



Wales Centre for Public Policy
Canolfan Polisi Cyhoeddus Cymru

A Welsh way for probation

**A Memorandum of
Understanding approach**

**Celia Netana, Jack Price, Helen Tilley and Ioana
Filipas**

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Summary

- The Welsh Government is planning for the devolution of probation and youth justice, in line with recommendations from the Thomas Commission and Labour Party commitments. To inform this process, the Welsh Government asked WCPP to examine the Memorandum of Understanding (MoU) approach, as used in Greater Manchester and elsewhere, to assess its potential for probation service delivery in Wales.
- This report is based on a literature review; interviews with probation practitioners, civil servants, academics and stakeholders in the justice system; a workshop and a roundtable.
- Overall, an MoU offers a pragmatic, non-legislative mechanism to strengthen local autonomy, embed partnership working, and deliver responsive probation services.
- A clear governance framework with proportionate, enabling mechanisms will be important to the success of an MoU. Challenges might include complex negotiations over roles, responsibilities, and reporting structures, fragmented boundaries and political reluctance to devolve control. An iterative MoU model was recommended to allow adaptation and learning.
- In terms of relationship building, trust, shared goals, and stakeholder buy-in were highlighted as essential for effective partnership working. Starting small and scaling up, focusing on priority cohorts or themes (for example housing, employability), was seen as a practical route to success.
- Operationally, MoUs were used both as contract management tools and to enable person-centred service delivery. Key benefits include improved continuity of care, pooled funding, and greater autonomy for probation staff to innovate locally. However, challenges remain around information sharing, procurement complexity, and workforce stability. Flexible funding models, multi-year strategies, and enhanced data systems were recommended to support sustainability and engagement with third sector providers.
- While resource-intensive and requiring careful planning and negotiation, the potential benefits of greater flexibility, shared risk, and resilience to political change make it a viable option for Wales, with significant benefits possible.

Introduction

The Welsh Government, following the recommendations of the Thomas Commission (2019), is seeking the devolution of justice to Wales (Welsh Government, 2022). It is planning for a phased approach to the devolution of the sector, beginning with youth justice and probation (Welsh Government, 2024). The election of a Labour government at UK level has given added impetus to this work, given the recommendations in the final report of the Labour Party Commission on the UK's future (2022), which stated that 'We...believe the next UK Labour government should embark upon the devolution of youth justice and the probation service' (Labour Party, 2022: 113). It recommended that the Senedd and Welsh Government be given new powers over youth justice and probation services. The Labour Party manifesto two years later committed to a strategic review of the probation system which would include 'explor[ing] the devolution of services' (Labour Party, 2024: 112).

A phased approach was endorsed by the Independent Commission on the Constitutional Future of Wales, which recommended that:

'The UK Government should agree to the legislative and executive devolution of responsibility for justice and policing to the Senedd and Welsh Government... starting with policing, probation and youth justice, with necessary funding secured, and provision for shared governance where needed for effective operations.' (Independent Commission on the Constitutional Future of Wales, 2024: 7)

To support its preparations, the Welsh Government previously commissioned the Wales Centre for Public Policy (WCPP) to carry out work on the pathways and mechanisms by which probation could be devolved, and on how other European countries have organised their probation services (Price, Notman and Tilley, 2024; Notman, Price and Tilley, 2024).

Following the publication of these reports, the Welsh Government asked WCPP to conduct a second phase of work looking in more detail at the Memorandum of Understanding (MoU) approach to the delivery of probation services, as implemented in Greater Manchester and elsewhere. This report presents the findings of research on the practicalities and mechanisms associated with the MoU approach to probation service design and delivery, particularly how an MoU could facilitate co-commissioning models and other forms of localised partnership working.

A wide range of sources and methodological approaches has been drawn upon in the preparation of this report. Academic and grey literature were reviewed, followed by 17 interviews conducted with probation practitioners, civil servants, academics

and stakeholders in the justice system. A workshop with Welsh stakeholders and experts was held at the Wales Centre for Crime and Social Justice conference in May 2025. At a roundtable event in June 2025, initial findings and recommendations were further contextualised and developed by practitioners, academics and public and third sector stakeholders in Wales. Sections of this report have also been peer reviewed by senior probation practitioners and experts, although any remaining errors are the responsibility of the authors.

The first section of this report articulates the current policy context of the Probation Service and existing collaborative practices in Wales. The sections that follow present the findings of the research, organised into three key themes that emerged from the research as important considerations in the MoU process: i) governance, including responsibilities and reporting structures, and issues relating to localised and centralised probation systems; ii) relationship building, including trust, autonomy and partnership working; and iii) operations, including service delivery, meeting service user needs, and localised funding and workforce issues. Annexes 1, 2, and 3 provide additional context and case studies developed from our research. We provide recommendations in each section to support the successful development and implementation of an MoU in Wales; these are repeated at the end of the report.

Each section includes discussions of challenges and opportunities associated with MoU and co-commissioning approaches, along with practical insights from participants' experiences. The analysis includes examples from English regions including Greater Manchester, as well as from the Welsh context. Alongside the specific recommendations, the conclusion presents key considerations should an MoU be negotiated for probation services in Wales.

While most MoUs are based around the co-commissioning of services, a strict limitation to considering this approach has not been applied, particularly as most implemented MoUs are *de facto* more expansive than a co-commissioning agreement. This report should not be read as advocating for an MoU approach, either in its own right or as part of a wider devolution process, about which we make no judgment; rather, it is intended as an attempt to understand and articulate what could be achieved through this approach and what the challenges and trade-offs may be.

Policy context

The Probation Service in England and Wales

The Probation Service is a statutory criminal justice service in England and Wales, responsible for managing individuals serving community sentences or released from custody into the community following completion of the custodial part of their sentence. The Service is also responsible for sentence management, providing advice to courts on sentencing, and delivering rehabilitative programmes across England and Wales (GOV.UK, n.d).

The Probation Service aims to support people returning from custody to adjust to life in the community and reduce the risk of reoffending. It also supports victims of crime and helps protect the public.

There are currently twelve probation regions across England and Wales, including one region for the whole of Wales. Each region is led by a Regional Probation Director. Probation is delivered through sub-regional Probation Delivery Units (PDUs), six of which operate in Wales: North Wales, Dyfed Powys, Swansea Neath Port Talbot, Cwm Taf Morgannwg, Cardiff and Vale, and Gwent (Probation Service, 2021).

The probation sector has undergone significant change over the past decade. Following partial privatisation under the Transforming Rehabilitation (TR) programme in 2014–2015, high-risk offenders remained the responsibility of the National Probation Service and low to medium risk offenders were managed by Community Rehabilitation Companies (CRCs), which also delivered Through the Gate services. CRCs were predominantly large private companies such as Sodexo, Interserve and MTC Novo, although some statutory and voluntary sector organisations were also involved (UK Parliament, 2021).

The TR reforms, introduced by former Justice Secretary Chris Grayling, were widely considered unsuccessful. Evidence suggests that this model had a negative effect on desistance in those considered high risk (Kay, 2016). Part-privatisation was also intended to increase innovative practices in the sector, but this did not happen at the scale that was hoped for (UK Parliament, 2021; Tidmarsh, 2020).

In Wales, a progress review found that the reforms did not significantly reduce reoffending and the number of people recalled to prison increased. Through the Gate services were also deemed to be ineffective and collaboration with the third sector was described as patchy (National Audit Office, 2019).

Due to evidence that TR was unsuccessful, the Probation Service was renationalised and reunified and placed under His Majesty's Prison and Probation Service (HMPPS) in 2021.

There is an ongoing crisis in the criminal justice system in England and Wales. This has been characterised as being in part due to sentence inflation, a reduction in the use of community and non-custodial sentences, and a prison estate that has not kept pace with demand (Gauke, 2025). Since diverging from their historic role as officers of the court, there is some feeling that courts have lost confidence in the performance of the Probation Service, which has been mooted as a reason for the reduction in non-custodial sentencing (Rowland, 2024a).

The UK government is attempting to address the crisis in the criminal justice system, but some proposed reforms will place additional pressure on probation staff. For instance, the Sentencing Bill (2025) aims to divert offenders from prison by presuming against short prison sentences (and thereby reduce capacity issues in the prison system) but is expected to create significant increases in caseload and corresponding capacity implications for probation staff. While both the Gauke Review (2025) and the Leveson Review (2025) call for investment in rehabilitative services and the need for innovation in resolving issues, it will still be the case that in the short term additional pressures will be placed on the Probation Service.

This is particularly problematic as there is also evidence that the Probation Service is, and has been for some time, ‘dangerously overstretched’ with significant capacity and caseload problems (Rowland, 2024b). In addition, repeated changes within the sector and the impact of those changes on the probation service workforce are said to have led to change fatigue. One participant in this study described the pace and scale of these changes, alongside other pressures in the system, as like ‘needing to jump from one burning platform to another’ (interviewee). Furthermore, frustration with services failing to meet service user needs and heavy workloads have negatively affected staff and prompted calls to do things differently, particularly around commissioned services, in order to reduce reoffending and improve support for service users. The forthcoming abolition of Police and Crime Commissioners (PCCs) in May 2028 will also alter the governance of the criminal justice system (Home Office and Mahmood, 2025).¹

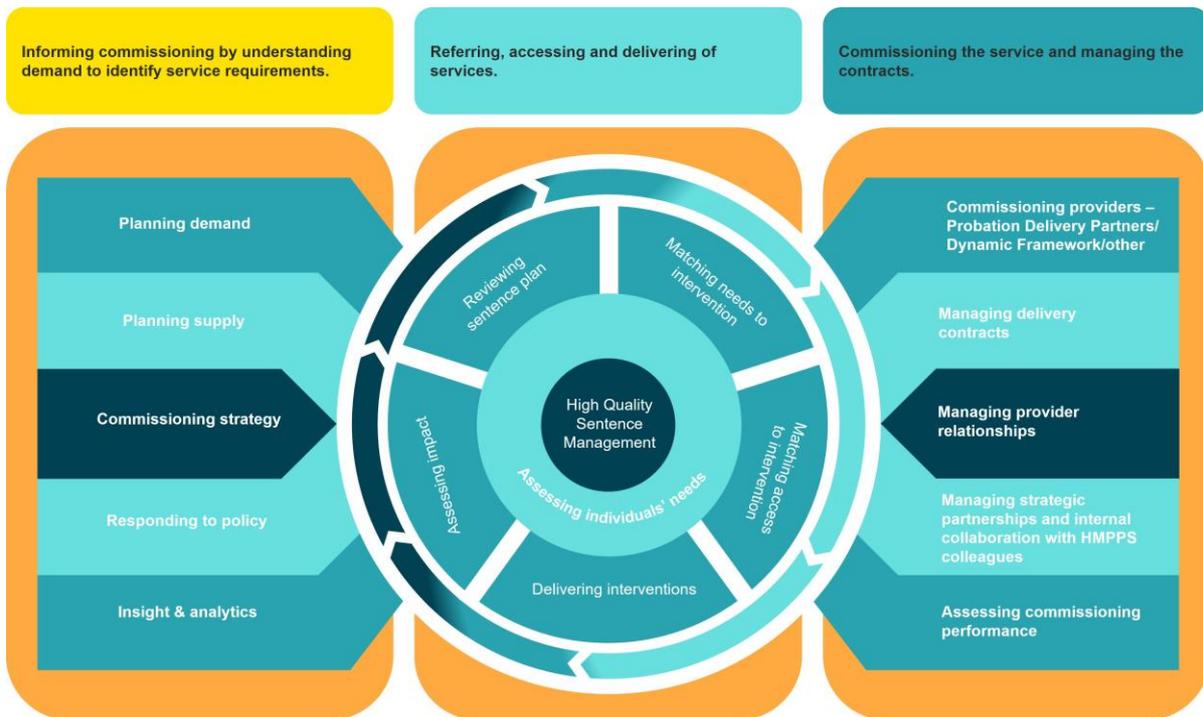
While the UK government’s focus remains on resolving the immediate crisis in the criminal justice sector, including issues with the Probation Service, Lord Timpson told the Senedd in July 2025 that devolution and/or a move to a co-commissioning model could be considered in the future (Lord Timpson, 2025). In the meantime, the UK government and Welsh Government have agreed to explore restructuring responsibilities within the youth justice system and to engage in discussions on the potential adoption of an MoU on probation (Irranca-Davies, 2025).

¹ In England, elected mayors will absorb PCC responsibility, with local council leaders taking this on where there are not elected mayors at present. Governance arrangements for Wales have not been confirmed but ‘the unique circumstances of devolved local government arrangements in Wales will be taken into consideration’ (Home Office and Mahmood, 2025).

A new framework for collaboration

A Target Operating Model (TOM) was developed after reunification, in part to support more effective local partnership working in probation service delivery (HMPPS, 2021). Areas for review and development for enabling commissioning models are set out in Figure 1.

Figure 1: Areas of commissioning models for review and development



Sources: Redrawn from HM Prison and Probation Services (2020: 53)

Under the TOM, Regional Probation Directors in England and Wales hold leadership responsibility for the commissioning and delivery of services at a local level, with the aim of developing a clear line of accountability and strategic probation leadership in each of the 12 regions. Co-commissioning and partnership working are key elements of this model, with the aim of applying evidence to inform priorities and improve services, while remaining aligned with the wider HMPPS strategy.

To improve service delivery and the procurement of services, the Ministry of Justice developed the Probation Dynamic Framework (DF) (HM Prison and Probation Services, 2020). It was designed to operate at regional and local levels to respond to need, allowing a wide range of public, private and third sector providers to join at any time. Improved access for smaller and more specialised providers was also considered under this framework by aiming to reduce the administrative burden of procurement and enable more flexible service delivery.

Use of the DF is not mandatory and regions may choose whether to use it to identify specific service providers. There are examples of localised partnership working in probation service delivery that have not used the DF, such as Wellbeing Hubs in Cardiff (Grand Avenues) providing community spaces with access to different services including wellbeing services, accommodation support, substance misuse services, health services and job seeking support. In other cases, arrangements might be made with non-DF providers on an informal (i.e. non-commissioned) basis where it is felt they can offer better service provision for the needs of a particular person. Other areas may not be able to use the DF because there is limited or no provision available, particularly in rural areas.

Existing collaborative practices in Wales

The shift towards more localised and locally driven partnership working in the justice sector in Wales is not a recent development. Partnership working between government, public services, and third and private sector agencies, as well as communities, was envisioned through a collaborative and integrated multi-agency approach. This included initiatives such as Community Safety Partnerships, Integrated Offender Management Cymru, and the establishment of Public Services Boards under the Well-being of Future Generations (Wales) Act 2015 (Welsh Assembly Government, 2010; Welsh Government, 2017a). More recently, co-commissioning and partnership working are seen as mechanisms that can support the transition towards a devolved probation system (Welsh Government, 2017b).

Probation services are already part of statutory partnership arrangements, such as Community Safety Partnerships (CSPs) alongside police forces, health boards, fire services and local authorities in Wales. Probation representatives are also invited to Public Services Boards meetings in Wales. HMPPS also run a Collaboration and Commissioning Forum; bringing together HMPPS, the Welsh Government, the four Offices of the Police and Crime Commissioners (OPCCs), and third sector organisations, such as Clinks. This aims to provide space for informal discussion between co-commissioning partners and the third sector to identify challenges, explore opportunities and co-design commissioning intentions.

Existing arrangements appear, however, to be complex and not always effective. The Wales Audit Office (2016) found challenges around governance and responsibility coordination, especially with devolution and partnership arrangements that must operate across both the Welsh and UK Governments. Conflicts were also linked to the impact of austerity measures and complex partnership arrangements, particularly in relation to governance and accountability.

Beyond formal and statutory arrangements, practitioners from other parts of the UK noted that Wales is already recognised for innovation in probation, particularly in co-commissioning and partnership working. Approaches that were viewed as effective

include alliance commissioning. This is where probation, Area Planning Boards, health services, local authorities and Police and Crime Commissioners (PCCs) have joined together to deliver open access services across substance misuse and criminal justice services using collaboration agreements. There are also examples such as the Women's Justice Blueprint and the Youth Justice Blueprint published by the Welsh Government, in collaboration with HMPPS, Ministry of Justice, Policing in Wales, the Youth Justice Board and third-sector partners (Welsh Government, 2019).² These services demonstrate that joint commissioning, ownership and delivery between the Welsh and UK governments is already in place in parts of the criminal justice system in Wales despite the absence of a formal MoU framework.

These methods of partnership working involve multiple organisations pooling resources and setting shared aims and ambitions, and have similar purposes to an MoU. An MoU was characterised by one interviewee as a more formalised, contractual version of existing collaborations, particularly where money was being provided from one agency to another (from HMPPS to the Welsh Government, for instance).

The need to do things differently

HM Inspectorate of Probation recently published its national inspection report examining the effectiveness of HM Prison and Probation Service, which concluded that the Probation Service is not adequately equipped to deliver services to a good standard (HM Inspectorate of Probation, 2025; Webster, 2025).³ Additionally, the speed of change and increase in responsibility within the service have created what Millings et al. (2025) describe as operational vulnerability within an overloaded workforce. This has contributed to motivation for reform, particularly calls for greater partnership working at a local level and increased local autonomy over budgets, which are seen as key principles for reform (Redgrave, Tipple and Mulheirn, 2019).

Trade unions representing probation workers, such as Napo, support the decentralisation of probation in Wales (Napo, 2023). Devolution might present an opportunity to approach probation differently, to address crime, reduce reoffending and easing pressures on the justice system while aligning more effectively with social justice and other services such as housing, health and education.

² The ambition of the Blueprint to establish a residential women's centre to present an alternative to short custody periods has however been problematic, calling into question the effectiveness of the blueprint (email communication, 2025).

³ Inspections of Welsh PDUs have taken place since the publication of this report.

Governance

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.

This section explores the experiences and perceptions of probation practitioners with working experience of a MoU approach and co-commissioning in probation services. While MoUs are simpler and quicker to deliver than devolution options which require changes in legislation, they still require a significant amount of work and, based on some participants' experiences, can take years to develop. Much of this is related to governance, particularly agreeing the roles and responsibilities of partner organisations. Some, including the example here from Greater Manchester, described their use of an MoU as a strategic tool to move the relationship towards one of greater partnership.

'The MoU is not so much a legal document as it is a strategic handshake. It's a public statement around partnership although with some legal purposes.' (Probation practitioner)

The evolution of the Greater Manchester MoU and how it has enabled partnership working are considered in Annex 1.

Managing negotiations and political considerations

The negotiation and early development stages of the MoU were described by interviewees as challenging, particularly on fundamental issues such as agreeing key roles and responsibilities and ensuring that all relevant stakeholders had a seat at the negotiating table. Deciding on leadership and signatories was critical, with many of the complexities linked to overlapping and fragmented governance arrangements. In particular, working across multiple local authority boundaries can make negotiations complex due to different administrative boundaries, referred to by participants as jagged edges and artificial boundaries. This can make negotiations laborious:

'There are 32 separate conversations that we need to try and have...each different pathway is structured differently... every organisation is structured differently.' (Probation practitioner)

Political challenges in developing MoUs and partnership working were noted. In particular, participants noted a reluctance from central government to let go of control. Despite support from many practitioners and probation unions, many believed there was no real appetite within central government to meaningfully devolve probation. Those interviewed felt this was mainly due to a reluctance to relinquish budget responsibilities alongside a general lack of interest in devolving probation services.

The political nature of the role of PCCs was seen as a challenge for MoU development and co-commissioning, due both to leadership churn and the nature of priority setting. While this will change with the forthcoming abolition of PCCs, their replacements are likely to also provide political input.

Political differences between local authorities can also be significant stumbling blocks to a cohesive approach, such as moving towards an MoU within probation regions. For example, on issues such as housing, political priorities do not always align with the needs of probation services and service users.

'There isn't a shared view across local authorities. In fact, there's often the opposite depending on the politics of that local authority... Getting local authorities to meet with us, to join in with us, a lot of this is very much down to politics.' (Probation practitioner)

Enabling models for partnership working

Despite the challenges of developing an MoU and undertaking co-commissioned services, participants recognised benefits and opportunities in a more localised approach based on their own working experiences of using an MoU approach and co-commissioning. This model was often seen as a way of countering perceived restrictions of the current centralised system, enabling a solutions-focused and more nimble approach to commissioning.

More localised partnership working was also perceived as a more agile and responsive way of delivering probation services. Practitioners expressed a preference for more localised partnership working over the current centralised system. Key benefits included being able to work with more autonomy, work innovatively and act more responsively to service users' needs based on probation staff professional judgement.

'...the benefits will increase the more the commissioning is able to be really local and really innovative and really flexible.' (Union representative)

'We're often not agile enough to be able to respond [to funding opportunities] so we miss out. I feel we miss out on a lot of opportunities for co-commissioning because of timelines.' (Probation practitioner)

Benefits to service users were also considered, in particular the removal of artificial barriers between services, which can lead to a more integrated support system and easier navigation of services for vulnerable individuals with complex needs. These are discussed further below.

Wider societal benefits of the devolution of probation may include significant cost savings across multiple services, reduced reoffending rates through more effective interventions, better outcomes for children of offenders and long-term financial and social benefits, especially for younger offenders aged 18 to 24. Participants also mentioned that a potential reduction in prison admissions could be achieved through better community management.

Success factors

Based on the research we have carried out, we have identified key success factors for governance in an MoU approach. These include clarity over roles and responsibilities and ensuring that national oversight reflects local and regional needs. A governance framework that addresses the complexities of the jagged edges between devolved and non-devolved areas, such as policing, and the differing boundaries of responsibility between public organisations was seen as key to an MoU approach being successful in Wales. Reporting structures, along with the

attributes of leadership and governance teams, were also important components of such an approach. Proportional and appropriate governance of probation services is necessary, including careful consideration of the positioning and seniority of the delegated authorities and signatories of the MoU. These should be trusted by probation practitioners, discussed below in the section on relationship building.

Roles and responsibilities

A clear governance framework with defined roles and responsibilities should be set out early. Discussions focused on addressing issues identified at the jagged edges of devolved and non-devolved areas, as well as the differing boundaries of public services such as health boards and local authorities, which made governance complex and risked conflicting priorities. National level governance should include the signatories necessary for amendments to an MoU or partnership agreements. Governance should involve statutory partners such as the police, health boards and local authorities, as well as third sector providers and people with lived experience. There should also be a role for the courts who can play a critical role, for instance through increasing the use of community sentences if there is more confidence in the probation service. It should build on existing successful partnerships rather than feel the need to create new ones from scratch.

Governance arrangements should be tested against their ability to enable better services, with a strong focus on outcomes and continuous evidence gathering to inform decision making. Welsh-specific criminal justice data, local priorities and research were seen as essential to inform both strategy and delivery. In addition, developing an information-sharing infrastructure; including IT, human resources and legal frameworks between partner organisations, is critical to support effective decision making. This will require additional resources from all agencies, as existing roles, collaboration mechanisms and infrastructure are often overstretched.⁴ Successful arrangements would use the governance framework to enable partnership working through aligning outcomes and values early in the development process, rather than adding friction into the system.

Oversight and localism

Broad oversight (not necessarily by the Welsh Government) at a national level with more locally specific needs of more regional level of governance is important. Study participants in Wales believed that governance should allow for localised service design and delivery, with national outcomes guiding local implementation. An MoU

⁴ Learning could be drawn from existing collaborations such as Community Safety Partnerships to see how these groups manage the additional administrative burden, and what may be needed to make this easier to manage.

should develop co-commissioning frameworks that respect local needs while remaining aligned with national strategies.

Context, including geographical and political landscapes within Wales, was considered important. A balance between national oversight and local autonomy was regarded as a key success factor, ensuring that local voices, including those of victims and offenders, are represented. It was also seen as essential to ensure that different areas of Wales have access to services that meet their local needs, with commissioning and co-commissioning in rural areas being particularly challenging. However, it was also considered important that localism did not result in inconsistencies in service quality or priorities.

Participants reflected on the appropriate scale and boundaries of governance structures and their respective responsibilities, referred to as the 'responsibility bite'. Opinions ranged from probation having its own governance structure, modelled on existing bodies, to strategic oversight being provided by existing structures.

A potential advantage of probation having its own governance structure is an increase in the accountability of its leadership. Options emerging from discussions included the establishment of a national probation board modelled on the Policing Partnership Board or the Welsh Youth Justice Advisory Panel, involving the participation of local government, the Welsh Government, and other partner organisations. Overall, a smaller unit and a greater degree of localism than currently experienced under the centralised system were preferred. The Women's Justice Blueprint and the Youth Justice Blueprint (Welsh Government, 2019) were seen as useful models, but with more localised streams and shared responsibilities. It should be noted however that the Blueprint has not been successful in its aim to reduce the number of women on short custodial sentences (email communication, 2025).

Alternatively a national governing body, such as the Criminal Justice Board for Wales, was considered suitable to provide strategic oversight and ensure transparency and avoid duplication. Regional Partnership Boards and Probation Delivery Units were discussed, but not necessarily favoured, as potential local governance bodies. Current Police and Crime Commissioner areas were considered too large and at risk of lacking cohesion due to differences in political priorities.

Summary

The research has highlighted lessons that could be tailored to help inform decisions in Wales. Our recommendations, above, set out specific actions which will promote a successful MoU, explored in further detail below.

An iterative MoU with a clear and proportionate governance framework can facilitate building on learning and adapting to changing needs. This allows for learning during implementation and ensures that adaptations can be made to

overcome unforeseen challenges that may arise. For example in Greater Manchester the second iteration of the MoU included the incorporation of budgetary flexibility to combine funding from different sources for probation services to meet growing demands and also to implement a more localised funding arrangement.⁵

Governance arrangements should be commensurate and tested against their ability to enable better services, with an emphasis on outcomes and continuous evidence gathering; and avoiding excessive governance.⁶ The tailoring of governance is important as context matters. While examples and experiences from other regions are useful to inform practice, there are specific local needs that need to be reflected in the governance structure. Governance in all cases should enable partnership working through shared values and objectives.

Embedding partnership working into the MoU in Greater Manchester was considered essential to address priorities and service demands. An integration function was used to stipulate that the contract holder should coordinate and manage other providers as a function of their service delivery model. This should also reflect local needs, to support successful partnership working. The next section discusses relationships in more detail.

National oversight should guide local implementation, balancing consistency with flexibility to meet regional and rural needs. Smaller governance units with greater localism were preferred over large PCC areas, with youth and women's justice models cited as useful precedents. Specifically, Welsh-specific criminal justice data, local priorities and research should inform both strategy and delivery. Information-sharing infrastructure, including IT, human resources and legal systems, were seen as critical. Some study participants believed probation should have its own governance structure in Wales to increase the accountability of probation leadership.

Success factors include clear governance frameworks with defined roles, proportional oversight, and alignment of values among partners. Effective governance must address 'jagged edges' between devolved and non-devolved areas, involve statutory and third-sector partners and build on existing collaborations.

Annex 1 presents examples of MoU governance approaches that show how different locations have tailored MoUs to meet their specific service needs.

⁵ As this indicates, pooling of budgets is possible under an MoU (possibly requiring a separate legal agreement) but an MoU without pooled funds would be in principle achievable.

⁶ See Annex 1 for a case study of governance structures that were felt to be excessive.

Relational

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.

The second key theme emerging was the importance of building relationships between those involved in the MoU, to support localised partnership working where there is an MoU model and co-commissioning of probation services.

An MoU was perceived to be a relationship building tool by some study participants. Good working relationships were seen as key to achieving positive outcomes for probation service users. Participants agreed that building effective working relationships with multiple partners is a key challenge, involving developing an understanding of how each partner organisation works and learning to align different ways of working. Developing an MoU was perceived by some practitioners as an opportunity to align with other agencies' institutional systems and reporting processes, and to learn how each organisation operates. The process of developing an MoU was described as an opportunity for agencies to understand the purpose of probation services and learn how to work together. This recognised that an MoU should be mutually beneficial and extend beyond financial issues.

'The biggest challenge for me and my team this last 12 months is about getting our key partners to really understand what probation is and what we do... They didn't really understand how we could align.'
(Probation practitioner)

The following elements were highlighted as key relational challenges experienced when working under an MoU model and through co-commissioning.

Building trust was described by participants as central to successful relationships between partners. With respect to advice from participants with working experience of an MoU approach and co-commissioning, one key lesson was to ensure clear goal setting before establishing co-commissioning structures. They described situations where relationships between partner agencies had been damaged due to changes in centralised policy or shifting priorities, which meant having to renegotiate agreements. Once damaged, relationships were difficult to rebuild. Practitioners described challenges when local partnership work had to stop abruptly due to central policy changes, and how the centralised system could hinder efforts to build local relationships.

'There's real potential for that to do more harm than good [to relationships when developing an MoU]. We'd done a lot of work. Those local authorities were really on board and then I had to go back and say, "Forget all of that".' (Probation practitioner)

Securing buy-in from multiple stakeholders and finding alignment in values, outcomes and targets was described as a key challenge at the early stages of MoU development. It was also seen as important in tackling the artificial boundaries that existed between different organisations.

Participants stressed the importance of understanding each partner organisation's ways of working, including procurement processes, resources and regulations, as well as organisational ethos and culture. This was seen as important in deciding who was best placed to take on different roles and responsibilities. Sometimes differences in procurement rules between organisations caused complications that required negotiation. Procurement processes needed to support good working relationships with a range of providers, including smaller organisations.

'...there's definitely something about understanding different organisations' processes. And at a really basic level, who's best placed to commission in some of these arrangements?' (Probation practitioner)

In other cases, more fundamental differences in priorities and purpose required careful arbitration to find a workable consensus.

'We were working on a [drug rehabilitation initiative], ... the police [said] "we want to pick the highest harm people". The drug agency [said] "your definition of harm is not our definition of harm. We want people who are most likely to harm, to be harmed to themselves".'

Whereas of course PCCs [said] “no we want the people that are going to come out and cause chaos in our communities”. It turned into a little bit of an argument...’ (Probation practitioner)

Participants recalled a mismatch between probation service performance targets and partner organisation policies. For example, Ministry of Justice targets on stable housing for people leaving prison are not supported by local authority resources due to fiscal constraints or differing priorities.

A probation practitioner explained that the Ministry of Justice measures performance against targets on ensuring people leave prison with stable accommodation. However, they noted that local authorities are under heavy pressure and that housing is often treated as a difficult area. In some cases, local authorities acknowledge an individual’s priority need but still judge them to be intentionally homeless because they went to prison, which means no duty of support is offered.

Some probation practitioners felt the service is sometimes overlooked, particularly in negotiations around localised partnership working.

‘I think the difficulty is as a probation services, we are often lost to the table because we’re civil servants...we’re seen as part of central government when the devolution conversations are happening.’ (Probation practitioner)

Participants also discussed other mechanisms that supported localised partnership working within the MoU and co-commissioning approach. One example from a non-devolved region described how the Police and Crime Commissioner acted as an honest broker to facilitate service continuation when local authorities faced financial challenges. An honest broker was described as an organisation that mediates between partners to support collaboration.

‘The overarching strategic purpose of an MoU should be to make things better for the individual service user. If that’s not the purpose, then pack up, go home, don’t bother.’ (Probation expert)

To gain buy-in to the MoU from multiple partners, a voluntary approach was recommended with the arrangement being offered as a choice to encourage genuine collaboration rather than being mandated through licensing. Also focusing on a specific cohort of people or a cross-cutting theme such as employability or homelessness was seen as helpful in gaining buy-in. These specific areas were sometimes referred to by participants as tramlines or swimming lanes, which enabled targeted partnership action while maintaining strategic alignment.

Staff turnover was also described as a key challenge in relationship building. In the centralised probation service high turnover affected the efficiency of co-

commissioned work and required organisations to repeatedly explain decisions and processes to new team members. Turnover at senior leadership level was identified as a particular challenge in Greater Manchester during their initial MoU development. Leadership support was seen as vital to the successful implementation of the MoU.

'The key challenge was getting balance on the level of signatories for the MoU right. The difficulty of leadership churn and the need for having high level sponsorship of partnership working were important.'
(Probation practitioner)

Success factors

Practitioners, academics and other stakeholders in Wales identified the following as key success factors for relationship building in localised partnership working, such as an MoU approach.

Engagement and shared goals

The process of developing an MoU should aim to improve relationships between probation service stakeholders. Participants discussed the importance of relationship building when working with other agencies, including statutory partners, third sector providers and people with lived experience.

Successful partnerships were described as being based on local offender demographics and needs, with the flexibility to adapt to regional differences.

Clear communication and a shared vision among partners were considered essential, built on a foundation of collaborative working relationships. Addressing poor communication and disconnects across services in large organisations, such as those within health, is important to fully realise the potential of a focused thematic probation service delivery approach in Wales as well as allowing for more successful partnership working. Miscommunication and disconnected priorities are key factors that could harm relationships between agencies. These would need to be addressed in an MoU by setting clear shared goals early in the development process.

Building on existing successful partnerships was seen as preferable to creating entirely new partnerships from scratch. From participants' experiences, relationships between services develop slowly and are often hindered by mistrust or lack of engagement. The MoU development process was seen as key to building effective relationships through consistent engagement and shared goals.⁷ It was viewed as an opportunity for organisations to learn to understand the role of probation services and

⁷ See Annex 2 for case studies.

how each partner operates. Bringing stakeholders to the table at the development stage of an MoU was described as crucial to developing a successful MoU approach and co-commissioning framework.

Establishing joint ownership of outcomes is important, in particular securing buy-in from local authorities and the inclusion of HM Courts and Tribunals. This involves clear and ongoing communication and building an understanding of shared risk.

Start small and scale up

Smaller scale partnership working was seen as useful in building rapport and trust between partners. Participants supported the idea of a focused MoU approach rather than attempting to cover every aspect of probation services in Wales within a single agreement. Rather than being determined by geographical boundaries, suggestions around the focus and scale of an MoU in Wales were expressed in terms of shared values, themes, priority cohorts and degrees of localism.

'We've piloted [the dependency and recovery service] in one area for 18 months. Resounding success. By being able to show success in one of the county areas, we've been able to use the champions of that local authority to persuade their colleagues in other local authorities.'
(Probation practitioner)

Participants stated that a values-based, rehabilitative approach should be the overarching strategy for partnership working in probation services in Wales. Addressing cross-cutting themes such as housing, employability and mental health was seen as having the greatest potential impact and being a key success factor.

Some examples of specific areas of focus are discussed below, along with the relational barriers that would need to be overcome to develop successful working relationships between agencies. The informal, relationship-based nature of partnership working at a local level was highlighted.

Key opportunities for relationship building include working **'as locally as possible'** (Trade Union representative), increased use of third sector providers and involvement of people with lived experience. Centralised commissioning systems were perceived as a barrier to working with smaller organisations, and a lack of long-term funding was seen as an obstacle to building strong relationships with third sector partners.

Summary

Developing an MoU has the potential to be a valuable relational tool, fostering mutual understanding and alignment across agencies. It offers a chance to learn institutional systems, clarify the role of probation services, and build collaborative frameworks.

Our recommendations suggest ways in which this can be managed successfully to ensure buy-in and trust from all partners in an MoU.

Relationship-building can be a slow, deliberate process, but is essential for effective co-commissioning and improved probation service delivery. Ultimately, a values-based, rehabilitative approach was advocated, with flexibility to adapt to local needs. Localised working, third sector involvement, and building in lived experience were seen as routes to developing a responsive approach.

It is important to build and manage trust. Shifting central policies, misaligned priorities and changes that were not communicated in advance and which subsequently disrupted local partnerships were all factors that could undermine trust. An early investment in aligning values and outcomes to secure stakeholder buy-in were important.

Success factors identified in Wales included shared goals, consistent engagement, and clear communication. Building on existing partnerships was preferred over starting anew; and early involvement of stakeholders and joint ownership of outcomes were crucial. Starting small and scaling up, building on initial progress as trust is built has worked well. Also focusing on a specific cohort of people or a cross-cutting theme such as employability or homelessness was seen as helpful in gaining buy-in from multiple partners.

Staff turnover, especially in leadership, disrupted progress and required repeated onboarding. Leadership sponsorship was noted as vital for MoU success and obtaining buy-in from different agencies through initiatives such as secondments was seen as beneficial.

Disparities in procurement processes and performance targets, notably around housing, highlighted systemic misalignments. Procurement processes were important in supporting good working relationships with a range of providers, including smaller organisations (see below).

Table 1 summarises views on the potential opportunities of an MoU approach in Wales and the obstacles that would need to be overcome in terms of relational issues.

Table 1: Relational opportunities and challenges of an MoU approach

Relational opportunities	Challenges to be overcome
Emphasis on targeted, phased approaches with clearly mapped benefits.	Centralised commissioning seen as potentially undermining local initiatives and innovation.
Strong focus on rehabilitative services: housing, employment, mental health, etc.	Concerns about stability and short-term nature of third-sector funding in these themes and lack of continuity of care.

Support for community hubs and integration of lived experience.	Risk that large organisations dominate CRS contracts at the expense of smaller, community-led ones.
Valuing small, specialist third-sector providers and inclusive service design.	Political uncertainty and penal populism cited as barriers.
Calls for clear values based and culturally sensitive, flexible commissioning processes.	Poor communication and disconnects within large organizations (e.g., health).

Source: WCCSJ workshop

Annex 2 presents examples of relationship building from the Greater Manchester experience in terms of blended delivery and shared responsibilities and co-commissioning around hubs.

Operational

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.

The successful operation of partnership working and service delivery in Wales requires navigating a complex landscape of governance, geography and organisational cultures. Overcoming these obstacles involves a combination of structural reform, inclusive practices and strong relationship building strategies.

Operationally, interviewees stressed the use of MoUs as a contract management tool, and as a way to focus on service user needs.

In terms of benefits and opportunities provided by an MoU approach, it will be important to support practitioners to be more responsive to local needs by developing innovative local solutions, such as using small community providers. Continuity of service was also described as important both within contracts and for probation service users. Identifying and navigating the complexities caused by a lack of coordination between services or duplication between agencies, was seen as key to providing adequate support.

'...[the probation service user] was supported by a victim support worker up to the point of the court visit and then they were handed over to somebody they've never met before [to talk] about the court experience and then they ...went back to the person that was supporting them before and it was an artificial barrier and it didn't save any money.' (Probation expert)

Contract management

An MoU is particularly important for contract management of co-commissioned services where multiple agencies are involved and as a way for probation staff to manage risk around service delivery. Interviewees described using an MoU to pre-empt and mitigate risks around service delivery, helping to protect the statutory and commercial responsibilities and interests of the probation service.

'We use the MoU in order to say how we will [hold providers to] account, how we track that we're getting the service that we need... We want to make sure we get what we're expecting for our money.' (Probation practitioner)

Participants highlighted the value of MoUs as tools for managing contracts, negotiating responsibilities and addressing risk in ways that other partnership mechanisms, such as secondments, could not achieve. One practitioner described the significant difficulties involved in trying to bring two mental health nurses into a probation office through existing commissioning structures. Conflicting interpretations of responsibilities between health and criminal justice commissioners created an 18-month impasse, requiring the service to resort to secondment agreements that lacked the safeguards, targets and performance measures normally built into formal contracts.

'Had we just been able to do it via an MoU, or a contract, that would have been really straightforward.' (Probation practitioner)

They noted that navigating the concerns of highly risk-averse commercial teams was a recurring challenge, and argued that understanding internal risk appetites was

essential for designing workable arrangements and reassuring commercial colleagues.

Information sharing between agencies was cited by participants as a significant challenge affecting probation service delivery in general. Information Sharing Agreements (ISAs) can be negotiated and agreed during the development stage of an MoU, which was described as crucial but time-consuming to agree and implement. ISAs cover not only how and what information about a service user is shared, but also how it is used, stored and protected.

From the perspective of community and third sector service providers, while the importance of protecting service user information is recognised, gaining access to essential information from statutory partners can take a long time (up to 18 months in some cases) and therefore significantly delay service delivery.

'Making sure we're in a safe space with ISA [Information Sharing Agreement] agreements, making sure that we're getting value for money, it's been scrutinized etc. So it's part of the procurement principles as well to make sure commercially we're not duplicating the service.' (Probation practitioner)

It will therefore be important to ensure that ISAs are negotiated as part of an MoU and that there are processes in place to enable safe and prompt sharing of data, which can help to realise benefits more rapidly.

In terms of commercial protections for co-commissioned probation services, robust contract management was described as particularly important when engaging certain size organisations or commercially oriented providers, where issues such as value for money, scrutiny and safeguarding procurement principles were seen as especially significant. However, some participants suggested that attempts to protect probation services sometimes resulted in contracts becoming unwieldy and overly complex. This could discourage smaller, local partners from working under an MoU approach.

'[A small, local provider said] "we don't want the contract"... they didn't feel comfortable in taking a contract. I think because ...of having a major contract with probation service and what that means. So they wanted to stay a bit nimble. It just tied them in too much, you know, "you will do this by this date". So it might have felt just too onerous.' (Trade Union representative)

Contract management processes should therefore balance the need for robust oversight and accountability with the ability to be flexible and enabling, particularly for smaller suppliers.

From the perspective of probation practitioners, an MoU is labour intensive not only during development but also throughout delivery. Probation teams must regularly monitor progress to ensure expected outcomes are being met and to evaluate and adjust where necessary. It is not a one-off tool. Even the most robust MoU does not remove operational responsibility from probation teams and remains a significant piece of work.

'On a monthly basis, we will go in there, and if there's operational challenges they're facing, or challenges they're facing in the contract, that's our responsibility. Because if referrals aren't being done correctly, or they're not getting enough information, those are things we can take back as a conduit to the operational team and correct it.'
(probation practitioner)

Some practitioners argued that the terminology around an MoU can make the process appear to be on a more robust legal footing that might actually be the case: for instance, that there would be formal penalties if you step outside the framework.

'I think there's an expectation that it is on some sort of legal footing and organisations are bound by [an MoU] and something will happen if you step outside what's in there. Thinking of it as a set of operating principles or something like that is a better description...' (Probation practitioner)

Similarly, there were some views expressed around whether the requirement for continual, robust contract management could make an MoU model unnecessarily burdensome. For these participants, more informal forms of partnership working were perceived to be more straightforward to implement and potentially more attractive to suppliers. For one participant (quoted above) this difficulty could be avoided, to a degree, by referring to an MoU as a set of 'operating principles' or similar.

Although informal collaboration can obtain some of the same results in terms of partnership working and service delivery, a formal MoU arrangement is able to realise significant additional benefits, including reduced risk of duplication of services; more efficient use of limited public funds; and the benefit of economies of scale when combining services, while managing the risks of overlap or service failure. Co-commissioning can also give the commissioning partners (e.g. Welsh Government) more of a formal role in aligning service delivery with other public services and with the values and strategic approach of all partners, as has been the case in Greater Manchester (Price, Notman and Tilley, 2024).

Towards a more local service delivery

The second key operational use of an MoU was described as a way to ensure services were developed and delivered on an offender needs basis rather than an offender management basis, so that service user needs were met. This places the needs of service users at the heart of service delivery and requires a more personalised and localised way of working.

Personalisation included the personalised plans that follow individuals throughout their journey in the Criminal Justice System and recognition that success varies by individual, which does not always fit within standardised reporting measures. Continuity of service was highlighted, particularly in relation to the transition from prison to the community, which requires early release planning and better information sharing between agencies.

Participants discussed the need for greater localised autonomy and proportional governance. They described examples where an MoU approach enabled staff to be more responsive to local needs by developing innovative local solutions that challenge the limits of the centralised model.

For instance, one participant described difficulties securing Dependency and Recovery services in a rural location and reported overcoming this by extending provision through joint commissioning and integrating with existing statutory drug services.

'We've...bolted on to their existing statutory dependency services – their drug services.' (Probation practitioner)

Through this approach, the participant was able to increase the budget by around 50 per cent and ensure continuity of support beyond an individual's period on probation. They emphasised that being unable to implement the central model forced a more creative and ultimately more effective local response.

'We're fortunate by our misfortunes... I think we've got a far superior service because we've got a more localised one, a more responsive one.' (Probation practitioner)

We also heard from interviewees that there was potential for greater agility, responsiveness and local autonomy under an MoU compared with more centralised commissioning. For example, one practitioner based in England explained that a national-level attempt to 'parachute' a service provider in alongside local provision had proved unworkable, resulting in duplication, overlapping roles and confusion for service users. Following this, the commissioning model was abandoned and work began directly with 13 local authorities and their substance misuse teams under an MoU arrangement, which allowed additional provision to be added to existing local

authority contracts without a formal tendering exercise or duplication of service. This flexibility was seen as a major benefit given the slow nature of existing tendering systems.

Practitioners, especially those with extensive experience, expressed that being able to use their professional judgement more freely to address local issues was a key factor in their desire for greater local autonomy. Using small community providers was seen as essential for delivering personalised and innovative services. However, interviewees reported that existing procurement limits and small local budgets affected the scale and potential of these services.

‘They [small third sector providers] are unable to hire enough staff because we give them £10,000 [the direct award limit]. You can’t go and get a staff member for a year for that [although] they’ve got lots of other small pockets, whereas devolution might give the opportunity to actually do a three-year committed service so they can upscale operations and show what they can do.’ (Probation practitioner)

Ensuring that an MoU facilitates working with smaller, local practitioners in regions across Wales, both through governance/contract management arrangements and procurement, will be important to maximise the benefits of this approach.

Success factors

Ensuring that the MoU enables a localised operational system can help to realise the following benefits: i) enabling staff autonomy to deliver local solutions; ii) better sharing of information and continuity of service; and iii) localised and pooled funding.

Staff autonomy to deliver local solutions. This was seen as essential to improving services and as an important way to attract and retain skilled staff. Issues around workforce capacity and the working culture of probation staff were identified as essential to understand whether an MoU approach could be successfully implemented. Challenges relating to recruitment and retention, workload pressures and instability in the sector would need to be resolved as part of any further changes to probation services. Enabling greater staff autonomy to improve services and supporting staff to deliver local solutions were seen as important ways of attracting and retaining skilled personnel necessary in probation. Involving more third sector organisations in service delivery was considered as one way to help support current and future workload issues and support stability in the probation workforce.

Enhanced data, better sharing of information to support continuity of service. An MoU was seen as a mechanism that could allow better planning for release, improved sharing of information and continuity of services from prison into the community.

For an MoU approach to be considered successful, identifying the needs and priorities of individuals is important. To support this sharing Wales-specific data between agencies to enable personalisation and continuity of services for probation users is critical. Such data would also be valuable as evidence to identify individual needs, measure outcomes and highlight unintended consequences or unmet needs. However there is a need for investment in data systems and collection as a first step.

Participants recognised that success varies by individual and highlighted the importance of **personalised plans that follow people throughout their journey in the criminal justice system**. A mechanism that supports early planning for release and improves the sharing of information and continuity of service from prison to the community was considered crucial. To achieve this creating a roadmap and mapping the multiple touchpoints a service user has across different agencies was considered useful in helping to integrate pathways and demonstrate how services could better align. This practice was recommended by practitioners with experience of negotiating MoUs and developing more localised partnership working.

‘One of the things that's quite helpful is...to map out...the number of touch points that [a service user] has had...to show the cost of that individual to each of those services.’ (Probation expert)

Participants also saw potential to strengthen the role of the third sector, provide more personalised services and improve continuity of service especially with ‘Through the Gate’ services through co-commissioning and an MoU model.

More localised funding and pooled funding. Continuity and quality of service provision were of key importance to participants, who suggested several changes to current funding arrangements to support these. In Wales, participants felt that a successful MoU should promote co-commissioning and flexible funding models to encourage greater engagement with smaller and local service providers. They also highlighted the need for a clear and fair funding strategy that considers other Welsh Government priorities and the limitations of current UK-wide commissioning models (such as CRS), as well as the ‘jagged edges’ created by differing governance boundaries, particularly around prisons and transfers. Multi-year funding strategies were viewed as essential for sustainability and long-term planning. Some participants preferred moving away from commissioning towards more grant-based approaches to make funding more accessible for smaller third sector providers. Finally, participants in Wales suggested that financing should be frontloaded, with investment allocated at the beginning of the process and any savings or financial benefits reinvested into other Welsh programmes.

Summary

The structures put in place under an MoU should balance robust and proportionate contract management with keeping the person at the centre of service delivery and co-commissioning.

Overall, participants perceived a need to ensure clear governance, overcome restrictions on funding and improve personalisation as key factors in terms of operational elements when developing an MoU approach and co-commissioning probation services in Wales.

The key lesson learned in terms of operational aspects of an MoU and co-commissioning approach is the importance of clear protocols and a person-centred focus.

'the person the services are for at the centre of everything you do...you have to remember that there's a person on their journey...sometimes that can get lost [in commissioning]' (Third sector organisation)

Regarding advice and common pitfalls to avoid, participants with MoU experience emphasised proportionality in contract management, ensuring that processes do not hinder the smooth running of essential services, relating to points raised in relation to governance above.

An MoU can promote co-commissioning and flexible funding models, especially for smaller or local organisations. This can support greater responsiveness to local needs and innovative responses. A clear and fair funding strategy will be required, taking account of other Welsh Government priorities and addressing limitations of current UK-wide commissioning models.

While there was agreement with practitioners from English regions on the potential benefits of co-commissioning, including pooled budgets (with a separate agreement) and more localised partnership working, several Wales-specific barriers were identified. These included the absence of a women's prison, ensuring there are alternatives to short custodial sentences for women, as well as a need for Wales-specific data collection and a functional mechanism for sharing data between services.

Table 2 summarises views on the potential opportunities of an MoU approach in Wales and the obstacles that would need to be overcome in relation to operational issues.

Table 2: Operational opportunities and challenges of an MoU approach

Operational opportunities	Challenges to be overcome
Potential to strengthen third sector, offer more personalised services, and improve continuity of service especially with ‘through the gate’ services.	Structural challenges: no women’s prison or a residential women’s centre in Wales, fragmented prison population.
Pooling of budgets could increase funding and service diversity.	Importance of shared objectives and careful consideration of MoU signatories/partners and period of engagement/negotiations to ensure equal representation from all partners.
Co-location and shared service spaces (e.g. Safer Wales and Probation).	Tension between national models and local responsiveness.
Opportunity for greater innovation, flexibility and local responsiveness.	Uncertainty over governance, responsibility and resource allocation.
Emphasis on shared understanding of safety, reducing breaches and increasing voluntary engagement.	Need for better data sharing, clarity on devolved powers and commissioning transparency.

Source: WCCSJ workshop

Conclusion

An MoU is a viable model and can be a useful tool in Wales, with significant benefits possible if the process is well-managed; governance frameworks are clear and defined; and trusted relationships are built throughout the MoU lifecycle.

Governance arrangements should be clear and well-defined, with adequate funding and flexibility to make local arrangements where needed. These issues must be negotiated and set out clearly in an MoU approach to co-commissioning probation services in Wales. Participants stressed that the key signatory of an MoU should be someone trusted by probation practitioners, as should delegated authorities.

Effective governance in probation services also requires adaptable frameworks that reflect local needs. For an MoU approach to work well it should be iterative and sensitive to context. Strategic governance models must support outcome-driven services, enable data-informed decision-making and promote accountability. There is potential for an MoU to act as a mechanism for structural reform and to support the development of a future governance framework for probation in Wales.

Strong relationships between agencies are fundamental to successful partnership working. The importance of basing partnerships on local offender demographics and needs, with flexibility to adapt to regional differences, was also seen as essential. Mechanisms such as secondments, bridging roles and honest brokers were highlighted as useful tools for fostering collaboration. Mapping service user journeys and focusing on shared goals, such as employability or homelessness, helped align partners and build trust. Clear communication and a shared understanding of commissioning processes were viewed as essential to sustaining these relationships.

Operational success depends on balancing national oversight with local autonomy. Participants advocated for person-centred service delivery, improved data sharing and continuity of care from prison to the community. Flexible funding models, including pooled budgets and grant-based approaches, were suggested to support innovation and engage smaller providers and could be adopted as they have been in Greater Manchester. Clear protocols, proportionate contract management and staff empowerment were identified as important to delivering effective and sustainable probation services in Wales.

Overall, an appropriate governance model that provides strategic oversight while allowing local responsiveness and fair resource allocation was considered essential. A balance is needed between national operational oversight and local autonomy to ensure the voices of all involved, including victims and people on probation, are heard.

Wales-specific structural challenges across the criminal justice system remain and require attention, including the absence of a women's prison, the ambition to establish a residential women's centre and the need for improved Wales-specific data collection and data-sharing mechanisms between services.

The use of third sector providers was seen as a possible way to reduce the risks of political uncertainty and 'penal populism' affecting probation services. However, the current short-term nature of funding for third sector providers would need to be replaced with a longer term and more stable financing.

The success factors for an MoU in Wales involve navigating a complex landscape of governance, geography and organisational cultures, including communication across services in larger organisations. Overcoming these challenges requires a combination of structural reforms, inclusive practices and relationship-building strategies. At this stage, there appears to be agreement among interviewees on the need to develop an MoU by starting small and scaling up, which can help to overcome challenges and refine the implementation model.

An MoU represents a significant piece of work compared to (often informal and ad hoc) collaborative agreements, alliance partnerships and other forms of localised partnership working. Developing an MoU will also depend on the commitment and support of senior partners. The potential benefits of an MoU are, however, significant, surpassing those of informal arrangements. These include a more formal commitment and shared risk among partners, opportunities for strategic and localised development based on service user needs and a mechanism for greater autonomy for the probation workforce to implement innovative solutions. An MoU could additionally help rebalance autonomy for frontline probation workers and service providers, as well as offer a more formal public commitment to mixed market partnership working with clear and transparent parameters. Once an MoU is successfully agreed upon a collaborative foundation, it is thought likely to be less vulnerable to political or personnel change, while not excluding further iteration, service reform or devolution at a later date.

List of recommendations

Governance

- 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

- 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

- 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.

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Annex 1: Governance case studies

Partnership working and governance in Greater Manchester

Partnership working is a core element of the Greater Manchester MoU approach and part of the strategy to be better able to address priorities and demands within the region across public services.

'...partnership working was written into the governance of the MoU on a 'we all agree or we don't do it' basis...the business of the MoU is a golden thread across all regional justice and reform governance'

The lead governance board is the Justice Rehabilitation Executive (JRE) comprising senior leadership staff from HMPPS, the police, Crown Prosecutor, HM Courts and tribunal services, Manchester City Council and police and crime leads in the local authorities within the Greater Manchester area. Local Reducing Reoffending Boards (RRBs) sit directly underneath the JRE at a more regional level, 'routing local borough business'.

Governance systems have been put in place for providers within the community for Greater Manchester Integrated Rehabilitative Services (GMIRS). Contract holders are required to have an 'integration function', that is the stipulation for the organisation to not just be able to deliver services but also be able to coordinate and manage other providers. One example is Big Life, a third sector organisation who operate under an 'umbrella model', coordinating delivery across ten contracted hub partners for the Wellbeing Hubs in GM.

Greater Manchester use of MoU as an iterative tool for structural reform

The Greater Manchester model of unified public services positions criminal justice services within a wider family of integrated public services enabling the design of whole system solutions to often, complex behaviours and problems. For the purposes of the MoU, public service reform principles are described as assisting in the design and delivery of rehabilitative and resettlement services.

'It's not just a local Justice Board, there a technical aspect [and] also a strategic reform capability.' (Interviewee)

The Greater Manchester MoU model is described as ‘a single overarching MoU with the Ministry of Justice (MoJ) to support co-commissioning arrangements’. The Greater Manchester MoU was originally signed in 2016 and a subsequent version signed in 2022. These are described as iterative agreements that are situated within the regional context, reflecting both the growing depth of partnership working as well as local needs and priorities.

The original 2016 MoU had two agreements annexed to it which covered two key areas of co-commissioning : Greater Manchester Integrated Rehabilitative Service (GMIRS) and Community Accommodation Service Tier 3 (CA3) included co-design and co-commissioning aspects and focussed on the community. These services are holistic and cross cutting in nature and cover ‘through the gate’ needs of probation service users transitioning from custody into the community. Ranging from accommodation, to family reconciliation, to finance and debt advice, health, employability and mental health.

The second iteration of the MoU included measures to cope with existing service demand as well as meeting growing demands and a more localised funding arrangement. The agreed devolved funding applies only to GMIRS and CA3 budgets and does not include any statutory service delivery or wider justice devolution funding.

Being able to move money around based on local needs and able to cost differently than under the Dynamic Framework tool for centrally commissioned probation services which uses ‘low, medium and high’ ratings is said to help engage more with third sector partners and offer more personalised approach.

‘Not having the necessary legalities to move money around to different budgets was a key challenge so now the [new] Section 31 grant helps with that. It joins with Health and Accommodations services budgets.’ (Interviewee)

Greater Manchester describe ‘lots of learning’ on the DF and being able to offer more personalised and holistic service provision and taking a more ‘human approach’ with more ‘earned freedoms and flexibilities’ outside of the DF model has been a key benefit of more localised structure.

Avoiding excessive governance in co-commissioning and an MoU

A current probation practitioner described the commissioning system as extremely risk averse, noting that on a scale of one to ten the organisation would be at the very top. They acknowledged that some caution was understandable when dealing with

public money, but felt the system had become overly complicated. The 2020 dependency and recovery initiative in a non-devolved UK area took two years to sign off, leaving both probation and local authority staff repeatedly questioning the delays. Frequent changes of personnel within local authority commissioning teams meant relationships had to be rebuilt from scratch each time new staff arrived, creating further disruption.

The practitioner stressed that the commissioning approach often prioritised identifying problems rather than enabling solutions

Additional difficulties arose when local authorities had not followed the procurement rules expected by the Ministry of Justice. Even when probation was contributing only a small amount of funding to a much larger contract, concerns were raised that there might be a legal challenge, which created a significant barrier. Ultimately, the regional probation director at the time had to formally accept all associated risk before the work could proceed.

Annex 2: Relational case studies

Blended delivery and shared responsibility

Localising funding for co-commissioning probation services and enabling greater flexibility to move money across different budgets has allowed Greater Manchester to deliver 'blended' programmes focused on specific themes. One example is tackling homelessness, where services were provided by a blend of initiatives such as 'A Bed for Every Night' initiative, Manchester Combined Authority services, Housing Services, and Community Accommodation Service Tier 3 temporary accommodation (CA£3) as well as community organisations such as Housing First and Rough Sleeper initiatives. Delivery of the tackling homelessness is an example of 'whole system responsiveness' said to work well together as they operate within the same systems and the localised budgetary responsibilities better enables this type of blended services working.

Co-commissioning around hubs

A practitioner explained that hubs were generally viewed as beneficial, particularly in supporting compliance and improving engagement. They noted that people often felt more comfortable attending a hub than visiting a probation office, which contributed to higher levels of participation. Although hubs had limitations, especially for individuals assessed as high risk or those unsuitable for a shared community space, they were still considered to work well overall and offered a more welcoming environment.

The practitioner emphasised the importance of relationship building to encourage other agencies to operate from the hubs. They highlighted the example of Greater Manchester, where a lead provider manages all hubs under a single contract, creating an umbrella structure that brings local agencies together. This model was described as an effective and supportive arrangement.

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Author Details

Dr Celia Netana was a Research Associate at the Wales Centre for Public Policy.

Dr Jack Price is a Research Associate at the Wales Centre for Public Policy.

Dr Helen Tilley is Director of Policy and Practice (Welsh Government) at the Wales Centre for Public Policy.

Ioana Filipas is a Research Assistant at the Wales Centre for Public Policy.

For further information please contact:

Dr Jack Price

Wales Centre for Public Policy

+44 (0) 29 2087 5345

info@wcpp.org.uk

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