

Commission on Justice in Wales
Oral Evidence Session
18th January 2019

Present:	Commission members	Secretariat team
Professor Iolo Madoc Jones (IMJ) Dr Wulf Livingstone (WL) Bronwen Williams (BW) Hannah Menard (HM)	Lord Thomas of Cwmgiedd, Chair Simon Davies Professor Elwen Evans QC Dr Nerys Llewelyn Jones Juliet Lyon CBE Professor Rick Rawlings Professor Peter Vaughan	Andrew Felton, Secretary to the Commission Dave Gordon Chris James Rhys Thomas

Question area: Redesigning the curriculums in light of the rise of technology-driven legal practice

- BW: Trinity Saint David delivers CILEx and joint honours law degrees and law and legal practice. We are aware of the fact that artificial intelligence (AI) is developing and how it's changing legal practice. We are working with the faculty of computers and we are looking at designing a module or course with them to go with law and legal practice that looks at law and technology to meet the demand of practice and fit everything in with the Solicitors Qualifying Examination (SQE). We are trying to find an IT professional who is interested in legal IT. We are aware that we need to make students fit for practice.
- IMJ: We do not have a legal course but we teach criminology and we now have a licence from the College of Policing to teach policing. We make use of technology and the internet. Probation workers use a lot of technology in their work and we bring in professionals that discuss technology in their workplace. The technology question is difficult for smaller universities but we work a lot with computer scientists who are interested in cyber crime. It is difficult to know how things would look in five years time and therefore it is difficult to prepare.
- WL: In the teaching of social work we have a module taught by computer science colleagues. Core IT skills are integrated into our courses. We recognise that a lot of Welsh law is only available online and we also use technology with distance learning.
- HM: We are looking at the need to integrate technology across the modules. We look at how to teach traditional modules through using technology. The personal injury module is being taught through an on-line system called 'Simple' and includes simulated mediation. We teach cyber law but that is an optional subject. The legal clinic uses a case management system and is a good opportunity for our students to upskill. Through the Legal Technology Core Competencies Certification Coalition (LTC4) a global standard for digital legal skills, we help students to improve their skills. A few local law firms have also signed up for the programme. Some core courses do make use of the law clinic in their teaching. We went to a law tech event on law clinics last week to see how to bring law tech through the clinics into the teaching of modules. A lot of universities in England have bought in external people to assist with the teaching but this is dependent on available funding and expertise. For example Manchester Freshfields has funded twenty places on a law and IT course in an English university – and over forty people applied.

Question area: Teaching in the Welsh language

- IMJ: The Commission is familiar with the demographics of north east Wales and the demand for Welsh language courses is low. We don't run any courses in their entirety in Welsh but students can take tutorials in Welsh. I do deliver one module in Welsh. When the provision is offered it usually falls on the Welsh speaking lecturers to do it as additional work.
- HM: At the moment in the law school we have two people who are fluent in Welsh. We had no courses in Welsh last year. My colleague and I sit on the Coleg Cymraeg law panel and we are re-introducing the Welsh in law subject. It was run a few years ago but the person who ran it left the university and it came to an end. We are struggling to find written material. The course used to be in collaboration with Bangor University. It is off putting for students as they need to do more work when they study through the medium of Welsh due to the lack of resources. The module focuses on Welsh in the work place

and we are encouraging students who are not confident in using Welsh to choose the subject.

- WL: We are able to have professional assessments in Welsh but the academic materials are all in English. In social work the regulator is keen to shape the market to make sure that there are enough Welsh speakers.
- BW: As a merged university there has been a real push to have more Welsh language modules in the Swansea campus. Somebody was employed to look at what subjects could be taught through the medium of Welsh but it amounted to only 20 credits. To receive the £1,000 bursary from the Coleg Cymraeg the modules studied in Welsh need to amount to at least 40 credits. After five years only one student was interested and the funding has now gone. A real disincentive was the lack of textbooks.
- WL: There is a difference between confidence in Welsh professionally and Welsh in academia. Students will use Welsh in work placements but choose to study in English.
- BW: We have students who go on to work in Welsh but did not take modules in Welsh.

Question area: Growing body of Welsh law

- HM: In the law clinic we teach skills such as research. We make students aware that there is a growing body of Welsh law. One scenario is a homelessness scenario where there is a difference in the law between England and Wales. In public law we make sure that those teaching it integrate Welsh law into the teaching. There is a growing body of law but it has not been tested in court. In other areas we touch on codification of Welsh law and make students aware of legal developments. This means we need to be on top of changes and aware that they will change the curriculum. There is no push back by students against learning Welsh law at our university. 48% of law students are Welsh, 10% are English and the rest are international. The students enjoy that Wales is at the forefront of the development in law.
- WL: For social work there is no choice, we must work with Welsh law. Child protection, mental health, protection of vulnerable people is all in Welsh law frameworks. Our students appreciate this as most remain in Wales. Due to the difference, there is a question whether social workers from England can now work in Wales and there might need to be a bespoke module for social workers from England to work in Wales. The issue is not raised in England as it is compulsory for a social worker in Wales, but not in England, to have a placement in at least one local authority. Therefore a social worker trained in Wales has greater experience than an English counterpart. The fundamental difference in social services in Wales is that the Well Being of Future Generations (Wales) Act placed everything in one framework. This is not the case in England. The code of practice in mental health on sectioning is broadly similar in England and Wales but in Wales you have regional adult and children safeguarding boards whilst in England they are separate. It was a radical shift with us detaching ourselves from England. This changed people's practice. The Act absorbed a lot of the English Acts but there are real differences.
- IMJ: It is interesting to hear what WL is discussing. When things come from Westminster such as policing they have no Welsh flavour at all. It is one size fits all when in fact that is not the case. From next year there is a degree requirement for policing but there is no reference to Wales in the degree modules.
- WL: I do research on minimum pricing for alcohol for the Scottish and Welsh Government. There is no appetite by the Westminster Government for this to happen in England.
- BW: I am the project lead for police apprenticeships in the South Wales and Gwent Police Forces. The curriculum is designed by the College of Policing and there is no mention of Wales. When implementing the course we have designed lessons to make the officers aware that there are areas of devolved legislation. The College of Policing has said criminal justice is not devolved and that's it. But when we consider Welsh law there is an overlap. You are able to add into the degree programmes elements which are appropriate to Wales. The majority of our students come from a 30 mile radius and will live, study and work in Wales. It is therefore essential that they are aware of differences in Wales.

Question area: Impacts from the creation of a separate legal system

- HM: There is a concern amongst those teaching that it will have an adverse effect on admissions. We will be giving students the skills to go to any jurisdiction and give them a comparative education. Even if the laws were completely different we would still teach English law. The worries about the impact of changes in the legal system would largely go if there was no hindrance to practice. Many of our

students are international so it will make no difference. We have two Spanish students writing an essay on a separate Welsh jurisdiction.

- BW: The employability point has been made for a decade. If we deliver something which meant they could only practise in Wales then it is likely that applications would go down.
- WL: Social work allows you to work all over the world with some local training courses needed. The small amount of Welsh law is not contained in textbooks and we are reliant on online resources such as blogs by Professor Luke Clements. It is very difficult to persuade a UK publisher to publish a textbook on Welsh law. We need to think how this can be subsidised.
- IMJ: A lot of our students are local and with many English universities a short distance away. A separate system could give us a unique selling point. 80% of our students live within 20 miles of the university.

Question area: Increasing diversity within the legal professions in Wales

- BW: I am the admissions tutor at Trinity Saint David and the majority of our students come from a 30 mile radius and we are a local university. The diversity figures are high. We work with local schools and colleges and we have a lot of adult returners to education. We have almost a 50/50 gender split but in policing we have a small black and minority ethnic (BME) cohort whilst that is not the case in law or accounting. Dyfed Powys did not have a single BME staff member. We went into the local community and the biggest issue is that the parents of BME students do not see policing as a profession. We now go into schools and colleges to encourage the subjects with BME students.
- IMJ: We are doing well in diversity and the College of Policing think that the policing degree will increase the number of BME students. The BME population in the local area is low and we attract more than the local proportion. We need to attract men into probation. In one course out of 50 only one is male whilst in policing there is one course that is all female.
- HM: Most of our Welsh students will stay in Wales and they have a low expectation about salaries. We have workplace learning as part of the LLB law degree to encourage students to see a future in the professions. At the moment we are trying to come to terms with the SQE and I think the clinic has a role to play. The clinic work will count as time towards training. What puts students off is trying to get a training contract or pupillage. We have a series of guest lectures where we have local people in the legal profession giving lectures.
- WL: I was at a Social Care Wales meeting on Wednesday and we were discussing what happens after entry to universities to students from a BME background. Our BME and LGBTQ students are disproportionately not finishing their courses. This is consistent in higher education providers across Wales.

Question area: Increasing access to justice

- HM: The legal advice clinic tries to increase employability and provide a good experience to students but it also increases access to justice. We have found that since the Legal Aid, Sentencing and Punishment of Offenders Act 2012, without any advertising, our waiting list is up to 6 months long. Students who have worked in our clinic maintain contact once they've gone to a law firm. It is a shame that people need to rely on law clinics but that's the situation. We work closely with LawWorks and 41% of the law clinics are based in universities.
- WL: Social Care Wales mandates that work with service users are part of the course for social workers. This is a social justice issue rather than criminal justice.
- BW: We have a social inclusion clinic in Carmarthen and the social services department also has a clinic.

Question area: Continuing legal education

- WL: Continuing professional education is a mandatory element for the first three years of social work practice. There is a tension between employers and continuing professional education with some not receiving time off to attend the courses. We also have multi agency public lectures about current topics for the professions.
- BW: There are workshops and training for CILEx fellows to gain qualifying rights. We have a professional practice Masters and PhD for law and policing.

- HM: In law we have the traditional postgraduate offering which can be part time. The Legal Practice Course can be done one day a week on a part time basis. We have a specific contract with the Intellectual Property Office to deliver courses to its employees. It will be interesting to see how the SQE changes things. We will have to offer flexible courses.
- IMJ: In offender management the Continuing Professional Development (CPD) is not clear. In policing there are developments that could give CPD opportunities.