

Commission on Justice in Wales

8 April 2019

Local government: 10:30am to 12:30pm

WLGA	Members of the Commission	Secretariat
<p>Cllr Debbie Wilcox Leader Newport City Council and Leader of WLGA</p> <p>Naomi Alleyne Director Social Services and Housing WLGA</p> <p>Stephen Carr Safer Communities Programme Manager WLGA</p>	<p>Lord Thomas of Cwmgiedd Sarah Payne Rick Rawlings Juliet Lyon</p>	<p>David Slade Martin Wade</p>
<p>1) How would you describe the working of relationships with the following in relation to justice and policing in Wales:</p> <ul style="list-style-type: none">a. the Ministry of Justice, the Home Office and UK Government agencies such as HMPPS and HMCTS;b. the Welsh Government;c. the Local Health Boards;d. the third sector;e. the judiciary (including the magistracy), ombudsmen and those who provide other forms of dispute resolution (such as mediators);f. the senior officers of police?		
<p>DW – Explained that as leader of WLGA she has an overview of whole of Wales but not intimate detail of each LA.</p> <p>Relationship with UK depts. is generally positive with regard to relationships between officials.</p> <p>Police, Prison and probation. Variable. Patchy relationships. Relationships at a strategic level are generally good but it doesn't follow through organisations to all operational levels. But there are some good examples: contest boards, joint commissioning.</p> <p>A good example is of a seconded Gwent police officer paid for by the Home Office who works with local authorities. This works very well.</p> <p>PSB's. Operational and political leadership around the same table – this is very effective.</p> <p>There are very good pockets of practice. Need to disseminate and share much better to</p>		

spread the good practice throughout the system.

JL – Asked how people learn about the good practice? Is it the role of the WLGA? Would it be easier if there were fewer LAs?

DW – Always going to be about leadership. If the leaders get things right then it will follow.

NA – It has worked very well in counter-terrorism. There was a very clear strategic lead from the Westminster and Welsh Governments. So without requiring a specific structure local CONTEST and PREVENT boards have been set up and are operating effectively.

Where there are issues is when UK initiatives / strategies come along which have not considered delivery in a Welsh context. Sometimes it is unclear what is expected. This happens in terms of asylum regularly.

SC – There is effective communication and joint working because of scale and existing partnerships but it is not hard-wired into structures.

Pre-coalition government there were local Community Safety Partnerships (CSPs) but these have become less effective. Since 2010 the Home Office (HO) have delegated interest in these partnerships to Police and Crime Commissioners (PCCs) who, because of their non-devolved status, do not have the same level of influence in Wales as they do in England and the level of engagement of CSPs/PCCs is somewhat mixed.

People working in the sphere muddle through to make it work as well as possible.

LT – It is clear that structures matter. Can the panel to assist with insight into structures?

SC – Related to that the then Cabinet Secretary Alun Davies had asked for the community safety, policing and criminal justice world in Wales to be plotted onto a page – that page would be huge. The mapping has been done and it shows a very confusing / crowded picture. Successes achieved are in spite of those structures not because of them.

DW – Recent conference. Clear feeling that the area needs to be cleared with a much more strategic and less wasteful structure to ensure that resources are put to best use.

SC agreed to share the work on mapping that has been done.

NA – Referred to work done to improved community relations with the police in England. LAs charged to do the work with funds attached – targets to be met. Requirement placed on the police to improve public confidence and English LAs were tasked with supporting this work however there was no awareness that they did not have the power to task Welsh LAs in the same way. Solace worked with the Welsh police forces to develop an MoU setting out how they would work together to help improve public confidence in policing. While this was not ideal, by working together police and LAs made it work

Serious Organised Crime strategy and boards. Again - not suitable for Wales' position.

RR – Is the complexity in Wales the only phenomenon or is the situation the same in England?

SC – You would see a similar picture in England, although in Wales devolution complicates things further as there are two governments. It is therefore more complex here.

NA – There are different drivers which dictate how we interact with our communities in Wales. It is different here as a result.

2) Has the Well-being of Future Generations (Wales) Act changed the approach taken by public bodies involved in the justice system? Has this resulted in a longer term holistic approach to the delivery of services?

SC – Yes but it is still very early days.

Not only structural issues but financial ones. Crisis intervention is one thing but trying to move upstream, and to invest in prevention and behaviour changing activity is very difficult.

Yes there are very positive early signs but there is a lot of work to do.

Working for Safer Communities review showed that there is no consistency across the 19 PSBs. Justice functions are scattered across different structured and there is therefore very inconsistent picture in terms of governance and accountability.

DW chairs the PSB in Newport. She is the only elected member. While other members have a professional duty they are not accountable to the electorate like she is. Almost a re-emergence of a quango state in the sense that boards operate like a quango.

Health and social care - Regional Partnership Boards for example. Now very remote from community safety boards.

Regional partnership boards are an example. Police have expressed concern that they are not involved and cannot therefore influence those boards but their involvement would have duplicated other engagement. Tendency for everyone to be involved with everything.

So many operators. Need to ensure the right players are involved and that the right people hold the purse strings.

SP – Asked which bits of the complexity are driven from where.

SC - Wellbeing of Future Generations Act is a positive thing but the way it has been implemented has added complexity and process.

In 2009/10 a review and rationalisation of partnerships was undertaken, but the subsequent changes in approach and in legislation have changed the picture and in time you end up in the complex position we are in now.

Commissioning Groups, and layers that exist in England don't exist here. Therefore need to find a way to meet the needs of initiatives coming out of the Home Office for example.

JL – Asked about access to justice and how the citizen can be enabled to access

SC – To improve things it would require all organisations involved to adopt a citizen-focussed approach and a joint commissioning of services. This would need significant resource.

3) How, if at all, is the growing body of Welsh law impacting on the delivery of services by local authorities in Wales?

Social Services Act has introduced significant new duties, and amended existing duties.

There are regular issues when Local Government receives UK-wide guidance which fails to take account of Welsh legislation.

NA – Referred to the legislation removing the defence of reasonable chastisement.

There are discussions ongoing both within LG and with WG. Keen to improve the preventative work to prevent the need to criminalise people. Expecting further guidance from WG which the WLGA would seek to provide input to. WG have done a lot of co-production in recent years which is very beneficial.

Police and Crime Panels example. In Wales they are commissioned by Local Authorities. Responsibility though lies with the Home Office. How PCPs are established in Wales is different in England due to different legislative responsibilities and the NAFW did not give competence to the Home Office to establish Panels in Wales hence the need for the Home Office to do so – this impacts on the way Panels can conduct their business in Wales as compared to English Panels

4) How is local authority procurement of legal services supporting and developing the legal sector in Wales?

Commissioners relayed the criticism from the lawyers about procurement from outside Wales.

Unable to get someone expert to attend today. WLGA to provide further evidence after the session.

5) What do local authorities in Wales do (including the provision of funding) to enable access to advice services, including the third sector?

All LA's provide some advice services or fund others to provide them on their behalf. Negatively affected by austerity.

Utilise various streams of funding to provide advice and support third sector advice.

Community wellbeing hubs. One opening in Ringland, Newport which has brought together services in one place including advice services and police.

NA. There is significant concern about the cuts to legal aid and the impact that has had on communities.

There used to be local partnerships looking at the advice sector. They will look into it and provide a view.

6) We have received evidence about the increasing numbers of looked after children in Wales. What are the reasons for this, and what are the implications for children, their families and local authorities?

Jake Morgan has engaged with the Commission's work representing Association of Directors of Social Services Cymru. Further evidence to be submitted.

7) To what extent has discretionary funding of youth and other services been impacted by austerity?

Asked what can be learned from successes in Youth Justice.

SC – Placing the child at the centre of the system. Focussing on the fact that children aren't adults. Focus on children's needs and rights. Working intensively to prevent offending and to prevent reoffending if it occurs.

NA – WG and Youth Justice Board jointly chairing a board was very effective. "Child first offender second" is a long-held mantra in Wales. It has brought the number of children in custody down significantly.

SP – Could a similar approach work for women in Wales.

SC – Yes it could. Reason it hasn't happened yet is that the picture of female offending has only become clear more recently with research. A different approach is being attempted through blueprints.

LT – Related experience in NI and their approach to young offending. Asked if what LAs want is a structure that can allow individuals to be looked after by the system.

SC – Need to adopt the approach first and develop structures afterwards.

LT pressed asking if what is needed is a simplified structure that allows the multi-faceted issues to be addressed.

NA – Agreed but felt it was more of a pathway that is needed than a formal structure so that all the multiple players in the field are able to understand their role and carry it out.

NA explained that Local Government in Wales used to do a lot of coordinating work that it no longer does as posts have been lost to austerity cuts.

LT asked about community safety partnerships. Most of the money comes from Welsh Government but there is some from the Home Office.

DW related a situation from Newport when a critical inspection report of the Youth Offending Team led to them investing and changing approach. This required significant investment and that money was redirected from elsewhere. Very challenging.

RR asked about education. Teaching about the justice system etc. What is done?

DW – Yes PSE would deliver some teaching about justice and would include input from the police locally. There is a need to consider how this is done going forward under the new curriculum and it will be important to put suitable effort in. The new curriculum has six areas of learning and it should be a good time to make progress with this.

LT – Asked if the prevention agenda is largely WG funded?

NA – Yes it probably is, but it isn't badged as prevention necessarily. Aspects of many programmes play into the prevention agenda. There are some UKG grants that agencies can bid for.

NA – If HO or MoJ are making policy interventions they will have a conversation with their Whitehall colleagues dealing with education, health housing, etc... but when they liaise with Wales they will not have the same conversations and it will probably only be a single letter to a single minister in Wales. Not the same.

8) We have received evidence that the systems for dealing with exclusions from schools and additional learning needs are not working properly. What are your comments on this?

DW - Exclusion is always a last resort. Some authorities use EOTAS (Education other than at school) provision. Others have Pupil Referral Units. Children are not excluded without additional support.

Managed moves from one school to another are widely used to change schools and provide additional support and a new start

Home educated children - liaison officers link with them as much as is possible.

Agencies work together to assist families.

CAMHS (Child and Adolescent Mental Health Service) - significant investment in mental health services.

Huge effort but could not be complacent. An area of continuous improvement.

9) How is judicial consistency and independence maintained in tribunals administered by local authorities?

LT – Explained some of the criticism received in evidence about independence of processes in appeals panels for admissions and exclusions.

Not the right people to offer evidence. Further evidence to be submitted.

10) How do you set the budget for the provision of the facilities and staff you are required by law to provide for coroners? Are they adequate and consistent across Wales?

To come back with evidence.

11) What would be the implications for local government in Wales of devolving justice and policing?

Welsh Local Government has in the past supported the devolution of policing and Youth Justice – see Silk evidence. There haven't been recent conversations about it and they would need to consider the detail but the principles remain.

NA – The ability to better align resources is very attractive.

NA – Referred to duties placed by Welsh legislation. Confuses some of the picture. Also referred to confusion among the public about who is responsible for what.

LT explained that more money for policing comes from LG precept in Wales than from the Home Office. PCCs. Lots of changes. Asked if the WLGA could present a clear view on whether the policing should be devolved.

DW – Referred to the need for anything being devolved to be funded properly. Recent example of teachers' pensions only being devolved with 85% of the money with WG having to find the rest (£20m).

12) What provision do local authorities make for housing vulnerable people, including those released from prison?

Housing Act 2014. Reformed homelessness legislation. Stronger duties on LAs to prevent homelessness.

67% of households where homelessness threatened – it was prevented by LA intervention.

LAs must have regard to a code of practice. Includes duties to house prisoners.

NA – Referred to the removal of the priority need category for prisoners in relation to homelessness in recent Wales legislation. Research from Cardiff University suggests that things aren't working as they should. Conversations aren't taking place early enough and LAs are still faced with the immediate requests for accommodation for a released prisoner. Improvement needed. Supporting people programme is there but it falls down if people don't have accommodation on release.

Legislation gives a target for housing authority to have 56 days to find suitable accommodation.

Supporting people funding contributed to by all LAs. Not currently distributed on basis of need. That remains the ambition but it will be difficult to do.

A range of issues to be faced. Proper accommodation for women on release for example to allow them to reunite the family.

JL asked what should be happening that isn't. NA promised further detail, but she thinks that a key issue is for proper information transfer between the criminal justice agencies and the housing authority.

SP – Asked about suitability of accommodation provided. Who decides what is suitable?

NA – The point being made is well understood. But there are difficulties. Funding availability means that available accommodation is generally in less salubrious areas.

DW – Understands that Priority Need status for released prisoners is being reconsidered by Welsh Government. Local Government was supportive of the removal but that was subject to seeing how things worked. If prevention work was successful enough then this would be less of an issue. That isn't yet the case. Local Government very rarely get the 56 days' notice specified by the act.

NA pointed out that a lot of sentences are shorter than the 56 days' notice period meaning that it is therefore an impossibility for LAs to receive that notice.

General closing discussion.

LT explained what the commission has been looking at and asked that when the WLGA puts together the additional information promised today that they do so with our key goal to making justice better for the people of Wales in mind. Identifying what the problems are first. And then secondly what we might do about it.

SP highlighted the need for offenders to be considered first and foremost as members of the community.

Health agenda etc... vital. The solutions to many of the issues lie outside the criminal justice system. Local Government is therefore a vital player.

Multi-agency safeguarding hubs. Good example of cohesion / leadership from local government.

In addition to receiving further written evidence LT offered the opportunity for the WLGA to come back, perhaps informally, and maybe to send other colleagues referred to earlier in the evidence to speak with the Commission.

List of further information to be provided:

SC to share mapping

A WLGA position on devolution of policing and justice

Judicial consistency and independence in tribunals

Budget / facilities and staff for coroners

Looked after children. Increase in numbers.

Procurement of Legal Services by Local Government