



Llywodraeth Cymru
Welsh Government

PUBLICATION

Cabinet Sub-Committee on Justice meeting: 29 June 2023

Minutes of the Cabinet Sub-Committee on Justice meeting on
29 June 2023.

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Present (via Teams)

- Rt. Hon Mark Drakeford MS
- Mick Antoniw MS (Chair)
- Vaughan Gething MS (part meeting)
- Jane Hutt MS
- Julie Morgan MS
- Jeremy Miles MS (part meeting)

Welsh Government officials

- Des Clifford, Director, Office of the First Minister
- Piers Bisson, Director, European Transition, Constitution and Justice
- Liz Lalley, Director, Risk, Resilience and Community Safety
- James Gerard, Deputy Director Justice Policy
- Karin Phillips, Deputy Director, Community Safety
- Diane Dunning, Deputy Director, Legal Services
- Kate Edmunds, Special Adviser
- Owen John, Special Adviser
- David Hooson, Special Adviser
- Christopher W Morgan, Head of Cabinet Secretariat
- Damian Roche, Cabinet Secretariat (minutes)
- James Oxenham, Cabinet Division
- Adam Turbervill, Legal Services
- Louis Urutty, Communications
- Fiona Green, Justice Policy
- Tony Jones, Justice Policy
- Andrew Felton, Justice Policy
- James Searle, Community Safety
- Sian Brown, Community Safety

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- Karen Bathgate, Equity in Education
- Jason Pollard, Equity in Education
- Carys A Roberts, Business and Regions

External attendees

- Dame Vera Baird KC, Independent Expert Adviser on Justice Devolution

Item 1: Family ties

1.1 The Counsel General introduced the item, which was a continuation from the previous meeting and welcomed the Minister for Education to the meeting.

1.2 The sub-committee had viewed an informative video at the last meeting about the project to ensure family ties continued for offenders in HMPPS Parc. Ministers welcomed the way children were able to articulate their emotions about the situation.

1.3 The evidence was clear that approximately 39% of offenders were less likely to reoffend if there were good family ties in place during the period of custody.

1.4 The attendance and exclusion guidance for schools covered such circumstances and aimed to provide better support for children experiencing difficulties as a result of parental imprisonment, including an emphasis on support rather than punishment, where attendance and behaviour fell short of expected standards.

1.5 Hillside secure children's home in Neath was another good example where vulnerable children could be properly cared for as part of rehabilitation from difficult circumstances.

1.6 Funding to evaluate the Parc project had been provided by the Welsh Government and a number of similar projects were ongoing such as the Visiting Mums programme for Welsh children whose mothers were in prison in HMP Eastwood Park, in England.

1.7 In addition, the use of technology to maintain family ties during the pandemic should be continued wherever possible and the environment in which children interacted with their parents whilst they were in custody should be appropriate.

1.8 It was suggested this could potentially be pursued through the Family Connect and Blueprint policies.

1.9 The Corporate Parenting Charter was noted as a useful tool to ensure all public bodies had the welfare of care experienced children in mind, and it was reported there was a care experienced officer with an expert focus in HMP Parc.

1.10 The sub-committee welcomed the work ongoing in this area, which linked to many Welsh Government priorities to improve and enhance the lives of children in Wales.

Item 2: Support for Wales' legal sector

2.1 The Counsel General introduced the item, which was a joint paper with the Minister for Economy, and which outlined the current challenging position for the legal sector in Wales.

2.2 The sector provided advice and support to people, businesses and communities across Wales, alongside direct employment and making a significant contribution to the Welsh economy.

2.3 There was no doubt that having a healthy, functioning legal sector would be necessary to make a success of further devolution of justice. However, there

were significant challenges to that at present, with historic under-investment by the UK government in courts, particularly the Civil Justice Centre in Cardiff, and in systems over the past decade leading to issues with infrastructure and services.

2.4 It was difficult for the legal sector in Wales to develop a commercial offering whilst well maintained courtrooms and other facilities were not available.

2.5 It was clear that Business Wales had provided useful support to the sector, including on advances in technology that would modernise a sector that historically had been relatively slow to adopt new ways of working.

2.6 The Welsh Government was planning a further attempt to commission work to assess the need for funding solicitor apprenticeship in Wales. There was some debate about whether this was likely to be the right way to go, given the evidence over the border pointing to some apprenticeships replacing those previously funded by businesses. In addition, there was no conclusive evidence they had led to an increase in social mobility, which would be expected from the programme.

2.7 In contrast, the Welsh Government framework for Chartered Institute of Legal Executive (CILEX) qualifications for paralegals at levels 3 and 5 had been welcomed.

2.8 A significant problem for the sector was the low pay rates for legal aid funded work. It was reported there had been some difficulties recruiting solicitors for the new law centre being planned in North Wales. It was possible the family, housing and welfare law issues it was planning to focus on were not attractive to prospective candidates.

2.9 There was also a distinct and growing lack of capacity in the sector on immigration law across Wales. Two of the main law firms providing immigration advice to asylum seekers had recently stopped doing so, and there was a risk of

a third firm closing.

2.10 Notwithstanding these issues, there were some positives, including the £11.1 million single advice services fund.

2.11 However, given the historic underinvestment by the UK government, the Welsh Government would need to be careful to avoid continually filling in the gaps where reserved areas had not been funded properly.

2.12 The sub-committee noted there were signs of positive change, although more action was needed from within the sector to support its own development and secure its longer-term future for consumers of legal services and contribute to the Welsh economy.

2.13 The sub-committee noted the developments and agreed the recommended next steps in paragraphs 41 to 48 of the supporting paper should be evaluated, taking account of resources.

Item 3: Justice devolution preparations

3.1 The Counsel General introduced the item, then handed over to James Gerard and Dame Vera Baird to present the update about preparations for the devolution of justice to Wales.

3.2 The update covered progress to date on the workstreams preparing for devolution, provided feedback on the early findings of external work on youth justice and outlined proposed next steps, including on the Thomas Commission 'triage' process.

3.3 The Wales Youth Justice Academic Advisory Group (WYJAAG) had been working to identify the strengths, weaknesses and opportunities in the current system in Wales, alongside what a future vision for the system in Wales could

look like and considering the practical next steps for achieving that vision.

3.4 The emerging findings included that whilst youth justice should be devolved, it did not necessarily need radical reform, as the performance of the system was generally high.

3.5 The second justice devolution preparation workstream discussed was probation. There was already work being taken forward by the Probation Development Group (PDG), focused on considering some components of a devolved system, including: the values and principles; governance and partnerships; effective practice; and reducing imprisonment rates. Some draft papers had been received and the remaining outputs were expected during summer 2023.

3.6 The Wales Centre for Public Policy had also recently been commissioned to start a detailed piece of work, complementing that of the PDG, to identify the practical steps for achieving the future vision for the Welsh probation system and their work centred on outlining the steps, resources, and timelines required to achieve the vision. In addition, this work would be identifying governance requirements of a post-devolution probation system.

3.7 The final workstream was on policing. The scope of this work had previously been agreed by the Sub-Committee. Phase one of the project would be to articulate potential benefits from devolution, and to consider the underpinning principles and values of devolved policing. It was expected that this would include a review of existing evidence and examination of other policing models, for example Northern Ireland and Scotland.

3.8 One example of a potential benefit of devolution might be an ability to affect the length of time following a 'release under investigation', with the aim to halve the time taken to process cases. There was also potential for a deferred prosecution tool, which could include a pause to address factors that may have led to the criminality occurring in the first place.

3.9 Phase 2 of this workstream would determine what would need to be included in a devolved policing model and would explore the complex national landscape of how a Wales policing model would fit with regional and national infrastructure.

3.10 The sub-committee agreed that broader consultation would be needed on the outputs of the workstreams and in particular on the report produced by Dr Jonathan Evans on the devolution of youth justice.

3.11 The sub-committee then turned to the Thomas Commission recommendations 'triage' process and noted there had been very little meaningful progress, apart from on data disaggregation.

3.12 Finally, the Sub-Committee then turned to next steps and noted the work to be carried out during summer and autumn 2023-2024, which included:

- work of the WCPP to commence
- work on policing devolution taken forward
- reviewing the recommendations from the youth justice project
- considering the outputs from the Probation Development Group
- working on a consultation on Tribunal Reform

3.13 It was noted that the Independent Commission on the Constitutional Future of Wales was due to report by the end of the year.

3.14 The sub-committee thanked all for the useful update, noting how this work meant Wales was in a strong position to take on the devolution of justice.

Item 4: Any other business

4.1 The Counsel General provided a roundup of events since the last meeting, including: the events in Ely; CG's appearance at the Constitutional Commission; CG's oral statement and Plaid Cymru debates on justice devolution; the formal

withdrawal of the Bill of Rights; and progress on the Victims Bill. In addition, there would be an important series of Law Society events in September.

Cabinet Secretariat
June 2023

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