



Addressing Disadvantage in the Administrative Justice System (AJS)

A report by a Working Group of the Administrative Justice Council

Contents

Chair’s Foreword	4
Introduction	7
Background – Procedure Rules, Fairness & Decision-making	8
Definitions and Background	10
Executive Summary	11
Recommendations	13
Approach	19
Call for Evidence Findings	22
Background	22
Barriers – early stages	23
Barriers – process	24
Suggestions for Improvement	30
Wellbeing	33
Part 1 – Barriers to Accessing Justice	42
1. Decision-making	43
2. Understanding the System	47
Public Legal Education	47
Conclusion	54
3. Accessing Legal Advice	55
Legal Aid Deserts	55
Accessing Advice & Support	57
Funding	63
Conclusion	66
4. Navigating the System	67
Procedure Rules	67
Understanding the Process & Communication	70
Cohort specific disadvantage	72
Impact of Modernisation	75
Accessibility of Proceedings	81

Delays	83
Conclusion	84
Part 2 – Staff Wellbeing	86
5. Concerns & improvements for staff wellbeing	87
Increased demand and complexity of problems	87
Recruitment and Retention	91
Supervision & Training	94
Staff requirements and Targets	96
An Organisation’s role in staff wellbeing policy	97
Considering Good Practice	99
Measuring the success of wellbeing policies	99
Conclusion	101
Table of abbreviations and acronyms	102
Annex A – Roundtable Summary	103
Annex B – Legal Aid Desert Maps	108
Annex C – SSCS Online Hearing Notice	110
Acknowledgments	114

Chair's Foreword

In early 2023, the AJC's then Advice Sector Panel raised their concerns to the AJC about an increase in service users presenting to their organisations with complex needs, particularly a surge in individuals with increasingly complex mental health problems. As a result, the AJC convened a Working Group be formed to explore "whether the administrative justice system operates fairly for users whose personal characteristics or circumstances adversely affect their engagement with the system".¹

As our work has progressed, it has become clear that, whilst individuals are presenting with increasing needs, experiencing disadvantage, to varying degrees, is not exclusive to those with particular personal characteristics or circumstances. Experiencing disadvantage is not a minority event; anyone could find themselves facing a dispute and, for a multitude of factors which extend far beyond mental health conditions, be at a disadvantage. Thus, the scope of this Working Group has extended from personal characteristics and circumstances to address all those who may be at a disadvantage whilst navigating the administrative justice system (AJS).²

As we discussed in our interim report, 'vulnerability' has been suggested as a catch-all description. However, it carries a possible connotation that the problem lies with the person who is vulnerable, rather than with the system which has put them at a disadvantage and does not recognise that any one of us could find ourselves unable to properly resolve a legal need. Further, it suggests that an individual is somehow inadequate or incapable of dealing with their situation, whereas the truth may be that they are showing remarkable stamina and ingenuity in coping with very difficult situations.

This report seeks to explore the nature of the barriers faced by individuals and what could be done about them. Further, with individuals presenting with increasingly compounded legal problems and needs, this report seeks to understand the impact on the wellbeing of the staff working in the AJS and how organisations can best support them.

Given the complexity of the AJS, the interrelated and often compounded problems of individuals seeking redress and the, at times recurring, barriers which individuals face, this report is structured to follow the lifetime of a dispute and identify issues at each stage; from understanding a problem may be legal and

¹ See Objectives, in our Interim Report; Addressing Disadvantage Working Group of the Administrative Justice Council, 'Addressing Disadvantage in the Administrative Justice System', (Administrative Justice Council, March 2024).

² The administrative justice system ('AJS') encompasses the procedures, law and systems for resolving disputes in relation to any decision made by an administrative or executive body about an individual

accessing advice to navigating the dispute resolution process itself. Each individual resolution process or jurisdiction will, of course, have their own specific challenges, but this report aims to address the broader, overarching barriers which individuals face. Our approach is therefore to identify the problems in the system that result in disadvantage for users, rather than categorising users' problems and what could be done to mitigate them in AJS.

Our interim report highlighted the change in the needs of users seeking advice, particularly in the complexity of their problems, and resulting advice needs, interrelated health need and digital needs.³ Given our findings, subsequent Call for Evidence and wealth of literature from other organisations, our Barriers Sub-Group, led by Diane Sechi, has moved away from trying to highlight the changes in the needs of users, towards what the barriers are, and what can be practically done.

Our interim report also discussed staff wellbeing. Despite advice organisations and individuals working hard to meet the changing needs of users, there are a number of difficulties which have resulted in an overstretched sector, whose staff are struggling to cope. Since the interim report, the Working Group's Wellbeing Sub-Group, led by Rebecca Wilkinson, having established that advisors' wellbeing is being impacted, set about trying to find out how organisations can support staff wellbeing and how they measure the efficacy of such support.

In parallel to our work, the AJC's Working Group on Digitisation, chaired by Caroline Sheppard OBE, has been evaluating the impact of the HMCTS Reform Programme on the efficacy of Tribunals. While our report does address the impact of modernisation as a source of disadvantage, for the fullest picture of this, the final reports of both working groups should be read in conjunction, and their recommendations considered together.

I would also like to take this opportunity to thank the Working Group for their dedication and work on this project. All members of the Working Group have volunteered to take part in their own time and have dedicated hours attending meetings and focus groups, analysing results and drafting both our interim report and this one. All those involved have shown such enthusiasm for our task and a real commitment to improving the system for all of its users – I do hope this shines through in the report. We are particularly indebted to Diane Sechi and Rebecca Wilkinson, who led our Sub-Groups, interviewed stakeholders and devoted their valuable professional time and experience to the project.

³ Ibid, 7.

This report would also not be possible without all those who we have engaged with during the lifetime of the Working Group: from organisations also working on these issues and attendees at our Roundtable event to respondents to surveys and the Call for Evidence. Each contribution was valuable.

Throughout the creation of our recommendations, the Working Group has been very keen to ensure that they are practical, effective and grounded in the reality of the sector. Disadvantage in the AJS has always been present, but this report indicates that the situation has been steadily growing worse. We hope the issues we raise illustrate that action is necessary and that, over time, these recommendations can benefit not only those disadvantaged by the system but all users of the AJS.

Finally, my huge thanks and gratitude to Heidi Bancroft and Mairi Hendry, who have made the whole thing possible through their efficiency, expertise, clarity, determination, good humour and tact; their brilliant example of calmness and cheerfulness under pressure; and their firm determination not to take no for an answer.

Lucy Scott-Moncrieff CBE

Chair of the Working Group

Introduction

The administrative justice system ('AJS') encompasses the procedures, law and systems for resolving disputes in relation to any decision made by an administrative or executive body about an individual. This is a broad remit, covering many decisions which a government body or local authority may make about someone, including special educational needs and disability (SEND) appeals, benefits assessments, immigration and asylum decisions, healthcare and housing. These systems and procedures for resolving disputes are also varied and encompass many tribunals and ombudsman schemes. It is not controversial to say that many individuals' first experience with a legal dispute will be an administrative justice matter. It is therefore in the interests of the reputation of our legal system, as well as for the individuals concerned and the reputation of the government department which made the decisions being challenged that the AJS provides a fair process and just decisions.

While many organisations and government bodies are trying, and often succeeding, to improve the experience of those who may be at a disadvantage, there is much more to be done to ensure that everyone has the best possible chance of achieving this. Part 1 of this report seeks to explore the nature of the barriers faced by individuals and what could be done about them. Further, with individuals presenting with increasingly interrelated and compounded legal problems and needs, Part 2 of this report seeks to understand the impact of this on the wellbeing of the staff working in the AJS and how organisations can best support them.

This report is structured to follow the lifetime of a dispute and identify issues at each stage; from the initial administrative decision by central or local government; understanding a problem may be legal; and accessing advice to navigating the dispute resolution process itself. Each individual resolution process or jurisdiction will, of course, have its own specific pinch points, but this report aims to address the broader, overarching barriers which individuals face

The strong support for justice within the Rules is also reiterated in the Equal Treatment Bench Book, discussed in our interim report and recently updated in May 2025. The Equal Treatment Bench Book aims to provide judges with the information they need to ensure parties and witnesses can participate fully, so that the interests of justice are served for every individual who raises a dispute.

Background – Procedure Rules, Fairness & Decision-making

Of course, it is possible for unfairness to occur in any dispute resolution, for example, where evidence is unavailable or a party is not willing to take a meaningful part in the process. However, the situations we describe in this report, articulated vividly in our Call for Evidence, and reiterated in similar literature, indicate that, far too frequently, the system is unfair to those who cannot use it effectively.

Most disputes within the AJS are dealt with by specialist tribunals. Each of these tribunals has its own procedural rules ('Rules'). Disputes in the AJS can also be dealt with by ombudsman schemes, which are governed by their own rules. Rules govern how Tribunal cases are processed and listed and what the parties are required to do during the lifetime of the dispute. The Rules are law, and it is for judicial office holders to interpret and determine whether they have been complied with. For all tribunals, the Rules start by emphasising that their overriding objective is to deal with cases justly. The Rules also require the parties to help the court to further the overriding objective and are clearly intended to apply to the preliminary processes of the tribunal, as well as in the conduct of hearings. Each set of individual Rules set out examples of the matters to be considered when trying to achieve the overriding objective of enabling the tribunal to deal with cases justly, yet nonetheless it seems that this is often not achieved.

In order for the AJS to fulfil its role, individuals must have effective access to it: without access, it risks becoming a dead letter. In the AJS, the complexity, monetary value or legal questions raised are not always the best indicators of importance as relatively simple or low value claims can be of huge importance to the claimant. Whilst some disputes might raise broader issues of public interest, faith in appeals and dispute resolution processes is vital to both the individuals and society.

It is also worth emphasising that the best way of reducing the disadvantage faced by individuals is to improve the initial decision-making of the public body⁴. This would relieve pressure on the AJS and prevent individuals needing to resolve a dispute in the first place. Additionally, although there are a large number of disputes raised, there are an unknown and unknowable number of individuals who choose not to

⁴ By first instance, we mean by the public body decision-maker and not decisions made by First-tier Tribunals or ombudsman schemes.

challenge possibly incorrect decisions or abandon challenges during the process.

In recommendation 1 and Chapter 1 under ‘Decision making’, we propose developing methods to raise awareness of the consequences of incorrect departmental or local government decisions, including internal review decisions, not only on the individuals directly affected, but also on the budgets of decision-making bodies and other public services and organisations, such as the NHS, which have to deal with the fall out.

We suggest that the tech teams of large law-firms committed to pro bono may wish to develop feedback mechanisms for individuals and their legal advisers. Feedback opportunities should not only be available for those who have appealed a decision through to judgment, but also for those who have not appealed, despite having good grounds, and those who have abandoned their appeals, as their reasons will provide valuable feedback to those tasked with making procedures more user-friendly.

Feedback would allow the decision-makers, for instance local education authorities, the DWP and the Home Office, to improve the service they provide, and we expect that the budget holders in the organisations having to deal with the consequences of incorrect decisions, such as the NHS, schools and local housing authorities, would make sure the decision-makers understood the extent of the consequences of their erroneous decisions. If this resulted in better decision making, it would save public money as well as reducing harm to the individuals affected.

Lastly, the status of the courts as a public service, and the right for individuals to have decisions about them made correctly needs to be promoted widely; highlighting the Tribunals’ overriding commitment to justice could improve the confidence of individuals thinking of challenging a decision and encourage potential appellants to seek help or adjustments in the pursuit of a just process, which they, as a party, have a role in promoting. The Procedure Rules section on p 67 explains these ideas further.

Definitions and Background

In order to ensure clarity and consistency in our report, it is crucial to define some terms at the outset.

We refer to the Administrative Justice System (AJS) throughout the report. When we refer to the AJS, we mean the different dispute mechanisms and organisations that assist users through the redress process when they believe a public body has made an incorrect decision. For this report, we focus predominantly on First-tier tribunals, public ombudsman schemes and organisations that provide advice or representation to users. By users, we mean appellants or complainants. The advice sector or advice organisations are organisations such as charities, other organisations, law centres and law firms that provide advice to users on their legal rights and how to pursue their dispute.

In this report, disadvantage is defined functionally. If the AJS has produced an incorrect decision, been unfair, or the redress process has prevented the individual from participating fully or to the best of their ability, that individual has suffered disadvantage. Additionally, there are those who have been disadvantaged before either a process or outcome has occurred, as they could benefit from using the AJS but do not do so, because of a lack of awareness, lack of confidence in a just outcome or some other reason. Conversely, someone who has the legal awareness to understand their problem and the legal knowledge to raise a dispute, may become disadvantaged due to effects of the incorrect decision which led to the dispute and without proper assistance, and will certainly be disadvantaged if they give up on this dispute before resolution.

Disadvantage can also come in many forms, be present at some or all stages of a dispute and might be somewhat mitigated through proper advice and support. For example, someone who may traditionally be thought of as being at a disadvantage may be at a disadvantage when trying to assess whether their problem is legal, but once they have had help from an experienced advisor, they may not face disadvantage in navigating the system, but could be at a disadvantage again during hearings, for example, due to a lack of understanding by the tribunal of the particular adjustments they need.

Throughout this report, we discuss individuals' awareness of the AJS, their right to appeal a particular decision and their ability to navigate the system. Where we refer to 'legal awareness', this means an individuals' understanding of when a problem is legal, awareness of one's rights and knowing that resolution is possible through appeal or referral. Where we refer to 'legal knowledge' this means the ability to access and understand resources and advice, complete forms, submit evidence, use technology and participate fully in the resolution process. We have intentionally kept these definitions broad in order to encompass the varying degrees of awareness that any one person, at any stage of their journey, can or needs to hold.

Executive Summary

This report sets out the findings and recommendations of the AJC's Working Group on Addressing Disadvantage in the AJS. It explores the barriers faced by individuals who experience disadvantage in the AJS due to personal circumstances, characteristics, or systemic factors. Drawing on fieldwork, stakeholder engagement and a Call for Evidence, we aim to identify the key challenges faced by users and proposes practical, co-ordinated solutions to improve outcomes for users and strengthen the system as a whole. We also look at the impact of the system on staff.

Initial Decision-making by central and local government

This report begins with a discussion of initial decision-making. Receiving an incorrect, or potentially incorrect, initial decision from a government department or local authority is the first point where an individual will make contact with the AJS if they are considering challenging the decision. The AJS is, by its nature complex, and whilst measures can be taken to mitigate the difficulty navigating the process, as discussed later in the report, the most impactful measure that can be taken is to reduce the overall number of disputes reaching the AJS through improved initial decision-making. This initial discussion explores the ways in which departmental and local government decision-makers can reduce flawed decisions and others can help them to do so.

Understanding the System

The first barriers identified by the Group are a lack of legal awareness and legal knowledge.⁵ Many individuals do not recognise their problems as legal in nature, are unaware of their rights, do not know that redress is possible and do not know where to start. This lack of awareness is particularly acute for those facing multiple and interrelated problems. Our first section highlights the need for co-ordinated public legal education (PLE), both 'just in case', through school-based education, and 'just in time', through targeted support at the time of need, to ensure individuals are equipped to identify legal issues and seek assistance. Recommendations arising from this section form the basis of our theme of 'knowledge' and include recommendations on improved signposting, embedding legal advice in community settings and guidance.

Accessing Legal Advice

Once an individual has identified their problem is legal, accessing legal advice to take steps to resolve it is challenging. Legal aid deserts, fragmented services, digital exclusion and limited capacity in the advice sector contribute to unmet legal need. The report finds that individuals are often referred between oversubscribed services or find it difficult to access ongoing support, which can delay resolution and increase what is already a stressful situation. Our recommendations here advocate for increased funding for the advice sector, better co-ordination between services, and the embedding of legal advice in community settings with a view to ensure that access to the AJS is effective and not illusory. Innovative

⁵ Please see specific definitions in the Introduction.

models such as co-located services and health justice partnerships are also recommended to reach individuals who may not recognise their problem is legal or seek help directly. Without such support and advice, individuals are left navigating complex systems alone. We would expect the cost of this to result in cost savings elsewhere in the AJS and across publicly funded services.

Navigating the System

Many users, particularly those at a disadvantage or without representation, find navigating the dispute resolution process opaque, intimidating and complex. Poor communication, inaccessible guidance and digital processes that exclude some cohorts exacerbate these challenges. Our recommendations call for clearer, jurisdiction-specific guidance, easy to read communications in different formats and languages, and increased awareness of the needs of users across tribunals and ombudsman schemes. By improving the usability and responsiveness of the system, we can ensure that all users can participate fully and fairly. We see an important role for respondents to assist appellants, in line with their obligation to further the overarching objective set out in the Tribunal Rules and in recognition of the responsibility of government to ensure that people get the services to which Parliament has decided they are entitled.

Resources

The Working Group understands that more funding may not be a high enough priority for the government to increase funding, but it believes it would be failing in its duty to uphold the rule of law if it did not continue to make the argument where appropriate. The group has suggested funding increases, including for legal aid. Two recent speeches highlight the importance to the rule of law of professional advice, the first by Lord Neuberger of Abbotsbury, former president of the Supreme Court and former Master of the Rolls, who criticised the failure of successive governments to increase legal aid rates in line with inflation; and the second by Sir Andrew McFarlane, President of the Family Division, who stated that cuts to legal aid had contributed to backlogs.⁶ The Working Group recognises the importance of legal aid to assist users to make an appeal to the tribunal and recommends the implementation of the government's plans in 2023 to widen legal aid eligibility in the legal aid means test to allow more people to access legal aid. The decline of legal aid providers had led to advice deserts and recruitment and retention issues in the sector. Funding is also essential for the advice sector to support individuals unable to access digital information and digital services. If improved access and support results in more people getting the services the state has legislated they should have, this will further encourage good decision-making in relevant public bodies, as the consequences of making mistakes will be more expensive for them than presently. We also think it likely that increases in funding to improve access and efficiency will be set off, to a greater or lesser extent, by savings elsewhere in the AJS and other publicly funded services.

Staff Wellbeing

The wellbeing of staff working within the AJS is critical to its sustainability and efficacy. All staff working on the frontline of the AJS are facing increased pressures, rising caseloads, complex needs, precarious

⁶ The Law Society Gazette, Family President hands in his notice as he highlights value of solicitors, (October 2025): <https://www.lawgazette.co.uk/news/family-president-announces-departure-as-he-highlights-value-of-solicitors/5124924.article>

funding and emotionally challenging topics. These challenges effect the individual wellbeing of each member of staff but also have a wider effect on the quality and availability of the services they provide. The report calls for wellbeing to be central to an organisation's practice, supported by appropriate funding structures, supervision, training and leadership. Whilst our recommendation is aimed at a structural level, through increased funding, incorporation of wellbeing into funding structures and recognition of the government as custodian of the AJS, this section of the report also provides insights for organisations aiming to improve their staff's wellbeing and questions they can ask themselves whilst doing so. Further, these recommendations link to wider difficulties in the AJS, as mentioned above, and the positive impact that improvements in other areas of the AJS could have on staff wellbeing.

Recommendations

The report makes recommendations which have been developed in response to the key findings of the Working Group, as outlined in this report. We have set them out using the same headings as above, but of course, many will be relevant across sections

The recommendations aim to address the challenges outlined, enhance good practice and support the delivery of good outcomes for service-users throughout the AJS. Elements of these recommendations may encompass practices which are already being addressed or adopted in the sector – these recommendations should be viewed as reinforcing this work and offering a shared direction for continued progress. Additionally, while individual recommendations identify who would be responsible for implementing them, some recommendations will require cross-departmental, cross-sector or organisational co-ordination or engagement and we invite all those named or otherwise engaged in the AJS to commit to the implementation of the recommendations that speak loudest to them.

Our recommendations are addressed to those who have a duty to provide a fair and effective AJS and to ensure that the wellbeing of those working in the AJS is adequately supported. However, we hope that all those who have interest in achieving this, not just civil servants, judges and administrators, but also advisers, users, academics, students and anyone else who pursues justice, will find suggestions and ideas in our report that will help them in their endeavours.

The wellbeing recommendation in Part 2 is aimed at organisations within the AJS, who have a duty to support staff wellbeing in order for them to be able to cope with the demands of their work, assist those navigating the AJS effectively and ensure sustainability of the sector. We also hope that all those committed to this aim will find helpful information and ideas in the report. The AJC will consider picking up some of these recommendations for future work streams which will work towards tangible outcomes.

We have not costed our recommendations as we do not have the resources to do so. They are not intended to increase costs to the AJS, but, rather, to reduce the number of incorrect decisions that are bound to succeed if appealed, and to streamline the process of appeal and the time it takes.

Initial decision making by central and local government

Recommendation 1: We recommend stakeholders collaborate to design and create effective feedback tools so that initial decision makers can be better informed about the consequences of their incorrect decisions and subsequent cost to claimants and other public services. This could be done by way of online feedback forms completed by service users and their lawyers, and the information should be made available to researchers and policy makers. In the longer term, there may be scope for these decision-making departments to contribute to the cost of the AJS, which would further incentivise better initial decision-making by them.

Understanding the system

Recommendation 2: We recommend that public legal education is encouraged through both public and private sector efforts through education and at a community level. There is a widespread lack of understanding of legal problems and appeal routes outside the legal sector. Education initiatives should include information on local authority obligations, the tribunal system and ombudsman services, as well as generic rights-based education. Both adult education and education for children, including in the national curriculum, should be conducted to support current and future needs. We welcome initiatives such as the Public Legal Education Group, recently set up by stakeholders in this field, undertaking this work – and the Attorney General’s Office’s continued involvement in the group. University law clinics, which are now prevalent across England and Wales, and local organisations, also have a role to play in public legal education, as well as the provision of pro bono advice.

A separate piece of work on raising awareness of people’s rights and how to seek redress should be undertaken by **the MoJ working collaboratively with local organisations to disseminate information on legal support and rights at a community level and in a variety of languages.** For example, in libraries, GPs’ surgeries, faith centres, community and youth groups. Information should be tailored to local needs and aimed at different levels of understanding. **Clear guidance on different resolution pathways, such as ombudsman services and tribunals, is essential for individuals to access the most appropriate pathway for them.**

Recommendation 3: We recommend funding, investment and collaboration between public bodies to enable services to deliver integrated and end-to-end support and to ensure that signposting to advice organisations takes account of their limited capacity. The resources of advice services will vary over time and signposting is ineffective where organisations do not have capacity to take on more clients. There is an opportunity for technology teams within the legal sector to design a service pro bono which indicates a particular organisation's live availability.⁷

Early support for accessing online information and digital services, such as those provided by We Are Group, should be more widely available, expanded and embedded in integrated services. This would bridge the gap between accessing information and receiving advice. Any digital strategy by the MoJ or HMCTS must, as a matter of access to justice, address alternative provision for those who cannot access digital processes.

Recommendation 4: We recommend addressing existing complexity and inefficiency in the network of ombudsman schemes through the creation of a national Public Services Ombudsman for England who can drive systemic improvements to public services and help to restore public trust and the belief that failures will be put right.⁸ In addition, we recommend the removal of the MP filter for complaints to the Parliamentary and Health Service Ombudsman which would increase access to this form of dispute resolution.

Accessing legal advice

Recommendation 5: Legal advice services should be embedded in community settings, with an emphasis on local advice provision. Health Justice Partnerships and the co-location of services have demonstrated successful outcomes for clients. Integrating advice services into a variety of settings would provide clients with a more holistic service and address complex legal problems more effectively. Collaborative approaches should be appropriate and responsive to individual communities' needs and preferences. Successful models such as Bromley Well and Wandsworth Partnership Refernet provide examples of confidential referral systems which ensure individuals only have to explain their problem

⁸ Kirkham, R., Gill, C., (Eds), A manifesto for ombudsman reform, (2020, Springer International Publishing).

once.⁹ **Cross-department and organisation funding models should be considered by the MoJ to provide support for such services.**

Navigating the system

Recommendation 6: In pursuit of the overarching objective in Tribunal Procedure Rules to deal with cases justly, the parties should collaborate to minimise delay and make it more likely that a case can be fully prepared by the first hearing, which can then be effective. Respondent bodies and advice services will have important roles to play in devising protocols to achieve this.

Recommendation 7: Communication by HMCTS and ombudsman schemes should be improved to increase users understanding of the dispute resolution process in the following ways:

- a) Guidance on the process of tribunal and ombudsman resolution should be jurisdiction-specific and, where appropriate, tailored to individual hearing centres and ombudsman schemes.**

Individuals find it difficult or stressful to enter proceedings not knowing what to expect.

Individual departments should ensure that communications are accessible, clear and readable to reduce barriers to participation.

- b) All forms and communications from tribunals and ombudsman schemes should be written in plain language and should provide explanatory materials alongside them.** This will reduce both the barriers faced by users to lodge an appeal and understand the appeal proceedings and outcome. **All tribunal and ombudsman communications, including template decision letters and forms, should be drafted collaboratively with experts employed to ensure they are accessible, and standards are met across the system.** Explanatory materials should be available in multiple formats, such as written guides and videos, to help appellants complete forms accurately and confidently.

- c) Tribunals must ensure appellants are regularly communicated with about their appeal, particularly where there are long delays between lodging an appeal and having a hearing.**

Even when no updates are available, intermittent contact should be maintained as individuals

⁹ See, Bromley Well, 'Get Support' (Bromley Well, 12 March 2025); Citizens Advice Wandsworth, 'Wandsworth Partnership Refernet System', (Citizens Advice Wandsworth).

find it stressful or think something has gone wrong when waiting long periods of time between communications.

Recommendation 8: The burden on appellants to request and justify reasonable adjustments should be reduced. Where reasonable adjustments for disabilities, as well as to mitigate access to justice concerns, are low cost or easily implemented, there should be a presumption of facilitating these. All relevant training of ombudsman and tribunal staff should take account of the Equal Treatment Bench Book and communicate what adjustments can be facilitated easily at their estate and remotely. We recognise that some tribunals are already leading the way with ensuring appellants are able to access the system, but that further work is needed to ensure this good practice is standard.

Resources

Recommendation 9: The MoJ should increase funding and service provision for the advice sector to support individuals unable to access digital information and digital services. Barriers such as a lack of equipment, connectivity, digital literacy and trust in online information and systems effect a variety of cohorts, including those not traditionally thought of as disadvantaged. There is a need for funding of in-person services and help to use technology, for those who wish to use digital processes.

Recommendation 10: We recommend that the government's proposed plans in 2023 to widen legal aid eligibility in the Legal Aid means test should be implemented urgently. The legal aid means test hasn't been updated since 2009 and prices since then have risen by 40%. Therefore, fewer people are eligible for legal aid and do not have representation to help them through a complex system. This is particularly acute in areas such as housing and asylum and immigration. In addition, bringing other jurisdictions into the scope of legal aid funding would assist the most vulnerable in society to resolve their legal issues.¹⁰

To immediately mitigate the impact of 'legal aid deserts', consideration as to the regulatory position of remote and travelling advice clinics should be undertaken. We welcome the MoJ's recent increase to legal aid fees in housing and immigration and asylum but more needs to be done to improve the sustainability of the sector. **An increase in legal aid fees, in conjunction with initiatives to promote recruitment and retention, is needed to ensure sufficient advice services in underserved regions and**

¹⁰ Ministry of Justice, 'Access to vital legal support extended to millions of vulnerable people', (Ministry of Justice, 25 May 2023); The Law Society, 'Legal aid means test review', (The Law Society, 1 July 2025).

jurisdictions. In addition, the **promotion of social welfare law as a career pre-qualification is crucial to encourage more people into the sector.** This could be achieved in a variety of ways, such as amending the Solicitors' Qualifying Examination (SQE) to include social welfare law and increasing the teaching of social welfare law in undergraduate law degrees.

Supporting Staff Wellbeing

Recommendation 11: Wellbeing should be an intrinsic element of organisational practice across the administrative justice system. Existing local and central Government funding structures should embed wellbeing assessment into the provision of grants and funding criteria. It is important that both the presence and the efficacy of wellbeing policies are assessed to reduce ineffective, 'box-ticking' initiatives. Where possible, assessments should be data informed but, where organisational makeup prohibits this, trial-and-error should be supported. This should take into account that good practice will look different to individual organisations, their needs, type of service, size and opportunities to measure success. **Good practice for wellbeing policy will look different to each organisation – questions of the efficacy of their wellbeing policies by funders should look holistically at the organisation.** In addition, **the government should work with advice organisations to improve resourcing, workloads, training and funding.** Where wellbeing is not addressed, the cost of this is felt by organisations elsewhere, such as in high staff turnover, and by other public services, such as the cost to NHS services and statutory sick pay.

Approach

Throughout the course of this Working Group, our approach has been varied. Our fieldwork has taken the form of two small-scale surveys, focus groups, evidence-gathering meetings, a roundtable event and a Call for Evidence.

Our first two, small-scale surveys were designed by members of the Working Group. The first survey, carried out in June 2023, was aimed at advice representatives working in the AJS. This survey aimed to discover whether representatives were seeing more clients presenting with behaviours or disclosing mental health conditions or difficulties and, if so, what the impact was on how representatives carried out their work. Lastly, this survey aimed to establish whether the increase in distressed clients was having an impact on staff wellbeing. All respondents were invited to a voluntary focus group which aimed at gathering a deeper understanding of the experiences of frontline workers in the AJS. The second survey, carried out in January 2024, was undertaken by a pro bono lawyer, and member of the Working Group, during face-to-face interactions with service users who attended a Law Centre for advice. These questions focussed on gathering information on users' health, significant life events, digital capabilities, and experiences navigating the AJS. The results of both surveys have been utilised by both this and the AJC Digitisation Working Group and are presented in the Interim Report.

The Working Group undertook a Call for Evidence, in conjunction with the AJC Digitisation Working Group. The Call for Evidence was aimed at advice representatives, advisors, community-based organisations and anyone else who assists individuals in resolving disputes in the administrative justice system. The analysis of this Call for Evidence can be found in the next section and is referenced throughout this report. Follow up correspondence and evidence-gathering meetings were conducted with a small number of respondents to garner further information.

The Working Group also held a Roundtable event in March 2025, chaired by Mr Justice Sir Robin Knowles. The Roundtable, which focussed on the theme of collaboration, contained presentations from Dr Lisa Wintersteiger, CEO of Law For Life, on understanding local legal need and supporting early intervention; Professor Dame Hazel Genn, Academic Adviser, and Shiva Riahi, Deputy Director (Projects), at UCL Centre for Access to Justice on Health Justice Partnerships and Kirsty Jacobs, Head of Legal Support Policy, and Toby Elliott, Legal Support Strategy Team Lead, at MoJ on the MoJ Legal Support

Strategy. Each presentation was followed by a discussion session on the issues raised. Attendees also heard from a service user on their perspective of navigating a dispute.

In addition to these formal methods gathering information, the group's Chair, the AJC Secretariat and members of the Working Group have identified and engaged with various stakeholders. Since the interim report¹¹, these have included mental health advice organisations; legal advice organisations; the Advice Workforce Development Fund; Catriona Filmer, Fieldfisher and Advice UK.

Our Working Group is made up of a variety of professionals in the sector, as well as experts in similar or adjacent sectors. Members of the Working Group following the Interim Report members are as follows:

- Lucy Scott-Moncrieff CBE (Chair), Managing Director, Scott-Moncrieff and Associates Ltd
- Rebecca Wilkinson (Wellbeing Sub-Group Chair), Chief Executive, LawWorks
- Diane Sechi (Barriers Sub-Group Chair), Senior Pro Bono Solicitor, Simmons & Simmons
- Richard Miller, Head of Justice, Law Society
- Sarah Scott, Assistant Director of Engagement, Parliamentary and Health Service Ombudsman
- Prof. Naomi Creutzfeldt, University of Kent
- Dr Alexandra Murray, Research Fellow, Birkbeck University
- Stephen Buckley, Head of Information, Mind
- Shyam Popat, COO, Advocate (until September 2025)
- Lindsey Poole, Director, Advice Services Alliance
- Rachel Stalker, Solicitor & Reader in Clinical Legal Education, Liverpool John Moores University
- Lyndsey Humphries, formerly Head of Training and Consultancy, Money Advice Trust (until June 2025)
- Heidi Bancroft, Secretary to the Administrative Justice Council
- Mairi Hendry, Assistant Secretary, Administrative Justice Council (Secretariat)
- Toby Elliott, Legal Support Strategy Team Lead, Ministry of Justice (Observer)

This is a report of the Working Group and its recommendations should not be seen as representative of the views of AJC members, its Chair or individual members of the Working Group or their organisations.

¹¹ A list of stakeholders engaged with prior to the Interim Report can be found in the Interim Report; Addressing Disadvantage Working Group of the Administrative Justice Council, 'Addressing Disadvantage in the Administrative Justice System', (Administrative Justice Council, March 2024).

There are, of course, limitations to our engagement. Most notably, it has proven challenging to gather direct input from service users in a project of this scale. Whilst the experiences of our Working Group, some of which engage directly in pro bono representation or advice provision, along with the testimonies and data gathered by other organisations have informed our thinking, the absence of our own, robust data is a recognised limitation. As we discuss throughout this report, there are also many individuals who, for several reasons, do not seek redress through the AJS. Whilst this report has drawn on studies which aim to quantify this population and understand the numbers with unmet legal need, we recognise that these will have their own limitations. As a result, this report may not fully capture the nuances of those most affected by the administrative justice process and we would welcome further work to make these perspectives heard.

Call for Evidence Findings

Background

The AJC sent out a Call for Evidence in February 2025. The Call for Evidence aimed to gather responses from representatives, advisors, community-based organisations, and anyone else who assists people in resolving disputes in the administrative justice system. The call was carried out in conjunction with the AJC's Digitisation Working Group and included two sections; the digitisation of tribunals and addressing disadvantage in the administrative justice system.

The call received 48 responses, with 42 giving evidence to the addressing disadvantage section of the survey. Respondents had a range of experience in providing advice and/or representing appellants in the Social Security and Child Support Tribunal ('SSCS'), the Immigration and Asylum Chamber ('IAC'), the Asylum Support Tribunal ('AST'), the Employment Tribunal ('ET'), Criminal Injuries Compensation Tribunal ('CIC'), the Special Educational Needs and Disability Tribunal ('SEND') and the Property Chamber.

This section sets out the key findings from responses to the Call for Evidence. Firstly, in relation to the barriers facing appellants and the suggestions for solutions that could mitigate these barriers. Secondly, in relation to the training and wellbeing measures being provided by organisations in the AJS.

While the Call for Evidence has provided us with valuable insights into the experiences of those at a disadvantage in the AJS, it is important for us to recognise its limitations. Given the breadth of the AJS, a relatively small sample size, and higher rates of participation in some jurisdictions, this evidence cannot fully represent the diversity of experiences of those who have navigated the AJS. Additionally, some experiences will not have been captured in the Call for Evidence due to barriers of access, such as awareness of the Call for Evidence itself. As we noted in our 'Approach' section, those without assistance on their journey through the AJS are a difficult to reach population and are underrepresented in the Call for Evidence responses. There are also individuals who will not be represented at all, such as where barriers have resulted in individuals not engaging with the AJS at all or awareness that this Call for Evidence related to their experiences. This is not to diminish the value of these responses but serve as a reminder to us to interpret their results with care.

Barriers – early stages

Respondents described many common challenges that presented barriers for those attempting to contest an initial decision or resolve a dispute.

Respondents identified that, prior to engaging in the administrative justice process itself, the following factors presented barriers for people seeking to contest an initial decision or resolve a dispute.

- Limited or no understanding of what the AJS is, not being aware of its existence until they have a dispute, not understanding what they might need to do to navigate the process, or where to get advice.
- Poor communication or lack of engagement from initial decision-makers in early stages. For example, Call for Evidence respondents in SEND cases reported, Local Authorities not responding to parents when attempting to resolve an issue and not providing information until the case reaches the tribunal.
- Fear and ‘burn out’ due to difficult interactions with initial decision-makers, including Local Authorities, the Home Office, the Department for Work and Pensions, or an employer.
- Lack of legal aid available to some appellants, or a lack of understanding about how to access it if they are eligible, and a lack of available legal aid professionals.
- Individual underlying issues that make engaging with the process difficult, such as a lack of financial resources; lack of time to deal with lengthy administrative processes; limited English language and literacy levels; limited or no access to technology; and trauma, mental health issues, learning disabilities, and other health conditions/disabilities.
- Some appellants may also have to contend with engaging with the legal process in an unfamiliar language, lack of legal awareness, and have little or no informal support networks – these issues are particularly acute in IAC and AST.

The relationship between appellants and the respondent departments was also described as challenging. Processes were described as obscure and difficult to understand. One advisor¹² noted that

¹² Respondent 56 LA Advisor, SEND.

they encountered ‘bad faith’ behaviour on the part of local authorities, which undermined trust in the process and pushed people unnecessarily into AJS.

An advisor¹³ for IAC and AST cases stated that individuals:

“...are also afraid - they have usually had a poor experience with the Home Office for their initial claim and fear being detained or removed. Any interaction with state bodies is therefore quite challenging and traumatic”

As well as being afraid, advisors found that some groups are particularly vulnerable. One respondent¹⁴ detailed this in IAC:

“...most of the people I advise do not speak English, might be illiterate, are technically challenged, do not understand immigration law in the slightest and lack confidence or knowledge to ask questions or seek out information”

Another advisor¹⁵ in SSCS cases felt that there was a lot that could be done to help potential appellants to understand a process that was completely unfamiliar to them.

“Information provided by e.g. the DWP regarding appeals should be provided in plain English and other languages. There should be wider availability of appealing online. The tracking system does not always function properly. Many are digitally excluded, do not have English as their first language and/or are not fully literate in English”

Barriers – process

In addition to the factors identified by respondents above that make it difficult for appellants to embark on the initial stages of any AJS process, survey respondents also highlighted a number of issues with the AJS process itself that presented barriers. These barriers included:

- Confusion about what the process is for, what they might be able to get out of it, or what are the limits of tribunal decision-making and possible outcomes.

¹³ Respondent 71 advisor & representative, I&A/AST.

¹⁴ Respondent 63 advisor, I&A

¹⁵ Respondent 38 Representative, SSCS

- Lack of knowledge about where or how to get advice, support or legal representation. Lack of knowledge about legal aid and a lack of available practitioners, if eligible.
- Having to rely on charitable organisations with limited resources to provide advice and representation and often having to navigate the system alone and unrepresented, if support is not available.
- Poor understanding of the AJS, fear of the initial decision-maker and feeling criminalised by the process, particularly for those contesting a benefit decisions or asylum claims.
- Tribunal communications and evidence in complex language, not in plain English and only available in English (not translated into other languages).
- Appellants being overwhelmed by the appeal bundle and the amount of documentary evidence.
- Pre-existing underlying difficulties continuing to present issues for appellants, such as learning disabilities, health conditions and disabilities, financial issues, lack of access to digital technology, and limited English.
- Stress, anxiety and financial hardship due to delays and lengthy processes (particularly benefit decisions, asylum support and asylum claims).
- Anxiety, trauma and ill-health not being well understood or supported by the tribunal service.

Personal Characteristics & Circumstances

Respondents highlighted that many of their clients had underlying health conditions, disabilities, and limited English language and organisational skills that present significant barriers to them engaging with the AJS.

One advisor¹⁶ stated that:

¹⁶ Respondent 37 Advisor and representative, SSCS

“...health conditions will result in low energy, lack of focus or concentration, poor memory/brain fog, limited comprehension, literacy, numeracy, confidence and ability to navigate online applications and procedures. Visual impairment and limited dexterity will impede ability to access online procedures. Anxiety will prevent engagement generally and this will be heightened by the fear of payment of benefit being stopped. [...] Vulnerable clients are completely overwhelmed by the whole process and will not proceed on occasion which triggers safeguarding concerns for the client e.g. self-harm or neglect due to lack of money for basic necessities”

Similar mental and physical health issues were common in responses from those working in SEND tribunals, with an advisor¹⁷ noting that:

“there is a range of parental need, such as English as an additional language, poor parent mental health such as anxiety, depression and suicidal ideation, parents that have learning needs themselves or medical conditions that cause a barrier to them participating effectively”

Lack of legal awareness and legal knowledge

A key barrier identified by respondents that cuts across all stages of AJS processes was a lack of legal awareness. This relates to how appellants can understand and engage with the process. Research found that the process is not straightforward or user-friendly. Many people struggle to understand what will happen and what is expected of them or their representatives.¹⁸

One advisor¹⁹ described how lack of understanding about the AJS and how it was different from other courts made people anxious and scared. The advisor said that people are ‘daunted’ by the process:

“...especially if this is the first time they've had to appeal. There is very little, if no, understanding of the difference between tribunals and courts (inquisitorial v adversarial) and many people feel as though they are going to court almost as if they've done something wrong. More needs to be done to inform people that they have a right to challenge an administrative decision and that they will not be penalised for doing so”

¹⁷ Respondent 57 LA advisor and representative, SEND.

¹⁸ Creutzfeldt, N Kyprianides, A, Bradford, B, Jackson, J Bancroft, H (2023) Delivering Administrative Justice after the pandemic: <https://www.nuffieldfoundation.org/project/delivering-administrative-justice-after-the-pandemic>

¹⁹ Respondent 25 advisor and representative, SSCS.

Understanding was further limited by the complex language used by tribunals and local authorities. An advisor and representative²⁰ said that:

“parents and carers do not understand the terminology and language used throughout the initial stages of the appeal process.”

Lack of Representation

Respondents to the Call for Evidence also noted that the difficulties faced by all appellants were felt even more acutely by those not able to secure advice or representation. The main issue reported was around legal awareness and knowledge, which meant that unrepresented appellants struggled to properly represent their case; had difficulty with the volume of documents involved and what evidence was relevant for their case, as well as how that evidence will be assessed and examined in the tribunal. For unrepresented appellants, these issues were not resolved as they did not have access to advice and support that would mitigate the impact of these barriers.

One respondent²¹ highlighted that the lack of understanding about the processes, case law, decision-making and the lack of available advice results in inconsistent access to justice. He described how some appellants choose:

“a paper hearing as it is cheaper and seems easier and are not aware of the potential impact, in that other types [of cases] are better in terms of justice and outcomes.”

Another respondent²² stated that:

“Unrepresented appellants lack legal capacity, they do not know how to make relevant submissions with reference to Social Security Law, and they do not understand the materiality of evidence. The enabling approach is limited as the Judge cannot descend into the arena.”

And that the lack of legal knowledge compounded by difficulties when trying to access advice²³ as:

“...many of my clients report that the free advice sector is oversubscribed, or that it does not have the legal capacity to represent them in the appeal.”

Several respondents made the case that legal advice and representation are essential for appellants to successfully navigate the system, especially in more complex cases or in certain chambers, such as in IAC. One respondent²⁴ highlighted that:

²⁰ Respondent 20 Advice and representative, SEND- County Durham SENDIASS.

²¹ Respondent 38 SSCS

²² Respondent 6 advisor and representative, SSCS

²³ *ibid*

²⁴ Respondent 58 advisor and representative, I&A.

"...every litigant in person I have represented has struggled with bundle and paperwork preparation: professional assistance is essential."

Respondents with experience in the Immigration and Asylum Tribunal and Asylum Support Tribunal found that these appellants are particularly vulnerable due to trauma and lack of English language skills, in addition to the lack of legal awareness that other unrepresented appellants struggle with. A respondent²⁵ found that people in these circumstances do not know what information or documents are relevant:

"...how to obtain [them and] then submit them, etc. Appeal preparation takes many hours, and unrepresented appellants are simply not equipped to navigate this system on their own. The Tribunal is often very unsympathetic to this plight, which leads to justice being denied to vulnerable" appellants."

Digital Inclusion & Online Hearings

Many advisors noted that the greater use of online hearings was beneficial for some appellants, meaning that they do not have to travel or attend a hearing in an unfamiliar, formal environment. One advisor²⁶ said that:

"online hearings [are] more accessible [and] slightly less terrifying for clients."

Another advisor²⁷ agreed with this, stating that:

"parents [are] more comfortable and relaxed in their own home, being able to keep all evidence in one place which can't be lost or misplaced"

However, respondents were aware that online hearings and processes were not suitable for all appellants and there is little funding or support for appellants accessing online hearings. One respondent²⁸ highlighted that online hearings work:

²⁵ Respondent 52 advisor and representative, I&A.

²⁶ Respondent 19 advisor and representative, SEND.

²⁷ Respondent 56 advisor, SEND.

²⁸ Respondent 69 advisor, AST.

“...well when there is a supporting organisation who can facilitate [but they can be very] difficult for a client to navigate alone. [Home Office] does not fund organisations e.g. Migrant Help to provide assistance with AST process”

Online hearings were a concern for respondents²⁹ who represented or advised clients with disabilities and mental health conditions, as:

“online hearings are not always the most efficient for the client or representative. It is balanced in favour of professionals or members of the panel [...] More consideration needs to be given to those patients that would benefit from in-person hearings”

Problems are also compounded by a lack of access to support and digital resources. One advisor³⁰ noted that:

“30% of our Welfare Rights clients at NCLS are digitally excluded, with direct digital access appealing and accessing all of the above without help is going to be very hard for this client group. Those with language difficulties, learning difficulties, cognitive issues, mental health issues, sight issues etc are all going to really [struggle] without support.”

Digital exclusion was also an issue in SEND processes, as an advisor reported that the:

“majority of families I support with SEND appeals work from (often broken) phones, as their only IT. They often have their own learning difficulties or English is not first language, & / or they are simply terrified”

Those working in the IAC and AST³¹ were also concerned that their vulnerable clients struggled to fully use and participate in a digitised process:

²⁹ Respondent 73 Clinical advisor, MH.

³⁰ Respondent 65 representative, SSCS

³¹ Respondent 71 advisor and representative, I&A - MICLU Islington Law Centre.

“Digitisation in Immigration and Asylum can feel particularly harsh to clients. Our clients are vulnerable. They are often destitute, English is rarely their first language, and they are living day-to-day in an incredibly hostile environment - both legally and socially. Whilst anything that speeds up the process and makes it more efficient is a good thing - as it finally brings to an end what can be years of limbo whilst waiting, first for the Home Office, and then for the courts - it often feels like the Courts have not considered the unique needs and circumstances of these clients in the design and implementation of the digitisation process”.

Lack of access to reliable equipment was also an acute problem found by respondents with experience of the IAC. One respondent³² highlighted that their clients lack access to reliable IT equipment:

“...as individuals in asylum hotels or other asylum accommodation may not have any access to equipment in their home, and may not have access to Wi-Fi, broadband or a reliable phone signal. They will have no financial means by which to improve this and will not, in any event, be able to make modifications to their accommodation”

Suggestions for Improvement

Respondents provided many suggestions on how to solve some of the barriers outlined above.

Suggestions were varied, from greater provision of advice services to the development of multi-lingual documents. Respondents’ solutions to mitigate barriers included:

- Greater financial investment in the advice sector to allow for end-to-end case work, staff recruitment and retention, and consistent UK-wide coverage of services.
- Regulation of advice services and mandatory membership to appropriate professional bodies to ensure quality and consistency.
- Investment and development in legal education to ensure that university students can develop expertise in Social Security law.
- Regular updates from HMCTS if delays occur so appellants understand what is happening and why.

³² ibid

- Prevention of appeals arising, such as correct initial decisions and increased availability of SEND school places.
- Accountability for initial decision-makers that are “clogging” the system and making poor initial decisions or not engaging appropriately with the tribunal.³³
- A dedicated HMCTS team to support people with mental health issues, more training for HMCTS staff in how to engage and support people in a trauma-informed way.
- Resources for appellants, such as templates about how to gather evidence; videos or podcasts detailing what to expect and showing the process from ‘end-to-end’; videos accompanying all forms, easy read forms/guides; and simplified case studies and simplified legislation.
- More sympathy and accommodations for unrepresented appellants and appellants with disabilities and trauma in the AJS.
- Creation of in-person satellite locations with appropriate IT equipment to allow appellants without access to equipment and digital skills to attend remote hearings.

Resourcing

For several respondents, adequate resourcing and further funding for the advice sector itself was a key concern and potential solution to mitigate the barriers that they identified. One advisor³⁴ stated that “more money into the advice sector” would facilitate better pay to encourage staff retention and allow organisations to provide:

“end to end case work. [...] many of [the barriers] could be mitigated if there was an effective system of advice agencies able to assist throughout the life of a case”

For another³⁵:

“The single most important thing that, in our view, would make a difference is the provision of adequate, independent advice and support offered to appellant from the point at which they receive a negative decision until the appeal is over”

³³ Respondent 52 advisor and representative, I&A.

³⁴ Respondent 25 advisor and representative, SSCS.

³⁵ Respondent 64 advisor and representative, I&A

Legal Advisors also identified a need to regulate the sector and to develop legal education,

“[the government] must then encourage the development of an independent advice sector by improving legal education so that university graduates can qualify in Social Security Law and Practice. The government must seek to develop this sector, on similar lines as the American SSDI attorney [...] The development of a regulated independent representation sector in the Social Security Law jurisdiction, is essential in ensuring access to justice in the post LASPO era”¹

Several advisors suggested that the development of online resources, such as translated documents/forms and videos, could be an effective way of conveying information about unfamiliar and often complicated AJIS processes. One advisor suggested an “end-to-end video” of the process and “videos accompanying all forms”³⁶; another suggested “forms with alternative languages”³⁷; and another suggested developing “Webinars/podcasts so [appellants] can replay [them] as often as needed”³⁸.

Other respondents³⁹ felt that HMCTS could do more to support appellants whilst attending a hearing, especially unrepresented appellants, given that many will be unable to secure legal aid or advice.

“[The] Tribunal should be far more sympathetic to unrepresented appellants, grant adjournment requests, allow sufficient time to source legal reps, etc.”

Respondents also noted that support for appellants should be trauma-informed and more responsive to the needs of appellants with disabilities. One advisor⁴⁰ suggested having:

“[a] dedicated Team at HMCTS for Appellants with mental health conditions and learning difficulties and more direct engagement with third sector organisations”

Another⁴¹ suggested ensuring that support was available via funding:

“in-person trauma informed face to face support [...] Fund trauma informed support organisations”

To mitigate issues of digital exclusion, one respondent⁴² suggested the:

“provision of digital devices and/or remote tribunal locations to offer support to disadvantaged clients”

³⁶ Respondent 17 advisor, SEND.

³⁷ Respondent 13 advisor, SEND.

³⁸ Respondent 32 advisor, SEND.

³⁹ Respondent 52 advisor and representative, I&A.

⁴⁰ Respondent 37 advisor and representative, SSCS.

⁴¹ Respondent 69 advisor, AST.

⁴² Respondent 69 advisor, AST.

Another respondent⁴³ suggested that:

“more services are needed and more trained staff together with help with online hearings such as having a room, IT equipment and reps/staff able to attend the hearing with the appellant”

Decision-making

Some respondents discussed reducing the demand on tribunals through improved initial decision making and lack of engagement by Departments with the appeal process. One respondent⁴⁴ said that more should be done to ensure that people do not have to resort to needing the AJS:

“...prevent them having to use it in the first place, so appropriate school places available, better communications with school, greater awareness of reasonable adjustments, also parental responsibility to the care and education of the child”

Another advisor felt that more should be done when initial government decision-makers make poor decisions and or fail to engagement, suggesting that the Home Office should be penalised for “clogging up the system with awful decisions”, for “refusing to carry out meaningful reviews and maintaining decisions that should be overturned”, for “not respecting deadlines” and “administrative ineptitude”⁴⁵. The advisor⁴⁶ described the Tribunal as:

“...toothless when it comes to unprofessional and unlawful behaviour by the [Home Office], they get away with just about anything, whilst appellants are unfairly penalised for the smallest transgressions. The system is currently stacked in favour of the SSHD and vulnerable appellants are at a huge disadvantage, particularly when unrepresented, but even if they have legal reps. The justice system must live up to its name, it currently does not”.

Wellbeing

The Call for Evidence also asked respondents to answer questions about the wellbeing of workers in advice sector organisation. Questions included how their organisation supports staff wellbeing and what training they have received; whether they have taken a day off or considered leaving the sector due to

⁴³ Respondent 25 advisor and representative, SSCS.

⁴⁴ Respondent 32 advisor, SEND.

⁴⁵ Respondent 52 advisor and representative, I&A.

⁴⁶ Respondent 52 advisor and representative, I&A.

the impact on their wellbeing; what negative impacts they are facing from increased workloads; and what systems, policies, procedures or support their organisation has in place to support retaining staff. The following section sets out the findings from the responses on staff wellbeing, supporting and retaining staff, and training.

Impact on staff – Volume of Appeals, Increasing Demand & Limited Resources

Respondents noted that they experienced difficulties in the advice sector due to a variety of factors, including a greater demand on their services with higher caseloads for each worker due to increased volumes of appeal cases; reduced support and other services for their clients provided by local authorities; instability for advice workers themselves due to precarious funding structures; fewer staff due to the lack of funding for services; higher levels of vulnerability and more complex needs of the clients coming to them for help; and vicarious trauma from working with vulnerable clients in extremely difficult circumstances, with limited capacity to help them.

Several advisors noted that a key issue that impacts staff wellbeing is the increased volume of appeal cases, which in turn means that they have higher caseloads. One advisor simply stated that there is ‘too much work and not enough time.’⁴⁷, with another highlighting that staff ‘regularly working beyond core hours is usually the first sign of stress’ which is worse during times of ‘high demand for the service at key points in the year e.g. mid Feb to Easter’⁴⁸.

Higher caseloads per advisor were also difficult to manage as clients have an increasing level of need. One advisor⁴⁹ said that, in addition to caseloads ‘in excess of 80 appeal cases per officer’, their role involved:

“...managing the volume of cases, case management systems for tracking appeals, managing parental expectations, [as well as] supporting parents and carers who have their own mental health needs”

For another advisor, the high workloads, longer working hours and increased stress was clearly a result of reduced “local support services creating heavy demand and reduction in local authority funding for

⁴⁷ R73 Clinical and advice MH.

⁴⁸ R17 Advisor SEND

⁴⁹ R20 Advice and rep SEND

our services means less staff”⁵⁰. Another advisor agreed with this conclusion, stating that ‘lack of funding leads to high workloads for each advisor’⁵¹.

Fewer resources but higher volumes of cases was a common issue in responses, with another advisor⁵² highlighting how issues of funding across the sector factor into staff wellbeing, stating that:

“I think everyone in the voluntary sector feels the pressure of wanting to assist as many clients as we can whilst also knowing there is no great job security in our sector because of the funding structures. My service is managing at present but there is always a service where demand outstrips supply and the pressure of not being able to help everyone who needs it does [weigh] heavy on people as our clients’ groups are in need, and often vulnerable on a number of levels”

For one respondent⁵³ working on behalf of the local authority on SEND cases, the stress caused by the high volume of cases was also compounded by the adversarial nature of the relationship between parents and local authorities. The respondent stated that the:

“SEN hearings can feel like there is an immediate prejudice and bias towards parents, sometimes to the point of rudeness towards LA representatives, which does have an impact of stress and resilience”

Increasing & Complex Needs

Several respondents highlighted that the nature of advice work itself as well as the increased demand and higher expectations of clients, had an impact on staff wellbeing. One respondent⁵⁴ stated staff had

“higher levels of stress and exposure to burnout. The demand from clients is higher post the pandemic and the expectations that they have are greater, plus many are more needy. This all impacts on time and health of staff”.

Another respondent set out how they experience multiple frustrations in the role, due to poor

⁵⁰ R40- SSCS+GRC+Tax St Anns Advice Group

⁵¹ R70 Hammersmith& Fulham Law Centre ET

⁵² R65 Rep SSCS Norfolk Community Law Service

⁵³ R75 Advice and rep SEND/Property/CIC/IA

⁵⁴ R25 Advisor and rep SSCS

communication from local authorities and because they feel “unable to deliver in depth support due to demand”⁵⁵.

For one respondent⁵⁶, the complexity of need and vulnerability of clients also impacts on staff wellbeing, highlighting that because they:

“are [in] a complex and deprived area, there are a high cohort that have low literacy levels. This places a barrier for [the clients] to be able to navigate the process without significant support. Families now present with far more complexities than 10 years ago. Quite often we experience safeguarding incidents, a breakdown in parent mental health, and an increase in agitation and verbal aggression which need to be skilfully overcome. There is a huge breakdown in communication between parents and the LA, which means there is no clear picture presented.”

The complexity and vulnerability of the clients was noted by some respondents⁵⁷ as causing distress to advice workers:

“having to report a safeguarding concern is always distressing out of genuine concern for the safety of the client. It weighs heavily that the client may self harm. It is emotionally distressing knowing that there is limited help available to clients. Clients can be unintentionally aggressive, and it is a challenge to manage some appointments. Colleagues can become distressed and overwhelmed at times”

Inconsistent impact on staff across the advice sector

Responses to the Call for Evidence also highlighted how the impact of high caseloads across the advice sector is not uniform, due to inconsistent funding and commissioning of services. One respondent stated that ‘provided workloads are managed effectively, with plenty of opportunity to have time off, staff wellbeing is maintained at healthy levels’⁵⁸. However, more respondents stated that their organisations were struggling with funding, caseloads and as a result there were issues with staff wellbeing. One respondent⁵⁹ gave a detailed account of the difficulties that they were facing, which had led to a loss of staff:

⁵⁵ R26 Advisor no rep SEND

⁵⁶ R57 LA Advice and rep SEND

⁵⁷ R37 Advisor and rep SSCS

⁵⁸ R6 Advice and rep SSCS Tribune Legal Practice- Mr Renato Colonna

⁵⁹ R57 LA Advice and rep SEND

“The impacts of the stress levels of work have been highly significant, a member of staff whom did struggle with anxiety and depression, which continuously progressed over several years, unfortunately started to have suicidal thoughts on a regular basis. Significant support was needed on a day-to-day basis. They accessed counselling, and mental health services to help with managing stress. Unfortunately, this was not able to make the impact desired for the person, and they decided to seek alternative employment for the benefit of their own wellbeing. This was a significant loss to the service, after 20 years, but necessary. Another member of staff experienced significant work-related stress and absence, which led to anxiety and depression. Support was put in place, as described above, with the additional support of 'Able Futures'- whom were able to give individualised support/tools to manage work related stress. This made a significant difference. All the support now in place has helped the person to stay in work and feel far more positive with effective quality support offered to parents. Several staff did have to seek medical advice to manage their Wellbeing. The experience of this impacted on their personal lives, as well as their work. Several business cases were put forwards to request additional staffing, which were never agreed. The responsibility of Wellbeing of [team members] and the pressures they manage are significantly overlooked by organisations/[Local Authorities] is to adequately resource them”.

Supporting Staff

Respondents to the Call for Evidence cited clinical supervision, peer support, team meetings, online resources and employee assistance programmes, training and flexibility as practices put in place to support staff and linked the efficacy of these efforts with staff retention. As with the inconsistent impact of high caseloads, respondents' organisations had different approaches to supporting staff, with some organisations taking greater steps to support and closely monitor staff wellbeing.

Respondents⁶⁰ gave the following examples of practices, policies and informal ways that their organisation supports staff:

“Individual supervision, peer supervision, team meetings (in person and online), team and individual training, access to work scheme, IASSN forums, free and confidential employee support service which includes [counselling] if needed”.

“Clinical supervision, one to one and group support sessions”.

“Extensive online resources. One to One supervision. Staff groups etc. Employee wellbeing scheme which provides advise and counselling”.

“Excellent, team and manager supportive and understanding”

“With guidelines on the maximum cases that should be live at any one time, and a limit to total cases in a year. Plenty of breaks and leave is encouraged”.

Two respondents⁶¹ gave fuller examples of how their organisations closely monitored staff, checking their caseloads, as well as levels of fatigue and stress to ensure that they were well supported by the organisation.

“The service experienced high rates of absence due to work related stress. A lot of work has gone into supporting staff, so this is not replicated. All staff have completed Empathy Fatigue training, as well as the Vicarious trauma/Helpline training offered by the IASSN. All staff are supported through supervision on a monthly basis and encourage to complete the Urgency Index tool which monitors stress levels and risk of burnout. If staff are in the high range- we work productively- looking at case loads, and also methods/activities to reduce stress. This has encouraged a self-awareness. Staff are encouraged to utilise flexi hours effectively to ensure they have suitable times for breaks/days off- as well as leave. There is also monthly casework management with each member of staff- so that cases can be identified for escalation for actions by Team Lead, in relation to senior members of staff authorising actions. Cases are also monitored and de-escalated where possible. We are gifted with a highly skilled team, so the complex cases are monitored on intervention levels, so that the burden can equally be shared. This would be difficult if the whole team were not at the same level of expertise. This has very much helped to stabilise the team, with no further work-related stress absence”.

“[Organisation] is acutely aware of the impact that this work can have on staff's wellbeing. The organisation takes existing measures to ensure that staff and volunteers pro-bono advocates are cared for: work with appellants is deliberately spaced out so as to avoid burn out; every advocate (be they staff or volunteer) is provided with one to one support in every appeal which includes a post hearing debrief, should this be required; we provide comprehensive training packages to our advocates; staff are line managed but also have legal supervision with the Head of Legal. Staff are continually trained. There is also access to counselling and other types of external EAP support. Staff get together quarterly for group work with an external facilitator on wellbeing issues. Staff have access to flexible working arrangements and have a very generous leave allowance. In addition, the organisation is currently developing a specific wellbeing policy which will include additional support to what has already been described”.

Staff retention

In their responses to the question about staff retention, respondents said that the measures used to support staff in general were also part of retaining staff, including supervision, socialising, peer support

⁶¹ R57 LA Advice and rep SEND and R64 Advice and rep I&A

and training. In addition, respondents⁶² cited good pay and conditions, as well as robust support from management.

“Autonomy powerful in retaining staff hence a very stable professional team as can suggest change and run with it, sample and trial changes but they can make suggestions taken seriously as no-one precious about ideas as helps all of us. 1-1 monthly, manager always available, flexible working hours to fit with family circumstances and plenty of trust. Team work hard as reflected in feedback so can feel appreciated”.

“[Prolific] use of Teams Chat for peer support and socialising, individual supervision, team and individual training, access to work scheme, free and confidential employee support service which includes [counselling] if needed”.

“Our terms of employment are good (pay is good, leave entitlement and other benefits are good), we are careful in our induction of new staff and provide ongoing training, the wellbeing support and line management support is robust”.

“The law centre has many staff meetings, and regular catchups. Staff know where to turn if they have problems or need help. Plus, the law centre network has many resources to help”.

Some respondents⁶³ said that there were no specific practices or additional measures taken to facilitate staff retention:

“...we have basic policies and procedures to ensure we are compliant with the law. We offer little over and above this. Legal aid rates do not allow organizations to attract and retain talent because the pay is so poor. We often use income from charitable sources to pay for staff training, clinical supervision and mental health support”.

Training

Respondents who completed the question on training gave various examples, such as empathy fatigue, vicarious trauma, safeguarding, restorative practices, dealing with vulnerable people, suicide prevention, domestic abuse, mental health first aid, and neurodivergent conditions delivered in-house, by local authorities, consultants, or other charitable organisations. Respondents noted that training in these areas was beneficial for staff to effectively support clients. One respondent⁶⁴ felt that more training was needed as:

⁶² R32 Advisor no rep SEND, R17 Advisor not rep SEND, R64 Advice and rep I&A, and R25 Advisor and rep SSCS

⁶³ R71 advice&rep- MICLU Islington Law

⁶⁴ R71 advice&rep- MICLU Islington Law.

We also feel that other professionals in the system require better training. The way that our clients are treated by some judges and barristers is often unacceptable and shows little regard for their humanity, health and wellbeing”.

Respondents gave the following examples of training and support:

- *“Vicarious [trauma] training, ... team suggestions taken seriously for improvement of service, manager training on wellbeing of staff and a detailed CPD programme for staff”⁶⁵.*
- *“Council for disabled children briefing/training”⁶⁶.*
- *“We are able to access training provided by the LA as well as IASSN. We have accessed training around restorative practice (In-house), Empathy fatigue- via Steven Talbot consultancy. [Vicarious trauma] and helpline training via IASS”⁶⁷.*
- *“We provide our own training on working with vulnerable appellants to our pro-bono advocates... Staff arrange training with their line managers and we can access any appropriate training courses run by outside organisations that we feel is needed. ...Ongoing training relating to safeguarding is provided by outside professionals on a fairly regular basis”⁶⁸.*
- *“Garden Court Chambers, CPD webinars for dealing with neurodivergent clients”⁶⁹*
- *“ASSIST suicide intervention training Hull City Council, Armed Forces Mental Health First Aid Training Hull City Council, Compassion Fatigue, Training Hull NHS, Counselling Skills - Provided by a qualified counsellor via NGVFA”⁷⁰.*
- *“...Safeguarding, domestic abuse and suicide prevention training...from providers”⁷¹.*
- *“As a team we have all received training on working with suicidal clients. We have also had training from organisations like Freedom from Torture to better understand how experiences of violence and torture affect our clients. Some of us are Mental Health First aid trained. We use all of this training regularly. More mental health training would probably be useful*

⁶⁵ R32 Advisor no rep SEND

⁶⁶ R56 LA Advice no rep SEND

⁶⁷ R57 LA Advice and rep SEND

⁶⁸ R64 Advice and rep I&A

⁶⁹ R6 Advice and rep SSCS

⁷⁰ R39 Rep SSCS+WPARC

⁷¹ R65 Rep SSCS

*alongside training that would help us work better with children's social care, NHS services and others"*⁷².

Conclusion

The responses to the Call for Evidence provides information about the challenges faced by users and advisors when using the AJS. These challenges provide a framework for the report and set out: the barriers in the early stages; the process; people's personal characteristics and circumstances; user's lack of awareness and legal knowledge; lack of representation; digital exclusion; lack of resourcing; flawed decision-making; and issues around staff well-being and retention. All the serious and varied concerns raised in our Call for Evidence are reflected in our recommendations. These themes are explored further in our report where further evidence is provided through other literature and meetings with stakeholders.

⁷² R71 advice&rep

Part 1 – Barriers to Accessing Justice

1. Decision-making

1.1 By far the most efficient and cost-effective way of removing barriers to justice would be to improve the quality of administrative decision-making so that the need for a challenge in order to secure justice does not arise in the first place.

1.2 Poor administrative decision-making can significantly drive up the cost of legal advice and services due to increased demand for legal aid and potential challenges to those decisions. This can create a vicious cycle where inadequate initial decisions lead to more complex and costly legal processes, ultimately burdening the legal aid system and potentially hindering access to justice. Dealing with such challenges is also costly to the administrative body making the poor-quality decisions. How costly depends on how many people challenge those poor decisions.

1.3 The impact of poor administrative decision-making, both in terms of the impact on individuals, the cost of subsequent demand for advice, and the burden on the AJS has been commented on repeatedly over many years. For example, in October 2020, Dr Jo Wilding provided evidence to the Justice Select Committee about the key challenges for legal aid, outlining her findings over a number of years:

“Where a high percentage of appeals are successful, in welfare benefits for example, the first step should be to reduce need by improving the quality of benefit decisions in the DWP. Funding for welfare benefits legal advice should be restored for the remaining decisions which need to be appealed, which is likely to reduce demand for housing legal aid in homelessness cases.

“In asylum law, the need for legal aid work could be reduced by improving the decision-making system, including by triaging cases effectively...

“These are piecemeal examples, but the important point is that legal aid needs to be woven into the fabric of every administrative decision-making system that bears directly on individual legal rights. Where legal aid costs are a concern, the first instance solution should be to reduce need, not to ration supply.”⁷³

1.4 In 2021, Justice and the AJC published a report entitled “Reforming Benefits Decision-Making”, under the chairmanship of Lord Low of Dalston CBE. This report noted that:

⁷³ Dr. Jo Wilding, Written Evidence to the Justice Select Committee on the Future of Legal Aid para. 5.2-5.4: committees.parliament.uk/writtenevidence/12571/pdf/

“The findings of this Report demonstrate that the benefits system is not working as well as it should for those with health conditions and disabilities, in particular those with mental health conditions and fluctuating conditions.”

“DWP is the largest Government department, and we acknowledge that monitoring and quality control at that scale is difficult. Nevertheless, it is essential to prevent repeated errors that cause immense hardship to people’s lives.”

“Despite improvements to the mandatory reconsideration stage, the success rate on appeal remains extremely high, indicating a continued failure to revise at the mandatory reconsideration stage in numerous decisions.”⁷⁴

1.5 The costs of poor decision-making has been increasingly documented; in 2021 Pro Bono Economics and the AJC published “The cost of not getting Personal Independence Payment decisions right first time”;⁷⁵ Pro Bono Economics and the Disabled Children’s Partnership have also published a report on the cost of SEND tribunals;⁷⁶ Pro Bono Economics and the Refugee Survival Trust published a report on the economic case for getting asylum decisions right first time.⁷⁷ These reports highlight the financial inefficiency of poor decision-making, the resulting avoidable disputes, systemic strain on tribunals, charities and public services and the human cost of stress, delays and hardship of individuals effected. Collectively, they make a compelling economic case for investing in improving initial decision-making.

1.6 Poor administrative decision-making can expose underlying systemic issues within public services. Addressing the root causes of these issues through better training, improved processes, and clearer communication can help reduce the volume of legal challenges and ultimately lower costs. Better feedback from the AJS to decision-makers whose decisions are being successfully challenged could help to identify systemic failings that are causing avoidable harm to the subjects of those decisions, demand for advice, and costs to the justice system.

1.7 At our Roundtable event in March 2025, participants explored how to encourage government departments to reduce the number of appeals by improving the quality of initial decision-making. Attendees identified the difficulty in securing ministerial and leadership buy-in; for instance, it was reported that social security appeals to the First-tier Tribunal (social security) make up only 7% of all decisions made, with only 3% being overturned at the tribunal. Despite

⁷⁴ JUSTICE and the Administrative Justice Council, Reforming Benefits Decision-Making 2021, p124, para. 5.4, 5.5 and 5.6: [689cd66a22f2378c82583a75_Reforming-Benefits-Decision-Making-FINAL-updated-August-2021.pdf](#)

⁷⁵ Pro Bono Economics, The cost of not getting Personal Independence Payment decision decisions right first time, (2021): [The-cost-of-not-getting-Personal-Independent-Payment-decisions-right-the-first-time.pdf](#)

⁷⁶ Pro Bono Economics, Wasting money, wasting potential: The cost of SEND tribunals (2023): [PBE | Wasting money, wasting potential: The cost of SEND tribunals | PBE](#)

⁷⁷ Pro Bono Economics, An unstable environment: The economic case for getting asylum decisions right first time (2021): [PBE | An unstable environment: The economic case for getting asylum decisions right first time | PBE](#)

the small percentage, the absolute number of overturned DWP appeals is 90,000 (66%)⁷⁸ and HMCTS bears the burden and cost of processing appeals. Further, the consequences of poor decision-making are often felt far beyond the decision-making department or HMCTS, affecting other public bodies and services, such as health services and charities. Thus, costs for Departments should be considered in a less siloed way and improving the quality of decision-making should be a shared responsibility across decision-makers.

1.8 Feedback has become such a ubiquitous part of our lives. Here, feedback could be introduced in a way that allows users and their advisers to post information about the consequences of poor decision-making by public bodies. The Working Group have considered how feedback mechanisms could be applied and how they might reduce the number of disputes in the AJS. However, we are keen to suggest a feedback mechanism which does not further burden the tribunals or ombudsman to provide further explanation of their decisions. **Additionally, we are keen that feedback does not place blame on customer-facing staff of decision-making bodies, given their time is also constrained by resources, but holds responsible the senior leaders who manage the effective running of decision-making bodies.**

1.9 A feedback mechanism does not have to be run by decision-making bodies themselves, and we would encourage organisations and pro bono legal and technology teams to explore how this could be done. All those who provide feedback would be a self-selecting cohort. Due to this, any information would be anecdotal and partial, but that would not make it less relevant or useful in discussions between public bodies, particularly in illustrating the siloed view of budgets by individual departments which shift the cost of decisions from the department which made the decision.

1.10 This information would also be of interest to academics and organisations working within the AJS, as well as the public who, in the end, cover these costs. We expect that those monitoring the quality of initial decision-making by public bodies and the cost of incorrect decisions would be interested in this. To the extent that the cost of correcting the decision was borne by the AJS, it should be possible to work backwards from a successful appeal to identify the opportunities the initial decision-maker had to correct their error, and the cost of their failure to do so. **For an example of this, see the information on p69 about the many failed opportunities to correct DWP decisions that are eventually overturned by the tribunal. If the cost of dealing with these cases was shifted from HMCTS to the DWP, this would be a very considerable incentive for HMCTS to provide feedback to the DWP and for the DWP to improve the quality of its decisions and any reconsideration of them.**

⁷⁸ Department for Work and Pensions, Personal Independence Payment Statistics to July 2025, (September 2025): <https://www.gov.uk/government/statistics/personal-independence-payment-statistics-to-july-2025/personal-independence-payment-statistics-to-july-2025#customer-journey-statistics>

1.11 An additional solution is the collaboration between ombudsman schemes and tribunals. Firstly, it is important to note the different roles of the Ombudsman and the tribunal when users seek to challenge an incorrect decision by a public body. While the Parliamentary and Health Service Ombudsman can only investigate issues of maladministration against Government Departments when it has received a number of complaints (due to a lack of own initiative powers), it can investigate systemic issues which have been brought to its attention and make recommendations for improvements. The judiciary, however, is unable to influence decisions by the Government due to their independence and can only make a decision based on the information from appellants and respondent departments in a hearing. A collaborative approach between the two redress mechanisms could ensure that systemic issues are shared from the tribunal to the ombudsman, who could in turn investigate the issue. For example, the Parliamentary and Health Service Ombudsman could investigate decision-making by the DWP in social security disputes, where the tribunal has identified a trend in cases where there is a high overturn rate. This is an area to be explored further between the Ombudsman and the tribunal.

2. Understanding the System

2.1 In order to access the AJS, individuals must have an understanding of it. At our Roundtable event in March 2024, Dr Lisa Wintersteiger presented her recent research which found that participants to the study had, on average, four to six interrelated legal problems. As well as finding participants ‘firefighting’ problems and struggling to access legal advice, due to reductions in Local Authority funding and a lack of legal aid practitioners, the study found that participants had very low legal awareness, including the awareness to identify issues as legal, as well as their rights and entitlements.⁷⁹ Further, should individuals have the legal awareness to identify their problem is legal, they then have to know where and how to resolve it and who may help. Research has shown that access to justice is uneven, people often avoid legal routes, opting instead for informal solutions or simply enduring the issue, especially when the problem seems minor or the system intimidating. The people who find routes to access the justice system, often have complex needs and find it very challenging to understand the system.⁸⁰

2.2 This section provides an overview of the Working Group’s consideration of the barriers faced by individuals before they attempt to access the administrative justice system, namely, the issue of differing levels of legal awareness that a problem itself is legal, knowing rights and routes to appeal are available and the ability to find and understand this information⁸¹

“Parents are notified via the LA about their right to appeal. However, the next steps of appeal are difficult for parents to navigate, as there is no step-by step guide. [...] Parents feel overwhelmed due to knowing it is [a] legal procedure and having high consequence if they do not register it right. Parents are fatigued by the constant adversarial approaches; therefore, are often ‘burnt out’ or suffering with poor mental health”

Public Legal Education

2.3 Public Legal Education (‘PLE’) is widely recognised as a critical tool for improving legal awareness and capability and access to justice. PLE is defined as:

⁷⁹ [Understanding local legal needs - Early intervention and the ecosystem of legal support | Central England Law Centre Limited \(Main Site \)](#)

⁸⁰ <https://www.bloomsbury.com/uk/paths-to-justice-9781847313058/>
https://pure.ulster.ac.uk/ws/files/87392596/A_Ladder_of_Legal_Participation_McKeever.pdf
<https://link.springer.com/book/10.1007/978-3-319-78807-4>

⁸¹ Respondent 57 LA advisor and representative, SEND.

*“activities that provide people with awareness, knowledge and understanding of rights and legal issues legal together with the confidence and skills they need to deal with disputes and gain access to justice”.*⁸²

2.4 PLE can come in many forms; for example, ‘just in case’ PLE, which is often found in schools, which aims to give everyone the legal awareness and legal knowledge they’d need should a problem arise in the future. Alternatively, ‘just in time’ PLE aims to provide individuals with the legal awareness and knowledge to deal with a problem which has already arisen, though, due to the nature of this need, its depth is often limited by time constraints.⁸³

2.5 The Legal Services Board (‘LSB’), in line with its statutory objectives under the Legal Services Act 2007, has prioritised increasing public understanding of rights and duties. However, a systematic review commissioned by the LSB found that, while evidence for the effectiveness of PLE initiatives is growing, it remains limited in scope and scale. Most interventions are small-scale, and there is little robust data on long-term impact or on reaching the most vulnerable populations.⁸⁴

2.6 Since the establishment of a regional Administrative Court in Cardiff in 2009 and the Thomas Commission in 2019⁸⁵, Wales has experienced significant progress, including the growth of local teaching of administrative law at universities, the launch of the Public Law of Wales book series, and the annual Public Law Wales conference. There has also been a rising emphasis on rights awareness among citizens and public bodies. Despite these efforts, a number of ongoing challenges remain, such as declining numbers of judicial review (‘JR’) specialist firms and a “chilling effect” post legal aid reforms, unequal distribution of expertise beyond London (though Wales is slowly regaining local capacity), and persistent gaps in non-legal public legal awareness, especially at initial decision-making levels and among community groups.

⁸² Public Legal Education and Support (PLEAS) taskforce definition, cited in Lisa Wintersteiger, Sarah Morse and Michael Abiodun Olatokun, ‘Effectiveness of Public Legal Education Initiatives: A Literature Review’ (Legal Services Board, 2021) <https://legalservicesboard.org.uk/wp-content/uploads/2021/02/PLE-systematic-review-report-Feb-2021.pdf>

⁸³ <https://www.lawworks.org.uk/sites/default/files/files/10YearVisionForPLE-web.pdf>, pg4.

⁸⁴ Lisa Wintersteiger, Sarah Morse and Michael Abiodun Olatokun, ‘Effectiveness of Public Legal Education Initiatives: A Literature Review’ (Legal Services Board, 2021) <https://legalservicesboard.org.uk/wp-content/uploads/2021/02/PLE-systematic-review-report-Feb-2021.pdf>

⁸⁵ <https://www.gov.wales/commission-justice-wales>

2.7 Here, we cover both ‘just in case’ PLE and ‘just in time’ PLE, the effects of a lack of PLE on individual’s legal awareness and areas where PLE could be strengthened to improve those at a disadvantage’s access to the AJS.

Early Legal Education

2.8 Early legal education in England and Wales is delivered through a mixture of statutory school curricula, non-statutory programmes, and civil society initiatives targeting children and teenagers. Provision begins at the primary level and expands at secondary school, with external and charitable outreach programmes available to under-18’s.

2.9 In England, primary schools follow a non-statutory Citizenship curriculum (Key Stages 1–2) that encourages understanding of rules, responsibilities, and community life. Topics include distinguishing right from wrong and identifying unsafe situations⁸⁶. Supplementary programmes such as Young Citizens’ Big Legal Lesson provide free teaching resources and legal literacy assemblies for children aged 5–11, reaching over half a million students since 2020⁸⁷. Nonetheless, many primary educators report lacking confidence or training to teach legal concepts effectively⁸⁸.

2.10 At secondary level, Citizenship Education is a statutory National Curriculum subject in England (Key Stages 3–4)⁸⁹. It introduces the justice system, the rule of law, parliamentary democracy, government structures, citizens’ rights, legal institutions, and political processes. Students may also take GCSE Citizenship Studies, combining classroom knowledge with an active citizenship campaign. GCSE entries have increased by over 40% between 2017 and 2023⁹⁰. In Wales, the 2021 Curriculum and Assessment Act offer schools flexibility to embed law and rights within cross-curricular learning areas. However, delivery varies by school.

⁸⁶ Department for Education, Non-Statutory Guidance for Citizenship Education at Key Stages 1 and 2 (2014) <https://www.gov.uk/government/publications/citizenship-programmes-of-study-for-key-stages-1-and-2>

⁸⁷ Young Citizens, The Big Legal Lesson – Impact Report 2023 (2023) <https://www.youngcitizens.org/resource/the-big-legal-lesson>

⁸⁸ Hansard Society, Taking Citizenship Seriously: The Case for Renewing Citizenship Education (2018) <https://www.hansardsociety.org.uk/publications>

⁸⁹ Department for Education, National Curriculum in England: Citizenship Programmes of Study for Key Stages 3 and 4 (2014) <https://www.gov.uk/government/publications/national-curriculum-citizenship-programmes-of-study>

⁹⁰ JCQ (Joint Council for Qualifications), GCSE Results Statistics 2017–2023 <https://www.jcq.org.uk/examination-results>

- 2.11 Several civil society and academic initiatives supplement school teaching, such as the Bingham Centre for the Rule of Law’s curriculum resources⁹¹ and Young Citizens’ Legal Experts in Schools⁹², which places volunteer legal professionals in classrooms. Meanwhile, organisations like the Legal Education Foundation support legal outreach and pathway programmes for under-18s⁹³.
- 2.12 However, despite these initiatives early legal education faces multiple challenges: the number of trained citizenship teachers has fallen drastically; primary citizenship is non-compulsory; academies and free schools are not obliged to teach it⁹⁴; Ofsted no longer inspects citizenship provision systematically; and funding for civic education NGOs has been significantly reduced since 2010.

Legal Awareness

- 2.13 The public’s understanding of the law in England and Wales is generally low, especially regarding everyday legal problems. The Civil and Social Justice Panel Survey (‘CSJPS’), led by Nigel Balmer, Pascoe Pleasence, and Catrina Denvir, systematically tracked how individuals recognise and respond to civil legal issues such as housing, employment, consumer rights, and family breakdowns. Their research found that many people do not identify their problems as “legal” in nature, often viewing them as bad luck or personal misfortune rather than issues with potential legal remedies. This lack of legal consciousness leads to under-recognition of rights and missed opportunities for resolution. The CSJPS also highlighted that those facing multiple legal problems are at greater risk of social exclusion, compounding the impact of unresolved issues.⁹⁵
- 2.14 Hazel Genn’s seminal “Paths to Justice” study introduced the concept of the “justiciable problem”— an issue that could be resolved through legal means. Genn’s research revealed that while most people encounter justiciable problems, only a minority seek formal legal advice or use the courts. Many attempt to resolve issues independently or with informal help, and a significant

⁹¹ Bingham Centre for the Rule of Law, Teaching the Rule of Law in Schools – Evaluation Report (2022) <https://binghamcentre.biicl.org/publications>

⁹² Law for Life, Public Legal Education Resources (2023) <https://lawforlife.org.uk>

⁹³ See for example <https://thelegaleducationfoundation.org/grantee/youngcitizens>

⁹⁴ Education Act 2002, s 78; and Academy status exemptions under Academies Act 2010

⁹⁵ Nigel Balmer, Pascoe Pleasence and Catrina Denvir, ‘How People Understand and Interact with the Law’ (The Legal Education Foundation, 2018) <https://research.thelegaleducationfoundation.org/research-learning/funded-research/how-people-understand-and-interact-with-the-law>

proportion take no action at all. The reasons for inaction are varied, but individuals who take this path are more likely to end up with multiple problems:

“those experiencing these multiple problems are often from disadvantaged groups and so vulnerable to social exclusion”.⁹⁶

2.15 Recent surveys by the Law Society and the LSB confirm that legal need is widespread. The 2023 Legal Needs Survey found that two-thirds of adults in England and Wales had experienced at least one legal problem in the previous four years. Despite this, only 62% of those who faced a legal issue received any form of help, and just over half sought professional assistance. The remainder relied on friends/family or did not seek help at all. Notably, unmet legal need remains stubbornly high: in contentious matters, only 19% of those with a legal need had it fully met, while 32% reported unmet needs.⁹⁷

2.16 Barriers to seeking help include lack of awareness, perceived cost, doubts about the effectiveness of legal services, and a belief that certain problems are not “serious enough” to warrant formal intervention. Vulnerable groups—such as young people, ethnic minorities, and those with lower incomes—are less likely to access professional support, exacerbating existing inequalities.⁹⁸

2.17 A lack of legal awareness is also a fundamental barrier to accessing justice through ombudsman schemes. Many people do not know what an ombudsman is, nor do they recognise that such a service may be able to help them resolve complaints about public bodies or health services. Further, recognising when an Ombudsman may be able to help, and the power they hold, is a significant challenge. Public legal education and clear signposting are essential to ensure individuals understand the role of the ombudsman as an independent, impartial body that investigates complaints and can recommend remedies. Increasing awareness is particularly

⁹⁶ Hazel Genn, *Paths to Justice: What People Do and Think About Going to Law* (Hart Publishing 1999); see also UCL, ‘Paths to Justice: reshaping the public's access to the judicial system’, at page 99. <https://www.ucl.ac.uk/laws/research/ref-2014/paths-justice-reshaping-publics-access-judicial-system>

⁹⁷ Law Society and Legal Services Board, ‘Legal Needs Survey 2023’ (2023) <https://www.lawsociety.org.uk/en/contact-or-visit-us/press-office/press-releases/two-in-three-people-across-england-and-wales-have-faced-legal-problems>

⁹⁸ Law Society and Legal Services Board, ‘Legal Needs Survey 2023’ (2023) <https://www.lawsociety.org.uk/en/topics/research/find-out-what-your-clients-need-with-the-results-of-our-legal-needs-survey>

important for disadvantaged groups, who may be less likely to seek help or may not realise that their issue falls within ombudsman schemes' remit.

- 2.18 As discussed above, academic research, including that of Balmer and colleagues, has shown that even basic legal knowledge is lacking among the general population. Many people are unable to identify when a problem has a legal dimension or know where to seek appropriate help. This 'legal awareness gap' is particularly acute for those facing complex or multiple problems, and for people with limited education or language skills.⁹⁹
- 2.19 Public attitudes towards the legal system are shaped by both experience and perception. Genn's *"Paths to Justice"* and subsequent work found that confidence in the justice system is generally moderate but declines sharply among those who have had negative experiences or who perceive the system as inaccessible or biased. Trust in legal professionals remains relatively high among those who use their services, but many view the system as intimidating, expensive, and difficult to navigate.¹⁰⁰ Legal needs are widespread and evolving, but the public's ability to recognise and address them is not keeping pace. Addressing these gaps will require coordinated action across government, the legal profession, and civil society. It is notable that the Constitution Committee recently invited evidence for its inquiry on the Rule of Law, including on what role education, the media and civic society can play creating and maintaining a culture that values the rule of law¹⁰¹.
- 2.20 The number of litigants in person ('LiPs')—individuals who represent themselves in court without a lawyer—has increased significantly in England and Wales following legal aid restrictions, particularly since the Legal Aid, Sentencing and Punishment of Offenders Act 2012 ('LASPO'). This shift has placed renewed focus on what information and practical assistance is available to help

⁹⁹ Lisa Wintersteiger, Sarah Morse and Michael Abiodun Olatokun, 'Effectiveness of Public Legal Education Initiatives: A Literature Review' (Legal Services Board, 2021) <https://legalservicesboard.org.uk/wp-content/uploads/2021/02/PLE-systematic-review-report-Feb-2021.pdf>

¹⁰⁰ Hazel Genn, 'Health Justice Partnerships: Integrating Legal Support into Healthcare' (UCL Centre for Access to Justice, 2018) <https://worldjusticeproject.org/world-justice-forum-vi/hazel-genn>; Creutzfeldt, N., Kyprianides, A., Bradford, B., & Jackson, J. (2024). *Access to Justice, Digitalization and Vulnerability: Exploring Trust in Justice*. Policy Press.

¹⁰¹ See for example submission of Tony Wall (Full Professor and Associate Dean for Research at the Faculty of Society & Culture at Liverpool John Moores University), Dr Alison Lui (Reader and Associate Dean for Global Engagement at the Faculty of Society & Culture at Liverpool John Moores University), and Rachel Stalker (Solicitor & Reader in Clinical Legal Education at Liverpool John Moores University) (ROL0029) <https://committees.parliament.uk/committee/172/constitution-committee/publications/written-evidence/?SearchTerm=tony+wall&DateFrom=&DateTo=&SessionId=>

LiPs navigate the civil and administrative justice systems, including tasks such as form filling, preparing bundles, and attending court or tribunal hearings.

2.21 PLE is a burgeoning element of clinical legal education in universities in England and Wales¹⁰², drawing on activities such as StreetLaw originating in the USA¹⁰³. The recent publication of a specialist handbook¹⁰⁴ and the establishment of a peer-reviewed journal¹⁰⁵ indicate that PLE has the potential to have a positive impact in addressing some of the barriers identified in this report. However, this will necessarily be tempered by the financial resource for such activities available in higher education institutions, which is currently under pressure, and the scale of the need for PLE across society and in different regions.

The impact of PLE on access to justice

2.22 The responses from our Call for Evidence suggest many of the clients seeking legal advice have limited or no understanding of what the AJS is or have only become aware of its existence when they have a dispute. One advisor¹⁰⁶ working in Social Security illustrated this:

“Clients generally do not understand the benefit system or the difference between DWP and HMCTS or how to access support. Third parties generally refer clients to Citizens Advice Liverpool and without that referral it is unlikely that clients will engage generally with matters they are facing”

2.23 The effect of not understanding your problem is legal is that it presents one of the biggest barriers to advancing a problem to the next stage of the process, finding legal advice. How people classify their matter directly correlates with how likely they are to have received help with it. As found in the Legal Needs Survey, 73% of those who classified their issue as a legal matter received help, including 66% getting professional help, compared with only 52% receiving professional help across all those who had a legal issue.¹⁰⁷ This indicates that PLE is crucial to

¹⁰² See for example the specialist peer-reviewed journal International Journal of Public Legal Education (2022) Volume 6, No. 1

¹⁰³ See Street Law - Education. Empowerment. Justice.

¹⁰⁴ Frances Ridout and Lindon Thomas, Streetlaw: Theory and Practice, (Hart Publishing 2023)

¹⁰⁵ International Journal of Public Legal Education (2022) Volume 6, No. 1

¹⁰⁶ Respondent 37 Advisor and representative, SSCS.

¹⁰⁷ Law Society and Legal Services Board, Legal Needs of individuals in England and Wales Summary Report 2024 (2024) p13

ensuring that individuals recognise their issue as a legal matter so that they know to seek the advice they need.

- 2.24 Whilst PLE efforts are ongoing, with clear benefits, further, co-ordinated PLE activities, which include tribunals and ombudsman education, are needed to ensure that individuals don't find themselves ill-equipped to navigate the AJS – leading to missed opportunities for redress, lack of understanding of and ability to access legal advice, difficulty navigating the system and further entrenching of the sense of injustice felt by some.

Conclusion

- 2.25 This section illustrates that a lack of legal awareness and legal knowledge is a significant barrier to individuals accessing the AJS. Individuals often don't recognise their problem is legal and can be redressed, are unaware of their rights or which route is most appropriate to take, and struggle to find and understand the information which might help answer these questions. Further, personal circumstances, some of which may have led to this need for information, and/or personal characteristics may exacerbate the barriers faced at this stage.
- 2.26 The discussion in this section have shaped the recommendations we have made in this report. Most directly, under our theme of 'knowledge', which aim to improve and co-ordinate public legal education in order to increase the likelihood that individuals identify their problems early and seek advice, but also throughout our other recommendations in order to mitigate the effects of low legal awareness and legal knowledge. Our recommendation on embedding advice services exemplified this, aiming to help individuals who may not identify their problem as legal or seek help proactively, by embedding advice services with other trusted services, such as GP surgeries or community centres, who can refer individuals for advice at the same location. Recommendations 2,3 and 4 on p15 are relevant to this section.

3. Accessing Legal Advice

“[The] System does not take into account different traumas experienced by people inside or out of UK. Expensive to run third sector support services [...] have to fill the gap. [...] Our service can make a significant impact in effectively supporting clients through the justice system however a lack of capacity hugely limits this”

108

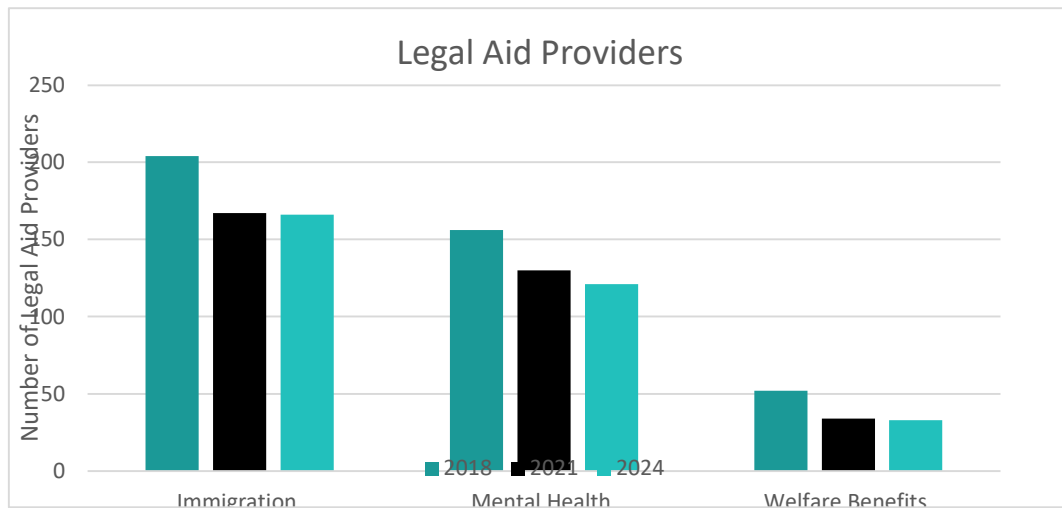
3.1 Accessing advice is at the cornerstone of ensuring a fair and functional AJS, yet, for many this access is elusive. The Legal Needs Survey found that of those who had a contentious legal issue since 2016, 32% considered the issue not to be serious enough to seek advice. 16% were able to resolve the matter themselves. 51% had a legal need, i.e. it was serious enough to pursue, and they needed help to do so. Under half of those with a legal need had that need met. 32% of those who experienced an issue had a legal need but it was not met. Overwhelmingly, the reason that they did not get professional help was that they considered the issue not serious enough to seek advice for, although a small proportion reported that the help was inadequate, or that the matter took too long to resolve. This is a clear indication of the extent to which individuals are unable to resolve their problems without legal help.

3.2 Whether due to a lack of awareness, financial constraints, geographical location of systemic barriers, such as the erosion of legal aid provision, the ability to obtain timely support is increasingly limited. This section aims to explore the landscape of provision, highlighting the effects of “legal aid deserts”, the challenges of navigating fragmented services and the critical role of community-based and co-located services.

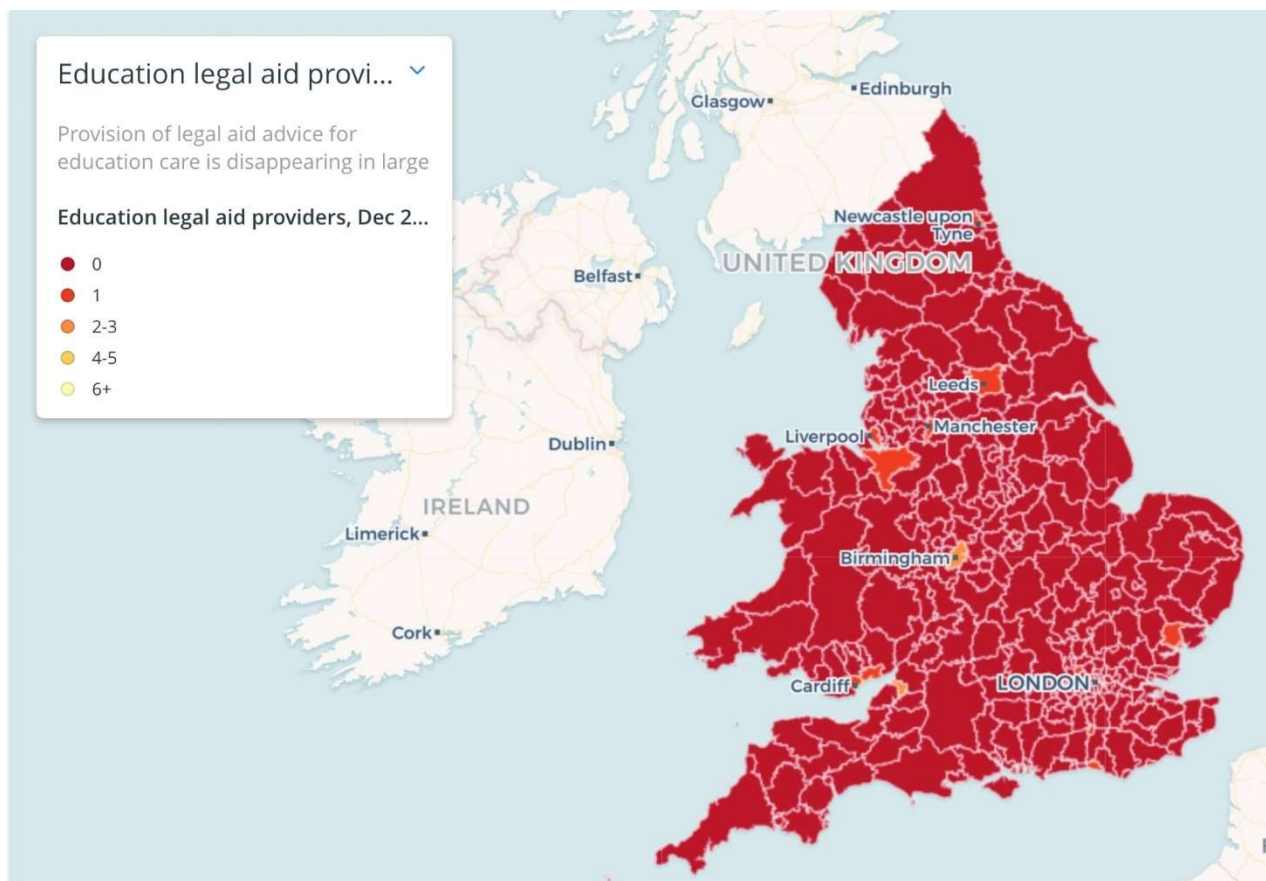
Legal Aid Deserts

3.3. Over the past 15 years, the number of organisations offering legal aid services has fallen dramatically. The following table shows the reduction since 2018 (the most recent year appearing in the MoJ’s quarterly legal aid statistics) for immigration, mental health and welfare benefits:

¹⁰⁸ Respondent 69, advisor AST



3.4 This has given rise to the emergence of “advice deserts”, which the Law Society has highlighted in a series of maps. Here, you can see both a lack of providers of welfare legal aid advice and particular disparities of access to providers due to location.¹⁰⁹



3.5 Local supply is particularly important for legally aided services. Those who qualify financially for legal aid will be the people least able to afford to travel significant distances on public transport to access

¹⁰⁹ The Law Society, Welfare benefits - legal aid deserts (2024): [Welfare benefits – legal aid deserts](#) | The Law Society. Please see further maps in Annex B.

advice. Maps published in February 2024 showed that nine in ten people do not have a legal aid education law provider in their local authority area. 44% do not have a local housing provider, 63% don't have a local immigration provider, and 85% do not have a local welfare benefits advice provider. An updated map for community care published in June 2025 showed that 69.9% of people do not have a local provider.

3.6 Pro bono services can provide some assistance but barely scratch the surface of the need. Research by the Law Society¹¹⁰ indicates that solicitors undertake around 1.5 million hours of pro bono work each year. Not all of this work relates to social welfare law issues in England and Wales. Other types of work that are included within pro bono are miscarriage of justice cases, work for charities and community organisations, and death row cases abroad. A fundamental principle of pro bono work is that it will not be provided in cases where legal aid should be available to the individual. Pro bono work in relation to social welfare law therefore tends to focus on clinics providing triage and initial advice. To be effective, these clinics need legal aid lawyers to whom they can refer cases that need more specialist help, but increasingly they find that they are unable to refer cases on.

Accessing Advice & Support

3.7 Where legal aid is not available, or legal aid providers inaccessible due to location or high demand, individuals with limited or no legal knowledge will still need to seek advice to progress their dispute, even where they have sought assistance in the early stages of recognising their problem is legal.

University Law Clinics

3.8 Most law schools in England and Wales also now undertake pro bono work, with the enactment of Legal Aid Sentencing and Punishment of Offenders Act 2012 ('LASPO') and the resulting rise in LiPs seemingly having provided an impetus. Over 50% (157) of clinics on the national LawWorks network are attached to university law schools. These clinics reported helping 20,182 clients in 2023 (advised 7947 clients and gave information or referral information to 12,235 clients). Of clinics providing statistics, 74% indicated they provide more than one type of service to clients. 86% offer initial advice, while only 10% offer representation rather than initial advice. There are also considerable

¹¹⁰ <https://www.lawsociety.org.uk/topics/research/economic-contribution-of-legal-services-2024>

differences in the geographical availability of law clinics, most being based in the South or Southwest England¹¹¹.

3.9 This potentially provides another means of plugging advice deserts; however, clinics vary greatly in how they are set up. For example, UCL's clinic has been awarded a legal aid contract in the categories of housing and community care law.¹¹² Others provide limited initial advice and may help with form-filling. Others focus on small businesses rather than social welfare law issues. These clinics also vary in when they are open to provide advice (usually during university term-time). It must never be forgotten that, while student law clinics provide a free public service, they operate within the structures of an academic framework meaning that teaching students is a core aim and not only meeting unmet legal need. Additionally, the pedagogic purpose of university law clinics and the restricted availability of students, and appropriately qualified supervisors, to provide advice through clinics all combine to mean that university law clinics while they deliver valuable services in their communities, are nevertheless not a scalable solution.

Charity & Community Organisations

3.10 Charitable and not-for-profit organisations play a vital role in assisting individuals through the AJS.

Whilst not all offer qualified legal advice, help with filling in forms, compiling evidence and providing support help to ease the barriers faced by individuals, particularly where statutory services fall short. However, access to services is uneven, fragmented and oversubscribed – the conditions of which we explore further in Section 2 on Staff Wellbeing.

"...many of my clients report that the free advice sector is oversubscribed, or that it does not have the legal capacity to represent them in the appeal."¹¹³

3.11 Almost all charities operate within remit; there is a necessity to draw a boundary as to who you can and cannot assist. These parameters can be mission-specific, as to assist individuals relevant to that mission, resource constrained, jurisdiction specific, or geographical, within a city or town. Due to this, it is difficult to know exactly what and how much advice is available. This is further complicated

¹¹¹ LawWorks, LawWorks Clinics Network Report, 'Analysis of clinic activity between January 2023-December 2023 (2024), p12: <https://www.lawworks.org.uk/sites/default/files/files/LW-ClinicsReport2023-web.pdf>

¹¹² UCL Centre for Access to Justice (London) – Paralegal – Young Legal Aid Lawyers

¹¹³ Respondent 6 advisor and representative, SSCS

by organisations operating on a spectrum of advice models, from providing one-off appointments to long-term support. Without robust data on unmet demand and follow-up outcomes, it is challenging to understand the scale of need and efficacy of current provision. Additionally, there is little data on how many individuals are unable to secure advice in the first instance and do not raise disputes, how many drop out after initial contact, or how individuals manage their dispute thereafter.

3.12 However, whilst this data is difficult to gather, respondents to the Call for Evidence and discussions in our Roundtable event have demonstrated that many organisations are oversubscribed and facing challenging funding environments, resulting in individuals being referred from one organisation to another, or receiving partial one-off assistance from multiple organisations. Without co-ordination and that accounts for capacity, need, and eligibility, as well as proper funding, signposting risks becoming a circular process that frustrates users and delays resolution.

Co-Located Services

3.13 As mentioned above, one of the biggest barriers to accessing legal advice is not understanding that your problem is legal and may benefit from such advice. Of those who had experienced a contentious legal issue, only 16% categorised it as a legal problem, compared with 28% classifying it as a financial or economic issue, 18% as a family or private matter, and 16% each describing it as a bureaucratic or a health matter and 15% the result of bad luck.¹¹⁴

3.14 Of those who obtained professional help with a contentious issue, 23% received advice from a solicitor, barrister, other lawyer or law centre. The next most commonly consulted professional is a doctor, at 10%. Council workers, police and social workers are also among those from whom respondents sought advice, as well as community groups, family friends and employers.

3.15 This emphasises the importance of “problem noticers” such as doctors, faith leaders and community organisers in identifying where people have legal problems and helping them find the right advice. There has been much discussion recently of the concept of “co-located services”.

¹¹⁴ The Legal Services Board and The Law Society, Legal Needs of Individuals in England and Wales, Technical Report (2019/20), the Legal Services Board and The Law Society, at page 12:
<https://legalservicesboard.org.uk/wp-content/uploads/2022/05/Legal-Needs-of-Individuals-Technical-Report-Final-May-2022.pdf>

3.16 The Ministry of Justice identified co-located services as a potentially positive way forward in 2019 in its report, “Legal Support: The Way Ahead; An action plan to deliver better support to people experiencing legal problems”.¹¹⁵ Since then, it has been researching “health justice partnerships”¹¹⁶. The MoJ’s literature review identified that “health-justice partnerships improved socio-economic circumstances, legal problems and mental health of individuals. However, evidence of statistically significant effects was limited and there was a need for higher quality studies.” A progress report was published in November 2023, which outlined some of the issues the research had identified, including the respective benefits of co-location or referral; and the variation in models, which ranged from ones providing limited advice to others offering detailed and lengthy support.¹¹⁷ It found that the main beneficiaries of such services tended to be from socio-economic group E,¹¹⁸ to be aged 45 or older, and to have a long-term health condition.¹¹⁹ Given the finding from the Legal Needs Survey that 16% of those with a contentious legal problem regarded it as a health issue, this is an indicator that health-justice partnerships may be a good way of reaching a vulnerable cohort of people who do not recognise their issue as being a legal one.¹²⁰

3.17 A report by the AJC found that integrating welfare advice into hospital settings improved patient outcomes and expedited discharge, provided stability for vulnerable patients, and – if supported cross-departmentally – organisationally sustainable and economically beneficial.¹²¹ Further, an intersectional approach to health–legal interventions that are community-rooted, holistic, and

¹¹⁵ Ministry of Justice, Legal Support: The Way Ahead. An action plan to deliver better support to people experiencing legal problems (2019):

<https://assets.publishing.service.gov.uk/media/5c5b3a0840f0b676e6ddc6dc/legal-support-the-way-ahead.pdf>

¹¹⁶ Ministry of Justice, Evaluation of Integrate Advice Hubs in Primary Healthcare Settings, Feasibility Study (2023): <https://www.gov.uk/government/publications/evaluation-of-integrated-advice-hubs-in-primary-healthcare-settings>

¹¹⁷ Ministry of Justice, Evaluation of Integrated Advice Hubs in Primary Healthcare Settings Progress Report (2023): <https://www.gov.uk/government/publications/evaluation-of-integrated-advice-hubs-in-primary-healthcare-settings-progress-report>;

¹¹⁸ Individuals in semi-skilled and unskilled manual occupations, unemployed and low grade occupations as per the NS-SEC socio-economic grading.

¹¹⁹ See [The National Statistics Socio-economic classification \(NS-SEC\) - Office for National Statistics](#)

¹²⁰ OECD/Open Society Foundations, Legal Needs Surveys and Access to Justice, OECD Publishing (2019), Paris, <https://doi.org/10.1787/g2g9a36c-en>.

¹²¹ Administrative Justice Council, Access to social welfare advice in hospital settings: integration of services (2021): <https://www.judiciary.uk/wp-content/uploads/2024/08/Access-to-Social-Welfare-Advice-in-a-Hospital-Setting-Integration-of-Services.pdf>;

attuned to individual vulnerabilities can enrich the future of health justice in the UK. There is longstanding evidence of well-functioning health justice partnerships in Australia.¹²²

Guidance

- 3.18 Guidance plays a role throughout a user's journey through the AJS, particularly where advice or ongoing representation is not present. Even where sufficient and understandable guidance is available, barriers to accessing them are present.
- 3.19 A core source of information for those without representation comes from official websites. The Courts and Tribunals Judiciary offer consolidated advice, including links to practical resources and guidance for telephone and video hearings. Key recommended websites include AdviceNow, Citizens Advice, and Support Through Court, which provide step-by-step guides on court procedures, form completion, and what to expect at hearings. These resources are designed to demystify legal processes and are regularly updated to reflect procedural changes.¹²³ Those seeking advice face three key challenges accessing guidance. The first arises here; how do individuals find the advice? A search engine search may provide hundreds of results, but how do individuals know which are relevant to their specific problem?
- 3.20 Secondly, how do they judge the quality and accuracy of the advice? Material found online may be inaccurate. It may be out of date. It may be for a different jurisdiction, and therefore wrong for an advice-seeker in the UK (and Scotland and Northern Ireland are, of course, completely separate jurisdictions to England and Wales, while the law in Wales is starting to diverge from that in England thanks to the work of the Senedd on devolved matters). It may be written by someone with an agenda that is not in the best interests of the person seeking advice. It may be an inaccurate AI interpretation of the available information.
- 3.21 Thirdly, how able is the person seeking advice to act on it on their own? Some people, once given initial advice, will be able to act on the advice and resolve their issue without further assistance.

¹²² Mant, J., Creutzfeldt, N., & Tomini, S. M. (2025). Health justice interventions in England and Australia: an intersectional approach to legal capability and health literacy. *Journal of Social Welfare and Family Law*, 1–19: <https://doi.org/10.1080/09649069.2025.2530885>

¹²³ Courts and Tribunals Judiciary, 'Advice for Litigants in Person' (2025): <https://www.judiciary.uk/guidance-and-resources/advice-for-litigants-in-person/>

Others will not be, either because they lack the confidence to pursue the matter, or because, despite making the right arguments, the other party still refuses to remedy the matter.

3.22 HMCTS and the Ministry of Justice have also produced a series of leaflets and online guides, often in collaboration with organisations such as the Plain English Campaign and AdviceNow, to improve clarity and accessibility. For example, the “CB7” guide for Litigants in Person and the “Going to Court” page on AdviceNow are specifically tailored to non-lawyers, offering plain¹²⁴ language explanations and practical checklists.¹²⁵ The efficacy of these resources is uncertain as data on their use is not published. Additionally, it is difficult to quantify the number of individuals who do not know where to find these resources or that they should even be looking for them – this issue is particularly acute for those without digital literacy or digital access as most of these resources are held online.

3.23 One answer to these challenges could be a “solutions explorer”, as recommended by the Law Society in its 21st Century Justice report. At a public workshop in August 2023, there was strong support among members of the public for such an option. In the “Green Paper” published as part of the 21st Century Justice Project, the Law Society noted that “participants were positive that the ‘Solutions Explorer’ would support them in answering questions about their rights in the given situation, the process and where they could get help. It was also felt to be empowering, helping people to make informed decisions, and allowing those with the confidence to ‘self-serve’ to do so. Another perceived benefit was the idea that it would provide trusted, independent advice and they could feel confident it wasn’t ‘selling’ anything.”¹²⁶

3.24 In its final report, the Law Society continued to promote this idea, recommending that:

¹²⁵ <https://www.advicenow.org.uk/get-help/going-court>

¹²⁶ The Law Society, Proposals for a 21st Century Justice system, (2023): <https://prdsitecore93.azureedge.net/-/media/files/campaigns/21st-century-justice/21st-century-justice-law-society-green-paper-oct-2023.pdf?rev=f257b0a2123342aca3987fd4021e3a75&hash=E6433F96BDEBAA6A9406B28FBDD352B0><https://prdsitecore93.azureedge.net/-/media/files/campaigns/21st-century-justice/21st-century-justice-law-society-green-paper-oct-2023.pdf?rev=f257b0a2123342aca3987fd4021e3a75&hash=E6433F96BDEBAA6A9406B28FBDD352B0>

“The government should commit to building a solutions explorer to provide a trusted, publicly funded resource and triage tool into the civil justice system, leveraging the rapidly developing technologies that can support it.”¹²⁷

3.25 A similar idea was recommended by the Civil Justice Council in its May 2025 report on digital disadvantage:

“This Report recommends the creation of central hub to develop a strategy for digital inclusion. The aim of this recommendation is to develop an approach that ensures access to justice is a priority for digital development. As a first step, it is proposed that a user case study is done to map the end-to-end user journey through an aspect of the civil justice process to identify both inclusive processes and gaps and opportunities to intersect with advice and information.”¹²⁸

Funding

3.26 As demonstrated above, organisations providing guidance or advice, legal aid representation, and co-located services can reduce the disadvantage faced by individuals and help guide them through the AJS. However, the sustainability of those providing support is challenging. As discussed later in Section 6 on wellbeing, these services are often overstretched, fragmented and facing challenging funding environments. The reduction of providers provides a significant barrier to individuals who need advice and support to help them navigate through the complex system.

Legal Aid

3.27 Until recently, legal aid remuneration rates have been frozen and cut for 30 years. In real terms, legal aid rates are now around half of what they were in the 1990s.¹²⁹

¹²⁷ The Law Society, 21st Century Justice Final Report (2025): <http://prdsitecore93.azureedge.net/-/media/files/campaigns/21st-century-justice/21cj---final-report---24-jun.pdf?rev=8464c1b694c24e0ca3875269fdf8825c&hash=011DF14F90E359961039D0A2E9CAFBA8>

¹²⁸ Civil Justice Council, Futures Group Report on Digital Disadvantage (2025), p21: <https://www.judiciary.uk/wp-content/uploads/2025/05/FINAL-Report-CJC-Digital-Disadvantage.pdf>

¹²⁹ National Audit Office Government’s management of legal aid, Session 2023-24, (2024), Page 9, para 13: <https://www.nao.org.uk/wp-content/uploads/2024/02/governments-management-of-legal-aid.pdf>.

- 3.28 Analysis of the economics of legal aid practice in housing and family by Frontier Economics in 2024 shows how bleak the picture is for legal aid providers. They found that 82% of the providers in their sample were loss-making, and that the number of legal aid providers had reduced by 19% in the previous 5 years.¹³⁰
- 3.29 Recent increases in hourly rates for housing and immigration and the increase to fixed fees are a positive step in the right direction, but a lot more needs to be done to ensure the sustainability of legal aid provision in the future as discussed in Section 5 below.
- 3.30 As well as stagnation of legal aid fees, the legal aid means test has not been updated to reflect inflation since 2009, leading to a significant and continuous reduction in the number of individuals eligible for legal aid provision.¹³¹ The means test determines eligibility for most types of legal aid, aiming to ensure provision is targeted at those most in need and to ensure that those who can afford to contribute to legal representation do so. Proposals to update the means test would extend eligibility, however proposals are already out of date before their implementation, with reforms being based on 2019/2020 figures for the cost of living. Despite proposals being announced in 2023, the implementation of them has not yet happened, resulting in further changes to the cost of living meaning more individuals will fall back into the gap for eligibility.¹³²
- 3.31 This results in an environment where fewer individuals have the ability to access legal aid and, where individuals are eligible for provision, they are unable to access it due to a lack of providers.¹³³ Therefore, in order to ensure individuals in need of representation receive it, both fees and means testing must be addressed together.

Advice Sector

- 3.32 Some not-for-profit providers also rely on legal aid funding, but they have other sources of funding available to them, including central government and local authority grants, charitable donations and contributions from established grant-making bodies. However, these sources can be unreliable and

¹³⁰ Frontier Economics, Research on the sustainability of civil legal aid Final Report (2024), p50: <https://www.frontier-economics.com/uk/en/news-and-insights/news/news-article-i20732-is-civil-legal-aid-sustainable-for-family-and-housing-legal-providers/>

¹³¹ The Law Society, Legal aid means test review, (2025): [Legal aid means test review | The Law Society](#)

¹³² Ministry of Justice, Legal Aid Agency, The Rt Hon Alex Chalk KC and Lord Bellamy KC, [Access to vital legal support extended to millions of vulnerable people - GOV.UK](#)

¹³³ See Section on Legal Aid Deserts (p57)

variable, and often come with extensive conditions attached. Additionally, funding grants are often short-term, meaning strategic future planning is limited. The difficulties of these conditions are further illustrated in the section on staff wellbeing.

3.33 The Ministry of Justice (MoJ) is providing funding to support the delivery of wider legal support services, which provide information and support to people facing social welfare legal problems. In recent years the MoJ have run a range of grants aiming to support the provision of such services and gather evidence on the effectiveness and value of different forms of legal support. In 2025-26, the MoJ is providing over £6m of grant funding to 60 frontline organisations to improve access to legal support and information, both in person and online, and to help people resolve their problems as early as possible. This includes funding for a range of national and local organisations, as well as AdviceNow, which provides online support on their website across a range of civil, family and tribunal problems.

3.34 The Access to Justice Foundation is currently (at the time of drafting the report) undertaking a research project to explore other possible sources of funding that might be used to enhance the advice sector.¹³⁴ The first of these is residual funds from collective actions. Collective actions are a relatively new development in England and Wales. They are brought on behalf of large numbers of potential claimants, sometimes running into the millions. When an award or settlement is reached, those within the remit of the action can claim their share of the fund. In practice, many potential claimants do not make a claim. This leaves significant funds available for other purposes. In other jurisdictions, these balances are often used to fund access to justice projects.

3.35 The second option being explored is Interest on Lawyers' Trust Accounts, or IOLTA. Solicitors' client accounts generate interest, which is due to clients, but because funds are aggregated, solicitors can earn additional interest which they keep. In some other jurisdictions, this additional interest is instead collected by Government to use for access to justice projects. This idea is controversial with lawyers. Many small firms argue that the interest they receive enables them to keep prices for consumers lower, and/or to continue offering services at legal aid rates, and that therefore if they were no longer permitted to keep these funds, they would have to increase prices, or perhaps reduce or give up legal aid work, which would negatively impact on access to justice.

¹³⁴ Access to Justice Foundation, Exploring Funding Solutions: <https://atjf.org.uk/thinking-differently-about-funding-social-welfare-legal-advice>

3.36 The third option is more self-explanatory: to explore possible levies on the legal profession to provide a new fund for access to justice projects. This is again controversial with lawyers, who regard such an approach as an abrogation of the responsibility of Government to ensure access to justice, and as a tax on success in a sector that already makes a significant contribution to the economy. Another potential downside to a levy on commercial firms is that it may result in firms being less willing to undertake pro bono work if a contribution is already being made via a levy. Others consider that the level of profits generated by the biggest commercial firms are such that it would be reasonable to ask them to make such a contribution.

3.37 Finally, the project is considering whether greater use could be made of dormant client account balances. Many firms already donate these to access to justice funds. They can also be donated to other charitable causes. The Access to Justice Foundation's project will explore whether there is any more that could be done to encourage more firms to donate dormant client account funds for access to justice purposes.

Conclusion

3.38 Access to timely, appropriate legal advice is essential to ensure individuals can access the AJS. Yet, as this section demonstrates, many individuals face significant barriers to accessing advice – be that due to legal aid deserts, fragmented services, or pressure on advice services. These barriers are particularly acute for those already at a disadvantage and can result in unresolved legal needs, withdrawal from pursuing a dispute or disenfranchisement with the AJS.

3.39 Our recommendations aim to respond to these challenges. Firstly, we recommend an increase in funding for the advice sector, changes to the Legal Aid fees means test and improved co-ordination between services to prevent circular signposting. By strengthening the infrastructure of legal support and improving accessibility, we can reduce the number of individuals entering the dispute resolution process without assistance or not pursuing their claim. Recommendations 5, 9 and 10 on p15-17 are relevant to this section.

4. Navigating the System

- 4.1 Once an individual has recognised that their problem may be legal, and has, or attempted to, access advice or representation, they are faced with the challenge of navigating the AJS itself. The AJS is a complex ensemble of bodies made up of government departments, local authorities, tribunals, ombudsman schemes and the Administrative Court. Raising a challenge or complaint is equally complex and any barriers preventing the smooth working of the system impede access to justice.
- 4.2 This stage of a dispute presents a new set of barriers, often compounded or complicated by the disadvantage faced by individuals at those earlier stages. From understanding procedure, preparing documentation to participating in hearings, the journey through the system can be complex, opaque to those unfamiliar and taxing. For many, particularly those who did not manage to receive representation, whose advice was one-off or otherwise limited, or who are facing personal, situational or systemic disadvantage, the process can be daunting. In our Call for Evidence, one advisor¹³⁵ said that:

“Appellants are often overwhelmed with the judicial process and/or do not have the literacy/organisational skills to manage deadlines or fully understand the opportunities to work toward resolution, submit further evidence or amend their appeal.”

- 4.3 This section both explores such barriers within the AJS which can create disadvantage, but also obstacles which might exacerbate existing disadvantage arising from personal circumstances of characteristics. Our focus here is on the end users – although clearly, systemic barriers can affect all users of the AJS, including the judiciary, administrative staff and third parties.

Procedure Rules

- 4.4 As discussed below, we know that in most jurisdictions in administrative justice, cases take a long time to be dealt with. This is stressful, and even harmful, for the appellant; expensive for the respondent, who has to keep on top of developments as the case progresses; and both expensive

¹³⁵ Respondent 17 advisor, SEND.

and wasteful for the tribunal, which has to bear the cost of adjournment and other procedural activities, having to waste its resources on ineffective hearings, when the case can't go ahead.

4.5 The procedure rules ("Rules") of tribunals start with the overriding objective to deal with the case justly. How this is to be achieved varies from jurisdiction to jurisdiction. For example, the Rules of the First-Tier Tribunal (Social Entitlement Chamber) 2008, after headlining that: "The overriding objective of these rules is to enable the tribunal to deal with cases fairly and justly" go on to say that this includes avoiding delay, and dealing with the case in ways which are proportionate to the resources of the parties. The Rules also sets out that the parties must help the tribunal to further the overriding objective and cooperate with the tribunal generally.¹³⁶

4.6 This tribunal deals with appeals by individuals against decisions of the Department of Work and Pensions (DWP). It has processes to review decisions. The first of these is mandatory reconsideration if requested by the claimant. If this does not result in the decision being overturned, and the claimant then appeals to the Social Entitlement Chamber, the DWP has the option of looking at the decision again and lapsing the appeal, if appropriate. If it decides not to do so, it can continue to review the validity of the original decision as the case progresses. If the reconsideration endorses the original decision, and the claimant subsequently wins their case at the tribunal, the unavoidable truth is that not only was the DWP wrong in making the initial decision, but it failed to rectify its mistake at the mandatory reconsideration and then allowed the matter to go to a full hearing, where it lost.

4.7 From January to March 2025, the statistics show that there were 117,000 disputes which concluded in SSCS, of this, 61% were dealt with at a Tribunal. Of that 61%, 60% of decisions revised the initial decision in favour of the appellant. The DWP do have a further possibility of preventing an unnecessary appeal using its discretionary power to lapse an appeal where the appeal has been accepted by HMCTS. From March 2020 to July 2025, 21% of appeals lodged were lapsed by DWP.¹³⁷ However, it is not clear whether a DWP decision maker will look at all appeals with a view to lapsing

¹³⁶ The Tribunal Procedure (First-tier Tribunal) (Social Entitlement Chamber) Rules 2008, NO,2685 (L.13), (2008) p4, 2:
https://assets.publishing.service.gov.uk/media/68b95d423f3e5483efdba99f/Consolidated_FTT_SEC_Rules_2025.08.08.pdf

¹³⁷ [Personal Independence Payment statistics to July 2025 - GOV.UK](https://www.gov.uk/government/statistics/personal-independence-payment-statistics-to-july-2025)

and whether the Best Practice Memorandum is followed in all cases where a lapse is considered.¹³⁸ This is yet a further opportunity to correct a mistake made in the initial decision.

4.8 The DWP has a statutory obligation to pay claimants the benefits to which they are entitled, so one might expect that it would be keen for these appeals to be dealt with quickly and fairly. However, no one has suggested that it takes an active part in furthering the overriding objective, although it has the knowledge, expertise and resources to do so. The inequality between the DWP and the appellant is stark. This also applies to other jurisdictions. A SEND advisor¹³⁹ in our Call for Evidence suggested that:

“the judiciary [should insist] that the Local Authority participate in the spirit of the tribunal (attempting to resolve issues well in advance, not the night before) and in a timely fashion with regards to their evidence and administration of the evidence bundle.”

4.9 Our suggestion is that the tribunal could, through its use of the Rules encourage or require the respondent to assist the appellant in the preparation of their case, with the aim of having an effective first hearing at which the tribunal can make a final decision. Necessarily, this would need to be done as soon as possible after the appeal has been filed.

4.10 We hope that advisers with experience of appeals against DWP decisions would be able to assist in developing a protocol of what the appellant needs to do and how the DWP caseworker can assist, with necessary safeguards to ensure that anxious appellants can have confidence in the good faith and probity of the DWP. In the DWP scenarios set out above, it seems possible that such cooperation might lead to more concessions by the DWP at earlier stages than currently, which would be to everyone’s advantage.

4.11 We recognise that for those steeped in adversarial litigation, this will seem a strange suggestion. However, these tribunals are inquisitorial, not adversarial and it seems to us that it would be entirely within the spirit as well as the letter of the Rules for the parties to work together in furtherance of the overriding objective.

¹³⁸ https://data.parliament.uk/DepositedPapers/Files/DEP2021-0672/Quality_Focus_July_2021.pdf

¹³⁹ Respondent 17 advisor, SEND

Understanding the Process & Communication

4.12 The AJS is complex. This complexity doesn't end once an individual has recognised their problem and sought advice as to the most appropriate route for redress.

4.13 Many respondents to the Call for Evidence reported that appellants are often overwhelmed by the complexity of processes in the AJS, particularly when they are unrepresented. One respondent¹⁴⁰ explained that:

*"There is very little, if no, understanding of the difference between tribunals and courts (inquisitorial v adversarial) and many people feel as though they are going to court almost as if they've done something wrong."*¹⁴¹

4.14 These findings were reiterated in a focus group meeting held with judicial office holders in Spring 2024. The focus group reported 'pinch points' in the AJS where unrepresented appellants faced particular difficulties such as understanding procedure, following judicial directions and understanding final orders. Participants emphasised their role in clear communication, tailoring their approach and the role of HMCTS staff in easing procedural navigation. The group also praised the Equal Treatment Bench Book as a vital resource for guiding their work.

4.15 Navigating Ombudsman schemes is equally challenging. Ombudsman schemes and tribunals differ in the types of outcomes and redress they can offer. While tribunals are judicial bodies that make binding decisions on points of law, ombudsman schemes have a broader and more flexible approach to resolving complaints. Ombudsman schemes can recommend apologies, financial compensation, or changes to policies and practices, and are often better placed to consider complaints raised by multiple individuals and to recommend systemic improvements. This ability to address patterns of poor service or maladministration means Ombudsman schemes can drive wider change in public services, beyond the resolution of individual cases—something tribunals are not typically empowered to do. However, the process of achieving such outcomes through an ombudsman can be slow and complex, requiring persistence and patience from those seeking redress.

¹⁴⁰ Respondent 17

¹⁴¹ Respondent 25

- 4.16 Even when individuals do know about ombudsman services, navigating the path to access them is far from straightforward. Typically, ombudsman schemes require individuals to have first exhausted the internal or local complaints process of the organisation concerned. Only after receiving a final response—or if the complaint remains unresolved after a set period—can the ombudsman intervene. This process can be confusing, especially for those unfamiliar with formal complaints procedures, and clear guidance is needed to help users navigate the steps and avoid unnecessary delays. Further, if a satisfactory resolution is not achieved, moving on to an ombudsman scheme involves further paperwork, waiting periods, and engagement with another layer of bureaucracy. Ombudsman schemes are established under detailed legislation, which means their processes can be highly procedural and time-consuming. Cases may take months or even years to resolve, and the administrative burden can be daunting—particularly for those who are already at a disadvantage.
- 4.17 Several organisations provide direct, non-legal support to unrepresented individuals. Support Through Court (formerly the Personal Support Unit) offers assistance at many court centres, helping with paperwork, providing emotional support, and accompanying unrepresented appellants in hearings¹⁴². Law centres, Citizens Advice Bureaux, and university law clinics offer free advice sessions, sometimes including help with form filling, bundle preparation, and procedural guidance. However, the difficulty accessing these services pervades the whole of an individual’s journey, and many individuals go without representation
- 4.18 Until recently, another source of support during the process, particularly for in-person hearings, was at court counters, who can help individuals understand where to go and what to do. The Justice Select Committee’s inquiry into Court and Tribunal reform found that there has been an “*almost universal closure of public counters*”, which has resulted in individuals being greeted by security and left confused. This has had a particular impact on those without legal advice or representation. For those at a disadvantage in the process, these small assistances with familiar and experienced staff go a long way to reassure individuals and cannot be replicated by call centres.¹⁴³
- 4.19 Challenges in navigating AJS processes are also closely linked to, and can be exacerbated by, poor communication from either public body decision-makers or by HMCTS. The effects of poor communication make a complex system harder to navigate. Additionally, it can cause undue stress

¹⁴² See <https://supportthroughcourt.org/>.

¹⁴³ Court and Tribunal reforms - Justice Committee - House of Commons, para. 139: [Court and Tribunal reforms - Justice Committee - House of Commons](#)

and anxiety for appellants to be left waiting for proceedings to advance without communication.

One Respondent highlighted that:

“Communication from the [decision-maker] is often poor and the tribunal service does not always intervene if the [decision-maker] misses deadlines or fails to engage with the appellant.”¹⁴⁴

4.20 The effect of navigating this complex system, compounded by poor communication, can vary from additional stress and anxiety to withdrawing from the process altogether:

“There are many Appellants who chose not to proceed due to being overwhelmed by the process and procedure.”

Cohort specific disadvantage

4.21 There are many reasons why an individual could be at a disadvantage during the resolution of their dispute through the AJS. Although this Working Group has moved away from mental health conditions or difficulties as a focus for considering how individuals are at a disadvantage, it is still useful to consider the broader range of cohorts that may be more likely to experience disadvantage in the AJS. This approach, however, acknowledges that, the fact alone of being faced with a legal issue and having to navigate the justice system can give rise to stress, anxiety, fear and confusion even for the most resilient, which may result in that individual becoming at a disadvantage.

4.22 As noted in the foreword to this report, and highlighted in our interim report,¹⁴⁵ there is no bright line separating those who experience challenges engaging with the system and those who don't. However, there are some groups for whom disadvantages may be more prevalent. It is not possible to provide a full list of characteristics or factors which may predispose a person to being disadvantaged when seeking to address a legal issue, but there are some factors which may indicate that a person is more exposed to difficulty and therefore may not be able to participate, or fully participate, in the justice system.¹⁴⁶

¹⁴⁴ Respondent 17

¹⁴⁵ Administrative Justice Council, Addressing Disadvantage in the Administrative Justice System Interim Report (2024)

¹⁴⁶ See report: Dr Tara Mulqueen, Professor James Harrison, Dr Lisa Wintersteiger, Understanding local legal needs and supporting early intervention, (2025), <https://www.nuffieldfoundation.org/project/social-welfare-law-advice-community-connectedness-equality-and-well-being>; <https://www.nuffieldfoundation.org/project/understanding-local-legal-needs-and-supporting-early-intervention>

- 4.23 A guide aimed at solicitors, practice managers and legal support staff, produced by the Law Society on meeting the needs of vulnerable clients, highlighted some issues which may be an indicator of likely disadvantage in their interaction with the AJS, including, physical and mental health problems; learning disabilities, sensory impairment, illiteracy, neurodiversity, language issues, age and so forth. The report notes that because a person may fall into one of these categories does not necessarily mean that they are at a disadvantage but rather, legal professionals should be alert to that possibility. The report also acknowledges that some people may be affected by more than one risk indicator.¹⁴⁷
- 4.24 The Solicitors Regulation Authority also provides a similar list of characteristics and susceptibilities which may indicate vulnerability or disadvantage, and it also details how life events such as bereavement, relationship breakdown or loss of employment can indicate situational disadvantage.¹⁴⁸ Certain circumstances such as homelessness, being in detention or being in hospital pose an obvious barrier when having to deal with a legal issue. Additionally, wider socio-economic factors such as financial precarity and poverty, can also place people at a disadvantage.¹⁴⁹ Some characteristics, such as poor mental health, make it more likely that a person will experience multiple problems.¹⁵⁰
- 4.25 Where there are multiple challenges, or cumulative disadvantage, for instance, a language barrier combined with learning difficulties, or a sudden loss of income for a physically disabled person, this can exacerbate barriers and further, lead to inaction where people are too overwhelmed to deal with any problem.¹⁵¹
- 4.26 When needing to address a legal issue, any of the above potential difficulties may be further impacted by personal, behavioural and attitudinal profiles. There is an association between unmet legal needs within certain disadvantaged cohorts, and findings from the Legal Needs survey,¹⁵² show

¹⁴⁷ The Law Society, Meeting the needs of vulnerable clients (2025):

<https://www.lawsociety.org.uk/topics/client-care/meeting-the-needs-of-vulnerable-clients>

¹⁴⁸ The Solicitors Regulation Authority: Providing services to people who are vulnerable; March 2016:

<https://www.sra.org.uk/globalassets/documents/solicitors/freedom-in-practice/vulnerable-people.pdf>

¹⁴⁹ For example see: Hiil user friendly justice, Understanding Local Legal Needs: Early Intervention and the ecosystem of legal support: and; Poverty and Access to Justice (2021): <https://www.hiil.org/wp-content/uploads/2021/10/Hiil-report-Poverty-and-Access-to-Justice-web.pdf>

¹⁵⁰ See Aoife O’Grady et al., “Disability, Social Exclusion and the Consequential Experience of Justiciable Problems,” Disability & Society 19, no. 3 3, (2004)

¹⁵¹ Dr Tara Mulqueen and Dr Lisa Wintersteiger, Understanding Local Legal Needs: Early intervention and the ecosystem of legal support. (2025): <https://www.nuffieldfoundation.org/project/social-welfare-law-advice-community-connectedness-equality-and-well-being>; <https://www.nuffieldfoundation.org/project/understanding-local-legal-needs-and-supporting-early-intervention>

¹⁵² Law Society and Legal Services Board, Legal Needs of individuals in England and Wales Summary Report 2024 (2024): <https://legalservicesboard.org.uk/wp-content/uploads/2024/04/LN2023-Summary-report-18.04.24-updated.pdf>

that disabled adults experienced higher incidents of legal issues and higher levels of unmet legal need.

4.27 When trying to grapple with the difficult question of breaking down barriers for individuals likely to be disadvantaged in the AJS, it is also useful to consider how other institutions are addressing this as there may be some learning to be had. In the financial world, the need to consider protection for vulnerable customers is recognised by the Financial Conduct Authority ('FCA'), who acknowledge that certain characteristics may limit an ability or willingness to make decisions placing consumers at greater risk of harm, particularly if things go wrong.¹⁵³ Capital One's Vulnerability inclusion report identified a total of 69 vulnerabilities and five principles are suggested as a way forward to address these: confidence and trust, accessible information, clear choices, easy journey and specialised support.¹⁵⁴ These are principles that apply equally for users of the justice system.

4.28 Fieldwork, carried out for this report with 28 appellants who were seeking help from a law centre, exemplify some of these difficulties with navigating the justice system:

- *My mental health is bad and stressful situations make it worse*
- *I couldn't deal with any legal process alone*
- *I have very poor physical and mental health and suffer extreme anxiety*
- *I have a learning disability which makes it difficult for me*

4.29 Additionally, appellants reported stress that was a direct result of engaging with the AJS and that their ability to cope with everyday problems were compromised by administrative justice issues, such as insecure housing, removal of benefits and proceedings, some of which may have led to their engagement in the AJS. These findings were echoed in our Call for Evidence. One Respondent illustrated these complex circumstances:

"Most commonly we see [appellants] who are overwhelmed to varying degrees by the length of time, uncertainty of outcome and number of steps involved in accessing the system. These [appellants] have mental health difficulties ranging from anxiety/depression through to clinical illness. Regardless of their condition, they are all already experiencing highly stressful personal circumstances at the point when they need to access the justice system and the perceived complexity and/or perceived inequality between them and the [decision-making body] against who's decision they're appealing contribute to feelings of overwhelm or injustice."¹⁵⁵

¹⁵³ Financial Conduct Authority: Finalised guidance FG21/1 Guidance for firms on the fair treatment of vulnerable customers (2021): <https://www.fca.org.uk/publication/finalised-guidance/fg21-1.pdf>

¹⁵⁴ Capital One: Supporting vulnerable customers: <https://www.capitalone.co.uk/support/vulnerability-inclusion-principles>

¹⁵⁵ Respondent 16.

4.30 It is this complex tapestry of personal and situational stressors that highlight the importance of addressing any structural and systemic barriers in the justice system which can exacerbate or even have the consequence of triggering further disadvantage leading to an escalation of problems and indeed, poor health.¹⁵⁶

Impact of Modernisation

4.31 Another potential barrier to participating in the AJS is HMCTS' modernisation programme, digitising courts and tribunals. Although this will be discussed in the forthcoming AJC's Digitisation report,¹⁵⁷ when considering barriers in seeking redress through the administrative justice system, digitisation of the system cannot be ignored. Although many people will have assistance via family, friends or trusted intermediaries, this is not the case for everyone. Therefore, it is worth delving a little deeper and unpicking the digital process to highlight some of the barriers that may prevent full participation.

4.32 It has been recognised that separating digital disadvantage from other forms of disadvantage is difficult and the interconnection between different disadvantages is complex. As found in the Civil Justice Report on digital disadvantage, 'general issues of access to justice cannot be divorced from the concept of 'digital disadvantage'.¹⁵⁸

4.33 It is, though, of fundamental importance to look at the different stages involved in a digital justice system; each of which presents its own challenge and for which there may be a variety of stakeholders able to assist with solutions to ensure that people aren't left out of the system.

4.34 Before considering any digital disadvantage, it is worth bearing in mind that paper channels still exist for those who may experience difficulty with accessing or using a digital system and HMCTS also offer a Digital Support Service through a partnership with We Are Group.¹⁵⁹ This Digital Support

¹⁵⁶ See: The Legal Action Group: Legal aid cuts are making clients sick (2015): <https://www.lag.org.uk/article/202800/legal-aid-cuts-are-making-clients-sick>

¹⁵⁷ Administrative Justice Council, Digitisation and the tribunal user experience in the modernised tribunal service (2025)

¹⁵⁸ Civil Justice Council, Futures Group Report on Digital Disadvantage (2025), p21: <https://www.judiciary.uk/wp-content/uploads/2025/05/FINAL-Report-CJC-Digital-Disadvantage.pdf>

¹⁵⁹ We Are Group: <https://www.wearegroup.com/>

Service assists across various areas of law including appealing a benefit decision, responding to money claims and help with divorce proceedings. However, as noted in the interim Digitisation report, the support offered by We Are Group is not straightforward and can depend on partner organisations using a triage system which can make the process cumbersome.¹⁶⁰ The assistance is only available for the initial process of completing forms and does not cover help with online hearings. Further, unless the partner organisation is also able to offer support and advice to accompany the digital assistance, then the assistance is limited and may pose more problems by helping to access the system and then leaving a person in the system, without any further help. This fails to consider the intersectionality of disadvantage and that those already facing barriers due to their personal circumstances, may be further disadvantaged by being left to navigate a legal online process alone.

- 4.35 The digital justice path isn't just a one step process. It requires access to a device, connectivity, digital capability and skills and confidence in using a digital platform. It also requires being able to engage safely online. According to the report produced by Communications and Digital Committee, digital exclusion stems from a complex interplay of factors, including "age, socio-economic status, disability, geography, educational attainment, literacy, and language, and housing circumstances."¹⁶¹
- 4.36 Although there is no accepted definition of digital exclusion, a collaborative research project with University of Liverpool, funded by Nuffield Health, designed a publicly agreed standard: the Minimum Digital Living Standard (MDLS) to measure what people need to feel digitally included and be able to participate in our modern world.¹⁶² According to the Minimum Digital Living Standard (MDLS) definition:

"A minimum digital standard of living includes, but is more than, having accessible internet, adequate equipment, and the skills, knowledge and support people need."

¹⁶⁰ Administrative Justice Council, Digitisation and the tribunal user experience in the modernised tribunal service interim report (2024), p37: [Digitisation and the tribunal user experience in the modernised tribunal service - Courts and Tribunals Judiciary](#)

¹⁶¹ House of Lords Communications and Digital Committee, 3rd Report of Session 2022-23: Digital exclusion: HL Paper 219, para 7, p8: <https://committees.parliament.uk/publications/40662/documents/198365/default/>

¹⁶² Good Things Foundation, The Minimum Digital Living Standard, (2024): <https://www.goodthingsfoundation.org/policy-and-research/research-and-evidence/research-2024/minimum-digital-living-standard.html>

It is about being able to communicate, connect and engage with opportunities safely and with confidence.”¹⁶³

4.37 Therefore, when considering people being able to participate in an online justice space, the fundamental issues of having equipment and being able go online and use online services must be factored in so as to avoid marginalisation.

Affordability - Devices & Connectivity

4.38 There are still households in the UK without any digital devices to enable them to go online. A report by Good Things Foundation in collaboration with Lloyds Banking Group, Nominet and University of Liverpool found that 3% of adults in the UK don't have devices such as smartphones, tablets or a laptop,¹⁶⁴ while 5% of UK aged over 16 do not have home internet access.¹⁶⁵

4.39 Almost half of the people who are offline, either because of lack of device or due to connectivity issues, found that engaging with organisations was difficult. This was particularly so for engagement with council and government services,¹⁶⁶ which is of significant concern in the context of administrative justice. As society and public services shift online, it is vital that any affordability issues, preventing participation, are addressed particularly as low-income households are found to be twice as likely to lack access to the internet at home.¹⁶⁷ There are other reasons why people may choose to be offline, such as the internet being perceived as too complicated, or concerns about security and privacy.¹⁶⁸

¹⁶³ The Good Things Foundation, The Minimum Digital Living Standard (2024), p2:
file:///C:/Users/ite98p/Downloads/GoodThings_MinimumDigitalLivingStandards_2024.pdf

¹⁶⁴ Good Things Foundation, Digital Inclusion: What the main UK datasets tell us (2024):
https://www.goodthingsfoundation.org/dam/jcr:c1da40c1-5247-499e-a627-f273a3a1de55/GoodThings_DigitalInclusionDatasets_2024.pdf

¹⁶⁵ Ofcom, A demographic deep dive into internet adoption (2025), p4:
<https://www.ofcom.org.uk/siteassets/resources/documents/internet-based-services/technology/research-digital-disadvantage/a-demographic-deep-dive-into-internet-adoption-slide-deck.pdf?v=393693>

¹⁶⁶ Lloyds Bank, Consumer Digital Index: The UK's largest study of digital and financial lives (2024):
https://www.lloydsbank.com/assets/media/pdfs/banking_with_us/whats-happening/lb-consumer-digital-index-2024-report.pdf

¹⁶⁷ The Centre for Social Justice, Left Out:How to tackle digital exclusion and reduce the poverty premium (2023):
<https://www.centreforsocialjustice.org.uk/wp-content/uploads/2023/08/CSJ-Left-Out.pdf>

¹⁶⁸ Ofcom: Digital exclusion: A review of Ofcom's research on digital exclusion among adults in the UK (2022):
<https://www.ofcom.org.uk/siteassets/resources/documents/research-and-data/media-literacy-research/adults/adults-media-use-and-attitudes-2022/digital-exclusion-review-2022.pdf?v=327651>

Digital know how, confidence – being able to use the internet

- 4.40 Having a device and being connected to the internet is not enough for digital inclusion. A person requires digital skills and the confidence to access the online services and engage with the system; especially if they are already experiencing a disadvantage and stressful situation. A positive development is a public engagement document recently issued¹⁶⁹, which included a digital inclusion framework that organisations would be expected to meet to be considered part of the digital justice landscape.¹⁷⁰
- 4.41 The Essential Digital Skills Framework by Lloyds Bank categorises digital skills split across five skill areas: Communicating, Handling, Information and Content, Transacting, Problem Solving and being safe and legal online.¹⁷¹ The Foundation level includes simple tasks such as opening an internet browser, using a mouse and keyboard and being able to log in to accounts. Almost eight million adults in the UK are without this Foundation level with a further 22.6 million people saying that their digital skills need further improvement.¹⁷² Without these fundamental skills, accessing online justice would be out of reach, creating a clear disadvantage. The responses to our fieldwork emphasises this point with 74% reporting difficulty with the jargon and 48% lacking digital skills.
- 4.42 Being part of a disadvantaged cohort for whatever reason, can act as a barrier to engaging with digital products and platforms, even where digital skills are present. Ease of use must be a focal area when thinking about disadvantage and participation. Moreover, thought needs to be given to the language used around digital services to make sure that this is inclusive and readily understood by all. For example, Annex C shows a copy of an anonymised SSCS online hearing notice. Here, you can

¹⁷⁰ Online Procedure Rules Committee, Inclusion framework and pre-action model for the digital justice system: public engagement document (2025):
https://assets.publishing.service.gov.uk/media/686f98c1fe1a249e937cbf5c/OPRC_Public_Engagement_Document_PDF.pdf

¹⁷¹ Lloyds Bank, 2022 Consumer Digital index (2022):
https://www.lloydsbank.com/assets/media/pdfs/banking_with_us/whats-happening/lb-consumer-digital-index-2024-report.pdf

¹⁷² Ibid 19

see, even with explanation, that the instructions for joining an online hearing are extensive and complex and could be daunting for some individuals.

4.43 It is encouraging to see that the Government Digital Inclusion Action Plan recognises these risks of being left behind and amongst other measures, will be supporting local initiatives to increase digital participation and working with Digital Poverty Alliance to provide re-purposed laptops to those that need them, plus, launching a Digital Innovation Fund to increase digital participation at the local level.¹⁷³ This builds on the work already being undertaken in this area by community based digital inclusion hubs¹⁷⁴.

4.44 Having started the digital online journey by managing the steps of completing an application or online form, there is a requirement to be able to follow the next steps in the process.¹⁷⁵ When already faced with a disadvantage, these further steps can be very difficult. In the Call for Evidence responses, most advisers and representative were of the view that 76% of their clients would either find it very hard, or hard to understand the next steps involved in the pre-hearing process. This correlates with the findings in our interviews with 74% of respondents reporting difficulty understanding the jargon.

4.45 As discussed at 4.9, where an individual has managed to complete the first stage, and are able to go online, there is a plethora of excellent information to guide people through the online justice journey. While these forms of assistance will be sufficient for some to enable them to participate fully in the system, there are many cohorts who will need a greater level of assistance. Throughout our fieldwork, we have seen a high level of need for assistance with legal issues and online hearings. Responses from the representatives reported that in the main, clients would not be able to manage

¹⁷³ Policy Paper: Digital Inclusion Action Plan: First Steps (2025): <https://www.gov.uk/government/publications/digital-inclusion-action-plan-first-steps/digital-inclusion-action-plan-first-steps>

¹⁷⁴ See Good Things Foundation: <https://www.goodthingsfoundation.org/our-services/national-digital-inclusion-network#:~:text=The%20National%20Digital%20Inclusion%20Network%20is%20made%20up%20of%20over,A n%20error%20occurred.>

¹⁷⁵ See: Professor Naomi Creutzfeldt, Dr. Arabell Kyprianides et al Delivering administrative justice after the pandemic (2023): <https://www.nuffieldfoundation.org/project/delivering-administrative-justice-after-the-pandemic>

an online hearing without help.¹⁷⁶ This is an important consideration as only a small minority of appellants will have a representative to assist.

4.46 Issues with online hearings and the digitisation process will be comprehensively addressed in the AJC Digitisation report however, in terms of barriers for disadvantaged service users, highlighted below are some of the main concerns, as set out in the interim digitisation report ¹⁷⁷:

- Mode of hearing – appellants without assistance are not aware of the most appropriate hearing option. In social security appeals, the options are face-to-face, video, telephone or to have the hearing dealt with on the papers. Choices may be driven by a whole host of health conditions, and those who may find face-to-face hearings stressful may opt for a paper hearing when, in reality, being in-person may be more effective for disability appeals. Further, issues such as lack of devices and internet connection will be a determining factor when making a choice about mode of hearing.
- Uploading evidence – appellants are not always aware what is best supporting evidence so may upload irrelevant material; or may not upload any evidence where there is no ability to do so due to lack of know-how, lack of a device, data or connectivity issues.
- Attending a remote hearing – suitable equipment is needed and when there is digital poverty, such equipment may be lacking or, people may join on their mobile phones from unsuitable locations. Data and connectivity can also cause problems.
- The hearing – there can be many issues with remote hearings including the sound quality, visual issues caused by the presenting layout of online hearings and an inability of the tribunal to rectify technical issues. Further problems can arise when people are placed in virtual waiting rooms without any indication as to what will happen next.

4.47 Any of the above challenges can make participation in a remote hearing difficult for anyone and when a person is already at a disadvantage for any of the reasons noted above, then these

¹⁷⁶ Administrative Justice Council, Digitisation and the tribunal user experience in the modernised tribunal service (2025)

¹⁷⁷ Administrative Justice Council, Digitisation and the tribunal user experience in the modernised tribunal service interim report (2024), p37: Digitisation and the tribunal user experience in the modernised tribunal service - Courts and Tribunals Judiciary.

challenges and obstacles must be addressed to make accessing an online hearing and participating in a hearing more equitable. Otherwise, there is a risk of non-participation.

Accessibility of Proceedings

4.48 Respondents to the AJC Call for Evidence, as well as evidence illustrated in other sections of this report, clearly highlight that all users potentially experience a multitude of barriers when attempting to access the AJS. In addition to these barriers, disabled appellants also experience particular accessibility difficulties.

4.49 Research has identified that accessibility, for both disabled legal professionals and lay participants, is a continuing issue across HMCTS.¹⁷⁸ Disabled appellants face difficulty with understanding and engaging with the process, with increased anxiety caused by the formality and unfamiliarity of the court environment and exacerbated by the limited availability of effective support and legal representation.¹⁷⁹

4.50 There are also issues in how disability itself is understood more widely across the AJS and how accommodations for disabled appellants are implemented. Research examining invisible disabilities in the Personal Independence Payment assessment and appeal processes¹⁸⁰ found a lack of understanding of mental health conditions, fluctuating conditions, and hidden disabilities that impacted on accessibility in the Tribunal. As PIP cases frequently involve individuals with fluctuating

¹⁷⁸ see D. Foster and N. Hirst, *Legally Disabled? The career experiences of disabled people working in the legal profession*. Cardiff University (2020): <http://legallydisabled.com/wp-content/uploads/2020/01/Legally-Disabled-full-report-FINAL.pdf>; and JUSTICE. *Increasing Judicial Diversity: An Update* (2020): <https://justice.org.uk/wp-content/uploads/flipbook/21/book.html#p=61>; Magistrates' Association, *Inaccessible Courts: A Barrier to Inclusive Justice* (2023): <https://www.magistrates-association.org.uk/wp-content/uploads/2023/08/MA-ar-inaccessiblecourtsabarriertoinclusivejustice-2023.pdf>.

¹⁷⁹ Administrative Justice Council, *Addressing Disadvantage in the Administrative Justice System - Interim Report* (2024): <https://www.judiciary.uk/wp-content/uploads/2024/10/AJC-Addressing-Disadvantage-Interim-Report-sept-24-002.pdf>; C. Barnard, A. Ludlow, *Administrative (in)justice? Appellants' experiences of accessing justice in social security tribunals* (2022); R. McLeod, C. Philpin, A. Sweeting, L. Joyce, R. Evans, *Court experience of adults with mental health conditions, learning disabilities and limited mental capacity report 3: At Court*, (2010) and Ministry of Justice: <https://assets.publishing.service.gov.uk/media/5a7c0702ed915d01ba1caae7/court-experience-adults-3.pdf>.

¹⁸⁰ A. Murray, *Amplifying Disabled Identities: Invisible Disabilities in Personal Independence Payment Assessments and Appeals*, Open University, PhD Thesis (2022): <https://doi.org/10.21954/ou.ro.00015035>.

or invisible disabilities, as well as the process being procedurally complex and emotionally taxing, this research offers an illustrative view of accessibility in the AJS.

4.51 In the parliamentary briefing *Invisible Disabilities in Education and Employment* (2023), Kelly and Mutebi state that ‘it is estimated that 70-80% of disabilities are invisible’.^[1] Guidance for legal professionals on how to effectively support lay participants in judicial proceedings does explicitly acknowledge invisible disabilities and how this may impact their participation, for example in the *Equal Treatment Bench Book* (‘ETBB’).¹⁸¹ However, whilst the ETBB is utilised in judicial training, little is known about how well used this guidance actually is day-to-day.

4.52 Murray’s doctoral research included interviews with welfare rights advisors and found the following challenges for accessibility in the tribunal:

- Advisors noted that physical accessibility was better understood and the SSCS1 ‘notice to appeal’ form does not support accessibility as well as it could. The form gives examples of limited and mostly physical measures, such as an interpreter, a ‘hearing loop’, or ‘accessible room’. One advisor noted that the form ‘doesn’t give you any kind of real-world examples’ and did not use the language of the Equality Act to support people to ask for accommodations. Appellants may also require different accommodations at different stages, for example, requiring an alternative format for the appeal bundle and then needing other accommodations for the hearing. Eliciting this information was not facilitated by the form.
- Understanding and accommodating mental health conditions was not well understood. The physical environment of the courts can impact on appellants’ abilities to engage in the process. One advisor spoke of supporting clients who were veterans with PTSD, anxiety and hypervigilance, who became more anxious due to the noisy street outside the Tribunal Centre and the chaotic waiting room and who found it difficult to sit with their backs to the door during the hearing. They found that these kinds of issues were not part of conversations on accessibility, and many sites were not able to offer separate, or private, waiting areas.

¹⁸¹ Judicial College, *The Equal Treatment Bench Book* (2025): <https://www.sentencingcouncil.org.uk/wp-content/uploads/Equal-Treatment-Bench-Book.pdf>.

- There was also a lack of understanding about energy limiting conditions. One advisor spoke of the hearing being scheduled during a time of day when his client with Myalgic Encephalomyelitis ('ME') would usually be exhausted. Despite asking for the hearing to be kept to under an hour, this was not done. The appellant became tired and irritable and started to contradict himself. As a result, he presented poorly to the panel and had to return for another hearing at a later date (which was successful). It is highly likely that this person would not have been successful in his appeal without the support of the advisor.
- There was an overreliance on medical evidence when it came to understanding disabilities, assessing credibility and granting accessibility requests. One advisor worked on a mental health discharge ward and was able to include a lot of medical evidence in the appeal bundles he put together. He noted that accessibility was provided via short appeal hearings. However, (as noted above) another advisor who had a client with ME (a less well understood and medically contested condition) requested a shorter hearing but was not granted one.
- Several advisers noted that the experience and approach of tribunal panel members themselves had a big impact on how appellants were able to engage with the hearing. Panel members who were approachable and willing to adapt their practice, as well as the physical space, were more able to facilitate accessibility. Examples included moving furniture and sitting closer together to ensure appellants could see and hear better; providing different kinds of chairs; dimming the lights in the room; asking appellants how they were doing and letting them know they can take a break if needed; and having a kind and empathetic manner that calms the appellant and allows them to answer questions.

4.53 Whilst these findings relate specifically to research on tribunal hearings in the Social Entitlement Chamber, measures to better support appellants with invisible disabilities could be facilitated across HMCTS.

Delays

4.54 The justice system is also currently suffering from large backlogs and serious delays, which make it increasingly difficult for people to access justice. Government figures for January to March 2025 show the interim annual total for cases received by tribunals was 11% higher than in the previous

year, while the number of cases disposed of has fallen by 9%.¹⁸² As a result, the number of open cases has increased by 14% to 745,000. The impact has differed across tribunals. In the Social Security and Child Support Tribunal ('SSCS'), the number of cases received decreased by 3%, and the number of disposals decreased by 2%, which resulted in only a 5% increase in open cases. The Employment Tribunal saw single disposals increase by 6%, but receipts increased by 23%, leading to a 32% increase in the open caseload. Multiple Employment Tribunal claim receipts increased by 23%, but disposals fell by 49%, resulting in a 9% increase in the open caseload. In the First Tier Tribunal, Immigration and Asylum Chamber ('FTTIAC'), the open caseload has increased by 80%.

4.55 Perhaps more important than the number of cases in the backlog is the length of time it takes for cases to be resolved. In FTTIAC, the mean time to disposal in the fourth quarter of 2024-25 was 50 weeks, which is 7 weeks more than in the same period in the previous year. Reliable comparative timeliness data is not currently available for other jurisdictions. The mean time to disposal for SSCS cases is 32 weeks. For Employment Tribunals, the migration of data between systems means that reliable data for the tribunal overall is not available.

4.56 Responses from the Call for Evidence showed that the effects of delays in the AJS have a profound and often compounding effect on appellants, this is particularly acute where appellants are already at a disadvantage. Respondents highlighted that long waiting times, especially those in SSCS, IAC and SEND, exacerbate the stress, anxiety and financial hardship faced by appellants. As a result, Respondents reported deteriorating mental health of those left waiting and, in some cases, disengagement from the process. Respondents also noted that delays, often with little communication as to the stage of their dispute, undermine appellants trust in the system. Combined with the emotional toll of waiting for an often life-changing, decision, leave individuals unsupported and an entrenching of the barriers they already face. Given the nature of cases in the AJS, delays disproportionately affect those already at a disadvantage due to limited resources or representation.

Conclusion

4.57 Navigating the AJS presents a complex and sometimes overwhelming challenge for anyone but is felt even more acutely for those facing disadvantage. From understanding procedures, knowing what documentation is needed and how to prepare it, to participating in hearings, the AJS can feel opaque

¹⁸² <https://www.gov.uk/government/statistics/tribunals-statistics-quarterly-january-to-march-2025/tribunal-statistics-quarterly-january-to-march-2025>

and inaccessible. Further, barriers are compounded by poor communication, digital exclusion and a lack of support.

4.58 The recommendations in this report respond to these issues. Clearer and jurisdiction-specific guidance, improved communication from tribunals and decision-makers, and accessible formats for forms and materials can help mitigate some of these barriers. We also call for further training for judicial office holders and staff and reducing the burden on appellants to request adjustments to help facilitate processes in the AJS. By improving the usability and responsiveness of the system and engagement between respondent and appellant we can ensure that all users—regardless of their circumstances—can participate fully and fairly in resolving their disputes.

4.59 However, any legal process will, by nature, be complex – decisions have significant impact and the law and procedure surrounding them is complicated and specialised. This complexity cannot be mitigated entirely. Thus, whilst it may not, at a glance, appear linked, this section has also impacted on our recommendations around accessing legal advice and services. Recommendations 6, 7, 8, 9 and 10 on p16-17 are relevant to this section.

Part 2 – Staff Wellbeing

5. Concerns & improvements for staff wellbeing

- 5.1 As outlined in previous sections, the advice sector plays a critical role in supporting individuals through complex and often interlinked legal, social and financial problems. However, a range of systemic pressures have left its workforce grappling with increasingly difficult conditions. Staff across the sector are navigating increasing workloads, precarious funding environments, recruitment and retention challenges, and dissatisfaction with the workplace experience. These issues, well-documented in existing literature and echoed in the findings of our Call for Evidence and surveys, point to a system under strain – where those delivering vital public services are struggling to cope. The consequences of these challenges extend beyond the workforce, affecting the quality and availability of services and threatening the long-term sustainability of the sector. Through case studies from our Call for Evidence, this section explores the current landscape of issues facing the advice, the implications for staff wellbeing and proposes measures that the sector, government and organisations can put in place to ensure staff wellbeing and sector-wide sustainability.
- 5.2 Whilst this section uses front-line advice organisations as illustrative of the problems with wellbeing of staff in the AJS, lessons can be learned for all organisations within the AJS. Further, our Call for Evidence and Judicial Focus Group have shown concerns about the effect of supporting appellants facing disadvantage on wellbeing across all of the AJS, from representatives to the judiciary.
- 5.3 The Call for Evidence helped the Group establish what organisations were doing to support their staff through training and wellbeing policies. However, as the work progressed, the Group were left questioning how effective these policies were and how their efficacy was being measured. The Group followed up with three respondents to the Call for Evidence, from different types of organisations, both to enrich our findings through real world examples and to understand the variety of ways in which organisations measure the efficacy of their policies and development to meet the needs of their staff. These conversations have been summarised below into case studies, which will be referenced throughout this section.

Increased demand and complexity of problems

- 5.4 As noted in our interim report, our findings have indicated three areas of change for users seeking advice for their legal problems: advice needs, health needs and digital needs. In our first survey, carried out in June 2023, 66% of respondents from the advice sector reported an increase in clients

who they perceived as displaying, or who reported, mental health difficulties or ill-health since March 2020. Additionally, representatives reported clients who they believed displayed, or who had reported, serious mental health concerns, including self-harm, suicidal ideation and/or obsessive or intrusive thoughts. Further, in both surveys representative indicated that they are spending time assisting with issues relating to their client's social, health and digital needs, with resulting frustration when issues are not properly dealt with - representatives also report multiple and compounded problems. These concerns from representatives are mirrored in our more recent Call for Evidence findings, by other organisations and in academic literature, indicating these changes have persisted since our interim report.¹⁸³

*"Whereas 20-30 years ago, we would have been able to work with social workers, GPs, and others to support clients, now when we make referrals the most usually outcome is that nothing happens. As a result, staff carry high levels of risk and trauma with them day to day."*¹⁸⁴

5.5 The increase in demand on advice services has been well documented over the last few years. AdviceUK reported that 90% of those who responded to their members survey reported an increase in demand over the last year, with 55% of respondents reporting they aren't confident they can meet this demand.¹⁸⁵ These findings are mirrored throughout our fieldwork. One respondent to our Call for Evidence stated:

*"My service is managing at present but there is always a service where demand outstrips supply and the pressure of not being able to help everyone who needs it does weight heavy on people as our client's groups are in need, and often vulnerable on a number of levels"*¹⁸⁶

Wellbeing & Burnout

5.6 The psychological well-being of client-facing staff in the advice sector has been brought into sharp focus during and following the COVID-19 pandemic.¹⁸⁷ Increased caseloads, substantial changes to working environments, and the increasingly complex needs of service users have collectively contributed to elevated levels of psychological distress among advice practitioners. Research

¹⁸³ Naomi Creutzfeldt and Diane Sechi Full article: [Social welfare \[law\] advice provision during the pandemic in England and Wales: a conceptual framework](#), (2021)

¹⁸⁴ Organisation C – Follow up response

¹⁸⁵ AdviceUK Advice Saves Lives. The Social and economic impact of independent advice services (2024), p15: https://www.adviceuk.org.uk/wp-content/uploads/2024/10/Advice_Saves_Lives_Report-2024.pdf

¹⁸⁶ R65 rep and advisor

¹⁸⁷ Naomi Creutzfeldt and Diane Sechi, Social welfare [law] advice provision during the pandemic in England and Wales: a conceptual framework. *Journal of Social Welfare and Family Law*, (2021) 43(2), 153–174. <https://doi.org/10.1080/09649069.2021.1917707>

conducted by the Helplines Partnership found that 70% of their member organisations had significant concerns regarding the well-being of their support and advice teams.¹⁸⁸

5.7 Drawing on terminology from healthcare literature, there has been growing recognition of the psychological impact resulting from repeated exposure to clients' traumatic experiences.¹⁸⁹

Vicarious trauma, also referred to as secondary trauma, describes the emotional and psychological changes experienced by practitioners when providing support to individuals who share traumatic narratives and experiences.¹⁹⁰ The cumulative effects of managing emotionally distressing client interactions can adversely affect practitioners' social functioning, emotional well-being, physical health, and cognitive processing capabilities. This phenomenon is inherently cumulative, with psychological impact intensifying over time as practitioners encounter increasingly distressing client presentations.¹⁹¹

5.8 Without appropriate intervention, vicarious trauma presents concerns not only for practitioner well-being but also carries significant implications for service delivery quality. Affected advisors may experience emotional disconnection from service users' needs, struggle to maintain empathy and concentration, and potentially avoid cases involving particular content or subject matter. In severe cases, practitioners may become unable to fulfil their professional responsibilities effectively, compromising both individual career sustainability and organisational service capacity.

5.9 There is a growing body of research and recognition, both in the UK and internationally, which illustrate the psychosocial risks faced by lawyers and advisors working in the legal advice sector, including depression, anxiety, vicarious trauma, burnout and compassion fatigue.¹⁹² There is also a suggestion the legal sector has a particular mix of working conditions which discourage individuals from seeking support for their wellbeing.¹⁹³ These sentiments are mirrored in our Call for Evidence findings, with respondents often mentioning higher levels of stress due to increased demands, needs or lack of funding, emotional stress or overwhelm as a result of clients with complex needs, safeguarding or wellbeing concerns.

¹⁸⁸ Helplines Partnership, Who helps the helpline workers? Compassion fatigue and vicarious trauma in the helplines sector. (2020): https://helplines.contentfiles.net/media/documents/FINAL-HLP-Who-Helps-the-Helpline-Workers-08_20-Web-PDF_1.pdf.

¹⁸⁹ Mehlmann-Wicks, J. . Vicarious trauma: signs and strategies for coping. [online] The British Medical Association, (2024): <https://www.bma.org.uk/advice-and-support/your-wellbeing/vicarious-trauma/vicarious-trauma-signs-and-strategies-for-coping>

¹⁹⁰ Gemma Khairi, Introduction to... Vicarious Trauma in the Contact Centre, (2023): <https://www.callcentrehelper.com/introduction-to-vicarious-trauma-222201.htm>

¹⁹¹ Lisa McCann, and Laurie Anne Pearlman, Vicarious traumatization: A framework for understanding the psychological effects of working with victims. *Journal of Traumatic Stress*, (1990), [online] 3(1), pp.131–149: <https://doi.org/10.1002/jts.2490030110>

¹⁹² See, Full article: Lawyers' perspectives on how to manage the psychosocial risks they face in the legal assistance sector.

¹⁹³ LawCare, Life in the Law (2020/21): <https://www.lawcare.org.uk/wp-content/uploads/2025/09/lawcare-lifeinthelaw-v6-final-1.pdf>

- 5.10 This, combined with reported difficulties in managing workload and working over expected hours resulted in respondents reporting increased rates of leave and sickness, physical health concerns and staff needing to seek medical help as a result of their work.
- 5.11 We spoke with an Immigration Advice Centre which has two immigration teams, with ten solicitors, one researcher and one manager. The Centre typically has two volunteers at any time. The Centre only has an Employment Assistance Plan ('EAP') to support their staff. Last year, they managed to secure charitable funding for clinical supervision – this was very well received but has now come to an end. Levels of sickness are high, and work is needed to cover caseloads. Some charitable funding was used recently to provide suicide prevention training, due to high levels of suicidality amongst clients. Data is collected on exit surveys, turnover and sickness, but these aren't regularly shared with staff 'on the ground'. Training for staff is constrained due to funding. Managers would like significantly more training for staff as they currently do the statutory minimum.
- 5.12 Staff reported a big gap between their view and the system and leaderships' view of adequate training. Staff also report a decline in outcomes from referrals to other services (e.g. GPs or social workers). Staff carry high levels of risk and trauma in their day-to day work. This, along with high caseloads, makes for a stressful working environment. The Centre described the impact of this on their staff:

'We support vulnerable children and young people, and it has a significant effect on the team. Staff members have experienced vicarious trauma, problems sleeping, burnout and extreme emotions like outburst of anger or tears. Staff can become very focused on activities for their wellbeing, for example, exercise. This is good but can be concerning as on days where a team member cannot go for a swim/running etc. they report finding it much harder to cope. We feel that minor health complaints like colds, coughs, headaches, etc. are all more common than they would be in other workplaces, and last longer. [...]The circumstances are largely related to two factors, which can both co-occur. The first is the trauma and circumstances of our clients. Many are suicidal and face significant challenges with their living situation, mental and physical health.

It is incredibly hard to work with children and young people in these circumstances and not be impacted by it. Moreover, we find that other public services are often unwilling or able to support our young people. We make safeguarding referrals in-line with our policies and nothing happens. Social workers, NHS services and others say that young people do not meet thresholds for support or that their cases are "too complex" for them to take on. As a result, we are left supporting highly vulnerable clients with little or no help from other services. The second is our workload. Low legal aid rates, Home Office backlogs and delays in the courts all mean that we hold cases for a very long time and must work on a high number of cases in order to ensure the financial stability of the Law Centre and our specialist children and young people's unit. This is compounded by a crisis in the legal aid sector which means that our staff know that if they do not take on a case (particularly more complex cases, or those where the client has additional

obstacles to being able to provide instructions such as trauma or lack of mental capacity) then it is likely that a client may remain unrepresented despite having a meritorious underlying claim. The pressure of juggling multiple cases at once, always for vulnerable and traumatised clients is particularly challenging. Further, the numerous changes to legislation, policies, procedures and operations (including digitisation and increased automation) mean that there is no 'ebb and flow' to our work, and no periods of quiet within which we can recover from more intense periods of work. In general, the word that we use to describe our workload is "relentless"”¹⁹⁴.

5.13 This case study demonstrates the cumulative and compounding pressures placed on staff in the advice sector, particularly for those working with clients facing disadvantage in the AJS. This demonstrates how exposure to trauma, high-caseloads and lack of help from other public services can lead to exhaustion, physical and mental health issues and burnout. It demonstrates that burnout is not just a personal issue, but a structural one, rooted in the number of challenges facing the advice sector.

Recruitment and Retention

5.14 As well as the issues of increased demand and complexity and resulting high workloads and emotional toll, there are a number of well documented factors which have resulted in the advice sector grappling with significant recruitment and retention challenges. The AdviceUK members survey reported that 88% of respondents stated that recruiting and retaining staff was a significant challenge, with 44% stating it was extremely or very challenging.¹⁹⁵

Pay

5.15 In the advice sector, pay is comparatively low to other legally qualified roles, which often leads to individuals leaving for more well paid, and less emotionally taxing, roles in the private sector as they gain experience. The workforce itself is fragile, with only 27% of advisors being formally qualified, and services relying heavily on volunteers, further compounding the issue.¹⁹⁶ This, as well as precarious short-term grants, individuals report feeling underpaid and undervalued, making it difficult for individuals to envision a sustainable career in the advice sector which allows them to keep pace with the costs of their lives.¹⁹⁷

¹⁹⁴ R71 advice organisation

¹⁹⁵ AdviceUK, Advice Saves Lives The social and economic impact of independent advice services, (2024), p15: https://www.adviceuk.org.uk/wp-content/uploads/2024/10/Advice_Saves_Lives_Report-2024.pdf

¹⁹⁶ AdviceUK, State of the Advice Sector: Insights from AdviceUK’s 2025 Annual Member Survey, (2005), p10: https://www.adviceuk.org.uk/wp-content/uploads/2024/10/Advice_Saves_Lives_Report-2024.pdf

¹⁹⁷ Jo Hickman, Stepping off the Hamster Wheel: Retention, Wellbeing and Culture in the Social Welfare Advice Sector, (2025): <https://londonlegalsupporttrust.org.uk/wp-content/uploads/2025/07/Hamster-Wheel-Report.pdf>

“...the people working in it really care about the system – the lawyers, the staff, the clerks, the prosecutors, the police, the judges. There are a lot of very dedicated people out there. [but the bottom line is, there isn’t enough money and if it weren’t for those dedicated staff, “the whole thing would fall apart”¹⁹⁸

5.16 Pay is always going to be a challenge in the sector. Organisations will never be able to offer high salaries when they are reliant on grant funding.¹⁹⁹ With added pressures of grant funding becoming more competitive, increase in employer’s national insurance, among other factors, pay will always be challenging in retaining and attracting people. However, the London Legal Support Trust and London Citizens Advice report, ‘the Hamster Wheel’ cautions against framing pay as the sole determinant of job quality. Whilst compensation is important, it ranks below factors such as belonging, trust and purpose driving workplace satisfaction.²⁰⁰ Thus, it is important for organisations to consider how their culture, structure and embedding of wellbeing practices beyond pay can assist with retention of staff. Some considerations may include:

- Working more flexibly both in terms of time and location.
- Wellbeing support such as EAP, counselling and mental health support and other benefits such as health care cash back plans.
- Good leadership, clear expectations, and open communication which are crucial for fostering a positive and supportive work environment.
- Developing inclusive policies, such as a menopause policy, with input from staff can ensure support is relevant and helpful.
- Involving staff in decision-making processes and recognising their contributions can improve morale and job satisfaction.
- Training to upskill staff and ensure that they feel able and confident to assist clients, particularly as their needs grow.

Career Progression & Development

5.17 Career progression in the advice sector is often unclear or inaccessible. AdviceUK’s most recent survey found that despite 61% of organisations reporting they offer individual development plans, only 14% of staff state they have received them.²⁰¹ Due to a lack of structured pathways, as well as

¹⁹⁸ Baroness Hale on her stupendous, eye-opening life in the law: ‘People are capable of treating tiny children very, very badly’ | Brenda Hale | The Guardian

¹⁹⁹ See AdviceUK, State of the advice sector: Insights from the AdviceUK’s 2025 Annual Member Survey (2025): [AdviceUK Member Survey Report Digital](#)

²⁰⁰ Jo Hickman, Stepping off the Hamster Wheel: Retention, Wellbeing and Culture in the Social Welfare Advice Sector, (2025): <https://londonlegalsupporttrust.org.uk/wp-content/uploads/2025/07/Hamster-Wheel-Report.pdf>

²⁰¹ AdviceUK, State of the advice sector: Insights from the AdviceUK’s 2025 Annual Member Survey (2025), chart 2.0, p11:[AdviceUK Member Survey Report Digital](#),

having the appropriate time and funding to dedicate to learning and development inhibits the development of an adaptive, resilient workforce. Evidence suggests that investing in training, coaching and leadership not only supports retention, but has a positive impact on staff wellbeing and client outcomes.²⁰²

5.18 On an individual basis, staff and organisations can support a number of practices to develop talent in the advice sector, though enhancing skills and training, expanding professional networks and engaging in mentorship opportunities. These are also ways in which organisations can enhance belonging and satisfaction in low-cost ways. Some examples include:

- Actively supporting and facilitating volunteer opportunities.
- Providing opportunities to continuously update knowledge and expertise in relevant areas.
- Encouraging opportunities to enhance communication, problem-solving, and interpersonal skills, which are essential for effectively advising clients and building strong professional relationships as well as ensuring the confidence of staff in completing their roles.
- Encouraging the use of technology and digital tools, both to enhance service delivery, but also to ensure staff can develop their skills and knowledge of resources and platforms.
- Facilitating and taking part in mentoring schemes. Both for junior staff seeking guidance, advice and career development, and for more senior staff to share knowledge and experience.

Funding /Resources

5.19 A recurring theme across the sector is the challenge of creating sustainable wellbeing initiatives amidst a challenging funding environment. Many organisations have cyclical funding models, or highly restricted funding with very small amounts of 'core funding'. Additionally, advice organisations' funding is increasingly unstable, driven by growing demands for their services and inconsistent funding stream.²⁰³ This can often mean there are insufficient funds to cover comprehensive wellbeing support packages. This financial strain can not only lead to high caseloads and stretched capacity but inevitably means limited access to mental health resources provided by the employers, exacerbating stress and burnout in the sector.

*"I think everyone in the voluntary sector feels the pressure of wanting to assist as many clients as we can whilst also knowing there is no great job security in our sector because of the funding structures. My service is managing at present but there is always a service where demand outstrips supply and the pressure of not being able to help everyone who needs it does weight heavy on people as our client's groups are in need, and often vulnerable on a number of levels."*²⁰⁴

²⁰² See <https://www.adviceuk.org.uk/wp-content/uploads/2025/06/AdviceUK-Member-Survey-Report-Digital.pdf> and ; [Hamster-Wheel-Report.pdf](#).

²⁰³ AdviceUK, State of the advice sector: Insights form the AdviceUK's 2025 Annual Member Survey (2025), chart 1.0 p8: [AdviceUK Member Survey Report Digital](#), [AdviceUK Member Survey Report Digital](#),

²⁰⁴ Respondent 64.

- 5.20 While a more predictable and generous funding environment would undoubtedly facilitate progress in ensuring organisations have the ability to meet demand and address some of the challenges facing their staff, this is not the reality that organisations are facing – thus, our responses must be grounded and address what organisations can do. Despite these constraints, some organisations have found creative or low-cost ways to support wellbeing, including through more robust governance and management processes, cultural transformation measures and using free external resources created by institutions such as NCVO. Further, some membership organisations, such as AdviceUK provide EAP for their members, which are particularly crucial for smaller organisations to have the opportunity to provide formal support where costs would otherwise be prohibitive. Creating intentional spaces for reflection and dialogue does not need to be resource intensive but can yield great outcomes for staff wellbeing. It can also be possible to find pro bono support for some wellbeing measures, for example Lexis Nexis’s HR team carries out LawWorks’ annual Staff Satisfaction Survey pro bono, allowing staff to feel confident that the information they share is fully anonymised and the data analysis is independent of management.
- 5.21 Not all wellbeing support can be provided without a cost, and the sector would benefit from more consistent funding streams dedicated to wellbeing, enabling organisations to offer robust, tailored support without compromising on their service delivery. Alternatively, there needs to be an understanding on behalf of funders that core costs must include wellbeing provisions and should be allowed to be wrapped up into ‘project specific’ funding bids.

Supervision & Training

- 5.22 Supervision and ongoing training are important in ensuring that staff providing advice have, and feel as though they have, the skills to carry out their role and are appropriately supervised while doing so.
- 5.23 Throughout our work, a range of training on a variety of topics have been raised. These have ranged from in-house and external training, training in safeguarding, Mental Health First Aid, suicide prevention and working with vulnerable clients training. Generally, training can be put into two categories: training to improve the skills an individual needs to provide good service and training to improve the skills an individual needs to look after their own wellbeing. Given the variety of training available, coupled with the diverse nature of staff’s experience, advice models, training needs and organisational focus, it would be inappropriate to highlight any specific training as essential for all those working in the AJS. What is clear from our work is that ongoing training is crucial in ensuring that individual staff is properly equipped, particularly where there has been an increase in the number of clients presenting with a particular issue. Additionally, as outlined in the

report commissioned by the Advising Londoners Partnership²⁰⁵ ‘the Hamster Wheel’, training, particularly on skills to improve individuals’ approach to wellbeing, cannot be a solution to structural issues and we are keen to reiterate this.²⁰⁶

- 5.24 There is also a lot to learn from training and techniques in other sectors. For example, the Money Advice Trust (‘MAT’) have developed their ‘Supporting Yourself to Support Others’ course for debt advisors working with vulnerable clients, particularly those with mental health conditions or concerns, which are often interlinked with their experience of debt. This course emphasises the importance of debriefing, self-care and organisational support structures, as well as providing practical tools for managing challenging interactions, safeguarding clients and maintaining personal wellbeing. This course was developed internally, within their internal training structure, to make up part of their Debt Advisors continuous training. For both debt and legal advice, there are often complex, emotive and compounded problems.
- 5.25 Effective supervision is, of course, a crucial element of the regulatory requirements for qualified advisors as set by the Solicitor’s Regulation Authority (SRA).²⁰⁷ Supervision may take a traditional form, in ensuring a safe and ethical practice for clients, but may also extend to clinical supervision, which encompasses elements of psychotherapy, coaching and traditional supervision, with the aim of improving practice. This practice is traditionally thought of in other sectors and roles, particularly in healthcare, some initial case studies and literature suggest this can help with navigating the complex interpersonal relationship between advisor or lawyer and client as well as avoiding burnout, minimising vicarious trauma and enhancing the quality of service in legal advice roles.²⁰⁸ Respondents to our Call for Evidence indicated that many of their organisations have supervision, though this differed between individual and peer supervision as well as in frequency and style of supervision. Again, there is no one clear answer as to good practice on supervision. Ultimately, an approach to supervision should be flexible and iterative - utilising data and staff feedback - adapting to ensure it is fit for purpose, both regulatory, for qualified positions, and for individual roles and organisations.

²⁰⁵ The Advising Londoners Partnership is a collaboration between the Greater London Authority, London Legal Support Trust and London Citizens Advice.

²⁰⁶ Jo Hickman, Stepping off the Hamster Wheel: Retention, Wellbeing and Culture in the Social Welfare Advice Sector, (2025) p2: <https://londonlegalsupporttrust.org.uk/wp-content/uploads/2025/07/Hamster-Wheel-Report.pdf>

²⁰⁷ See SRA Effective Supervision Guidance: <https://www.sra.org.uk/solicitors/guidance/effective-supervision-guidance/>

²⁰⁸ See Marc Mason, From psychotherapy to legal practice: the use of clinical supervision by lawyers in England and Wales article (2024): <https://www.tandfonline.com/doi/full/10.1080/13218719.2024.2362138?src=recsys>, Full article: The case for implementing legal clinical supervision within legal practice, and recommendations for best practice.

“We have basic policies and procedures to ensure we are compliant with the law. We offer little over and above this... We know we could be doing a much better job, but it is difficult to make effective changes given our caseloads which are necessarily high due to poor legal aid funding.... We often use income from charitable sources to pay for staff training, clinical supervision and mental health support.”²⁰⁹

- 5.26 As with many of the problems and solutions we have outlined, organisations can only ensure adequate supervision and training where budgets allow. In our Call for Evidence, we heard from several organisations who recognised that their training and supervision measures were inadequate. From our case studies, we can see the impact of an uncertain funding landscape plays into this, with the Law Centre, being able to provide clinical supervision, with a positive impact from this, but having to stop this service as funding had ended. From this, we can see the interlinked nature of the issues we outline which has led to our recommendations for wellbeing to be intrinsic to an organisation and be taken into account in funding decisions.
- 5.27 Respondents to our Call for Evidence, as well as other stakeholders, have consistently noted the need for informal ‘debriefs’ and peer support. Our conversation with Judge Sarah Johnston, Deputy Chamber President of the First-tier Tribunal Health, Education and Social Care Chamber, and Tribunals’ Judicial Welfare lead, highlighted concerns around isolation of judicial office holders conducting remote hearings without the opportunity to debrief with colleagues and without access to a shared space. The lack of separation between personal and professional environments combined with this inability to debrief are relevant for other organisations. Whilst it is for individual organisations to dictate their flexible working policies, for staff dealing with difficult subject matters or distressing cases, care should be taken to ensure opportunities to do so are intentionally facilitated.

Staff requirements and Targets

- 5.28 Balancing staff wellbeing with service targets is a delicate act in the legal advice sector. High caseloads, complex client needs, and emotionally taxing work, can significantly strain staff capacity and resilience. The Call for Evidence revealed that many staff had taken time off or considered leaving the sector due to stress, with some experiencing severe mental health challenges due to their working environment.
- 5.29 To mitigate this, organisations have introduced measures such as maximum caseload guidelines and flexible working arrangements. They hope that these strategies can help to manage expectations and reduce pressure on staff. Despite this, it is acknowledged that without systemic changes to funding and staffing levels, these efforts only offer temporary relief. A sector-wide

²⁰⁹ Respondent 70.

conversation on sustainable workloads and realistic targets is urgently needed; this must happen alongside the wider ongoing conversations about sector funding.

An Organisation's role in staff wellbeing policy

"...you can't yoga your way out of more structural challenges to workplace wellbeing"²¹⁰

5.30 Historically, the approach to wellbeing support has been seen as a range of distinct activities which are separate to an organisation's strategy and vision. Often, these efforts are aimed at an individual level, such as resilience training or self-care activities such as mindfulness. However, organisations in the legal advice sector play a pivotal role in shaping the wellbeing of their staff, particularly given the emotionally demanding nature of the work and increased needs of users, as outlined in the previous section. Senior leadership who actively prioritises wellbeing, through supervision, culture change, and policy development, can significantly reduce burnout and turnover of staff within their organisations, and in doing so reduce the number of people leaving the advice sector.

5.31 For example, the Team leader's leadership at Stoke SENDIASS involved implementing monthly supervision, informal check-ins, and tools like the Urgency Index to help staff self-monitor stress. These efforts were driven by a recognition of the extreme pressures staff faced and the need for proactive, empathetic support and is illustrative of the importance of good management in keeping stock of staff wellbeing, particularly in smaller organisations with less formal efforts.

5.32 Lastly, the case studies have highlighted the difficulties for individual managers to prioritise wellbeing where structural efforts are lacking, despite this being caused by a lack of funding and increased demand in services.

5.33 Our Call for Evidence asked respondents about their organisation's wellbeing policies. A number of responses from staff, or staff answering on behalf of organisations, stated that they weren't sure of their wellbeing policies, though they knew that they had them, or stated generic 'wellbeing policies'. It may be that these organisations have robust policies themselves, but this suggests that these aren't embedded in their culture or championed – if those responding on behalf of an organisation are not sure, it is likely that the staff aren't either. Evidence from staff across the sector stressed that organisations must ensure that wellbeing policies are not just written but embedded into everyday practice, with clear communication and transparency around available support.

²¹⁰ Jo Hickman, Stepping off the Hamster Wheel: Retention, Wellbeing and Culture in the Social Welfare Advice Sector, (2025) p2: <https://londonlegalsupporttrust.org.uk/wp-content/uploads/2025/07/Hamster-Wheel-Report.pdf>

We met with a Director from an Asylum Support Appeals Charity. The Charity assists asylum seekers appealing decisions of Asylum Support through arranging pro bono legal representation. This organisation has a wellbeing policy and appendix which includes a list of pilot options as well as training. The organisation has 12 staff and 45 volunteers, who offer 8 days per annum to the charity.

The Charity felt quite reliant on regular one-to-one meetings between line managers and staff to gauge the state of their staff's wellbeing. In order to monitor wellbeing, the charity also has a dedicated HR Sub-Committee to their Board of Trustees, who receive reports on appraisals, user feedback and exit interviews. Their current wellbeing measures are as follows:

- Quarterly staff meetings (4 hours), facilitated by an external facilitator with expertise in psychotherapeutic support. These sessions focus on culture and wellbeing. Staff have input into the topics covered (e.g. boundaries). These have developed over time from staff feedback and have moved away from training on topics to discussion.
- Support and supervision every six weeks. Debriefs are held with staff after every appeal. Access to counselling services through three routes: an EAP, external counselling facilitated by the organisation, and reimbursed self-sourced counselling. Sixteen sessions are provided per year.
- A 40% office attendance policy.

5.34 This discussion highlighted the importance of creating intentional spaces for reflection and dialogue, such as quarterly away days focused on topics like burnout and dignity at work. These initiatives fostered a culture of openness and resilience, improving psychological safety, helping staff decompress and feel heard within their organisation. Additionally, this case study is illustrative of the difficulty in maintaining anonymity of feedback mechanisms in small teams, the different needs of volunteers and staff and the difficulty in measuring success empirically.

5.35 Similarly, in the mental health care sector, following a highly challenging and busy period for Mind's helpline during the COVID pandemic, leadership were seeing an increased absence rate, higher turnover and more staff reporting feeling overwhelmed and stressed by their work. This was, in part, due to an increased volume of work, as well as the content of the work, which became more difficult and distressing. Leadership took the decision that, for two months, opening hours would be reduced to allow each advisor an hour away from the phone line per day. These hours

were used to do check-ins and check-outs, refresher training on managing distressing calls and on topics which were increasing in volume, group reflection sessions and increased flexibility over break times. Surveys following these changes reported an improvement in self-reported wellbeing and sentiment towards their role. This activity illustrates the organisations' role in embedding wellbeing in their strategy and at a whole, not individual level.

Considering Good Practice

5.36 The Working Group has considered some questions organisations may want to ask themselves when developing or reviewing wellbeing policies:

- Are policies aligned with the organisation's values and strategic goals?
- Is there a clear plan for communication, implementation, and accountability of policies, and are staff aware of the support currently available to them?
- Is wellbeing embedded in supervision, team culture, and leadership practices, and are line managers trained and supported to implement the policy effectively?
- How are staff involved in shaping wellbeing initiatives, and is there a mechanism for anonymous feedback and continuous improvement?
- Are policies responsive to the specific challenges of legal advice work, such as vicarious trauma and emotional fatigue?
- Is the Board engaged with the Wellbeing practices and ambitions of the organisation?
- How inclusive and accessible are your policies, and do they consider the diverse staff experiences and potential barriers to engagement?

5.37 Good practice involves not only having policies but ensuring they are a lived experience for all staff. Regular reflection, co-creation, and responsiveness to feedback are key to building a resilient and supportive workplace.

5.38 Throughout our case studies, it is clear that there is no one straightforward approach to improving wellbeing, and measures that organisations adopt ought to tailor their approach, taking into account their makeup, structure, work and needs. Organisations may also want to consider the variety of challenges in the advice landscape and to what extent each challenge impacts their organisation, thus, what measures should be taken.

Measuring the success of wellbeing policies

5.39 Measuring wellbeing is complex, and this is especially true in small teams where anonymity is hard to maintain or where trust in management has been eroded. Literature shows that there isn't yet an evidence base to indicate any one wellbeing intervention to be more effective or important

than another, with many factors which could impact their efficacy, and effects of any one measure diminishing over time.²¹¹ There is also a growing understanding that Boards of Trustees should be engaged with the wellbeing process at a more granular level, looking at appraisal and exit interview data, results of staff satisfaction surveys, and generally include wellbeing metrics into their overall analysis of the health of the organisations they oversee.

- 5.40 Organisations we have spoken to have discussed bringing in temperature checks and benchmarking to help assess wellbeing trends overtime and to understand the impact of their wellbeing policies and practises. Combining qualitative and quantitative data, such as supervision notes, attendance at wellbeing sessions, and staff turnover, can also help provide a fuller picture about organisational wellbeing to ensure organisations are not equating correlation with causation.

We met with a regional SENDIASS Team Leader, operating a small team of staff assisting parents through appeals to the SEND Tribunal in a high-deprivation area with significant challenges with staff wellbeing due to overwhelming demand for their services and systemic pressure.

When the Regional Team leader inherited the team, there was high rate of sickness absence and serious mental health concerns, causing significant impact to the individual and service delivery. Structured support for staff is limited to an Employee Assistance Programme ('EAP') provided by the Local Authority. Due to the team's arms-length nature, the Team Leader doesn't have access to official data on staff turnover, sickness or the results of organisational surveys. The Regional Team Leader has extensive experience in the sector but has not been provided specific wellbeing or leadership training. However, the Team Leader has, through strengthened team culture, peer support, hybrid-working arrangements and changing to an empowerment model of care for their clients made significant improvements to staff wellbeing – including reduced turnover and absences, as reported by the Team Leader.

Additionally, clients using their service are more satisfied with their service and are more confident in their ability to handle further disputes.

- 5.41 Our conversation highlighted a number of key considerations in our work, as explained further in this section: the importance of good management and supervision, the difficulty measuring success without data, and the need for wellbeing policies to be responsive to staff needs.

- 5.42 This conversation demonstrates that, ultimately, success should be measured not just by retention or absence rates, but by staff feeling supported, resilient, and able to thrive in their roles. This case

²¹¹ See King's College London, What do we know about the effectiveness of workplace mental health interventions? Literature Review (2020): <https://www.kcl.ac.uk/policy-institute/assets/what-do-we-know-about-the-effectiveness-of-workplace-mental-health-interventions.pdf>

study also demonstrates the importance of good management and understanding the needs of an organisation's staff. The specific measures of impact will need to be tailored to the needs of each organisation, but the tools can be shared (such as template staff surveys, temperature checks etc), and good practice as well as lessons learnt should be built into the overall collaboration and information sharing that occurs between organisations within the sector at forums such as the Legal & Advice Sector Roundtable and the Civil Justice Council Annual Forum.

- 5.43 Meaningful progress will require a sector-wide collaboration to address entrenched cultural norms that have historically accepted low pay, excessive workloads, and unrealistic expectations of emotional resilience among advice sector staff.

Conclusion

- 5.44 The wellbeing of staff working in the AJS is not a peripheral issue – it is central to the system's ability to function properly. This section demonstrates that advisors and other frontline staff are facing increasing pressures: rising caseloads, complex client needs, precarious funding and emotional strain. These challenges do not only affect the individual but undermine the sustainability of the sector and the quality of the support available.
- 5.45 Discussion in this section provides further insights for organisations trying to improve their staff's wellbeing. We advocate for wellbeing to be embedded into organisational practice, supported by sufficient funding structures and assessed meaningfully – not as a 'tick box exercise' but as a core measure of organisational health. Further, appropriate supervision, training and leadership, recognising that good management and culture are as vital as financial resources. Recommendation 11 is relevant to this section.
- 5.46 Lastly, whilst this section has focussed on the advice sector as illustrative of the pressures faced by staff, these insights are applicable to all organisations in the AJS, from judiciary to administrative staff. Whilst the difficulties may differ slightly across different organisations, similar pressures are present throughout, and the considerations and measuring of wellbeing policies are relevant across the AJS.

Table of abbreviations and acronyms

Abbreviation or acronym	Meaning
AJC	Administrative Justice Council
AJS	Administrative Justice System
HMCTS	Her Majesty's Courts and Tribunals Service
MOJ	Ministry of Justice
IAC	Immigration and Asylum Chamber
AST	Asylum Support Tribunal
MHT	Mental Health Tribunal
PLE	Public Legal Education
LAA	Legal Aid Agency
LSB	<u>Legal Services Board</u>
LASPO	<u>Legal Aid, Sentencing and Punishment of Offenders Act 2012</u>
JR	Judicial Review
Litigants in Person	LiPs
FCA	Financial Conduct Authority
PTSD	Post-Traumatic Stress Disorder
CSJPS	English and Welsh Civil and Social Justice Panel Survey
SSCS	Social Security and Child Support
EAP	Employment Assistance Plan/programme

Annex A – Roundtable Summary

‘Improving Access to Justice Through Collaboration’

10:00-13:00, 3 March 2025, Friends House, Euston

1. Opening Remarks – Lucy Scott-Moncrieff

The Chair of the Addressing Disadvantage Working Group, Lucy Scott-Moncrieff, opened the Roundtable by providing an overview of the aims of the Roundtable, as below, and set the intentions for the morning; both emphasising the collaborative nature of the event and the focus on solutions which recognise that it is the system which must improve, rather than the users.

- To identify and share best practice for organisational co-operation for those working in and with Tribunals and Ombudsman.
- To explore how innovative practice can be replicated in different parts of the system.
- To better understand how early legal support needs can be identified and resolved.
- To explore how organisations can work together to meet the needs of users.

2. Setting the Scene – Mr Justice Sir Robin Knowles (Chair)

Mr Justice Knowles set the scene by reiterating the focus on the user and identifying and understanding their needs, summarising the agenda, explaining that the group would discuss collaboration and innovative practice in response to presentations. Knowles J acknowledged the role of funding in supporting users but noted that the discussion must also recognise what can be done within what already exists.

3. Understanding Local Legal Need & Supporting Early Intervention – Dr Lisa Wintersteiger

Lisa explained her recent research, which is due to be published in early March and was funded by the Nuffield Foundation in collaboration with Central England Law Centre and the University of Warwick. Lisa explained that this was a qualitative study which looked at the emergence of legal needs since the end of the pandemic and through the subsequent cost of living crisis.

This study was place based, in Coventry, finding a high level of poverty, reductions in Local Authority funding and a lack of local lawyers accepting legal aid. The study identified 130 problems among participants, typically studies find three or four legal problems per person, whereas this study found six per person. Of those six problems, only one to three were resolved. They found participants were ‘firefighting’ problems, rather than being able to address any one completely or not attempting to resolve issues. Many participants used self-help, rather than seeking legal advice, using practical solutions such as borrowing money or seeking help from friends. The study found participants had low or partial legal knowledge and participants did not know their problems amounted to legal problems. Participants problems were exacerbated by learning difficulties and mental health problems, reinforced by discrimination, and compounded by past trauma.

4. Discussion – Awareness & Early Intervention

The group discussed the role of trusted intermediaries in resolving service users' disputes. There was a recognition of the lack of legal literacy of individuals; not knowing what to do, who to turn to and what problems have a legal solution. The group agreed that there does need to be work to improve legal literacy, alongside the ability to access a lawyer as a back stop. Some work has been done by London Citizens Advice, as part of their work in response to the cost-of-living crisis, to increase skills.

The group moved on to discuss what the next steps could be, discussing how basic needs of users need to be met before others (e.g. Maslow's Hierarchy), reducing the number of legal needs through structural improvements (e.g. improving first-instance decision-making) and using different forms of leverage for different jurisdictions. The group discussed the role of the respondent as the decision-maker and the difficulty of accessing resolutions, even where appropriate legislation is already in place.

The group also discussed the need for local solutions, as they are aware of their local needs, and the need for a strategic vision which helps local organisations link their efforts. There are a lot of successful local initiatives, which know the problems faced by their community and try to address them, but there lacks a common vocabulary for the collaboration needed across communities. The group discussed how this collaboration can be achieved, noting the role of technology in this process and improvements to the presentation of information available by government departments (through gov.uk). An attendee reiterated the hostility of decision-makers when appellants try to engage with them, and the importance of local and central decision makers using the best information and data to identify and resolve pinch points.

5. Health Justice Partnerships – Professor Dame Hazel Genn

Dame Hazel Genn presented to the group her work on Health Justice Partnerships. The presentation explained how Health Justice Partnerships ('HJPs') arose from the close connection between health needs and legal needs, with GPs being 'critical noticers;' where people turn to first to seek help. Many HJP services are in contact with individuals who are otherwise hard to reach, have complex and sometimes lifelong challenges and who's health is webbed with their social welfare.

On collaboration, HJPs provide timely access to non-medical services for individuals, combine health and legal tools for better outcomes, provide early support and reduce the compounding nature of legal problems. Hazel discussed the fact that that problems are known, the focus should now be on collaborative interventions and solutions for complex challenges. Hazel discussed the difficulty funding HJPs, what affects funding, and tools which can be used to illustrate the efficacy of HJPs, such as effective evaluation and evidence of impact.

6. Discussion – Learning from Health Justice Partnerships

The session began discussions with questions for Hazel. An advice sector attendee asked Hazel about how HJPs would need to adapt their relationship with practitioners given the movement of health services online, particularly GPs. Hazel explained that movement online may make it a bit harder for patients to raise issues, but that most GP practices, theoretically, now have social prescribing link workers, but that this strengthens the argument for having HJPs. Hazel recognised that not one size fits all, and that support should not be face to face – individuals have different levels of capacity and experience. Hazel discussed the improvements in online information for individuals, because of the pandemic, but that GPs and A&E Depts are still going to come into contact with people face to face.

A legal policy attendee asked whether any type of model (e.g. specialist, casework) has been evidenced as more effective than another. Hazel explained that it depended on the needs of the individual, their capacity and ability to use information provided—resources must be targeted for the greatest impact. Shiva highlighted that one of the biggest impacts of HJPs is the value that comes from support they can give healthcare professionals who can, in turn, better support patients – GPs are increasingly finding themselves unable to support their patient’s health due to their social challenges (e.g. mould induced asthma). Thus, the greater collaboration can make a substantive difference to a healthcare professional’s ability to support patients by knowing the legal framework (e.g. content of support letters informed by the legal questions asked).

A third sector attendee asked if HJPs success could be replicated (e.g. Education Justice Partnerships). Hazel discussed the impact of a compulsory seminar for medical students at UCL on Health Justice. The Parliamentary and Health Service Ombudsman discussed the opportunity and risk due to the level of distrust in the health service and issues arising from poor communication. The Ombudsman wanted to ensure that we don’t introduce an element that deteriorates trust in the health sector – getting this right results in respect and better communication and trust. A further point was made regarding linking legal and education services; there are a number of examples where advice services have been delivered in schools, particularly around SEND disputes. They emphasised the local nature of services as important, noting work by the Nuffield Foundation about how people have their legal problems resolved locally.

The group discussed how best to evidence the efficacy of HJPs, and other programmes. There are a lot of different studies and frameworks, such as standardised questionnaires, particularly measuring mental health, EQ-5D, and longitudinal studies. These are difficult to conduct, particularly if the impact isn’t measured before and after. Hazel’s 2016 research did provide measurement at 3 months and 6 months. Hazel noted that measuring is tricky, particularly beyond superficial satisfaction levels. Studies (including an AJC report) have looked at the release of bed days and A&E use, Hazel has used general health and wellbeing measures, the Ministry of Justice will be releasing a report shortly looking at outcomes using propensity score matching, and there have also been some economic based studies in this area.

The group returned to the importance of illustrating efficacy in the role of funding and using this to strengthen funding support. Shiva Riahi, an academic working with Hazel, explained that some HJPs are partly funded by the Department for Health/NHS, as it has a huge benefit to them, as well as the Ministry of Justice. The group discussed fragile funding and the lack of long-term funding, emphasising the need for a wider strategy/broad framework for advice sector organisations.

7. A Service User’s Perspective

Diane Sechi introduced a client of hers, who appeared via a pre-recorded video, who she had assisted in appealing a benefit decision at the tribunal. In their message, they discussed their career as an ICU and specialist cardiology nurse and their experience suffering a traumatic brain injury (‘TBI’). They explained how difficult they found the process for applying for attendance allowance, their difficulties form-filling and using digital systems as a result of their TBI, poor first-instance decision-making, repeated appeals, and the crucial support they received from Diane. Without this support, they would not have been able to go through the process.

8. Legal Support Programme & Strategy – Kirsty Jacobs & Toby Elliott, MoJ

Kirsty Jacobs began the presentation by explaining what the Legal Support Team’s work over the last five years to collaborate with the justice sector and to build their evidence base; a range of pilots, grants and

research, including research on co-locating advice services in healthcare settings. The team also held a Legal Support Strategy Conference in March 2024 and a number of subsequent workshops to look at key opportunities and issues facing the sector. MoJ are providing funding to the sector through two grants, which support effective support delivery models and the role of online information to support individuals. Both are extended until March 2026. There is an emphasis on engagement with stakeholders, attending events like these and developing relationships to develop a system which is effective, efficient, and sustainable.

The team have set up a Legal Support Strategy Delivery Group, launched by Minister Sackman, which is an action-focussed group which met for the first time in January. The Group will look across the sector to bring together organisations to make service user experience better, amplifying good practice, streamlining efforts, aligning goals, and facilitating collaboration. They aim to do this through two focusses: identifying and promoting effective delivery models; and using data to better evaluate and monitor the efficacy of services. Funding is challenging, but the team would like to explore any untapped avenues to ensure the sector is sustainable.

Toby explained the team's outcomes framework; it can be difficult to evaluate interventions to know what is most effective and how advice translated to medium and long-term impacts. Collaboration is key to developing this framework and is at an early stage, but the team are engaging with organisations to understand how they measure outcomes. Data collection differs across the sector, with some organisations having more capabilities and ability to collect data. The team are looking to upskill organisations where possible, which in turn should assist them with providing evidence for funding.

9. Discussion – User Experience & Navigating the System

The group started with questions for Toby and Kirsty, asking whether health outcomes would be considered and how to navigate the interaction between organisations where the outcomes found by MoJ will have an impact on other Departments which act as decision-makers (e.g. DWP). A charity sector attendee asked how the team were going to align with data in civil and family matters or in geographical areas. Kirsty explained that it is difficult to find out where individuals drop out of the system, but they are coordinating with HMCTS to use the best evidence base available. HMCTS are involved in creating the outcomes framework.

Questions on data sharing agreements, system-based approaches and common journeys were raised – though it is too early to say if these will be taken forward but will be considered. Other questions were asked on how the OPRC fits into this; when looking at common data there is some read across to gathering outcomes. Caroline Sheppard discussed the work of the OPRC, working with colleagues on data standards to ensure good data to base this on. The group reflected on the practical challenges to solving issues in the sector and work which can be learned from other organisations, such as the Crown Prosecution Service Scrutiny Panel. The Chair reflected on how this event has helped convene people to discuss these issues together, discuss the common problems we face, understand how we can better focus efforts and the role of transparency between Departments.

Discussion turned to focus on how best to present the benefits of collaboration and make the most impact; pushing on doors that are already open, focussing efforts at different levels and how to present data to senior officials. A HMCTS attendee discussed the role of transparency between organisations and the challenges which come from not being able to be more open. The group discussed the high number of successful appeals and, on the wider policy point, that this has a knock-on effect for HMCTS and other services; reducing legal need includes better decision-making and learning from appeals; and using this to

bring officials onboard. A member of the Working Group reiterated that this workstream came from the challenges which have been raised at the Roundtable and the Chair summarised discussions: improving communication, reaching service users, pressure faced by frontline services (not just legal), the willingness from organisations to work together and having a whole system approach.

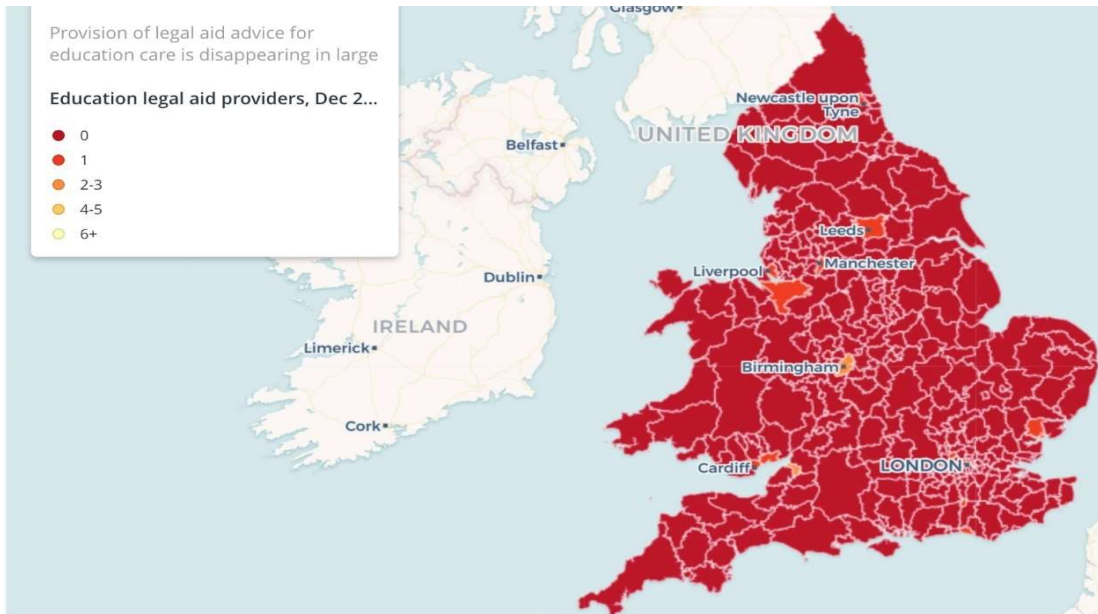
10. Closing Remarks – Senior President of Tribunals and Chair of the AJC

The Senior President of Tribunals ('SPT') began by thanking attendees, speakers, and the AJC Secretariat, and reiterated the importance, and benefit, of attendees coming to events like this to make connections. The SPT explained that the discussions brought a perspective to the challenges the sector faces and demonstrates the pragmatism of attendees. The SPT emphasised having deliverable solutions which are collaborative and contain different approaches. He explained that access to justice was paramount. Resolving an issue is difficult for users, which Diane's Client's experience illustrated courageously for the group, and the system must make access to support and resolution easier. There is help that can be given, which avoids pressure being put on individual participants in the system so that access to justice can be provided where it is necessary to those who must get a fair outcome. The SPT closed by applauding the work being done by participants, reiterating that justice stakeholders have a shared goal, noting that we are aiming for something bigger – proper support where necessary in a system which is evolving quickly. Participants were encouraged to follow up on their thoughts with the Secretariat.

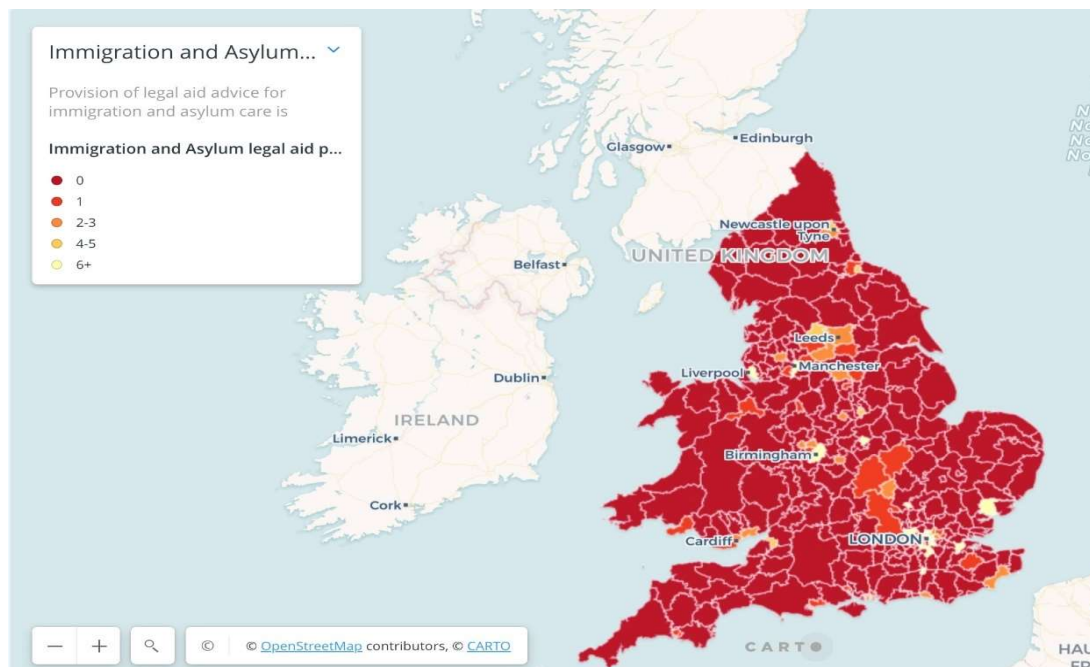
Annex B – Legal Aid Desert Maps

Please see below further maps of legal aid provision created by the Law Society.

Education:²¹²



Immigration:²¹³



²¹² The Law Society, Education - legal aid deserts (2024): <https://www.lawsociety.org.uk/campaigns/justice-and-rule-of-law/civil-justice/legal-aid-deserts/education>

²¹³ The Law Society, Immigration and asylum - legal aid deserts (2024): <https://www.lawsociety.org.uk/campaigns/justice-and-rule-of-law/civil-justice/legal-aid-deserts/immigration-and-asylum>

Community Care: ²¹⁴



²¹⁴ The Law Society, Community care - legal aid deserts: <https://www.lawsociety.org.uk/campaigns/justice-and-rule-of-law/civil-justice/legal-aid-deserts/community-care>

Annex C – SSCS Online Hearing Notice



HM Courts & Tribunals Service
Social Security & Child Support Appeals



National Insurance number: [REDACTED]
Reference number: [REDACTED]
Date: [REDACTED]

Dear [REDACTED]

About the PERSONAL INDEPENDENCE PAYMENT (NEW CLAIM APPEALS) appeal for [REDACTED]

Your appeal will be heard by video hearing.

Date : 13/03/2025
Time: 10:00AM

Please connect to the Cloud Video Platform (CVP) no later than 15 Minutes before your hearing time, by typing the link below into your Google Chrome browser.

Link to join hearing [https://tinyurl.com/\[REDACTED\]](https://tinyurl.com/[REDACTED])

Please read the enclosed Guidance on taking part.

If your contact information has changed since you started your appeal please email [REDACTED] up to 10 days before the hearing, quoting your appeal number and hearing date, with details and:

- If you need an interpreter, or other support
- If there is any reason why you will not be able to take part in the hearing

When you join the hearing, make sure that you have with you the response to your appeal. This was sent to you by the Respondent, usually a month or so after you made your appeal. If you did not receive this, please ask the Respondent for another copy and let us know.

Yours sincerely

[REDACTED]
Clerk to the Tribunal



First-tier Tribunal SSCS Guidance for parties and witnesses attending a video hearing

Guidance for parties and witnesses attending a SSCS video hearing

What is a video hearing?

Video hearings will use a video hearing room online, which has been created for the Tribunal. You will be able to join the hearing from your own home or workplace using your own device if you have internet or phone connections. You do not need special equipment to join the hearing if attending by video, but you will need a device which has a camera and microphone, such as a smartphone, tablet, laptop or PC and good internet connection whether by broadband or using a mobile data service. The success of video hearings will depend on the strength of the internet connection and quality of the equipment.

How will I know that I will be able to join the hearing by video?

Anyone participating in the hearing will be given an opportunity to test their equipment and connection with the Video Hearing Support clerk (VHS clerk) before the start of the hearing. If the internet connection is not good enough or there are problems connecting, a dedicated room telephone number is provided so that you can speak to the VHS clerk. Please be aware that video hearings may use up data more quickly than a voice call. Please check with your data provider if you have any concerns about whether you have a sufficient data allowance or are likely to incur additional charges for participating in a video hearing. For those without a video capability, it is possible to join the hearing using an ordinary phone. If you wish us to call you by telephone, please let us know, otherwise please join the hearing by dialling the numbers provided. Please note that 0800 numbers are generally free to most landline users, but a charge may be incurred if using a mobile phone service. An alternative 0203 number is available. It is recommended that you check with your telephone service provider to determine whether any charges will be made for the call. Please ensure that at all times we have your most up-to-date telephone and email contact details.

What do I need to do to prepare for the hearing?

SSCS hearings are public hearings. This means that the public may be permitted access to the video hearing room and the hearing will be broadcast in a Court or Tribunal building. Nevertheless, it is important that you are in a private space where you will not be overheard or interrupted. Your hearing will be recorded and a copy of the recording will be provided to any parties to the hearing and/or their representatives upon request. Please do not attempt to make your own recording of the hearing. **It is a criminal offence to record a hearing without the Tribunal's express permission. No attempt should be made to record video or audio or take screenshots of your hearing.**

During the current lockdown, the Tribunal will be aware of the domestic demands on families and will be prepared to work flexibly to accommodate domestic issues. It is a formal hearing, however, and you should be appropriately dressed, ensure that you have the appeal papers available to you and a notepad or paper and pen to write notes during the hearing so that you don't forget what you want to tell the tribunal panel.

First-tier Tribunal SCS

Guidance for parties and witnesses attending a video hearing

Make sure that your device is fully charged or plugged into a charger because video drains batteries quickly.

Before the hearing

How will I know how to join the video hearing?

Up to two weeks before the hearing, HM Courts & Tribunals Services will send you joining details. If you wish any witnesses or representative to attend the hearing, please let HM Courts & Tribunals Service have their details in advance of the hearing in order that arrangements may be made to enable them to join the hearing, although please be aware. The information will include the time for the hearing to start and an estimate of how long the hearing will take. It will also include the dedicated room telephone number so that if you want to join by phone instead of by video, you can join by phone.

You may be able to join using a combination of your smart TV and a smartphone.

For the best sound and picture, on a Windows device, use Google Chrome as your browser, which is available to download free if you don't have it. On an Apple device, use Safari. If you must use another browser, the video hearing will work with Mozilla Firefox and Microsoft Edge, but the quality of the sound and picture will not be as good and there may be a time lag between the sound and the picture.

Video hearings are **not compatible** with Firefox.

If you have not yet done so you should urgently:

- Agree how you will communicate confidentially with your representative during the hearing (if you have one).
- Make sure that you have the hearing bundle or any other documents which you will need for the hearing with you. If they are electronic documents make sure that you have downloaded them, and you are able to access them before the hearing starts.

If you intend to ask any witnesses to attend, you need to now:

- Send them this document and the link telling them how to join the hearing
- Check they are still available for the whole of the hearing time, as the exact time they are needed will not be known until the hearing starts.
- Send us their name, preferred email address and contact number.
- Check that they have access to a copy of the hearing bundle or documents to be used at the hearing, so that they can refer to any document about which they are questioned.

How do I join the hearing?

Remember that the Tribunal now has more than 30 video hearing rooms, and the joining instructions are different for all of them. Make sure that you are using the correct login links: if you are a regular user, every case is allocated its own joining links, so do


HM Courts & Tribunals Service
How to join a CVP (Cloud Video Platform) Hearing
Public Guidance

Step 1

Invitation – CVP Joining Notice

Read the notice carefully and tell the court if you need any special arrangements.

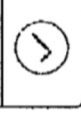


Step 2

Check your internet browser works

CVP works with Google Chrome, Microsoft Edge, Apple Safari, Firefox & Opera.

CVP does not work with Microsoft Internet Explorer



Before the hearing, make a test call.

Copy/paste or Type this address in the browser address bar and press enter:

Make a test call:

bit.ly/CVP_Test

Step 4

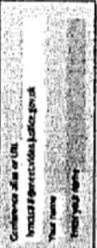
How to join the hearing.

Look at your invitation and copy and paste, or type the address provided into your internet browser address bar and press enter:



You may have an invitation with a link that you can click e.g. 'Web browser: [click here](#)'

Enter your name and role in the box when prompted.



Step 5

Connecting to the hearing.

CLICK SETTINGS

- Select default camera and microphone and audio output (speakers).
- Click 'Play Test Sound'. You should see yourself, the blue microphone indicator move when you speak and hear the test sound.

Tick 'View full motion presentation by default'.

Click 'OK'. Then click:



You will join the hearing or be held in a virtual waiting room until the host is ready to admit you.

*Note: You may need to enter a PIN (see your joining notice). If you join too early or the court is not ready on time, you may receive the message 'Would not join'. Try to connect closer to the time.

Step 3

Connection or Quality Problems? Check your internet connection

Using the device and connection you will use during the hearing, search online for 'internet speed test' and choose one that tests download and upload speeds.

The key result you need is your **Upload Speed**. Use this to compare with the CVP settings in the table below:

CVP Bandwidth Settings	
Upload Speed	CVP Bandwidth Settings
4 Mbps or Higher	Maximum
3 to 4 Mbps	High
2 – 3 Mbps	Medium
0.6 – 2 Mbps	Low
Less than 0.6 Mbps (500 Kbps)	Call Helpline 0330 808 9405

When you re-join the hearing, click **SETTINGS** and change the bandwidth to match the upload speed.

If you need technical support, call our helpline on 0330 808 9405 Monday to Friday 9am – 5pm. On Saturdays and bank holidays please contact the court.

Full joining instructions can be found online at bit.ly/CVP_joining

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