

MAYOR OF LONDON

OFFICE FOR POLICING AND CRIME



Working Towards Justice Devolution to London

**Memorandum of Understanding
Between the Mayor's Office for Policing and Crime,
the Ministry of Justice and London Councils**

March 2018

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1. Purpose

The overriding purpose of this Memorandum of Understanding (MoU) is to jointly identify how devolution can facilitate a transformation in criminal justice outcomes for Londoners, including a reduction in reoffending and repeat victimisation.

The Mayor believes that the currently centralised and siloed model of criminal justice does not serve London's needs: that a joined-up approach is required to reduce reoffending by persistent, female, and young offenders, and in order to provide a better, more seamless set of services to victims and witnesses. The Mayor's Office for Policing and Crime (MOPAC) is committed to being an early adopter and a test bed for innovative approaches of delivering new models of offender management and support to victims and witnesses.

London boroughs are also keen to see a more joined-up, integrated approach to the delivery of criminal justice services across the capital. Greater integration, anchored by locally accountable delivery has the potential to deliver a range of benefits for local communities and improve public safety.

The Ministry of Justice (MoJ) reaffirms its commitment to improving local integration and delivering a more devolved system that meets the needs of Londoners, whilst also recognising the needs of the national system. This document represents a first step in that process of change.

To facilitate a more integrated approach in the way justice services are delivered in London, this MoU creates a transparent framework for:

- achieving co-design, co-investment and co-commissioning between MoJ, London Councils and MOPAC with respect to the management of offenders
- developing a plan to test devolution of agreed and specified justice responsibilities where the case is compelling

This MoU sets out the initial process for collaborative working which can happen immediately and identifies the areas for further development leading to implementation from March 2019.

1.1 Mandate

The Mayor has stated his ambition for London: to establish a criminal justice service that reduces the most harmful and costly offending and breaks the link between deprivation, vulnerability and involvement in crime. To that end, he is committed to working with the MoJ and London Councils to join up local services, with agencies working together towards an agreed set of outcomes that meet the specific needs of London.

In order to explore opportunities to realise this vision, the Chancellor announced in the Spring Budget 2017 that there would be a Memorandum of Understanding on further devolution to London including a joint commitment to work towards the devolution of some elements of the criminal justice system from central government to the Mayor of London. The specific wording stated:

The government will work with the Mayor, the Mayor's Office for Policing and Crime (MOPAC) and the boroughs to improve the quality of criminal justice service delivery and enable more effective criminal justice outcomes for London. We will work together to:

- *develop a shared view of the benefits and better outcomes in London that could be delivered by the devolution of criminal justice services, agreeing aligned priorities for criminal justice service delivery in London; and*
- *Identify the criminal justice services that can best be delivered locally to provide better integrated delivery of services in London (where appropriate), to complement, enhance and support national reform programmes, in line with national frameworks and standards.*

It is on this basis that the Lord Chancellor, the Mayor, the MoJ, MOPAC, London boroughs (represented by London Councils for the purpose of this MoU), and partners have developed this MoU.

1.2 Rationale

There are two main drivers for justice devolution. First, the reality of rising complex demand and scarce and fragmented budgets makes devolution a potential answer to finally tackling high rates of reoffending and repeat victimisation. Spending on criminal justice in London is significant, estimated at £3.3bn per annum across at least 14 different organisations at a national, regional and local level¹. Currently, however, decisions are taken at an agency rather than a system level, meaning there are inevitable inconsistencies, inefficiencies and duplications in how the funding is allocated for delivery. Services need to be joined up as far as possible around people and places, rather than merely around institutions.

Second, the reality of the Mayor's role, which encompasses not only accountability for police performance, but also the reduction of crime, cannot be delivered by oversight of the police alone. To successfully deliver a reduction of crime, the Mayor has said he must have the powers and funding to be able to improve and join up the different services that make

¹ McKinsey, Joint costing project: Criminal justice system in London, July 2015

up the justice system in London, including services for victims and witnesses and the management of offenders (both young offenders and adults).

The Mayor, through MOPAC, already has formal oversight of the Metropolitan Police Service (MPS), including setting its annual budget and ownership of its assets. The MPS alone accounts for £1.6bn or 48% of the £3.3bn estimated annual spend across the criminal justice system². MOPAC also operates a substantial commissioning budget of £40m per annum³, working in partnership with statutory and non-statutory services supporting victims, managing offenders and safeguarding. MOPAC has well developed relationships with key London partners, including London boroughs, providing the necessary framework to take forward commitments. As an organisation, MOPAC also has the knowledge, experience and infrastructure to administer further devolved powers and budgets and extend its oversight role to the criminal justice system as a whole.

1.3 Principles of collaboration

The parties to this agreement include the MoJ, MOPAC and London Councils (on behalf of London boroughs).

This MoU is intended to provide a starting point and framework for future programmes of work delivering collaboration and devolution in the criminal justice system in London. Whilst there is agreement between parties to deliver on the specific commitments laid out, there is also an overarching agreement to ensure future policy decisions will be cognisant of commitments made in this MoU. The Mayor and, where appropriate, the London Crime Reduction Board will be consulted and/or informed at the earliest opportunity on decisions relating to the configuration of the prisons and courts estate in London and future commissioning decisions about offender management services in London.

The parties agree to carry out their responsibilities under this agreement and related matters in line with the following principles:

- **Collaboration and co-operation** - Actively involve parties in the decision making processes relevant to this agreement and adhere to the governance structure set out in this MoU. Where new opportunities arise which are beyond the scope of this document, proactively engage parties in their development.
- **Accountability** - Parties are accountable to each other for the performance of their respective roles and responsibilities under this MoU. Parties must alert each other as soon as practicable to significant developments within their areas of responsibility

² McKinsey, Joint costing project: Criminal justice system in London, July 2015

³ MOPAC, The Greater London Authority Consolidated Budget and Component Budgets for 2017-18, March 2017

that may impact on the related activities of the other or the ability to deliver on the commitments in this MoU.

- **Transparency and confidence** – Parties will communicate openly about risks, issues and opportunities, with the confidence that information shared on a trusted basis will not be shared further or used inappropriately. Parties will not unduly withhold or delay the provision of information necessary to deliver the objectives of this MoU. Parties undertake to use any information provided under these arrangements for the sole purpose of discharging their responsibilities under this MoU.
- **Sufficient resources, capacity and capability** – Parties will ensure there are sufficient, appropriately qualified resources made available to fulfil the responsibilities set out in this MoU. The MoJ and MOPAC will actively seek to share resources and capability where possible, including the devolvement of budgets where this is required to deliver the commitments.
- **Act in good faith** – Parties will undertake shared work with the intention of achieving the commitments under this agreement. While each organisation will have primary regard to the achievement of their own objectives, wherever possible each will endeavour to undertake these in a way that enhances the outcomes for both organisations, and minimises any detrimental effects.

This document is not legally binding and does not grant any party to this agreement the authority to act on behalf of the other.

2. The London context

2.1 Objectives

The parties to this MoU commit to jointly identifying the benefits of justice devolution, both in terms of improved outcomes and future cash savings. They share the following overall aims:

- To reduce repeat victimisation and improve services for victims
- To reduce reoffending

The devolution and integration of criminal justice services as outlined in this document has the potential to assist with:

- joining up services that support victims and witnesses of crime to create a newly integrated service, designed around the needs of victims and witnesses, rather than the requirement of different agencies;
- pooling of criminal justice resources, enabling a shift in investment upstream from enforcement to prevention and early intervention;
- developing robust community sentence options, which have the confidence of judges and the public and thus contribute to reducing incarceration for lower risk offenders;
- moving justice and resettlement closer to home where possible;
- ensuring the CJS connects people to employment, skills and learning and improving the continuity of care from custody into the community;
- providing holistic services to young people at risk of offending, young offenders, and young adults in transition from the youth justice system to the adult service, that address the root causes of offending behaviour, whilst ensuring justice continues to be served;
- addressing the disproportionate representation of certain groups (such as Black, Asian and Minority Ethnic groups and care leavers) within the criminal justice system.

2.2 Demand within London

The demand on London's criminal justice service is immense with a scale, complexity and cost which far outweighs other large metropolitan areas in the country. There were more than 820,000 crimes recorded in London over the last year⁴. The most recent national data shows that crime in the MPS area equates to 17% of recorded crime in England and Wales⁵. London also accounts for almost 20% of offenders and reoffenders, at 76,000 and 19,000

⁴ MPS, Crime Data Dashboard, January 2018, met.police.uk/stats-and-data/crime-data-dashboard

⁵ Office for National Statistics, Crime in England and Wales: year ending June 2017, October 2017

respectively⁶. It has a prison population accounting for a similar proportion but which is spread across 40 institutions nationally. London's offenders are also spread across 32 boroughs each with different needs, challenges and levels of provision. Reoffending costs £2.2bn in criminal justice costs alone⁷.

Crime and the impact of crime is not felt equally across London; with the most vulnerable wards having three times as many victims of burglary, robbery and sexual offences than the least vulnerable wards⁸.

Yet despite the scale and depth of this demand, criminal justice services are not fully tailored to London's needs. Moreover, justice outcomes in the capital are amongst the worst in the country. These issues have become more acute in the wake of the significant budget challenges that all agencies have faced in recent years.

2.3 Specific challenges

There are a number of areas where the current model of criminal justice is leading to unintended, negative outcomes for Londoners, for example:

- Many of London's young offenders and young adult offenders locked up in large establishments far away from home, which impacts resettlement and undermines continuity of services. For example, there are currently 290 young Londoners in prison, however over half are being held outside of London (152)⁹.
- Young adults are a particular challenge where there is a lack of tailored policy and funding to improve outcomes, with the proven reoffending rate for 18-24 year olds being stubbornly higher than the overall adult reoffending rate (31.5% compared to 23.5%). The proven reoffending rate is higher still for young adults leaving custody - 41.9%¹⁰.
- Young people from Black, Asian and Minority Ethnic backgrounds are disproportionately represented in the criminal justice system as both victims and offenders, particularly within the youth justice system where the proportion of first

⁶ MoJ, Proven reoffending statistics, updated October 2017, gov.uk/government/collections/proven-reoffending-statistics

⁷ McKinsey, Joint costing project: Criminal justice system in London, July 2015

⁸ MOPAC, London Landscape, data.london.gov.uk/londonlandscape

⁹ MoJ and YJB, Youth Custody Data: November 2017, gov.uk/government/statistics/youth-custody-data

¹⁰ MoJ, Proven reoffending statistics, updated October 2017, gov.uk/government/collections/proven-reoffending-statistics

time entrants to the YJS and reoffenders from BAME communities are rising in the context of reductions in overall numbers¹¹.

- Female offenders in London are more likely to be sentenced to short-term prison sentences, compared to other large metropolitan areas in the country¹². Short prison sentences are shown to be disruptive to the lives of women and their dependants, and less effective than community sentences for addressing offending behaviour. The closure of Holloway Prison means that female offenders sentenced to custody are now all held in prisons outside of London.
- There has been a significant decrease in the use of community sentences designed to effectively reduce reoffending, with 25% less community sentences nationally since 2004¹³. This needs to be addressed in light of prison capacity, the lack of judiciary confidence in community sentences and high reoffending rates.
- London's prisons are overcrowded and have rising rates of violence and self harm¹⁴¹⁵. Education and health provision in prisons is not fully integrated with provision in the community, and immediate concerns over safety and security are overshadowing longer term issues such as ensuring effective through the gate provision.
- London probation performs below the national average for the majority of measures¹⁶ and although the most recent inspections show an improving picture, significant concerns over public protection have been raised in a number of inspection reports. The terms of the current Community Rehabilitation Company (CRC) contract are fixed nationally, meaning there is little flexibility to tailor services to London's distinctive needs and trial new approaches.
- Currently the Court Witness Service is commissioned nationally and in isolation to victim support services commissioned in London. Victims have multiple points of contact which can cause confusion and re-traumatisation.

¹¹ This is national data taken from The Lammy Review: September 2017

¹² MoJ, Criminal justice system statistics quarterly: December 2015, May 2016, gov.uk/government/statistics/criminal-justice-system-statistics-quarterly-december-2015

¹³ Phil Bowen, Community sentences across borders, Centre for Justice Innovation, October 2017

¹⁴ MoJ, Assaults in prison custody 2000 to 2016, October 2017

¹⁵ MoJ, Self-harm in prison custody 2004 to 2016, October 2017

¹⁶ MoJ and HMPPS, Community Rehabilitation Companies tables, July 2017

3. Working towards greater devolution of criminal justice services to London

3.1 Our common understanding of devolution

For the purposes of this memorandum, devolution in this context includes a spectrum of reforms from co-design, co-investment and co-commissioning at one end, to the potential for the full transfer of powers and responsibilities at the other. See appendix 1 for detailed definitions of these terms.

3.2 This Memorandum of Understanding

This MoU focuses on the elements of devolution, transformation and co-commissioning relating to the relationship between the MoJ, MOPAC and London Councils. 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 London Justice Devolution Board;
- Recognise that some outcomes, such as full devolution, may require legislation, and enable this where possible;
- Allow for the inclusion of other parties where there is a relevant relationship to the devolution agreement. For example, a future version of the MoU may include HM Treasury, the Home Office and Department of Health, as these departments also have a significant role within criminal justice services.

3.3 General commitments of this MoU

The parties to this agreement make the following general commitments:

- All decisions about London justice devolution will be (a) focused on the interests and outcomes for people in London, and (b) taken collaboratively with the Mayor and London Councils

- Future central government funding decisions will, where relevant, be cognisant of this MoU and London government will be consulted at the earliest possible stage
- MOPAC, London Councils and MoJ 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
- MOPAC will have the support of HMCTS in identifying opportunities for innovation to improve the efficiency and effectiveness of local justice.

4. Key priorities and commitments for London

In order to address the challenges outlined above, the following priority areas have been identified as requiring a more joined-up approach to improve the outcomes of London's Criminal Justice Service (CJS). The priority areas broadly fall under the following headings:

- i. Victims and witnesses
- ii. Reducing reoffending
 - Offender management
 - Robust community sentence options, including greater use of electronic monitoring
- iii. A new approach to managing vulnerable cohorts
 - Female offenders
 - Young offenders and the transition to the adult system
- iv. Financial devolution

Across these four areas, the speed, scope and depth of devolution proposed will vary, depending on:

1. The national fiscal and policy context. For example, the evolution of the MoJ's 'Transforming Rehabilitation' programme will have a material impact on any reforms to commissioning of offender management proposed in London
2. Readiness and capability of services and institutions to adopt new commissioning arrangements
3. The level of risk, for example, arising from a lack of data/information about the impact of existing funding, commissioning and contracting arrangements

4.1 Victims and witnesses

The Mayor is committed to reducing repeat victimisation and to substantially improving the experience of victims and witnesses through the criminal justice system - from the point a crime is reported to the criminal conviction and beyond. The Mayor's ambition is to establish an integrated and end-to-end service for victims and witnesses in London, enabling victims to be assessed once (rather than several times), receive care and support from a single person (rather than being passed between agencies) and have consistency in terms of information communicated.

Key commitments

- MoJ to devolve the pre-trial and outreach support for witnesses in London by April 2019, and to work with London Councils and MOPAC to improve the provision of support and delivering entitlements for victims and other witnesses through the court process more widely.
- MOPAC, London Councils and MoJ will cooperate on developing an integrated service delivery model for victims and witnesses in London and improving their experience of the CJS, exploring opportunities for further devolution.
- MoJ and MOPAC to work towards agreeing multiyear funding arrangements.
- MOPAC, London Councils and MoJ to conduct work on aligning the development and funding of services to support victims of sexual violence.
- MOPAC, London Councils and MoJ will work together to use the findings from the MOPAC-commissioned review of compliance with the Victims' Code of Practice and the provision of victim services in London to improve accountability, including compliance, and to inform local, regional and national policy and commissioning.
- MoJ, MOPAC and London Councils to engage with NHS England, to work collectively to improve the referral pathways for statutory and VCSE (voluntary, community and social enterprise) providers and for victims in need of psychosocial interventions, building on national cross government work already taking place.
- MoJ, London Councils and MOPAC to collaborate on developing the response to victims of terrorism and other major incidents that resulting in mass victimisation in London.

The commitments in this MoU will need to take account of/be aligned to ongoing work commissioned by MOPAC and central government, including:

- a London review of compliance with the Victims' Code of Practice
- a strategic needs assessment of victims in London
- the cross-government national victims' strategy
- the sexual violence needs assessment/triage pilot in London
- A deep dive into rape cases

4.2 Reducing Reoffending

Re-offending rates in London remain stubbornly high, with 24% of all offenders reoffending within a year of ending their sentence¹⁷. In light of this re-offending rate and the recent upsurge in violent crime, the management of offenders in London must improve.

¹⁷ MOPAC, Police and Crime Plan, March 2017

Re-offending in London currently costs the criminal justice service approximately £2.2billion a year¹⁸. London also has more offenders and re-offenders than any other region with approximately 75,000 offenders and 17,000 re-offenders, accounting for around 19% of all offenders in the country¹⁹.

Adult offender management

The Mayor is committed to taking on a greater role in the commissioning of offender management services as soon as is feasible, whilst noting the practical challenges thrown up by the current structuring and commissioning of probation, following national changes introduced in 2014. This will involve working alongside prison and probation services, to improve standards, but also to enable services to be more flexible, innovative and better coordinated with other local services, including healthcare and accommodation.

Key commitments

- In order to reduce reoffending, MoJ and MOPAC to explore the most viable options for giving London greater influence over probation services including:
 - full transparency (where legally and commercially possible) on performance information and resourcing relating to the CRC to enable agreement on priority areas for service improvement.
 - delivery of a joint review of probation services in London.
 - co-design of future arrangements for probation delivery in London, with the aim of introducing a more devolved commissioning model following completion of the current London CRC contract in 2022. This will include options for co-commissioning interventions and other services.
 - a new 'Through the Gate Prison Pathfinder' pilot to explore how improvements could be made to existing contractual and commissioning arrangements. This will include testing co-commissioning of 'Through the Gate' services within prison and the community, by MOPAC and the CRC.
 - to explore opportunities for better and more integrated ways of commissioning offender support services and interventions, in particular for NPS offenders.
- MoJ, MOPAC and London Councils to work with prison governors and the CRC to explore how devolution can facilitate greater continuity between provision in prisons and provision in the community, including but not limited to:

¹⁸ MOPAC, Police and Crime Plan 2017-2021, March 2017

¹⁹ MoJ, Proven reoffending statistics, updated October 2017, gov.uk/government/collections/proven-reoffending-statistics

- Offender education: exploring options for linking adult education and skills training provision in the community with education provision in prisons
- Offender health (including mental health): Exploring options for co-commissioning and further devolution of offender health services.
- Greater transparency (where practical and commercially possible) relating to budgets, performance and financial information with regard to current contracts and commissioned services held by MOPAC and the MoJ, including probation and prison spend.

Robust community sentence options

The Mayor believes that a critical success factor in reducing the harm caused by reoffending will be the ability for London to co-design and co-commission a broader range of credible alternatives to custody than those currently on offer to sentencers, particularly given the failure of current sentences to deter and rehabilitate perpetrators of violence. There will continue to be a group of offenders who need to be in prison due to the seriousness of their offences and the risk of harm they pose however there need to be effective non-custodial sentences available for offenders who can be safely managed in the community.

MOPAC can draw on a strong track record of delivering innovative pilots in this area, including the Alcohol Abstinence Monitoring Requirement programme and GPS tagging for persistent offenders. Both of these programmes have seen MOPAC successfully work with the judiciary and probation services to introduce and embed a new sentencing requirement designed to reduce reoffending, highlighting the benefits of devolution. However, the current structure, with nationally run commissioning arrangements, restricts long-term planning within London and puts local funding at risk.

The Mayor is committed to reviewing the use of community sentences in London to ensure that the right interventions are available to sentencers to reduce the risk of reoffending. In addition there is a need to improve compliance with community orders, including through the further use of electronic monitoring, introducing new innovative tagging-based interventions where possible.

Key commitments

The MoJ and MOPAC will:

- consider opportunities to co-commission and better integrate services for the most complex, violent and persistent offenders, as well as those found to be carrying a knife for the first time.
- complete a London review to identify the reasons for declining use of existing community sentencing options such as accredited programmes and electronic

monitoring, and options developed for a pan-London approach to improve use. This will include the development of a specific community intervention targeted at addressing knife crime.

- develop a London strategy to make most effective use of electronic monitoring (EM), which:
 - provides a shared understanding of how EM is currently being used in London (including volumes, targeting, processes and impact);
 - Outlines the key aims and intended outcomes of the use of EM in London; including for key groups such as violent offenders, female offenders and persistent offenders;
 - commits MOPAC and MoJ to work collaboratively on effective use of established and new electronic monitoring technologies to support the strategic aim of both organisations to reduce the harm caused by reoffending in London, including specific testing of new arrangements in London;
 - evaluates the impact of current pilots and considers how to ensure sustainability of those that have had a positive impact as well as explores the potential for new pilots within a wider delivery landscape;
 - recognising the national contractual delivery model, considers options (including implications on resourcing) for local contractual flexibilities (e.g. different service levels) to achieve the aims and intended outcomes of the EM strategy
 - considers testing more local commissioning approaches for EM in London to support future decision making beyond 2022 and the national contractual timeframes
 - Continues to test use of GPS tagging for persistent offenders until at least March 2019, and considers new opportunities to target other cohorts of offenders such as those convicted of a knife crime who are released on prison licence.

4.3 A new approach to managing vulnerable cohorts

There is a significant body of evidence that the criminal justice system lets down a number of specific cohorts with distinctive needs/ challenges within London, and who are disproportionately represented within the criminal justice system. This MoU focuses on two specific cohorts:

1. London's female offenders who, despite being more likely to be sent to prison are less likely to be able to access gender specific services than in other parts of the country. The recent closure of HMP Holloway has exacerbated this gap in provision, whilst complicating commissioning arrangements
2. London's young and young adult (18-25) offenders, where existing funding and commissioning arrangements mean there is a lack of consistency in service quality, a disconnection with safeguarding services and too many young people incarcerated in large establishments far from home. In addition, young adults particularly those from BAME backgrounds are disproportionately represented as both victims and

offenders of crime so there is a significant opportunity to have a positive impact on the lives of Londoners through improving criminal justice services for this cohort.

Outcomes for these cohorts are significantly worse in London than in the rest of the country. For example, more women are sentenced to short custodial sentences in London than in the rest of the country²⁰, despite not posing a serious threat to the public; and the overall London youth reoffending rate of 47.5% remains stubbornly higher than the rate for England and Wales, which is currently 42.6%²¹.

Female Offenders

MOPAC, London Councils and the MoJ share a common ambition to improve the criminal justice outcomes for female offenders by:

- Reducing the number of women in custody, particularly on short custodial sentences;
- Improving access to support services for women in prisons;
- Ensuring there is sufficient funding and investment for female offender services in the community.

We are clear that in the longer term, this means implementing a whole system approach to the management of female offenders within London, whereby different justice agencies (and other public services) align to invest in prevention and community based alternatives to the use of unnecessary and costly incarceration of women who present a low risk of harm.

Key commitments

- MoJ, MOPAC and London Councils to work collaboratively to align priorities and budgets on female offenders, sharing data where appropriate and exploring the scope for:
 - greater use of police diversion and triage
 - co-designing credible alternatives to custody, which address the root causes of female offending behaviour
 - a pan-London approach to the resettlement of female offenders
- MOPAC and MoJ to explore future investment in a network of women's centres within London, which operate as hubs for community based provision, as a step towards the fulfilment of a genuinely whole system approach.

²⁰ MoJ, Criminal justice system statistics quarterly: December 2015, May 2016, gov.uk/government/statistics/criminal-justice-system-statistics-quarterly-december-2015

²¹ MOPAC, Youth Reoffending Dashboard, January 2018, london.gov.uk/what-we-do/mayors-office-policing-and-crime-mopac/data-and-statistics/criminal-justice/youth

- Work to explore whether future funding arrangements can provide a better link between upfront spending and savings from investment (see section 4.4 on financial devolution).
- MoJ and MOPAC to jointly explore opportunities for the commissioning of a new community prison within London
- MOPAC to work with London Councils to consider how to build up more suitable supported accommodation for female offenders in London.

Young offenders and the transition to the adult offender management system

Our ambition is to reduce the numbers of young Londoners from being incarcerated in institutions deemed to be unsafe and/or being locked up far away from their families and communities, which hampers resettlement and continuity of services. We also wish to use devolution as a tool to develop new initiatives to improve outcomes for London's young offenders and young adults transitioning from the youth justice service to the adult criminal justice service, including exploring the commissioning of a new secure institution for London's young offenders.

Key commitments

- The MoJ to provide increased access and availability to performance data and financial information to support joint analysis (at a local, regional and national level) to help improve outcomes for London's young offenders. This will include work across the system to consider and address BAME disproportionality within London criminal justice agencies.
- MoJ, MOPAC and London boroughs will explore opportunities to improve outcomes for young offenders, both in custody and the community
- MOPAC will review the use of custody (both police and secure estate) for young people under the age of 18 years in London, to develop recommendations to support more effective custodial solutions.
- To explore opportunities to co-commission a Secure School for London, should a suitable site in London be found. MOPAC and London Councils will continue to assist the MoJ with this search.
- To work to jointly review the commissioning of resettlement provision for London both in and out of custody.
- MOPAC, MoJ and the YJB to work together to review how the criminal justice system manages the transition of young adults from the youth justice system into the adult justice system in London and how this could be improved. This should include exploring the possibility for:
 - Testing a new approach to assessing maturity and extending youth justice approaches where there are low levels of maturity.

- Co designing a pilot to test the integration of resources to better support young adults during the transition between youth offending teams and probation services
- MOPAC, MoJ and London Councils to explore with the judiciary the scope for developing a new young adult (18-25) appropriate court within London (within existing legislation).

4.4 Financial devolution

All parties to this MoU share the ambition of fostering a whole-system approach to offender management, where powers, resources and decisions are better aligned and early intervention and prevention is incentivised.

Over the next year, both central government and the Mayor are committed to exploring ways to provide the financial mechanisms and incentives for MOPAC to invest in preventative services which reduce demand on the CJS, facilitate closer partnership working between agencies and provide greater continuity between provision in custody and provision in the community.

The parties to this agreement commit to working to explore the feasibility and practicality of specific opportunities to develop such mechanisms, including justice reinvestment and devolution of custody budgets, attached to specific cohorts, with the aim of reducing the number of low risk offenders sentenced to custody and enabling the sharing of savings to support better community interventions. This will include a particular focus on female offenders and 18-25 year old offenders.

5. Data sharing, governance and working arrangements

5.1 Data sharing and evidence based approach to delivery

In order to enable delivery of the commitments contained within this MoU there will need to be robust arrangements for sharing data and performance information. The MoJ commits to providing increased access and availability to performance data and information to support analysis (at a local, regional and national level) to help improve the understanding of the needs of London offenders and the outcomes of criminal justice services. The MoJ, MOPAC and London Councils will work together to put in place the necessary information sharing agreements that enable London level data, including unpublished data, to be shared and owned by London partners.

MOPAC and the MoJ will work collaboratively on research and analysis projects on key areas to ensure an evidence based approach to delivery of the MoU is taken. A joint strategic data and research group will be established to govern this and ensure that data requests are proportionate and resolved in a timely manner.

5.2 London governance

The Mayor, MOPAC and London boroughs have effective governance arrangements to provide strategic oversight of this devolution agreement through the London Crime Reduction Board (LCRB). The Board and the structure it puts in place provides the mechanism for full sign up and delivery of the priority areas and outcomes set out in the MoU.

5.3 Central government governance

MoJ will ensure that governance of the project brings together all relevant policy and operational leaders required to deliver the commitments contained in this MoU. Where necessary, the Secretary of State will be the ultimate decision maker.

5.4 London Justice Devolution Board

A single board named the London Justice Devolution Board will provide further assurance to all 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 agree the key workstreams of the programme of work arising from this MoU.

The membership of the Board will be fully determined once this MoU is agreed but will include:

- Deputy Mayor for Policing and Crime
- MoJ Director General, Justice and Rehabilitation
- MOPAC Chief Executive/Chief Finance Officer
- Senior London Local Government Representative
- London Councils Portfolio Holder for Crime and Public Protection

The Justice Devolution Board will be supported by an official-led working group of policy officials from MoJ, MOPAC and London Councils. Parties to this agreement will ensure they have appropriate governance structures to enable the Board to operate effectively and to deliver the MoU.

5.5 Governance Principles for the London Justice Devolution 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 importance 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.

5.6 Resourcing

The programme will need to be supported by co-investment from both MoJ, and London government in order to be delivered within the required time scales. Each party to the agreement will ensure that delivery of the commitments in the MoU are properly resourced and will have a named individual responsible for the coordination of delivery.

5.7 Implementation

The first task of the London Justice Devolution Board will be to agree a detailed implementation plan to operationalise all of the commitments in this MoU no later than March 2019. The implementation plan will be developed prior to the first London Justice Devolution Board.

5.8 Renewing commitments

This MoU will not be a static document and will be regularly reviewed to ensure the commitments are still relevant and desirable in light of national and local policy changes. A refreshed MoU will be published in spring 2019, setting out an agreed approach to devolution, as well as focusing on commitments relating to offender services that are the responsibility of government departments outside of the MoJ such as exploring the potential for devolution of offender health services and offender education and skills services.

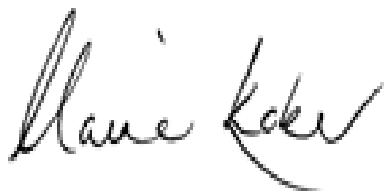
Signed

A handwritten signature in blue ink, appearing to read 'Sadiq Khan', with a stylized flourish at the end.

Sadiq Khan, Mayor of London

A handwritten signature in black ink, appearing to read 'David Gauke', with a stylized flourish at the end.

The Rt Hon David Gauke MP, Lord Chancellor and Secretary of State for Justice

A handwritten signature in black ink, appearing to read 'Claire Kober', with a stylized flourish at the end.

Cllr Claire Kober OBE, Chair of London Councils

Glossary

Co-Design: Working together to jointly design new policies or services to reflect local area as well as national priorities.

Co-investment: Shared investment in services - this is not necessarily about a single transfer of funds but could be shared investment over time and/or a move towards shared financial risk and priorities.

Co-commissioning: Rather than a simple but limited discussion on powers, co-commissioning requires agencies to combine resources at an agreed level for partnership projects, integrated working, innovation and transformation, or to commission services aligned with joint priorities following a co-design process.

Full devolution: Refers to a linear transfer of powers, budgets and responsibilities from central government to London.

Justice reinvestment: A model where investment is given to a local area in response to a reduction in demand on the offender management / criminal justice system²². An alternative model of upfront funding with the ability to claw back payments if demand is not reduced is also a possibility, although this has not been tested.

Whole system approach: An approach where services are delivered in a way that removes silos and centres on the individual and the full range of services they need to access. This would usually be facilitated by some form of joint investment or co-commissioning. This needs to be a joint endeavour between government and London to join-up the justice system and remove silos and thresholds which are barriers to early intervention and prevention.

²² See <https://www.gov.uk/government/publications/local-justice-reinvestment-pilot-process-evaluation-report> for more detail on previous UK government justice reinvestment pilots.