



TOWARDS A DEVOLVED PROBATION SERVICE IN WALES

EXECUTIVE SUMMARY

A collection of papers by the Probation Development Group

Welsh Centre for Crime and Social Justice

December 2023



Towards a devolved Probation Service in Wales: A collection of papers by the Probation Development Group – Executive Summary

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For the full publication and any queries and comments related to the work of the Probation Development Group, please contact us via probation@wccsj.ac.uk.

For more information about the PDG, visit www.wccsj.ac.uk

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EXECUTIVE SUMMARY

Introduction

People who work in probation in Wales are experts in change; they support change in people's lives, whilst operating under constantly shifting organisational structures. In the last decade or so, four probation trusts across South Wales, Gwent, Dyfed and Powys and North Wales merged into Wales Probation Trust. The newly established but well performing organisation was subsequently 'split' into the Wales Community Rehabilitation Company and National Probation Service in 2014 and despite efforts by its Welsh leaders to implement this 'irredeemably flawed' policy¹, the two parts were reunified in 2020. Therefore, it is with some trepidation that this publication provides evidence for moving towards yet another version of a Wales probation service.

However, the findings of the Thomas Commission emphasised that the current Welsh criminal justice system is not properly serving the people of Wales². Furthermore, re-nationalising is not sufficient alone to address the detrimental 'legacies of change' within probation (Tidmarsh, 2023)³. To respond to this, the Welsh Government has begun planning for the devolution of justice and encouraged the Probation Development Group (PDG) to support discussions around the development of a devolved probation service for Wales⁴.

Whilst PDG members recognise that more uncertainty over the future of probation is far from ideal, we do think there needs to be further change in probation in Wales beyond the blueprints and partnerships between devolved and non-devolved services to fundamentally address the disparities in Welsh criminal justice outcomes⁵. We support a devolved probation service that better serves the people of Wales and offer papers that might guide a renewal.

This publication consists of three papers prepared by the PDG which draw on a wide range of experience in research and practice in probation in Wales and beyond, including at practitioner and management levels. The papers share our thinking and draw on the evidence base for three crucial aspects for developing a devolved probation service in Wales, namely, Values and Principles, Effective Practice, and Governance and Partnerships. Common threads throughout the papers relate to the provision of an independent probation service centred on the relationship between the worker and the probationer, which takes a rights-based approach, using evidenced-based interventions, local resources and strong partnerships. Diversion of individuals from custody is central, recognising the important role of community and victim safety, as well as public protection. The papers, the issues and potential solutions raised within them have been subject to much discussion within the Probation Development Group and wider, which has helped to shape these published versions. However, we expect these conversations to evolve and for further publications to follow. We would also like to involve more probation leaders and practitioners in our thinking and reaching some conclusions, but understand, to date, this has been difficult.

¹ As described by the Probation Inspectorate <https://www.justiceinspectorates.gov.uk/hmiprobation/media/press-releases/2019/03/reportofthechiefinspectorofprobation/>

² [Commission on Justice in Wales report | GOV.WALES](https://www.gov.wales/written-statement-preparing-devolution-justice)

³ A sentiment agreed by the Inspectorate <https://www.justiceinspectorates.gov.uk/hmiprobation/media/press-releases/2021/06/probation-unification-is-not-enough-by-itself-to-put-right-the-flaws-of-past-reform/>

⁴ See announcement <https://www.gov.wales/written-statement-preparing-devolution-justice>

⁵ Expertly outlined within Jones & Wyn Jones' 2022 book, The Welsh Criminal Justice System

The PDG has identified a fourth area which needs particular attention and research – the high imprisonment rate in Wales. This is not addressed in detail in this publication, but we would like to highlight the latest [Prisons in Wales factfile](#) (Jones, 2023). Of note, the Welsh imprisonment rate continues to exceed any part of the UK, and worrying disparities exist around homelessness for ex-prisoners, higher recall rates than England and an overrepresentation of ethnically diverse groups on probation and in prison in Wales. It is these concerns that help drive us forward – towards a devolved probation service for Wales.

References

Tidmarsh, M. (2023). Legacies of Change: Probation Staff Experiences of the Unification of Services in England and Wales. *British Journal of Criminology*. <https://doi.org/10.1093/bjc/azad042>

Jones, R. (2023). *Prisons in Wales: 2022 factfile*. Wales Governance Centre, Cardiff University. https://www.cardiff.ac.uk/__data/assets/pdf_file/0012/2779833/Prisons-in-Wales-2022-Factfile.pdf

Summary of papers

1. Values and Principles

This first paper, prepared by Deering et al, provides a preferred definition of Probation work, as ‘a public sector task that aims to engage with those under its supervision in a humanistic and supportive manner with a view to encouraging behavioural change, whilst recognising structural and social disadvantage as important factors in offending that need to be addressed’ (Deering & Feilzer 2015, p.2). This is consistent with evidence which suggests probation workers remain committed to a professional value base which emphasises the importance of their relationship with individuals on probation, a belief in the individual’s ability to change, and the principles of rehabilitation (Williams 1995; Napo 2006; Deering 2010, 2011; Mawby & Worrall 2013; Deering & Feilzer 2015). The authors suggest that *all* Probation work - courts, interventions, and casework - should have as a starting principle a focus on diverting people from custody. Work with people on probation should be based on criminogenic and social needs, while recognising an individual’s responsibility for their offending behaviour, avoiding stigmatisation and imposition of services. The probation service should support an individual’s path of desistance and offer relevant support towards navigating barriers to desistance.

The paper commends the [Probation Institute’s \(2020\) set of core values and ethical principles](#) as a comprehensive building block for values and principles of a Welsh Probation Service. To develop a system which supports this, the authors set out a number of critical elements, including the position of the probation service as a public service independent of government, that works collaboratively with other criminal justice organisations and is a locally embedded service – further explored in paper 3. A devolved probation service would need to place central importance on desistance-based practice to assist in developing personal and social capital, which has clear links to probation culture and values. This includes promoting the necessary training, skills and processes to enable an effective professional relationship between the probation worker and the person subject to probation – this is further explored in Paper 2.

Several potential challenges are identified to achieving values and principles. Work conditions and systems can impact on retaining positive and progressive values in probation, including high caseloads, reduction in autonomy and contact with supervisees, risk averse monitoring processes and the influence of the prison service culture. The tensions between the range of theories (including rehabilitation, desistance, retribution, and restorative justice)

in use in probation practice, including its work in Courts and with key partners need to be fully considered. More broadly, criminal (and social) justice across England and Wales is under intense pressure and is being challenged to adjust to technological, environmental, and significant social changes. The authors conclude that achieving core values in a new Welsh probation service needs to be considered alongside other future criminal justice developments and identified challenges to policing and the courts, as well as other devolved services.

2. Effective Practice for a Devolved Probation service

This second paper, by Raynor & Deering, reviews recent developments in effective practice in probation services to identify promising methods, and some obstacles to their implementation. The authors suggest that probation works best when it is used to exercise a positive personal and prosocial influence on people under supervision, addressing problems linked to offending. They refer to research on the skills used in personal supervision, which shows that individual supervision is not just 'offender management' but is an intervention in its own right, and where the right skills and approaches are employed it significantly reduces reoffending (Bonta et al 2011; Raynor et al 2014; Chadwick et al 2015; Raynor and Vanstone 2018). International research also shows that most staff will improve their skills and effectiveness with appropriate training, reinforcement and regular skilled supervision. Overall, the literature on effective practice points to a mixture of well-designed programmed activities and responsive skilled personal supervision (Raynor 2020). In addition, people supervised by probation staff require help in accessing other services and the 'advocacy and brokerage' part of the probation officer's role is important.

The paper goes on to outline emerging developments which are likely to play an important role in the future of effective probation practice. In the authors' view, the most important of these are: desistance theory and its implications for organisational development and practice; the reconsideration of probation values at individual and organisational levels; and a consideration of the impact of possible (early life) trauma on the lives and behaviour of those subject to probation supervision. In order to put these values and principles into practice, they suggest the following as a possible way forward. In terms of supervision and interventions with supervisees, they reiterate the need to work in ways that align with the principles of the RNR and desistance approaches and the ways in which these can be seen as complementary, rather than as contradictory and mutually exclusive (Maruna & Mann 2019). In order to operationalise these theoretical approaches, staff would need training in relationship development and supervision skills. This would include the Core Correctional Practices (Dowden & Andrews 2004), interviewing and supervisory skills (Raynor et al 2014), Pro-Social Modelling (Trotter 1993) and Motivational Interviewing (Miller & Rollnick 2002).

The paper emphasises that practitioners must be properly trained, resourced, clinically supervised and trusted. Moreover, without compromising safety, offices could be made more open and welcoming, rather than akin to prison waiting rooms. To complement these changes, it is suggested that community facilities should be considered as a base for probation work. The last section of the paper considers the relationship between probation services and sentencers, and the role of probation services in public protection and its work with victims. Overall, there is a strong case for improving attention to skills, reasonable

caseloads and interagency collaboration in any attempt to improve the effectiveness of probation services. The same is true of communication between the Service and the judiciary. Greater operational independence in a Wales Probation Service would allow it to set its own developmental priorities rather than depending on the issues identified by the Ministry of Justice in London.

Suggestions for future priorities identified by the Probation Development Group include:

- Greater investment in developing the individual supervision skills by probation staff
- Reductions in targets and micromanagement, allowing staff to exercise more discretion in the supervision of people on probation
- Working towards reasonable caseload sizes, with clarity about where supervision is most necessary and effective and where it could be light-touch or suspended to allow more time for people who need it
- Development of better communication and understanding between probation staff and sentencers about the need for more thorough pre-sentence reports
- Changes in the governance of probation services to ensure adequate representation of the judiciary and other partner agencies, in particular those run by local authorities, health services and the voluntary sector

These approaches would require some investment but should show some benefits relatively quickly. Devolution without significant investment would be likely to show only limited benefit. Consideration should also be given to reemphasising the importance of individual supervision and the relationship between people on probation and their supervising officers by legislation reinstating the Probation Order as a constructive non-custodial option.

3. Governance and Partnerships

The third and final paper from Borja et al, states the governance and structure of probation should support its key delivery functions, as well as reinforcing the importance of supervision of community sentences by reintroducing supervision elements of community orders. A 'new' function is also suggested to develop and improve probation's role at the remand stage of court proceedings with the aim of providing credible alternatives to custodial remand. The paper also considers structures and governance of probation with certain desired outcomes in mind. These include:

- Maximising appropriate diversion from criminal justice supported by other criminal justice agencies such as police, prosecution and the courts as appropriate
- Reducing levels of imprisonment and encourage the use of appropriate and proportionate community sanctions for all but the most serious offences
- Improving victim liaison, restorative approaches, and community safety
- Joining up community services to create trust in professional probation services
- Supporting vulnerable communities and individuals recognising they can be both victims as well as involved in offending
- Supporting processes of desistance for individuals on probation
- Reducing frequency and seriousness of offending and effectively and appropriately manage risk of harm

- Providing a rights-based, trauma informed and anti-oppressive service that is responsive to individual need including protected characteristics.

The authors propose ten essential principles for probation structure and governance:

1. Separate professional status for probation combined with a close working relationship with other criminal justice agencies
2. Effective and regular consultation and communication with sentencers/courts.
3. Alignment and cooperation with relevant local stakeholders to allow joined-up services (third and private sector organisations, police, health, prisons, youth justice, housing, employment, social services, substance misuse)
4. Probation officers as qualified professionals
5. Strong professional value system
6. Evidence based practice supported by strong links through policy-professional-academic partnerships
7. Consistent guidance and frameworks that allow for local discretion based on strong local relationships (including statutory, third, and private sector) including structures and relationships on fair and transparent commissioning of services
8. Stable funding allocation – statutory funding formula
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
10. Offer effective Victim Liaison and Restorative Justice services

Considerations for a Devolved Welsh Probation Service

The paper was produced following a discussion of differing probation models and the need to align a devolved Welsh probation service with other elements of the criminal justice system and public service delivery to consider how principles can be translated into structures and governance. However, the authors raised several questions and dilemmas around the service design. This includes the level of localisation, the role of local authorities and local commissioning and the input of probation staff around a 'bottom-up' design. There is a recognition of change fatigue and the importance of probation staff, partners, and people on probation being involved in a redesign. The paper suggests that local commissioning practices need to take account of the needs of all stakeholders – public services, private and third sector needs – through appropriate, transparent, accessible, fair and sustainable commissioning. Furthermore, questions were raised around inspection and ombudsman arrangements, data monitoring and reporting systems, as well as an emphasis on the importance of youth to adult transitions. Whilst more thinking is required here, this latter point has also been considered within work towards devolving youth justice.

Finally, the paper acknowledges that certain decisions will need to be taken on the core probation structures required and one of the primary decisions would be the role of any new Probation Board as either a body of oversight, guidance and influence or as one that also carried direct responsibility for the delivery of probation services. Any new system in Wales may have to work with a non-devolved judiciary and prison service and structural links to the organisations needs to be considered to allow effective communication, trust, and smooth transitions for those released from prison into the community. The figure below provides some suggestions for the components and elements of a new Welsh Probation system.



Concluding remarks

The latest model and structure of probation does not appear to be working. Drawing on over thirty inspections between June 2021 and July 2023, the outgoing Chief Inspector of Probation, Justin Russell concluded that ‘the Probation Service is struggling’ and supervision of people on probation is ‘not at the level it should be’. He suggests an independent review is necessary to consider moving Probation back to local control.⁶ Indeed, these evidenced-based papers provided by the Probation Development Group may contribute to reconsidering probation work in Wales but will also have relevance for England. Whilst these papers do not provide a blueprint for a Welsh Probation service, they offer evidence as to what has been shown to work in probation governance and practice, as well as highlighting advantages and disadvantages of certain delivery decisions. It is a task for policymakers to decide on the shape of a Welsh Probation Service in proper consultation with the various stakeholders of such as service but there is significant learning offered in our papers from research and experience on over a century of probation practice and governance

⁶ [Chief Inspector calls for an independent review of the Probation Service, publishing his final annual report \(justiceinspectorates.gov.uk\)](https://www.justiceinspectorates.gov.uk)

developments. This set of papers merely offers support to enable the development of a Welsh Probation Service by making informed value and evidence-based choices to improve community safety and social justice for all communities in Wales.

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