



Llywodraeth Cymru  
Welsh Government

REPORT

# Delivering Justice for Wales: 2024 progress report

2024 progress report on reforming the justice system in  
Wales

**First published:** 22 December 2023

**Last updated:** 22 February 2024

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# Ministerial foreword and introduction

## Ministerial foreword

In May 2022, we published [Delivering Justice for Wales](#). This was an opportunity for us to reflect and celebrate the many ways we are supporting people in Wales to get the best possible outcomes for the people of Wales from the justice system, as well as the significant remaining challenges. It was also an important starting point in terms of communicating a distinct and powerful vision for the future of justice in Wales.

We demonstrated through the activity set out in the Delivering Justice for Wales work programme the targeted support we have put in place to make a real impact on the justice system in Wales. This includes continued work with reserved partners to strengthen how the current system in Wales works and how further devolution is essential for the better delivery of justice.

We are pleased to publish this report to recognise the hard work that has taken place across the Welsh Government, public and third sectors to continue to deliver the best possible outcomes and to further advance our understanding for the future of justice in Wales.

Our ambition to build a strong and progressive justice system for Wales has not changed. Yet the unprecedented challenges we described previously have not eased. Despite the valiant efforts of all those who work in the justice system. Indeed, in the wake of recent statements about prison capacity, and court backlogs, it is as close as it has ever been to breaking point. Court closures and the condition of the court estate reflect the impact of decades of punitive, regressive approach to crime and justice issues. The national outrage over the Post Office Horizon scandal has brought to the fore access to justice issues which have long been recognised and raised on many occasions over past years.

It is increasingly clear that a different approach is needed.

The last year has been particularly challenging for Welsh Government too, marked by a deepening cost-of-living crisis and the continuing war in Ukraine. Although we have made some progress since Delivering Justice for Wales was published, we must acknowledge the issues we continue to face. We have had to make tough decisions to manage financial pressure on public services as a result of UK government mismanagement of the economy. We have responded to the challenges with resilience, working with our partners to advance our refocussed priorities.

In the wake of the findings of the Independent Commission on the Constitutional Future of Wales, preceded by Gordon Brown's Commission for the UK Labour Party, we believe the case for devolution has been made and we have a duty to prepare for it. Since our initial publication, therefore, we have been working with those with expertise of the justice system specifically in relation to policing, youth justice and probation to understand how devolution can and should happen in practice. This has included exploring the ways we could maximise the positive impact of devolving justice services to Wales and make a difference to lives, and in particular, to those who have been most underserved and disadvantaged by the justice system recognised, for example, in our [Anti-Racist Wales Action Plan](#) and our [VAWDASV strategy](#).

In Delivering Justice for Wales, we made clear that to truly address crime and other causes or pressures on the justice system, policy and spending on justice needs to be aligned with policy and spending on social justice, health, housing, and education.

Devolution of justice is an essential part of the necessary reforms that need to be implemented if we are to deliver a modern, progressive and effective legal and justice system for, and accountable to, the people of Wales.



Mick Antoniw MS, Counsel General and Minister for the Constitution



Jane Hutt MS, Minister for Social Justice and Chief Whip

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# Introduction

**Delivering Justice for Wales** was published in May 2022 to highlight the Welsh Government's ongoing work to improve the justice system for people in Wales and how we were taking forward our commitment to pursue the case for the devolution of policing and justice.

Our primary focus was, and remains, improving outcomes under the current constitutional settlement, as evidenced within the Delivering Justice for Wales work programme.

Significant developments have however occurred since the publication of Delivering Justice for Wales which have resulted in some rebalancing of our focus across the justice work programme in Wales. This report highlights these developments and is structured around our refocussed objectives to:

1. continue to improve justice outcomes in Wales under the current constitutional settlement;
2. prepare for the devolution of some justice functions to Wales

## Part 1: Improving justice outcomes

### Part 1: improving justice outcomes in Wales under the current constitutional settlement

In Delivering Justice for Wales, we set out what we have done and what we are planning to do to deliver social justice, reduce crime levels and reduce levels of demand on the justice system. This section mirrors the chapters in Delivering Justice for Wales, providing an update on activity since May 2022.

# 1. Progress made on the recommendations of the Commission on Justice in Wales

The report of the Commission on Justice in Wales (Thomas Commission), published in October 2019 laid out 78 formal recommendations as well as many other observations for how outcomes could be improved in Wales. Delivering Justice for Wales highlighted the progress the Welsh Government has made to take forward the 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
- provide co-operative leadership in the areas where the commission's proposals rely on other actors in Wales.

## UK government response

Despite the strong mandate in Wales to pursue the case for the devolution of justice and policing, the UK government rejected the central recommendation of the Commission on Justice in Wales that the operation of the justice system, and policy relating to it, should be devolved to Wales. Nevertheless, discussions between ministers and officials have taken place, and where relevant, these are reflected in this report.

The UK government's [Intergovernmental Relations Annual Report for 2022](#) stated that:

“Progress has also been made between the Ministry of Justice and the Welsh Government around the findings of the Thomas Commission, which reviewed how the justice system operates in Wales” ”



The Welsh Government considers this gives a more positive impression than is due. While the UK government did agree in 2021 to work with the Welsh Government to ‘triage’ the Thomas Commission recommendations for action under the current constitutional settlement to identify areas where there was mutual benefit in taking action, it is important to note the limitations of this exercise.

Even within this limited area, while conversations at both an official and ministerial level were held between 2021 and 2023, there were significant periods of inactivity due to the level of Ministry of Justice (MoJ) ministerial turnover which impacted on triage discussions. This process was characterised in **Delivering Justice for Wales** as “frustrating” and “slow to produce results”, and there has not been any marked improvement since. Of the 45 recommendations identified as being within scope, only 14 were discussed as part of the process, with a limited degree of agreement being reached only on 5.

Overall, this was a disappointing response from the UK government. Given that the exercise overlaps with programmes of work that the MoJ were taking forward irrespective of this process, it remains unclear whether the MoJ are intending to undertake any significant further activity as a result of the Thomas Commission discussions.

## 2. Data

One of the areas of the Commission on Justice in Wales where we remain in dialogue with the Ministry of Justice is the recommendation to improve Wales specific data.

Delivering Justice for Wales highlighted the importance of utilising reliable data and evidence to understand the issues citizens in Wales face, to address deep-rooted issues and keep communities safe. The report set out the steps we are taking to improve access to disaggregated justice data for Wales in order to assess the performance of the justice system, design policy and deliver effective

devolved services. This remains a priority for the Welsh Government and over the past 18 months, we have made progress on a number of initiatives including mapping out the justice data landscape to inform Ministry of Justice (MoJ) work on disaggregated data, publishing Welsh Government data dashboards, data linkage and progressing the work of the Equality, Race and Disability Evidence Units.

## Data mapping

One of our key pieces of work on disaggregated data has been to deliver a data mapping exercise for criminal justice data. We agreed to take this work forward as part of our joint commitment with the UK government to deliver on the Commission on Justice in Wales' recommendation that "Wales specific data should be collected and published on a sufficient scale to enable disaggregation". The initial mapping has been shared with analysts in the Ministry of Justice for consideration with the aim of identifying areas where disaggregated data could be published in a more transparent and accessible way for the Welsh public.

## Data dashboards

We have continued to explore how to make existing data about the justice system in Wales more accessible. We are developing interactive dashboards to bring together and disseminate Welsh justice data. The first of these, focussed on **Youth Justice**, was published in August. We are developing a further suite of dashboards on topics such as courts, prisons, crime occurrences, legal aid and workforce statistics, with the aim of making these publicly available this year.

## Data linking

**Administrative Data Research (ADR) Wales** brings together specialists from Population Data Science at Swansea University and the Wales Institute of Social

and Economic Research and Data (WISERD) at Cardiff University, with statisticians, economists and social researchers from the Welsh Government. The data analysis techniques, along with the **Secure Anonymised Information Linkage (SAIL) Databank**, allow the delivery of robust, secure and informative research. ADR Wales is part of the £90 million UK wide Administrative Data Research (ADR) UK investment by the Economic and Social Research Council (ESRC), part of UK Research and Innovation (UKRI).

Our ADR Wales partnership with the MoJ on Better Outcomes through Linked Data programme (BOLD) and Data First has helped us to acquire justice data to SAIL, opening up research opportunities using these disaggregated prison, probation, and family court datasets. To date Wales has received more than £1 million of BOLD programme funding for administrative data research. The Welsh project is a partnership between the Welsh Government, Public Health Wales and the **SAIL databank**. Wider BOLD partners include the Ministry of Justice (co-ordinators), Office for Health Improvement and Disparities, and the Department for Levelling Up, Housing and Communities. The Welsh project is considering themes such as the effectiveness of substance misuse treatment, intergenerational substance misuse, prevention of escalation, and reducing reoffending. The pilot is currently undertaking analysis across all 4 themes, with publications due by March 2024. It shows how by linking data together, we can generate insights and learning which helps us prevent harm in practice.

ADR Wales is keen to acquire more individual level UK government data and police data in line with our published **ADR Wales strategy** and **planned programme of research 2022-2026**.

## **Equality Evidence, Race Disparity and Disability Disparity Evidence Units**

The Equality Evidence, Race and Disability Disparity Evidence Units were established in January 2022 following a reflection on our response to the COVID-19 pandemic. The Evidence Units aim to improve the availability, quality, granularity, and accessibility of evidence about individuals with protected and

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associated characteristics so that we fully understand the level and types of inequalities across Wales. The Evidence Units work on projects that will address long-standing challenges with equality evidence this includes evaluating key Welsh Government equality action plans such as the Anti-Racist Wales Action Plan, the work of the Disability Rights Taskforce, the Advancing Gender Equality in Wales plan and the LGBTQ+ Action Plan. We published a strategy ([Equality, Race and Disability Evidence Units strategy](#)) and accompanying [emerging priorities](#) in October 2022 to describe the scope and remit of the Evidence Units and initial projects to be carried out.

### 3. Prevention and early intervention

Our mission to provide social justice in Wales requires a focus on preventative action to address the root causes of pressures on the justice system. This includes actions to tackle Adverse Childhood Experiences (ACEs) and other sources of childhood adversity including structural and social inequalities, for example poverty and intergenerational inequality, as well as building cohesive, tolerant communities.

Delivering Justice for Wales set out a number of the key areas where Welsh Government activity was contributing to that preventative action and therefore potentially having an impact on the justice system. This section of the progress report gives further examples not referenced in Delivering Justice for Wales.

#### A trauma-informed approach

Launched in July 2022, the Trauma-Informed Wales Framework promotes compassionate, empathic, and supportive relationships, services, and personalised and co-produced interventions. It represents a significant step in raising awareness and understanding of the impact of trauma and ensuring support is available to those who have experienced it.

The Trauma-Informed Wales Framework and the promotion of trauma-informed approaches will be a cornerstone of future Welsh Government policy across a range of areas. We continue to prioritise action to both prevent ACEs and to mitigate their impact. The Welsh Government is working closely with ACE Hub Wales, Traumatic Stress Wales and other stakeholders to support the Framework's implementation, including the development of implementation and evaluation plans.

## **The abolition of the defence of reasonable punishment in Wales**

The Children (Abolition of Defence of Reasonable Punishment) (Wales) Act 2020 came into force on 21 March 2022.

To support the implementation of the Act, the Welsh Government is funding tailored parenting support alongside an out of court disposal scheme as an alternative to prosecution. The scheme is designed to encourage and support parents in adopting positive parenting techniques, while making it absolutely clear to everyone that the physical punishment of children is unacceptable in all circumstances.

Local authorities have flexibility on how the support is provided. This is to enable a tailored package of support for the individual, taking account of a range of family circumstances and the needs and goals identified. Comprehensive guidance was produced in consultation with local authorities and the police setting out expectations on how the parenting support should be provided and broadly what the support should cover.

Funding of up to £810,000 was made available to Welsh local authorities in 2022-2023 to fund out-of-court parenting support.

Data is being collected to understand more about how the scheme is utilised, including numbers of referrals through the scheme. The [first data release](#) shows between 21 March 2022 and 30 September 2022, there were 55 referrals

for out of court parenting support across Wales by the police. Of the 55 referrals, 55 people chose to take up the offer of parenting support.

Work also continues to monitor the impact of the Act. As part of the post implementation review, the Welsh Government is monitoring public attitudes towards physical punishment of children and the Children (Abolition of Defence of Reasonable Punishment) (Wales) Act 2020. The [latest research release](#) provides a snapshot of views up to November 2022, the first since the act was implemented in March 2022. It shows a majority of the public disagree that 'it is sometimes necessary to smack a child' and that awareness of the law continues to grow.

## Family and parenting support

Across Wales, there are a range of universal and targeted parenting and family support programmes, which can be accessed through each local authority such as Families First and Family Information Services or third sector when needed. This can include support to those families who are separated, separating or experiencing inter-parental conflict as well as parenting support, positive parenting information and advice and help for children. The intention is to encourage parents to work together (where appropriate) to reduce conflict in the home, and the consequential negative impacts on children.

Since November 2022, we have made available, through the Early Intervention Parenting Support Grant, additional funding to local authorities to upskill and increase the parenting workforce to further enhance the support to parents and families in general and to promote healthy relationships in the home. This funding continues support initially provided through Covid recovery funding in 2021.

**Parenting. Give it time** (PGit), our positive parenting campaign, first established in 2015, offers free expert advice, information and support universally to all parents and carers with children up to age 7 through our dedicated, bilingual website, digital advertising and social media channels. In November 2021, PGit

was extended and re-launched to include information, advice and support to parents and caregivers with children up to age 18. More specifically, it provides information and resources, under the 'Supporting You' section of the website on co-parenting and relationship support, including '[Parenting Together](#)', supporting children through separation, '[Looking after yourself and manage stress](#)', and '[Taking care of you and your family](#)'.

## Families First

**Families First** is designed to improve outcomes for children, young people and their families, with emphasis placed on early help, prevention, and providing support for the whole family. A key element of the programme is the Team Around the Family, which brings together a range of professionals to help a family address the challenges they face.

The programme can be accessed by families in Wales and can help with wide-ranging issues such as family relationships, parenting, signposting to financial support, education matters and many more. The intention is to offer early support with the aim of preventing problems escalating, build family resilience so that families are more able to stay together and sustainable skills to manage difficulties life may bring.

## Family Information Services

Each local authority in Wales has a Family Information Service. This is usually the local authority's front door for parents and families looking for advice, information or signposting to other forms of help. FIS can support with a range of issues such as parenting, family programmes, health, financial matters including childcare, costs of childcare. Issues which if supported can help keep families functioning, maintain or improve wellbeing and resilience.



## Flying Start

The Flying Start programme provides support in areas such as high quality childcare, parenting support, health visitor support and support for speech and language communication, which is likely to impact positively on life chances of children in disadvantaged areas in Wales. In our Programme for Government, we committed to maintain Flying Start, and through our Cooperation Agreement with Plaid Cymru are going further, delivering a phased expansion of early years provision for two-year olds. We have already increased the reach of all four elements of our core Flying Start programme to more than 3,100 additional children aged 0-4, by increasing the target to to 38,500 children benefitting from all elements of the programme.

Over 2023-2024 and 2024-2025 we are providing £46 million to support the expansion of Flying Start childcare to over 9,500 additional children.

We are also investing £70 million over a 3 year period (2022-2025) to support and strengthen the childcare infrastructure in maintaining and improving childcare settings, and £3.787 million over a 3 year period (2022-2025) to support the delivery of Programme for Government commitments as they relate to expansion of Welsh Medium activities.

## Education system

Schools have an important role to play in the early identification of children at risk of disengaging from education and the prevention of potentially negative experiences which could result in poor well-being and adverse outcomes. We continue to provide funding to local authorities to help them expand their school and community-based counselling services and to provide training opportunities for teachers and school staff to help them better support children with mental health and wellbeing difficulties.

Following the Children, Young People and Education Committee inquiry into



pupil attendance, the Welsh Government has funded an in depth close-to-practice study in one local authority in Wales on the causes of low attendance and how this might be addressed at the local and national level.

We will use the findings and recommendations to support future policy activity in this space.

We have commissioned research to review practices used in maintained schools and pupil referral units to prevent exclusions. The research concerns both the use of formal exclusions and the use of sanctions (particularly internal exclusions). The research findings will be used to inform revisions to our [Exclusion from Schools and Pupil Referral Units guidance](#).

In Delivering Justice for Wales, we highlighted the [Law Commission's review of the devolved tribunals in Wales](#) and its recommendation to bring independent appeal panels, which consider exclusions from school and pupil referral units (PRUs) within the ambit of a new tribunal system for devolved tribunals in Wales. This is an area we consulted further on as part of our [White Paper consultation](#) seeking views on proposed reforms to devolved tribunals in Wales (see section 9).

## **Basic Income for Care Leavers in Wales pilot**

In Delivering Justice for Wales, we set out our intentions to pilot the use of a basic income scheme in Wales, in line with our Programme for Government commitment, with a cohort of young people leaving care. This included a commitment to explore how children leaving custody might be included within the pilot. The mechanisms and processes introduced as part of the delivery of the pilot have enabled this.

The [Basic Income for Care Leavers in Wales pilot](#) came into operation on 1 July 2022. Under the pilot, [more than 600 care leavers in Wales](#) turning 18 between 1 July 2022 and 30 June 2023 have been offered £1,600 each month (before tax) for 2 years to support them as they make the transition to adult life.

Those taking part in the pilot can also access individual advice and support to help them manage their finances and develop their financial and budgeting skills. As of 31 July 2023, the pilot had an uptake rate of 97% among its target group.

The pilot has approaches to delivery for 3 situations:

- Those who are already serving a custodial sentence or are on remand on the date on which they could otherwise have joined the pilot, or
- Those who may enter custody or spend time on remand during the pilot timeframe.
- Those who exit custody or remand during their pilot participation timeframe.

In summary, care leavers held on remand or serving a custodial sentence either before or during the pilot, are still eligible for the scheme and will receive payments when they are not in custody, on recall or on remand. For instance, in a prison sentence occurring in participation months 10-14 inclusive, the recipient will receive payments in full in months one to nine, and then from months 15 to 24. We have worked with HM Prison and Probation Service and local authorities to ensure the scheme integrates effectively into the justice system and that payments are paused and resumed at the right time. Data collected as part of the monitoring of the pilot shows that as of 31 July 2023, 11 individuals have had their participation in the pilot suspended or have been unable to participate due to interactions with the criminal justice system.

The basic income pilot also enables recipients to nominate their rent costs to be paid directly from their basic income. For young people who enter custody that have nominated landlord payments from their basic income, landlord payments are able to be maintained for a period (up to 52 weeks if on remand or 13 weeks if serving a custodial sentence, or up to the end of their pilot eligibility window, whichever is shorter).

One issue that arose during the pilot is that due to the amount of income received through the basic income payment, it is unlikely a young person participating in the pilot would qualify for legal aid should they need legal

representation. This will depend on individual circumstances and the purposes for which representation is required. The UK government were asked to make changes to legal aid eligibility arrangements to accommodate this, but declined to do so.

We are aware that some potentially eligible recipients of basic income have chosen not to participate because of a requirement for legal aid support. One of the four key principles of the pilot is that taking part in the pilot should make no participant worse off. Where access to legal aid might be a factor this would have been considered as part of the overall 'better off' calculations young people can have with Citizens Advice before deciding to join the pilot. Should a young person's circumstances change meaning that they are no longer better off on the pilot, they can leave the pilot at any time.

The evaluation of the pilot, which started in November 2022, will run for 4 years and will include responses and feedback from recipients and stakeholders around both the effectiveness and the administration of the basic income pilot. This evaluation will inform how we support recipients as their two-year period in receipt of basic income ends.

## **Prevention framework for children at risk of coming into contact with the justice system**

We have worked with partners to draft a Prevention Framework, which is a key component of the Youth Justice Blueprint.

There are many services which help to encourage children away from offending and towards fulfilling, crime-free lives. This includes 'mainstream' devolved services such as education, healthcare and youth services, as well as more specific prevention activity delivered by specialised teams based in local authorities. These services are in place across Wales, but may operate in silos rather than being joined up as part of an integrated approach to preventing offending.

In this context, the framework will set out a holistic, evidence-informed view of what works to prevent children coming into contact with the criminal justice system and how activity from across different sectors comes together to support this. This will be the first time we have provided this comprehensive, system-wide view of prevention.

The framework is being developed in partnership with devolved and non-devolved partners to ensure a joined-up approach. It reflects the strategic and operational landscape in Wales, and the unique position of youth justice and its overlap with justice systems and services concerned with children's welfare.

The framework has been completed in draft and complements a variety of broader prevention work being taken forward by the Wales Violence Prevention Unit and Criminal Justice Boards for Wales. We will now work with partners to finalise the framework in 2024. Once published, the framework will support a variety of future work to improve how prevention activity is commissioned and delivered in Wales.

## 4. Equality and justice

Delivering Justice for Wales set out some of the ways we are attempting to tackle prejudice, hate and discrimination as we strive to be a nation of zero tolerance.

### **Tackling violence against women, domestic abuse and sexual violence**

Our vision is to end violence against women and girls, domestic abuse and sexual violence (VAWDASV) in Wales. Ending VAWDASV is a complex challenge requiring an all-Wales approach, defining and leading action within all parts of the Welsh public sector. The Welsh Government published its **VAWDASV National strategy 2022 to 2026** in May 2022. The Welsh

Government and Policing in Wales agreed to adopt a well-established model already used in Wales for the Youth Justice and Women's Justice Blueprints (see below) to support the delivery of the strategy. The VAWDASV Blueprint created a new shared governance structure, securing the multi-agency cooperation and commitment, reflecting the joint ownership of issues impacting VAWDASV across devolved and non-devolved bodies and the partnership between public, private and specialist sectors.

Under section 12 of the Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015 ('the Act'), Welsh Ministers must publish an annual report documenting progress made towards achieving the objectives in the National Strategy and progress made towards achieving the purpose of the Act. These reports can be accessed on the [VAWDASV web page](#).

Under the terms of the appointment, the National Advisers provide independent, balanced input, offering expertise and advice where required as part of a range of ongoing work feeding into the shaping of policy development and legislation. They are required to have frequent dialogue with Welsh Ministers, the Welsh Government policy teams, the UK Domestic Abuse Commissioner, Victims Commissioner, and other relevant partners. They are also required to produce an annual report. The [2022 to 2023 annual report](#) was published on 13 October 2023.

In March 2023, we published a [High Level Programme Implementation Plan](#), setting out the workstreams established and their high level actions which will contribute to the National Objectives of the VAWDASV strategy 2022 to 2026.

Implementation of the VAWDASV Blueprint is overseen by the VAWDASV National Partnership Board, co-chaired by the Minister for Social Justice and Chief Whip and Police and the Crime Commissioner for Dyfed Powys, on behalf of Policing in Wales.

Membership of the VAWDASV National Partnership Board includes senior representation from the Police, Probation, Family Courts, as well as Social Services, Health, Commissioners for Domestic Abuse in England and Wales,

Older people and Children, as well as other public and third sector organisations. This broad range of partners enables the Blueprint to have insight from a whole system approach, which is required to make the societal changes needed to prevent VAWDASV matters occurring and to continue supporting those that do experience domestic abuse, or sexual violence.

We published an [update on progress](#) being made via the Blueprint in October 2023, and will continue to keep our stakeholders informed of further progress on a regular basis.

## Anti-racist Wales Action Plan

The Delivering Justice for Wales work programme contained a commitment to publish and drive forward actions in relation to the justice system within an Anti-racist Wales Action Plan, and to hold the criminal justice system to account for its own Anti-racism plan.

The Welsh Government's [Anti-racist Wales Action Plan](#) (ArWAP), launched in June 2022, calls for zero tolerance of all racial inequality. It aims to make a measurable change to the lives of ethnic minority people by tackling racism and was co-created with Black, Asian and Minority Ethnic people, drawing from their lived experience. The goals and actions within the plan were developed in collaboration with a range of communities and organisations across all parts of Wales.

During co-production of the ArWAP, criminal justice was identified as an area where, ethnic minority people are over represented at every stage of the criminal justice system – as victims of crime, in stop and searches and within the prison and probation population. This reinforced Welsh Government's determination to work collaboratively with criminal justice partners to improve outcomes for ethnic minority people in contact with, or at risk of coming into contact with, the justice system.

The specific section on Crime and Justice and Hate Crime in the ARWAP sets

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out the specific actions that Welsh Government will take forward to achieve our goal of tackling inequality and hate crime and creating an anti-racist criminal justice system. This includes action on Hate Crime, data and emphasising the importance of anti-racism in our engagement with UK government on justice issues.

As well as the specific action we are taking using the levers available to us in Welsh Government, which are summarised in the ARWAP, we have worked with justice partners to publish the **Criminal Justice Anti-racism Action Plan for Wales** (CJARAP) in September 2022. This Criminal Justice-specific plan highlights the 7 commitments jointly made by Criminal Justice in Wales partners, including Policing in Wales, HM Courts and Tribunals Service and His Majesty's Prison and Probation Service in Wales, to help realise an anti-racist justice system in Wales in practice.

CJARAP complements the Welsh Government's ARWAP and there is an agreed approach for managing the interface between delivery of the 2 plans.

## Hate crime

Central to our work to tackle hate crime is the **Wales Hate Support Centre**, run by Victim Support Cymru. This service was launched in April 2022 to provide an independent and high-quality support and advocacy service which promotes victim-centred choices for all victims of hate crime across Wales, as well as a range of training and engagement.

The service is free and available 24 hours a day, every day of the year, and uses innovative outreach and engagement methods to ensure it is reaching socially and geographically excluded communities and is focused on inclusiveness and intersectionality. As part of this service, the Wales Hate Support Centre is providing tailored and appropriate hate crime support to children and young people. The Centre has also developed a forum of people with lived experience of hate crime to help improve the service and improve understanding of the barriers to reporting hate crime.



The Community Cohesion programme funds a national structure of cohesion teams who work together across Wales to monitor community tensions, working with key partners such as police to mitigate these issues as they arise. The cohesion teams work closely with the Wales Hate Support Centre's training and engagement team to deliver targeted training to a range of audiences.

In February 2023, we relaunched **Hate Hurts Wales**, to coincide with LGBTQ+ History Month and the publication of the LGBTQ+ Action Plan. The aims of the campaign are to raise awareness of hate crime, empower victims and bystanders to report hate crime, and portray the negative consequences of hate crime to both the lives of the victim and perpetrator.

## LGBTQ+ Action Plan

The Welsh Government wants to make Wales the most LGBTQ+ friendly nation in Europe. The cross-government **LGBTQ+ Action Plan**, published in February 2023, acts as the framework for LGBTQ+ policy development across government and with our partners. The action plan seeks to tackle the existing inequalities experienced by LGBTQ+ communities, to challenge discrimination and to create a society where LGBTQ+ people feel safe to live. It sets out the steps we will take to strengthen equality for LGBTQ+ people, to challenge discrimination, and to create a society where LGBTQ+ people are safe to live authentically.

The plan includes a wide range of policy-specific actions relating to human rights, workplace inclusion, education, improving safety, housing, health and social care, sport, culture and promoting community cohesion.

In May 2023, an evaluation assessment framework project was launched. Supported by the Welsh Government Equality Evidence Unit, the project aims to assess the impact of the LGBTQ+ Action Plan. This report will likely be published late spring this year.

A **LGBTQ+ Action Plan** tracker was launched in June 2023 to monitor updates



and progress against each action and activity in the Plan. For example, we have worked with LGBTQ+ people and organisations to launch a revised version of the Hate Hurts Wales campaign (see above), in particular, around hate and harassment against transgender and non-binary people. We have also rolled out a **training package to support education practitioners** via Hwb to help them to understand, prevent and respond to online sexual harassment.

We have set up a **Working Group on Banning Conversion Practices**. The group advises on proposed actions to ban conversion practices in Wales. This includes a research project, an awareness campaign, and support services for survivors.

We have worked with Galop to promote new bilingual **support services for survivors of conversion practices** in Wales.

We are also working closely with Policing in Wales to improve procedures within the police and guidance for officers concerning hate crime and the classification of hate crime against LGBTQ+ people.

We continue to gather evidence from LGBTQ+ communities with lived experience of reporting hate crime to understand any barriers to reporting.

## **Disability Rights Taskforce**

The Welsh Government is fully committed in supporting all disabled people in Wales. In July 2021, the '**Locked Out: Liberating Disabled People's Lives and Rights in Wales beyond COVID-19**' report was published. As a response, the First Minister agreed to establish a minister-led Disability Rights Taskforce to take forward the work to address the inequalities highlighted by the report and oversee the implementation of actions.

Since it was established in November 2021, the Disability Rights Taskforce has brought together people with lived experience, representative organisations and Welsh Government Policy Leads to identify the issues and barriers that affect

the lives of many disabled people.

The taskforce has agreed on 10 working groups to fully explore and set in motion further action that reaches our ambition to build a stronger, fairer Wales.

The 10 working groups are:

- Embedding and Understanding of the Social Model of Disability (across Wales)
- Access to Services (including Communications and Technology)
- Independent Living: Health
- Independent Living: Social Care
- Employment and Income
- Travel
- Children and Young People
- Affordable and Accessible Housing
- Access to Justice
- Well-being

Discussions within these working group meetings will lead to recommended actions that will be presented to the larger Taskforce for approval and make up a Disability Rights Action Plan which we hope to launch in 2025. Welsh Government, wider public services and disabled people will work together to deliver on these.

The 'Access to Justice' working group is identifying the barriers and challenges many disabled people experience, when trying to access rights.

## Welsh Human Rights

In Delivering Justice for Wales, we highlighted activity relating to the Programme for Government commitment to incorporate both the UN Convention on the Rights of Disabled People and Convention on the Elimination of all Discrimination against women into Welsh law and that we were considering how

to take these forward, either separately or with a more holistic approach, such as a Welsh Human Rights Bill.

We have established a Legislative Options Working group who are looking at incorporation. The group have already submitted broad thinking to Welsh Government and are now undertaking a deep dive analysis into the treaties on an article by article basis. This is a necessary step to ensure that any new legislation to incorporate the treaties makes a significant contribution to improving the lived experience of disabled people and is capable of being achieved within the Senedd's legislative competence or Welsh Ministers' powers.

The ministerial-led Human Rights Advisory Group (HRAG) has been established to oversee progress against the agreed recommendations of the **Strengthening and Advancing Equality and Human Rights in Wales** Research Report 2021. The Welsh Government agreed to take a thematic approach to prioritisation of actions, including:

- undertaking preparatory work on options for incorporation of UN Conventions into Welsh law
- developing a suite of guidance on human rights
- reviewing the Public Sector Equality Duty regulations
- adding human rights to our integrated impact assessments and
- stepping up the way in which we promote these issues in Wales

Work is firmly underway in respect of incorporation and promotion of human rights. We are working in partnership with a sub-group of the HRAG to define a human rights-based approach and to develop a statement of commitment to human rights for adoption by the Welsh Government and public authorities in Wales that will help to embed human rights.

## 5. Family justice

Delivering Justice for Wales highlighted the ways in which the Welsh Government is working with partners to support the improved operation of the family justice system, particularly with regard to reducing the numbers of children in care. We remain committed to the early intervention and support of children and the radical reform of services for looked after children and care leavers.

### Supervision orders

The Public Law Working Group (PLWG) Supervision Order report was published after extensive work by the Public Law Working Group (PLWG) around supervision orders on 24 April 2023. A subgroup was formed because of a recommendation within a PLWG report published in June 2020 - Recommendations to achieve best practice in the child protection and family justice systems: Special Guardianship Orders.

The PLWG Supervision Order Subgroup was set up with a view to establishing how supervision orders could be made more robust and effective. The report published in April 2023 includes best practice guidance (BPG) that all local authorities are expected to implement when utilising supervision orders. The overarching aim of the report is to ensure that supervision orders are robust and effective, in following the BPG there should be a reduction in numbers of care orders made in relation to children living at home.

### Cafcass Cymru

Cafcass Cymru published their [annual report](#) in September 2023 which provides an update on some of the key developments taking place in 2022-2023 across private and public law. In particular, it notes that initial findings and feedback from families and professionals involved in the [Pathfinder Pilot](#) in

family courts in North Wales, is very encouraging. The pilot commenced in February 2022 to test the approach initially for up to 2 years before a full evaluation will be undertaken by the Ministry of Justice (MoJ). MoJ has confirmed that whilst formal evaluation of the Pilot will take place later this year the pilot in North Wales will be extended for another year, until March 2025. MoJ has also confirmed funding to rollout of a further Pathfinder Pilot in South-East Wales from April this year.

In addition to the MoJ commissioned evaluation of the Pathfinder Pilot, Cafcass Cymru appointed a PhD intern to undertake a project focussed on gaining an insight into the experiences of children and young people involved in the North Wales Pathfinder Pilot. Children and young people have been interviewed to explore their experiences involved in the pilot. The study builds upon previous research which found that children and young people involved in private proceedings often feel they have little say in decisions made about them, and that parental perspectives tend to dominate.

## **Reform of care services for children**

We have committed to radical reform of care services for children and young people. Delivery of this will be through our Transformation Programme based around 8 dedicated Programme for Government commitments and the Children and Young People Plan. Examples of the work being taken forward through the Programme are the development of a National Practice Framework which will set out how we work in Wales in a strengths-based way to ensure the best outcomes for our most vulnerable children and young people, investment in parental advocacy services to upscale existing services across Wales and work to strengthen public bodies in their role as corporate parents.

Central to this work are the voices of children and young people and the committee will be aware of the inaugural care experienced summit. We held our first summit on the reform of the care system in December 2022, which put young people with experience of care at the heart of this important process. As a result, the First Minister and young ambassadors signed a [joint declaration](#)

setting out a vision for transformed services for care experienced children and young people to enable a 'children first' approach.

Instrumental to the delivery of the declaration is the **Corporate Parenting Charter**. The charter was published on 29 June 2023 and a wider public launch of the charter took place on 22 September.

Delivering Justice for Wales contained a commitment to analyse the data provided by local authorities against reduction expectation plans for children who are looked after and to consider next steps.

The Transforming Children's Services Delivery Group is establishing a sub-group including members with a statistical background to review all data currently collated in relation to children who are looked after, the barriers to collating any data and identify gaps in current data collection.

## Family Drug and Alcohol Courts

The Family Drug and Alcohol Court (FDAC) pilot formally launched in November 2021 for a period of 2 years, concluding at the end of November 2023. The Children's Social Care Research and Development Centre (CASCADE) continue to evaluate the pilot. The **interim evaluation report**, published in 2022, provided key insights from the first 8 months of the evaluation, including throughput of families in the pilot. The report concluded that the inception period for the pilot appears to have been largely successful, despite being undertaken in a period of considerable disruption due to COVID-19. The report noted that the team were providing a service to a growing number of families in Wales, and their experiences are contributing to the knowledge base on FDAC more widely.

The CASCADE evaluation will conclude in early 2024 and will provide evidence to inform the Welsh Government about next steps around the FDAC model and its principles.

## 6. Policing and community safety in Wales

Delivering Justice for Wales set out the ways in which the Welsh Government works closely in partnership with Policing in Wales, as part of a collaborative and preventative approach to community safety. We have continued to deliver this partnership approach, including through the Policing Partnership Board for Wales which is chaired by the First Minister and the Minister for Social Justice and Chief Whip.

Developments since Delivering Justice for Wales was published, including the independent Baroness Casey review of the Metropolitan Police in England, have highlighted the importance of trust and confidence in policing. We recognise the importance of this issue, and we have worked closely with police partners to ensure that people of all backgrounds feel protected and supported by police staff where they live.

The Senedd legislates in areas of devolved competence, contributing to a distinct Welsh legislative context. This can lead to a divergence in policing between Wales and England where this legislation results in different regulations and criminal offences. The most notable recent examples of this include the response to the COVID-19 pandemic, the legislation to remove the defence of reasonable chastisement (see section 3) and most recently, the new default 20mph speed limit in urban areas (see below).

These examples demonstrate how Welsh forces are responsible for enforcing different rules and different criminal offences to those in England and how as such the police interacts with communities differently. The partnership currently in place demonstrates clearly how the Welsh justice system is capable of accommodating divergence of law and approach, and these experiences will inform the work on exploring devolution of policing referenced in Part 2 of this report.



## Modern slavery in Wales

In common with other parts of the UK, modern slavery continues to be a significant challenge in Wales. In 2022, First Responder organisations made over 500 referrals for potential victims of modern slavery. This includes potential victims of sexual exploitation, labour exploitation, criminal exploitation and domestic servitude.

The Welsh Government continues to work closely with partner organisations on tackling this crime and supporting victims and survivors. In May 2023, the Welsh Government established the Anti-Slavery Wales Forum as the new partnership structure for tackling modern slavery in Wales. The Anti-Slavery Wales Forum is supported by 4 thematic working groups on Training and Awareness, Victims and Survivors, Prevention, and Supply Chains and International.

In August 2023, the Welsh Government became the first devolved government to publish a **Modern Slavery Statement**. The Modern Slavery Statement sets out actions being taken by the Welsh Government to reduce the risks of modern slavery in our commercial supply chains. We continue to work with partners on encouraging organisations in Wales to sign up to our Code of Practice on Ethical Employment in Supply Chains, which now has over 500 signatory organisations.

The Welsh Government works with partners on various events and activities. This includes an Anti-Slavery Wales 2023 conference held at Cardiff Business School on 18 October to mark Anti-Slavery Day.

## Policing and transport

The **20mph default speed limit on restricted roads** came in to force on 17 September 2023. The Welsh Government worked in partnership with local authorities, the GoSafe partnership, the Police, the Fire Service and a range of other partners on implementation, communication to the public and enforcement. The approach to enforcement is focused on raising awareness and engaging



drivers as much as possible about the new speed limit to encourage them to drive legally and safely. Those excessively speeding will be fined or prosecuted. But initially, as drivers are getting used to the new speed limit, those not breaching the new limit excessively will be stopped by police and roadside engagement sessions delivered in partnership with fire and rescue services will be offered, where available, as an alternative to prosecution.

## Rural crime

In April 2023, Welsh Government and the 4 police areas launched the first **joint strategy to tackle wildlife and rural crime**. The strategy sets out the priority areas and key objectives to further develop an all-Wales coordinated and effective response to wildlife and rural crime. The strategy has been designed to dovetail with the National Police Chiefs Council, National Wildlife Crime Unit and the National Rural Crime Unit's Rural and Wildlife Crime Strategy for 2022-2025.

Criminologists at South Wales University were also commissioned to conduct a **review of the Wales Wildlife and Rural Crime programme** to date, and produce a Theory of Change model to inform the development of key metrics. This report was published in October 2023.

## Welsh Government investment in community safety

Our budget for 2024-2025 confirms we will continue to provide over £15 million of support for Police Community Support Officers (PCSOs) in Wales. This is a direct investment in the safety of Welsh communities, over and above what forces have access to in England.

PCSOs play a crucial role in the communities they serve. They act as important local 'eyes and ears' in terms of understanding and engagement with communities, building trust and providing reassurance especially for people from diverse groups.

We have provided this funding for PCSOs despite the unprecedented fiscal challenges we are facing in 2024-2025 and policing being a reserved area. This shows the extent to which we value the safety and wellbeing of Welsh communities.

We have also continued to provide funding in 2023-2024 for the establishment of the Wales Safer Communities Network. The network plays a vital leadership and coordination role for community safety partners in Wales, providing guidance and brokering conversations to support consistency of practice and guide national policy.

The network launched the first Safer Communities Awareness Week for Wales in September 2023, supported by a [video with the First Minister](#) which highlighted the importance of working in partnership to promote safe, strong, confident communities.

The network is moving to a partnership funding model as it becomes more established, and the Welsh Government is supporting network leads as they develop this approach. This includes a partnership contribution to support the network's work in 2024-2025.

## 7. Criminal justice: devolved functions

Although criminal justice areas such as policing and custody are reserved to the UK government, devolved services such as housing, education and healthcare continued to play a crucial role in the functioning of these areas and the outcomes for people in the justice system.

Since Delivering Justice for Wales was published, we have continued to strengthen the support we provide to people in contact with the justice system in the areas which are already devolved to the Welsh Government.

## Homelessness services

We continue to progress the Welsh Government's Programme for Government commitment to transform homelessness services in Wales and work to further develop guidance and work practices to ensure people are not discharged from the secure estate into homelessness and rough sleeping is underway.

A white paper outlining potential **reform of homelessness legislation** was launched on 10 October, following the publication of the **report from an Expert Review Panel**, chaired by Professor Suzanne Fitzpatrick, tasked to consider how legislative change could help to end homelessness in Wales. The report contained a number of recommendations aimed at improving Welsh homelessness legislation as well as a recommendation to update the National Pathway which has provided a model approach to providing homelessness services since 2015. Following the white paper, a Bill will be introduced later this Senedd term.

The reforms will focus on prevention and rapid rehousing, as set out in the Programme for Government. The 'Rapid Rehousing' approach to homelessness services focuses on providing a quicker and more efficient pathway through services and forms of temporary accommodation to secure settled, permanent accommodation as quickly as possible.

The reforms will support the wider implementation of interventions such as Housing First and will include addressing the impact of homelessness on specific groups disproportionately affected, such as people leaving custody, children, young people and care experienced young people, disabled people and survivors of violence against women, domestic abuse and sexual violence (VAWDASV).

The white paper documents the targeted proposals to prevent homelessness for these groups and include changes such as widening the definition of "domestic abuse" to more explicitly include coercive or controlling behaviour, economic or psychological abuse.

Rapid Rehousing Transition Planning continues across Wales, including a focus on the development of local partnerships to help shape individual plans. In many areas, this should include working with local police to ensure an agreed partnership approach to ensure people who are street homeless are supported to find long-term housing solutions.

Further coordination of HMPPS and Welsh public sector organisations will be required to ensure that the objectives of tackling homelessness and reducing offending are effective and consistent.

## **Health protection in the custodial estate in Wales**

The Welsh Government continues to work in partnership with key stakeholders on the issue of prison health care, supported by the Prison Health and Social Care Oversight Board, which is jointly chaired by the Welsh Government and HM Prison and Probation Service in Wales.

We are also finalising a new Substance Misuse Treatment Framework and new standards for mental health services for the prisons, both of which will include a focus on continuity of care and transition from prison to the community. Baseline work will be undertaken with the prisons, supported by the College Centre for Quality Improvement at the Royal College of Psychiatrists.

## **Education, learning and employability in the custodial estate in Wales**

The “Better Learning, Better Chances - Prison Education, Employability and Skills in Wales” policy will be published in Spring 2024, and it sets out our expectations for the delivery of education, employability and skills support in the adult secure estate in Wales.

We have co-developed the policy with our partners and stakeholders, including those with lived experiences of education in prisons enabling us to gain a clearer

understanding of the barriers facing learners and the employability and skills provision needed to support them.

We are committed to providing the education, skills and employability support needed to help prison leavers into employment.

The Working Wales service, delivered by Careers Wales, provides comprehensive and impartial advice within prisons. Working Wales also provides employability advice and support to women from Wales, who are serving custodial sentences in HMP Eastwood Park and HMP Styal, as they prepare for release.

Through Working Wales, we bring the Young Person's Guarantee to people under the age of 25 in prisons, to help them access the support they need to gain a place in education or training, and help to get into work or become self-employed.

We continue to work on strengthening our employability offer to be more targeted and responsive to people in prison. We have undertaken a review of the employability support and guidance offered to prisoners from custody to community to ensure the learning and skills achieved in prison successfully leads to employment on release.

The Welsh Government's ReAct+ programme commenced in June 2022 and the cohort of eligible participants was expanded to include ex-offenders and offenders serving their sentences in the community. The aim of ReAct+ is to equip programme participants with the skills that recruiting employers are looking for.

Working closely with key stakeholders, the ReAct+ team has been able to support pre-release prisoners with training grants, delivering training within the secure estate. As of September 2023, the ReAct+ team had approved 133 grant applications for the offender cohort and 48 of these have already completed training.

Our Communities for Work Plus (CfW+) funded community employability

programme, delivered across all 22 local authorities in Wales, provides employability support to those most disadvantaged in the labour market, including prisoners as they prepare for release. Participants receive intensive one to one mentoring support, as well as funding for training and to overcome other barriers to employment.

The Personal Learning Accounts (PLA) is a Welsh Government funded programme which aims to provide support across Wales for individuals to gain higher level skills which will enable them to access a wider range of job opportunities and/or gain employment at a higher level. We have been working to bring PLAs to the prison estate and these are now available to eligible individuals who are 19 years old, on day release, and in employment.

## **Support for veterans in prisons**

Veterans' NHS Wales (VNHSW), in collaboration with Welsh Government and the prison health care estate, are piloting an integrated care pathway (ICP) for veterans with service-related mental health problems who are currently detained in Welsh prisons. The pathway will be evaluated after 6 months and revised following a quality improvement model. In essence this will allow health care staff to have a consultation with VNHSW staff regarding suitability before a referral to VNHSW.

Veterans in prisons (VIPs) will be offered an assessment by video conference call with a VNHSW therapist in the health board they are returning to upon release. Once released into the community the veteran will be able to commence therapy or will start once they come to the top of the health board's waiting list. If the veteran is still serving their sentence in prison, then they will be offered a remote therapy in prison following further discussion on suitability and access to a safe and confidential space.

## 8. Criminal justice reform programmes

The pressures on the current prison estate reflect the impact of decades of a punitive, regressive approach to crime and justice issues resulting in over-population. It is increasingly clear that a different approach is needed. We do not support an increase in prison places and believe that a more preventative approach to justice is required, which addresses the cause of offending and diverts people away from custody.

This different approach is embodied by the Women's Justice and Youth Justice Blueprints. Welsh Government have supported projects which strengthen links between women in prison and their children, support a whole system approach to divert women away from the justice system and help progress the delivery of trauma informed practice to Youth Justice Practitioners. The continued delivery of the blueprints helps provide meaningful multi-generational improvements in the lives of some of the most vulnerable people in our society.

### Women's Justice Blueprint

The Women's Justice Blueprint continues to drive forward change for women by working to establish viable alternatives to custodial sentences and by addressing the underlying causes of crime.

Since the Women's Justice Blueprint was launched in 2019, the number of female custodial sentences has decreased from 552 to 390 in 2022, with the number of short-term sentences decreasing from 439 to 273. Since January 2020 over 2,385 women have been diverted away from the criminal justice system and into early intervention support.

The Residential Women's Centre is a key component of the Women's Justice Blueprint. The RWC will provide holistic, trauma informed support for women in the criminal justice system and an alternative to disruptive and unnecessary custody sentences.



Planning permission for the RWC was given on 10 August 2023, and we will continue to work with HMPPS as plans for the RWC progress. The RWC is particularly important as there is currently no provision in Wales for women who are given a period of incarceration. This means they must serve their sentences in England, away from their communities and support systems.

We are also committed to supporting women who are serving sentences. The Visiting Mums project for Welsh women in HMPs Eastwood Park and Styal is helping women maintain and build relationships with their families, a crucial factor in ensuring successful resettlement back into their communities on release. Since the service was launched in July 2021, it has supported 115 women in prison and 130 children in the community.

An integral part of the Blueprint is the Women's Pathfinder Whole System Approach. The Pathfinder provides bespoke support for issues such as alcohol and substance misuse and mental health problems, while helping to improve family relationships. Over 2,100 women have now been referred into the Pathfinder since January 2020 in South Wales and Gwent. From April a whole-system approach to working with women will be rolled out across Wales.

As the Women's Justice Blueprint moves into a new phase of delivery, it will continue to deliver work in areas such as early intervention and prevention, courts and sentencing, community sentences and resettlement, and custody. We are developing a revised Implementation Plan for the Blueprint with partners to set out the activity being delivered across the Blueprint and the impact this will have on women in Wales and their communities.

## **Youth Justice Blueprint**

A variety of work has also been delivered under the Youth Justice Blueprint. One key outcome is that Enhanced Case Management (ECM) is now available to all Youth Offending Service teams in Wales for children in voluntary and statutory contact. ECM is a psychology led, multi-agency approach which recognises the trauma children have experienced and identifies how to help them build the



resilience they need to thrive and live crime-free lives.

Additionally, through the Blueprint over 300 youth justice practitioners in Wales have received trauma-informed training. This training will enable practitioners to understand how trauma can impact on everyone's lives and provides a consistent way of helping people who have experienced trauma.

As the Youth Justice Blueprint moves into a new phase of delivery next year, it will continue to deliver work in areas such as Prevention, Pre-court Diversion and secure provision. We are developing a revised Implementation Plan for the Blueprint with partners to set out the activity being delivered across the Blueprint and the impact this will have on children in Wales and their families and communities.

## **The UN Convention on the Rights of the Child**

The UN Convention on the Rights of the Child published their Concluding Observations on the UK report in June 2023. The observations include a range of recommendations and reflections on how the justice system impacts on the rights of children in Wales, which cut across devolved and reserved responsibilities. These include many of the themes covered in this document, such as supporting the rights of children of people in the justice system and ensuring children in contact with the justice system are treated fairly and safely. The Welsh Government will be publishing a response to the Concluding Observations before Summer Recess 2024, which will set out our approach to the reservations which fall within our competency.

## **Problem solving criminal courts**

In Delivering Justice for Wales we set out that we would welcome the piloting of a Problem Solving Criminal Court in Wales, subject to certain conditions being met. Lord Bellamy, the Parliamentary Under Secretary for Justice in the UK government, subsequently stated publicly that consideration was being given to

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a pilot in Merthyr Tydfil. Welsh Government officials then attended several meetings with the Ministry of Justice before it was concluded that the pilot would not after all be taken forward.

Although we had some concerns about the precise proposals for the pilot in Merthyr Tydfil, we were disappointed that none of the pilots for what have now been renamed Intensive Supervision Courts are due to take place in Wales.

## 9. Civil and administrative justice

Wales has its own small but significant body of devolved tribunals providing effective and efficient access to justice for tribunal users. Whilst there have been reforms and developments to the system of devolved tribunals over the years, each tribunal remains governed by its own standalone legislative framework.

Delivering Justice for Wales set out our intention to reform the system of devolved tribunals, following on from the recommendations of both the [Commission on Justice in Wales](#) and the [Law Commission](#).

We published a [white paper](#) in June 2023 to consult on proposals for a modern system for Wales's devolved tribunals.

The white paper recognises that a clearer, simpler, more effective, and coherent way of operating the system of devolved tribunals in Wales is essential to the cause of delivering justice for the people of Wales.

The white paper proposes a unified system comprising a single First-tier Tribunal for Wales to absorb the jurisdictions of existing devolved tribunals, and an Appeal Tribunal for Wales. Proposals include an expanded role for the President of Welsh Tribunals, incorporating the jurisdiction of independent appeal panels, which consider exclusions from school and pupil referral units (PRUs), into the unified system, coherent approaches to appointments and to setting rules for the new tribunal system, as well as greater independence from government for the way in which the system is administered.

As part of the reform agenda to create a modern system for Wales's devolved tribunals we have also been considering reporting requirements for the tribunal system.

We propose responsibility for the administration of the new tribunal system is vested in a body arms-length from Welsh Government. Our proposals include a requirement for the proposed body to complete a corporate plan and to publish an annual report to include information about the operational performance of the new tribunals.

The consultation period closed in October 2023 and we published a report on a summary of the responses to the white paper consultation on 30 January. The responses to the consultation will inform the development of legislative proposals required to implement reform. The scheduling of such legislation is subject to its own processes as part of the government's Legislative Programme.

Since we published *Delivering Justice for Wales*, the Civil Justice Council has also taken steps to strengthen its engagement on civil and administrative justice issues in Wales. In October 2022, the council agreed to issue a standing invitation to Welsh Government to attend its quarterly meetings in an observer capacity and to share meeting papers with Welsh Government. Since then, the council has received presentations on civil and administrative justice issues in Wales including the reform of devolved tribunals.

## 10. Access to justice

In *Delivering Justice for Wales* we highlighted serious concerns around access to justice and these concerns remain. We continue to raise with the Ministry of Justice and its ministers multiple concerns relating to the increasing difficulties which people experience in accessing the justice system. The rest of this section highlights some of the concerns and provides an update on some of the other initiatives we are taking forward to improve access to justice.

## Information and advice services

The social need for information and advice services has increased over the course of the last decade and more, as a result of austerity and prolonged economic challenges facing the UK – and also as a result more specifically of the significant contraction of legal aid services funded by the UK government.

The Welsh Government remains committed to supporting advice services, recognising how these services tackle income poverty, prevent homelessness, enhance employability, and bring improvements to health and well-being of some of the most vulnerable members of our communities. This commitment is being maintained in the current financial year (2023-2024) through the £11 million grant funding we are making available for the services delivered through the Single Advice Fund (SAF).

The purpose of the SAF is to provide social welfare rights-based information and or advice services. The service delivery model should be accessible by population groups who tend not to access advice. We know SAF services are making a real difference. Since January 2020, SAF services have helped 200,000 people deal with over 920,000 social welfare problems. Those helped were supported to claim additional income of £116.6 million and debts totalling £30.8 million written off.

Research is being undertaken to demonstrate how the funded services are delivering against this model. It will provide quantitative and qualitative data. The analysis will identify if the services are not reaching any key population groups and enable evidence-based decisions to be taken on how any future grant funding opportunities should be structured.

The research is in its final stage with an anticipated completion date of April this year.

## Funding arrangements for support services for Litigants

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## **in Person**

Another consequence of reductions in legal aid availability is a significant expansion of numbers of Litigant in Person (i.e., people appearing in court without legal representation). There was a very real risk of closure of Cardiff's Support Through Court office following the decision of the Ministry of Justice to make the Legal Support for Litigants in Person grant subject to open competition. We therefore raised these concerns with the Ministry of Justice and were pleased that the arrangements ultimately adopted have allowed this office to remain open.

Support for Litigants in Person is particularly important as these litigants are often unfamiliar with court processes and without support, trials would take longer and so increase pressure on the justice system. Support Through Court provides especially important and valued help to vulnerable people and we are glad that a solution was found to their existential crisis.

## **Compulsory Mediation in the Small Claims Court (now Integrated Mediation)**

We broadly welcome the greater use of mediation across the justice system in instances where it does not risk leading to unjust outcomes. However, concerns remain relating to the risk of individuals feeling unduly pressured to agree to mediated settlements and also concern with the assumption that displaced legal professionals “will find work of equal or next best economic value” once compulsory mediation is rolled out across the civil sector. This seemed overly positive given the issues faced more widely in the area of civil law.

This is therefore another area we raised with the Ministry of Justice. We suggested that any post-implementation review of the mediation service should include data relating the value of the claims subject to this process, the categories of disputes settled and in particular, user satisfaction, because the attainment of a settlement may not, in itself, be the best measure of success.

## **Independent Public Advocate provisions in the Victims and Prisoners Bill**

The UK government's Victims and Prisoners Bill includes provision for the UK Secretary of State to appoint an Independent Public Advocate to support victims of major incidents in England or Wales. We support the concept of an Independent Public Advocate, but share concerns raised by the Hillsborough Law Now campaigners that these proposals do not go as far as is needed and as set out in the proposed 'Hillsborough Law'. There is a need to place a duty of candour on all public servants, and also ensure that bereaved families are placed on a more equal footing to public bodies by ensuring the availability of publicly funded legal representation.

In our Legislative Consent Memorandum on 19 May we set out that the Welsh Government could not accept the provisions relating to the Independent Public Advocate as they stood, not least because they did not reflect the fact that most of the proposed functions of the new office are devolved. Since that point, the UK government has indicated a willingness to discuss changes to this part of the Bill. We are seeking to work with the Ministry of Justice to identify whether the proposals can be adapted to meet the needs of Wales.

## **Enforced instalment of pre-payment meters**

After again raising concerns with the UK government, we welcomed the confirmation that applications for warrants of entry for the purpose of installing a pre-payment meter should cease to be listed and that no further such applications should be determined pending an investigation into this matter. We raised concerns about fundamental failings within the justice system which means that many of the most vulnerable people in society, who have legitimate grounds to contest these applications, do not have any realistic opportunity to do so due to the timeframes involved in requesting a hearing and difficulties in securing legal advice or representing themselves in court.

## Civil Legal Aid review

Welsh Government officials are attending workstreams established by the Ministry of Justice for the Civil Legal Aid Review and are facilitating further engagement with the National Advice Network and advice providers in Wales to ensure their views are represented. We are concerned with the extended timeframes associated with the Review and the impact this will have on advice providers at a time when there is an urgent need to ensure the immediate and long-term financial viability of the legal sector engaged in this work.

## Accessibility of Welsh Law

On 1 November 2023 we published the second **future of Welsh law annual report** detailing progress made under the Government's **programme to improve the accessibility of Welsh law**. This covered the period from 15 October 2022 to 30 September 2023, and included details of the work undertaken with the Law Commission of England and Wales (see paragraphs 58 to 60).

On 19 January 2024 a **revised programme to improve the accessibility of Welsh law** was laid before the Senedd. The revisions reflect the completion of some elements of the original programme and the addition of 3 new projects and commitments.

## Inter-Ministerial Group on Justice

Following a long delay to the first meeting of the Inter-Ministerial Group on Justice which took place in September 2023, the second meeting occurred in January 2023 and has already proved its worth as it enabled a 4 nation consideration of the issues raised by the Post Office Horizon scandal. We welcome the establishment of this group as a positive development and an additional forum in which access to justice issues can be raised.

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# 11. The legal sector and economy of Wales

A strong legal sector is essential to ensure a fair and effective justice system. Navigating the justice system would be impossible for many citizens without access to legal advice and support from legal services providers. The legal sector in Wales has significant intrinsic value, through both the advice and support it provides to individuals, communities, and businesses on key matters affecting them and the contribution it makes to the economy of Wales. In 2021, the most recent date for which this statistic is available, legal and accounting activities accounted for 1.5% (£1 billion) of Welsh gross value added.

Delivering Justice for Wales set out that like many other sectors, the legal sector is currently facing huge challenges. Significant UK government policy reforms and funding cuts since 2010 have seriously impacted the legal professions and the people they represent in Wales, in particular changes in legal aid eligibility and funding, and the closure of many court and tribunal buildings, with some of those remaining being in poor condition. Recruiting and retaining lawyers can be difficult for legal practices in more remote and less affluent parts of Wales. This has contributed to the gaps in advice provision in key areas of the law such as crime, housing and immigration in both the legal and not-for-profit advice sectors. The need for legal practice to be transformed for the 21st century, supported through the use of an increasing range of available legal technology and innovation, is another significant challenge and particularly for smaller high street practices.

Some of these factors have led to a dearth in the availability of affordable or publicly funded legal advice and support, and adversely impacted the viability of some legal businesses.

## Legal professionals in Wales

One of the key impacts of reductions in the numbers of legal services consumers has been the ability of private practice law firms to recruit lawyers.



Even those with available capacity and resources to recruit and develop lawyers may face difficulties attracting and retaining new talent through competition from law firms in England, other legal sector employers in Wales, and employers in other sectors in Wales and England offering better salaries and benefits packages.

Delivering Justice for Wales set out how the Welsh Government seeks to work in partnership with the representative and regulatory bodies for the legal professions. This has continued since 2022. For example, the Law Society has taken steps to raise the profile of Welsh law and issues with its senior leadership and its members across England and Wales. In 2022, it set up a National Board for Wales to replace its former Wales Committee. The National Board for Wales reports directly to the Law Society's main board in Chancery Lane, and is supported by a Wales Policy Group, a Wales In-House Group, a Managing Partners Group and a Member Experience Group. The Welsh Government has attended Board meetings by invitation.

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. The scheme was a success, reaching 20% of law firms in Wales with representative geographical coverage across the regions, cities and towns of Wales.

The Solicitors Regulation Authority (SRA) is developing a mapping tool showing the location by area of several types of legal services (including law firms, legal aid agencies and unregulated legal service providers). It can provide data on a Wales basis, at a local level, in a map format that allows identification of gaps in provision and distances between provision. The mapping tool also allows the overlay of deprivation, digital exclusion and other relevant data to provide useful information about the location of legal services in Wales and England. The SRA has engaged Welsh Government to refine the methodology for identifying the unregulated provision element of the tool, which when overlaid with regulated law firms and legal aid agencies provides a rich picture of provision across the board.

The SRA recently published research exploring consumer attitudes and preferences for choosing and using legal services, whose findings included:

- consumers want legal services providers to be approachable and communicate clearly with them, and while many providers believe their communications are clear and effective most consumers disagree;
- people's need for and use of legal services differ by demographic characteristics, such as income;
- a wide range of barriers to using legal services, with consumers often experiencing a sense of vulnerability after realising they need legal services; and
- respondents' socio-economic background more strongly affected their legal experiences, barriers, attitudes, and behaviours than their ethnicity did.

Another activity in which the Welsh Government has taken an interest is a project which the SRA is leading to explore ways of increasing use of online dispute resolution solutions for individuals and businesses to resolve legal issues without the need to go to court. It is working in partnership with the Access to Justice Foundation and the Law Society, and is seeking to work collaboratively with the Law Council of Wales.

The SRA is also committed to providing the whole of the Solicitors Qualifying Examination (SQE) in Welsh by September 2024. Currently, it is possible to take the SQE2 in Welsh. In June 2023, the SRA ran a pilot to inform its plans for introducing the SQE1 in Welsh, by exploring how the questions will be presented and testing the translation process. The SRA is working to ensure that candidates understand what the SQE1 in Welsh will look like, to make informed choices about taking the SQE1 in Welsh. The SRA is engaging with Coleg Cymraeg Cenedlaethol and Welsh universities to develop the approach, and is continuing to produce materials for SQE1 in Welsh on its website.

The SRA carried out a thematic review of the immigration and asylum advice sector, which found that while firms were generally providing a good level of service there were some areas of concern. The SRA has taken measures to support lawyers working on immigration and to protect the public where

expected standards are not being met. Following a review of continuing competence of providers of immigration legal services, the SRA has published new guidance focusing on how solicitors work with immigration clients and the effective supervision of staff to help firms improve, and published information for the public on the Legal Choices website.

Capacity challenges in the legal professions are not limited to solicitors. During 2022 we set up a working group with the Bar in Wales (the Wales and Chester Circuit) with a remit to support the development of public law advocacy and expertise in Wales, reflecting that this is an area of the law in which the law in Wales is particularly distinct from England. Public law practitioners in local government and the NHS have joined the WG officials and public law barristers from the Wales and Chester Circuit on the group.

## Improving sustainability of the legal sector

The Welsh Government continues to support the legal sector in a number of other ways:

- Following the publishing of a framework for new Chartered Institute of Legal Executives (CILEX) qualifications at level 3 paralegal and level 5 advanced paralegal in April 2022, the first intake of apprentices began in autumn 2022. The qualifications are being provided by the University of Wales Trinity Saint David Group, which includes Coleg Sir Gar and Coleg Ceredigion, by Cardiff and Vale College, by Gower College, and by Itec Training Solutions and Brightlink Learning.
- Business Wales has 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 is available specifically for the legal sector.
- Developed  **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. These resources were launched during summer 2023.

## Pro bono activity

In summer 2022, members of the legal profession and the judiciary initiated the setting up of a new Pro Bono Committee for Wales with wide representation from across the legal sector and the not-for-profit advice sector. The committee is made up of law practitioners, representatives of the charity advice sector, and members of the judiciary dedicated to furthering a joined-up approach to pro bono in Wales. It is co-chaired by Clive Watkins of Watkins and Gunn, Cardiff and District Law Society, and the Law Society's Council and National Board for Wales, and His Honour Judge Robert Harrison, designated Civil Judge for Wales.

The aim of the committee is to be a hub and first point of contact for pro bono activity in Wales. The committee has set up a signposting group and a strategy group. Since early 2023, its signposting group has developed a Wales specific section of the Pro Bono Week Committee's legal advice signposting guide, which was completed and shared on the [Pro Bono Week website](#) in December 2023. The committee is planning an event to officially launch the guide in Wales and is working on building its website and identifying key strategic goals for 2024.

The Wales and Chester Circuit of the Bar has also worked together with Advocate, the pro bono charity of the Bar, to promote pro bono work in Wales, and sponsored a cross sector event to explain the work of Advocate and to encourage participation.

## Other activity in the sector

Women in Criminal Law Wales (WICL Wales) was launched in March 2023 bringing together criminal lawyers from the Bar, judiciary, defence solicitors, the

Crown Prosecution Service, and other in-house lawyers from all over Wales. WICL Wales works together with its national organisation and other branches in England to share good practice, mentorship and support.

The Circuit Women's Forum is organising a cross sector event on gender equality later in 2023. It is hoped that sectors can learn from each other on effective and good practice in the promotion of gender equality, and it is acknowledged that this is an area where the Bar in Wales faces particular challenges and other sectors may have made greater progress.

The Legal Services Board (LSB) has established a forum for regulators of legal services in Wales in collaboration with Welsh Government. The purpose of the forum, which met for the first time in November 2023, is to ensure regulators take account of the needs of legal services consumers in Wales and support access to justice in Wales. The forum has agreed to pursue and collaborate on several areas focused on people in Wales who need legal services. The forum is meeting again in April 2024. The LSB has been developing its engagement with stakeholders in Wales. In September 2023, it hosted a reception at the Senedd at which the Counsel General and Minister for the Constitution gave the keynote speech. It also met with various stakeholders, including lawyers, academics, and service providers, to discuss collaboration on shared objectives. In April 2024, the LSB is holding a roundtable in North Wales, to further explore opportunities and challenges facing the legal services profession in Wales. It will also participate in the LegalTech Wales Roadshow.

The LSB's research into the use of technology and innovation in England and Wales generated 88 responses from legal services providers in Wales (43 solicitors' firms, 8 barristers' chambers, 22 other regulated firms, and 15 firms not regulated under the Legal Services Act 2007). The LSB's research into the handling of first-tier complaints about legal services included an online forum at which 5 of the 45 participants were from Wales. The LSB is promoting the importance of being able to disaggregate Welsh data in surveys to the regulators and has itself increased the number of responses from people in Wales to its individual legal needs survey, to enable a deeper understanding from the data of the issues facing people in Wales who need legal services. The survey will be

published in Spring 2024.

2023 was a significant year for access to justice in Wales. The Speakeasy Law Centre in Cardiff celebrated 30 years of providing free legal advice in Cardiff and South East Wales. It now has 5 solicitors and advises on debt, welfare benefits, housing and employment. In North Wales, a new community law service was established in Llandudno Junction and began taking referrals from a small number of partnership organisations in October 2023. It currently has a team of 4 providing specialist housing advice for people experiencing or at risk of homelessness and inadequate housing standards who cannot otherwise afford a solicitor. Its board is working to appoint a fifth member of the team in preparation for a public launch of the service later this year.

The Law Council of Wales continues to develop projects through its working groups on legal education and training in the legal sector, improving public understanding of Welsh law, and the delivery of legal services in Wales. A group set up to consider the viability of a Dispute Resolution Centre for Wales set itself up as a separate entity from the Law Council in October 2023.

## Part 2: preparing for devolution

## Part 2: preparing for devolution

Delivering Justice for Wales was a publication about building the strongest possible justice system for Wales. It did not start by asking the question who should run the justice system, but rather what reforms were needed to take place so that we can get the best possible results. Its core conclusion was that "our approach to justice in Wales is one which is built on successful partnership working" but that "our successful partnerships happen in the broader context of a disjointed system, where services which should be tied together are instead split across devolved and non-devolved bodies. The effectiveness of these partnership arrangements and their ability to improve are therefore fundamentally limited."

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It was primarily on this basis that the Commission on Justice in Wales (the Thomas Commission) concluded in 2019 that the design and delivery of justice policy should be devolved to Wales, and that the commitment to pursue this objective is enshrined in our Programme for Government for 2021-2026.

## 1. Developments since the publication of Delivering Justice for Wales

In December 2022, 7 months after the publication of Delivering Justice for Wales, the report of the Commission on the UK's Future established by the UK Labour Party (Brown Commission) was published. The Brown Commission's relevant recommendations included that:

- there was “no reason of principle why justice in its entirety should be not devolved to Wales”
- “new powers should be made available to the Senedd and Welsh Government, including embarking upon new powers over youth justice and the probation service”
- while youth justice and probation were explicitly referenced, the Brown Commission's proposals did not rule out other areas of devolution – the extent and pace of devolution should be a decision for the Welsh people through their elected institutions; and
- that decision should be informed by the recommendations of the Independent Commission on the Constitutional Future of Wales.

The Welsh Government established the **Independent Commission on the Constitutional Future of Wales**, co-chaired by Professor Laura McAllister and Dr Rowan Williams. The purpose of the Commission is to consider and develop options for fundamental reform of the constitutional structures of the United Kingdom, and to consider and develop all progressive principal options to strengthen Welsh democracy and deliver improvements in accessing justice for the people of Wales.



The **final report of this commission** was published in January 2024. The report makes a number of recommendations to strengthen Welsh democracy and protect the devolution settlement.

Welsh Ministers and officials gave evidence to the commission and its sub-groups, including the justice sub-group both in person and in writing, as well as encouraging all those with an interest (whatever their views) to put forward evidence to the commission. Among the evidence that the commission considered is the first book length academic study of the Welsh criminal justice system: “The Criminal Justice System in Wales: On the Jagged Edge” by Professor Richard Wyn Jones and Dr Robert Jones.

The commission’s justice sub-group published a separate report and found that the evidence presented to them makes a “strong case for change.”

They made specific conclusions relating to the devolution of justice to Wales. The sub-group noted concerns about the performance of the justice system in Wales and said that:

“ “the group received no convincing evidence to counter the conclusions of the Thomas Commission that justice and policing should be devolved to the Senedd and Welsh Government.” ”

The sub-group concluded that:

“ “Devolution could be achieved without major disruption, through a programme of work led jointly by the UK and Welsh Governments, which should be tasked with agreeing a timetable and implementation plan, likely to require some 10 years to deliver. The most straight forward services to begin the process are policing... youth justice; and probation”. ”

The combination of these 2 commissions, the support of trade unions and the growing proximity of a UK General Election, has in our view, increased the likelihood that the process of justice devolution could commence in the near



future. Our duty to prepare for that possibility, noted in Delivering Justice for Wales, has therefore become more pressing.

## 2. Our approach to justice devolution

We agree with the conclusion of the Commission on Justice in Wales that the biggest benefits will come with the devolution of the whole justice system.

That is why our ultimate objective remains to pursue the devolution of justice in its entirety. However, we believe a phased approach is the only practical way devolution can be managed.

We do not at this stage have a defined schedule of the order in which different parts of the system should be devolved. In Delivering Justice for Wales, we talked about devolution as “a process of change over time, prioritising those areas where we can most improve outcomes for Welsh citizens”, and this is the principle that would guide us. Factors that would aid us in identifying these areas might include:

- the extent of inter-connection or overlap between those areas and existing devolved areas
- the degree of difficulty in detaching responsibility for those areas from other related areas
- the extent to which we would be able to secure appropriate funding
- the extent to which local involvement and accountability is particularly important
- the degree to which there is an obvious need for improvement in the area
- the level of support from partners and stakeholders
- the degree to which benefits that might flow from devolution would contribute to the Welsh Government’s wider objectives to improve the well-being of the people of Wales.

Using this metric, we consider that both youth justice and probation are strong

candidates for early devolution, primarily because their functions dovetail into existing devolved services.

Effective probation services need to work very closely with social services, education and healthcare providers among other locally delivered services.

Children in contact with the youth justice system will also very often have relationships with a number of devolved services, including significant overlap with the population of children who are looked after. Focusing on children first is also in keeping with the ethos of the Wellbeing of Future Generations Act and the need to break intergenerational cycles.

We, and others have also consistently identified policing as being potentially suitable for early devolution, given the focus on local delivery and accountability. We welcome the agreement of the recent Constitutional Commission with this. In addition, devolution of policing is explicitly referenced within the Programme for Government and was recommended not just by the Thomas Commission, but the Silk Commission before it. We also note that in the aftermath of the publication of *Delivering Justice for Wales*, all 4 elected Police and Crime Commissioners indicated their support for its devolution.

Over the past year, we have therefore focussed our efforts on gaining an understanding of the legislative and practical steps required to devolve youth justice, probation and policing. The remainder of this part of the report summarises the progress we have made in each of these areas.

Our approach has predominantly involved commissioning experts to undertake reviews in these areas. We have also been supported by our Independent Expert Adviser on Justice Devolution, Dame Vera Baird KC. The purpose of this role is to provide expert support and ensure our emerging plans are put through the necessary scrutiny.

We have continued to engage with other valuable partners, including the Welsh Justice Unions Group and third sector organisations, to ensure the views of the justice practitioners and those with lived experience of the justice system are

represented in this work. Both trade unions and third sector organisations play a vital social partnership role and bring a wealth of experience. They also offer a deep understanding of the diverse needs of vulnerable and marginalised populations which will be essential to take into account as part of our preparations.

### 3. Devolution of Youth Justice

As demonstrated in the Criminal Justice: reform programmes chapter, Wales is already taking a proactive approach to youth justice issues, particularly in diverting children from entering the criminal justice system.

The operation of the youth justice system requires close collaboration, with responsibilities for services to support children either involved in or at risk of becoming involved in the justice system shared between both the Welsh and UK Governments. This means that delivering positive outcomes requires collaboration across reserved and devolved agencies as well as the third sector. This collaboration is intrinsically made more complex by the current constitutional arrangements, especially where policies require agreement of 2 governments elected on differing mandates for different geographical areas.

Devolving youth justice services could make the system more coherent and transparent and would allow us to further embed best practice across Wales and build a more consistent approach within Wales as a whole.

In early 2023, we commissioned Dr Jonathan Evans to lead an informal review of the youth justice system in Wales. This was taken forward through a Wales Youth Justice Academic Advisory Group (WYJAAG), which came together in the course of the year, comprising academics and those with expertise in youth justice. The work produced key insights into how youth justice services in Wales could be strengthened and more aligned with Welsh social justice policy. It also posed questions about how public services can work together more effectively in preventing youth crime, as well as how we treat those children who do commit

crimes, and indeed their victims.

Our intention is to consult further on the recommendations from WYJAAG and their implications in 2024.

The work of WYJAAG also identified other issues where it is suggested that further research is needed. For example, the group suggested there could be further research into the operation of the youth court and whether there are improvements that could be made to further align the process to the “child-first” approach, and this work has commenced.

Although originally constituted for a single piece of research, we welcome that WYJAAG members have indicated a willingness to continue with the group’s work in perpetuity, under the aegis of the Welsh Centre for Crime and Social Justice.

## 4. Devolution of probation

The practical case for the devolution of probation services was set out in the report of the Commission on Justice in Wales. The delivery of probation services in Wales is inextricably linked to devolved services, most notably, health and social services, education, learning and skills and housing. Aligning probation services to devolved services provides opportunities to prevent offending and maximise rehabilitation. For example, we would be able to ensure unpaid work schemes are aligned to existing support and offer the opportunity for individuals to improve their skills to maximise future employability.

As demonstrated throughout the first part of this report, a prevention framework has been developed in Wales as a result of a national strategic agreement and significant funding from the Welsh Government.

In the shorter-term, transferring the responsibility for the delivery of probation services would allow us to have greater control over spending across devolved services to further embed prevention principles across the whole system.

In the longer-term, we envisage a programme of reform. We wish to promote a probation service designed to integrate into the Welsh Government police framework which will make a significant contribution to social justice. A future probation service in Wales should be rooted in communities and knowledgeable about the communities it serves, offering robust community programmes that effectively address offending behaviours, thus reducing the risks of victimisation and fear of crime.

For the past 2 years, we have been working with the Probation Development Group (part of the Welsh Centre for Crime and Social Justice), an independent network of academics, experienced managers and practitioners with experience in probation, to advise on the future vision for probation in Wales. The group has produced academic papers on aspects of the possible role of probation which are being considered as part of the ongoing justice devolution work programme. To complement this work, we commissioned the Wales Centre for Public Policy (WCPP) to take forward a specific piece of research. They will draw on existing evidence and host discussions with relevant experts to outline options for probation devolution to Wales.

## 5. Devolution of policing

Devolving policing would build on joint work we are already taking forward with policing partners, including through the Criminal Justice Board for Wales Anti-Racism Taskforce and our Blueprints for Youth Justice, Women's Justice and Violence Against Women, Domestic Abuse and Sexual Violence. We value the pro-active and collaborative approach the police are taking in this area, which is building public trust and supporting policing by consent.

However, if policing were to be devolved, this approach would be integrated under a single government, rather than being delivered as part of the current system, where responsibilities are split across the UK and Welsh governments. Devolving policing would support a more focussed, integrated approach to these issues and further build on the work we are already taking forward together.

The operational independence of the police would be an important aspect of this approach, drawing on and consolidating our longstanding tradition of effective partnership working together to prevent crime and keep communities safe.

In November 2023, we appointed Carl Foulkes, former Chief Constable, North Wales Police, to lead on work to develop a future vision for policing in Wales. The work has involved extensive consultation with key stakeholders across Policing in Wales, public services and the third sector. The work will be used to inform a long-term vision for what a devolved policing service in Wales could look like, considering the possible policing models and relationships with existing infrastructure.

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