



A Welsh way for probation

A Memorandum of Understanding approach

Introduction

The Welsh Government is committed to the devolution of justice to Wales and has recently begun preparations for a phased approach beginning with youth justice and probation. The Welsh Government and UK government are discussing the potential for the adoption of a Memorandum of Understanding (MoU) on probation (Irranca-Davies, 2025).



To support these preparations, the Welsh Government asked the Wales Centre for Public Policy (WCPP) to explore the practicalities and mechanisms associated with delivering an MoU. This follows previous work by WCPP which established options for the devolution of probation and examples of how other European countries have organised their probation systems (Price, Notman and Tilley, 2024; Notman, Price and Tilley; 2024).

WCPP carried out 17 interviews with practitioners, experts and stakeholders in the

probation system; reviewed literature; and held workshops and presentations to gather views and information on MoUs for probation. We looked at three key themes:

1. Governance of MoUs;
2. Relational factors including working with service providers and other key partners; and
3. Operational factors such as the use of MoUs for contract management and to facilitate person-centred delivery.

We did not make any judgment as to whether an MoU should be pursued. However, our report finds that an MoU is a viable and pragmatic way to strengthen local autonomy; embed partnership working; and deliver responsive probation services.

This policy brief sets out the key findings and recommendations from our report.

Understanding an MoU

An MoU is a formal agreement between two parties to facilitate collaboration between them, but not on a legally-binding basis. The most prominent example in probation services is the MoU that is in place in Greater Manchester.

In Greater Manchester, the MoU is primarily concerned with the co-commissioning of services (e.g. drug and alcohol support) for people on probation. This has allowed the Greater Manchester Combined Authority to commission services in line with its priorities and to harmonise provision where appropriate.¹

¹ See Price, Notman and Tilley (2024) for examples.

The scope of an MoU in Wales, if one is agreed, will be determined during the course of negotiations and could be more expansive than existing models from Greater Manchester and elsewhere.

Governance

MoUs are quicker and easier to implement than legislative options for devolution, but are still lengthy and complex endeavours which require careful negotiation and planning.



Our research showed that political considerations, including diverging priorities from different stakeholders and misalignment between probation service interests and political direction, will need to be managed carefully. Governance structures that are clear, proportional and give room for local autonomy can ensure successful implementation of an MoU.

Embedding partnership working, particularly at a local level, is a key benefit that can be achieved from good governance structures; building on existing partnerships where possible.

MoUs should be developed and implemented iteratively with responsibilities and governance mechanisms that evolve over time. Structures should be put in place to guarantee this flexibility, which could include budgetary flexibility; opportunities for localised funding; and governance structures that include all signatories required to modify the MoU.

Recommendations

- Establish a clear governance framework with defined roles and responsibilities early in the development process through transparent discussion, which can be iterated based on learning as the MoU is implemented.
- Governance mechanisms should be proportionate to, and enabling of, the desired partnerships, approaches, and outcomes. These mechanisms should be tested once in place and modified where necessary to ensure they meet this aim.
- Embed partnership working to address priorities and service demands. Build on existing successful partnerships and involve statutory partners such as the police, health boards, and local authorities, alongside third sector providers and people with lived experience.
- Foster a balance between national operational oversight and local autonomy, recognising that national consistency will need to be balanced with flexibility to meet regional and rural needs.
- Ensure the voices of all those involved, including victims and people on probation, are heard.
- National level governance should include the signatories necessary for amendments to an MoU or partnership agreements, with delegated authorities and signatories of the MoU being trusted by probation practitioners.

Relational

An MoU can be seen as a tool for managing and building relationships between different parties, including service providers.

Building trust can be time-consuming but is seen as crucial to the success of an MoU approach, and can support alignment of values, outcomes and targets across organisations, which is seen as a key success factor. If priorities and values are perceived to be misaligned, this makes successful implementation harder. Again, using existing partnerships as the basis for new relationships can be an effective way to build support for an MoU. Communication between services should be clear and ongoing, with mechanisms in place to support building deeper and more aligned relationships.

Demonstrating success by starting small, either in area or scope, and then scaling up can build support among partners for an MoU approach and could be considered alongside a voluntary approach to using the MoU for commissioning.

Recommendations

- Build on existing successful partnerships by bringing all stakeholders together at the development stage to establish a shared vision and goals, with joint ownership of outcomes.
- Create clear communication channels between services to support the development of a shared vision and strengthen partnership working.
- Foster collaboration through mechanisms such as secondments, bridging roles, and 'honest brokers'.
- Start with smaller areas of focus (e.g. a specific cohort of people or a cross-cutting theme such as employability or homelessness) to test the approach and gain buy-in from multiple partners.
- Make decisions based on shared values and principles, including prioritising rehabilitation.

- Consider offering the MoU arrangement as a choice rather than a mandatory requirement, to encourage genuine collaboration.

Operational

The implementation of an MoU will require careful navigation of a complex landscape of provision, governance and organisational cultures, as well as needing to meet the needs of people across different parts of Wales.



MoUs can be used to manage risk around contract management; can support a clear demarcation of responsibilities; and offer the ability to conduct Information Sharing Agreements which can enable and improve third-party service provision.

A key advantage of an MoU approach is to enable practitioners to respond to local need by commissioning services that target and respond to that need. Therefore, a degree of local autonomy in commissioning will be critical to the success of an MoU.

Person-centred approaches and alignment and integration of services will also improve outcomes for probation officers and people on probation and should be considered as part of the MoU process.

Recommendations

- Ensure that contract management and procurement approaches allow sufficient flexibility to support local third sector suppliers, while retaining robust oversight and accountability.
- Involve third sector organisations in service delivery.
- Negotiate and put in place Information Sharing Agreements as part of the MoU development process to support the sharing of Wales-specific data between agencies, enable personalisation and continuity of services for probation users, and support evidence-informed decision-making.
- Enable greater staff autonomy to improve services and support staff in delivering local solutions, for instance allowing them to choose the right local provider instead of national or regional operators.
- Ensure that local strategy and delivery priorities are informed by Welsh-specific criminal justice data.
- Map the multiple touchpoints a service user has across different agencies to integrate pathways and demonstrate how services could align.
- Develop a transparent multi-year funding strategy for probation services that considers other Welsh Government priorities, the limitations of current UK-wide commissioning models, and the 'jagged edges' created by differing governance boundaries.
- Explore flexible funding models, pooled funding and grant-based approaches to make funding more accessible for smaller third sector providers.

- Frontload investment budgets and reinvest any savings in other Welsh programmes rather than in areas reserved to the UK government.

Conclusion

An MoU is a viable approach which could realise significant benefits for Wales.

There will be challenges to overcome in the implementation of an MoU, and a complex landscape of governance, geography and organisational cultures to navigate, and it will take time to agree on a flexible and workable approach.

However, an MoU could help to improve the delivery of probation services in Wales, including through:

- A formal commitment to collaboration and a pooling of risk between partners;
- Opportunities for strategic and localised development, with autonomy for the workforce to develop innovative local solutions;
- Reduced vulnerability to political or personnel change; and
- Establishing a public commitment to mixed market partnership working within clear parameters.

Integrating the flexibility to iterate, modify or enhance the MoU will help to ensure successes can be built upon, while not precluding further service reform or devolution at a later date.

References

Irranca-Davies, H. MS, Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs. (2025). **Written Statement: Preparing for the devolution of justice.** Welsh Government. Retrieved from: <https://www.gov.wales/written-statement-preparing-devolution-justice-0>

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Find out more

For the full report see: Netana, C., Price, J., Tilley, H. and Filipaş, I.. (2026). **A Welsh way for probation: A Memorandum of Understanding approach.**

About the Wales Centre for Public Policy

Here at the Centre, we collaborate with leading policy experts to provide ministers, the civil service and Welsh public services with high quality evidence and independent advice that helps them to improve policy decisions and outcomes.

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