



Huw Irranca-Davies MS  
Chair  
Legislation, Justice and Constitution Committee  
Senedd Cymru  
Cardiff Bay  
Cardiff  
CF99 1SN

14 March 2023

MoJ ref: ADR103208

Dear Mr. Irranca-Davies,

### EVIDENCE TO THE LEGISLATION, JUSTICE AND CONSTITUTION COMMITTEE

Thank you for your letter of 16 December following my evidence session before your Committee. Please accept my apologies for the delay in replying.

We are keen to take forward some of the Thomas Commission recommendations which have the potential to improve justice outcomes in Wales, provided they do not require a change to the devolution settlement. Last year, the Welsh Government identified 14 recommendations that they considered would meet this objective. As I said during my evidence session, we have been working with the Welsh Government and have agreed to deliver five of those recommendations:

- *Recommendation 20: Digital court services and other dispute resolution services that are being developed and introduced must be fully accessible.*
- *Recommendation 54: Digital services that are being introduced must be accessible, free help must be available, and all must be available in Welsh at the same time as the English version*

The MoJ and its agencies are already making progress on the recommendations concerning digital court services and will continue to address any gaps in digital service provision.

HM Courts and Tribunals Service's technology strategy covers England and Wales as standard, so Welsh court users will have access to the same digital services as English court users. HMCTS's digital court services are being built around user needs to ensure that they are fully accessible, including support for users that need help to access HMCTS' services online.

In terms of digital Welsh language provision, the MoJ Welsh Language Scheme commits the MoJ to working with the Government Digital Service to ensure that MoJ information and material relating to the most-used aspects of its business and services are available both in Welsh and English.

HM Prison and Probation Service follows the MoJ Welsh Language Scheme. The HMCTS Welsh Language Scheme also commits to making sure all online services will be available in Welsh at the same time as the English service. Staff in HMCTS's Welsh Language Unit are trained to provide a Welsh language service.

Building on the above, we are currently identifying whether there are any other areas in which we need to ensure that there is equal accessibility.

- *Recommendation 26: The Administrative Court should have the power to stay court proceedings whilst the Public Services Ombudsman for Wales investigates a complaint. The Ombudsman should have the power to refer a point of law to the Court.*

The MoJ supports this proposal, which will need to be given effect by way of a change to the Civil Procedure Rules. As the recommendation relates to the staying of proceedings in relation to investigations by the Public Services Ombudsman for Wales, the appropriate mechanism would be for the Welsh Government to submit a rule change application to the Civil Procedure Rule Committee, with the support of the MoJ.

- *Recommendation 57: All coroner services should be available in the Welsh language.*

Whilst responsibility for coroner law and policy in England and Wales rests with the MoJ, coroner services are funded and administered by local authorities. We will work with Welsh Government colleagues to establish how this recommendation can be implemented, but given that roll-out will be undertaken by local authorities, the Welsh Government will need to lead on this recommendation.

- *Recommendation 50: Wales specific data should be collected and published to enable data disaggregation.*

It is important that decisions about the justice system are underpinned by data which is as accurate and detailed as possible. A significant volume of Wales-specific justice data is already collected and disaggregated. We already publish most statistics with a Welsh categorisation and are not aware of any areas in which further disaggregation is required to improve outcomes. However, the Welsh Government has recently submitted a list of areas in which Welsh-specific data is not published and we are considering these to see whether they may aid policy development or operational delivery.

In addition to the five recommendations above, we have continued thinking about the remaining nine recommendations identified as part of this process. The recommendations will have a range of downstream impacts on the justice system and it is right that we consider those impacts properly, including how they would be implemented if they were to be taken forward. As I said during the evidence session in December, there will be some recommendations which we do not consider appropriate to take forward. In particular at this stage I can confirm that the UK Government remains opposed to the raising of the age of criminal responsibility and therefore will not be taking forward this recommendation.

As you are aware, I visited the Cardiff Civil and Family Justice Centre after my evidence session. It was helpful to see the building first-hand and get the views of those working there. I have asked my officials to investigate a number of funding options to improve the experience of those who use and work in the building. I have also discussed the issue with the Counsel General and we have agreed to investigate the possibility of utilising publicly owned estate, such as Welsh Government offices, or other UK Government premises.

*Yus Simmer*  
*Christopher Bellamy*

**LORD BELLAMY KC**