

**Swyddfa Comisiynydd yr Heddlu a Throsedd, Gwent**  
**Office of Police and Crime Commissioner, Gwent**  
Pencadlys Heddlu Gwent | Gwent Police Headquarters,  
Croesyceiliog, Cwmbrân, NP44 2XJ  
Ffôn | Tel: 01633 642 200  
E-bost | Email: [commissioner@gwent.pnn.police.uk](mailto:commissioner@gwent.pnn.police.uk)  
Gwe | Web: [www.gwent.pcc.police.uk](http://www.gwent.pcc.police.uk)

Comisiynydd Heddlu a Throsedd Gwent | Police and Crime Commissioner for Gwent:  
**Jeff Cuthbert B.Sc., MCIPD**



29 June 2018

Commission on Justice in Wales  
Crown Buildings  
Cathays Park  
Cardiff  
CF10 3NQ

Dear Sirs

## **COMMISSION ON JUSTICE IN WALES – CALL FOR EVIDENCE**

I have had sight of the letter dated 18 June 2018 sent to you by the Chief Constable of South Wales Police on behalf of the four Welsh Chief Constables.

I endorse in general terms the points made in that letter but would like to make the following additional observations.

### **1. What Problems face the people who work within the justice system in Wales and the people who are affected by it?**

Attending Court is problematic for many. Some communities, especially financially disadvantaged communities, can have difficulty travelling to the Court if it is some distance away and not served well by public transport. Unfortunately it is not uncommon for last minute transfers of cases from one Court to another which can impact negatively on victims and witnesses.

Different agencies have different IT systems. There is a common platform between the CPS and the Courts, but not with the Police.

Key performance indicators for the CPS and the Police are different. The CPS seem to prioritise convictions whereas the Police are more victim focused. This is a problem across the UK, but any opportunity to address this in Wales by this Commission would be welcome.

*Rydym yn croesawu gohebiaeth yn y Gymraeg, a phan ddaw i law, byddwn yn ateb yn y Gymraeg – ni fydd hyn yn gohirio ein hymateb. Os hoffech dderbyn gohebiaeth yn y Gymraeg o hyn ymlaen, neu os ydych wedi cael eich gwahodd i gyfweiliad neu gyfarfod ac yr hoffech ddefnyddio'r Gymraeg, anfonwch e-bost at: [Commissioner@gwent.pnn.police.uk](mailto:Commissioner@gwent.pnn.police.uk). Darperir gwasanaethau cyfieithu.*

We welcome correspondence in Welsh and where received, we will reply in Welsh - this will not delay our response. If you wish to receive correspondence in Welsh hereafter or if you have been invited to an interview or meeting and you wish to use Welsh, send email to: [Commissioner@gwent.pnn.police.uk](mailto:Commissioner@gwent.pnn.police.uk). Translation services will be provided.

There is a problem with the lack of secure accommodation for children and particularly for those with mental health problems.

Additionally, more work needs to be done to address the needs of young people transitioning into adulthood within the justice system. There are gaps currently which no agency seems to want to take responsibility for.

**2. What is working well in the justice system in Wales? What is not working well? Are there examples of innovation and good practice, both in and beyond Wales, which should be adopted and shared?**

Although still in their early days, the statutory Public Service Boards (PSBs) are providing a better arrangement for collaboration across all public services including those involved, directly or indirectly, with criminal justice.

Each PSB must produce a Wellbeing Plan which sets out how public services will work with communities to ensure sustainable development whilst placing the long-term welfare of communities and individuals at the heart of decision making. Both the Police and Police and Crime Commissioner (PCC) attend meetings of the PSB for their areas to the very best of their ability and resources. We provide positive input to the discussions so that the emerging Wellbeing Plans reflect policing and public safety as a thread running through all the goals of the Plan.

However, under the current non-devolved arrangement for policing there is scope for conflict. Each PCC across England and Wales must produce a Policing and Crime Plan. This applies equally to Wales as it does to England. No variation is allowed for working with the Welsh Government and the devolved public services. Although currently there is no conflict (that I am aware of) between the priorities of the Wellbeing Plans within Gwent and the Police and Crime Plan, there is clearly scope for that to happen depending on the priorities of any future PCC. Indeed, a future PCC in Wales could decide that there will be no engagement with PSBs thus placing policing in Wales well outside the strong partnership working that exists now.

Nevertheless there are some very good examples of collaboration between policing and devolved services. The Adverse Childhood Experiences (ACEs) project described in the Chief's response is an excellent example of collaboration with Public Health Wales. Although the £6.8m provided through the Police Transformation Fund is "non-devolved" money, it will be used to improve the wellbeing of future generations in Wales as well as help reduce future crime levels.

A further example in Gwent is the Missing Children's Hub, which is a collaboration between Gwent Police and Local Authority services.

**3. Does the justice system in Wales currently provide access to all who require its services, including advice? How would you improve access to justice in Wales?**

Please note the comments provided in Point 1 above. I would also like to make the following additional comments.

The reference in the Chief's response to the role of PCSOs is important. The Welsh Government has no responsibility for policing but does provide, voluntarily, funding for 500 PCSOs across Wales (101 allocated to Gwent). Without this level of support we could not sustain anything like a reasonable level of PCSO numbers (this is already the case in many parts of England). I am aware, from my many public

engagement events that PCSO visibility in many communities is highly thought of and valued. They go a long way to providing the community reassurance which is a fundamental part of neighbourhood policing. However, there is always a risk that if the Welsh Government's budget comes under greater strain in terms of the settlement from The Treasury, then funding for non-devolved services could be placed in jeopardy.

#### **4. What are the economic, social, geographical, technological, constitutional and other barriers to improvement and how can this be overcome?**

The point made about the divergence in laws between England and Wales is important. As the power of the Welsh Assembly, and therefore the Welsh Government, grows in terms of primary law making functions, then there is bound to be a time not too far away when Police Officers in Wales will need knowledge and understanding of the consequences of a different legal regime within the UK. Wales was ahead of England in terms of smoking in public places and the use of plastic bags and, as mentioned by the Chiefs, could well be looking at the issue of lawful chastisement.

Having "two masters" within Wales in terms of budgets for public services is not helpful. The one example given of the mental health practitioners based in Gwent Police's Control Room is an example of where a clearly beneficial service is being paid for through policing money, but is, arguably, really a matter for the NHS. However, in terms of providing a necessary and valuable service, Gwent Police are prepared to pay for it.

The issue of the Apprenticeship Levy is, unfortunately, an excellent example of the contradiction provided by the current devolution settlement that keeps policing retained by Westminster. It seems clear to me that the arrangements for the distribution of the Apprenticeship Levy were not thought through by Westminster when it came to the question of a non-devolved service operating in an otherwise devolved environment. It is true that part of the block grant provided by The Treasury to the Welsh Government is for vocational training, including apprenticeships, but it then falls to the Welsh Government to allocate that money in accordance with its priorities. Given that policing is not devolved, then it is not surprising that police training is not a priority for the Welsh Government. Discussions, at the time of writing, are underway with Westminster and the Welsh Government and hopefully an acceptable solution can be found. But the clear message is that this is another example of a problem created by the current settlement.

The budget cut for TARIAN is a case perhaps of the Welsh Government not really understanding just how much serious and organised crime impacts on Welsh life. Probably this, again, is because they have not had any meaningful responsibility for the work of TARIAN and consequently see it as an area of spending that they can reduce. A better understanding of how TARIAN helps to reduce, for example, drug trafficking, will enable Welsh Government to realise the savings to the Health budget as a result of police action.

Finally, I want to comment on the Schools Liaison Programme. It is abundantly clear from discussions with schools that the programme is highly valued. It makes a difference now and has the potential, if adequately resourced and supported, to move towards becoming a proper part of the curriculum. Its emphasis on community cohesion and good citizenship, as well as highlighting the dangers of drugs and crime, is of obvious benefit and needs to continue. For historic reasons the Welsh Government's funding is from the Health budget whereas it more logically should fall

now to the Education budget. An all-Welsh Government approach is needed and I believe that this will happen. Once again it shows how policing being a devolved service would make life easier and simpler.

**5. What impact has devolution had on the justice system in Wales? What impact do you believe devolution will have in the future?**

Even though policing is not devolved, we strive for the very best relationship and co-operation with relevant Welsh Government Cabinet Secretaries and Ministers. We currently meet with them on a quarterly basis, but this is to be enhanced further very soon. Following our most recent meeting with the Cabinet Secretary it has been agreed to create a "Policing Board" which will be Chaired by the First Minister. This Board will enable better understanding of the role of policing in terms of the "one public service" vision of the Welsh Government and will allow Chief Constables and PCCs to understand better, and to help inform, the priorities of the Welsh Government.

The issue of partnership working through the PSBs has been referred to already, but it is expected that this could be further strengthened as a result of the Review of Local Government being undertaken by the Welsh Government. It is anticipated that this Review will conclude that fewer but larger PSBs based on, perhaps, Health Board boundaries will allow for more effective regional public service planning and delivery.

No-one is suggesting that without the devolution of policing, effective criminal justice and community safety cannot be delivered. I have outlined above how we are working well now with devolved public services, including the Welsh Government. But there can be no doubt that delivery within Wales would be far more straightforward if we were devolved and formal responsibility rested with the Welsh Government, as it does already in Scotland and Northern Ireland (once the NI Assembly is reconvened of course).

There are caveats of course and these are articulated in the Chiefs' submission.

I support fully the need for a Wales Office of the IOPC so that the legal framework within Wales, and the public service approach, is understood fully.

I disagree slightly with the Chiefs on their view that Policing and the rest of the Criminal Justice system need to be devolved together. That of course would be the ideal situation, but I think that Policing could be devolved first and the rest of Criminal Justice following. I believe this because of the role played by policing within the wider delivery of public services.

Briefly I want mention the following that is not referred to by the Chief Constables in their submission.

**6. To what extent do current university curriculum and vocational and professional development courses reflect the law in Wales and the need to deal with the digital revolution and how should they be further developed?**

Policing across England and Wales is moving towards being a graduate profession. The College of Policing is preparing specifications for policing degrees, graduate entry, and graduate apprenticeships. We await details of those specifications. The particular problem for us in Wales of the UK Apprenticeship Levy has been dealt with earlier.

Clearly all entry requirements and continuous professional development opportunities and expectations must reflect Welsh law as well as England and Wales law. Representations to the College of Policing on this need have been made and we shall see the outcome. However, at the current time none of the College's material is available in Welsh, even though the Welsh Language Standards apply to the Welsh Police Services and the PCC Offices.

I trust that my comments are helpful. I am more than happy to provide any clarification on these points that might be necessary.

Should further, relevant, information come to my attention, I shall forward it provided of course that time permits.

Very best wishes

**Jeff Cuthbert B.Sc., MCIPD**  
**Police and Crime Commissioner for Gwent**