



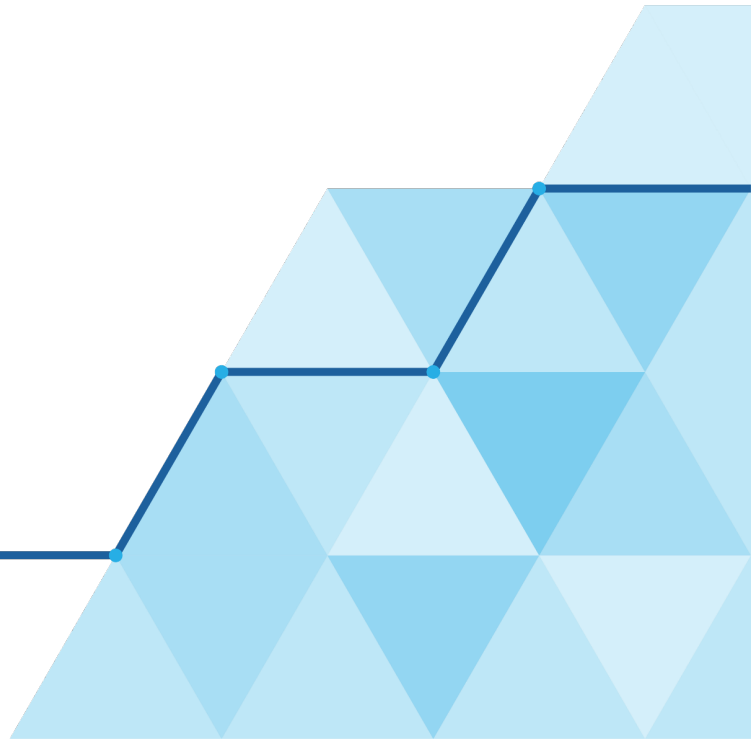
Ministry
of Justice



HM Prison &
Probation Service

Framework Document between the Ministry of Justice and HM Prison and Probation Service

March 2024



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Introduction and background

1. Purpose of document

- 1.1 His Majesty's Prison and Probation Service (HMPPS) is an executive agency of the Ministry of Justice (MOJ) and was created in June 2004.
- 1.2 This framework document (the Framework Document) has been agreed between MOJ and HMPPS in accordance with HM Treasury's handbook Managing Public Money (MPM) (as updated from time to time) and has been approved by HM Treasury.
- 1.3 The Framework Document sets out the broad governance framework within which HMPPS and MOJ operate. It sets out:
 - HMPPS's core responsibilities
 - the governance and accountability framework that applies between the roles of MOJ and HMPPS
 - how the day-to-day relationship works in practice, including in relation to governance and financial matters
- 1.4 References to HMPPS include all its subsidiaries and joint ventures that are classified to the public sector and central government for national accounts purposes. If HMPPS establishes a subsidiary or joint venture, there shall be a document setting out the arrangements between it and HMPPS agreed with MOJ.
- 1.5 The document does not convey any legal powers or responsibilities but both parties agree to operate within its terms.
- 1.6 Copies of the document and any subsequent amendments have been placed in the Libraries of both Houses of Parliament and made available to members of the public on HMPPS's pages on GOV.UK.
- 1.7 This Framework Document should be reviewed and updated at least every three years unless there are exceptional reasons that render this inappropriate that have been agreed with HM Treasury and the Principal Accounting Officer of MOJ. The latest date for review and updating of this document is November 2026.

2. Objectives

- 2.1 MOJ and HMPPS share the common objective of delivering the orders of the courts by:
- providing for England and Wales public sector prison, probation and youth custody services
 - managing the provision of private sector prison, probation and youth justice services
 - providing information to victims
 - ensuring end-to-end management of those subject to statutory contact
- 2.2 To achieve this HMPPS and MOJ will:
- work together in recognition of each roles and areas of expertise
 - provide an effective environment for HMPPS to achieve its objectives through the promotion of partnership and trust
 - ensure that HMPPS also supports the strategic aims and objectives of MOJ and wider government as a whole
- 2.3 HMPPS is responsible for:
- managing public sector prisons
 - managing the national probation service
 - managing public sector youth custody
 - managing electronic monitoring for individuals on court bail, offenders subject to community orders or licence conditions, and, on behalf of the Home Office, subjects on immigration bail
 - liaising with the Welsh government on devolved matters (especially health and education) to ensure the effective delivery of services in Wales
 - performance managing private/third sector providers of offender management services
 - delivering and managing central system-wide operational support services (such as incident management, prison industries, and improving safety and security practice)

3. Classification

- 3.1 HMPPS has been classified as a central government organisation by the ONS/HM Treasury Classifications Team.
- 3.2 HMPPS has been administratively classified by Cabinet Office as an executive agency.

Purposes and aims

4. Purposes

4.1 HMPPS has been established by MOJ, and as an executive agency does not have a separate legal personality to the department.

4.2 HMPPS's role is:

- to deliver the orders of the courts by providing for England and Wales public sector prison, probation and youth custody services
- managing the provision of private sector prison, probation and youth justice services
- providing information to victims
- ensuring end-to-end management of those subject to statutory contact

HMPPS does this taking account the relevant provisions of:

- the Prison Act 1952
- the Criminal Justice and Court Services Act 2000
- the Criminal Justice Act 2003
- the Offender Management Act 2007
- the Offender Rehabilitation Act 2014

5. Aims

5.1 HMPPS is responsible for delivering two long-term strategic outcomes for MOJ, as set out in MOJ's Outcome Delivery Plan, they are:

- to protect the public from serious offenders and improve the safety and security of our prisons
- to reduce reoffending – to cut crime and tackle repeat offending by raising the skills and qualifications of offenders, building opportunities to secure jobs or apprenticeships inside and outside the estate and supporting prison leavers to have a home, access to healthcare and continuity of drug treatment on release

Governance and accountability

6. Governance and accountability

- 6.1 HMPPS shall operate corporate governance arrangements that, so far as practicable and in the light of the other provisions of this Framework Document or as otherwise may be mutually agreed between MOJ and HMPPS, accord with good corporate governance practice and applicable regulatory requirements and expectations.
- 6.2 In particular (but without limitation), HMPPS should:
- comply with the principles and provisions of the Corporate Governance in Central Government Departments Code of Good Practice (the Code) (as amended and updated from time to time) to the extent appropriate and in line with their statutory duties or specify and explain any non-compliance in its annual report
 - comply with Managing Public Money (MPM)
 - in line with MPM have regard to the relevant Functional Standards as appropriate and in particular those concerning Finance, Commercial, Counter Fraud, Grants, Debt, Project Delivery, HR, Analysis, Digital, Data and Technology, Security, and Property
 - take into account the codes of good practice and guidance set out in Annex A of this Framework Document, as they apply to Arm's Length Bodies (ALB)
- 6.3 In line with MPM Annex 3.1, HMPPS shall provide an account of corporate governance in its annual governance statement including the board's assessment of its compliance with the Code with explanations of any material departures. To the extent that HMPPS does intend to materially depart from the Code, the sponsor should be notified in advance.
- 6.4 The senior officers accountable for managing each function in HMPPS are accountable to the HMPPS Accounting Officer (AO) for:
- the delivery of the HMPPS business plan objectives relevant to the function and the direction and control of associated resources
 - the quality and value for money of the service provision
 - ensuring HMPPS adopts the relevant function's policies, controls and standards, so far as is consistent with the other provisions of this framework document
- 6.5 As an embedded and integral part of the governance and performance management of HMPPS, the senior officers accountable for managing each

function in HMPPS shall agree a proportionate basis for defining the scope of services, service levels, appropriate milestones and performance criteria, with routine reporting on compliance with defined standards and requirements, the resources deployed and costs and any gaps in capacity and capabilities.

- 6.6 The senior officers accountable for managing each function in HMPPS are accountable to the respective MOJ function leads for:
- providing assurance over compliance with functional standards, so far as consistent with the other provisions of this framework document
 - implementing consistent policies, systems, processes and capabilities that support and promote interoperability and efficiency
 - supporting the on-going development of the function
- 6.7 The senior officers accountable for managing each function in HMPPS shall provide MOJ function leads with such information about their operations, performance and capabilities as may reasonably be required. In the event of any significant concerns being identified, the MOJ function lead will draw these to the attention of the HMPPS AO.
- 6.8 The respective MOJ function lead will engage with the HMPPS AO and senior officer accountable for managing each function in the HMPPS to develop functional plans that set out activities, processes and developments that align to the delivery of MOJ outcome priorities to required standards, meet the collective needs across the organisation, and support an inclusive vision and clear prioritisation for all those operating within and supported by these activities. HMPPS shall work collaboratively with MOJ's functions to align processes, systems, knowledge and career pathways.
- 6.9 The HMPPS AO will consult with and reflect the views of the MOJ function lead to inform the performance assessment of the function lead in HMPPS to support their continuing personal and professional development.
- 6.10 The HMPPS AO may provide their views on the performance of the MOJ function leads to support their continuing personal and professional development.
- 6.11 MOJ may provide functional services to HMPPS. The Principal Accounting Officer may seek to change the precise nature of the delivery model for these functions during the lifetime of the framework document to support better delivery of HMPPS objectives, more consistency, increased innovation and enhanced efficiency. Where there is proposed to be significant change in the way functions are delivered, the HMPPS AO will be consulted.

Role of MOJ

7. The Secretary of State

- 7.1 The Secretary of State is accountable to Parliament for HMPPS and will account for HMPPS to Parliament on all matters concerning HMPPS.
- 7.2 The Secretary of State's full powers and responsibilities are set out across:
- the Prison Act 1952
 - the Criminal Justice and Court Services Act 2000
 - the Criminal Justice Act 2003
 - the Offender Management Act 2007
 - the Offender Rehabilitation Act 2014
- 7.3 Through the exercise of these powers the Secretary of State:
- is responsible for the policy framework within which HMPPS operates
 - provides guidance and direction to ensure the strategic aims and objectives of HMPPS are consistent with those of MOJ and government
 - is responsible for setting the performance framework within which HMPPS will operate, including approving HMPPS's strategy and annual business plan
 - will act in accordance with the Governance Code on Public Appointments in relation to the appointment of the HMPPS Agency Board Chair and of non-executives
 - is responsible for matters regarding spending approvals, acquisitions, disposals, and joint ventures in line with delegations as set out in the delegation letter
 - is responsible for such other matters as may be appropriate and proportionate

Appointments to the board

- 7.4 The Secretary of State appoints the HMPPS Chief Executive in consultation with the Permanent Secretary and the Chair of the HMPPS Agency Board.
- 7.5 The Chair of the HMPPS Agency Board is appointed by the Secretary of State. This appointment is subject to the public appointments Order in Council and as such must comply with the Governance Code on Public Appointments.
- 7.6 Other non-executive members are appointed by the Secretary of State. These appointments are subject to the public appointments Order in Council and as such must comply with the Governance Code on Public Appointments.

- 7.7 All such appointments should have regard to the principle that appointments should reflect the diversity of the society in which we live, and appointments should be made taking account of the need to appoint boards which include a balance of skills and backgrounds.

Other appointments

- 7.8 The Secretary of State appoints and receives reports from His Majesty's Chief Inspector of Prisons and His Majesty's Chief Inspector of Probation. These appointments are subject to the public appointments Order in Council and as such must comply with the Governance Code on Public Appointments. The Chief Executive will act in accordance with the protocol for the handling of the Chief Inspectors' reports.
- 7.9 The Secretary of State appoints an Independent Monitoring Board (IMB) for every prison establishment. These appointments are subject to the public appointments Order in Council and as such must comply with the Governance Code on Public Appointments. Each IMB will provide an independent assessment as to the humane and just treatment of those held in custody and the range and adequacy of the programmes preparing them for release. The Secretary of State receives an annual report from each IMB and the designated minister will respond to such reports after taking advice from the HMPPS Chief Executive.
- 7.10 The Secretary of State also appoints a Prisons and Probation Ombudsman (PPO) to consider complaints from people HMPPS works with either in custody or the community once internal procedures have been exhausted. This appointment is subject to the public appointments Order in Council and as such must comply with the Governance Code on Public Appointments. The Secretary of State receives an annual report from the PPO which they must lay before Parliament. The PPO also has a standing commission to investigate and report on any death of a prisoner or a resident of any approved premises. The HMPPS Chief Executive will respond to recommendations from the PPO.

8. The Principal Accounting Officer

- 8.1 The Principal Accounting Officer (PAO) is the Permanent Secretary of MOJ.

PAO's specific accountabilities and responsibilities

- 8.2 The PAO of MOJ designates the Chief Executive as HMPPS AO and ensures that they are fully aware of their responsibilities. The PAO issues a letter appointing the AO, setting out their responsibilities and delegated authorities. HMPPS's AO is expected to raise any performance issues or risks to the PAO in a timely fashion.

- 8.3 The respective responsibilities of the PAO and AOs for executive agencies are set out in Chapter 3 of MPM.
- 8.4 The PAO is also responsible supported by the Director General policy, for advising the Secretary of State on:
- an appropriate framework of objectives and targets for HMPPS in the light of MOJ's wider strategic aims and priorities
 - an appropriate budget for HMPPS in the light of MOJ's overall public expenditure priorities
 - how well HMPPS is achieving its strategic objectives and whether it is delivering value for money
 - the exercise of the Secretary of State's statutory responsibilities concerning HMPPS as outlined above
- 8.5 The PAO, supported by the Senior Sponsor (see 9.1) and senior officers accountable for managing each function in MOJ, is also responsible for ensuring arrangements are in place in order to:
- monitor HMPPS's activities and performance
 - address significant problems in HMPPS, making such interventions as are judged necessary
 - periodically and at such frequency as is proportionate to the level of risk carry out an assessment of the risks both to MOJ and HMPPS's objectives and activities in line with the wider MOJ risk assessment process
 - inform HMPPS of relevant government policy in a timely manner
 - bring ministerial or MOJ concerns about the activities of HMPPS to the HMPPS board, and, as appropriate, to MOJ's board requiring explanations and assurances that appropriate action has been taken

9. The Senior Sponsor and policy sponsorship team

- 9.1 The responsible senior civil servant for this relationship is the Senior Sponsor, as delegated by the Permanent Secretary. Working with the policy sponsorship team, they are the main source of advice to the Secretary of State on the discharge of their responsibilities in respect of HMPPS. They also support the PAO on their responsibilities toward HMPPS.
- 9.2 The Senior Sponsor, supported by the performance team in MOJ, will liaise regularly with HMPPS officials to review performance against plans, achievement against targets and expenditure against its Departmental Expenditure Limits (DEL) and Annually Managed Expenditure (AME) allocations.

- 9.3 Representatives of MOJ's policy group, as the policy sponsorship team, will also liaise regularly with HMPPS officials and take the opportunity to explain and discuss wider policy developments that might have an impact on HMPPS. Similarly, HMPPS officials will liaise regularly with representatives of MOJ's policy group to explain and discuss any operational or organisational issues that might have an impact on the development or direction of policy.

10. Resolution of disputes between HMPPS and MOJ

- 10.1 Any disputes between MOJ and HMPPS will be resolved in as timely a manner as possible. MOJ and HMPPS will seek to resolve any disputes through an informal process in the first instance. If this is not possible, then a formal process, overseen by the Senior Sponsor, will be used to resolve the issue. Failing this, the Senior Sponsor will ask the MOJ Director General Policy to oversee the dispute. They may then choose to ask the Permanent Secretary to nominate a non-executive member of MOJ's board to review the dispute, mediate with both sides and reach an outcome, in consultation with the Secretary of State.

11. Freedom of Information requests

- 11.1 Where a request for information is received by either party under the Freedom of Information Act 2000, or the Data Protection Act 1998 or 2018, the party receiving the request will consult with the other party prior to any disclosure of information that may affect the other party's responsibilities.

12. Reporting on legal risk and litigation

- 12.1 HMPPS will provide a quarterly update to the Senior Sponsor on the existence of any active litigation and any threatened or reasonably anticipated litigation. The parties acknowledge the importance of ensuring that legal risks are communicated appropriately to the Senior Sponsor in a timely manner.
- 12.2 In respect of each substantial piece of litigation involving HMPPS, the parties involved will agree a litigation protocol which will include specific provisions to ensure appropriate and timely reporting on the status of the litigation and the protection of legally privileged information transmitted to the Senior Sponsor to facilitate this. Until such time as a protocol is agreed, the parties will ensure that:
- material developments in the litigation are communicated to the Senior Sponsor in an appropriate and timely manner
 - legally privileged documents and information are clearly marked as such

- individual employees handling the legally privileged documents are familiar with principles to which they must adhere to protect legal privilege
- circulation of privileged information within government occurs only as necessary

HMPPS governance structure

13. The Chief Executive

Responsibilities of the HMPPS Chief Executive as Accounting Officer

13.1 The Chief Executive as AO is personally responsible for safeguarding the public funds for which they have charge; for ensuring propriety, regularity, value for money and feasibility in the handling of those public funds; and for the day-to-day operations and management of HMPPS. In addition, they should ensure that HMPPS as a whole is run on the basis of the standards, in terms of governance, decision-making and financial management, that are set out in Box 3.1 of MPM. These responsibilities include the below and those that are set in the AO appointment letter issued by the PAO of MOJ.

Responsibilities for accounting to Parliament and the public

13.2 Responsibilities to Parliament and the public include:

- signing the accounts and ensuring that proper records are kept relating to the accounts and that the accounts are properly prepared and presented in accordance with any directions issued by the Secretary of State
- preparing and signing a governance statement covering corporate governance, risk management and oversight of any local responsibilities, for inclusion in the annual report and accounts
- ensuring that effective procedures for handling complaints about HMPPS in accordance with Parliamentary and Health Service Ombudsman's Principles of Good Complaint Handling are established and made widely known within HMPPS and published on the HMPPS pages on the GOV.UK website
- acting in accordance with the terms of MPM and other instructions and guidance issued from time to time by MOJ, HM Treasury and Cabinet Office
- ensuring that as part of the above compliance they are familiar with and act in accordance with:
 - any governing legislation
 - this framework document
 - any delegation letter issued to HMPPS by the PAO
 - any elements of any settlement letter issued to MOJ that is relevant to the operation of HMPPS
 - any separate settlement letter that is issued to HMPPS from MOJ
- ensuring they have appropriate internal mechanisms for the monitoring, governance and external reporting regarding compliance any conditions arising from the above documents

- giving evidence, normally with the PAO, when summoned before the Public Accounts Committee (PAC) on HMPPS's stewardship of public funds

Responsibilities to MOJ and the Principal Accounting Officer

13.3 Responsibilities to MOJ include:

- establishing, in agreement with MOJ, HMPPS's corporate and business plans in the light of MOJ's wider strategic aims and agreed priorities
- informing MOJ of progress in helping to achieve MOJ's policy objectives and in demonstrating how resources are being used to achieve those objectives
- ensuring that timely forecasts and monitoring information on performance and finance are provided to MOJ; that MOJ and in particular the PAO is notified promptly if over or under spends are likely and that corrective action is taken
- ensuring any significant problems whether financial or otherwise, and whether detected by internal audit or by other means, are notified to MOJ and in particular the PAO in a timely fashion

Responsibilities to the HMPPS Agency Board

13.4 The Chief Executive is responsible for:

- advising the board on the discharge of HMPPS's responsibilities as set out in this document, in relevant legislation and in any other relevant instructions and guidance that may be issued from time to time
- advising the board on HMPPS's performance compared with its aims and objectives
- ensuring that financial considerations are taken fully into account by the board at all stages in reaching and executing its decisions, and that financial appraisal techniques are followed

Managing conflicts

13.5 Within HMPPS, final decisions, responsibility and accountability rest with the Chief Executive as AO. However, the expectation is that the Chief Executive will follow the advice of the board.

13.6 If the board, or its Chair, is contemplating a course of action involving a transaction which the Chief Executive considers would infringe the requirements of propriety or regularity or does not represent prudent or economical administration, efficiency or effectiveness, is of questionable feasibility, or is unethical, the Chief Executive in their role as AO should reject that course of action.

13.7 The Chief Executive must ensure that the board have a full opportunity to discuss the rationale. The Chief Executive should confirm the rationale for not following the advice of the board in writing to the Chair of the board and the PAO and copy that to the Treasury Officer of Accounts.

- 13.8 If the responsible minister agrees with the proposed course of action of the board, it may be appropriate for the minister to direct the AO in the manner as set out in MPM paragraph 3.6.6 onwards.

14. The HMPPS Agency Board

Composition of the board

- 14.1 HMPPS will have a board in line with good standards of corporate governance, the guidance as set out in Annex A and any relevant legislation. The role of the HMPPS board shall be to support the Chief Executive by:
- the effective delivery of services and overall performance by advising on strategy and the deliverability of policies
 - maintaining high standards of corporate governance
 - ensuring that controls are in place to manage risk
 - scrutinising performance
 - acting as the forum for self-challenge
- 14.2 The board shall support HMPPS to deliver its objectives, in accordance with the purposes as set out above, HMPPS's regulatory, common-law duties and its responsibilities under this framework document. Detailed responsibilities of the board shall be set out in the board's terms of reference.
- 14.3 Remuneration of the board will be disclosed in line with the guidance in the Government Financial Reporting Manual (FReM).
- 14.4 The Agency Board will consist of a chairperson, together with the Chief Executive and four non-executive directors that have a balance of skills and experience appropriate to directing HMPPS's business. For HMPPS, there should be members or attendees who have experience of HMPPS business, operational delivery, corporate services such as HR, technology, property asset management, estate management, communications and performance management. This will include, as an executive and voting board member, an appropriately qualified finance director as described in Annex 4.1 of MPM. The board should include a majority of independent non-executive members to ensure that executive members are supported and constructively challenged in their role.
- 14.5 For HMPPS the primary branches of delivery – prisons, probation and the Youth Custody Service (YCS) – should be represented at the Agency Board.

Board committees

- 14.6 The board may set up such committees as necessary for it to fulfil its functions. As is detailed below, at a minimum this should include an audit and risk assurance committee (ARAC) chaired by an independent and appropriately qualified non-executive member of the board.
- 14.7 The board may make use of committees to assist its consideration of appointments, succession, audit, risk and remuneration. The chair should ensure that sufficient time is allowed at the board for committees to report on the nature and content of discussion, on recommendations, and on actions to be taken.
- 14.8 Where there is disagreement between the relevant committee and the board, adequate time should be made available for discussion of the issue with a view to resolving the disagreement. Where any such disagreement cannot be resolved, the committee concerned should have the right to report the issue to the sponsor team, PAO and responsible minister. They may also seek to ensure the disagreement or concern is reflected as part of the report on its activities in the annual report.
- 14.9 The chairperson should ensure board committees are properly structured with appropriate terms of reference. The terms of each committee should set out its responsibilities and the authority delegated to it by the board. The chair should ensure that committee membership is periodically refreshed and that individual independent non-executive directors are not over-burdened when deciding the chairs and membership of committees.

Duties of the board

- 14.10 The board is specifically responsible for:
- providing support and advising on the establishment and delivery of the strategic aims and objectives of HMPPS, consistent with its overall strategic direction and within the policy and resources framework determined by the Secretary of State
 - supporting effective leadership of HMPPS within a framework of prudent and effective controls which enables risk to be assessed and managed
 - ensuring the financial and human resources are in place for HMPPS to meet its objectives
 - reviewing management performance
 - ensuring that the board receives and reviews regular financial and management information concerning the management of HMPPS
 - ensuring that it is kept informed of any changes which are likely to impact on the strategic direction of HMPPS or on the attainability of its targets, and determining the steps needed to deal with such changes and where appropriate bringing such matters to the attention of the Secretary of State and PAO via the executive team, Senior Sponsor or directly

- ensuring that any statutory or administrative requirements for the use of public funds are complied with, that the board operates within the limits of its statutory authority and any delegated authority agreed with MOJ, and in accordance with any other conditions relating to the use of public funds
- ensuring that in reaching decisions, the board takes into account guidance issued by MOJ
- ensuring that as part of the above compliance they are familiar with:
 - this framework document
 - any delegation letter issued to HMPPS by the Permanent Secretary
 - any elements of any settlement letter issued to MOJ that is relevant to the operation of HMPPS
 - any separate settlement letter that is issued to HMPPS from MOJ
 - and ensure that they have appropriate internal mechanisms for the monitoring, governance and external reporting regarding any conditions arising from the above documents and ensure that the Chief Executive and HMPPS as a whole act in accordance with their obligations under the above documents
- demonstrating high standards of corporate governance at all times, including by using the independent ARAC to help the board to address key financial and other risks
- in consultation with MOJ, setting performance objectives and remuneration terms linked to these objectives for the Chief Executive, which give due weight to the proper management and use and utilisation of public resources
- putting in place mechanisms for independent appraisal and annual evaluation of the performance of the Chair by the independent non-executives, taking into account the views of relevant stakeholders. The outcome of that evaluation should be made available to the Secretary of State
- determining all such other things which the board considers ancillary or conducive to the attainment or fulfilment by HMPPS of its objectives

14.11 The board should ensure that effective arrangements are in place to provide assurance on risk management, governance and internal control.

14.12 The board should make a strategic choice about the style, shape and quality of risk management and should lead the assessment and management of opportunity and risk. The board should ensure that effective arrangements are in place to provide assurance over the design and operation of risk management, governance and internal control in line with the Management of Risk – Principles and Concepts (The Orange Book). The board must set up an audit and risk assurance committee chaired by an independent and appropriately qualified non-executive member to provide independent advice and ensure that MOJ's audit and risk assurance

committee is provided with routine assurances with escalation of any significant limitations or concerns. The board is expected to assure itself of the adequacy and effectiveness of the risk management framework and the operation of internal control.

15. The Chair's role and responsibilities

- 15.1 The Chair is responsible for leading the board in the delivery of its responsibilities. Such responsibility should be exercised in the light of their duties and responsibilities as set out in the Chair's contract of employment, any appointment letter, the statutory authority governing HMPPS, this document and the documents and guidance referred to within this document.
- 15.2 Communications between the HMPPS Agency Board and the Secretary of State should normally be through the Chair.
- 15.3 The is bound by the Code of Conduct for Board Members of Public Bodies, which covers conduct in the role and includes the Nolan Principles of Public Life.
- 15.4 In addition, the Chair is responsible for:
 - ensuring, including by monitoring and engaging with appropriate governance arrangements, that HMPPS's affairs are conducted with probity
 - ensuring that policies and actions support the Secretary of State's wider strategic policies and, where appropriate, these policies and actions should be clearly communicated and disseminated throughout HMPPS
- 15.5 The Chair has the following leadership responsibilities:
 - ensuring that the board, in reaching decisions, takes proper account of guidance provided by the responsible minister or MOJ
 - promoting the efficient and effective use of staff and other resources
 - delivering high standards of regularity and propriety
 - representing the views of the board to the general public
 - formulating the board's strategy
- 15.6 The Chair also has an obligation to ensure that:
 - the work of the board and its members are reviewed and are working effectively, including ongoing assessment of the performance of individual board members with a formal annual evaluation and more in-depth assessments of the performance of individual board members when being considered for re-appointment
 - in conducting assessments, the view of relevant stakeholders including employees and the sponsorship team are sought and considered

- the board has a balance of skills appropriate to directing HMPPS business, and that all directors including the Chair and Chief Executive continually update their skills, knowledge and familiarity with HMPPS to fulfil their role both on the board and committees (this will include but not be limited to skills and training in relation to financial management and reporting requirements, risk management and the requirements of board membership within the public sector)
- board members are fully briefed on terms of appointment, duties, rights and responsibilities
- they, together with the other board members, receive appropriate training on financial management and reporting requirements and on any differences that may exist between private and public sector practice
- the responsible minister is advised of HMPPS needs when board vacancies arise
- there is an operating framework in place setting out the role and responsibilities of the board consistent with the government code of good practice for corporate governance
- there is a code of practice for board members in place, consistent with the Cabinet Office Code of Conduct for Board Members of Public Bodies

16. Individual board members' responsibilities

16.1 Individual board members should:

- comply at all times with the Code of Conduct for Board Members of Public Bodies, which covers conduct in the role and includes the Nolan Principles of Public Life as well as rules relating to the use of public funds and to conflicts of interest
- demonstrate adherence to the 12 Principles of Governance for all Public Body Non-Executive Directors as appropriate
- not misuse information gained in the course of their public service for personal gain or for political profit, nor seek to use the opportunity of public service to promote their private interests or those of connected persons or organisations
- comply with the board's rules on the acceptance of gifts and hospitality, and of business appointments
- act in good faith and in the best interests of HMPPS
- ensure they are familiar with any applicable guidance on the role of public sector non-executive directors and boards that may be issued from time to time by Cabinet Office, HM Treasury or wider government

Management and financial responsibilities and controls

17. Delegated authorities

- 17.1 HMPPS's delegated authorities are set out in the delegation letter issued to the HMPPS Chief Executive. This delegation letter may be updated and superseded by later versions which may be issued by MOJ in agreement with HM Treasury.
- 17.2 In line with MPM Annex 2.2 these delegations will be reviewed on an annual basis.
- 17.3 HMPPS shall obtain MOJ's and where appropriate HM Treasury's prior written approval before:
- entering into any undertaking to incur any expenditure that falls outside the delegations or which is not provided for in HMPPS's annual budget as approved by MOJ
 - incurring expenditure for any purpose that is or might be considered novel or contentious, or which has or could have significant future cost implications
 - making any significant change in the scale of operation or funding of any initiative or particular scheme previously approved by MOJ
 - making any change of policy or practice which has wider financial implications that might prove repercussive or which might significantly affect the future level of resources required
 - carrying out policies that go against the principles, rules, guidance and advice in MPM

18. Spending authority

- 18.1 Once the budget has been approved by MOJ, and subject to any restrictions imposed by statute, the Secretary of State's instructions, this document, or HM Treasury settlement or delegation letters, HMPPS shall have authority to incur expenditure approved in the budget without further reference to MOJ, on the following conditions:
- HMPPS shall comply with the delegations set out in the delegation letter (these delegations shall not be altered without the prior agreement of MOJ and as agreed by HM Treasury and Cabinet Office as appropriate)
 - HMPPS shall comply with MPM regarding novel, contentious or repercussive proposals

- inclusion of any planned and approved expenditure in the budget shall not remove the need to seek formal MOJ approval where any proposed expenditure is outside the delegated limits or is for new schemes not previously agreed
- HMPPS shall provide MOJ with such information about its operations, performance, individual projects or other expenditure as MOJ may reasonably require
- HMPPS shall comply with the specific instructions and guidance issued by MOJ or HM Treasury and HMRC on Corporation Tax and VAT
- the spending controls detailed in the delegation letter are adhered to and, where appropriate, approval is obtained for any exception

19. Banking and managing cash

- 19.1 HMPPS must maximise the use of publicly procured banking services (accounts with central government commercial banks managed centrally by Government Banking).
- 19.2 HMPPS should only hold money outside Government Banking Service accounts where a good business case can be made for doing so and HM Treasury consent is required for each account to be established. Only commercial banks which are members of relevant UK clearing bodies may be considered for this purpose.
- 19.3 Commercial accounts where approved should be operated in line with the principles as set out in MPM.
- 19.4 The AO is responsible for ensuring HMPPS has a banking policy as set out in MPM and ensuring that policy is complied with.

20. Procurement

- 20.1 HMPPS shall ensure that it operates within the delegated authorities set out in the delegation letter(s), which will include their delegated commercial authority (DCA) as well as their spending authority to incur expenditure approved in the budget.
- 20.2 HMPPS shall ensure that its procurement policies are aligned with and comply with any relevant UK public procurement regulations, government policies and procedures or other international procurement rules and in particular the Public Contracts Regulations 2015.
- 20.3 HMPPS shall establish its procurement policies and document these in a procurement policy and procedures manual.

- 20.4 In procurement cases where HMPPS is likely to exceed its delegated authority limit, procurement strategy approval for the specific planned purchase must be sought from the Senior Sponsor.
- 20.5 Goods, services and works should be acquired by competition. Proposals to let single-tender or restricted contracts shall be limited and exceptional, and a quarterly report explaining those exceptions should be sent to MOJ's Chief Commercial Officer.
- 20.6 Procurement by HMPPS of works, equipment, goods and services shall be based on a full option appraisal and value for money (VfM), i.e. the optimum combination and whole life costs and quality (fitness for purpose).
- 20.7 HMPPS shall:
- engage fully with MOJ and government-wide procurement initiatives that seek to achieve VfM from collaborative projects
 - comply with all relevant procurement policy notes issued by Cabinet Office
 - co-operate fully with initiatives to improve the availability of procurement data to facilitate the achievement of VfM
- 20.8 HMPPS shall comply with the commercial and grants standards. These standards apply to the planning, delivery and management of government commercial activity, including management of grants in all departments and executive agencies, regardless of commercial approach used and form part of a suite of functional standards that set expectations for management within government.

21. Risk management

- 21.1 HMPPS shall ensure that the risks that it faces are dealt with in an appropriate manner in accordance with relevant aspects of best practice in corporate governance and develop a risk management strategy in accordance with the HM Government Management of Risk: Principles and Concepts.¹

22. Counter Fraud and Theft

- 22.1 HMPPS should adopt and implement policies and practices to safeguard itself against fraud and theft.

¹ 'The Orange Book', available at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/866117/6.6266_HMT_Orange_Book_Update_v6_WEB.PDF

- 22.2 HMPPS should act in line with guidance as issued by the Counter Fraud Function and in compliance with the procedures and considerations as set out in MPM Annex 4.9 and the Counter Fraud Functional Standard. It should also take all reasonable steps to appraise the financial standing of any firm or other body with which it intends to enter a contract or to provide grant or grant-in-aid.
- 22.3 HMPPS should keep records of and prepare and forward to MOJ an annual report on fraud and theft suffered by HMPPS and notify MOJ of any unusual or major incidents as soon as possible. HMPPS should also report detected loss from fraud, bribery, corruption and error, alongside associated recoveries and prevented losses, to the counter fraud centre of expertise in line with the agreed government definitions as set out in the Counter Fraud Functional Standard.

23. Staff

Broad responsibilities for staff

- 23.1 Within the arrangements approved by the Secretary of State and HM Treasury, HMPPS will have responsibility for the recruitment, retention and motivation of its staff. The broad responsibilities toward its staff are to ensure that:
- the rules for recruitment and management of staff create an inclusive culture in which diversity is fully valued; appointment and advancement is based on merit: there is no discrimination against employees with protected characteristics under the Equality Act 2010
 - the level and structure of its staffing, including grading and staff numbers, are appropriate to its functions and the requirements of economy, efficiency and effectiveness
 - the performance of its staff at all levels is satisfactorily appraised and HMPPS performance measurement systems are reviewed from time to time
 - its staff are encouraged to acquire the appropriate professional, management and other expertise necessary to achieve HMPPS's objectives
 - proper consultation with staff takes place on key issues affecting them
 - adequate grievance and disciplinary procedures are in place
 - whistle-blowing procedures consistent with the Public Interest Disclosure Act are in place

Staff costs

- 23.2 Subject to its delegated authorities, HMPPS shall ensure that the creation of any additional posts does not incur forward commitments that will exceed its ability to pay for them.

Pay and conditions of service

- 23.3 HMPPS's staff are subject to levels of remuneration and terms and conditions of service (including pensions), within the general pay structure approved by MOJ and HM Treasury. HMPPS has no delegated power to amend these terms and conditions.
- 23.4 Civil service terms and conditions will apply to the rates of pay and non-pay allowances paid to the staff and to any other party entitled to payment in respect of travel expenses or other allowances, including basic pay, which is detailed in the pay policy, and will consider any allowances as applicable to the role being undertaken. Where travel is required as part of the role, the expenses policy will detail rates, unless prior approval has been given by MOJ to vary such rates.
- 23.5 Staff terms and conditions are set out on the HR portal, which is accessible to all staff. Copies of these documents are provided to MOJ together with subsequent amendments.
- 23.6 HMPPS shall abide by public sector pay controls, including the relevant approvals process dependent on the organisation's classification as detailed in the senior pay guidance and the public sector pay and terms guidance.
- 23.7 HMPPS shall operate a performance-related pay scheme that shall form part of the annual aggregate pay budget approved by MOJ, general pay structure approved by MOJ and HM Treasury, and where relevant with due regard to the senior pay guidance.
- 23.8 The travel expenses of board members shall be tied to the rates allowed to senior staff of HMPPS. Reasonable actual costs shall be reimbursed.

Pensions, redundancy and compensation

- 23.9 Compensation scheme rules and pension scheme rules should reflect legislative and HM Treasury guidance requirements regarding exit payments.
- 23.10 HMPPS staff shall normally be eligible for a pension provided by the Principal Civil Service Pension Scheme (PCSPS) or the Local Government Pension Scheme (LGPS) via the Greater Manchester Pension Fund (GMPF) for those working in the Probation Service.
- 23.11 Staff may opt out of the occupational pension scheme provided by HMPPS, but that employers' contribution to any personal pension arrangement, including stakeholder pension, shall normally be limited to the national insurance rebate level.

- 23.12 Any proposal by HMPPS to move from the existing pension arrangements, or to pay any redundancy or compensation for loss of office, requires the prior approval of MOJ. Proposals on severance must comply with the rules in Chapter 4 of MPM.

Business Plans, Financial Reporting and Information

24. Business plans

- 24.1 HMPPS shall submit annually to MOJ a draft of business plan covering the year ahead. HMPPS shall agree with MOJ the issues to be addressed in the plan and the timetable for its preparation. The plan shall reflect HMPPS' statutory and/or other duties and, within those duties, the priorities set from time to time by the Secretary of State (including decisions taken on policy and resources in the light of wider public expenditure decisions). Where appropriate, the plan shall demonstrate the areas where HMPPS contributes to the achievement of MOJ's medium-term plan and priorities and aligned performance metrics and milestones.
- 24.2 The business plan shall be updated to include key targets and milestones for the year immediately ahead and shall be linked to budgeting information so that resources allocated to achieve specific objectives can readily be identified by MOJ. Subject to any commercial considerations, a summary of the business plan should be published by HMPPS on its website and separately be made available to staff.
- 24.3 The following key matters should be included in the plans:
- key objectives and associated key performance targets for the forward years, and the strategy for achieving those objectives
 - key non-financial performance targets
 - a review of performance in the preceding financial year, together with comparable outturns for the previous 2 to 5 years, and an estimate of performance in the current year
 - alternative scenarios and an assessment of the risk factors that may significantly affect the execution of the plan but that cannot be accurately forecast
 - other matters as agreed between MOJ and HMPPS

25. Budgeting procedures

- 25.1 Each year, in the light of decisions by MOJ on the updated draft corporate plan, MOJ will send to HMPPS:
- a formal statement of the annual budgetary provision allocated by MOJ in the light of competing priorities across MOJ and of any forecast income approved by MOJ

- a statement of any planned change in policies affecting HMPPS

25.2 The approved annual business plan will take account both of approved funding provision and any forecast receipts and will include a budget of estimated payments and receipts together with a profile of expected expenditure and of draw-down of any MOJ funding and/or other income over the year. These elements form part of the approved business plan for the year in question.

26. Annual report and accounts

26.1 HMPPS must publish an annual report of its activities together with its audited accounts after the end of each financial year. HMPPS shall provide MOJ its finalised (audited) within an agreed timescale in order for the accounts to be consolidated within MOJ's accounts. A draft of the report should be submitted to MOJ before the proposed publication date to give sufficient time for review. The accounts should be prepared in accordance with the relevant statutes and specific accounts direction issued by MOJ as well as HM Treasury's FReM.

26.2 The annual report must:

- cover any corporate, subsidiary or joint ventures under its control
- comply with the FReM and in particular have regard to the illustrative statements for an executive agency
- outline main activities and performance during the previous financial year and set out in summary form forward plans

26.3 Information on performance against key financial targets is within the scope of the audit and should be included in the notes to the accounts. The report and accounts shall be laid in Parliament and made available on HMPPS's website, in accordance with the guidance in the FReM.

27. Reporting performance to MOJ

27.1 HMPPS shall operate management, information and accounting systems that enable it to review in a timely and effective manner its financial and non-financial performance against the budgets and targets set out in the corporate and business plans.

27.2 HMPPS shall regularly inform MOJ of any changes that make achievement of objectives more or less difficult. It shall report financial and non-financial performance, including performance in helping to deliver ministers' policies, and the achievement of key objectives.

- 27.3 HMPPS's performance shall be formally and routinely reviewed by MOJ, through the following mechanisms:
- regular reporting via MOJ executive sub-committees for:
 - finance, performance and risk
 - major investment proposals in line with delegations
 - change portfolio delivery
 - collective leadership and operation of people policies
 - at least quarterly meetings between the Senior Sponsor and the HMPPS Chief Executive to discuss HMPPS organisational performance and efficient and effective operation
 - quarterly reporting to, and attendance by the HMPPS Chief Executive at, the MOJ Departmental Board
- 27.4 The PAO will meet the HMPPS Chief Executive at least once a year to discuss HMPPS's performance.
- 27.5 The Secretary of State will, unless other arrangements have been agreed, meet the Chair of the HMPPS board and HMPPS Chief Executive at least once a year to discuss HMPPS's performance.

28. Information sharing

- 28.1 The MOJ has the right of access to all HMPPS records and personnel for any purpose including, for example, sponsorship audits and operational investigations.
- 28.2 HMPPS shall provide MOJ with such information about its operations, performance, individual projects or other expenditure as MOJ may reasonably require.
- 28.3 MOJ and HM Treasury may request the sharing of data held by HMPPS in such a manner as set out in central guidance except insofar as it is prohibited by law. This may include requiring the appointment of a senior official to be responsible for the data sharing relationship.
- 28.4 As a minimum, HMPPS shall provide MOJ with information monthly that will enable MOJ satisfactorily to monitor:
- HMPPS's cash management
 - forecast outturn by resource headings
 - other data required for the Online System for Central Accounting and Reporting (OSCAR)
 - data as required in respect of its compliance with any Cabinet Office controls pipelines or required in order to meet any condition as set out in any settlement letter

Audit

29. Internal audit

29.1 HMPPS shall:

- establish and maintain arrangements for internal audit through the Government Internal Audit Agency
- set up an audit and risk assurance committee of its board in accordance with the Code of Good Practice for Corporate Governance and the Audit and Risk Assurance Committee Handbook
- forward the audit strategy, periodic audit plans and annual audit report, including the HMPPS Head of Internal Audit opinion on risk management, control and governance as soon as possible to MOJ
- keep records of and prepare and forward to MOJ an annual report on fraud and theft suffered by HMPPS and notify MOJ of any unusual or major incidents as soon as possible
- share with MOJ information identified during the audit process and the annual audit opinion report (together with any other outputs) at the end of the audit, in particular on issues impacting on MOJ's responsibilities in relation to financial systems within HMPPS

30. External audit

30.1 The Comptroller and Auditor General (C&AG) audits the HMPPS annual accounts and passes the audited accounts to the Secretary of State who will lay the accounts together with the C&AG's report before Parliament.

30.2 The C&AG:

- will consult MOJ and HMPPS on whom – the NAO or a commercial auditor – shall undertake the audit(s) on his behalf, though the final decision rests with the C&AG
- has a statutory right of access to relevant documents, including by virtue of section 25(8) of the Government Resources and Accounts Act 2000, held by another party in receipt of payments or grants from HMPPS
- will share with MOJ information identified during the audit process and the audit report (together with any other outputs) at the end of the audit, in particular on issues impacting on MOJ's responsibilities in relation to financial systems within HMPPS

- will consider requests from departments and other relevant bodies to provide regulatory compliance reports and other similar reports at the commencement of the audit. Consistent with the C&AG's independent status, the provision of such reports is entirely at the C&AG's discretion

30.3 The C&AG may carry out examinations into the economy, efficiency and effectiveness with which HMPPS has used its resources in discharging its functions. For the purpose of these examinations the C&AG has statutory access to documents as provided for under section 8 of the National Audit Act 1983. In addition, HMPPS shall provide, in conditions to grants and contracts, for the C&AG to exercise such access to documents held by grant recipients and contractors and sub-contractors as may be required for these examinations; and shall use its best endeavours to secure access for the C&AG to any other documents required by the C&AG which are held by other bodies.

Reviews and Winding up arrangements

31. Review of HMPPS's status

- 31.1 HMPPS will be reviewed as part of the wider Public Bodies Reviews Programme, at a time determined by MOJ's ministers and the Permanent Secretary. The date of the next review will be in 2023.

32. Arrangements in the event that HMPPS is wound up

- 32.1 MOJ shall put in place arrangements to ensure the orderly winding up of HMPPS. In particular it should ensure that the assets and liabilities of HMPPS are passed to any successor organisation and accounted for properly. (In the event that there is no successor organisation, the assets and liabilities should revert to MOJ.) To this end, MOJ shall:
- have regard to Cabinet Office guidance on winding up of ALBs
 - ensure that procedures are in place in HMPPS to gain independent assurance on key transactions, financial commitments, cash flows and other information needed to handle the wind-up effectively and to maintain the momentum of work inherited by any residuary body
 - specify the basis for the valuation and accounting treatment of HMPPS's assets and liabilities
 - ensure that arrangements are in place to prepare closing accounts and pass to the C&AG for external audit, and that, for non-Crown bodies, funds are in place to pay for such audits. It shall be for the C&AG to lay the final accounts in Parliament, together with his report on the accounts
 - arrange for the most appropriate person to sign the closing accounts. In the event that another ALB takes on the role, responsibilities, assets and liabilities, the succeeding ALB AO should sign the closing accounts. In the event that the department inherits the role, responsibilities, assets and liabilities, MOJ's AO should sign
- 32.2 HMPPS shall provide MOJ with full details of all agreements where HMPPS or its successors have a right to share in the financial gains of developers. It should also pass to MOJ details of any other forms of claw-back due to HMPPS.

Annex A: Guidance

HMPPS shall comply with the following guidance, documents and instructions:

Corporate governance

- This framework document
- Corporate Governance Code for Central Government Departments (relevant to arm's length bodies) and supporting guidance:
<https://www.gov.uk/government/publications/corporate-governance-code-for-central-government-departments-2017>
- Code of conduct for board members of public bodies:
<https://www.gov.uk/government/publications/code-of-conduct-for-board-members-of-public-bodies>
- Code of practice for partnerships between departments and arm's length bodies:
www.gov.uk/government/publications/partnerships-with-arms-length-bodies-code-of-good-practice

Financial management and reporting

- Managing Public Money (MPM):
<https://www.gov.uk/government/publications/managing-public-money>
- Financial Reporting Manual (FRM): www.gov.uk/government/collections/government-financial-reporting-manual-frem
- Relevant Dear Accounting Officer (DAO) letters:
www.gov.uk/government/collections/dao-letters
- Relevant guidance and instructions issued by HM Treasury in respect of Whole of Government Accounts: <https://www.gov.uk/government/collections/whole-of-government-accounts>
- The most recent letter setting out the delegated authorities, issued by MOJ.

Management of risk

- Management of Risk: www.gov.uk/government/publications/orange-book and <https://www.gov.uk/government/publications/management-of-risk-in-government-framework>
- HM Treasury approval processes for major projects above delegated limits:
<https://www.gov.uk/government/publications/treasury-approvals-process-for-programmes-and-projects>

- Government cyber-security strategy and cyber security guidance:
<https://www.gov.uk/government/publications/national-cyber-strategy-2022/national-cyber-security-strategy-2022> and <https://www.gov.uk/government/collections/cyber-security-guidance-for-business>

Commercial management

- Procurement policy notes: <https://www.gov.uk/government/collections/procurement-policy-notes>
- Cabinet Office spending controls: <https://www.gov.uk/government/collections/cabinet-office-controls>
- Transparency in supply chains – a practical guide:
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1040283/Transparency_in_Supply_Chains_A_Practical_Guide_2017_final.pdf

Public appointments

The following are relevant where public bodies participate in public appointments processes.

- Guidance from the Commissioner for Public Appointments:
<https://publicappointmentscommissioner.independent.gov.uk/>
- Governance Code on Public Appointments:
www.gov.uk/government/publications/governance-code-for-public-appointments
- Procurement Policy Note 08/15 – Tax Arrangements of Public Appointees:
<https://www.gov.uk/government/publications/procurement-policy-note-0815-tax-arrangements-of-appointees>

Staff and remuneration

- HM Treasury guidance on senior pay and reward:
www.gov.uk/government/publications/senior-civil-service-pay-and-reward
- Civil Service pay guidance (updated annually):
www.gov.uk/government/collections/civil-service-pay-guidance
- Public sector pay and terms: <https://www.gov.uk/government/publications/public-sector-pay-and-terms-guidance-note>
- Whistleblowing guidance and code of practice:
<https://www.gov.uk/government/publications/whistleblowing-guidance-and-code-of-practice-for-employers>
- The Equalities Act 2010: www.gov.uk/guidance/equality-act-2010-guidance

General

- Freedom of Information Act guidance and instructions: www.legislation.gov.uk/ukpga/2000/36/contents and <https://ico.org.uk/for-organisations/guide-to-freedom-of-information/>
- The Parliamentary and Health Service Ombudsman's Principles of Good Administration: <https://www.ombudsman.org.uk/about-us/our-principles>
- Other relevant instructions and guidance issued by the central departments (Cabinet Office and HM Treasury)
- Recommendations made by the Public Accounts Committee, or by other Parliamentary authority, that have been accepted by the government and are relevant to HMPPS.
- Guidance from the public bodies team in Cabinet Office: www.gov.uk/government/publications/public-bodies-information-and-guidance
- The civil service diversity and inclusion strategy (outlines the ambition, to which arm's length bodies can contribute): <https://www.gov.uk/government/publications/civil-service-diversity-and-inclusion-strategy-2022-to-2025>
- Guidance produced by the Infrastructure and Projects Authority (IPA) on management of major projects: www.gov.uk/government/organisations/infrastructure-and-projects-authority
- The Government Digital Service: www.gov.uk/government/organisations/government-digital-service
- The Government Fraud, Error, Debt and Grant Efficiency function; www.gov.uk/government/collections/fraud-error-debt-and-grants-function and www.gov.uk/government/publications/grants-standards
- Code of Practice for Official Statistics: <https://code.statisticsauthority.gov.uk>
- Accounting Officer System Statements (AOSS are produced by departments with input from ALBs): www.gov.uk/government/publications/accounting-officer-system-statements



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