



# PRINCIPLES FOR GOVERNANCE AND STRUCTURE FOR A DEVOLVED PROBATION SERVICE IN WALES

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*This short paper is a summary of work compiled by members of the PDG's working group on Governance and Partnerships which included academic and third sector members. The members were:*

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The task for the group was to consider the principles which should underpin the structure, governance and arrangements for partnership working in a devolved probation service for Wales. This task proved to be more difficult than initially anticipated as probation services are woven into complex national and local structures of public service and criminal justice delivery and governance. Detaching our thinking from 'what is' and imagining 'what could and should be' was difficult and raised a number of important questions for policy makers to grapple with.

In this brief paper, we shall focus on the essential principles for governance in the context of the functions of probation and the desired outcomes of a devolved probation system. The full paper along others published by the PDG can be found under: Borja et al (2023). We proposed ten principles for probation governance and we have set these out below with some details on how we arrived at these principles and why we consider



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them important. A reconsideration of probation structures and governance in the context of devolution of justice was seen as essential given the levels of imprisonment, reoffending, and related poor outcomes evident in the adult justice system in England and Wales. Wales has been able to innovate and lead on good practice in youth justice with benefits for children, communities, and victims of crime and it is now time to consider whether similar gains could be achieved in the adult system. We suggest that careful considerations of some key principles for probation will help in that endeavour.

**1. Separate professional status for probation** combined with a close working relationship with other criminal justice agencies – as readers of Probation Quarterly will be painfully aware, recent history of probation is littered with changes to its structure and position as an independent professional service and it has become clear that the latest changes of designating probation officers as civil servants in a combined HMPPS has had a detrimental impact on probation officers' status, their ability to be involved in evidence-based practice, and to advocate for people on probation. A separate professional status for probation and its independent position from other criminal justice agencies is important. We argue that the continuation with an integrated service with the prison service or any new integration with other agencies such as prisons, police or PCCs would undermine the self-legitimacy and recognition that the service requires to effectively work with, and advocate for, people on probation. A devolved Welsh Probation Service should be a stand-alone organisation based on clear professional values and recognition.

**2. Effective and regular consultation and communication with sentencers/courts.** One of the effects of recent changes to probation through the split of the probation service under the Transforming Rehabilitation reforms and the subsequent reunification, has been a loss of trust in community sanctions by sentencers. Rebuilding this trust and ensuring any probation service is positioned to enable ongoing and effective communication with sentencers, provide appropriate, high quality, and well documented court services, and community sanctions/ community supervision, is vital in ensuring good and appropriate use of community sanctions thus addressing current pressures on prisons and in particular, reducing the use of ineffective short prison sentences. Lessons can be learnt from

effective relationship building and engagement between youth justice services and youth courts which has led to a improved understanding of the shared needs of children in the courts and arguably, contributed to a significant reduction in formal court appearance and custodial sentences for children. Thus, a formal role for sentencers/ courts in the governance structure for a devolved Welsh Probation Service should be considered.

**3. Alignment and cooperation with relevant local stakeholders** to allow joined-up services with third and private sector organisation, police, health, prisons, youth justice, housing, employment, social services, substance misuse. Probation services support people on probation whilst serving community sentences, they supervise people after release from prison on license conditions, or those who have been released on parole. Supporting individuals effectively means linking up with, and commissioning, services from other specialist organisations – private or third sector – and that relationship is crucial to offering holistic support to individuals who may have support needs across different services such as housing, substance misuse, and mental health. Probation services could become an independent service in a community settings where different support services are co-located to provide one-stop-shops for service users and reduce the stigma of accessing and attending probation. In addition, particular groups of people on probation, such as young people who transition from the support of youth justice services to probation supervision need particular attention and a consideration of a dedicated and age-appropriate transition process. Others, need culturally appropriate services sensitive to the needs of different groups of people on probation (e.g. women, veterans...) and work is required to ensure these services are available across the whole of Wales.

#### **4. Probation officers as qualified professionals.**

Considered alongside principle 1, probation officers should be regarded as professionals rather than civil servants with a resultant impact on recruitment and training processes, as well as professional values, ethics and competences. Importantly, such a status provides the freedom, and obligation, to engage in evidence-based practice and critical appraisal of probation practice and processes. This professional status should act as a safeguard against the influence on practice of political short-termism, offer a culture of respect for a professional staff group, and thus improve the retention of newly trained and appointed probation staff, with an aim of returning probation to a lifelong career of choice. We suggest that such a qualified and recognised status would require a review and recalibration of current training provision.

**5. Strong professional value system.** Numerous studies have looked at the values of those entering probation and whether values expressed by probation staff have been affected by the various changes to probation over the last decades. Traditionally based in social work in England and Wales – and this is still the case in many jurisdictions – probation places value on relationships, supports a rights-based approach, and trusts in individual ability to change. Probation values have proven remarkably resilient, surprisingly so given the fundamental shift in working practices, structures, and responsibilities. The European Probation Rules are a strong basis for a value system for probation and should be considered as a basis for a Welsh probation service.

**6. Consistent guidance and frameworks that allow for local discretion** based on strong local relationships (including statutory, third, and private sector) including structures and frameworks for fair and transparent commissioning of services. We recognise the need for probation services to be responsive to local community safety needs and the local context. Local probation teams should be empowered to respond to local needs but be clearly guided by legislative and normative frameworks (e.g. CJA 2003). This should involve a regulatory or inspection framework which assesses delivery of probation services against national guidance which will ensure equality and consistency of service provision and avoid the pitfalls of ‘justice by geography’.

**7. Evidence based practice** supported by strong links through policy-professional-academic partnerships. Wales has established a number of examples of practitioner-academic partnerships, for example, Hwb Doeth, and we propose that such links should be built into a new Welsh Probation Service and its operation. Evidence-based practice should be core to probation practices to ensure that any interventions, supervision arrangements, etc. are appropriately questioned as to their effectiveness in supporting the desistance pathways of people on probation. The unintended and potentially negative impact of some community sentences needs to be recognised and thus, all support, sanctions, and other rehabilitation services need to be tested and critically evaluated. As mentioned above, the expectation of embedding evidence-based practice in the service, as well as an appetite for innovation, professional curiosity and reflexivity may require a review and recalibration of current training provision.

**8. Stable funding allocation - statutory funding formula.** Devolving justice services requires a clear headed and realistic assessment of the resources required - this will present one of the greatest challenges for the discussion of devolution. The provision of well-staffed professional probation services depends on clarity of funding in the medium and longer term. Commissioning services from other organisations in a transparent, accessible, fair and sustainable manner also requires the ability to plan ahead with sufficient resources and established and agreed procurement processes. Resources need to be ringfenced for probation services and protected from the clamour for prioritisation for other public services. Highlighting some of the cost-savings that could be achieved by preventing harm at this stage (to victims, communities and people on probation) is an important part of this discussion.

**9. Working in line with principles of effective trauma-informed practice** and desistance principles and as a result reducing victimisation and harm and protecting communities. There have been significant advances in our understanding of the extent of trauma and disadvantage experienced by people on probation and the need for service provision to be sensitive and informed about the impact of trauma. Additionally, the advances in desistance theory and its interaction and overlap with rehabilitative services have led to calls for integration of principles of desistance into probation practice. There is further work to be done on how this works practically but this should be a core consideration for a devolved Welsh Probation Service.

**10. Offer effective Victim Liaison and Restorative Justice services.** The probation service plays an important role in ensuring victims of crime are recognised as stakeholders in

the justice system including the process of supporting people on probation to reduce their offending behaviour. This includes a responsibility to liaise with victims of crime and offer restorative justice services where appropriate and agreed to.

The principles set out above inform the design of probation structures but we are mindful of the existing interfaces and important local connections in existence. Members of the PDG have been honoured to be able to make a contribution to the plans moving Wales towards a devolved justice system. This is a unique opportunity to reimagine Welsh probation with a good understanding of the history of probation and wider criminal justice and the various reforms introduced over recent decades.

It is essential that this reimagining is done in active conversation with core stakeholders, including statutory, third and private sector organisations working in community safety, probation staff, community representatives, and victims of crime and people on probation.

## References

Borja, S. et al. (2023). Towards a devolved Probation Service in Wales: A collection of papers by the Probation Development Group. Welsh Centre for Crime and Social Justice, University of South Wales. <https://wccsj.ac.uk/en/publications/2024>

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