



DG Undeb Sy'n Newid
UK's Changing Union

Submission to the Commission on Devolution in Wales

The Devolution of Policing
and Justice to Wales



Foreword

The UK's Changing Union Project has commissioned the Institute of Welsh Affairs to develop this submission to the Commission on Devolution in Wales (the Silk Commission) on the devolution of policing and justice through the medium of crowdsourcing.

Over the last two months the IWA has been hosting an online debate on these issues on a private website.

The debate has involved a total of 55 participants with 33 of these actively creating posts airing their views and commenting.

The terms of reference for this debate were developed to expressly produce a submission on these issues to the Silk Commission. The specific aims of this debate were to:

- Define the terms of justice and policing in Wales, including an assessment of whether the two sectors can be devolved separately or fully.
- Assess the consequences of devolution of justice and policing in Wales.
- Assess the potential cost implications for the devolution of justice and policing
- Assess the intergovernmental relations (IGR) implications of devolving justice and policing to Wales.
- Produce specific discussion on youth justice as a key area of justice.

Notably, the project did not aim to provide a complete answer to the above questions, but to generate debate and discussion on them, with the intention of broadening the level of debate in Wales regarding these key issues.

Our findings have been developed through a crowdsourcing method, with participant's arguments documented over the course of seven weeks. To develop these findings administrators on the site asked specific questions and allowed those on the site to debate and discuss. Our findings are subsequently based on consensus or the views of the majority of our participants.

The full list of participants can be found in Annex 1. The Silk Commission have also been given access to the site where we have conducted the project.

Comment from the chair of the project, Tom Davies
former Independent Police Complaints Commissioner for Wales

This policy pilot undertaken by the UK's Changing Union project has tried to break new ground in analysing the consequences of devolution for both policing and the criminal justice system. Until now, the debate has been largely hypothetical and this was a worthy attempt and trying to get key stakeholders working together to find common ground or raise new issues for the future of policing and justice in Wales.

The final report includes real potential policy that the Silk Commission should consider in great depth, however that is not to say that this project has been a complete success. It must be noted that despite best efforts, police practitioners were not involved in the project. There were limitations involved in the full participation of academics, particularly those in the criminal justice fields.

As a pilot project, we always knew that there would be some issues, however we are not certain whether this is a case of the format not being fully established or the topic where people may have preferred not to offer their views. However, the Changing Union project and the IWA are extremely grateful to those who did participate and will be looking for other important policy areas in which the same format can be utilised.

Tom Davies,
9th January 2014.

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Findings

Finding 1:

Policing could be devolved but only after thorough consultation and with support from practitioners.

Finding 2:

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.

Finding 3:

Devolution of justice should be considered separately from the devolution of policing.

Finding 4:

The devolution of prisons should be considered in a long-term approach.

Finding 5:

Custodial provisions for female offenders must be established in Wales and a distinct Welsh female offender policy should be devolved. The needs of female offenders must be taken fully into account in any devolution of prisons

Finding 6:

The probation service is a prime candidate for devolution, given its necessary close working with devolved agencies and current concerns about possible threats to this arising from the part-privatisation of probation services under the 'Transforming Rehabilitation' agenda. The issues are complex, and the Welsh Government should initiate a thorough prior consultation with the probation service and related agencies..

Finding 7:

There should be a continued evolution of the England and Wales legal jurisdiction with the end goal of separate jurisdictions, incorporating an Advocate General for Wales. A Welsh representative should be appointed to the Supreme Court as soon as possible. A reserved powers model for the devolution settlement in Wales would, in the shorter term, address some of the problems associated with the current conferred powers model.

Finding 8:

Courts should be reserved to Westminster until evidence shows that their devolution is necessary.

Finding 9:

Executive competence for Youth Justice should be devolved following a successful implementation of the Welsh Government's Youth Justice Bill.

Introduction

The devolution of policing and justice has proved an interesting topic for the UK's Changing Union project to pilot in this format. We believe that the debate around the devolution of justice and policing to date has not been wide enough, robust enough, or examined practical implications in anywhere near enough detail. This project has been an effort by the IWA on behalf of the UK's Changing Union project to inject energy into the discussion.

One of the participants of the project referred to this on the site stating, "The reason this (debate) needed to be had was because, quite frankly, there is currently no robust case as to why powers over policing and justice should be devolved to Wales". In undertaking this project, the UK's Changing Union project has learnt much and enabled arguments to be developed on both sides. This response summarises these arguments, outlining questions that we believe need to be explored further.

To note, participants involved in the project were all informed that their participation in the site would be under Chatham House Rules, unless their contributions were published in other places in the public sphere. Therefore, throughout this report participants are quoted, but their quotes are not attributed to them unless express permission has been given.

Policing

Finding 1: Policing could be devolved but only after thorough consultation and with support from practitioners.

At the end of the project we polled our participants for what they thought about the devolution of policing. 50% said it should be devolved; not one respondent (0%) said that it shouldn't; 17% said it should be, but not immediately; and 33% didn't know. Of those who answered not yet, this was due to the lack of current input from practitioners and the public.

Until now the debate on the devolution of policing in has been largely ideological. The lack of practitioner engagement in this topic demonstrates this fact. Many who argue for its devolution do so on the basis that policing has already been devolved in Scotland and Northern Ireland. These two existing cases of devolution do offer relevant models for Wales and raise the question of why policing should be excluded from the current settlement in Wales.

In 2008, the then Prime Minister, Gordon Brown, said in the Northern Ireland Assembly, "There is something more vital at stake for your entire society, something that only the completion of devolution can deliver. How can you, as an Assembly, address common criminality, low-level crime and youth disorder when you are responsible for only some of the levers for change, and when you have responsibility for education, health and social development but have to rely on Westminster for policing and justice?" This reasoning resonates for many in Wales, but does not fully address the practical issues surrounding the devolution of policing and justice.

Finding 2: 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.

One of the key elements of the debate over the devolution of policing is the fact that policing is not devolved, whilst all other public services in Wales are; policing also operates extensively within these devolved public services.¹ In its evidence to the Silk Commission, the UK Government argued against the devolution of both policing and justice due to the existing 'joined up working' that it said operates effectively between devolved and non-devolved services across Wales and cross-border with England. The case for devolving policing would be stronger if more evidence could be adduced to show that a devolved police force in Wales would be even more effective than in its current form.

In its evidence to the Commission, the Police Federation for England and Wales referred to this, stating,

"In making any decision on devolving policing, many would agree that the service to the public would have to be improved. We agree. The service currently given is well below what the public expect or should receive. We make no apology for laying this statement at the door of politicians – and have, for example, shown graphic evidence of this in our submission – and so, if improvements are to be made then the debate must centre around funding, resources, training and how Welsh policing fits into an already devolved theatre of

¹ Public services devolved to Wales currently include Local Government, Fire Services, Natural Resources, health and social services, education services and cultural services such as museum bodies etc.

health etc., and indeed how the Welsh Government would administer; we have again made recommendations”.

While many participants on our site suggested that a more coherent joined up working structure between policing and existing devolved services could be achieved under devolution, no hard evidence was adduced in this exercise to support this claim. This suggests that more work needs to be done to give substance to this aspiration, and to tease out costs and other practicalities such as liaison with non-devolved functions, before the debate is concluded. This will require thorough consultation with practitioners.

While Police and Crime Commissioners (PCCs) are working hard on public awareness now, the very low turnout in the first PCC elections does not suggest that the accountability issue has been resolved. The PCCs in Wales have worked largely together on Wales-wide issues and this has, according to one participant on the site, “strengthened the notion that Wales can police and govern itself”. If policing is devolved to the Welsh Government, the structure for PCCs could remain, as the Welsh Government would largely assume the role now played by the UK Government.

The key issue of the democratic deficit is why we believe that policing can only be devolved after public and practitioner consultation. There has additionally been no sense of public information about what the devolution of policing would realistically mean in terms of cost and practicalities such as how forces would work with non-devolved circumstances.

While the project was ongoing the Labour party published the Stevens’ report, which identified a single police force as one viable option for policing in Wales. This was discussed on the site. The main argument against the creation of a single force for Wales was the ‘loss of localism’ However, participants in the discussion agreed that the idea of a single or a national police force would not necessarily entail any loss of localism as a single police force would be likely to retain many local units.

As one participant put it:

“The Stevens’ report stresses that, in discussing the change in Scotland, too much emphasis is given to the amalgamation of 8 forces into one, and not enough the creation of 32 local units within that single force, and 353 neighbourhood units, below the local. For me that sharply alters the context in which we discuss the question of four forces or one for Wales. Strikes me that the formalisation of, say, 12-18 local units in Wales under a single force could respond to Welsh localism in a sensible way, while retaining the necessary intelligence gathering apparatus for high level crime.”

However, it is difficult to see how a single force could be reconciled with the existing PCCs, or with the PCC concept as a whole. This is an emerging debate, and we are interested in observing how it develops.

In a comment on the site, the Police Federation for England and Wales stated on this matter “colleagues in Scotland were originally opposed to the formation of one force in Scotland. There were serious questions there that had been unanswered, however, over time and with sound engagement that changed. We surmise in there, lessons can be learned in any future model for Wales.”

The justice system

Finding 3: Devolution of criminal justice should be considered separately from the devolution of policing.

All participants on our site agreed that policing and justice can stand alone and that one could be devolved without the other. Few participants believed that the justice system as a whole should be devolved immediately, yet certain elements of the system could, if managed effectively, be devolved over a relatively short time period. There was no consensus on the devolution of criminal justice. 33% of our participants wanted it to be devolved, 17% did not, 17% said not yet and 33% did not know.

Yet, support for the devolution of parts of the system were high. The Crown Prosecution Service operates autonomously as do the courts, probation service and prisons. Participants were largely supportive of the devolution of sectors such as the probation service and the prison systems, particularly in the light of ongoing UK Government changes, but were cautious about discussion of the court system.

Because of this, participants felt that some elements of the justice system are well placed for devolution in the short term, though some elements are not. They also believe that policing could be devolved without devolving the entire justice system, as was suggested in the Welsh Government's evidence to the Commission. This was largely uncontested, partly due to the precedent already in place across the UK and in federal systems. The Police Federation for England and Wales concur with this, having taken extensive evidence on the subject: "Policing essentially, 'stands alone' - and rightly so - from courts, probation services etc., and where there are cross-overs these are maintained by MoJ's concordats etc".

Prisons

Finding 4: The devolution of prisons should be considered in a long term approach.

The devolution of prisons is a highly contentious issue, and one the UK Government appears to have pre-empted moot with the plans to build the new Wrexham prison. A participant of the site - Robert Jones, an academic based in the Wales Governance Centre at Cardiff University- wrote publicly about this issue as part of a submission to the project. His work can be found here and has been supported by the Howard League for Penal Reform:

<http://www.clickonwales.org/?s=Robert+Jones>

We believe that prisons could be devolved, however acknowledge that in its evidence to the Commission, the Welsh Government identified that this could not be undertaken now, but as part of a longer term approach

Women

Recommendation 5: Custodial provisions for female offenders must be established in Wales and a distinct Welsh female offender policy should be devolved. The needs of female offenders must be taken fully into account in any devolution of prisons.

There are no prisons for female offenders in Wales. This must be remedied. The closest prisons to Wales, which accommodate women, are currently those in Staffordshire, Gloucester and Cheshire. There were around 244 Welsh female prisoners incarcerated in England last year. The Minister of State for Justice said this year that 'Keeping female prisoners as close as possible to their homes, and importantly their children, is vital if we are to help them break the pernicious cycle of re-offending.' This currently is not possible in Wales and the spread of Welsh female prisoners across prisons in England makes effective work very difficult for agencies across Wales such as Prison Link Cymru. Agencies often have to concentrate their work on specific prisons. As one participant on the site said "This failure to spread services right across England means many Welsh women leave prison without the levels of support upon release that Welsh women held in HMP Styal and HMP Eastwood Park are able to access."

While there are other issues associated with devolving prisons to Wales, in terms of how female offender policy could be affected there are strong arguments in support of its devolution. As there is no custodial provisions for female offenders in Wales, we lack a policy for female offenders in Wales.

"A move towards a devolved system of justice might not only bring about much needed changes to women's services at the level of practice – but devolution may also provide the ideal platform upon which people in Wales can begin to meaningfully engage in a set of discussions and debates around the treatment of women within the criminal justice system more generally. In this instance, Wales – and indeed devolution – may find itself making a very important contribution to a problem, a discussion and a debate which spans across multiple jurisdictions."

This is a clear example of where Wales could produce a genuine policy improvement.

Probation

Finding 6: The probation service is a prime candidate for devolution, given its necessary close working with devolved agencies and current concerns about possible threats to this arising from the part-privatisation of probation services under the 'Transforming Rehabilitation' agenda. The issues are complex, and the Welsh Government should initiate a thorough prior consultation with the probation service and related agencies.

Probation is a critical element of the justice system in Wales, and facing substantial change due to the UK Government's planned privatisation of the majority of probation work in England and Wales (under the 'Transforming Rehabilitation' programme). Probation is also the criminal justice system's main point of interaction with devolved services such as health, education and housing, all of which are vital to the rehabilitation of offenders. Probation is also a key player in the Integrated Offender Management (IOM) scheme, which coordinates multi-agency action across Wales to manage offenders and reduce re-offending. The Welsh Government is highly supportive of this scheme and is regularly represented at IOM Cymru meetings.

Our participants have concerns over how rehabilitative work in Wales will be affected by the changes being made at UK level and are keen to see that schemes such as IOM are not damaged or undermined. There are concerns about possible fragmentation of the effective multi-agency partnership work currently evident in Wales, as well as reduction in the Welsh Government's valuable involvement in the sector.

It is widely agreed that the success of probation work depends crucially on effective working with the devolved services. Devolution of the probation service is regarded by those who took part in the debate as a means of ensuring that this continues and indeed is enhanced. However, it is recognised that devolution is a complex issue in the context of the extensive reforms (including privatization) of the probation service currently being undertaken by the UK government, and would need to involve widespread and detailed consultation with numerous stakeholders.

Legal Jurisdiction

Finding 7: There should be a continued evolution of the England and Wales legal jurisdiction with the end goal of separate jurisdictions, incorporating an Advocate General for Wales A Welsh representative should be appointed to the Supreme Court as soon as this is possible. A reserved powers model for the devolution settlement in Wales would, in the shorter term, address some of the problems associated with the current conferred powers model.

Many of the current complexities with legislation in Wales arise from the conferred powers model afforded to Wales under the Government of Wales Act 1998. We called for a reserved powers model as part of our submission on the matter to the Silk Commission where we argued:

“More consistency between the devolution dispensations in force across the three devolved territories would aid attempts to bring better order to the territorial management of the state. At present, differences not only in the policy areas that have been devolved but also, and crucially, in the constitutional basis on which devolution occurs, serve to complicate greatly the task of ensuring that Whitehall is sensitive to the impacts of its decisions on Wales, Scotland and Northern Ireland. Wales is particularly poorly served in this regard due to the combination of its lack of political weight and the complexity of its dispensation. Consistency would thus not only provide for more equitable status and treatment but also more effective inter-governmental relations within the UK.”

This is becoming particularly pertinent with regards to a Welsh jurisdiction as there have now been three cases of legislation made in the National Assembly for Wales being referred to the Supreme Court. There are two main things that can be done to increase the effectiveness and consistency of legislation in Wales. This is a move to a reserved powers dispensation for devolution and also the appointment of a Welsh representative on the Supreme Court. The other nations have representation on the Supreme Court by virtue of their distinct legal jurisdictions while Wales does not. As a participant on the site argued “An argument for not giving the Welsh Assembly a reserved powers model is that, unlike England, it is part of the same legal jurisdiction as England. If Wales were to be a separate jurisdiction the argument falls away”.

There are also other arguments for the separation of the legal jurisdiction between England and Wales. Doing so would mean an Advocate General for Wales as a member of the UK government. According to our findings “This would ensure more effective coordination between the UK and Wales level than has occurred sometimes in the past with an expensive oversight when an IT system – Libra- which centralised magistrates’ courts records was not initially produced bilingually. A mistake, which cost £4 million to rectify”.

In a public submission to our site, the Deputy Presiding Officer, David Melding AM referred to the National Assembly’s inquiry into the legal jurisdiction, which found that “In the course of our inquiry, it became evident that a separate Welsh jurisdiction is constitutionally viable.” The inquiry

acknowledged that the legal jurisdiction in Wales is already slowly becoming more distinct. Given all of this evidence, the general consensus from our research demonstrates support among our participants for a continued evolution of the legal jurisdiction in Wales with an end goal of a separate Wales and England jurisdiction.

Courts

Finding 8: Courts should be reserved to Westminster until evidence shows that their devolution is necessary.

Our participants were cautious in engaging with discussion about the devolution of courts and were not supportive of this in the immediate future, but we are aware that as the legal jurisdiction debate evolves and separation is feasible, sectors such as the administration of justice and the criminal justice system as a whole would be devolved to Wales. We believe that even if this is not favoured for the immediate future, it should be looked at over the longer term as a Welsh jurisdiction evolves. This would also entail further consultation with the sector and the public as well as study of costs and practicalities. We would recommend that courts be reserved to Westminster, including civil courts until there is wider public support and the legal framework in Wales has evolved to another stage.

Youth justice

Finding 9: Executive competence for Youth Justice should be devolved following a successful implementation of the Welsh Government's Youth Justice Bill.

Youth Justice was one of the most active topics of discussion on the site. Participants engaged in the youth justice sector were confident in describing what its devolved system might look like, and could assess the benefits by using the Scottish and Northern Irish examples of divergent youth justice systems. We also had a good range of participants from different parts of the youth justice system. This included the chair of the Youth Justice Board in Wales, academics, lawyers and third sector organisations who work directly with individuals being taken through the youth justice system in Wales.

Participants on the site were wholly supportive of the devolution of youth justice. Indeed 83% supported its devolution, with 17% not sure. Key to this was the already established links in the current youth justice system in Wales with key services that are already devolved in Wales such as education, housing, health and agencies dealing with substance abuse.

During the project the Welsh Government published its Youth Justice Bill. This Bill aims to prevent re-offending in children and young people, provide more effective support to those facing or in custody and enhance joined-up working across all the devolved agencies that relate to youth justice in Wales. This was perceived by participants as a step towards the devolution of youth justice, and encouraged their support for its devolution. The emphasis on the establishment of more joined up services was particularly encouraging for participants. In 2009 the Welsh Government commissioned Rod Morgan to write a report on the implications of the full devolution of youth justice. He reported that there were arguments for the retention of youth justice in Westminster stating,

“Wales, with its existing responsibility for most child-related services, has not capitalised on the opportunities already held to pursue distinctively different policies from England to protect the rights of children and young people in trouble, to meet their welfare needs and prevent offending, re-offending, criminalisation and penal incarceration. According to this perspective it would therefore be foolhardy to devolve to Wales, responsibility for the administration of youth justice. This line of argument might suggest that: devolution is a red herring; that Wales should first demonstrate effective use of its existing powers, and most of what needs to be done could be done within the existing settlement”.

The Morgan Report however also outlined positive steps that the devolution of youth justice would bring to Wales, which ensured that his report bore both arguments.

The previous arguments against the devolution of youth justice is something that needs to be borne in mind, but they are also something that could be answered by the Youth Justice Bill from the Welsh Government. One participant remarked in relation to this dichotomy that devolution has been a ‘learning process’ and the Youth Justice Bill therefore must be given the opportunity to demonstrate a good basis for the devolution of youth justice to the Welsh Government.

It is important to note that youth justice in Wales is already diverging from its practise in England. It was largely agreed that youth justice lends itself to devolution much more than the general justice system. Summing this up, a participant argued that:

“The youth justice system by its very nature, I would argue, lends itself more easily towards being devolved; education, social services, health and housing are already devolved so the holistic approach to youth policy demands that justice also plays its part in that overall consideration. This is also supported in legal structural terms through the requirement to have youth offending teams. In short, the state does not have the same duties towards adults as it does children; hence the differences and why youth justice is currently the more obvious candidate for devolution”.

It was agreed by all participants with an interest in youth justice that whether youth justice is devolved or not, Wales has to be divergent in recognising more continued care following sentence. One participant involved in the development of the Youth Justice Bill stated:

“Continued care following sentence, when devolved services should pick up the baton, is ground-breaking and internationally, quite an innovative perspective”

This was fully welcomed by participants although there should also be an emphasis on prevention in any provision for a devolved youth justice system. A participant in the site involved in practitioner working in the youth justice system in Wales encouraged this saying:

“I also believe it is essential that we look at prevention as well as on-going support, it is very often the case that we know the families of some of the young people well, I also think it’s important that we recognise the excellent work already undertaken which has resulted in figures that Wales can be proud of, a clear directive which ensures we are all working more cohesively, have identified where the issues are, can only push the figures lower and more importantly ensure young people can move on and positively with their lives.”

There was also some debate over what further elements of youth justice could diverge under devolution. Some participants believed that this could be a good opportunity to raise the issue of

the age of criminal responsibility. Some suggest that this could overcome issues of stigmatisation in the youth justice system, while others demonstrated concern that this would remove a lot of the protection and support around younger offenders. This is the kind of debate that could have a big impact on the state of the youth justice system in Wales and really show innovation in this area. It is vital that devolution of the youth justice system is therefore carried out in the most effective way possible, through joined up working and support from all sectors.

In its evidence to the Silk Commission, the Welsh Government declared it was seeking executive competence for youth justice and not full competence, due to the costs involved in splitting provisions such as youth courts. We support this until further evidence shows that the cost would be necessary to undertake more effective youth justice in Wales.

Conclusion

The debate surrounding the devolution of policing and justice in Wales is one that comes with much difficulty. This debate is complex due to the inclusion within the sectors of so many different issues, from the inextricably linked elements of both sectors to the level of debate within the sectors themselves. These are all key issues which the Silk Commission have the unenviable task of dissecting.

Our research has used a fundamentally different approach to gathering evidence, through the creation of a 'sandpit' of sorts for experts from all different areas of policing and justice to get together, air their views and debate key issues. While the success of this as a pilot project does have clear limitations, The UK's Changing Union Project believes that we have made key steps, with the help of the IWA, in developing not only rationales for the devolution of some key areas of policing and justice but cohesive road maps for policy development in these areas.

Through using a sample of over 50 participants, we believe that we have gathered multiple arguments for and against the devolution of both policing and justice, but have made a concerted effort to follow the consensus of our participants and accurately depict how each debate has played out.

This has led us to believe in a piecemeal approach to the devolution of some elements of the policing and justice system. Very often the need to devolve some services emanates to improve the existing relationship in the sector with already devolved joined-up services. For example, Youth Justice could be devolved with relative ease given the sectors reliance on public services such as health and education. In fact, its devolution, we believe, would allow for easier partnerships between the sector and these services.

There has been a tendency for the debate around policing and justice to be largely ideological. This is why we have called for extensive public and sector driven consultations prior to the devolution of policing. Our research however, does demonstrate that despite issues in public and sector support, our participants believed that policing should be devolved by in large. More complex issues certainly arise in the debate over justice, where participants in our project have been decidedly split. As a result we have various recommendations for each part of the justice system. For example, we believe that issues arising from a current spate of Supreme Court referrals need to be tackled, and a possible way of doing this would be through the creation of a separate legal jurisdiction for Wales, which would guarantee Welsh representation on the Court itself. However, this is not the only issue associated with the separation of the England and Wales jurisdiction. Highly complex consequences across the sector would be felt, in terms of prisons, training for lawyers in Wales, and cost. This is why we believe that fundamentally the justice system as a whole (with the exception of youth justice) needs more time to assess the correct path, which should be followed in the course of its devolution.

Fundamentally, this research has begun to assess these issues, but there is a long way to go in the path of devolution for some parts of the policing and justice systems. This research has shown that until now there has been a fundamental lack of engagement over the issue of devolution for both policing and justice in Wales. What debate currently exists has relied largely on individual opinion and academic work. We hope that the integration of views from a variable range of participants through our work will contribute to kick starting a nation wide debate on the devolution of policing and justice in Wales.

Appendix 1- list of participants in the IWA policy pilot site

- Adam Edwards
- Adam Price
- Alistair Henry
- Alun Michael
- Byron Davies
- Cathie Brannigan
- Christopher Salmon
- Colin Nosworthy
- Colin Rogers
- Dan Lodge
- David Davies
- David Melding
- David TC Davies
- Dusty Kennedy
- Emyr Lewis
- Evan Jones
- Frances Beecher
- Geraint Talfan Davies
- Gordon Hughes
- Huw Evans
- Hywel Ceri
- Hywel Lloyd
- Ian Hargreaves
- James Gravelle
- Jeff Mapps
- Jonathan Evans
- Kelly Lewis
- Lesley McAra
- Mike Hedges
- Mike Maguire
- Noel Lloyd
- Peter Price
- Richard Owen
- Richard Wyn Jones
- Robert Jones
- Roderick Evans
- Simon Thomas
- Sophie Chambers
- Sophie Chambers
- Tom Davies
- Trevor Jones

Appendix 2- Terms of Reference

IWA Sandpit Pilot: The devolution of Justice and Policing- Terms of Reference

A pilot project will be established for two purposes:

- 1 To review and engage in detailed debate in relation to any potential devolution of justice and policing to the National Assembly for Wales.
- 2 To test the validity of online crowdsourcing as a way of formulating and influencing policy in Wales

In undertaking, the policy pilot will formulate an 'expert group' involving 20-30 stakeholders from the justice and policing sectors, who will engage in a six week debate on an online platform. The debate will be separated in phases to increase the learning outcomes of the pilot and ensure that different subjects are covered. The debate should:

- Define the terms of justice and policing in Wales, including an assessment of whether the two sectors can be devolved separately or fully.
- Assess the consequences of devolution of justice and policing in Wales.
- Assess the potential cost implications for the devolution of justice and policing
- Assess the IGR implications of devolving justice and policing to Wales.
- Produce specific discussion on youth justice as a key area of justice.

The pilot project will not always aim to provide an answer to the above questions, but to generate debate and discussion on them, which will broaden the level of debate in Wales regarding these key issues.

The pilot project's main output of discussion will take place on a private platform, however public output will be provided by the IWA, including the use of social media platforms and the IWA's blog. Evidence taken from the platform discussions will be used to formulate interim reports to the Commission on devolution in Wales.

Appendix 3 - A Digital Think Tank

The IWA was commissioned by the UK's Changing Union project to develop this submission. The IWA is becoming a digital think tank and crowdsourcing projects such as this policy pilot are becoming a distinct way to develop policy. There is more information about this on our website.

www.iwa.org.uk/en/the-iwa-is-changing

The IWA is changing to develop new ways of thinking in Wales. We're becoming a digital think tank, and utilising crowd sourcing to involve more people in the development of public policy.

To do this, we're piloting a new way of research which engages more people; allowing us to draw on wider perspectives and a broader range of experiences to raise the level of debate in Welsh civic society. The first of these pilots will begin this autumn and will focus on the devolution of criminal justice and policing.

20 to 30 stakeholders from a wide variety of backgrounds will be debating the ins and outs of the policing and criminal justice in Wales over the next six weeks. The debate on this subject area has only just begun. They'll be asking and attempting to answer the big questions in the field; what would devolution include, what are the pros and cons of devolution and ultimately, should it happen. This is a project that is as much about asking the questions as answering them.

This debate will take place on a private online forum due to its sensitive nature and to allow serving police officers to take part. However, the public will be involved. Elements of the debate will be posted on Click on Wales to invite public comment to feed into the private debate. We'll be utilising a whole host of platforms to involve as wide a group as possible in the discussion.

Submission to the Commission on Devolution in Wales

The Devolution of Policing
and Justice to Wales