



Ministry
of Justice

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Justice

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Dw Mr. Irranca - Davies ,

EVIDENCE TO THE LEGISLATION, JUSTICE AND CONSTITUTION COMMITTEE

Thank you for your letter of 11 April. I am grateful to you for sharing the evidence you have received from stakeholders who have an interest in, or work in, the justice system in Wales.

I shall take the topics they raised with you in turn.

Accessibility of digital court services

His Majesty's Courts and Tribunals Service (HMCTS) is committed to designing and delivering inclusive services. Where possible, HMCTS 'designs out' barriers that users may face and, where it cannot, develops support so users can access its services.

Under the Reform programme, many HMCTS services have moved online. Whilst it is important HMCTS modernise and digitise the justice system, it is also fundamental that no one is disadvantaged in this process. As a response to this, HMCTS are committed to improving their paper forms and provide a Digital Support Service, helping users who lack the digital skills, confidence or tools to access and complete online applications. The National Digital Support Service has been live since 1 June 2022, supporting users throughout England, Wales and Scotland through either remote or face-to-face appointments. The Service is provided by 'We are Digital' and their partnership network. HMCTS currently support users to complete their online applications in the Single Justice Service, Social Security and Child Support, Online Civil Money Claims, Divorce and Probate and aim to expand in other services in the coming year.

Disaggregation of data

Data collection, disaggregation and analysis are vital for the proper administration of justice. The Ministry of Justice already collects and, where possible, disaggregates a large volume of data in Wales. The Criminal Justice Delivery Data Dashboard is one example of this.

We are considering whether additional data can be collected and disaggregated. My officials have had discussions with the Welsh Government regarding areas in which the Welsh Government believe Wales-specific data is not currently available. I hope to be able to discuss this with the Counsel General in due course. We seek to fill any gaps in data collection and disaggregation that could aid the effective administration of justice in Wales.

Remote hearings

We are committed to making remote hearings as accessible as we can, but we recognise that attending a hearing remotely will not always be appropriate. The option to hold a remote hearing is at the discretion of the judge, who will decide if it is appropriate, taking into account the needs of the parties involved. HMCTS are looking to improve the way they support people with disabilities, to make sure they can access HMCTS services without barriers. This will include checking whether video hearings are appropriate.

Research forms an integral part of our commitment to accessible and inclusive services. Recent research on Crown Court remote hearings suggests outcomes remain the same when remote hearings are used. We intend to evaluate the Video Hearings Service, building upon an evaluation published in 2021 which explored the use of remote hearings during the Covid-19 pandemic. The Ministry of Justice is also conducting a study to understand the experiences of particularly vulnerable groups with different legal needs across the administrative (i.e. tribunals), family, civil, and criminal jurisdictions. The study is looking both at people who do and who do not interact with our services, to explore what would help the latter access our services. We have also commissioned an evaluation of the HMCTS National Digital Support Service. The evaluation aims to understand users' perceptions and experiences of the service in order to assess what is working well and for whom, as well as identifying areas for improvement to best support our users in the future. More information on the various evaluation projects can be found at **HMCTS Reform MOJ Evaluation: Progress Report - GOV.UK (www.gov.uk)**.

Recruitment, retention and the career development of individuals from Black, Asian and other minority ethnic groups within the legal profession

The legal profession in England and Wales is independent of Government. Statutory responsibility for encouraging a diverse legal profession sits with the approved regulators, overseen by the oversight regulator, the Legal Services Board (LSB).

The LSB has a broad programme of work aimed at encouraging a diverse workforce, including guidance for legal services regulators, research on the experiences of legal professionals from different backgrounds, and initiatives designed to address counter-inclusive practices that act as barriers to underrepresented groups.

In terms of recruitment, new education pathways introduced by regulators have been designed to enhance access to the profession for underrepresented groups, for example the recently introduced

Solicitors Qualifying Examination and Chartered Institute of Legal Executives (CILEX) Professional Qualification.

The sector is also undertaking work to improve diversity at the Bar. For instance, the Bar Council's Accelerator Programme aims to break down barriers and obstacles that prevent minority groups from progressing at the Bar. Additionally, last year the Bar Standards Board published a three-year Equality and Diversity Strategy outlining how it aims to hold the Bar to account for reducing racial and other inequalities across the profession and also how it aims to promote a culture of inclusion at the Bar and in legal services more generally.

With regards to retention and career development, we are exploring what can be done to make duty solicitor work easier for those with caring responsibilities and have asked the Criminal Legal Aid Advisory Board to investigate the disparities in criminal lawyers' income linked to gender and race.

Levels of trust in the criminal justice system, especially among Black, Asian, and other minority ethnic communities

We recognise that there is more we can do to collect better data on minority ethnic communities. The Government introduced the landmark Victims and Prisoners Bill to Parliament on 29 March 2023. The Bill requires criminal justice bodies and Police and Crime Commissioners to keep compliance with the Victims' Code under review. This duty will help to build a better picture of whether victims are accessing the services they are entitled to and it will help drive any necessary improvement, building transparency and trust in the system.

In September 2022, the Criminal Justice Board for Wales published a Criminal Justice Anti-Racism Action Plan for Wales setting out shared commitments which all criminal justice organisations in Wales will deliver against. At the same time, an Independent Oversight and Advisory Panel was launched. This is made up of 12 people from diverse backgrounds with a range of expertise and lived experiences of the criminal justice system and racial injustice. The Panel will support the Board, to test if the work is resulting in real change within communities and help to build trust among minority ethnic people and increase transparency. The Board is developing a race disparity dashboard to improve transparency around minority ethnic representation within the workforce across the criminal justice system and to support identification and examination of disparity and disproportionality of outcomes in the system for people from a minority ethnic background.

Monitoring capacity in the legal aid market

The Legal Aid Agency (LAA) monitors capacity in the legal aid market and produces a capacity review every quarter which details the number of legal aid providers, their locations, and their areas of expertise across the different categories of law covered by legal aid contracts. The LAA engages with Ministry of Justice policy colleagues and Ministers to explain challenges and agree options and operational approaches to service provision issues, including running additional tender exercises to address any gaps in provision.

The "jagged edge"

I recognise the distinction being made by Professor Emyr Lewis regarding the "jagged edge" in your letter. However, with regard to your point about the practical difficulties created by the "jagged edge", as I said in my letter of 14 March we do not believe there are significant practical difficulties and, in fact, reserved authorities and devolved authorities work extremely effectively together to deliver the services for which they are responsible.

Furthermore, I can assure you and the Committee that the Ministry of Justice engages regularly and proactively with HM Treasury to stress the importance of the justice system in Wales and England.

I talk regularly to the Welsh Government's Counsel General and Minister for the Constitution. My officials do the same with their counterparts in the Welsh Government.

Yours sincerely

Christopher Bellamy

LORD BELLAMY KC