

Supervision by the Inspectorate of Justice and Security during an era of increasing societal complexity

An exploratory study • *summary*

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Summary

Under the motto ‘Supervision that matters’, the Inspectorate of Justice and Security (IJenV) aims to contribute to a just and secure society. Not only is the Inspectorate itself changing, but also the environment in which it fulfils its supervisory role. The Inspectorate wants to understand how to supervise effectively amid increasing societal complexity.

More specifically, **the question that is central to this study is:**

‘Can the Inspectorate of Justice and Security further develop its supervisory approach and governance structure to take more account of the increasing societal complexity and functioning in chains and networks, and if so, how?’

The study is qualitative and exploratory in nature; ultimately, it aims to find ways with which the Inspectorate can improve its supervisory approach. To achieve this aim, the authors employed a combination of document analysis and digital queries in preparation for focus groups or reflection sessions with relevant actors, i.e. the parties under supervision, inspectors and scientific experts¹, along with several supplementary interviews and, finally, reflection sessions with scientific experts. In addition, the interim results were presented to the relevant actors, and their knowledge and input provided shared meaning to the answer to the central research question.

The study is divided into three parts: *part A* focuses on the current interactions with the fields of influence of parties under supervision and society. This description established the basis for in-depth, nuanced dialogues with representatives from the above-mentioned fields of influence (*part B*). In *part C*, the findings from A and B are compared and the central research question is answered by means of meetings with scientific experts.

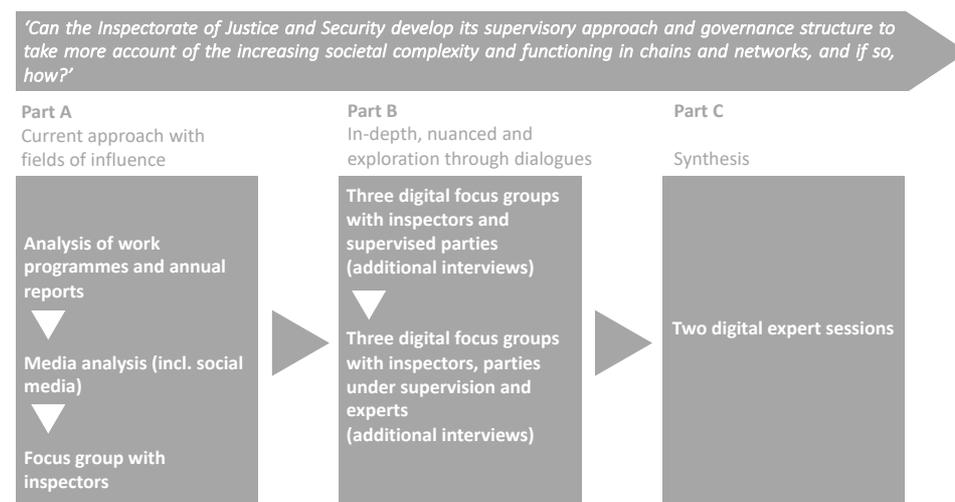


Diagram of the research steps

Can the Inspectorate continue to develop its supervisory approach and governance structure?

Regarding the issue of increasing societal complexity and the functioning (of the implementation) in chains and networks, the following conclusion appears to be justified by the present studyⁱⁱ: societal complexity is perceived and experienced, whereby the implementation is given shape in chains and networks and in complex cooperation within these chains and networks. This is in line with findings in other publications. These complex partnerships and the perceived societal complexity require that practitioners learn to deal with a certain form of uncertainty, i.e. uncertainty about how that networked society will develop. Due to this networking, problems are clearly not restricted by borders. Problems – and thus solutions – are increasingly dynamic and open and at the same time interconnected. Policy, implementation and supervision will increasingly have to interact with each other to jointly give meaning to this ‘difficult’ complexity.

Regarding the question of how the Inspectorate is currently dealing with this increased complexity and whether the Inspectorate can develop further in this respect, the following can be concluded. In response to a survey of work programmes/annual reports and a survey of media (including social media), the Inspectors stated that they recognised the ascertained struggle between conducting incident investigations and more thematic investigations. This struggle lies primarily in whether or not to respond to requests for incident investigation; it is still a challenge for the Inspectorate of Justice and Security to do more than looking back and indicating what went wrong. When it comes to the relationship between incident investigations and more thematic investigations, the Inspectorate of Justice and Security is developing in a number of areas; it explicitly wants to promote the learning capacity of organisations, offer alternative plans of action for the future, and not only – as with compliance supervision – make a diagnosis of whether the field is doing well or not. However, the more attention the Inspectorate pays to learning and signalling, the greater its realisation that there must be a basis for compliance.

Although the investigations of the Inspectorate of Justice and Security were always thorough, the reflections on the respective case histories in the present study showed that, for various reasons, the idea did not exist that the correct complexity had been identified. The investigation into the *return process of Armenian children*, partly due to its prior delineation, did not reveal the underlying motivations for action and did not determine whether or not deliberate considerations were involved in the cooperation. The investigation into *the continuity of the emergency control centres*, partly due to its approach and timing, did not sufficiently reveal why the field had made so little progress. The investigation into the *selection and allocation of detection assignments* was considered to be excessively instrumental and seemingly portrayed more of the tactical complexity. Partly due to the idea that the actual complexity had not been revealed, the intended learning effect was also experienced as insufficient.

Finally, the scientific experts were very clear in their joint response: the Inspectorate must respond more intensively to the increased complexity, especially if it wants to

be responsive while maintaining its influence. In that case, a good relationship with network parties and their internal supervision is important in order to acquire knowledge and have actual influence. The experts pointed out here that maintaining autonomy and having sanctioning power or some sanctioning power must be indisputable, otherwise it is difficult to acquire an effective position as an Inspectorate.

How the Inspectorate can further develop its supervisory approach and governance structure

Regarding the question of how the Inspectorate can develop further, the following can be concluded from the case studies and the corresponding reflections. Regarding the investigations into *process of returning Armenian children to their homeland* and *the continuity of the emergency control centres*, there was a particular need for a deeper analysis of the underlying causes and a subsequent approach that was more in dialogue with the parties under supervision. It is precisely because a chain performance is required that it is important to clarify why this has lagged behind in the cooperation or otherwise. To subsequently take steps forward, a more dialogue-oriented approach is considered more helpful, in which the Inspectorate should mainly ensure that this dialogue happens (although according to some the Inspectorate could go further, for example with other forms of investigationⁱⁱⁱ). In the suggestions for the investigation into the *selection and allocation of detection assignments*, a more strategic approach was especially appreciated. This entails a more value-driven approach to supervision, whereby the central question should be the effect of the investigation on the public value (security and trust). It also entails an approach to supervision in which the professionals are encouraged to learn, for example by helping to develop learning-oriented approaches to accountability^{iv}.

Regarding the question of how the Inspectorate can develop further, the following can be concluded from the reflections of the scientific experts involved in the present study. The shared view of the scientific experts is that in any case, the improved portrayal of increased social complexity should always be based on clear understanding of the core function^v of a chain or network that is achieved together with the parties concerned (with the internal supervision, if there is one, as the most natural partner), including concerned citizens. For finding relevant information to this end, both the citizen perspective and the network perspective are seen as ‘gold mines’.

The Inspectorate can encourage organisations to continue to improve or encourage them even more than they are currently doing by – first of all – promoting the internal supervisory role more effectively, regardless of how complicated that task may appear. Sometimes internal supervision is lacking, as was the case with the Netherlands Public Prosecution Service^{vi}, or is undergoing rapid development, as was the case with the police^{vii}. With internal supervision as a natural partner, the Inspectorate can focus more on dialogue with implementing parties in the network or chain as an important route to acquiring greater insight and more influence, and especially to realise behavioural change after an assessment. The Inspectorate should act as early as possible. This means taking action not only when an incident has taken place, but also in ‘real life’ when important issues or risks are involved. To

identify the true ‘issues’ and dilemmas, the Inspectorate must be in continuous dialogue with the parties under supervision.

According to the parties under supervision and the scientific experts, the unique position of the Inspectorate in relation to the chains and networks lies in the fact that it can continue to give priority to the societal challenge of the chain/network, based as much as possible on comprehensive information. Internal supervision should become the most natural partner of the Inspectorate. The fear of conflicting roles^{viii} should not predominate, but rather the desire to have societal impact while actively safeguarding/claiming the autonomous role^{ix}. The latter is mainly a matter of cultivation, where science can be helpful and the Inspectorate/inspectors must be given space, especially by the Department and Parliament.

In conclusion

In ‘Reflecties op de staat van toezicht’ (Reflections on the current state of supervision), van der Steen^x discusses two strategic themes for the future: how to supervise effectively in a network society and how to supervise effectively in an era of transitions. The first theme is actually the context in which the present study took place. It is about finding the right balance between ‘moving with the logic of the networks while simultaneously applying counter-pressure, but without losing relevance’. As formulated by Boutellier et al., this means being responsive, but with a ‘bite’. The present study has resulted in strategic ‘direction indicators’ for this balancing act, during which reflective and reflexive character of the study has been experienced by inspectors, parties under supervision and experts as valuable and promising.

Finally, the most important strategic direction indicators are shown schematically here, in which responsive movement and counter-pressure (but with a ‘bite’) always form the ends of the continuum on which the Inspectorate, while maintaining its balance, chooses a direction.

5 Strategic direction indicators for the Inspectorate of Justice and Security	
	Always start from a clear understanding of the societal mission or core function of a chain or network.
	Look especially for the underlying complexity (‘why things are going as they are’), for example through analyses of fields of influence and/or root cause analysis.
	At the same time, use the network perspective (prioritising internal supervising authorities) and the citizen's perspective (concerned citizens) and engage in dialogue more often in search of the above.
	Work more systematically on both outward reflection, focused on the supervisory domain, and inward reflection, focused on the position and actions of the Inspectorate itself. This in order to organise and cultivate the learning function more effectively. At the same time, use more thematic research (also <i>ex ante</i> research) and learn more from case studies and their comparison.
	Safeguard the autonomous role, also by cultivating scientific methods more effectively (transparent, traceable, inviting debate).

Endnotes

- ⁱ Among other things, we reflected on Inspectorate investigations into the process of returning Armenian children to their homeland, the continuity of the emergency control centres and the selection and allocation of detection assignments.
- ⁱⁱ In addition to the publications of the Netherlands Scientific Council for Government Policy (WRR) (2013). *Supervising public interests. Towards an expanded perspective on government supervision*. Amsterdam: Amsterdam University Press and Erp, J. van & M. van der Steen (2018). *Wetenschapsagenda Toezicht (Scientific Agenda on Supervision)*. Utrecht: USBO recommendation, similar observations can be found in the Council of State (2019). *Annual report 2018* The Hague: Council of State.
- ⁱⁱⁱ Examples of this in relation to Inspectorates can be found within the academic workplace supervision of ZonMW and academic workplace education.
- ^{iv} Examples of this are Nap, J. & Vos, J. (2018). "Rijker verantwoorden: wat is de bedoeling?" (In-depth accountability: what is involved?) In: *Tijdschrift voor de Politie – volume 80/no. 4/18* and Raad Volksgezondheid & Samenleving (Health & Society Council – 2019). *Blijk van vertrouwen. Anders verantwoorden voor goede zorg* (Showing confidence. Different accountability for good care). The Hague: Raad Volksgezondheid & Samenleving
- ^v In this regard, the Inspectorate could build upon the findings in Steen, M. van der, Delden, M. van & E. van Schaik (2020). *De opgave aan tafel. De praktijk van werken vanuit maatschappelijke opgaven*. (The task at hand. The practice of working from social challenges.) The Hague: NSOB, which describes how the Ministry of Justice and Security has set in motion a movement to place the societal challenge more at the centre of the realisation of the policy agenda.
- ^{vi} The establishment of the 'OM-Reflectiekamer Kwaliteitsontwikkeling' (PPS Reflection Room for Quality Development) as of 01.01.2020 is an example of, although obviously not identical to, such a development towards internal supervision.
- ^{vii} One of the recommendations from the de Commissie Evaluatie Politiewet (Commission for the Evaluation of the Police Act – 2017). *Evaluatie Politiewet 2012. Doorontwikkelen en verbeteren* (Evaluation of the Police Act 2012. Continued development and improvement) advised designing a more effective and efficient supervisory regime, which has since been followed up.
- ^{viii} This requires balancing the Inspectorate, as has often been argued, for example by Ottow, AT, & PBM Robben (2012). 'De toezichthouder als koorddanser' (The supervising authority as a tightrope walker). In: *Tijdschrift voor Toezicht*, 3 (3), 32–35, and Dorp, R. van (2020). 'Balanceren op de rand van geloofwaardigheid' (Balancing on the verge of credibility). In: *Online Vaktijdschrift Toezine 14 April 2020*.
- ^{ix} Relevant in this respect is the letter recently sent by the Council of Inspectorates to State Secretary Knops of the Ministry of the Interior and Kingdom Relations containing five concrete proposals to more firmly anchor the autonomy of the inspectorates (see <https://www.rijksinspecties.nl/publicaties/brieven/2020/06/26/brief-aan-bzk-evaluatie-inzake-rijksinspecties>)
- ^x Steen, M. van der (2019). 'Een duiding van doorwerking en een agenda voor toekomstgericht toezicht' (An explanation of impact and an agenda for future-oriented supervision). In: *Reflecties op de staat van het toezicht* (Reflections on the current state of supervision). The Hague: Inspectieraad (Council of Inspectorates).