



*Independent inspection of probation  
and youth offending work*

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Mr Christopher J Trinick  
Chairman  
Association of County Chief Executives  
County Hall  
Preston  
Lancashire PR1 8XJ

19<sup>th</sup> December 2007

Dear Mr Trinick

#### **Phase 4 Youth Offending Team Inspections**

Thank you very much indeed for your letter dated 14<sup>th</sup> December. I am very pleased that you felt able to write to me concerning this matter. We certainly don't consider ourselves to be above criticism, and since you have taken the trouble to express concerns on behalf of your colleagues I am glad to have this opportunity to communicate in response.

In general terms I very much welcome your support for our approach to focus on outcomes for the children and young people that YOTs and YOSs work with. The YOT inspection programme is a multi-inspectorate programme, led by ourselves, and aims to be very much in keeping with the Government's policy for inspection, inspecting for improvement. You can see from our Plan for 2007/8, and our YOT inspection annual report (copies attached) that we aim to focus our inspection methodology on quality of practice - you might call this quality of individualised service. Thus it is disappointing to learn that your colleagues feel that there is too much scrutiny of internal processes and systems, which we have aimed to keep to a minimum, in part to reduce the extra work that inspection can sometimes create for service delivery managers.

Instead we aim to focus on what we find to be happening with a representative sample of cases, assessing how often the right work is done with the right people at the right time in the right way to a sufficient standard. Hence we focus more on the work that we find is being done with young people who offend (the "users" in modern parlance, and the outcomes achieved with them), as opposed to the arrangements for doing this work. Our interest with internal processes and systems is very much secondary.

### Case sample sizes:

With this in mind I am surprised that your colleagues consider that the JAR sample of 10 cases selected largely at random is preferable to a system of 50+ representative cases. If one seeks a reasonably accurate, consistent, fair and benchmarked assessment of how often practice is done to a sufficient standard across the wide variety of cases managed by YOTs this seems to us a sensible and proportionate response which also keeps to a minimum the extra work and demands for data often required of service managers. Indeed we have hitherto been more concerned that by the time we have divided the case sample into separate types of case the criticism might have been that the sub-samples were too small. (Thank you for relieving us of that criticism!)

I note the reference to a so-called “deficit model”, a term that has been quoted to us a couple of times recently. First, I must point out that this term is entirely outside our own vocabulary, and we have never used it. Secondly, I reject the suggestion that there has been any qualitative change between Phase 3 and Phase 4 of the YOT inspection programme along these lines. Phase 4 is no more than an incremental step forward compared with the three previous phases.

As for our approach being “retrospective” or “undermining”, I feel that this perception is very much ‘in the eye of the beholder’. The response we aim for is ‘how do we improve?’ and hitherto in our view most inspected bodies have responded in that constructive spirit. I return to this point further below.

### Risk of harm:

Your paragraph here touches on an important and far-reaching issue, which would take some time to explain in detail, and I will not attempt it in this letter. However, I must assert strongly that we have no interest in YOTs becoming “involved in an over-bureaucratized procedure” – very much the opposite. People who allege this are, I am afraid, seriously misunderstanding the point we are making, which is about undertaking good quality individualised practice according to the need of the case. It is the guidance from both NOMS and the YJB that risks an overly bureaucratic approach to assessing offenders’ Risk of Harm to others, even though this is not their intention. However, our inspection methodology does not penalise staff for following their procedures correctly; but it does highlight how in our view individualised practice with each person under supervision could be improved.

### Standards and practice:

I don’t accept at all that our criteria represent “an ideal standard of practice”, as we have taken great care to avoid setting what I have previously called a “mythical gold standard” - but of course I do accept that it is not always easy for any inspected body to meet all its requirements when resources are finite. We do not set a higher threshold for inspecting YOT partnership arrangements than for JAR partnerships, and given that there are often

differences in partners, and sometimes differences in partnership arrangements too, it is perfectly possible for one of these two partnership arrangements to be functioning better than the other.

#### Report style:

As a matter of standard practice we send a draft to the relevant YOT, to seek any factual corrections. Nevertheless, YOTs often offer other additional observations, including questions about whether a particular sentence has to be worded in a particular way. In practice we have in the main been responsive to such observations, but again, perceptions of our behaviour are often very much “in the eye of the beholder”. A few YOTs seem to consider that all the findings in our report are a matter of negotiation and agreement, which is not the case. We listen, but our decision is final, as by definition only we are able to benchmark judgements between different inspections, a point I return to below.

In terms of how our inspection style has been experienced, we note that it has often been the case that a critical report has been received positively by the YOT as an opportunity to learn, whereas a less critical report in another authority has been experienced as disappointing because it has not been as positive as was hoped. Sometime the most ‘disappointed’ authorities have been the ones where we have found that their practice with cases was not as good as they believed it to be.

#### Scoring and moderation process:

I accept that scoring and moderation can be experienced as not entirely transparent to the people whose work we are inspecting. One aspect of this is our need to take into account both the need to be consistent between inspections and the need to take into account developments in organisational practice and experience over time. In a five-year inspection programme (which I accept is undesirably long and which we aim not to repeat) the ‘early’ authorities can claim that they were disadvantaged by being guinea pigs, and the later authorities can claim that they have been set a higher bar. I readily acknowledge that the programme has evolved over the five years, in line with evolving circumstances, but the Phases have seen incremental changes only, and the claims of a major step change in Phase 4 are frankly an exaggeration.

Another aspect of this genuine transparency problem is, as I mentioned, the one of having all the necessary information. We can refer to published information about other inspections, but for reasons of confidentiality we can of course only go so far in divulging to one authority more detailed information about what we have found with another authority to explain why we have benchmarked a particular judgement in a particular way.

I note that you float the idea of an “external input” to moderation. I can understand the thinking of course, and I have been a Chief Probation Officer myself in the past, on the receiving end of more than one inspection. But I have to tell you that the only way that such a provision could be introduced

would be by changing the inspection process into a disproportionately much more cumbersome and regulated exercise, contradicting all the current exhortations to “reduce the burden on service delivery” and seriously risking missing the point of inspection being about improvement.

Our existing Complaints procedures allow inspected bodies to make representations should they consider either our behaviour or our judgements to be unreasonable – and of course you have further recourse beyond that if we get that wrong. But where someone happens to have a different view of what our judgement(s) should have been this is not a ground for complaint, and I would not support any system that promoted ‘endless dialogue about the score’. Instead I am very ready to be accountable for us having behaved reasonably at every step in each inspection process, and we build in increasing Quality Assurance measures in order to keep errors to a minimum. Where we do (occasionally) make mistakes, we apologise, correct them, and aim to learn from the experience to avoid them in future. (This is much the same as what we are seeking from those whose work we inspect.)

Looking to the longer-term future, we are certainly aiming to improve again as we start the process of designing successor inspection arrangements – something we will be communicating about with people such as yourselves in the near future. Thank you very much again for your letter, and the opportunity for this dialogue.

Yours sincerely

A handwritten signature in black ink, appearing to read "Andrew Bridges". The signature is written in a cursive style with a large, looped 'A' and a long, sweeping 'B'.

**Andrew Bridges**  
**HM Chief Inspector of Probation**

Attachments with hard copy of this letter:  
HMI Probation Plan 2007/2008  
YOT inspection annual report 2006/2007