

**Justice in Wales Commission**

Plaid Cymru Consultation Response

## Introduction

Plaid Cymru published a paper in 2010 by lawyer Awen Fflur Jones, in which a minimum and maximum model for a separate jurisdiction was proposed. This model ranged from the devolution of the administration of justice and the courts, to the full devolution of the probation service, prisons and policing.<sup>1</sup>

Our submission to the Justice in Wales Commission consultation draws from the full range of the minimum to maximum model to address the specific challenges Wales faces with its burgeoning justice system.

Our submission herein will focus on five areas of the justice system: a legal jurisdiction for Wales, access to justice, prisons, youth justice and policing.

## 1. A Welsh Legal Jurisdiction

### 1.1 Context

- 1.1.1 As Wales's methods of policy shaping and law making develop and Cardiff Bay grows in confidence, the structure of our justice system must develop to encase it. It is remarkable to consider that Wales is the only country in the world that has a legislature, but no legal jurisdiction of its own.
- 1.1.2 It is arguable that debates surrounding the development of Wales as a jurisdiction have hitherto been impeded by the comparatively weak devolution settlement obtained by Wales, as compared with those of Northern Ireland and Scotland.
- 1.1.3 The asymmetric devolution settlements obtained by different countries in the UK, of course, means that there are different levels of responsibility given to each of the "regional" parliaments.
- 1.1.4 Historically, Wales's legal system was by and large the same as that of England from 1536 until 1998. Scotland, on the other hand, had a separate court structure, legal principles and legal system. The fact that the legal administrative structure was already in place to facilitate the process of legislating has streamlined devolution in Scotland. In Wales, any legal proceedings beyond first instance very frequently get transferred to London, which causes delays and undermines the credibility of the proceedings.
- 1.1.5 Judicial reviews are becoming more and more important as individuals take on the might of the state, and even though there have been some cases of judicial review being heard initially in Wales, there is still no dedicated Administrative Court dealing with Welsh Government matters. Once again, anything beyond first instance goes to London which means English judges sitting in English courts are adjudicating Welsh Government actions. Had we had our own legal system to begin with, this would not be the case.
- 1.1.6 To put it simply, the fact that Scotland has a separate legal structure can be seen as a badge of nationhood which is missing for Wales.

### 1.2 The need for a separate legal jurisdiction for Wales

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<sup>1</sup> <https://devolutionmatters.files.wordpress.com/2015/09/plaid-cymru-developing-a-separate-jurisdiction-for-wales-terfynol.pdf>

- 1.2.1 To make the new reserved powers model workable, the appropriate administrative systems must be established for Wales to be able to cope with those powers.
- 1.2.2 In recent years, more and more people have joined the ranks of those who agree, including: Sir Roderick Evans QC, the former High-Court Judge and Pro-Chancellor of Swansea University, Barrister Rhodri Williams QC and solicitor Michael Imperato, the constitutional experts at the Wales Governance Centre and the UCL Constitution Unit, and the Lord Chief Justice of England and Wales.
- 1.2.3 A majority of witnesses at the Welsh Affairs Select Committee when scrutinising the draft Wales Bill recommended that the diverging body of distinct Welsh law could only be best served by a distinct jurisdiction.
- 1.2.4 Lawyers and constitutional experts alike reiterated the case to the Committee that to establish a clear and lasting legal settlement for Wales a distinct legal jurisdiction is necessary. Academic and constitutional expert Professor Richard Wyn Jones summarised this in a pithy and memorable phrase – a Welsh jurisdiction represents “the constitution catching up with the legislative reality”.
- 1.2.5 The devolution of justice matters to the country also has a real impact on policy formation, allowing the government to consult with relevant organisations and stakeholders so that laws are drafted which meet the priorities of the local population.
- 1.2.6 The Welsh Government, in their alternative Wales Bill, supported a distinct legal jurisdiction, with the Counsel General for Wales at the time, Labour AM Mick Antoniw, describing a distinct Welsh legal jurisdiction as an “inevitability”.
- 1.2.7 A distinct jurisdiction, Mr Antoniw claimed, would also afford the National Assembly an opportunity to develop a Welsh solution to UK Government reforms which are widely seen as reducing access to justice. This facility would lead to tangible benefits for the people of Wales.
- 1.2.8 The Silk Commission accepted that there would in due course be a pressing case for a Welsh jurisdiction. They recommended that a facility should be developed so that within a decade, such a new structure could come into existence. They recognised that over time, the case would become increasingly irrefutable, as the body of Welsh law accumulates, and public policy in Wales and in England inevitably follow divergent paths.

### 1.3 Law making

- 1.3.1 Every piece of legislation passed by the Assembly can result in a new offence being created. Examples of this are the fines which are imposed on shop owners who do not charge for the use of plastic bags, or those smoking in prohibited places.
- 1.3.2 Hence law applying in Wales is diverging from that of England. Lawyers who practise environmental, criminal, family and obviously administrative law must have a thorough knowledge of the corpus of Welsh law if they are to practice in Wales.
- 1.3.3 Of course, the establishment of a separate Welsh legal jurisdiction would have an impact on the common law that has evolved under the unified jurisdiction of England and Wales, since the nature of the common law is that it evolves over time. Separate laws and jurisdictions together with the different social and cultural backgrounds of the two nations would mean that the context in which the evolution takes place would differ between Wales and England. This must be seen as a positive development.
- 1.3.4 Similarly, statute law that only extends to a separate Welsh legal jurisdiction would still be recognised as a law in other jurisdictions within the UK – in the same way as the corpus of Scottish law is recognised beyond the Scottish borders.

- 1.3.5 Such statute law would be judicially noticed in those other jurisdictions because it is common practice for courts to refer to existing law within other jurisdictions in assisting in the process of interpreting the law.
- 1.3.6 For example, in the area of the laws of tort in England and Wales the courts have frequently looked at Canadian, Australian and New Zealand authorities as well as to other common law jurisdictions. It is argued that these references often created the laws of tort as they currently apply in England and Wales.

#### 1.4 Definition of a separate system

- 1.4.1 The criteria usually employed is that the jurisdiction should operate in a defined territory, that the jurisdiction should have a distinct body of law, and that it should be supported by its own court structure and legal institutions.
- 1.4.2 Since the Local Government Act 1972, Wales has been a defined territory. Wales also has a distinct and growing body of law. As already noted, Wales in a sense already has its own jurisdiction, since laws passed by the Assembly pertain only to Wales
- 1.4.3 Perhaps a question concerns the difference between 'separate' and 'distinct' jurisdictions? What does it mean in practice? A distinct jurisdiction would consist of a unified court system encompassing Wales and England, but applying two distinct bodies of law: the law of Wales and the law of England. The infrastructure is therefore in place, making the costs minimum. A distinct jurisdiction may, over time, grow into a separate jurisdiction; and that will reflect the evolution of our devolved government.
- 1.4.4 A Welsh jurisdiction could have whatever structures and institutions it is decided are needed to best serve the interests of Wales. There is no template which has to be followed and a jurisdiction once created is not immutable; it can change and develop as needs dictate. The present Northern Ireland jurisdiction is, for example, structurally different from that originally set up.

#### 1.5 Recommendations

**If a separate legal jurisdiction was created for Wales, some of the starting minimum recommendations would be as follows:**

- 1.5.1 **The National Assembly for Wales would need to obtain additional financial provisions to cover the costs of the court system and the administration of justice.**
- 1.5.2 **The implications these developments could have for cross-border practitioners will be significant. Some have suggested that it might be attractive to develop a system similar to that which exists between lawyers in England, Wales and the Republic of Ireland, where the qualifications of each profession are mutually recognised, as opposed to the system operating in Scotland with the qualified lawyer transfer tests (QLTTs). But thought should also be given to the practicality of adopting the QLTT system in the event of separate qualifications developing.**
- 1.5.3 **There would be a great need for engagement with the public and third sector when developing policy. The emergence of 'legal Wales' will have a holistic impact on the whole of society – not just the justice system itself.**
- 1.5.4 **With a separate jurisdiction, Wales should undertake a programme of work that would make legislation more accessible to citizens.**
- 1.5.5 **The law must be clear and intelligible, which is currently not the case. Particular focus must be given to accessibility in the Welsh language, digitisation and consolidation.**

- 1.5.6 All Welsh law should be codified in line with the recommendations set out by the Form and Accessibility of the Law Applicable in Wales report by the Law Commission in 2016<sup>2</sup>.
- 1.5.7 To ensure that law is equally as accessible in Welsh and English, all law should be written in both languages, not written in one and translated into the other. This would ensure that the language reflects the intention of the law, and removes the risk of the language reflecting the other language.
- 1.5.8 The Welsh Government should be formally recognised as being responsible for the standardisation of Welsh language legal terminology. An independent multidisciplinary panel should be established to advise the Welsh Government on Welsh language legal terminology.
- 1.5.9 All legislation should also be accessible online, in an easy-to-read format. This should be widely publicised to ensure people are aware of how and where to access legislation.
- 1.5.10 The Welsh and English versions of legislation should be capable of being viewed side by side online.
- 1.5.11 Explanatory notes should be linked on the online version of the legislation to the sections to which they relate to make understanding the legislation easier.
- 1.5.12 When the National Assembly for Wales wishes to change law in the consolidated area, this further legislation should be passed by either amending the consolidated statute or making fresh provision parallel to it.

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<sup>2</sup> [Form and Accessibility of the Law Applicable in Wales](#), Law Commission, 2016

## 2. Access to Justice

### 2.1 Context

- 2.1.1 The cuts initiated by the Coalition Government in 2010, and continued by successive Conservative governments since have resulted in a real cut in funding for the Ministry of Justice of 40% from 2011 to 2020, which has led to many people being denied access to justice.<sup>3</sup>
- 2.1.2 People have been unable to access justice due to harsh cuts in legal aid provision and local court closures, along with a failure for adequate provision of services in the Welsh language. Despite having a considerable cadre of bilingual lay magistrates and judges at all levels in Wales, it is clear that there is room for considerable improvement in the provision of services through the medium of the Welsh language.
- 2.1.3 Denying an individual the right to choose their legal representation, and to receive legal representation in a language they can understand is arguably in breach of the European Convention of Human Rights. Article 6 of the Human Rights Act sets out specific rights for criminal defendants, including that they should have the right to a fair trial, be fully informed of the allegations being relied upon to prove the offence, be informed of the offence they are accused of in a language they can understand, and that they can be represented in court free of charge should their means demand it.
- 2.1.4 Plaid Cymru would be in favour of devolving responsibility over the justice system to Wales so that we can make our own decisions relating to the justice budget.

### 2.2 Legal aid

- 2.2.1 Plaid Cymru has been vociferously opposed to the UK Government's reforms to the legal aid budget which have stripped thousands of people of access to legal aid.
- 2.2.2 The Legal Aid, Sentencing and Punishment of Offenders Act 2012 effectively reversed the previous legal aid scheme, removing most civil legal matters from the scope of legal aid. The cuts to legal aid were estimated to save £450 million a year, but in 2016 had actually resulted in spending on legal aid being £950 million less than in 2010, clearly demonstrating that the cuts were too brutal.<sup>4</sup> It has also proved to be a false economy. The huge, and predictable, growth in litigants in person particularly in family law has reversed any savings made by the state by the huge increase in court time, creating a further burden upon the judiciary. This is further compounded by the recent court closure program which has led to a lack of available court hearing rooms.
- 2.2.3 These cuts are also likely to cost more in the long term. We have already seen that trials take longer due to insufficient ground work being done out of court. More cases will go to appeal due to a likely increase in miscarriages of justice. In the long term, large providers will have a near monopoly in the market after the closure of so many high street firms, and prices will rocket when contracts are renewed.
- 2.2.4 Wales has seen the largest decline in legal aid providers over the last five years – a decrease of 29%.<sup>5</sup>

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<sup>3</sup> <https://www.legalloop.co.uk/600m-cut-ministry-justice-spending-budget-2017/>

<sup>4</sup> The Bach Commission on Access to Justice, *The right to justice: the final report of the Bach Commission*, September 2017

<sup>5</sup> <https://www.theguardian.com/law/2017/sep/19/number-of-legal-aid-providers-falls-20-in-five-years-figures-show>

- 2.2.5 Legal aid in the housing sector has been particularly hard hit, as the rates paid for housing legal aid set by the UK Government are particularly low, so there is no incentive for providers. In Wales, eight legal aid areas out of a total of have a single housing legal aid provider, with the Bridgend, Cardiff and Vale area having the most providers with four providers.
- 2.2.6 Advice on housing is vital for people who are facing eviction, the homeless and those renting a property in serious disrepair. People on low incomes facing homelessness and eviction in areas with only one housing legal aid provider may be unable to get the local face to face advice they desperately need and are entitled to by law.
- 2.2.7 Whole geographical areas with just one housing legal aid provider, like much of Wales, result in a number of problems. Firstly, families on low incomes are unlikely to be able to afford to travel to see the one provider that may be located many miles away from where they live. This means they are unable to seek essential legal advice, even in the most extreme cases, such as homelessness. Secondly, one firm in a large area may not have capacity to provide advice to those who need it. People requiring legal aid advice for housing issues often need advice urgently and cannot go onto a waiting list. Finally, conflicts of interest can arise because one law firm cannot represent both a tenant and their landlord, or represent the tenant if they are acting for the landlord on another matter.
- 2.2.8 The most recent cuts to criminal legal aid work announced by the UK Government only serve to exacerbate the existing issues. Criminal duty solicitors, who are already in high demand, will now be paid much lower rates for working on the most serious and complicated cases. The £18 million injection announced by the UK Government into certain areas of criminal legal aid on 25<sup>th</sup> May 2018 is to be welcomed, but serves to highlight the chronic underfunding of publicly funded legal services over a lengthy period.
- 2.2.9 In addition, recent data published by The Law Society shows that in 5 to 10 years' time, there will be insufficient criminal duty solicitors in many regions due to an aging population of lawyers. In Wales, an average of over 55% of criminal duty solicitors are over the age of 50.<sup>6</sup>
- 2.2.10 Both of these issues seriously threaten the right of individuals to access independent, expert legal advice free of charge when detained by the police. This can easily cause miscarriages of justice, with people with no experience or education in criminal law being forced to represent themselves and present arguments which lead to an unfair guilty verdict, subjecting someone to a punishment for a crime they did not commit.
- 2.2.11 **The principle of equality before the law should be upheld, and the system should prevent people only accessing legal advice if they can afford to do so.**
- 2.2.12 **The harsh cuts enforced by the Legal Aid, Sentencing and Punishment of Offenders Act 2012 should be reversed so people who are currently unable to access legal aid can exercise their right to justice. This should include the establishment of a simpler and more generous assessment scheme for civil legal aid, ensuring all benefit recipients automatically qualify for legal aid, and making the contributions to legal aid more affordable.**
- 2.2.13 **The focus of legal aid should be changed to encourage early dispute resolution and prevent further distress and cost downstream.**

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<sup>6</sup> <http://www.lawsociety.org.uk/news/press-releases/criminal-defence-lawyers-face-extinction-amid-justice-crisis/>

## 2.3 Court closures

- 2.3.1 Since 2010, 29 courts have been closed in Wales as part of the UK Government's plans to reform the court estate.<sup>7</sup> The forward to the UK Government's consultation on the closures, published in 2015, stated: "We can only provide better access to justice if we take difficult decisions to reduce the cost of our estate and reinvest the savings."<sup>8</sup>
- 2.3.2 However, it can be argued that, particularly in Wales, closing courts has had the opposite effect and severely hindered access to justice. Court closures in rural areas have a much bigger impact than in cities, and it is evident that a full evaluation of the impact of closing down courts in rural areas are not conducted.
- 2.3.3 In much of Wales, access to public transport is inadequate, and closing one court in a community and expecting people to travel to another court is not a simple ask. Those attending court cases now have considerably longer journey times at a much greater expense. In certain cases, it is not possible to arrive at the nearest court by 9am, so having to attend a hearing can also incur the cost of an overnight stay.
- 2.3.4 There are also real concerns about intimidation, when defendants and witnesses are forced to travel on the same bus to the court due to a lack of other options.
- 2.3.5 Staff are also severely impacted by court closures. The consultation process prior to court closures only refers to staff as "other impacted groups", and fails to adequately take into account the impact of closing down a court in a community on employment levels, particularly when public transport does not always allow staff to travel to a different court by 9am.
- 2.3.6 This disproportionately impacts staff with disabilities and caring responsibilities, for whom continued employment could well become untenable.
- 2.3.7 Court closures are largely justified by digitisation projects, which would reduce the need to physically attend court hearings. Whilst this would have a number of benefits, including witnesses no longer facing intimidation by the defendant if they are in the same room and cutting out the cost and time of travelling to court, there are a number of concerns.
- 2.3.8 Virtual courts would help those with some physical disabilities by negating the need for them to travel, those with particular physical and mental disabilities may find it more difficult to access court services online, which further restricts access to justice.
- 2.3.9 It is not clear how much digital knowledge and experience would be required for this, and it is imperative that digital education is provided to all those who require it should they be forced to access court services online.
- 2.3.10 Furthermore, accessing digital courts is only possible if there is adequate broadband access. In Wales, and particularly in rural Wales, broadband provision can be sparse and accessing anything online can be incredibly difficult. Individuals cannot be forced to access the justice system online if they cannot access internet services, and this must be taken into account.
- 2.3.11 **Smaller courts, suitable for the capacity of work they receive, should be established in communities where there are no longer courts to retain employment, skills and access to justice.**
- 2.3.12 **A thorough consultation should also be carried out on the digitisation process, with particular emphasis on improving access to broadband in rural areas, and**

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<sup>7</sup> [Written Parliamentary Question 136450](#), April 2018

<sup>8</sup> Ministry of Justice, 'Proposal on the provision of court and tribunal estate in England and Wales' (2015) p5



**collaboration with local authorities and education facilities to provide digital education to facilitate access to justice online.**

- 2.3.13 **A suggestion by the Lord Chief Justice earlier this year that courts could sit in venues such as council chambers in rural areas should seriously be considered.**

## 2.4 Welsh language

- 2.4.1 It is fundamental that everyone in Wales should be able to access the justice system in Welsh if they prefer.
- 2.4.2 In strong Welsh-speaking parts of Wales, court closures make it impossible for residents to access legal services, obtain advice or legal counsel, or conduct their business in the language of their choice if they are forced to use services in areas where the Welsh language is less prevalent.
- 2.4.3 Welsh-speakers are fundamentally denied access to justice because of the UK Government's opposition to bilingual juries on the basis that it would outweigh the principle of random selection.
- 2.4.4 Plaid Cymru believes it is imperative that in certain Welsh cases all members of a jury be bilingual in Welsh and English. This would allow the jury to be able to understand the evidence directly, in Welsh or in English, rather than through a translator.
- 2.4.5 It is important that both the content and quality of evidence be apprehended as clearly and fully as possible by juries. In cases where Welsh is used, juries should be able to understand Welsh, as well as English.
- 2.4.6 **Legislation should be put forward to facilitate bilingual juries. Many people feel much more comfortable communicating in Welsh today than in 1974 when the Juries Act was passed. The justice system should be allowing them every fair play to ensure a fair trial.**

## 2.5 Recommendations

**If the responsibility over justice was devolved to Wales, the National Assembly for Wales could implement the following changes:**

- 2.5.1 **The harsh cuts enforced by the Legal Aid, Sentencing and Punishment of Offenders Act 2012 should be reversed so people who are currently unable to access legal aid can exercise their right to justice. This should include the establishment of a simpler and more generous assessment scheme for civil legal aid, ensuring all benefit recipients automatically qualify for legal aid, and making the contributions to legal aid more affordable.**
- 2.5.2 **The focus of legal aid should be changed to encourage early dispute resolution and prevent further distress and cost downstream.**
- 2.5.3 **Smaller courts, suitable for the capacity of work they receive, should be established in communities where there are no longer courts to retain employment, skills and access to justice.**
- 2.5.4 **A thorough consultation should also be carried out on the digitisation process, with particular emphasis on improving access to broadband in rural areas, and collaboration with local authorities and education facilities to provide digital education to facilitate access to justice online.**
- 2.5.5 **Legislation should be put forward to facilitate bilingual juries.**



### 3. Prisons

#### 3.1 Context

- 3.1.1 The prison estate in Wales is currently controlled, managed and paid for by the Ministry of Justice, whilst the responsibility for providing healthcare, education and emergency services sits with the Welsh Government.
- 3.1.2 It is understood that the cost of providing of healthcare, education and emergency services for prisoners and in prisons comes out of the budget of the Welsh Government, without extra funding from the Ministry of Justice to cover this.
- 3.1.3 Currently, the prison estate in Wales only caters for male prisoners, and there is only one Young Offenders Institution in Wales. This is in comparison to 12 female institutions, seven Young Offenders institutions, and three dedicated female Young Offenders institutions in England.
- 3.1.4 Welsh prisons have a total operational capacity of 4,999 inmates. As of April 2018, the total population of Welsh prisons is 4,291.<sup>9</sup>
- 3.1.5 There are five areas of concern with regards to the prison estate in Wales: cross-border issues; provision for female and young offenders; service provision in the Welsh language; the potential for new prisons; and rehabilitation and the role of Community Rehabilitation Companies.

#### 3.2 Cross-border issues

- 3.2.1 The Welsh prison estate is unable to meet the needs of Wales whilst it only caters for male prisoners.
- 3.2.2 As of 31<sup>st</sup> December 2017, there were 1,438 males who had a recorded origin address in Wales serving prison sentences in England, and 1,256 males who had a recorded origin address in England serving prison sentences in Wales.<sup>10</sup>
- 3.2.3 Having offenders housed nearer their communities makes it practically easier for prisoners' families to attend visits, and reduces travel time and cost. By having a large number of Welsh people in prison in England, and vice versa, it puts added pressure on the families of the inmates and can hinder the rehabilitation of the inmates themselves.
- 3.2.4 Plaid Cymru believes that those incarcerated have a better chance at long term rehabilitation and lower recidivism when placed nearer to family support networks. A review commissioned by the Ministry of Justice in 2017 described family relationships as "the golden thread" to rehabilitation and noted that offenders who received visits from family members were almost 40% less likely to reoffend.
- 3.2.5 In recent years we have also seen the problem of County Lines extend into Wales. County Lines are organised crime groups from areas like London, Birmingham and Liverpool that extend their drug dealing enterprise across county boundaries.
- 3.2.6 The National Crime Agency has identified towns within which prisons are located, to which gang members are sentenced; leading to visitors identifying new market opportunities as a potential trigger for this. It has also identified new networks developing between gang members meeting in prisons as the reason for County Lines extending across multiple police regions.

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<sup>9</sup> [Prison Population Bulletin: monthly April 2018](#), Ministry of Justice

<sup>10</sup> [Written Parliamentary question 124685, 24<sup>th</sup> January 2018](#), House of Commons

- 3.2.7 With the issue of County Lines now being prevalent in south Wales, it is evident that having people from urban areas in England being put in prison in Wales and finding new networks to exploit has in part caused this.
- 3.2.8 **Prisoners from Wales should be kept in Wales, not moved to prisons in England, and housed as close to their communities as possible. A prison system should be created where inmates are kept in their communities to ease the transition back into the community.**
- 3.2.9 **This would also avoid inmates from cities coming into communities, and would help to reduce the risk of creating new County Lines networks.**

### 3.3 Provision for female prisoners and young offenders in Wales

- 3.3.1 There is currently no provision in Wales for female prisoners, despite there being 227 women with a Welsh origin address serving a custodial sentence in English prisons as of September 2017.<sup>11</sup>
- 3.3.2 The effect of the incarceration of women is particularly damaging for families and society. There is clear evidence which demonstrates that the negative impact of incarceration on women is hugely significant, particularly in relation to families and any children female offenders may have.
- 3.3.3 On 31<sup>st</sup> December 2017, there were 6 females aged 18-20, 12 males aged 15-17 and 48 males aged 18-20 who were resident in Wales but serving prison sentences in England.<sup>12</sup>
- 3.3.4 The barriers placed on the future success of young people due to incarceration are huge. Extensive evidence in the United States shows that imprisoning young offenders, in most cases, only ensures future re-offending and often turns young people, particularly young men, into more hardened criminals.
- 3.3.5 **The focus of the debate around provision for female prisoners should be changed from where and how is best to incarcerate women, to how best to tackle the underlying issues that lead to offending.**
- 3.3.6 **Women should only be incarcerated where absolutely necessary, with prison only being reserved for crimes which are of a violent and repeat nature. Careful examination of any mitigating circumstances should be undertaken by the CPS and judges before a custodial sentence is sought or given. This is already the case, to an extent, however, more needs to be done to take seriously the severe societal, family and personal consequences of placing women into prison.**
- 3.3.7 **The criminal justice system should focus on establishing problem-solving justice initiatives that seek to tackle the root causes of offending at an early stage and focus on prevention, rather than retribution after the crime has been committed.**
- 3.3.8 **Small, dedicated prison or secure centres for female prisoners in Wales should be set up to ensure access to family support networks, but should only be used in the most extreme circumstances where females have to be incarcerated.**
- 3.3.9 **Young people should be prevented from being incarcerated in most circumstances, with rehabilitation focused on community-based programmes in their home environment. Only in the most extreme circumstances should young people face a custodial sentence.**

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<sup>11</sup> [Written Parliamentary Question 118800](#), 12<sup>th</sup> December 2017

<sup>12</sup> [Written Parliamentary Question 124686](#), 24<sup>th</sup> January 2018

### 3.4 Welsh language provision in prisons

- 3.4.1 In order to rehabilitate and reform, prisons must be environments that inmates feel comfortable in. One very important example of this is the provision of services in Welsh for Welsh-speakers.
- 3.4.2 According to the Ministry of Justice, translation services are ‘available’ at all prisons in England and Wales.
- 3.4.3 However, Plaid Cymru has consistently seen that the supply of translation services is not prioritised or adequate. The Welsh Language Commissioner also found the provision of Welsh language services in prisons to be “very, very patchy”, describing efforts to meet demands as “not very effective and not consistent.”
- 3.4.4 For many people in Wales, Welsh is the language in which they conduct their lives. Being sent to prison, for whatever transgressions, must still mean that people are able to access public services in Welsh. Denying an offender of such language rights only heightens feelings of isolation and segregation, which negatively impacts on mental health.
- 3.4.5 Prisoners whose first or preferred language is Welsh should not be placed into a situation where there is little to no chance of day to day communication in their own language. There is far less chance of this being the case if Welsh speaking prisoners are sent to a prison in Wales.
- 3.4.6 **Inmates should be held closer to their communities, which would likely result in the use of the Welsh language as reflected in the community to which they belong, and similar levels of staff speaking Welsh as in the community.**
- 3.4.7 **Welsh-language services should be strengthened in prisons, with a requirement to ensure that all prisons have a certain proportion of Welsh speaking prison officers. There is currently no such quota, as confirmed by the Ministry of Justice which stated that there was no requirement for Welsh speaking staff at HMP Berwyn, and the UK Government did not hold any data on the number of bilingual staff.**<sup>13</sup>
- 3.4.8 **Prison authorities should take a more proactive approach to the collection of data on language amongst the Welsh prison population to ensure that there is no undercounting of Welsh speakers.**

### 3.5 New prison provision

- 3.5.1 Plaid Cymru contests the position of the Ministry of Justice that there is need for another prison in Wales. The English prison system is in crisis, with the UK Government only responding by pursuing a strategy of building more prisons. The UK Government is seeking to resolve the chaos in English prisons by imposing a new industrial-scale prison complex in Wales.
- 3.5.2 Once fully operational, HMP Berwyn in Wrexham will have the capacity to hold in excess of 2,100 male prisoners, meaning there will be 800 more spaces than inmates in the Welsh prison estate, negating the argument in favour of building another new prison, ‘super’ or otherwise in Wales.
- 3.5.3 **The focus should be taken away from ‘super prisons’, which fail to create the right conditions to rehabilitate offenders. Instead, focus should be placed on the rehabilitation of offenders and the development of facilities that support this.**

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<sup>13</sup> [Written Parliamentary Question 41852](#), July 2016, House of Commons

- 3.5.4 **There is also no need for another adult male prison in Wales. Instead, the options for building small, community-based and rehabilitation-focused facilities for women and young offenders should be explored for use in the most severe circumstances.**
- 3.5.5 **The aim of this should not be to incarcerate more women or children, but to ensure that in the very small set of circumstances that women or children should be incarcerated, this can be facilitated in their local communities, near their families, and with the intention to rehabilitate and not just punish.**
- 3.5.6 **Prisons should be considered as part of a Welsh justice system, and Wales should have a criminal justice system and a prison estate that fits the needs of the nation, and which does not encourage the importation of prisoners.**

### 3.6 Rehabilitation

- 3.6.1 Plaid Cymru believes community rehabilitation is key to reducing reoffending and ensuring ex-offenders are able to properly resettle back into their communities. However, over the last eight years we have seen ruthless privatisation of the probation service, without any positive results.
- 3.6.2 The new Community Rehabilitation Companies (CRCs) manage low and medium risk offenders, and operate on an outcome-based payment scheme. Under the contracts, a proportion of a provider's payment is determined by the reductions in reoffending they achieve. The aim of this was to incentivise providers to focus relentlessly on driving down reoffending.
- 3.6.3 A nationwide 'Through the Gate' resettlement service was created to give most offenders continuous support, usually by the CRC, from custody into the community.
- 3.6.4 Her Majesty's Inspectorate of Probation (HMIP) produced five reports evaluating the reforms as they progressed. In its thematic inspections, HMIP said that the 'Through the Gate' services were so poor that if they were removed the impact would be "negligible". In a further report, HMIP found that CRC enforcement decision making in relation to community orders, suspended sentence supervision orders and post-sentence supervision was poor.
- 3.6.5 Inspections that began in 2016 found overall that CRCs are performing below expectations, with particular criticism for some CRCs monitoring offenders over the phone.
- 3.6.6 In Wales, this inadequate supervision has led to 15 Serious Further Offence reviews being triggered in 2016-17 due to an offender under statutory probation supervision by the CRC being charged with murder, manslaughter, rape or certain other serious violent or sexual offences.
- 3.6.7 It is evident that privatising the probation service does not lead to better services for offenders or for the community. CRCs as private companies are motivated by the detail of contract compliance and profit-making over the true quality of supervision.
- 3.6.8 **Community sentences are more effective at reducing reoffending than short prison sentences, as these interventions provide better opportunities to address the underlying causes of offending.**
- 3.6.9 **Resources should be freed up to invest in public sector community rehabilitation, and change sentencing policy to emphasise more community-based rehabilitation.**
- 3.6.10 **Person-centred interventions and effective supervision are key to addressing the underlying causes of reoffending. Research shows that mentoring, when combined with other support, is an effective approach which helps mentees to learn and**

**implement constructive, non-criminal ways of addressing problems in their lives and to reduce risk factors associated with offending behaviour.**

### 3.7 Substance misuse

- 3.7.1 Overall, drug use in the UK has declined over the last 10 years; with 31.6% of people aged 16-59 in England and Wales reporting cannabis use, 10.5% reporting cocaine use and 7.2% reporting use of MDMA in 2015.<sup>14</sup>
- 3.7.2 Treatment for substance misuse in Wales has fallen over recent years but this is not to say that the problem no longer exists. In the period January-March 2015, 4,545 people were treated by NHS Wales for substance misuse. By October-December 2017, this figure had fallen to 3,802.
- 3.7.3 The number of individuals being referred to the NHS for substance misuse has also fallen by almost 2,000 between January 2015 and December 2017.<sup>15</sup> As the number of people being treated has not fallen as significantly, it is possible that fewer people are being referred due to constraints on the health service, but that the problem still very much exists.
- 3.7.4 In 2016, there were 271 drug-related deaths in Wales, a trend that has continued to rise in recent years.<sup>16</sup> This is not always down to the effect of the drug itself, and can be prevented if drugs were used in safer environments.
- 3.7.5 Most crime is drug or alcohol related. Substance dependency and problematic use can be tackled by investing in social services and specialist counselling services to tackle the underlying issues and aid prevention.
- 3.7.6 **There should be heavy investment into a long-term substance use harm-reduction strategy to ensure the widest range of detoxification and rehabilitation could see real change in substance misuse. Free counselling services and psychiatric support for adults should be able to enable the prevention of a significant amount of criminal behaviour.**
- 3.7.7 **To reduce crime, multi-agency substance treatment centres should be introduced to deal with problems by a range of professionals all working in the same building.**
- 3.7.8 **Drug consumption rooms, as widely used in Europe, should also be introduced to allow addicts to safely and hygienically inject themselves. Drug consumption rooms increase access to social, health and drug treatment services, and target difficult and hard-to-reach drug users. International evidence also shows that drug consumption rooms do not result in higher rates of local drug-related crime and instead can reduce street disorder and encounters with the police.**

### 3.8 Recommendations

**If the responsibility over prisons was devolved to Wales, the National Assembly for Wales could implement the following changes:**

- 3.8.1 **Inmates should be held closer to their communities, which would likely result in the use of the Welsh language as reflected in the community to which they belong, and similar levels of staff speaking Welsh as in the community.**

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<sup>14</sup> [European Monitoring Centre for Drugs and Drug Addiction](#), United Kingdom Country Drug Report 217

<sup>15</sup> [Welsh National Database for Substance Misuse](#), NHS Wales Informatics Service (NWIS), 2018

<sup>16</sup> [Number of drug-related deaths registered in England and Wales, 2012-2016](#), Office for National Statistics

- 3.8.2 **Women should only be incarcerated where absolutely necessary, with prison only being reserved for crimes which are of a violent and repeat nature.**
- 3.8.3 **The criminal justice system should focus on establishing problem-solving justice initiatives that seek to tackle the root causes of offending at an early stage and focus on prevention, rather than retribution after the crime has been committed.**
- 3.8.4 **Small, dedicated prison or secure centres for female prisoners in Wales should be set up to ensure access to family support networks, but for use only in the most extreme circumstances where females have to be incarcerated.**
- 3.8.5 **Young people should be prevented from being incarcerated in most circumstances, with rehabilitation focused on community-based programmes in their home environment.**
- 3.8.6 **Welsh-language services should be strengthened in prisons, with a requirement for all prisons to have a certain proportion of Welsh speaking prison officers.**
- 3.8.7 **Prison authorities should take a more proactive approach to the collection of data on language amongst the Welsh prison population to ensure that there is no undercounting of Welsh speakers.**
- 3.8.8 **The options for building small, community-based and rehabilitation-focused facilities for women and young offenders should be explored for use in the most severe circumstances. We commend the Corston Report to the Commission.**
- 3.8.9 **Prisons should be considered as part of a Welsh justice system, and Wales should have a criminal justice system and a prison estate that fits the needs of the nation, and which does not encourage the importation of prisoners.**
- 3.8.10 **Resources should be freed up to invest in public sector community rehabilitation, and change sentencing policy to emphasise more community-based rehabilitation.**
- 3.8.11 **Person-centred interventions and effective supervision are key to addressing the underlying causes of reoffending.**
- 3.8.12 **There should be heavy investment into a long-term substance use harm-reduction strategy to ensure the widest range of detoxification and rehabilitation could see real change in substance misuse. Free counselling services and psychiatric support for adults should be able to enable the prevention of a significant amount of criminal behaviour.**
- 3.8.13 **To reduce crime, multi-agency substance treatment centres should be introduced, where problems can be dealt with by a range of professionals all working in the same building.**
- 3.8.14 **Drug consumption rooms, as widely used in Europe, should also be introduced to allow addicts to safely and hygienically inject themselves.**



## 4. Youth Justice

### 4.1 Context

- 4.1.1 Currently, youth justice for England and Wales is overseen by the Youth Justice Board, a non-departmental public body, accountable to the Ministry of Justice. Board members are appointed by the Secretary of State for Justice. Offenders between 10 and 17 years old go through the youth justice system.<sup>17</sup>
- 4.1.2 Approximately 1,500 minors are found guilty of various offences in Wales every year.
- 4.1.3 The Welsh Adverse Childhood Experience study shows stark results compared with England. Those with four or more Adverse Childhood Experience (ACEs) were 14 times more likely to have been a victim of violence over the last 12 months, 15 times more likely to have committed violence and 20 times more likely to have been incarcerated at any point in their life time.<sup>18</sup>

### 4.2 Disclosure of criminal records

- 4.2.1 A criminal record acquired in childhood can have far-reaching effects that go well beyond the original sentence.
- 4.2.2 The Disclosure and Barring Service, as it is currently set up, allows for records obtained in childhood to be disclosed for many years afterwards, preventing many former minor offenders from getting employment in adulthood.
- 4.2.3 Plaid Cymru believes that the current system traps offenders in their past, denies them an income and prevents them from improving their lives, which is unfair punishment after sentences have already been served.
- 4.2.4 The vast majority of children grow out of crime, so the way information on childhood criminality is retained and disclosed must promote reintegration and rehabilitation.
- 4.2.5 David Lammy MP conducted an independent review into the treatment of, and outcomes for Black, Asian and Minority Ethnic individuals in the Criminal Justice system. Despite this report focusing on the treatment of BAME individuals, the recommendations concluded that individuals should be able to have their case heard by either a judge or a body like the Parole Board to have their criminal records sealed. There should be a presumption to look favourably on those who committed crimes either as children or young adults but can demonstrate that they have changed since their conviction.<sup>19</sup>
- 4.2.6 The Justice Select Committee held an inquiry into disclosure of youth criminal records in October 2017. The report concluded that the current system for disclosure of youth criminal undermines the principles of the youth justice system to prevent offending by young people and to have regard to their welfare.<sup>20</sup>
- 4.2.7 **Plaid Cymru believes that children who offend should be given lifelong anonymity.**
- 4.2.8 **The filtering system which has been put in place to screen out single minor convictions that took place at least 11 years ago for adults and five-and-a-half years ago for under-**

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<sup>17</sup> <https://www.gov.uk/government/organisations/youth-justice-board-for-england-and-wales>

<sup>18</sup> <http://www.gov.scot/Resource/0052/00522274.pdf>

<sup>19</sup> [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/643001/lammy-review-final-report.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/643001/lammy-review-final-report.pdf)

<sup>20</sup> <https://publications.parliament.uk/pa/cm201719/cmselect/cmjust/416/416.pdf>

**18s should be extended in the short term to offences that incurred a prison sentence of six months or less for offenders under 18.**

- 4.2.9 **The criminal records system should be more sensitive to the transitory nature of much of childhood offending, and prevent a situation where records can be disclosed for many years afterwards, which proves to be an obstacle to employment and encourages reoffending.**
- 4.2.10 **The criminal justice system should look favourably upon on those who committed crimes as minors, but can demonstrate that they have changed since their conviction.**
- 4.2.11 **The Disclosure and Barring Service should be reformed to ensure that all childhood offending (with the exception of the most serious offences) becomes non-disclosable after a period of time.**
- 4.2.12 **A system should be created which allows for criminal records to be sealed upon request, which ensures the record still exists, and can be considered by judges if an individual breaks the law again in the future, but stops individuals needing to disclose convictions in job applications.**

#### 4.3 A preventative approach

- 4.3.1 In recent years we have come to understand more about the relationship between Adverse Childhood Experience (ACEs) and future offending and imprisonment.
- 4.3.2 The English ACEs study showed that people who have experienced four or more ACEs when compared to another person who has no experience of ACEs are nine times more likely to experience incarceration.<sup>21</sup>
- 4.3.3 The Welsh ACEs study show comparatively worse results. Those with four or more ACEs were 14 times more likely to have been a victim of violence over the last 12 months, 15 times more likely to have committed a violent crime and 20 times more likely to have been incarcerated at any point in their life time.<sup>22</sup>
- 4.3.4 Plaid Cymru believes that a preventative approach drawn from across health, criminal justice, education and other settings is more effective in tackling youth offending.
- 4.3.5 Addressing the underlying causes of crime, such as protecting children from abuse or neglect, is proven to reduce criminal behaviour.
- 4.3.6 In civil matters, early intervention and sound advice can prevent the involvement of the courts and can reduce hardship for a large number of people.
- 4.3.7 Community-based interventions are more effective at reducing re-offending and social exclusion than short term imprisonment.
- 4.3.8 Short custodial sentences offer limited opportunities for rehabilitation and some people leave custody with the same underlying issues as when they entered– and people are actually more likely to reoffend after serving a short custodial sentence, not less.<sup>23</sup>
- 4.3.9 The Scottish Prison Service’s vision for young people in custody aims to use the time a young person spends in custody to enable them to prepare for a more positive future.<sup>24</sup>
- 4.3.10 **Wales should adopt a “Whole Systems Approach” based on the Scottish model with prevention, early intervention and multidisciplinary support to diverting children and young people away from offending.**

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<sup>21</sup> <http://www.gov.scot/Resource/0052/00522274.pdf>

<sup>22</sup> <http://www.gov.scot/Resource/0052/00522274.pdf>

<sup>23</sup> <http://www.gov.scot/Resource/0052/00522274.pdf>

<sup>24</sup> <http://www.sps.gov.uk/Corporate/AboutUs/Vision.aspx>

- 4.3.11 **Social Service Departments should be expanded and networks of specialist child counsellors should be employed. These should be linked to an expanded Child and Adolescent Mental Health Service (CAMHS), which includes psychiatric residential accommodation. The assessment and care of children needs to be integrated and coordinated centrally and locally.**
- 4.3.12 **An emphasis should be placed on mentoring those who have had ACEs to learn and implement constructive, non-criminal ways of addressing problems in their lives and to reduce risk factors associated with offending behaviour.**
- 4.3.13 **Wales should expand the use of Reparation Orders that require the perpetrator to repair the damage their behaviour caused, either directly to the victim or indirectly to the community.**
- 4.3.14 **Likewise, we should expand the use of Child Safety Orders for children under 10 years of age who have shown behavioural problems.**
- 4.3.15 **Acceptable Behaviour Contracts should be used more. These are written agreements between young offenders, their families, police, youth offending teams, and other agencies banning anti-social behaviour.**

#### 4.4 Secure accommodation

- 4.4.1 In Wales, there is only one Secure Children's Home located in Neath, which can accommodate up to 22 children and young people between the ages of 12-17.<sup>25</sup> As there are no other facilities in Wales, children from Wales are known to be housed in Scotland and North East England instead.
- 4.4.2 Young people from Wales in secure accommodation are rarely housed anywhere near their homes or communities, making it extremely difficult for them to have regular contact with family, social services and legal advisers.
- 4.4.3 **Young people should only be held in secure accommodation as a last resort, and this should not be for any longer than is deemed absolutely necessary.**
- 4.4.4 **There must be provision for young people who need to be held securely to be housed near to their homes and families, and they should never be held outside of Wales.**
- 4.4.5 **A review of what facilities are required to secure house young people, and in which areas these should be located due to demand, should be carried out to inform how the system should be designed.**

#### 4.5 Integrated youth justice provision

- 4.5.1 The illogical settlement of the current system was highlighted by former Youth Justice Board Chair, Professor Rod Morgan. He emphasised that factors linked to youth offending are often related to devolved services, such as education and training, social services, and health, while youth offenders were dealt with through non-devolved services, such as the police, Youth Offending Teams and youth courts. He concluded that the Welsh Government should have administrative control over youth justice. Policy would then be better integrated.
- 4.5.2 The Silk Commission agreed with this conclusion and believed that the administrative responsibility for the treatment and rehabilitation of youth offenders should be devolved, particularly bearing in mind the close links that exist with services provided by local authorities.

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<sup>25</sup> <http://www.securechildrenshomes.org.uk/hillside-secure-centre/>

4.5.3 Wales's second Children's Commissioner, Keith Towler, stated quite clearly that devolution of responsibility over youth justice would make a "massive difference" in the way young people in trouble are supported and even help cut crime.

4.5.4 The Howard League for Penal Reform, who have campaigned on the devolution of youth justice for many years. In a letter sent to the Plaid Cymru Westminster Group, they said:

*"When it comes to Welsh children in trouble with the law, Wales should be able to come up with a Welsh solution to a Welsh concern. This is particularly the case because both social services and education policy is already devolved and it is a welfare-led approach which will prove most effective for troubled children. The Welsh Youth Justice Board already recognise this in their 'children first' approach and there is an opportunity to build on that distinctiveness and protect it from any Westminster-led reforms that fail to take into account the specific needs of Welsh children."*

#### 4.6 Recommendations

**If responsibility over youth justice was devolved to Wales, the National Assembly for Wales could implement the following changes:**

- 4.6.1 **Children who offend should be given lifelong anonymity.**
- 4.6.2 **The filtering system which has been put in place to screen out single minor convictions that took place at least 11 years ago for adults and five-and-a-half years ago for under-18s should be extended in the short term to offences that incurred a prison sentence of six months or less for offenders under 18.**
- 4.6.3 **The criminal records system should be more sensitive to the transitory nature of much of childhood offending, and prevent a situation where records can be disclosed for many years afterwards, which proves to be an obstacle to employment and encourages reoffending.**
- 4.6.4 **The criminal justice system should look favourably upon on those who committed crimes as minors, but can demonstrate that they have changed since their conviction.**
- 4.6.5 **The Disclosure and Barring Service should be reformed to ensure that all childhood offending (with the exception of the most serious offences) becomes non-disclosable after a period of time.**
- 4.6.6 **A system should be created which allows for criminal records to be sealed upon request, which ensures the record still exists, and can be considered by judges if an individual breaks the law again in the future, but stops individuals needing to disclose convictions in job applications.**
- 4.6.7 **Wales should adopt a "Whole Systems Approach" based on the Scottish model with prevention, early intervention and multidisciplinary support to diverting children and young people away from offending.**
- 4.6.8 **Social Service Departments should be expanded and networks of specialist child counsellors should be employed. These should be linked to an expanded Child and Adolescent Mental Health Service (CAMHS), which includes psychiatric residential accommodation. The assessment and care of children needs to be integrated and coordinated centrally and locally.**
- 4.6.9 **An emphasis should be placed on mentoring those who have had ACEs to learn and implement constructive, non-criminal ways of addressing problems in their lives and to reduce risk factors associated with offending behaviour.**

- 4.6.10 **Wales should expand the use of Reparation Orders that require the perpetrator to repair the damage their behaviour caused, either directly to the victim or indirectly to the community.**
- 4.6.11 **The use of Child Safety Orders should be expanded for children under 10 years of age who have shown behavioural problems.**
- 4.6.12 **Acceptable Behaviour Contracts should be used more. These are written agreements between young offenders, their families, police, youth offending teams, and other agencies banning anti-social behaviour.**
- 4.6.13 **A Welsh Youth Justice Board should be created, whose main aim will be to reduce the child prison population. The money saved should be invested in rehabilitation programmes and support.**

## 5. Policing

### 5.1 Context

- 5.1.1 There are four police force areas in Wales: North Wales, Dyfed Powys, Gwent and South Wales. Each police force area now has a directly-elected Police and Crime Commissioner (PCC), who holds the police to account on behalf of the population of the area which they serve.
- 5.1.2 The Home Secretary nevertheless retains wide powers and is responsible for the legislative framework, for overall funding and for setting the strategic policing requirement.
- 5.1.3 The 43 police forces of Wales and England have different needs and challenges that cannot be met by one-size-fits-all, Westminster-designed policy and funding arrangements.
- 5.1.4 Police forces interact with a number of devolved services. Health, housing, education and highways policy all have a direct bearing on police work, and what the police does has implications for these areas of devolved public policy. As an emergency service, the police forces also work closely with the devolved fire and ambulance services.
- 5.1.5 Wales is the only nation in the UK where policing is not devolved.

### 5.2 Police funding

- 5.2.1 As policing is a reserved matter, the funding of the Welsh police forces is determined by the UK Government, not by the Welsh Government.
- 5.2.2 The UK Government has cut funding for police forces in Wales and England by 25% over the last five years.<sup>26</sup>
- 5.2.3 The UK Government intends on changing the police funding formula which would lead to a further £32 million cut to overall funding for the Welsh police forces.
- 5.2.4 Public safety must be the UK Government's top priority.
- 5.2.5 Cuts to police funding has impacted on the Safer Neighbourhood Teams' capacity to support the security services and gather intelligence on extremism and gang crime.
- 5.2.6 Rural communities have their own policing priorities and needs that are already being neglected because of Westminster underfunding. Rather than ask rural police forces to step in to cover shortfalls in funding for security services, Westminster should rectify the damaging cuts to police funding across the board.
- 5.2.7 If the funding formula for the Welsh police forces was based on population rather than the UK Government's formula, Welsh police forces would receive an additional £25 million a year overall.
- 5.2.8 **Our rural police forces need adequate funding and more police officers to focus on the specific requirements of rural communities.**

### 5.3 Area cost adjustment factor

- 5.3.1 The Area Cost Adjustment Factor the police uses for calculating the Police Main Grant is skewed in favour areas in the South East of England where cost of living and salaries are high.

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<sup>26</sup> <https://fullfact.org/crime/police-funding-england-and-wales/>

- 5.3.2 While this may be necessary, it does not consider the higher costs incurred by rural Police Forces for providing services in rural areas since the Rural Policing Fund was discontinued some years ago.
- 5.3.3 The Department for Environment, Farming and Rural Affairs published a report in 2014 outlining how the cost of service delivery in rural areas is higher than average.<sup>27</sup>
- 5.3.4 Travel time for police forces in rural areas is 25 times longer than in Metropolitan areas. The issue here concerns the size and shape of the areas some forces are required to police, and particularly the distances they must travel to deal with Public Safety and Welfare and transport incidents. Population in a small compact police force centred on a single city will make less demands on travel time than one in a large irregular police force area with multiple population foci.
- 5.3.5 City of London Police serves a resident population of less than 8,000 people in the 290-hectare heart of a 'world city'. In comparison, Dyfed-Powys Police serves a resident population of over half a million people spread across over a million hectares of largely dispersed towns and villages. The Area Cost Adjustment Factor for the City is 1.52. The Area Cost Adjustment Factor for Dyfed Powys is less than 1.
- 5.3.6 The Government report also outlines the difficulty of channel shift. Many rural communities in Wales are without broadband. Police Forces therefore need to rely on other ways to communicate with their service users, which are more time-intensive. As an example, a call handler can deal with only one voice caller at any one time, but may deal with several simultaneously using webchat.
- 5.3.7 **The factors which determine the Area Cost Adjustment must be reviewed to take into account the unique and often more difficult circumstances our rural police forces face.**

#### 5.4 National and International Capital City Grant

- 5.4.1 It is difficult to conceive of a simple Police Grant formula that can encompass such a range of circumstances. Indeed, the specific needs of the City of London and Metropolitan Police Forces have long been recognised; primarily through the National and International Capital City (NICC) grant. Cardiff, a capital city, does not receive this grant.
- 5.4.2 **Plaid Cymru believes that Wales should be awarded with a proportion of the National and International Capital City Grant to adequately address the unique challenges the police force faces in the nation's capital city of Cardiff.**

#### 5.5 Welsh language provision

- 5.5.1 All four police forces in Wales accept the need to provide a service in Welsh and English. North Wales Police does this with great effectiveness and is held up as a model among public sector organisations in Wales for its language training support and initiatives.
- 5.5.2 This has largely broken down barriers which were, at one time, widely felt within Welsh-speaking communities in northern Wales and has created a new climate within which police and public co-operation has flourished.
- 5.5.3 **Building on North Wales Police's Welsh language training support and initiatives as good practice across Wales is essential for an effective functioning police force.**

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[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/388587/Rural\\_summary\\_report.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/388587/Rural_summary_report.pdf)

## 5.6 Apprenticeship Levy

- 5.6.1 The police forces are not receiving their share of the Apprenticeship Levy in Wales because both the Welsh Government and the UK Government are denying responsibility over police training in Wales.
- 5.6.2 The North Wales Police and Crime Commissioner has estimated that the Force contributes roughly £430,000 per annum through the levy, and the four forces in total contribute £2 million in total.
- 5.6.3 In a letter to the Plaid Cymru Westminster Group, the UK Government Minister of State for Policing, Nick Hurd stated that Welsh police forces pay the apprenticeship levy and those funds are passed back to the Welsh Government through the agreement which the Welsh Government negotiated with HM Treasury. He said “Under this agreement the devolved administrations receive a population share of the forecast income from the levy under the Barnett Formula.”
- 5.6.4 At the same time, the Welsh Government Minister for Lifelong Learning wrote to the Westminster Group saying that “matters relating to policing (such as training) are non-devolved and, as such, we will not support uniformed officers via apprenticeships.”
- 5.6.5 The result of which means that police forces in Wales are missing out on millions of pounds worth of funding to train officers.
- 5.6.6 This is not the first nor will it be the last example where functions which straddle the devolution settlement result in poor outcomes.
- 5.6.7 The four Welsh police forces are unique within the UK. They are non-devolved bodies operating within a largely devolved public services landscape. They are thus required to follow the dual and diverging agenda of two Governments.
- 5.6.8 All four Police and Crime Commissioners, the Welsh Government, the official opposition in Wales and even the Welsh Conservatives are in favour of devolving policing to Wales.
- 5.6.9 **Many of the public services which are directly relevant to policing work are already devolved. That is the case with regards to highway matters, social services, local government, the ambulance service, youth services and education and training. It makes practical good sense to devolve policing, so that a synergy can be better developed with these other devolved services. Doing so would lead to greater clarity and efficiency by uniting devolved responsibilities, such as community services, drug prevention and safety partnerships, with those currently held by the UK Government.**

## 5.7 Recommendations

**If responsibility over policing was devolved to Wales, the National Assembly for Wales could implement the following changes:**

- 5.7.1 **Wales’s police forces would be provided with adequate funding and more police officers to focus on the specific requirements of Welsh communities.**
- 5.7.2 **The factors which determine the Area Cost Adjustment or its equivalent would be reviewed to take into account the unique and often more difficult circumstances our rural police forces face.**
- 5.7.3 **Plaid Cymru believes that Cardiff should be awarded with a proportion of the National and International Capital City Grant or its devolved equivalent to adequately address the unique challenges the police force faces in the nation’s capital city of Cardiff.**



5.7.4 **Building on North Wales Police’s Welsh language training support and initiatives as good practice across Wales is essential for an effective functioning police force.**