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TITLE Update on the development of the justice system and the legal sector in Wales

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BY Mick Antoniw MS, Counsel General and Minister for the Constitution

I wanted to update Members on the actions we are taking to follow through on our manifesto and Programme for Government commitment to pursue the case for the devolution of justice and policing to Wales.

The Commission on Justice in Wales (Thomas Commission) delivered a landmark report, *Justice in Wales for the People of Wales*, in October 2019 with a comprehensive set of recommendations setting a future vision for justice in Wales. While the pressing need to reprioritise resources during the past 18 months to tackle the Covid-19 pandemic has slowed the pace at which we have been able to implement the recommendations, we are making progress on a number of important fronts.

In July, I chaired the first meeting of the Welsh Government's reconvened Cabinet Sub-Committee on Justice. I agreed with the First Minister and the Minister for Social Justice that as we entered a different phase of the pandemic the time was right to kick-start conversations with the UK Government about the future of justice in Wales. The First Minister wrote to the then Lord Chancellor to express strong disappointment that the UK Government had rejected the Thomas Commission report's central recommendation, while emphasising there is a large number of other recommendations that are achievable under the current devolution arrangements or involve some element of devolution without transferring responsibility for justice in its entirety. For example, there is a strong case for devolving the youth justice system, which the Silk Commission also recommended in 2014.

We will continue to make the case for devolving justice and policing, and work with stakeholders to explore how best to achieve it. I expect the upcoming Constitutional Commission will also consider these issues. In the meantime, based on correspondence with the previous Lord Chancellor, we expect discussions between the two governments will begin shortly. We intend they will cover the range of topics within the Thomas Commission's report, including the need for disaggregated justice data for Wales, ensuring people can access court services as they are digitised, exploring the possibility of problem-solving courts in Wales, support for advice service providers; diversity in justice system agencies, the quality and location of court buildings, Welsh language provision in the justice system, and the organisation of the senior judiciary including representation on the UK Supreme Court.

Alongside those discussions with the UK Government, we will continue to pursue existing programmes of partnership working. We are working with Her Majesty's Prison and Probation Service, the Home Office and the Police and Crime Commissioners on the Youth Justice and Female Offending Blueprints, including the establishment of a Residential Women's Centre in Wales and the development of a new delivery model for the Welsh secure estate for justice and looked after children.

We are also progressing our own programme of work on Thomas Commission recommendations within the gift of the Welsh Government and other Welsh actors. A key area is family justice. The Thomas Commission shared our concerns about the numbers of children in Wales taken into care, and considered the important role partners in the justice system have in caring for children in Wales. We are working collaboratively with justice partners in Wales to take forward recommendations of the Family Division's Public Law Working Group designed to keep families together, and expecting the launch this autumn of the first Family Drug and Alcohol Court in Wales through a pilot in Cardiff. The North Wales Local Family Justice Board is one of two pathfinder areas in England and Wales taking part in a pilot programme to test and evaluate a revised Child Arrangements Programme on behalf of the Family Division's Private Law Working Group. The aim is to promote non-adversarial and problem-solving approaches to cases and reduce backlogs through better case management.

It is essential we have a vibrant legal sector in Wales to ensure all people, businesses and communities have easy access to the advice they need when they need it, and to support our vision for a better justice system for the people of Wales. We are working with the legal sector on a package of measures to support its long-term development through business and digital support, cyber security and procurement of legal services, tailored to the particular needs of commercial law firms, high street practices and the bar.

A key Thomas Commission recommendation was setting up a Law Council of Wales to promote the interests of legal education and the awareness of Welsh law, ensure proper provision of teaching the law in Welsh, and assist students in their education and training as future practitioners. We have been working with the legal sector during the past year to establish the Law Council. I am pleased to report we have consistently

encountered enthusiasm to participate in it. Accordingly, I have now invited the proposed members of its Executive Committee to an initial meeting in November, which we expect will be the precursor to the formal instigation of a Law Council shortly after. While it will be for the Law Council itself to determine its precise remit, based on discussions with the sector we anticipate it will extend beyond legal education and Welsh law to cover economic development of the sector and legal technology and innovation.

We are continuing to work to achieve the best possible outcomes through existing devolved justice functions. The Welsh tribunals have adapted well to the unprecedented disruption to their normal working practices from the pandemic. Their continuing operation, ensuring users have been able to continue accessing justice, is testimony to how effectively the judiciary and administrators of the tribunals, led by the President of Welsh Tribunals Sir Wyn Williams, have responded to truly exceptional circumstances. I commend to Members Sir Wyn's latest annual report for 2020-2021, and we intend to make time for discussion of the report in plenary session.

In his first report to March 2019, Sir Wyn reflected on the Wales Act 2017 establishing the office of President of Welsh Tribunals and defining the Welsh tribunals, describing it as the "*...commencement of a journey towards providing for Wales a tribunal system which is modern, flexible [and] capable of responding to the reasonable needs of all tribunal users...*". That journey has continued with a Law Commission project to review the law governing the operation of our devolved tribunals and recommend reforms to bolster their independence and effectiveness. This important project is identifying the structural reforms we can make for a modern tribunal system for Wales as another important step towards building a devolved justice infrastructure for Wales. The Law Commission's consultation closed in March, and I anticipate receiving its final report this autumn and considering its recommendations to pave the way for a Bill that will give effect to specific Welsh policy in this important area.