



# Accessible Justice for all

## Breaking down barriers to improve Civil Justice outcomes

### Key Policy Recommendation

**Target funding in three key areas** to improve individuals' access to civil justice, **reducing the need for government spend elsewhere/later down the line**. The three key areas are:

- **Legal Information**
- **Legal Advice**
- **Legal and Alternative Remedies**

Develop a **national, standardised framework**, underpinned by these three core elements.

### The impact of access to civil justice funding

More people than ever before find themselves navigating a legal problem or dispute without the help of a lawyer. This can be **stressful and overwhelming**. Without appropriate guidance or legal capability, the issues become worse, **often triggering a 'cluster' of other social / legal issues**.

**Cuts to funding for legal help and advice is a false economy**: A lack of appropriate advice at an early stage can lead to evictions, escalated disputes, and individuals not receiving payments or other resolutions that they are entitled to, which in turn leads to **increased reliance on public services**. The associated stress can **severely affect individuals' health and wellbeing**.

Access to justice issues are **more likely to adversely affect marginalised communities / individuals**. Poverty, disability and ill-health, as well as a reliance on welfare benefits or social housing, are **factors which are associated with a higher prevalence of legal problems**.

**Targeted funding** at different stages of the civil justice process **can make a significant difference, improving outcomes** for the individual:

- **Early Legal Information** can 'nip problems in the bud' – often people just need access to reliable sources of information on what their rights are and how to enforce them.
- **Early Legal Advice** to a legal adviser, which helps parties understand their rights and take appropriate steps with confidence. This provides the best chance for people to resolve their issue, so it doesn't get worse / trigger other problems.
- Funding to **streamline and simplify the court process** and provide more user-friendly out-of-court resolution services – This would help the larger number of unrepresented litigants obtain a satisfactory resolution to their problems.

## The need for action

If individuals can't find out what their rights are or how to resolve their legal problem, it **undermines the value of the entire legal system**. A key pillar of the Rule of Law, access to justice is being hampered by:

- Insufficient legal aid (publicly funded legal advice and help) for those who need it
- Funding cuts to reliable online resources, putting them in jeopardy
- An under-funded court system, the courts not being set up for unrepresented litigants, and long delays for court and other dispute resolution services.

**Helping individuals to solve legal problems as early as possible helps resolve problems before they become catastrophic, which can save public funds in other areas.** A few examples can illustrate this:

1. A separating low-income couple can't agree on their child arrangements. Neither can afford a lawyer so they are not informed about what the court may decide. The couple struggle to communicate effectively.

This case will likely end up in court rather than a negotiated agreement, causing unnecessary stress to the family and taking up court time. Neither party will receive advice so the judge will have to make a decision without all relevant evidence and could make the wrong decision, adversely affecting the children.

2. A vulnerable adult is being threatened with unreasonable rent increases by their landlord.

There are legal protections in place for tenants in this situation but, without access to legal advice, the tenant is likely to find themselves spiralling into debt and/or the subject of eviction. They may need social housing down the line.

3. A migrant family who are entitled to settle in the UK but have no access to legal advice are trapped in poverty.

They want to work but cannot, so are reliant on public funds. Living in unsuitable conditions, the children struggle with their education, and family members struggle with their mental health due to the conditions.

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## Evidence base

**The House of Commons Justice Committee has made a set of recommendations including substantial legal aid funding for criminal and civil law issues.** These recommendations are echoed and supported by many other organisations within the legal sector.

In our university law clinic dealing with civil legal issues, **we receive many more enquiries than we can deal with, and we have few signposting options for further help when we have to turn people away.**

**Our statistics mirror wider statistics for free law clinic use,** specifically that they are used disproportionately by people from marginalised groups.

In April 2013 the **Legal Aid, Sentencing and Punishment Act 2013 took many areas of law out of scope for legal aid,** affecting individuals with legal problems relating to housing, family, immigration and welfare benefit payments.

This, and subsequent austerity measures have had drastic effects on access to justice:

The volume of legal aid matters has very significantly dropped. **In 2020, 115,912 new legal aid matters were started; 85% fewer than in 2000** (*The Law Society, 'Civil legal aid' 2021*).

Legal Services Board data suggests that **3.6 million people have an unmet legal need involving a dispute each year** (*Legal Service Board and the Law Society, Technical Report (2019/20)*)

Cuts to legal aid led to more people representing themselves in the family courts. **From 2013 to 2020, the number of cases where neither party had a legal representative almost trebled – increasing from 13% to 36%** (*The Law Society*, 'Civil legal aid' 2021).

Citizens' Advice have reported that **for each £1 spent on early advice, between £2.34 and £8.80 of public spending was saved** depending on the type of legal issue (*Citizens' Advice* July 2010)

## Implementation

**Targeted funding in three main areas would improve outcomes:**

### 1. Accessible Information

**People often turn first to online and in-person information resources** when faced with a legal problem.

These resources can provide individuals with enough information and empower them to resolve their own legal issue. Funding for reliable resources must continue, including the development of AI tools.

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### 2. Accessible Advice

Legal information may not be enough; **individuals often lack the legal capability and confidence to apply it to their own legal problem.**

They need legal advice, properly tailored to the individual facts. **There is far less free advice available for individuals who need it than there used to be.** The legal aid system needs increased funding so that people on low incomes can receive legal advice for the wide range of legal problems that they face.

### 3. Accessible Remedies

Many more people than ever before are **using civil courts without a lawyer because they can't afford one.**

Small claims can be made online but the forms are still full of jargon and can be complicated to complete. The court system needs a revamp to make the court process easier to understand and more accessible.

Informal but binding civil dispute resolution services, such as Ombudsman services, can deliver similar outcomes with less complication and stress, and capacity should be increased.

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***For each £1 spent on early advice, between £2.34 and £8.80 of public spending was saved*** (*Citizens' Advice*, 2010)

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***These steps would benefit all parties, decreasing the pressure on the courts, other dispute resolution services, and other public services.***

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## References

**Source:** *Civil legal aid: A review of its sustainability and the challenges to its viability* Law Society Futures & Insight team September 2021, accessible [here](#)

**Source:** *Legal Needs of Individuals in England and Wales Technical Report (2019/20)*, Legal Service Board and the Law Society.

**Source:** *Citizens' Advice (July 2010) Towards a business case for legal aid: Paper to the Legal Services Research Centre's eighth international research conference.*



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