



Secretary to the Commission on Justice in Wales
Ysgrifennydd y Comisiwn ar Gyfiawnder yng Nghymru
Crown Buildings / Adeiladau'r Goron
Cathays Park / Parc Cathays
Cardiff / Caerdydd
CF10 3NQ

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Dear Commission

The Commission on Justice in Wales

I hope the following comments will be of assistance to the Commission. They focus on in the difficulties families with disabled children have in accessing justice in Wales. In providing these comments I have had the benefit of a discussion with my colleagues at [Cerebra](#), but the comments are made in my personal capacity:

1. The law needs to be intelligible if families are going to be able to understand and exercise their rights: it needs to be easy to find, understand and apply. [Cerebra](#) has already responded to a [Law Commission consultation](#) on the 'form and accessibility of the law applicable in Wales'. Current examples I am grappling with, include the intelligibility of the Learner Travel (Wales) Measure and the Eligibility Regulations to Social Services and Well-being (Wales) Act 2014.
2. We need authoritative, independent and user-friendly sources of legal information in Wales in order for families to know their rights. If 'Wales only' guides aren't economically viable, where do families and advisers learn about their entitlements?
3. I may be very naïve, but public authorities have a duty to act responsibly in terms of ensuring access to legal entitlements (social care support, direct payments, school transport etc) and resolving grievances. But my experience is that they misinterpret the law (by design or incompetence) and that it's extremely difficult to persuade them otherwise - possibly due to a lack of legal awareness / intellectual curiosity. If my colleagues and I are unable to follow convoluted responses made by local authorities to complaints – how can families possibly navigate the system?

4. I am concerned that the Public Services Ombudsman for Wales appears to show less interest in systemic failings by local authorities than does the Local Government and Social Care Ombudsman in England.
5. The poor complaints handling by local authorities, the scarcity of legal aid providers (particularly in fields such as education and disability discrimination), the fact that many families fall into the legal accessibility 'gap' (i.e. they don't qualify for legal aid but can't afford to instruct a solicitor) – heightens our concern about the serious difficulties very many families face when trying to access independent and competent support and advice.

For members of the Commission who may not be familiar with the excellent work done by [Cerebra](#) (an international charity based in Carmarthen) I should explain that it is a unique research charity set up to help improve the lives of children with neurological conditions. It has endowed a research Chair in Law at Leeds University to support disabled children and their families experiencing difficulties in accessing their statutory entitlements to care and support services. The Project is titled the [Legal Entitlements and Problem-Solving \(LEaP\) Project](#). LEaP Project members listen to families and help them get the knowledge they need to access health, social care and other support services. We identify the common legal problems that prevent families getting access to services and we develop innovative ways of solving those problems. We aim to reach as many families as we can by sharing our solutions as widely as possible.

I hope this information is of value to your Commission.

With best wishes



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