



Commission on Criminal Justice in Wales

Introduction

This submission is a response on behalf of the Police Superintendents' Association of England and Wales (PSA). Whilst we welcome this opportunity to contribute to the Commission, we will at this stage take a position of neutrality regarding the question of the devolution of policing and criminal justice in Wales. We would, however, like to highlight a number of issues that we believe the Thomas Commission needs to take into consideration.

We have obtained views from colleagues across Wales on this submission but have not formally consulted with our members from across England and Wales. If the Association has the opportunity to provide oral evidence in the future, we will consult with colleagues from across England and Wales. We have members in key national roles (covering England and Wales) who may offer a unique perspective to help inform the debate.

Context of policing

When considering the question of devolution of policing the current demands on policing and our criminal justice partners needs to be considered. There are well documented challenges for policing across England and Wales, including:

- Ongoing terrorism threats
- Serious and organised criminality, including cross border offences and 'County Lines'
- significant increased reporting of rape and serious sexual offences, which include historical offences.
- the exploitation of vulnerable individuals,

- Internet enabled and cyber crime
- growth of fraud and economic crime
- the disclosure relating to digital evidence.
- Non-crime related demand where police are seen as the last resort, conveying patients to accident and Emergency departments when ambulances are not available and dealing with Mental Health patients in inappropriate circumstances
- the impact of austerity, reduction in budget and the consequential reduction in the police establishment

are all real challenges and a continual drain on the service

Association considerations

If devolution was to occur then as an Association we would want to ensure that our members within Wales are not treated differently to their colleagues in England, which incorporates factors such as pay, pensions and conditions of service. The following organisations, whom our members have regular contact with, would also need to be considered in the light of any devolution:-

- Counter Terrorism network
- National Crime Agency
- Security Services
- British Transport Policing in Wales
- Her Majesty's Inspectorate of Constabularies, Fire and Rescue Services
- Independent Office of Police Conduct
- College of Policing
- Surveillance and data oversight bodies
- Attorney General / Director of Public Prosecutions / Crown Prosecution Service
- National Police Charities / Benevolent fund / welfare support

Governance Considerations

There are a number of factors that would need satisfying to protect the delivery of policing services to the communities of Wales.

These factors will be detailed below but such considerations will involve many interdependencies and the true complexity of devolving policing will ultimately need considerable thought, application and funding.

- The funding model for Welsh Policing will need to be, at least, maintained at the same level of English Policing, to ensure a fair and equitable service for all Welsh citizens, in line with their English counter-parts.
- A significant additional funding arrangement will be required, beyond normal funding arrangements, to allow for any significant changes to the Police Governance arrangements for Wales.
- There is significant partnership working across England and Wales and whilst Wales has seen an alignment of public services, further improvements need to be made, placing the citizen at the centre of a whole system approach, of which policing is only one element. A clear sense that any discussion around devolved policing should centre on the 'added value' such a change would make to the delivery of a policing service across Wales.
- In conversations with colleagues in Scotland we have observed a strain between the Political Governance at Holyrood and the Operational Command of Police Scotland which would cause us some concern.
- Any debate over the devolving of Policing Services will need to assess the full Governmental support necessary. The Home Office currently support the Police in a wide-ranging capacity; examples of which are leadership, development, transformation, vulnerability, collaboration, intervention, prevention, security, counter terrorism and pay, pensions and conditions. Any new arrangement will need to ensure that the Governmental support for policing is not diminished or eroded and with a devolved policing structure.
- There are a number of organisations that are intrinsically linked with Policing that will be impacted from any devolvement. These will need to be considered as part of any discussions involving devolution:-
 - Her Majesty's Inspector Constabularies Fire Rescue Services
 - Counter Terrorism network
 - National Crime Agency
 - Regional and Organised Crime Units
 - Association of Police Crime Commissioners
 - Covert Authorities for Policing purposes
 - Police IT infrastructure including PNC/LED/Airwave

- Any devolvement of policing services will need to be carefully considered along with our key criminal justice partners – CPS, Court Services, Prisons and Probation.
- With the increased number of high profile events in Wales, for example, the Champions League final and NATO summit, there has been the requirement for officers from English Forces to assist in policing the events. This interoperability in any devolved policing arrangement in Wales would need to continue. Similarly, Welsh policing will need to meet its obligations contained within the strategic policing requirement. This is particularly important in dealing with Serious and Organised crime and Countering Terrorism.

Conclusion

Devolution of policing in Wales will be a significant change and it is vital that such a question is considered with a stringent benefits analysis and equally importantly involves the public and all stakeholders in any future redesign options.

Whilst there might be benefits in devolving policing, this should not be considered in isolation of the whole public-sector system. Considerable learning can be achieved from understanding the past, present and future issues for Police Scotland. This analysis will help inform the future shape of any integrated devolved arrangement.

At a time when wider public services and policing have considerable financial pressures, that threatens the drive for partnership work, particularly when core functions are under threat, any consideration for devolvement needs considerable detail and assessment, from both a positive and negative mindset.

From a pragmatic perspective it also needs to be highlighted that those engaged in key partnership work already have demanding roles and providing the time, space and resourcing to redesign partnership working will be very challenging.

On behalf of the Police Superintendents' Association of England and Wales, thank you for allowing us the opportunity to contribute to this review.

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