

G R E A T E R M A N C H E S T E R

Justice

D E V O L U T I O N

GMCA GREATER
MANCHESTER
COMBINED
AUTHORITY



Ministry
of Justice

TONY LLOYD
POLICE & CRIME COMMISSIONER
GREATER MANCHESTER

MEMORANDUM OF UNDERSTANDING

7 July 2016

Andrew Selous

*Signed on behalf of the Ministry of Justice by
Under-Secretary of State for Prisons,
Probation and Rehabilitation,
Andrew Selous*

Tony Lloyd

*Signed on behalf of Greater Manchester
Combined Authority by Interim Mayor and
Police and Crime Commissioner,
Tony Lloyd*

Justice and Rehabilitation Memorandum of Understanding between Greater Manchester and the Ministry of Justice

1 Introduction

The overriding purpose of this Memorandum of Understanding is to jointly identify what *needs to change to ensure the criminal justice system functions and delivers more effectively in Greater Manchester and; reduces offending and threat and harm to society* .

Greater Manchester believe that a joined-up justice system is vitally important for improving the efficiency of our public services and delivering improved social benefits for our population. Greater Manchester has many assets, strengths and capabilities that allow the local criminal justice partners and its residents to develop, grow and be safe. Greater Manchester is committed to being an early implementer and a test-bed for innovative approaches of delivering new models of integrated offender management and justice services, which reflect the needs of local populations. All parties to the agreement recognise that the devolution agreement with Greater Manchester provides greater freedom and responsibility to optimise its potential.

The commitment to a genuine and lasting transfer of power and responsibility away from the centre has never been stronger. As well as supporting the overall Cabinet enthusiasm for devolution, the Secretary of State's reform vision for justice is built on local autonomy, accountability, transparency, and quality, as the only means to achieve a system that is fair for all and fit for the future. Greater Manchester will be pioneering in its ambition and approach.

Achieving Greater Manchester's ambition requires a more integrated approach and transformational changes in the way in which services are delivered across Greater Manchester. To facilitate this, the Memorandum of Understanding creates a transparent framework for achieving co-commissioning, possible delegation and potential devolution of agreed and specified justice and rehabilitation responsibilities to accountable, statutory organisations in Greater Manchester.

This Memorandum of Understanding builds on the Fourth Greater Manchester Devolution Deal which creates the platform for greater freedoms and flexibilities and is attached at Annex A. This memorandum sets out the initial process for collaborative working in shadow form from 29th April 2016 and identifies the areas for further development leading to implementation from April 2017.

For the purposes of this memorandum, devolution in this context includes co-design and co-commissioning, not necessarily a linear transfer of powers and responsibilities. A joint approach to transformation lies at the root of the values and principles laid out in this document. The key Greater Manchester principles and ambition which underpin this approach can be found at Annex B.

2 Parties

All parties agree to act in good faith to support the objectives and principles of this Memorandum of Understanding (MoU) for the benefit of all Greater Manchester citizens.

The Parties to the MOU are in the first instance:

All local authority Association of Greater Manchester Authorities (AGMA) members of Greater Manchester Combined Authority (GMCA)

The Office of the Police and Crime Commissioner for Greater Manchester (GM OPCC)
Ministry of Justice

Further MOUs are in place with the National Offender Management Service (NOMS) (Annex C) and the Youth Justice Board (Annex D).

For the purposes of this document, AGMA/GMCA and the GM OPCC shall be collectively referred to as Greater Manchester or GM.

3 The Memorandum of Understanding

This MOU focuses on the elements of devolution, transformation and co-commissioning relating to the relationship between the MoJ and GM. This memorandum will:

- Be iterative and flexible, dependent on the detailed work as it emerges;
- Require ratification through the parties' appropriate governance arrangements to provide transparency;
- Take account of the wider policy and legislative landscape and any resulting significant changes;
- Incorporate additional aspects where required and agreed through the Integrated Transition Board, during the shadow year
- Allow for the inclusion of other parties where there is a relevant relationship to the Devolution Deal and agreed through the Integrated Transition Board e.g. Inspectorates.

4 Context and Objectives

The work outlined within this MOU will form part of a much broader framework where the MOJ and other government departments are working with GM to prepare for the devolution of relevant powers and funding to GM/PCCs and for GM to be a trailblazer for the objectives set out in national programmes such as Prison Reform.

The parties share the following objectives:

- To jointly identify what *needs to change to ensure the criminal justice system functions and delivers more effectively in a place and; reduces offending and threat and harm to society*
- To deliver effective integrated justice and rehabilitation functions across GM;
- To move justice and resettlement closer to home where possible;
- To strengthen the focus on rehabilitation, including greater focus on prevention and reduction of harm;
- To ensure the criminal justice system connects people to growth and aspiration, e.g. supporting employment and early years services; and
- To forge a partnership between GM, the MoJ, NOMS and other justice partners, community sector, providers and statutory organisations for the benefit of the population.

5 Values

The MOU is underpinned by the following values which will support the objective of implementing a transformative approach to justice and rehabilitation in GM:

- Decisions will be focussed on the interests and outcomes for people in Greater Manchester, and organisations will collaborate to recognise those interests;
- There will be a principle that *“all decisions about Greater Manchester justice devolution will be taken with Greater Manchester”*

- There will be regular communication and engagement with relevant groups and the public during the different stages of devolution/implementation;
- Regional or national level decisions, commissioning and delivery will still take place where efficiency, safety or risk issues make it necessary to do so, but there will be a commitment to respond to GM priorities and requirements.
- GM will put effective governance arrangements in place to make sure that decisions are made at the most appropriate level ;
- Decision making will be underpinned by transparency and the open sharing of information between all relevant parties subject to this MOU;
- There will continue to be clear accountability arrangements for services and public expenditure.
- HMT's Managing Public Money guidance on the use of public funds shall be followed. The importance of operating with regularity and propriety and the need for efficiency, economy, effectiveness and prudence in the administration of public resources, to secure value for public money need to be appreciated.

6 Scope

Based on the Fourth GM Devolution Deal, the scope will be segmented into key, constituent parts which will create Annexed MOUs as required and/or delivery plans based on agreed themes.

A road map will be developed by March 2017 for post April 2017, which sets out the key changes to be delivered by GM and its national partners, and specifically for the devolution or sharing of responsibilities and resources from the MoJ to GM in agreed phases of change. This will be supported by robust governance arrangements and a clear delivery plan. The programme of work will include consideration of the legislative framework and any future changes that may be required. Alignment with the CSR processes, where relevant may also need consideration.

Any changes to accountabilities and responsibilities for commissioning, transforming or delivering justice and rehabilitation services will be carefully evaluated, agreed with all relevant parties, and phased to achieve the benefits of devolution at the maximum speed consistent with safe transition and strong governance.

The MoJ will consider GM Justice Devolution implications and opportunities in relation to any new or additional justice and rehabilitation related programmes that become available during this period, in recognition of the GM Justice Devolution Agreement;

Where GM is expected to take on any new responsibilities, full consideration will be given to any associated funding, resources and accountability that may transfer, to the extent where there is such funding available, and acceptable transition arrangements will be put in place which will take into account the opportunities, risks and mitigation.

The key enablers of transformation may include changes to:

- Governance and regulation;
- Resources and Finance;
- Capital and Estate;
- Workforce;
- Communication and Engagement;
- Information sharing and systems, including the potential for digital integration across GM.

7 MOU Governance and Delivery

A single board named the **Integrated Justice Transition Board**, will provide assurance to the parties that the key objectives contained in this MOU are being met and that the programme is performing within the boundaries and principles set by this MoU. The Board will make sure that the transition from the current system architecture is managed effectively, ensuring that associated costs are minimised, risks are understood and managed and that appropriate governance and accountability is maintained. The Board will agree the key work-streams of the programme of work arising from this and any Annexed MOUs. The membership of the Board will be determined once this MOU is agreed and as part of programme development plans, to make sure that appropriate representation is in place.

Through the Integrated Justice Transition Board, the MoJ will establish agreed arrangements to enable them to provide a positive response to the requirements of the GM Justice and Rehabilitation Executive Board.

Governance Principles for the Integrated Justice Transition Board

- Provide strategic oversight and direction;
- Define governance parameters for the programme
- Be based on clearly defined roles and responsibilities at organisation, group and, where necessary, individual level;
- Align decision-making authority with the criticality of the decisions required;
- Provide coherent, timely and efficient decision-making in respect of the programme
- Reflect the key features of the wider programme governance arrangements set out in this MoU.
- Identify single points of contact and other potential parties to this MOU
- Operate as a virtual co-design group when required

Greater Manchester Justice and Rehabilitation Executive Board

The GM Justice and Rehabilitation Executive Board is confirmed as the body which will oversee the strategic development of GM Justice Devolution and will:

- Provide GM system-wide management to ensure the strategic priorities are achieved;
- Support locality plans to be strategically aligned
- Determine any allocations required of available investment funds;
- Co- commission and co-design GM-wide services.

The Police and Crime Commissioner's Office in conjunction with the Public Service Reform Team, will lead for GM and will be supported by partners to manage and deliver the programme on behalf of Greater Manchester, with appropriate staffing.

Ministry of Justice Governance

The MoJ will put in place appropriate governance arrangements and engage with wider Government for agreement and appropriate approval where required.

Delivery and Resources

A Programme Board or sub groups will be created as appropriate linked to either the Integrated Justice Transition Board or the GM Justice and Rehabilitation Executive Board to ensure the development of the specific work-streams and milestones. The Programme will need to be supported by resources in order to be delivered within the required time scales.

GM Locality Arrangements

During 2016/17 each GM area will agree a locality plan which accurately and fairly reflects the respective ambition, responsibilities and activity in their areas. Locality plans will be the focus for joining-up of justice and rehabilitative services to ensure a consistent approach, where appropriate, across GM. These plans will be a starting point to help deliver a GM implementation plan post April 2017 and ensure that local areas are engaged in the process.

Annex A the Fourth GM Devolution Deal - Justice

- The government and Greater Manchester have agreed that the role of Police and Crime Commissioner will be merged with that of the Mayor. Building on that agreement, the government has agreed to give further freedom and flexibility to Greater Manchester Combined Authority and the Office of the Police and Crime Commissioner:
- For the first time Greater Manchester will take on a greater role in the commissioning of offender management services, alongside the National Offender Management Service (NOMS), to allow more local flexibility, innovation and better coordination with other local services including healthcare and accommodation. This will include giving Greater Manchester greater influence over probation and the Manchester division of the Community Rehabilitation Company (CRC). To facilitate this, a Memorandum of Understanding will be in place from 1 April 2016 to support the process for collaborative working and set out the areas for further detailed work, leading to full implementation in April 2017.
- The government is giving greater autonomy to prison governors. One key aspect of this is education provision in prisons. Greater Manchester will work with the government, the CRC and local prison governors to link adult education and skills training provision in the community with education provision in prisons.
- The government will engage with the Greater Manchester Combined Authority on its agenda to create a modern prison estate including the potential for a new resettlement prison to serve the Greater Manchester area.
- The government, Youth Justice Board and Greater Manchester will work together to better align, commission and deliver services for youth offenders and, through the Youth Justice Review, develop plans for a more devolved youth justice system, including the creation of new models of secure schools for under 18s in the region. Greater Manchester will work to target local integration of youth support and, to facilitate this, will work with the government to consider how best to redesign non-custodial youth justice funding arrangements.
- In addition to the national reconfiguration of electronic monitoring currently underway the government and Greater Manchester will explore options for regional pilots of GPS and sobriety tagging to improve supervision of offenders in the Greater Manchester area and to aid rehabilitation.
- The government and Greater Manchester are committed to supporting the victims of crime. The government will allow PCC grant funding to be rolled forward to future years to help support transformation of services. It will also extend greater flexibility over victims' funding to Greater Manchester by working with the Greater Manchester PCC and the Mayor to revise the grant agreement and expand the interventions eligible for funding. These flexibilities will take effect no later than April 2017 and the government will work with Greater Manchester to explore ways to achieve it earlier.
- Greater Manchester will have a greater involvement in future plans for the local courts estate, supporting HM Courts and Tribunals Service (HMCTS) to consider

alternative ways to make local justice more efficient and effective, for example more innovative use of venues and testing of problem-solving court approaches.

- To join up the justice system, the government will work with Greater Manchester to consider options to devolve to the Greater Manchester Combined Authority the custody budgets attached to female offenders, young offenders, and those sentenced to fewer than two years in prison.
- The government supports the Justice and Rehabilitation Executive Board created by the interim Mayor to provide leadership of the local justice system and stronger performance oversight. This will allow Greater Manchester Combined Authority to better align their local health, education and accommodation services with agencies including the police, Crown Prosecution Service, HMCTS and probation to coordinate their services more effectively to drive rehabilitation and justice outcomes

Annex B: GM Justice Devolution Principles:

Co-Design: Co-design will be a fundamental part of the approach to justice devolution not a linear transfer of powers and risk. Devolution is not simply about ownership, but also about a mandate for change, visible leadership and the ability to bring partners together in the pursuit of shared outcomes. We seek mutual agreement for transformation of Criminal Justice Services to ensure that they integrate better in Greater Manchester.

Whole system approach: The biggest demand on the public sector can be the public sector. We have an ambition to take a view on the whole system around the whole person and their context. This needs to be a joint endeavour between government and places to join-up the justice system and remove silos and thresholds which are barriers to early intervention and prevention.

Understanding what works: devolution provides an opportunity for discussion and engagement with the MOJ about change. We need to examine where we are already demonstrating change and transformation and see what can be learnt and what we can further test. We have an ambition to establish a Justice and Rehabilitation Research and Evaluation Board to work with the Knowledge Economy, share data and information and have a smarter understanding of effectiveness and outcomes.

Local Priorities: We want to better understand organisational incentives /disincentives for partnership work and transformation.

Co-investment: We believe it is vital that we explore the appetite for Justice Reinvestment. This is not necessarily about a single transfer of funds but co-investment and shared risk and priorities.

Co-commissioning: Rather than a simple but limited discussion on powers, co-commissioning may require agencies to combine resources at a GM level for partnership projects, integrated working, innovation and transformation.

Local Autonomy: We need to explore how greater autonomy could be given to nationalised/regionalised agencies to work at a local level. For example, giving prison governors more direct autonomy over their singular institution should also be linked with a requirement to work with local places e.g. joining up offender learning and skills and local workforce and market place information.

Engagement beyond the CJS: Getting services to engage outside of their immediate sector is essential, particularly where issues that manifest themselves in the CJS are actually rooted in other causes, which cannot be solved by the CJS alone.

Capacity and capability: Accreditation processes, lack of capacity, risk aversion can all prevent creative approaches and innovation. All parties need the commitment and ability to deal with new and emerging threats such as child sexual exploitation.