



Llywodraeth Cymru  
Welsh Government

PUBLICATION

# Cabinet Sub-Committee on Justice meeting: 27 April 2022

Minutes of the Cabinet Sub-Committee on Justice meeting on  
27 April 2022.

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# Contents

**Present**

**Justice Transformation Programme**

**Justice plan publication**

**Race Equality Action Plan: Criminal justice elements**

**Reducing reoffending**

**Justice publication**

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## Present (via Teams)

- Rt. Hon Mark Drakeford MS
- Mick Antoniw MS (Chair)
- Jane Hutt MS

## Welsh Government officials

- Jo-Anne Daniels, Director General, ESJWL
- Andrew Slade, Director General, ETC
- Piers Bisson, Director, European Transition and Constitutional Affairs
- Will Whiteley, Deputy Director Cabinet Division
- James Gerard, Deputy Director, Justice Policy
- Karin Phillips, Deputy Director, Community Safety
- Jane Runeckles, Special Adviser
- Ian Butler, Special Adviser
- Mitchell Theaker, Special Adviser
- Owen John, Special Adviser
- Christopher W Morgan, Cabinet Secretariat
- Damian Roche, Cabinet Secretariat
- James Oxenham, Cabinet Secretariat (minutes)
- Rachel Stephens, Cabinet Division
- Peter Kellam, Cabinet Division
- Diane Dunning, Legal Services
- Andrew Felton, Head of Justice Stakeholders
- Bethan Phillips, Justice Policy
- Merisha Hunt, Justice Policy
- Elizabeth Price, Justice Policy
- Zuzka Hilton, Justice Policy
- Tony Jones, Justice Policy

- Imogen Sherriff, Justice Policy
- James Searle, Community Safety
- Paul Dear, Community Policy

## **Item 1: Justice Transformation Programme stocktake**

### **Part 1: Update on work programme**

1.1 The Counsel General introduced the item, which provided an update on progress with the Justice Transformation Programme.

1.2 The Sub-Committee's attention was drawn to the launch that week of the apprenticeships at paralegal and advanced paralegal, which could ultimately lead to qualification as solicitors.

1.3 A working group with the Welsh Bar on growing the public law Bar had been instigated and was welcomed.

1.4 The Sub-Committee discussed the concerns within the profession that had led to the Bellamy review on criminal legal aid, which the Ministry of Justice was currently consulting on its response to.

1.5 The case for investment in the profession had been made, and the Welsh Government should support the implementation of the Bellamy recommendations.

### **UK Government discussions**

1.6 Officials were making progress with conversations about the Thomas

Commission recommendations triage exercise and would continue to meet fortnightly with the Ministry of Justice, but without a replacement for Lord Wolfson the ability to make progress at a Ministerial level was hampered.

## **Part 2: Other live issues**

1.7 The Counsel General mentioned the support Welsh Government was attempting to provide the ICC and Ukrainian domestic investigations into war crimes.

1.8 Concerns were raised about whether people arriving from Ukraine realised they could support prosecutions being brought, and whether they were being properly supported if they did come forward. The Counsel General noted that he recently met with the UK Government Attorney General to discuss support for investigations in Ukraine, and to arrange a possible visit.

1.9 The Sub-Committee was keen that parity across the four nations in addressing the Ukraine crisis was maintained.

1.10 Concerns were noted from the PCCs about the latest Policing Protocol consultation, which looked to expand Home Office oversight of operational policing.

1.11 The proposals being consulted on would limit the autonomy of PCCs and give the Home Secretary and Home Office more central control – limiting the ability of PCCs to set strategic direction based on the local needs of their force areas. Officials were discussing the approach to this with policing colleagues.

1.12 It was noted the UK Government approach to the Vagrancy Bill was particularly far removed from Welsh Government policy. It was agreed that everything must be done to ensure that rough sleeping was not recriminalised by the UK Government.

1.13 The Sub-Committee agreed the update paper would be tabled alongside the Justice Publication item, for Cabinet colleagues to note on 9 May 2022.

## Item 2: Justice plan publication

2.1 The Counsel General introduced the item, which outlined proposed actions arising from the Welsh Government's response to the Strengthening and Advancing Equality and Human Rights (SAEHR) research report.

2.2 The Minister for Social Justice acknowledged the paper had been tabled at a crucial juncture for Human Rights in Wales, the UK and globally and set out the views of the SAEHR Steering Group, of which the Counsel General was also a member.

2.3 It was reported that in general, Members of the Steering Group welcomed the response, including Professor Simon Hoffman of Swansea University, the lead author of the report.

2.4 Officials had begun preparatory work and would develop a detailed action plan and timeline to cover the five main action areas identified in the Welsh Government's response.

2.5 Preparatory legislative work would explore options to fulfil the Programme for Government commitment to "Incorporate the United Nations Convention for the Elimination of all forms of Discrimination against Women and the UN Convention on the Rights of Disabled People into Welsh law."

2.6 Members of the Steering Group had raised concerns with the planned reframing of the Steering Group as a "Human Rights Advisory Group", that the new name might mean that some equality aspects of the work might be overlooked, although that was not the intention.

2.7 It was suggested the Welsh Government's position on equality and human rights was particularly important to stakeholder groups and whilst the symbolic nature of a Welsh Bill of Rights was acknowledged, there was also a risk if any Bill was seen as ineffectual.

2.8 The Sub-Committee recognised the need for further advice from Legal Services on the legislative options, taking account of any future proposals by the UK Government.

## **Item 3: Race Equality Action Plan: Criminal justice elements**

3.1 The Counsel General introduced the paper which asked Sub-Committee members to note the work completed on the Crime and Justice chapter of 'An Anti-Racist Wales Action Plan', as well as the related work on the Criminal Justice Anti-Racism Action Plan for Wales.

3.2 The Counsel General thanked the Minister for Social Justice and her officials for the work that had gone into producing the document and the work on the Anti-Racist Wales Action Plan.

3.3 The Plan, which was scheduled for publication on 7<sup>th</sup> June 2022, would set out how Welsh Government proposed to take an anti-racist approach to all work, pro-actively taking steps to address discrimination across Welsh Government policy areas.

3.4 The Plan included a chapter specifically on crime and justice, which was a pre-cursor to a more detailed anti-racism plan being co-produced with partners across the Criminal Justice spectrum in Wales, including: Police, Her Majesty's Prison and Probation Service, and Her Majesty's Courts and Tribunals Service.

3.5 The Criminal Justice Plan is scheduled for publication later in the summer.

3.6 It was noted that police forces in England and Wales had faced challenges in earning the trust of ethnic minority communities. It was hoped both Plans, would help address these difficulties for frontline services.

3.7 Officials had been working closely with justice partners on the Plan and would be involved in monitoring delivery through the Criminal Justice in Wales Board.

3.8 Delivery of the Criminal Justice in Wales anti-racism plan would also be supported by an independent panel of experts, mirroring the Welsh Government approach to governance and accountability.

3.9 The approach reflected the Programme for Government commitment, following the Co-operation Agreement, to ensure the justice elements of the Welsh Government's plan were robust, and to address these matters with the police and the courts.

3.10 In addition, as well as setting out the role of the Criminal Justice in Wales anti-racism plan, the crime and justice chapter of the Plan provided more detail on the action being taken on hate crime. It also included work to strengthen the available data and continued to support the case for the full devolution of justice to Wales.

3.11 The chapter was clear that the full devolution of justice would be the only way to fully address racism throughout the justice system in Wales.

## Item 4: Reducing reoffending

4.1 The Counsel General introduced the paper, which considered how public services as a whole could work together to reduce reoffending. The Counsel



General reminded the Sub-Committee that there was an offer from academia and ex-practitioners to conduct some work around improving probation practice, through the auspices of the Wales Centre for Crime and Social Justice.

4.2 The Sub-Committee had previously agreed to seek to take forward this workstream in partnership with HM Prison and Probation Service in Wales. However, feedback from HMPPS had set out that they could not jointly sponsor the work without consent from Ministry of Justice Ministers. This paper sought a steer from the Sub-Committee on next steps.

4.3 It was suggested that with no replacement for Lord Wolfson in place, seeking agreement of MoJ ministers would at the very least lead to significant delay to the WCCSJ being able to start its work.

4.4 The Sub-Committee discussed the options as set out in the paper and concluded that officials should continue to progress with the WCCSJ and report back on any progress to the Sub-Committee.

## **Item 5: Justice publication**

5.1 The Counsel General introduced the paper, which presented a near final draft of the justice publication.

5.2 It was noted that officials were on course to finalise the report by the proposed publication date of 24 May 2022.

5.3 The Sub-Committee welcomed the fact this would be another opportunity to highlight Welsh Government successes and point to the future improvements that could be made under a fully devolved justice system in Wales.

5.4 The cross-government working on the publication was highlighted as a positive.

5.5 The Sub-Committee welcomed the increased focus on VAWDASV and anti-racism in the publication.

5.6 It was agreed these areas should be at the forefront of WG thinking and action on justice, working in partnership with stakeholders and those with lived experience.

5.7 The publication would be considered by Cabinet on 9 May.

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