

Using Inspection to Improve Performance

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Court Service Conference, 12 November 2008

It is a pleasure to speak with you today. Thank you for inviting me to this event, and for the opportunity to say a few words about developing a performance improvement agenda within the Court Service.

My background is in the private sector as a professional management consultant - having worked across the whole of Ireland and overseas for the last 18 years. At this point, I shall get my retaliation in first and say I have heard all the management consultant jokes... I don't need to know the time at this point so your watches are safe!

During this time, however, I have had the opportunity to work across a very wide range of government departments, agencies, voluntary and community bodies in a many jurisdictions from Belfast to Dublin, Hong Kong and New York. One of the many benefits of the job was the opportunity to work with colleagues in a range of areas including health, agriculture, education, justice, law, social welfare, social development, tourism and environment.

I have been struck by the richness and complexity of each area, and the challenges facing senior people in the public sector, as they struggle increasingly to deliver more with less. As a specialist in strategy and organisational development, I have had the opportunity to work with Ministers and Senior Officials as they consider the management challenges of delivering responsive, cost effective and quality services. It has - I hope - given me some insight into how organisations work.

I have spent my time since September getting to grips with the complexities of the criminal justice system and the position occupied by Criminal Justice Inspection. I have met with many colleagues each with a perspective and insight on the challenges facing *their* own organisations *and* the system overall.

While, the range of organisations that fall within the remit of the Inspectorate is wide – with all of the associated difficulties that fall out of that - it also provides, for me, one of its greatest strengths.

The Inspectorate is the only unified inspectorate in the UK and Ireland that can look at *all* the agencies – apart from the judiciary – that make up the criminal justice system. This puts us in a unique position to identify issues that are common to some or all agencies, and to promote inter-organisational learning and good practice.

It is from this perspective, and my own background in how public sector organisations work, that I offer some thoughts this afternoon.

Challenges facing the criminal justice system

Performance improvement or business improvement is about achieving better outcomes *without* looking for more money.

My starting point for the development of a performance improvement agenda is this: The landscape for the management of the criminal justice system under devolved government will be different from what has been the case to date.

None of us have a crystal ball in relation to the full implementation of devolved government. I have taken as a working assumption that it will be here sooner rather than later.

Having a local Minister in Stormont five days a week, with access to the local community and the press, with an Executive Committee hungry for space, will present a huge challenge to the status quo.

As the Lord Advocate of Scotland, the Rt. Hon. Elish Angiolini QC, said this year at a CJI Stakeholder Conference “*criminal justice, more than any other area of government activity, is vulnerable to the tyranny of the headline, of the last bad case, of the most recent horrific crime.*”

It has been the case in Scotland that circumstances have combined to provide for more searching scrutiny of performance. As she said, accountability was much easier under Westminster control as “*there were more competing attractions to engage the interest of politicians down there.*”

Under a devolved administration, there is no doubt that all criminal justice organisations will come under increasing and relentless scrutiny. This is no bad thing - particularly in Northern Ireland where the criminal justice system has been a contested space for so long. This is not a choice option.

Good governance demands that we engage more fully with the public rather than with a few stakeholders. This is part of the process of developing confidence through building knowledge, understanding and debate.

One of the particular areas of potential interest is the cost of the criminal justice system. The current budget of £1.3 billion will make it the third largest after health and education. This will give it a prominence and profile that will be different. Particular questions that have arisen include:

- the balance of resources across the criminal justice system. Do they reflect political priorities? Do we have a system that is based on a historical

- allocation of resources rather than a *planned* approach to service delivery?
- staffing, behaviours and ‘the way things are done around here’ (culture). Are they what is required to deliver a local vision for policing and justice?; and
- it will open up the debate about value for money in a more focused way, with a more particular focus on what outcomes we want from the criminal justice system.

It may also mean a more coherent focus on the linkages between the criminal justice agencies and the devolved departments – of course this is already happening. No-one could look at the issue of mental health in the criminal justice system, for example, without considering the role of the health service in Northern Ireland.

Similarly, can we really address the problems of youth offending without considering why young people are excluded from school, and their progression along a conveyor that for many, stops in prison?

Of course, I am not suggesting that these issues do not focus people’s minds or that co-operation is not taking place – I am simply saying that under devolved government, these issues will come under a sharper focus.

Within the immediacy of the goldfish bowl of political accountability, two further sets of pressures will also become apparent and influence a performance improvement agenda.

➤ **Developing good practice in service delivery**

Firstly, standards and practices are constantly changing. What might have been regarded as good practice 10 years ago may be very different now. The development of local accountability may well open up a debate on the type of criminal justice system we want in the future. For example:

- How do we provide a joined-up service to victims to ensure clarity and continuity of treatment? How do we give support and information to witnesses as they engage with the system?
- What court facilities will be needed for the administration of justice? Where should they be based, and how can they best be accessed to suit the needs of partners and an ever demanding community?
- How long should it take to get from the point of arrest, to prosecution and sentence?

These issues are particularly challenging in Northern Ireland as the system emerges into a post-conflict agenda. How far is practice here behind that of elsewhere in the world, and in what areas are we the leaders for change?

➤ **Focusing on Delivery**

Secondly, a consideration of what practice is required is only part of the picture – there also needs to be discussion on how services are delivered.

In this regard the agenda is relatively clear cut. Getting ‘more for less’ have become the watch words for public sector reform – or as it has been put more succinctly by others “*doing the right things and doing things right*”. More than ever before, the emerging agenda will place an even *greater* focus on how organisations work and the value that they deliver.

This means explicitly examining:

- firstly leadership within organisations and the role it plays in setting direction and ensuring delivery. To this I would add a stronger focus on corporate governance;
- secondly, a focus on how services are delivered. Do they provide value for money? Who is best placed to deliver services? Is there a connection between the stated intent of management and delivery on the ground? How efficient is the service delivery?; and
- thirdly, a stronger concentration on the outcomes achieved for the money that has been spent. What are we getting for the £1.3 billion we spend on the criminal justice system? Is it achieving the desired outcomes?

Particular issues may include, for example:

- How can we reduce bureaucracy and direct more resources to the front line?;
- How can we strengthen the connection between the stated intent of senior management and delivery on the ground?;
- How do we maximise the value of training and development in support of managing change?; and
- Is the maximum use being made of technology to facilitate high quality service provision?

The strategic aims of inspection – a shared agenda for performance improvement

The strategic aim of CJI is to promote effectiveness, efficiency and even-handedness throughout the criminal justice system in Northern Ireland. We do this through inspecting *all* aspects of the criminal justice system.

A critical dimension of the inspection process is to work *with* organisations as they seek to improve the effectiveness of the services they deliver.

This means building a performance improvement agenda that is comprehensive, realistic *and* focused on the achievement of better outcomes for all of those who use the services provided.

I see a performance improvement/inspection agenda which will have four dimensions.

Firstly, working in partnership with other Inspection organisations to provide assurance that the ways in which people are treated within the system here are in line with good standards and practices adopted elsewhere. For example, the work that has been already completed on the Coroner's Service has provided this assurance and potential areas for consideration regarding future partnership working include prisoner escort services, particularly with regard to young people.

I also see an agenda that focuses more explicitly on the management challenges facing the criminal justice agencies as they inevitably get to grips with delivering more for less within a devolved setting. These issues include:

- the use of technology to support decision making;
- the infrastructure of the estate – how does it link up with other organisational boundaries; and
- the changes proposed under the Review of Public Administration (RPA) with devolved departments and community planning.

Thirdly, as I said earlier, Criminal Justice Inspection is the only unified inspection body in the United Kingdom. This puts us in a unique position to identify the issues that are common to some or all agencies, and to promote inter-organisational good practice. This could involve looking at possible issues such as domestic violence and youth offending.

Fourthly, I also believe the agenda should include the linkages that exist between the criminal justice agencies and devolved Departments.

Working in partnership

In conclusion, I want to say something about how we conduct our work. The work of the Inspectorate should conform to Government policy on Inspectorate bodies – to include openness and transparency etcetera. We have published our approach to inspection and this has guided the work we have done over the past five years.

Cabinet Office Guidance on the *Principles for Inspection of Public Services* include issues such as the need to:

- focus on outcomes;
- have due regard to value for money;
- encourage continuous improvement; and
- take a 'user perspective' when assessing service provision.

Increased public confidence in the justice system ultimately depends on the capacity of the justice system to deliver 'what it says on the tin'. There should be a *shared agenda* between the inspected agencies and the Inspectorate, around securing improvement in how things are delivered.

More specifically, the Court Service and the Inspectorate:

- share the same vision to drive up performance through business improvement to deliver optimum public service;
- are both interested in how increasingly complex customer expectations are managed as well as met; and
- are both focused on how a joined-up criminal justice system can serve the needs of victims and witnesses.

I appreciate that the Northern Ireland Court Service has already taken significant steps in developing a performance improvement agenda... and they are to be congratulated for the efforts they have made in achieving *real* benefits.

The development of ICOS, court room technology, an interactive website and the use of EFQM, have all helped to embed an approach and culture of performance improvement that will serve the organisation well as it moves forward.

We in the inspection team are committed to working *with you* to provide an honest and independent reflection of the strengths and weaknesses of the justice system, highlighting areas of good practice and providing a basis upon which a shared improvement agenda can be implemented moving forward.

So we live in interesting times. It is often said that the management of change requires courage and persistence. I am struck however by the comment "*one of the greatest reasons for bravery at the Alamo was the absence of back doors,*" as we move into a new criminal justice landscape.

Whether doors remain open or closed, remains to be seen.

Thank you.