

Justice in Wales – Now and in the Future

A statement by the four Welsh Police & Crime Commissioners

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As the four Police and Crime Commissioners in Wales we welcome the publication by Welsh Government of a substantial document which shows commitment and insight into the importance of justice in Wales. The work of Policing and the Criminal Justice System is inextricably linked with a range of devolved responsibilities and in recent years we have shown the benefit of co-operation across public services. We believe that the devolution of Policing and Criminal Justice – and indeed Civil Justice – is the logical next step in the devolution journey in response to the time and thought that has gone into today’s document.

Neither Policing nor Justice can be delivered successfully in isolation: they depend on a high level of cooperation, professionalism and trust between a variety of professions and organisations. Leadership within Policing and Criminal Justice in Wales includes us and the four Chief Constables (who have a clear and independent operational role), those whose role is part of an England and Wales structure (the Courts, the Crown Prosecution Service, the Probation Service) and the Judiciary and the Magistracy those whose personal independence must be respected at all times. But whatever our level of independence or line of accountability, none of us can ignore the reality that everything we do takes place in the devolved environment, in which the role of Welsh Government and local devolved bodies is crucial at every level, from strategic decision-making to local delivery.

This was recognised when the four Police & Crime Commissioners and the four Chief Constables of Wales

decided to work together to establish the Policing Partnership Board for Wales and invited the First Minister to become chair. Through the attendance of the First Minister, Welsh Government Ministers and Officials, partners at the all-Wales level (WLGA, Public Health Wales etc), the Secretary of State for Wales, the Minister of State for Policing and Criminal Justice and Officials from the Home Office and the Ministry of Justice, we have created a space where different responsibilities can be explored in cooperation rather than in silos. Through the Policing Partnership Board we share the key challenges that we all face, so that together we can better serve the public of Wales to which we all owe responsibility.

Similarly, bodies that have responsibility for aspects of criminal justice come together in our four local criminal justice boards, who in turn contribute to the Criminal Justice Board for Wales, which is delivering one of the key recommendations from the Commission established under the chairmanship of Lord Thomas of Cwmgiedd by Welsh Government Ministers.

The pandemic has demonstrated the value of these voluntary arrangements and led to the former Lord Chancellor commenting: “you do seem to be better at doing things together in Wales”. For the first time, the police had to enforce legislation set by Welsh Government and our Senedd because COVID-19 rules were set under health powers that are devolved. In exercising those powers Welsh Government Ministers respected the role of the police and

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engaged with us to make them effective. Criminal Justice in Wales came together with a recovery group that met weekly to accelerate the reopening of courts. As a steering group it now seeks to enable all parts of the system to be the most efficient, effective and fair that they can possibly be. We may be a mixture of devolved and non-devolved representatives, but the joint endeavour is to provide the best possible quality of Policing and Criminal Justice to the people of Wales.

We already make the devolved environment work to the advantage of the public we serve but it is an anomaly that policing and justice responsibilities are devolved to Scotland and Northern Ireland but they are not devolved in Wales. Welsh Government has worked with us in an approach of mutual respect, helping to bring about the arrangements that have proved such a success through the pandemic, but they remain voluntary in nature. We believe the time has come for legislation and appropriate cooperative governance to enshrine the way we do things in Wales in legislation and in the devolution settlement. The four of us therefore have full confidence in endorsing and supporting the aspiration of Welsh Government to see Ministerial responsibility for Policing and Criminal Justice in Wales – and indeed Civil Justice too – being devolved into the hands of the Welsh Government and the Welsh Parliament.

There is a significant detail that needs to be worked through to deliver that aspiration as a practical reality. Chief

Constables would not take a view on the principle of devolution but will have views on significant operational issues including the delivery of inspection, oversight of complaints and mutual support across borders.

Maintenance of key principles like judicial independence and consistency will need to be worked through. And we are already working hard to improve policing and criminal justice in Wales without waiting for devolution to happen.

But it is our considered view that the way that Policing and Criminal Justice in Wales has been delivered through the pandemic consolidates the case for devolution, in the best interest of the delivery of Justice in Wales and of joined up services to the public.

We welcome the publication of the Welsh Government document on Justice in Wales as the first step in moving past the political debate in which we are now sharing our view to the practical and detailed discussions in which everyone will need to contribute.

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