Strengthening probation, building confidence

Consultation response launch event

May 2019
Introduction

“\textit{I want a smarter justice system that reduces repeat crime by providing robust community alternatives to ineffective short prison sentences – supporting offenders to turn away from crime for good.}”

Rt Hon David Gauke MP, Secretary of State for Justice

- We have listened closely to feedback from the consultation, reflected on reports from HM Inspectorate of Probation and others, and tested the options with partners and stakeholders to make sure we got this important decision right.

- We have also taken account of the continuing challenges faced by CRCs and the need for future arrangements to deliver a more stable operating environment.

- On balance, we believe this model – based on the arrangements we consulted on in Wales – offers the most sustainable approach for probation and is the best option to build on the positive changes made under Transforming Rehabilitation.
Over 250,000 people under the supervision of probation services at any one time.

Probation provides advice to courts so that sentences can better reflect the often-complex factors at play in an offender’s circumstances.

Probation professionals manage the ever-changing needs and risks profile of the service users in their care; ensuring that those they supervise in the community and in prison fulfil the conditions of their sentence.

Responsible for managing **high-risk offenders**, advising courts, allocating cases to CRCs, supporting victims and managing approved premises. The NPS delivers some Accredited Programmes, including those which address sexual offending.

Responsible for supervising **low** and **medium-risk** offenders, providing through-the-gate resettlement services to released prisoners. CRCs deliver Unpaid Work requirements and mandated offending related Accredited Programmes.
Three strategic priorities for probation

1. **Getting the change right** – so that we place probation on a sustainable footing after the end of the Community Rehabilitation Companies’ current contracts by delivering a new model while effectively managing risk.

2. **Professional recognition** – recognising the skills and professionalism of the probation workforce through registration, training and a performance framework. This includes the provision of a modern working environment and supports professional delivery as well as tools that facilitate better decisions and greater productivity.

3. **Maximising influence** – working with the justice system and others so that probation can deliver effective end-to-end offender management and rehabilitation as well as ministers’ priority of sentencing reform.
The consultation process
How we ran the consultation

- Over 450 written responses (almost 40% from staff)
- 38 consultation events across England and Wales with over 1,000 delegates
- Service user feedback through local workshops
- Supplier engagement on service design and commercial approaches
- Co-design with PCCs, GMCA, and MOPAC
- Voluntary sector engagement through our partner Clinks
- Design assurance panel to test our design principles
- Consultative forum with trade unions
Responds to the consultation

The Ministry of Justice has announced plans for the future of probation – this follows careful consideration of the results of the consultation ‘Strengthening Probation, Building Confidence’ held in summer 2018.

Key findings included:

✓ A strong preference to reintegrate offender management functions
✓ The benefits on maintaining a single offender manager where possible
✓ Broad support for a professional register of probation officers
✓ The importance of measuring progress towards desistance
✓ The positive impact of a diverse range of voluntary and private providers
✓ Ongoing feedback from HM Inspectorate of Probation, the National Audit Office, Justice Select Committee and the Public Accounts Committee
✓ Support from a diverse market to continue a strong role for the private and voluntary sector in the delivery of interventions.
Our aim is to build a probation system that **delivers stable and quality services** that will reduce reoffending, support victims of crime and keep the public safe.

We consulted on a model for England which would have seen existing outsourced services re-competed under a different commercial model, with a distinct approach for Wales under which offender management would be re-integrated in the public sector with all interventions outsourced.

We have reflected carefully on these proposals in light of the challenging commercial and operational delivery environment, as well as subsequent reports and recommendations from the National Audit Office, Justice Select Committee and HMIP.

We must increase the **confidence of sentencers** in effective community punishment and rehabilitation, supporting the Secretary of State’s ambition in the area of sentencing reform.

We believe that adopting the proposed model for Wales across England offers us the best long term solution to put probation on a more stable footing.

In adopting this model we want to build on the positive progress made under Transforming Rehabilitation, including the opening up of the market to a diverse range of providers, and providing support to **40,000 extra offenders on release** from custodial sentences.
Arrangements in Wales

- The model for **Wales** remains the same as set out in the proposals consulted upon last year;

- It builds upon the existing **structural differences in Wales**, including working with the devolved responsibilities of Welsh Government and the strong partnership arrangements that already exist;

- **HMPPS in Wales** is configured differently to reflect these distinct arrangements, with its structure combining prison and probation services under the same management line and the Wales CRC being co-terminus with the existing NPS Wales Division;

- This unique position, along with the change in management of Wales CRC, has created the opportunity to **bring offender management into the NPS earlier**, by the end of 2019.
Responsibility for offender management and court advice—across low, medium and high-risk offenders will be held by the National Probation Service in England and Wales;

There will be a continued and significant role for the voluntary and private sector in the delivery of unpaid work, accredited programmes; and resettlement and rehabilitative interventions;

The current proposal is to have 11 probation areas across England and Wales. This will include the introduction of 10 new probation areas in England with existing arrangements remaining unchanged in Wales.

In England, each of the areas will be overseen by new dedicated regional probation director who will provide leadership, be responsible for delivery and commissioning of services. They, along with the NPS Director in Wales, will ensure effective delivery from pre-sentence stage in court, on release from prison, and in the community.

The Ministry of Justice will seek to implement an independent statutory register for probation professionals alongside changes to support continuous professional development.

We have put in place arrangements to allow us to extend CRC contracts to ensure we have the necessary time to get the transition to the new system right. We intend to use these arrangements to end contracts in Spring 2021. We intend to integrate offender management in Wales on a quicker timescale, by the end of 2019.
Outline model of the new probation system

Pre sentence

Community Orders

All Prison Sentences

Advice to Court

Sentence Delivery

Enforcement if Required

Post

OFFENDER MANAGEMENT

NP S

Accredited Programmes

Rehabilitation Activity Requirements

Unpaid Work

Outsourced Interventions as Required

OFFENDER MANAGEMENT

NP S

Accredited Programmes

Resettlement Activity Requirements

Rehab Services

Outsourced Interventions as Required

OUTCOME FOCUSED INOVATION AND CO-COMMISSINED PROVISION

Preventing victims by changing lives
Supervising offenders and delivering the sentence of the court

Offender Management

Offender Management is the management of offenders on a community sentence or prior to, during or after release from prison.

Currently, responsibility for this delivery is split between the NPS and CRCs:

- CRCs currently manage low to medium risk offenders
- The NPS currently manage high risk offenders, and also deliver advice to court for all offenders.

What will happen in the future?

- The NPS will continue to deliver advice to court for all offenders and will continue to deliver some Accredited Programmes, including those which address sexual offending.
- In 2021 the NPS will become responsible for all offender management services – for low, medium and high risk offenders.
- We will integrate offender management sooner in Wales, with all offender management transferring to the NPS by the end of 2019.
Developing an innovative mixed market

Unpaid Work and Accredited Programmes

We intend to run a competitive process to contract suppliers to deliver these services in England and in Wales.

Unpaid Work requirements require offenders to make direct reparation to the community for their crime by undertaking work which provides benefits to local residents. In 2018, 57,200 unpaid work orders were commenced.

Accredited Programmes are structured programmes which address key behaviours that are associated with offending. In 2018, 14,700 accredited programmes were commenced.

Resettlement and Rehabilitative Interventions

The sourcing route for these will be a Dynamic Framework which will allow us to buy services in a way that is responsive to the needs of local areas and service users in England and in Wales.

Resettlement services are delivered to offenders while in custody to help them prepare for release and resettle post-release.

Rehabilitative interventions are intended to support offenders to re-integrate in the community and reduce re-offending by addressing a range of needs such as education, self-reliance, and accommodation.
The role of the Innovation Partner

• Each NPS region will have a private or voluntary sector partner - an Innovation Partner

• The Innovation Partner will be responsible for:
  - delivering Unpaid Work and Accredited Programmes in the community (and delivering Accredited Programmes in prisons in Wales)
  - working strategically with the NPS Regional Director to seek ways to innovate and improve the quality of delivery of services
Unpaid Work

- A court ordered requirement also known as Community Payback
- Used as a **punishment** depriving individuals of their free time
- Can also support **rehabilitation** by instilling a work ethic and teaching work-related skills
- Delivers **reparation** to the local community.
- Examples include gardening, painting and decorating, charity work and graffiti removal.
- In 2018, 57,200 unpaid work orders were commenced.

**Future model**
- NPS will undertake the Offender Management of all Unpaid Work Requirements
- Innovation Partners from the voluntary or private sector in each region will source and deliver Unpaid Work Requirements

**What we are seeking through competition**
- Quality induction and placements which match the risk and needs of service users
- Engagement with local partners and communities to source local placements
- Sufficient placements to avoid the use of stand downs
- Appropriate placements for women, with the opportunity not to be placed in all male groups
- Maximise the rehabilitative potential of Unpaid Work, including through provision of ETE activity for up to 20% of hours where there is an identified need
- Intensive delivery for unemployed service users, with the flexibility to build up delivery based on need
- Successful completion within 12 months
Accredited Programmes

- A court ordered requirement and post release licence condition
- Highly structured interventions which have been independently accredited
- Based on the best available evidence and are likely to be effective if well implemented.
- Address entrenched anti-social thinking, attitudes and behaviours that lead to reoffending.
- Underpinned by an operating manual which covers all of the delivery requirements.

Future model
- NPS will identify all eligible cases at pre-sentence and pre-release and will propose an accredited programme when there are no barriers to attendance
- Innovation Partners in each region will deliver the Thinking Skills Programme (TSP) and Building Better Relationships (BBR) Programme
- Facilitation of ongoing delivery of existing additional programmes where there is an identified need
- NPS will maintain delivery for sex offender programmes

What we are seeking through competition
- Consistent, high quality and timely delivery and completion of the core accredited programmes, in locations which meet the needs of service users
- Pilot and deliver new accredited programmes as they become available
- Potential to develop additional programmes where there is a clearly identified need
- Potential delivery of accredited programmes in prisons
Rehabilitation service (RAR)

Rehabilitative interventions will be available for:
- People on a Community Order or Suspended Sentence Order with a Rehabilitation Activity Requirement.
- People released on Licence to support immediate resettlement and also ongoing needs.

Future model
- NPS will undertake the Offender Management of all Orders and Licences
- They will undertake a full assessment of rehabilitative need and will agree with the offender which interventions will meet the most pressing needs and will sequence the delivery of them.

What we are seeking through competition
- A core suite of interventions which meet those needs most frequently associated with re-offending or that contribute to the stabilisation an individual needs to address other issues.
- Interventions that are available for those who are not suitable for accredited programmes or treatment requirements (these are the interventions of choice for eligible cases).
- Interventions that can be flexible to meet the specific needs of women, young adults, BAME and those with learning disabilities and challenges.
- Interventions that can meet the needs of cases which have both straightforward and highly complex needs.
- Interventions that enable people to engage with statutory services.
- Interventions that secure clear outcomes.
## Core suite of rehabilitative interventions

<table>
<thead>
<tr>
<th>Need area</th>
<th>Outcomes sought</th>
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</thead>
<tbody>
<tr>
<td>Accommodation</td>
<td>Accommodation is obtained/ sustained. Homelessness is prevented.</td>
</tr>
<tr>
<td>Employment/ Training/ Education</td>
<td>Suitable employment/ training/ education obtained/ sustained. Barriers removed and skills increased.</td>
</tr>
<tr>
<td>Finance/ Benefits / Debt</td>
<td>Stable and lawful income, debt reduced, skills to manage finances improved.</td>
</tr>
<tr>
<td>Attitudes/ Thinking/ Behaviour</td>
<td>Ability to identify triggers and skills and strategies to respond to challenging situations.</td>
</tr>
<tr>
<td>Family and significant others</td>
<td>Safe and positive intimate relationships. Improved family relationships/ parenting capacity.</td>
</tr>
<tr>
<td>Lifestyle and Associates</td>
<td>Pro-social support and interests. Decreased influence of negative associates.</td>
</tr>
<tr>
<td>Emotional Management</td>
<td>Improved coping skills and strategies. Improved ability to comply with treatment/ medication.</td>
</tr>
<tr>
<td>Non-dependant alcohol misuse</td>
<td>Improved ability to manage high-risk situations.</td>
</tr>
</tbody>
</table>
Resettlement services

**Future model**
The service will be flexible in order to respond to the diverse range of needs presented by individuals
The service provider will ensure appropriate staff and support hours are available
The service will work in partnership with other agencies
The service must be accessible during the final stage of a prison sentence and following release.
Tailored: needs are assessed each service user should have a plan that outlines the options and communicates the progress in achieving the aims of the intervention
Simple streamlined referral processes
Staff are appropriately trained / have the knowledge to deliver

**What we are seeking through competition**
We will need interventions to be provided in the following areas:
- Accommodation
- Education Training Employment
- Finance & Benefit
- Family & Significant Others
- Emotional Management & Health
- Attitudes Thinking & Behaviour
- Lifestyle & Associates
- Non dependant Alcohol Misuse
**Payment and performance of future contract**

**Performance**
- We are designing a new performance framework across both the National Probation Service and contracted providers to support three key objectives:
  - **Focus on Quality** – promoting the quality of probation delivery
  - **Incentivising outcomes likely to reduce offending** – incentivising outcomes and related outputs for which there is evidence of a link with reduced re-offending and harm
  - **Getting the Basics Right** – by holding providers to account on sentence delivery and protecting the public
- In developing a performance framework that works for public, private and voluntary providers we are looking at the learning from good practice, the evidence base including findings from external and internal scrutiny, and the experience under existing contracts
- The approach also builds on the strong support expressed in responses to the consultation on *Strengthening Probation* for improving outcomes such as health, accommodation and employment in order to support reduced reoffending, and the need for high quality services and interventions if they are to engage offenders, deliver results and support offenders in turning their lives around.

**Payment**
- We have learned lessons from the existing contracts and will be developing a payment mechanism for the future contracts which ensures that the costs of efficiently delivering services are not put at risk while retaining incentives for innovation and performance improvement.
Improved strategic deliver and local partnership working

7 NPS Divisions 21 CRCs

Current structure
In the current system, the probation system is divided into seven National Probation Service divisions and 21 Community Rehabilitation Companies.

Future structure
There will be a minimum of 11 probation areas across England and Wales. This will include the introduction of 10 new probation areas in England with existing arrangements remaining unchanged in Wales.
Professional Recognition

Probation should be legally and culturally recognised as a profession like comparable vocations.

1. A register of qualified individuals
2. A requirement for individuals to maintain learning and/or Continuing Professional Development (CPD)
3. A requirement to maintain fitness to practice, which includes maintaining CPD and conduct standards

Professionalisation will support and improve our workforce...

✓ Drive higher quality, evidence-based and proportionate L&D/CPD provision
✓ Increase uptake of L&D/CPD and retention of knowledge and skills
✓ Increase staff engagement and retention
✓ Allow for clearer talent management and career progression
✓ Drive more effective practice

... and, in turn, deliver better outcomes for the public.

✓ Improving performance and effectiveness of offender management, reducing reoffending and protecting the public
✓ Improving the efficiency and productivity of the service, delivering value for money for the taxpayer
✓ Increasing the confidence of sentencers and CJS partners, enabling (proportionately) more offender supervision in the community.

We are investing resource to drive this work forward.

• Mapping the scope of this work, including what it could mean for different cohorts of staff in the sector,
• Looking at other sectors and exploring different delivery models, including for an independent regulator and hybrid insourced/outsourced CPD provision.
• Aligning this ambition to workforce priorities and reforms in prisons, including leadership, career pathways etc.
Digital and Data: Strategy and Priorities

**Strategy**
- Single source of data and reduction in technical complexity
  - At the end of current contracts, we will mandate use of our systems, removing the overhead of supporting providers' systems.
- Investment in own systems required
  - All probation work will be undertaken on authority-provided systems, into which we plan significant investment over the next 5 years, to develop systems for benefit of all probation users.
- Digital improvement priorities
  - We are currently finalising a digital service strategy which is compiling a prioritised and comprehensive view of digital change and improvement.

**Priorities**
- Our software applications will be changed to support the earlier integration of Offender Management in Wales, the new regional structures and the full integration of offender management in England.
- It will be crucial that software improvements are introduced to support better decision making, management and performance of the enlarged NPS and third parties so that all can be held to account for their performance in reducing re-offending.
- There are currently significant unknowns regarding the operation of the co-ordination hub arrangements. A "minimum viable product" approach, tested in Wales, is likely to offer useful insight into the challenge.
- By the transition date, we will need to have equipped former CRC offender management staff with NPS devices, telephony, systems and compatible site infrastructure. (c £57m over the next two years).
## Current Core Technology & Operational Systems Landscape

<table>
<thead>
<tr>
<th>Court</th>
<th>Prison NOMIS incl. new digital services NDelius</th>
<th>NDelius and new digital services</th>
<th>NDelius CMS linked to NDelius (via SPG)</th>
<th>Management Case Management</th>
</tr>
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<tbody>
<tr>
<td>NDelius Libra (magistrates) Xhibit (court reporting)</td>
<td>OASys</td>
<td>OASys</td>
<td>OASys plus own tools</td>
<td>Risk and Needs Assessment</td>
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<tr>
<td>OASys</td>
<td>OASys</td>
<td>OASys</td>
<td>OASys plus own tools</td>
<td>Accredited Programmes</td>
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<tr>
<td>Effective Proposal Framework</td>
<td>Interventions Manager</td>
<td>Interventions Manager plus own tools</td>
<td>Accredited Programmes Interventions</td>
<td>Interventions Manager plus own tools</td>
</tr>
<tr>
<td>MoJ DOM1</td>
<td>MoJ Quantum</td>
<td>MoJ DOM1</td>
<td>CRC specific</td>
<td>Infrastructure</td>
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</table>
Regional Outcome and Innovation Fund: Aims

£20m per year Regional Outcome and Innovation Fund

We will ringfence £20m per year for a Regional Outcome and Innovation Fund to be spent on cross-cutting approaches to reduce re-offending, protect the public and improve outcomes for our service users, or diverting those that may otherwise end up in the criminal justice system.

The fund will:

• Build capacity and drive innovation in approaches to tackling wider system outcomes – enabling us to work directly with smaller providers and partners to test approaches before scaling them up;

• Improve partnership working, reduce duplication of services, and encourage joint investment and co-commissioning;

• Leverage additional funding locally and nationally (from OGDs, and social investment) by joining up service provision for offenders with multiple and complex needs to improve reoffending outcomes.

Proof of concept

This will enable us to test ‘proof of concept’ services before scaling these up.
Outline Procurement Timelines
There will be two separate procurements:

1. A competition for Accredited Programmes (‘APs’) and Unpaid Work (‘UPW’), delivered by an **Innovation Partner (IP)**; and

2. A **competition for a Dynamic Framework (DF)** for Rehabilitative Services

- Each procurement will include both England and Wales.
- CPAs for the IP will align with the proposed NPS regions.
- We will run separate market engagement and warming activities for the two procurements, which will run in parallel from now until autumn 2019.
- All dates shown here are indicative and subject to change.
Overall market engagement plan

**Innovation Partner**

- **Wednesday 12th June**
  - Service Design (AM)
  - Payment and Performance I (PM)

- **Tuesday 2nd July**
  - Service Enablers and Transition (AM)

- **Monday 8th July**
  - Payment and Performance II (AM)

- **Tuesday 9th July**
  - Commercial Strategy (full day)

- **Early August**
  - Draft tender and contract documents issued

- **17th – 20th June**
  - Dynamic Framework Design
    (London, Manchester, Cardiff, York)

- **Tuesday 25th June**
  - Payment and Performance I (PM)
    Webinar

- **Wednesday 3rd July**
  - Service Enablers and Transition (PM)
    Webinar

- **16th – 19th July**
  - Dynamic Framework Commercial Design
    (London, Manchester, Cardiff, York)

- **Monday 22nd July**
  - Payment and Performance II Webinar

- **30th July – 2nd August**
  - Call Off Commercial Design
    (London, Manchester, Cardiff, York)

- **13th-16th August**
  - Day 1 Services (AM)
    Terms and conditions (PM)
    (London, Manchester, Cardiff, York)

- **Mid September**
  - Draft tender and contract documents issued

All dates indicative as of May 2019 and will be further confirmed in due course

Preventing victims by changing lives
Innovation partner: outline procurement timeline

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<tr>
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<th>2019</th>
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<th>2020</th>
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<td>Market engagement</td>
<td>Market warming</td>
<td>OJEU contract notice</td>
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The Service will be procured under the Light Touch regime.
Dynamic Framework: how it will work

• The aim of the DF is to allow the NPS and other commissioning bodies to purchase rehabilitative and resettlement interventions in England and Wales from a range of prequalified suppliers.

• Suppliers can qualify onto the framework at any time; existing suppliers can amend their details at any time.

• The DF will be split into lots based on offender needs (i.e. accommodation, ETE, etc) and offender cohorts (i.e. women).

• The Authority will then run mini-competitions between prequalified suppliers for particular cohort/needs.

• The lots of the DF will not be based on geographical areas, although suppliers will need to indicate which geographical areas they are interested to bid for at the time of qualification onto the DF.

• Contract size may vary from very small contracts covering a small region to larger contracts covering wider areas.

• Contracts under the DF can vary in contract value and in contract length.

<table>
<thead>
<tr>
<th>Offender need 1</th>
<th>All offenders</th>
<th>Offender cohort 1</th>
<th>Offender cohort 2</th>
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<tr>
<td>Call Off</td>
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<tr>
<td>Offender need 2</td>
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<td>Offender need 4</td>
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<td>Offender need 5</td>
<td>Call Off</td>
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<td>Offender need 6</td>
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<td>Offender need 7</td>
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<td>Offender need 8</td>
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Dynamic Framework: outline procurement timeline

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<td>2019</td>
<td>Market engagement</td>
<td>Market warming</td>
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<td>2020</td>
<td>OJEU Contract Notice ITP</td>
<td>Pre-qualification (SQ)</td>
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<td>Evaluation of SQ</td>
<td>Mini-competitions for day 1 services</td>
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<td></td>
<td>The Service will be procured under the Light Touch regime</td>
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Scope of procurements

Innovation Partner (IP)

**Core services**
- Delivery of Accredited Programmes (Thinking Skills Programme and Building Better Relationships)
- Delivery of Unpaid Work

**Additional services**
- Design, develop and test of new rehabilitative interventions
- Delivery of Accredited Programmes in HM Prisons

Dynamic Framework (DF)

- Rehabilitative interventions to deliver order of the court such as Rehabilitative Activity Requirements (RAR), licences as well as intervention to support resettlement activities.
- The DF will also be used to procure additional services using the Regional Outcome and Innovation Fund.
- The DF will be made available to other commissioning bodies including HM Prisons and Police and Crime Commissioners (PCCs) and will act as a market place of rehabilitation services to address all the needs of offenders whether in custody, resettlement and community.
Transition to the future model

We recognise the influence that the mobilisation and transition phase can have on the long-term success of the contract delivery.

It’s a priority for us to set reasoned requirements around mobilisation and transition, that gets the balance right between pace, ambition and feasibility.

The Authority has a role to play during a mobilisation period and supporting the relationship between new and outgoing providers.

We will be interested in your views during the engagement phased around how we make this a success.
Next steps

In the coming weeks, we will start stakeholder and market engagement to finalise our proposals, including on how services are designed and commissioned. We will engage closely with probation professionals to ensure that their feedback is reflected.

We will establish forums with a wide range of critical partners, such as Police and Crime Commissioners and other experts to inform the final direction and design of our probation reforms.

As the change starts to happen we will work closely probation staff, relevant unions and other key stakeholders to ensure that the transition to new arrangements is managed well. In Wales this transition is expected to be completed by the end of 2019.

Once we have completed our market and stakeholder engagement we will progress with the commissioning of new probation services.
Contact us: Strengthening.probation@justice.gov.uk

Visit: www.gov.uk/guidance/strengthening-probation-improving-confidence