

Date: 18th April 2018

Protocol

Between

The Ministry of Justice

as the Department

and

HM Chief Inspector of Probation

1. Introduction

- 1.1 This protocol has been drawn up by the Ministry of Justice (MoJ) and Her Majesty's Chief Inspector of Probation (HMCIP) for England and Wales. It sets out at a high level the role of each organisation in relation to the other, and the responsibilities of the principal individuals in running, sponsoring and overseeing the office of HMCIP.
- 1.2 This protocol is separate from the Memorandum of Understanding (MoU) being developed on probation oversight under the new inspection framework, which is due to be implemented in April 2018.
- 1.3 The HMCIP is a Ministerial appointment. The Chief Inspector is the statutory holder of this office. HMCIP is supported by an Inspectorate. Both HMCIP and other members of the Inspectorate have statutory responsibilities. However, for simplicity, this protocol refers to responsibilities as belonging to HMCIP.
- 1.4 This protocol does not confer any legal powers or responsibilities. It is approved by the Permanent Secretary and the sponsoring Minister, and then signed and dated by the MoJ (Permanent Secretary) and HMCIP.
- 1.5 This protocol does not detail the inspection criteria or the inspection framework which governs the inspection process.
- 1.6 This protocol remains in place until a new document has been agreed and replaces it. It must be reviewed at least every three years and, where appropriate, revised by agreement between HMCIP and the MoJ.
- 1.7 This protocol is published on the Inspectorate's website, and copies of the document are placed in the Libraries of both Houses of Parliament.

2. Remit

- 2.1 HMCIP's geographical remit covers England and Wales. By invitation, HMCIP also inspects probation and youth justice services on the Isle of Man and Channel Islands.
- 2.2 The Inspectorate was put on a statutory basis by the Criminal Justice Act 1991. The Criminal Justice and Court Services Act 2000 provided the Secretary of State for Justice (SoS) with further powers to appoint inspectors and to provide them in turn with the powers of inspection. The Offender Management Act 2007 introduced new arrangements whereby the provision of probation services could include providers other than probation boards so the remit of the Inspectorate has been amended to reflect those arrangements. Probation provision is currently delivered by Community Rehabilitation Companies (CRCs) who are subject to contract management oversight by Her Majesty's Prison and Probation Service (HMPPS), and the

National Probation Service (NPS), which is directly line managed as part of Her Majesty's Prison and Probation Service (HMPPS).

- 2.3 HMCIP is the statutory office holder and is supported by an independent Inspectorate.
- 2.4 Section 7 of the Criminal Justice and Court Services Act 2000, as amended by section 12(3)(a) and (b) of the Offender Management Act 2007, sets out the functions of HMCIP which include the inspection of probation services, and providing a report of an inspection to the SoS.
- 2.5 Under section 7 and Schedule 1A to the Criminal Justice and Court Services Act 2000, further provision about the Inspectorate includes:
 - (1) the delegation of functions – the Inspectorate may delegate any of its functions to another public authority;
 - (2) inspection programmes and inspection frameworks – from time to time, or at such times as the SoS may specify by order, the HMCIP will prepare an inspection programme and framework, and before doing so, will consult the SoS and others on a draft;
 - (3) inspections by other inspectors of organisations within the Inspectorate's remit;
 - (4) co-operation with other bodies;
 - (5) joint action including Joint Inspection programmes; and
 - (6) assistance to other public authorities.
- 2.6 Section 7 (6) of the Criminal Justice and Court Services Act 2000 provides the SoS with power to direct HMCIP to inspect and report on other matters which has been used in relation to Youth Offending Teams (established under section 39 of the Crime and Disorder Act 1998) and bodies acting on her behalf, as set out in the 'Inspection of Youth Offending Teams by Her Majesty's Inspectorate of Probation' Ministerial direction, 26th March 2013.

3. Independence

- 3.1 The independence of HMCIP is of paramount importance.
- 3.2 The following paragraphs identify those elements of the relationship between the sponsoring department (MoJ) and HMCIP from which the required independence of HMCIP is drawn. Further details on these elements are set out elsewhere in this protocol.
- 3.3 HMCIP is a Ministerial appointment. Ministers cannot remove HMCIP except in the limited circumstances set out in the terms of appointment which are not subject to unilateral change.

Inspection Reports

- 3.4 HMCIP reports in her own name, with content and timing solely at the discretion of HMCIP. Inspection reports are not cleared with any external person or external body, although drafts are provided to inspected bodies for the purposes of fact-checking only.
- 3.5 There is no statutory responsibility on the Inspectorate to produce an annual report, or to do so at any set time. There may be exceptional reasons, for example, a substantial change to the inspection framework, or a change in HMCIP, that justifies a longer elapsed time between reports. Where a report is produced, the content is solely at the discretion of HMCIP.

Other inspection publications

- 3.6 In determining the inspection programme, HMCIP will use their judgement and expertise in deciding what to inspect, how inspections should be carried out, what the findings should be, and whether an inspection is to be announced or unannounced. HMCIP's remit includes thematic inspections of issues cutting across individual organisations or bodies. HMCIP also produces other types of reports when required.

Inspection programme and corporate plan

- 3.7 The annual inspection programme is developed independently of MoJ although Ministers, and other key stakeholders, are consulted. The priorities of the inspection programme are set by HMCIP so as to best suit the purposes of inspection. Inspection programmes may be risk-based or regular (e.g. annual or biennial) or a mixture of risk and random selection. HMCIP is agreeing working relationships with HMPPS and contract managers to ensure, so far as possible, that the oversight burden is proportionate, and that audits and inspection timings do not overlap. Priorities for thematic reviews are a matter for HMCIP informed by formal and informal consultation, and are generally determined by reference to published decision-making criteria.
- 3.8 HMCIP will undertake inspections according to her own corporate and business plans (covering programmes and methodologies – section 11 provides details on corporate and business plans). From spring 2018, inspections will be underpinned by published quality standards. On inspection, youth offending teams and probation providers will be rated and graded. For youth work and probation services, HMCIP aims to enable improvement (where improvement is needed) and to increase public accountability. HMCIP standards capture key research findings and evidence based principles, and make use of current national and international standards where possible. They will apply to all providers of probation and youth offending services, and form the basis for valid, defensible ratings.
- 3.9 HMCIP has consulted key stakeholders on its proposed approach to the inspection of youth offending and probation services. It will continue to

consult key stakeholders on its programmes and plans, as the need arises. In determining content, HMCIP should take into account approved Inspectorate funding provision, and the department's wider strategic aims and agreed priorities. However, the final judgement remains with HMCIP.

Funding

- 3.10 HMCIP receives funding from the MoJ. MoJ is responsible for ensuring that the use of any such funds meets the standards of governance, decision-making and financial management, as set out in *Managing Public Money (MPM)* (see paragraph 5 below). In making decisions in relation to HMCIP, the Permanent Secretary, as the Principal Accounting Officer, will take into account the Inspectorate's operational independence.

Relationship with the Media and the public

- 3.11 HMCIP issues a press notice to the media in its own name for all published reports. As an independent organisation, HMCIP is free to speak publicly, and to participate in debates and events. HMCIP's Press Officer engages with the media at the discretion of HMCIP, and will liaise with the MoJ press office on issues where appropriate, for example, by routinely providing embargoed reports and press notices. Any liaison with the MoJ will not be intended to undermine HMCIPs' independence. HMCIP will maintain a separate website from any presence on GOV.UK.

GOVERNANCE AND ACCOUNTABILITY

4. Ministerial Responsibility

- 4.1 The SoS for Justice is accountable to Parliament for 'the policies, decisions and actions of this Department'¹ including matters relating to the discharge of functions under the remit of HMCIP.

5. The Principal Accounting Officer's specific accountabilities and responsibilities

- 5.1 The Permanent Secretary of the MoJ is the Principal Accounting Officer. HMCIP is not a distinct legal entity, and therefore does not have its own accounting officer to whom financial responsibility is delegated. HMCIP accounts to the Principal Accounting Officer for the appropriate use of resources in accordance with budgetary delegation arrangements. The responsibilities of the Principal Accounting Officer are set out in Chapter 3 of *MPM*.

¹ 1.1, MoJ Account Statement, 2017

- 5.2 The Principal Accounting Officer is personally responsible for ensuring that the Inspectorate delivers the standards set out in box 3.1 of *MPM*.
- 5.3 The Principal Accounting Officer is responsible to Parliament for the issue of any funding to HMCIP. The Principal Accounting Officer is also responsible for advising the SoS for Justice:
- on an appropriate budget for HMCIP in light of the MoJ's overall public expenditure priorities; and
 - how well HMCIP is achieving its strategic objectives and whether it is delivering value for money.
- 5.4 The Principal Accounting Officer is also responsible for ensuring arrangements (consistent with the overriding principle specified in section 3 on independence) are in place in order to:
- ensure HMCIP is fulfilling her statutory obligations;
 - review performance and delivery against the Inspectorate's corporate plan;
 - address significant problems relating to financial probity which may arise in relation to HMCIP, making such interventions as are judged necessary;
 - periodically carry out an assessment of the risks both to the MoJ and the HMCIP's objectives and activities;
 - inform HMCIP of relevant Government policy in a timely manner; and
 - bring concerns about the activities of the Inspectorate to the HMCIP and, as appropriate, to the MoJ departmental board.

6. Responsibilities of the MoJ as sponsor

- 6.1 As the Inspectorate is operationally independent of MoJ but integrated, for example in terms of its accounting and a number of other functions (please see paragraph 14), the department has appointed a sponsor team who applies the principles of sponsorship, usually reserved for bodies operating completely at arms' length.
- 6.2 The MoJ operates a proportionate risk-based approach to sponsorship which will be considerate of the independence of the Inspectorate as set out in paragraph 3 above, and in accordance with the Cabinet Office Code of Good Practice on partnerships between departments and ALBs (<https://www.gov.uk/government/publications/partnerships-with-arms-length-bodies-code-of-good-practice>). The sponsorship team is drawn from the Independent Scrutiny Bodies Team in the MoJ's Offender Reform and Commissioning Group. The team has a dual policy and assurance sponsorship function, with guidance and best practice on assurance provided by the Arm's Length Bodies (ALB) Division.

6.3 The Independent Scrutiny Bodies team's policy sponsorship responsibilities are to act as the policy interface for HMCIP and in particular to:

- support the Inspectorate's voice being heard across MoJ and Government, where policy development will have an impact on probation or youth offending, to include in cases where the views of the Inspectorate may be at variance with current Government policy;
- inform HMCIP of relevant Government policy in a timely manner, determining how ministerial policies in relation to HMCIP can best be delivered in terms of policy and strategy implementation;
- advise and brief Ministers in respect of HMCIPs' remit, when requested by Ministers; and
- lead the budget negotiation, in tandem with the MoJ Finance Business Partner, for each financial year.

6.4 The Independent Scrutiny Bodies team assurance sponsorship responsibilities are to act as a "critical friend" to the Inspectorate and in particular:

- support the development of positive and effective working relationships between the Inspectorate and all parts of the Department, ensuring that the sponsorship relationship is tailored and proportionate to the needs of both organisations where appropriate, and act as champion of HMCIP in pursuing agreed issues of concern with the MoJ and, where necessary, other departments;
- review the Inspectorate's performance and delivery against the corporate plan on a continuing basis, ensuring that risks to both HMCIP and MoJ are assessed periodically and provide assurance to the Department's Executive Committee (ExCo) that robust governance arrangements are in place;
- address any significant problems in the governance or management of the Inspectorate by raising them with HMCIP in the first instance, and if necessary drawing them to the attention of the Principal Accounting Officer;
- assist HMCIP in liaising with relevant leads in MoJ, for example, in respect of Human Resources policy, accommodation provision and IT strategy as necessary; and
- in liaison with HMCIP and the ALB Division, complete the annual Impact Support and Analysis process which assists in providing assurance to the MoJ ExCo that the appropriate assurance and partnership arrangements are in place, reflecting both the needs of HMCIP and the Department.

- 6.5 The Independent Scrutiny Bodies team will work with the Assistant Chief Inspector (Support Services) or other HMCIP nominee. Both parties will aim to ensure that requests for advice or information are dealt with expeditiously and in the event of delays, a revised timetable is mutually agreed.

Accountability and Sponsorship Meetings

- 6.6 The responsible Deputy Director (and members of the Independent Scrutiny Bodies team) will meet the Assistant Chief Inspector (Support Services) or other HMCIP nominee for quarterly sponsorship meetings to consider: issues, risks, financial performance, organisational performance, consideration of opportunities, and progress against business planning documents and corporate updates. The Independent Scrutiny Bodies team will also maintain regular contact with the Assistant Chief Inspector (Support Services) to ensure there is ongoing dialogue. The HMCIP will meet the sponsoring MoJ Director and Director General to consider strategic issues arising from the quarterly sponsorship meetings, and any other pertinent issues. These strategic meetings will be held at least twice a year but may be called at any mutually agreed time.

Escalation of issues

- 6.7 Any potential conflict between MoJ and HMCIP should be attempted to be resolved through ongoing dialogue and/or at the quarterly sponsorship meetings. There may, however, be a need for intervention outside of this monitoring framework, in circumstances where:
- either party considers that the other does not comply with this protocol or that there is a real risk to the operational independence of the Inspectorate;
 - there are early indications that a risk of material failure may occur in the operation of HMCIP, and the judgement of HMCIP or MoJ is that additional input is needed to prevent the risk materialising;
 - the financial performance of HMCIP is deteriorating and there are significant concerns within MoJ Finance over financial control; and
 - broadly, an adverse situation arises which the National Audit Office, on behalf of Parliament, may, in the public interest, be asked to investigate. This could include a situation beyond poor financial control, poor performance, or issues relating to regularity or propriety.
- 6.8 In such circumstances, the issue should be raised with the sponsoring Director General and HMCIP and, if necessary, escalated further as either party sees fit.

7. Responsibilities of HM Chief Inspector of Probation

General

7.1 The Principal Accounting Officer must assure himself that the HMCIP has adequate systems in place to meet the standards in Box 3.1 of *MPM* (in line with his responsibilities in *MPM* paragraph 3.3.1). In fulfilling HMCIP's statutory duties (set out in 2.2-2.6 above), HMCIP is responsible for assisting the Principal Accounting Officer in fulfilling these responsibilities by:

- accounting to the Principal Accounting Officer for the appropriate use of resources in accordance with budgetary delegation and spending control arrangements;
- ensuring that effective procedures for handling complaints about HMCIP are established and made widely known within the Inspectorate;
- acting in accordance with the terms of this document, *MPM* and other instructions and guidance (in so far as they concern matters of financial probity, procurement and Human Resources) issued from time to time by the Department, Her Majesty's Treasury (HMT) and the Cabinet Office;
- giving evidence on HMCIP's stewardship of public funds, normally with the Principal Accounting Officer, when requested by the Public Accounts Committee;
- being subject to the scrutiny of the Justice Select Committee and giving evidence when called to do so; and
- providing assurance to the MoJ in preparing its Governance Statement to Parliament covering human resources, corporate governance, risk management, finance and commercial processes, key business processes and oversight of any local responsibilities, for inclusion in the MoJ annual report and accounts.

Responsibilities to the MoJ

7.2 HMCIP's particular responsibilities to the Department include (in addition to statutory duties including the production of the essential publications set out in paragraph 7.4 below):

- developing, consulting on and publishing HMCIP's corporate plan. These are developed independently of MoJ but take into consideration the department's wider strategic aims and agreed priorities. However, the final judgement remains with HMCIP.
- ensuring that timely forecasts, risks and monitoring information on performance and finance are provided to the department; that the department is notified promptly if over and under spends are likely and that

corrective action is taken; and that any significant problems whether financial or otherwise (including legal challenge), and whether detected by internal audit or other means, are notified to the department in a timely fashion; and

- ensuring that financial considerations are taken fully into account by HMCIP at all stages in reaching and executing her decisions, and that financial appraisal techniques are followed.

Publication by HMCIP - Annual report

- 7.3 HMCIP will usually produce an annual report each year, although there may be exceptional reasons, for example, a substantial change to the inspection framework or a change in HMCIP, that justifies a longer elapsed time between reports. The annual report will cover the Inspectorate's Programme of work and outline its main activities and performance during the previous financial year.

Essential Publication by HMCIP – Corporate Plan (covering Inspection Programme and Inspection Framework)

- 7.4 HMCIP will prepare a corporate plan covering the inspection programme and framework (please see paragraph 3.8 above) setting out the inspections HMCIP proposes in all areas within her remit. Unless otherwise specified, the three-year corporate plan will be updated annually and will include details of HMCIP's youth offending and probation services inspection programmes for year one of the plan. The framework will be supplemented by inspection standards, the content of which will be published at times and in a manner set by HMCIP.

Consultation with and advice to Ministers

- 7.5 In exercising her statutory functions, HMCIP has access to Ministers. HMCIP will meet Ministers at any mutually agreed time. Written submissions on inspection reports will be made directly to Ministers. The Independent Scrutiny Bodies team and relevant policy teams as and where relevant, will be informed of the submission and copied into the content.

8. Corporate Governance

Appointment of HMCIP

- 8.1 The appointment of HMCIP is by open competition and is for an initial period of three years. Appointments will comply with the Cabinet Office Governance

Code for Public Appointments. HMCIP and the Permanent Secretary will meet annually to discuss performance and progress against the corporate plan.

- 8.2** The preferred candidate for the post of HMCIP is subject to scrutiny by the Justice Select Committee prior to appointment. As with other public appointments subject to pre-appointment scrutiny, the Government considers the Committee's conclusions and recommendations before deciding whether to proceed with the appointment.

Responsibilities of the Inspectorate's Senior Management Team and Advisory Group

- 8.3** HMCIP has established a mechanism, the Senior Management Team, for providing advice to the HMCIP. HMCIP will have sole responsibility for deciding its membership, remit and terms of reference. However, the Senior Management Team has neither statutory existence nor statutory authority.
- 8.4** The Senior Management Team should ensure that effective arrangements are in place to provide assurance on issues relating to financial probity. The Senior Management Team is expected to assure itself of the effectiveness of the internal control and risk management systems.
- 8.5** The HMCIP may supplement the Senior Management Team and other governance arrangements, for example with other appointments (non-executive directors) or create standing committees, task and finish groups or other governance arrangements as necessary.

FINANCIAL RESPONSIBILITIES

9. Managing Public Money and other Government-wide corporate guidance and instructions

9.1 Unless agreed by the MoJ and, as necessary, by HMT, HMCIP will follow the principles, rules, guidance and advice in *MPM*, referring any difficulties or potential bids for exceptions to the Independent Scrutiny Bodies Team in the MoJ in the first instance. A list of guidance and instructions with which HMCIP should comply is at **Appendix A**.

9.2 Once the budget has been approved by the MoJ, HMCIP will have authority to incur expenditure approved in the budget without further reference to the MoJ, on the following conditions:

- HMCIP will comply with the delegations set out in writing from the Director General. These delegations will not be altered without the prior agreement of the MoJ;
- HMCIP will comply with *MPM* regarding novel, contentious or repercussive proposals; and
- inclusion of any planned and approved expenditure in the budget will not remove the need to seek formal departmental approval where any proposed expenditure is outside the delegated spending controls limits or is for new schemes not previously agreed.

9.3 HMCIP will provide the MoJ with such information about its operations, performance, individual projects or other expenditure as the MoJ may reasonably require.

10. Risk Management

10.1 HMCIP will ensure that the risks it faces are dealt with in an appropriate manner, in accordance with relevant aspects of best practice in corporate governance. HMCIP will also develop a risk management strategy, in accordance with HMT's guidance *Management of Risk: Principles and Concepts* ([Orange Book](#)).

10.2 HMCIP should adopt and implement policies and practices to safeguard itself against fraud and theft in line with HMT's guidance on tackling fraud (2011): [Tackling internal fraud](#) and [Tackling external fraud](#)). HMCIP should also be responsible for its management of health and safety risks.

10.3 Risks should be subject to regular review at the sponsorship meetings, and where the risk is capable of impacting on the MoJ itself, escalated to the MoJ business group or departmental risk register as appropriate.

11. Corporate Plan and Joint Inspection Business Plan

- 11.1** HMCIP will set the content of its corporate plan (covering the inspection programme and the inspection framework) at HMCIP's own discretion, but will take account of HMCIP's funding provision and consideration of the department's wider strategic aims and priorities. HMCIP will publish the corporate plan following consultation on HMCIP's website. The plan should reflect HMCIP's statutory and other duties and budgetary allocations.
- 11.2** HMCIP contributes to the Joint Inspection Business Plan produced for Ministers by the four Criminal Justice Inspectorates.

12. Budgeting procedures

- 12.1** Each year, in light of decisions by the MoJ on the updated MoJ draft corporate plan, the MoJ will send to HMCIP, as close to the end of the financial year as possible:
- a formal statement of the annual budgetary provision allocated by the department in light of competing priorities across the department, and any forecast income approved by the department, including funding from other departments; and
 - a statement of any planned change in policies affecting HMCIP and or youth offending and probation services.
- 12.2** The HMCIP's corporate plan will take account both of approved funding provision and any forecast receipts.
- 12.3** HMCIP will operate relevant systems that enable timely and effective reviews (at least quarterly) of financial and non-financial performance against the budgets and targets set out in the corporate plan. Expenditure against budget is monitored in accordance with agreed spending controls and budget delegation letters. Reporting information to the MoJ will be proportionate to HMCIPs' activities and risks posed to the MoJ. As a minimum, HMCIP will provide the MoJ with information monthly that will enable the department to satisfactorily monitor:
- HMCIP's cash management, headcount information and financial risks and/or opportunities;
 - forecast outturn by resource headings with variance analysis; and
 - other data required for HMT's Online System for Central Accounting and Reporting (OSCAR).

Delegated authorities

12.4 HMCIPs' delegated authorities are set out in writing in a letter from the sponsoring Director General to HMCIP. HMCIP will obtain the MoJ's prior written approval before:

- entering into any undertaking to incur any expenditure that falls outside the delegations or which is not provided for in HMCIPs' annual budget as approved by the department;
- incurring expenditure for any purpose that is or might be considered to be novel or contentious, or which has or could have significant future cost implications;
- making any significant change in the scale of operation or funding of any initiative or particular scheme previously approved by the MoJ;
- making any change of policy or practice which has wider financial implications that might prove repercussive or which might significantly affect the future level of resources required; or
- carrying out policies that go against the principle, rules, guidance and advice in *MPM*.

12.5 From time to time, the MoJ may need to impose department wide spending controls on the Inspectorate that may require additional instances of written approval. In considering applications under any such spending controls, MoJ must take due and proper regard to HMCIP's role as an independent scrutiny body. In respect of recruitment of staff, spending control applications should be applied in light of any specific agreement to further delegate the authority to recruit to HMCIP.

Cash holding

12.6 HMCIP will use the services of the Government Banking Service (GBS).

Audit

12.7 HMCIP will remain within MoJ arrangements for internal and external audit.

ORGANISATION MANAGEMENT

13. Staff

13.1 HMCIP is a Ministerial appointment but staff appointed by HMCIP on a permanent basis are civil servants, employed by the MoJ and are subject to MoJ pay and conditions (including issues relating to pensions, redundancy and compensation) and policies in relation to the management of staff.

Staff recruitment

13.2 HMCIP has delegated authority to:

- recruit civil servants through the normal process abiding by MoJ and Civil Service rules on recruitment and subject to any spending control restrictions. This also applies to civil servants recruited on loan or secondment from other departments.
- identify and recruit fee paid staff from outside the MoJ recruitment process. All new staff will have security clearance and pre-employment checks. 'Fee paid Inspectors' are fee paid staff with particular expertise and can be utilised by HMCIP to undertake work as necessary and used for flexibility and efficiency purposes. All new staff, including fee paid Inspectors, will have security clearance and pre-employment checks.
- recruit staff on loan or secondment for an agreed term from an organisation outside of the MoJ. Such staff will have contracts agreed with their parent organisation, and will be subject to the terms and conditions of their parent organisation.

Staff Costs

13.3 Subject to its delegated authorities, HMCIP will ensure that the creation of any additional posts does not incur forward commitments that will exceed the Inspectorate's ability to pay for them.

14. Corporate service provision

14.1 A number of support functions will be provided to the HMCIP by the MoJ. Such functions will generally include:

- Information and Communications Technology
- Human Resources
- Finance
- Facilities
- Procurement
- Legal services
- Digital services
- Estates
- Information assurance
- Data incident handling (for significant incidents involving personal data)

14.2 Some of these support functions, for example, facilities, estates and ICT, will include the management of aspects of risk on behalf of HMCIP, notably elements of health and safety, fire safety and security risk management.

15. Complaints and litigation

- 15.1** Where complaints are received about HMCIP or matters within HMCIP's remit, the MoJ will refer these to the Inspectorate to deal with. Complaints about the personal conduct of HMCIP or those relating to the sponsorship or mandate of the MoJ will be considered by the responsible Minister. If the responsible Minister decides the complaint should be investigated, he will appoint an independent person to investigate the issues and make recommendations to him about the complaint resolution.
- 15.2** HMCIP will manage any litigation arising from its operational activities, involving MoJ lawyers and other officials at the earliest appropriate stage. Where HMCIP chooses to seek legal advice independent of MoJ, this will normally be sought from the Government Legal Department. It is recognised that HMCIP would necessarily need to defend any legal challenge of findings or ratings and in doing so, the MoJ recognises and accepts that there is a budgetary risk that HMCIP would not be able to keep within its allocated budget. In consequence, MoJ agrees to pay the reasonable legal costs of proceedings and any damages awarded.

Access

- 15.3** The MoJ will have a right of access to all of HMCIPs' records and personnel as required to discharge the obligations of the MoJ and the Principal Accounting Officer.

16. Sustainable Development

- 16.1** HMCIP will comply with policies and guidance issued by the MoJ, HMT or other relevant bodies in relation to sustainable development, contributing to the Government's vision for Mainstreaming Sustainable Development.

17. Occupational Health and Safety

- 17.1** HMCIP follows MoJ's Occupational Health and Safety (OHS) policies and documentation, ensuring the proportionate management of OHS risks across the Inspectorate.

18. Freedom of Information and Data Protection

- 18.1** HMCIP will carry out her obligations under the Freedom of Information (FOI) Act 2000, the Environmental Information Regulations 2004, the new data protection laws introduced by the Data Protection Bill 2017, and the EU General Data Protection Regulation (GDPR) effective from May 2018. This

includes ensuring requests are answered in a timely way, are compliant with the relevant legislation and, where applicable, are provided in line with agreed MoJ internal processes for request handling.

- 18.2** Additionally, HMCIP will maintain a central monitoring record of FOI and DPA requests received and dealt with. The MoJ may require this information for inclusion in departmental statistics.

19. Welsh Language Scheme

- 19.1** HMCIP is committed to the principle of treating the English and Welsh languages on a basis of equality when conducting public business in Wales. HMCIP operates its own Welsh Language Scheme that complies with the Welsh Language Act 1993, and has been approved by the Welsh Language Board.

HM CHIEF INSPECTOR OF PROBATION'S RELATIONSHIPS

20. Relationship with Parliament

Parliamentary Questions

- 20.1** Parliamentary Questions (PQs) relating to the Inspectorate will be sent by the MoJ's Parliamentary Branch to the Independent Scrutiny Bodies Team who will inform the Inspectorate and agree whether the PQ is about Government policy on inspection, or about the work or operation of the Inspectorate. In the case of the former, the Independent Scrutiny Bodies Team will produce the draft reply and submit to Parliamentary Branch, but will first seek any immediate comments from the Inspectorate. In the case of the latter, the Inspectorate will produce the draft reply and send to the Independent Scrutiny Bodies Team who will send on to Parliamentary Branch, making it clear the reply is provided by the Inspectorate. The general expectation is that the Independent Scrutiny Bodies Team would not amend the Inspectorate's draft.

Ministerial Correspondence

- 20.2** Members of Parliament will be encouraged to write directly to HMCIP about specific activities and the administration of the Inspectorate. When Ministers receive correspondence from Members of Parliament on these matters, they will normally ask HMCIP to reply (sending a copy of the reply to the sponsorship team). Where a Minister decides to reply personally, for example, where the correspondence involves wider policy considerations, advice will be sought from HMCIP or a member of the Inspectorate.

21. Arm's Length Bodies

21.1 HMCIP currently works in partnership with other Inspectorates and scrutiny bodies including Ofsted, Estyn, Care Quality Commission, Healthcare Inspectorate Wales, and the Care and Social Services Inspectorate Wales.

21.2 Joint inspections with other criminal justice Inspectorates (HMI Prisons, HMI Constabulary and Fire & Rescue Services, and HM Crown Prosecution Service Inspectorate) are co-ordinated by the Criminal Justice Inspectorates Chief Inspectors' Group. Legislation requires HMCIP, when preparing a joint inspection programme, to prepare it jointly with the other Inspectorates. The joint inspection programme will be subject to an annual consultation.

22. Other Government departments

22.1 HMCIP corresponds with the Welsh Government and the Department for Education regarding inspections where appropriate.

23. Private and Third Sector Bodies

23.1 HMCIP provides copies of their reports to all NPS divisions and CRCs that are inspected. HMCIP consults annually on its inspection plans, as required by statute. Although the list of stakeholders to be consulted, which is set out in statute, is limited, HMCIP routinely consults a wider range of stakeholders, including all inspected entities.

Signed Richard Vigney

Date 17 April 2018

(Permanent Secretary on behalf of MoJ)

Signed [Signature]

Date 2/05/18

(HM Chief Inspector of Probation)

Appendix A: APPENDIX 2 TO SPECIMEN DOCUMENT

Compliance with government-wide corporate guidance and instructions [NB to check/update references.]

The Body shall comply with the following general guidance documents and instructions:

- this document;
 - Appropriate adaptations of sections of *Corporate Governance in Central Government Departments: Code of Good Practice*
<https://www.gov.uk/government/publications/corporate-governance-code-forcentral-government-departments>;
 - *Code of Conduct for Board Members of Public Bodies*
http://www.civilservice.gov.uk/wp-content/uploads/2011/09/code-ofconduct_tcm6-38901.pdf
 - *Code of Practice for Ministerial Appointments to Public Bodies*
<http://publicappointmentscommissioner.independent.gov.uk/wpcontent/uploads/2012/02/Code-of-Practice-2012.pdf>
 - *Managing Public Money* (MPM);
 - Public Sector Internal Audit Standards,
<https://www.gov.uk/government/publications/public-sector-internal-auditstandards>;
 - Management of Risk: Principles and Concepts:
<https://www.gov.uk/government/publications/orange-book>
 - HM Treasury Guidance on Tackling Fraud,
http://webarchive.nationalarchives.gov.uk/20130129110402/http://www.hmtreasury.gov.uk/d/managing_the_risk_fraud_guide_for_managers.pdf.pdf;
 - Government Financial Reporting Manual (FRM),
<https://www.gov.uk/government/publications/government-financial-reportingmanual>;
 - Fees and Charges Guide, Chapter 6 of *Managing Public Money*;
 - Departmental Banking: A Manual for Government Departments, annex 5.6 of *Managing Public Money*;
 - relevant Dear Accounting Officer letters
<https://www.gov.uk/government/collections/dao-letters>;
 - Regularity, Propriety and Value for Money,
http://webarchive.nationalarchives.gov.uk/20130129110402/http://www.hmtreasury.gov.uk/psr_governance_valueformoney.htm;
 - The Parliamentary and Health Service Ombudsman's Principles of Good Administration <http://www.ombudsman.org.uk/improving-publicservice/ombudsmansprinciples>;
 - Consolidation Officer Memorandum, and relevant DCO letters;
- A7.2 Drawing up framework documents
- Managing Public Money
- relevant Freedom of Information Act guidance and instructions (Ministry of Justice);
 - [Model Code for Staff of Executive Non-departmental Public Bodies (Cabinet Office)
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/80082/PublicBodiesGuide2006_5_public_body_staffv2_0.pdf];
 - other relevant guidance and instructions issued by the Treasury in respect of Whole of Government Accounts;
 - other relevant instructions and guidance issued by the central Departments;
 - specific instructions and guidance issued by the sponsor Department;
 - recommendations made by the Public Accounts Committee, or by other Parliamentary authority, that have been accepted by the Government and relevant to the ALB.