1.1 PURPOSE OF REPORT

1.2 To provide an update on the refreshed Justice Devolution Memorandum of Understanding (MoU) with the Ministry Of Justice. The updated Memorandum builds on the GM Devolution Deal agreed in March 2016 and the development of public service reform principles in Greater Manchester. It demonstrates a progressive ambition and strong partnership, crafted in challenging times. The approach is informed by principles of co-design, co-production and co-commissioning with the ambition to improve outcomes and experiences for offenders, victims, witnesses and the communities and neighbourhoods in which they live.

2. RECOMMENDATIONS:

2.1 That the progress made towards the Justice Devolution refresh is noted and; that the MoU is acknowledged and accepted in anticipation the formal launch on 31st May.

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Risk Management – see paragraph 9.1
Legal Considerations – see paragraph 9.2
Financial Consequences – Revenue – see paragraph 9.3
3. Overview and background

3.1 The Ministry of Justice (MoJ) only started to explore potential Devolution Deals in 2016 and Greater Manchester was one of three areas to be involved at this time. GM were clear from the outset that the co-design and co-commissioning of services provide real opportunities for the MoJ and GM to work closely together, to ensure that justice and community provision are more effectively integrated. Because of the nature of the justice system – heavily centralised; judicial independence etc., the deal was not just about a linear transfer of power but focused on aligning services for better outcomes.

3.2 The former National Director of Commissioning and Contract Management for the National Offender Management Services (now Her Majesty’s Prison and Probation Service- HMPPS) requested a meeting with Greater Manchester in February 2016 and outlined the Department’s plans for prison reform.

3.3 It was agreed, following this meeting that GM sign a Memorandum of Understanding with the Ministry of Justice. These discussions culminated in a Justice Devolution announcement as part of the 2016 Budget.

3.4 The original Greater Manchester Justice Devolution MoU was signed on 7 July 2016. It included two annexes which set out specific detail agreed with the then Youth Justice Board and National Offender Management Service. The National Offender Management Service no longer exists and the Youth Justice Board is no longer responsible for relevant policy areas.

3.5 Given changes of Ministers, changes to MoJ structures including the Youth Justice Board and a deficit in the MoJ budget, it proved difficult to gain as much traction as hoped in many of the areas
concerned in the original MoU. Two specific and significant commitments – a Secure School and the rebuild of HMP Hindley as a Reform Prison- are still delayed and under discussion. Decisions will be made in due course, but are unlikely in the immediate future.

3.6 As the progress of the original MoU had effectively come to a halt, extensive discussions took place led by the Deputy Mayor to test robustly the appetite for Justice Devolution with the MoJ and to apply pressure to make the deal work so that this did not become a missed opportunity.

3.7 The Deputy Mayor wrote formally to the MoJ in March 2018 regarding refreshing and reinvigorating Greater Manchester’s Justice Devolution Deal. The Deputy Mayor then met with the MoJ Minister (as was) Philip Lee and the Director General, to test the appetite for continuing to pursue Justice Devolution. It was agreed that a renewed and reinvigorated approach should be established.

4. The Justice Devolution MoU Refresh

4.1 The new MoU which is governed through the GM Justice Devolution Governance Board, chaired by the Deputy Mayor and attended by CA and MoJ representatives.

4.2 There has been an extensive negotiation process and it is fair to say that despite the ever-changing justice landscape including Ministerial and structural changes, considerable progress has been made.

4.3 The refreshed MoU focuses on the four key priorities of the GM Justice and Rehabilitation Executive Board – the GM public service reform body Chaired by the Deputy Mayor which drives the Reducing Harm and Offending priority contained with the Police and Crime Plan -Standing Together. The MoU four priority areas are thus:

- **Youth Justice Transformation**: An integrated offer for Greater Manchester’s young people
- **Smarter Justice**: Taking a problem solving approach and using family centred principles
- **Reforming Adult Offender Management**: From conviction, to custody to resettlement and rehabilitation
- **Improving the Victim Journey**: Joining up the system to improve the quality of service and experience

4.4 The MoU has been drafted in a different style to the original MoU to move away from a legalistic type of approach, incorporate GM priorities and reflect the ongoing maturity of the public service reform principles in Greater Manchester.

4.5 The MoU embeds the Justice and Rehabilitation Executive Outcomes Framework and the shared priorities for devolution, that consider not just what can be obtained from government but what GM can also do.
4.6 It reemphasises that although the MoU is entitled as ‘devolution’, it is much more akin to a partnership arrangement due to both the highly centralised nature of the Ministry of Justice and the context in which the refresh has taken place. The Deputy Mayor is seeking further reassurance from the Minister so that future negotiations can be opened up as part of the upcoming Comprehensive Spending Review process and that parity of esteem is in place with other devolution agreements, to ensure that any offer made elsewhere is also made to GM for consideration.

4.7 It is significant that the MoJ have adopted GM’s Justice and Rehabilitation priorities, as it demonstrates a willingness to work with and within the GM model and structures.

5. Justice and Rehabilitation Developments

5.1 The Greater Manchester model of unified public services positions criminal justice services within a wider family of integrated public services, enabling the design of whole system solutions to often complex behaviours and problems. In order to achieve this, we have extensive programmes and a track record of delivery across the justice system, overseen by the Justice and Rehabilitation Executive, such as:

- Whole System Approach for Vulnerable & Marginalised women
- Restorative Justice commissioned services
- Intensive Community Orders for males on the cusp of custody aged 18-25
- Rape and Sexual Assault Integrated Improvement Plan
- Community Sentence Treatment Requirements
- Early intervention Support for GM Youth Justice Services
- Commissioned victim support services and GMP victim services co-ordinators based in each borough in public service hubs
- Home Office Youth Intervention Fund core programme for young people on the cusp of violence

5.2 Other enablers include the creation of a criminal justice performance dashboard to support targeted approaches; specialist analytics of key themes - youth justice, domestic abuse, rape and sexual assault etc.; the development strategic victim and offender needs assessments; alignment to the Health and Justice Board to ensure that integration takes place strategical across GM as well as within place.

5.3 The GM Health and Justice Board co-chaired by the Chief Officer of the Greater Manchester Health and Social Care Partnership and the Deputy Mayor, drives public policy and service delivery that specifically addresses the health, care and wider support needs of young people and adults in contact with the criminal justice system (offenders and victims), or those at risk of entering it or of reoffending.

5.4 The GM Health and Justice strategy seeks to develop a high-impact response that takes into account:

- individuals living in Greater Manchester communities (or returning from a detained/custodial setting) whose needs cut across health, social care and the criminal justice
system, typically people whose circumstances have led them to be marginalised and/or vulnerable

- services specifically designed to support the health, care and therapeutic needs of victims of crime or offenders e.g. the GM Women’s Partnership Alliance services for female offenders, the St Mary’s Hospital Sexual Assault and Referral Centre (SARC)
- usual health, social care and criminal justice provision and how vulnerable people with social, psychological and healthcare needs are identified, referred and supported in a more informed and integrated way
- the emerging unified public service model for Greater Manchester

5.5 The combination of the Justice and Rehabilitation Executive, which deals with the direct structure of the Criminal Justice System which the MoU is the subject of and; the development of the GM Health and Justice Strategy - demonstrates that this extensive programme of work places GM in a strong position for a partnership approach with the Ministry of Justice and to further push the boundaries of silo’d service provision.

6. Progress

6.1 Engagement between Greater Manchester and the MoJ is now embedded and well established. MoJ Devolution Delivery Leads are in place, reinforcing the MoJ’s desire to move forward with the refresh of the MoU and the delivery of the commitments made therein. The MoJ Local Criminal Partnerships and Service Design Division will continue to invest dedicated staff and senior manager resource to support this work over the term of the MoU.

6.2 Quarterly Justice Devolution Governance Boards oversee the work, plus there are weekly calls with specific programmes and monthly meetings to drive delivery.

6.3 The Deputy Mayor met with the Rt Hon Rory Stewart in December 2018 to discuss Justice Devolution and implications arising for the Probation Programme. There was a recognition that GM was at the vanguard of public service reform and that an integrated approach would be the optimum outcome.

6.4 The feedback from MoJ Ministers as they develop their own Devolution Strategy, is that Wales, GM and London (MOPAC) are the priority areas of focus for the MoJ. GM is seen as a place to do business and the principles contained within the MoU hopefully demonstrate the relevance of place as a locus of protective factors such as family, social networks and identity.

6.5 The overarching narrative in the MoU also refers to the GM Reform Investment Fund as a key feature in any future devolved co-commissioning funding opportunities, to ensure it links to the wider reform strategy. This will be linked to future Comprehensive Spending Review considerations.

7. Next Steps:

7.1 The new Justice Devolution MoU has now been approved by Senior Judiciary, Minister Argar and the Secretary of State and, is expected to run until March 2021. The MoU will be formally launched by Minister Argar on 31st May through a joint visit with the Deputy Mayor.
7.2 It has been agreed that finalisation should not prevent delivery and progress is being made in the spirit of the revised MoU, particularly in some areas such as the Probation Programme, where a commercial confidentiality agreement has been signed. This is demonstrated by the recent Ministry of Justice announcement relating to changes to the probation service model – ending the contracts for Community Rehabilitation Companies and unifying offender management –, which places Greater Manchester in an opportune position. The MoU has enabled us to start co-design discussions with the MoJ Probation Programme and through this process, GM will strive to embed the voluntary and community sector in the delivery of offender management interventions.

7.3 Once the commitments are ratified, a detailed delivery plan will be finalised and agreed which will serve as the mechanism to help drive outcomes and ensure progress.

8. Conclusion
8.1 This Memorandum of Understanding represents a refresh and re-invigoration of commitments between the GM Combined Authority and the Ministry of Justice, which support the principles of Greater Manchester public service reform.

8.2 It signals the delivery of justice outcomes as integral to the GMCA mission of unifying public services, for the benefit of the people of Greater Manchester.

8.3 The significant changes and challenges that have emerged since the original MoU, have impacted on the ability to strictly ‘devolve’ services but it is testament to the partnership that has been forged, that the MoJ recognizes the extensive delivery in GM. Subsequently, this MoU builds on previous agreements whilst recognising new challenges and opportunities whereby a broader approach, informed by principles of co-design, co-production and co-commissioning can improve outcomes and experiences for offenders, victims, witnesses and the communities and neighbourhoods in which they live.

9. Governance:
9.1 Risk Management: There is a risk that the same issues that have affected delivery of the original MoU are still part of the landscape, however a more robust governance arrangements are in place and there are tangible changes in some policy areas, which will be announced in due course.

9.2 Legal Considerations: As the MoU is a form of partnership agreement there are no legal risks for this version but legal advice may be sought for specific aspects of work as the commitment delivery plan is developed.

9.3 Financial Consequences – Revenue – Nil at this time but this will be reviewed via the delivery plan. The Justice and Rehabilitation Executive has a programme of work with financial commitments and these are governed through the CA Constitution.

9.4 Financial Consequences – Capital – Nil