

# Influencing strategic reform of the inspection of the criminal justice system



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**Since 2009, research carried out at Sussex by Professor Stephen Shute, as well as extensive work in an advisory capacity, has helped examine and reform the inspection of the UK's five main criminal justice systems – police, prosecution, courts, prisons and probation. His work has had far reaching impact, informing the development of strategy regarding criminal justice inspection by ministers and senior civil servants and the translation of that high-level strategy into subsequent policy and better practice within several criminal justice inspectorates.**

## Overview

Criminal justice systems in a civil society should be fair and transparent to the public that both funds and relies upon them. To maintain such standards, inspection of our criminal justice systems is necessary to ensure that proper working practices are implemented and to act as a catalyst for improvement. Research by Stephen Shute (Head of the School of Law, Politics and Sociology and Professor of Criminal Law and Criminal Justice at the University of Sussex) on inspection of the main criminal justice agencies in the UK – the police, prosecution, courts, prisons and probation – has had significant impact on high-level strategy and inspection policy and practice.

Starting in 2009, when Professor Shute came to Sussex, the first phase of his research involved an inquiry into the foundational issues connected to

criminal justice inspection. In addition, he undertook a critical analysis of the pros and cons of adopting a more unified and holistic approach to criminal justice inspection, including analysing the collapse of previous legislation (2006) to merge the five inspectorates, and of subsequent successes and failures of government to achieve its objectives in other ways.

Through this work, Professor Shute has explored six fundamental questions around the criminal justice inspection system: how do we understand it; what methods does it use; who should do it; what values should it have; and what does it cost? In addition, he examined attempts since 1996 to introduce a more 'joined up' approach to criminal justice inspection in England and Wales, including an evaluation of relative successes and lessons learned. He also conducted an historical analysis of the development of each of the five criminal justice inspectorates since 1835. The findings from this first phase of work resulted in the publication of three single-author articles in leading law journals.

The second phase of Professor Shute's research will seek to publish the outcome of further interviews with ministers, agency heads and chief inspectors involved in criminal justice in a forthcoming book *Just Inspecting: Building Accountability and Legitimacy in Criminal Justice* (Oxford University Press), co-authored with Professor Rod Morgan (HM Chief Inspector of Probation, 2001 to 2004).

## Achieving impact

The major impact of this research has been to influence the strategic thinking of ministers, senior civil servants and chief inspectors and to inform the translation of their strategies into policy and practice; for example, by developing risk-based approaches, encouraging unannounced inspections, inspecting the use of the person escort record, encouraging dialogue between inspectors and government departments, and refining inspection of corruption in prisons.

Professor Shute was appointed as the first non-executive director of the Management Board of HM Crown Prosecution Service Inspectorate in 2008. The Board oversees the running of, and sets out the strategy and vision for, the Inspectorate of the Crown Prosecution Service (CPS). This role provided a vehicle for practical implementation of ideas generated by Professor Shute's research, such as the need for robust methodology, the value of thematic inspection, the need for 'lay' involvement in inspection and the value of transparency. His research has also had an impact on policy changes, such as: the decision in late 2009 and 2010 to move away from rolling programmes of area inspections to a more risk-based approach; ensuring that the broader strategy of the Inspectorate paid proper attention to using inspection resources efficiently for the benefit of the public; ensuring that inspection reports are clear, authoritative and influential; and ensuring that the Inspectorate keeps in mind the need for the criminal justice system to work holistically.

In addition, as one of three independent members of the Ministerial Advisory Board on Joint Inspection in the Criminal Justice System, Professor Shute provided high-level advice to ministers on strategic issues concerning inspection across the criminal justice system. For four years, this Board was influential in decisions taken on strategy for joint inspection. Professor Shute's research influenced the Board's thinking, including the emphasis it placed on the importance of a proportionate approach, the value of whole-system inspection and unannounced inspection, the need to inspect neglected parts of the



**Professor Shute is currently serving on the Advisory Board for HM Inspectorate of Constabulary, created by the Inspectorate to determine how it should constitute its new programme of regular force inspection.**

criminal justice system, and the fact that inspection must be both evidence based and evidence led. Former HM Chief Inspector of the CPS, Stephen Wooler, has affirmed that: 'the Board's impact came from its ability to draw on leading-edge research to identify strategic priorities and emphasis' and that 'the research carried out by Professor Shute was particularly influential in this regard.'

In 2011, Professor Shute was appointed as inaugural Chair of the Independent Crime Statistics Advisory Committee, which was established to provide advice to the Home Secretary, the National Statistician and HM Inspectorate of Constabulary. The Committee's remit includes advising HM Inspectorate of Constabulary on audits of police crime recording and crime integrity data. The Chair's role is to provide strategic leadership for the Committee, including setting its vision and acting as its ambassador with key stakeholders.

Professor Shute has also been a member of the Independent Advisory Panel on Deaths in Custody, whose role is to shape government policy in this area.

Moreover, his research was crucial to discussions at a high-level seminar on the inspection of corruption in prisons. He has also served as an independent member of a four-person interview panel which advised the Attorney General on the preferred candidate for the position of HM Chief Inspector of the CPS.

## Future impact

Future impact of Professor Shute's research on inspection may be achieved through membership of the Advisory Board for HM Inspectorate of Constabulary (2014 to present). This Advisory Board was created by the Inspectorate to determine how it should constitute its new programme of regular force inspection, which will commence in 2014, in order to best serve the public interest. His research may also achieve impact through membership (2014 to present) of the Project Board established by the Office for National Statistics to oversee the work on the redesignation of police-recorded crime as a national statistic.

## Funding and partnership

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## Working with us

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