

In response to the “Commission on Justice in Wales – Call for Evidence” we consider that the relevant questions for our consideration are as follows:

- 1. What is working well in the Justice System in Wales? What is not working well? Are there examples of innovation and good practice, both in and beyond Wales, which should be adopted and shared?**

Answered from the perspective of Child care and Civil section only - Whilst the Court Offices are normally well managed there have been several issues recently with Judges not receiving bundles in time for hearings, particularly where a case is being heard in a different court building due to Judge’s availability. The agreed protocol is for the Local Authority to file the papers with the Court where the case was initially issued and for the Court office to arrange for the same to be couriered out if the matter is being dealt with in a different court building by a different Judge. This system is not currently working and the Judges are criticising the Local Authorities for failing to file the papers in time for the hearing when this has been complied with. The fact that there is now only one court to deal with all of the cases in Anglesey and Gwynedd is also a major issue in terms of timescales and availability of court time/Judges. There is also a lack of internet access/wifi facilities in the local courts which make it extremely difficult to email draft orders pertaining to cases that are before the Judge to the court on the day of the hearing despite the onus being on the Applicant solicitors to draft and file the court orders.

- 2. What are the economic, social, geographical, technological, constitutional and other barriers to improvement and how could these be overcome?**

The closing of smaller Courts in Anglesey and Gwynedd has also made it very difficult for members of the public, particularly those who reside in rural areas and are unable to drive to travel to court. There seems to have been no consideration to the fact that a parent living in the north of Anglesey (Holyhead) with Child care issues who is unable to drive can get to Caernarfon in time for a 10am hearing.

- 3. No response**

- 4. Does the justice system in Wales currently provide access to all who require its services, including advice? How would you improve access to justice in Wales.**

No by substantially curtailing the availability of legal aid this has resulted in more and more litigants in person. The fact that people are having to represent themselves and the fact that there has been closures of the smaller satellite courts this has had a detrimental impact to people’s access to justice. The Court Office staff are not qualified to provide legal advice yet with more and more people appearing in person before the courts this has led to confusion and delays in dealing with court lists.

- 5. No response**

- 6. Could Local Authority services in relation to Justice and the local provision of legal advice be better organised and co-ordinated with policing, prosecution, courts, prisons and probation?**

Responding from the perspective of a Local Authority solicitor it would not be appropriate for Local Authority services to form part of the provision of legal advice particularly in the context of Care Proceedings and Court of Protection work. There needs to be a reinstatement of access to legal aid or a pro-bono advice scheme in within the Court System.

7. *No response*

8. *No response*

9. *No response*

10. What steps do you think need to be taken to facilitate positive change in the Justice system in Wales?

See above answer to Q6.

11. How could the strength and sustainability of the legal sector in Wales be promoted? How could its contribution to the prosperity of Wales be optimised?

Greater access/less restrictions to legal aid based on the merits of an individual case, a nationwide pro-bono scheme within the court system to assist litigants in person.

12. To what extent do current university curriculum and vocational and professional development courses reflect the law in Wales and the need to deal with the digital revolution and how should they be further developed?

Answered by three solicitors within the Legal Section –

We would suggest that, from our experiences, university curriculum is currently limited in terms of its content being Welsh law-specific. In terms of professional development courses, when Barrister Chambers etc. offer training opportunities, they often relate to the legislation in England, rather than Wales (with the nearest Barrister Chamber being located over the border in Chester). A member of the team is currently working towards the Law Society's Diploma in Local Government Law and Practice. Since the 2017/2018 intake, it is now possible to complete this Diploma from the perspective of Welsh law; previously it was not, and we are aware of a candidate who has had to take two years to complete the one year course as one question which formed part of the qualification for last years' course was not relevant to those practising in Wales. General consensus is that one needs to be very careful when conducting research as to what is relevant to Wales – it is not always clear and / or the relevant information for Wales will not be readily available.

Nid oes digon o adnoddau a chyfleoedd i astudio'r gyfraith drwy gyfrwng y Gymraeg. Er enghraifft mewn prifysgolion, gellir astudio a chyflwyno gwaith yn y Gymraeg ond yn aml fydd y modiwl yn cael ei chynnal drwy'r Saesneg. Welir esiamplau gan brifysgolion [Bangor](#), [Aberystwyth](#) a [Caerdydd](#), maent yn cydnabod mai rhannau o fodiwlau/ neu rhai modiwlau fydd yn cael eu cynnal drwy gyfrwng y Gymraeg. Mae hyn hefyd yn creu cylchdro o ddim adnoddau

Cymraeg, myfyrwyr yn astudio trwy gyfrwng y Saesneg, dim adnodd yn cael ei ddarparu oherwydd bod yna 'ddim angen', 'chydig o "vicious cycle". Mae adnoddau ac arbenigedd yn dechrau cael ei sefydlu gan y [Coleg Cymraeg Cenedlaethol](#). Er hyn, tybiaf, nad yw'r Coleg wedi datblygu ar y raddfa a obeitir yn wreiddiol, oherwydd y diffyg arbenigedd sydd ar gael a'r pwyslais, o fy mrofiad i ac o be allai weld hyd yma, ar yr astudiaeth o'r iaith Gymraeg ac nid pynciau eraill drwy gyfrwng y Gymraeg.

English translation:

There are not enough resources or opportunities to study law through the medium of Welsh. For example in many universities, you can study and present work in Welsh but often the module is conducted in English. Bangor, Aberystwyth and Cardiff acknowledge that only parts of modules or some modules are conducted in Welsh. This creates a vicious circle that no resources are prepared in Welsh as it is deemed unnecessary. The Coleg Cymraeg Cenedlaethol have started to develop expertise and resources. However, in my view the Coleg has not developed as it was originally hoped because of the lack of expertise and the emphasis on studying the Welsh language rather than other subjects in Welsh.

13. What is the current provision for the Welsh language within the justice system and legal education in Wales? How should Welsh language provision within the justice system and legal education in Wales be improved?

In our experiences, the Welsh language is not treated equally to English in the justice system or the legal education system in Wales. It is very difficult for the education system to provide the same experience to those studying any part of their education through the medium of Welsh (where any opportunities arise) as the materials are not readily available in Welsh and so it is not a favourable option (as all Welsh speakers are at least bilingual). As far as is known, the Diploma discussed above is not available to be completed through the medium of Welsh. We know of no courses which would be relevant to our legal work that we could attend through the medium of Welsh.

14. Is access to Welsh law properly available?

No - Access to Welsh law is very difficult as reference books and online resources are not available / where reference is made to the law being different in Wales, no further detail as regards what those differences are will be provided. Electronic libraries such as Practical Law do not offer much in terms of Welsh law either. This affects ability to be able to advise clients correctly in a timely manner.