

Considerations for devolving probation to Wales

Practical consideration	MoU	Executive responsibility	Legislative devolution
Workforce	Responsibility remains with HMPPS.	Would become the responsibility of Welsh Ministers, and probation staff would be transferred to a new body.	Through an Act of the Senedd, this could become the responsibility of Welsh Ministers, and probation staff would be transferred to a new body.
Regional governance	Responsibility remains with HMPPS.	Ability to flex regional governance or change to a different model.	The Senedd would gain full control over the structure, delivery, and governance of probation in Wales and could legislate to deliver probation functions through a new or existing body.
Control and oversight	Responsibility remains with HMPPS. Welsh Government have limited control in co-commissioning services.	Operational control rests with Welsh Ministers, but oversight, regulation, and inspection may remain as at present. If workforce regulations are changed, this would require a new Welsh professional register or regulatory body.	The Senedd could make provisions in relation to operational and legislative control and oversight. New oversight, regulation, and inspectorate bodies would need to be established, or existing arrangements utilised.
Funding	Remains the responsibility of UK government/HMPPS. Some additional capacity needed in Welsh Government.	Operational cost functions transferred to Welsh Ministers as part of the block grant. Additional capacity needed for administrative support and establishment of Welsh Government unit.	Costs transferred to the Welsh Ministers as part of the block grant alongside, depending on negotiations, some funding for start-up costs for new bodies. Additional funding is likely to be needed for new services, capacity improvements, and the operation of governance structures both within and outside the Welsh Government.
Interaction with devolved/reserved services and bodies	No change, but co-commissioning could allow greater alignment and co-ordination with devolved services.	Allows for greater co-ordination with devolved services. Formal relationships will need to be established with reserved services and courts.	Allows for much greater co-ordination and potential integration with devolved services. Formal relationships, including any role in governance, would need to be agreed and provided for with reserved services and courts (likely via UK Parliamentary legislation).
Cross-border issues	No change.	Agreements will need to be reached on prisoner transfer and other cross-border issues.	Agreements will need to be reached on prisoner transfer and other cross-border issues.
Long-term vision	Limited ability to influence delivery and values through co-commissioning of services.	Ability to change organisational culture and values exists, but the role of probation would not be changeable by the Welsh Ministers.	Ability for the Senedd, or a body set up by Welsh legislation, to potentially modify organisational culture, values, and (to some degree) the nature of probation work. Sentencing, custodial and non-custodial sentences, and probation requirements set out by courts remain outside Welsh Government control.