



DEVOLUTION OF POLICING IN WALES

Addressing the Challenges



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Introduction

The devolution of Policing and criminal justice in Wales remains a much-debated topic. The governance structure in Wales has changed dramatically over the past 25 years. Since the establishment of the Senedd (previously the National Assembly of Wales) in 1999 there have been calls for the devolution of justice and policing powers and the creation of a separate Welsh legal jurisdiction (Williams Commission, 2014). Following a referendum in 2011, the Assembly received primary law-making powers for specific purposes, free from interference from the UK government or parliament. In 1998, the UK Parliament passed three devolution Acts incl. The Government of Wales Act establishing a new political institution and the transfer of some powers and functions previously held by Westminster. (Torrance, 2020).

The Senedd is able to make laws in devolved areas, but these are part of the general law of both England and Wales. However, the Senedd does have several powers that heavily intersect with the operation of the justice system such as mental health, substance misuse services, housing, education and alike. Policing, along with courts, prison and probation are non-devolved services and the political drive towards devolving justice and policing powers to Wales continues (Silk Commission, 2014; Commission on Justice in Wales, 2019; Welsh Government, 2022).

This mixed layer of power and control are important complexities of the landscape of Policing in Wales, as it continues to understand and adapt to how it can support or disrupt its work towards contemporary and future challenges. This paper will assess the challenges of policing in Wales and understand the impact of devolving powers to the Principality.

Devolution and Challenges of Policing in Wales

It is important to understand the existing and future challenges for Policing, that are well documented across Policing visions (NPCC, 2016) (College of Policing, 2019). Although these long-term forecasts are unable to predict significant events that impact on policing, such as killing of Sarah Everard (BBC, 2022) or policing a health pandemic (Farrow, 2020), they do however assist decision makers to focus on identified areas.

The keys challenges are identified in the 10year strategy (NPCC, 2016), and each of the below will be assessed and considered whilst an appetite for devolution of policing in Wales remains.

- Local Policing
- Specialist Capabilities
- Workforce
- Digital Policing
- Enabling Business Delivery
- Governance and Accountability

Local Policing

Neighbourhood policing and the ability to be visible and engaged remains a key priority for Policing to identify and respond to vulnerabilities and community issues (Parmenter, 2022). As the digital behaviour of society increases and diversifies, neighbourhood policing through visibility and physical interaction remains the biggest impact on building trust in communities (Commission on Justice in Wales, 2019).

Reassuring or engaging with communities are two very different things (Amann, 2013, p. 191) and a review of Police Community Support Officers (PCSOs) across Wales (Welsh Government, 2015) detailed that despite a single policy by Welsh Government, each of the four police services in Wales interpreted and implemented different structures and remits for this extra funding. Therefore, policing governed within Wales does not necessarily indicate that one policy framework or budgetary investment will ensure consistency of a desired approach.

It should be recognised that new legislative powers in Wales that created the Wellbeing of Future Generations Act for instance, will obligate Policing in Wales to collaborate less formally with partner agencies, aiming to contribute to the wellbeing of its communities (Jones, 2019).

To understand the impact of devolution, it is important to understand lessons learnt elsewhere. In Scotland, Henry, et al. (2019) established that Police Scotland soon became distanced from its communities, too focussed on technological developments, high harm crime and lost touch with the needs of its communities. This could be as a consequence of collaboration, rather than devolution, but nevertheless, the largest Police force in the UK quickly became known as the Abstract Police (Terpstra & Fyfe, 2019). Hawkins (2022) outlines that although early evaluations were critical, much work has been done to ensure the cultural aspects of each police force remain and that has proved vital in ensure localism despite devolution.

The findings of Machura, et al. (2019) found that National identity played a significant part in trust in Policing in Wales. A deep culture in communities, such as welsh language speaking

students, outlined a heightened trust in policing, more so than non welsh students residing in the same area.

Specialist Capabilities

The threat from terrorism and cyber dependent and organised crime remains impactful factors on vulnerable groups and communities, and Policing in Wales plays an important role for these factors locally and nationally (NPCC, 2016). These areas of policing are often under intense scrutiny but are often less understood and noticeable by local communities.

The balance of policing priorities, financially and otherwise, is a mandated requirement as part of the Strategic Policing requirement (Chambers, 2014). This ensures Policing supports government responsibilities to ensure that sufficient capabilities are in place to respond to serious and cross-boundary threats. This is often an area for much discussion between Chief Constables (CCs), and Police and Crime Commissioners (PCCs) (Foulkes, 2021). CC's have national portfolios as part of their NPCC (National Police Chiefs Council) membership and both time and finances to support the national response to key areas such as Drug trafficking, Child Sexual Exploitation, and other national areas. As PCCs hold the budget purse strings and as elected members represent the communities of that police area alone, this can often cause conflicting views in priorities in individual forces (Thorne, 2022).

A devolved Policing in Wales may dilute its relations with bodies such as the Inspectorate (HMICFRS), but as Police Scotland itself identified (Livingstone QPM, 2019), the enhanced partnerships and reliance on bodies such as College of Policing (CoP), National Crime Agency (NCA) has increased since its creation.

Workforce

Professionalising the workforce has been a key deliverable from the Home Office, who are key decision makers and offer support to Policing including matters such as pay, recruitment and leadership (Home Office, 2010). Interestingly, each of the commissioned reports regarding the strive for devolution across Policing and justice have fluctuated on the aspects of policing for devolution, refraining from pay, pensions and recruitment (Silk Commission, 2014) to more recently all (Welsh Government, 2022).

The evidence offered by Staff associations at the most recent commission committee (Howe, et al., 2019) remain reserved in the benefits of operating away from centralised plans for recruitment and pay, referencing inequality and disadvantage to the new and existing workforce.

The ability to influence cultures and leadership in Policing are well researched (Miller, 2020; Hoggett, et al., 2018), with detailed failed attempts at direct entry (Smith, 2016), understanding the traits of Policing chiefs (Schafer, 2010) and need to replace knowledge with evidence based decision making (Fleming & Rhodes, 2018). The resignation of the Metropolitan Police Chief Cressida Dick, for what is reported to have been involuntary, following a public account of lack of confidence from London Mayor and PCC of Met Police (Home Office, 2022), may give substance to the view that an environment in policing with further ministerial influence in Wales may not derive the benefits predicted within the devolution proposals (Silk Commission, 2014), (Commission on Justice in Wales, 2019).

Digital Policing

The continued developments of technological trends and behaviours by criminals continue to frustrate and enforce Policing to react and respond, often unable to restrict or prevent harm or organised activity (College of Policing, 2019).

Devolution may enhance opportunities to work with other devolved areas such as health and education in identifying and developing talented staff and systems with clear financial benefits. South Wales and Gwent Police forces have collaborated to create a Digital services division derived from a joint 7-year strategy (Gwent Police, 2018), enabling efficiencies in allocation, procurement, and innovation.

However, the role of National Agencies may be diluted in a devolved state and as identified in written submission by Police Science Unit at Cardiff University (Commission on Justice in Wales, 2019), Police forces in Wales continue to struggle to recruit and retain the skills to collect, analyse and interpret data, whilst other devolved sectors are heavily investing in these areas.

Enabling Business Delivery

To meet changing financial demands in the public sector, the four forces will have to further change the way that support services are delivered, this includes the sharing of estate, procurement, and services through collaboration, in part or as one force in Wales (Lewis, 2022).

This collaboration of a single force in Wales may remain a long-term ambition (Lewis, 2022), but each force has different visions and cultures and importantly the regional

differences and challenges in North Wales Police mean it aligns itself more towards north west England than the three other southern based forces (Foulkes, 2021). In evidence offered by CC Iain Livingstone (Commission on Justice in Wales, 2019), it was clear that the concurrent devolution and collaboration of the one larger force in Scotland caused substantial change and major disruption, but that neither could have worked in isolation. This was supported by Henry et al (2019; p.589), that this was a necessity to soften the complexity of amalgamating eight regional police services.

The health pandemic also demonstrated new ways of responding and adapting. For the very first time, Police officers in Wales were enforcing a Welsh only legislation as health powers were devolved to the Senedd (Farrow, 2020). This example may provide a two-way assessment: that regardless of devolved powers, each agency can work together; with a counter argument that Welsh Government Ministers are best placed to oversee the Policing in a joined-up approach (Dyfed Powys Police & Crime Commissioner, 2022).

Governance and Accountability

Following the Police Reform and Social Responsibility Act 2011, Wales now has an elected PCC in each of the four policing areas. Their role and powers instruct them to hold the CC and force overall to account on their own Police and Crime Delivery Plan, created for the tenure of their appointment. This was initially regarded as politics in policing via the back door (Brain, 2012) and the continued assessment of this governance structure indicates divided opinion and research, with evidence that PCCs are ineffective managers (McDaniel, 2018, p. 39), the desired local scrutiny has failed to occur (Chambers, 2014, p. 37) and disparity of consistency in Wales, at odds with centralised views and objectives (Brain, 2014, p. 48).

Other assessments outline that PCCs and the Police and Crime Panels (PCPs) present stronger public accountability than previous tripartite structures (Raine & Keasey, 2012, p. 130). A study of localism in police governance in Wales concluded that despite dominant central influences, the partnerships across public sector working including Policing in Wales were diverse and supportive (Jones & Lister, 2019).

Each of the four PCCs provided a statement (Dyfed Powys Police & Crime Commissioner, 2022) in response to the continued call for devolution in a recent report entitled Delivering Justice for Wales (Welsh Government, 2022), outlining as follows:

“It is our considered view that the way that policing and criminal justice in Wales has been delivered through the pandemic consolidates the case for devolution, in the best interest of the delivery of justice in Wales and of joined-up services to the public.”

(Dyfed Powys Police & Crime Commissioner, 2022)

This most recent commission (Welsh Government, 2022) formulated that the division of powers between Westminster and Cardiff made it more difficult to join up the justice system with other public services such as health and education, and that this led to a lack of accountability.

The views at Westminster remain clear (Institute for Government, 2020), referencing that the Lord Thomas led report (Commission on Justice in Wales, 2019) specifically recommended

that the legal profession, its regulation, and qualifications should not be separated. It was therefore assessed that little benefit would be gained by moving the governance sitting in Wales, referencing that previous commissioned reports (Silk Commission, 2014) estimated that a separate Welsh jurisdiction could cost up to £100m a year.

Legislation such as the Well-being of Future Generations Act created the Public Services Boards (PSBs), providing public sector agencies an opportunity to consult with the communities on economic, social, environmental, and cultural themes. Policing, as with Justice, has no legal mandate or presence on such boards and are often voluntary participants, and the impact may be somewhat diluted (Lewis, 2022). Indeed, a totally devolved state may overcome such defragmentation, but the legislators are yet to be trusted with judicial scrutiny indicating it as useless (Donovan, 2019), or too generic (Jones, 2019, p. 22).

Conclusion

The work of Policing and Criminal Justice is inextricably linked with a range of devolved responsibilities. The devolution of Policing and Criminal Justice is the logical next step in the devolution journey (Dyfed Powys Police & Crime Commissioner, 2022).

The Welsh Government could oversee its own criminal justice system that includes policing the Principality (Brain, 2012, p.23; Commission on Justice in Wales, 2019).

If the Policing visions are to be trusted, a one or more Welsh police force(s) will continue to face the same challenges regardless of the devolving of powers to a localised framework. Collaboration and Devolution are separate matters, and the debates exist between a big bang approach as was seen in Police Scotland (Livingstone QPM, 2019), or a journey of steps towards a devolved state (Welsh Government, 2022).

It can be viewed that neither Policing nor Justice can be delivered successfully in isolation (Welsh Government, 2022), but either way, the Welsh Government has much to prove, to communities and central government that its powers are used effectively (Jones, 2019).

The policing challenges reflected in 10 year (NPCC, 2016) and 20-year (College of Policing, 2019) visions are seemingly easy to predict, but complex to address.

There are clear benefits and advantages in collaborating one or more of the existing Welsh forces (Lewis, 2022), and there are clear examples of co-operative business area successes (Gwent Police, 2018). The journey pre and post the creation of Police Scotland remains under scrutiny (Henry, et al., 2019), and as Policing will continue to be assessed,

it will be important that Policing leaders and ministers across Wales closely monitor such reviews.

Operationally, Policing in Wales continues to support its counterparts in national issues and policing chiefs in this area are national leads on areas such as drug trafficking (Lewis, 2022) and neighbourhood policing (Parmenter, 2022). It is also greatly supported by national frameworks such as from the CoP, NCA and the Inspectorate (HMICFRS) in terms of recruitment, technology, and performance (Foulkes, 2021). This does not however mean that this relationship could not continue in a devolved state and such support agencies could retain and coordinate sections and powers in respect of national issues (Brain, 2012, p.23). Henry et al (2019) concludes that the balance between central and local orientations remains a work in progress and a matter of negotiated practice.

As this journey continues, any further consultation must involve the stakeholders referenced, key partners and importantly the communities, ensuring not to neglect the crucial role to Policing in Wales, to maintain the trust and confidence of the public (Machura et al 2019, p.20).

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Bibliography

- Amann, R., 2013. On The Receiving End: The Governance of the Police in Britain. *The Political Quarterly*, 84(2), pp. 182-199.
- BBC, 2022. *BBC News: Sarah Everard: New police challenge to vigil ruling*. [Online] Available at: <https://www.bbc.co.uk/news/uk-england-london-61276743> [Accessed 30 May 2022].
- Brain, T., 2012. *A Future for Policing in Wales? Lecture at the Centre for Welsh Legal Affairs Annual Conference* [Interview] (23 February 2012).
- Brain, T., 2014. Police and crime commissioners: The first twelve months. *Safer Communities*, 13(1), pp. 40-50.
- Brothers, J. (2015) *Rebalancing Public Partnership: Innovative Practice Between Government and Nonprofits from Around the World*, Oxford: Routledge.
- Chambers, S., 2014. Who is policing the Police and Crime Commissioners. *Safer Communities*, 13(1), pp. 32-39.
- Chanan, G. and Miller, C. (2013) *Rethinking Community Practice: developing transformative neighbourhoods*. Bristol: Policy Press.
- College of Policing, 2019. *Policing Environment 2040*, s.l.: s.n.
- Commission on Justice in Wales, 2019. *Justice in Wales for the People of Wales*, Cardiff: s.n.
- Donovan, O., 2019. "Useless" *Future Generations Act defended following criticism by QC*. [Online] Available at: <https://seneddhomes.com/2019/05/useless-future-generations-act-defended-following-criticism-by-qc/> [Accessed 29 June 2022].
- Dyfed Powys Police & Crime Commissioner, 2022. *Just in Wales - Now and In the Future*. [Online] Available at: <https://www.dyfedpowys-pcc.org.uk/media/11258/justice-in-wales-joint-statement-final.pdf> [Accessed 10 July 2022].
- Farrow, K., 2020. Policing the Pandemic in the UK Using the Principles of Procedural Justice. *Policing*, 14(3), p. 587–592.
- Fleming, J. & Rhodes, R., 2018. Can experience be evidence? Craft knowledge and evidence-based policing. *Policy & Politics*, 46(1), pp. 3-26.
- Foulkes, C., 2021. *Corporate Governance with Chief Constable Carl Foulkes: an MS Teams Seminar at UWTSU, 16th February 2021*. s.l., s.n.
- Gwent Police, 2018. *Joint Digital Services Division*. [Online] Available at: <https://www.gwent.pcc.police.uk/media/qigjq33r/8-ict-annual-report-ap2.pdf> [Accessed 4 July 2022].

- Hawkins, J., 2022. *Policing Scotland with Assistant Chief Constable John Hawkins: an MS Teams Seminar at UWTSD, 17th May 2022..* s.l., s.n.
- Henry, A., Malik, A. & Aydın-Aitchison, A., 2019. Local governance in the new Police Scotland: Renegotiating power, recognition and responsiveness. *European Journal of Criminology*, 16(5), pp. 573-591.
- Hoggett, J., Redford, P., Toher, d. & White, P., 2018. Challenges for Police Leadership: Identity, Experience, Legitimacy and Direct Entry. *Journal of Police and Criminal Psychology*, Volume 34, pp. 145-155.
- Home Office, 2010. *Policing in the 21st Century: Reconnecting police and the people*, s.l.: Home Office White Paper.
- Home Office, 2022. *Home Secretary Priti Patel on Dame Cressida Dick resignation*. [Online] Available at: <https://www.gov.uk/government/news/home-secretary-priti-patel-on-dame-cressida-dick-resignation> [Accessed 30 May 2022].
- Howe, S., Roderick, J. & Thomas, A., 2019. *Oral evidence provided to the Commission on Justice in Wales*, 29 March 2019: s.n.
- Institute for Government, 2020. *Criminal justice and devolution*. [Online] Available at: <https://www.instituteforgovernment.org.uk/explainers/criminal-justice-devolution> [Accessed 9 July 2022].
- James. R, Mullins, D, and Bovaird. T (2012) Partnership Working, Birmingham: Third Sector Research Centre.
- Jones, D., 2020. The Potential Impacts of Pandemic Policing. *Policing*, 14(3), p. 579–586.
- Jones, R., 2019. Governing the future and the search for spatial justice: Wales' Well-being of Future Generations Act. *Fennia*, 197(1), pp. 8-24.
- Jones, T. & Lister, S., 2019. Localism and police governance in England & Wales: Exploring continuity and change. *European Journal of Criminology*, 16(5), pp. 552-572.
- Joyce, P., 2011. Police reform: from police authorities to police and crime commissioners. *Safer Communities*, 10(4), pp. 5-13.
- Lewis, R., 2022. *Management of Drugs with Chief Constable Richard Lewis: an MS Teams Seminar at UWTSD, 5th July 2022..* s.l., s.n.
- Lister, S., 2013. The New Politics of the Police: Police and Crime Commissioners and the 'Operational Independence' of the Police. *Policing*, 7(3), pp. 239-247.
- Livingstone QPM, I., 2019. *Oral evidence provided to the Commission on Justice in Wales (ref: OE019)*. s.l., s.n.

Machura, S. et al., 2019. National identity and distrust in the police: The case of North West Wales. *European Journal of Criminology*, 16(1), pp. 60-80.

Malthouse, K., 2020. Launching a review of the Police and Crime Commissioner model. *House of Commons statement ref HCWS416*, 22 July.

Martin, P. & Mazerolle, L., 2015. Police Leadership in fostering evidence-based agency reform. *Policing*, 10(1), pp. 34-43.

McDaniel, J., 2018. Rethinking the law and politics of democratic police accountability. *The Police Journal: Theory, Practice and Principles*, 91(1), pp. 22-43.

Miller, A., 2020. *Leadership Styles in Policing and Officers' Job Satisfaction: A correlational study*, s.l.: ProQuest LLC.

NPCC, 2016. *Policing Vision 2025*, s.l.: s.n.

Parmenter, C., 2022. *Neighbourhood Policing with Deputy Chief Constable Claire Parmenter: an MS Teams Seminar at UWTSD, 21st June 2022..* s.l., s.n.

Raine, J. & Keasey, P., 2012. Might policing become more publicly accountable?. *International Journal of Emergency Services*, 1(2), pp. 122-134.

Sarver, M. B. & Miller, H., 2014. Police chief leadership: styles and effectiveness. *Policing: An International Journal of Police Strategies & Management*, 37(1), pp. 126-143.

Schafer, J. A., 2010. Effective leaders and leadership in policing: traits, assessment, development, and expansion. *Policing: An International Journal of Police Strategies & Management*, 33(4), pp. 644-663.

Silk Commission, 2014. *Empowerment and Responsibility: legislative Powers to Strengthen Wales*, s.l.: s.n.

Smith, R., 2016. Don't call me Ma'am: Direct entry into leadership roles in British Policing. *The Police Journal: Theory, Practice and Principle*, 89(4), pp. 311-326.

Smith, R., 2019. The 'Police Change Manager': Exploring a new leadership paradigm for policing. *International Journal of Police Science and Management*, 21(3), pp. 156-167.

Terpstra, J. & Fyfe, N., 2019. Great expectations? Assessing the creation of national police organisations in Scotland and the Netherlands. *International Journal of Police Science & Management*, 21(2), pp. 101-107.

Terpstra, J., Fyfe, N. & Salet, R., 2019. The Abstract Police: A conceptual exploration of unintended changes of police organisations. *The Police Journal: Theory, Practice and Principles 2019*, 92(4), pp. 339-359.

Thorne, D., 2022. *Leadership and the Individual with Asst. Chief Constable David Thorne: an MS Teams Seminar at UWTSD, 12th February 2022.* s.l., s.n.

Torrance, D., 2020. A process not an event: Devolution in Wales, 1998-2020,. *House of Commons Briefing Paper CBP-8318*, 6 April.

Van Puyvelde. D & Brantly. A.F (2019) *Cybersecurity: Politics, Governance and Conflict in Cyberspace* Wiley Publishers UK

Welsh Government, 2015. *The work of Welsh Government funded Community Support Officers*, s.l.: Welsh Government Social Research.

Welsh Government, 2022. *Delivering Justice for Wales*, s.l.: s.n.

Whittington, R. et al., 2020. *Exploring Strategy - Text and cases*. 12th ed. Harlow: Pearson.

Williams Commission, 2014. *Commission on Public Service Governance and Delivery*, s.l.: s.n.