



# Scrutiny of the Welsh Government's draft budget for 2025-26

## Response to the LJC Committee report

In February 2025, the Legislation, Justice and Constitution Committee submitted its report on the Welsh Government's draft budget for 2025-26. The report includes six recommendations. This is the Welsh Government's response to those recommendations.

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## Introduction

We thank the members of the Legislation, Justice and Constitution Committee for their report on the Welsh Government's draft budget for 2025-26. We have set out our response to the Report's individual recommendations below.

## Response to the six recommendations

### **Recommendation 1**

The Committee recommends:

The Welsh Government should set out the work it has undertaken to date to explore the ways in which it can improve the level of information it provides about expenditure on justice-related activity, and the work it intends to take in the future in this area.

Response: Accept

We have explored different approaches to conveying meaningful, useful information on justice related spending, that would facilitate the Committee's scrutiny in this area.

The "Budget Process Protocol" ("the Protocol") between the Senedd and the Welsh Government, agreed by the Senedd on 21 June 2017, is the document that currently sets out the understanding between the Finance Committee and the Welsh Government on budgetary related matters. In accordance with the Protocol, the Draft Budget sets out budget proposals for each portfolio at the BEL level.

Justice-related activity cuts across portfolios and is allocated funding from within a number of BELs across MEGs. In many cases, expenditure will largely be on costs of staff whose time is not precisely divided between justice and non-justice related activity, or forecasts of expenditure cannot be disaggregated in this way. The granularity of detail on budget allocations for justice-related activity does not, therefore, go beyond BEL level. This approach is consistent with the Protocol, and the structure and is therefore consistent with previous years' budgets.

In terms of justice related spending, correspondence on previous budgets included BELs that were only partially delivering justice related activity. Some of the contributions from these BELs to justice-related spending were marginal proportions of the overall BEL spend, such as the NHS Core Allocation BEL of £8.6bn. For other BELs presented, the policy activities may have contributed to indirectly to the aims of the Welsh Government justice policy but did not include direct spending on justice, such as the £78m mental health budget. While this provided an insight into the whole government nature of justice as a policy area, this did not provide clarity about the level of spend dedicated to justice-related activity specifically.

We sought to enhance the clarity of spending by providing a narrative associated with the budget lines, to indicate which activities under that BEL contribute to justice. However, there were limits to the extent to which narrative could clarify the overall quantum of spend on justice related activity within a specific BEL. Additionally, we found that creating these documents took resource away from delivery, without demonstrating clear value in doing so.

In our previous letter, we also noted that in many cases duplicated information that was being provided to the relevant subject committees through their budget scrutiny. We do of course recognise that different committees may have interest in the same expenditure, viewed through different prisms, and it is for the individual committees to determine how they conduct their scrutiny. Our purpose in mentioning this was only to note the inefficiency in the Welsh Government routinely providing the same information in different forms to different committees.

The Protocol acknowledges that the budget process is evolving, and that presentation of budget proposals will change. In the longer term, it is our expectation that further devolution of justice will enable clearer budgetary allocation on justice related activity, and indeed this degree of greater accountability within Wales is one of the core arguments for that devolution.

Financial implications – none

## **Recommendation 2**

The Committee recommends:

The Welsh Government should provide further information on which workstreams the additional resources allocated to the Justice Transformation BEL and the Constitutional Reform BEL will support, and information on which potentially other associated costs are anticipated in 2025- 26

Response: Accept

The additional resources provided to the Justice Transformation BEL and Constitutional Reform BEL will be used to fund work on:

- Developing operational policy on youth justice devolution, including engagement with key stakeholders and supporting discussions with the UK Government;
- Developing proposals for the devolution of probation services, building on regional devolution within England;
- Tribunal reform, including development of legislation and preparations for the implementation of that legislation;

- a programme of research into justice outcomes in Wales and to support preparations for devolution, the contract for which was awarded on 12 February 2025; and
- supporting work to deliver the Independent Commission on the Constitutional Future of Wales' recommendations, including the Innovating Democracy Advisory Group, chaired by Dr Anwen Elias.

Financial implications – The additional budget allocated to these workstreams has been set out in our previous correspondence. We are not anticipating further costs to be incurred in 2025/26 at this stage.

### **Recommendation 3**

The Committee recommends:

The Welsh Government should keep the Committee informed of any transfer of functions from the UK Government in relation to justice, and any associated additional funds or transfer of funds required to support those functions.

Response: Accept

We will keep the Committee informed of any transfer of functions from the UK Government in relation to justice. Should there be any associated additional funds or transfer of funds for these functions, we will inform the Committee of those too.

Financial implications – none

### **Recommendation 4**

The Committee recommends

The Welsh Government should commit to issuing another progress report on its Delivering Justice for Wales programme before the end of the Sixth Senedd.

Response: Reject

The Welsh Government acknowledges the importance of keeping the Senedd updated on its activity in pursuit of improvements to the justice system, including the devolution of youth justice and probation. However, based on our experience of the degree of engagement with the progress report previously published, it is our judgement that issuing a further progress report before the end of the Senedd Term is not necessarily the most effective way to achieve this. We are happy to undertake to provide updates through Written or Oral Statements at key points, for example corresponding with the completion of milestones along the work programme or the publication of significant reports

undertaken by suppliers contracted to undertake work in this space. This approach will ensure that information is shared in a timely manner, allowing for more immediate insights and engagement with the progress being made.

Financial implications – none

### **Recommendation 5**

The Committee recommends:

The Welsh Government should commit to introducing legislation to reform the Welsh tribunals within a timescale which will enable its legislative passage before the end of the Sixth Senedd.

Response: Reject

We welcome the Committee's support for reform of the devolved tribunal service, and the Committee's recognition of the importance of such reform. Our intention to modernise the tribunal system in Wales is set out in [Delivering Justice for Wales](#) and this is a programme of work to which we remain committed.

As we set out in [our correspondence of 8 January](#) we continue to take forward work to develop a Bill. The First Minister will announce the Bills to be introduced in the final year of this Senedd term in the annual statement on the legislative programme.

Financial implications – None at this stage. The financial implications of a Bill to reform devolved tribunals will accompany any such Bill as it is introduced.

### **Recommendation 6**

The Committee recommends

The Welsh Government should explain why it has been unable to provide details on individual items of planned spending to support its programme to improve the accessibility of Welsh law, as it has been able to do so in previous years.

Response: Accept

The programme to improve the accessibility of Welsh law is a whole of Government endeavour, supported by a small team of staff working in the Legislative Codes Office. The work of the Legislative Codes Office also includes ensuring subordinate legislation made by or on behalf of the Welsh Ministers is correctly made, registered and published and that bilingual legislation on [legislation.gov.uk](#) is updated following amendment.

For the Committee's consideration of the 2024-25 draft budget we provided the budget line codes of some of the staffing resource associated with the Planning Bills and the Bill that is now known as the Legislation (Procedure, Publication and Repeals) (Wales) Bill, together with a minor element of one aspect of IT costs (and budget line). As explained then and subsequently, however, this did not include the full range of spending associated with all of the projects in the programme, or indeed the Government's wider work to support the accessibility of Welsh law.

Additionally, the 2022-23 *Annual Report on The Future of Welsh law* included a review of the implementation of the Legislation (Wales) Act 2019, which dealt with resourcing issues, among other things. That included details of the staffing put in place to support the programme and explained the difficulties associated with quantifying the full range of costs needed to implement the individual projects – particularly in the case of developing primary and subordinate legislation.

Because of these limitations, we are not in a position to expand on the explanation previously given that the costs of our work to deliver *The Future of Welsh law* are met from a wide range of portfolios as part of wider legislative activity within the organisation.

Financial implications – None