UK Covid-19 Inquiry – Request for Evidence pursuant to Rule 9 Inquiry Rules 2006

Witness name: Martin Jones

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UK COVID-19 INQUIRY

WITNESS STATEMENT OF MARTIN JONES

ON BEHALF OF HM INSPECTORATE OF PROBATION

I, Martin Jones, will say as follows:

1 I am the Chief Inspector of His Majesty's Inspectorate of Probation (HMI Probation). I serve as the independent inspector of probation and youth justice services in England and Wales.

2 I was appointed as Chief Inspector on 1 March 2024, having spent nine years as Chief Executive of the Parole Board. Prior to that, I served as Deputy Director for Sentencing Policy for the Ministry of Justice from 2012 to 2015 and as Head of Crime for His Majesty's Courts and Tribunals Service (HMCTS from 2008 to 2011.).

3 I am duly authorised to make this statement on behalf of HMI Probation. In preparing this statement, I have relied upon the work of the Inspectorate Team. My officials have coordinated and liaised with several colleagues that have relevant knowledge and experience across HMI Probation, the Ministry of Justice (MOJ) and The Youth Justice Board for England and Wales (YJB). Their contributions have been used for the purposes of preparing this statement. I have also relied on published reports and contemporaneous written material prepared by colleagues.

4 My predecessor, Justin Russell, was Chief Inspector of HMI Probation between June 2019 and September 2023. In this statement I have made clear where I have relied on the evidence of others, particularly as I was not in my role as Chief Inspector between

1 January 2020 and 28 June 2022 (the Specified Period), and this role was held by the former Chief Inspector.

5 This statement provides an overview of the structure, function and role of HMI Probation in the Specified Period and has been prepared in response to a Request for Evidence pursuant to Rule 9 of the Inquiry Rules 2006 in relation to Module 8 of the UK Covid-19 Inquiry.

The legislative framework – HMI Probation

6 HMI Probation is the independent inspector of youth offending and probation services in England and Wales. HMI Probation was established by the Criminal Justice Act 1991 and amended by the Criminal Justice and Court Services Act 2000, which provided the Secretary of State with further powers to appoint inspectors and to provide them in turn with the powers of inspection.

7 Probation provision used to be delivered by the National Probation Service (NPS) and Community Rehabilitation Companies (CRCs). CRCs were subject to contract management oversight by His Majesty's Prison and Probation Service (HMPPS). A new model for probation services in England and Wales was introduced from 26 June 2021 when contracts with Community Rehabilitation Companies ended. This is known as The Probation Service, which is line managed as part of HMPPS.

8 HMI Probation reports on the effectiveness of probation and youth offending service work with adults and children. HMI probation inspects these services and submits inspection reports to the Secretary of State. HMI Probation highlights both good and poor practice and uses its data and information to encourage high quality services, with the aim of reducing reoffending and protecting the public.

9 HMI Probation is a statutorily independent Inspectorate. It therefore operates independently of the MOJ and other departments and bodies including HMPPS (known as the National Offender Management Service until 2017), the YJB and any organisations whose work it inspects. HMI Probation is independent of government and speaks independently.

10 Whilst HMI Probation is operationally independent of the MOJ, it relies on shared functions provided by the MOJ for example accounting, Human Resources, Procurement and Digital Services.

11 As Chief Inspector of HMI Probation, I am a Crown appointee with a three-year term, supported by an independent Inspectorate.

12 As Chief Inspector of HMI Probation, my roles and responsibilities are set out in Section 7 of the Criminal Justice and Court Services Act 2000, as amended by the Offender Management Act 2007, section 12(3)(a). This requires the Chief Inspector to inspect (section 7(1)) and report to the Secretary of State (section 7(3)) on the arrangements for the provision of probation services.

13 Under Section 7(6) of the Criminal Justice and Court Services Act 2000, I am also conferred responsibility as Chief Inspector of HMI Probation to inspect and report on Youth Offending Teams, established under section 39 of the Crime and Disorder Act 1998, and bodies acting on their behalf.

14 HMI Probation has links with other Criminal Justice Inspectorates including His Majesty's Inspectorate of Prisons (HMI Prisons), His Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) and His Majesty's Crown Prosecution Service Inspectorate (HMCPSI). These four criminal justice Inspectorates are coordinated by the Criminal Justice Joint Inspection Chiefs (CJJI) and through statutory consultation with key stakeholders as described in the Police and Justice Act 2006.

The legislative framework – HMI Probation's responsibilities to children

15 For the purposes of Module 8, the Inquiry defines a "child" as " an individual aged between 0 to 18". The age range for the inspection of youth offending teams by HMI Probation is 10 – 18 years. Throughout the Specified Period, HMI Probation inspected in relation to children in the youth justice system and HMI Probation's responsibilities to those children in the youth justice system did not change during the Specified Period.

16 Pursuant to the Inquiry definitions, a "young person" is defined as follows: "The individual was a) a care leaver between the ages of 18 and 25; or b) had special educational needs and/or disabilities (up to 25 years old); or c) was 18 to 25 and attended further and/or higher education and/or training; or d) was between the ages of 18 and 25 and in the custody of the state."

17 The law in England and Wales is clear that, in the context of criminal proceedings, both suspects and offending individuals aged 18 years and over are treated as adults. Adults are and have always been inspected as part of the adult inspection framework by HMI Probation.

18 As no distinction is made between adults aged 18-25 and those aged over 18 generally in the Criminal Justice system, HMI Probation does not therefore collect or hold any

data in relation to individuals aged 18 – 25 years as part of youth offending inspections (either before, during or after the Specified Period). Individuals aged 18 – 25 are (and continue to be) inspected as part of the adult inspection framework. I have therefore prepared this statement with HMI Probation's response to the Inquiry's questions in relation to children (i.e. "an individual aged between 0 to 18").

19 HMI Probation promotes excellence in probation and youth justice services across England and Wales. It does this through independent inspections, recommendations, research and guidance on effective practice. As well as inspections of individual and regional services, HMI Probation publishes regular thematic reports on key issues in the criminal justice system. HMI Probation also support joint targeted area inspections (JTAI). The JTAI programme is led by Ofsted. Inspectors assess how local authorities, the police, health, probation and youth justice services are working together in an area to identify, support and protect vulnerable children and young people.

20 During the specified timeframe HMI Probation carried out a small number of joint inspections of youth offending services, working with several statutory bodies, including Ofsted, the Care Quality Commission (CQC), HMICFRS, HMI Prisons, Estyn, Healthcare Inspectorate Wales and Care & Social Services Inspectorate Wales.

21 Ofsted inspect children's social care and the provision of support for children and young people with special educational needs and/or disabilities (SEND). The CQC and Ofsted work together to examine and oversee the education, health and social care services for children with SEND.

22 His Majesty's Chief Inspector of Prisons' (whose responsibilities are set out in sections 5A and 43 of the Prison Act 1952 (as amended), inspects (or arrange for the inspection of) and reports to the Secretary of State on prisons and young offender institutions (YOIs) in England and Wales.

Planning prior to the pandemic

23 HMI Probation did not have any specific planning materials prior to January 2020, which considered pandemic planning, or how HMI Probation would discharge its responsibilities in the event of a pandemic, including in respect of children within the youth justice system. In any event the response of HMI Probation would be largely dependent on the nature of the response within HMPPS to a pandemic and the way in which this affected the provision of probation services and placed any restrictions on the efficacy or viability of inspections.

24 The work of HMI Probation requires teams of inspection staff to travel to youth offending teams to carry out on-site inspections. Staff typically spend a week on site including travelling to and from offices across England and Wales and would generally stay away from home for this period of fieldwork. These are known as "fieldwork weeks" within HMI Probation. Between January 2020 and March 2020, HMI Probation was engaged in seven Youth Justice Inspections **[MJ/01 - INQ000572201]**.

25 During this time, and prior to the Prime Minister announcing the first period of lockdown, I understand that the former Chief Inspector was already aware that measures needed to be taken to ensure the health and safety of HMI Probation staff, youth offending service staff, children and their parents and carers. I understand that the former Chief Inspector planned with his team to ensure as far as reasonably possible that staff were not stranded away from home in an impending lockdown should it be announced.

26 It is my understanding that the Ministry of Justice (MOJ) and His Majesty's Prison and Probation Service (HMPPS) have distinct operating practices and procedures for adults and children in custodial establishments. My predecessor does not recall any decisions made about adults that were subsequently applied to Youth Offending Teams (YOTs) or Youth Justice Services (YJS). Furthermore, children in custody fall within the inspection scope of His Majesty's Chief Inspector of Prisons, and children under supervision in the community are governed by local authority operating procedures. The oversight of Youth Offending Teams (YOTs) or Youth Justice Services (YJS) falls under the remit of the Youth Justice Board for England and Wales.

27 Through the Deputy Director of the MOJ's Arm's Length Body (ALB) Centre of Expertise, information from the MOJ Intranet relating to Covid-19 was shared with ALB Senior Leaders, CEOs and Chairs. By email dated 27 February 2020, the Deputy Director requested that the information from the MOJ Intranet was circulated throughout the organisation **[MJ/02 - INQ000616557]**. ALBs were referred to NHS and Public Health England websites for the most up to date information. The ALBs (including HMI Probation) were advised to give some careful thought to preparedness, to review the business continuity plans and consider how they might both contain the spread of the virus and mitigate its impact considering their relevant workforce and the operating models. The ALBs were also required to provide a Single Point of Contact to the MOJ, for future communications and advice. The HMI Probation Single Point of Contact was confirmed to the MOJ by email on 2 March 2020 as the Head of Operations Management **[MJ/03 - INQ000616559]**.

28 On 3 March 2020 HMI Probation staff were briefed by MOJ officials **[MJ/04 - INQ000469642]** on the importance of identifying critical business tasks and services, ensuring staff could work remotely, planning mitigation strategies and ensuring HMI Probation staff were bringing laptops and work phones home for use in case of office absence. The MOJ briefing emphasised the need for business continuity details and information cascades to be reviewed and updated.

29 Following this briefing, the ALB Single Point of Contact (Head of Operations Management) for HMI Probation prepared a business continuity plan specifically for Covid-19, which was signed off by the MOJ. This plan consisted of:

(a) a clear stepped guide to advise staff and Line Managers what they should do in the event of a suspected Covid-19 case. There were three steps for staff to follow and five steps for Line Managers to follow; **[MJ/05 - INQ000616564]**

(b) the creation of a WhatsApp group to enable HMI Probation to quickly communicate essential information to all staff about contingency and business continuity planning for Covid-19. HMI Probation staff were also advised to add the MOJ Staff Information Line into their phones. The number is used to update staff during incidents, such as building closures **[MJ/06 - INQ000616576]**; and

(c) a meeting every two business days between the Head of Operations Management and the Director of Operations to consider the latest information and advice about the outbreak of Covid-19, including how it was affecting both HMI Probation and the bodies it inspects **[MJ/07 - INQ000649429]**.

30 By the second week in March 2020, Senior Leaders within HMI Probation notified staff that whilst contingency planning was taking place across the department, the service needed to maintain front line activity. HMI Probation also made staff aware that a likely impact of any of Covid-19 outbreak would be that a significant portion of HMPPS operational staff may be unavailable for a period of time, as a result of illness or caring responsibilities. HMI Probation understood that if this situation occurred, HMPPS would seek to prioritise operational delivery in prisons, probation, and the youth estate. **[MJ/08 - INQ000616566]**.

31 HMI Probation Senior Leaders considered that if HMI Probation was required to postpone its inspection programme for the same reasons, it would seek volunteers from the inspection staff group, who had operational experience and qualifications, to return to frontline operational roles for a limited period of time. Senior Leaders also set

out that they might require staff to support teams working in HMI Probation HQ who were undertaking direct operational work **[MJ/08 - INQ000616566]**.

32 On 12 March 2020, HMI Probation received an urgent notification from the ALB Centre of Expertise informing the department (among other ALBs) that the MOJ Departmental Operations Centre (DOC) was activated on Monday 9 March to respond to the current Covid-19 situation and of the requirement to comply with producing a daily situation report (called a "Daily Rhythm"). ALBs were required to feed into two reporting requirements, namely: (i) the Departmental Operations Situation Report, coordinated by the MOJ ALB Centre of Expertise; and (ii) the Covid-19 cases spreadsheet, coordinated by People Group which concerned gathering and reporting details of individuals that were self-isolating and/or those that were confirmed cases to form a central HR register. **[MJ/09 - INQ000616567]**

33 By the third week in March, the then Chief Inspector and HMI Probation senior Leadership confirmed to wider staff that HMI Probation would continue with 'live' inspections in relation to specific services including Birmingham Youth Offending Team (YOT), North Yorkshire YOT and Hampshire & Isle of Wight Community Rehabilitation Company (an adult probation inspection), which were the next services to be inspected on the inspection timetable. **[MJ/10 - INQ000616572]**

34 In the same communication, the then Chief Inspector set out HMI Probation's approach in relation to key elements of the inspection programme, which staff were asked to pass on, if they were asked questions by external stakeholders or their own teams. In relation to youth offending services, the communication set out that "For single, HMI Probation only, inspections, we will communicate regularly with youth offending teams to determine if an upcoming inspection should go ahead and recognise that it would be impractical and unfair to inspect a service that has high levels of staff absence and may be operating a restricted delivery model. We will discuss alternative inspection methods (for example, phone rather than face to face interviews) or postponing the inspection altogether." Ofsted led JTAIs, in which HMI Probation participated, were temporarily suspended.

35 I understand that the former Chief Inspector was also consulting with the Heads of Inspection Programme and Lead Inspectors about whether HMI Probation might need any adjustments to the fieldwork for current inspections to be able to fulfil these approaches. It was agreed that the inspection could be carried out remotely, if required using digital interfaces like Skype rather than face to face interviews for some of the scheduled meetings. **[MJ/10 - INQ000616572]**

36 I understand that the former Chief Inspector liaised with MOJ HMPPS staff teams and the Chair of the Association of YOT Managers (AYM), providing them with information about inspector staff volunteers to re-enter frontline work, should this be required. **[MJ/11 - INQ000616575]**

37 In response to the Government's plan for a national lockdown, on 17 March 2020, the former Chief Inspector notified the Chair of the AYM and Chief Executive of the YJB for England and Wales that HMI Probation would shortly be announcing a suspension of its inspection activity. The former Chief Inspector asked if these individuals could circulate the announcement through local communication channels as soon as possible. The statement was issued promptly, as follows:

"Following the latest government guidance on social distancing and recognising the very significant pressures that local probation and youth justice services will be under over the next three months, HM Inspectorate of Probation will be suspending all face-to-face inspection activity from Monday 23 March. Inspections which have recently been announced for London NPS, Warwickshire and West Mercia CRC and Peterborough YOT will therefore be postponed and we will not be announcing any new probation or YOT inspections that would have involved our inspectors undertaking fieldwork over the period through to the end of June. Inspection activity this week, where our inspectors are already on site and where the local service has agreed to this, will continue. With the consent of local managers, we are aiming to complete fieldwork on our remaining live inspections next week remotely through Skype or telephone interviews. HM Inspectorate of Probation staff with operational experience have volunteered to go to frontline probation services to assist them." **[MJ/12 - INQ000616578]**.

38 As a result, the inspections of North Yorkshire, Birmingham and Peterborough Youth Justice Services were paused whilst HMI Probation considered how it could continue to report independently to the Secretary of State on the effectiveness of statutory work with adults and children in the criminal justice system.

The impact of lockdown and significant decisions which impacted children

The First National Lockdown March 2020

39 The Prime Minister announced the first national lockdown on 23 March 2020, and HMI Probation staff followed the requirements promptly. Senior Officials and the former Chief Inspector met often during this period to assess the impact on HMI Probation staff and HMI Probation's core business. HMI Probation first became aware that the

Prime Minister was contemplating a national lockdown, after it was communicated in the national press and news media coverage. The former Chief Inspector did not receive any specific advice from the government about the effect a lockdown might have on any areas of work that HMI Probation had responsibility for.

40 The first national lockdown affected all planned Youth Justice Service (YJS), Youth Offending Service (YOS) and YOT inspections.

41 HMI Probation was not asked to contribute to any assessment about the impact a lockdown might have upon inspections of youth justice services and HMI Probation did not carry out work between January and March 2020 to prepare for a lockdown. HMI Probation was dependant on the pandemic planning carried out by HMPPS and the way in which this affected the provision of probation services and placed restrictions on the way in which inspections were carried out. HMI Probation staff promptly followed the requirements and changes to inspections, once these were communicated throughout HMI Probation.

Definition of YOT

42 The youth justice system for England and Wales was established through the Crime and Disorder Act 1998. Through the Crime and Disorder Act 1998, local authorities were required to establish a YOT, including the police, children's social care, probation, health and education. The youth justice system is overseen nationally by the YJB and delivered at a local level through YOTs.

43 YOT work with children from the age of 10 up to 18 years old, who have offended. These children have either been sentenced by a court or have come to the attention of the police but not been charged with an offence. In the latter circumstances, these children would have their offending dealt with out-of-court. There are three types of out-of-court disposals for children who commit low-level offences, namely: (i) community resolutions; (ii) youth cautions; and (iii) youth conditional cautions. YOTs are informed and involved in decisions concerning youth cautions and youth conditional cautions. Whilst the police may issue a community resolution alone, YOTs are often involved.

44 YOT works with these children to encourage them to change their behaviour and stay away from crime in the future by:

(a) helping children at police stations;

(b) providing support at court;

(c) supervising children who have received a community sentence;

(d) keeping in contact with children while they are in custody and helping them settle back into the community when they leave; and

(e) delivering interventions to help children make different life choices.

45 YOT is a statutory partner, meaning it works with other agencies, including the police, children's social care, probation, health and education services. YOT is also multidisciplinary, meaning it manages all of the needs of the relevant child. Most YOT are based within local authorities. Some YOT are fully integrated into local authority services such as children's services, some have merged across local authority boundaries, and some remain standalone. The structure of the YOT is decided locally, and, in HMI Probation's experience, there is no single model that leads to good outcomes for children, as confirmed by good inspection outcomes. Good outcomes are achieved by strong and knowledgeable youth justice leadership delivered through the multidisciplinary management board and YOT management team. YOT work is governed and shaped by a range of legislation and guidance specific to the youth justice sector (such as the National Standards for Youth Justice) **[MJ/13 - INQ000530424]** or else applicable across the criminal justice sector (for example Multi-Agency Public Protection Arrangements guidance). **[MJ/14 - INQ000572191]**

46 YOT are regulated through a combination of independent inspection, performance monitoring by the YJB and local authority scrutiny arrangements. The YJB monitors performance of the three main strategic outcome measures for youth offending services in the areas of: (i) reducing reoffending; (ii) first time entrants; and (iii) the use of custody. Local authorities oversee the performance of their own youth justice services through the scrutiny of their Youth Justice Management Board.

Description of youth inspection

47 In Spring 2018, HMI Probation introduced changes to the way it inspected. HMI Probation began YOT inspections against a new set of standards, published by the Ministry of Justice and YJB. **[MJ/15 - INQ000572200]** The inspection standards applicable during the Specified Period reflect the high expectations that ministers, and the public have of YOT. The inspection standards are grounded in evidence, learning and experience, and focus on the quality of delivery. Without good-quality inputs (such as professional staff and comprehensive services) and activities (such as case assessment and effective interventions), YOT are less likely to meet their aims.

48 Following each face-to-face inspection of a YOT, Probation Delivery Unit (for adult inspections) (PDU) or a regional, thematic or joint inspection, HMI Probation publishes a report, making sure all its findings are available to the public on the HMI Probation website on the "Our Reports" page.

49 For all reports, HMI Probation ensures that the inspected services get the opportunity to review the report for inaccuracies. Together with minsters and the press, the inspected services also see an embargoed copy of the report a short time before publication. Stakeholders can access the report on the publication date. There are social media posts (such as Twitter posts from the HMI Probation account) to support the publication.

50 The action plan generated from the reports will be overseen and followed up at future inspections or through discussions with stakeholders at the YJB.

Inspection methodology and manual changes

51 HMI Probation's methodology recognises the contextual, local, and systemic issues that can affect a YOT's ability to deliver its work, such as the engagement and role of partner agencies in providing services. HMI Probation pays attention to these and other contextual and systemic issues and set out in its report the reasons for shortfalls in inspection reports. HMI Probation targets and tailors recommendations to help providers make any necessary improvements. HMI Probation judgements and ratings must always reflect the quality of delivery, irrespective of the underlying reasons and rationale.

52 During the three national lockdowns, the Heads of inspection programmes for adults and children made necessary changes to the youth justice inspection manuals to ensure that any restrictions imposed on services did not adversely affect HMI Probation's inspection of the relevant services. The Head of Methodology has set out chronologically changes reflected in the published youth justice inspection manuals across the Specified Period, driven by HMI Probation's response to the Covid-19 pandemic. **[MJ/16 - INQ000572197] [MJ/16a - INQ000572198]**

53 There were significant, necessary changes to the manual in July 2020 in response to the first national lockdown, including the introduction of remote inspections and setting out how HMI Probation would consider the impact of the pandemic on the work of YOTs, noting that it was important to give a fair assessment of the work of YOTs during periods impacted by contingency arrangements or exceptional delivery model

arrangements. Those changes remained in place for the second and third national lockdowns.

54 The Head of Methodology updated the Inspection Standards for Youth Offending Services in July 2021, and the manual was refreshed in May 2021, removing, or updating certain content relating to the Covid-19 pandemic. A further refresh to the manual in November 2021 introduced the concept of a blended inspection approach, meaning that, when agreed with the relevant YOT, the approach would blend on-site with remote inspection. **[MJ/17 - INQ000572196] [MJ/17a - INQ000612937] [MJ/17b - INQ000572199] [MJ/18 - INQ000572188]**

Pausing and resuming inspections

55 HMI Probation staff responded to the pandemic with daily "sit rep" reports (reports with prompts asking questions in relation to staffing, business area risks and mitigation), and senior leaders considered the pause to inspections, and what measures HMI Probation would need to take to promptly resume its work. The Senior leaders concluded that, aside from the updates outlined above, there would be no change to either the standards or the methodology for inspection **[MJ/15 - INQ000572200]** which they considered remained suitable.

56 The inspection approach to on-site fieldwork was one part of the methodology which did require updating, in order to make the resumption of the inspection programme possible. HMI Probation considered it was essential to continue inspection in light of the vulnerabilities of the children involved in the youth justice system.

57 YOT provide a critical public service. They supervise children who have been sentenced by a court, or who have come to the attention of the police because of their offending behaviour. This, often unseen, work is complex and requires different organisations to work in partnership to reduce offending behaviour and manage risk of harm to others. Children who are known to YOT are often vulnerable and, like other children in the UK, they were no longer attending school due to the national lockdown, which had the potential to amplify existing risk factors. Department for Education guidance at the time, "Children of critical workers and vulnerable children who can access schools or educational settings" did not designate children involved in the youth justice system as one of the, then, eleven categories of vulnerability. After the thematic review of the work of youth offending services during the Covid-19 pandemic, HMI Probation reached a judgement that where children were assessed as vulnerable by YOT they ought to have been treated similar to other vulnerable children in the local

authority, for example allowed to attend school and or receive laptops to do school work.

58 HMI Probation typically plans and prepares for inspections six to nine months in advance. Eight inspections were affected by lockdown delays during the first national lockdown. I understand that in relation to inspections scheduled between April and July 2020, the plan was to continue the inspection of Birmingham YOT and reschedule the inspection of North Yorkshire YOT. This inspection was rescheduled and began promptly in the first week of June 2020. **[MJ/19 - INQ000572204] [MJ/01 - INQ000572201]**

59 The inspection of Birmingham YOT had originally been scheduled to be completed under the HMI Probation joint inspection framework. A joint inspection involves two weeks of fieldwork, the first undertaken by HMI Probation inspectors and a second week involving partner inspectors from HMICFRS, the CQC, social care and education. The first week of fieldwork in relation to Birmingham YOT took place between 9 and 13 March 2020 and focused on inspecting the quality of work carried out with children sentenced by the courts and the quality of out-of-court disposal work.

60 Due to the outbreak of Covid-19 and the first national lockdown (which happened in the middle of the inspection process), HMI Probation inspectors were unable to complete the second week of the inspection scheduled for March. HMI Probation's Head of Programme worked closely with Birmingham Children's Trust to conclude the inspection remotely using video conferencing software for interviews and focus groups. As the other inspectorates were unable to rejoin during the rescheduled dates, this was carried out under HMI Probation's alternative, HMI Probation-only inspection framework. HMI Probation completed the second week of fieldwork between 20 and 24 July as an HMI Probation-only inspection. Due to delays caused by Covid-19, following the first part of the inspection, HMI Probation provided Birmingham YOT with an interim report in relation to the quality of its practice in March 2020. Birmingham YOT used this during the intervening period to create an improvement plan, invest in training and seek external guidance. The final report was published in October 2020. **[MJ/20 - INQ000572022] [MJ/01 - INQ000572201]**

A Thematic Review of the work of youth offending services during the Covid-19 pandemic

61 HMI Probation highlighted the need for a dedicated thematic inspection of the work of youth offending services during the Covid-19 pandemic. Preparation for a thematic inspection typically involves: (i) the preparation of a briefing paper for oversight and

agreement by senior management; (ii) a scoping document; and (iii) an announcement letter. These documents were prepared in short order and five weeks of fieldwork began on 22 June 2020. The Head of the Youth Inspection Programme was in frequent contact with several heads of youth justice services, and they were fully supportive of the thematic inspection. The thematic inspection was designed to review and understand how YOTs responded to the challenges of working during the Covid-19 pandemic. Whilst the pandemic remained ongoing, the review aimed to report on what HMI Probation had discovered so far. **[MJ/21 - INQ000572195] [MJ/22 - INQ000572194] [MJ/23 - INQ000572109]**

62 The inspection endeavoured to gather information into as much effective practice as was possible, as each service navigated the implications of the first national lockdown and the impact on children, so that other services could benefit, learn, and adapt, or replicate practices that meet HMI Probation's standards, in their respective services.

63 The thematic review report published on 18 November 2020, reviewed the way in which YOTs worked during the pandemic within the restrictions imposed by the government. The review focused on the work of seven services, namely: Cumbria, Essex, Isle of Wight, Monmouthshire and Torfaen, Newcastle, Southwark, and West Mercia. These services represent a range of sizes and included rural and urban areas. HMI Probation teams also selected services to include in the review where it thought there may be specific practices that others could learn from.

64 The thematic review reported using key headings, including: (i) leadership; (ii) staffing; (iii) partnership work; and (iv) service delivery. I have set out below the report's findings on each of these topics.

65 In relation to leadership, the thematic review found that leaders and managers responded quickly to the needs of children and families. Methods of working and the delivery of services were reviewed, prioritising those children in greatest need and the safety of the workforce. Planning was shared with staff teams and was reviewed and adapted as lessons were learned and the pandemic progressed. Children and families remained at the heart of the work and HMI Probation found examples of innovation, care, and commitment to supporting children. Many children were already facing significant difficulties, and they were supported to cope with the added trauma that Covid-19 and the first national lockdown introduced. The alignment of YOTs with local authorities and their ability to plan with and alongside partners allowed them to respond flexibly to local need.

66 The thematic review found that staffing levels were generally maintained, and although planned for, YOTs did not experience the high levels of staff sickness and redeployment they anticipated. The inspection did however find that there was a "digital divide" between individuals who had access to modern communication technology and those that did not, and this was equally applicable to YOT staff and the children and families they supported.

67 The thematic review found that partnership working has always been a fundamental aspect of YOT work, and services often offered examples of embedded and mature partnership working. The nature of service delivery by partners changed during the pandemic but, in the main, the children and families in the review sample were able to access critical services. The routine inspection programmes showed that children known to YOTs often experience difficulties in accessing and maintaining education, which was accentuated during the pandemic, due in part to a lack of suitable IT. YOT staff tried to encourage children to take part in education and, where children were motivated to complete school work, supported them. The thematic review suggested that where schools were reopening, careful consideration was needed as to how to re-engage these children in education and learning.

68 The thematic review found that the nature of service delivery necessarily changed during the first national lockdown. Throughout this period, YOT partnerships sought to learn lessons and capture aspects of service delivery that improved and should be retained. These included: (i) the benefits of phone contact with children when they were getting to know staff; (ii) programmes being adapted so they could be delivered remotely; and (iii) parents becoming more involved in delivering work to address offending-related needs. The review also found however that some aspects of service delivery and work to protect children and victims had become much more difficult, including: (i) undertaking assessments without meeting the child; (ii) contact with children in custody; and (iii) the use of breach of a court order to support compliance with court orders. Risks to victims of domestic abuse also needed more consideration from the start of the first national lockdown.

69 Children in custody, either remanded or sentenced, faced isolation from their families during the pandemic. Contact with the outside world was difficult and the prison regimes changed, with children spending lengthy periods of time in their cells. YOT workers found it difficult to contact case workers working in the custody environment, and this had affected remand management and pre-release planning. The closure of

courts meant that some children spent longer on remand than would normally be expected as the number of bail and remand hearings had reduced.

70 The thematic review found that engagement with children and families was prioritised by the YOTs inspected by HMI Probation. Where there was an existing relationship, engagement tended to move easily to remote methods. Where the child and family were not already known, establishing relationships and engagement was much more difficult for staff.

71 For most children in the youth justice system, the first national lockdown was difficult. Their existing difficulties became more acute, as the pressures of lockdown added to anxiety levels and support services were not as accessible. For some children, this increased the risks they faced from other people around them. An example of this was the change in the supply and use of illegal drugs as drug supply chains adapted to restrictions. YOTs used intelligence from drug services, police, and other sources to try and understand how the changes affected children, both those being criminally exploited and those living in a household where drug misuse was an issue. In cases where children were being criminally exploited as part of county lines activity, or at risk of becoming involved in this, HMI Probation found that these children were often moved out of the area to protect them.

72 A key finding from the thematic review was the critical role of digital and information technology, both for staff and children. While most YOTs had the technical capability to hold meetings online, they rarely did so before the pandemic. As it became clear that the government was moving towards imposing restrictions and the country went into the first national lockdown, HMI Probation saw a rapid increase in the use of virtual communication systems such as Microsoft Teams, Skype and Zoom. The pandemic brought the issue of the digital divide into sharp focus. For those who did not have the equipment, connectivity, or finances to fund internet access, the pandemic increased the existing digital divide. While some children and families have access to suitable and sufficient computers and mobile phones, many do not. In HMI Probation's sample, just over half (53%) of the children had access to internet-enabled technology **[MJ/24 - See MJ/27 - INQ000498628]**

73 During the first national lockdown, access to the internet became a necessary utility for most people. Some families did not have computers. HMI Probation found examples where the only device in a household was a smartphone, which had to be shared between parents trying to work and children trying to download and research school work or keep in touch with their YOT worker.

74 Essex YOT quickly recognised the difficulties caused by the lack of IT and bought and distributed internet-enabled tablets for families. In Southwark, a decision was made to provide YOT children with some of the laptops bought with the Department for Education funding for vulnerable children. Southwark were able to attribute vulnerability in isolation, regardless of looked after children status or any other Department of Education designated vulnerability, in order to use the funding to purchase the laptops for vulnerable children.

75 During the review, the cases that gave HMI Probation the most concern were those where the child was violent towards parents and siblings. Household isolation because of Covid-19 did not apply if you needed to leave your home to escape domestic abuse, and there was media coverage of rising levels during lockdown. However, the issues for the victims of abuse can be different if the perpetrator is their child and this attracted little media attention. Case managers and other professionals HMI Probation spoke to were concerned about the potential for an increase in both severity and frequency of this form of abuse **[MJ/24 - See MJ/27 - INQ000498628]**

76 In the thematic review, the former Chief Inspector made a series of recommendations to agencies, notably:

(a) To HMPPS he recommended that, to prevent children in custody from being disadvantaged, it should ensure that court hearings were held in a timely manner, and it should foster good communication between custodial settings, courts, and YOT partner agencies, so that resettlement needs could be met. A response was received from HMPPS on 21 December 2020, enclosing a list of actions in response to the recommendation from the Chief Inspector. **[MJ/25 - INQ000572187]**

(b) To the YJB he recommended that it should: (i) support the development of a specific approach to manage child to parent violence that protected the victim during periods of lockdown; (ii) support YOTs to assess and respond to the digital divide for children and families so that children could continue their education, and stay in touch with the professionals they were working with, by having secure and dependable access to IT; and (iii) review caretaking and transfer processes between YOTs in light of remote and virtual service delivery, putting children's best interests at the centre of decision-making. A response was received from YJB on 11 January 2021. YJB rejected the first recommendation (on the basis that this was beyond the remit of YJB's role),

partially accepted the second recommendation and accepted the last of the three recommendations. **[MJ/26 - INQ000572104]**

(c) To support and protect parents who were victims, he recommended that the Police and Crime Commissioners should collaborate with partners to determine the prevalence of child-on-parent violence in their communities to ensure that help was available to support and protect parents who were victims. A response was not received from the Police and Crime Commissioners.

(d) To YOT partnerships, he recommended that they should collaborate with partners to add children that YOTs identified as high vulnerability, to the local definition of vulnerable children to give them priority access to services like schooling, consider how any attainment gaps should be addressed and consider how this group of children should be reintroduced to education, employment, and school **[MJ/27 - INQ000498628]**. A response was not received from the YOT Partnerships.

77 Whilst the former Chief Inspector set out recommendations, it was for the relevant agencies to implement these recommendations. HMI Probation is unable to implement recommendations within external agencies or the services it inspects. For thematic reports, HMI Probation logs and tracks the progress of services against recommendations and may choose to reinstate a particular thematic topic at a later date, being clear about whether progress has been made in relation to HMI Probation's recommendations.

Core inspections during lockdown period one

78 HMI Probation carried out 16 core inspections during the first national lockdown. Some of the reports relating to these inspections were published after the first national lockdown as the publication of reports takes an average of 12 – 16 weeks from the date of inspection. The 16 core inspections related to YOT in Kensington & Chelsea **[MJ/28 - NQ000572016]**, Peterborough **[MJ/28a - INQ000572017]**, Birmingham **[MJ/20 - INQ000572022]**, Cornwall **[MJ/28b - INQ000572027]**, Darlington **[MJ/28c - INQ000596838]**, Hartlepool **[MJ/28d - INQ000596839]**, Kingston & Richmond **[MJ/28e - INQ000651052],** North Yorkshire **[MJ/19 - INQ000572204]**, North Somerset **[MJ/28f - INQ000572203]**, Windsor & Maidenhead **[MJ/28g - INQ000572205]**, Rotherham **[MJ/28h - INQ000572208]**, South Gloucestershire **[MJ/28i - INQ000572209]**, South Tyneside **[MJ/28j - INQ000572210]**, Stockton-on-Tees **[MJ/28k - INQ000572211]**, Torbay **[MJ/28l - INQ000572212]** and Trafford **[MJ/28m - INQ000572213]**.

79 The period during the first national lockdown is best summarised using the former Chief Inspector's annual report, which is based on the aggregated findings of the HMI Probation inspections of YOTs, conducted and provided by the Youth Inspection Team between 2019 and 2020. **[MJ/29 - INQ000572186]**

80 The former Chief Inspector reported that it had been an extraordinary year for all, and there was never any doubt that the challenges posed by the Covid-19 pandemic would affect youth offending services and the youth justice system. He paid tribute to the extraordinary efforts made by frontline staff and managers to keep these vital services going but commented that the longer-term impacts on them – and, most significantly, on the children involved – are likely to be profound. HMI Probation had to understand and adapt to changes as they happened. The suspended site visits in March and remote inspections from June, yielded important lessons together with the thematic inspection on the general impact of Covid-19 on YOTs across England and Wales.

81 Initial feedback from services on the remote approach was positive, despite the very different way in which the inspection had been planned, organised and delivered. **[MJ/30 - INQ000572179]**

82 Specifically, on the impact of Covid-19 on YOTs, the former Chief Inspector reported that local YOTs kept their services functioning and put in place exceptional delivery arrangements; a remarkable feat when all the hurdles of the pandemic were considered. Contact with children was maintained from the onset of the first national lockdown in March 2020, and assessment of wellbeing and risk of harm was good. In addition, HMI Probation found partnerships with police forces and children's services stayed strong and, in some cases, improved. Work continued at the same level as before the first national lockdown, with referral order panels meeting virtually. Many YOT staff rose to the challenge, developing new and imaginative ways of keeping in touch with children, such as online messaging and video apps. Where necessary, contact was maintained by way of supervision meetings in public parks and gardens. Many YOTs also distributed food packages, toys, and computers to the most vulnerable and isolated families.

83 The Chief Inspector did however note that there were challenges. Some children were unable to attend school for a variety of reasons, such as not being included in the Department for Education's definition of vulnerability. YOTs reported lengthy delays accessing laptops promised by the Department for Education, and many children – almost a half of the inspection sample - did not have access to the IT or broadband they needed to be home-schooled.

84 Away from YOTs, courts stopped sitting, resulting in a huge backlog of cases (a 55% increase nationally), and increasing the amount of time children spent on remand. It continued to be a challenge throughout the pandemic and afterwards, as services attempted to recover.

85 For the children themselves, the first national lockdown was a struggle for all, and the data provided merely a snapshot of what that was like for many vulnerable and isolated children. The pandemic had been another adverse experience among the many they had already confronted in their short lives. It amplified their needs and took away familiar support.

86 The former Chief Inspector concluded in the 2019-2020 annual report that services had effectively managed the balance of responding to the risks and needs of children and families and keeping staff safe. Initial business continuity planning was effective, assisted by being designed to meet local needs and coordinated with local authority planning and command structures. As the situation changed, operating models were reviewed and adapted quickly. Despite some variation in the services provided, YOTs quickly moved to business as usual by delivering their work differently. Partnerships were sustained at a strategic and operational level.

87 Staff had risen to the challenge, working with dedication and commitment to keep some very vulnerable children as safe as possible. For those children who posed the greatest risk to others, face-to-face contact, but delivered using a side-by-side and outdoors method, had in the main been maintained.

88 Children's responses to the pandemic have broadly fallen into two groups. The smaller group followed restrictions and used the time to reflect on their future; the majority struggled with the first national lockdown, and this amplified their needs. For some, the pandemic was an added trauma to an already extensive list. For all children, key aspects of support for desistance from crime had gone.

89 As children in contact with YOTs were not included in the Department for Education's definition of a vulnerable child (unless they also had an education, health and care plan or were on a child protection plan), they were not automatically offered places in school during the first national lockdown. However, HMI Probation knew that this group of children struggle with school and there could be high exclusion rates in normal times. In the HMI Probation sample, a tiny number of children attended school during lockdown, and 41% of children did not even have access to schoolwork. The former Chief Inspector explained that it was still not yet known what the long-term impact would be on these children.

90 HMI Probation inspectors saw innovation and benefits that services intended at the time to take forward. These included the benefits of phone contact with children when they were getting to know staff, adaptation of programmes to be delivered by partners or virtually, and parents becoming more involved in delivering work to address offending-related needs. Some areas provided interventions for parents to deliver, and some parents reported that they valued this, as it gave them a better understanding of the work their child was doing with the YOT. **[MJ/29 - INQ000572186]**

91 As noted in the thematic review and reiterated in the 2019-2020 Annual Report, when there was a pre-existing face-to-face relationship between the case manager and child, this was able to move onto a virtual platform with ease, with most children saying they preferred telephone contact when asked. Where the cases were new, the first assessment completed by telephone was more difficult. However, the children inspectors spoke to reported that they valued building up the relationship by phone before meeting the case manager. Children found that the first face to face meeting was then easier.

92 YOTs developed a mixed delivery model. This included some remote interventions, with case managers sending material out in advance and using phone contacts to discuss it, as well as case managers sourcing suitable video clips for discussion and moving pre-existing programmes online. YOT staff undertook garden visits, bike rides and "walk and talks" in local streets or parks. These were effective ways of engaging with children away from the traditional office environment. However, some staff did report that it was difficult to have conversations about confidential issues when walking on busy main roads, or where neighbours could overhear.

93 Teenage violence towards parents was a feature of the 16 core reports as well as the thematic review. Many YOTs were aware of this issue before lockdown and some already provided specialist support (for example YOTs in Hampshire and Medway).

94 The requirement for children to stay at home during the lockdown period heightened tensions, with parents often at an increased risk from their children. While adult domestic violence received media attention which facilitated financial support for services to support victims, this type of offending did not, potentially placing parents at increased risk of aggressive behaviour from their children. Inspectors saw examples where YOTs identified this upward trend in violence against parents and responded with increased contact from their parenting support workers.

95 A further area where the practice during onset of Covid-19 raised issues was in relation to looked after children. Vulnerable children were still placed in children's homes out

of their home area during the period of lockdown and beyond. When this took place, the "home" YOT (i.e. where the child was from), requested that the "host" YOT (i.e. where the child was placed), undertake contact with the child while the child was there. As these contacts were remote, by telephone or other means, there was no reason the home YOT could not have continued to undertake these contacts with the child. This would have maintained continuity for the child.

96 YOT staff and partners reported that there was much better attendance at case conferences and other multi-agency forums via the medium of online virtual meetings, and many reported they would like to see this approach continue. However, it did highlight the issue of lack of access to different databases, such as children's social care, for certain YOT staff.

97 The former Chief Inspector highlighted some issues that YOT managers and leaders needed to consider when planning for potential further local or national lockdowns. These included IT and the 'digital divide' for staff and children – those who did and did not have access to laptops or broadband – and the impact of the backlog of cases that were starting to come through court.

98 Overall, the former Chief Inspector found that during the first national lockdown, YOTs had responded quickly and creatively, with the support of partner agencies, to meeting the needs of the children they supervised.

The second national lockdown (November 2020)

99 During the second national lockdown, HMI Probation staff were focussed on the compilation and publication of the annual report (summarised above) and the youth inspection team development.

100 HMI Probation was not asked to contribute to any assessment about the impact a further lockdown might have on any of the areas of work it was responsible for, such as the inspection of youth justice services and the cumulative impact of a second national lockdown on children.

Ongoing impacts of Covid-19 during the second national lockdown

101 This period is best summarised by the HMI Probation Annual Report from 2021, prepared by the former Chief Inspector.

102 As reported in the Annual Report covering the period between 2019 and 2020, local YOTs were able to adapt their provision very rapidly to the pandemic restrictions around lockdown and social distancing regulations. The Annual Report from 2021

relied on interviews with senior leaders of YOTs conducted at the end of 2021 and looks at the ongoing response of a number of services to the Covid-19 pandemic, which HMI Probation found varied significantly across England and Wales.

103 The Annual Report set out that repeated movement in and out of Covid-19-related restrictions left frontline staff and managers fatigued but determined to maintain a service to the children they supervised and committed to face-to-face contact with children as much as restrictions allowed. While some services kept offices open throughout the pandemic, others had been severely constrained by the policies of their host local authority and had only been able to bring a very small proportion of staff into the office. A pre-pandemic trend towards taking YOT services "out to the child", rather than relying on office appointments, had accelerated, with a wide variety of community venues and outdoor spaces being used and home visits being restored as lockdowns lifted. Panel meetings and multi-agency partnerships and case conferences continued online throughout the pandemic and seemed likely to continue to do so. Education, training, and employment (ETE) and mental health provision had been variable and challenging.

104 YOT caseloads had further reduced during the pandemic period, particularly that of court-ordered work, and this enabled services to spend more time on prevention activity or with each individual child. The case managers interviewed by HMI Probation during inspections were typically supervising caseloads of between 3 to 15 per case worker. These trends were evident in the national statistics too. Data for the pandemic period, from April 2020 to March 2021, showed huge falls in the volumes of youth cases coming into the youth justice system compared to 2019/2020.

105 Arrests were at their lowest level in many years – down 19% compared to the previous year and "sentencing occasions" at court were down 28% on the previous year. There were 8,800 first-time entrants to the youth justice system across England and Wales and the youth custodial population proportionately fell by the greatest amount in one year since records began, to 560 in March 2021, a drop of 28% on the previous year and down from 2,000 in 2011. That does not, of course, mean that all types of youth crime had decreased in this period. Indeed, after the third Covid-19 lockdown period in 2021 ended, there were signs that serious violence increased in some areas. 30 teenage homicide victims in London in 2021, was the highest on record, and some of the YOT managers who spoke to HMI Probation inspectors at the end of 2021 reported spikes in serious youth violence in their areas in the second half of last year.

106 The former Chief Inspector concluded that while YOT caseloads were falling, the needs of the children in the criminal justice system certainly were not and became more acute because of the Covid-19 pandemic. The former Chief Inspector noted that the last year had been difficult for children, but equally challenging for staff and service leaders, many of whom ended 2021 feeling emotionally drained by the personal and professional challenges of managing through the pandemic. The former Chief Inspector did however suggest that YOTs should be heartened by HMI Probation's ratings and by the resilience and commitment they had shown to meeting the needs of the children in their care, for which he paid them great credit. **[MJ/29 - INQ000572186]**

The continuing challenge of Covid-19

107 Since the onset of Covid-19, HMI Probation closely monitored the impact of the pandemic on YOT. In order to gauge the more recent impact of Covid-19, look at lessons learned and to take YOT managers' views on what the future held for youth justice, the former Chief Inspector and HMI Probation's Head of Youth Inspection Programme, Andrea Brazier and the former Chief Inspector spoke to leaders from a range of YOTs who volunteered to take part. The services represented included Coventry, Cumbria, Derby, Essex, Hampshire, Isle of Wight, Islington, Kent, Manchester, Newcastle, Norfolk, Somerset, South Tees, Stoke-on-Trent, Southwark and West Berkshire. The views represented were subjective and reflective of individual experiences. The results of these interviews are set out in the 2021 Annual Report.

108 The 2021 Annual Report sets out that HMI Probation was impressed with the positive attitudes of those leading services and their continued motivation to ensure proper leadership of their services and support for children under their supervision. The challenges of Covid-19 proved unpredictable; frontline staff were fatigued, but service delivery had been maintained and in many areas opportunities for innovation and development had been identified and progressed. HMI Probation offered condolences to services where staff had died because of Covid-19 and recognised the significant impact this had on the welfare of practitioners and beyond. Recovery was, understandably, hampered by the impact of further pandemic restrictions, which continued into 2022. Some staff remained constrained by access to their usual office accommodation, and others had to embrace alternative interventions to remain in contact with children.

109 New innovations emerged or were reinforced in 2021 – such as a move towards YOT taking interventions "out to the child", which reduced the need for socially-distanced office space. There was also a move away from in-person, group-working to a much

more individualised, tailored one-to-one approach. Senior YOT leaders told HMI Probation that caseloads remained low, allowing them to invest more in prevention work. But those under their supervision were increasingly high-risk-of-harm court cases (29% of the cases HMI Probation inspected).

110 Some services reported to HMI Probation that, since the end of the second national lockdown, a greater number of children in their cohort had been involved in serious violence, including murders, attempted murders, and GBH, than previously (violent offences made up 49% of the court cases HMI Probation looked at).

111 In relation to governance and leadership, at the start of the Covid-19 lockdown in March 2020, the YJB asked all YOT to produce contingency plans setting out how they were working with children in police stations and in the community, and how they were staying in touch with children. Initial business continuity planning was effective and benefited from being drawn up locally and coordinated with the local authority planning and command structures. The ability to plan with partners enabled services to prioritise the children who were most vulnerable and who posed the greatest risk of harm to others. The former Chief Inspector summarised that, in the main, effective continuity planning appears to have continued.

112 The senior YOT leaders who spoke to HMI Probation felt they had become used to adapting to the ongoing changes in pandemic restrictions. Management board meetings were taking place in a hybrid fashion, where some services had access to appropriate offices within local authority buildings, and others were meeting online. This provided the opportunity for some areas to achieve greater stability in their governance arrangements.

113 Some staff expressed anxiety at having to return to an office environment. Managers in youth offending services worked well with partners to develop plans to prepare for high levels of staff absence and redeployment. **[MJ/31 - INQ000572183]**

114 At the end of 2021, services from all areas HMI Probation spoke to reported that staff were returning to offices. However, there were variations in proportions and frequency, with most services operating a rota arrangement to meet Covid-19 related capacity restrictions. Some services were still struggling to get staff back into the office because of the severe constraints on office usage imposed by their host local authority. One service, for example, reported that they had been allocated only three desks for 28 staff in the main council building and that their dedicated interview rooms for meetings with children had been turned into corporate meeting rooms.

115 Nearly all services reported that their staff were exhausted by the challenges of the pandemic combined with maintaining the service and managing their caseloads – particularly when dealing with children who were high risk of harm, vulnerable and with complex needs.

116 Mental health services for children remained a mixed picture. Services with provision in-house did not report issues. But, for those dependent on external Child and Adolescent Mental Health Services (CAMHS), there was concern that these services did not share the YOT commitment to in-person visits, and some expressed disappointment at the long waiting lists for treatment. Whilst the former Chief Inspector did not comment directly on CAMHS provision in the 2021 Annual Report, he acknowledged that this is an area of concern for YOT and stated that HMI Probation would continue to assess its impact during inspections.

117 Services also reported that case managers' access to children in custody was back to normal, though it remained to be seen if the Omicron variant of Covid-19 had impacted on this.

The third national lockdown (January 2021 until June 2022)

118 As was the case with the second national lockdown, HMI Probation was not asked to contribute to any assessment about the impact a third national lockdown might have on any of the areas of work it was responsible for, or the cumulative impact of a third national lockdown on children.

119 During the third national lockdown until June 2022, (the date on which the Inquiry was constituted) HMI Probation carried out 37 YOT inspections, 21 of which took place within the Specified Period. These were Bedford **[MJ/32 - INQ000596818]**, Blackpool **[MJ/32a - INQ000596819]**, Brighton and Hove [**MJ/32b - INQ000596820]**, Cheshire **[MJ/32c - INQ000596821]**, Darlington **[MJ/28c - INQ000596838]**, Harrow **[MJ/32d - INQ000596823]**, Hull **[MJ/32e - INQ000596824]**, Kent **[MJ/32f - INQ000596825]**, Kirklees **[MJ/32g - INQ000596826]**, Leicestershire **[MJ/32h - INQ000596827]**, Merton **[MJ/32i - INQ000596828]**, Milton Keynes **[MJ/32j - INQ000596829]**, North Tyneside **[MJ/32k - INQ000596830]**, Plymouth **[MJ/32l - INQ000596816]**, Powys **[MJ/32m - INQ000596831]**, Swansea **[MJ/32n - INQ000596817]**, Tameside **[MJ/32o - INQ000596815]**, Wigan **[MJ/32p - INQ000596832]**, Wirral **[MJ/32r - INQ000596833]**, Wolverhampton **[MJ/32s - INQ000596834]**, Wakefield **[MJ/32t - INQ000596835]**.

120 These inspections are summarised in the former Chief Inspector's Annual Report for 2021, the key findings of which are set out above, and apply equally to the period of the third national lockdown **[MJ/31 - INQ000572183]**. The former Chief Inspector stated that despite the huge challenges posed by the Covid-19 pandemic, youth inspections, from the end of 2020 through 2021, showed commendable performance by local youth offending services. Of the 33 YOTs inspected since the 2019 - 2020 annual report, two-thirds were rated as "Good" or "Outstanding" and none as "Inadequate". The scores for management and leadership were comparatively better and HMI Probation found better quality of work with out-of-court cases.

Communication with YOT during the three national lockdowns

121 HMI Probation hosts a website. It is aimed primarily at individuals who work in these services or who are interested in HMI Probation's inspection findings. During the Specified Period, HMI Probation made frequent statements on the website informing the sector of inspection pauses, resumption and any changes to methodology. There were also 3 updates from the former Chief Inspector on 17 March 2020 **[MJ/33 - INQ000648278]**, 13 May 2020 **[MJ/33a - INQ000648279]** and 23 September 2020 **[MJ/34 - INQ000648280]**, setting out how HMI Probation was working in line with the latest government guidance and relevant Covid-19 restrictions.

122 The HMI Probation Communications Team makes every effort to ensure the website is accessible. Most of the information on the website is text. HMI Probation does not produce reports in alternative formats such as braille or audio recordings as standard. Applications can be made for accessible documents.

Lessons learned

123 The former Chief Inspector oversaw three annual reports and 67 published inspection reports during the Specified Period. Of those relevant to this Inquiry, there are 29 core youth justice reports, two Annual Reports, and a thematic report.

124 In April 2020, HMI Probation published a consultation requesting feedback in relation to proposed changes to the inspection standards and, in particular, the possible introduction of a new specific resettlement standard against which YOTs could be rated. This was planned prior to the Covid-19 pandemic. There was agreement that any judgement about the quality of resettlement must be underpinned by effective, case-based evidence. The new resettlement standard was introduced in July 2021, after the three periods of lockdown. **[MJ/17 - INQ000572196]**

125 In addition to the key findings during inspections outlined in my response to Parts C and D of the Request for Evidence above, our inspections found that children supervised by YOTs were more likely to have, or have experienced, problems with educational engagement, attendance and attainment. Of those children sentenced in the year ending March 2020 with a completed assessment, there were concerns in relation to learning and ETE in 68% of the cases. These problems can harm later involvement with the world of work, whether through further education, training, or employment.

126 HMI Probation was sufficiently concerned about the provision of ETE to children involved in the criminal justice system, especially the significant interruption of education provision to those children during the Covid-19 lockdowns, that the former Chief Inspector and his team planned and carried out a thematic inspection of ETE provision for children on YOT caseloads in 2021. This was a joint thematic inspection with Ofsted and Estyn, and HMI Probation reported its findings in June 2022. **[MJ/35 - INQ000572193]**

127 The report found that there were gaps in the provision of ETE and barriers to participation for some children on youth offending caseloads. The report found that 64% of the case sample were or had been excluded from school and 47% of those had been permanently excluded. It was not unusual for inspectors to find that a child had not been engaged in ETE for two years or more.

128 Whilst across the inspection sample as a whole the quality of assessment, planning and delivery in relation to ETE was generally sufficient, HMI Probation found that the quality of educational support was worse for children who had been excluded from school or released under investigation by the police, and for children of mixed ethnic heritage. The report found that children who were on education and health care plans (ECHP) in England or Individual Development Plans (IDP) in Wales, were the worst affected.

129 Many children involved in the youth justice system have low numeracy and literacy levels, speech, language and communication needs, and/or cognitive disabilities. They are more likely to have suffered trauma and adverse childhood experiences (ACEs) which impact upon their ability to engage with ETE. They are also more likely to live in deprived neighbourhoods with fewer ETE opportunities.

130 This joint thematic inspection report made recommendations to a number of bodies, namely:

(a) The Department for Education/Welsh Government Skills Higher Education and Lifelong Learning (SHELL) and Education directorates in conjunction with the Ministry of Justice Youth Justice Policy Unit should:

(i) address how the unidentified and unmet needs of YOT children could be prevented by earlier specialist assessment, intervention, and support of vulnerable children (through the Alternative Provision and SAFE schools' programmes in England and equivalent provision in Wales).

(b) The YJB should:

(i) revise their national indicator of ETE engagement to one that provides a more meaningful measure of performance. This should include the levels of educational attainment achieved by children working with the YOT at the end of the period of supervision and should cover out of court as well as court order cases.

(c) YOT Management Boards should:

(i) ensure that all children have a comprehensive ETE assessment;

(ii) monitor, alongside the local authority, key aspects of ETE work for children working with the YOT, including: (i) the extent of school exclusion in the YOT cohort; (ii) the actual level of attendance at school, college, work or training placement; (iii) the extent of additional support provided to children with SEN/ALN; (iv) that every child with an ECHP or IDP has this reviewed on an annual basis to meet the statutory requirement;

(iii) develop ambitious aims for ETE work in the YOT, including the achievement of Level 2 English and Maths by every child;

(iv) establish a greater range of occupational training opportunities for those children beyond compulsory school age; and

(v) monitor and evaluate the levels of educational engagement and attainment in disproportionately represented groups within the YOT caseload to foster improvement, including for: (i) children with an ECHP/IDP; (ii) children with SEN/ALN; (iii) children permanently excluded from school; (iv) out of court disposals; and (v) children released under investigation.

131 As set out earlier in my statement, whilst HMI Probation may make recommendations, it is the responsibility of the relevant agencies to implement these recommendations.

132 Timely responses to the recommendations were received from these bodies and action plans were developed, published and submitted to HMI Probation. In response to the thematic reports related to the youth justice system, the MoJ lead and coordinated the development of action plans to address the key concerns. The action plans outlined the steps required to address the recommendations. Action plans should be clear, outcome focussed, measurable, achievable, and relevant with the person responsible for achieving the action and timescale of each step clearly identified. Action plans are sent to HMI Probation and published on the GOV.UK website. **[MJ/36 - INQ000572105] [MJ/37 - INQ000572181]** Again, as set out earlier in my statement, for thematic reviews, HMI Probation may choose to reinstate a particular thematic topic at a later date and may refer to whether progress has been made in relation to HMI Probation's recommendations.

HMI Probation Sector events communicating lessons learned from Covid 19

133 HMI Probation organise events within the criminal justice sector. These events are advertised widely, are managed online, and communicate the findings of inspections. During the Specified Period, frequent social media posts (for example, on Twitter) advertised events which concentrated on communicating the lessons from the Covid-19 pandemic and the key findings. For example, the former Chief Inspector hosted an online event on 25 February 2021 launching the report into how probation services were recovering from Covid-19 and one event in March 2022 focussed on children. **[MJ/38 - INQ000572206]**, **[MJ/39 - INQ000588103]**

134 These events were interactive sessions, with attendees encouraged to ask questions and to access the HMI Probation Effective Practice guides. Effective Practice guides use examples of effective practice from within the core adult and youth inspections and the thematic programme. The Effective Practice guides include reports, YouTube videos sharing key practice points and posters.

135 These practice guides and associated materials provide comprehensive guidance across a range of themes such as organisational delivery, leadership and governance, partnerships and services and case supervision. The practice guides are aimed at a range of audiences. The guides are intended to support practitioners, middle managers, and strategic leaders to reflect on their own experiences and consider how they may apply the key learning points in their own contexts. **[MJ/40 - INQ000572180]**

The future youth justice Inspection programme

136 HMI Probation inspects youth offending services under the following ministerial direction:

"to inspect and report on youth offending teams, established under section 39 of the CD act, and bodies acting on their behalf, to assess the quality of their work with children and young people who have offended, are suspected of having offended or are at risk of offending, in accordance with their duties as set out in section 39 (7) of the CDA 1998."

137 HMI Probation has approached this objective in a number of ways including core case inspection (CCI), short quality screening (SQS), full joint inspection (FJI) and the former 2018 and 2021 youth inspection programme standards **[MJ/15 - INQ000572200] [MJ/17 - INQ000572196]**. HMI Probation's core youth programme inspects the services provided by YOTs across England and Wales. It is made up mostly of single agency inspection but as part of the programme HMI Probation does conduct up to four joint inspections each year with other inspectorate colleagues (as set out in paragraph 20 above).

138 In 2023, HMI Probation consulted with stakeholders in relation to how it inspects YOTs. As part of this consultation, HMI Probation engaged in face-to-face and online events with YOT leaders and children, parents and carers currently in the youth justice system with experience of working with YOTs. HMI Probation also engaged with the YJB, MOJ, leading academics, other regulators and inspectorates and others with an interest in youth justice.

139 The consultation found that some local authorities questioned whether HM Probation was the right inspectorate to undertake inspections of YOTs. This question typically arises where the local delivery arrangements for YOTs are embedded in mainstream children's services. HMI Probation disagrees with this position and maintains that it is the most appropriate inspectorate of YOTs for the following reasons:

(a) Where offences are committed there will be victims. As a criminal justice inspectorate, HMI Probation has a remit to inspect work with victims and has the requisite skills and expertise to do so.

(b) Where children are at risk of offending there are risks. HMI Probation is skilled and experienced in its judgements about the management of risk.

(c) There is a significant risk that if youth justice inspection were to sit with another inspectorate such as Ofsted/Estyn that the specific offending-related needs of the children in receipt of those services would get lost in the remit of broader children's services. Currently, all services are held to a consistent standard by HMI Probation, aimed at the rehabilitation of children in the youth justice system. If this were to be devolved to other inspectorates with a more diverse range of priorities, the risk of significant or aggravated regional disparities would emerge.

(d) Both Ofsted and Estyn recognise HMI Probation's specialist skills and abilities and continue to lobby HMI Probation to contribute these specialist skills in their own inspections including JTAI and CJJI.

(e) HMI Probation working with children who offend is much broader than education and social care and includes (among other considerations) police, probation, and heath. HMI Probation has the relationships and programmes of work in place with the relevant inspectorates in these areas.

140 For the reasons set out above, HMI Probation did not (and do not) consider it a viable or desirable option to transfer the responsibility for youth justice inspection to another inspectorate. HMI Probation did however consider how it could take a more collaborative approach with other inspectorates in the delivery of its youth inspection programme, for example, by setting up a stakeholder working group with volunteers from across the youth justice sector. **[MJ/41 - INQ000648276] [MJ/42 - INQ000572182]**

141 Under the Police and Criminal Justice Act 2006, HMI Probation consults each year on its inspection framework and programmes. HMI Probation considers it right to consult not just with ministers and other inspectorates (as the Act requires), but also with those HMI Probation inspects and other interested parties **[MJ/43 - INQ000596837]** (1) HMI Probation has comprehensive contemporaneous records relating to the youth inspection programme including the revisions and reissue of inspections manuals published in 2024 and 2025. **[MJ/44a - INQ000572107] [MJ/44b - INQ000612932] [MJ/44c - INQ000612934] [MJ/44d - INQ000612935] [MJ/44e - INQ000612936] [MJ/44f - INQ000612938] [MJ/17a - INQ000612937] [MJ/44g - INQ000612939]**

142 Following the consultation in 2023, **[MJ/45 - INQ000572108]** HMI Probation concluded that it should:

(a) Continue to inspect in accordance with the youth justice footprint of each local authority, compare services to these standards, and rate them accordingly.

(b) Increase cooperation with other inspectorates by, for example, coordinating HMI Probation youth justice inspections with Ofsted/Estyn inspections.

(c) Expand upon HMI Probation's collaborative inspection efforts.

(d) Take a broad view of "achieving safety" and reevaluate whether desistance from crime, child safety, and other people's safety are still the best areas to look for.

(e) Inspect whether the child's needs are being realised within the disposal's boundaries rather than merely checking against it.

(f) Keep accessing a wide range of research and inspection evidence.

(g) Develop a more proportionate and adaptable model.

143 The inspection standards for youth justice services were revised in November 2024. **[MJ/17b - INQ000572199]**. There are two types of inspection in the YOT inspection programme. In an Inspection of the Youth Justice Services (IYJS), HMI Probation inspect and rate the service against all standards across domain one (organisational delivery), domain two (work with children) and the victims' standard. In an Inspection of Youth Justice Work with Children and Victims (IYJWCV), HMI Probation inspect and rate the service against the domain two and victims' standards and examine organisational arrangements and activity through the lens of their impact on work with children and victims.

144 The standards in an IYJS inspection are:

(a) Domain one: The arrangements and activity that support all areas of a YOT's work with children, including out-of-court disposals, court disposals, appropriate adult work, bail and remand, and resettlement.

(b) Domain two: The work with children across all areas of the YOT's delivery, including out-of-court disposals, court disposals, bail, and remand and resettlement.

(c) Victims' standard: HMI Probation expects YOTs to provide high-quality, individualised, and responsive work with victims, driving positive outcomes and safety for victims.

145 Lastly on lessons learned, Inspections during the lockdown periods revealed inconsistencies in mental health services and limited access to education for justice-involved children, who were not classified as vulnerable by the Department for Education. These children experienced significant delays in receiving essential equipment, such as laptops. Additionally, resource constraints are affecting the contributions of partner agencies to Youth Justice Services, weakening the multi-agency approach essential for supporting children in the youth justice system. Consequently, a Youth Justice Service (YJS) thematic inspection to test the effectiveness of youth justice service strategic arrangements will be included in our topic consultation for 2026/2027.

Statement of Truth

I believe that the facts stated in this witness statement are true. I understand that proceedings may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief of its truth.

Signed:

Personal Data

Dated: 22 August 2025