

Thomas Commission Research

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Introduction

Under the Chairship of the former Lord Chief Justice of England and Wales, Lord Thomas of Cwmgiedd, the Commission on Justice in Wales carried out the first review of the operation of the justice system in Wales in over two hundred years. Drawing upon more than two hundred written evidence submissions, 46 oral evidence sessions and 87 external events and engagements, the Commission's final report was [published](#) in 2019 and set out a series of wide-ranging proposals and recommendations for reform. From family justice to the legal profession and Welsh tribunals to the operation of police, prisons and probation in Wales, the Commission's overarching conclusion was unequivocal: 'the people of Wales are being let down by the justice system in its current state'.

In the years that have elapsed since the report's publication, the Commission's findings have heavily shaped and informed academic and political debates on the operation of the Welsh justice system, as well as those relating to the future of justice powers and devolution in Wales. Despite its recurrent appearance within debates on justice related issues in Wales, however, serious questions remain over the extent to which progress has been made against each of the Commission's 78 recommendations. While successive UK Governments have declined to engage on a serious level with the Commission's findings, the Welsh Government has also fallen short in delivering the recommendations firmly within its remit.

As we enter the final months of the Sixth Senedd, the purpose of this research is to assess the extent to which the Commission's recommendations have been considered *and* implemented by the relevant decision-making bodies. This task includes considering how effectively the Welsh and UK governments have worked together to deliver recommendations where they share joint responsibility, as well as the impact made by leadership changes in both the UK and Welsh government on the delivery of the Commission's recommendations. In seeking to inform the legacy work of the Legislation, Justice and Constitution Committee, the research hopes to provide the relevant successor committee in the Seventh Senedd with a baseline to inform its (much needed) future work on justice related matters in Wales.

1 The Recommendations: Progress and Implementation

The Commission on Justice in Wales was led by a team of Commissioners with a diverse range of experiences of the justice system. This breadth of knowledge and expertise allowed the Commission to ‘examine the whole system’ and analyse a variety of topics. Ranging from offender management and Wales’ legal economy to coroner services and legal education, the Commission examined every aspect of the justice system in great detail. Beyond the team of expert Commissioners, however, wider interest in the justice system in Wales tends to be siloed. Within academia, for example, expertise is clustered around particular subject fields (e.g. administrative justice, family justice, criminal justice) rather than ‘justice’ as a whole.

The significance of this rather siloed landscape is that, while analyses of the progress made against the Commission’s recommendations have been [carried out](#) in relation to specific areas of the justice system in Wales, there have been few attempts made to evaluate the Commission’s work as a whole. This includes the responses provided by UK Ministers as well as the Welsh Government, including its most authoritative response to the Commission’s report in [2022](#).

To address the existing gap, this section provides a detailed update on the progress that has been made against each of the Commission’s 78 recommendations since 2019. Alongside a description (where possible) of the activities that have taken place in this area, an outcome of ‘Achieved’ (where the recommendation has been implemented in full), ‘Partially achieved’ (where some progress has been made, but the recommendation has not been implemented in full) or ‘Not achieved’ (where little or no progress has been made and the recommendation has not been implemented) is recorded for each recommendation based on the level of progress made.² The recommendations are presented in the order that they appear in the Commission’s report, and are grouped by the chapter they were included in.

² The progress recorded against each recommendation has, where possible, been corroborated by an academic, legal professional or practitioner with in-depth expertise in that area. Any errors (whether factual or judgment), omissions or mistakes that appear in the pages that follow, however, are entirely my own.

Figure 1: Outcomes against the Commission on Justice in Wales' recommendations, broken down by report chapter

	Achieved	Partially Achieved	Not Achieved	Total
Chapter Three	0	1	2	3
Chapter Four	1	3	12	16
Chapter Five	0	2	2	4
Chapter Six	1	0	6	7
Chapter Seven	0	2	6	8
Chapter Eight	0	0	1	1
Chapter Nine	0	5	1	6
Chapter Ten	0	3	3	6
Chapter Eleven	1	2	3	6
Chapter Twelve	0	3	18	21
Total	3	21	54	78

Chapter 3: Information, Advice And Assistance

1. The funding for legal aid and for the third sector providing advice and assistance should be brought together in Wales to form a single fund under the strategic direction of an independent body.

Outcome: Not achieved

The Welsh Government [introduced](#) the Single Advice Fund in January 2020 to support the delivery of social welfare information and advice services (including the topics of benefits, debt, housing, employment and discrimination). The Single Advice Fund is designed to help meet the increasing demand for advice services across Wales and ensure that funding is directed towards strategically planned services that provide access to all the advice a person requires to resolve their social welfare problems. The Fund is a competitive grant process which is administered by the Welsh Government, not an independent body which provides strategic direction or oversight.³

The Single Advice Fund does not extend to legal aid funded advice services in Wales because this matter is reserved to the UK Government. Concerns continue to be raised across Wales about the [inadequate](#) level of funding for legal aid, including the [creation](#) of legal advice deserts, as well as the imbalances between lawyers in private practice and third sector advice providers. The Senedd Research Service's [guidance](#) for constituents seeking legal advice provides a comprehensive list of the many organisations and agencies that currently provide advice and support to individuals in Wales.

³ The Single Advice Fund does not offer core funding to information and advice providers.

2. Support Through Court should be expanded so that there is availability at courts and tribunals across Wales.

Outcome: Not achieved

Support Through Court has not been expanded in Wales since the Commission published its report in 2019. The service has undergone a number of restructures during this time, with its Cardiff office reduced from full-time to part-time, and the closure of the Newport satellite service in 2022.⁴

Although Support Through Court has not opened any other services in Wales since 2019, it has launched a [Welsh-speaking service](#), which is run from its Cardiff office, after receiving funding from the National Lottery.

3. Criminal legal aid policy and delivery should be designed in Wales to meet needs across Wales and based on the approaches to public defender schemes adopted by the Nordic nations.

Outcome: Not achieved

The responsibility for criminal legal aid policy remains reserved to the UK Government and is administered by the Legal Aid Agency, an executive agency of the Ministry of Justice.⁵ The UK Government has made no attempt to design or implement any distinct approach in Wales, let alone one modelled on those adopted in the Nordic countries.

⁴ Support Through Court retains a volunteer who will support clients in hearings at Newport if they have booked an appointment.

⁵ Legal aid is listed in the Government of Wales Act 2006, Schedule 7A, Part 2 (Specific Reservations).

Chapter 4: Criminal justice: reducing crime and promoting rehabilitation

4. A new Wales Criminal Justice Board should be created. It should set an overall criminal justice strategy for Wales and provide the means for accountability within Wales for the delivery of that overall strategic approach.

Outcome: Partially achieved

The Criminal Justice Board for Wales set out its statement of purpose in 2020. The Board has been given a new name, is led by a Chair, and publishes an annual report on its overall criminal justice strategy. Although the strategy provides the means for *some* accountability, it is not clear who is responsible for providing this oversight and accountability. For example, although the Criminal Justice Board's annual report is made publicly available on the UK Government's website, it is unclear who is (or should be) responsible for scrutinising the strategy and the progress made (or not) against its many commitments and pledges.

5. The Wales Criminal Justice Board should have responsibility for ensuring the rights of victims are respected and there is proper delivery of services to victims.

Outcome: Partially achieved

The Criminal Justice Board for Wales has established a Victims and Witnesses Taskforce to help meet the needs of victims in Wales. The Taskforce is responsible for overseeing the delivery of this work on behalf of the Board.

The extent to which the Taskforce ensures the rights of victims are respected and there is a proper delivery of services, however, cannot be established from the (limited) information available. Although the Criminal Justice Board for Wales' 2023/24 and 2024/25 reports both refer to the Taskforce, there are few details provided. For example, it is unclear who is on the

Taskforce, how many members form part of the Taskforce, as well as who leads the Taskforce and who it ultimately reports to.

6. Each of the police, Crown Prosecution Service, the judiciary and HM Prison and Probation Service should publish a strategy in respect of Black, Asian and Minority Ethnic people in Wales and report annually on the strategy to the Assembly.

Outcome: Partially achieved

The Criminal Justice Board for Wales [published](#) its first Anti-Racism Action Plan in September 2022 and has since produced two annual reports ([2023/24](#) and [2024/25](#)) aimed at monitoring the progress made against the plan's pledges and commitments.

By virtue of their membership of the Criminal Justice Board for Wales, the plan includes (and extends to) the four police forces in Wales, the four Police & Crime Commissioners, the Crown Prosecution Service, His Majesty's Prison and Probation Service, His Majesty's Courts and Tribunal Service, and the Youth Justice Board.

The judiciary in Wales, however, are not members of the Criminal Justice Board for Wales and have not published their own strategy in respect of Black, Asian and Minority Ethnic people in Wales. Although the Courts and Tribunals Judiciary [published](#) its *Judicial Diversity and Inclusion Strategy (2020 to 2025)* in 2020 to improve diversity among the judiciary in England and Wales, the strategy makes no mention of the unique legislative and policy context in Wales for promoting equality or tackling discrimination in Wales.⁶

Every annual report published by the Criminal Justice Board for Wales is made publicly available on the UK Government's website, but there is no indication that the reports are sent directly to the relevant committee in the Senedd. While the Senedd's Equality and Social Justice Committee carried out an [inquiry](#) into the Welsh Government's own Anti-Racist Action

⁶ Data [published](#) by the Ministry of Justice in 2025 show that only three per cent of judges (5) and six per cent of magistrates (51) in Wales are from an ethnic minority background.

Plan in 2023 (which included a focus on criminal justice), none of the agencies involved in the Criminal Justice Board for Wales provided written or oral evidence.

7. The Welsh Government and the Home Office should agree long-term arrangements for police apprenticeship funding which do not disadvantage Welsh police forces compared to their English counterparts.

Outcome: Not achieved

The Home Office [allocated](#) £2.4m as part of the police settlement for 2025/26 to reimburse the amount paid by Welsh forces in their levy contribution for police constable degree apprenticeships. The need for this funding to be allocated, however, offers the clearest indication possible that a ‘long-term’ or lasting arrangement for police apprenticeship funding has yet to be agreed upon.⁷

8. 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.

Outcome: Not achieved

The devolved legislative and policy landscape in Wales necessitates that police forces in Wales work closely with the Welsh Government on crime reduction policy, including substance abuse and mental health, through a range of forums, including the Policing in Wales group. Formal responsibility for policing, however, is reserved to the UK Government, as is responsibility for some of the key legislative and policy levers over drugs and mental health.⁸

⁷ Because the police integrated degree apprenticeship programme—despite being delivered by universities in Wales to Welsh-based officers—is funded through the English apprenticeship levy system, it therefore continues to fall within the inspection remit of Ofsted, not Estyn.

⁸ This includes the provisions within the Misuse of Drugs Act 1971 and the Mental Capacity Act 2005.

Although policing and crime reduction policy is influenced by policy makers in Wales, it is ultimately determined by UK Government Ministers and officials in Westminster. When asked about the possibility of devolving policing powers to Wales in February 2026, the Secretary of State for Wales, Jo Stevens, [claimed](#) that the UK Government’s priorities remain ‘fixing the mess that got left behind’ by the previous government and that the existing England and Wales arrangement ‘works best for communities in Wales’.

9. Problem-solving courts should be established in Wales along the Northern Ireland model.

Outcome: Not achieved

In 2023, the Ministry of Justice [funded](#) the piloting of four new problem-solving courts (also referred to as Intensive Supervision Courts) in England and Wales. All four problem-solving courts, however, were sited at locations in England.⁹

In August 2025, the Ministry of Justice [launched](#) a new expression of interest for courts in England and Wales to be considered as potential sites for Intensive Supervision Courts designed to promote problem-solving approaches. The plans form part of the UK Government’s attempts to reduce the court backlog, as well as reduce the number of custodial sentences. In late 2025, HM Courts and Tribunals Service Wales applied for an Intensive Supervision Court to be located at West Glamorgan Magistrates’ Court (Swansea Magistrates’ Court). Although a decision has yet to be reached by the Ministry of Justice, it is expected that shortlisted areas will be notified in early 2026, with the new sites expected to begin implementation work from spring 2026.

⁹ Women’s Intensive Supervision Court (Birmingham Magistrates’ Court): Focused on diverting women from short custodial sentences, addressing trauma, mental health needs, substance use, social instability, and supporting the maintenance of family relationships.

10. Building on the reducing numbers of children and young people in custody and those entering the criminal justice system, youth justice policy should be determined and delivered in Wales.

Outcome: Not achieved

A range of devolved services in Wales, including children’s social services, education and health, work closely with youth justice services to reduce the number of children coming into contact with the criminal justice system.¹⁰ Formal responsibility for youth justice policy, however, remains reserved to the UK Government.

Although the UK Labour Government’s [manifesto](#) included its commitment to ‘consider’ the devolution of youth justice to Wales, there has yet to be any progress delivered in this area. In August 2025, the Welsh Government [confirmed](#) that it is still working alongside the UK Government to ‘explore where responsibilities in the youth justice system could be realigned’. It is expected that the focus of these discussions is likely to be on the funding and monitoring arrangements for youth justice services in Wales.

In February 2026, the UK Government [published](#) plans to ‘modernise’ the governance and funding of youth justice services in England and Wales. The government’s strategy outlines its commitment to ‘see central and local agencies’, including local authorities, health and education services, ‘doing all they can’ to ensure that custody for children is used as a ‘last resort’. Although many of the services for children listed in the strategy fall under the auspices of the Welsh Government, the strategy fails to acknowledge the fundamentally different delivery landscape for youth justice services in Wales. Indeed, neither ‘Welsh Government’ nor ‘devolution’ are mentioned once throughout the strategy.

¹⁰ The [average](#) number of children (under 18s) from Wales in youth custody was 26 in 2019, the year that the Commission on Justice in Wales’ report was published. In 2024, the average number of Welsh children in youth custody was 17.

11. The age of criminal responsibility should be raised to at least 12 years old in Wales.

Outcome: Not achieved

The age of criminal responsibility in Wales remains 10 years of age. Although the case for raising the age of criminal responsibility was to form part of the UK and Welsh Government's [discussions](#) over the devolution of youth justice in 2024, no progress has been made against this recommendation.

When giving oral [evidence](#) to the Senedd's Legislation, Justice and Constitution Committee in December 2022, the UK Government's then Parliamentary Under-Secretary of State for Justice, Lord Bellamy KC, told members that this recommendation is 'unlikely to proceed', with the government maintaining the view that there should be 'one age across England and Wales'. In a follow-up [letter](#) sent to the Committee in March 2023, Lord Bellamy confirmed that the UK Government 'will not be taking forward this recommendation'.

A Short Debate on increasing the age of criminal responsibility to 14 in Wales was held in the Senedd in January 2026. During the debate, the Welsh Government's Cabinet Secretary for Social Justice, Trefnydd and Chief Whip, Jane Hutt, indicated the government's support for an increase in Wales but once again [reiterated](#) that the responsibility for setting the age of criminal responsibility remains 'reserved to the UK Government'.

12. The basic design principles for probation set out in the 2018 annual report of the then Chief Inspector of Probation should be applied to the design of the new integrated National Probation Service of Wales and the outcomes should be strictly measured on a regular basis and be made public.

Outcome: Not achieved

Probation services in Wales were brought back under public sector control in December 2019. Although there is currently no National Probation Service of Wales, the responsibility for managing low, medium and high-risk offenders in Wales falls upon the National Probation Service under HM Prison and Probation Service in Wales.

While probation services in Wales have been integrated as part of a public sector-led organisation, the problems and challenges that continue to face probation services suggest that the design principles set out in HM Chief Inspector of Probation's 2018 annual report have not yet been successfully applied to the new model in Wales.¹¹ In December 2025, for example, HM Inspectorate of Probation [described](#) the services being provided across the Cardiff and Vale Probation Delivery Unit as 'inadequate', with the work being done to keep people safe requiring 'urgent attention'. Likewise, although the UK Government's Minister of State for Prisons, Probation and Reducing Reoffending, Lord Timpson, [told](#) MPs in December 2025 that the North Wales Probation Delivery Unit is currently 'top of the tree' when it comes to performance across England and Wales, HMI Probation's most recent inspection of North Wales [concluded](#) that the unit still 'requires improvement' in several areas.

¹¹ The four design principles listed within the Chief Inspector's Annual report were: (i) the importance of a strong evidence base; (ii) the service needs to meet the needs of individuals – offenders and victims; (iii) it should be staffed by qualified and engaged professionals who provide a service that is properly integrated with the wider criminal justice system; and (iv) it instils confidence that the public are protected, rehabilitation is seen to work, the operating model supports effective delivery and it delivers value for money.

13. The comprehensive network of services and centres as alternatives to custody for women in Wales must be established rapidly and sustained over time.

Outcome: Not achieved

In May 2020, the then UK Justice Minister, Lucy Frazer QC, [announced](#) that the very first Residential Women’s Centre would be sited in Wales. The Ministry of Justice [confirmed](#) in August 2023 that the Residential Women’s Centre will be located at a site in Swansea after it successfully appealed Swansea Council’s decision to reject its planning application for the Centre in September 2022. However, as of February 2026, the UK Government has yet to confirm if plans for a Residential Women’s Centre in Swansea (or elsewhere) will go ahead.

Against the backdrop of these ongoing discussions, the [number](#) of Welsh women in prison increased for a fourth consecutive year in 2024, with around a quarter (24 per cent) of all women sentenced to immediate custody in Wales handed sentences of up to one month or less.¹²

14. Sentencing policy and the delivery of integrated offender management and rehabilitation should be determined in Wales so that it is an integral part of and aligned with Welsh health, education and social policy.

Outcome: Not achieved

Sentencing policy remains the responsibility of the UK Government in Westminster. The UK Government presented the Sentencing Bill to Parliament in September 2025 following the publication of the Independent Sentencing Review, led by the former Justice Secretary, David Gauke. The [review](#) set out a number of proposals to help address the prison capacity crisis facing prisons in England and Wales, but failed to acknowledge the devolved legislative and

¹² 65 per cent of women handed custodial sentences of month or less at courts in Wales in 2024 were convicted of theft from shops (‘shoplifting’).

policy landscape in Wales, or that Wales boasts the [highest](#) ‘in-country’ and ‘home address’ imprisonment rate in western Europe. The Sentencing Act 2026 received Royal Assent on 22 January 2026.

Offender management services also remain reserved to the UK Government in Westminster and are overseen by HM Prison and Probation Service in Wales. During the House of Lords Committee stage of the Sentencing Bill, Lord Thomas of Cwmgiedd tabled an [amendment](#) to devolve probation to Wales by removing it from the list of reserved matters of Schedule 7A of the Government of Wales Act 2006. After the UK Government’s Lord in Waiting (Government Whip), Lord Lemos, [pointed](#) out the ‘fallacy’ of any proposal to devolve one ‘part of an entire system of offender management’, Lord Thomas tabled a further amendment to ‘devolve the whole of probation and prison services’. This amendment, however, was subject to a further ‘very substantial objection’ from the UK Government on the basis that devolving offender management also constituted the transfer of ‘just part of the criminal justice system’.

15. An integrated and whole system approach to offender management should be established with a single rehabilitative strategy in Wales that is underpinned by a strong evidence base, accurate data, clear governance and accountability arrangements, coherent action plans, a realistic timetable and resources realigned accordingly.

Outcome: Not achieved

One of the most significant challenges associated with the ‘jagged’ constitutional arrangements underpinning the Welsh criminal justice system is that ‘joined-up’, ‘integrated’ or ‘whole system’ approaches are especially difficult to achieve. Although HM Prison and Probation Service is formally responsible for offender management in Wales, many of the key resettlement and rehabilitative services delivered in Wales, including health, education, housing and tackling substance misuse, fall under the auspices of the devolved government.

Although the Criminal Justice Board for Wales acts as a forum for devolved and reserved bodies to work together, there is no evidence that a single rehabilitative strategy has been developed

for Wales. In the Criminal Justice Board for Wales' most [recent](#) annual report, for instance, the terms 'rehabilitation', 'rehabilitative' or 'resettlement' were not mentioned once.

16. Intensive alternatives to custody should be developed as soon as possible in Wales. They should have judicial oversight and be formally evaluated.

Outcome: Not achieved

Discussions over alternatives to custody in Wales have largely centred upon the plans for a Residential Women's Centre since the Commission published its report in 2019. As outlined in Recommendation 13 (above), however, there has been little progress on this since planning permission for the Centre was [secured](#) in August 2023.¹³

While community sentences often provide judges and sentencers with a viable alternative to custody, the number of community sentences handed out at courts in Wales has significantly [decreased](#) over the last two decades.¹⁴ This decrease has continued since the Commission's report was published. In 2024, for example, 5.2 per cent of all those [sentenced](#) at courts in Wales were handed a community sentence. This compared with 6.5 per cent in 2019.

¹³ The Ministry of Justice [piloted](#) the use of Intensive Alternatives to Custody between 2008 and 2011. Seven areas were chosen to pilot the orders, including Dyfed-Powys.

¹⁴ The use of community sentences have also fallen across courts in England during this time. While 7.4 per cent of those sentenced at courts in England received a community sentence in 2019, the proportion fell to 6.6 per cent in 2024.

17. Needs assessments of Welsh offenders should be conducted and collated to identify by volume and character the range of interventions required in both prisons and the community and to ensure that they are sequenced properly for optimal effect.

Outcome: Not achieved

Given the individualised nature of offender needs assessments, the vast range of interventions available, as well as the considerable scope for variation between Probation Delivery Units and prisons across Wales,¹⁵ it is difficult to determine with any degree of certainty whether ‘progress’ has been made in response to this recommendation.

The available evidence, however, does suggest that offender services continue to fall short of the Commission’s expectations. HMI Probation’s recent [inspection](#) on the Wales ‘region’ concluded that resettlement work ‘requires improvement’, with just under half of those surveyed agreeing that resettlement work is timely, personalised, coordinated and addresses an individual’s ‘key resettlement’ needs.

The most recent inspections carried out across the Welsh prison estate have also identified areas for improvement. At [HMP Berwyn](#), inspectors found that prison leaders had failed to ‘provide adequate interventions or support systems’ aimed at younger prisoners. The delivery of resettlement services at [HMP Cardiff](#) was ‘poorly coordinated’, with inspectors concluding that the prison’s pre-release team was ‘not integrated’ with the Offender Management Unit. Although interventions for prisoners with learning disabilities and those convicted of violent offences had recently been introduced at [HMP Parc](#), HMI Prisons uncovered gaps in the interventions available for other prisoners. At [HMP Swansea](#), inspectors found that the high demand for substance use interventions was not being ‘adequately met’ with the release day arrangements for prisoners often lacking the sufficient ‘care’. At [HMP Prescoed](#), inspectors

¹⁵ There are six Probation Delivery Unit’s in Wales: Cardiff and the Vale; Cwm Taf Morgannwg; Dyfed-Powys; Gwent; North Wales; Swansea Neath and Port Talbot. Prisons across Wales have different official functions, including training (HMP Berwyn; HMP Usk), resettlement (HMP Parc), open (HMP Prescoed), and reception (HMP Cardiff and HMP Swansea).

found that ‘no recent employment, training and education needs analysis’ had been carried out at the prison, with the provision on offer ‘not responsive enough’ to the changing prison population.

18. Administering the sentences of the court should be the responsibility of a single public sector body in Wales and the core function of that body should be managing offenders and promoting rehabilitation to reduce reoffending.

Outcome: Achieved

The UK Government announced in 2018 that it was ending its widely criticised Transforming Rehabilitation agenda. Introduced across England and Wales in 2015, Transforming Rehabilitation oversaw the creation of 22 private sector-led Community Rehabilitation Companies who were made responsible for managing low and medium risk offenders.

While all probation services in England were brought back under a public sector-led National Probation Service in June 2021, the ‘reunification’ of probation in Wales was completed in December 2019. All sentence management for those considered low, medium and high-risk in Wales is now carried out by the National Probation Service, which falls under the auspices of HM Prison and Probation Service in Wales.

19. There should be an integrated approach in Wales to improve leadership and provision of mental health services including support for front line services to enable them to respond better to individuals with mental health needs.

Outcome: Not achieved

Although the Criminal Justice Board for Wales’ most recent annual report sets out its ambition to ‘address service gaps’ in mental health, very little detail is given to explain how those with

mental health needs will be responded to in a more effective way, or who will be leading on this work.

The Welsh Government's [Mental Health and Wellbeing Strategy: 2025-2035](#) similarly outlines its commitment to 'address the needs of offenders in the community and people in prison'. However, the strategy provides no further information on how this will be accomplished, including how the 'jagged edges' between mental health and criminal justice services will be managed and overcome.

Chapter 5: Civil justice

20. Digital court services and other dispute resolution services that are being developed and introduced must be fully accessible to people throughout Wales and free assistance must be available to help individuals use them.

Outcome: Partially achieved

Dispute Resolution Centre Wales was established in 2023. The Centre was supported by the Law Council of Wales and formed to help improve awareness, education, and research into dispute resolution and to encourage the Welsh judiciary to ‘embrace’ and promote the use of non-court dispute resolution in Wales.¹⁶ The Centre is overseen by the Dispute Resolution Centre Wales Board, which includes representatives from the legal profession, academics, government officials, the third sector, and Welsh judiciary.

However, the extent to which the Dispute Resolution Centre is fully accessible or can offer the necessary assistance and support to people across Wales is uncertain. The Centre has no full or part-time staff and there is, at present, no long-term source of sustainable funding from either the UK or Welsh Government. Instead, the Centre is largely dependent on the determined efforts of a handful of hardworking volunteers who work to promote the Centre’s mission and aims. Although a Wales Dispute Resolution Pledge was created to encourage the Welsh Government and other public bodies to ‘meaningfully commit’ to constructive approaches to dispute resolution in Wales, at the time of writing, it is not clear whether the Welsh Government has signed or endorsed the Wales Dispute Resolution Pledge.¹⁷

¹⁶ The Dispute Resolution Centre Wales’ activities will soon be publicised on its own website. The site will include information about the Centre’s aims as well as the rules for mediation.

¹⁷ The Wales Dispute Resolution Pledge includes that public bodies approach dispute avoidance, the management of potential disputes, and dispute resolution, with respect for human rights, equality, restorative justice principles, and in accordance with the sustainable development principle and Five Ways of Working under the Well-being of Future Generations (Wales) Act 2015 (namely: long-term, prevention, integration, collaboration and involvement) and that significant commercial entities also approach dispute avoidance and resolution within the spirit of respect for human rights, equality, restorative justice and well-being principles.

The extent to which digital court services introduced in Wales are accessible to Welsh-speakers is explored further in response to Recommendation 54.

21. Dispute resolution before courts, tribunals, alternative dispute resolution and ombudsmen, as well as dispute resolution in respect of administrative law, should be promoted and coordinated in Wales through a body chaired by a senior judge.

Outcome: Partially achieved

There has been some progress in relation to this recommendation by the Law Council of Wales. The Council instigated consideration of how to implement the Commission recommendations around the promotion and coordination of dispute resolution and contributed significantly to the development of Dispute Resolution Centre Wales. However, progress has been limited by a lack of support and resource, with dispute resolution in Wales neither promoted nor coordinated by a body chaired by a senior judge. The lack of progress made by the Welsh Government to deliver a [new](#) tribunals system in Wales has further undermined the level of progress made against this recommendation.

22. Courts and tribunals which determine disputes in both civil and administrative law should be under one unified system in Wales.

Outcome: Not achieved

Any progress against this recommendation would require the devolution of responsibility for the administration of justice in Wales. In his 2019/20 Annual Report, the President of Welsh Tribunals, Sir Wyn Williams, [confirmed](#) that this recommendation can only be achieved ‘if there is substantial devolution of the justice function to Wales’. The UK Government’s decision not to implement the Commission’s recommendation to devolve justice to Wales, therefore, means there has been no meaningful progress made against this recommendation.

23. The feasibility of a low cost and effective resolution method for civil disputes through the use of a comprehensive ombudsmen scheme, taking into account the online court, should be examined in Wales.

Outcome: Not achieved

Although the establishment of Dispute Resolution Centre Wales may be seen as offering some form of progress against this recommendation, there is very little publicly available information or evidence to suggest that a comprehensive ombudsman scheme has been properly and thoroughly examined in Wales.

Chapter 6: Administrative justice and coroners

24. It should be compulsory under the Civil Procedure Rules for cases against Welsh public bodies which challenge the lawfulness of their decisions to be issued and heard in Wales.

Outcome: Achieved

On 16 July 2020, the [Civil Procedure](#) (Amendment No. 3) Rules 2020 were made to amend Part 7 of the Civil Procedure Rules 1998, as of 1 October 2020, by including the following provisions:

Claims against Welsh public bodies to be issued and heard in Wales

7.1A. Unless required otherwise by any enactment, rule or practice direction, any claim against Welsh public bodies which challenges the lawfulness of their decisions must be issued and heard in Wales.

Claims against Welsh public bodies to be forwarded for issue in Wales

7.1B. If a court or centre in England receives a claim which should pursuant to paragraph (1) be issued in Wales a court officer shall forward it for issue in the Administrative Court Office in Wales or other appropriate court office in Wales.

Further, by way of 122nd Update to the Practice Directions supplementing the Civil Procedure Rules 1998, Civil Procedure Rule Practice Direction 54D, which sets out the considerations as to which of the Administrative Court Offices a judicial review claim should be filed, was amended to include the following provision:

1.3 This Practice Direction is subject to the requirement in rule 7.1A that any claim against Welsh public bodies which challenge the lawfulness of their decisions must be issued and heard in Wales.

From 1 October 2020, all Administrative Court claims, including judicial reviews, which challenge the decision of a Welsh public body must be issued and heard in Wales. The [change](#) of position of the Civil Procedure Rules Committee was made in large part in response to the Commission's recommendation.

25. All public bodies, ombudsmen and other tribunals which have been established under Welsh law or by the Welsh Government, which make judicial or quasi-judicial decisions, and are not currently subject to the supervision of the President of Welsh Tribunals, should be brought under the supervision of the President.

Outcome: Not achieved

Consideration of this recommendation by the relevant parties uncovered a series of potential problems and challenges. In his 2019/20 Annual Report, the President of Welsh Tribunals, Sir Wyn Williams, [affirmed](#) that any progress against this recommendation would once again 'likely involve some legislation by the UK Parliament or, at the very least, amendment to legislation already enacted by the UK Parliament' and would significantly increase the role and workload of the President. Furthermore, the Public Service Ombudsman for Wales expressed the view that 'no proper basis existed' for making the Public Service Ombudsman, an independent body, subject to the supervision of the President of Welsh Tribunals.¹⁸

Some of 'quasi-judicial' decision-making bodies (e.g. School Exclusion Appeal Panels) are proposed to be brought within the new tribunals system for Wales, and therefore subject to supervision by the President of Welsh Tribunals. However, despite unveiling proposals for a

¹⁸ The Public Services Ombudsman for Wales, for example, is a corporation sole, independent of government, but accountable to the Welsh Parliament

new independent unified tribunals system in Wales, the Welsh Government has yet to [introduce](#) the Bill and therefore implement this recommendation.

26. The Administrative Court should have the power to stay court proceedings whilst the Public Services Ombudsman for Wales investigates a complaint. The Ombudsman should have the power to refer a point of law to the Court.

Outcome: Not achieved

This recommendation proposes modifying the so-called ‘statutory bar’; the creation of a specific power to stay an application for judicial review whilst an ombudsman investigates; and creating a power for ombudsmen to refer points of law to the courts.¹⁹ Despite the Commission’s recommendation, as well the UK Government’s support for this change,²⁰ and the [support](#) of the Public Services Ombudsmen for Wales, the ‘statutory bar’ remains in force in Wales in section 13 of the Public Services Ombudsman (Wales) Act 2019.

Concerns have been expressed around the potential costs of removing the statutory bar, but more specifically, around wider issues of competence and the impact the change will have on the (reserved) courts system in Wales. In a [letter](#) to the Senedd’s Finance Committee in June 2025, the Cabinet Secretary for Social Justice, Trefnydd and Chief Whip, Jane Hutt, claimed that the Welsh Government has only ‘limited experience’ of cases that fall within the category of ‘statutory bar’ cases and are ‘unable to offer an opinion’ on the matter. The Cabinet Secretary also confirmed that, as far as she was able to ascertain, ‘no discussions’ had taken place between the UK and Welsh Government on the issues of competence and future devolution.

¹⁹ Section 13 of the Public Services Ombudsman (Wales) Act 2019 provides that the Public Services Ombudsmen for Wales may not investigate a complaint if the person aggrieved has or had a right of appeal, reference or review to or before a tribunal, a right of appeal to a relevant Minister, or a remedy by way of proceedings in a court of law. However, this ‘statutory bar’ can be overridden if the Public Services Ombudsmen is satisfied that, in the particular circumstances, it is not reasonable to expect the person to resort, or to have resorted, to the right of remedy.

²⁰ In a [letter](#) to the Senedd’s Legislation, Justice and Constitution Committee in 2023, the UK Government’s Parliamentary Under-Secretary of State for Justice, Lord Bellamy, confirmed the UK Government’s support for this recommendation by way of a change to the Civil Procedure Rules. The Minister advised that the Welsh Government would need to submit a rule change application to the Civil Procedure Rule Committee, with the support of the MoJ.

27. The Welsh Tribunals Unit should have structural independence and the Welsh tribunals should be used for dispute resolution relating to future Welsh legislation.

Outcome: Not achieved

As with Recommendation 25, the President of Welsh Tribunals, Sir Wyn Williams, [confirmed](#) that any progress against this recommendation would ‘likely involve some legislation by the UK Parliament or, at the very least, amendment to legislation already enacted by the UK Parliament’. Given the Senedd has legislative competence for health, education, housing and agriculture, the President also acknowledged that this recommendation, by making sure disputes in this area are determined by the Welsh Tribunals, is likely to generate a ‘sharp increase’ in workload for the tribunals.

This recommendation, however, is expected to be taken forward in the Welsh Government’s future Tribunals Bill. The Welsh Government’s *New Tribunals System* [outlined](#) its commitment ‘to legislate to create a body corporate as a separate legal entity, at arms’ length from Welsh Government and with operational responsibility for the administration of the new tribunal system’. According to the Welsh Government, this ‘model will deliver the structural separation and independence from Government that aligns with the guiding principle of judicial independence’ as well as the ‘weight of opinion’ expressed by the Thomas Commission and the Law Commission.

However, despite unveiling proposals for an independent unified tribunals system in Wales, the Welsh Government has yet to [introduce](#) the Bill. Although there has also been a [commitment](#) to publishing a Draft Bill in the Sixth Senedd, this has yet to be made available, with only a few months remaining of the current Senedd term.

28. The recommendations for coordinating and rationalisation made for civil justice should also be applied to administrative justice.

Outcome: Not achieved

Any meaningful progress against this recommendation would require additional devolution of responsibility for civil justice and aspects of administrative justice. The UK Government's decision not to implement the Commission's recommendation to devolve justice to Wales, therefore, means there has been no meaningful progress made against this recommendation.

29. Challenges relating to inquests into all deaths in Wales should be issued and heard in Wales.

Outcome: Not achieved

There has been no progress made against this recommendation since 2019. Any application under s.13 of the Coroners Act 1988 relating to a death in Wales must be heard and determined by a Divisional Court in London. There is no provision in the Civil Procedure Rules for the matter to be dealt with by a single Administrative Court judge, and therefore a court hearing in London will continue to be listed.

Any meaningful progress against this recommendation would require additional devolution of responsibility for coroners services. In its *Delivering Justice for Wales*, the Welsh Government [acknowledged](#) that it would require 'the agreement of others' or the devolution of responsibility for the Coroners' courts in order to progress this recommendation.

30. There should be a distinct organisation for coroner services in Wales with funding available on an all Wales basis to ensure that uniform standards and services are applied.

Outcome: Not achieved

As with Recommendation 29, any meaningful progress against this recommendation would require the devolution of responsibility for coroners services. Neither the UK Government nor Welsh Government has established a distinct organisation for coroner services in Wales. Although the Welsh Government has no influence on the policy for coroners in Wales, the funding for coroner services is provided by the Welsh Government to local authorities. There remain seven Coroner Areas across Wales, which allows for considerable divergence in standards and services.

Chapter 7: Family justice: children

31. The law relating to children and family justice in Wales should be brought together in one coherent legal system aligned with functions in relation to health, education and welfare.

Outcome: Not achieved

The Family Justice Network, which is co-ordinated by the Welsh Government, was established before the publication of the Commission's report in 2019. The Network has helped to provide some degree of policy co-ordination as well as strategic oversight over initiatives and developments that relate to family justice. However, despite some progress in policy and practice, the legal framework for family justice remains fragmented, with substantive family justice law and the courts still largely governed by (reserved) England and Wales legislation. Evidence from youth justice and child rights [research](#) highlights that practice in many areas across Wales remains siloed, with limited evidence of joined-up pathways or practices that fully integrate education, health, family support and justice in Wales.²¹

²¹ Research by Children's Legal Centre Wales has [highlighted](#) that many breaches of children's rights in Wales occur in legislative and policy areas that fall outside of the Welsh Government's competence, including criminal justice.

32. Pending further research and the development of a long-term strategy, an all Wales approach to family justice should be developed and led in Wales through the Family Justice Network for Wales and the Local Family Justice Boards. The approach should be followed by all local authorities for dealing with child protection referrals with the objective of avoiding care proceedings when family support would be more appropriate.

Outcome: Not achieved

The Family Justice Network was established to provide a co-ordinated approach to family justice across Wales. However, the Network [operates](#) as a non-statutory, advisory body, without the legal authority to mandate practice or enforce uniform standards across Wales.

Although early intervention practices have strengthened across Wales through early-help, edge-of-care, and pre-court Public Law Outline (PLO) practices, these approaches are policy driven rather than mandatory. There remains considerable scope, therefore, for diverging practices and approaches across Welsh local authorities, rather than a coherent and co-ordinated ‘all-Wales’ approach.

Despite an improvement in the underlying evidence-base, supported by [linked-data](#) and academic research, the Welsh Government has yet to produce any long-term research and reform strategy. Although the Commission’s recommendation has almost certainly influenced policy direction and practice in this area, a coherent, all-Wales statutory framework with mandatory local authority alignment has not been implemented.

33. It should be a matter of routine practice prior to the first hearing in care proceedings to examine the feasibility of problem-solving and the form it might take, with a view to finding what steps short of taking a child into care can be put in place.

Outcome: Partially achieved

This recommendation largely aligns with the Children Act 1989 principle that care proceedings should be a last resort and that children’s welfare is paramount. In Wales, this intent is mainly delivered through the Public Law Outline (PLO) pre-proceedings process, rather than through the court at the first hearing. According to the [reviews](#) carried out by Care Inspectorate Wales, families are generally supported to remain together where it is safe, with alternatives to care explored before court action. By the time of the first court hearing, cases usually proceed because PLO interventions have often not achieved sufficient change, limiting further scope for pre-hearing problem-solving. While current practice in Wales largely reflect the spirit but not the letter of the recommendation, problem-solving is embedded through pre-proceedings social work practice, but not as a uniform, court-mandated routine at the first hearing.

34. The voice of the child should be heard at every stage of the proceedings.

Outcome: Not achieved

There remains no procedural entitlement or universal guarantee ensuring every child is consulted at every stage of family court proceedings in Wales. Children’s voices are most commonly captured through Section 7 and Section 37 reports or guardians, rather than through direct or routine engagement.²² Although the pathfinder model, [piloted](#) in north Wales and now rolled out across [all of Wales](#), has helped to embed early, structured engagement with children and producing Child Impact Reports before the first hearing, children’s participation varies by

²² Section 7 reports and Section 37 reports are specific types of welfare reports used by family courts in England and Wales under the Children Act 1989 to help judges make decisions about children’s lives — especially where the child’s welfare is at issue.

location and practice culture in Wales, with children's voices continuing to be mediated rather than direct.

While policy direction and pilots in Wales strongly support the recommendation, the absence of universal mechanisms means the goal of hearing every child's voice at every stage has not (yet) been achieved.

35. Family Drug and Alcohol Courts should be established in Wales.

Outcome: Not achieved

The Welsh Government funded a two-year Family Drug and Alcohol Court pilot in 2021. The pilot was subject to an [evaluation](#) by the Children's Social Care Research and Development Centre at Cardiff University with a view to learning lessons to support the potential roll-out of the Family Drug and Alcohol Court model across Wales. Cardiff and the Vale of Glamorgan were selected for the pilot which ran from November 2021 until the end of November 2023.

Following the publication of the evaluation in June 2024, a Family Drug and Alcohol Court Working Group was established to consider the viability of a potential roll out across Wales. The Group identified a number of challenges to the roll out, including financial constraints, barriers to delivery (particularly in rural areas), and the potential for inconsistent services across Wales. In a [letter](#) to the Chair of the Senedd's Children, Young People and Education Committee in October 2025, the Welsh Government's Minister for Children and Social Care, Dawn Bowden, informed members that the Working Group had concluded that the Family Drug and Alcohol Court model 'should not be progressed in isolation', but should form part of wider system changes which will be considered further in the Seventh Senedd.

36. There should be vigorous support for a programme of research to underpin reform of Welsh family justice and associated preventative services. The overarching aim should be the reduction in the numbers of children taken into care and the provision of far better evidence of the impacts of intervention on family life.

Outcome: Not achieved

The Welsh Government's *Delivering Justice for Wales* [recognised](#) the need for research, early intervention and better evidence on what keeps families together in Wales. However, there remains no single, published, long-term research strategy dedicated to Welsh family justice reform and care-reduction. Instead, evidence is spread across multiple programmes and evaluations.

The most recently published [data](#) show that the number of children in care continues to rise in Wales. In March 2024, there were 7,200 children looked after in Wales, compared to 6,855 children in the year that the Commission's report was published in 2019.

Although research activity in this area is increasing, the Commission's vision for vigorous, coordinated research agendas driving systematic care-reduction reform has not yet been fully realised.

37. A carefully thought through long-term policy for reducing the numbers of children taken into care should be developed after the conclusions of the research and then implemented.

Outcome: Partially achieved

The Welsh Government has consistently recognised and acknowledged that too many children enter care and that reduction is a strategic priority. The Welsh Government has since steered a number of policies and initiatives to implement this change. Local authorities, for example,

have been required to [plan](#) and report on reducing looked-after children numbers, signalling long-term intent rather than a one-off initiative. Recurrent funding has also supported early intervention and family-support services intended to prevent care entry, where safe to do so.

The Health and Social Care (Wales) Act 2025 [removed](#) profit from children’s care provision and reflects a systemic re-orientation towards needs, outcomes, and longer-term sustainability. This change, along with those already mentioned, represents a significant transformation to children’s services which is national in scope and explicitly connected to the Welsh Government’s ambition to support families and reduce care entry.

However, the programme that has been developed and followed is not a single research-led long-term national strategy developed after a dedicated research programme. Instead, these developments reflect a broad set of commitments and ongoing reforms embedded across governance, practice frameworks, and prevention investment. Although the Welsh Government’s response provides clear evidence of its commitment to reduce the number of children in care, the Commission’s vision of a unified research strategy leading to implementation has not yet been fully realised. Furthermore, the number of looked after children in Wales has continued to [rise](#).

38. Legal advice should be available to each parent in private family law disputes prior to the commencement of proceedings up to a maximum fixed amount in each case.

Outcome: [Not achieved](#)

Under the Legal Aid, Sentencing and Punishment of Offenders Act 2012, early legal advice in private family law is generally out of scope, unless specific criteria (e.g. domestic abuse or child protection) are met. There currently remains no statutory or policy entitlement in England and Wales to funded early legal advice for all parents prior to proceedings, nor any fixed-fee scheme.

Given that Wales remains subject to the England and Wales legal aid framework, there is no Wales-specific legal advice funding scheme in place. Although policy movement exists, including [pilot projects](#) introduced by the UK Government and mediation initiatives, the core recommendation for a fixed-amount, pre-proceedings legal advice entitlement for each parent in Wales has not been implemented.²³

²³ Limited legal aid is available in certain cases to cover the cost of Mediation Information and Assessment Meetings.

Chapter 8: Delivering justice: locality and structure

39. A strategy for Wales for provision of proper physical and digital access to justice before the courts, tribunals and other forms of dispute resolution should be drawn up and determined in Wales based on the needs of the people of Wales.

Outcome: Not achieved

Although the Welsh Government's *Delivering Justice for Wales* [listed](#) this recommendation as one that it was currently 'exploring with the Ministry of Justice', the Ministry considered that issues around access to justice in Wales were insufficiently distinct from those in England to merit a separate strategy. As such, there has been little progress made against this recommendation or any further follow-up from the Welsh Government.

Chapter 9: The legal sector and the economy of Wales

40. The Welsh Government should, in close consultation with the legal professions, provide fully funded legal apprenticeships to enable people to qualify as legal professionals in Wales.

Outcome: **Partially achieved**

In 2022, the Welsh Government introduced support for Legal Services apprenticeships (Level 3/ A-level equivalent and Level 5/ foundation degree level) to provide a paid pathway to qualify as a paralegal or Chartered Legal Executive (in partnership with CILEX). According to the Welsh Government’s Counsel General in 2022, Mick Antoniw, the [new](#) qualifications represent a ‘significant development for the Welsh legal sector’ and build upon the recommendations made in the Commission’s report. The Welsh Government currently funds the following legal apprenticeship pathways in Wales:

- Level 3 Paralegal
- Level 5 Advanced Paralegal
- Level 5 Conveyancing Technician
- Level 6 Conveyancer

The need for Legal Level 7 Apprenticeships in Wales has been a recurring issue throughout the Sixth Senedd,²⁴ with Welsh Government Ministers repeatedly outlining their support for the programme and underlining the [benefits](#) it could offer by increasing ‘diversity’ within the legal profession and providing vital opportunities to legal qualifications for those ‘who wouldn’t normally have access’ in Wales. However, there has been very little meaningful progress made, with the government yet to include a fully funded Legal Level 7 Apprenticeship as part of its Apprenticeship framework. In December 2025, the Welsh Government’s Counsel General,

²⁴ The topic of the Legal Level 7 Apprenticeship has been raised on multiple occasions by Senedd Members since 2019, including 1 [December](#) 2021; 4 [May](#) 2022; 1 [March](#) 2023; 5 [November](#) 2024; 25 [March](#) 2025.

Julie James, [reiterated](#) that she is ‘very keen to do this’, but confirmed that this is something the Welsh Government are still yet to decide upon.²⁵

The Welsh Government’s new apprenticeship programme is due to be delivered from August 2027.

41. There should be greater transparency about the level and distribution of expenditure on external legal services by the Welsh Government, each Welsh local authority and all other public bodies in Wales. The procurement of barristers’ services should be reformed to help build the capacity of the Bar in Wales.

Outcome: Partially achieved

The Welsh Government’s *Commercial Delivery Solicitors Services Framework* was re-procured, and went [live](#), in March 2025. The Framework provides the public sector in Wales with a compliant route for accessing solicitor services. Although the agreement provides access to specialist legal services from 20 law firms covering a range of legal areas, information with regards pricing structure is not routinely published due to commercial sensitivity.²⁶ A complete list of the 20 firms included in the Framework could not be accessed, but a number of these firms are [based](#) in Wales.²⁷

With regards to the procurement of barristers in Wales, the Welsh Government took steps in 2019 to establish a working group of barristers to include senior Wales and Chester circuit representatives, three regional Welsh Local Government area consortia, NHS legal team lawyers and lead Welsh government officials. The working group provided opportunities to

²⁵ The [Law Society’s Senedd Election Manifesto Asks 2026](#) once again underlines the need for the implementation of a fully funded Legal Level 7 Apprenticeship in Wales. This includes the potential to improve access to the legal profession in Wales; address the challenges associated with the recruitment and retention of legal professionals in Wales; and to address the widening issue of advice deserts across Wales.

²⁶ The Welsh Government routinely publishes expenditure on external legal services for transactions in excess of £25k, but not those below this figure.

²⁷ Whilst the Welsh Government has taken the lead in the procuring the Solicitors Framework for use by the Public Sector in Wales, it is not responsible for the procurement of legal advice by other public sector bodies.

share ideas and, where appropriate, opportunities for joint working and sharing of training, to build the breadth and capacity of the Public Law Bar in Wales and to inform procurement of counsel services.

The Welsh Government's list of Panel of Counsel was [refreshed](#) in January 2026: 36 Counsel were appointed for a period of five years, with effect from 1 February 2026. In total, 25 Counsel were appointed from firms outside of Wales, including all 12 of those appointed to the Panel of King's Counsel.²⁸

42. The Welsh Government should develop and implement as soon as possible our proposed strategy to reinvigorate the rural and post-industrial legal sector in Wales.

Outcome: Not achieved

Much of the Welsh Government's focus in this area has been on facilitating the establishment of a Law Council of Wales, with the view that the Council could take forward this recommendation. However, while the Welsh Government agreed to work with the Law Council of Wales on any areas of priority it identified, the Council has received very little practical or financial support from the Welsh Government since it was established in 2022. As such, there has been little progress made against this recommendation since 2019.

The introduction of a Legal Level 7 Apprenticeship has been widely [heralded](#) as a way to retain talent in rural and post-industrial areas which can help to reinvigorate the local legal sector. The Welsh Government, however, has yet to introduce a fully funded Level 7 Apprenticeship in Wales.

²⁸ While it may well be the case that the individuals appointed have personal and/or professional connections to Wales, the Panel of Kings Counsel are drawn from the following Chambers outside of Wales: 11 King's Bench Walk (London); Francis Taylor Building (London); Henderson Chambers (London); Keating Chambers (London); Landmark Chambers (London); Monckton Chambers (London); and Serjeants' Inn Chambers (London).

43. The Welsh Government should provide strong support for investment in technology, especially in post-industrial and rural Wales.

Outcome: Partially achieved

The Legal Innovation Lab Wales was established at Swansea University in 2019 after [receiving](#) £4.95 million from the European Regional Development Fund through the Welsh Government and Swansea University. The Lab was developed to support collaboration between law firms, technology companies and security organisations, encouraging innovation in LegalTech, as well as access to justice. Although significant funding was put into the development of initiatives to support legal technology, the impact the investment has had on the legal sector in post-industrial and rural Wales remains unclear. The project received no follow-on funding from the Welsh Government and [ended](#) in June 2023.

The Welsh Government has also made a number of investments, albeit many of them not specific to the legal sector. During 2022 and 2023, the Welsh Government provided the legal sector in Wales with £100,000 of cyber security funding to enable legal practices across Wales to gain Cyber Essentials accreditations, with around 20 per cent of law firms included in the scheme.²⁹ The impact that this has had on post-industrial or rural areas in Wales, however, remains uncertain.

²⁹ Business Wales has also provided bespoke business support, including advice and events on topics such as access to finance, Human Resources and employment practices, tendering and procurement and resource efficiency. A range of business support materials are available specifically for the legal sector, including [bilingual online resources](#) for the Business Wales website, comprising a series of short video case studies of operational aspects of law firms in Wales; an online workshop on recruitment, retention, and succession planning in the legal sector.

44. The Welsh Government must provide clear leadership and support for the legal services sector. This should be targeted, user-friendly, flexible and attractive to potential inward investors especially with establishing a technology-based nearshoring centre as an objective.

Outcome: Partially achieved

The Welsh Government has supported a number of initiatives to promote Welsh legal firms and Wales as a place of work, including hosting the Commonwealth Magistrates and Judicial Association conference in 2023.³⁰ However, there remain legitimate concerns across the legal sector about a lack of clear leadership and investment from the Welsh Government in legal services. The failure to introduce a fully funded Legal Level 7 Apprenticeship, and the lack of resource, assistance and support given to the Law Council of Wales (see Recommendation 65), provide two standout examples.

However, in light of the technological advancements and changes that have been made since the Commission's report was published in 2019, there is perhaps a need to reevaluate this recommendation. The outbreak of Covid-19 heralded a major shift in working patterns and practices across the legal services sector. Many law firms have since introduced new technology to facilitate the remote delivery of services, including videoconferencing with clients. The 'step change' in the use of technology has led some across the legal sector to change their perspective on nearshoring and the potential merits associated with this recommendation.

³⁰ This event was attended by the First Minister, the Lord Chief Justice of England and Wales, as well as senior legal and judicial figures from across the globe.

45. The Welsh Government, legal professionals in Wales, the Law Society, the Bar Council, other professional bodies and academia should work in partnership. They should develop and promote the capabilities of the legal sector, promote South Wales as a legal centre and increase the export of legal services.

Outcome: Partially achieved

The focus of the Welsh Government's work in this area was directed towards the establishment of a Law Council of Wales. Once the Council was formed, the government's hope (and expectation) was that the Council would drive forward work in this area by bringing together legal professions, academics and other professional bodies. However, while a Law Council of Wales was successfully established in 2022, the Council has limited resources, with much of its work dependent on the goodwill of volunteers. The capacity challenges facing the Law Council of Wales mean that very little progress has been made in this area. The Welsh Government has also not acted to independently produce any kind strategy to promote the capabilities of the legal sector in Wales, or to showcase south Wales as a legal centre.

Chapter 10: Knowledge, skills and innovation

46. Welsh law schools must reassess their undergraduate programmes to take advantage of the scope for comparative studies and transferable qualifications.

Outcome: Not achieved

The Commission's recommendation sought to encourage Welsh law schools to take the necessary steps to attract larger numbers of international students into Wales. While steps have been taken across some Welsh universities to promote comparative studies and to realise the advantages associated with transferable qualifications across multiple jurisdictions, this recommendation has been played out a time when universities across Wales have faced considerable challenges. The UK's withdrawal from the European Union (EU) has seen the number of EU students enrolled on courses in UK universities [fall](#) by 57 per cent. According to [Universities Wales](#), changes to the UK immigration system, including the increase in the general salary threshold, could also have a further 'significant impact' on the number of international students recruited to Welsh universities in future.³¹

Furthermore, the [continuing](#) (and worsening) financial crisis in Welsh universities, which has led to significant academic [redundancies](#) in recent years, has forced several law departments to limit or 'rationalise' the curriculum on offer. These pressures have further undermined the level of progress made against this recommendation since 2019.

³¹ Widespread concerns have also been raised about the [challenges](#) facing international students in Wales. This includes problems around housing, as well as concerns over the treatment and support [provided](#) to available to their families.

47. Law tech must be taught to all students and the professions across Wales.

Outcome: Partially achieved

While there is evidence that university departments offering LLB Law programmes across Wales have taken steps to teach Law tech to students, many of the modules offered are ‘optional’, not compulsory or ‘core’. Optional modules on Law tech are offered at [Aberystwyth University](#) (Year 2) [Bangor University](#) (Year 2), [Cardiff Metropolitan University](#) (Year 2), [Cardiff University](#) (Year 3), [Swansea University](#) (Year 2), and the [University of South Wales](#) (Year 2). Swansea University has also introduced a [LLM](#) LegalTech and Commercial Law.³²

Although the topic might be covered in modules dealing with legal skills elsewhere in the curriculum, there are currently no legal tech modules offered on the LLB at [University of Wales Trinity Saint David](#) or [Wrexham University](#).

A number of training sessions and events for the legal professions have been held across Wales since 2019. These events, including LegalTech Wales Roadshow, are routinely advertised on the Legal Wales News website. The [fourth](#) LegalTech Wales Roadshow will be held in March 2026 and will focus on Artificial Intelligence (AI) in the legal sector.

³² The modules offered at each university are: Aberystwyth University: ‘Technology, Artificial Intelligence and the Law’; Bangor University: ‘Law and Technology’; Cardiff Metropolitan University: ‘Cyber Law’; Cardiff University: ‘Law, Technology and Society’; Swansea University: ‘Foundations in LegalTech’; University of South Wales: ‘Law and Technology in Practice’.

48. All university and college education providers in Wales should teach Welsh law as part of the ordinary undergraduate syllabus and work together to produce the necessary materials.

Outcome: Not achieved

In 2023, the Law Council of Wales carried out an audit to determine where Welsh law is being taught across universities in Wales and considered what a Welsh law curriculum could include. At present, there are four universities in Wales that offer ‘optional’ modules dedicated to the topic of Welsh law and devolution. These include [Bangor University](#) (Year 2 or 3), [Cardiff University](#) (Year 3), [Swansea University](#) (Year 2 or 3), and the [University of South Wales](#) (Year 3).³³ [Cardiff University](#) also offers modules on ‘The Law of Devolution in Wales’ and ‘Constitutionalism and Governance’ as part of the Governance and Devolution [LLM](#).

There are currently no dedicated modules on Welsh law offered on the LLB at [Aberystwyth University](#), [Cardiff Metropolitan University](#), [University of Wales Trinity Saint David](#), or [Wrexham University](#). Although the topic of Welsh law is likely to be reflected in other modules offered across the curriculum, including Public Law, many of the core modules delivered on LLB programmes do not include distinct differences in Welsh Law (e.g. Contract, Tort, Equity and Trusts).³⁴

Consideration should also be given to the cross-border flow of students between Wales and England. In 2022/23, 41 per cent of all undergraduates from Wales [studied](#) in England. Although the exact number of those studying law (or those who later return to Wales to pursue a career in law) is unknown, there is undoubtedly a need to consider the ways in which Welsh law is reflected in undergraduate syllabuses in England. This is true not only for Welsh students who

³³ The modules offered at each university are: Bangor University: ‘Devolution Law’; Cardiff University: ‘Welsh Devolution’ and ‘Datganoli yng Nghymru’ (‘Welsh Law and Devolution in Context’ will be delivered at Cardiff University from 2028 as part of the new revalidated programme); Swansea University: ‘The Law of Devolution in Wales’; University of South Wales: ‘The Law in Wales’.

³⁴ There are some elements of Land Law where it is possible to introduce aspects of Welsh law. The new arrangements under the Renting Homes (Wales) Act 2016 is being taught within Land Law modules in several Universities

study in England and wish to practice in Wales upon completion of their degree, but students who go on to practice in England in areas of law which are distinct in Wales.

49. The place of Welsh law and the distinctiveness of the law in Wales should be properly reflected in professional and continuing legal education and training.

Outcome: Partially achieved

There are a range of initiatives across the legal sector to ensure that the place of Welsh law is reflected in continuing legal education and training. The [Legal Wales](#) Annual Conference, for example, provides a regular forum for legal practitioners to engage and reflect upon the distinctiveness of the law in Wales. There are also developments within particular areas of law across Wales. The Agricultural Law Association hosts its own Wales [Annual Conference](#) and also delivers a residential training course, [Starter for Ten – Wales](#), which provides basic information for trainees on relevant areas of law and policy in Wales, including land law and tenancies, agriculture and environment.

These initiatives, however, have emerged organically and rather unevenly across the legal sector in Wales. The Commission’s conclusion in 2019 that there was ‘no dedicated system for updating solicitors and barristers in Wales on developments in Welsh law’ is still valid.³⁵

³⁵ The same is also true for legal practitioners in England who provide services in Wales.

50. Wales specific data should be collected and published on a sufficient scale to enable disaggregation, with a view to proper evidence-based policy development and as a basis for research.

Outcome: Partially achieved

The Ministry of Justice published its inaugural [Welsh Justice Data: Annual Release 2025](#) in September 2025. The release makes Wales-only prison data publicly available for the very first time and will significantly enhance transparency, scrutiny and accountability over the criminal justice system in Wales. The data included, however, relate only to a limited number of key ‘priority areas’ relating to prisoners from Wales.

There remain a number of significant data gaps across the Welsh justice system. Research carried out by Children’s Legal Centre Wales, for example, has identified the paucity of data on the [number](#) of Deprivations of Liberty Order applications affecting Welsh children, as well as police strip [searches](#) on children in Wales. The Law Society’s *Reimagining Justice in Wales 2030* also [underlined](#) the need for improved data on access to justice in Wales, the use of legal technology, as well as disaggregated data on the Welsh legal sector. There are also gaps on judicial review in Wales. This includes the absence of any publicly available disaggregated data on claims against Welsh public bodies, their progress and outcomes. Although the Ministry of Justice’s Civil Justice Statistics [include](#) information on judicial review claims issued in the Administrative Court in Cardiff, this court also administers claims from the Western Circuit (south West of England), thus preventing any Wales-level analysis.

51. The Welsh Government should lead the development and implementation of an action plan to promote and support public legal education, particularly for children and young people.

Outcome: Not achieved

Progress in this area was to be taken forward by the establishment of a Law Council of Wales. However, the Law Council has not developed as originally intended and its ability to take forward work to improve public legal education has been limited. No action plan or strategy to promote public legal education, especially for children and young people, has been produced since the Commission's report was published in 2019.

According to the [Children's Legal Centre](#) Wales, legal education for children and young people is 'fragmented', 'inconsistent' and remains an 'underdeveloped part of civic learning'. In 2022, the Welsh Government began the phased introduction of the new Curriculum for Wales for 3-16 year olds. Although the [guidance](#) provided within the Humanities Area of Learning and Experience suggests that learners may be 'introduced to other complimentary disciplines' including law, there is little information provided on how the new curriculum will support public legal education for children and young people in Wales.³⁶

³⁶ The Advanced Skills Baccalaureate Wales was [introduced](#) in September 2023. It is unclear, however, what emphasis (if any) is placed on public legal education as part of the new qualification.

Chapter 11: The Welsh language

52. All justice bodies should be subject to the Welsh Language Measure 2011.

Outcome: **Not achieved**

The current justice bodies that are subject to the Welsh Language (Wales) Measure 2011, and therefore required to comply with Welsh Language Standards, are:

- The four Police Forces in Wales: Dyfed-Powys Police, Gwent Police, North Wales Police and South Wales Police.
- The four Police and Crime Commissioners for the forces listed above.
- The Independent Office for Police Conduct.
- The British Transport Police.

Each of these bodies is required to publish an annual monitoring report on their compliance with Welsh Language Standards. These reports are publicly available on the respective organisations' websites.

Other justice bodies, including HM Courts and Tribunals Service, HM Prison and Probation Service, the Office of the Public Guardian, the Probate Registry and the Crown Prosecution Service, remain subject to Welsh Language Schemes under the Welsh Language Act 1993. The introduction of Welsh language standards regulations for Ministers of the Crown would [require](#) the consent of a UK Secretary of State in order to be named in regulations. Although previous research has found that Welsh Government Ministers have not asked or attempted to obtain the consent of the relevant UK Secretary of State, it is unclear if they have done so since the publication of the Commission's report in 2019.

The Welsh Language Commissioner's [manifesto](#) ahead of the 2026 Senedd Election expressed the view that extending Welsh Language Standards to priority areas, including Crown bodies and non-ministerial departments of the UK Government, would lead to significantly improved

compliance and strengthen the delivery of Welsh-language services across Wales. This proposed extension would include the bodies who are currently subject to a Welsh Language Scheme under the 1993 Act, such as HM Courts and Tribunals Service, HM Prison and Probation Service, the Office of the Public Guardian, the Probate Registry and the Crown Prosecution Service.³⁷

53. The Bar, CILEx and the Law Society should provide courses on using Welsh in the workplace, similar to those used by the Judicial College.

Outcome: Not achieved

The provision of training for barristers on using Welsh in the workplace would need to be included in the syllabus for the Bar Course. Although the [Bar Training Course \(LLM\)](#) at Cardiff University offers an optional module: ‘Eiriolaeth yn y Gymraeg’ (Advocacy in Welsh), the module is not credited. The Bar Standards Board’s [Bar Training: Curriculum and Assessment Strategy](#) states that written assessments may be provided in Welsh if requested. While it acknowledges that ‘the requirements of the Welsh Language Act 1993 are recognised’, candidates who can only satisfy the assessment requirements in Welsh will not be deemed ‘competent to practise at the Bar of England and Wales’.

Although CILEX recognise that its members working in Wales continue to engage with legislation passed by the Senedd and judgments from Welsh Tribunals that are distinct from their counterparts in Westminster and the courts of England & Wales, it does not offer any courses on using Welsh in the workplace.³⁸

³⁷ During a recent appearance before the Senedd’s Legislation, Justice and Constitution Committee, the Lady Chief Justice of England and Wales, [Baroness Carr](#), confirmed that just under half (48 per cent) of circuit judges in Wales have Welsh language skills. 11 per cent of magistrates in Wales are Welsh-speaking, with considerable variation across the different areas and regions of Wales.

³⁸ The CILEX Accredited training providers delivering Welsh apprenticeships include the *Prentis Iaith* module, which aims to support apprentices in Wales to [develop](#) Welsh language skills for the workplace.

The Law Society operates in accordance with the requirements played upon it by the Welsh Language Act 1993. However, it does not provide any courses on using Welsh in the workplace.

54. Digital services that are being introduced must be accessible, free help must be available and all must be available in Welsh at the same time as the English version.

Outcome: Partially achieved

In a [letter](#) to the Senedd’s Legislation, Justice and Constitution Committee in 2023, the UK Government’s Parliamentary Under-Secretary of State for Justice, Lord Bellamy KC, assured members that the Ministry of Justice would work alongside the UK Government’s Digital Service to ensure that Ministry of Justice information relating to ‘the most-used aspects of its business and services’ are available both in Welsh and English. HM Courts and Tribunals Service’s 2023-2026 [Welsh Language Scheme](#) also commits to making sure all digital/online services are available in Welsh at the same time as the English service and steps have been taken to [provide](#) ‘more online services’ in Welsh.

Despite these commitments, concerns remain about the availability of Welsh digital or online services. In 2022, the Welsh Language Commissioner launched an [investigation](#) into HM Courts and Tribunals Service having received evidence of non-compliance with its Welsh language scheme during a virtual hearing.³⁹ The investigation concluded that HM Courts and Tribunals Service had ‘failed to comply’ with the scheme, including the clause that any online service provided ‘will be available in Welsh’. In 2025, the Ministry of Justice published [guidance](#) on its programme for ‘modernising’ court services in England and Wales. The guidance includes the claim that ‘many’ (but not all) of its services are available in Welsh.

The recently published [Independent Review of the Criminal Courts](#) (Part II), led by Sir Brian Leveson, revealed that HMCTS is currently exploring whether AI can effectively support English to Welsh translation to support judicial case preparation, alongside summarisation,

³⁹ The Welsh Language Commissioner published a [response](#) to HM Courts and Tribunals Service’ digitising programme in 2018.

transcription and anonymisation tools. Although the review has endorsed ‘further exploration of AI-supported English to Welsh translation’ to help ‘maximise participation’, there is no indication that the UK Government will support the Review’s recommendation and no information about possible timescales for implementation.

55. Professional legal education for those wishing to practise in Wales must be available in the Welsh language with the phased introduction of the availability of all professional examinations in Welsh.

Outcome: Partially achieved

There has been significant progress made in the availability of professional examinations in the Welsh language since 2019. In 2021, the Solicitors Regulation Authority conducted a pilot exercise to explore the practicalities of running the Solicitor Qualifying Examination (SQE) 2 assessments in the medium of Welsh.⁴⁰ The pilot proved successful and the SQE2 became fully available in Welsh in September 2023. More recently, the SRA has successfully trialled the SQE1 pilot. As of January 2025, [trainee solicitors](#) can sit for the SQE1 assessment in Welsh, as well as the SQE2.

The extent of the progress made in providing professional legal education and training in Welsh, however, has been far more limited. Although the [Solicitors Practice Course](#) (LLM) and [Bar Training Course](#) (LLM) at Cardiff University offer an optional module: ‘Eiriolaeth yn y Gymraeg’ (Advocacy in Welsh), the module is not credited. The SQE preparation courses offered at [Swansea University](#) and the [University of South Wales](#) currently offer no modules (according to the available course information) through the medium of Welsh.

⁴⁰ The Solicitors Qualifying Examination is comprised of two assessments. SQE1 tests candidates' functioning legal knowledge and SQE2 assesses candidates' practical legal skills.

56. Welsh law schools must collaborate on Welsh medium legal education, especially as regards the provision of teaching materials.

Outcome: Achieved

There are a number of Welsh university departments which offer optional modules on the LLB Law programme through the medium of Welsh. This includes modules offered at [Aberystwyth University](#) (Legal Skills and Research; Legal and Criminal Justice Systems; Public Law); [Bangor University](#) (The Law in Welsh; Social Divisions; Wales in the Modern World; Devolution Law; Contemporary Issues in Criminal Law; Dissertation); [Cardiff University](#) (Cyfraith Cymru a Datganoli Mewn Cyd-destun; Traethawd Hir); [Swansea University](#) (where students can study two modules in Welsh in Year 1 and 2); and [University of South Wales](#) (Academic and Professional Legal Skills and Learning Through the Workplace).⁴¹

The core modules delivered across Welsh Universities will often include a Welsh-medium tutorial or seminar group which is integrated into the main module. Some departments, including Cardiff University's School of Law and Politics, have the capacity to offer Welsh-medium provision on all core undergraduate modules from Year 1 to 3 (Level 4 to 6). As these can often come under the same module code and administered as part of internal group allocation, it is not always clear from University website where these are available.⁴²

The [Coleg Cymraeg Cenedlaethol](#), through its subject panel for Law & Criminology, has brought Law Schools together to collaborate on Welsh medium provision and resources in law. Since the publication of the Commission's report, the second edition of Keith Bush's textbook on Public Law, [Sylfeini'r Gyfraith Gyhoeddus](#), has been published and there is also on-going work on Welsh-medium textbooks for Contract Law, Equity and Trusts, and Land Law.

⁴¹ Based on the course information available, there are currently no modules in Welsh available on the LLB at [Cardiff Metropolitan University](#), [University of Wales Trinity Saint David](#) and [Wrexham University](#).

⁴² Law Schools will promote these options during open days and contact students with fluent Welsh language skills when they register to inform them of the options available and may automatically enrol Welsh-medium student on to the Welsh provision.

The Coleg Cymraeg has also supported the development of other teaching resources. The Coleg's website hosts online resources on the core principles of [Contract Law](#) developed in collaboration between Bangor and Aberystwyth Universities. This type of resource can be accessed for free by students and can be embedded onto core modules by staff at any University.

The Coleg Cymraeg's subject panel has also facilitated Law Schools to collaborate on student recruitment and employability initiatives. In 2021, the panel hosted the first Welsh language online [conference](#) for law students that included contributions from the (then) Welsh Government's Counsel General, Jeremy Miles, and Lord Lloyd-Jones. The panel subsequently held six online workshops in the autumn of 2021, open to students and the public, which hosted talks on current issues in law and criminology and included contributions from five of the law schools or departments in Wales.

In 2023, the panel held two online [career panel](#) events in Welsh for law students seeking a traditional legal career and for those seeking alternative careers using their law degree. More recently, a national Welsh-medium mooted competition has been re-established. The first was hosted by Cardiff University at the National Eisteddfod in 2024 and included teams from Cardiff and Aberystwyth Universities.

57. All coroner services should be available in the Welsh language.

Outcome: Not achieved

In a [letter](#) to the Chair of the Senedd's Legislation, Justice and Constitution Committee in March 2023, the UK Government's then Parliamentary Under-Secretary of State for Justice, Lord Bellamy KC, noted that, while coroner law and policy are reserved to the UK Government, coroner services in Wales are 'administered and funded by local authorities'.⁴³ As a result, he

⁴³ Although coroners are employed by local authorities, they operate as separate legal entities and are therefore not subject to the provisions of the Welsh Language (Wales) Measure. As a result, coroners are not bound by Welsh Language Standards or Welsh Language Schemes.

argued that responsibility for progressing this recommendation should sit with the Welsh Government. However, in its *Delivering Justice for Wales*, the Welsh Government [acknowledged](#) that it would require ‘the agreement of others’ or the devolution of responsibility for the coroners’ courts in order to progress this recommendation.⁴⁴ The ‘jagged edges’ surrounding coroner services in Wales have yet to be resolved and, as such, there has been no meaningful progress made against this recommendation.

⁴⁴ The Welsh Language Commissioner has recently been involved in a case in which a death certificate was issued in English only, despite the inquest having been conducted in Welsh. This occurred as a result of a clerical error within the coroner’s office. The discussions held in response to this case have helped to highlight a number of challenges, including a lack of Welsh-speaking coroners, as well as shortcomings in the procedures and planning of Welsh-language services within coroner services. The Welsh Language Commissioner is currently working with the General Register Office with the aim of improving the Welsh language provisions and services when registering deaths, births, and marriages.

Chapter 12: Governance, the law of Wales and the judiciary

Recommendations on devolution of justice

58. There should be legislative devolution of justice. 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.

Outcome: **Not achieved**

The UK Government has consistently maintained its position that it [does not agree](#) with the Commission’s recommendation for the legislative devolution of justice. In a letter to the Independent Commission on the Constitutional Future of Wales in 2023, the Ministry of Justice’s then Parliamentary Under-Secretary of State for Justice, Lord Bellamy KC, [expressed](#) that the UK Government has ‘significant concerns’ with the recommendation to devolve justice. The UK Government’s position on legislative devolution has not altered since the election of a Labour-led government in July 2024. Despite Labour’s election [manifesto](#) commitment to ‘consider’ and ‘explore’ the options for the devolution of youth justice and probation, neither of these commitments include the possibility of transferring legislative functions for youth justice and probation to the Senedd.⁴⁵ The UK Government has also [rejected](#) calls for the devolution of policing on the basis that Ministers and officials in Whitehall ‘do not think that the devolution of policing is right for Wales at this time’.⁴⁶

The non-implementation of this recommendation means that legislative powers over justice in Wales, including policing and offender management and rehabilitation, remain reserved to the UK Parliament.

⁴⁵ In oral evidence to the House of Commons Welsh Affairs Committee in February 2026, the Secretary of State for Wales, Jo Stevens, confirmed that current discussions over the devolution of youth justice and probation to Wales do not extend to legislative powers: ‘Both Governments have agreed to work together to look at options relating to governance and funding of youth justice services and partnership arrangements on probation services.’

⁴⁶ These calls emerged after the publication of the Home Office’s [Policing Reform White Paper](#) in January 2026.

59. In tandem with the removal of reservations and restrictions on the Assembly's powers, responsibility for executive functions in relation to justice in Wales should be transferred to the Welsh Government.

Outcome: Not achieved

The UK Government's decision not to implement Recommendation 58 (legislative devolution of justice) means that the UK Government retains responsibility for executive functions over justice in Wales.

60. Devolution of justice must be accompanied by a full transfer of financial resources, including all identifiable administrative and capital resources relating to Wales.

Outcome: Not achieved

The non-implementation of Recommendation 58 (legislative devolution of justice) and Recommendation 59 (the transfer of executive functions in relation to justice) means that there is no progress to report against this recommendation. The responsibility for providing appropriate financial resources for justice services in Wales, including administrative and capital resources, still falls upon the UK Government.

Recommendations to be implemented under the current scheme of devolution

61. Clear and accountable leadership on justice in the Welsh Government must be established under the current scheme of devolution.

Outcome: Not achieved

In the absence of a dedicated Welsh Government Justice Minister, the responsibility for justice related issues continues to be spread across a number of Welsh Government ministerial portfolios. These include:

The Cabinet Secretary for Social Justice, Trefnydd and Chief Whip

- Anti-slavery, domestic abuse, gender-based violence and sexual violence.
- Youth Justice and Female Offending Blueprints.
- Community Safety, including Police Community Support Officers.
- Relations with the Police and Crime Commissioners, Police and other Criminal Justice agencies.
- Relations with UK Government in respect of Prisons and the Probation Service.

Counsel General and Minister for Delivery

- Welsh Tribunals.
- Liaison with the Legal Sector and Law Council for Wales.
- Accessibility of Welsh law.
- Access to Justice.

Deputy First Minister

- Constitutional affairs.
- Co-ordination of justice policy issues.

Following the publication of the Commission's report, the Welsh Government 'moved immediately' to [establish](#) a Cabinet Sub-Committee on Justice. Its responsibilities included providing 'strategic leadership for justice functions' across Welsh Government, as well as ensuring a 'co-ordinated approach' to justice across ministerial portfolios. Following its very first meeting on 8 July 2021, the meeting minutes for all Sub-Committee meetings were made available on the Welsh Government's [website](#), including a full list of attendees.

The Cabinet Sub-Committee's last meeting, however, was on 7 February 2024. Following a change of leadership in Welsh Government, the new First Minister, Eluned Morgan, took [steps](#) to 'limit the number of formal sub-committees' across Welsh Government. Although the responsible ministers now come together 'regularly' in a meeting [chaired](#) by the Deputy First Minister, there are few publicly available details about these meetings, including the subjects discussed or those in attendance.

The responsibility for justice related issues in Wales also continues to be spread across the Welsh Government's various directorates. Without any kind of 'locus' for justice in Wales, such as a dedicated Justice Ministry, it often remains unclear which team or directorate is ultimately responsible for justice related issues in Wales. Furthermore, the Welsh Government's messaging on justice related issues often lacks consistency. For example, despite having a clear set of policies, pledges and commitments on reserved justice matters, Welsh Government Ministers have regularly declined to comment or engage with justice related queries on the basis that the area 'is a [reserved](#) matter and the responsibility of the UK Government'. The government's rather contradictory stance has emerged most clearly when being scrutinised on justice issues by members of the Senedd. This includes questions during the Sixth Senedd on [youth justice](#), [prisoner rehabilitation](#), and [policing](#) in Wales.

62. The Assembly should take a more proactive role in appropriate scrutiny of the operation of the justice system.

Outcome: Partially achieved

The National Assembly's Business Committee [proposed](#) that the name of the Constitutional and Legislative Affairs Committee be changed to the Legislation, Justice and Constitution Committee in January 2020. Although the Llywydd and the Chair of the Constitutional and Legislative Affairs Committee identified that the Senedd did not have the capacity for a separate and standalone justice committee, the name change was made to place greater focus and emphasis on scrutinising justice in Wales.

Alongside the Legislation, Justice and Constitution Committee, justice related issues in Wales are also scrutinised by a range of other committees, including the [Equality and Social Justice Committee](#), and the [Children, Young People, and Education Committee](#). The Senedd Research Service also regularly produces a number of important, helpful and informative outputs on key issues facing the justice system in Wales, including [children's rights](#), [sentencing](#), [legal aid](#), [prisons](#), [probation](#), [tribunals](#), [youth justice](#), and debates around future [devolution](#).

However, despite taking a more proactive role in scrutinising the justice system in Wales, the scrutiny provided by the Senedd remains fragmented. In the absence of a dedicated Justice Committee, it remains unclear who is ultimately responsible for holding the Welsh Government (and other relevant bodies) to account for justice related issues in Wales.

63. The Welsh Government should address policy issues relating to justice by using external experts who can report jointly with civil servants to Ministers.

Outcome: Partially achieved

According to its [Delivering Justice for Wales](#) strategy in 2022, the steps taken by the Welsh Government to better understand ‘the legislative and practical steps’ required to devolve various elements of the criminal justice system in Wales have ‘predominantly involved commissioning experts’ to undertake reviews and research in this area. In November 2023, the Welsh Government commissioned an independent [review](#), led by the former Chief Constable of North Wales Police, Carl Foulkes, to help prepare for the devolution of policing to Wales. The Welsh Government has also commissioned research into [probation](#) services in Wales, [youth justice](#), and in 2025 [funded](#) a Welsh Justice Research Programme.⁴⁷ In April 2023, it also appointed Dame Vera Baird, the former Victims Commissioner for England and Wales and now Chair of the Criminal Cases Review Commission, as an Independent Expert Advisor on Justice Devolution.⁴⁸

The focus of much of the Welsh Government’s work with external partners, however, has largely been directed towards planning for justice devolution. The extent to which external experts or partners have been used to address current policy and practice issues across the Welsh justice system is unclear. Furthermore, many of the groups and organisations that have carried out work on behalf of the Welsh Government have done so often without financial support from Welsh Government. Where funding has been made available, this has often been awarded to research consultancy companies, which does little to support the development of original academic research or lasting expertise on justice in Wales.⁴⁹ There remains, therefore, considerable scope for the Welsh Government to consider the value of encouraging and supporting partners across Wales to carry out this work.

⁴⁷ The contract was awarded to a research consortium led by Miller Research UK.

⁴⁸ Dame Vera Baird was [appointed](#) as an Independent Expert Advisor on Justice Devolution on a 12-month contract and left her role in 2024.

⁴⁹ This also represents a glaring missed opportunity to provide much needed financial support to Higher Education Institutions across Wales.

64. The Welsh Government and the legal sector should develop a joint leadership programme.

Outcome: Not achieved

The focus of the Welsh Government's work in this area has largely been directed towards the establishment of a Law Council of Wales. However, while progress in this area was to be taken forward by the Law Council, the Welsh Government has done little to provide the Council with the financial resource needed to support its work. The Law Council has therefore not developed as originally intended and its ability to take forward work to develop a joint leadership programme has been limited.

65. A Law Council of Wales should be established to promote the interests of legal education and the awareness of Welsh law, to ensure proper provision of teaching the law in Welsh, and to assist students in their education and training as future practitioners.

Outcome: Partially achieved

The Law Council of Wales was established in 2022 following the publication of the Commission's report. Although it initially intended to focus on legal education and training, modelled on the [Joint Standing Committee for Legal Education](#) in Scotland, the remit of the Council was extended to provide a wider forum for the legal sector to deliberate and act on common issues affecting the legal sector in Wales. The Council's activities are steered by its Executive Committee which is overseen by the President of the Law Council of Wales, Lord Lloyd-Jones.

Notwithstanding its relatively recent establishment, the Council has already achieved a number of notable accomplishments. These include influencing vocational training, as well as the development of aspects of the required functional legal knowledge in the Solicitors Qualifying Examination. This has helped to ensure that the SQE requires candidates to have knowledge of distinct aspects of Welsh law when qualifying in England and Wales. Members of the Council have also supported the process of making the SQE available in Welsh (see Recommendation 55). The Council has also initiated discussions on public legal education in Wales and has helped to support the establishment of Dispute Resolution Centre Wales.

The Law Council of Wales, however, remains a body with no executive powers and limited resources. Following a review of its activities during 2025, the Law Council decided to narrow the focus of its work. This decision was made because the Council has no staff or financial resources and depends entirely on the goodwill of volunteers.

Although a Law Council of Wales has been established, the model that currently exists is not what the Commission had envisaged. Once again, in the absence of financial resource or support from either the UK or Welsh Government, the Council stands as yet another initiative that has been established and maintained through the determined efforts of a handful of hardworking volunteers in Wales. Without financial support, however, it is a model which is neither suitable nor sustainable for fulfilling the functions recommended by the Commission.

66. The organisation of the senior judiciary in Wales should be changed to provide the necessary working relationships and leadership within Wales.

Outcome: Not achieved

This recommendation focused on improving the level of engagement shown by the senior judiciary in Wales within the devolved legislative and policy landscape. This included supporting closer relationships between the senior judiciary, the Senedd and Welsh Government, as well as recommending participation in the Criminal Justice Board for Wales

and Civil Justice Board.⁵⁰ The Commission also recommended ending the model of rotating Presiding Judges in Wales to support the development of a more visible and ‘consistent leadership role’, as well as the appointment of a ‘very senior judge’ at the level of the Court of Appeal to lead the existing body of judges to exercise responsibility for Wales as Presiding Judges, Supervising Judges, Liaison Judges and President of Welsh Tribunals.

Despite the many detailed proposals set out in the Commission’s report, there has been minimal progress made against this recommendation. Although [forums](#) like the Judges Council Committee for Wales exist to represent Welsh judges and there remains, according to the Lady Chief Justice of England and Wales, [Baroness Carr](#), a ‘great national pride’ amongst the judiciary in Wales, the formal organisation of the Welsh judiciary largely remains largely unchanged.

67. Wales should be put in a similar position to Scotland and Northern Ireland in the Supreme Court as regards the appointment of judges to the Supreme Court.

Outcome: Not achieved

Although the Welsh Government’s *Delivering Justice for Wales* underlined its [commitment](#) to ‘pursue the case for guaranteed Welsh representation on the Supreme Court’, this recommendation has been rejected by the UK Government.⁵¹ When providing oral evidence to the Senedd’s Legislation, Justice and Constitution Committee in December 2022, the UK Government’s then Parliamentary Under-Secretary of State for Justice, Lord Bellamy KC, [told](#) committee members that the ‘Constitutional Reform Act 2005 already provides that all parts of the United Kingdom should be represented on the Supreme Court’. Rather than oversee any constitutional change that would provide a formal or guaranteed role for a Welsh judge, the

⁵⁰ The Commission recommended the establishment of a Civil Justice Board in Wales but this was never implemented.

⁵¹ A definition of ‘Welsh judge’ was not explicitly provided in the Commission’s report. What constitutes a Welsh judge may, therefore, be subject to differential interpretation. This may simply refer to a judge who works on the Welsh Circuit or even extend to a judge (working elsewhere) who has a strong personal or professional connection to Wales.

Minister simply expressed the hope ‘that good Welsh candidates for the Supreme Court will come forward, as they have in the past’, such as Lord Lloyd-Jones.

Recommendations for implementation with legislative devolution

68. With legislative devolution, there must be a new Justice Department in the Welsh Government led by a Cabinet Minister.

Outcome: Not achieved

The non-implementation of Recommendation 58 (legislative devolution of justice) and Recommendation 59 (the transfer of executive functions in relation to justice) means that there has been no meaningful progress made against this recommendation.⁵²

69. The office of Counsel General should continue as an office that provides independent legal advice to the Welsh Government and heads the Government Legal Service in Wales.

Outcome: Not achieved

Although the non-implementation of Recommendation 58 (legislative devolution of justice) and Recommendation 59 (the transfer of executive functions in relation to justice) means that there has been no meaningful progress made against this recommendation, the office of Counsel General continues in Welsh Government, albeit not in the way envisaged by this recommendation.

⁵² The Law Society's *Senedd Election Manifesto Asks 2026* [sets](#) out the case for a 'dedicated Welsh Ministry of Justice' to improve the coherence, alignment and accessibility of Welsh justice policy.

70. Legislative devolution will require the establishment of a Justice Committee in the Assembly

Outcome: Not achieved

The non-implementation of Recommendation 58 (legislative devolution of justice) and Recommendation 59 (the transfer of executive functions in relation to justice) means that there has been no meaningful progress made against this recommendation.

71. Where there is overlap between the roles of local, regional and national boards, committees and partnerships, they should be merged.

Outcome: Not achieved

The non-implementation of Recommendation 58 (legislative devolution of justice) and Recommendation 59 (the transfer of executive functions in relation to justice) means that there has been no meaningful progress made against this recommendation.

72. Where there is overlap between the roles of local, regional and national boards, committees and partnerships, they should be merged.

Outcome: Not achieved

The non-implementation of Recommendation 58 (legislative devolution of justice) and Recommendation 59 (the transfer of executive functions in relation to justice) means that there has been no meaningful progress made against this recommendation.

73. The law applicable in Wales should be formally identified as the law of Wales, distinct from the law of England.

Outcome: Not achieved

The non-implementation of Recommendation 58 (legislative devolution of justice) and Recommendation 59 (the transfer of executive functions in relation to justice) means that there has been no meaningful progress made against this recommendation.

74. The present system where legal practitioners can practise in England and Wales and the legal professions are jointly regulated should be continued.

Outcome: Not achieved

The non-implementation of Recommendation 58 (legislative devolution of justice) and Recommendation 59 (the transfer of executive functions in relation to justice) means that there has been no meaningful progress made against this recommendation.

75. Legislation should provide for a High Court and a Court of Appeal of Wales to be established by the Assembly.

Outcome: Not achieved

The non-implementation of Recommendation 58 (legislative devolution of justice) and Recommendation 59 (the transfer of executive functions in relation to justice) means that there has been no meaningful progress made against this recommendation.

76. With legislative devolution, a Welsh Courts and Tribunals Service should be developed from the base of a Welsh Tribunals Unit reformed on the model of the Scottish Courts and Tribunals Service.

Outcome: Not achieved

The non-implementation of Recommendation 58 (legislative devolution of justice) and Recommendation 59 (the transfer of executive functions in relation to justice) means that there has been no meaningful progress made against this recommendation.

77. With legislative devolution, the Welsh Government will need to review, and keep under continuing review, the justice infrastructure for Wales.

Outcome: Not achieved

The non-implementation of Recommendation 58 (legislative devolution of justice) and Recommendation 59 (the transfer of executive functions in relation to justice) means that there has been no meaningful progress made against this recommendation.

Action to be taken now by the Welsh Government and the Assembly

78. The Welsh Government should begin the process of reform by listing the recommendations it will seek to implement whilst the current scheme of devolution continues. The Assembly should make arrangements to monitor and review the process of reform.

Outcome: **Not achieved**

The [Delivering Justice for Wales](#) strategy is the closest the Welsh Government has come to providing a definitive list of the recommendations that it seeks to implement. This was followed by the *Delivering Justice for Wales: progress report* [published](#) in 2024, which offered further detail of the work that had been done in this area since May 2022. The Welsh Government's exact response to each of the Commission's recommendations, however, has been rather unclear from the outset. For example, rather than provide a direct response to each of the Commission's 78 recommendations (or those deemed to be within its competence), *Delivering Justice for Wales* provided a rather unwieldy and fairly broad commentary on the areas the Welsh Government would pursue. While certain recommendations are dealt with in the report, including those relating to justice data and the tribunals in Wales, specific actions against each of the recommendations are often missing. In its 2024 [update](#), for example, the Welsh Government simply offered a rather generic overview of the work it has been doing to progress the Commission's recommendations. This included:

- enacting the recommendations that fall directly to the Welsh Government.
- providing co-operative leadership on the proposals that rely on other actors in Wales.
- overseeing discussions with the UK government on the proposals that require their consent.
- providing co-operative leadership in the areas where the commission's proposals rely on other actors in Wales.

Although the respective committees in the Senedd have actively engaged in the process of scrutinising the justice system in Wales since 2019, there has been very little dedicated focus on the Commission's report or the Welsh Government's progress in implementing the recommendations. Indeed, the lack of attention directed toward the Thomas Commission during the Sixth Senedd is one of the main justifications for this research.

2 A Story of Non-Implementation: The Commission's Report Six Years On

The detailed review of the progress made against each of Commission's 78 recommendations in the previous chapter shows that there has been significant activity since 2019. From the establishment of the Law Council of Wales; progress towards the disaggregation of Wales-only data; steps to improve education and awareness of Welsh law; to the creation of Dispute Resolution Centre Wales, these developments have made an important contribution to the Welsh justice landscape. However, while these developments represent *some* progress against the Commission's recommendations, there is little to report when it comes to full or proper implementation. In total, only three of the 78 recommendations have been achieved in full. While two of these can be traced directly to the efforts made by Welsh law schools and Welsh members of the Civil Procedure Rules Committee seeking to respond to the Commission's recommendations, the other has been achieved as a consequence of wider policy changes across England and Wales and the UK Government's decision to place probation services back into the hands of the public sector.

It is therefore difficult to avoid the conclusion that much of the progress made since 2019 has been accomplished via the determined efforts of those from the legal professions, civil society, and academia in Wales. Often without any financial resource or formal responsibility for doing so, people across Wales have volunteered to establish and sustain key initiatives that were recommended by the Commission. The formation of the Law Council of Wales and the creation of Dispute Resolution Centre Wales provide two standout examples. This conclusion, however, naturally raises questions about what role the UK and Welsh Government have played since the Commission's report was published in 2019.

The UK Government

The UK Government has been a reluctant and often unwilling contributor to debates on the Commission's recommendations. The tone was very much set in January 2020 when the UK Parliamentary Under-Secretary of State for Justice, Chris Philp, confirmed that the government

did not intend ‘to produce a full and formal response to the Thomas report’ because it had not been commissioned by Ministers in Whitehall. What has since followed are a series of ad hoc responses given by (often junior) UK Ministers to questions raised about the Commission in Westminster and the Senedd (see [Appendix 1](#)). Despite signalling its initial intent to work alongside the Welsh Government to help deliver five of the Commission’s recommendations,⁵³ a consistent theme throughout the UK Government’s responses has been its opposition to devolving justice powers to Wales. In a [letter](#) to the Senedd’s Legislation, Justice and Constitution Committee in November 2022, for example, the then Parliamentary Under-Secretary of State for Justice, Lord Bellamy KC, reassured members that the UK Government were ‘keen to work with the Welsh Government to take forward some of the recommendations which have the potential to improve justice outcomes in Wales, *provided they do not require a change to the devolution settlement*’.

Although defiantly determined to keep the ‘unitary’ England and Wales system intact, the UK Government has consistently struggled to offer an intellectually respectable argument in defence of the status quo. Those championing the current constitutional arrangements in Wales have, as first [argued](#) in *The Welsh Criminal Justice System: On the Jagged Edge*, relied upon justifications that involve decrying devolution, deflecting attention away from the problems facing the Welsh system, or simply trivialising them. The various justifications cited between 2019 and 2024 for refusing devolution include: concerns about the ‘[huge expense](#)’ that justice devolution would present to the taxpayer;⁵⁴ claims that the current system ‘[performs very well for Wales](#)’; that devolution would create a ‘[more complex](#)’ system; ‘[would make no real difference](#)’; or that it would make [too much](#) difference.

The formation of a Labour-led government in July 2024 has done almost nothing to shift the dial on justice devolution to Wales. Despite Labour’s election [manifesto](#) commitment to ‘consider’ and ‘explore’ the options for the devolution of youth justice and probation, neither of these commitments have been pursued in the spirit of the recommendations set out in the Thomas

⁵³ These were Recommendation 20 (Digital court services), 26 (the Administrative Court), 50 (disaggregated data), 54 (The availability of digital court services in Welsh) and 57 (Coroner services in Welsh).

⁵⁴ For an authoritative analysis of the financial costs associated with justice devolution see Guto Ifan’s ‘*Fiscal implications of devolving justice*’.

Commission's report. On probation, for example, the UK government is currently considering proposals for a Memorandum of Understanding which would put Wales on a par with the model operating in Greater Manchester.⁵⁵ The ongoing discussions on youth justice, meanwhile, primarily concern 'lifting and shifting' responsibility for the monitoring and funding for youth justice services to the Welsh Government. Neither of these proposals, however, include any commitment to the transfer of legislative responsibility and will do nothing to solve the inherent structural problems underlying Wales' justice system.

Much like its predecessor, the UK Labour government has failed to engage in any intellectually serious way with the 'in principle' problems that arise from the anomalous and '[overly complex](#)' constitutional arrangements underpinning the Welsh justice system. The reasons given for opposing devolution have been strikingly similar to those deployed by the previous government. This includes: efforts to [downplay](#) the impact that the 'jagged edge' has on joined-up policy making and the delivery of services in Wales; the claim that devolution '[would require extensive institutional change](#)'; that devolution would have major '[financial implications](#)'; that the system in England and Wales needs to be in a more '[stable position](#)' before further changes are considered; as well as the suggestion that the various fora for inter-government working facilitate '[collaborative conversations](#)' which ensure the system works effectively.⁵⁶ Despite the promise of a '[partnership in power](#)' between the Labour governments in Westminster and Cardiff, the UK Labour Government remains 'completely hostile'⁵⁷ to the Welsh Labour Government's calls for justice devolution.⁵⁸

⁵⁵ In a Hamlyn Lecture [delivered](#) at Cardiff University in 2023, Lord Thomas warned that the use of the term 'devolution' to describe 'the allocation of powers to Scotland, Wales and Northern Ireland and the allocation of powers to entities within England' has the potential to cause confusion about the fundamentally different models of governance that operate there.

⁵⁶ During a House of Commons [debate](#) on the Welsh criminal justice system in December 2025, the UK Government's Parliamentary Under-Secretary of State for Justice, Alex Davies-Jones, highlighted that the Justice in Wales Strategy Group acts as the 'senior strategic-level interface on justice issues between the Ministry of Justice, the Home Office and the Welsh Government on key areas of policy and reform'. According to [information obtained](#) via a request under the Freedom of Information Act 2000, the Strategy Group have only met on two occasions since the UK Labour Government were formed in July 2024.

⁵⁷ Extract taken from a research interview with Lord Thomas in January 2026.

⁵⁸ During a recent debate in the House of Lords, Lord Thomas raised concerns about the lack of transparency surrounding the UK Labour's position on justice devolution. He described the process of trying to find out why the Labour Government in London oppose what the Labour Government in Cardiff want as 'like trying to extract teeth'.

The UK Government's unwillingness to engage in any meaningful way with the recommendations of the Commission remains a source of considerable frustration for those committed to improving the justice system in Wales. However, in seeking to explain why there has been so little progress made since 2019, there is a danger that the story becomes oversimplified. While UK Ministers have consistently rejected the 'headline' recommendation for legislative devolution to Wales, it remains the case that around two-thirds of the Commission's recommendations do not require or involve any transfer of powers. Whitehall's point blank refusal to devolve justice to Wales, therefore, does not fully explain or account for the fact so few of the Commission's recommendations have been delivered, including those that fall within the gift of the devolved government.

The Welsh Government

The Welsh Government has undoubtedly been active in the Welsh justice policy space since the publication of the Commission's report in 2019. It has undertaken preparatory [work](#) for the establishment of a new tribunal system in Wales; taken meaningful steps to [improve](#) access to disaggregated Wales-only data; made numerous [commitments](#) to improving services for children; and has worked with many external partners to prepare for the devolution of [policing](#), [probation](#), and [youth justice](#) to Wales. However, notwithstanding the many initiatives and activities overseen by Ministers and officials in this area, the Welsh Government has ultimately failed to *fully* implement any of the Commission's recommendations it has responsibility for.

There are a number of possible explanations for the Welsh Government's failure to act more decisively. Firstly, the outbreak of the Covid-19 pandemic, only 151 days after the Commission's report was published, undoubtedly disrupted the early stages of the government's implementation programme. Indeed, the Welsh Government's work against the Commission's recommendations did not fully recommence until the re-election of a Labour government in May 2021. Secondly, given that the Welsh Government are not formally responsible for justice in Wales, the task of implementing the Commission's recommendations

largely fell upon the (already) under-sized and under-strengthened Justice Policy team.⁵⁹ Given the heavy burden already placed on the Justice Policy division in trying to fulfil the government's extensive pre-existing responsibilities over justice,⁶⁰ inadequate civil service capacity has almost certainly constrained the work being done to implement the Commission's recommendations. At the time of writing, the Welsh Government's Justice Policy team is comprised of 13.4 FTE, which equates to 0.2 per cent of the Welsh Government's total workforce.⁶¹

By far the most compelling explanation for the Welsh Government's failure to implement many of the Commission's recommendations, however, is that its approach throughout the Sixth Senedd lacked the necessary focus from the outset. In the introduction to its *Delivering Justice for Wales* strategy in 2022, for example, the Welsh Government [claimed](#) that the Commission's report had been 'overtaken' by other events, including the murder of Sarah Everard and George Floyd.⁶² As a result, the government acknowledged that certain recommendations included in the Thomas Commission's report would not be discussed at any length in what was to be its defining strategy on justice in the Sixth Senedd.

Delivering Justice in Wales was largely silent about what clear actions the Welsh Government would take in response to the Commission's recommendations. Although certain recommendations were referred to throughout, including those relating to justice data and the

⁵⁹ Ahead of the 2026 Senedd Election, the Law Society has [called](#) for the establishment of a dedicated Department of Justice in Welsh Government (along with a designated Justice Minister) to help improve transparency and the coordination of Welsh justice policy.

⁶⁰ For a more detailed overview [see](#) Chapter 4 ('The Welsh government and criminal justice: responsibility without power') of *The Welsh Criminal Justice System: On the Jagged Edge*.

⁶¹ The Welsh Government's [total workforce](#) was 5,571 FTE in 2022.

161.4 FTE are directly employed in the Justice Directorate in the Scottish Government. This equates to 1.8 per cent of the Scottish Government's [entire workforce](#) (8,873 FTE). Based on these numbers, the Scottish Justice Directorate is 9 times larger than the equivalent unit in Welsh Government. Even if we account for the fact that the Scottish Government is formally responsible for justice in Scotland, these data help to put the relative size of the justice team across the Welsh Government into context.

⁶² Following the murder of Sarah Everard in March 2021, the Welsh Government's Deputy Minister and Chief Whip, Jane Hutt, [reiterated](#) the government's commitment to tackling violence against women and girls in Wales. This included a pledge to 'strengthen' the Welsh Government's [Violence Against Women, Domestic Abuse and Sexual Violence Strategy](#).

The murder of George Floyd in Minnesota in May 2020 prompted worldwide protests and demonstrations aimed at ending police violence and tackling all forms of racial discrimination. To mark the anniversary of George Floyd's death, the (now titled) Minister for Social Justice, Jane Hutt, [re-outlined](#) the Welsh Government's commitment to delivering an anti-racist Wales. The government's Anti-Racist Wales Action Plan was [published](#) in June 2022 and includes a commitment to tackle racial disproportionality in the Welsh criminal justice system.

tribunals in Wales, the considerable size and scope of the report meant that consideration of the Commission's work was rather diluted. This was certainly not helped by the government's sprawling attempts to engage with multiple other reports and recommendations, including, to name a few: the Public Law Working Group report; the Law Commission's review of the devolved tribunals in Wales; the Brown Commission, the Strengthening and Advancing Equality and Human Rights in Wales Research Report; and the Independent Commission on the Constitutional Future of Wales.

The various changes in leadership across Welsh Government have further disrupted the government's work during the Sixth Senedd. While the Cabinet Sub-Committee on Justice had been established in 2021 to 'provide [strategic direction](#) on justice matters', the First Minister's decision to discontinue the Sub-Committee in 2024 has clearly hampered its activity in this area. However, it is important not to overstate the impact that the leadership changes have had on the government's work. Even before Vaughan Gething and Eluned Morgan were appointed as First Minister in 2024, the Welsh Government had already lost its grip on the Thomas Commission and its recommendations. Neither of the Welsh Government's *Programme for Government annual reports* in [2022](#) or [2023](#), for instance, contained any reference to 'justice', let alone the Commission's recommendations and its plan for delivering them.⁶³

Although the Commission's 'headline' recommendation on justice devolution has guided much of the Welsh Government's activity with external partners and has heavily informed inter-government relations with UK Ministers, the finer details of the Commission's work and its underlying principles appear to have been disregarded. It remains unclear, for example, how the Welsh Government's pursuit of limited executive powers over youth justice or a Greater Manchester style model for probation aligns with an [approach](#) where accountability is 'clear and easy to understand', funding and resources align to a 'whole system approach', where 'leadership' is essential, and where a 'long-term and sustainable approach must be taken'.

Having established the Commission on Justice in Wales in 2017 to carry out the first in-depth review of the Welsh justice system in over two hundred years, and achieved a major coup in

⁶³ Although the Welsh Government's Programme for Government in 2022 included a commitment to pursue the devolution of policing and justice in Wales, this did not feature in later reports.

securing Lord Thomas of Cwmgiedd as its Chair, it is regrettable that the Commission's report has not acted as a stronger intellectual basis and guiding influence over the Welsh Government's work on justice during the Sixth Senedd. Although its ambition to pursue legislative devolution has ultimately been frustrated by the UK Government's unwillingness to engage seriously on constitutional matters, the Welsh Government's failure to implement the recommendations that fall squarely within its remit undoubtedly represents a missed opportunity to deliver a better justice system for the people of Wales.

3 The Thomas Commission in the Seventh Senedd

Despite the lack of progress made by the UK or Welsh Governments to *fully* implement the Commission on Justice in Wales’ recommendations, the Commission’s work remains *the* authoritative basis for ongoing work to assess the state of the justice system in Wales. The source of its continuing relevance is perfectly straightforward: the many problems and challenges that informed the Commission’s recommendations in 2019 still confront people across Wales today. From rising numbers of children in care; advice deserts in rural and post-industrial areas of Wales; continuing gaps in the availability of Wales-only data; overwhelming evidence of racial disproportionality in the Welsh criminal justice system; to a tribunals service in desperate need of reform, the Commission’s recommendations still speak directly to the many challenges facing the Welsh justice system in 2026.

The wider constitutional issues surrounding the Welsh justice system also continue to impinge upon policy and practice. Despite the UK Government’s *insistence* that the system ‘performs very well for Wales’ and that the various *mechanisms* for inter-governmental working are helping to smooth over the ‘jagged edges’ between reserved and devolved competences, the complex division of responsibilities for justice continue to militate against clear and effective scrutiny, appropriate funding allocations, as well as the co-ordination of joined-up policy in Wales. The UK Government’s failure to fully consider and reflect the devolved landscape within its most recent plans for *policing* and *youth justice* reform in England and Wales offers yet another reminder of the structurally determined challenges facing Welsh policymakers and practitioners.

The Seventh Senedd, however, presents an opportunity for the Welsh Government to reset its strategy and approach to justice in Wales. Based on the shortcomings outlined in this report, Ministers and officials should look to produce a detailed response to each of the Commission’s 78 recommendations, as well as provide a clear plan for *how* it intends to implement them.⁶⁴

⁶⁴ This work should be led by *one* official in the Welsh Government’s Justice Policy team who should report to the relevant Minister. To support this work, the Welsh Government’s implementation lead should work to establish strong relationships with key stakeholders across Wales, including legal professionals, academics and representatives across civil society.

This plan should be submitted to the respective committee in the Senedd and should act as the relevant basis upon which to scrutinise the Welsh Government’s justice policy over the course of the next Senedd term.⁶⁵

⁶⁵ This should include a ‘top and tail’ inquiry which involves inviting the Welsh Government to appear before the respective Senedd committee in the summer of 2026 to outline its plan for delivering against the Commission’s recommendations. A further series of evidence sessions should then be held with legal professionals, civil society, academics and government officials at the end of the Seventh Senedd to monitor the progress that has been made against the government’s action plan presented in 2026.

Appendices

Appendix 1: UK Government responses to questions on the Thomas Commission or justice devolution, 2019 to 2026

Date	Who	Where
22 January 2020	The Parliamentary Under-Secretary of State for Justice, Chris Philp MP	Westminster Hall Debate – Commission on Justice in Wales
8 October 2021	Parliamentary Under-Secretary of State for Justice, Lord Wolfson of Tredegar KC	Legal Wales Conference
3 November 2022	The Parliamentary Under-Secretary of State for Justice, UK Government, Lord Bellamy KC	Letter to the Senedd’s Legislation, Justice and Constitution Committee
29 November 2022	The Parliamentary Under-Secretary of State for Justice, Mike Freer MP	Westminster Hall Debate – Devolution of Justice: Wales
5 December 2022	The Parliamentary Under-Secretary of State for Justice, UK Government, Lord Bellamy KC	Oral Evidence to the Senedd’s Legislation, Justice and Constitution Committee
14 March 2023	The Parliamentary Under-Secretary of State for Justice, UK Government, Lord Bellamy KC	Letter to the Senedd’s Legislation, Justice and Constitution Committee
24 March 2023	The Parliamentary Under-Secretary of State for Justice, UK Government, Lord Bellamy KC	Letter to the Independent Commission on the Constitutional Future of Wales
30 March 2023	Department of Levelling Up, Housing and Communities, Cabinet Office	Intergovernmental Relations Annual Report 2022

12 June 2023	The Parliamentary Under-Secretary of State for Justice, Lord Bellamy KC	Letter to the Senedd’s Legislation, Justice and Constitution Committee
29 November 2023	Minister of State, Edward Argar MP	House of Commons Debate – Prisons in Wales
20 February 2024	The Parliamentary Under-Secretary of State for Justice, Mike Freer MP	House of Commons Debate – Justice: Devolution of Responsibility
13 May 2024	Minister of State, Edward Argar MP	House of Commons Debate – Parc Prison
7 October 2024	The Parliamentary Under-Secretary of State for Justice, Lord Ponsonby of Shulbrede	House of Lords Question – Commission on Justice in Wales
14 July 2025	Minister of State for Prisons, Probation and Reducing Reoffending, Ministry of Justice, Lord Timpson	Equality and Social Justice Committee – The Criminal Justice System in Wales
25 November 2025	Baroness in Waiting/ Government Whip, Baroness Anderson of Stoke-on-Trent	House of Lords Debate – Wales: Further Devolution
3 December 2025	Lord in Waiting/ Government Whip, Lord Lemos	House of Lords Debate – Sentencing Bill
16 December 2025	The Parliamentary Under-Secretary of State for Justice, Alex Davies-Jones MP	House of Commons Debate – Criminal Justice System: Wales
17 December 2025	The Minister of State, Ministry of Justice, Lord Timpson	Oral Evidence to the House of Commons Welsh Affairs Committee
6 January 2026	The Minister of State, Ministry of Justice, Lord Timpson	House of Lords Debate – Sentencing Bill
22 January 2026	Minister of State (Lords Minister) at the Home Office, Lord Hanson of Flint	House of Lords Debate – Crime and Policing Bill

26 January 2026	Home Secretary, Shabana Mahmood MP	House of Commons Debate – Police Reform White Paper
27 January 2026	Parliamentary Under-Secretary of State for Sentencing, Youth Justice and International, Jake Richards	Written Parliamentary Question – Administration of Justice: Wales
2 February 2026	Secretary of State for Wales, Jo Stevens MP	Response to a Written Parliamentary Question – Devolution: Wales
3 February 2026	Minister of State (Lords Minister) at the Home Office, Lord Hanson of Flint	House of Lords Debate – Police Reform White Paper
11 February 2026	Secretary of State for Wales, Jo Stevens MP	Oral Evidence to the House of Commons Welsh Affairs Committee

Appendix 2: Research questions to be answered

- To what extent have the recommendations of the Commission on Justice in Wales been implemented?
- What actions have the Welsh Government, Senedd, UK Government and others taken in response to the Commission's recommendations?
- How effectively have the Welsh and UK governments worked together to deliver recommendations where they share joint responsibility, particularly those identified and agreed by the two governments as priority areas?
- What impact have the changes of leadership in both the UK and Welsh governments had on the delivery of the Commission's recommendations?
- To what extent has the Law Council for Wales fulfilled the functions recommended by the Commission?
- To what extent does the Commission's report, and its recommendations, remain relevant as a basis for ongoing work to assess the state of the justice system in Wales? Are there any areas that should be prioritised for scrutiny in the Seventh Senedd?