



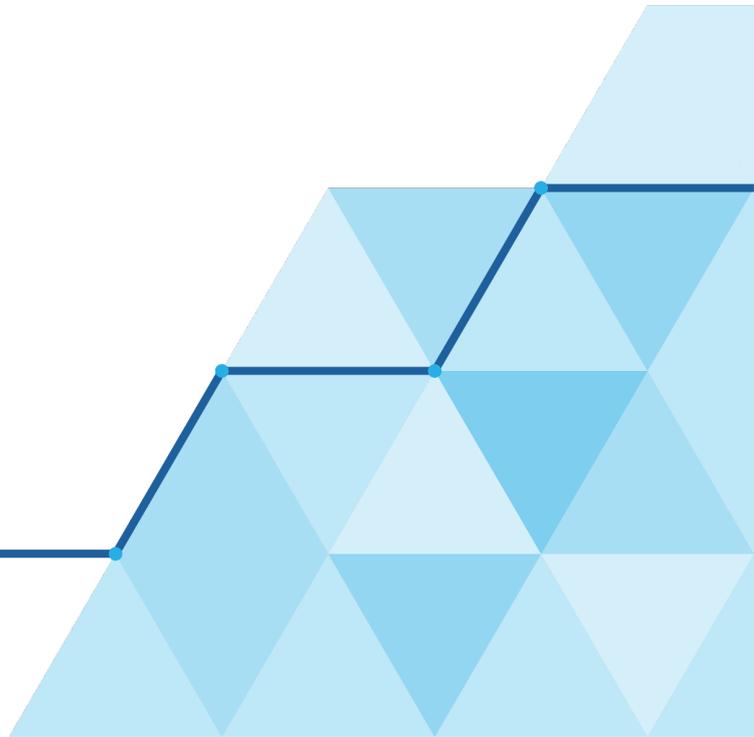
Ministry
of Justice



HM Inspectorate
of Probation

Framework Document between the Ministry of Justice and HM Chief Inspector of Probation

December 2025



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Introduction and background

1. Purpose of document

- 1.1 This Framework Document has been agreed by the Ministry of Justice (MOJ) and His Majesty's Chief Inspector of Probation (HMCIP) in accordance with HM Treasury's handbook Managing Public Money (MPM) (as updated from time to time) and has been approved by HM Treasury.
- 1.2 The Chief Inspector is the statutory holder of this office and this protocol will refer to the Chief Inspector or HMCIP. HMCIP is supported by an Inspectorate, which is also established in statute, and where the Framework Document refers to the Inspectorate or HM Inspectorate of Probation (HMIP), it is as part of HMCIP's statutory role and function.
- 1.3 The Framework Document sets out the broad governance framework within which HMCIP and MOJ operate. It sets out HMCIP's core responsibilities, describes the governance and accountability framework that applies between the roles of MOJ and HMCIP, and sets out how the day-to-day relationship works in practice, including in relation to governance and financial matters. The Framework Document is agreed by HMCIP on behalf of the Inspectorate.
- 1.4 The Framework Document does not confer any legal powers or responsibilities but both parties agree to operate within its terms. This Framework Document does not detail the inspection criteria, inspection framework or the work of HMCIP or HMIP.
- 1.5 This Framework Document should be reviewed and updated at least every three years unless there are exceptional reasons that render this inappropriate that have been agreed with HM Treasury and the Principal Accounting Officer (PAO) of MOJ. The latest date for review and updating of this document is three years from the date of publication.
- 1.6 Copies of the Framework Document and any subsequent amendments have been placed in the libraries of both Houses of Parliament and made available to members of the public on HMIP's website and GOV.UK.

2. Statement of independence

- 2.1 HMCIP is a ministerial appointment. Ministers cannot remove HMCIP except in the limited circumstances set out in the terms of appointment. These are not subject to unilateral change.
- 2.2 HMIP reports in its own name with content and timing at HMCIP's discretion. Inspection reports are not cleared with any external person or body, although drafts are provided to inspected bodies for fact-checking only and not for addressing any other changes to report content.
- 2.3 There is no statutory responsibility on the Inspectorate to produce an annual report, or to do so at any set time. Where a report is produced, the content is solely at the discretion of HMCIP.
- 2.4 In determining the probation, youth and thematic inspection programmes, HMIP will use appropriate 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, and the Inspectorate also undertakes quality assurance of a sample of serious further offence reviews providing an annual update of this work. The Secretary of State (SoS) can ask the Inspectorate to review a particular case or aspects of a case. In these instances, the Inspectorate will publish the reports on its website. HMCIP also produces other types of reports, including research and effective practice reports, when required and/or beneficial.
- 2.5 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 or a mixture of risk and random selection. Priorities for thematic reviews and research activities are a matter for HMCIP, informed by formal and informal consultation, and are generally determined by reference to published decision-making criteria.
- 2.6 HMCIP will undertake inspections according to corporate and business plans (covering programmes and methodologies). Inspections will be underpinned by published quality standards. On inspection, youth offending teams and probation providers will be rated.
- 2.7 HMIP 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 programme and plans as the need arises. In determining content, HMCIP

should take into account approved Inspectorate funding provision and MOJ's wider strategic aims and agreed priorities. However the final judgement remains with HMCIP.

- 2.8 HMCIP receives funding from 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 MPM. In making decisions, the Permanent Secretary as the PAO will take into account the Inspectorate's operational independence.
- 2.9 HMCIP issues press notices 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. Any liaison with MOJ will not be intended to undermine HMCIP's independence. HMCIP will maintain a separate website.

3. Objectives

- 3.1 MOJ and HMCIP share the common strategic outcome of delivering high-quality probation and youth offending services that change people's lives for the better. To achieve this, HMCIP and MOJ will work together in recognition of each other's roles and areas of expertise, providing an effective environment for HMCIP to achieve its objectives through the promotion of partnership and trust.

4. Classification

- 4.1 HMCIP has been administratively classified by the Cabinet Office as a statutory office holder.

Purpose, aims and duties

5. Purpose

- 5.1 HMCIP is an independent statutory office holder and is supported by an independent statutory Inspectorate (established by the Probation Service Act 1993).
- 5.2 HMCIP's responsibilities, which include the inspection of probation and youth offending services and providing a report of an inspection to the SoS, are set out in 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.

6. Powers and duties

- 6.1 HMCIP's responsibilities are to ensure the inspection of probation and youth offending services in England and Wales and provide independent scrutiny of the quality of work undertaken with individual offenders. HMCIP's geographical remit covers England and Wales and, by invitation, probation and youth justice services on the Isle of Man and Channel Islands.
- 6.2 Section 7 of the Criminal Justice and Court Services Act 2000 and Schedule 1a, which makes further provision about the Inspectorate, can be found online.^{1, 2}

HM Chief Inspector of Probation

- 6.3 HMCIP will undertake:
 - the inspection of probation services
 - providing a report of an inspection to the SoS
 - preparation of an inspection programme and framework, from time to time or as specified by the SoS by order, consulting with the SoS and others, on the draft
 - inspections by other inspectors of organisations within the Inspectorate's remit
 - co-operation with other bodies
 - joint action including joint inspection programmes
 - assistance to other public bodies

¹ www.legislation.gov.uk/ukpga/2000/43/section/7

² www.legislation.gov.uk/ukpga/2000/43/schedule/1A

7. Aims

- 7.1 HMCIP's mission is to promote positive changes in the probation and youth offending services in England and Wales. HMCIP's recommendations look to drive improvements at individual, local and national levels, leading to improved outcomes for adults on probation and children in contact with youth offending services.

Governance and accountability

8. Governance and accountability

- 8.1 HMCIP shall operate corporate governance arrangements that, in so far as practicable and in light of the other provisions of the Framework Document or as otherwise may be mutually agreed, accord with good corporate governance practice and applicable regulatory requirements and expectations.
- 8.2 In particular (but without limitation) HMCIP should:
- comply with the principles and provisions of the Corporate Governance in Central Government Departments Code of Good Practice (as amended and updated from time to time) to the extent appropriate and in line with its statutory duties
 - comply with MPM
 - in line with MPM, have regard to the relevant functional standards as appropriate and in particular those concerning finance, commercial, security and counter fraud³
 - take into account the codes of good practice and guidance set out in Annex A of this Framework Document as they apply to HMCIP
- 8.3 In line with MPM Annex 3.1, HMCIP shall provide an account of corporate governance in its annual governance statement including the Board's assessment of its compliance with the Code with explanations of any material departures. To the extent that HMCIP does intend to materially depart from the Code, the sponsor should be notified in advance.
- 8.4 HMIP's senior team, who are accountable for managing functions in the organisation, are accountable to HMCIP for:
- the delivery of the Inspectorate's business plan objectives relevant to the function and the direction and control of associated resources
 - the quality and value for money of the service provision
 - ensuring HMCIP adopts the relevant function's policies, controls and standards, in so far as is consistent with the other provisions of this Framework Document
- 8.5 As an embedded and integral part of the governance and performance management of the organisation, the senior officers accountable for managing each function in the organisation shall agree a proportionate basis for defining the scope

³ <https://www.gov.uk/government/collections/functional-standards>

of services, service levels, appropriate milestones and performance criteria, with routine reporting on compliance with defined standards and requirements, the resources deployed and costs, and any gaps in capacity and capabilities.

- 8.6 The senior officers accountable for managing each function in the Inspectorate are accountable to the respective MOJ function leads for:
- providing assurance over compliance with functional standards, in so far as is consistent with the other provisions of this Framework Document
 - implementing consistent policies, systems, processes and capabilities that support and promote interoperability and efficiency
 - supporting the ongoing development of the function
- 8.7 The senior officers accountable for managing each function in the Inspectorate shall provide the MOJ function leads with such information about their operations, performance and capabilities as may reasonably be required. In the event of any significant concerns being identified, the MOJ function lead will draw these to the attention of HMCIP.
- 8.8 The respective MOJ function lead will engage with the budget holder and the senior officer accountable for managing each function in HMIP to develop functional plans that set out activities, processes and developments that align to the delivery of MOJ outcome priorities to required standards, meet the collective needs across the organisation, and support an inclusive vision and clear prioritisation for all those operating within and supported by these activities. HMCIP shall work collaboratively with the MOJ functions to align processes, systems, knowledge and career pathways.
- 8.9 HMCIP will consult with and reflect the views of the MOJ function leads to inform the performance assessment of the function leads in the Inspectorate to support their continuing personal and professional development. This is a cross-government requirement aimed at ensuring standards are met in the different functions and should not impact on HMCIP's operational independence.
- 8.10 The budget holder may provide their views on the performance of the MOJ function leads to support their continuing personal and professional development.
- 8.11 MOJ may provide functional services to HMCIP. The PAO may seek to change the precise nature of the delivery model for these functions, during the lifetime of this Framework Document, to support better delivery of HMCIP's objectives, more consistency, increased innovation and enhanced efficiency. Where significant change is proposed in the way functions are delivered, HMCIP will be consulted.

- 8.12 The Inspectorate has established a mechanism, the senior management team (SMT), for providing advice to HMCIP. HMCIP has sole responsibility for deciding its membership, remit and terms of reference. However, the SMT has neither statutory existence or statutory authority.
- 8.13 The SMT should ensure that effective arrangements are in place to provide assurance on issues relating to financial probity and the SMT is expected to assure itself of the effectiveness of the internal control and risk management systems.
- 8.14 HMCIP may supplement the SMT 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.

Assessment of office holder

- 8.15 HMCIP will be subject to an annual appraisal of the performance of the Inspectorate conducted by the Senior Sponsor in line with Cabinet Office guidance. MOJ officials will support the preparation and co-ordination of the appraisal process.

Role of the department

9. The responsible minister

- 9.1 The SoS for Justice is accountable to Parliament for all matters concerning HMCIP.
- 9.2 The ministers' statutory powers in respect of HMCIP are set out in Sections 6 and 7 the Criminal Justice and Court Services Act 2000.

Appointments

- 9.3 HMCIP is appointed by the SoS for Justice and is subject to scrutiny by the Justice Select Committee prior to appointment. This appointment is subject to the Public Appointments Order in Council and as such must comply with the Governance Code on Public Appointments.
- 9.4 All such appointments should reflect the diversity of the society in which we live, and should be made taking account of the need to appoint individuals with a balance of skills and backgrounds.

Other ministerial powers and responsibilities

- 9.5 The minister is also responsible for:
- matters regarding spending approvals, acquisitions, disposals and joint ventures in line with delegations as set out in the delegation letter
 - such other matters as may be appropriate and proportionate
- 9.6 Under the Act, the SoS may appoint a person to be Chief Inspector and inspectors and provide them in turn with powers of inspection. The Act also provides the SoS with power to direct HMCIP to inspect and report on other matters. Following a ministerial direction in March 2013, this is currently being used in relation to the inspection of youth offending teams.

10. The Principal Accounting Officer

- 10.1 The Permanent Secretary of MOJ is the PAO and is responsible to Parliament for the issue of any funding to HMCIP, as HMIP does not have its own accounting officer to whom financial responsibility is delegated. HMCIP accounts to the PAO for the appropriate use of resources in accordance with budgetary delegation arrangements and the PAO is responsible for ensuring that the Inspectorate delivers the standards set out in Chapter 3 of MPM. The budget holder is expected

to consult the PAO should any issue arise that engages their budget holder responsibilities in a timely fashion.

- 10.2 The PAO may delegate the exercise of their responsibilities to an appropriately senior official within the department to act as Senior Sponsor to HMIP. Where these responsibilities are delegated to a Senior Sponsor, the PAO does so based on the continuing assurances provided by the Senior Sponsor, supported by the policy sponsorship team and the Public Bodies Centre of Expertise.
- 10.3 The PAO is also responsible, via the Senior Sponsor and the policy sponsorship team, for advising the SoS on:
- an appropriate budget for HMCIP in the light of MOJ's overall public expenditure priorities
 - how well HMCIP is achieving its strategic objectives and whether it is delivering value for money
 - the exercise of the minister's statutory responsibilities concerning HMCIP as outlined above
- 10.4 The PAO, supported by the Senior Sponsor, the Public Bodies Centre of Expertise (in collaboration with the MOJ policy sponsorship team) and senior officials accountable for managing each function in MOJ, is also responsible for ensuring arrangements are in place (consistent with the overriding principle of independence as set out in **section 2**) to:
- ensure HMCIP is fulfilling its statutory obligations
 - review performance and delivery against the Inspectorate's business and corporate plans
 - address significant problems in the organisation, making such interventions as are judged necessary
 - periodically, and at such frequency as is proportionate to the level of risk, carry out an assessment of the risks both to MOJ and HMCIP's objectives and activities in line with the wider departmental risk management process
 - inform HMCIP of relevant government policy in a timely manner
 - bring ministerial or departmental concerns about the activities of HMIP to the attention of HMCIP, and as appropriate to MOJ's departmental board, requiring explanations and assurances that appropriate action has been taken (while taking into account HMCIP's operational independence)

11. The role of the sponsorship team

- 11.1 The Senior Sponsor, supported by the Public Bodies Centre of Expertise, the policy sponsorship team in MOJ and the department's functions (where relevant), is the

primary contact within MOJ for HMCIP. The Senior Sponsor is the main source of advice to the responsible minister on the discharge of his or her responsibilities in respect of HMCIP. They also support the PAO on their responsibilities towards HMCIP. This sponsorship engagement will be guided by the principles set out in the [Cabinet Office Code of Good Practice: Partnerships between Departments and Arm's Length Bodies](#).⁴

- 11.2 Officials of the Public Bodies Centre of Expertise and the policy sponsorship team will liaise regularly with HMCIP's officials concerning its plans, the progress of the inspection programmes and expenditure against its departmental expenditure limit and annually managed expenditure allocations. They will support the PAO and Senior Sponsor by reporting on HMIP's performance against its business plan objectives and whether these are being delivered.
- 11.3 The Probation and Reducing Reoffending Directorate will provide policy sponsorship. They will support the PAO and Senior Sponsor in advising the SoS and ministers on the desired policy outcomes and monitoring and reporting on whether these are being delivered. They will also liaise regularly with HMIP and wider policy officials and will take the opportunity to explain broader policy developments that might have an impact on HMCIP. In particular they will:
- facilitate HMCIP's engagement and exchange of information and perspectives across MOJ and Whitehall where policy development will have an impact on probation or youth offending to include cases where the views of the Inspectorate may be at variance with current government policy
 - inform HMCIP of wider government policy initiatives that may impact on probation policy in a timely manner so that HMCIP can contribute constructively to consultations on the matter
 - work with HMCIP to respond to changes in HM Prison and Probation Service operational demands
 - maintain regular contact with HMCIP to ensure that there is ongoing dialogue around policy issues within HMCIP's remit

12. Resolution of disputes between HMCIP and MOJ

- 12.1 Any disputes between MOJ and HMCIP will be resolved in as timely a manner as possible. MOJ and HMCIP will seek to resolve any disputes through an informal process in the first instance. If this is not possible, then a formal process, overseen by the Senior Sponsor, will be used to resolve the issue. Failing this, the Senior Sponsor may then choose to ask the Permanent Secretary, as the PAO, to

⁴ <http://www.gov.uk/government/publications/partnerships-with-arms-length-bodies-code-of-good-practice>

nominate a non-executive member of the MOJ Board to review the dispute, mediate with both sides and reach an outcome, in consultation with the SoS.

13. Freedom of information requests

- 13.1 Where a request for information is received by either party under the Freedom of Information Act 2000 or the Data Protection Act 1998 or 2018, the party receiving the request will consult with the other party prior to any disclosure of information that may affect the other party's responsibilities.

14. Reporting on legal risk and litigation

- 14.1 HMCIP shall provide a regular update to the sponsor on the existence of any active litigation and any threatened or reasonably anticipated litigation. The parties acknowledge the importance of ensuring that legal risks are communicated appropriately to the sponsor in a timely manner.
- 14.2 Government Legal Department will support HMIP to manage any litigation arising from its operational activities. In respect of each substantial piece of litigation involving HMCIP, the parties will agree a litigation protocol which will include specific provisions to ensure appropriate and timely reporting on the status of the litigation and the protection of legally privileged information transmitted to the sponsor to facilitate this. Until such time as a protocol is agreed, the parties will ensure that:
- material developments in the litigation are communicated to the Senior Sponsor in an appropriate and timely manner
 - legally privileged documents and information are clearly marked as such
 - individual employees handling the legally privileged documents are familiar with principles to which they must adhere to protect legal privilege
 - circulation of privileged information within government occurs only as necessary

HMIP governance structure

15. Governance structure

15.1 HMCIP as budget holder is personally responsible for safeguarding the public funds for which it has charge, for ensuring propriety, regularity, value for money and feasibility in the handling of those public funds, and for the day-to-day operations and management of HMIP. In addition, it should ensure that HMIP as a whole is run on the basis of the standards, in terms of governance, decision-making and financial management, that are set out in Box 3.1 of MPM. These responsibilities include the below and those that are set in the budget holder appointment letter issued by the Senior Sponsor of the sponsor department.

16. Responsibilities for accounting to Parliament and the public

- 16.1 HMCIP's responsibilities to Parliament and the public include:
- ensuring that effective procedures for handling complaints about HMCIP in accordance with the Parliamentary and Health Service Ombudsman's Principles of Good Complaint Handling are established and made widely known within the Inspectorate and are published on the Inspectorate's website
 - acting in accordance with the terms of this document, MPM and other instructions and guidance issued from time to time by the department, HM Treasury and Cabinet Office
 - ensuring that as part of the above compliance it is familiar with and acts in accordance with:
 - any governing legislation
 - this Framework Document
 - any delegation letter issued to HMCIP
 - giving evidence, normally with the PAO, if summoned before the Public Accounts Committee and other parliamentary select committees on HMCIP's stewardship of third-party public funds
 - assuring Parliament and the public of high standards of probity in the management of public funds and assets
 - being subject to the scrutiny of the Justice Select Committee and giving evidence when called to give evidence

- ensuring it has appropriate internal mechanisms for monitoring, governance and external reporting regarding non-compliance with any conditions arising from the above documents

17. Responsibilities to MOJ

17.1 HMCIP's responsibilities to MOJ, in particular the PAO, include:

- developing, consulting on and publishing HMCIP's corporate plan – this takes into consideration MOJ's wider strategic aims and agreed priorities, but is developed independently of MOJ and the final judgement remains with HMCIP
- co-operating with MOJ during the development of probation and youth custody policy ensuring HMCIP's voice is heard
- ensuring that timely monthly forecasts and monitoring information on performance, risk and finance are provided to MOJ
- notifying MOJ and in particular the PAO promptly if over or under spends are likely and of corrective action taken
- notifying MOJ and in particular the PAO of any significant problems, whether financial or otherwise and whether detected by internal audit or other means, in a timely fashion
- ensuring that financial considerations are taken fully into account by HMCIP at all stages in reaching and executing decisions and that financial appraisal techniques are followed
- notifying MOJ at the earliest opportunity if there is a risk of legal challenge against HMCIP

Annual report

17.2 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 change in HMCIP) that justify a longer elapsed period between reports. The probation annual report will cover the Inspectorate's programme of work and outline its main activities and performance during the previous financial year.

Corporate plan covering the inspection programme and inspection framework

17.3 HMCIP will prepare a corporate plan covering the inspection programme and framework setting out the inspections HMCIP proposes in all areas within its 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

17.4 In exercising its statutory functions, HMCIP has access to ministers. Written submissions on inspection reports will be made directly to ministers with the sponsorship team informed of the submission and copied in the content.

Management and financial responsibilities and controls

18. Delegated authorities

- 18.1 HMCIP's delegated authorities are set out in the delegation letter. There is a requirement to complete the online form and any details of sub-delegation in order to formally accept the budget and associated responsibilities. This delegation letter may be updated and superseded by later versions which may be issued by MOJ in agreement with HM Treasury.
- 18.2 In line with MPM Annex 2.2, these delegations will be reviewed on an annual basis.
- 18.3 The budget holder shall consult with the Senior Sponsor and obtain MOJ's, and where appropriate HM Treasury's, prior written approval before:
- entering into any undertaking to incur any expenditure that falls outside the delegations or is not provided for in HMCIP's annual budget as approved by MOJ
 - incurring expenditure for any purpose that is or might be considered 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 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
 - carrying out policies that go against the principles, rules, guidance and advice in MPM

19. Spending authority

- 19.1 Once the budget has been approved by MOJ (and subject to any restrictions imposed by statute, the responsible minister's instructions, this Framework Document, HM Treasury settlement or budget/delegation letters), HMCIP has authority to incur expenditure approved in the budget without further reference to the sponsor department, on the following conditions:
- HMCIP shall comply with the delegations and financial transaction limits set out in the prevailing budget version letter – these delegations shall not be altered

without the prior agreement of MOJ and as agreed by HM Treasury and Cabinet Office as appropriate

- HMCIP shall comply with MPM regarding novel, contentious or repercussive proposals
- inclusion of any planned and approved expenditure in the budget shall not remove the need to seek formal departmental approval where any proposed expenditure is outside the delegated limits or is for new schemes not previously agreed
- HMCIP shall provide MOJ with such information about its operations, performance, individual projects or other expenditure as MOJ may reasonably require
- the oversight of expenditure against budget delegation is the responsibility of the internal arm's length body finance team in collaboration with the MOJ arm's length body finance business partnering team, who support the Public Bodies Centre of Expertise with this
- from time to time, 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, and 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

20. Banking and managing cash

- 20.1 HMCIP must maximise the use of publicly procured banking services (accounts with central government commercial banks managed centrally by the Government Banking Service).
- 20.2 HMCIP should only hold money outside Government Banking Service accounts where a good business case can be made for doing so, and HM Treasury consent is required for each account to be established. Only commercial banks which are members of relevant UK clearing bodies may be considered for this purpose.
- 20.3 Commercial accounts where approved should be operated in line with the principles as set out in MPM.
- 20.4 The PAO is responsible for ensuring HMCIP has a banking policy as set out in MPM and that the policy is complied with.

21. Procurement

- 21.1 HMCIP shall ensure that it operates within the delegated authorities set out in the delegation letter(s), which will include its delegated commercial authority as well as its spending authority to incur expenditure approved in the budget.
- 21.2 HMCIP shall ensure that its procurement policies are aligned with and comply with any relevant UK Procurement Regulations, government policies and procedures or other international procurement rules.
- 21.3 HMCIP shall establish its procurement policies in line with MOJ guidance and procedures.
- 21.4 In procurement cases where HMCIP is likely to exceed its delegated authority limit, procurement strategy approval for the specific planned purchase must be sought from the Senior Sponsor, via MOJ's sponsorship team.
- 21.5 Goods, services and works should be acquired by competition. Proposals to let single-tender or restricted contracts shall be limited, exceptional and compliant with the UK Procurement Regulations. A quarterly report explaining those exceptions should be sent to the MOJ Chief Commercial Officer.
- 21.6 Procurement by HMCIP of works, equipment, goods and services shall be based on a full option appraisal and value for money, i.e. the optimum combination and whole life costs and quality (fitness for purpose).
- 21.7 HMCIP shall:
- engage fully with MOJ and government-wide procurement initiatives that seek to achieve value for money from collaborative projects
 - comply with all relevant procurement policy notes issued by Cabinet Office
 - co-operate fully with initiatives to improve the availability of procurement data to facilitate the achievement of value for money
 - ensure that its staff are fully aware of relevant procurement policies and guidance, its general commercial delegations and financial transaction limits
 - put in place a procurement framework which sets out its procurement structure, organisation, processes and control mechanisms where/if relevant and appropriate
 - provide reports of spend against central contracts and other spend metrics as requested by the commercial team for ongoing reporting to the Cabinet Office
 - periodically and wherever practicable participate in a benchmarking exercise against best practice elsewhere in MOJ

21.8 HMCIP shall comply with the commercial standards and grants standards. These standards apply to the planning, delivery and management of government commercial activity including management of grants in all departments and arm's length bodies regardless of commercial approach used. They form part of a suite of functional standards that set expectations for management within government.⁵

22. Risk management

22.1 HMCIP, supported by the Audit, Risk and Assurance Committee, shall establish the organisation's overall approach to risk management in accordance with the Orange Book Management of Risk – Principles and Concepts and the MOJ risk management framework to ensure that the risks that it faces are dealt with in an appropriate manner.⁶ HMCIP should also be responsible for its management of health and safety risks.

23. Counter fraud and theft

23.1 HMCIP should adopt and implement policies and practices to safeguard itself against fraud, bribery and corruption. This includes staff fraud and theft.

23.2 HMCIP should act in line with guidance as issued by the Counter Fraud Function and in compliance with the procedures and considerations as set out in MPM Annex 4.9 and the Counter Fraud Functional Standard.⁷ HMCIP should also take all reasonable steps to conduct due diligence checks and appraise the financial standing of any firm or other body with which it intends to enter a contract or to provide grant or grant-in-aid to minimise fraud risks.

23.3 HMCIP should keep records of, and prepare and forward to MOJ, an annual report on fraud and theft suffered by HMCIP and notify MOJ of any unusual or major incidents as soon as possible. HMCIP should also report, quarterly, detected loss from fraud, bribery, corruption and error, alongside associated recoveries and prevented losses, to the MOJ Counter Fraud Centre of Expertise (MOJCounterFraud@justice.gov.uk) in line with the agreed government definitions as set out in the Counter Fraud Functional Standard.⁸

⁵ <https://www.gov.uk/government/publications/commercial-operating-standards-for-government> and <https://www.gov.uk/government/publications/grants-standards>

⁶ <https://www.gov.uk/government/publications/orange-book>

⁷ <https://www.gov.uk/government/publications/government-functional-standard-govs-013-counter-fraud>

⁸ <https://www.gov.uk/government/publications/government-functional-standard-govs-013-counter-fraud>

24. Staff

Staff recruitment

24.1 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, including fee paid staff, will have security clearance and pre-employment checks
- recruit staff on loan or secondment for an agreed term from an organisation outside of MOJ – such staff will have contracts agreed with their parent organisation and will be subject to the terms and conditions of their parent organisation

Broad responsibilities for staff

24.2 Within the arrangements approved by the responsible minister (and HM Treasury), HMCIP will have the responsibility for the recruitment, retention and motivation of its staff. The broad responsibilities towards its staff are to ensure that:

- the rules for recruitment and management of staff create an inclusive culture in which diversity is fully valued, appointment and advancement are based on merit, and there is no discrimination against employees with protected characteristics under the Equality Act 2010
- ensure that HMIP is subject to the Security Policy Framework and complies with its requirements
- the level and structure of its staffing, including grading and staff numbers, are appropriate to its functions and the requirements of economy, efficiency and effectiveness
- the performance of its staff at all levels is satisfactorily appraised and the HMIP performance measurement systems are reviewed in line with the department
- its staff are encouraged to acquire the appropriate professional, management and other expertise necessary to achieve HMCIP's objectives
- proper consultation with staff takes place on key issues affecting them
- adequate grievance and disciplinary procedures are in place
- whistle-blowing procedures consistent with the Public Interest Disclosure Act are in place

Staff costs

24.3 Subject to its delegated authorities, HMCIP shall ensure that the creation of any additional posts does not incur forward commitments that will exceed the

Inspectorate's ability to pay for them (this should include all staff costs – the on-costs – not just the headline salary and should take into account costs potentially increasing through pay increases).

Pay and conditions of service

- 24.4 HMCIP's staff are subject to levels of remuneration and terms and conditions of service (including pensions) within the general pay structure approved by MOJ and HM Treasury. HMCIP has no delegated power to amend these terms and conditions.
- 24.5 Civil Service terms and conditions of service apply to the rates of pay and non-pay allowances paid to the staff and to any other party entitled to payment in respect of travel expenses or other allowances. Payment shall be made in accordance with the Civil Service Management Code and the annual Civil Service pay remit guidance, except where prior approval has been given by MOJ to vary such rates.^{9, 10}
- 24.6 Staff terms and conditions should be set out in relevant sections of the MOJ intranet.
- 24.7 HMCIP and its staff shall abide by public sector pay controls, including the relevant approvals process dependent on the organisation's classification, as detailed in the senior pay guidance and the public sector pay and terms guidance.¹¹

Pensions, redundancy and compensation

- 24.8 Compensation scheme rules and pension scheme rules should reflect legislative and HM Treasury guidance requirements regarding exit payments.
- 24.9 Staff are eligible to join the Civil Service Pension Scheme, alpha, with the alternative to join the partnership scheme, which is a defined contribution scheme and also known as a money purchase pension, provided by a third-party provider, Legal and General. Staff are able to opt out of the pension scheme if they wish. However, under automatic enrolment legislation, departments must re-enrol all employees and workers who are not currently in a pension scheme every three years from their initial starting date.
- 24.10 Any proposal by HMCIP to move from the existing pension arrangements, or to pay any redundancy or compensation for loss of office, requires the prior approval of the department. Proposals on severance must comply with the rules in Chapter 4 of MPM.

⁹ <https://www.gov.uk/government/publications/civil-servants-terms-and-conditions>

¹⁰ <https://www.gov.uk/government/publications/civil-service-pay-remit-guidance-2025-to-2026>

¹¹ <https://www.gov.uk/government/publications/senior-civil-service-pay-and-reward>

Financial reporting, business plans and management information

25. Budgeting procedures

- 25.1 Each year, in the light of decisions by MOJ on the updated MOJ draft corporate plan, MOJ will send to HMCIP:
- a formal statement of the annual budgetary provision allocated by MOJ in the light of competing priorities across the department and of any forecast income approved by MOJ, including funding from other government departments
 - a statement of any planned changes in policies affecting HMCIP and/or youth offending and probation services

26. HMCIP corporate and business plans

- 26.1 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 MOJ'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 allocation.
- 26.2 HMCIP also contributes to the joint inspection business plan produced for ministers by the four criminal justice inspectorates.

27. Reporting performance to MOJ

- 27.1 HMCIP shall operate management information and accounting systems that enable it to review in a timely and effective manner its financial and non-financial performance against the budgets and targets set out in the corporate and business plans.
- 27.2 HMCIP shall inform the sponsor department of any changes that make achievement of objectives more or less difficult. It shall report financial and non-financial performance, including performance in helping to deliver ministers' policies, and the achievement of key objectives regularly.

- 27.3 In exercising its statutory functions, HMCIP has access to ministers. HMCIP will meet ministers at any mutually agreed time.
- 27.4 The Inspectorate's performance shall be formally reviewed by MOJ via regular business assurance meetings, the frequency of which will be reviewed by the Public Bodies Centre of Expertise based on risk. Business assurance meetings shall be chaired by the Head of the Public Bodies Centre of Expertise (or in exceptional circumstances by their deputy) and attended by senior officials from the Inspectorate and the sponsorship team. These meetings provide a timely, formal opportunity for a two-way conversation to discuss HMIP's performance, risk and finance to assure the PAO, via the Senior Sponsor, that HMIP is functioning efficiently and effectively.
- 27.5 The Public Bodies Centre of Expertise and the Director General, Policy and Strategy Group will work closely together to ensure that HMCIP effectively carries out its functions under the Criminal Justice and Court Services Act 2000 and co-operates with MOJ in doing so.

28. Information sharing

- 28.1 MOJ has the right of access to all HMCIP's records and personnel for any purpose including for example, sponsorship audits.
- 28.2 HMCIP shall provide MOJ with such information about its operations, performance, individual projects or other expenditure as MOJ may reasonably require.
- 28.3 MOJ and HM Treasury may request the sharing of data held by HMCIP and its office in such a manner as set out in central guidance expect insofar as it is not prohibited by law. This may include requiring the appointment of a senior official to be responsible for the data sharing relationship.
- 28.4 As a minimum, HMCIP shall provide the department with information monthly that will enable the department satisfactorily to monitor:
- HMCIP's budget management
 - forecast outturn by resource headings
 - other data required for the Online System for Central Accounting and Reporting (OSCAR)
 - data as required in respect of its compliance with any Cabinet Office controls pipelines or required in order to meet any condition as set out in any settlement letter

29. Internal and external audit

29.1 HMCIP will remain within MOJ arrangements for internal and external audit.

30. Relationship with Parliament

Parliamentary Questions

30.1 If the Parliamentary Question is about government policy, sponsorship or governance in relation to the Inspectorate, MOJ officials will produce the draft response and submit to the Parliamentary Branch but will first seek any immediate concerns from the Inspectorate. If a Parliamentary Question relates to the work or operation of the Inspectorate, the Inspectorate will produce the draft reply and send it to MOJ officials who will send on to the Parliamentary Branch, making it clear the reply is provided by the Inspectorate. The general expectation is that the Inspectorate's draft will not be amended before sending to the Parliamentary Branch.

Ministerial correspondence

30.2 MPs shall be encouraged to write directly to HMCIP about specific activities and the administration of the Inspectorate. When ministers receive correspondence from MPs on these matters, they shall normally ask HMCIP to reply (sending a copy to the scrutiny 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 other Inspectorate staff on aspects relating to the activities or administration of HMCIP.

Parliamentary select committees

30.3 HMCIP is free to speak publicly and to participate in debates and events. In the case of select committees, it is entirely at the discretion of the select committee to decide from whom they shall hear evidence. HMCIP may be required to give evidence to the Public Accounts Committee, normally with the PAO, on the stewardship and use of public funds by HMCIP.

31. Other government departments

Memoranda of Understanding

31.1 HMCIP currently works in partnership with other inspectorates and scrutiny bodies (including Ofsted, the Care Quality Commission and Criminal Justice Inspection – Northern Ireland). This work is covered by Memoranda of Understanding which are published on the HMCIP website. Where appropriate, HMCIP will report to relevant

ministers and make contact with officials in these departments as well as the Welsh Government.

Joint inspections

31.2 Joint inspections with other criminal justice inspectorates (HMI Prisons, HMI Constabulary and Fire and Rescue Services, and HM Crown Prosecution 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.

32. Private and third sector bodies

32.1 HMCIP provides copies of its reports to all Probation Service probation delivery units 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.

Reviews and winding up arrangements

33. Arrangements in the event that HMCIP is wound up

33.1 MOJ shall put in place arrangements to ensure the orderly winding up of HMCIP. In particular, it should ensure that the assets and liabilities of HMCIP are passed to any successor organisation and accounted for properly. (In the event that there is no successor organisation, the assets and liabilities should revert to the sponsor department.) To this end, the department shall:

- have regard to Cabinet Office guidance on winding up of arm's length bodies¹²
- ensure that procedures are in place in HMIP to gain independent assurance on key transactions, financial commitments, cash flows and other information needed to handle the wind-up effectively and to maintain the momentum of work inherited by any residuary body
- specify the basis for the valuation and accounting treatment of HMIP's assets and liabilities
- ensure that arrangements are in place to prepare closing accounts and pass to the Comptroller and Auditor General for external audit and that, for non-Crown bodies, funds are in place to pay for such audits – the Comptroller and Auditor General will lay the final accounts in Parliament, together with his report on the accounts
- arrange for the most appropriate person to sign the closing accounts – if another arm's length body takes on the role, responsibilities, assets and liabilities, the succeeding arm's length body Accounting Officer should sign the closing accounts, but if the department inherits the role, responsibilities, assets and liabilities, the sponsor department's Accounting Officer should sign

¹² https://assets.publishing.service.gov.uk/media/633443a6e90e0772dde3636a/Public_Bodies_-_a_guide_for_departments_-_chapter_10.pdf

Annex A: Compliance with government-wide corporate guidance and instructions

HMCIP shall comply with the following guidance, documents and instructions.

Corporate governance

- This Framework Document
- Corporate Governance Code for Central Government Departments (relevant to Arm's Length Bodies) and supporting guidance:
www.gov.uk/government/publications/corporate-governance-code-for-central-government-departments-2017
- Code of Conduct for Board Members of Public Bodies:
www.gov.uk/government/publications/code-of-conduct-for-board-members-of-public-bodies
- Code of Practice for Partnerships between Departments and Arm's Length Bodies:
www.gov.uk/government/publications/partnerships-with-arms-length-bodies-code-of-good-practice

Financial management and reporting

- Managing Public Money (MPM): www.gov.uk/government/publications/managing-public-money
- Government Financial Reporting Manual (FReM):
www.gov.uk/government/collections/government-financial-reporting-manual-frem
- Relevant Dear Accounting Officer (DAO) letters:
www.gov.uk/government/collections/dao-letters
- Relevant guidance and instructions issued by HM Treasury in respect of whole of government accounts: www.gov.uk/government/collections/whole-of-government-accounts
- The most recent letter setting out the delegated authorities, issued by the parent department

Management of risk

- Management of risk: www.gov.uk/government/publications/orange-book and www.gov.uk/government/publications/management-of-risk-in-government-framework
- HM Treasury approval processes for major projects above delegated limits:
www.gov.uk/government/publications/treasury-approvals-process-for-programmes-and-projects
- The government cyber-security strategy and cyber security guidance:
www.gov.uk/government/publications/national-cyber-strategy-2022/national-cyber-

[security-strategy-2022](#) and www.gov.uk/government/collections/cyber-security-guidance-for-business

Commercial management

- Procurement policy notes: www.gov.uk/government/collections/procurement-policy-notes
- Cabinet Office spending controls: www.gov.uk/government/collections/cabinet-office-controls
- Transparency in supply chains – a practical guide: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1040283/Transparency_in_Supply_Chains_A_Practical_Guide_2017_final.pdf

Public appointments

The following are relevant where public bodies participate in public appointments processes.

- Guidance from the Commissioner for Public Appointments: <https://publicappointmentscommissioner.independent.gov.uk/>
- Governance Code on Public Appointments: www.gov.uk/government/publications/governance-code-for-public-appointments
- Procurement Policy Note 08/15 – Tax Arrangements of Public Appointees: www.gov.uk/government/publications/procurement-policy-note-0815-tax-arrangements-of-appointees

Staff and remuneration

- HM Treasury guidance on senior pay and reward: www.gov.uk/government/publications/senior-civil-service-pay-and-reward
- Civil Service pay guidance (updated annually): www.gov.uk/government/collections/civil-service-pay-guidance
- Public sector pay and terms: www.gov.uk/government/publications/public-sector-pay-and-terms-guidance-note
- Whistleblowing guidance and code of practice: www.gov.uk/government/publications/whistleblowing-guidance-and-code-of-practice-for-employers
- The Equalities Act 2010: www.gov.uk/guidance/equality-act-2010-guidance

General

- Freedom of Information Act guidance and instructions: www.legislation.gov.uk/ukpga/2000/36/contents and <https://ico.org.uk/for-organisations/guide-to-freedom-of-information>
- The Parliamentary and Health Service Ombudsman’s Principles of Good Administration: www.ombudsman.org.uk/about-us/our-principles

- Other relevant instructions and guidance issued by the central departments (Cabinet Office and HM Treasury)
- Recommendations made by the Public Accounts Committee, or by other parliamentary authority, that have been accepted by the government and are relevant to HMCIP
- Guidance from the public bodies team in Cabinet Office: www.gov.uk/guidance/public-bodies-reform
- The Civil Service diversity and inclusion strategy (outlines the ambition, to which arm's length bodies can contribute): www.gov.uk/government/publications/civil-service-diversity-and-inclusion-strategy-2022-to-2025
- Guidance produced by the Infrastructure and Projects Authority on management of major projects: www.gov.uk/government/organisations/infrastructure-and-projects-authority
- The Government Digital Service: www.gov.uk/government/organisations/government-digital-service
- The Grants Functional Standard: www.gov.uk/government/publications/grants-standards
- Code of Practice for Official Statistics: <https://code.statisticsauthority.gov.uk>
- Accounting Officer System Statements (these are produced by departments with input from arm's length bodies): www.gov.uk/government/publications/accounting-officer-system-statements



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