



The Bar Council

Access to justice: the view from the Bar

October 2026



Foreword

Lady Justice typically is depicted blindfolded, not because she cannot see but because she must not favour. However, the blindfold was not originally an essential attribute of justice. Classical and medieval representations of Justitia showed her sighted. The statue on top of the Old Bailey in London deliberately harks back to the older conception of justice and there is no blindfold. She represents impartiality rather than ignorance of what is before her. Her eyes are seeing and, increasingly, it is barristers who are providing her voice.

In this report, three quarters of barristers state that there is inadequate access to justice due to lack of funding across legal aid and the courts infrastructure. Public confidence in the courts and judicial system is declining and the need for legal help is increasing.

Access to early legal advice saves government money – for every £1 spent on free specialist legal advice and its outcomes in 2023, there was a saving to government of £2.71 and such intervention can avoid escalation. Yet there remains inadequate resourcing of early legal advice.

At least 6% of barristers highlighted the increase of litigants in person, denied legal aid and facing costs, struggling to navigate the court systems. One barrister described this situation in the family courts as “heartbreaking”.

Legal services generated £52.3 billion in revenue in 2024 and produced £9.6 billion trade surplus in 2025. They are one of the great international exports – underpinned by the global reputation of English and Welsh law, our courts and our legal profession.

The publicly funded Bar is the shop window of the justice system that we sell the world. It is seen. The cracks and dirt are collected as evidence to shake confidence and trust on the global plane. Systematic investment is required. Justice no longer can stumble with eyes wide shut.

Kirsty Brimelow KC

Chair of the Bar Council 2026

About us

The Bar Council is the voice of the barrister profession in England and Wales. We lead, represent and support the Bar in the public interest, championing the rule of law and access to justice. Our nearly 18,000 members – self-employed and employed barristers – make up a united Bar that aims to be strong, inclusive, independent and influential.

As the General Council of the Bar, we're the approved regulator for all practising barristers in England and Wales. We delegate our statutory regulatory functions to the operationally independent Bar Standards Board (BSB) as required by the Legal Services Act 2007.

Executive summary

This report is a distillation of barristers' views on access to justice now, in 2026, as part of our ongoing focus on this issue. It is based on data gathered from a democratic exercise – every member of the practising Bar in England and Wales was offered the opportunity to tell us what they thought, and we received 2,477 written responses totalling 53,000 words. This underlines the strength of feeling on the issue. Barristers care deeply about access to justice and the rule of law. We asked barristers:

Do you feel that people are able to access justice at an acceptable level in England and Wales at present?

Just one in five (22%) responded positively. Two thirds (63%) said that people do not get access to an acceptable level of justice and 15% said they "don't know". Removing those who "don't know" from the analysis leaves one in four (26%) thinking people get adequate access to justice and three quarters (74%) who do not.

It's worth reiterating this point: three quarters of barristers surveyed do not think that people are able to access justice at an acceptable level in England and Wales currently.

When we analysed the barristers' explanations for their views on access to justice, two areas of concern predominated: issues with funding (including legal aid, underfunding of

the justice system as a whole, and the affordability of legal services); and, relatedly, issues with the court system (including infrastructure, staffing levels, backlogged listing, and increased numbers of litigants-in-person). The dismal state of the court system and of justice funding negatively impacts the broader legal workforce, not only barristers but also others who spend their professional lives in this crumbling system and have to confront these issues on a daily basis.

We also know that access to early legal advice saves government money – for every £1 spent on free specialist legal advice and its outcomes in 2023, there was a saving to government of £2.71¹ and can avoid people’s legal problems snowballing. Yet there is still inadequate resourcing of early legal advice.

The message barristers are sending is loud and clear and we advise those in government to listen. **We therefore make the following overarching recommendations:**

1. Improve legal aid fee schemes and fairness in legal aid fees, including by introducing fee review bodies
2. Develop a long-term funding strategy for the justice system as a whole
3. Develop an evidence-based long-term strategy to maintain and improve court infrastructure and efficiency

References

¹ The Access to Justice Foundation and the Bar Council, The value of justice for all: Evaluating the case for funding the free specialist legal advice sector, August 2024
<https://www.barcouncil.org.uk/resource/government-saves-three-times-what-it-spends-on-early-legal-advice-finds-new-report-pr.html>

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Context

Access to justice refers to the right of an individual to have effective access to the courts when they have a legal problem, so that they have the means to resolve legal disputes. Legal challenges are widespread in society. The Legal Services Board's (LSB) most recent survey tells us that two thirds (66%) of people have experienced at least one legal issue in the last 4 years.²

The Organisation for Economic Co-operation and Development (OECD) outline that access to justice “underpins inclusive growth and is central to advancing wellbeing and sustainable development.”³ Unmet legal need occurs when those with a legal problem cannot access justice provision.

We know that public confidence in the courts and judicial system is declining.⁴ At the same time, the Access to Justice Foundation tells us that the need for legal help is increasing: “Our funded partners are reporting more than a 40% increase in requests for help over five years, with one reporting 119% growth. Drivers include the cost-of-living crisis, increasingly complex cases, legislative changes, and rising mental health issues.”⁵

The House of Commons Justice Select Committee has been holding an inquiry into access to justice since the summer of 2025.⁶ The inquiry established from those who work in the provision of legal advice that there have been increases in legal demand and case complexity with simultaneous decreases in funding and capacity.⁷ People who are more

References

² YouGov, Legal Needs of Individuals in England and Wales, 2023

legalservicesboard.org.uk/research/online-survey-of-individuals-handling-of-legal-issues-in-england-and-wales-2023 p6

³ OECD, Legal Needs Surveys and Access to Justice, May 2019 www.oecd.org/en/publications/legal-needs-surveys-and-access-to-justice_g2g9a36c-en.html

⁴ YouGov tracker, May 2026 yougov.com/en-gb/trackers/confidence-in-the-british-judicial-system

⁵ The Access to Justice Foundation, News: Funding gap reveals urgent need for legal advice, March 2026 atjf.org.uk/news/funding-gap-reveals-urgent-need-for-legal-advice

⁶ Access to justice inquiry, Justice Committee, closed in 2025 committees.parliament.uk/work/9286/access-to-justice/

⁷ Justice Committee, Oral evidence: Access to Justice, HC 1247, Tuesday 10 February 2026 committees.parliament.uk/oralevidence/17201/pdf/

disadvantaged are likely to experience a greater number of legal problems and have less resource to pay for legal services.⁸ The Justice Committee recently concluded that “without urgent reform, legal aid will continue to decline as a practical route to justice.”⁹

The government has been criticised for its role in failing to ensure equitable access to justice for ethnic minority and disadvantaged people¹⁰, and for collecting insufficient data to understand legal need or the supplier base for legal aid.¹¹ Issues around access to justice encompass many policy areas under the aegis of the Ministry of Justice, including funding, infrastructure, digitisation, workforce and legislation.¹² This paper does not set out to repeat what has been said elsewhere. The aim here is to present, in their own words, views of barristers’ – those at the justice coalface – on the nature of the challenges.

The Bar Council position

Barristers, especially those who have court-based practices, observe what happens when people try to access the legal system daily. Their views of whether access to justice is adequate are highly informed. Barristers, along with solicitors, court staff, and those who work in the legal advice sector are also a substantial part of the legal workforce that delivers justice. It is becoming clear that a significant problem amid the headline discussions around what is happening in the courts is a system capacity and a workforce problem.¹³

References

⁸ Ibid. Q72 Dr Wintersteiger.

⁹ Justice Committee, Access to Justice: Legal Aid, HC 541, July 2026
publications.parliament.uk/pa/cm5902/cmselect/cmjust/541/report.html

¹⁰ Equality and Human Rights Commission, Access to justice: UK government action, January 2025
www.equalityhumanrights.com/human-rights/human-rights-tracker/access-justice-uk-government-action

¹¹ National Audit Office, Government’s management of legal aid report, February 2024 www.nao.org.uk/wp-content/uploads/2024/02/governments-management-of-legal-aid.pdf

¹² Dr Natalie Byrom, Where has my justice gone? Current issues around access to justice in England and Wales, March 2024 www.nuffieldfoundation.org/wp-content/uploads/2024/Where-has-my-justice-gone.pdf

¹³ Sarah Sackman MP, Courts and Tribunals Bill (Eleventh sitting), Debated on Tuesday 28 April 2026
[hansard.parliament.uk/Commons/2026-04-28/debates/a311c9a2-b18a-42e5-a3f7-7cb67842ccc4/CourtsAndTribunalsBill\(EleventhSitting\)#contribution-8DD695E1-E603-4D50-A436-AA4E7F89CC33](https://hansard.parliament.uk/Commons/2026-04-28/debates/a311c9a2-b18a-42e5-a3f7-7cb67842ccc4/CourtsAndTribunalsBill(EleventhSitting)#contribution-8DD695E1-E603-4D50-A436-AA4E7F89CC33)

For the purposes of this report, and as the representative body for barristers, we are concerned with barristers' observations both as they relate to an expert view on the wider justice system, and as indicative of the morale and attitude of key workers within that system.

We have been working on this issue for many years, with our access to justice work mostly focused on access to legal aid after the implementation of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO) took many areas out of scope. In 2014, our survey showed that barristers "believe that LASPO has adversely impacted the ability of individuals to access legal advice and representation and to enforce their legal rights".¹⁴ In 2018 we called on "the government to reintroduce a properly funded legal aid scheme to ensure that members of the public with civil and family disputes are able to secure appropriate advice and representation".¹⁵

In 2022 we published the wide-ranging report on access to justice where we identified a series of challenges in the justice system and called for "long term planning and resourcing of a system that is equipped to provide the legal redress to which people are entitled."¹⁶ We also developed an accompanying access to justice dashboard, which mapped court closures. We identified that, since 2010, a total of 239 courts, or 43% of court buildings have closed, which has had a dramatic impact on the principle of local justice.¹⁷

References

¹⁴ The Bar Council, The Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO): One Year On, September 2014 www.familylaw.co.uk/docs/pdf-files/LASPO_One_Year_On_-_Final_Report_September_2014.pdf

¹⁵ The Bar Council, Submission to the Ministry of Justice LASPO Post-Implementation Review, September 2018 www.barcouncil.org.uk/static/e89215f4-6588-491d-820390e1809f5905/laspopersubmissionbarcouncilfinal.pdf

¹⁶ The Bar Council, Access denied: The state of the justice system in England and Wales in 2022, November 2022 <https://www.barcouncil.org.uk/resource/access-denied-november-2022.html>

¹⁷ The Bar Council 'Access to justice' dashboard has been redeveloped on two occasions since its initial launch www.barcouncil.org.uk/policy-representation/dashboards/access-to-justice-dashboard.html

We regularly work with the Ministry of Justice and make submissions on criminal, civil and family legal aid.¹⁸ Our position remains that a properly funded justice system should be considered in the same way as funding the NHS and education. A properly functioning justice system is a key pillar of a liberal democracy. Justice systems need funding for the long term with access to early legal advice, widened legal aid eligibility, and proper investment in the courts and those supporting the delivery of justice.¹⁹

References

- ¹⁸ See for example Bar Council Response to the Criminal Legal Aid Review Call for Evidence www.barcouncil.org.uk/static/7bb32f9d-ffce-4ce0-aa50239091e2713f/CLAR-Bar-Council-submission-final.pdf; Bar Council response to Review of Civil Legal Aid - Call for Evidence www.barcouncil.org.uk/static/a01e3450-d06a-464a-9bc2eb05e20303cb/Bar-Council-response-on-the-review-of-civil-legal-aid.pdf; Bar Council Data Analysis: Review of Civil Legal Aid The Family and Civil Legal Aid Bar 2015-2023 www.barcouncil.org.uk/static/bcc380ef-8b6e-4375-b312483890b4a093/Bar-Council-RoCLA-data-submission-February-2024.pdf; Bar Council 'System Overload: A report on family legal aid' www.barcouncil.org.uk/resource/system-overload---a-report-on-family-legal-aid-pdf.html
- ¹⁹ The Bar Council, Manifesto for Justice, June 2024 www.barcouncil.org.uk/resource/bar-council-manifesto-for-justice-2024.html

1.2 Methodology

Every two years we survey barristers to read the temperature of the profession, examining key issues of the time while presenting longitudinal data on the characteristics and working life experience of barristers.²⁰ Each survey includes longitudinal questions to enable analysis of changes over time in key areas of working life, and these are supplemented by some one-off questions to explore issues seen as of particular importance to the profession at the time of the survey. The 2025 survey included two questions looking to collate barristers' views on access to justice:

Do you feel that people are able to access justice at an acceptable level in England and Wales at present?

For those who answered “no”, a follow up open text question was put to them, in which they could write as much as they liked:

Why do you think people don't have access to justice to an acceptable level?

Do the public get access to justice?

The views of the Bar are not encouraging:

- Just one in five of all respondents (22% of the 3,669 barristers who answered the question) responded positively, saying “yes” they do feel people get access to justice at present in England and Wales.
- Two thirds (63%) said that they do not think people get access to justice at an acceptable level.

References

²⁰ See Barristers' Working Lives 2025 for the details of the most recent survey, including methodology, coverage and response rates as well as details of the questionnaire and findings from the survey, and where relevant comparing with 2023 www.barcouncil.org.uk/resource/barristers-working-lives-report-2025.html

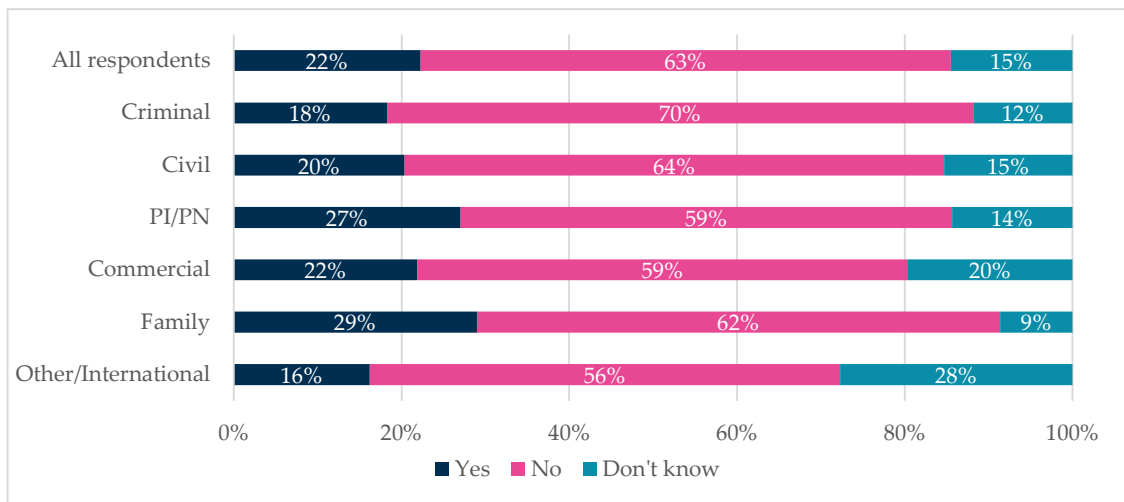
- The remainder (15%) said they “don’t know”.

When we removed those who said they “don’t know” from the analysis, many of whom had not attended court in the previous three months or possibly longer, leaves one in four barristers (26%) thinking people get adequate access to justice and three quarters (74%) who do not.

Area of practice was the key variable correlated with these views. Fewer respondents working in criminal practice responded positively (21%), particularly when compared to those working in family and personal injury/professional negligence (PI/PN) (32%). The corollary to this is that 8 in 10 barristers practising at the criminal Bar did not feel that the public are receiving access to justice at an acceptable level. The difficulties faced in the justice system were not exclusive to the criminal Bar – three quarters of barristers in civil and commercial practice responded the same way, and two thirds of those in family and PI/PN.

It was clear from the follow up question that many barristers were not necessarily responding in relation to their own practice eg areas of commercial practice where access to justice was seen to be good but other areas, particularly in the publicly funded Bar, where problems were reported to be more acute.

Figure 1: Can people access justice at an acceptable level (by area of practice)



Source: IES/Bar Council: Barristers' Working Lives Survey, 2025 (N=4,166)

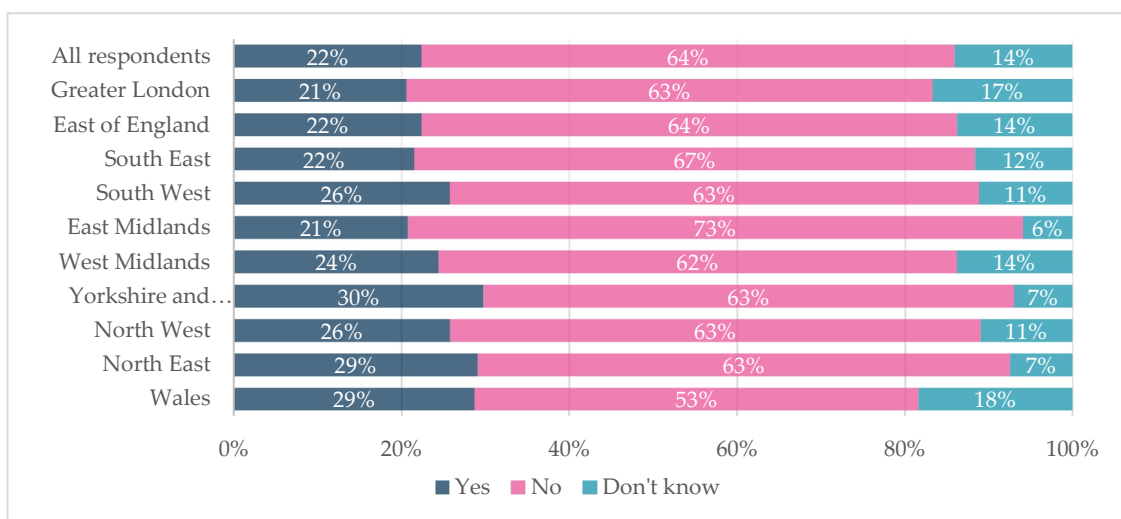
Those on the highest incomes were more likely to think that people can access justice to an acceptable level (35% of those on Band 8 and above compared to 24% of those on Bands 1-7).²¹ This perhaps partly reflects area of practice, as more commercial practice barristers are in higher income brackets than those working in crime, family or civil. There was, however, no difference in view on this issue between KCs and juniors. Younger barristers were slightly more likely to respond positively than older barristers, who perhaps were comparing their experience to when public funding in the justice system was more generous, although the differences were not great. However, contrary to this there was no difference by year of Call.

There was some difference between regions. It is notable that Wales has a higher positive response to the question than anywhere in England.

References

²¹ Band 8 is £500,001 to £750,000. Income bands are detailed on Table A8 of Barristers' Working Lives 2025, p156 www.barcouncil.org.uk/resource/barristers-working-lives-report-2025.html

Figure 2: Can people access justice at an acceptable level (by region)²²



Source: IES/Bar Council: Barristers' Working Lives Survey, 2025 (N=4,166)

There was some difference in opinion by ethnic origin with Asian (36%) and Black/Black British (31%) respondents slightly more likely to respond positively than White respondents (26%).

The lowest proportion of barristers who felt that people were able to access justice to an acceptable level were those with disabilities. Only 17% of neurodivergent barristers felt that there was an acceptable level of access to justice and only 24% of those with physical disabilities. This compares to 27% of those with no disability.

Issues behind access to justice

The 2,714 barristers who did not think that access to justice was at an acceptable level at present were asked to comment on why they felt this was the case.

More than 90% of this group (2,477 respondents) offered comments as to why they felt that the public do not get access to justice at an acceptable level. Many of these comments were very detailed and comprehensive, setting out why they thought the justice system is failing practitioners, users and public alike, with chronic problems reported across many areas of the system. The high response rate to this question underlines the degree of concern felt about the justice system, a commitment to convey to policy makers what is

References

²² Those based outside England and Wales were excluded.

going wrong and explanations as to how the system is failing the public and society.

Some respondents said they never usually complete this kind of survey but felt that it has become imperative to have their voices heard, with the system in urgent need of support, before it's too late.

Often it was not clear which part of the system respondents were referring to, be it levels of court, areas of practice, different staff groups or types of hearing. In reading this summary, it should be noted that these are not responses to direct questions as to whether or not respondents perceive specific issues to be a problem in accessing justice. Rather, the comments are unprompted remarks following a negative answer to a deliberately general question and explanations as to why this might be the case. It provides pointers to the main areas of concern, not whether or not any one specific issue such as 'court closures' for example are perceived to be a problem by each individual completing the survey. It reflects the immediate thoughts that spring to mind when respondents answered the question.

Some provided long accounts, detailing many aspects of their reasoning, sometimes with specific and detailed examples they had witnessed or experienced, while at the other end of the spectrum short summaries such as "the whole system is a shambles" or one-word answers were given including "delays", "costs", "underfunding" and "backlogs".

The overall, incontrovertible and loud, message provided in free text responses from well over half of **all** respondents to the survey was of a system that has enormous difficulties, perceived to be underfunded in many areas, with this causing a plethora of difficulties leading to severe delays and backlogs. These issues are both short and long term, for the legal profession and court system/infrastructure, as well as victims, defendants, witnesses, and even the wider public. The knock-on effect includes a growth in self-representation, partly stemming from the costs of and access to representation, and consequent inequalities, leading to what are sometimes referred to, as 'legal deserts'.²³

References

²³ Almost one in four people in England and Wales live in a legal aid desert. LexisNexis, The LexisNexis Legal Aid Deserts report, August 2026 www.lexisnexis.co.uk/insights/the-lexisnexis-legal-aid-deserts-report/index.html

This is exacerbated by court closures and regional variability, poor infrastructure, unsustainable workloads, wastage and shortages of professionals and court staff, as well as in other areas of the justice system eg the prison service, policing, probation and wider social care.

Several respondents, after listing a number of issues said “the list goes on” resulting in a perception that the justice system is falling apart at the seams, failing litigants, victims and legal professionals alike, leading to a situation whereby some barristers said “the justice system is on its knees” and at a more philosophical level is failing to underpin our democratic society.

The main points listed above are summarised below in the body of this report, with more detailed commentary and quotes from barristers in relation to each of the key points²⁴ raised:

- Funding
- Court infrastructure
- Workforce issues
- Wider impact on the justice system

References

²⁴ See Table 4.2 for a full breakdown of comments by topic in percentages.

2. Funding

Many of the barrister comments we received related to money, fees and funding. Access to justice is bound up with funding for the system in general, and legal aid in particular.

Since 2011/12, annual legal aid expenditure is down by £886m in real terms.²⁵ Over the period 2009/10 to 2022/23, funding for justice was cut to such an extent that it is now 30.4% below where it would have been if it had kept pace with UK inflation, population growth and the economy.²⁶

It has been widely noted across the justice sector that a failure to adequately resource the system has brought us to crisis point. As a recent report to the Legal Services Consumer Panel on unmet legal need warned: “There has been market failure in relation to the current legal aid system. Substantial increases to the legal aid budget from government are unlikely in the foreseeable future. The current model is broken. Despite efforts by a wide range of individuals, firms, advice agencies, regulators, professional bodies and others, the continuous patching up of legal services for those most likely to have unmet legal need, is not enough to address systemic causes and barriers to access to justice.”²⁷

Lack of funding is endemic across the system. This year, demand for funding for free legal advice services outstripped availability by 17 times.²⁸ We know that access to early legal advice saves government money (for every £1 spent on free specialist legal advice and its outcomes in 2023, there was a saving to government of £2.71)²⁹ and can avoid

References

²⁵ Ministry of Justice, Legal aid statistics quarterly: October to December 2025, March

www.gov.uk/government/statistics/legal-aid-statistics-quarterly-october-to-december-2025 Table 1.0

²⁶ The Bar Council, Justice short changed report, September 2024 www.barcouncil.org.uk/resource/bar-council-justice-short-changed-sept-2024-pdf.html

²⁷ Nottingham Law School, Regulatory Leadership on Access to Justice, December 2024 25.04.01-Regulatory-Leadership-on-Access-to-Justice-Report.pdf p116

²⁸ Access to Justice Foundation, Funding gap reveals urgent need for legal advice, March 2026 atjf.org.uk/news/funding-gap-reveals-urgent-need-for-legal-advice

²⁹ Pragmatix Advisory, The value of justice for all Evaluating the case for funding the free specialist legal advice sector, August 2024 atjf.org.uk/assets/documents/The-value-of-justice-for-all-a-report-for-the-Access-to-Justice-Foundation-and-the-Bar-Council-from-Pragmatix-Advisory.pdf?v=1753372637

people's legal problems snowballing. Yet there is still inadequate resourcing of early legal advice.

A decrease in funding has meant a contracting of access to legal services and, therefore, to justice. The Institute for Fiscal Studies noted "civil legal aid provision has contracted substantially since 2012, alongside a decline in the number of providers and increasing geographic unevenness in access."³⁰ When people are not able to access legal services, they can be forced to represent themselves in court which barristers say "clogs up" the courts and does not necessarily result in the best outcomes. The proportion of people representing themselves in civil cases is steadily increasing. In 2025, neither the applicant nor the respondent was represented in almost half (47%) of family private law cases.³¹

Over half (55%) of all respondents to our survey question mentioned issues around funding of the system. Many barristers commented on years, decades even, of underinvestment in the justice system, be it through the erosion of legal aid, which is perceived to have led to 'legal aid deserts'; lack of investment in the court estate, leading to "crumbling" and inadequate buildings and insufficient court administration. Barristers are reportedly leaving the profession or diversifying into non-legal aid work due to poor remuneration and/or burnout.

There was a catalogue of reported deficiencies and knock on effects resulting from insufficient funding such as self-representation, rushed hearings and long delays and backlogs. These are covered in more detail in the sections below.

"I am afraid this is a legacy of chronic underfunding and lack of investment over two decades. The lack of money in almost every aspect of the system causes enormous problems."

References

³⁰ Institute for Fiscal Studies, Changes in the provision of civil legal aid in England and Wales, June 2026 ifs.org.uk/publications/changes-provision-civil-legal-aid-england-and-wales

³¹ Ministry of Justice, Family Court Statistics Quarterly: October to December 2025, March 2026 www.gov.uk/government/statistics/family-court-statistics-quarterly-october-to-december-2025/family-court-statistics-quarterly-october-to-december-2025#legal-representation

There is a lot of pessimism that the current situation will not be resolved any time soon with references to a lack of funding in almost every part of the system. As one respondent put it:

“We are creating a two-tier system which is not equal justice for all and too often it is no justice at all. Our justice system is broken... there are no votes in funding court services or legal aid, because most members of the general public have no idea of how important an effective, ethical and independent justice system is to their everyday lives. We are the invisible scaffold of democracy. When we have been dismantled and/or have crumbled away, the public will realise what it has lost.”

The following sub sections describe the areas where reduced funding has been felt most acutely.

2.1 Legal aid

Legal aid issues feature in many of the comments concerning funding. The phrase ‘legal aid’ was used, invariably in a negative context, by 674 respondents. In particular, the phrase ‘legal aid’ was mentioned by a fifth (22%) of all barristers in relation to funding of representation. Reduced access to legal aid led to concerns around several issues, including:

- Inequity in accessing the justice system – it only being possible to access justice for the very poor or the very rich
- Erosion of legal aid rates resulting in many experienced solicitors and barristers leaving the sector, often leaving clients with either cheaper junior representation, or no competent representation at all – as one barrister explained: “[reductions in legal aid] mean that the most junior members of the Bar are often the only ones willing to work at legal aid rates in private law cases which involve victims of the domestic abuse”

As well as making it difficult to access the justice system for those without large (or no) resources, poor levels of remuneration affects retention.

“[It] means good barristers keep leaving the profession and it’s hard to justify staying in it as a highly qualified and skilled person capable of earning much higher income outside of the criminal bar. This impacts availability of good counsel which in turn affects quality of and access to justice.”

Or if they are not leaving the profession they are moving away from areas of work dependent on legal aid.

“We are losing too many colleagues or failing to keep people doing that work after pupillage as they can earn far more in other areas of work.”

This was referred to both as an immediate issue and a longer term one as it was highlighted that the criminal, and the wider publicly funded Bar is struggling to attract and retain barristers. Respondents noted that even individuals eligible for legal aid struggle to find providers willing to take on their case.

“[There is a] lack of legal aid providers, rates paid are unsustainable, half the country has no access to housing legal aid providers, there is a major problem of recruitment, and even more so of retention in legal aid sector.”

2.2 Costs and access

On the one hand reductions in legal aid is impacting the number of providers but it is also seen to be widening the gap in who can access legal aid.

Civil and family court fees are prohibitively expensive, with numerous mentions of fees exceeding the recoverable costs. A third (34%) of respondents cited (unprompted) issues around the cost of legal representation with only the wealthy (both individuals and organisations) being able to afford representation.

“Justice should be available without reference to the sums involved or parties’ abilities to afford lawyers. The result is that financial might overcomes what may be right. The procedures handicap those acting in person, or who cannot field or

afford good representation. The answer is to have litigant in person courts with an easier disciplined procedure.”

Middle-income individuals, too wealthy for legal aid, or with insufficient resource to fund private representation, are particularly disadvantaged and this was felt to have led to increases in numbers of litigants in person (LiPs).

“Many people have too much money for legal aid, but not enough to pay privately. When a defendant is not represented it causes problems, inconvenience and delays, often greatly increasing the length and therefore the cost of hearings.”

Inequality issues in general were raised by one in ten respondents and the high cost of litigation fosters this inequality and deters legitimate claims, while fixed fee regimes were thought to negatively impact on the quality of advocacy.

“In crime if you don’t qualify for legal aid you have to be very rich to afford a decent level of representation. The removal of publicly funded work and the introduction of fixed fees has created a situation in which it is unaffordable for solicitors to run cases of modest or low value unless liability is admitted and/or the case can be settled at an early stage.”

Structural barriers disproportionately affect those in poverty, disabled people, immigrants, and those without legal knowledge.

“As ever it is the most vulnerable in society that are excluded but also courts have closed and there’s a lack of court staff to support client access. The cost of litigation with the lack of access to legal aid. Judges over worked. Long waits for hearing denies justice. We have reached the stage where we should be ashamed.”

3. Court infrastructure

The responses we received from barristers on the courts can be read overall as a lament for the neglect and underfunding of the court system. It is well known that the criminal courts are in crisis, which is why the new Courts and Tribunals Bill is seeking to make sweeping changes.³² The Justice Committee has argued there has been a lack of consensus, evidence and planning around the proposals in the Bill,³³ a sentiment with which we agree. Record backlogs in the Crown and Magistrates' Court mean that action needs to be taken. However, it must be the correct action.³⁴

The crisis in the criminal courts has grabbed the headlines, but it should be noted that civil and administrative law also have significant issues. Issues in all courts are based around a mismatch between capacity and demand, and lack of resourcing for workforce and facilities.

Reduced, or a lack of, funding was seen to have impacted the court infrastructure with many court closures (43% of courts having closed between 2010 and 2022³⁵), a shortage of judges, deteriorating court buildings and fittings, and lack of administrative staff being frequently mentioned. This seemed to be especially the case in local courts with costs to users in having to travel long distances to get to court, and only to then sometimes find cases adjourned. Issues connected with the court estate were mentioned by 9% of respondents. Many respondents highlighted court closures, the dilapidated state of courts, particularly county courts, and the general state of disrepair.

“The closure of courthouses reflects a withdrawal from the justice system from many communities. This is compounded by the expense of commencing legal

References

³² Courts and Tribunals Bill, Parliamentary Bill bills.parliament.uk/bills/4083

³³ Justice Committee, Legislative scrutiny: Courts and Tribunals Bill, June 2026
publications.parliament.uk/pa/cm5902/cmselect/cmjust/192/report.html#heading-0

³⁴ The Bar Council fundamentally opposes the proposal to restrict the deeply entrenched constitutional principle of a jury trial both in principle and in practice. Read more on the Bar Council's 'Justice needs juries' campaign page. www.barcouncil.org.uk/media-campaigns/campaigns/justice-needs-juries.html

³⁵ The Bar Council, 'Access to justice' dashboard www.barcouncil.org.uk/policy-representation/dashboards/access-to-justice-dashboard.html

proceedings (or even getting basic advice) means that most people cannot and do not enforce their legal rights.”

Justice is no longer seen by many barristers to be local and has resulted in increasing costs for all concerned. It was also seen to particularly disadvantage court users who have children at home, those with disabilities or in low-income homes. For example, parents were seen to be disadvantaged because they might have to do a school run before coming to court and have to leave early to collect children after school, limiting their availability. The further they have to travel to court the greater the difficulty in attending.

3.2 IT and digitalisation

Many comments concerned inadequate technology eg “shocking IT” amongst other areas of the court infrastructure:

“My experience of the county court system is that the only reason it even barely keeps together is the dedication of the people working there, but the systems which they are given (in every single area: resources, equipment, buildings, IT, central administrative systems – literally anything) are of a standard which would be shameful in the 80s. Given that probably 90% of disputes are resolved in those courts (and to the parties there, those disputes may well be of huge importance), that is an utter disgrace.

“The process has ceased to be local with increasing centralisation and an emphasis on technology as a substitute for a county court enquiries desk to assist those who struggle with technology or access to it.”

The increased digitalisation of the legal system was seen to disadvantage some litigants without PCs/laptops and much of the material is considered too cumbersome to access on a mobile phone. However, there also were many who wanted to see more remote hearings. There were some comments concerning digital exclusion and the impact of some technologies on access to justice for some marginalised groups, including those in prison who do not always have access to quality links to join hearings remotely.

“Courts are not equipped for digital working. Remote hearings seriously disadvantage court users. It is not acceptable to join a court hearing from a smart phone in your bedroom.

“Digital reforms have been entirely unsuccessful.”

It’s worth noting that no respondents mentioned Artificial Intelligence (AI).

3.3 Buildings and facilities

As well as court closures, barristers were very critical of the facilities provided in many of those courts that remained. Deteriorating courts were mentioned frequently. The criticisms included toilets not working at all or more often reported as unclean and unsanitary, one respondent mentioned rats in the building, general maintenance issues were listed, including crumbling buildings, broken windows or lifts not working. In addition to this, a lack of refreshments provided were seen to symbolise an infrastructure that is not valued, giving a poor impression to any users, professional and public alike.

“The courts are seriously underfunded and as a result do not function well; court buildings, lack basic amenities like functioning lifts and toilets, let alone working Wi-Fi.”

“State of the courts: the backlogs, broken toilets, rats in the robing rooms and most of all little or no refreshment facilities and insufficient conference rooms for private instructions to be taken.”

Administrative and practical, operational issues were mentioned by a number of respondents. Poor communication, and Wi-Fi as cited in the comment above as well as no enquiries desk service in many courts and inadequate or no client/counsel meeting rooms.

Physical accessibility was also commented on with some respondents highlighting issues with wheelchair access, lack of hearing aid support and specific issues related to neurodivergence with comments around the, sometimes chaotic, nature of listing with late changes, adjournments and vacations.

3.4 Listing issues

Many barristers reported listing issues with problems and errors made all too often. This, coupled with difficulties reported around getting all the relevant parties in court, results in further delays, adding to existing backlogs.

Staggered listings are seen as necessary, rather than listing everything at 10am, because otherwise defendants and witnesses (as well as barristers) are waiting around for hours and becoming disenfranchised by the criminal justice system. Over listing of courts and lack of courts also means witnesses are often left waiting months before trials are held. Plus, remand defendants are frequently brought to court late, causing significant delays.³⁶

There isn't enough resource in the system. Two examples are listing changes at last minute, giving insufficient time for preparation overnight; and delays in cases coming to trial. This would be manageable if there were any slack in the system; but there is none and the Bar is exhausted. Junior barristers, who are already stretched very thin, are being stretched further by the lack of sensible listing practice which doesn't take account of availability.

Many of these issues compound problems, so there can be workforce issues in parts of the publicly funded Bar, notably the criminal Bar. This can result in:

“Too few barristers, exacerbated by huge numbers of cases and inconsiderate listing means that those cases that can be listed within a reasonable time are inadequately prepared because the people instructed have very little time per case. Victims and defendants are, therefore, required to wait for an inexcusable amount of time to take part in a poorly prepared trial.”

References

³⁶ Over four months, more than 200 reports were made by barristers to the Bar Council – averaging 13 per week – of instances where individuals in custody were brought to court late or not at all. A quarter of these reports said the delay lasted more than 5 hours. The Bar Council, Barristers' observations on the late delivery of prisoners to court, July 2026 www.barcouncil.org.uk/resource/late-delivery-of-prisoners-report.html

3.5 Regional variation/access (local justice)

Some respondents referred to regional inequalities (3%) due to courts closing and a lack of providers as noted above, especially in rural areas away from cities, and exacerbated by poor public transport. This impacts on the cost (and time required) of travelling to courts further afield, putting off lay people and cases failing due to non-attendance of witnesses. It also adds an increased expenses on top of the cost of securing representation.

“The level of local authority funding of services for families is so poor that there are limited to no support mechanisms for children. The allocation of resources to local authorities and to families is a post code lottery.”

“The courts are distant from people’s homes, many local courts having closed. The lack of legal aid and the lack of investment in the court estate and staffing denies realistic access for anyone who is not abundantly resourced.”

This issue was highlighted in relation to Crown, county and magistrates' courts and is seen as a significant impediment to accessing justice, particularly for disabled litigants.

3.6 Court variation

Although most comments broadly concerned the ‘justice system’ at a general level and did not make explicit which type of courts were being referred to, there were a number of comments that did identify issues specifically pertinent to certain parts of the justice system. There were 28 references to Crown Courts specifically, 47 covered county courts and 22 magistrates with 46 references to tribunals specifically. There were a few comments concerning the High Courts and Courts of Appeal and these were generally seen to be operating more effectively.

One respondent summarised the situation in relation to court variability as:

“The criminal justice system (including penal system) is in meltdown. The tribunal system, through which ‘volume’ justice is done is too slow and much work has been devalued to lay presenters of various kinds and litigants in person, which means it isn't

done as well. I don't have direct experience of county courts, but it would be surprising if they were different. The High Court and Court of Appeal are significantly better.”

Crown Courts

There is a sense that the Crown Court backlog may be resulting in high levels of case abandonments, and all parties having to wait far too long to obtain justice and sometimes no justice at all, as witnesses abandon the process and victims withdraw. This was thought to be especially the case in domestic abuse cases where victims do not want to relive their experience so long after the event. With adjournments, this problem can be exacerbated though a lack of continuity of representation and quality of justice being impeded due to faded memory.

“Crown Court trials are being listed as far off as 2029 already – this leads to complainants and witnesses disengaging at an alarming rate; and even when they remain engaged, delays between incident and trial often mean witnesses' evidence is unreliable as memories fade. It is particularly distressing to see all these factors in play in cases of alleged rape and other serious sexual offences, which often take two years or more to be charged even before the court process begins.”

County courts

When commenting on the situation in the county courts, although many of the issues raised above are pertinent, there appears to be a more acute issue with shortages of judges. Backlogs are commonplace but the county courts were singled out by several barristers for being worse in relation to communication and poor administration with phones not being answered, and no replies to email and other electronic communication. For example, this respondent arguing that the county courts have been poorly funded for two decades or more and:

“The process has ceased to be local with increasing centralisation and an emphasis on technology as a substitute for a county court enquiries desk to assist those who struggle with technology or don't have access to it. The telephone is rarely answered quickly and not at all after 5pm.”

Due to lack of legal aid funding, there is almost no legal aid activity in the county court system now and this has resulted in a growth in self-representation which adds to delays and backlogs, particularly in civil cases.

Several barristers reported that the requirement to file county court claims online and use the online civil justice centre is an impediment to justice and is prone to administrative error. Some courts have not implemented electronic facilities well enough, still relying on paper files. There was also concern that the increase in work being transferred down from the High Court is further stretching an already over-burdened county court system adding to existing delays and reducing access in this area of the justice system, exacerbated by an apparent lack of facility for urgent applications.

Magistrates' courts

In this part of the system there were many comments concerning the underfunding and consequent chaos that was reported with cases being prepared on the spot which leads to poor implementation of justice. Again, similar to comments above, there was concern that the lack of availability of legal aid has resulted in a lack of justice for less serious offences but as one barrister put it:

“[Legal aid] is not available for many magistrates' court offences – just because the sentence may be lower, doesn't mean that the impact of a conviction is any less on that individual.”

There was some concern that the time allowed for final hearings in magistrates' courts was being limited and this could be particularly worrying in some family law cases where the time needed was considered to be much longer by barristers involved. At a more general level, the quality of advocacy and decision making of lay benches in the magistrates' court was questioned.

Tribunals

Tax tribunals were criticised by several barristers, largely around the length of time and delays and inadequate allocation of time for hearings, leading to appeals which cause further delay. However, one respondent acknowledged that in the context of the justice

system as a whole these concerns were thought to be relatively minor. Lack of specialist judges was seen as a concern for some tribunals as well as poor communication between tribunals and service users.

Delays in employment tribunals were seen by many barristers as problematic at best to shocking and unacceptable. The process is frequently very difficult for litigants, particularly those in employment during the case, whose work and careers can be jeopardised by the time taken to reach a conclusion. Backlogs in some regions in employment tribunals were seen as completely unacceptable with listing in two to three years or more. Too many hearings are cancelled at the last minute with tribunals not responding to, even urgent, applications.

Lack of legal aid was again raised as a concern in employment tribunals. In family tribunals:

“Lack of access to advice at an early stage, delays in achieving resolution owing to lack of judges, court time and delays in CAFCASS reports as well as inconsistent approaches of tribunals in domestic abuse allegations.”

3.7 Administration and technology

There were mixed views around remote hearings in comments concerning access to justice, some wanted more (1%) and felt this might alleviate some of the backlogs and delays while others felt that remote hearings have created some new access barriers, particularly for the digitally excluded.

“Waiting times too long, too little use of remote hearings to make the system run more efficiently and reduce waiting times.”

“The online reforms in family do not work for the benefit of court users, eg paper bundles. Courts are not equipped for digital working. Remote hearings seriously disadvantage court users. It is not acceptable to join a court hearing from a smart phone in your bedroom.”

However, it should be noted here that the barristers in the main survey were asked if remote links should continue to be used/used as frequently as they are at present in their main area of practice:

- Four in ten (43%) of all respondents said they should be used “more frequently”
- Half (48%) said it’s about right at the moment
- In effect, 90% said they should be used at least as frequently as at present – just 7% said they should be used less frequently

It seemed that many of the comments concerned the administration, both generally and specifically in relation to Cloud Video Platform (CVP) and remote hearings, rather than the use of them specifically.

There are insufficient court resources, partly it would seem in terms of administrative support as some barristers discussed how difficult it can be to adjust listings, when the courts do not respond to requests. This is despite introducing new channels of communication and the upshot is that it can cost both time and money with delayed hearings and significant expense to the litigants.

“Extreme difficulty in contacting appropriate court staff since the introduction of the National Contact Centre for Civil and Family Courts.”

Difficulties were also highlighted in relation to the complexity of navigating the court and tribunal system generally.

“The court system and procedural rules are complicated. On top of that, it is not easy to identify who to contact for assistance and inconsistent information is often given even when court personnel are reached. It is difficult enough for legal representatives and I do not see how lay persons are able to navigate the procedural side of the court and tribunal system to ensure their cases are heard appropriately.”

Digital exclusion was seen to be an issue for some users of the justice system and the way that the system operates is thought to be unsatisfactory for a lot of neurodivergent people,

particularly autistic people, due to what some respondents saw as the chaotic way that hearings are listed and vacated with short notice.

4. Workforce issues

As well as in the remuneration issues raised in relation to legal aid and the publicly funded Bar, the profession has been impacted in other areas through problems with retention and reports from barristers of burnout and exhaustion leading many to move into other areas of the Bar or leave the profession altogether. The next few sections look at some of these issues in each of the key practice areas.

Criminal Bar

Respondents mentioning the criminal Bar highlighted the following as causing additional difficulties. These issues will also be relevant to other areas of the Bar:

- Low availability of legal aid causing an increase in self-representation which is viewed by most if not all as inefficient and a drain on resources
- Low rates of remuneration leading to reduced quality as barristers can't devote the time necessary for quality case preparation
- Problem with public misperception that criminal lawyers cost a lot of money, so lack of support for increased funding
- Excessive caseloads exacerbated by fewer high quality and experienced advocates as the work tends to be allocated to more junior counsel
- Defendants outmatched in resources and preparation compared to the prosecution leading to the potential for unfairness and miscarriages of justice. This undermines the fundamental legal principle that parties should have equality of arms
- Partly resulting from the above, a perception among some that too much justice in crime is biased towards prosecution

- There were many comments surrounding the lack of or poor investigation in cases, leading to complainants being put off reporting and problems with delays, exacerbated by too many cases being dealt with in the courts that shouldn't be
- Work-life balance leading many to leave this area of work as they cannot balance high workload demand with having a family
- Excessive delays

On delays, barristers said:

"Criminal trials are delayed by years. Having a trial 5 years after the alleged offence is not justice for victims of crime, or for defendants. It results in cases being lost due to loss of interest from complainants, and on defendants receiving lighter sentences due to the delay between offence and conviction."

"Defendants (and complainants and witnesses) are currently being told that matters won't be tried until 2027. A two-year wait in the best-case scenario is completely unjustifiable and makes it incredibly difficult to give anyone a fair trial. I just finished a trial for an allegation that took place in 2019. No one had a clear recollection of events and what was an important and impactful crime at the time was treated as trivial by the judge and jury due to the length of time that had passed."

"Police not investigating crimes, delays in getting charging decision, delay in getting to court, delays to trials, community sentences for serious crimes with victims, focus in court is on defendants and minimal focus on victims, defendants using delays to their advantage, pleas on day of trial, undue pressure from judges to resolve cases, prosecutors afraid to make decisions (especially to drop cases), a lot of red tape, not enough barristers taking sexual offences work, disparity in pay, difficulty recruiting into all aspects of the justice system and so on..."

It is clear from the responses of barristers in crime especially but also in other areas of the publicly funded Bar that many of the issues listed here compound one another leading to a spiral of delay and lengthy backlogs.

Family Bar

In addition to many of the comments listed above, in family justice inconsistent legal aid provision between parties (eg alleged abuser vs victim) was thought to also undermine fairness and justice.

“Alleged perpetrators of domestic violence [DV] are at an immediate disadvantage [compared to] to those receiving legal aid having made such allegations.”

“The costs of long running and complicated children proceedings are beyond anyone but the very well off.”

Barristers also argued the detrimental effect on families in having hearings delayed, sometimes up to 5 years or more. Seemingly due to the determination to reduce delays and backlogs, some barristers said:

“Within the public family law arena 90% of judges are worried only about statistics and meeting the 26-week timescale with no thought about what is actually necessary and rights of the child subject to the proceedings before them.”

“I have an ongoing case which requires a 7-day hearing and the parties had to wait 8 months (at which point proceedings have been going on for over two years and the children are not living with their parents).”

“The delays in the family court system are unconscionable. Parents are waiting months and months for a hearing, only to find that the judge has insufficient time to deal with all of the issues. Parents are thoroughly disillusioned and children's welfare is negatively impacted.”

It is considered difficult to schedule emergency applications because there are so few judges available with some barristers reporting that the struggle to advise clients to remain in proceedings.

In summary one barrister said: “The family justice system ... is on its knees and disaster is not far away.”

Civil Bar

Most of the problems listed above also applied to civil justice. Several respondents (particularly in civil practice) pointed out that barristers are expected to undertake more and more procedural work that eat into case preparation time. The costs involved, again, are inhibiting to potential litigants, resulting more litigants in person but the civil justice system is considered too complicated for them, resulting in further delays and inefficiencies.

“The backlog for civil cases in the county courts is severe. Cases are also routinely vacated at the last minute for lack of court time, causing immense stress for the individuals involved and wasting both counsel and court time. Administrative errors in the county courts are routine and it is very difficult to communicate with the county courts to resolve those issues.”

“Hearings are consistently listed a long time in advance (a civil application hearing not being listed to be heard for over a year is becoming common); then vacated at short notice due to judicial unavailability or not listed due to administrative errors. Cases simply not appearing on the court list (and therefore the court not having a judge able to hear it) despite having a valid Notice of Hearing has happened three times in the last month, across two different courts.”

Affordability issues are seen to be very challenging to accessing justice for most in civil cases with minimal legal aid and prohibitive costs rules for civil claims again leading to burgeoning self-representation. One barrister explained the situation and how civil justice is now primarily the preserve of large commercial interests:

“The existing system does not adequately provide for civil disputes between private parties worth under around £1 million. I assume that category forms the majority of civil disputes by number of disputes each year. I don't have an easy solution to these problems, but I describe the provision as inadequate because:

“(1) If settlement isn't reached, and the dispute must be litigated, it is unlikely the parties will have a resolution to their dispute in less than 12 months. Often it will take longer. While a large company can happily carry on litigation over multiple years, it seems to me that, for individuals and small businesses, the length of time it takes to pursue or defend a court claim is a disincentive to using the court system to resolve a dispute.

“(2) The involvement of legal professionals will, generally, help to resolve the dispute fairly and efficiently. But the cost of instructing lawyers privately is prohibitively expensive for most individuals and small businesses.

“(3) For claims worth less than £1 million, if lawyers are instructed, the total costs incurred by both sides are likely to be a significant proportion (say, 40%+) of the value of the claim. Often they will be larger than the value of the claim, especially for disputes worth up to around £200,000. This makes pursuing litigation an unattractive option.”

Or a specific example given by one respondent:

“I have done some volunteering for a community law centre. One of my clients was an elderly woman being sued for payment an alleged c. £9,000 debt by a local authority. It appeared from the evidence that no such debt was owed, but absent legal advice, I doubt that my client would have realised that or at least would have been unable to articulate the legal basis for why the debt was not owed. It seemed to me that my client's ability to obtain advice about her case was entirely a matter of luck. Had she not been able to obtain advice, it seems likely that judgment would have been entered against her.”

In general, a number of respondents pointed out that if people cannot afford representation, then by definition they are being denied justice.

Immigration was referred to by some respondents as in a particularly parlous state with a multitude of issues impacting upon the execution of justice:

“[Apart from] asylum/trafficking work, ie the vast majority of immigration has no public funding. This inevitably means many people do not have access to a lawyer as they cannot afford it. In respect of asylum work, the fixed fee regime and low pay for legal aid work for solicitors, combined with the tick-box bureaucracy, means that no-one (either counsel or solicitors) can afford to undertake it. There are now legal aid deserts and it is almost impossible for asylum seekers in the South West to get representation. Both asylum and non-asylum immigration work are incredibly complicated, and the law is in constant flux. The result is that people cannot represent themselves competently, and without legal representation your case is probably doomed to failure. This is made worse due to the long backlogs as it is easier to get rid of cases quickly when individuals have no representation.”

4.1 Wellbeing

There were many references to the stress levels across the system, and this was particularly seen to be having a deleterious effect on the Bar and other professionals and staff groups. The comments below and many others of a similar nature were offered surrounding wellbeing, burnout and mental health which puts further strain on the system, impacting access to justice, because it impacts retention of those working within the system.

“Because of how stressful the current working conditions are, people are leaving the criminal Bar placing more pressure on those already at breaking point. Stress levels, anxiety, depression and mental health problems are at an all-time high as a result.”

“The current state of courts and justice system more generally is thought to be having a negative impact on mental health of the Bar, judiciary, defendants and witnesses.”

“Many professionals within the criminal justice system (the judiciary, reviewing lawyers in the CPS, barristers, police), are burnt out and/or overwhelmed with cases, such that they are not able to dedicate the time/resources required to all of the cases before them.”

“Barristers in criminal justice are completely overworked. Too many cases to handle and have to take on large amounts of work just to afford to live – client care falls, deadlines are missed, barristers become exhausted and apathetic. Advocates don't even have access to clean drinking water at the large majority of courts, let alone food or adequate breaks.”

“Overworked barristers (and solicitors) on both sides who are chasing their tails constantly results in an impact on the administration of justice on a daily basis. In crime, we are still losing too many colleagues to other areas of law or failing to keep people doing that work after pupillage as they can earn far more in other areas of work.”

All the issues raised above are contributing to a burnout, not just in the Bar but across the system as a whole. In the words of one barrister:

“Too many reasons [that access to justice is not at an acceptable level] to count! Diminished access to legal aid, so much trauma in the system, bullying/grumpy/case-hardened judges, timescales, targets, lack of funding, diverse issues in cases being siloed or not being dealt with, miserable and dilapidated court buildings, form not substance approach to vulnerability and management of that in the court system. System burnout”.

4.2 Other legal professionals

Issues were raised by the barristers responding to the question concerning other professional groups and organisations within the system. Generally, the stress across the system was seen to be impacting everyone involved.

Judiciary

In total, 99 barristers said there were now too few judges and/or that their caseloads were too high and this was causing difficulties in a variety of ways.

Pressure is thought to be leading to impatience among the judiciary. The standard of judicial decision making is felt by some to have become extremely variable and judges'

ability to give a case the time it requires is sometimes seen to be dictated by arbitrary targets. A few barristers felt that there were too many judges operating in areas that were outside their area of expertise.

These issues are compounded by a perceived breakdown in the relationships between the Bar and the Bench:

“Relationships between Bar and Bench have never felt worse, it’s very dispiriting, exhausting and demoralising.”

Staff shortages among the judiciary (4% of respondents mentioned this), of barristers and solicitors (3% mentioned) and other staff (2%) were highlighted alongside workload issues (6%), wastage in terms of professionals leaving the Bar (3%), or moving in to more highly paid areas of the sector due to the poor remuneration rates (3%).

“Lack of judges and backlogs in listing. Too many times outside of London (eg Barnet and Canterbury recently) was a hearing cancelled by the court the day before when all fees were incurred due to lack of judges. I believe there are enough Records and Deputy District Judges [DDJs] for the court to be able to set up a remote hearing with an available judge in these circumstances but too often it fails to do so.”

Solicitors

Solicitors were seen to be overworked with excessive caseloads and underpaid, with many driven away further increasing the burden on those remaining. Three per cent of respondents mentioned this.

Many barristers said that there are now too few solicitors providing legal aid funded services and leaving the sector, resulting in a lack of representation in many areas. Solicitors are said to be struggling to maintain legal aid work due to administrative burdens and low pay, although there were some reports of solicitors being too greedy and causing delays.

It is felt that that reputable firms are less likely to provide legal aid services, the supply of solicitors declining and so those who are in the greatest need of support are unable to access legal advice and this impacts barristers who end up being relied upon to undertake unpaid work.

“The level of funding for legal aid lawyers has not increased for over a decade, lessening the number of new lawyers, solicitors and barristers.”

“Lack of funding for solicitors’ firms specialising in crime is leading to parts of the country with insufficient numbers of solicitors to cover the work.”

Another barrister argued that in civil cases the costs can now be more than the party can recover for the combined cost of the solicitor preparing the case and the advocate attending court. Much like barristers, solicitors trying to cope with excessive administrative burdens, are being pushed into other areas of work.

Barristers working in personal injury reported that the introduction of low fixed costs has resulted in a large body of solicitors leaving the market for anything other than catastrophic injury claims. Many people are therefore unrepresented and either bring claims poorly as litigants in person or not at all.

The lack of solicitors willing to take on legal aid work, and those that remain being overstretched, leads to a lack of the necessary attention being given to cases. Several respondents indicated that this was especially the case in relation to specialist solicitors. The reduction of solicitor availability is also contributing to the increases in self-representation and results in poorly executed justice at best, as well as delays due to a lack of appreciation of the complexities of the system and the difficulties navigating it effectively and efficiently.

“There are not enough solicitors doing publicly funded work; the rates are too low so solicitors have less time with their clients; there are too many litigants in person in private law children work since the significant limitations on legal aid.”

There were also a number of comments from barristers critical of the motivations of some solicitors, primarily in personal injury claims where there were concerns around conditional fee agreements.

Court staff

Two per cent of respondents highlighted issues concerning court staff and other intermediaries/third party organisations. The main issue, again, was seen to be understaffing and systems that are overstretched. The courts in particular suffer from these issues, leading to mistakes and requests for expedition or listing requests going unnoticed.

“It is difficult as a professional to communicate with the CPS and court administration on urgent matters and that must be even more difficult for defendants and witnesses who do not have direct dial/mobile numbers of court staff. The court offices are understaffed, and staff are overworked.”

Many barristers commented on the difficulties of contacting courts and court staff, and this comment suggests that this has not improved with centralising contact processes.

“Extreme difficulty in contacting appropriate court staff since the introduction of the National Contact Centre for Civil & Family Courts.”

“Court staff numbers depleted so there is no one to answer the phone or explain matters calmly and clearly to unrepresented litigants.”

Some barristers reported issues with chasing overworked court staff over administrative failures that require following up by lawyers and this adds to further delays. Generally, barristers were sympathetic recognising that failure is more about system inadequacies of short staffing and excessive workload that make the execution of duties prone to error.

“Delays are endemic, access to solicitors is patchy, court staff are stretched to the limit, and nobody reaches out to the public, who are treated like cattle.”

“The repeated decimation of funding for courts and those who work in them (lawyers as well as court staff) means that there is insufficient capacity to deal with the level of

need for access to justice, which leads to delays, which leads to justice being denied. The answers are so obvious but successive governments have refused to see them.”

4.3 External staffing and infrastructure

Several other specific areas were also mentioned as inhibitors to accessing justice by barristers. These included:

Interpreters

A lack of interpreters was highlighted, as well as them not being provided when requested in advance of a hearing or not turning up when booked and the knock-on effect of costs and delays. This example, also relevant to the section above concerning court staff more generally, is damning in its assessment:

“There are not enough resources at court office level (the remuneration for court staff is exceptionally low for the work they do – which leads to high turnover/low retention of staff) which means that parties cannot get quick/thought through administrative decisions. Often the court will make a mistake (eg not booking interpreters when directed or listing/vacating erroneously) but for any party to change that decision they have to pay a court application fee otherwise their correspondence goes ignored. So, parties are always expected to pay an issue fee for a court mistake. Which is wholly unfair and that, coupled with the extreme backlog and delays, means that people have nowhere near an acceptable level of access to justice.”

Interpreters were seen as key to cases when English is not a first language and justice can fail in cases where interpreters cannot be booked.

“I am a linguist by training and am absolutely convinced that poor translation often loses cases. It's not fair on non-native speakers.”

Policing

The situation with policing causes concern among some barristers in enabling access to justice.

“Police/CPS charge too many individuals with criminal offences when they should/could properly be dealt with by other systems (mental health diversion, professional discipline etc).”

But alongside other areas of the criminal justice system, there is a sense that policing is overstretched. This coupled with delays in the system, means police become frustrated and this was felt to be directed towards barristers. Some barristers also criticised the resourcing available for police investigation:

“Many professionals within the criminal justice system (the judiciary, reviewing lawyers in the CPS, barristers, police) are burnt out and/or overwhelmed with cases, such that they are not able to dedicate the time/resources required to all of the cases before them.”

Prisons/transport

There were a number of comments to do with the prison transport system and how it causes delays. Again, it is viewed by some as underfunded, with some respondents holding the opinion that its privatised and contract-based nature means it can lack accountability.

“Prison transport is a joke and answers to no one.”

“Time is constantly wasted because prison buses are late or don't turn up.”

Prisons were mentioned in relation to difficulties securing proper conference time with defendants, who are also sometimes not produced inside the prison for video links. Defendants are not brought to court in time for conferences before a hearing – and sometimes they do not arrive until midday or later, causing trials to overrun and follow-on cases to be adjourned.

Probation

Probation “is massively underfunded” and “no longer able to function” but seen as critical to a functioning criminal justice system. Again, lack of staff and excessive workloads can mean that probation reports can take a long time and add to delays.

At a more general level: “Too many areas of the system have been privatised and now work less efficiently and are unaccountable.”

5 Wider impact on justice system

The impacts on the system have been alluded to at various points above: self-representation, delays and backlogs, impact on the professionals working in the system in terms of stress, burnout and wastage, as well as an impact on lay people having to navigate a complicated system. In various ways people are seen to not get an acceptable level of access to justice.

5.1 Litigants in person (LiPs)

The growing number of self-represented parties is placing unsustainable pressure on a court and judicial system that is designed for lawyers, not lay people. At least 6% of barristers highlighted issues around LiPs, again noting that this is an unprompted comment, not a reflection, when presented with it as an issue.

“I have seen a marked increase in litigants in person seeking my help via the Bar’s Direct/Public Access Scheme. Their experience of the court system is heart breaking. And some of the orders I see coming out of decision making well, let’s just say they are not ideal.”

“It’s a system designed for parties who are represented by specialist lawyers, but is increasingly used by litigants in person, who don’t know the systems, don’t know the law and so don’t know what’s expected of them and what is or isn’t relevant.”

Costs, the lack of legal aid and the lack of availability of both solicitors and barristers have driven people to represent themselves, however LiPs often struggle with complex procedural rules and fail to present cases effectively, prolonging hearings and leading to unjust outcomes as well as delays and often increasing the costs for the represented party and the system as a whole.

“The number of litigants in person in civil cases has increased significantly over the last 10 years due to the lack of suitable funding options.”

“It is easier for people to self-litigate and accessibility to this has improved with online portals but the knock-on effect is actually clogging the system which doesn’t improve overall access to justice.”

“...this leads to a monumental waste of court time.”

It is argued by many respondents that justice should be available without reference to the sums involved and/or affordability. The result is that “financial might overcomes what may be right”. Although it might be easier to start the process independently, the procedures handicap those acting in person or who cannot field or afford good representation. The answer suggested by some is to have litigant-in-person courts with an easier disciplined procedure.

Training is also thought to be needed for LiPs. People are sometimes forced to represent themselves in complex, problematic and emotionally charged private law applications. They are navigating a legal system without knowledge and support. Courts can be backlogged by the volume of LiPs due to the need to explain concepts in attempts to ensure there is a fair hearing.

Furthermore, and this seemed to be particularly relevant in the family courts, it was felt that if one party is eligible for legal aid, then the other should be awarded legal aid too, so there is parity of representation in family law cases where outcomes may not only impact on the litigants but children too.

5.2 Delays and backlogs

Mentioned specifically by four in ten (41%) of all respondents to the question, delays and backlogs were thought to impact on most areas of the justice system. Trials are routinely delayed by months and up to several years, undermining confidence in outcomes and deterring complainants and witnesses so increasing the number of adjournments and case failures. The word “delay” was used by just over 700 barristers in their comments and 60% of all respondents to the question cited delays, backlogs or issues around timing as one of the reasons people cannot access justice to an acceptable level. A typical response, that also goes on to discuss a legal aid issue, was:

“The delays are unjustifiable and destructive. Justice delayed really is justice denied. It has an appalling impact on complainants and witnesses. It is unfair on the accused. It also results in lesser sentences for the guilty. This ultimately puts off many complainants from supporting prosecutions. In addition, legal aid is not sufficiently available. It is not available for many magistrates' court offences – just because the sentence may be lower, doesn't mean that the impact of a conviction is any less on that individual.”

A small number of respondents mentioned inappropriate cases going to court where affordable representation might have avoided it, also contributing to the backlog and delay.

“The lack of availability of civil legal aid means that cases are run to trial which are hopeless (but which judges won't generally allow to be struck out because of an inherent and understandable desire not to 'disadvantage' LiPs).”

Many respondents referred to cases that had collapsed (5%), or where litigants had given up on the process and lost faith in the system (4%). Instances where there was no continuity of representation due to the delays were given. Backlogs were cited in many areas and in particular in civil, criminal and family courts.

“Delays and inefficiencies in the system cause people, defendants, witnesses, and complainants, to lose faith in the system and cases keep collapsing. Justice is not always achieved in these cases.”

There were reports of listing problems (mentioned by 4%), that the system is too slow, cases frequently collapse and are repeatedly adjourned or moved inconveniencing all parties professional and lay. Confidence is undermined with a perception that crime is going unpunished. Many refer to the impact on families in child protection cases with excessive lead times and the trauma associated with these delays.

“The listing backlog for cases is horrendous, both the delay in being charged and case starting at court years after the offence and then further delays of years in listing the case for trial. If it is a bail case, we are well into 2027 [the survey was

conducted in April 2025], and there is no guarantee that the case will even be heard when it is listed because it is listed to float and not a fixture.”

“Trials are taking months rather than weeks because of late prison vans and list offices are packing the trial judge’s courts with other hearings rather than using the empty courtrooms next door.”

In the criminal courts, some reported that criminal trials can be delayed for three to five years or more, victims can feel that justice is not being executed, sentences are thought to become meaningless, and defendants remain for long periods of time in remand or on bail.

“The delays in criminal trials ruins both complainants’ and defendants’ lives. Waiting four years on bail with the inevitable result that memories have faded, witnesses have dropped out, and if there is a conviction then sentences are reduced does not feel like justice.”

“I have had cases where complainants have died waiting for a trial to start after it has been adjourned over 7 times for lack of an available court.”

Sitting days are deemed to be contributing to delays as they are too inflexible and have too many restrictions, as well as there being too few sitting days available seemingly largely due to caps on numbers and insufficient funding.

“Insufficient court buildings, insufficient judges/sitting days and astonishing incompetence by court office staff who seem to regularly get simple things wrong or delay simple tasks causing all manner of knock-on effects.”

Witness/claimant/victim withdrawal was mentioned by many barristers resulting in cases collapsing and the impact results in a lack of fairness for all involved.

“The impact on memory and the lives of complainants, witnesses and defendants cannot be understated. How are judges supposed to pass fair sentences when a defendant’s life has totally changed in the 3-year interim? It is unfair for everyone involved.”

5.3 Quality of justice

Providing a sufficient quality of justice was viewed as problematic with significant challenges, many highlighted above. Various issues impact on this. Barristers highlighted the difficulties around providing continuity of counsel due to delays and listing issues which also impacts on remuneration for work completed when counsel end up not conducting the trial. For example:

“Difficulty in being paid for work done when you do not end up conducting the trial - this issue is best rectified by the reduction of warned list trials and greater certainty that cases fixed in a manner which secures continuity of counsel. Without this, there is a clear disincentive to prepare cases properly at an early stage and to take ownership, which means it is more likely that issues are missed.”

This can also result in imbalances in representation as alluded to above with more junior counsel having to take over cases due to the unpredictability of listing and delays.

“I have seen representatives with a couple of years’ experience essentially acting for an alleged victim of domestic abuse... It is common in private, children cases to see the alleged perpetrator privately pay for experienced counsel whilst the legally aided complainant, who bears the burden of proving allegations, has much less experienced representation.”

Some also thought that courts have a tendency to ignore counsel availability and list cases regardless, and as a result clients are less likely to have continuity of representation.

The quality of case preparation was also perceived to have declined due to lack of time and overworked legal professionals.

“Cases need to be piled high to make a living. Better pay and a smaller workload would improve the quality of representation.”

Some barristers argued that defence solicitors in legally aided crime are so overworked and underpaid that cases are generally underprepared in most smaller cases. Defendants are “outmatched in resources and preparation compared to the prosecution leading to unfairness and likely miscarriages of justice”. In smaller cases (ie not murder etc) there is “no possibility for a no stone unturned approach”.

6. Conclusion

In addition to specific reasons why people may not be able to access justice at an acceptable level, there were numerous general comments on the impact of the justice system being in a desperate state. Some barristers have so little confidence in the system that they would not recommend their friends use it:

“If any of my friends were discriminated against at work, as their friend I would probably tell them that their life would be much better if they did not try to assert their rights, because going through the justice system is retraumatising.”

Many respondents indicated that there are too many problems to list. For example:

“Too many reasons to count! Diminished access to legal aid, so much trauma in the system, bullying/grumpy/case-hardened judges, timescales, targets, lack of funding, diverse issues in cases being siloed or not being dealt with, miserable and dilapidated court buildings, form not substance approach to vulnerability and management of that in the court system. System burnout.”

Some referred to the importance of the justice system in being a pillar of our democratic society and its demise being a reflection of the priority the nation places on this key strand of our democracy.

“The true sign of a democratic society is how its justice system operates. The state of court buildings, the time taken to charge people, the long waiting lists do result in people thinking that justice is not valued.”

A properly functioning justice system is a cornerstone of a democratic society. We will continue to represent our members views and seek remedy for our justice system as it is

left to crumble through wilful neglect. The United Kingdom is a wealthy jurisdiction within one of the world's largest advanced economies. For too long the underfunded justice system has only been able to limp on because it has been propped up by the goodwill of those who work within it. Those people are now weary, stressed and depleted. In this report, we have presented the observations of the barristers who work within the system. Their concerns must be listened to, and real systemic change must follow.

Appendices

Detailed barrister responses

Below we have included some of the detailed responses we received from barristers to supplement the report.

“I can only speak with knowledge about civil justice. When I began practice in 1987 there was in place a creaky but funded legal aid system for civil legal aid. That was largely abolished by the Blair government's Access to Justice Act 1999 which had the effect of removing civil legal aid except in immigration and Human Rights cases (the Blair government having introduced the HRA in 1998). The annual cost of legal aid was widely criticized but the annual figures published by government (1) never distinguished between the cost of criminal legal aid and civil legal aid; and (2) never indicated the net annual cost of civil legal aid because the monies recovered by successful legally aided litigants were never taken into account in the most widely used official published figures. Thus a well-researched and evidence-based article in the New Law Journal for 1998 by barrister Alun Tunkel reported that in Chancery cases between 70% and 80% of the costs spent by the state in funding lawyers were recovered several years later from the losing party. Civil legal aid was therefore a subsidy which cost around 20 to 25% of the headline figure, but this was not acknowledged in political or public debate. Prioritising (often unmeritorious) Human Rights and immigration claims, and introducing no-win no-fee agreements for clinical negligence and PI claims (where some level of recovery is almost inevitable) government had ceased to provide support for the majority of people who found themselves in civil disputes. The expectation that no-win no-fee agreements should be an effective substitute for legal aid was hopelessly short-sighted because in Chancery claims the disclosure of unexpected documents long after proceedings start frequently turns cases which had seemed winners into losers - and lawyers get nothing, thereby contributing to an unwillingness to take them on and instead encouraging lawyers to do pro bono work. Pro bono work is only possible for those who earn enough from other work that they can afford to do it. The end of civil legal aid was grossly unfair, ended access to justice for the not very well off, and has widened the disparity between rich and poor and the unfairness in society. So part of the answer to the question is that there is

no civil legal aid for most areas of civil dispute. A second answer is that there is no one in government any longer with the authority and knowledge to speak up for justice in a way that carries weight in the Cabinet and media. The nature and powers of the office of Lord Chancellor were changed by the Blair government to be taken over by a Secretary of State for Justice, who was also given responsibility for prisons. The Lord Chancellor's Department, under a Lord Chancellor who was always a senior legal figure with significant judicial experience, ceased to exist. So did the political independence of the LC, and their ability to speak up for the judicial system and the rule of law. This was because the LC's next step under the pre-Blair dispensation (until Lord Irvine of Lairg) was retirement and a judicial pension. The S of S for Justice now, by contrast, is a low to middling rank in the Cabinet, with its holder in the House of Commons, and a political career to make in government. The post of Lord Chancellor is now an appendage to being S of S, and it has been politicised and downgraded."

"Most British citizens lack the financial resources needed to access legal advice and effectively enforce their legal rights. Restrictions to legal aid have worsened the situation. It was once a key element of the welfare state. 20% VAT is charged for all legal services - a non-progressive tax grab. Effectively a tariff on access to justice that hits the poorest hardest. Court fees are a particularly inequitable barrier to access to justice. Civil fees are now at unacceptably high levels to help fund the MoJ, and operate unfairly. For example, bringing a disability discrimination action in the county court for more than minimal damages attracts considerable fees, but if brought in an employment context in the ET is free of fees, which itself discriminates against disabled people with non-employment related rights that have been breached."

"Waiting time are horrendous. Judges rarely have time to read the papers before a hearing. Judges are under incredible pressure to give wholly inadequate time estimates for hearings. This means that evidence is therefore rarely read and cannot be fairly challenged in many cases. legal aid rates mean that the most junior members of the bar

are often the only ones willing to work at legal aid rates in private law cases which involve victims of the domestic abuse. Those who can afford to do so now can choose to use private judges via private FDRs, ENEs and arbitration. We are creating a two tier system which is not equal justice for all and too often it is no justice at all. Our justice system is broken and it would appear that the MOJ knows and does not care. There are no votes in funding court services or legal aid, because most members of the general public have no idea of how important an effective, ethical and independent justice system is to their every day lives. We are the invisible scaffold of democracy. When we have been dismantled and/or have crumbled away, the public will realise what it has lost. It may be too late by then. The family justice system reminds me of the NHS in the 1980s. It is on its knees and disaster is not far away."

"Relatively high value, complex & long-running cases are heard by Circuit Judges in the High Court District Registries rather than High Court Judges, which means they are not being determined with appropriate rigour. This is creating an unacceptable division between the quality of justice administered in London & in the regions. Even in London, High Court Judges are spending too much time docketed to a small number of extremely high value commercial disputes, often involving litigants with no real connection to the jurisdiction, which means they do not have bandwidth to determine ordinary disputes which are still reasonably high value & complex & very significant to the parties involved. I have been in chancery & commercial practice for 3 1/2 years & I have never been before a High Court Judge. Even KCs have not been before all of the High Court Judges in the Chancery Division / Commercial Court, which makes it difficult to advise clients & to prepare & present your case in a way which takes into account the Judge's ways of thinking & working - which is one thing clients ought to be able to expect when they instruct a KC. Another problem with these high value commercial disputes is that they often generate extremely long judgments which are not practical for use as precedents: judgments of more than 40 pages are too long to be digested properly & used in a cost & time-efficient way, particularly for urgent work, where hearings are listed on

short notice. The shortage of Judges also makes it difficult to find hearing windows, especially for hearings of more than two days. This means that more complex interim applications which weren't known about at the CCMC cannot necessarily be heard in reasonable time before a trial so as not to scramble the trial directions - & litigants are faced with a choice of either not pursuing a more complex application or else facing an overly compressed & potentially unfair timetable to trial. The administration of the County Court at Central London is also a complete disaster. They need to employ more court clerks to deal with straightforward admin tasks like issuing applications and entering judgment following strike-out. This can take months when it ought to take one or two business days and can have a significant impact on litigants, for example if they are entitled to judgment, it is not entered for months & their opponent goes into an insolvency procedure in the meantime. It is not even possible to communicate with CCCL other than via the central call centre, which doesn't seem to move things forward at all."

"The backlogs are incredibly damaging, the lack of money in almost every aspect of the system causes enormous problems e.g. there are not enough judges sitting, not enough probation officers so reports now take twice as long, huge delays with police investigations and charging decisions. Because of how stressful the current working conditions are, people are leaving the criminal bar placing more pressure on those already at breaking point. Stress levels, anxiety, depression and mental health problems are at an all time high as a result. Defendants are remaining in custody longer than they should and witnesses and victims are waiting for inordinate lengths of times, splitting families up for years at a time and causing them to withdraw their support rather than carry on!"

"I would not seek to comment on non-criminal areas of practice, but within the Crown Court system there are presently very considerable (unprecedented?) levels of delay - both pre-charge and once charging has occurred. I am afraid this is a legacy of chronic underfunding and lack of investment over two decades. A particular problem is the lack of senior counsel to cover the work, because so many have left the criminal Bar, changed

practice area, and/or sought other opportunities. Those numbers cannot be increased quickly, because it takes years to develop experience, but there needs to be improved working conditions and (much) better remuneration both to encourage more people to come to the criminal Bar, and those already here to remain (or even return)."

"The delays in court many matters getting to Court is unacceptable. Whilst I do not practice in this field, the delays in criminal proceedings are particularly unacceptable. Judges have been increasingly forced to worry about rules rather than actually exercising judgment and ensuring that justice is done. Within the public family law arena 90 % of judges are worried only about statistics and meeting the 26 week timescale with no thought about what is actually necessary and right for the child subject to the proceedings before them. In criminal cases the sentence guidelines result in judges being little more than automations, applying black and white rules to cases which are inevitably grey."

"The backlog of cases in the KBD in PI and clin neg means that when speedy access is required e.g. for urgent interim payment applications, or the approval of settlements or voluntary interim payments and to get a deputy in place (via Court of Protection) so that funds can be defrayed to the benefit of P there are substantial delays and defendants can obfuscate for months and months knowing that no hearing time will be available for 4-6 months. There are times when Claimants are glad of the extra time to obtain reports/consider their position but also plenty of occasions when I am advising clients that they will be at the mercy of whatever the Defendant seeks to give them by way of interims/ by way of disclosure whilst we wait for the court. Some masters are more responsive than others in accommodating urgent hearings, but it is very hit and miss. I think generally the backlog of cases means that people don't have access to justice in my disciplines to an acceptable level."

“Court backlogs have drastically increased in my short time at the Bar. There are a number of courts in London listing trials in 2028. CTLs are being constantly extended due to the court not being able to accommodate trials within the 6 month time limit. This is a terrifying reality, with many people spending months on remand. The backlogs have an impact on defendants and complainants alike. Three trials listed on the same day in one court (a regular occurrence) means that it is inevitable that there are at least two cases worth of witnesses who will have their trial pushed back months. This leads to a lack of support and justice not being delivered. The system is unsustainable as it stands. However, the solution is not removing a trial by jury.”

“The level of delay in many of the larger Employment Tribunals is at a ridiculous level. Some Tribunals are currently scheduling hearings for 2028 because there is no sooner listing available. It can take 6 months or more to get the Tribunal to acknowledge an 'urgent application' and to list a Preliminary Hearing to address it. More Tribunal staff and judges need to be budgeted for. It is a travesty to expect a Claimant in an employment case to wait 3 or more years for a liability judgment in their case where they have been dismissed / discriminated against/ subjected to detriment for whistleblowing with their reputation impugned in the interim and also wholly unacceptable for Respondent/ employers and their witnesses to have cases hanging over them for such a long time. It is no defence to say that it is even worse in crime. If we say that we are proud to be governed by a rule of law and to be a beacon of justice across the world we need to ensure justice within a reasonable time frame. We do not have that.”

“Because (1) the administration of the courts is not sufficiently efficient and there is an excessive backlog of cases; (2) the court fees are such as to make issuing many kinds of claims unaffordable or uneconomic for many; and (3) few people are realistically able to conduct cases in person and few can afford professional legal representation. Some might suggest that the answer to (3) would be to increase legal aid spending to former levels, but this is inherently unworkable: government spending is always subject to

abusive political whim and can never be relied upon in the long term. A better solution would be to reform the tax and welfare system fundamentally to allow people to pay a proportion of what is now taxation to charitable causes of their choosing, or, in the alternative or in combination, do work to the value thereof. In that way, lawyers might pay part of what is now tax by undertaking pro bono work, significantly increasing access to justice without having to rely on the holders of concentrated coercive power to provide funding.”

“The existing system does not adequately provide for civil disputes between private parties worth under around £1 million. I assume that category forms the majority of civil disputes by number of disputes each year. I don't have an easy solution to these problems, but I describe the provision as inadequate because: (1) If settlement isn't reached, and the dispute must be litigated, it is unlikely the parties will have a resolution to their dispute in less than 12 months. Often it will take longer. While a large company can happily carry on litigation over multiple years, it seems to me that, for individuals and small businesses, the length of time it takes to pursue or defend a court claim is a disincentive to using the court system to resolve a dispute. (2) The involvement of legal professionals will, generally, help to resolve the dispute fairly and efficiently. But the cost of instructing lawyers privately is prohibitively expensive for most individuals and small businesses. (3) For claims worth less than £1 million, if lawyers are instructed, the total costs incurred by both sides are likely to be a significant proportion (say, 40%+) of the value of the claim. Often they will be larger than the value of the claim, especially for disputes worth up to around £200,000. This makes pursuing litigation an unattractive option.”

“Barristers in criminal justice are completely overworked. Too many cases to handle and have to take on large amounts of work just to afford to live- client care falls, deadlines are missed, barristers become exhausted and apathetic. Advocates don't even have access to clean drinking water at the large majority of courts, let alone food or adequate breaks. The

Crown Court backlog is inexcusable. Victims wait years to be heard if they don't withdraw by that point, Defendants remain on stringent bail conditions far exceeding the likely custodial terms. Delay is preventing proper justice. 'The Innocence Tax'- legal aid not covering a large amount of people's legal fees, Defendants have to choose between bankrupting themselves to be represented or represent themselves. No recourse to funds when found not guilty."

"Legal aid provision is dire - solicitors have dropped out because they cannot survive. The LAA is beset with backlogs so adds to the delays in ensuring adequate access is provided. The courts service is understaffed meaning that requests for expedition or listing requests go unnoticed and the Tribunal in particular is unwilling to work with court users to improve or amend its processes to make it workable. Delegating powers to court staff has had some advantages in giving a greater number of people to respond to requests, but court staff operate within very narrow parameters, meaning that more complex requests have to go before a Judge anyway, but there is a delay in getting there. The delays have serious impacts on families and individuals hoping to seek justice for what are often fairly straight-forward mistakes."

"Lack of legal aid. Whole areas of law are not covered. Some areas of law are so poorly paid it is hard to secure counsel of requisite experience. For example I worked primarily in crime for 6 years and left due to the fees. Similarly publicly funded private law is so poorly paid when someone has secured legal aid that I don't do it. I have seen representatives of a couple of years experience essentially acting for an alleged victim of domestic abuse trying rape allegations. It is common in private children cases to see the alleged perpetrator privately pay for experienced counsel whilst the legally aided complainant who bears the burden of proving allegations has much less experienced representation. In public law children the police and their reluctance to investigate serious crimes against children in a proactive way derails trials, causes delay, and

unfairness. That's before one even looks at the backlogs across every area of work. Last minute disclosure. The list goes on."

"Lack of funding and delays are the major issue. Increased use of CVP for administrative hearings should be the status quo nationally, with defendants excused unless actually required. Staggered listings are necessary rather than listing everything at 10, because otherwise defendants and witnesses (let alone barristers) are waiting around for hours and becoming disenfranchised by the CJS. Remand defendants are frequently brought to court late, which is causing significant delays. Trials are taking months rather than weeks because of late prison vans and list offices are packing the trial judge's courts with other hearings rather than using the empty courtrooms next door. This is making judges irritable and leading to poor behaviour by them in court towards the Bar, because they are so worried about the pressure of getting cases finished instead of focussing on justice. The current state of courts is having a negative impact on mental health of the Bar, Judiciary, defendants and witnesses. The only solution is greater investment in the CJS."

"The courts and the judiciary represent one of the three pillars that compose the modern liberal democratic state. Court users have to pay huge amounts in order to have effective representation. The costs of the legislature and the executive are met out of taxes. It is appalling that the courts are not adequately funded, that people do not trust the courts to deliver justice, that lawyers' fees (including my own) are so high that only very wealthy individuals or corporations can afford them (and this distorts the development of the law by ensuring that only those with deep pockets or exceptional funding can pursue a case to trial, let alone appeal. Public funding should be much higher for the court system, and most private citizens should receive financial support when bringing or defending court proceedings (subject to the court's right to require one or more to bear costs) in the same way people receive publicly subsidised healthcare."

"I think the issue is finance. Legal aid is in a completely parlous state. There is not enough of it (i.e. scope is so limited so, for instance, you can only get funding for disrepair issues as a part of a counterclaim unless they are life threatening, when you can claim an injunction but would have to deal with damages on a different basis. Because rates are so low, the quality of the practitioners, in general terms, is considerably lower than in other areas. Accordingly, people do not have proper access to justice. I started life as a housing law practitioner and represented many tenants on a legal aid basis. Since 2013, the rates have been so pitiful that many barristers will not accept the cases - there are ways around cab rank - and the number and, significantly, the standard of legal aid solicitors in housing has declined. It is not insignificant in my view that the solicitors and barrister who have been strongly and properly criticised in Ayinde (out yesterday 07.05.25) were legally aided. The conduct of the barrister in particular showed a lack of judgment which clearly appears to have strayed into the realms of dishonesty but I simply do not think this would have happened if legal aid paid better because the calibre of the lawyers involved would have been significantly higher."

"Lack of funding for families in inquest proceedings. Difficulty in accounting for payment for work done in cases which are not paper heavy but call for additional time with client, e.g. criminal cases where defendant is vulnerable (mental ill-health, learning disabilities etc.). Difficulty in being paid for work done when do not end up conducting the trial - this issue is best rectified by the reduction of warned list trials and greater certainty that cases fixed in a manner which secures continuity of counsel. Without this, there is a clear disincentive to prepare cases properly at an early stage and to take ownership, which means it is more likely that issues are missed."

"Funding in personal injury claims has been diminished to the point that solicitors struggle to conduct cases properly while achieving enough profit to make this worthwhile. Simultaneously, reforms to whiplash claims have resulted in costs (or the bulk of costs) being irrecoverable in lower value claims which has resulted in these claims

not being economically viable for solicitors therefore leaving claimants unrepresented or (more commonly) not bringing claims in the first place. Additionally, the extension of fixed costs leads to a position in which solicitors will not recover counsel's fee as a disbursement and so matters which would be appropriately left to counsel are being dealt with in-house by firms who struggle to dedicate sufficient time and resources to these. This is aggravated by the overwhelming majority of cases being subject to conditional fee agreements, which counsel has little incentive to enter into when the recoverable costs in the event of success are so modest they rarely outweigh the risk of losing the claim (and nothing being recovered). This leaves a gap in which clients are left without representation."

"The whole criminal justice system is grossly underfunded and has been for two decades or more. Courts lie empty because there are not enough sittings days to enable courts to sit to capacity. Recorders whose services could be used are not booked to sit because there are insufficient Recorder sittings days to enable Listing to employ them. Meanwhile, the backlog of criminal cases continues to rise, month by month. The delays in bringing cases on for trial are wholly unacceptable, both for witnesses and for Defendants. It is next to impossible to secure proper conference time with Defendants in prison. Defendants are not produced inside the prison for video links. Defendants are not brought to court in time for conferences before a hearing - and sometimes they do not arrive until midday or later, causing trials to overrun and follow-on cases to be adjourned. Trials are listed as "backers" in case another trial goes short - but often have to be adjourned, because no court is available, resulting in the complete waste of everybody's time, effort and money - and significant upset to both witnesses and Defendants."

"The level of funding for legal aid lawyers has not increased for over a decade, lessening the number of new lawyers, solicitors and barristers. The structure of and provision of good quality courts is non-existent. Public transport is so bad that clients with lower means are frequently late to court. The level of local authority funding of services for

families is so poor that there are limited to no support mechanisms for children. The allocation of resources to local authorities and to families is a post code lottery. The President of the Family Division, absent time to allocate to allocating resources is spent introducing unhelpful new rules and protocols dictating the provision of documents in prescribed formats - wasting the time of experienced lawyers drafting and lessening time they have on doing other client-centred tasks."

"The whole system is about to collapse - as Defence, we are under pressure to do a full detailed analysis of a case in order to enter a plea and not lose early guilty plea credit and then progress a case having thought about all issues having taken instructions and advised on everything and to fill in case management form identifying issues and points of law etc - it is an important task and burden to ensure to get right and invariably if you are attending court dealing with 4 -6 cases, its a lot of work on a 1st Appearance and have to get it right so that client does not face the penalty of then later changing plea and losing credit. So, NO I don't think access to justice is at an acceptable level."

"The listing backlog for cases is horrendous, both the delay in being charged and case starting at court years after the offence and then further delays of years in listing the case for trial. If it is a bail case we are well into 2027, and there is no guarantee that the case will even be heard when it is listed because it is listed to float and not a fixture. There is also a complete lack of assistance for those with MH issues, both for the bar/sols in determining those issues, and for the person themselves with regards to social care help or assistance. People are slipping through the net consistently and the court arena is often not best placed to deal with them, but is often the first place these issues are picked up."

"Privately funded lawyers are prohibitively expensive, legal aid does not cover much at all, law centres and CABs across the country have been gutted and cannot properly support people. Trade union legal departments are reactive and slow. Employment

tribunals are over-run and under-funded, with inadequate admin support. In the employment tribunal, even when people can privately pay for a lawyer, often that lawyer has too high a case load because each case is low value, so their business model relies on not giving each case enough attention. The end result is that normal people cannot access justice. If any of my friends were discriminated against at work, as their friend I would probably tell them that their life would be much better if they did not try to assert their rights, because going through the justice system is retraumatising. Also -- some self-represented people are seeking legal vindication of their rights when what they actually need is a therapist, which is a social care issue."

"Justice is far too expensive for the vast majority of ordinary people. The lack of civil legal aid in almost all of my areas of practice mean litigation is beyond their means. For those that do find themselves in litigation, the (in my view) grossly unfair extension of fixed costs to vastly broader areas of civil work via the introduction of the intermediate track is forcing litigants with otherwise good claims and/or defences to compromise them on more disadvantageous terms than would otherwise be appropriate simply because it is not possible to litigate them within the confines of the fixed recoverable costs, and so the client's net recovery in the event of success at trial is grossly diminished. No doubt this is the intention of the rules, but it has the practical effect of grossly limiting access to justice (i.e. the fair judicial disposal of claims) as opposed to forcing out-of-court settlements."

"My recent experience has highlighted two particular concerns both costs centred and pulling in opposing directions. First the court system is expensive if lawyers are involved and despite projects to try to improve accessibility it is virtually impossible for most litigants in person in my areas of practice to adequately represent themselves. The law is complex and the procedure can be too. Whilst unrepresented litigants face their own issues in adequately representing themselves, the burden they then place upon both the court system and the opposing often represented party is considerable. Adjournments are common as are longer hearings and the cost burden borne by the represented party is

significant and often increased by an expectation they communicate in more granular detail with LIPs who can also at times appear to be deliberately uncooperative. Litigants in person can access the justice system but cannot necessarily access justice itself because they are not given the tools to engage with the law or the procedure adequately. Relatedly there is an increasing issue of vexatious and impecunious litigants. Those without financial resources are readily able to issue claims and to defend proceedings without paying lawyers. These individuals rarely adhere to the requirements imposed on represented litigants such as filing appropriate evidence limited to material facts and of appropriate length. Such litigants bombard the court and their opponents with correspondence and documents of minimal relevance, seek adjournments and cause significant practical difficulties. These litigants generate real additional costs to the other party. It is almost always either extremely difficult or not cost effective to pursue strike out applications and in my experience judges do not generally deal adequately with the submission of such material or litigants who conduct themselves in such a way. The issue is particularly acute where one is a defendant to such a litigant as there is effectively no recourse to recover costs even if one succeeds because the claimant is likely impecunious. Having to deal with litigation and pay one's lawyers whilst the claimant generates costs is a real burden that is not being adequately dealt with by judges or the courts in my view."

"Most British citizens lack the financial resources needed to access legal advice and effectively enforce their legal rights. Restrictions to legal aid have worsened the situation. It was once a key element of the welfare state. 20% VAT is charged for all legal services - a non-progressive tax grab. Effectively a tariff on access to justice that hits the poorest hardest. Court fees are a particularly inequitable barrier to access to justice. Civil fees are now at unacceptably high levels to help fund the MoJ, and operate unfairly. For example, bringing a disability discrimination action in the county court for more than minimal damages attracts considerable fees, but if brought in an employment context in the ET is free of fees, which itself discriminates against disabled people with non-employment related rights that have been breached."

“Because of successive cuts to legal aid meaning: (a) around 50% of people seeking asylum do not have access to a lawyer and many people making immigration applications do not qualify for legal aid although they cannot afford to pay for a lawyer, (b) the quality of legal aid service provision has reduced as capacity has become more constrained in the sector, so people may not receive the best quality representation for cases of fundamental importance to their lives, (c) the lack of access to legal aid lawyers/issues with representation is often not sufficiently taken into account by the Home Office or the Courts when considering people's cases. Further, there are several systemic issues in terms of the hostile political climate generated for migrants and refugees (in my area of practice) which has in turn impacted how the Home Office and the courts treat my lay clients and often leads to unfair and unjust outcomes. The system has been entirely stacked against them - so there is no meaningful access to justice.”

“It is very clear that poorer people and non-UK citizens (often an overlap here) struggle to use court services e.g. more litigants in person with no idea how to represent themselves and zero empathy or assistance from the court. I have had numerous PI matters regarding emergency local authority tenants who end up homeless, cannot deal with their claim and have it struck out before trial. My personal and non-scientific view is that a great number of courts and judges are either racist / discriminate based on perceived class, or they have a larger degree of unconscious bias. Due to one client, I have regular foreign witnesses and them being spoken to with a lack of courtesy is far more common than British clients. This puts people off using the system and plays into 2 tier justice by limiting court use and access.”

“I am particularly concerned about the volume of litigants in person. Many people are forced to represent themselves in complex and problematic and emotionally charged private law applications. They are navigating a legal system without knowledge and

support. The court is backlogged by the volume of litigants in person due to the need to explain concepts to ensure there is a fair hearing. Litigants in person do not - at times - appreciate the seriousness of court orders and fail to comply with directions, which leads to repeated hearings. There are insufficient resources. Finding of Fact Hearings and Final Hearings can take in excess of four months to list."

"The system is designed for lawyers, not lay people, but many lay people can't afford legal representation. The delays are also an unacceptable barrier to accessing justice, and the overall unreliability of the court system. Also, some people abuse the system in order to get Legal Aid - eg claim domestic abuse when they wouldn't be doing so "but for" the encouragement to do so by offering legal aid to victims of DA. Then other people who have genuine cause are not awarded it! I have had numerous cases where one party has alleged DA, been awarded LA... court has then made findings against THEM that THEY have done wrong/abused the other parent or child/ren BUT the other parent has NOT been given legal aid....AND the worst bit is that, once the court has made findings against the recipient of legal aid, the LAA has continued to fund their case!!! This deprives others who should be receiving funding."

"Everything works perfectly fine in the Commercial Court, which provides some of the best commercial dispute resolution in the world. By contrast, my experience of the County Court system is that the only reason it even barely keeps together is the dedication of the people working there, but the systems which they are given (in every single area: resources, equipment, buildings, IT, central administrative systems - literally anything) are of a standard which would be shameful in the 80s. Given that probably 90% of disputes are resolved in those courts (and to the parties there, those disputes may well be of huge importance), that is an utter disgrace."

“For the reasons above. There are not enough resources at court office level (the remuneration for court staff is exceptionally low for the work they do - which leads to high turnover/low retention of staff) which means that parties cannot get quick/thought through administrative decisions. Often the court will make a mistake (eg not booking interpreters when directed or listing/vacating erroneously) but for any party to change that decision they have to pay a court application fee otherwise their correspondence goes ignored. So parties are always expected to pay an issue fee for a court mistake. Which is wholly unfair and that, coupled with the extreme backlog and delays, means that people have nowhere near an acceptable level of access to justice.”

“It is just too slow. There are court buildings and court rooms across the jurisdiction sitting empty. I am aware of many competent counsel who have applied for the position of Recorder, gone through the rigorous applications process and been rejected. By way of suggestions to resolve this issue, I would propose the following: 1. There are unused courtrooms in public buildings that could be used for Crown Court hearings. Oxford Town Hall and County Hall, Oxford, both have old Crown Court rooms that could be brought back into use, perhaps for bail cases. 2. Most competent counsel over, say, 10 years' call, could preside over simple bail trials in the Crown Court without being required to become a recorder. We allow lay people to sit as Justices of the Peace. Surely experienced legal professionals can be trusted to preside over simple non-custody jury trials?”

“Lack of funding in both defence and prosecution has led to rising incompetence issues. I am aware of a prosecution for controlling and coercive behaviour which was brought and only withdrawn after trial date had been listed, when it should never have been charged due to significant issues undermining the credibility of the accuser who was the defendant's ex-husband and was in fact the controlling and coercive abuser of the defendant, and who had been reported to police and social services by a previous partner for mental and physical violence. the police and prosecution failed in their basic

investigative and disclosure duties until forced to address those as a result of a s8 application, which meant that the matter progressed for 2 years causing severe stress and financial difficulty to the private paying defendant who was in fact the abuse victim. This is not justice and I was ashamed of how far our criminal justice system had fallen.”

Tables and charts

Table 4.1: Views on access to justice in different practice area in percentages

	Criminal	Civil	PI/PN	Commercial	Family	All respondents
Court delays	84	56	56	47	57	62
Too slow	6	5	2	6	3	5
Excessive workloads	10	4	4	3	6	6
Legal aid/funding	51	60	50	44	72	55
Underfunding	17	14	22	10	15	15
Restricted availability	3	5	2	5	8	5
Justice system	45	30	28	31	31	34
Quality of justice	10	5	6	6	11	8
Complexity	3	9	8	11	3	7
Costs/affordability	17	37	36	59	25	34
Legal inequalities	4	6	5	7	7	6
Equality and fairness	6	11	12	6	13	9
Litigants in person	2	7	6	7	12	6
Court infrastructure	30	18	27	17	28	24

General	4	1	3	2	2	3
<i>Base N=</i>	638	569	268	470	434	2379

Source: IES/Bar Council: Barristers' Working Lives Survey, 2025

Table 4.2: Access to justice summary comments by topic in percentages

			N	Responses %	Cases %
1	Court delays	General backlogs/no responses/justice delayed is justice denied/county and/or high court	1017	18.2%	41.3%
2	Confidence undermined	Crime going unpunished	85	1.5%	3.5%
3	Too slow	And witnesses/ complainants deterred	114	2.0%	4.6%
4	Collapsed/adjourned/moved cases	Poor case management	111	2.0%	4.5%
5	Inappropriate cases	Over listing/some cases shouldn't reach litigation	32	0.6%	1.3%
6	Too few remote hearings		18	0.3%	0.7%
7	Excessive workloads	In various areas counsel/solicitors/police/judges/rushing. Can't speak to admin staff in courts	137	2.5%	5.6%
10	Legal aid issues	General/legal aid cuts/deserts/broken framework/reforms	552	9.9%	22.4%

11	Underfunding	General/cuts	378	6.8%	15.4%
12	Restricted availability/eligibility	Inaccessible	114	2.0%	4.6%
13	Rates too low	Also, solicitors not taking work	77	1.4%	3.1%
14	Wastage from legal professions	No money in it/lack of solicitors	63	1.1%	2.6%
15	No/reduced representation	No one taking on legal aid work/problems of one represented one not	105	1.9%	4.3%
16	Inconsistent provision	eg in family between (abuser and victim)	38	0.7%	1.5%
17	Poor support	Prison service issues/private sector orgs	30	0.5%	1.2%
20	Justice system	General/broken system/widespread inefficiencies	44	0.8%	1.8%
21	Delays (criminal specific)	Backlogs/procedural delays/caseloads	104	1.9%	4.2%
22	Impact on victims	Trauma and disengagement	97	1.7%	3.9%

23	Defendants in custody/on bail	For too long	71	1.3%	2.9%
24	Quality of justice	Rushed poor due to workloads/poor judges/no facility for urgent applications/solicitor advocacy/poor judgements – move to pro bono problematic	186	3.3%	7.6%
25	Culture	Arrogance/failure to treat people with respect in any/all areas/bullying	49	0.9%	2.0%
26	No accountability	Politicisation	12	0.2%	0.5%
27	Complexity	Too complex for most to engage/procedural complications	163	2.9%	6.6%
28	Listing issues	Poor administration/too far ahead	108	1.9%	4.4%

Table 4.2 (cont.): Access to justice summary comments by topic in percentages

			N	Responses %	Cases %
30	Legal costs/affordability	Too high/risky deters claimants (fees more than recoverable costs)	621	11.1%	25.2%

31	Middle income dilemma	Too wealthy for Legal Aid but can't afford fees	50	0.9%	2.0%
32	Legal inequalities	Too many deterred from taking legal action/inaccessibility	142	2.5%	5.8%
33	Fixed fees/costs	Disincentivises quality representation/solicitor exploitation	18	0.3%	0.7%
40	Equality and fairness issues	Inaccessibility	18	0.3%	0.7%
41	Financial inequality	Similar to 32 (I sometimes code both)	81	1.5%	3.3%
42	Disabled	Courts not adapted to handle disabled people	15	0.3%	0.6%
43	Immigration		16	0.3%	0.7%
44	Poorly informed		1	0.0%	0.0%
45	Regional	Geographical disparities, centralisation of various activities	61	1.1%	2.5%
46	Vulnerable clients/appellants		28	0.5%	1.1%
50	Litigants in person (LiPs)	Self representation putting pressure on courts 50/51 both same really)	91	1.6%	3.7%

51	Poor representation/understanding	Leading to delays and further backlogs	64	1.1%	2.6%
60	Infrastructure		41	0.7%	1.7%
61	Courts	Dilapidated/empty/run down/breaking point/poorly run/admin issues	214	3.8%	8.7%
62	Shortages (Judges)	Too few/overworked/excessive caseload	99	1.8%	4.0%
63	Shortages (Barristers/solicitors)	Overworked/excessive caseload/driven away	81	1.4%	3.3%
64	Shortages (admin staff)	Interpreters	58	1.0%	2.4%
65	Technology/remote hearings	Poor access for the digitally excluded/poor technology/MyHMCTS	44	0.8%	1.8%
66	Professional/staff burnout	Poor judiciary/counsel relationships	11	0.2%	0.4%
67	Lack of flexibility	Inadequate sitting hours/days	23	0.4%	0.9%
68	Poor policing		21	0.4%	0.9%
70	General broken system	General chronic problems/	62	1.1%	2.5%

80	Other/solutions		19	0.3%	0.8%
			2379	100.0%	227.0%

Source: IES/Bar Council: Barristers' Working Lives Survey, 2025 (N=3,66)

Connecting the issues impacting on access to justice

