



Llywodraeth Cymru
Welsh Government

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Cabinet Sub-Committee on Justice meeting: 7 October 2021

Minutes of the Cabinet Sub-Committee on Justice meeting on
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Present (via Teams)

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

Officials

- Des Clifford, Director General, Office of the First Minister
- Piers Bisson, Director European Transition and Constitutional Affairs
- Dylan Hughes, First Legislative Counsel
- Will Whiteley, Deputy Director Cabinet Division
- Diane Dunning, Deputy Director, Legal Services
- Christopher Warner, Deputy Director, Constitutional Affairs and Intergovernmental Relations
- James Gerard, Deputy Director, Justice and Constitutional Affairs
- Gary Haggaty, Deputy Director Community Safety Division

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- Alistair Davey, Deputy Director, Social Services and Integration
- Natalie Avery, Head of Family Justice, Social Services and Integration
- Bethan Phillips, Justice Policy
- Chris James, Head of Civil and Administrative Justice
- David Slade, Senior Justice Policy Manager
- Jane Runeckles, Special Adviser
- Ian Butler, Special Adviser
- Mitchell Theaker, Special Adviser
- Christopher W Morgan, Cabinet Secretariat
- Damian Roche, Cabinet Secretariat (minutes)

Item 1: Live issues – Oral item

1.1 The Counsel General provided the Sub-Committee with an oral update on the latest justice agenda issues in Wales.

1.2 Recent Senedd engagement included a written statement on 30 September, setting out the latest to Members.

1.3 The Sub-Committee noted that, as a result of a Cabinet reshuffle there was a new Lord Chancellor and a meeting would be arranged to discuss the Thomas Commission's Report as soon as possible.

1.4 A meeting with Sir Christopher Bellamy on the criminal legal aid review would be rearranged.

Item 2: Accessibility of Welsh Law

2.1 The Counsel General set out recent actions on this agenda, which included laying the Government's programme to improve the accessibility of Welsh law before the Senedd in late September. Cabinet had previously agreed a comprehensive programme of action for this Senedd term to make the law more accessible.

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2.2 It was recognised there was significant cross-over, in so far as resourcing was concerned, with the work of the Standing Committee on the Legislative Programme, which had recently considered the content of the programme. It also noted, in this context, that over the long term this work would bring efficiency gains across the Welsh public sector including within the Welsh Government where, amongst other things, it would make the law easier to understand and therefore to reform where necessary.

2.3 The Sub-Committee noted this work was important not only to make Welsh law more accessible for the citizen, but also because in accelerating the divergence between Welsh law and English law it supported the case for the creation of a Welsh legal jurisdiction and, in turn, the devolution of justice.

2.4 The Sub-Committee noted the importance of improving the accessibility of Welsh law and its contribution to developing a distinctly Welsh legal system.

Item 3: Law Commission project: “Devolved Tribunals in Wales”

3.1 The Counsel General introduced the paper, which provided an update on the Law Commission project for the reform of the devolved tribunals in Wales and on the requirement for primary legislation in order to give effect to the recommendations.

3.2 The paper summarised the proposals emerging from the project and recommended positions to be adopted in respect of them.

3.3 The Sub-Committee noted and agreed the recommendations in the paper.

Item 4: Family Drug and Alcohol Courts

4.1 The Deputy Minister for Social Services introduced the paper, which asked the Sub-Committee to note progress of the pilot Family Drug and Alcohol Courts

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(FDACs) and, subject to a positive evaluation of the pilot, agree that officials explore arrangements for wider roll out of these Courts across Wales.

4.2 The Commission on Justice in Wales recommended in October 2019 that a pilot FDAC be trialled in Wales. Following a significant amount of preparatory work by partners including the judiciary, local authorities, Health Boards and the local Family Justice Board, an FDAC pilot was now ready to commence activity and hear its first cases in November.

4.3 It was noted the purpose of a Family Drug and Alcohol Court (FDAC) was to provide an alternative to the family court for children's care proceedings. They would be designed specifically to work with parents struggling with drug and alcohol misuse issues. The court would look to assume a problem solving approach to proceedings, which parents could choose to enter rather than going through standard care proceedings.

4.4 The intention was for the court to provide parents with access to intensive treatment and support, while regularly reviewing progress, with the ultimate aim to help parents become free from substance misuse so they could continue to look after their children or be safely reunited with their children from care.

4.5 A major benefit of the FDAC approach was for the same judge to hear a case throughout. The judge could continue to motivate the parents and review their progress as well as adjudicating the case once the parents had begun their intervention plan, working with the multi-disciplinary team. Evidence pointed towards FDACs being a more effective and fairer way of hearing care cases that involved parental substance misuse.

4.6 The pilot would run until July 2023 and was expected to hear 30 cases per year. To evaluate the pilot, the Children's Social Care Research and Development Centre (CASCADE) at Cardiff University had been commissioned and the evaluation would assess the pilot's outcomes and consider its scalability to other areas across Wales.

4.7 The Sub-Committee welcomed the introduction of the pilot and looked forward to considering the evaluation work that would be presented. It was recognised that links to many existing Welsh Government policies would be

made with this work, including: Youth Justice Blueprints; VAWDASV; substance misuse policies; and secure accommodation.

4.8 In addition, the Sub-Committee acknowledged the role of the multi-disciplinary team, which consisted of: a team manager; social worker with child protection and safeguarding expertise; substance misuse worker; mental health worker; psychologist and business support worker, could not be underestimated.

4.9 The Sub-Committee agreed the paper.

Cabinet Secretariat

October 2021

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