

# **Memorandum of Understanding between the Greater Manchester Combined Authority and Ministry of Justice for the co-commissioning of rehabilitative and resettlement services**

## **The Greater Manchester Integrated Rehabilitative Services Programme**

Dated \_\_\_\_\_ June 2021

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## Review history

### Formal Review / Approval

Who / What	Version	Date
GM Offender Management Partnership Board	0.6	19/11/20
GM Justice and Rehabilitation Executive	0.7	3/12/20
GM IRS Steering Group	0.8	12/5/21

### Change history

Version	Reason for change	Author	Date
0.1	Initial draft	Alison Connelly	6 / 8/ 20
0.2	HMPPS edits	Janet Phillipson	11/09/20
0.3	GM edits		
0.4	HMPPS edits	Janet Phillipson	15/10/20
0.5	Further edits following 29/10/20 GMCA / HMPPS call	Chris Taylor	29/10/20
0.6	Edits following discussion on 6 <sup>th</sup> Nov	Alison Connelly	10/11/20
0.6a	Edits (MOJ/GLD)	Elliot Woodruff	17/11/20
0.7	Edits GMCA	Alison Connelly	27/11/20

## 1. Overview

The overriding purpose of this Memorandum of Understanding is to jointly agree an approach to the co-commissioning of, and/or co-investment in, rehabilitative and resettlement services by the Greater Manchester Combined Authority (GMCA) and the Ministry of Justice (MoJ). Her Majesty's Prison and Probation Service (HMPPS) and the National Probation Service (NPS) are the agencies of MoJ that will act on this MoU, and are the agencies referred to on behalf of MoJ through the remainder of this document.

This MoU aligns with the Justice Devolution MoU agreed with the Ministry of Justice in July 2019, which 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.

The Justice Devolution approach in Greater Manchester is recognised and allows for a different approach to be taken with Greater Manchester that may diverge from national or standard policy guidance and direction, where it provides an optimal outcome above and beyond minimum standards.

This MoU will set out a decision-making framework to enable co-commissioning and/or co-investment between the GMCA and NPS and set out the principles which any such co-commissioning or co-investment shall follow. This includes resource management, procurement and ongoing contract management of any co-commissioned services.

The parties to the MOU are in the first instance:

- National Probation Service
- HMPPS
- The GMCA

collectively, the Parties.

All the Parties agree to act in good faith to support the objectives and principles of this Memorandum of Understanding

## 2. The Memorandum of Understanding principles

This MoU will:

- Be iterative and flexible, dependent on the detailed work as it emerges;
- Require ratification through the parties' appropriate governance arrangements to provide transparency;
- Incorporate additional aspects where required and agreed
- Allow for the inclusion of other parties where there is a relevant relationship
- Make clear the governance process
- Provide a timeline of activity
- Be non-legally binding

The work to be undertaken together as a result of the Devolution Agreement and this MoU should be carried out in a spirit of cooperation in order to achieve the shared aim of reducing reoffending and delivering public services effectively and efficiently.

Each organisation will share information as openly as possible and make decisions as transparently as possible. Each organisation will be responsible for its own due diligence and assurance activity.

### **3. Principles of co-commissioning and co-investment**

The following principles should govern decisions to co-commission or co-invest in services and the implementation of any such decisions:

- For each co-commissioned service one party will be the formal lead commissioner, contracting party and lead contract manager (likely to be determined by a combination of factors, including financial contribution, available resources and expertise).
- The lead commissioner will be responsible for ensuring that any public procurement policy obligations are met (e.g. Social Value Act).
- The lead commissioner will be responsible for enforcing the terms of the contract, though there will be shared oversight of supplier performance (e.g. through a contract management forum attended by representatives of both GMCA and HMPPS / NPS)
- The Parties must agree the service specification and any supporting requirements (e.g. re performance, payment, IT, staff, estates etc), noting that some minimum standards are being requested by both GMCA and HMPPS/NPS
- The parties must agree key commercial terms (including contract duration, any extension options, performance measurement etc.); these terms will be based on the prevailing best practice in HMG.
- Both parties should have a role in the evaluation (including setting evaluation criteria) and the decision to award any contracts.
- Both parties will need to ensure their internal governance and financial management requirements can be satisfied.
- An ISA will be put in place to allow for the sharing of aggregate and personal identifiable information.

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 consistent with safe transition and strong governance.

### **4. Context**

#### **HMPPS**

The HMPPS Probation Reform Programme has created a new regional structure for NPS including a specific region of Greater Manchester to align with the GMCA area and facilitate co-commissioning. The Programme has also set up a Dynamic Framework to commission rehabilitation and resettlement services for the delivery of court-ordered sentence requirements. NPS can commission through the Framework, but so can other commissioners e.g. PCCs, either alone or jointly with NPS or other commissioners. Note that where other commissioners are procuring using the Framework further agreement on systems access to the (electronic) Framework and other matters may be required. Equally, NPS can co-commission using partner commissioners' procurement routes.

HMPPS proposes to commission rehabilitative and resettlement services to ensure sentence delivery options are available which meet the needs of service users and court-ordered

sentencing requirements, using standard national specifications to be in place for 'Day One' of the unified probation model (i.e. when the Community Rehabilitation Company ('CRC') contracts end) – 26 June 2021.

These core needs are based on HMPPS data and therefore reflect common needs, which exist at a national level (albeit potentially to different degrees and requiring different solutions locally).

The services being funded by HMPPS for Day One are:

- Accommodation
- Education, Training, Employment
- Finance, Benefits, Debt
- Dependency and Recovery
- Personal Wellbeing (made up of the following categories; Lifestyle & Associates, Emotional Wellbeing, Family & Significant Others, Social Inclusion)
- Women's Services (which cover all the needs identified above, in one package)

For most areas of England and Wales, these services will be commissioned via the HMPPS Dynamic Framework. However, through this MoU, an alternative co-commissioning route is being developed.

### **Greater Manchester Combined Authority**

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. It also understands the relevance of place as a locus of protective factors such as family, social networks and identity. For the purposes of this MoU, Public Service Reform principles have been identified to assist in the design and delivery of rehabilitative and resettlement services. These principles have been created with the presumption THAT:

- We should have core GM standards in place to avoid fragmented delivery, improve support for the individuals and make the provision responsive to the Probation Practitioner. This may also involve consideration of a single or 'umbrella' type of provider to ensure single points of contact and the increased alignment of services.
- We understand where good provision already exists that we consider bolstering services where applicable, subject to procurement requirements
- The skills and approach of staff providing rehabilitative support should be to work dynamically with the individual and their families, addressing a range of needs and, that they identify specialist provision when needed.
- We do not place an emphasis on large outsourcing of provision but instead explore local provision which is more closely integrated with and responsive to activity and needs.
- The actual provision of rehabilitative support services will be provided in close proximity/ integrated with, both statutory probation services and/or local services for those with complex needs.

The GMCA has established governance and financial controls for the Combined Authority and joint commissioners, underpinned by a devolution agreement with the Ministry of Justice.

The GMCA is conducting its own local needs assessment including a Call for Evidence based on the HMPPS Lots/pathways. In order to ensure that GM is in an optimal position to fully engage with the decisions required to co-commission/co-invest, work has started to create virtual work

streams. Terms of reference have been developed for the Lot work streams and where relevant, these are aligned to existing GMCA groups and structures.

## 5. Key Decisions and Requirements

Through this MoU, the GMCA, HMPPS and NPS will consider how best to co-commission rehabilitative and resettlement services, including but not limited to those that HMPPS has identified are required to meet core needs as set out in section 4.

This MoU provides structure and governance principles to help guide key decisions. The GMCA, HMPPS and NPS will need to consider the key enablers of commissioning and will include decisions regarding:

- Governance and regulation;
- Resources and finance;
- Capital and estate;
- Workforce including TUPE considerations;
- Communication and engagement;
- Information sharing and systems, including the potential for digital integration; and
- Impact on the market and VCSEs.

HMPPS/NPS have various requirements which need to be met as part of any funding of services. These are included within the Dynamic Framework and will similarly need to be included in any alternative co-commissioned contracts. These include, but are not limited to:

1. The key services within the HMPPS Dynamic Framework service specifications need to be delivered to any service users referred by NPS in accordance with eligibility criteria.
2. Services must be enforceable i.e. if service users do not attend appointments, this can lead to breach or recall proceedings; therefore service providers need to agree to record and share information for this purpose.
3. Providers need to record and share all necessary case information on the HMPPS digital solution.
4. Providers need to meet HMPPS security requirements.
5. Providers need to be made aware of and accept staff transfer and vetting requirements.
6. HMPPS and Her Majesty's Inspectorate of Probation (HMIP) need audit and inspection rights.
7. Any procurement processes run by the lead contracting authority must comply with the Procurement Contracts Regulations 2015

Overall, HMPPS/NPS will require assurance, though the arrangement described in this Memorandum of Understanding, that their cohorts are provided for and needs are met and that appropriate governance and financial controls are in place.

This MoU for GMCA purposes will operate under and according to the GMCA constitution with particular relevance to:

- The GMCA Scheme of Delegation
- Part 6 Financial Protocols and
- Part 9 Police and Crime Commissioner Functions

This MoU and delivery of the devolved approach to commissioning rehabilitative and resettlement services, will also be subject to the GMCA Internal Audit requirements, as per the GMCA constitution.

In addition, the GMCA has established Commissioning Principles which include:

- Having a personalised, collaborative approach focused on prevention;

- Having meaningful and ongoing relationships with people, placing them at the centre of everything it does;
- Sharing resources and pooling budgets across public services and funding streams to achieve the best outcomes for people and communities;
- Utilising the new probation model in such a way as to ensure that measurement, data and evaluation are used primarily for the purpose of learning and achieving outcomes for individuals
- We consider maximising social value to be a mandatory part of commissioning and much more than a requirement or an add-on to the commissioning process; it is a core component embedded across all parts of commissioning activity.
- Embedding the importance of the VCSE sector [?] in everything the GMCA does.

***Additional requirements and alignment:*** there may be activity outside of the scope of Integrated Rehabilitative Services (i.e. the services that HMPPS is procuring via the Dynamic Framework in the other 11 Probation Service regions) that will be included as part of these MoU arrangements to support alignment of services and funding and to utilise existing governance approaches. If there is mutual agreement these will be signed off by the GM IRS Steering Group and the GM Justice and Rehabilitative Executive and then added as an Annex to this MoU. In addition, it should not be forgotten that there is an existing overarching Justice Devolution MoU which supports broad collaborative approach to co-designing; co-investing and co-commissioning services.

## **6. Governance**

### **Joint Governance**

A Steering Group consisting of relevant parties to this MoU, will meet on a fortnightly basis in the first instance and will:

- 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;
- Provide coherent, timely and efficient decision-making in respect of the programme;
- Ensure financial accountability is clearly defined and shared as agreed;
- Reflect the key features of the wider programme governance arrangements set out in this MoU;
- Act as a point of escalation to resolve issues or questions escalated by working groups

An Internal HMPPS Delivery Board will sit to support the Steering Group and will:

- Identify single points of contact and other potential parties to the delivery of services
- Operate as a virtual delivery group when required to assist with issues arising;
- Provide advice on delivery mechanisms for co-commissioned services;
- Review procurement documentation where GMCA are the procuring party;
- Agree IP ownership rights and other legal, commercial and technical requirements

A Joint Core Group will meet fortnightly with service areas leads to update on procurement progress and design and delivery requirements

The joint meetings with the GM Deputy Mayor and Probation Director General will provide an escalation route for any disputes or significant concerns, should this be required.



## **GMCA Governance**

Attached at Annex A is a schematic of the GMCA governance boards for the purposes of this MoU. GM has developed a Criminal Justice Outcomes Framework where the responsibility and ambition to deliver effective rehabilitation and resettlement services sits.

The Deputy Mayor is the accountable party and the GM Justice and Rehabilitation Executive Board is confirmed as the accountable body which will oversee the strategic development of the GM approach and will provide:

- Provide GM system-wide management to ensure the strategic priorities are achieved;
- Support plans to be strategically aligned
- Determine any allocations required of available investment funds;

The Greater Manchester Justice and Rehabilitation Executive will have the final say on the GM aspects of this MoU and the Terms of Reference will be amended accordingly.

The GM Offender Management Partnership Board will provide assurance to the Executive that the key objectives contained in this MOU are being met and that the work is performing within the boundaries and principles set by this MoU.

The Board will agree the key work-streams of the programme of work arising. The Core Group will be responsible for ensure that the work-streams are delivering and co-ordinated.

## **HMPPS / NPS Governance**

The NPS Regional Director for Greater Manchester is ultimately accountable for the delivery of rehabilitative and resettlement services to probation service users in Greater Manchester.

In line with the above, the Regional Probation Director will assign responsibility to the NPS Head of Community Integration to work in partnership with the GMCA to deliver, monitor and manage contracted services. The Head of Community Integration in turn will delegate responsibility to contract management and partnership staff in their line to work with GMCA officers and providers to successfully deliver services.

The performance of NPS staff in relation to the use of these services will be managed alongside other staff performance within the GM Operational Board chaired by the Head of Operations. Provider performance and outcomes linked to reducing reoffending will be managed within the Offender Management Partnership Board, co-chaired by the Regional Probation Director alongside Greater Manchester Police and reporting into the Justice and Rehabilitation Executive chaired by the Deputy Mayor. Provider and outcome performance will also be subject internal NPS scrutiny at senior level as appropriate.

Escalation of issues within NPS such as provision of additional funding will be made by the Regional Probation Director to the Chief Probation Officer for consideration within NPS Higher Leadership team.

## **7. Parties**

The following shall be GM IRS Steering Group Identified Parties:

GM:

- CA CJS Principal

HMPPS:

- Deputy Director, Probation Reform Programme

NPS:

- GM Regional Probation Director
- GM Head of Integrated Community Services

**8. Timescales**

10.1 This MoU shall remain in full force and effect until (i) it is terminated; or (ii) it is replaced by a refreshed MoU; or (iii) when there are no co-commissioning services being delivered under it, and no plans to implement new services.

10.5 Either of the Parties to this MoU may terminate this MoU for convenience upon giving 6 months' notice to the other Party.

For the avoidance of doubt, any contracts entered into by the Parties pursuant to and under the auspices of this MoU shall continue to be governed and/or managed in accordance with the terms and the spirit of this MoU until such time as they expire or are otherwise terminated.

This MEMORANDUM OF UNDERSTANDING has been duly executed by the Parties on the date which appears at the head of its page 1.

SIGNED for and on behalf of the SECRETARY OF STATE FOR JUSTICE (MoJ)	SIGNED for and on behalf of the GREATER MANCHESTER COMBINED AUTHORITY
..... Signature	..... Signature
..... Name (block capitals)	..... Name (block capitals)
..... Position	..... Position
..... Date	..... Date

To be Annexed:  
Governance Structure Diagram  
GM Programme Plan  
Infosec standards

Annex A: