

**MEMORANDUM OF UNDERSTANDING BETWEEN NATIONAL
OFFENDER MANAGEMENT SERVICE AND HM CHIEF INSPECTOR OF
PRISONS: COLLABORATIVE WORKING BETWEEN THE
INSPECTORATE AND REGIONAL OFFENDER MANAGERS.**

1. Her Majesty's Inspectorate of Prisons for England and Wales is an independent inspectorate. HM Chief Inspector of Prisons (HMCIP) is appointed by the Home Secretary, from outside the Prison Service, for a term of five years. The Chief Inspector reports directly to the relevant Secretary of State on the treatment of and conditions for prisoners in England and Wales and immigration detainees in England, Wales and Scotland, and on other matters as directed by the relevant Secretary of State. . In addition, HMCIP is invited to inspect prisons in other jurisdictions, including Northern Ireland, the Channel Islands, Isle of Man and other Commonwealth territories, as well as military facilities including the Military Corrective Training Centre, Colchester, and the Sovereign Base Areas prison, Cyprus.

Purpose

2. The purpose of this MoU is to set out the role of the Regional Offender Manager and his/her commissioning team in relation to HMCIP and what they can expect of HMCIP. It sets out the various stages of the inspection process and the expectations of ROM participation. It is designed to enable a consistent approach and clarify accountability. In addition, it describes the role of NOMS, its commissioners and both public and private sector providers in the process of action planning.
3. ROM involvement in the process is primarily to enable them to manage the SLA/contract with the prison in question more effectively, but they will also be engaged by HMCIP on issues arising from reports, which relate to commissioning itself, or which require a response from NOMS.

Background

4. There are three types of HMCIP inspections: full, full follow-up and short follow up. Generally, full inspections are announced and follow up inspections unannounced. Inspections are determined on the basis of either chronology or risk assessment. Full inspections of adult establishments are based on a five year cycle while juvenile establishments and immigration removal centres are inspected on a three year cycle. In between, an unannounced follow up inspection will take place and the timing and nature of this inspection (i.e. short or full) will take place according to risk assessment
5. Full and full follow up inspections take one week and short follow ups three days. HMCIP staff are multi-disciplinary and, in addition, each full inspection is conducted jointly with OFSTED, the Royal

Pharmaceutical Society of Great Britain, the Dental Practice Division of the NHS Business Services Agency, and the Healthcare Commission.

6. HMCIP has a well established inspection methodology, the cornerstones of which are three separate volumes of published inspection criteria, called "Expectations" against which establishments are judged. These criteria are referenced against international human rights and penal norms. Potential sources of evidence for assessments are also set out in "Expectations" and include prisoner surveys, prisoner groups, staff and prisoner interviews, observation and documentation, including casework.
7. On the final day of the inspection, establishments are given a full oral debrief that presages the written inspection report and sets out the indicative four point score (from performing poorly to performing well) on each of the four 'healthy prison' headings: safety, respect, purposeful activity and resettlement. Attendance at the debrief is a matter for the provider organisation.
8. All reports are published to a tight production timetable, with opportunity given to appropriate authorities, including ROMs, to comment on factual accuracy and on any press release.
9. Healthy prison assessments form the basis of a risk assessment model which governs the nature and timing of follow-up inspections. However, other intelligence is also considered from whatever source, for example ROMS.
10. An annual programme of around 70 inspections for the following financial year is finalised towards the end of the previous calendar year. HMCIP have a statutory duty to consult with the relevant Secretary of State prior to preparing the programme. Stakeholders receive a published announced programme in January.

Inspection Programming

11. ROMs should advise HMCIP by September on any matters which they think might have a bearing on their risk assessment of establishments in advance of the annual production of the inspection programme. HMCIP will decide how to act upon this information.

Inspection of establishments

12. In January of each year, ROMs will receive, together with other interested parties, the published annual inspection programme of announced inspections. Two months before a particular inspection the regional commissioner should consider passing on any intelligence about the individual establishment to HMCIP if they think it will assist with the inspection. HMCIP will decide how to act upon this information.

Inspection oral feedback session

13. Oral feedback meetings are hosted by the prison being inspected. HM Prison Service or private sector providers will invite ROMs (a representative may attend). ROMs should note any recommendations made, particularly those which relate to the SLA or contract monitoring functions, NOMS or the way in which the service was commissioned.

Report Production

14. Within 8 weeks of the conclusion of the inspection, HMCIP will send a draft report, together with a suggested publication date approximately 7 weeks later, to the Briefing and Caseworking Unit (BCU) in HMPS where the inspection has been of a public sector prison, and the Briefing and Casework Team at the Commissioners' Support Bureau, where the subject has been a private prison. They will request a co-ordinated response on any issues of factual accuracy from either party as appropriate. BCU have now been commissioned by NOMS to deal with correspondence to and from the Inspectorate concerning public sector prisons. The CSB have taken over the role in the process previously undertaken by the Office for Contracted Prisons (which has now been wound up)
15. The draft report will clearly identify which recommendations are directed to the governor/director, area manager, ROM, Director General, Chief Executive of NOMS, policy leads or Ministers. Where none of these bodies accepts the recommendation, the ROM will be the final arbiter as to who should deal with it.
16. Recipients have three weeks to comment on factual accuracy before the report is submitted to Ministers by HMCIP, approximately two weeks before publication. BCU or CSB will commission responses from the prison being inspected, the ROM or NOMS as applicable, and send a coordinated response back to HMCIP.
17. HMCIP seeks to publish its reports according to a strict timetable, and is not responsible for chasing responses on factual accuracy. **It is therefore important that responses are made to HMCIP by the stated deadline.** If this does not happen, the report will be published according to the timetable set by HMCIP in any case, and inaccuracies may remain in the report which will not be in the interest of the inspected parties or the Inspectorate.
18. HMCIP will produce a draft press release shortly before publication, the relevant press office will share this with the Director General, senior executive of a prisons company and relevant ROM; the latter can refer it to the Chief Executive of NOMS if necessary.

19. It should be noted that ROMs act as the commissioner of the services being provided, and not line manager. Providers line manage their own services and are therefore responsible for making any improvements to service delivery that might be suggested by HMCIP. HMCIP may also make recommendations about aspects of commissioning or responsibilities located at NOMS HQ to the respective ROM or NOMS

Action Plan.

20. Within two months of publication, the commissioner and the provider will respond to all recommendations directed at them. These responses will be sent to BCU or CSB as appropriate who will then pull together a single action plan and send it to the Inspectorate. Some recommendations will be directed at NOMS HQ. The NOMS policy unit may respond direct to BCU/CSB on recommendations directed to it, or they may be funnelled through the ROM.
21. The action plan will be signed off by the Minister and copied to the relevant Prison and ROM office. The ROM will ensure that, where relevant, SLAs are updated or amended in the light of the action plan, in consultation with the provider.
22. BCU or CSB will ensure that an overall progress report with the action plan is compiled 12 months after publication in conjunction with the relevant prison, HMPS or the private sector provider as appropriate. BCU and CSB also need to ensure recommendations relating to the commissioner side are followed up and a response prepared. The whole will then be sent to HMCIP.
23. In light of the progress report, the ROM will determine whether any further amendments are required to SLAs or contracts, in consultation with the provider. HMCIP may use the progress report to inform programming and inspection.
24. ROMs will assess progress against elements of the action plan that are relevant to SLAs/contracts as a normal part of their wider SLA/contract review and monitoring responsibilities.

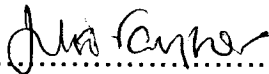
Thematic Reviews

25. To date organisational responses to thematic reports have varied with the nature and scope of the report, which often require responses from different policy leads or even different departments. Notwithstanding this complication the same component stages to that of prison inspection reports will apply i.e. factual response, submission to Ministers and organisations, publication, responding to recommendations, action planning and action plan monitoring. HMIP will specify reasonable dates for responses in all cases dependent on the nature, complexity and length of the report.

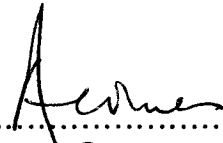
26. Where appropriate, organisational responses (all stages) will be led by the most relevant policy lead within NOMS. Where reports focus more widely than a single policy lead, and as an interim measure, the Inspectorate will copy all thematic reports to the Inspectorate and Ombudsman Team (IOT) in Performance Management Unit in addition to submitting to CE NOMS, other chief executives, relevant policy leads etc. IOT will, in consultation with policy leads, BCU and CSB, identify a co-ordinator for the response (all stages) at the appropriate level.
27. IOT will aim to review the management of thematic reports six months after commencement of this MOU in consultation with the Inspectorates(s), OCJR and relevant parts of NOMS and HMPS.

MoU

28. This MoU will be reviewed jointly by NOMS and HMCIP to ensure its effectiveness no later than 12 months after it is signed.



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Partnerships, National Offender
Management Service



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Anne Owers
HM Chief Inspector of
Prisons.