

OPERATIONAL GUIDELINES FOR **INSPECTION**

CRIMINAL JUSTICE INSPECTION NORTHERN IRELAND
(CJI)

Criminal Justice Inspection
Northern Ireland
a better justice system for all



I Introduction

Recommendation 263 of the Criminal Justice Review 2000 proposed an independent statutory Inspectorate for Northern Ireland. Criminal Justice Inspection Northern Ireland (CJI) was established under the Justice (Northern Ireland) Act 2002 (as amended) to inspect all aspects of the Criminal Justice System (CJS) except the courts.

In 2007 the Court Service, Legal Services Commission and Life Sentence Review Commissioners were added to CJI's remit.

CJI is an independent, non-departmental public body (NDPB), funded by the Department of Justice. In addition to its planned inspection programme the Minister of Justice has powers to request that the Chief Inspector undertakes specific pieces of work. Inspectors are empowered to require documents to be produced and to enter premises for the purpose of inspection at any reasonable hour.

Annex A sets out in full the relevant legislation and a list of bodies subject to inspection by CJI.

I.1 Our Vision

CJI's vision is summed up as 'A better justice system for all'. By that we mean a criminal justice system that works smoothly and efficiently, protecting everyone, working to reduce crime and helping to put offenders back on the right track so that they will not offend again; and a system that does all that with absolute fairness, promotes equality and human rights and is responsive to the real concerns of the community.

A justice system that can do those things is the foundation for a peaceful and cohesive community, and a prerequisite for health and prosperity.

That vision requires the collaboration of all the agencies of the criminal justice system and of voluntary sector, political and community-based organisations to bring it about. CJI contributes to it by conducting inspections of individual agencies and cross-cutting thematic reviews of aspects of the criminal justice system.

I.2 Our Values

- Independence;
- Impartiality;
- Honesty;
- Integrity;
- Respect;
- Openness; and
- Robustness.

I.3 Our mission

The CJI mission is to work closely with the inspected agencies in a professional and mature way. To maintain our robustness and independence producing relevant, respected

inspection reports that add value to the CJS and enhance the public's experience of contact with every part of the criminal justice system.

We will achieve our mission by:

- maintaining our values at all times;
- communicating clearly and frankly;
- listening to all interested parties;
- identifying and communicating good practice;
- producing enabling, balanced, objective reports;
- taking account of sensitive issues;
- providing a supportive work environment that reflects our values; and
- pursuing excellence.

1.4 What we mean by 'inspection'

CJI inspects for improvement in the pursuit of excellence. Inspection processes examine organisations for strengths and areas for improvement. Our reports will make recommendations designed to help an organisation to improve in any aspect of its performance. Improvement covers all the dimensions of the inspection framework. Inspection is not a mechanical process. The collection of data is essential and there will be factual observations to be made in the course of an inspection. Analysis of the data is an important element of any inspection so that scope for improvement can be identified.

1.5 Securing independence

Parliament has deliberately established CJI outside the civil service and specified that it is not a Crown body. The intention is plainly that it should report independently and that the public should be able to have confidence in its independence. One of CJI's core values is independence and we strive to maximise that independence through:

- our organisational status;
- being mature about our approach to reporting inspection findings;
- avoiding a sensationalist approach;
- being objective in our judgments;
- concentrating on enabling improvement;
- reporting as we find whilst taking into account contextual issues;
- working closely with agencies to identify areas for inspection based on risk.

CJI is funded by Government, who appoints the Chief Inspector following an open, public competitive process, and approves the terms and conditions of other staff. CJI's annual Corporate and Business Plans are subject to Government approval. CJI proposes its own programme of work after consultation with the Minister of Justice who can ask CJI to undertake particular pieces of work. Moreover, CJI is expected to inspect against the policies of the Government of the day, not to invent or advocate alternative policies, though it can comment (on the basis of evidence) on the effectiveness of Government policies.

There are limitations as to how CJI may exercise its independence. But the essential independence is to report as we find, without fear or favour. There is power for the Minister of Justice to exclude a part of a report if it would be against the public interest, or might jeopardise the safety of any person. If a part of a report is excluded from laying or

publication, the Minister must lay or publish with the report a statement that it has been excluded.

I.6 Confidentiality and Freedom of Information

As CJI is not a Government organisation, it will seldom if ever hold officially classified information. Its own papers will not receive official classifications, and the spirit of CJI will be to make all its papers available to inspection, in accordance with the Freedom of Information Act, unless there are specific, lawful reasons not to. Some papers and electronic files will, however, be kept 'in confidence': particularly personnel files and the records of conversations with individuals who could be identified from them. It would be contrary to our assurance that people can talk to us freely without fear of being identified as the source of our information for us to release information that would identify them.

There are contexts, however, where such notes may need to be produced in evidence, though normally it should be possible to do that in a form which would protect anonymity. CJI will also need to respect and protect the confidentiality of documents supplied by other organisations on that basis, and will consult with the originating organisation regarding any requests for disclosure of them. CJI will not hold information supplied to it by other organisations for any longer than is necessary. CJI is compliant with GDPR requirements.

2 Inspection Processes

There are two main categories of inspection that CJI undertakes:

- **Single agency** inspections focus on the organisation themselves or the services they provide. Examples of the single agency inspections CJI has undertaken are:
 - Police service of Northern Ireland;
 - Probation Board for Northern Ireland;
 - Forensic Science Northern Ireland;
 - the Office of the Police Ombudsman of Northern Ireland;
 - Public Prosecution Service;
 - the Youth Justice Agency; and
 - inspections of individual prisons.

- Cross-cutting **thematic** inspections consider how a particular service is dealt with by all or relevant parts of the criminal justice system. Examples of the thematic inspections CJI has undertaken are:
 - Avoidable delay;
 - Victims and witnesses;
 - Hate crime;
 - Sexual Violence
 - Equality and Diversity; and
 - Public Protection Arrangements.

Action plan/follow up reviews In addition CJI revisits both categories of inspection to assess how organisations and the system have implemented recommendations. This work is normally conducted 12 to 18 months after the original inspection to assess progress against accepted recommendations and is initiated by the Chief Inspector and/or Deputy Chief Inspector

In addition to the two main categories CJI can undertake particular inspections within its remit at the request of the Minister of Justice. It can also undertake work if requested to do so by an individual organisation. These inspection will follow the processes set out in the CJI core processes.

2.1 Inspection Stages for Single Agency Inspection

The following information provides an overview of the stages which are usually undertaken during the inspection of a single agency. As each individual inspection is designed in a bespoke manner the order of the stages and details of each stage may vary according to the specific topic and requirements of the inspection. Flowcharts showing detailed processes are contained in Annex B. In addition there are some differences to this process for thematic inspections and action plan reviews which are explained below.

Design and Planning

2.1.1 Inspection programme is developed and approved

CJI conducts research with the agencies and stakeholder organisations to inform the priorities for inspection. The factors influencing these priorities include resources, risks, statutory obligations and public confidence. A draft programme is discussed with key

stakeholders and amended following feedback. The programme is presented to the minister for approval.

2.1.2 Lead, Deputy and inspection support allocated to inspection

The allocation of inspections is based on specialised skills and knowledge requirements which will be sourced from CJI, other Inspectorates and wider specialist expertise.

2.1.3 Partner Inspectorates identified as appropriate

Areas of skills shortage where assistance is required from partner Inspectorates/associates are identified and an initial request for support from partner Inspectorates/associates for specific inspection topics.

2.1.4 Preliminary research to determine scope/standards

This includes initial background reading of reports, business plans, websites, strategies/action plans, relevant academic research, previous inspection reports and relevant documentation from other jurisdictions. Identification of and meetings with key personnel in criminal justice agencies/stakeholder organisations or knowledge experts. Communication with partner Inspectorates as to key areas within the inspection topic. Confirmation of arrangements for support from partner Inspectorates/associates (timings, roles etc). This element includes desktop research and meetings with interested parties.

2.1.5 Agency Contact and liaison established

The individual identified by the agency to support the inspection process should be of a sufficiently high level in the organisation to facilitate appropriate access to people and information. A letter is sent to the Head of Agency informing of Inspection, commencement, title and timescales. A request for documentation/data to assist in preparation for fieldwork and asking for nomination of agency contact person is also sent.

2.1.6 Inspection Risk Assessment

An Inspection risk assessment is completed as per CJI risk assessment template and kept updated as the inspection progresses. Lead and Deputy Lead Inspectors for any Inspection have a responsibility to declare any potential conflict of interest. Where there is a declared conflict of interest the person concerned will immediately advise the Chief Inspector / Deputy Chief Inspector who will direct on whether it is appropriate for the Inspector to continue. Where it is appropriate for the Inspector to continue the Risk Assessment should fully reflect the relevant issues, any potential risks to CJINI, and the control measures taken to mitigate the risk.

2.1.7 Benchmarking, research and data collection

This is undertaken to inform the analysis stages of the inspection. Benchmarking can be undertaken against comparators in best practice jurisdictions and similar service providers. This element also includes identification of best practice/national guidance/policies/standards from other jurisdictions. At this stage further reading of reports, business plans, websites, strategies/action plans/ relevant academic research, previous inspection reports and relevant documentation from other jurisdictions is undertaken. Inspectors review documentation and other data provided to date from agencies and comparative data from other jurisdictions.

2.1.8 Development and agreement of Terms of Reference (ToR)

Using the CJI template ToR are developed based on research undertaken. Draft ToR are shared with other Inspectors and further developed following feedback. The ToR is further refined by sharing with the Deputy Chief Inspector and Chief Inspector before being shared with the inspected agency (ies). The ToR includes a plan for the inspection based on the anticipated time for inspection to be undertaken. Timing of the inspection is based on Inspectors' commitments, discussion with agencies and other events in financial year. A system of updating progress on inspections and reviews applies and this should be updated before each Management team meeting. The ToR is brought to the Inspector's meeting for discussion. A final **QA Check** is undertaken of the ToR which is then signed off by the CI/DCI for use in the inspection.

Delivery

2.1.9 Stakeholder consultation

This element is undertaken to ascertain the experiences of partners and users of the service(s) provided by the agency. Relevant stakeholders are identified based on research and knowledge of topic area. Prior to the interviews stakeholders are given a copy of the ToR. Question areas for stakeholders are developed based on research and the ToR. Stakeholders are interviewed and information obtained is analysed to identify key issues.

2.1.10 Self-assessment

Agencies can be requested to complete a self-assessment in preparation for the inspection which can provide them with the opportunity to identify development activities. CJI can provide guidance for agencies on undertaking self-assessment. The CJI inspection framework and ToR are used to develop self-assessment framework for use by the agency. A self-assessment tool is developed which may be a spreadsheet, word document etc. Support is offered to the agency regarding self-assessment for example, training/briefing by CJI Inspector and if requested briefing or training is delivered. Agencies agree to provide the self-assessment within an identified timeframe after which Inspectors analyse it and the stakeholder analysis to further inform preparation for fieldwork. A hypothesis document based on stakeholder key issues and agency self-assessment is prepared and quality assured by Deputy CI and CI.

2.1.11 Fieldwork Plan/methodology

Key personnel/roles within agency to be interviewed are identified with assistance from the agency contact. A fieldwork plan is prepared which sets out a refined list of interviews, methods of interview (e.g. one-to-one, focus group), timescales and logistical arrangements. A schedule of meetings is drawn up by the agency contact(s) in consultation with the Inspectorate team. The Lead Inspector identifies times for review meetings between inspection team to be included in the fieldwork plan as well as overall topic areas to be covered in interviews. Relevant questions/specific topics are developed based on the inspection framework, background research and stakeholder consultation. The Lead Inspector identifies the methodology for recording/analysis of findings (e.g. written notes, spreadsheet etc).

2.1.12 Fieldwork Completion

Interviews/focus groups with key agency personnel are carried out. Inspection questions are adjusted and refined as they are tested with interviewees. The inspection team regularly

discuss findings/question refinement and any further key personnel required for interview are identified and interviews arranged through the agency contact and evidence is triangulated. An Emerging Findings meeting is held to identify key areas of good practice, development and areas requiring recommendations. Inspection findings are recorded as per method determined by the lead Inspector.

2.1.13 Initial feedback to agency

Feedback is provided to agencies on emerging issues only having identified the appropriate agency group or individual to receive it. The most appropriate method of delivering feedback is identified by the lead Inspector who then provides the feedback to the agency. In the case of PSNI it has been agreed that the CJI lead Inspector will meet with the relevant PSNI Chief Officer at the end of the fieldwork stage to share emerging findings and to take note of the response of PSNI senior management.

2.1.14 Analysis and drafting of report

The lead Inspector reviews evidence sources and triangulates evidence obtained during the inspection. Inspection findings are analysed against the pre-determined framework, best practice and the agency's own policies. The lead Inspector determines the most appropriate structure for presentation of the report within the CJI inspection report template.

2.1.15 Draft Reports – QA Documented

The draft report is shared with CJI colleagues and others from partner Inspectorates or associates involved in fieldwork. The report is amended appropriately following feedback. The draft report is shared with the media and communications officer (BCM) and Deputy Chief Inspector and updated based on their feedback. An amended report is then shared with the CI and updated based on feedback received. The CI develops the report foreword and this is included in the report. The final draft report is **Quality Assured and Approved** by the CI for release to agency/agencies.

2.1.16 Factual accuracy check with agency

The draft inspection report is shared with inspected agency/agencies for factual accuracy and updated based on their feedback. Where appropriate the CI will discuss and review amendments made to the draft at this stage. The lead Inspector should maintain a record of factual accuracy issues raised by the agency/agencies and whether the specific point(s) raised by the agency as factually inaccurate has (have) been accepted or not. This should be signed-off by the Chief Inspector/Deputy Chief Inspector and retained in the inspection folder, and will then be subject to the organisation's disposal policy. The final draft report is agreed with the agency/agencies and an action plan is requested. If provided by the agency/agencies the action plan is checked by the lead Inspector to ensure all recommendations have been considered. If available the action plan is included with the final version of the report as an appendix. If the action plan is not available the schedule for publication should continue.

2.1.17 Final draft and proof reading

The final draft of the report is checked using the Business Communication Manager (BCM) check list prior to a final **QA check of final draft and approval by the CI** to send the report to the Minister for approval.

Publication and Closure

2.1.18 Submission to Minister for approval to publish

The final version of the report is sent to the Minister or Permanent Secretary with an accompanying letter from the CI seeking permission to publish.

2.1.19 Permission to Publish Received from Minister

Responses from the Minister to the request are tracked by PA to the CI and include recording the terms of the final approval. The report together with a covering letter is sent to other agencies identified as needing to see report prior to publication by lead Inspector.

2.1.20 Report finalised for publication using BCM checklist

This is the final Quality Assurance check of the report

2.1.21 Press Release Prepared and shared with Agency

A press release is drafted by BCM and shared with the lead Inspector for checking and amendment as appropriate. The press release is shared with DCI and CI before being finalised and approved for release by the CI.

2.1.22 Publication Date Agreed and Report Issued

A date for publication of the report is identified by BCM and final arrangements for publication are overseen by BCM using the checklist. The report is laid before the Northern Ireland Assembly and released embargoed.

The report is published.

2.1.23 Communication channels identified and communications plan completed

The BCM continues to manage any media interest in report and to collate media coverage and articles. Responses to any further media requests for further articles/interviews are managed by the BCM.

2.1.24 Lessons learned report

Following a lessons learned meeting the lead Inspector prepares a lessons learned report and any actions resulting from it are taken forward into the general staff meeting process to update the inspection process accordingly.

2.2 Cross-cutting thematic inspection

The stages for undertaking a cross-cutting thematic inspection are broadly similar to those for a single agency inspection although obviously will involve research and data collection, establishment of agency contacts, fieldwork and report clearing with more than one agency. In addition CJI Inspectors may seek to form an advisory group to provide guidance during the inspection. Members of the advisory group may be drawn from the agencies themselves or from stakeholders or organisations with a specific knowledge of the topic area to be examined. The advisory group will meet during the course of the inspection, usually to provide advice on the Terms of Reference, emerging findings and the inspection report.

2.3 Reviews requested by the Minister of Justice

Generally reviews fall outside the predetermined inspection programme as they are undertaken at the request of the Minister of Justice in response to a specific issue that has come to light. Reviews broadly follow the same process as an inspection although by nature of the fact that a specific topic for inspection has been requested the scope of the inspection may have already been defined to some extent.

2.4 Action Plan/Follow-up Reviews

An Action Plan Review is primarily conducted to review the progress of the organisation(s) in working towards recommendations made in an inspection report. Research in preparation for the inspection is therefore focused on progress made by the agency towards implementing recommendations contained in the initial inspection report. This may involve consulting with stakeholders and other interested parties as in the preparation phase of the initial inspection. The process of establishing an agency contact and undertaking fieldwork remains useful in determining an agency's progress towards implementing recommendations. A report is then drafted and published on the CJI website. There is no requirement to lay the report before the Northern Ireland Assembly. The primary focus is to report on whether recommendations have been achieved.

Appendix A: Relevant legislation and list of bodies subject to inspection by CJI

The Office of the Chief Inspector of Criminal Justice in Northern Ireland (CJI) was established as an executive Non-Departmental Public Body under s.45 of the Justice (Northern Ireland) Act 2002.

The Chief Inspector was appointed by the Secretary of State for Northern Ireland in August 2003 to inspect or ensure the inspection of all aspects of the criminal justice system in Northern Ireland and to contribute in a significant way to the efficient and effective running of the criminal justice system, while helping to guarantee that it functions in an even handed way. CJI went live in October 2004 and since that time has conducted a programme of inspections which are agreed annually with the Minister of Justice.

Remit of Criminal Justice Inspection

Under section 46 of the Justice (Northern Ireland) Act 2002 (as amended), CJI must inspect the following agencies unless it is satisfied that they are subject to a satisfactory existing inspection regime¹.

- Police Service of Northern Ireland
- Forensic Science NI
- State Pathology Department
- Public Prosecution Service for NI
- Probation Board for NI
- NI Prison Service
- Youth Justice Agency
- Department of Health
- Compensation Agency
- NI Child Maintenance & Enforcement Division
- Department of Agriculture, Environment and Rural Affairs
- Department of the Environment
- Health and Safety Executive
- NI Tourist Board
- Police Ombudsman for NI
- NI Social Security Agency
- Royal Mail Group
- Belfast International Airport Ltd

¹ This provision means that CJI has to work co-operatively with HM Inspectorate of Constabulary, Fire & Recur Services in relation to the Police Service of Northern Ireland.

- Belfast Harbour Commissioners
- Larne Harbour Ltd
- Northern Ireland Court Service
- Legal Services Commission
- Parole Commissioners
- Community Based Restorative Justice Schemes
- Probation & Bail Hostels (Approved Premises)