



House of Commons  
Justice Committee

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**Criminal justice  
inspectors:  
Government Response  
to the Committee's  
Fourth Report of  
Session 2015–16**

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**Third Special Report of Session 2015–16**





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## Justice Committee

The Justice Committee is appointed by the House of Commons to examine the expenditure, administration and policy of the Ministry of Justice and its associated public bodies (including the work of staff provided for the administrative work of courts and tribunals, but excluding consideration of individual cases and appointments, and excluding the work of the Scotland and Wales Offices and of the Advocate General for Scotland); and administration and expenditure of the Attorney General's Office, the Treasury Solicitor's Department, the Crown Prosecution Service and the Serious Fraud Office (but excluding individual cases and appointments and advice given within government by Law Officers).

### Current membership

[Robert Neill MP](#) (*Conservative, Bromley and Chislehurst*) (Chair)

[Richard Arkless MP](#) (*Scottish National Party, Dumfries and Galloway*)

[Alex Chalk MP](#) (*Conservative, Cheltenham*)

[Alberto Costa MP](#) (*Conservative, South Leicestershire*)

[Philip Davies MP](#) (*Conservative, Shipley*)

[Mr David Hanson MP](#) (*Labour, Delyn*)

[John Howell MP](#) (*Conservative, Henley*)

[Dr Rupa Huq MP](#) (*Labour, Ealing Central and Acton*)

[Andy McDonald MP](#) (*Labour, Middlesbrough*)

[Victoria Prentis MP](#) (*Conservative, Banbury*)

[Marie Rimmer MP](#) (*Labour, St Helens South and Whiston*)

The following members were also members of the Committee during the Parliament:

Richard Burgon MP (*Labour, Leeds East*), Sue Hayman MP (*Labour, Workington*), Christina Rees MP (*Labour, Neath*), and Nick Thomas-Symonds MP (*Labour, Torfaen*).

### Powers

The Committee is one of the departmental select committees, the powers of which are set out in House of Commons Standing Orders, principally in SO No. 152. These are available on the internet via [www.parliament.uk](http://www.parliament.uk).

### Publication

Committee reports are published on the Committee's website at [www.parliament.uk/justicecttee](http://www.parliament.uk/justicecttee) and in print by Order of the House. Evidence relating to this report is published on the [inquiry page](#) of the Committee's website

### Committee staff

The current staff of the Committee are Nick Walker (Clerk), Jonathan Whiffing (Second Clerk), Gemma Buckland (Senior Committee Specialist), Nony Ardill (Legal Specialist), Christine Randall (Senior Committee Assistant), Anna Browning (Committee Assistant), Yohanna Sallberg (Sandwich Student), and Liz Parratt (Committee Media Officer)

### Contacts

All correspondence should be addressed to the Clerk of the Justice Committee, House of Commons, London SW1A 0AA. The telephone number for general enquiries is 020 7219 8196; the Committee's email address is [justicecom@parliament.uk](mailto:justicecom@parliament.uk).

## Third Special Report

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We have received the Government's Response to our Fourth Report of Session 2015–16, *Criminal justice inspectorates*, HC 724. The response came in two letters dated 28 April 2016 to the Chair of the Committee: one from Rt Hon Michael Gove MP, Lord Chancellor and Secretary of State for Justice, and one from Rt Hon Jeremy Wright QC MP, Attorney General. We publish these letters as Appendices to this Special Report.

### Appendix 1: Letter from Rt Hon Michael Gove MP

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I am pleased to respond to the Justice Committee's report on the criminal justice inspectorates published on 1 March. This report followed a hearing held by the Committee on 20th January.

Firstly I would like to reiterate my belief in the importance of external and independent scrutiny on both the treatment of those in custody and the delivery of offender management services. I have no doubt that the voice of our scrutiny bodies remains resolutely independent. They are not afraid of taking a critical view, as clearly illustrated in recent inspectorate reports. As the responsible Secretary of State, critical reports can make difficult and painful reading but I would wish it no other way. Reports can also highlight the achievements and successes of both the hard working staff and the offenders themselves, which I equally value and seek to learn from.

These scrutiny bodies are in receipt of public funding routed through my department and are staffed by civil servants. I therefore have an obligation to ensure an appropriate level of governance: striking the right balance between challenge and respect for their role as independent watch dog bodies. I recognise the recent tension that arose over the emergency spending controls in December 2015; I am assured that the issue in case, the recruitment of paid front-line staff, was resolved before the hearing on 20th January. Since January my department has worked with the scrutiny bodies to ensure that this scenario does not happen again. Both the inspectorates and the Prisons and Probation Ombudsman, have now been granted enhanced authority to recruit staff without the need to seek approval from the Ministry of Justice. The Inspectorates in particular are able to recruit all front-line staff without any need to seek approval.

I also recognise the need to clarify broader terms of engagement between the Ministry and both its Inspectorates and the Prisons and Probation Ombudsman. Richard Heaton has already committed to agreeing a protocol with all three bodies, starting with the HM Chief Inspector of Prisons. My officials have agreed a timetable with Peter Clarke and we are planning to consult the Committee in the summer and publish a draft protocol this autumn. I agree with your recommendation for wider consultation and we will consult those who have a direct relationship with the Inspectorate. Consultees will include yourselves, other government departments, other inspectorates and the Chair of the National Preventative mechanism.

We also remain committed to agreeing a protocol with HM Inspectorate of Probation and the Prisons and Probation Ombudsman (PPO). The Committee recommends using the protocol agreed for HM Inspectorate of Prisons as a blueprint. We propose to use the protocol as an initial guide and check point but not as an obligatory framework to follow. Both the inspectorate of Probation and the PPO are different in form and, to a varying degree in function from HM Inspectorate of Prisons; any protocol will need to reflect those differences. I also understand that the same principle will apply to the protocol that is being developed between the Attorney General's Office and the HM Crown Prosecution Service Inspectorate.

On a final note, I must make a reference to the role of the Independent Monitoring Boards. Independent Monitoring Boards (IMBs) complement the role of the Inspectorate, providing a constant monitoring presence compared to the penetrative but far less frequent scrutiny of the Inspectorate. The Ministry of Justice has already invited the Justice Select Committee to consider the current governance review of IMBs.

I am copying this letter to Dame Glenys Stacey, Peter Clarke, Nigel Newcomen, Kevin McGinty and the Attorney General.

## Appendix 2: Letter from Rt Hon Jeremy Wright QC MP

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I very much welcome the Justice Committee's fourth report of session 2015-2016 on the criminal justice inspectorates. Given the importance of independence, I am greatly encouraged that this Committee is continuing the work of its predecessor by scrutinising the inspectorates' governance and accountability arrangements with their sponsoring departments.

I would like to emphasise the importance upon which I place the ability of Her Majesty's Crown Prosecution Service Inspectorate ("HMCPPI") to operate without undue interference from any source. Whilst I am confident that the right measures are already in place to ensure that HMCPPI is operationally independent, I am fully supportive of the Committee's recommendation that the terms of engagement between myself and the Chief Inspector and my department and HMCPPI are set out in a protocol.

I pleased to report that that my officials are already working with HMCPPI to produce a protocol. This will set out the key areas of our relationship including mutual responsibilities, the legal basis of HMCPPI's powers, independence and accountability to Parliament. The protocol will be concluded shortly and will then be published, and I will ensure that the Committee is provided with it.

The Committee has also recommended that the protocol agreed between the Ministry of Justice ("MoJ") and Her Majesty's Inspectorate of Prisons ("HMIP") should act as a blueprint for the other criminal justice inspectorates. Although similar in function, the inspectorates each have a different statutory basis and relationship with their responsible Ministers. I therefore propose to use the MoJ-HMIP protocol as a guide and check point when it is published this Autumn rather than as an obligatory framework. I understand that the same approach will be adopted by the MoJ when it develops a protocol with Her Majesty's Inspectorate of Probation.

Finally, I am supportive of the initiative for a closer relationship between the criminal justice inspectorates and the Justice Committee. I therefore look forward to the evidence session with the Chief Inspectors on 5th July and to working with the Committee over the next 12 months.