

Rapid Review - Terms of Reference

As part of the Welsh Government's response to the Commission on Justice in Wales, the Counsel General has decided to undertake a review of the Welsh Government's support for the legal sector in Wales in helping to meet current and future challenges including those associated with changing business models, EU transition, technology advancements and capacity building in preparation for potential future developments in the legal jurisdiction.

The review will cover :-

- a) the actions Welsh Government is currently undertaking to support the legal sector in Wales;
- b) what actions are proving to be effective (or have proven to be effective in the past) and what actions are less effective;
- c) what support the legal sector would like to have from the Government;
- d) whether a different approach to public procurement of legal services could facilitate the development of a different type of relationship between the Welsh Government / other public bodies and the legal sector in Wales. For instance, a strategic partnership approach to underpin the evolution of a distinct or separate jurisdiction as opposed to a conventional/limited customer – supplier relationship. Would the sector welcome such a relationship? Also how could this approach or other changes to public procurement policy best serve the aims of the Economic Action Plan;
- e) What constraints (real or perceived) are preventing legal service providers in Wales from winning more public sector work both in Wales and outside;
- f) How can public procurement policy be better used to indirectly facilitate the attainment of social and access to justice objectives through the provision of opportunities that would contribute to more sustainable operating environments for small and rural firms;
- g) whether further collaboration within the legal sector and with other sectors (including the education and training sectors) could support its development;
- h) what support is likely to be effective, to help meet the challenges and opportunities including those associated with:
 - i. Changing business models (including those arising from changed regulations for qualification and practice)
 - ii. EU transition

- iii. advancements in technology
- iv. potential for future developments in the legal jurisdiction.

The review will take the diverse nature of the legal sector (in terms of services and location) into account, and the likely need to tailor WG's support and procurement approach accordingly.

For the purposes of the review, the legal sector is the legal profession (comprising barristers and solicitors), legal executives and alternative service and technology providers.

Objectives

To provide the Welsh Government with:

- evidence to underpin a new policy to provide direct support to the legal sector in Wales, such a policy being bespoke to the sector but set within the context of the Welsh Government's Economic Action Plan;
- evidence to inform a possible new approach to the procurement of legal services in light of the fact that the current pan public sector solicitors framework (let and managed by the National Procurement Service), is due for renewal in 2019;
- evidence to inform a possible new approach to the appointment of Counsel having regard to the current Panel Counsel arrangements supporting the Welsh Government and the framework arrangement established by the National Procurement Service supporting the wider public sector in Wales;
- an assessment of the actions the legal sector can take itself to further develop (including potentially establishing a legal sector centre or brand) and recommendations for how government can use the tools at its disposal to influence behaviour within the sector (including tools such as procurement, potentially promoting near-shoring legal services in Wales and funding legal apprenticeships);
- an understanding in particular of how advancements in technology and other innovation can be used to provide the legal sector in Wales with improved service delivery and build competitive advantage;
- recommendations as to how the legal sector in Wales can promote itself as having specific expertise in relation to Wales; and
- recommendations as to how the legal sector in Wales can increase the exports of legal services beyond Wales.

The Review will also:

- Take relevant reviews previously carried out into account;
- Learn from best practice within the legal sector (or other relevant sectors) within the UK and globally, and take client insight and feedback into account; and
- support delivery of the Economic Action Plan (EAP) and the principles underpinning the Programme for Government : Prosperity for All.