

**Commission on Justice in Wales
Oral Evidence Session
14 February 2019**

Present:	Commission members	Secretariat team
Steve Trigg, Police Federation Paul Griffiths, Superintendents Association Tony Brown, Superintendents Association	Lord Thomas of Cwmgiedd, Chair, Simon Davies, Dr Nerys Llewelyn Jones, Juliet Lyon CBE, Sarah Payne CBE, Professor Rick Rawlings, Professor Peter Vaughan Sir Wyn Williams	Andrew Felton, Secretary to the Commission, Dave Gordon, Chris James Rhys Thomas

How do you think police recruitment and retention in Wales could be strengthened?

PG: I think there is not a problem in terms of general recruitment, but there is in terms of minority recruitment. We will get a lot of interest when we recruit, but it's about how we target that. Chief Constable Ian Hopkins leads nationally on representation. It majors on interacting with the community, looking at Mosques for example and gaining that relationship. In terms of recruitment we have opened up direct entry at Inspector and Superintendent level, which came out of the Winsor review. It was meant to encourage difference of thinking. The reality is that the service has struggled for this route in to be representative of experience. There is a review of this scheme that will be laid before parliament later this year. The Metropolitan Police had the lion's share of the numbers. So we are looking closely at whether this can deliver. The flexibility for entrants is changing. There will be a regulation change to allow people to come back to the service after five years. The generation coming in now think more about different careers. There are opportunities to go through different routes such as Detectives. So in terms of recruitment there are opportunities, in terms of retention there are concerns around wellbeing. It comes down to the economic market. Pensions changed make things more flexible. In Gwent where voluntary exits were offered there were a number of officers who left to become train drivers.

ST: The basis of the Peelian principles is that the police are the public, and the public are the police. Graduate entry could disenfranchise people who might want to be part of the service- people with life skills, who would find this process difficult. I think we might be narrowing our diversity to the service through this graduate entry. My experience is that some of those who come with life skills can make the best cops. We could lose the pool from the ex-military. The starting salary is also an obstacle. We are narrowing the field. The Police Federation are against direct entry – it doesn't bring us better officers. We can develop those Officers who are already within the service.

TB: If policing was devolved, the transferring of skills should be taken into account, especially around Chief officer level and especially around pay conditions and pensions. There is a lot of work going on with representative work force teams in terms of increasing diverse representation.

PG: Representation has risen since 2010, but we are not keeping pace with the dynamics of the population.

PV: Raised the Apprenticeship Levy funding in Wales.

PG: I differ from the Federation – there is more acceptance now around police apprenticeships. There was a serious concern at one point around the support around the apprenticeship levy. It has been partially resolved in the short term.

ST: If we are looking at BME recruits most would be coming through the apprenticeship scheme. If there are issues around the levy, as a financial impediment for the 4 Welsh forces that may have the effect of limiting the numbers of BME recruits being able to join through this route.

What are the advantages and challenges to your members of being police officers in a devolved environment?

TB: Being such a small country you can develop these relationships. The ACE's work is a good example of that. Also the Policing Board which is working well and looking at some of the issues effecting policing in Wales. Policing as a statutory invitee to the PSB is also a positive. The five hundred extra PCSO's in Wales is also a benefit, as well as funding being given to Schools Liaison Programme. So we have jealousy from our colleagues in England around this. In the back of our mind is whether the funding will continue, as it's always short term. Close relations with the Police Liaison Unit has worked well, where we can discuss legislative changes. The difficulty comes in looking to both Westminster and Cardiff. We need the buy in of our partners, for example Public Health Wales. The number of Local Authorities can cause issues. When you look at the Multi Agency Support Hub's this can cause issues with how we police across Wales. The removal of the defence of reasonable punishment will result in a difference of policing to Wales, and the unintended consequences that fall out of that. If policing were devolved issues like mutual aid arrangements would need to be protected. Events like NATO or the Champions League would need support. It would also be important to look at the independence of policing, and concerns around bureaucracy. Also how skills in Wales would be able to be transferred other Forces in England.

ST: We are good at making things work in a Welsh context. We produce good results despite the current complexities, but if these were underpinned with meaningful service level agreements it could be better. There are issues where we pick up demand from other services; at present we are not able to hold the other services to account.

PG: I meet with every force every quarter. There's something attractive about the cohesion of the Welsh Superintendents. There is cohesion, you can see how this will benefit through to the national perspective. The country has an opportunity to look at a whole system approach. English Forces can look across with envy. It is, however, useful to look outside Wales too for good practice. We are in a situation where we have to adhere to two Governments. It comes down to the fact that criminals and crime do not respect administrative borders. Terrorism and cyber crime are two examples.

PV: What about the Mayoral model?

ST: I have close links with Scotland and can see how it's working well there as a wholly devolved function. The current situation in Wales and the Mayoral model can complicate things in so much as you have to deal with two separate bodies. Ideally you want to be able to speak directly to the Minister with responsibility for policing.

PG: There are four policing areas across the UK which differ. There is more agility flexibility and cohesion in these areas than in the other singular Forces. Areas like the West Midlands are seeing whether they could reap benefits that other models have.

If policing was devolved, which UK wide functions do you think should remain reserved?

ST: National Security & Counter terrorism, should remain as UK wide functions as they are in other devolved areas.

The National Crime Agency, National Air support, HMICFRS, could all potentially be considered for devolution, or would they be 'bought in' and have a Welsh arm of these services? The agencies would need to be "Welsh proofed" if we went to a devolved model they would need a wholly Welsh service. Each one would need to be examined and thought through.

PG: I would implore that if things are working well they be maintained for the benefits of the Welsh people. There are advantages around procurement and accountability. This accountability must be maintained and not diluted.

TB: If some of these bodies were not devolved we'd have to consider what influence we would have on these bodies.

If policing was devolved do you think there would need to be changes in the governance arrangements for such bodies as HMICFRS and the IOPC, and, if so, what alternative models would you suggest?

PG: The governance of the police service is huge. Some of our members can suffer, but the inspection and accountability is really important. The Home Office has numerous departments which I'm unaware of that have an impact on policing. There is a big institution which has an influence on what we do. We would need to maintain the governance, guidance, support, and accountability for the police. The impact goes on locally too in terms of local accountability and Police and Crime Commissioners. We'd be keen to maintain the standards and consistency across the board. There are a number of ways this could happen, the stay as you are, buying in, or a bespoke way of providing services. In terms of the Independent Office of Police Conduct (IOPC) we've always been an advocate of a learning system, but we have an adversarial system. Our members also report the pressures of the inspecting regime.

ST: Good effective governance, and transparent governance, is what we are aiming for. If we had a blank canvas we could for example look at the complaints procedure and ask 'could we do it better?' I think it is an opportunity to go and look at something better.

TB: Catrin Evans as head of the IOPC has a better understanding of policing issues in Wales. This helps to bring in a learning environment rather than a finger pointing environment, with the stress and strain of prolonged investigations into Officers.

If policing were devolved, how would you envisage its relationship with the College of Policing, and National Crime Agency (for example) working?

PG: I sometimes think I'm working for College of policing the amount of times I spend on this. It is a fledgling organisation that Mike Cunningham is beginning to drive. It is a journey to professionalise policing. All aspects are covered by the College, and I don't think there should be boundaries between knowledge transfers here. There are issues around postcode lotteries on a number of issues. We are keen to see standardisation and consistency across the service. More and more of our work is non geographic and non boundary related, so consistency and interoperability needs to exist between forces.

ST: If policing is devolved in Wales, the policing minister may have a different view to the College of Policing on what needs to be delivered in the Welsh context. We would need to "Welsh proof" this. If policing were to be devolved I would suggest that a Welsh Arm of the College of Policing may be a solution to this.

TB: Currently there is an issue for policing with the introduction by WG of the removal of the defence of reasonable chastisement with there being a difference in policing in Wales compared to England. If

this pattern were to continue then there is the potential for Welsh Policing to move away from the curriculum that the College of Police have. Comparing Wales with Scotland where it has its own College, would it be sustainable for a Wales equivalent when there is approximately half the number of officers in Wales.

ST: Welsh Officers have been deployed to Scotland and Northern Ireland. The core role of a Constable remains the same, it would just need awareness raising in terms of variance in law and powers in those areas.

TB: An example of this was the G8 in Scotland – Officers were up-skilled for this event. Catrin Evans was previously head of the CPS in Wales – she worked closely with policing in Wales. She understands policing in Wales. As the head of the IOPC she has an understanding of Welsh issues. It can only be beneficial as she understands the culture of the area, and the nature of the environment. Having a broader understanding of these things can only be helpful.

TB: I came from an operational background and have been in the PLU for 18 months. The removal of the defence of legal chastisement – they put a manifesto pledge to remove that defence without having an understanding of the unintended consequences. It would have been useful if they had had that discussion. We've had lots of discussions afterwards but this is after they have announced that it will be happening. From our point of view we think that if Welsh Government is thinking of introducing legislation they should discuss it first before it is launched publically. We have now highlighted the issues, but are working after the decision has been made.

Wales is a country where we could have had these conversations earlier. Welsh legislation will mean that Welsh Policing will have different laws than English colleagues. There will be also be different issues in regards to inspection regimes.

ST: I've met a number of successive public service Ministers in Welsh Government. Initially They don't get policing, but that's understandable when they're new in post. In Westminster the infrastructure is in place in terms of civil service which provides continuity on policing issues. That's missing in Wales. Ministers aren't really sighted in Wales unless we take the issues to them. In terms of legislation, lawful chastisement as an example, Part of the solution will be in education, part in diversion, and the last element is enforcement. My understanding is that Ministers will look just at enforcement. It's great as a flagship bit of legislation, but I don't think that they are always thought through in terms of cross cutting issues for other public services. Forming a policing group of some nature including judiciary, CPS would be a good idea to think through solutions.

PG: I understand you can't replicate the institutions in Wales due to costs. But I think more representation from people representing Wales in London is the solution. All too easily Wales is forgotten.

TB: It would be very welcome for us to be involved in early interaction. If we had been spoken to at an earlier stage on reasonable chastisement that would have been useful. If an officer turns up at midnight on a Friday night to a report of a child being hit, it is highly unlikely that the police officer will walk away without taking some form of action. The law is being introduced without understanding the way the law will work. There is opportunity in Wales that we can have these discussions.

ST: The protection of emergency workers bill started in Wales as a private members bill. By whatever dynamic Westminster became aware of it and it became UK legislation. This is an example of how the Police Federation have introduced potential legislation in the Welsh context to a successful conclusion.

Do you see a case for an all Wales Police Force?

ST: Our submission to the Silk Commission was apolitical. The conversation has moved on and a

more relevant question may now be 'why shouldn't policing be devolved?' We'll remain agnostic on this, but I think we must demonstrate there are opportunities and threats here. The funding issues would need to be ring-fenced. Governance was the biggest issue Police Scotland had to contend with. Our strapline is service over structure. In terms of opportunities it would be an opportunity to look at the service in the round, and the relationship with other services. A rebranding of policing in Wales would be an opportunity to build public confidence in the service. When Welsh cops go to other areas, they always have praise around the way they engage and deal with people in a community model.

PG: We have looked at the review of the structure of policing. You wouldn't design forty three forces. We have the added complexity of Police and Crime Commissioners involvement. The review of the funding formula remains a contentious issue. Nineteen years ago as a Sergeant I was doing a masters degree - my dissertation was on an All-Wales Police Force. There were lots of positives all those years ago which are still positive now, co-terminosity and reengineering the system. What was stark was the difference between North Wales and the other three forces. When you look at the geography there was a concern around being isolated. The other interesting thing was that everyone thought that it would be inevitable and that was also my conclusion. There is a constitutional issue around the operational independence of the Chief Constable. We have had various messages from Scotland. This would need to be explored, legally, constitutionally and dynamically. The threats go beyond boundaries. We need to consider the best dynamics on service delivery. There is still a level of maturity that we need to find to demarcate what the best form of delivery is. There's also the lag time around procurement and IT. There are people who went through the pain early on in Scotland who may have a different view to the current Chief Constable there.

TB: Crime in South Wales and North Wales are separated by four and a half hours travelling time. North Wales crime is linked with Merseyside, and they are part of the TITAN group in countering Serious and Organised Crime.