probation Ombudsman oversees and responds to complaints from people under probation supervision in addition to a similar role for prisoners and responsibility for investigating deaths in prison and approved premises. With a similar focus on criminal justice, the Justice Select Committee is responsible for holding the government to account for the delivery of probation and HM Chief Inspector of Probation regularly provides evidence to the committee to inform their inquiries. More broadly, the National Audit Office has a role to play in terms of scrutinising the extent to which the service represents good value for money and the Public Accounts Committee also scrutinises probation from a value for money perspective.

In addition to these external forms of accountability NPS divisions have developed their own forms of quality assurance, sometimes based on HMI Probation’s standards and CRCs are held to account by their owners through analysis of the extent to which contracts are delivered within budget. The Effective Practice and Service Improvement Group within HMPPS also develop quality assurance tools for divisions to use. The regulatory and governance landscape surrounding the delivery of probation is therefore complex, combining internal and external organisations and mechanisms,

each of which have their own methods and distinct areas of focus. Importantly, the extent to which providers are held to account holds the potential for a significant burden being placed on staff and organisations and this is another area explored in the present study.

### **3. Previous research on inspection**

There is very little research on the impact of inspection in the field of probation. Even when one looks to other criminal justice institutions such as the police and prisons there is very little research in this field. There are some interesting accounts from previous chief inspectors such as Rod Morgan (Morgan, 2004, 2013) and Andrew Bridges provides some interesting reflections on his role as Chief Inspector following his retirement from that role in 2011 on his website.<sup>1</sup>

In terms of empirical academic research on inspection or broader forms of accountability the focus is more on what accountability should or does look like, rather than what its impact is in an empirical sense and how people in inspected services experience inspection. Thus, work conducted by Shute (2013) takes a policy focused approach to understanding inspection by providing a historical analysis of the development of criminal justice inspections and considering what inspection should look like in these contexts. Shute (2013) asks how we should understand the nature and purposes of criminal justice inspection, what methodologies it ought to employ and who should do it. What values should it respect, how much it costs and whether it works are also important questions raised by Shute. He argues that evidence that inspection improves service delivery is weak and requires further research. Looking more to the field of accountability and less inspection, there are some useful frameworks which we can use to further understand inspection as a form of accountability. For example, work on accountability in the police we see a useful distinction between different styles of accountability: the 'subordinate and obedient' and the 'explanatory and cooperative'. The latter of these two styles, according to Reiner (1993), leads to a greater ability to challenge practice, seek explanation and provide recommendation. This body of literature points to the importance of understanding both the full range of regulatory organisations, but also the way in which accountability can be secured from organisations that do not necessarily have the power to do so. For example, Tomczak (2021) sheds light on how certain groups (in her case, the penal voluntary sector ) can hold organisations to account and what the impact of that work can be. Similarly, and drawing on Boyne et al (2002), in her work on what happens after people die whilst in prisons (2018) she explores the impact of systems of accountability on individuals within the system including prison officers and the family members of people who have died in prison. Interestingly, and pertinently for this study, she argues that while there is a plethora of organisations which seek to find out how things are working (be that working well or less well) there is a lack of people and institutions to put those findings into practice thus limiting the impact of these wider methods of governance. In an ongoing Europe wide study led by Prof Mary Rogan at University College Dublin entitled 'Prisons: the Rule of Law, Accountability and Rights' (PRILA) the focus is on a comparative understanding of accountability in prisons and to find out how accountability is experienced by prisoners and prison staff, they are yet to report on much of their findings but they have argued that awareness of inspection is low amongst prisoners and this has the potential to inhibit the impact that prisons inspectorates can have (van der Valk et al., 2021; van der Valk and Rogan, 2021). Much of this work focuses on broader issues of

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<sup>1</sup> <https://www.andrewbridgesprobation.com/>

accountability and less on inspection, how people experience and what the impact of inspection is and it is here where this study has focused its attention.

If we look further afield, beyond criminology, there is a larger body of research upon which we can build. In particular, research highlights the importance of and risk of ‘accountability overload’ (Halachmi, 2014) by which, through an ever-growing need or desire to hold organisations to account ‘at all costs’ we end up in a situation which ‘leads to organizational pathologies that reduce efficiency, effectiveness, responsiveness and innovations’. Inspection and accountability mechanisms can take a real burden on organisations and the people who work within them and part of the aim of this study is to understand this. In the field of education there is a limited body of literature on teachers’ experiences of being inspected by Ofsted. This body of work shows that inspection can have important unintended consequences such as impacting on teacher emotionally, can narrow and refocus the curriculum, can result in the misrepresentation of the school in data sent to the inspectorate, an excessive focus on records the inhibition of innovation (Jones et al., 2017; Quintelier et al., 2019). Interestingly, there is still inadequate evidence to show that inspection truly improves the quality of education, partly down to the complex nature of the relationship between schools and the inspecting body and some have argued that Ofsted does more harm than good (Coffield, 2017).

This brief review of the literature shows that there has, thus far, been very little research on the impact of inspection in probation and across the criminal justice system. Moreover, when we look beyond criminology the jury is still out on what impact inspection has, and whether it meets its overarching aims of holding providers to account and improving serviced delivery.

#### **4. Methodology**

The central research question for this study is ‘what is the impact of probation inspection on practitioners, their practice and broader probation policy?’. In order to answer this question, the research adopted a mixed methodology qualitative approach comprising observations of inspections and interviews with a range of relevant stakeholders.

##### *4.1. Data collection*

###### *4.1.1. Observations of inspections*

In order to understand what inspections look like, what goes on within an inspection and identify the ways in which inspection can have an immediate impact on practice I began the study by observing inspections. Access was negotiated through liaison with the inspection team and the provider being inspected. I spent around 4 days in each site, making sure to observe a range of activities including case interviews, Unpaid Work site visits, meetings between the inspection team and leaders within the delivery organisation and meetings with external partners. In contrast to interviews, observations allow us to see inspection first-hand and provide insight into how inspectors navigate and adhere to different principles of inspection and modes of regulation. In total 5 inspections were observed – two CRC inspections, one thematic inspection, an inspection of the NPS’s national operation and one NPS division. Across those inspections I observed 8 interviews with responsible officers, 3 focus groups with responsible officers, 7 meetings between inspectors and strategic leads within providers, 2 interviews between inspectors and external partners and went on one UPW site visit.

#### 4.1.2. Interviews with inspected service and other stakeholders

I conducted interviews with three groups of people who are affected by, or use findings from, the Inspectorate’s work. Firstly, probation practitioners who had just been through the inspection I observed were interviewed. These interviews focused on how they experienced the inspection and how the work of the Inspectorate impacted upon their work. Secondly, interviews with probation managers and leaders were carried out to understand the impact of inspection on policy and the broader organisation from both a strategic and operational perspective. I interviewed some of the people in these two groups twice: soon after the inspection had occurred and then again soon after the publication of the inspection report to find out what they thought about the findings. Due to the COVID-19 pandemic and the request from HMPPS to pause data collection not all participants were asked to undertake a follow up interview. Thirdly, relevant stakeholders, such as civil servants in the Ministry of Justice were interviewed to ascertain the impact of inspection on policy and the broader probation landscape beyond the inspected service. These interviews focused on participants’ understandings of inspection and accountability, identify the ways in which they use the inspectorate’s findings and with a view to elucidating stakeholders’ views on what inspection in probation should, and could, look like.

#### 4.1.3. Interviews with HMI Probation staff

To understand the motivations of those doing inspection I conducted semi-structured interviews with members of staff from HMI Probation. Assistant inspectors, inspectors, heads of policy and the Chief Inspector took part in interviews or focus groups. Interviews with senior leaders explored the ways in which they understood, justified and explained the work of the organisation. I conducted focus groups with inspectors and assistance inspectors as this was easier to organise. These interviews had a similar focus to the ones with leaders within HMI Probation but also focused on how they experienced being an inspector and sought to generate data on how they inspect to maximise the impact of the organisation.

I spoke to a total of 77 people across 2 CRCs, one NPS division, central NPS central function, HMI Probation and external organisations representing the VCS sector, probation staff and other groups. See Table 1 for a breakdown of participants.

*Table 1: Breakdown of interview participants*

<b>Role</b>	<b>Number of people interviewed</b>
<b>Responsible officers (POs, PSOs and PQIPs)</b>	20
<b>Admin staff</b>	1
<b>SPOs (Team managers, Programme managers)</b>	3
<b>Leaders within inspected services</b>	9
<b>Senior leaders within the NPS</b>	6
<b>Local assessors</b>	4
<b>HM Inspectors</b>	6
<b>Assistant inspectors</b>	11
<b>Leaders within HMI Probation</b>	11
<b>External stakeholders</b>	6
<b>Total</b>	<b>77</b>

## 4.2. Analysis

All data were analysed thematically using NVivo. The primary aim of the analysis was to identify the ways in which participants talked about the impact of the work of the inspectorate across all 'levels', from the impact on the individual practitioner to national policy and policy change and the findings section of this report focuses most closely on the themes I identified within this broad question. However, other important themes were also identified through the coding process and they are also discussed below. They are: How people use HMIP's findings, how inspection fits into the broader regulatory landscape described briefly above and what barriers exist in terms of holding providers to account.

## 5. Findings

### 5.1. Impact on front-line practitioners, managers and the organisation

In general, participants were positive about the work of the inspectorate and outright criticism was rare in the interviews I conducted. Participants appeared to appreciate – on the whole – the positive impact that Inspectorate has on probation policy, practitioners and practice. Generally speaking, the Inspectorate was valued for its independence, rigour with which it generates evidence, the standards against which it inspects services and the relationships it builds with staff and external stakeholders in the course of its work. That is not to say, however, that the feedback from interviews was positive across board and there were, as is often the case with this type of research, contradictions and tensions. Importantly, the interviews highlight some important unintended consequences of inspection. In the sections below I discuss and describe the main themes identified in the interviews, focusing on the impact that the work of the Inspectorate has on practice, policy and practitioners.

#### 5.1.1. Operational pressure

Overall, the practitioners I spoke to were positive about the inspection process itself. However, they were less positive about the pressures placed upon them by their organisation, and the amount of work required in the build-up to an inspection, all of which created a real burden in terms of workload and resulted in a real sense of anxiety. Practitioners reported that once they knew one of their cases was going to be inspected the pressure increased considerably with participants across both the NPS and CRCs talking about management oversight, audits, practice interviews and preparatory work to make sure all 't's were crossed, and i's were dotted' (NPS 01, PO).<sup>2</sup> Many felt that this pressure came from managers and that they were left having to 'manage their managers'. Even in the NPS where the strategy from management had been explicitly to avoid placing pressure on staff, this sense of having to perform well was felt acutely. Participants talked about how there was a lot 'riding' on inspections and that the pressure from management served to make things ever more pressured:

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<sup>2</sup> All interview participants have been anonymised and pseudonymised. The codes indicate the organisation they represent and their role. Thus, CRC1, CRC2, NPS reflect the three inspected services and 'Thematic' relates to people who were inspected as part of the thematic inspection. NPS National are people who hold a national role within the NPS and EXT refers to external stakeholders). PO indicates a probation officer; PSO is probation services officer and SPO is senior probation officer (SPO). Senior leaders are denoted by SL.

Interviewee: this felt there was a lot more riding on this one. So there felt a lot more pressure to get things sort of right. It felt quite a pressured thing, more than normal. I have always been of the view that they are what they are, they're going to do it regardless of- It's going to happen whatever we do, we've just got to run with it, so yeah, this one did feel quite pressured.

Jake: And where was that pressure coming from?

Interviewee: I would say from the senior management really. I don't know where they were getting it from, but from our SLT, Senior Leadership Team... (CRC1 04, PO)

I think the way I would describe it, it's like really simple things, it just feels like you end up having to anxiety manage your management team. It's just not a helpful scenario. The management team gets anxious. There are all sorts of emails that go out about how to give the best impression and leave cancelled, people told they can't go on leave, things like that. (NPS 07, PO)

No, just that it was a positive experience and that just senior managers ruin it. (NPS 13, PO)

When discussing what happens in this preparatory period, practitioners explained that they would go through case files making sure that all work that was supposed to be done, had been done; that checks had been made and, if not, that they were done retrospectively. Staff checked case records and notes were up to date, conducted OASys reviews (even, in some cases, if they were not due), revisited sentence plans in order to check they were an accurate reflection of the service users' needs and to check that they had been responded to during the period of supervision thus far. In CRC2 management conducted a 'shadow' inspection in order to prepare staff and pick up any issues beforehand. It was clear that a lot of work went on during this period, as summed up by one leader in CRC1:

Don't ever underestimate how much work goes on from a CRC and I dare say NPS. Behind the scenes in preparation and working with the inspector. It must cost thousands, hundreds of thousands in man hours and stuff so it needs to produce results actually, otherwise we're wasting a lot of money. (CRC1 03, SL)

Interestingly, one manager in CRC2 explained it in terms of being a supportive process for staff but this was not necessarily experienced by staff themselves:

We had a shadow audit team so that we had a consistent benchmark of, A, measuring ourselves and know how we were going to come out but, B, supporting staff to have a case focused discussion and reflect on their practice in an honest way. It wasn't about coaching, I'm not interested in that at all but it was about them not feeling defensive. (CRC2 03, SL)

I asked if this preparatory work was just 'tidying up' but many practitioners that this was more than that; that substantive work was done in this period (see [section 5.5.1](#) for more on this, and its broader implications). There is a need for balance between providers preparing cases and staff, and doing so in an overwhelming way because it can be helpful, if done right:

Participant: It was my error in not recording that. ... I have about ten SPOC roles as well, specialisms and sometimes when you're juggling, you drop a ball. So, I'm happy that that

safety net was there because if anything had happened with regards to an SFO, for example, I would have been pulled apart. So, I found that useful I have to say.

Jake: That's really interesting. So, that actual lead up to the inspection was a useful learning process for you.

Participant: I think so, yes. (NPS 08, PO)

I have been on the fence with it before but I am more in the mindset that it does help to prepare individuals who are going in to interviews and I think that's the right thing to do for those individuals. (CRC2 01, SL)

So for me it was just to make sure that everything was up to date and everything was as it should be, if that makes sense. And as far as I was aware, I believe everything I could have done to make sure that everything was up to date I have done ... Obviously management are coming in and this is what they might ask you, this is what they might not ask you and obviously just to refresh your memory on the policies and procedures basically. However, I was already kind of doing that or needed to do that and that gave me the extra boost, being that obviously I had just joined the IOM team. (Thematic, NPS 02, PO)

The amount of time required by an organisation has an impact operationally with both NPS and CRC managers and leaders discussing the way that the administrative burden played heavily on their organisation and led to other priorities being side-lined until after the inspection had taken place. This was understandable in some ways, but some interviewees talked about how the sheer extent of inspection and audit that providers have to undergo (see [section 5.4](#) for more on this), had led to a real impact on their ability to move things forward, or be innovative, as they were always responding to audit and inspection findings:

The amount of audit, pre-audit work that was done, it took people away from doing their everyday stuff and ... So that had a big impact on us as a team really, because everyone was sort of involved in it. (CRC1 04, SL)

So although we really welcome HMIP, there has to be a recognition of how much time it takes for senior managers and staff on the ground can take them away from their day-to-day. So myself with nine interviews over a three week period, that took me out of operation for at least 15 hours. That's just for the interviews because each interview's an hour and a half. That isn't to mention the prep for the interview that it takes, so you're talking - and we're still having to run the operation so, you know. It's fair to say I do a 50- or 60-hour week most weeks so having a HMIP on top of that is really difficult. However, saying that, I would much rather have HMIP come in than contract manager assurance. (CRC2 01, SL)

There is a lot of work and of course we don't get funded for it and it will be more of a tension going forward because in the past the tension was about the fact that we hadn't got the staff to do the preparation and we had to take them off other jobs and because we had so many vacancies that was a problem. Going forward it will be they haven't got the money to pay for them. We had the money because we had so many vacancies. Going forward, if you're fully staffed you won't have the money to do it. So, I think there's always a tension there in terms of the preparation. (NPS1 15, SL)



They were busy obviously looking at the cases, meeting up with people and making sure that, I don't know, management oversight I suppose. So they were kind of busier in the run up to it, you couldn't really pin them down for much else other than inspection stuff. Yeah, no, not really, just the stress of it. (NPS1 02, PO)

Participant 1: My concern with annual inspections was that realistically, by the time you get the action plan all signed off and validated you haven't got a lot of time to really ... plus you then couple it with probably on average 2-3 thematic inspections a year in an area, plus your ...work is going on and it did feel like it was getting to a point where okay, when am I going to have time to do the bloody job! So there is a balance needed.

Participant 2: I think that that risks stifling innovation. (NPS National 05, SL<sup>3</sup>)

Moreover, the staff who took primary responsibility for managing the inspection process said that an upcoming inspection meant everything else they had responsibility for had to be neglected. This was particularly the case in CRCs which have relatively 'lean' senior leadership teams due to budgetary pressures. The NPS, with a little more latitude in its management structure, appeared to be able to cope with this by asking existing SPOs to 'act up' into a leadership role purely for the period of the inspection. Inspection also results in an operational burden because of the frequency of inspection:

I think that there's something, and again I think that we've discussed this at some point, either around flexibility of the regime and if somebody done brilliantly then why would you go back to them five minutes later and look at them again and actually I think they've shown some willingness, although I'm not sure I've seen the outcome of all of that thinking as to actually recognising that and saying okay, if you've done brilliantly we will come back in two years rather than next year because we've only got limited resources and also what's the point. (NPS National 05, SL)

Annual inspections I think is overkill ... a colleague said to me that they will literally only finish dealing with the closing out of the action plan for one round of inspections and then within a month they started the prep work for the next. It just doesn't work. (NPS National 08, SL)

This is particularly pertinent when it comes to the way that inspection works in relation to other governance and regulatory regimes which are discussed below ([Section 5.4](#))

### 5.1.2. Emotional impact

The work that goes into preparing for an inspection clearly takes its toll on staff in terms of workloads. But it also impacts on staff emotionally. Frontline staff reported feeling anxious and nervous in the run up the inspection. Some of the efforts taken by providers to prepare staff resulted in people feeling more rather than less anxious:

Initially I was quite nervous because I had two of my cases on the inspection, one is the one that got selected who I was really confident with whereas the other case is a very chaotic drug user. I've done everything I can with that case, but I was extremely anxious about that case being selected because it's less of a polished case if you will. That anxiety of getting blamed for not doing stuff correctly when I couldn't do anything differently ... So, yeah, initially I was quite anxious about it all thinking, oh, I'm going to

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<sup>3</sup> 'NPS National 05' was a focus group conducted with three senior leaders from the NPS

be judged, I'm going to be held to - well, not held to account but what if I've not done this right? What if I've not done that right? Questioning a lot of my own actions. (NPS 03, PO)

I think the emotional fallout of the management team is quite top down, so I think if the structure is anxious, that comes down and I think, obviously, there is concern. Obviously I think they do have the anxiety that comes with scrutiny, but I also think that the culture of the organisation in general is very anxious, kind of constantly probation officer staff are working with a background mantra of, 'You have to cover your back,' and I think that just gets emphasised in inspections. (NPS 07, PO)

After I had my initial meeting with the manager I felt all right, however I do feel like it's a bit of a, oh, we've got an inspection coming up and then everyone's on panic mode whereas we don't really know what's going on. We don't know why they're here, what they're specifically looking for. I feel like it would be good for everyone to know more about the process I guess, because if you're not in the process, i.e. your case doesn't get picked you're kind of just like not allowed to take holidays in these three weeks without authorisation off whoever when you've got nothing going on. (NPS1 16, PO)

Not all staff said they felt anxious in the run up to the inspection. Rather, it tended to be staff who were less experienced and PQIP students were singled out by some SPOs as being particularly at risk of feeling this emotional pressure of a looming inspection.

#### 5.1.3. The case interview: an opportunity for reflection and validation

Across CRCs and the NPS the anxiety that practitioners experienced in the build-up appeared to dissipate during the case interview itself, summed up nicely by the following practitioners:

I think the actual inspection was less of a big deal than management made it out to be. I was more stressed in the week leading up to the inspection of doing remedial work, having my cases really scrutinised, having to do a new assessment and thinking, you know. (NPS 02, PO)

For me I think the analogy would be you're more nervous going to the hospital and having a leg off than actually having the leg off. The build-up to the inspection was unpleasant because of the expectation of the inspection. Too much hard work. Too much negative discussion and actually when the inspecting was reasonable, you know, there are no surprise questions when you're inspected because actually you're the expert and the inspector is the visitor so you should know more about the case, but I would say if anything it's the pre-emptiveness of the date and the build-up and the build-up comes from our end, it comes from our management. (CRC2 04, PO)

I found it nerve-racking. I found the whole process nerve-racking to be honest with you. It was much better than I expected, to be fair. (laughter). I kind of had worked myself up a little bit about the whole process, to be fair. So I was really quite nervous before I went in but actually both the auditors were both very pleasant and the process was nowhere near as bad as I had anticipated. (Thematic CRC, PSO)

Of course, it may be that the case interviews went well because of the preparation that had gone on prior to the inspection taking place as the staff member would have had a good knowledge of the case. Negative experiences of the case interview were rare and these certainly seemed to be

exceptions rather than the norm. That said, the emotional impact of such an experience should not be underestimated. Moreover, these negative experiences appeared to be rooted more in the approach of the inspector than the way the case had been managed and so this points to the importance of consistency in approach, rather than content and focus, when it comes to case interviews:

My second experience was just horrific and the lady just looked at me as if to say, you know, I don't know what you're doing here, don't know what you're doing, so in the end I just said to her, 'Well, you know, I'm kind of done here if that's okay?' because I was nearly going to cry. I was nearly going to cry. It was awful. So not cool. (CRC2 04, PO)

For these people, the impact on them professionally and personally was significant and I heard of at least one member of staff who was now on long term sick after a difficult interview: again, the complaint here (from their SPO) was about style and approach than about content or focus. In the main though, practitioners reported positive experiences from the case interviews, and they seemed to be the most impactful area of the work for front-line workers. The most salient theme here was that the case interview provided the opportunity for the practitioner to engage in reflection, an opportunity to sit down for an hour with an expert to talk about how they have managed the case:

Jake: So was it an opportunity to reflect on your practice?

Participant: Yeah, very much so because she would say things to me like, 'Oh, I saw the phone call from [Name]'s mum a few days into your management of the case, talk to me a bit about how that affected you.' It wasn't just about the risk management plan or about my practice, there was opportunities for how I felt at various points during my management of the case. (NPS 01, PO)

Actually people found it was a reflective discussion and it's one of the things that is missing because of high workloads, they don't get to sit down and just reflect about their cases, there's just not time. It's one of the things we sold it to them on, said this is a chance just for you to take an hour, talk about all the things you do with this person and that .... It's what they do the job for. (NPS 10, SPO)

I actually found it a really useful process in terms of giving me the time to reflect on cases that I probably wouldn't have time to reflect on normally when there's so much going on with them and things like that. ... you never really get the time to just sit down for an hour and talk about one of your cases and reflect on the things that you did and what you could have done differently and things like that. (NPS 02, PO)

A good reflective experience appeared to depend on several factors – the ability of the inspector to quickly build rapport, the fact that inspectors have a good knowledge of probation work (although this was slightly countered by a sense that, by virtue of being previous probation workers, they may lack the required level of impartiality to make objective judgments of practice – see [section 5.5.3](#) for more on this) as well as the fact that practitioners did not feel blamed when things were identified that could have gone better. This was partly enabled by the focus in interviews on the broader context of their work as well as a non-judgmental attitude by the inspector. This needs to be understood within the broader context of probation workloads and models of supervision which do not allow for the time or space to undertake reflective supervision consistently across the service.

In addition to the interview being a time to reflect, practitioners reported getting positive feedback from the inspector and this gave them a sense of validation.

You come out thinking, 'Gosh yes, I really have managed that case well,' because if you don't take time to sit down and individually think what have you done well, you're always thinking, 'What ball have I dropped? What can I do next?' You don't self-reflect often as if to say, 'No. That was a really damn good piece of work that,' ... So that's usually what I've come out of inspectorates before. I've come out feeling really positive that, 'Yes, okay, really well done.' (NPS 08, PO)

Following it I felt so much better about everything because I had kind of had an experienced auditor say that what I was doing was good and that was really great to hear, as someone who's not done it very long. That was a relief to hear. The big build up to it and what have you was, you know, it was nerve-racking, so it was nice to get a good result at the end of it. (Thematic, CRC 01, PSO)

I suppose it was nice to get feedback from someone and the time out to actually get told for a change that you're doing a good job. Sometimes in this job, as I'm sure you're aware, you could do 100 things, 99 things right, one thing wrong and you never hear the end of the one thing that you've done wrong so it is nice to be told about the positives that you're doing really. (NPS1 12, PO)

The interviews clearly provided the opportunity for professional development and learning opportunities. Interestingly though, when asked for examples of whether the inspection – not just the interview itself – had led to specific changes to their practice, there was no clear theme and a significant number could not provide any specific examples. Where examples were provided, they included paying greater attention to making sentence plans less formulaic or being more vigilant around keeping case records up to date (partly to reduce the need to go back through Delius and retrospectively add things in the run up the next inspection or management oversight):

No. I think just about being - I come away just being more mindful about professional curiosity and sort of verifying stuff but I think that's been in the public domain for a little while so that's something I've picked up on over the months prior to the inspection but it just reiterates the fact that you need to be developing that. There was a couple of things in the inspection where she said, 'What does that line mean in the OASys?' I was like, 'Erm, I think maybe that should have been removed and it wasn't.' It was obvious you'd removed a section, there was one line, she went, 'Because that just doesn't make sense at all', I'm like, 'No, probably because it's not supposed to be there!' So it was like just a reminder I suppose about being more conscientious in when you're doing assessments like that but that's balanced with the fact that you've got to do them in a moment's notice because you've always got so much work on. (NPS1 04)

Jake: you said in the interview with the inspector that they raised something about your sentence plan and you could have put a bit more information on it. Has that changed your practice now? Do you do more here?

Participant: Oh, I've changed it, yeah.

Jake: Consciously because of that inspection meeting?

Participant: Yes. (CRC2 05, PO)

To be honest I'll say that now when - I'm more focused on getting all my contacts together at the right time because I just think that it's more for other people in some respects because you're like, I've seen it before with cases where there's bits missing so if there is something that needs chasing up I'd say that, even if it's something small like, I don't know, a housing letter or an email, it goes on the system and I try and update it as regularly as I can because it's more for, like I say, other people because you're picking up a case where someone's not come in and you just then - or a client comes in and says they were doing this and you're like, well, it's not on the system. It's almost like that 'computer says no', it's not on the system so I don't know. It's even stupid things like they've had a bus pass or they've had something that we've given them and if you're coming back and they're then - you get a lot of people that say they've not had it and if it's not on the system you end up giving another one out and you get it in the neck. It's just keeping everything - I try and keep a bit more up to date with everything and try and push a bit more on the training as well, just for my own personal gain really. (NPS 05, PO)

Interestingly, the data suggest that the area of practice that the case interview impacts most on is around recording case notes and being more accurate with records than about substantive work to do with assessing risk or implementing effective rehabilitative interventions that might result in reduced reoffending or supporting someone with desisting. Two participants mentioned that an inspection had resulted in more training being delivered to staff, primarily around risk assessment and sentence planning across both CRCs. Other than this, staff seem relatively unaware of the direct impact that inspection has on their organisation or their practice.

## *5.2. Impact on providers*

Speaking to managers and leaders in providers proved useful in terms of illustrating the ways that inspection impacts on organisations. When asked about how inspection impacted on their organisation, the most prominent theme was the operational pressures, discussed above ([section 5.1.1](#)). Other themes here relate to implementing the findings, managing the impact of the findings on the provider's reputation, dealing with the impact on staff morale (especially where the findings are negative), and managing a disconnect between positive feedback in case interviews and overall negative ratings.

### *5.2.1. Implementing findings*

Providers said they faced some significant issues when it comes implementing the findings of inspection reports with two clear themes being present in the data: firstly, leaders said that the recommendations in reports were related to issues outside of the individual division or CRC's control and, secondly, in some cases (primarily for CRCs) they were in direct tension with forms of regulation.

Firstly, providers said that the lack of context that is provided in reports makes it hard to implement recommendations. For example, in the NPS several reports have raised the problem of high workloads and understaffing, as well as problems to do with the estate – individual divisions have very little say over these matters and, according to this SPO from the NPS, leads to pressure being put on staff for systemic issues that exist way above them:

There's been a tendency, and there still is in certain quarters, in senior line management structures to locate responsibility of the individual practitioners and it's this kind of blame culture because people haven't done their job properly and if you fail to address the higher workloads, the staffing issues, the lack of training then those things will never go away. We want I think, you know, to make HMIP meaningful and useful we need them to see the reality of the world, otherwise they're not in a position to influence the national picture. (NPS 10, SPO)

The problem here is that whilst case interviews, focus groups with staff and meetings with management generate data on the broader context of practice, HMI Probation is responsible for assessing whether practice meets the standards they have set, rather than why. This is an important distinction, and it reduces the risk that HMI Probation proposes solutions to the problems they identify (something which HMI Probation staff are, rightly, keen to avoid). However, it means that – from the point of view of providers at least – this important contextual information gets lost in reports. This was a particular concern for CRCs. It is important because it makes it difficult for providers to act on recommendations and findings. Whilst HMI Probation sought to address this through, for example, the inspection of the central functions supporting the National Probation Service (HMI Probation, 2019) that did not solve these issues for the CRCs:

What concerns me more is that they hold us to account and say not really good enough, but they don't hold the contracts teams to account or the commissioners or [CRC owner] because they can't, because that's not what their remit is. So that's where the flaw is for me in the current set of arrangements, is we are doing the very best that we can and we've come out as a good senior management team doing the very best that we can with the resources and the corporate side of things which is fairly poor. (CRC2 06, SL)

Then you've got the case management which in the main we're all hitting our performance targets and our contractual targets but yet when you layer that against the inspection we're all doing relatively poorly so there's clearly a disconnect between contractual performance and HMIP performance. (CRC2 02, SL)

Providers felt HMI Probation were unrealistic in what they were asking providers to do because an effective response to recommendations required resources that were outside of the providers direct control:

The general feeling with probation officers is they should see it how it is. I'm on 140% workload and that equals that things aren't going to be completely perfect, but inspectors should see that and should recognise that. (NPS1 02, PO)

At the last inspection we had had four years of a 20% vacancy rate and it showed. It was a good inspection. We didn't get a bad result or anything, but it did show, so the vacancy rate was lower, but was, at that point, still an issue, but as of the 1<sup>st</sup> April the [division] is fully staffed, so it should improve. It did say that. The inspectorate does take that into account, it does say, I think at that point it was 25% actually, 'There was a 25% vacancy rate.' In some ways they're right. They do say, 'Well, we can acknowledge that, but these are the standards and you fall below them,' and you have to accept that really. It sort of undermines the credibility of the inspectorate a little bit. (NPS1 15, SL)

This is particularly difficult for CRCs, because they must balance contractual obligations with the Inspectorate's standards which are often seen to be in conflict. HMI Probation is there only to

measure practice against the standards it has created but this perceived lack of context poses issues in terms of legitimacy: if providers feel unable to implement recommendations for reasons beyond their control they risk becoming disengaged from the process altogether.

The Inspectorate has repeatedly raised concerns about the way CRCs have managed risk and this is another example of how the broader context was perceived to be missing from inspection reports. Leaders argued that they wanted to manage risk – this was, for them, a key part of what makes for good probation practice. However, they also explained that their contracts were set out in a way that did not resource this work properly. Although many CRCs have since improved their work around risk management, this is taking time; not because there was resistance within the organisation but because there was a tension with the CRC owners who were unwilling to resource an area of practice which was not in the contract:

it is a useful exercise in terms of identifying where our needs are around risk. I don't think there's anything we'd really disagree with, so the feedback we've got and we've had, I wouldn't really disagree with any of it. It is something that we need to work on, although we do need the resources to do it. (CRC2 06, SL)

The irony here is that it is likely these overarching contexts that have the greatest impact on a provider's ability to improve practice. Thus, recommendations such as this means providers are left working out whether to ignore these broader recommendations and only deal with the ones they can do something about or to do more with the same resources. This is not only an issue for CRCs, as pointed out by this senior leader from the NPS:

I think there's going to be a recommendation that we ask for 100% of cases going through the magistrates' court that probation are involved in, so it's for every single PSR, we ask the police about evidence for domestic violence. So, if somebody appears before the court, no matter what the offence, we ask the police about their domestic violence background and in an ideal world that might be what's possible, but there are lots of reasons why it's not possible and yet the inspectorate stick with that proposal and then mark you down. So, they won't change it, but we will push back on it and say, 'Probation's policy doesn't require us to do that. We follow policy,' and they're saying, 'Then you need to change the policy obviously,' but that's a much bigger issue than [this division]. That applies right across the country because, of course, the police haven't got the capacity to do a domestic violence check on every offender appearing before the court ... We would say, 'Well, we followed policy,' but they'll stick to it and then that marks us down for the rest of the year or until the next inspection. (NPS 15, SL)

There is then a question mark over the extent to which inspection reports take these broader policies and context into account when making recommendations and being careful about not making recommendations which are difficult for providers to act upon.

### 5.2.2. Reputation

A second prominent theme here was the impact of an inspection report on a provider's reputation. Interestingly, this played out differently across the CRCs and the NPS. In the NPS this appeared to manifest more as competition between NPS divisions whilst CRCs seemed more concerned with relations with partners and communities. This raises broader questions about the way the Inspectorate seeks to hold providers to account through engagement with the public and the media

and whether this may be counterproductive. CRC leaders were concerned that a negative finding could make it more difficult for them to do effective work, something which was especially problematic when they were not convinced that the findings of the inspection were valid in the first instance (see [section 5.5.3](#) for more on this):

Well for us, you know, we've got to explain that to our safety partnerships, stakeholders so that's going to be very difficult because we will be challenged on that in meetings from police, local authority and things like that... It kind of reduces the ... Credibility of the CRC. ... we've kind of put ourselves out there in terms of having a credible voice and then we get this. ... It just reduces the validity in what we're saying. (CRC2 06, SL)

If that comes back negative and not balanced, then that is going to really damage the reputation of where we're at and the progress we've been making. (CRC1 07, SL)

In the NPS, on the other hand, an alternative narrative was identified:

Participant: Having the inspectorate gives us a benchmark really, to go back and compare against and demonstrate that, whilst we may have these kinds of high profile, very problematic cases on occasion, in general terms, certainly within the National Probation Service, we've been doing okay since TR and that, reputationally, has been incredibly important for us...

Jake: That's really interesting. So, the findings from the inspections can be used by organisations, by the NPS, to say, 'Okay. This SFO has happened and that's a terrible thing, but on the whole we're doing fairly well.'

Participant: Yes. I would suggest that it gives a different litmus test, doesn't it, in and around what we do, because otherwise you would just have the negative out in the public realm. (NPS 06, SPO)

I heard a slightly different story from a senior leader within the NPS. Here, it was argued that there is insufficient focus on probation in the media and this has led to a sense of complacency within the organisation:

I think we've tried to take inspectorate reports, conclusions, recommendations seriously ... I think there's probably quite a lot of history of people paying a bit of lip service to inspection reports and recommendations and I think there's still a bit of that in the organisation. Part of that probably goes back to being the negative flipside of what we've just described, because there tends to be limited press pick up of critical HMIP reports into probation and the overall relationship is pretty good. I think there is a risk that on our side that then translates into a little bit of a default level of comfort that, 'oh yeah, it's a terrible report but we knew all that anyway.' I think we've seen that around the response to the sex offenders thematic. I think we've seen it around the response to CRC reports where because we accept the conclusion that CRCs are not working and are really struggling, I think that too often translates in our mind in to, 'oh, well, [division] is rated as inadequate', 'well, yeah, of course it is.' Rather than what are we actually now going to do about it? (NPS National 08, SL)

There is, then, a fine line to walk between leveraging the media to encourage change – and risking negatively impacting on reputation and morale ([Section 5.2.3](#)) to the extent that this becomes



counterproductive - and using the media to reinforce the idea that the Inspectorate is an external independent scrutiny body which is taken seriously by providers, and thus acted upon.

### 5.2.3. Staff Morale

There is an important question about the extent to which the Inspectorate engages with the media and the impact that this has on providers and the staff that work within them. Negative reports have a real impact on staff morale and leaders explained how they were left having to deal with this. Again, this was exacerbated for CRCs who have done less well in inspections than NPS divisions. Nevertheless, there was a perception that the constant negative portrayal of probation coming from HMI Probation was damaging, even though it may also have been instrumental in reversing TR:

I don't subscribe to the idea that HMIP are on a witch hunt, but equally it was difficult under the previous leader of HMIP who was publicly at every possibility slagging CRCs off and I think it is really, really welcome that [the new chief inspector] doesn't do that and even - I mean I don't know yet what he's going to write about our CRC and I'll get that in a few weeks' time but generally speaking since he's taken over, them that have been published even where the scores haven't been great have been much more measured and I think that's really important for staff because the worst thing staff want to do is turn on their TVs or radios in the morning and hear their work being slagged off. It's right we don't hide behind where there's poor work, you know, we have to acknowledge that and we have to be grown up about it, but equally it is really important that we're able to say staff are working hard and in the right direction sort of thing, so I very much welcome that. (CRC2 02, SL)

As the following quotes show, a negative report can have a real impact on front-line staff:

... it was in the news early on Monday morning. It's in the newspapers and what have you so we told our staff roughly what to expect so there was no massive shock, but just a feeling of disappointment really. You get some staff who are hard-working, decent people throwing their hands up in the air and saying why are we bothering really? It was very demotivating in some respects. I'm sure it's not supposed to be demotivating.

Jake: No...

Participant: When you get people that are working to capacity, and a lot of them are, and then they get a report telling them that they're awful then it's really demotivating. I don't think there was enough positives in the report ... Morale is low. We had some resignations. We've had people want to move roles. We've had a lot of uncertainty about the future. People concerned about the amalgamation with NPS, whether or not they're going to be discarded now because of this report. Whether or not it's going to affect their pay. Managing staff, staff morale and trying to lift a group of staff from that place in to a place where they can improve the quality of what they do is a difficult job but we're working really hard towards that. (CRC1 03, SL)

The [town] manager has gone, she's gone, so there's a new manager in [town]. So that was before the report was released and so there's been a bit of a shift around in staff... That was before the inspection report was released but I think that was all in part of the inspection. So yeah. Which is a shame, because she's a very experienced officer. So that was sort of a big loss really. Within the teams though there is a sense of a really low

morale. I've never known anything like it. So I don't know how we're going to turn that around really. I think that it's not great. It's not been the best month, I'd say. An understatement... (CRC1 04, PO)

They roughly know, yeah, the fact that actually it's not looking great but they think it looked much better than last year. I think staff will be a bit demotivated when they get all the details. I think some of the managers as well will be a bit demotivated because they've worked really hard but, again, they have worked hard and the fruitions of that are now rather than back then when we'd just changed so it's not really reflective, so for us it's about context and actually it's what our practice has shown us so far, where we are now, where we were then, what we are improving and what we still need to improve on. (CRC2 06, SPO)

Staff in CRCs felt like they had been given a hard time by HMI Probation since TR. Whether or not this is justifiable is not for me to say. What is clear though, is that inspection findings have a serious impact on staff morale and motivation and this needs to be acknowledged as the unification programme progresses. As the NPS works to bring two organisations together standards may slip and HMI Probation need to be mindful of the impact its work has on morale which will be important to maintain motivation during this transition period.

#### 5.2.4. Managing positive feedback and negative findings

A final challenge – again more prominent amongst CRCs – that was identified when it comes to the way inspection impacts on the organisation was the requirement to manage a disconnect between positive feedback given in individual interviews and poor ratings in Domain 2. As discussed above, staff reported positive experiences from the case interviews and overwhelmingly said they left the interview feeling like the inspector felt they were managing the case well. This was highly problematic when the report was published, and HMI Probation found that the implementation of supervision was inadequate or required improvement. People argued that this further led to low morale within the organisation and leaders were left with the challenge of working out how to manage the tension:

For the staff what I don't want to see is the - It's that balance between leadership seen as good or outstanding but on the ground you're inadequate. What we don't want to see is that because that is very demoralising for people working in a really difficult environment. It is also out in the public domain when the report comes out. We invariably get a couple of complaints from service users at that time. (CRC2 01)

The people who come out telling me that were experienced who have been in the business through the trust days and some of them back to the original National Probation Service and have been through inspections before and I kind of got the sense that they felt that their cases are okay. We obviously need to see the detail and where they felt it fall down. So, yeah, I think I struggled with that domain particularly, because, like I say, I think the staff are going to look at that and say they're basically saying we're complete and utter garbage, the worst in the country, and the managers are going to say, that makes us the worst managers in the country. As an SLT how can we have anything rated as good if our core business is the worst in the country?! It just doesn't make sense. The whole thing doesn't link up if you put it in to that context. (CRC1 02)

This disconnect between Domain 1 and Domain 2 scores was less relevant for the NPS as they have tended to be more consistent across the domains but, again, as the NPS takes on staff from CRCs who are less used to working to a standard that HMI Probation would assess as good this needs to be borne in mind by both the Inspectorate and providers.

It is clear from the interviews with staff within providers, as well as the observations, that the work of the Inspectorate has a significant impact on providers – both positive and negative – and the people that work for them. The general tone was positive, especially amongst front-line practitioners with a more negative perspective coming from CRC leaders who were charged with responding to the findings from inspections and dealing with the fallout of negative ratings.

### *5.3. How do HMIP's findings effect policy change?*

In addition to asking about people's experiences of inspection interviews also asked participants how, or whether, they used the findings from inspection reports as an alternative way of understanding the impact of the Inspectorate's work.

#### 5.3.1. Using inspection reports to leverage change

Front-line staff generally said they do not read reports unless they had a particular professional or personal interest in doing so. The reason for this was primarily due to a lack of time and many suggested that brief, headline reports would be beneficial to them in terms of enhancing their engagement with inspection findings:

I think due to time I wouldn't read other ones. I think it's like a personal investment isn't it. I used to work in [town], if I had the time I would probably take a quick look at their report just to see how they were doing I guess, just because of personal investment in it ... and I'd read [this division's] one when it comes out to see how we've done obviously but I wouldn't take time out to read others. (NPS1 02, PO)

Leaders and managers, on the other hand, were very attentive to the recommendations made in reports, because they were responsible for implementing them. It was common for leaders to say they read other reports to help them prepare for their own inspections. CRC leaders said they would liaise with leaders in other CRCs owned by the same group to get support and advice on what inspections may focus on. It is interesting to note that even where there was disagreement with the findings, concern that they were not wholly accurate or that they felt they were not able to do much to resolve the issues raised there was simultaneously dedication to respond fully to inspection findings and recommendations. This may be due to an underlying belief in the work of the Inspectorate – there was consensus that the standards laid down by the inspectorate are a good reflection of 'quality' practice even though contexts and structures sometimes prevented providers from being able to deliver this level of practice. Such commitment may also be down to a perception that to do otherwise would create more problems down the line. Leaders, then, use report findings directly in relation to their role, to prepare for the next inspection and because they think that the recommendations will genuinely improve practice. Most leaders within providers said they were unsurprised to find out that they had been scored in certain areas, arguing that they already knew what was and was not working well. Thus, they said that they were already working towards improving practice in any particular area. It might be argued, then, that the impact of inspection here occurs less as a direct response to an inspection report, and more in preparation for the next

inspection – a nice example of how inspection ‘steers the flow of events’ (Grabosky, 2010). There is no doubt that leaders within the CRC and NPS implement many changes within their organisations in order to achieve good inspection ratings, with examples including more training, changing risk assessment tools and paperwork and improved sentence planning protocols.

Leaders within providers also use findings from the reports to challenge CRC owners or central aspects of organisation. For example, in the following quotes we can see how the findings were used as an impetus to persuade the CRC owners to properly resource the way risk was managed and how senior leaders in the NPS use them to engage with ministers:

It's good for us as community directors that we've got the backing of the auditors with their saying things like, you know, 'You need to focus more on this.' It's welcome for us because we can just go back to [the CRC owner], 'Well actually you've given us this but we need to focus on this.' (CRC2 06, SL)

I would say they have - We've always known [risk] should be on the agenda but they've had almost, you know, they've had the authority to bring that back and people have listened and had to listen to it and the providers have had to listen to it. I think that our voice has got lost in that, but HMIP were able to bring our voices back. (CRC1 01, SL)

... more generally I think we feel that the inspectorate does its job, it holds us to account, it's a helpful lever to use with ministers and others where we're trying to build the evidence base to do things differently. We're certainly doing that again on IOM now so we're using that thematic to get ministers re-interested in it. (NPS National 08, SL)

The external stakeholders with whom I spoke said that the work of the inspectorate is invaluable to the work that they do. They see the data generated by inspections as highly valid, representing an objective view of the issues that probation providers face in terms of effective delivery. Depending on the organisation's overall aims, this was seen as instrumental in them achieving their own ends or highly useful in terms of corroborating their own view. For example, one external stakeholder said they regularly use inspection findings to support their own arguments made in publications to further their own ends. Other organisations which held similar roles to the Inspectorate (holding government to account, albeit perhaps from a different perspective) use the work of the inspectorate to corroborate and confirm what they see in the course of their own work.

... it definitely feeds into our influencing in work ... Certainly, the thematic inspections are really useful in flagging up issues that we want to be adding our voice to and supporting the pushes for change. That can be, as I say, internal meetings, private meetings, directly to HMPPS or MOJ meetings or it could be by being a conduit to parliament in doing parliamentary briefings and raising some of the issues that come up. (EXT15)

What stood out in these interviews was the perception about the extent to which the inspectorate is seen as independent. With the exception of one participant, the inspectorate was seen as highly independent of government and this meant that the data had particular weight in regard to being used to substantiate other work:

So, they're really good at the robustness and the ethics and efficacy of what they do and so you can hold their work to a very high standard which means nobody's going to go,

'Ah, but wasn't that done by such and such?' This is the inspectorate ... You point to that research, nobody's going to question it. ... when we then reference it, it is law, it's gospel, whichever of those two things you prefer. It's so important that you can point to what they do. (EXT12)

...it's objective to what [Name] had done ... You needed some independent benchmark, some independent person to produce a set of evidence from which you then construct the narrative and the inspectorate was really important in that because by the nature of the way those privatised contracts were led and all the commercial confidentiality, which I question is overdone I think sometimes, it was difficult for even a select committee to get all the facts and figures and the details (EXT9)

It was clear from these external stakeholders that the inspectorate is seen as independent (see [Section 5.5.2](#) for more on independence) but, more importantly, that they generate findings which stand up to scrutiny themselves. Much of this appeared to be underpinned by positive relationships between the Inspectorate, Chief Inspector and external stakeholders.

### 5.3.2. Thematic inspections

The most useful aspect of the inspectorate's work for external stakeholders and national policymakers is thematic reviews. It was argued that these provide stakeholders with a national view which is helpful because they are working at a national level and provide a deeper, more generalisable picture of the state of play. The recent thematic inspection of the management of sex offenders, the accommodation thematic and IOM joint inspection were all frequently referenced in terms of them being useful to leaders and external stakeholders:

Thematics, though, are really interesting I think because they do often get a chance to do something uniquely that we find it much more difficult to do, even more interesting when they go out of organisational boundaries, so having a look at accommodation for example, which is not ... We're the least really. There are local authorities, there are prisons, the whole gamut. That's really interesting stuff. Often what's pulled out, as you can imagine, is jagged edges, so where one system meets another, but I genuinely always take something from those reports and it's normally either, 'This has got to up my radar,' sort of reaction, or, 'We really need to do something systemic,' and I find them most useful in nudging that thinking, the system-wide thinking almost. (NPS National 01, SL)

Thematics will often have a broader base in terms of the agencies that they've been - I mean often the thematics are joint thematics like the IOM one. Given that probation is so dependent on effective partnership I think you're going to get that kind of traction in terms of quality and it often spins out more of a thematic than your standard regional inspection. That's not to say they're not important but, you know, the kind of standard regional inspection or inspection of a provider is more one agency focussed than the thematics and that's why I think the thematics tend to be richer. (NPS National 02, SL)

Yes. .... So that, again, gives us that ammunition. ... without that thematic report from the HMIP it will be really difficult for us to evidence because we only have anecdotal evidence which is too easy to throw off... The same with serious further offences, it was the only way we can get a full national picture of what those serious further offences are, how they're being investigated and what the issues are (EXT11)

I think they do probably, yes, because you're likely to gain much more of an idea on the high level policy stuff and that's actually coming through and better governmental objectives on service are being met through the thematic. I think, again, in probation's case it's simply because there's such a variety of issues that arise on the localised ones and up until now, until we get the .... such a kaleidoscope of practice, not always in a good way as to how different providers worked but it was very difficult to judge one thing against another in quite the same way but the thematic did give us an overall picture and that overall picture of course. (EXT9)

My discussions with external stakeholders were wide ranging and covered many examples of how participants had used the findings from inspections and especially thematic reports to influence and effect change beyond the divisions and specific practice that were inspected, suggesting that there is a rippling out effect from the work of the inspectorate. Examples of policy change included a greater focus on partnership work (emanating from the IOM thematic inspection), using the work of the inspectorate to pressure government to change its approach to TR and the future of the probation service or changing the way sentencers and probation work.

#### *5.4. How inspection compares with other systems of regulation and accountability*

A common theme identified in the interviews was the way inspection intersects with or exists alongside other forms of accountability such as OSAG, internal quality assurance and contract management. Participants were positive about inspection and its methodology, could see the need for it and felt it has an important role to play in relation to holding providers to account and improving practice (these were the two main purposes to inspection as understood by participants). However, discussions often also covered other forms of regulatory activity. When they did, there was clear concern about the combined burden that this places on the organisation. Some of this revolved around the tensions that exist which have been discussed above such as the tension between having to comply with competing demands. More fundamentally, there was real concern about the relentless nature of this regulatory activity. This appeared to be perceived to be a greater problem for CRCs but I could see that internal quality assurance also seemed to take its toll on front-line staff in the NPS.

##### *5.4.1. Weighing the pig, or feeding the pig?*

There was a sense in both CRCs and the NPS that there is so much scrutiny going on that it was hampering progress:

They need to sort out OSAG, HMIP, the contract management team and our own quality assurance and our parent company has five quality assurance processes I comply with and that's all our auditors get and I never have time to deliver the work ... I think that the ability to deliver quality of service has been impacted by the over regimental, contractual arrangements. We are constantly being inspected. Constantly. (CRC1 01, SL)

I think I'd use the term audited to death! We spend a lot of our time - We'd probably be alright if we didn't have as many audits but, yeah, we have a lot. We do have a lot. It seems to be relentless the amount of checks we have, the amount of plans we've got to complete. Everyone checking have you got this now? Have you don't this? Have you met the actions for this plan? Have you met the actions for that plan? We're going to audit

you on this and HMPPS will do their own internal audit as well. It is just relentless. I don't think it's like that in the NPS. (CRC2 06, SL)

My concern with annual inspections was that realistically, by the time you get the action plan all signed off and validated you haven't got a lot of time ... plus you then couple it with probably on average 2-3 thematic inspections a year in an area, plus your ...work is going on and it did feel like it was getting to a point where okay, when am I going to have time to do the bloody job! So there is a balance needed. (NPS National 05, SL)

Jake: Do you think that all this inspection and the audit and quality assurance and stuff, does that take you away then from the face-to-face work that you think you should be doing?

Participant: Yeah, of course. (NPS1 13, PO)

Concern was expressed about the way in which some systems of regulation are ordered in such a way as to increase the burden on organisations rather than help organisations improve, with one participant implying that they get audited by OSAG more because they had done poorly in inspections and that this was counterproductive because it gave them less time to implement recommendations. This seemed especially problematic when OSAG audits resulted in similar findings and so appeared to add little to the overall picture of quality:

Basically everyone's got a vested interest in what we're doing but not necessarily helping you do it. (CRC1 01, SL)

Participant: Because we are inadequate across all four domains OSAG have kindly offered their help.

Jake: I sense a note of cynicism there?

Participant: A note of cynicism. I think when it's coupled with we will be auditing you regularly in terms of case management, probably every two to three months for the next 12 months there's a little bit of weighing the pig going on rather than feeding it, so I would like to be spending more time on practice improvement and less time on audit. (CRC2 03, SL)

Another challenge here is responding to apparent contradictions that arise from different systems of accountability:

Then you've got the case management which in the main we're all hitting our performance targets and our contractual targets but yet when you layer that against the inspection we're all doing relatively poorly so there's clearly a disconnect between contractual performance and HMIP performance. (CRC2 02, SL)

They have different functions don't they? I think it will improve. People do find it frustrating. You'll hear people saying, 'Well, OSAG said X and the inspectorate said Y,' but then if you actually peel away some of it, you'll often see that they're asking different questions and coming from different perspectives which is why there is that difference, but I suppose that's taken me a long time to work out and we should have invested more in trying to explain that to staff, which I don't think we did enough of. (NPS1 15, SL)

Related to this is the frequency of inspections. On the whole, participants agreed that annual inspections were too frequent, especially for providers which had performed well in their previous inspection:

There should be scope for flexibility ... if somebody done brilliantly then why would you go back to them five minutes later and look at them again ... if you've done brilliantly we will come back in two years rather than next year because we've only got limited resources and also what's the point? (NPS National 05, SL)

The sheer range and multitude of modes of regulation that exist within the field of probation clearly takes its toll on providers and staff within them. There is, it seems, a real risk of 'accountability overload' (Halachmi, 2014) whereby people are spending more time dealing with accountability than working to improve practice as a result of accountability activities.

#### 5.4.2. Views on the inspectorate's methodological approach

In spite of this, the inspectorate was seen positively when compared to other mechanisms of accountability. Front-line practitioners appeared to have little knowledge of other methods of accountability such as OSAG but managers and leaders argued, in the main, that the Inspectorate's approach was more helpful than OSAG. This was partly due to the methodological approach, which was seen as more relational and better able to understand how a case had been managed. Indeed, these discussions often resulted in comparisons between the different approaches and can be used to shed light on how people understood the methodological approach of the inspectorate:

Well, the case management assurance audit is a cold audit, a bit of a bean counting, they don't do the interviews with the individual case managers, senior case managers, they just do a file read and they'll look at a high number of cases but from a file read and it's a little bit of a tick box exercise. Is there a plan? Was the plan done in 15 days? So it's more against the - previously it's been against the contract service levels. ... What they don't do, and I don't even know whether they've got the ability to do it in terms of their level of expertise and experience, they don't do the interview with the case manager or the responsible officer and that is crucial I think in terms of helping to bring up quality. (CRC2 01, SL)

It's the combination of audit, it's the combination of going in, pulling case files and looking at them, with something more difficult to pin down which is the feeling they get from the staff, the feeling they get from their interactions about whether these things are being well run, which audit alone can't tell you and in my view inspectors are very proficient at that latter thing ... I think they are so practised as a whole at doing it, whilst it is subjective, it's subjective in a very level way that they apply evenly everywhere they go... Back to my overarching statement. If you said to me you can only have one thing going forward, one indicator of whether your system in either prison or probation works well, I would choose the inspectorate and I would choose the inspectorate for the reasons I've given. It's the combination of quantitative and quality data, for want of a phrase, it's not exactly accurate, but it's that combination that I really value, combined with the intellect. (NPS National 01, SL)

There was consensus that the methodological approach taken by HMI Probation was more effective and helpful than the auditing approach adopted by, for example, OSAG:



Jake: You mentioned audits earlier. Do you think as compared to some of the other ways in which your practice in the NPS is measured, for example through audits, through OSAG and that kind of stuff, do you think the inspectorate is a better way of doing that kind of thing?

Participant: I prefer it, but then I don't really enjoy auditing. That's not where my strengths lie and I think that practitioners enjoy the experience of being interviewed around the work that they do because, again, it allows you to reflect on your practice in a different way. If it's a purely audit based judgement in and around an OASys, for example, it becomes a little bit pedantic and comes down to semantics around phrases used or words used to articulate particular things, as opposed to a real understanding as to why we do things in the way that we do and what it is that we're trying to achieve and inspectorate interviews, for me, give offender managers some reflective space to be able to think about what they've done and articulate why they've done what they've done. So, I think that particular approach is really valuable. (NPS1 06, SPO)

Jake: Do you think that methodology of sitting down with an offender manager talking to them and that kind of stuff, do you think that is a good way of getting an accurate picture of what's going on in a service?

Participant: Yeah, I do, because I mean you can go and scrutinise case records electronically and sometimes there are gaps and sometimes there are things that only fall in to place when you speak with the person who knows the case. I think it's far better to communicate with people directly face-to-face when you're embarking on that kind of work rather than it all being detached and remote. You do a case scrutiny exercise and then you just maybe email the person, say, 'Look, we found this.' I think people appreciate maybe a bit of face-to-face contact and the explanation as to what's happening. They feel a bit more part of it then and they can maybe have their say. So I would advocate that moment. I mean it's time consuming and it does potentially mean that things take longer because you have to write it all up, but I think it's definitely preferable. (NPS1 09, Local Assessor SPO)

That said, CRCs were more negative about the methodological approach of the inspectorate although this appeared to be situated more in the perception that the inspectorate was biased, rather than methodologically flawed (see [Section 5.5.3](#) for more on this).

In addition to this generally positive view about the methodology, the Inspectorate was compared favourably to other forms of regulation because of the way the standards against which HMI Probation assesses work seemed to fit more closely with what participants felt was important or good quality probation practice. Morgan (2004) has argued that inspection needs to reflect the values of the inspected service and it seemed to me that this was where the Inspectorate was able to do this most clearly. Whilst OSAG was more focused on whether things were done on time, there was general agreement that HMI Probation was more interested in *how* something was done rather than *whether* it was done or, at least, they seemed less concerned about whether something was done within the correct timeframe. The standards that HMI Probation has developed received almost unanimous support from participants even if they were sometimes seen as aspirational in the context of staff shortages and budgetary pressures. It would seem that HMI Probation garner considerable legitimacy from those it inspects through its standards which are seen to reflect good quality practice and these represent a real opportunity to enhance the impact of its work.

### 5.5. Potential barriers to holding providers to account

In their article on the regulation of prisons, Behan and Kirkham (2016) identify three factors which are critical to perceived procedural fairness and thus the legitimacy of regulatory activities: trust, independence and the ability to get recommendations implemented. They argue that if these three elements are not achieved then the regulating institution will be unable to achieve its aims. In this final section, I explore the way in which participants understood and experienced inspection through the lens of these concepts.

#### 5.5.1. Trust

If people trust the activities carried out by regulatory bodies and consider the findings that come from inspections to be accurate, they are more likely to respond to them. When understood through the lens of legitimacy, a lack of trust in regulators' findings risks inhibiting the extent to which people will act on them. Although many participants felt that the inspectorate's methodology was effective in terms of understanding how well a case was supervised, there were sufficient numbers of participants who cast doubt on this to warrant some further discussion here. This relates specifically to the notion of 'gaming' whereby the work done in the run up to an inspection leads to a false picture of the situation on the ground. Some of this work can be seen by inspectors, and people were under no illusion about this. Entries on Delius are time stamped, and the inspectors I spoke to were happy with the fact that work was checked prior to an inspection, stressing that they could see beneath this veneer. I discuss, above, the extent to which this preparatory work places a significant pressure on staff and that this preparation was more than simply crossing the t and dotting the i's. Rather, front-line practitioners said this was substantive work and more than simply papering over the cracks:

Yeah, yes, and it's not giving a true reflection of your case management really, because you're dotting the i's and crossing the t's for an inspection when actually, if they just parachuted in and done it there and then they would maybe get a completely different take on case management. I think the basics would be there. Maybe the recording and the logs and things like that, they may know their case and they may be seeing them but whether their logs were full and following a pattern of recording and stuff that's needed ...would necessarily be there. I think that would be perhaps a different outcome... It can give them quite a false impression, in a way, in some cases. Yes. (CRC2 02, PO)

Now, I know with my cases they weren't the truth because they'd been made to look as good as they possibly could be for the inspectorate. (CRC2 04, PO)

I just think that an inspection is just - it seems to be that it would have - it always seems to me it's been put together and everyone works on the best parts of it. I don't think you'd find anything massively wrong with it because it's focused on and you spend a lot more time on it. I had a lot more time to get stuff together whereas if someone just - I'm not saying this is a good idea! - someone just turned up and said, right, I'm here to look at the cases, you might be a bit like, oh right, okay, get it all together but, you know, it's a bit more ad hoc. (NPS1 05)

Jake: What do you think about that, the level of preparation that goes in?

Participant: Honestly? I think it defeats the object to be quite honest. You're putting all this - you're changing everything to fit the inspection when an inspection I think should

be of how it is, because how are you going to learn if you're making these errors if actually you put all the preparation in so everything's tip top by the time the inspectors see it? Does that make sense? (NPS 18, Local Assessor)

It should be stressed that not everyone felt like this. POs and PSOs were more likely to be concerned about this work resulting in a false picture being painted of the work whilst managers/leaders were more likely to adopt the following perspective:

I don't see it as a false picture because I think, ultimately, if you are reviewing an OASys because it hasn't been done, because it needs to be done, having audited it, that's not giving the inspectorate a false picture, because they will see, as and when from that OASys that review has been undertaken. (NPS1 06, SPO)

I think this is the sort of thing people like to obsess about, to be quite honest, is my honest answer. That's a long way of saying I don't think it matters as much as people think it matters. That's the first thing. So, the theory would go that if we had loads then we'd redo every case file or we'd repaint every wall in a prison and everything will be brilliant. You always know the inspectorates are coming within a given timeframe, exactly when is slightly here nor there and if we were that brilliant that we could fix everything just because we knew they were coming in three weeks, then we wouldn't really need the inspection team anyway. So, I just don't hold that all of that is anywhere near as important as people think it is. What I do think is slightly more important is the frequency with which people come. (NPS National 01, SL)

This is related to the way the impact of this preparatory work affects the way a provider functions, as well as on the inspection findings. For example, these two practitioners were concerned that an impending inspection led to substantive changes in workloads and a temporary focus on quality in the run up to an inspection which then dropped off afterwards:

I appreciate the type of business that probation is, it might be harder to facilitate for all concerned but I do wonder whether there's something a bit more surprising or more, you know, that meant there was less time to prepare would perhaps maybe keep people on their toes a bit more. I don't mean with regards to scaring people or putting fear in to people but one of the things that I'm conscious of is that there's almost like a big sense of relief when HMIP goes and it's like, right, okay, we don't need to rev up now until they come again. As somebody who works in quality assurance I want quality practice to be in the forefront of every practitioners minds at all times and I don't want them to sort of have this mental drop off and relax and sort of think, well, actually I don't need to worry now. Yes, I know, I appreciate they're busy, but I just think they need to maintain that level of consistency at all times because that then means better outcomes for everybody. (NPS1 09, Local Assessor SPO)

I mean my caseload was completely, well, it was halved basically in January as a lead up to this happening but however, it's and it's starting to creep up a little bit now but in all fairness they have provided more staff, there's more staff in the pipeline so from what I can see with the evidence on the table not too much should happen with the size of my caseload now. So I'm not saying it's ... what they did at the beginning of the year, I think they had to do something to make things look a bit better than what they were. Intervention groups were increased after Christmas, because up to that point we weren't having hardly any intervention groups here in Bury St Edmunds especially at all,

that was increased and increased at other offices as well. Standard of assessments were happily countersigned by managers, that was introduced. Now the inspection's finished that's now withering off... (CRC1 05, PO)

Because of this, some participants felt unable to fully accept the accuracy of the Inspectorate's findings because they were not, in their eyes, an accurate reflection of reality. This clearly poses a real threat to trust in the Inspectorate and its reports and there needs to be some real consideration about how this shapes inspection findings in the future.

Another way to improve trust in the findings is to make sure that those people who serve to benefit from systems of accountability engage in the process (Behan and Kirkham, 2016). The Prisons and Probation Ombudsman (PPO) already plays an important role here, especially through its remit to deal with probationers' complaints, yet this should not preclude HMI Probation from doing the same. After all, HMI Prisons engages with prisoners in a comprehensive and meaningful way, partly driven by the human rights obligations which apply to prisons. Historically, HMI Probation has struggled to engage with service users, partly due to the difficulty of doing so but also due to a more general lack of attention to this important source of information. This is important, because this group of people will have a lot to say about how probation supports their rehabilitation and manages their risk. Data on their lived experience is crucial in terms of shedding light on how probation practice is really being delivered 'on the ground'.

The Inspectorate has recently sought to speak to service users during inspections in a more systematic manner having recently published a Service User Engagement strategy. The participants in this study were positive about recent moves to gather more data with service users across both inspection work and in the research undertaken by the organisation. At the moment only service users whose cases fell into the inspected sample are contacted, although in one CRC the service user council and a representative from User Voice met with the inspection team. This serves well as a form of corroboration and deepens the data collected on the sample and participants were positive about it, when it worked. However, not all of these clients will agree to be contacted, nor answer the phone when rung. The sample is necessarily going to be smaller than the overall sample of cases. Moreover, as is often the case, the service users who agree to be contacted and answer the phone are also likely to be the most engaged and compliant clients, giving a skewed view of the service. Some participants said about the process of involving service users:

I think that they have sort of, in a way, have been lost in all this. I think that it's felt very much around the organisational sort of hierarchy set rather than what actually we do as a job and what we're here for. I think the inspection has sort of lost sight of that a little bit. (CRC1 04, PO)

I'm assuming that my guy, he actually phoned me, he said, 'Oh, I've just spoken to the inspector and I've just said this and this and this.' He said, 'I said I weren't happy about this and this' and I'm like, 'Well, that's fine because that's what the inspection's about.' I did think it was useful because you then actually get a human side to all that paperwork you've looked at. (NPS1 04, PO)

This is not to say this is easy and the following participant spoke at length about the difficulties in involving service users more in the inspection:

Participant: Service user engagement, ... Some of the questions, you know, was the service user meaningfully engaged? How are you going to know that really? ... It's not easy to assess that is it? It's not easy to assess whether [service service] has walked out of that initial assessment feeling good about his forthcoming 12 months community order, but that's what I want, but how do you assess that? That's difficult.

Jake: Some people would say speak to the service users.

Participant: Exactly, but that's not in their methodology.

Jake: Do you think it should be?

Participant: ... on some of the inspections we interviewed service users but it didn't work out very well I don't think because at the end of a - I remember when we went to one area in East London and we had a bunch of service users to interview. They were basically people that had done well on their order where the organisation thought they'll show it in a good light, half of them didn't turn up anyway so we had maybe eight or ten to interview and we ended up speaking to three or four and these are hand-picked people. It was a little bit of a disappointing exercise but I think, yes, service users, to speak to them would be good. ... you need a proper sample that's reflective of that sample, not a hand-picked element of that. That's difficult to do but, yes, it would be great to do that and if my service user said, 'Do you know what, I came for that assessment and it was a little bit boring but do you know what? I came out there thinking this is going to be okay. I might have a chance to talk to someone about housing, I've been trying to do that for five years. I might be able to look at my alcohol issues because it really upsets my family when I get drunk. I might be able to receive some help.' If that person walks out of that door feeling like that, how is that reflected in the HMIP methodology? That's what I say to my guys, that's what I want. My number one thing is I want you to generate a bit of enthusiasm, get the work done, do the forms you need to do. If it takes more than one meeting so be it but you need to talk to that person, starting building a rapport and start getting some enthusiasm about what we're doing here. (CRC1 03, SL)

I think the service user got lost in the inspection but the service user has been lost for a little while to do with that. We're all about making sure we've hit targets, that we've got reports and we've got this and that and we lose sight of the actual service user as a person and not just a bum on a seat and getting them through their order. (CRC1 04, PO)

What is clear, though, is that – across the board – participants would be enthusiastic about greater service user involvement in inspection and that doing so would enhance the trust that key stakeholders have in the service. Importantly, this could counter some of those concerns that arise from a perception that providers are gaming the system if done in a meaningful manner. Moreover, as a result of this lack of attention paid to service users, there is, likely very low knowledge of the inspectorate amongst people on probation, a highly problematic situation when it comes to improving trust in the organisation that is charged with improving the service which holds considerable power of these peoples' lives (van der Valk et al., 2021).

### 5.5.2. Independence

It is critical for bodies such as HMI Probation to be seen as independent because it is their independence which underpins their ability to challenge providers and the government in relation to

its findings. If a regulatory body is not perceived to be independent then the risk is that those people who serve to benefit – in this case, people under probation supervision and probation staff – disengage from the process resulting in inaccurate findings and hampering the impact of inspection work: ‘whether perceived or real, this perception can undermine these bodies if prisoners disengage as a result, potentially leading to reports providing a skewed perspective on penal institutions’ (Behan and Kirkham, 2016). I thus asked participants about whether they saw the Inspectorate as independent. With the exception of one participant, the external partners all stressed the independent nature of the organisation and made reference to the way this independence meant they could use the findings to support their own ends as discussed above.

On the front-line, the view was also positive although some raised concerns around inspectors being former probation staff, offering the slightly sceptical view that as former staff they’ll only be wanting to identify good practice, because they believe in probation as a worthy endeavour:

I just think as a probation officer you'd always be trying to look for the good things because you used to be a probation officer and you know the stress that people are under, you know the trials and tribulations that you have as a probation officer. I don't know whether you'd be looking for, not excuses, I don't mean that, like justifications of why things have gone wrong. I don't think for ex-probation officers it can be completely independent. On the flipside of that ex-probation officers I guess understand more. If they weren't probation officers, then they might not get it because it is a really stressful and conflicting job. If it was just a layperson, a lot of laypeople don't even know what we do. So, yeah, I guess a bit of both. (NPS1 02, PO)

The inspector that I had, she'd previously been a senior probation officer and I kind of didn't feel, I think because of her knowledge and because the fact she was a previous probation officer I didn't kind of feel it was totally independent. No. ... it doesn't particularly feel like it's an independent, like somebody from outside has come in and looked. No, I didn't feel like that at all because they know how the system works, you're not having to explain any of that, so it just seems like just somebody else is having a look in the service. (NPS1 04, PO)

Senior leaders within the NPS meanwhile were happy with the the independence of the Chief Inspector with the following quotes illustrating that they justified this with reference to the fact that the Inspectorate had made things difficult for them and the Ministry of Justice:

I would really argue that the insider thing just isn't true in that if that was true I would never get any difficult reports that make me uncomfortable and make me squirm ... Unfortunately that isn't my reality and there are plenty of what they come out with that makes me feel both of those things, but they are embedded in probation. They do want the best for probation services. I would argue that doesn't necessarily make them either less likely to pull their punches and you have to know something about the business to do what I've just said, to be able to get a feel and I would say straightforwardly the evidence does not suggest that we're all in a love-in because plenty of difficult reports are produced all of the time. (NPS National 01, SL)

I think there is, from what I've seen, a culture of professional integrity and independence within the inspectorate ... I think when I look at the reports they produce, particularly the thematic reports and the messages they have given to governments over

recent years, I don't feel concerned that there is a lack of political independence there, if I can put it that way. (NPS National 10, SL)

They are the independent inspectorate and therefore have a role or Chief Inspector has a role to speak - not to be politically influenced in a sense in terms of their view on probation policy but guided by evidence. They are the independent inspector and you thought, you know, I mean I think Dame Glenys in the evidence she gave to Justice Select Committee demonstrates that independence in the way that she spoke about her view on transforming rehabilitation and that she simply felt it was fundamentally flawed and not working. (NPS National 02, SL)

Overall, participants felt that the Inspectorate is independent although there is some scope for greater independence. There appeared to be a slight split between external stakeholders and senior leaders in the NPS perceiving the inspectorate to be highly independent but staff on the ground, less so.

### 5.5.3. Impartiality

However, when it came to staff in CRCs, even amongst practitioners who were positive when it came to the findings of the report, and the experience of the inspection, the independence and in particular the impartiality of the inspectorate was called into question. Here, the problem came down to a perception that the Inspectorate was using inspection to substantiate its previous criticism of TR over the previous 6 years. This, for CRC leaders, appeared to manifest as a focus on the negative things, and a lack of attention on the positives:

As regards the actual inspection itself, it's the subtle ways things are framed and the way questions are framed that I objected to and the closed questions, the leading questions. You can just tell when someone's trying to pick on all the aspects that - You want to talk about the good work you're doing and they want to talk about something you might not have done. (CRC1 01, SL)

I think it felt very pressurised. It felt whenever I came out of a meeting with HMIP, and I attended about five I think, meetings, functional meetings, I felt like the way it had gone had been led and I felt like I was quite drained emotionally when I came out of the meeting. It was almost like I was trying to maintain the focus on things that I was positively working on, delivering in a positive way and I felt that they kept focussing on two or three points that they were unhappy with and trying to get something out of me at times that wasn't there. It felt really draining. (CRC2 01, SL)

There's a political overtone which - There's an underlying political landscape which does introduce bias. (CRC1 03, SL)

This was perceived to be about HMI Probation using the inspection process to justify the abolition of CRCs and the new model of probation, which it had been instrumental in creating:

Jake: So HMIP are essentially justifying the next process in TR by saying the offender supervision side of CRCs is not working so that's why it has to go in to the NPS but CRCs are good at doing the programmes and the unpaid work?

Participant: Yeah, confirmation bias. If you see an example of confirmation bias, this is it. Go in, ask closed questions, (CRC1 01, SL)

I felt this was - it's hard to determine whether they were looking at quality of cases or if they were actually trying to deconstruct the whole basis on which CRCs were founded (CRC1 02, SL)

Whilst this issue is unlikely to persist once the new model is in place, it is worth remembering that there will be former CRC staff and leaders who hold these views. The Inspectorate needs to ensure that it does not look to be working to reinforce the decision to reunify the service. It was also the case that these views were not only held by CRC staff, with some NPS staff raising concerns about how objective inspectors really can be:

I think what's interesting is that, as we say the inspectors have their own background and history and therefore they have their own values and their own belief or ideas around the job or how to do the job or what's good practice and I think it's hard to move away from those things when you're then in this kind of role of inspector. How do you detach your personal values and ideas? How do you stop them influencing how you then review and see a case? (NPS1 07, PO)

Well, they are made up of practitioners, generally, from probation. So, in that sense they're probably a little bit biased in that they want outcomes for us, or positive outcomes, but I suppose it's just that they are a body that sits outside of the service. (NPS1 06, SPO)

This is not to say that the Inspectorate is biased, but that there are some areas – especially when it comes to effecting national level policy change – where there is a perception that it is working more to further its own ends, than necessarily improve the quality of practice.

#### 5.5.4. More teeth?

A final barrier to effective accountability and regulation is where those responsible for holding organisations to account are not able to get their recommendations implemented, where they do not have sufficient 'capacity to secure action in response to their findings' (Behan and Kirkham, 2016). HMI Probation include a list of recommendations in their reports which providers must respond to and, ideally, implement to improve their practice and their rating. There was a general view that more could be done by providers to implement the recommendations but also that the Inspectorate could do more to make this happen:

The frustration we have as [an organisation] is the low but often ... uptake of inspectorates' recommendations and ... an area where I don't think they've gone as far as the prisons inspectorate yet is identifying areas where you want to get a specific improvement out of it and then the next bit is to get a means of follow-up. (EXT9)

One way to make this more likely is to respond to some of the issues raised in this report such as taking context into account, improving the perception of bias and independence and reducing the burden that inspection takes on staff and organisations. But there is also a debate to be had about the Inspectorate having more powers to make sure that recommendations are put into place, because, in the words of one CRC leader:

CRCs are going to chase the money, that's their foremost priority. There are no consequences for not implementing the recommendations of the HMIP. (EXT11)



The interviews conducted with leaders and external stakeholders often involved discussion about whether HMI Probation should have a bigger 'stick' with which to enforce its work. There was no consensus across participants here, but there was a general feeling that more should be done to encourage the implementation of recommendations:

If I use the comparison say of HMI Prisons, where they now have the urgent notification system, the inspectorate could probably do with a big pointy stick or something that links it, but I don't know if that's something, because I don't think that happens without cost in terms of if they're then held to do the accountability, what impact does that have then for the, 'We let the results of our inspections speak for itself,' (EXT12)

I think the latter point, when you're talking about holding someone to account, it becomes more challenging when you haven't actually got-, it depends how you're empowered basically to get change. As I say, they're very good at picking both very new issues and very pertinent ones, but also holding feet to the fire over previous negative inspections where they keep them back. In terms of that scrutinising role, it's great. I think their power to actually force change is less and I think that's always going to be the problem within any organisation like this and that isn't their power to take, it's the power that needs to be given to them and I think in this kind of field it's a really tricky one because you can't really use public opinion to try and force change and I think that unless you actually have statutory requirement that the agencies involved actually have to not just reply, but have to take note and make changes, it's really challenging, but that's true of all inspection bodies. More so in terms of this kind of work because other inspection bodies would be able to use public opinion a little bit more to try and get attention and media support, which you're not going to get here. Often identifying bad practice can be a really good will to turn it around, but sometimes you need a bit more than that. I'm not sure they've got the stick that would really help with that. (EXT15)

One problem here is that the Inspectorate does not have the enforcement powers that exist in models of responsive regulation which work by using an ever-increasingly punitive set of sanctions against providers who are not seen to be performing adequately, leaving HMI Probation wholly reliant on the softer form of power and persuasion that is more common at the bottom of the responsive regulation pyramid (Ayres and Braithwaite, 1992). Whether HMI Probation need more powers, to become more akin to a regulator than inspector is not something I can answer here. But it is sufficient to say that there are certainly some within the sector who think it would benefit from more power that it can resort to when needed. However, most leaders within the NPS were content with current arrangements which appeared to rely more on good relations and the utilisation of soft power instead of relying too heavily on the hard power associated with sanctions.

This section has focused less on what the impact of the Inspectorate is, and more on some of the underpinning values of 'good' inspection: trust, independence, impartiality and the power to enforce recommendations. The point to be taken from this is that, overall, the Inspectorate garners considerable trust and legitimacy from the stakeholders I spoke to and is seen to be relatively independent and impartial by most. However, there are some important groups of people who do not subscribe to this view and work should be done to iron out these inconsistencies to further enhance the impact of inspection in the future.

## 6. Conclusion

The aim of this research was to understand and document the impact of Her Majesty's Inspectorate of Probation on probation policy, practice and practitioners. It is clear from the interviews as well as the inspections observed that the inspectorate is, in general, highly valued by people who work in the field of probation including practitioners, managers, leaders and external stakeholders. I heard about many examples of direct impact on people, their practice and the policy that dictates their practice. People appear to take from the Inspectorate what they need: practitioners value the time to reflect and the validation from a case interview; managers and leaders take reassurance (or, for CRCs, otherwise) that their organisations are delivering good quality practice. External stakeholders, meanwhile, use the data that are seen as reliable and robust to support or corroborate their own work and agendas.

HMI Probation appears to be perceived positively because its work is underpinned by the same values and ethos that underpins probation work more generally. The relational approach in interviews reminded me of observations of 'offender supervision' undertaken in other research, and there was almost unanimous agreement that the principles of good quality supervision in HMI Probation's standards reflect practitioners' own understandings of good practice (even though there was a tension between quality practice and the context in which it was being delivered). As an organisation which has spoken out about recent policy reform – namely, TR – they are also seen to be on the side of groups which have similar responsibilities, or which seek to reform policy in line with their own agenda.

That said, inspections place a considerable burden on individual staff and organisations and it is probably here where there is most scope for change. Without doubt, front-line practitioners find the lead up to an inspection stressful partly because of the extra work it requires – on top of already high workloads – but also because they experience and have to manage the anxiety which filters down through the organisation. The main challenge, then, for HMI Probation is to reduce the burden on staff and organisations whilst also generating data in sufficient quantity and with adequate rigour to make findings and recommendations which are still considered accurate and valid. There are also some areas for improvement around enabling front-line staff to access the findings in a way which has a meaningful impact on their practice to close the loop between case interviews and overall inspection reports impacting on practice. One of the most surprising elements of the interviews with staff was how they found it difficult to identify specific changes to practice that emanated from inspections beyond any advice given to them purely in the confines of a case interview. Much of this is due to a lack of time but inspection reports are seen to be aimed at leadership teams rather than practitioners even though it is practitioners – and, by extension, service users – who stand to benefit the most from the recommendations made in reports.

### *6.1. Recommendations for change*

In light of the above discussion, there are some areas where the Inspectorate may want to consider changing the way it approaches the inspection process:

- Unannounced inspections would undoubtedly reduce the pressure placed on front-line staff in the build-up to an inspection and I had interesting and varied discussions with participants about how this could work. It is recognised that this would not work in the current approach to inspection and the Inspectorate's methodology which is perceived positively by staff. That said, it may be worth considering how to do a combination of unannounced and announced

inspections – perhaps alternating between the two. This hybrid approach would reduce the burden, assuage some concerns about the perception of how valid and accurate the findings are whilst allowing the inspectorate to continue with its robust approach to sampling in announced inspections. An additional consideration here is the frequency of inspections as a way of reducing the operational and emotional burden of inspection on providers and staff.

- Another way in which HMI Probation can reduce the operational burden from inspections is to be clearer about what paperwork in advance is needed, and why, and be sure to use it. Several participants with leadership roles who were heavily involved in liaising with the inspectorate (across the NPS and CRCs) discussed the amount of paperwork requested in advance that was then not read prior to the relevant meeting. Whilst this may seem a minor matter, for people with high workloads this came across as a symbol of how the inspectorate perceived them and their roles, and so served to undermine the process.
- The Inspectorate should make it easier for practitioners to digest the findings from reports, giving more specific feedback and feedforward. Practitioners and organisations both struggled with a seeming disconnect between feedback given in case interviews and final findings – this led to low morale and a disillusionment with the process, especially amongst CRCs. This also risks hampering the ability of staff to act directly on the findings. There has been some headway made with this in terms of good practice briefings (for example, after the IOM thematic inspection was conducted and the recently published best practice guide) and so building on this would be a sensible way forward. However, participants also felt like it would be good for findings to be broken down to more local levels (perhaps such as LDU) than whole divisions as full reports felt too ‘abstract’ and distant from every day operational practice. Some of these concerns may be less relevant in the new model, after June 2021, as divisions are smaller and inspections will be conducted at the PDU level. One senior leader referenced an internal report they’d been given that was different in style which was ‘far more heart-warming for staff really. I think that staff really understood that the inspectors found a sense that the place we were working in was a good place to work. That can’t be read out necessarily in a public report but getting that internal comms in to the staffroom direct from the inspectorate was incredibly valuable at that time, and I’m hoping we could get something a bit more like that in the future really, when delivering those messages’ (NPS National 05, SL). This approach may also be beneficial in terms of increasing front-line practitioners’ engagement with inspection findings.
- Some participants said they would like to receive a more formal evaluation of the individual case that was inspected so they could really act on any areas identified for improvement. A considerable number of participants said they did not know whether their case had been assessed as good or bad, even though the experience was generally positive. It may be worth considering implementing a more formal feedback mechanism into the case interview process. This clearly poses issues for a process which is supposed to be about assessing the organisation and not the individual, and risks making staff feel judged and anxious. However, if done carefully it holds potential for significantly enhancing the impact on front-line practice.
- External stakeholders were overwhelmingly positive about the Inspectorate and its findings. They valued the high-profile nature of the organisation, noting a real change in this in recent years and identifying Dame Glenys Stacey as a catalyst behind this raised profile. In turn, the high public profile of the organisation, and the Chief Inspector in particular, was used to their advantage when making use of reports for their own ends. The increased investment in

this side of the organisation – improved communications and marketing – has, it would seem, paid off and should be continued.

- Everyone agreed that the service user engagement work undertaken recently is a positive development. Whilst recognising the challenges in engaging with service users, more needs to be done here and with a real focus on ensuring that service user engagement is not just lip service to what should be a significant change in the way organisations such as probation providers and inspectorates serve the people they work with. However, HMI Probation cannot simply adopt the approach taken by HMI Prisons here as they do not have, for want of a better phrase, a captive audience to speak to. One way around this would be to relax slightly the sampling technique when it comes to speaking to service users to broaden the sample size. One participant suggested inspectors ‘hanging around’ in waiting rooms and asking people for a quick chat – this may be fruitful but is also likely to pose challenges. An alternative approach may be to attend a groupwork session and speak to people as part of that – that would avoid taking up any more of people’s time but would increase the chances of speaking to people who are perhaps less engaged (although still compliant). There is work for the NPS here, too – one thing that stands out in terms of how CRCs have worked more effectively is around service user engagement. Should the NPS get better at this then HMI Probation will find it easier to speak to service users although, again, it will only be those who are compliant and engaged who end up on service user councils.

## 6.2. *Measuring impact*

In its report on the criminal justice inspectorates, the National Audit Office argued that inspectorates need to be much more cognisant of the impact they have (2015). This research represents one way in which HMI Probation is doing this. There is no doubt that the Inspectorate has sought to increase its impact in recent years with the expansion of its research team, the creation of a specific post around evidence-based practice and the publication of a new effective practice toolkit. The publication of ratings represents one potential way of tracking progress. As suggested by the NAO it may be possible to track the number of providers receiving certain ratings although it is hard to identify a causal link between inspection and improvement. Moreover, the probation landscape is about to undergo yet more significant reform and so it will not be possible to meaningfully track progress for several years.

However, there is a need to do more in terms of understanding of how exactly its work, especially its inspection work, impacts on staff. There are several ways of doing this, at different levels:

- As reported by the NAO (2015) the CQC is ‘attempting to evaluate and measure its success across four levels, impact, outcomes, quality and effectiveness, and internal capability’. They are doing this through surveys with providers asking them about improvements they have implemented because of inspections, and what recommendations have proven useful: this approach would be relatively easy to implement in the field of probation and would give a high-level view of the impact of the Inspectorate;
- When it comes to recommendations and measuring how they are implemented, one approach, suggested by one external stakeholder (EXT9) is for the inspectorate to keep a much tighter track of which recommendations are implemented and which are rejected which could then feed into the extent to which the Inspectorate’s do or do not result in improvements to practice;

- For a view from frontline staff, it may be worth utilising the survey which is already sent to officers after a case interview. Currently, this asks staff about their experience of the case interview. These appear to be overwhelmingly positive pieces of feedback, reflecting my own findings. However, this survey does not ask about the things that were identified in this broader piece of work such as the amount of time spent preparing for an inspection, what support or pressure was placed upon them in the run to an inspection. These questions could easily be added in order for the inspectorate to get a sense of how much of a burden inspection takes on staff. A similar approach could be taken with managers/those who are responsible for overseeing the inspection process. It would also be possible for questions to be added about impact, asking specific questions about whether staff have changed their practice as a result of an inspection.
- As discussed above, practitioners reported that they did not have the time to read and digest full inspection reports – they are therefore unlikely to act on them directly. There is scope for doing more to measure the extent to which front-line practitioners engage with inspection reports, good practice guides and other resources being developed by the inspectorate.

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# Sheffield Hallam University

*Understanding the impact of inspection on probation*

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