

Memorandum of Understanding between Her Majesty's Inspectorate of Probation and the Care Quality Commission

Responsibility for leading on the multi-agency inspection of Youth Offending Teams (YOT) in England and Wales was assigned to HMI Probation by the Secretary of State in 2002. These inspections include an assessment of the healthcare and substance misuse provision to YOTs. The Care Quality Commission has statutory responsibilities to inspect healthcare provision in England. HMI Probation and the CQC have agreed to work together to develop, and update, this Memorandum of Understanding (MoU), which defines their respective roles and how they will collaborate and work together in respect of YOT inspections.

Objectives

This memorandum has two main purposes:

- 1 It sets out the areas in which HM Inspectorate of Probation (HMI Probation) and the Care Quality Commission (CQC) will continue to work together to coordinate their roles and activity. The shared aim of doing that is to, promote improvements for those who use services which are regulated and inspected by each organisation and, where applicable, reduce offending for the community.
- 2 It describes how the interests and responsibilities of the two bodies will complement each other and avoid duplication or confusion. This will enable those whose work is being inspected to be clear about their accountability, and enable the inspection staff to be clear about when and how to coordinate their work.

Principles

In working together, our approach will be built on five core principles:

1 Quality inspection and regulation

We are committed to the principles of good inspection and regulation which were set out in the Government policy on inspection in 2003 and, more recently, by the Better Regulation Task Force. These are that inspection and regulation should be proportionate, accountable, consistent, transparent and targeted. Working together and coordinating inspection work should enable us to put these into practice more successfully than if we acted alone, should help us to be more cost effective overall and should lead to us having more impact on inspected bodies.

2 Understanding each organisation and its independence

Joint work and coordination must be in the context of our two organisations' different remits and statutory functions.

3 Focus on results

We are working together to promote improvement in services across criminal justice settings, particularly for young people who are in contact with youth offending services and adults subject to probation contact. Our joint work will be based on where we can make a difference.

4 Pragmatism

We will take a practical approach to collaboration and design our methods so that they accommodate and make maximum use of each other's knowledge, expertise and existing processes, wherever that is appropriate. We will seek to re-use each other's findings and information, subject to data protection, legislation and take a common-sense approach that, between our efforts, finds the quickest and simplest ways of assuring the quality of work undertaken.

5 Being as clear as possible

Of the various areas where we could work together, we will be clear about the ones that we prioritise and use regular reviews to check them. When needed, we will set out in detail what working together means in practice in each case, so that we can be confident that we are prioritising the right areas and being clear about them to our staff and regulated bodies.

Areas for joint work and coordination

The full range of functions for both HMI Probation and CQC are signposted through Appendix 1. The main areas for joint work and coordination are:

- 1 Inspection of youth offending and adult work through appropriate participation in the core programme of inspections and the parallel programme of thematic inspections
- 2 Involvement and expert advice as agreed to reviews, studies and reports
- 3 Advice and information to Ministers, service providers, Commissioners and the public

In support of these, we will share information and intelligence, and pool knowledge and expertise as appropriate, and as needed to achieve the objectives of this memorandum. We will also coordinate activity to follow up concerns.

Our approach to working together

Where we work together, there will always be a lead body, so that we and the regulated bodies can be clear about which statutory powers we are acting under. Where healthcare or social care are provided as part of the service to those who have offended or who are likely to offend, then HMI Probation will have the lead in monitoring whether the services meet the relevant standards and criteria. CQC will have the lead in ensuring that those healthcare and adult social care providers subject to registration comply with the relevant legislation and the Essential Standards, and in assessing how those services are commissioned, where this is within the overall scope of CQC's work.

CQC will treat HMI Probation as the expert body in relation to the justice system, and HMI Probation will treat CQC as the expert body in relation to the health and adult social care system. Each will seek to access the other's expertise when needed. Findings from inspections will be joint or coordinated. This will include sharing and, where appropriate, agreeing recommendations and statutory requirements. Where urgency requires immediate intervention, coordination will be ensured as soon as practicable afterwards.

Where there are issues that are broader than each organisation's functions, and which affect both, such as contributing to government policy development, we will engage in these jointly, as far as possible, and in close coordination. Both organisations, through the Chief Executive of the Commission and the Chief Inspector of HMI Probation, undertake to keep each other informed on matters of strategic mutual interest.

We aim always to give each other advance notice of external communications relating to relevant areas of activity and to coordinate in presenting our findings externally, where appropriate.

Unless we agree specific expectations, where we work together, it will not affect each organisation's standing policies and procedures, including human resources policies and terms and conditions of employment for staff.

We will nominate leads for day to day management of our joint work. Any disagreement will normally be resolved swiftly at operational level or through those leads. If this is not possible, it may be referred upwards by them, up to, and including, HM Chief Inspector of Probation and the Chief Executive of CQC, who will jointly be responsible for ensuring a mutually satisfactory resolution.

We will throughout our work together, promote race equality and wider diversity issues.

Implementing this memorandum

We will undertake to review this memorandum annually, or by request of either party. These reviews will include consideration of:

- 1 whether any revision is needed
- 2 whether any changes are needed to working arrangements so that this memorandum can be put into practice effectively
- 3 priorities for working together over the coming year

The officers named in the appendix to this memorandum, together with any other relevant staff, will meet half yearly with additional meetings in between by request of either party. Detailed working processes for this joint programme of inspection will be outlined in a joint working protocol. Day to day arrangements for inspection process will be managed through existing project meetings with other inspectorates and regulators, enabling oversight of implementation of the agreed priorities.

Signed...



date 12/04/2012

Cynthia Bower

Chief Executive, Care Quality Commission

Signed...



date 18/04/12

Liz Calderbank

Chief Inspector, Her Majesty's Inspectorate of Probation

Appendix 1: Contact details for those responsible for operating this Memorandum:

The Care Quality Commission

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Her Majesty's Inspectorate of Probation

Julie Fox
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HMI Probation

Information on the Role of HMI Probation and Code of Practice can be found on our website:

www.justice.gov.uk/inspectories/hmi-probation

The Inspectorate is a public body. Anyone wishing to comment on an inspection, a report or any other matter falling within its remit should write to:

*HM Chief Inspector of Probation
HMI Probation
2nd Floor, Ashley House, 2 Monck Street London, SW1P 2BQ*

Care Quality Commission

Information on the Role of the Care Quality Commission can be found on our website:

www.cqc.org.uk

The commission is a public body. Anyone wishing to comment on an inspection, a report or any other matter falling within its remit should write to:

*Chief Executive
Care Quality Commission
Finsbury Tower, 103-105 Bunhill Row, London EC1Y 8TG*

Appendix 2: Some specifics in terms of working together are outlined below:

- 1 Subject to the availability of resources in each organisation, cooperation will be appropriate in the following key areas:
 - a. recruitment and training of inspectors
 - b. planning of the inspection programme
 - c. joint inspection of work with adults and young people who are likely to, or have, offended
 - d. performance management and quality assurance
 - e. complaints against inspectors which will be dealt with via their relevant organisation's procedures
 - f. action on the implementation of inspection recommendations or other follow up activities
 - g. the sharing of information gained through the inspection process
 - h. the development of inspection methodology and guides
 - i. the production of thematic, aggregated and/or annual reports and research in relation to, or arising from, the inspection process
 - j. advice to and liaison with government departments
 - k. external communication
- 2 This list is not intended to be exhaustive. Additions can be made to the list between annual review dates by agreement between the relevant officials. Any collaborative work undertaken by the two organisations but not identified by this Memorandum should nonetheless be carried out in accordance with the principles outlined in this Memorandum.

November 2011