



Llywodraeth Cymru
Welsh Government

PUBLICATION

Cabinet Sub-Committee on Justice meeting: 13 July 2022

Minutes of the Cabinet Sub-Committee on Justice meeting on
13 July 2022.

First published: 30 March 2023

Last updated: 30 March 2023

This document was downloaded from GOV.WALES and may not be the latest version.

Go to <https://www.gov.wales/cabinet-sub-committee-justice-meeting-13-july-2022-html> for the latest version.

Get [information on copyright](#).

Contents

Present

Bill of Rights

Transformation programme

Delivering Justice

Justice data

Cautions

This document was downloaded from GOV.WALES and may not be the latest version.

Go to <https://www.gov.wales/cabinet-sub-committee-justice-meeting-13-july-2022-html> for the latest version.

Get [information on copyright](#).

Present (via Teams)

- Rt. Hon Mark Drakeford MS
- Mick Antoniw MS (Chair)
- Hannah Blythyn MS (substituting for 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
- Gary Haggaty - 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 (minutes)
- Rachel Stephens - Cabinet Division
- Diane Dunning - Legal Services
- Andrew Felton - Head of Justice Stakeholders
- Bethan Phillips - Cabinet Division
- Merisha Hunt - Justice Policy
- Elizabeth Price - Justice Policy
- Zuzka Hilton - Justice Policy
- Tony Jones - Justice Policy
- Imogen Sherriff - Justice Policy
- Andrew O'Rourke - KAS Social Justice Statistics

This document was downloaded from GOV.WALES and may not be the latest version.

Go to <https://www.gov.wales/cabinet-sub-committee-justice-meeting-13-july-2022-html> for the latest version.

Get [information on copyright](#).

Item 1: Bill of Rights update

1.1 The Counsel General introduced the item, noting that this was a Bill of great constitutional significance for Wales.

1.2 It was notable that the UK government accepted that large parts of it would trigger the legislative consent process. This meant, in addition to its other defects, it was an assault on the Sewel Convention.

1.3 If the UK government did press ahead with the Bill, given the position in Scotland and Northern Ireland, it might be the clearest example yet that Sewel was not working and needed reform.

Item 2: Transformation programme stocktake

2.1 The Counsel General introduced the item, which provided an update on the latest position with the Justice transformation programme.

Part 1: Update on Cabinet Sub-Committee work programme

2.2 An important development was that the Law Society was upgrading its Wales Committee to be a board. The significance of this was that it would be a prominent and high-profile part of the Law Society architecture.

2.3 The sub-committee welcomed updates on access to justice, family justice, the legal sector and criminal justice.

2.4 In addition, it was noted that the Anti-Racist Wales Action Plan included a

chapter on crime and justice issues and the work linked strongly with that of the Criminal Justice Board for Wales.

UK government discussions

2.5 The sub-committee noted updates on discussions with the UK government on the Thomas Commission recommendations triage exercise.

2.6 These conversations had resumed following the appointment of Lord Bellamy, and work had begun with MoJ officials on a joint position paper to summarise progress on the triage exercise. However, momentum with this work would be subject to the appointment of a new Prime Minister and yet another set of MoJ Ministers.

2.7 It would also be important to establish the Inter-Ministerial Group on Justice, which was now one of very few IMGs not to be established.

Part 2: other live issues

2.8 The Counsel General provided an overview of the other live issues in the justice sphere.

2.9 The significant work ongoing in relation to Ukraine war crimes was noted, with officials in discussion with SO15, to understand how fully their approach was consistent with the Welsh Government's expectations of a trauma-informed approach.

2.10 In addition, the Counsel General was in communication with the Ukrainian Prosecutor General's office.

Item 3: Delivering Justice for Wales - next steps

3.1 The Counsel General introduced the paper, which presented an approach for engagement and communication with stakeholders, and a supporting programme of events and activity to summer 2023, following the publication of '[Delivering Justice for Wales](#)'.

3.2 The sub-committee agreed the approach to engagement and draft programme of stakeholder events to May 2023.

Item 4: Justice data disaggregation and dashboards

4.1 The Counsel General introduced the paper, which asked the Sub-Committee to consider the work to date on disaggregated data in the criminal justice sphere, and to agree the suggested next steps.

4.2 There was a recognised need for disaggregated data on criminal justice, as access to such data for Wales was important for ministers, policymakers, stakeholders, and for the general public as part of a transparent justice system.

4.3 Several initiatives had helped drive progress on disaggregated data, including specific Welsh Government initiatives, as well as contributions by other stakeholders, which had supported improved data and visibility of Welsh justice data.

4.4 The sub-committee welcomed the development work and agreed the forward work programme.

Item 5: AOB – changes to cautions

5.1 The Counsel General referred to the proposed changes to ‘Cautions’ within the justice system.

5.2 Cautions provided a means of dealing with low-level, mainly first-time, offending without a prosecution and part 6 of the Police, Crime, Sentencing and Courts Bill introduced a new framework for statutory out of court disposals, streamlining the existing 6 tiers into 2 tiers.

5.3 The upper tier, the ‘Diversionary Caution’, replaced the current conditional caution, and the new ‘Community Caution’ was the lower tier. This tier was an ‘umbrella’ disposal for outcomes such as penalty notices for disorder and simple cautions.

5.4 Under the terms of the Bill, any caution must be conditional. Breaches would result in prosecution for a diversionary caution and a fixed penalty notice for a community caution.

Cabinet Secretariat
July 2022

This document may not be fully accessible.

For more information refer to our [accessibility statement](#).

This document was downloaded from GOV.WALES and may not be the latest version.

Go to <https://www.gov.wales/cabinet-sub-committee-justice-meeting-13-july-2022-html> for the latest version.

Get [information on copyright](#).