

Justice Wales.

Submission to the Wales Justice Panel 2018.

Introduction.

My comments are based on 2 historical public service appointments-

1] 1994-2000- first Chair of the Wales Committee of the National Lottery Charities Board, where through access to senior policy analysis, I learnt about disadvantage, economic, social, educational and health, in Wales, rural and urban. I also learnt, through grant making and visiting funded organisations and their beneficiaries, how intervention helped and how financial public support worked, or not, to deliver better outcomes for individuals, dependants and communities.

2] 2003-2013- I served as a Legal Aid Commissioner for England and Wales, possibly the longest serving. I have no formal legal training but was one of, usually three, non legal Commissioners of the ten to twelve Members. I served on the Audit Committee overseeing some £2 billion annually, of taxpayers money seeking to ensure access to justice. During my tenure, I had a special responsibility for Wales, and the South West of England Region, followed by the whole of the South, except London, and as the Commission was downsized, - the North West! At the LSC, Legal Aid was commissioned through the CLS(Community Legal Service) and the CDS(Criminal Defence Service), the latter taking the larger share of the budget to ensure compliance under Human Rights legislation. My experience at the LSC taught me the importance of independence of decision making, the need for early intervention, the need for a holistic approach including between public, private and not for profit sectors, to multiple problems, and most importantly, - to meet and listen to clients.

From both the above experiences, I also learnt of the need to invest in expertise, that support has to be long term enough to achieve sustainable outcomes, that administration can be cumbersome, that rural problems are often hidden and discounted in percentage targets.

Points to consider—

- 1- The CLS, until its funding was cut from around 2007 and ,despite some weaknesses, was structured in a way that would be of value to any new Wales specific intervention system. There were local partnerships where local government, legal aid solicitors and not for profit organisations such as Shelter Cymru ,Citizens Advice , Mental Health advocacy and others identified changing local economic, social and population developments and helped prioritise local need. There were Regional Partnership Committees in England, and the Wales Committee, which supported innovative support measures and championed justice and legal aid at regional levels. These committees were disbanded, primarily, to meet tougher spending cuts, in 2007. However, with some political support, the Wales Committee was retained but with a changed remit, thus retaining in Wales, some specialist policy capacity and support for delivery of Welsh Language services. Before the LSC was replaced by the Legal Aid Agency in 2013 I had tried to ensure that the Wales Committee would be succeeded by a Wales Civil Justice Advisory Committee, supported by the Ministry of Justice with members from amongst key Wales and wider Stakeholders, to advise on the impact of Wales- specific legislation , the availability of Welsh language and rural outreach services etc. Whatever, the recommendations to be made by the Expert Panel, I would suggest that there is real value in a Wales- specific Forum/Platform which can review, commission research, encourage good practice of alignment and joint working, and input into new legislation at both Wales and UK level. This Forum ideally, should have a statutory base of remit , accountability and funding.
- 2- There has to be an All Wales Justice Strategy that begins again to place prevention at the forefront of support. The speed by which a “client” descends into the legal system from the sudden loss of employment into a family crisis, a housing problem and uncontrollable debt is steep and rapid and quickly involves more people and expense .Unless all support from health, education, housing, re- training etc are resourced to work jointly, criminality occurs repetitively. Following Devolution, most of the levers of support now rest with Welsh Government and there is a case for civil justice in Wales to be more accountable to the Welsh Government, or at least , with clear contractual arrangements with MOJ

and other UK Governmental Departments to meet the defined needs of the people of Wales, not least ,the needs of young people, and the technologically disadvantaged.A judgement has to be made between a system based on economies of scale or one tailor made to deliver sensitively, identified local priorities.

3- Ensuring an adequate , skilled Corps of Justice Providers proficient in both Welsh, and England and Wales, Legislation, is an important challenge.(As a Commissioner I helped persuade the LSC and Government to invest some £10million in providing training places for student lawyers wishing to deliver legal aid. I spoke, for example, to Bangor University Students about the need for more Welsh Language proficiency, for rural placements and the value to society of advocacy. The funding was later a victim of budgetary cuts, but there will always be a need for a Justice Champion in Wales.)

4- During previous debates about Justice for Wales, 2 comments were indicative—

A, “ the problems of the people of North Wales are the same as those of Cumbria”!

Possibly, but the levers of prevention and intervention are different.

B, “ If we have to choose between closing a Birmingham Office or the Cardiff Office, then the larger size of Birmingham would save it”!.

Decision making on structural design and changes to justice locations and methods of delivery should require clear input , if not sovereignty ,from Welsh Government and Stakeholders.

Tom Jones, 30-06-2018.

My comments were written in a personal capacity.
