

SRA BOARD

3 March 2020

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This paper will be published

Next steps for our work in Wales

Purpose

- 1 This paper provides an update on key developments in Wales and puts forward proposals for an SRA office and team based in Wales.

Recommendations

- 2 The Board is asked to:
 - (a) note our increased work in Wales over recent years
 - (b) note recent developments in Wales, including the establishment of a new cabinet committee on justice to take forward the recommendations of the Commission on Justice in Wales, and steps to increase the use of the Welsh language
 - (c) approve our proposal to establish an SRA office presence in Wales.

If you have any questions about this paper please contact: Jane Malcolm, Executive Director External and Corporate Affairs, jane.malcolm@sra.org.uk, 07813 432583

Equality, Diversity and Inclusion considerations

Consideration	Paragraph nos
Background on the legal sector in Wales, and specific diversity considerations, including use of the Welsh language	3-6
Welsh language developments	12, 16-18
Recognition of the diversity of the community in Wales	22

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Background

- 3 We have worked to deliver our regulatory role in Wales in a way that recognises the status of Wales and meets the needs of the public and the legal community in Wales.
- 4 Around 2.6 percent of the practising solicitors and some 4 percent of the firms we regulate are based in Wales. 1,172 solicitors tell us that they are able to speak Welsh and we issue around 777 practising certificates in Welsh every year.
- 5 Over recent years we have increased our engagement and activities in Wales, for example holding regular consultation events for the public and the profession, small firm events, focus groups, Board meetings and events and meetings with key organisations.
- 6 The Law Society Group, of which we are a part, is not currently scheduled under the Welsh Language Measure 2011. However, we want to meet the needs of Welsh users of legal services, so we publish a wide range of our corporate material in Welsh. This includes our annual review, public engagement charter, Board accountability and transparency statements and web pages on reporting solicitors. We also use Welsh in our social media work.
- 7 The Board discussed our approach to delivering the Solicitors Qualifying Examination (SQE) in Welsh at its September 2019 meeting and agreed that we should seek stakeholder views on the options. We have accordingly been meeting with key organisations in Wales over the last four months, which has been helpful as we work to understand the Welsh legal landscape.

Discussion

- 8 There have been several recent significant developments in Wales in relation to justice and Welsh language policy.
- 9 These include:
 - The final report from the Commission on Justice in Wales, and establishment of a National Assembly for Wales cabinet committee to take forward the recommendations.
 - Divergence of laws in Wales from those in England, and the Welsh Government's plans to codify Welsh legislation.
 - The use of the Welsh language, including the Welsh Government's "Cymraeg 2050: A million Welsh speakers" initiative and the role of the Welsh Language Commissioner.

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- 10 The Commission on Justice in Wales published its final report in October 2019 setting out 78 recommendations. The Commission looked at developing a long-term vision of the Welsh legal sector as increasingly divergent from the English system. It focused on the promotion of the legal services sector in Wales, increasing accessibility for Welsh people, and legal education.
- 11 On regulation, the Commission recommended that the present system where legal practitioners can practise in England and Wales and the legal professions are jointly regulated should be continued. It also considered it necessary for the legal regulators to have accountability to the Assembly, which it suggested could happen by developing a closer relationship with Members.
- 12 The Commission also recommended that all justice bodies should be subject to the Welsh Language Measure 2011, which means that Welsh should be treated no less favourably than the English language in Wales. The Commission noted that all professional legal education for those wishing to practise in Wales must be available in the Welsh language, while recognising that the regulators will have to do this by a phased approach.
- 13 Following the conclusion of the Commission's work, the First Minister of Wales Mark Drakeford AM is chairing a new cabinet-level justice committee to take forward the recommendations within the scope of the Welsh Government, and to oversee discussions with the UK Government.
- 14 There has been a growing debate over the status of the Welsh legal sector due to a growing divergence between English and Welsh legislation. The 2017 Wales Act recognised that there is a body of Welsh law and it established the position of President of Welsh Tribunals, although justice policy remains reserved.
- 15 The Legislation (Wales) Act, which aims to make Welsh law more accessible, clear and straightforward to use, was given Royal Assent in September 2019. The Act paves the way for a codified statute book of Welsh legislation.
- 16 The delivery of services in Welsh continues to be one of the Welsh Government's key priorities. Its strategy – Cymraeg 2050 – aims to achieve one million Welsh language speakers in Wales by 2050, by promoting and facilitating the use of the Welsh language.
- 17 In April 2019, former Assembly Member Aled Roberts became the second person to be appointed to the role of Welsh Language Commissioner. In a debate in the Assembly last year, the Welsh Minister for International Relations and the Welsh language, Eluned Morgan AM, confirmed that the Commissioner will be working with businesses and organisations to increase provision of Welsh language services, as well as leading on implementing the Welsh Language (Wales) Measure 2011. It is also the Welsh Language Commissioner's role to provide advice to organisations on how to comply with the standards set out in the Measure.

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- 18 A key component in the support for the use of Welsh is the Welsh Language (Wales) Measure 2011. A wide range of organisations are scheduled under the measure and it is possible that the regulators and utilities will be scheduled in the near future. The Welsh Language Commissioner Aled Roberts, in [evidence](#) to the National Assembly for Wales Culture, Welsh Language and Communications Committee on 18 September 2019 stated that, in relation to extending the Measure, he had “done some initial work on the water companies, and ... also done some work on some of the utilities and the regulators.”

Developing our work in Wales

- 19 The landscape in Wales is changing. We also have a major programme of work in hand that has particular dimensions in Wales.
- 20 It is important that we monitor and respond to any political and policy changes in Wales and that we play our part in the developing justice discussion. We have significantly increased our activity and engagement in Wales over the last five years. But we will always be constrained by the need to operate from our offices in Birmingham and London, which limits our capacity and ability for appropriate, meaningful and proportionate engagement in Wales.
- 21 We believe that the time is right to increase our presence in Wales through the establishment of a small staffed office. A number of UK regulators have established a formal presence in Wales. These include the Information Commissioner’s Office, Competition and Markets Authority, Equality and Human Rights Commission, Association of Chartered Certified Accountants and the General Medical Council. Feedback from those organisations is positive.
- 22 The advantages of establishing an SRA presence in Wales include:
- Developing a better understanding of the Welsh landscape so that our regulation can be more effective and relevant.
 - A local point of contact for consumers, the profession and stakeholders.
 - More effective management of future changes, for example, any potential inclusion in the Welsh Language Measure.
 - Early and collaborative working on key issues.
 - Additional resource for engagement on the implementation and delivery of the SQE in Wales.
 - A clear and visible commitment to meeting the needs of the users of legal services, the public from every community, the profession and the wider justice system in Wales.

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- 23 In terms of what our presence would look like, we envisage a member of staff with expertise in public affairs and stakeholder engagement, with some administrative support, based in a small serviced office. The estimated costs would be around £100,000 a year, which would form part of our planning for the 2020/21 budget.

Recommendations: the Board is asked to:

- (a) note our increased work in Wales over recent years**
- (b) note recent developments in Wales, including the establishment of a new cabinet committee on justice to take forward the recommendations of the Commission on Justice in Wales, and steps to increase the use of the Welsh language**
- (c) approve our proposal to establish an SRA office presence in Wales.**

Next steps

- 24 If the Board approves the proposal, we will plan ahead for recruitment and establishment of an office in Wales the next financial year.
- 25 We anticipate developing a communications strategy to raise the profile of this new resource for the profession and key stakeholders in Wales.

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Supporting information

Links to the Corporate Strategy and/or Business Plan

- 26 This proposal links closely with strategic objectives four and five. It will help make sure that our regulatory arrangements work as effectively as possible for the public, business and the profession in both England and Wales.
- 27 This proposal will also allow us to develop stronger relationships with stakeholders in Wales, whose views will help us to improve our overall effectiveness, and make sure that we are in the best position to respond to political and policy changes.

How the issues support the regulatory objectives and best regulatory practice

- 28 Our proposal will support the development of close relationships and a better understanding of the legal sector in Wales which supports the regulatory objectives, particularly the protection and promotion of the interests of consumers and encouraging an independent, strong, diverse and effective legal profession. The proposal also improves our transparency and accountability in Wales.

Public/Consumer impact

- 29 The public will benefit from us having a presence in Wales. Increasing our engagement in Wales, including more consumer events and Welsh language publications, would raise our profile among the public and businesses in Wales, as well as ensuring that the public voice is heard when we consult on any policy changes.

What engagement approach has been used to inform the work and what further communication and engagement is needed

- 30 Over recent years we have increased our engagement and activities in Wales, including regular consultation events for the public and the profession, small firm events, focus groups, Board meetings and events and meetings with key organisations.
- 31 Over the last four months we have been in discussion with a range of organisations in Wales on the arrangements for the implementation of SQE in Wales.
- 32 Having a presence in Wales will allow us to engage more effectively in Wales. As part of that, we will raise awareness of any new office.

What equality and diversity considerations relate to this issue

- 33 Having a physical presence in Wales demonstrates our commitment to making sure our regulation meets the needs of the profession and public in Wales,

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allowing us to better understand specific needs of the Welsh population, particularly in relation to use of the Welsh language.

How the work will be evaluated

- 34 We will monitor the effectiveness of our presence in Wales through our engagement with Welsh stakeholders and through our usual performance management.

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