

**Response to the Call for Evidence by the Commission on Justice in Wales: to review
the operation of the justice system in Wales**

Introduction

1. The following is a collective response from members of law staff in the School of Law, Accounting & Finance at the University of South Wales (USW). The response predominantly focuses on the response to issues surrounding 'Legal and vocational education and training', but also considers the link with that of 'The legal profession, legal tech and the economy of Wales'.

USW Law

2. The Law School and the Legal Advice Clinic (LAC) are based on the University's Treforest campus. The student demographic is predominantly made up of local or Welsh students but it needs to be noted that there is a distinct difference between the LL.B, which attracts international students and the LL.B Legal Practice, which attracts almost all Welsh students.
3. The demographic of graduating students in 2017/18 is set out below¹;

LL.B

18% Qatari/Saudi Arabian
3% Canadian
7% Nigerian
12% European
12% English
48% Welsh

LL.B Legal Practice

All but two students are Welsh students; there is one Polish student and one English student.

4. USW is aware of the role it plays in widening access to the legal profession through programmes such as the LL.B Legal Practice. It is committed to raising the aspirations of its students.

The location of USW

5. The Treforest campus is located in an area where more often than not, people do not have the finances to pay for legal advice. Additionally, their awareness of what the legal system can do for them is limited. This may possibly be due to 'law and legal issues' not forming an integral part of the further education curriculum.

¹ Statistic obtained from USW.

6. The demographic of our students [evidenced above] means that a higher proportion are likely to remain working locally following graduation. Legal firms with local connections such as NewLaw, DAS Law and Admiral Law regularly recruit USW graduates.

Legal Advice Clinic

7. The University's Legal Advice Clinic was established in 2013. It was situated in our Cardiff Campus to utilise the links with our Legal Practice Course students, who at the time studied in Cardiff. The LAC is a pro bono, student led, advice clinic, which offers free legal advice to members of the public, staff and students on legal issues predominantly in the areas of family, employment and civil litigation. As well as offering one off pieces of advice, the LAC also conducts casework on behalf of clients (e.g. employment tribunal claims and issuing divorce proceedings). The LAC can also represent clients at court and tribunal hearings – however, this is resource dependent because our teaching staff supervise the work in the LAC. These members of staff are both lecturers in legal practice and have full practising certificates as solicitors.
8. In 2017, a decision was made to relocate LAC to Treforest. The background to this was that we validated a new degree course which commenced in 2015/2016 academic year. The LLB (Hons) Legal Practice (exempting), is a three year degree course which combines both a qualifying undergraduate law degree with the requirements of the Legal Practice Course. A number of the modules are integrated into and taught through the LAC. This course is run at our Treforest campus, and due to the increasing numbers of students on this course, a decision to relocate the LAC was made. The LPC will also be based at our Treforest campus as of 2018/2019, to continue to enable these students to access the LAC facilities.

LAC and access to justice

9. LAC adopts a student centred pedagogy. One of its key aims is to enhance the employability of our students. Whilst it does provide a benefit to the local community, this is not the main focus of the LAC. However, there has been an ever increasing demand for the legal advice services provided by the LAC. Consequently, we have been unable to guarantee when appointments will become available due to the number of clients on our waiting list. During the current academic year, it became necessary to close the waiting list to new enquiries to provide us with the opportunity to deal with the clients already on the list. We did use our local contacts to signpost prospective clients who we were unable to add to our waiting list during this time. It is noteworthy that the LAC does not need to advertise its services, as the volume of client enquiries is relatively high compared to the resource available.

Impact devolution has had on the justice system in Wales and in the future

10. Turning to address the potential impact that devolution will have in the future – it may become an issue for Welsh Universities in terms of attracting students from outside Wales. However, if Wales can ensure that it remains at the forefront of changes in the law and can lead the way in terms of reform – it may well be that Wales becomes an attractive option for

students. It is important to ensure that our curriculum remains current, and that we offer bespoke or additional CPD to address changes in Welsh Law.

11. Of importance to our students is the increase in employment opportunities within the justice system in Wales especially in relation to the primary law making powers and policy making. As a School we are mindful of the need to include within our employability agenda advice on career paths and career opportunities within the justice system in Wales.

How does the university curriculum reflect the law in Wales and how should this be further developed?

12. Our courses have and will continue to take account of Welsh law. The Public Law syllabus covers various aspects of devolution such as the historic and developing devolution settlement, the relationship between Welsh Government and central, Westminster government and the possibility of a codified Welsh constitution. In addition, the Legal Systems and Sources module considers the implications of a distinct Welsh legal system for the Anglo-Welsh system more broadly. It also considers questions of jurisdiction of the developing Welsh jurisprudence.
13. There are research opportunities for students on the final year of the academic UG programmes where students can undertake dissertations and research projects in devolution issues with input from supervisors. There is some capacity within the School to supervise higher research degrees within this area.
14. It is vital that the Law curriculum in Wales reflect the law in Wales. All of our UG Law degrees include the foundations of legal knowledge as laid down by the professional bodies but beyond this it is for universities to decide what to include in their programmes. There are certainly opportunities for development both in terms of professional body requirements and within USW law programmes. We are discussing developing an optional module in Welsh Law as a follow up to the first year modules mentioned above. However, there needs to be a balance between Welsh Law and Anglo-Welsh Law because the majority of our LL.B programmes recruit a fair number of international students.
15. The curriculum is supported by extracurricular activities such a guest lecture series which has hosted a lecture from the Counsel General of Wales on the impact of Brexit on devolution. Students also attended the Welsh Government/Law Schools Conference in 2016 where a paper was delivered by Public Law tutor, Brian Dowrick.
16. The academic Law modules and courses offer more opportunities to reflect developments in the law in Wales. There are fewer opportunities within our current curriculum of professional law courses where we do not currently teach any modules in which there is a distinction between Welsh and other laws. However, as the LL.B Legal Practice attracts a majority of Welsh students who will continue to professional practice in Wales this should be part of any curriculum/SQE discussion.
17. Our LAC does of course take into account the changes in Welsh law that are relevant, e.g. changes to Housing Law.

How does the current university curriculum deal with the digital revolution and how should this be developed?

18. As a University, we are keen to utilise technology within the classroom, as we are aware that technology is becoming a greater part of our students' lives, including their education. To this end, the School of Law, Accounting and Finance has a policy whereby all lectures must be recorded and uploaded to the Virtual Learning Environment (VLE). Not only does this serve as an educational tool to our students, but it also enhances inclusivity of our students. For example, students who are dyslexic may wish to revisit a lecture at their leisure. Also, all learning materials are uploaded each week to the VLE which ensures all such materials are accessible to all students.
19. Our LAC has a Case Management System (CMS) and all of our client files are run in both paper and electronic formats. This is to respond to the fact that an increasing number of law firms run paperless systems. Therefore, to enhance the knowledge and skills of our students, we introduce them to the online CMS so that they are prepared to work with such software in practice.
20. Further, we are members of LTC4 – the Legal Technology Core Competencies Certification Coalition. The aim of LTC4 is to set the global standard for legal technology proficiency. LTC4 is a non-profit organisation that has established legal technology core competencies and certification that law firms can use to measure efficiency improvement. Its membership comprises of law firms (including those in the UK, North America and Canada) and law schools. There are 10 core competencies, ranging from 'Managing Documents and Emails' to 'Collaborating with Others: Emailing and Sharing Documents'. The University has worked closely with strategic partners in respect of this membership and we are currently seeking to incorporate the competencies into the practical modules that are delivered in the LAC, to ensure students have the crucial digital skills to equip them to enter the modern workplace.

Enhancing the contribution of pro bono in Wales

21. Access to Justice is a concern within Wales and particularly in the Valleys area due to levels of poverty and deprivation. Welsh Universities contribute to pro bono in Wales, and this is likely to continue and possibly increase in light of the reforms to the routes to qualification by the SRA, and the possibility that Clinics can be used as qualifying work experience.
22. There is a need for CPD within pro bono clinics to ensure that supervising practitioners are familiar with developments in Welsh law and the Welsh justice system and therefore able to represent local people in these areas.

Steps to facilitate positive change in the justice system in Wales

23. We need a clear indication from Welsh Government as to what the challenges and opportunities are, so that we can focus our efforts. Direction needs to come from the government and the Counsel General for Wales in terms of whether there will be moves to cement a separate constitution, jurisprudence, court system.

24. The professional bodies for England and Wales need to acknowledge the developing jurisdiction and justice system in Wales. In discussions around SQE there are opportunities to recognise the value of the Welsh element in legal education in Wales.
25. As a University, we welcome the opportunity for collaborative discussion and working but guidance is needed.

What is the current provision for the Welsh language within legal education in Wales and how should it be improved?

26. There is provision for the Welsh language within legal education at USW. For the academic year 2018/2019, there will be two full time lecturers (in law/legal practice) who can teach through the medium of Welsh if required. However, there has been no recent take up of the one validated Welsh language module, Y Gyfraith.
27. USW [as Glamorgan University] was involved in a collaboration with Bangor University to deliver Y Gyfraith. The module ran successfully for a number of years mainly on the LL.B Law with Professional Welsh. This programme was a Qualifying Law Degree where, for 2/3 of their degree, students studied law through the medium of English and for the remaining 1/3 of their degree studied Welsh language modules. Y Gyfraith was also offered as an optional module on all of the LL.B programmes but take up was low.
28. In 2014/15 the entire UG law provision was revalidated and Y Gyfraith was validated as part of the LL.B Law with Welsh in the Workplace. The programme recruited just one student and was closed in 2016.
29. There are a number of Law students who are first language Welsh, but they have few opportunities to incorporate Welsh into their legal education. In order to improve this, we are considering whether we should offer more extra-curricular course related activities in Welsh. This would enable those who speak Welsh, but lack confidence, to engage with the Welsh language within their legal education – without the pressure of it being assessed.