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# Preparing for the devolution of policing in Wales

Report exploring the benefits and risks of a devolved policing model for Wales authored by Carl Foulkes and Emma Ackland.

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# Acknowledgements

It has been a great privilege to have had the opportunity to work as a team with colleagues across Wales on developing an understanding of the opportunities, benefits, challenges, and risks associated in preparing for the devolution of policing for Wales.

The review team recognised early on that it was important to undertake this work within the context of previous academic and commissioned reports. These have been hugely valuable in setting context and enabling reflection on some key considerations.

We are extremely grateful to those that have been interviewed, given their views and completed the surveys. Colleagues from across Wales and the UK have been incredibly generous with their time, open with their views and thoughtful with their responses. It has been an honour to engage with some of the most senior figures in both the policing and criminal justice space across Wales and England. Without the level of engagement and support we have received we could not have gathered the important information that we needed to inform and support the development of this report.

Inevitably we have been a small team conducting this work, but we have had tremendous support from the Welsh Government research and analysis team and the professional stakeholder group who have given their time, experience and critical challenge to help ensure this piece of work adds value to current and future discussions regarding the devolution of policing in Wales.

We would also like to thank Jo Hopkins from Public Health Wales, for expertise and support throughout. Her support and thoughtful considerations have enabled us to deliver the best report possible.

# Section 1: Introduction

Devolution of policing and justice to the Welsh Government is a constitutional question that, since the establishment of the Senedd in 1999, has been largely characterised by the work of commissions to examine the model of government, and academic debate on how the relationship between UK and Welsh government works. For policing and justice this has been described as a 'jagged edge' ([The Welsh Criminal Justice System On the Jagged Edge](#), 2022).

The [Silk Commission](#) (2014) and [Thomas Commission](#) (2019) recommended further devolution of policing to Wales. Although support for devolution is not universal, the Thomas Commission, and their position of looking at a Welsh legal jurisdiction to improve the operation and performance of the justice system in Wales, began a notable shift in policy and political discourse in Wales as to how this might best be achieved.

Pursuing the devolution of policing and justice is a commitment in the Welsh Government's Programme for Government 2021 - 2026. In May 2022, the Welsh Government published [Delivering Justice for Wales](#) reiterating their commitment to pursuing the devolution of justice, and indicating an intention to focus in the first instance on the potential devolution of policing, youth justice and probation.

In the course of this piece of work being completed, the [final report of the Independent Commission on the Constitutional Future of Wales](#) was also published, in January 2024. That report repeated earlier Commissions' support for the devolution of the justice system in general, and in particular it supported the Welsh Government's position that policing was one of the services suitable for early devolution as part of a phased approach.

This particular independent piece of work was commissioned in November 2023, and announced in a written statement: Research to prepare for the devolution of

policing in Wales (Welsh Government 2023). Its purpose is to progress the work on policing and to develop understanding of the opportunities, benefits, challenges, and risks posed of a devolved policing model for Wales. The Welsh Government were clear that at this time the focus is on preparing for the devolution of policing, and not on changes to the current four force policing model, which was therefore out of scope of this work.

As elected representatives, the 4 current Police and Crime Commissioners in Wales have stated publicly that they support the devolution of policing and criminal justice because of the benefits they believe it would bring. However, it is important to acknowledge that Chief Police Officers have made it clear that decisions on whether or not to devolve those responsibilities are political decisions and that commenting in advance of those political decisions would risk being drawn into inappropriate political debate.

This report will help enable Welsh Government to prepare for devolution and in doing so make policing the best it can be for Wales. This report will outline considerations for these elements, with a specific focus on the following:

- The challenges and risks of a devolved model of policing for Wales.
- The practical, financial and operational considerations associated with implementing policing devolution in Wales.
- The opportunities presented by devolving policing to Wales for communities.
- A devolved or hybrid policing model and the benefits and risks associated with each.

This work will assist Welsh Government in determining their next course of action. It will not make any recommendations, and that is deliberate as it is intended that this research and report provides the foundation for further discussions. There is a recognition that further work will need to be undertaken. This is not an academic or financial report but one that is based on the knowledge, experience, and opinions of key stakeholders.

## Section 2: Methodology

This section provides detail relating to the approach undertaken in delivering this project. In order to gather the required information to achieve the objectives of this review a qualitative approach was undertaken involving data collection with a wide range of strategic leaders of organisations in England and Wales. These individuals were identified given their particular expertise, knowledge, and experience in relation to policing and partnership work and the insights they could share regarding the topic of the devolution of policing.

To complement these, discussions were also held with Police Scotland and the Police Service of Northern Ireland with the specific purpose of understanding lessons learnt, the benefits of policing operating within a devolved administration and of understanding any current strategic and operational interoperability challenges with UK policing.

The approach to sampling was therefore a purposive one, with respondents approached because of their particular expertise. Therefore, the findings discussed in this report should be interpreted as representing the views only of those spoken to as part of this work and cannot be said to be representative of wider opinion regarding the devolution of policing. While the sample is not representative, given the work engaged with all 4 Chief Constables and Police and Crime Commissioners in Wales, as well as senior officials in relevant agencies and partner organisations, the findings generated as part of this work still represent important insights for discussions around the devolution of policing.

To maximise the number of people who could respond as part of this work, and in light of the limitations on the number of interviews that could be undertaken within the timeframe, a mixed approach was taken to receiving responses. The majority of data was collected through 30 interviews which were conducted online with 34 individuals (some interviews were undertaken with 2 people at a

time). Interviews were undertaken between December 2023 and February 2024, and typically lasted around an hour.

The interviews were supplemented with a written online response option sent out to 28 individuals, to which 7 individuals replied as part of 6 written responses (1 submission received related to 2 individuals). Submissions for written responses were initially open from early December to the middle of January. This was extended until the end of January, with reminder emails sent out in an effort to increase the number of responses received; however, the number of responses received as part of this approach remained low.

Participants taking part in the interviews and those responding through the online written submission were all provided with the same set of 17 questions to ensure that everyone had the opportunity to respond to the same questions. It was recognised that there would be a difference between the interviews and the written responses in that interview respondents would have the chance to seek clarification or to be asked follow up questions which was not possible with the written submissions.

The questions covered a range of topics including (Appendix A outlines the full question set):

- The perceived opportunities, benefits, challenges, and risks presented by devolution
- The functions, powers and infrastructure that would need to be considered as part of discussions of devolution and links with other aspects of the justice system
- Considerations for the implementation of the devolution of policing should it be pursued

The question set was intentionally broad to allow a wide range of discussions involving a variety of different stakeholders. It was expected that some respondents would be unable to answer all questions and was acknowledged at

both the start of the interview and at the start of the written questions.

The interviews were recorded and transcribed and transferred into MAXQDA for analysis alongside the responses received as part of the survey. The responses were coded to analyse the key themes and messages that emerged from the responses and linked back to the overarching objectives of the work.

Given the number of responses and the specialised nature of some of the respondents the decision was taken to not include individuals' organisational roles when presenting the findings to ensure the anonymity of respondents.

As outlined in the next section a considerable number of documents were also reviewed, together with material on official websites and a number of open-source documentation as part of the desk research that was also undertaken.

## Section 3: Current policing landscape

### The devolution of policing

The literature around the Devolution of Policing in Wales has been reviewed in several publications which are outlined in the timeline below, and as such, it was felt that there was no requirement to do so again. This section gives an overview of the key literature available from 1998 and the first Government of Wales Act, to the present day. The timeline at figure 1 sets out the key Commissions, legislation, and academic contributions, and of note is the extensive work of the Wales Governance Centre. The timeline does not pretend to document every paper but is based on the summary provided in the work of Rob Jones and Richard Wyn Jones ([The Welsh Criminal Justice System On the Jagged Edge](#), 2022, pages 1 to 54).



## Literature timeline: key literature and legislation from 1998 to present

### 2019 to today

- Focus on Welsh legal jurisdiction as a means to improving performance and operation of the justice system (Thomas Commission 2019)
- Literature discussing the Wales benefits retaining 'Westminster Model'; (Bryant 2020, Evans, 2020, cf Lewis 2019)
- Some ONS data begins to be disaggregated in Crime Survey for England and Wales in 2019
- Distinct academic discussion on impact of Welsh devolution and CJS (Jones 202, Evans et al 2021)
- Continued focus on Youth Justice (Deering and Evans 2021. Dehaghani and Newman 2021)
- Independent Commission on the Constitutional Future of Wales 2024

### 2017 to 2019

- Wales Governance Centre focused research on the Criminal Justice System:
  - Justice and Jurisdiction Project established 2018
  - Reports commissioned by the Wales Governance Centre to inform 2019 Thomas Commission (Ifan 2019a, 2019b, Jones et al 2019, Jones and Wyn Jones 2019)
- Critique of 2017 Act as a 'Two legged Stool' and 'Jagged Edge' of Devolution (Rawlings 2018 Jones and Wyn Jones 2019. Thomas Commission)
- Publications around Prisons (Jones 2018, 2019)
- Thomas Commission 2019

## 1998 to 2017

- Critique of UK Government Plans for 'The New Wales Model' (Rawlings 1998)
- Government of Wales Acts 1998, 2006,
- Literature around the 'Westminster model' (inter alia Lijphart 1999, Rhodes et al 2009) and Welsh devolution model (Wyn Jones and Scully 2012)
- Wales Governance Centre founded 1999
- Literature around the future of the Justice System as a by-product of whether Welsh jurisdiction was needed for devolution settlement (inter alia: Jones 2008, Jones and Williams 2004, National Assembly for Wales Constitutional and Legislative Affairs Committee 2012, Silk Commission 2014, Percival 2017, Wales Governance Centre, and Constitution Unit 2015, 2016 Welsh Government 2012a, 2016b)
- Academic work to inform the Richard (2004) and Silk (2012, 2014) Commissions and their reports
- Academic work and studies to inform the Wales Acts (Haines et al 2013)
- Wales Acts 2014, 2017  
Academic work on Youth Justice (Haines 2009, Drakeford 2010, Haines and Case 2015, Thomas 2015)

The commissions themselves, and the provision of evidence for them, provides an evidence base to draw upon, as well as the submissions to support the development of the Acts and the commentaries following their enactment.

The key themes (Appendix B) are drawn from an examination of some of the work listed. It is not intended to be a comprehensive overview, but it has set the context for this work. Jones and Wyn Jones argue that, despite there being a number of Acts that have put in place and have revised the devolution settlement, 'there remains very little engagement with the ways that Welsh devolution has impacted on the operation of the Criminal Justice System in Wales' (**Jones and Wyn Jones 2022** page 21). Their work is cited as an

attempt to move away from the English centred approaches to discussing the Criminal Justice System in England and Wales, and to examine the Welsh Criminal Justice System as distinct.

This report continues to develop knowledge in this area and is deliberately focused on policing. However, it is still useful to reflect on what the literature tells us about the key themes and questions, as they continue to be relevant to discussion today.

## Police governance

There are 48 police forces in the United Kingdom, including 43 territorial police forces in England and Wales, a national police force in Scotland and Northern Ireland and 3 specialist police forces, namely the British Transport Police, the Civil Nuclear Constabulary, and the Ministry of Defence Police. **Policing in the UK** by Jennifer Brown helps to explain in more detail the key concepts underpinning the British model of policing. This work has not examined the role of the British Transport Police or their specialist role in policing the railways of Wales.

Policing in Wales is currently not devolved. There are 4 police forces in Wales: North Wales, South Wales, Dyfed-Powys, and Gwent. Additionally British Transport Police operate across the Welsh railway network providing specialist policing to the railways.

It is recognised that the current governance arrangements for policing in England and Wales are complex, and since the introduction of the Police and Social Responsibility Act 2011, have shifted to a publicly elected commissioner based accountability model in England and Wales. Each force is led by a Chief Constable, or Commissioner in the Metropolitan Police and City of London Police. Since the removal of Police Authorities and the introduction of Police and Crime Commissioners (PCC) in 2012 police force governance relies on the

strategic cooperation of the Chief Constable and the PCC.

The transference of power from Government to local people, was to drive place-based need, and for the PCC or Mayor, in the case of City of London, Greater Manchester and West Yorkshire, to hold the Chief Constable to account for being responsive to those needs. Following the abolition of the Metropolitan Police Authority, the Mayor's Office for Police and Crime (MOPAC) was created in the City of London, where PCC powers were transferred to the mayor ahead of the first PCC elections. There are also specific cities where the elected Mayor is also the Police and Crime Commissioner. Some English PCCs have a responsibility with regard to fire services as well as policing, and are referred to as Police, Crime and Fire Commissioners. The UK government allow for the transfer of responsibilities where a local case is made that it would be "in the interests of economy, efficiency and effectiveness, or public safety" (**Fire and Rescue Services Act 2004**).

There is a useful overview of how devolved powers differ in regions of England on account of devolution arrangements and these can be found in **Mark Sandford's briefing** in his Appendix 1.

There are no PCCs in Scotland and Northern Ireland as both are run on a national model of governance. In Wales the 4 PCCs and the four Chief Constables have worked together to connect with Welsh Government and all-Wales bodies to support the local governance model of policing and community safety.

There are 2 corporate soles for each of the 43 police forces. The CC is accountable for all operational activity and the co-ordination of an effective policing response. The PCC, or mayor, is responsible for the recruitment of the CC, they control all the funding arrangements, and are accountable to the local people. The delineation between both roles has proved challenging and **part one of the review of PCCs** by the Home Office sought to clarify this relationship.

For this report the term PCC is used to make reference to all of those exercising PCC functions as outlined above.

In England and Wales, the **Secretary of State (Home Secretary)** has overall responsibility for Home Office business. They answer to Parliament and the public for the provision of an efficient and effective Police Service.

The role of Home Secretary is directly linked to policing governance due to the responsibilities and powers at their disposal. The **Police Act 1996** for example covers the organisation of police forces, supervision, direction, police representative institutions, pay and remuneration, complaints, and discipline. The **Police Reform and Social Responsibility Act 2011** amended the Police Act 1996, one of the changes being for the Home Secretary to issue a Strategic Policing Requirement (SPR) which Chief Constable and PCC must have regard to.

In summary, the police currently operate within a tripartite structure of police accountability and governance.

## **Direction and control**

Although it is rare for the Home Secretary to use the powers at their disposal the key consideration for this review is the reality that the UK government can direct and control policing activity across Wales, notwithstanding that PCCs have a local mandate.

This raises the potential for policing activities to be prioritised dependent on plans implemented by the UK government. This policy divergence between the UK government and Welsh Government causes tension in the system which police forces in Wales have to manage.

The Home Secretary also has several UK or England and Wales responsibilities

for policing and, through that role and the powers it holds, can direct, oversee, and hold to account certain aspects of policing which then influence how local policing is taken forward.

For example, the National Policing Board provides the governance for the Home Secretary to oversee progress and drive activity.

It was established to ensure all parts of the policing system work together to deliver the best possible outcomes for the public” (**National Policing Board terms of reference**). The Minister of State (Minister for Crime, Policing and Fire) chairs the Crime and Policing Performance Board. Both meetings drive policing activity across England and Wales.

The **Strategic Policing Requirement** (SPR) sets out the Home Secretary’s view of national threats which is a statutory duty of the role. The SPR also sets out appropriate national policing capabilities required to counter those threats. Under the Police Reform and Social Responsibility Act 2011 PCCs “must contribute to the national and international policing capabilities set out by the Home Secretary” (**Role of the PCC**). Influence on local policing is also brought to bear by the inclusion of guidance relating to outcomes, capacity, national standards, collaboration, and partnership working. The implementation of this is the role of the Chief Constables and PCCs.

The Home Secretary can also bring forward new legislation. As an example, the **Public Order Act 1986 (Serious Disruption to the Life of the Community) Regulations 2023** set out a range of changes, including new powers and offences. This **change to legislation** required the College of Policing (CoP) who has responsibility for the training and accreditation of officers, to amend guidance and training. So new policy, mandated by the Home Secretary, is operationalised, and influences the way in which policing is carried out locally.

Practical examples of how governance, direction and control can affect and impact on the policing approach, and therefore communities, is outlined in the

following case studies.

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## Case study 1: Police Crime Sentencing and Courts Act

On 28 April 2022, the UK government **Police Crime Sentencing and Courts Act** received Royal Assent. This Act had significant ramifications in Wales due to the number of areas of devolved legislative competence which were affected by the provisions within the Act - for example:

1. The Unauthorised Encampment Provisions: the focus on enforcement and criminalisation was a direct contradiction of the approach of the Welsh Government which is centred around engagement and investment for adequate provision of site arrangements as outlined in the Anti-Racist Wales Action Plan.
2. Restriction on the right to protest: Welsh Government's stance is in favour of this civil right and the new restrictions were deemed to be too stringent and not in synergy with the approach in Wales.

As a consequence, the introduction of the England and Wales Serious Violence Duty, a key part of this legislation, required Welsh Government officials to spend time and effort engaging and working with partners to draft statutory guidance; taking care that all areas of consent were appropriately considered and that the Serious Violence Duty could be implemented in Wales. Engagement with police leads was paramount throughout this process to ensure that the guidance included a specific chapter on the delivery of the Duty in Wales with cognisance to the devolved nature of Wales' policy and legal landscape.

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## Case study 2: violence against women and girls

Wales and England have separate legislation around Violence Against Women and Girls. In Wales there is the **Violence Against Women, Domestic Abuse**

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**and Sexual Violence (Wales) Act 2015**, with supporting strategies and plans.

The UK government has a range of legislation covering acts of Violence Against Women and Girls including the 2021 Domestic Abuse Act. There are specific powers and legislation relating to policing and criminal justice. This led to the National Police Chiefs Council and College of Policing publishing a framework for policing to tackle violence against women and girls. All police forces were asked to develop local plans to meet national priorities.

This divergence in policy resulted in the need for police, and partners, to review UK and Welsh Government plans to determine a way forward. This is referred to as the 'Blueprint' approach, a 'bridging' way of working that brings devolved and non-devolved partners together, including policing, criminal justice, and Welsh Government to take an integrated approach and ensure the best possible service is delivered for the people in Wales.

## **National and regional infrastructure**

There are a significant number of organisations and information technology systems that enable and support interoperability and operational performance pan England and Wales.

Many of these were mentioned by respondents who acknowledged the current interdependencies and anticipated the need to reflect on what the future relationship would look like under a devolved model of policing for Wales.

This section provides a brief overview of those that were mentioned by respondents, so the list is not exhaustive but is included to provide some context for those who may not be so familiar with policing. The views about the different functions, and how they may connect to policing in Wales should policing be devolved, have been captured within section 4 (key themes) and, or section 5 (models).



## The College of Policing

On its website [the College of Policing](#) (CoP) states it is the ‘professional body for the police in England and Wales’. The college does 3 things:

- Sets standards the police should meet in carrying out activities through the development of Authorised Policing Practice which is the official source of professional guidance for example on firearms and public order.
- Builds an evidence base into what works to reduce crime
- Develops officers and staff

The college is a company limited by guarantee and wholly owned by the Home Secretary, who is also the sole shareholder. The Anti-Social Behaviour, Crime and Policing Act 2014 established the legal basis of the Home Secretary’s power regarding the college, while the Home Secretary’s corporate powers are derived under the Companies Act 2006.

## National Police Chiefs’ Council

The [National Police Chiefs’ Council](#) (NPCC) “brings UK police leaders together to set direction in policing and drive progress for the public”.

Chief officers support the NPCC by taking responsibility for specific portfolio areas covering crime and policing issues. The work is managed through Chief Constables’ Council, the key decision-making forum.

## The Association of Police and Crime Commissioners

The [Association of the Police and Crime Commissioners](#) (APCC) “is a company limited by guarantee. It is overseen and directed by an elected Chair

and Board of Director”. The membership of the company extends to all PCCs, Police, Fire and Crime Commissioners, and named organisations involved in policing.

The APCC offers services to members that include:

- Providing information on national policing policy issues and legislation.
- Consulting PCCs to enable them to develop policy positions and to influence change.
- Facilitating the leadership of PCCs on national governance structures such as the College of Policing, National Crime Agency, other police professional bodies, and fire and rescue bodies.
- Providing a range of opportunities for members to come together to debate and discuss national policing and criminal justice policy and engage with senior stakeholders.
- Assisting PCCs to share practice and identify ways to achieve efficiencies through collaboration.
- Supporting PCCs seeking to take on and fulfil fire and rescue governance responsibilities.

## National Policing Units

There are **several units and bodies** that operate across the United Kingdom, for example Counter Terrorism Policing and National Ballistics Intelligence Services. The NPCC lists all these with their specific areas of responsibility on their website. These all support the flow of intelligence, information and or provide specialist operational support to policing activities.

## National Police Coordination Centre

The **National Police Coordination Centre** (NPoCC) provides support to forces

across the UK, Crown Dependencies and British Overseas Territories. It provides a central co-ordination function for UK policing, for example the co-ordination of the national policing response to COVID-19 pandemic (Operation Talla). It also supports Chief Officers at the Civil Contingencies Committee (COBR) and represents UK policing at strategic meetings at official or ministerial level relating to protest or disorder.

## **National Crime Agency**

The mission of the **National Crime Agency** (NCA) is “to protect the public from serious and organised crime by targeting and pursuing those criminals who pose the greatest risk to the UK.” Established by the Crime and Courts Act in 2013, the agency is a non-ministerial civil service department; it is operationally independent and accountable to Parliament through the Home Secretary. It operates across the UK, respecting the devolution of policing.

## **Regional Organised Crime Units**

There are 10 **Regional Organised Crime Units** (ROCU) throughout England and Wales which ensure there is a range of specialist capabilities to investigate organised complex and or cross-border criminality. Of direct interest to this report is that there are 2 ROCUs supporting operational activity across Wales. The North West ROCU includes North Wales as well as other forces in the North West of England, and the Southern Wales ROCU (TARIAN) is made up of the other 3 Welsh forces of South Wales, Gwent, and Dyfed-Powys.

The ROCUs all work closely with the NCA, police forces and partners.

## Wales-specific infrastructure and support

There are a range of governance and practical arrangements in Wales that support the delivery of public services and set the direction for local delivery across the partnership landscape that is unique to Wales. For example, devolved areas such as safeguarding and substance misuse, which are also priorities for policing, are inter-connected via regional and local boards in varying strategic and operational capacities.

There are also specific arrangements that have been mentioned as key national governance that bring devolved and non-devolved partners together in support of delivering Welsh specific commitments in ways set out in key Welsh legislation.

The 3 main examples given by respondents were:

### The Policing Partnership Board for Wales

The **Policing Partnership Board for Wales** was initially instigated in 2018 by Policing in Wales. The board has matured since that time and draws together key devolved and non-devolved partners to discuss key issues in relation to policing and community safety. The quarterly meeting is convened by Policing in Wales and is chaired at their invitation by either the First Minister (once a year) or the Welsh Government's Minister for Social Justice. When the First Minister is in the Chair, the UK government's Minister for Policing joins the meeting, but there is regular representation from the Secretary of State for Wales, Home Office officials, Her Majesty's Prison and Probation Service, the Crown Prosecution Service in Wales, Public Health Wales, and the Welsh Local Government Association.

The meeting is a police-led forum which discusses and advises on policing

issues that impact wider public services in Wales. Whilst it has no statutory footing it is seen as crucial by many of those spoken to in bridging the gap between devolved and non-devolved public services in Wales. Bringing together Chief Constables, PCCs, senior Welsh Government officials and ministers, CJS partners and Public Health Wales, the board has a broad agenda. Previous agenda items have included mental health, substance misuse, violence against women and girls and anti-racism. It provides a forum to discuss policing and other partnership issues across the devolved and non-devolved aspects of service delivery and tackles some of the prevalent issues affecting the people in Wales.

The board provides the opportunity to understand how to maximise the impact of joint working in a Welsh context and ensure there is a supportive and co-ordinated approach to addressing challenges.

## **Public Services Boards**

The Wellbeing of Future Generations (Wales) Act 2015 established statutory **Public Services Boards** (PSBs) which replaced the voluntary Local Service Boards in each local authority area. Each board is required to assess the state of economic, social, environmental, and cultural wellbeing in its area and set objectives that are designed to maximise its contribution to the national wellbeing goals. The statutory members of each PSB are the local council, the local health board, the fire and rescue authority and Natural Resources Wales. PSBs invite participation from Welsh Ministers, chief constables, the Police and Crime Commissioner for their area, certain probation services, and at least one body representing relevant local voluntary organisations.

## **The Wales Safer Communities Network**

The **Wales Safer Communities Network** was established in January 2021 and

is the strategic voice that champions and connects everyone involved in community safety in Wales so they can create safer communities locally, regionally, and nationally, and inform the development of national policy and local practice. The members are key partners involved in community safety delivery in Wales, including Local Government, Policing in Wales, Welsh Government, Fire and Rescue Services, Public Health Wales, Probation, and Third Sector, and work closely with local Community Safety Partnerships.

## Police Support and Wellbeing

### The Police Covenant

The **Police Covenant** is a recognition by government, policing, and society as a whole, acknowledging the sacrifices made by those who work or have previously worked in police forces. It is intended to ensure that officers, staff, volunteers, and their families are not disadvantaged as a result of their service in the police and seeks to mitigate the impact that this may have on them and their families.

The Home Office provide an annual update on progress against priorities to Parliament, pursuant to Section 1(1) of the Police, Crime, Sentencing and Courts Act 2022.

In practical terms the covenant will:

- place a legal requirement on the government to report annually to Parliament on issues relating to police welfare, wellbeing, and support
- aim to improve the working experience of people in policing
- help smooth the transition out of policing for police leavers
- provide support to the families of those working in policing

## Oscar Kilo: The National Police Wellbeing Service

The **National Police Wellbeing Service** (NPWS) was set up in recognition of the need to provide support to individuals, families, and organisations. The website offers guidance, access to support, training and toolkits and all the services have been specifically developed for policing to improve wellbeing and support healthy living.

## Chief Police Officers' Staff Association

The **Chief Police Officers' Staff Association** (CPOSA) was established to improve the senior leadership of the police service by the sharing of best practise, advising on legislative and regulatory matters and representing the interests of chief police officers and senior police staff in national matters. CPOSA became a company limited by guarantee on 16 January 2015 and aims to support and offer guidance to its members on matters relating to conditions of service, misconduct, employment and welfare issues.

## Police Superintendents Association

The **Police Superintendents Association** (PSA) represents Superintendents and Chief Superintendents in 49 forces, including the 43 Home Office forces. There are 5 districts grouped through geography but also being mindful of mixing larger and smaller forces together. The Welsh forces are in a district which also includes the South West police forces in England, a total of 9 forces in totality. In 2018 the Association became a private limited company.

Members are elected locally and involved in local meetings with regional meetings being hosted in rotation across the respective district. National officers, who are also elected, attend each of the district meetings.

There is a National Executive Committee (NEC) which comprises of district representatives, nationally elected members, and 5 reserved place members - one of these places is for Welsh members.

## **Police Federation of England and Wales**

The **Police Federation of England and Wales** (PFEW) is the staff association for officers of the rank of constable through to and including chief inspectors and includes special constables. They are the national and official body that represents police staff, offering them support on issues such as pay, allowances, terms, and conditions. They voice the views of the membership at a national level and are involved at a strategic level in policing issues and operational matters.

There are Federation representatives in every force in England and Wales who are specifically trained to offer advice and support. These individuals are known as branch members. They are elected by members from that force and representatives undertake work alongside their duties as a police officer. Each force is a member of a region, of which there are 8 across England and Wales. Region 7 is Wales and comprises all 4 of the Welsh forces.

## **Police scrutiny**

### **His Majesty's Inspectorate of Constabulary and Fire & Rescue Services**

Of note for this report is that the fire service is devolved in Wales and so the work of **HM Inspectorate of Constabulary and Fire & Rescue Services** (HMICFRS) in Wales is focused on scrutinising the performance of the 4 police forces.



Established in 1856, HMICFRS is independent of government, the police and the police and fire and rescue authorities. They are obliged to provide an **annual report to the Home Secretary** under section 54(4A) of the **Police Act 1966**.

They are also responsible for carrying out inspections of all police forces in England and Wales and HMICFRS has statutory powers to inspect and report on the efficiency and effectiveness of all police forces.

## **Police and Crime Panels**

The role of the **Police and Crime Panels** is “to scrutinise the actions and decisions of their PCC, providing both support and challenge, acting as a critical friend”. They are in place to scrutinise the activity of the PCC and deliver better outcomes for the public.

Panels in Wales are not bodies of local authority as they are in England due to devolved local government arrangements in Wales. They are instead established by the Secretary of State.

## **Independent Office of Police Conduct**

The **Independent Office of Police Conduct** (IOPC) describe themselves “as the police complaints watchdog for England and Wales”. They investigate serious complaints and conduct matters involving the police. They also set the standards by which the police should handle complaints.

There are also other local scrutiny arrangements in place in forces, for example some have specific independent stakeholder groups to review stop and search tactics and statistics.

## Police funding

The Home Office is responsible for funding the 43 territorial police forces of England and Wales. For the purposes of this report some context on both formal funding and potential funding routes are covered. This is not intended to be prescriptive as it is acknowledged that Welsh Government expect in due course to conduct a specific piece of work to understand all the financial implications of a devolved model of policing for Wales. However, the majority of stakeholders cited funding as one of the main risks to the success of the devolution of policing. It is in this context that an overview of some of the current funding arrangements is provided. Future funding arrangements, to include discussions on specific areas such as pay and pensions, will all need to be fully considered to ensure that any settlements are resilient and do not result in any consequential shortfall impacting negatively on future policing services.

The UK government regularly reviews how it will fund public services in the years ahead in exercises known as **Spending Reviews**. The detail of these is outlined and agreed annually. The Home Secretary under section 46(3) of the Police Act 1996 prepares a report which sets out the details of the grant for police purposes and the considerations taken into account. This report is known as the **the Police Grant Report** which is voted on by Parliament. The publication of this report is accompanied by a Written Ministerial Statement which often contains information on other funding arrangements in place such as direct funding for national policing priorities.

The central government funding received by each police force is calculated using a **police allocation formula** (PAF). The consensus, from senior leaders in policing, is that a new funding allocation model should be considered as the current approach is outdated and needs to change. The rationale supporting the need to review this approach is linked to the formula itself and the subsequent allocation. The way in which the formula is calculated has led to a higher level of cuts in police budgets for forces in more deprived areas. These areas rely more

heavily on central grant funding as opposed to council tax precept because an area with lower cost housing cannot raise as much from council tax. The current UK government has indicated an intention to review the funding formula.

The PCC set a local police precept which forms part of the Council Tax. In England the **Localism Act 2011** abolished central government capping and made provision for binding referendums to be held on excessive council tax increases. Therefore, a referendum must be held locally where an authority's council tax is higher than the referendum principles set by the UK government.

If central funding increases by less than inflation, then most police forces can only rely on raising the council tax precept to meet rising costs. Those force areas that had a relatively low council tax precept have found funding to be a challenge as it has curtailed the ability for PCCs to raise revenue for policing through this means. The reliance on council tax is disproportionately affecting some forces.

Council Tax in Wales is a devolved matter and neither local authorities nor PCCs in Wales are subject to these referendum principles. In Wales, local authorities may set their own level of council tax increase but Welsh Ministers retain the power to cap both local authorities and PCCs. Consequently, PCCs in Wales have had the opportunity to influence funding and Welsh police officer numbers have remained comparatively higher, as have the precepts. This in turn has resulted in the majority of the funding for policing in Wales coming from the people of Wales rather than central grants.

On occasion the Home Office offers ring-fenced grants to fund its perceived national priorities. This can be a provision and benefit for policing. For example, in September 2019 the Prime Minister announced the UK government commitment to recruit an additional 20,000 police officers in England and Wales by 31 March 2023. Of note, forces in England and Wales could access the funding, and forces received a proportional amount of funding to increase their officer numbers. Having spoken to colleagues in the Police Service of Northern

Ireland and Police Scotland this decision was not replicated by their respective governments.

There is also the ability in legislation for PCCs to recover costs for policing services. The ability to charge for police services is generally determined by statutory provisions. A document produced by the NPCC, [National Police Guidelines on Charging for Police Services](#), provides guidance on such matters.

## Policing challenges identified in literature

This overview draws on some high-profile publications from 2022 to 2024 and seeks to develop an appreciation of the wider policing context within which the Welsh police forces operate.

The Chartered Institute of Public Finance and Accounting (CIPFA) identified, within [performance data gathered in 2023](#) that 51% of people felt that their local police are doing a good or excellent job. That equates to a 5-percentage-point decline on 2019/2020 and the lowest proportion since at least 2009.

The Police Foundation, when undertaking their recent [strategic review of policing](#) published in March 2022 begin with articulating that there is a “crisis of confidence” in policing. With the report calling for:

“ “root and branch reform to our police service so that it is able to meet the challenges of the future, provide a decent service and secure the confidence of the people.” ”

([Redesigning policing and public safety for the 21st century](#), p6)

In summary here are the recommendations made within the report.

- Prevent crime from happening in the first place and shift to a more proactive preventative approach with the creation of a new Crime Prevention Agency.
- Enhance the capability to deal with cross border and serious organised crime through strengthening National and Regional capability with appropriate funding.
- Strengthen local and neighbourhood policing.
- Address the skills gap particularly specialist and detective capability.
- Ensure technology supports the efficiency and effectiveness of policing.
- Anticipate and identify trends through the creation of a new Crime and Policing Strategy Unit to enable the Home Office to be proactive not just reactive.
- The College of Policing should have powers to drive standards and efficiencies.

HMICFRS identified the following key issues within their **annual assessment for the Home Secretary**.

- There is a significant reduction in trust and confidence.
- By 2024 38% of all police officers will have fewer than 5 years service.
- More than 4 in 10 officers recruited through the uplift programme are women but diversity in recruitment and retention remains an issue.
- The system of funding is not fit for purpose.
- Whole system (police, crown prosecution service, prisons, probation service) is complex and not as efficient or effective as it needs to be.
- Societal issues have had a significant impact on the role of the police which needs further consideration within the context wider public service system.
- Challenge to prioritise resources and the consequential impact on victims and criminal investigations.
- Lack of dedicated neighbourhood policing resource.
- Use of stop and search, but more broadly how the police interact with people and the impact on communities.
- Absence of agreed consensus of decision making amongst the 43 Chief Constables and 43 Police and Crime Commissioners.

- Current structure of police forces, need for localism, with regional and national support.
- The importance of independent inspections and of the need to respond appropriately to recommendations made to ministers risk and drive improvement.
- The need to improve standards and culture, a focus on vetting with vigour.
- Pay, attracting talent, recruitment and officer retention.

Of note many of the issues raised have been mentioned by respondents during the interview. Where this has been the case it has been highlighted to help prompt further discussion as there is of course a fundamental question regarding how a devolved model of policing in Wales may help drive improvement.

## Section 4: Key themes

This section provides an overview of the challenges, risks, opportunities, and benefits associated with the devolution of policing to Wales that were identified through our engagement with key stakeholders as part of this project. It draws out the key themes identified in the analysis and provides an overview of the views given by respondents in relation to those themes. Where challenges and risks were identified we have proposed potential mitigation.

### Key theme: Opportunities

When discussing the opportunities presented by the devolution of policing to Wales the responses tended to focus on the following key areas. Implicit within many of the responses was the ability to improve the service being provided to people in Wales.

- The opportunity to align policing with other partners and formalise partnership arrangements in Wales.
- The ability to align policing more effectively within the broader public service approach in Wales.
- The opportunity to reimagine the vision, culture, and ethos for policing in Wales.

## Police and partnerships

One of the key themes that was consistent across responses when discussing the devolution of policing were the opportunities people suggested it would have for partnership arrangements in Wales by facilitating greater levels of co-operation and improved alignment of policing to other devolved services in Wales.

Given the relationship between criminality and the social causes of crime, and the emphasis on prevention in Wales, the need for effective alignment between the police and devolved services in Wales was seen as a crucial benefit of devolution amongst the respondents. A consistent response from participants referred to the fact that the current devolution settlement prevented policing from being fully aligned to other partners, due to lack of Welsh Government powers to set strategic direction for policing, and the potential for Home Office policy to put policing in Wales in conflict with devolved partners.

It is important to note that almost all respondents highlighted that the existing partnership arrangements were effective and working well, despite the challenges of the devolved and non-devolved environment, and that the strength of professional relationships did help to mitigate against this issue of alignment. For example:

“ “I think from my perspective in Wales devolved and non-devolved

organisations are really skilful at working together to deliver the very best for the public that we serve. I think that we're respectful of the positions that we are all in so, and I think we navigate around them, to be honest. What I would say is that the Thomas report talked about the jagged edge between devolved and non-devolved bodies, and I think if you look at some of the work we've done, for example, as you know what the criminal Justice Board for Wales, we've got none, we've got devolved and non-devolved bodies around the table who are all really focusing on the goal of delivering the best we can for the communities we serve.” ”

The police are well connected to local and regional partnership structures and were seen to be co-operating with, and supporting Welsh Government initiatives and approaches, such as the Wellbeing of Future Generations Act, anti-racism work and agendas around youth justice, female justice and violence against women, domestic abuse, and sexual violence (VAWDASV), despite the lack of formal statutory levers for Welsh Government to direct the police.

Several examples of how this works well in practice were provided and these included:

- The Wales Advisory Group between HMICFRS, Chief Constables and PCCs which presents the opportunity to discuss partnership arrangements, and the Welsh context to broaden understanding of how policing operates in Wales.
- The **Criminal Justice Board for Wales** which brings devolved and non-devolved partners together to drive action against priority areas within the whole justice system.
- The Police Liaison Unit which provides the interface between policing and Welsh Government improving communication and co-ordination.
- The Welsh Government **Anti-Racist Wales Action Plan** and **Criminal Justice Anti-Racist Action Plan for Wales**: national initiatives providing drive for inclusivity that, discussed as one, bring organisations together, devolved, and non-devolved, obtaining commitment from everyone to drive



progress.

- The **Wales Resilience Forum** and **CONTEST Cymru Board** which provides governance and strategic partnership structure around civil contingencies and counterterrorism.

Across the responses there was general consensus that at strategic and operational levels in Wales, co-operation, relationships, and partnership were effective. There was no clear indication that the current arrangements were leading to untenable working relationships or insurmountable challenges.

However, while the existing partnership arrangements were mostly regarded as positive, respondents noted their fragile nature, given the voluntary nature of participation and the absence of statutory powers to compel the police to take part in such partnership arrangements in Wales (with the exception of existing legislation in England and Wales that requires partnership arrangements such as the 1998 Crime and Disorder Act). One of the respondents commented:

*“ Things like the Future Generations Act ... there's no statutory obligation in effect for us to be part of that ... And then so it's just the good will that we are engaged and involved in them. And then ... the wider context of things like the criminal justice boards, again where we come together, to all Wales level Policing Partnership Board, policing in Wales and in particular the All Wales Criminal Justice Board. Again, that's built on goodwill at the end of the day. If any of the partners turned around, said look, I don't have to do this, I'm not going to ... they can't be forced into it, but not that you want to force anybody. But there isn't a structure there that actually puts a statutory responsibility for anybody to be part of that all Wales activity.” ”*

Accordingly, whilst governance arrangements such as the Criminal Justice Board for Wales were noted as working well, they were seen to be vulnerable to individuals choosing not to take part or to co-operate in those partnership

meetings. Similarly, agreements or commitments made as part of these governance structures could be undermined by future Home Office decisions if the Welsh context is not fully considered or if the Home Office wanted to move in a different direction to discussions in Wales. As raised previously, this policy divergence is a challenge to navigate and often means additional resources or work in already overstretched environments. Examples of this included strategies around the policing of substance misuse, the approach to mental health responses by the police, work relating to migrant victims of domestic abuse where there were seen to be constraints on what was possible due to the differing approaches between the Welsh Government and the UK government.

It was also raised that the Home Office often creates new initiatives or mechanisms to deal with problems, and as a result plans are created, or new partnership groups set up, but there is no accounting of the fact that arrangements are already in place in Wales. This is frustrating and, as one respondent commented, a waste of time and effort. One example provided was Serious Violence Partnerships in Wales, which has a still active and engaged Community Safety network and existing mechanisms to implement the duty.

This was seen to be the same at an operational level. An example given was the Youth Justice, Women's Justice and Violence Against Women Domestic Abuse and Sexual Violence (VAWDASV) Blueprints, where decision to act was seen as based on the strengths of relationships and voluntary co-operation, rather than mandated adherence to a plan - but that could be undermined if key strategic partners took a different position. A further vulnerability at the operational level, that could affect the Blueprints work but also provides day to day challenges in Welsh communities, was that decisions in Westminster can sometimes be made that do not align with approaches agreed in Wales; this can present challenges for partners to navigate and negotiate. This perceived fragility of the current arrangements and lack of statutory powers to direct policing partners was highlighted as a challenge in terms of developing long term strategies and partnerships because of the associated uncertainty around whether policing commitments could be sustained in the longer term depending on personnel

changes or future Home Office decisions.

*“ Life would be a lot simpler if some of these key relationships were in the devolved space and we were able to say with absolute confidence you know, we work with you we recognize you as trusted partners too, understand where we as Welsh Government are coming from and we can work forward together rather than feeling that any of this might be might be challenged from outside. ”*

It was also highlighted that the practical considerations in developing strategies and proposals to tackle challenges within Welsh communities at strategic, regional, and local levels, took longer and were more complex due to having to negotiate and navigate what was possible or permissible for policing to engage with and to what level.

Respondents also mentioned various challenges relating to Home Office decision making that didn't necessarily fully account or consider differing arrangements in Wales. Such issues then required time and effort in determining the implications of such policies for Wales or liaising with the Home Office to raise awareness of the Welsh context in an attempt to Welsh proof those decisions or managing relationships with other stakeholders in the space. Examples included National Police Chiefs Council guidance on how the police should work with social services that didn't include a consideration of Welsh legislation, or mental health or nursing provision in custody and existing arrangements around the blueprints.

So, while respondents were broadly positive about the existing partnership working and co-operation, the issue of alignment between police and partners in Wales was highlighted as something that devolution of policing could address. Some respondents did mention that the next natural step would be to devolve policing as there would be benefit in formalising those arrangements and enabling that partnership and co-operation to be guaranteed through statutory

powers. In doing so, respondents thought it would remove uncertainties around what was possible in terms of police engagement, offer more certainty in terms of police commitments to partnership strategies, reduce complexity in developing Welsh strategies and potentially help to align and clarify funding arrangements.

Some participants also noted that the devolution of policing would also offer opportunities to further strengthen partnership working in Wales, better embedding policing in wider partnership structures and strategy development. For example, at the moment, the Future Generations Act requires each Public Services Board (PSB) to invite each corporation sole (the Chief Constable and the PCC) to be a full member of the Board but they cannot be legally required to accept the invitation. In practice they have accepted and often play a very active role in the PSB but devolution would embed policing in local government arrangements on a statutory footing; to encourage attendance and deepen the links with policing beyond the criminal justice space to consider related areas around health, for example.

## **One public service system**

Another consistent theme that came out of the responses was the idea that there is a distinct approach and agenda within the public services of Wales, and that while policing in Wales does align to these values there are limits in the extent to which this is possible. As with the issue of partnership working noted previously, when discussing the various overlaps between policing and devolved services in Wales respondents often highlighted that there is a good buy in to the Welsh approach from Welsh police forces. However, and echoing the previous point, respondents stated such buy in is again contingent upon voluntary and informal arrangements between the police and partners in Wales. This means it is vulnerable to conflicting Home Office objectives which can undermine the extent to which Welsh policing can pursue particular agendas or approaches.

More fundamentally there are limits to what can be achieved through the existing arrangements given that funding, policy direction, accountability, training and standards and legislative underpinnings are the responsibility of the UK government. Therefore, a significant benefit and opportunity of devolving policing to Wales identified by respondents were that it could allow a greater alignment and integration of policing with the broader public service approach in Wales.

In discussions of this participants noted the value of the one public service approach in Wales and the need to work together in the pursuit of a shared goal for improving services for the people in Wales and a recognition of the limits of the isolated activity. Some respondents highlighted that where possible the police are already committed to this one public service approach, with the involvement of the police in joint strategies around anti-racism, VAWDASV, and community safety given as examples of this commitment. However, as noted previously such engagement is contingent upon continued engagement and fragile because of the lack of statutory backing. A respondent noted that:

“ “The strategic level bodies formed by the Welsh Government and policing on overall planning and specific policy areas such as violence against women and girls, community safety, and anti-racism, could fall away if the UK government decided that it did not wish to work with the Welsh Government in this structured way.” ”

Moreover, while responses did suggest that the police were already engaging within the one public service agenda it was still acknowledged that the current devolution settlement made it difficult for Welsh Government to include the police in the formulation of its strategies given the lack of statutory powers in directing their practice or involvement in Welsh strategies. One respondent identified that,

“ *“If we're setting out to strategic vision for something, for health, they're*

*part of it, policing, we work with them, but they wouldn't be part of the strategy because they're not our responsibility in a sense, whereas I guess they would be just as we would, you know, at the moment on the strategies we're drafting with officials in social services, so they will physically be drafted into our documents, so it is joined up whereas we wouldn't be doing that with the police.” ”*

## A new vision for policing

Many respondents also talked about how devolving policing could allow a reframing and reprioritisation of policing in line with a new vision, culture and set of values. In terms of what the vision, culture and set of values for policing in Wales should look like, respondents highlighted a range of ideas but there were some common themes, including a greater emphasis on partnership, prevention, community, social justice, a human rights-based approach and a strong emphasis on equalities and cohesive communities.

In framing discussions some participants drew on the historical underpinnings of modern policing through the Peel principles, arguing the devolution of policing of Wales could be an opportunity to re-establish those underpinnings. Others recognised the value of the Peel principles but argued that discussions of values and vision need to be more ambitious and not be constrained to Peelian ideals for policing. Others gave examples of these new opportunities by drawing attention to the existing values that they perceived to be pervasive across the Welsh public service landscape and inspiration could be drawn from the Wellbeing of Future Generations Act (which cannot currently be applied to policing) and the one public service agenda. One respondent stated:

*“ I think the ethos in Wales there's an opportunity, particularly with the principles outlined in the Wellbeing of Future Generations Act, a fairer*

*society, a more equal society, and more cohesive communities. I think the principles included in there [the Act] are ones which can be equally applied to the police service.” ”*

In terms of examples of what this might look like, participants referred to prevention being a key part of existing practices in Wales and that they believed the role of policing in Wales was different to the practices and approaches in England with particular reference paid to the development of the anti-racism plans in Wales, VAWDASV, the youth and female justice blueprints, the emphasis on Adverse Childhood Experiences, the Welsh Government’s funding of Police Community Support Officers and the relevance of that to neighbourhood policing.

The emphasis on community was particularly prevalent in the responses received with many respondents highlighting the importance of connecting policing to communities and the importance of communities more generally in Wales. This was seen to be a particular advantage to Wales considering its polity and the degree of proximity between the members of the Senedd and the communities they serve. Many respondents noted this important relationship and how the size of Wales meant that there was a greater connection between communities in Wales, their elected representatives in the Senedd and therefore the Welsh Government. One of the advantages of devolving policing to Wales, respondents argued, is that it would bring decision making about policing closer to communities in Wales and therefore in line with this community ethos. One respondent suggested that:

*“ If it was devolved, I think it would enable policing to respond to local needs in a better way because currently the Home Secretary would set the national priorities and targets for policing which covers England and Wales. Because it’s going to be done on a smaller scale by Welsh government, it is going to be closer to communities, the needs of*



*communities, and you know the wants of the Welsh public. So hopefully it would be a more responsive sort of policing in Wales, responsible, responsive to local communities and the issues that they're facing.” ”*

Some participants also noted that bringing decision making to Wales should improve the relevance and suitability of policing practice to the Welsh context as they argued that decisions in the current arrangement are less likely to reflect the particular needs and context of Welsh Communities given the greater number of English forces which, they argued, brought more influence in Home Office decision making. It should be noted that this focus on local decision making among respondents also tied into their considerations around what policing would look like if devolved to Wales with some highlighting concerns that devolved policing in Wales may pose a risk of overly focussing on Cardiff and South Wales.

On the issue of culture, a recurrent theme in the responses was the various cultural and reputational challenges faced by policing in England and Wales, such as lack of trust and confidence around perceived negative practice such as racism and misogyny and reported cases of corruption. Therefore, many responses highlighted the opportunity for devolution to make a distinct and positive change to the culture and public perception of policing in Wales. Linking to the previous points about a Welsh approach to policing and public services more broadly, many respondents discussed that they felt a more community-focused approach could benefit Welsh policing through developing and maintaining local relationships with people and communities, which could in turn build trust between communities and the police. Some respondents felt that devolution could enable the Welsh Government and Welsh police forces to tackle cultural and reputational challenges more directly in Wales and argued that it would be easier to instigate cultural change in a small number of forces as part of a devolved structure than it would be across England and Wales as a whole.



In discussions on police culture, many of the respondents referred to the particular challenges faced by the Metropolitan Police which they argued had spillover effects for reputational challenges for the police across England and Wales as a whole. These challenges were set out by the [review conducted by Baroness Casey](#) in 2023, which highlights failings in representation, management, leadership and operational priorities, but also lack of transparency, tolerance of discrimination and a risk of losing policing by consent. Therefore, some respondents argued that devolving a model of policing for Wales may enable the police in Wales to be insulated from the reputational challenges caused elsewhere, where these challenges were not evidenced. One respondent stated that:

*“If you were devolved, when the MET had a cough, we wouldn't necessarily catch a cold in the same way ... And I think that is a very real phenomenon in policing, because Police Scotland are able to distance themselves from policing in England and Wales in a way that policing in Wales can't ... A Welsh police force, or policing in Wales having its own formal identity, its own formal brand, its own formal oversight mechanism, its own formal inspection regime could distance itself from what is a very, very complicated arrangement in London.”* ”

While most respondents did view devolution as an opportunity to improve the culture and values of policing in Wales, a small number of participants were more cautious arguing that devolution wasn't necessary to address cultural challenges and there were other avenues to pursue that didn't require such substantial change. Similarly, another respondent argued that cultural challenges were not unique to English forces and devolution would not necessarily solve cultural challenges in policing.

In considering the potential for the devolution of policing to allow a new vision, culture and ethos for policing, some respondents also argued that it would be easier to instigate change in a devolved Welsh capacity given the smaller

number of forces and the existing relationship and arrangements within Wales. There are real opportunities to align more directly with Welsh legislation on VAWDASV for example and the focus on public service workforces in tackling misogyny and perpetration within the organisations trusted to protect victims and bring perpetrators to justice. Equally the focus on discrimination and a workforce more representative of the communities they serve is a challenge that could be tackled, in a more joined up way with a stronger aligned partnership, with public service across Wales committed to tackling social justice and inequality.

## Key theme: challenges

In the research undertaken various challenges and considerations were identified that would need to be addressed in the preparation for, and delivery of, the devolution of policing to Wales.

Broadly these centred on 4 key areas:

- Finance and resourcing
- National infrastructure and interoperability
- Governance and accountability
- Powers and legislation.

It should be noted that whilst the majority of interviewees and respondents were supportive of the principle of devolving policing to Wales, some interviewees expressed that the full financial and operational implications of devolution needed to be understood in greater detail before a decision is made.

## Resourcing and finance

These 2 elements were perceived by respondents to be the fundamental issues

to resolve. Many felt that these elements, if not given due consideration have the potential to derail the devolution aspiration. They were identified by respondents as being the areas that posed the most risk to the devolution of policing in preparing, delivering, and embedding a resilient model of policing in Wales. The concerns raised also recognised that there was also the need to consider the resourcing requirements and costs of any wider plans for justice devolution. The following comments were made by respondents:

“ “ It worries me that we talk about devolution of policing, and they will say, OK, next year we are going to devolve youth justice and probation service to Wales ... what's the structure behind it? And you know how sure are we, we are going to get it right, because getting that, those things wrong has a huge impact on communities. And then when you take it that step further and consider devolution of policing, you can't just do that overnight.”

“ “It is immensely complicated, and I suppose the other thing I would say is, don't rush this ... I think everyone, ministers particularly, would like to get stuff done quickly, but if you want to get the get the money right, get the people right and providing a reasonable timetable with which to deliver the devolution I think it's absolutely essential. Trying to do it in a year or 18 months is probably not going to deliver the sort of settlement with the right money. ”

## Resourcing

Respondents raised 2 specific challenges relating to resourcing.

One, identified the investment and recruitment of key expertise to help prepare for the transition and implementation of the new model of policing for Wales.

The second identified the need to resource the ongoing requirements of supporting the new model within Welsh Government.

## **Resourcing preparation and transition**

In relation to this a common message from respondents was the devolution of policing would be a significant body of work and should not be underestimated in terms of its scale and complexity.

In considering the implications of any plans for wider justice devolution there were substantial concerns around the level of capacity, cost, and resource requirements, with the need for specific expertise in Welsh Government to adequately conduct the necessary preparatory work to deliver the devolution of policing.

On the issue of expertise specifically, a number of respondents noted that while there is some experience of policing policy in Welsh Government, it has not currently got a substantial level of expertise in managing operational policing at a government level.

Respondents highlighted that there would be significant resource demands in terms of setting the foundations for devolution. Examples given included the need to develop a clear proposal and business case for devolution engaging further with stakeholders. This needed to consider an in-depth cost-benefit analysis associated with particular proposals, a thorough consideration of the operational, structural, financial, and legislative implications of devolution. This should happen before actually starting the process of devolution.

Many respondents emphasised the importance of not underestimating the complexity of this work both in terms of resources and time required to plan and implement any agreed changes effectively. This led to some respondents raising concerns regarding the pressure potentially placed on the small number of

individuals with specific expertise, including Senedd committees and scrutiny arrangements around the introduction of legislation that may result from either a move towards devolution by Welsh Government, or entrenching of the position by Westminster that could see further UK legislation to that effect. It was also acknowledged there could be a potential impact on performance across policing and other organisations given the ongoing pressures in delivering their existing functions.

Other respondents also highlighted potential pinch points and impact on resource requirements for partners, such as local authorities and the varying levels of input or working groups that might be needed to advance this work. Respondents raised the need for preparatory structures, such as a multi-agency programme board, or shadow executive within Wales to help prepare for devolution. Because of these perceived resourcing challenges some respondents advised that a clear plan and budget would need to be decided before they could comment on the relative merits of devolution of policing in more detail.

## **Resourcing and future resilience**

A number of respondents noted that it would be likely to require the creation of a new department within Welsh Government and a commitment to understand what that would mean to others in terms of capacity, for example the Senedd.

Accordingly, there were concerns around how the Welsh Government would recognise the particular nuances and complexity in delivering devolution. Respondents highlighted this as an issue for both civil service staff and for members for the Senedd and argued there would need to be a proactive approach taken to raise awareness of the specific issues associated with policing.

Relevant to this point about capacity and expertise a number of participants

noted potential challenges relating to the size of Wales and issues of economies of scale in looking to deliver some of those UK government functions within Wales. This challenge was seen to be particularly pertinent to more specific functions that support policing such as the Home Office, College of Policing (CoP) or His Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) whereby respondents raised questions around whether the cost of developing equivalent Welsh specific bodies or structures would be an appropriate investment given the scale of Wales.

This was also seen in relation to discussions relating to the specialist expertise required for more specialised crime types. Several respondents articulated that the current approach, through Regional Organised Crime Units (ROCU) and the National Crime Agency (NCA) enables specialist support to be drawn upon depending on the threat. Some threats may not be considerable within Wales, and not of sufficient magnitude to justify dedicated expertise or resource in Wales, but at some point, the threat may materialise. Not having the capacity and capability significantly increases risk as identified by the following respondent.

“ I think what I would flag is, there is an element of needing to look at what sort of volume there would be in certain areas of criminality within Wales, and would there be enough demand to keep people's knowledge, skills, experience, expertise up in those very technical areas? Whether that's complex financial crime, whether it's NCA-related type of investigations. But I think whatever is introduced, should it change, I think there's got to be that reflection that you need the right skilled people in post, with the right capability to be able to what is often the higher-end criminality.” ”

This challenge ties in, and is covered further, in the interoperability section below.

## Finance

Respondents identified concerns around the negotiations and agreements of the funding settlement should policing to be devolved. Respondents noted the complexity of these discussions given that the funding settlement would need to be cognisant of the whole system implications of devolution. This includes the new formal structures needed in Welsh Government and the future funding provision of national policing functions and supporting functions. Respondents noted a degree of uncertainty on this point as it would depend on the specifics of devolution arrangements.

Accordingly, respondents highlighted concerns that there was a risk Wales would not receive the equivalent level of funding proportionate to the functions that Welsh Government would be taking on. A concern was raised by some that police in Wales may no longer be able to access the funding streams offered by the Home Office, for example the Operation Uplift Programme, and an acknowledgment that Welsh Government, given the size of their budget, would not be able to offer similar opportunities. In July 2019, the government announced **plans to recruit an additional 20,000 police officers** in England and Wales by the end of March 2023. The Home Office established the Police Uplift Programme to help forces to achieve this.

Some respondents explored the implications devolution might have on training initiatives, specifically, the Police Education Qualifications Framework (PEQF). As noted by the **Commission on Justice in Wales**, there has been a longstanding issue over how funding for the Framework works and how this relates to the Apprenticeship Levy introduced by the UK government in 2017.

Since the publication of the report of the Commission on Justice in Wales, the Home Office has provided additional funding to Welsh force areas, but there are still disputes over the degree to which this solves the issue and discussions continue between the Home Office and Policing in Wales in this area.

This highlights the complexity of current funding and constitutional arrangements, and the perception that Welsh forces may receive less funding than their English equivalents as a result of this 'jagged edge' situation. It also underlines the need for careful consideration to ensure any devolution of policing to Wales makes the funding picture simpler rather than more complicated. This may be challenging given the complicated existing funding landscape created by the Levy.

It was also identified by some respondents that the impact of this would present challenges both in terms of the certainty of budgets, the availability of funds to drive innovation and system improvements, but also in terms of the operational delivery of police forces. Therefore, respondents noted there was a degree of risk relating to the future capacity of Welsh Government to manage policing as a devolved service.

A few respondents considered the impact on the policing workforce in its broadest sense and that devolution should have little effect on police staff; however, respondents did identify a couple of areas where the devolution of policing might affect police staff and therefore police resourcing. For example, if pay and conditions were to diverge unfavourably between Welsh and English forces, or if Welsh officers were seen to have more limited opportunities for progression in a smaller service, then there may be a risk of Welsh forces being seen as less attractive to prospective police officers. An alternative view is that in principle devolution could also offer an opportunity to offer better pay and conditions.

Many respondents identified the potential vulnerability of policing budgets within the Welsh Government. It was noted that the current arrangement, with policing in Wales funded as part of larger Home Office policing budget, offered a degree of protection for Welsh police forces from broader economic circumstances, budgetary pressures, and prioritisation shifts. There was a concern that were there broader economic or financial challenges, the smaller size of the Welsh Government as an organisation meant there would be less room for manoeuvre



in the Welsh Government's budgets to respond to these challenges which may translate to pressures on police forces.

In acknowledgement of this, many of the responses highlighted the increased risk of policing budgets being reallocated to other areas of Welsh Government, with reallocation to health services used as the main example. There is no guarantee that an increase in Welsh Government funding through the Barnett formula linked to policing, for instance any funding provided by the Home Office for policing apprenticeships to Welsh Government, would be used for this specific purpose as a result of how the Welsh Government budgeting process works. It is worth highlighting the context in which these interviews took place, notably during a period whereby Welsh Government was under significant budgetary pressure and money was being reallocated across the Welsh Government.

## Potential mitigation

- The current UK government has committed to reviewing the funding formula. This could have implications for the future funding of the 4 Welsh police forces and be a fundamental part of future funding negotiations. Although it should be noted that a review of the funding formula has been announced several times over previous years and not yet achieved.
- The Home Office is the lead government department for immigration and passports, drugs policy, crime, fire, counterterrorism, and police. The [organogram of staff roles and salaries](#) published by the Home Office in February 2024 outlines hundreds of senior and junior staff positions. This report is not suggesting that there would need to be a replication of this within Welsh Government but there will need to be a piece of work undertaken to understand what specific responsibilities Welsh Government will be undertaking, what skills and expertise will be needed to deliver this (roles and job descriptions) and the associated cost.
- To assist with building an understanding of the skills and expertise required

to run a devolved policing service, the Welsh Government could consider undertaking the following work:

- Explore the support (skills, expertise) and budget required in other countries where policing (and or justice) is devolved.
- Carry out a skills gap analysis in Wales to develop the resource requirement. This could include a whole system impact assessment of devolution (prepare, implement, and enable future resilience) this would model skills required, costs and help to build a skills development / recruitment programme to support devolution requirements.
- Welsh Government to undertake a specific financial assessment in relation to the current cost of policing in Wales the cost of police devolution and assessment of future costs to both deliver and ensure sufficient police funding.

## National infrastructure and interoperability

A second major theme identified through the analysis of responses was the need to consider the broader national infrastructure that supports police forces as well as the necessary relationships between forces either side of the England and Wales border.

It is worth noting that these issues around operational interoperability were framed more in the sense of challenges to consider rather than fundamentally problematic for the potential of devolution.

While the ability to align policing with other devolved services in Wales was seen as an opportunity of devolution respondents were keen to emphasise that in resolving one set of 'jagged edges' it was important to not create a new set of jagged edges in terms of co-operation and engagement with English forces, or services and functions that would be retained at an England or UK level.

In thinking about this issue of interoperability there were broadly 3 components

to this: interoperability with police forces in the UK, interoperability with supporting functions such as the college of policing and HMICFRS, and the interoperability with functions such as the NCA and Counter Terrorism.

With regards to interoperability with other police forces respondents, particularly those with an experience of policing, highlighted that the nature of particular crime problems and geographies mean that some of the forces in Wales required closer ties to forces in England, sometimes more so than other forces in Wales. For example, many participants discussed how North Wales Police has strong connections and partnerships with forces in the northwest of England evidenced as part of their participation in the Northwest Regional Organised Crime Unit.

Related to this issue, respondents also raised the continued need for joint working and mutual aid. Most were pragmatic in relation to this and suggested that these arrangements could be managed when planning and negotiating devolution. The general theme of responses around this was that there was little reason to suggest that joint working and mutual aid would be affected in practice with many of the challenges able to be overcome through a degree of pragmatism and partnership. Respondents highlighted PSNI and Police Scotland as examples of joint working already existing with devolved police forces. One respondent did note one risk which may not be an issue immediately but may arise over time, namely relating to policy divergence. They argue that if, over time, Welsh and English policing policy diverged significantly there could be particular pressures placed on cross border and collaborative activity.

In considering the national infrastructure that supports policing there was some consensus across the responses that retaining non-devolved arrangements would be preferable in some areas of operational activity. Primarily this related to areas that were identified as national security issues, or international in nature such as the work of the NCA, cyber security and counterterrorism. It was noted that their functions provided specialist expertise, capability and systems that are

essential in identifying, responding, and enabling a joined-up approach to significant threat and security issues.

Respondents were largely in agreement that these services require close working and collaboration to be effective, and attempting to form an equivalent in Wales would likely be not only costly, but also potentially detrimental to the safety of UK citizens. It was however acknowledged that in devolving policing to Wales this would require some consideration of how these functions would link into local policing in Wales. Specifically, this would include consideration of links into existing structures like the ROCUs, and the circumstances in North Wales given the nature of that particular ROCU which includes both English and Welsh forces.

Respondents referred to practices in Police Scotland and PSNI as potential avenues to explore in terms of how a devolved service in Wales could work with these national policing structures.

While there was a degree of consistency of responses in relation to the NCA and counterterrorism there was greater variation in respondents' views on what the devolution of policing meant for the elements of national policing infrastructure that provided a support or inspection function. Respondents highlighted the need for further work to understand the relationships between the Welsh Police Forces and other bodies for example, the CoP, HMICFRS, the Independent Office for Police Conduct, the Police Federation of England and Wales, Association of Police and Crime Commissioners and National Police Chiefs Council.

Responses in this area tended to focus on the CoP and HMICFRS in particular citing relevance to training, defining values, and setting standards which some respondents thought would be important in developing a Welsh police service with a particular Welsh model. Some respondents argued that having a training or inspectorate function retained under the Home Office would constrain or limit the ability to pursue a distinctive Welsh agenda. In this case there were

identified challenges around resourcing Welsh versions of these bodies, as well as the ability of a Welsh body being able to replicate the wide variety of functions enacted by the College of Policing given issues around economies of scale mentioned above. There were also concerns around whether the development of separate Welsh bodies would lead to a loss of policy capability and expertise and opportunities for sharing information, learning and knowledge exchange.

Other respondents argued the case for the retention of these bodies as non-devolved functions, there were suggestions that the financial case for establishing separate bodies was problematic and that the recognition of Welsh differences under a devolved model could be accommodated within the existing structures. Benefits of this approach would include retained access to centralised functions of support and policy capability as well as opportunities for information exchange and sharing of good practice.

However, in addition to the potential constraints raised above relating to fully realising aspirations around a bespoke vision, culture and ethos for Welsh policing, there would need to be a consideration of the practicalities of how a devolved police service in Wales would engage with these structures. Again, respondents drew attention to arrangements in PSNI and Police Scotland where there may be opportunities to learn from those practices. For example, PSNI commission HMICFRS to undertake their inspections and are then billed for that work.

In addition to the structures and infrastructure that support policing directly, some respondents did also consider how the devolution of policing would fit within the broader criminal justice landscape. In particular the Crown Prosecution Service (CPS) was highlighted by several respondents as a potential challenge for devolved policing given its role in sentencing and processing cases through the court system. It may be more difficult to ensure that the CPS would be afforded additional resource in Wales to process such an increase. This could be an issue in progressing cases efficiently and effectively for victims.

## Potential mitigation

- Clarity on the vision of a future devolved model of policing would help to design the functions that are then required to deliver this (structure should follow strategy).
- There is a cost and complexity associated with separating from national structures and therefore a need for further engagement to assess each on an individual basis. Consider how to use analysis to determine an approach, together with the opportunity to design decision making around a set of principles (see section 5 hybrid model).
- It would be helpful to carry out several tabletop exercises for each function to ensure all of the potential scenarios (for example political implications, interoperability, funding resource are considered, in order to inform decision making.
- The Welsh Government could learn from how Scotland and PSNI manage connectivity and interoperability with national functions to inform potential options and decision.
- Maintaining strong links with those organisations that support UK policing will help to mitigate the risks posed and ensure that issues that arise are worked through in a positive and collaborative way.

## Governance and accountability

The issue of governance was also an important theme that came out of the responses. While the transfer of responsibilities for policing to the Welsh Government was regarded positively by many respondents (it is worth noting that some respondents maintained a position of neutrality on this) it was also recognised that there may be a degree of complexity in the governing arrangements depending upon the model of devolution proposed.

There was broad agreement that there would need to be the development of a

Welsh Government department to support the delivery of policing in Wales and the development of ministerial responsibility for policing in the Senedd to provide political oversight and responsibility for policing in Wales.

However, it was noted that there would need to be consideration of how Senedd responsibilities for policing functions in Wales would interact with Westminster responsibilities for elements of policing retained at an English and Welsh or UK level. Some respondents highlighted that there would still be a risk that operational policing would need to navigate two different governing bodies in certain situations, for example if there were joint policing operations between English and Welsh forces or when Welsh forces are supporting national agencies in their functions.

A number of respondents also raised some possible implications relating to the introduction of Welsh Government and the Senedd into the existing policing governance arrangements and the issue of police operational independence. While the size of Wales and the engagement and involvement of Ministers within communities was highlighted as a strength of Welsh Government and its community ethos, some respondents did highlight the potential challenges this might lead to in terms of Ministerial interest in policing decisions. There was a concern that this proximity of Welsh Ministers could lead to situations which may threaten the principle of operational independence and would require regular boundary maintenance between ministers and policing officials but also some consideration of the setup of the governance arrangements to prevent undue political influence on operational policing decisions. The prevalence of this issue also tied into discussions around future considerations for policing post devolution around police accountability arrangements and models.

In terms of public awareness most respondents did believe that as long as the public continue to receive the services, they expect there would be minimal public interest in the specifics of policing devolution. However, a small number of respondents did highlight that given the high-profile nature of the area there was the possibility of public interest and if there were disruptions to policing in Wales



there may be a reputational risk to both members of the Senedd and for Welsh Government as an organisation.

## Potential mitigation

- Potential for Welsh Government to agree governance arrangements with stakeholders and ensure that roles, responsibilities, direction, and control over policing is written into statute to protect the operational independence of the Chief Constable.
- If devolution of policing is agreed Welsh Government will need to develop a communication strategy with policing explaining the purpose of devolution, the plan for it and what would be different as a result, as well as how police officers and staff can contribute to the process.

## Powers and legislation

The issue of specific powers and legislation were raised by respondents in a broad sense, in that any way to progress the devolution of policing would need to consider the existing legislative underpinnings of policing in England and Wales and what legislative changes would be required to deliver the devolution of policing in Wales.

While respondents raised this as an issue none of the respondents went into specific detail about what legislation should be looked at and for what reason. There was an acknowledgement among the respondents that the specific legislation and powers to consider would be dependent upon the specific proposals for devolution and the model adopted. There was also an acknowledgement that the legislative underpinnings of policing were complex and would require careful consideration.

It was also noted that there would be a need to consider future legislation and a



requirement for legislators in Westminster and Wales to consider the implications if the model was devolution of policing powers and functions without the full devolution of justice and a separate legal jurisdiction, as that would potentially make legislating more complex in relation to policing in England and Wales. This is noted in the section on models and the specific recommendations of, in particular the Silk Commission, that for powers around national security to be devolved a consideration of the devolution of criminal law would be required. There may be other areas that could not be disaggregated from that wider devolution of the Criminal Justice System.

The following is a list of legislation referred to, or found, during this piece of work. It is not exhaustive.

- The Police Act 1964
- The Local Government Act 1972
- The Police and Criminal Evidence Act 1984
- The Police and Magistrates Court Act 1994
- The Police Act 1996
- The Criminal Procedure and Investigations Act 1996
- The Crime and Disorder Act 1998
- The Terrorism Act 2000
- The Police Reform Act 2002
- The Civil Contingencies Act 2004
- The Serious Organised Crime and Police Act 2005
- The Police and Justice Act 2006
- The Police Reform and Social Responsibility Act 2011
- The Crime and Courts Act 2013
- The Policing and Crime Act 2017
- The Wales Act 2017 and the Welsh Ministers (Transfer of Functions) Order 2018
- The Police (complaint and Misconduct) Regulations 2020
- The Police, Crime, Sentencing and Courts Act 2022
- The Public Order Act 2023

Related to this, some respondents raised points around what is meant by the devolution of policing and the limits of phased devolution. For instance, many respondents tied discussions around the devolution of policing into a wider point around the devolution of justice more broadly, arguing that the real benefits of devolution will be only realised if the justice system as a whole is devolved and that there would be limitations to what could be achieved if only delivering certain aspects of the justice system.

Some respondents mentioned a few specific areas of practice where the current devolution settlement did create specific barriers to operational practices in Wales. Most notable was the example relating to the provision of forensic medical examinations in sexual assault referral centres whereby due to the specific legislative arrangements currently in place health boards in Wales have been prevented from providing forensic medical examinations in Wales. Another example raised included the 2018 transfer of functions legislation which transferred power to the Welsh Government to direct devolved services in relation to part 1 of the Civil Contingencies Act 2004, which was unable to include the police as a non-devolved service.

Similarly, one respondent noted how differing agendas between the Home Office and the Welsh Government about how to respond to and treat migrants meant that it was difficult to secure police co-operation on data sharing restrictions around migrant victims of abuse given concerns that their details may be shared with the Home Office. Other examples included how the devolution of policing may open up avenues for different ways of responding to the problems presented by substance misuse in Wales.

## Potential mitigation

- Further work should be undertaken to understand the connection between powers that Welsh Government wish to devolve and the specific legislation that underpins this in order to understand the changes required and

timeframes associated.

- Further examination of the existing expertise, and capacity, of the Welsh Government and legal services in developing and implementing legislation, and the Senedd (in committee and plenary) in scrutinising and considering it; and the impact that this would have on the existing and any new committees required to take this forward in Wales. It is noted that the legislation currently being considered by the Senedd would increase its size to 96 members from the current 60.
- On top of the transfer of powers there may also need to be significant legislative change to ensure that powers devolved to Wales have appropriate legislative equivalents in Welsh Law. Amendments may also need to be made to existing England and Wales legislation to disaggregate them. Legislative change will take a long time, so this should be considered as when the transfer of power is agreed, the full enactment of this could take considerable time.
- There may be opportunities to make changes that support the transfer of powers that do not require legislation. If they are identified then these could be considered first, but further exploration will be needed to investigate what these might be.

## Section 5: Models

In considering what a future devolved model of policing could look like it is suggested that Welsh Government needs to be clear on what they want to achieve, what is the vision for policing in Wales, how does this fit with a wider Welsh Justice System and therefore, what will Welsh Government need to be accountable for in order to deliver this vision.

As head of the Home Office, the Home Secretary is legally accountable for national security and for the role that policing plays in its response (**Policing Protocol Order 2023**, s30).

Whilst some powers have been devolved in a mixture of settlements to Scotland, Wales and Northern Ireland national security has not. When considering the policing system in current existence including national, regional, and local functions, none of the respondents interviewed thought there would be any political appetite to allow any change to the current national (international) security landscape.

Currently the Home Secretary is also responsible for the Strategic Policing Requirement (SPR) which sets out the Home Secretary's view on the national threats that the police must address. Whilst the SPR applies only to Home Office forces in England and Wales, many of the threats set out in the SPR affect all parts of the United Kingdom. Nothing in the SPR is intended to impact on the current arrangements for provision of mutual aid between police forces of the UK, including those outside of England and Wales.

The **SPR published by the Home Office in February 2023** clearly states that the SPR is available for adoption by non-Home Office police forces in England and Wales, such as the National Crime Agency, British Transport Police, and Civil Nuclear Constabulary and Military of Defence Police. It is also clear that in order to meet interoperability challenges across the UK, other forces are encouraged to have regard to the SPR's assessed threats insofar as they are applicable to their jurisdictions.

Most respondents were firm regarding the need to maintain connectivity to protect Wales and the UK. Due regard to the SPR, or maintaining it as an England and Wales requirement, are areas that would require further thought as to the impact on interoperability. If policing were to be devolved and that requirement no longer applied, it was thought that in practice the ability to separate from this arrangement was unachievable at a practical level; and as such any functions involved within the remit of National Security arrangements should remain the responsibility of the Home Secretary. The question remains about whether that would be sensible if the SPR was not applicable to Wales in the way it currently is, or whether the arrangements would remain if policing

were to be devolved (and the subsequent constitutional requirements of doing so or not).

Should policing be devolved there is a practical need, which many respondents raised, to remain connected somehow with policing in England due to its close proximity and connection with many English forces, the cross-border criminality and mutual aid requirements. Legislative arrangements may manage this, and of course Northern Ireland and Scotland have such arrangements in place. For example, both PSNI and Police Scotland have long standing arrangements with the National Crime Agency which those interviewed have stated work well but require the correct ethos and attitude from all partners.

The need to maintain the relationship and connection also extends beyond the borders of the UK and supports the challenges of intelligence arrangements and working with policing in Europe for example, particularly around areas of organised crime, modern slavery and trafficking of people and threats and risks associated with the movement of people. If policing were devolved there may be a requirement to replicate some of these arrangements and relationships directly with Welsh policing.

For the purposes of this section, functions are those that support policing at the national and regional organisational and operational level, and all functions within the four Welsh police forces.

As it has been identified previously and corroborated through the analysis of this work within section 3, it is the current policing system that poses difficulties for direction, control, and policy implementation.

As acknowledged by Dr Rob Jones:

“ “unique constitutional arrangements that exist in Wales have led to the emergence of a hybrid system: criminal justice policy space occupied by two different governments, each with its own democratic mandate, policy

vision and priorities.” ”

Consequentially policing is “caught” trying to reconcile different approaches for the UK and Welsh governments (**The Hybrid System: Imprisonment and Devolution in Wales** 2017).

To assist in determining what a future model of policing could look like it is suggested that Welsh Government consider the following.

- What functions and powers do Welsh Government want to devolve and how would this align strategy and improve policing services in Wales?
- What functions and powers will the UK government agree to devolve?
- What legislation needs to be considered?

Without a full understanding and assessment of the above it is difficult to be prescriptive and / or propose options regarding what a devolved model of policing could look like within this paper, as there are so many unknown elements. However, it was thought it may be helpful to consider the following:

1. (A) A Devolved model of policing: Seeks to immediately devolve all functions and respective powers to Wales (National, Regional and Local functions) of policing where it does not require wider criminal justice powers to be devolved (or with a view to the transfer of powers happening later to create a fully devolved model).  
(B) An incremental model of devolved policing: Seeks to devolve specific elements of the full model over time to reach a point of full devolution (whether this means policing only, or policing and criminal justice in full or part). This would enable the testing of operational functions and decisions to scale up (a public health approach).
2. A Hybrid model of policing: Devolve some policing functions, or part of some of those functions, alongside further consideration of wider criminal justice devolution, but not dependent on it. This enables a model that establishes

that policing is “devolved” with enough operating capability, powers, and ownership to Wales but within a framework. This might mean that aspects of policing are not devolved based on a cost and effectiveness decision, or the analysis undertaken (see below), or because additional powers and legislation would be required from the criminal justice system to do so.

## **A devolved model of policing**

This model would devolve all current national, regional, and local policing force functions, and subsequently accountability for the policing system as a whole would be to Welsh Government and the Senedd (except for all those functions specifically engaged in national security).

Ultimately the policing environment in totality will of course never be devolved until the wider criminal justice system is fully devolved, because some functions require the devolution of criminal law for example, to enable them to operate in Wales as devolved functions. So, the devolved model of policing will need to take account of what is intrinsically linked and therefore cannot be devolved separately. It would still, however, provide a model of policing from which to say it is devolved in Wales.

To support the understanding of what this model would look like there would need to be an analysis of all legislation in existence that supports the current arrangements, and what would be required to effect the change. This would mean timescales for this is a factor to consider in determining the point where policing can be described as devolved in Wales, but also some flexibility in agreeing a model that works for the Welsh landscape and recognises the different constitutional arrangements that underpin how any devolution would happen.

Policing would need to be devolved to Wales, as opposed to the arrangement in Scotland and Northern Ireland where the settlement started from the place of



policing and criminal justice being devolved matters and the Act agreed what was reserved to the UK government.

Despite that difference, it may also be helpful, albeit in a very different set of circumstances, to draw any learning from Scotland and or Northern Ireland. There are examples of where interoperability and arrangements have been negotiated, revised, and amended so that they can still function in a landscape where some areas are devolved matters and others are not. For example, arrangements with HMICFRS regarding joint inspections with HM Inspector of Constabulary in Scotland (HMICS) including '**Leading lights: An inspection of the police service's arrangements for the selection and development of chief officers**' conducted in 2019. The Scottish Parliament and Northern Ireland Assembly are also able to scrutinise the National Crime Agency (NCA). The NCA annual plan is with Scottish Ministers and the Department of Justice in Northern Ireland in so far as it relates to activities in Scotland and Northern Ireland respectively, even though the functions of the NCA remain with Westminster.

A fully devolved model of all policing functions would require the Criminal Justice System to be devolved as well. However, as the constitutional arrangements are different, and devolution of policing and criminal justice to Wales would be required from UK government to achieve this, there may be an opportunity for Welsh Government to consider achieving this in a phased way following the devolution of policing. This would be the incremental model that would allow for devolution of policing as a forerunner to wider devolution of justice and a separate legal jurisdiction.

Wider devolution of all criminal justice functions alongside policing, would take more time and resource, particularly around significant legislative change. However, there is already evidence to indicate Welsh governments' ability to drive forward new powers that take forward a different way of administering policing and criminal justice functions - for example, the enactment of the Children (Abolition of Defence of Reasonable Punishment) (Wales) Act 2020



that does not exist in England. This legislation abolishes the common law defence of reasonable punishment in relation to corporal punishment of a child in Wales, which in effect means that all physical punishment of children is now illegal in Wales, including by parents, carers, or anyone acting in loco parentis, in any setting.

Overall, senior stakeholders in both England and Wales commented on the need to understand what currently works well for them within the existing models across the UK and what could be improved upon. This could inform the discussions about what an optimum model for Wales could look like (and which one that would be) and to bring greater depth of understanding from the range of different arrangements, within the different settlements, and the experience of implementing them, to any necessary discussions with the UK government about what works, or explore what might need to change in the future to ensure that any model going forward is as effective as it can be. Respondents offered up thoughts now about how the Scottish and Northern Irish Models might already do this which are captured below as learning points.

## **Scotland: policing model**

The Scotland Act 1998 made provision for a Scottish government of ministers and a Scottish Parliament to which they would be accountable. The Act does not specify which matters are devolved to the Scottish Parliament, rather it specifies those matters that are reserved to the UK Parliament. Those matters not reserved by the Scotland Act are devolved to the Scottish Parliament, including justice and policing. Scotland has had a single national police force since 1 April 2013 ([The Scottish Criminal Justice System: The Police 2013](#)). The Police and Fire Reform (Scotland) Act 2012 provided for this change.

The Act also:

- Established a single Scottish Police Authority (taking over many of the tasks

formerly carried out at local authority level by police authorities and joint police boards)

- Created new police governance and funding arrangements.
- Established the post of Police Investigations and Review Commissioner (taking over from the Police Complaints Commissioner for Scotland) and
- Abolished a number of previous bodies including the 8 territorial police forces.

### **Potential points of learning from the Scotland model**

- The Police and Fire Reform (Scotland) Act 2012 sets out the policing principles for Police Scotland stating that the main purpose of policing is to improve the safety and well-being of persons, localities, and communities in Scotland. Setting out the mission of policing in statute signals a deliberate intention to encourage collaboration across services and nurture communities, and clarity and transparency in law about what the Scottish public can expect from its police force. This can be considered in how any change will need to be effectively communicated in Wales and what benefit the stating of the purpose in the Act has brought to understanding and confidence in Police Scotland.
- Police Scotland have developed a Code of Ethics that sets out what the public can expect and the core values of fairness, integrity, respect, and human rights. This approach is seen as anchoring their obligations under the Act, but also as a way of influencing trust and confidence in how policy is delivered. This is presented on the Police Scotland website as an approach that will deliver the best service to communities and could be considered in tackling messaging and challenges around trust and confidence in policing in Wales.
- Participants felt cross border arrangements in Scotland remain good, with the ability to still have pragmatic response where required working within the different devolved and non- devolved agencies. So, there are examples of where this can work well. The area where it was felt that there could be

some issues for further consideration would be a divergence of approach caused by legislation or approach that could affect interoperability.

- Participants identified the need for good analytical capability to be proactive to counter threat, risk, and harm, which is the case in Scotland. Where these functions currently sit, and the strength of that capability, may need consideration.
- Devolution of policing powers also requires a civil service that is able to support the new model and arrangements, particularly around the development of policy, including how the arrangement might affect the need to develop new policies.
- The Scottish model is supported by a good audit capability, which is important to consider.
- A fair funding arrangement for policing, and the common understanding of what 'fair' means is a key consideration from the outset of a devolved policing model. This includes both Wales getting its fair share at a UK level, and then arrangements for fair distribution within Wales and between forces.
- Careful consideration of the pros and cons of the new powers as they are introduced to ensure that any unintended consequences are avoided. An example in Scotland cited was a power that took away the ability for police to hold reserves, the consequence of which for policing was that it became very difficult to plan for capital allocation.
- The maturity of new arrangements and adaptation to political proximity may take some time. Not all benefits of devolution may be realised and obvious immediately. The Scottish experience highlights how a mutual understanding of this would be a good starting point, and time to adjust to a new way of working with politicians is important.

## Northern Ireland: policing model

The current structure in Northern Ireland is a result of the Good Friday Agreement. In 1998, an independent commission on policing was set up for Northern Ireland ([Policing in the UK 2021](#)). The commission published its

report, **A New Beginning: Policing in Northern Ireland**, in September 1999 and the UK government accepted all of the recommendations.

The Police (Northern Ireland) Act 2000 subsequently established the PSNI, the Northern Ireland Policing Board and the Police Ombudsman for Northern Ireland.

### **Some potential points of learning**

- The development of a professional, ethical, and respectful culture, and the creating and nurturing of public service values in a new arrangement for organisations could be linked to the recruitment process and/or other policies in a devolved policing model. There is an opportunity to look closely at how this is done to attract and retain the right people from Welsh communities as well as talent and experience required to shape policing, representation, and the culture further positively within the workforce.
- Modelling of costs is important to understand what is required both to develop a devolved policing model, and any unintended consequences or events that may also need financial consideration as a result of changes made, with an assumption that there will need to be some money to manage this.
- The opportunity to influence and ensure appropriate and diverse representation at the policing board provides good balance of challenge and scrutiny. This should be built in from the start.
- Devolution gives the opportunity to deliver a different social justice approach which considers the impact of policing decisions and approaches on people's lives in partnership with communities and partners. There may be scope to explore and test different approaches based more on communities in Wales rather than an approach across 43 forces with very different community needs and experiences.
- Devolution does not have to mean disconnect. It is possible to continue to have relationships with the NCA and maximise other crime specific

opportunities to improve services and response.

- Policing in Northern Ireland also has Police Community Safety Partnerships (PCSP) at District level supported by councils. The need to continue to engender good local scrutiny at the lowest level remains in a devolved model and Wales's model of CSPs and the network would enable this.
- Getting any new model right has to include the voices of the people who will work within it and the communities served by it to bring trust, confidence, and credibility. The model of delivery is one of co-production with people to ensure the development of an empathetic, compassionate culture that is able to engage, and problem solve.
- The inclusion of a Human Rights advisor who sits on the Policing Board is seen as a positive decision enabled by devolution that supports a human rights-based approach in policing, as well as strong third sector involvement In Northern Ireland; regular interaction for example with the Human Rights Commissioner is seen as highly beneficial in achieving this aim.
- There is a clear message that autonomy works but only with the right infrastructure to support it.

From the research undertaken, and information obtained during this work, the following are identified as the key opportunities and risks for a fully devolved model of policing, and criminal justice in Wales:

## **A fully devolved model**

Key opportunities presented by a fully devolved model:

- The ability to have truly integrated public services, that seek holistic solutions to problems and challenges and develop outcomes that support this.
- The ability to determine priorities for all devolved partners to enable a collective accountability for delivering on some key issues e.g. violence against women, and further strengthen the partnership arrangements to deliver policies and interventions that work across multi-agencies and reflect

the needs of communities in Wales.

- There would be greater collective ambition to do something different with communities if all sectors were aligned to the same priorities from Welsh Government.
- Less confusion over who works to what government would enhance public engagement and increase accountability as they take more interest in matters that they may feel they have a closer proximity to if policing is devolved.
- Devolution brings opportunities to build trust and confidence and dissociate Wales from London centric issues, such as the issues uncovered by the Baroness Casey Review of the Metropolitan Police.
- Further opportunities to explore policy and legislation which enables positive outcomes for Wales, building on the ground-breaking legislation that has already explored this such as the Children (Abolition of Defence of Reasonable Punishment) (Wales) Act 2020.
- Devolution gives the people of Wales more opportunity to be involved in the definition of a vision for Welsh Justice and Policing focussed on their needs working in a way that best meets them, and what really matters to them.
- The ability to further develop closer partnerships and working between key partner agencies that is not reliant on fragile personal relationships and is embedded and sustained in a clear and understood governance framework with legislation underpinning it. This would also enable the development of more innovative approaches to policy areas that can be tailored to the Welsh landscape and build into and strengthen existing arrangements that work well.
- The opportunity to define a policing culture, identity and practice for Wales which is Welsh specific.

#### Key risks presented by a fully devolved model

- Disaggregation of England and Wales functions will cost money, and the separation of functions may also increase costs.
- There may be an impact on availability of future funding streams from the

Home Office to Wales which could hamper delivery of projects and interventions to address shared concerns. For example, the Operation Uplift programme.

- We do not understand fully the cost of delivering and sustaining a fully devolved model but it is likely to be significant. There are also unknown costs in relation to the cost of technology development and purchasing.
- The ability to source and retain the expertise needed to support the devolved model in Welsh Government and civil service functions would present a challenge in the current workforce, and in finding or attracting the right expertise to Wales, which may require further recruitment and cost at a time of fiscal challenge. There are also costs attached to recruitment and retention of talent for niche and specific roles in policing that may have previously been supported differently and creates a risk that potential to share learning opportunities across policing functions such as inspection, training and law may be lost.
- Potential confusion should policing be delivered in different ways or laws be significantly different, particularly in the Wales/England border towns that straddle both countries, and that Welsh Policing loses influence across wider UK policing landscape with the position of Welsh policing as separate.

## A hybrid model of policing

In this model Welsh Government could assess what functions should be devolved to form the new policing model for Wales.

The assessment should consider whether the whole function, part of it, or none of it should be devolved. The reason for suggesting this approach is that it would help to reflect respondents' views in section 3. Within the analysis it is clear that some respondents viewed opportunities for specific elements within a function to be devolved.

For example, under this model policing in Wales might retain the connection with



the College of Policing but examine whether some of the specific responsibilities it has could be undertaken in Wales, for example, police training. Some respondents thought that the creation of a Welsh leadership or training academy could better reflect the ethos and values of public service in Wales.

The assessment itself could also be helped by applying a set of agreed principles to each function. These could be determined by Welsh Government and key stakeholders. This could include, by way of example:

1. Enable Welsh Government to align policing policy with strategy.
2. Directly contribute to improved outcomes in key strategic aims.
3. Influence consistency of policy application across Wales.
4. Impact on improving the response and services for vulnerable children in Wales.

This would help build an evidence base and case for change for devolving each function, or for a part of it to be devolved. This could help inform decisions that are made.

From the research undertaken, and the information obtained during this work, the following are identified as the key opportunities and risks for a hybrid model:

Key opportunities presented by a hybrid model:

- An ability to be very specific about what should be devolved and why, and to test aspects of this before full implementation.
- An ability to differentiate and legislate for different service requirements dependent on identified need (through the assessment process).
- An ability to strengthen and positively influence existing relationships to improve the service provided by partners to Wales through a shared political governance but without the need to take on all functions that may not be practical or needed for this to be achieved.
- An opportunity to develop a devolved model of policing with a phased



approach to devolution that could then be further extended over time and avoid unintended consequences or unnecessary costs, as well as time to develop capabilities and learning from each step.

- An ability to build both the capacity and capability of Welsh Government in defined areas that will support the new functions effectively without overloading it, and to establish what changes might be needed in Policing in Wales.
- An ability to set a Wales approach for those areas that matter most to the people of Wales whilst retaining a UK approach for other areas where that is proven to work better, or where there is a cost or efficiency consideration that outweighs the benefits.
- An incremental and more limited model may be more achievable in relation to time, cost and / or to be a phased approach leading to a fully devolved model of policing that includes wider criminal justice.
- An ability to make decisions on what is included based on analysis of effectiveness and cost to support ensuring that the best outcomes are provided for the people of Wales and for policing.

Key risks presented by a hybrid model:

- A hybrid model only provides the ability to control over some policing aspects which may still cause difficulties with implementing short term and long-term policy objectives. Confusion may also be created in relation to other criminal justice services in Wales and UK with a piecemeal approach to devolution.
- From a police governance perspective, there is an additional complexity of the formalised dual accountability arrangements that will be challenging to manage in an increasingly complex legislative framework. And confusion in Wales in relation to which police functions are not devolved. Police Chiefs may have both devolved and non-devolved functions under their command.
- Funding arrangements and transparency may become even more difficult to navigate with potential for a lack of clarity around lines of accountability and funding where multi-dimensional approaches have both a Wales and UK

footprint. Funding in this environment may become more complex and the true cost of functions, and where they lie, more difficult to determine.

- The opportunities to really innovate may be reduced due to the constraints around some areas of devolution.

## Section 6: Future considerations

### Change in policing structures and governance

Although the future Police Force structure was out of scope of this work, many respondents did nonetheless express a view regarding the possibilities of changing the current arrangements, relating to the number of forces or the roles of PCCs.

Across the responses there were strong opinions on either side in relation to these issues. Those in favour of retaining the current number of forces focussed on the value of having Police forces connected to their local areas and the maintenance of relationships with partners at more local level and that this might be compromised under a national Police force. There were also concerns that a single larger force may present problems around local accountability, as well as concerns that moving to a one force model may result in short to medium term disruption for the police and communities.

However, there were a number of responses who favoured a move to a single force model due to the collaborative opportunities that could be progressed through the collaboration of business and Information Technology functions. Those in favour highlighted the opportunities for the centralisation of those functions such as Human Resources and other core business enablers which could reduce duplication and promote a consistent approach across Wales in terms of systems and standards.

Other respondents noted that a move to a single model might act as a good opportunity to refresh the culture or ethos of Policing in Wales which might be more difficult if the 4-force model was retained.

Some argued that having a single force would facilitate easier engagement and oversight between the police and Welsh Government as there would be a single contact point, but a counter view was provided that having a single contact may make it harder for ministers or officials to engage at a more localised level.

There was a similar level of contestation around the presence and role of PCCs with mixed views in support of retention or change. It is worth noting that a common response was that trying to devolve policing and changing the structures of policing at the same time would be a significant challenge operationally for the police but also Welsh Government and partners. It was considered by many that too much change at once could destabilise and affect performance and service.

A number of respondents cautioned against the idea that the devolution of policing could be a relatively simple easy lift and shift of policing responsibility from UK government to the Welsh Government. Some suggested there was an opportunity to innovate and drive forward with change at pace, others, noting this complexity recommended a phased approach, with an incremental approach, with more fundamental changes being deferred.

Some respondents were more cautious about the pace of change, arguing that devolution should look to make the minimum necessary changes initially, such as bringing oversight and accountability for policing under the Welsh Government and the Senedd, in order to provide a degree of continuity and maintenance of service delivery without trying to achieve too much at once. In these cases, they did acknowledge that there was opportunity to consider wider changes to the structures of policing in the longer term but thought that such considerations were best separated from the initial process of devolving responsibility for policing.

## Communication, engagement and planning

The key theme of the importance of clear and timely communication was found in almost all responses in terms of how the progress of devolution should be developed alongside partners with an emphasis on collaboratively progressing the case for devolution.

Many respondents showed strong opinions on the best practises to take both pre and post devolution, but a common response was their responses would be limited without having greater clarity on the Welsh Government's proposals would look like.

Several respondents, largely those who worked in direct contact with officers, were concerned around the impact of devolution on policing staff. They advised that Welsh Government would need to provide clear plans on key concerns such as pay and lateral movement, as some members of other forces and the home office have previously indicated that Welsh police staff are more vulnerable to regional pay differences, making positions within English police forces more appealing. Not only could this effect retention and recruitment, but it could also jeopardise the vision of more community focused principles that some respondents believed could be a key benefit and rationale for development.

Keeping the public properly informed of the process of devolution was also a notable theme of responses. Respondents discussed concerns that many members of the public who are impacted by policing believe that it is already devolved. Doing so would help to clarify the laws and rights of people in Wales as well as the support services available to people impacted by policing.

Many respondents noted the need for further engagement should the decision be made to devolve policing.

## Improving trust and confidence in policing

This has been identified as a challenge for the police as outlined previously in this report. It is proposed that a devolved model of policing for Wales may have the opportunity to reconnect with people in Wales. A further consideration could be focused on building an evidence base to show how the police can improve the trust and confidence of vulnerable and minority ethnic people should policing be devolved. It may be helpful to think about how academic research could be focused on this area and or their ideas on an approach that would be helpful to drive improvements in policing and impact positively on communities.

As respondents identified it is difficult to directly attribute improvement in performance outcomes and service delivery at this point. There is the opportunity as strongly suggested by respondents that should policing be devolved that connection to the wider public service landscape provides the opportunity to improve service. This may have the potential to adjust the imbalance of social justice in Wales. It is an opportunity, for example, to understand how the whole public service system can prioritise how to protect young people from harm, provide the “right care, right person,” and keep young people out of the criminal justice system.

## Section 7: Conclusion

Welsh Government commissioned this piece of work to help ministers to understand the benefits, opportunities, challenges, and risks associated with preparing for the devolution of policing to Wales. It is recognised that this work forms part of a wider Welsh Government commitment to Delivering Justice for Wales, and that for full devolution of policing to take place, further devolution of the wider criminal justice system, and the establishment of a separate legal jurisdiction may be required.

The project team have engaged with key strategic stakeholders who are involved in policing and or partnership arrangements across the UK and Wales. This was to ensure that the report is informed by the experience, views and opinions of credible strategic leaders who have real understanding of policing, or who are inherently connected to policing.

It should be noted that some respondents refrained from commenting on the relative merits or problems with the principle of devolution, wishing to maintain neutral on the subject. It was rightly recognised by a number of respondents that the matter of police devolution is a political rather than an operational decision.

Resourcing and finance were the two elements perceived by the majority of respondents to be the critical issues to resolve. They were identified as being the areas that posed the most risk to the devolution of policing in preparing, delivering, and embedding a resilient model of policing in Wales. The concerns raised also recognised that there was the need to consider the resourcing requirements and costs of any wider plans for justice devolution. Discussions led to several options to mitigate these risks being suggested, and it is likely that through further bespoke engagement other solutions could be identified. Due to the strength of opinion and potential level of risk in relation to these two areas it is clear that they would have to form the focus of significant work to understand the genuine costs and resource requirements in any future work.

Respondents noted that policing in Wales is currently very well supported and connected. People recognised the need to consider in more depth the national and regional operational and organisational infrastructure that currently supports policing. It is important to note that none of the respondents raised any fundamental concerns regarding the ability to manage this appropriately and, in discussions, most people thought there were pragmatic and or legislative ways to manage this. What would need to be considered is which areas would require specific agreements such as memorandum of understanding and which areas could be delivered via effective relationships. There are examples of both approaches working effectively in other jurisdictions.

Whilst the majority of interviewees and respondents were supportive in principle of devolving policing to Wales, some interviewees expressed that the full financial and operational implications of devolution needed to be understood in greater detail before a decision was made.

However, there were some significant opportunities attributed to a new devolved model of policing. These included the opportunity to align policing with statutory partners and, in doing so, be able to formalise partnership arrangements in Wales, driving activity from the position of aligned vision, commitment and accountability.

The respondents thought that to align policing within the broader public service approach in Wales offered the potential for policing to formally connect in partnership activity that could foster whole new system improvements, positively impacting on services offered to the people of Wales.

Many people voiced that this was an opportune time to reimagine the vision of policing in Wales and be ambitious about what policing means for Welsh people. A real opportunity to reassert the importance of community-based policing, in recognition of the geographical differences across Wales, with local decision making influencing the relevance and suitability of policing practice. The swell of opinion seemed to suggest this would be an opportunity to increase trust and confidence in policing.

Additionally with the intense focus on the culture of policing across the UK devolving policing now could give policing in Wales the opportunity to reset a culture in Welsh policing which sets the highest standards and defines itself more strongly.

In conclusion, the research undertaken so far has shaped potential models for a devolved Welsh police service which warrant further exploration. The fully devolved and hybrid models, both of which are outlined in this report, provides evidence of what is possible for a model of policing in Wales. It is hoped that the



content of this report helps to inform and stimulate further debate and ultimately be a helpful starting point in preparing for the devolution of policing in Wales.

## **Appendix A: Question set used in interviews and online written submissions**

1. What challenges exist in the current devolution arrangement between non-devolved policing and devolved partners?
2. In what way could devolution of policing resolve these challenges?
3. Are there any areas where you think the devolution of policing could enhance existing good practices developed in Wales?
4. What are the opportunities presented by devolution of policing in Wales?
5. What would be the potential implications for your role/organisation?
6. The Welsh Government are also actively pursuing the case for the devolution of Youth Justice and Probation in Wales. How might the devolution of policing fit with these Welsh Government plans for wider Criminal Justice devolution?
7. What do you think are the challenges that need to be considered when preparing for the devolution of policing in Wales?
8. What do you think are the risks that need to be considered when preparing for the devolution of policing in Wales?
9. Do you think there are opportunities to improve the connections between Policing and other criminal justice services if policing is devolved? If so, what might those opportunities be?
10. What are the key business areas, functions or statutory powers which need to be, or could be transferred, to Welsh Government when devolving policing in Wales?
11. Should certain elements of the current national infrastructure that support policing be retained? For example, the National Crime Agency, the College of Policing, HMICFRS.



12. Is there anything else that you haven't yet mentioned that you think should be considered when preparing for the devolution of policing in Wales?
13. In what ways would the core underlying principles, ethos, vision, and values of policing in Wales look different if policing was devolved?
14. Do you have any thoughts on how the devolution of policing could be implemented? Why do you think this?
15. What would be your preferred model for delivering devolved policing in Wales?
16. How would policing devolution in Wales fit within the national public service landscape in Wales?
17. Would you like to share any other views of thoughts that you believe are relevant to the devolution of policing in Wales?

## **Appendix B: literature key themes**

### **Key themes and supporting literature**

**Devolution in Wales has been regarded as a series of 'constitutional experiments' as an attempt to divorce from the 'Westminster model'**

- Drakeford 2010, Jones and Wyn Jones 2019, 2022

- Descriptions of post 1998 and 2017 devolution models as being a 'one legged stool' (no formal separation between executive and legislature in the National assembly for the first 8 years) then a 'two legged stool' (divided between legislature and, now, Welsh Government):
  - Jones and Wyn Jones, 2019, 2022
  - Rawlings 2018.
- As Westminster retains power over policing and Justice maintaining control using 'petty' legislative changes to exert control like the 'required justice

impact assessment' in the 2006 Act. But without any reciprocal arrangement for UK government:

- Rawlings 1998, 2018
  - Richard Commission 2004
  - Wyn Jones and Scully 2012
  - McAllister 2005.
- Experiments were a series of failures only to reach an unorthodox arrangement that ignore constitutional principles in 1998, which causes frustration and the need for a more orthodox division in 2006, informed by the Richard Commission:
    - Jones and Wyn Jones 2022 inter alia
    - Lijphart 1999
    - Rhodes et al 2009
  - Not maintaining the 'Westminster model' has caused potential problems around costs, financial and opportunity, arising from additional complexity; issues with 'join up' where neither government has control of all the policy levers to effect change; accountability of a system in which responsibility is divided between different levels, elected on different bases and systems:
    - Ifan 2019a, 2019b, 2019c
    - Jones et al 2019
    - Jones and Wyn Jones 2019

**Literature is dominated by discussions about the devolution of the justice system in Wales as a by-product of whether legal jurisdiction was required or reach a devolution settlement. Discussions about distinct elements of the CJS are more limited**

- Jones and Wyn Jones 2022, Haines 2009, Jones 2020c. Evans et al, 2021. inter alia: Jones 2008, Jones and Williams 2004, National Assembly for Wales Constitutional and Legislative Affairs Committee 2012, Silk Commission 2014, Percival 2017, Wales Governance Centre and Constitution Unit 2015, 2016

- A body of literature round Youth Justice, described as a ‘Welsh experiment in devolution’ (Drakeford 2010) to develop a distinctive and progressive approach within the England and Wales jurisdiction:
  - Drakeford 2010
  - Evans et al 2021
  - Jones and Wyn Jones 2022
  - Thomas 2015
  - Deering and Evans 2021
  - Field 2015
  - Haines 2009
  - Haines and Case 2015
  - Thomas 2015
  - Dehaghani and Newman 2021
- Discussions on variations between England and Wales in Youth Justice
  - Evans et al 2021
  - Goldson and Briggs 2021
  - Smith and Gray 2019
  - Jones 2017
  - Jones 2018
  - Jones and Wyn Jones 2022
- Discussions on prisons
- There is limited data to support more focussed data available from the UK government
- The shift to understanding that that the CJS in Wales operates differently – characterised by the position of the Thomas Commission to look at Welsh legal jurisdiction as a means to an end – of improved operation and performance of the Justice System in Wales
  - Thomas 2019
  - Henderson and Wyn Jones 2021
  - Jones and Wyn Jones 2022

**Literature on devolution of policing has predominantly been to inform**

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## **the commissions or legislation, and to critique the implementation of that legislation**

- Ifan 2019a, 2019b, 2019c, Jones et al 2019, Jones and Wyn Jones 2019, Haines et al 2013, Changing Union and IWA 2014, Rogers and Gravelle 2013.

## **Devolution of policing would require consultation and planning**

- Changing Union and IWA 2014, Richard Commission 2004, Silk Commission 2014, Thomas Commission 2019.

- Policing could be devolved but only after thorough consultation and with support from practitioners.
- Prior to the devolution of policing, the Welsh Government should produce a strategy demonstrating how they would better integrate policing with existing devolved public services and achieve better joined up working.

## **Arguments put forward for the benefits of devolving policing are consistently around:**

- Rogers and Gravelle 2013, Ifan 2019a, 2019b, 2019c, Jones et al 2019, Jones and Wyn Jones 2019.

- Greater cooperation
- Opportunity to redesign services
- Criminal justice alignment
- Improved communication and accountability
- Improved service delivery reflecting local needs

## **Areas cited for further consideration or potential issues for**

## **devolution are around:**

- Rogers and Gravelle 2013, Ifan 2019a, 2019b, 2019c, Jones et al 2019, Jones and Wyn Jones 2019.

- The Welsh Government does not currently have sufficient “capacity” to take full account of policing and criminal justice issues in Wales
- Silo working between Welsh Government departments and regular changes to ministerial portfolios have contributed to the confusing arrangements for policing and criminal justice in Wales
- The funding arrangements for policing and criminal justice in Wales are a source of complexity for practitioners.
- The arrangements for policing and criminal justice are complex in all settings and jurisdictions. This includes areas of England that have recently benefited from city-region devolution.
- Home Office does not take account of Wales
- Policing and crime reduction policy, including drug abuse and mental health related issues, should be determined in Wales so that it is aligned and integrated with Welsh health, education and social policy
- Research in law, criminology and policing is crucial for the development of strategies for the justice system in Wales
- If justice and policing powers were transferred to Wales, consideration would need to be given to new concordats being agreed between the Welsh Government and the Home Office and the Ministry of Justice
- Funding – particularly in times of austerity and prioritisation of health
- National and international commitments
- Impact on criminal justice processes

## **Areas where there are divergent views include:**

- Changing Nation and IWA 2014, Richard Commission 2004, Silk Commission

2014, Thomas Commission 2019, Independent Commission 2024.

- Devolution of criminal justice should be considered separately from the devolution of policing
- A single police force for Wales is a consideration for the future.
- There should be legislative devolution of justice as a long term aim
- Restrictions and reservations governing the Assembly's power to legislate on all forms of justice, including policing and offender management and rehabilitation, should be removed, so that it corresponds more closely with the position of the Northern Ireland Assembly and the Scottish Parliament.
- Legislative devolution would provide a real opportunity to re-examine the governance arrangements for policing, recognising the changing approaches across England and building on the foundations laid by the current PCC model.
- People in Wales incorrectly think that policing and broadcasting were devolved matters
- The most straightforward services to begin the process are policing, given its funding and governance structure and close working relationship with devolved services at national and local level

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