



The Chartered Institute of Legal Executives (CILEX) is the professional association and governing body for Chartered Legal Executive lawyers (commonly known as 'CILEX Lawyers'), other legal practitioners and paralegals. Under the Legal Services Act 2007, CILEX acts as the Approved Regulator (AR) and delegates these regulatory powers to the independent regulator, CILEx Regulation Ltd (CRL).

CILEX represents over 17,500 members of which 77% of the membership are female, 16% of members are from an ethnic minority background, 4% are LGBT and 6% have a disability. Additionally, in terms of social mobility, 77% of CILEX members attended a state-run or state-funded school and 41% have an undergraduate university degree (of which 63% of those members were the first to attend university).

This follows the commencement of the Justice Committee's call for evidence on the work of the County Court. CILEX has responded to the below questions where there is sufficient evidential data from members.

**1. What the current level of delay in the County Court is; the extent of any regional variations; and the effect of delays on litigants and the administration of justice**

- 1.1. CILEX reports positive experiences in smaller city locations, such as Southampton, where the turnaround in processing applications and listing hearings is up to date. CILEX however notes that larger cities, particularly the London region, are continuing to encounter significant delays.
- 1.2. CILEX however does recognise that there has been an increase in County Court claims of 3%<sup>1</sup> and appreciates that the increase in cases can influence the levels of delay, as well as the closure of the County Court Money Claims Centre in Salford in May 2023. Whilst CILEX understands there are several legitimate factors that demonstrate the cause of delay, the physical condition of Court estates continues to impact the running of County Courts. CILEX hopes that regular Court maintenance can ensure continuity of work in the County Court and avoid regular delays.
- 1.3. In relation to the administration of justice, one CILEX practitioner has commented:  
*"The court backlog is significant due, in part, to the number of litigants acting in person. To give wider access to legal aid will allow better access to justice and streamline the system to avoid lack of compliance delay or adjournment of hearings."*  
CILEX is a staunch advocate for better access to legal aid for individuals, reducing the number of litigants in person. CILEX is over the view that this will yield downstream benefits financially through efficiencies in the civil court, but also better access to justice and more parity between parties.

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<sup>1</sup> Civil Justice Statistics Quarterly: July to September 2024, [Civil Justice Statistics Quarterly: July to September 2024](https://www.gov.uk/government/statistics/civil-justice-statistics-quarterly-july-to-september-2024) - GOV.UK.

## **2. The accessibility of the County Court for people with disabilities**

- 2.1. CILEX members have reported direct negative experiences with the County Court on account of their disability. CILEX strongly believes that reasonable adjustments should be made available where able to accommodate both litigants and their legal representatives at any level.
- 2.2. This is also echoed in wider research: with only 15% of courts fully accessible for wheelchair users.<sup>2</sup> CILEX does recognise that several courts are listed buildings by Historic England (including the Royal Courts of Justice), however CILEX believes that county courts must be updated to reflect the needs of all stakeholders, including parties to proceedings as well as practitioners, judges and court staff.
- 2.3. In relation to practitioners, it has been noted that there is a lower level of practitioners with a disability in the legal profession, in comparison to the wider UK population. With CILEX having 6% of its members disclosing a disability, 5.1% of the bar disclosing a disability,<sup>3</sup> and 6% of lawyers who work in SRA law firms outlining a disability<sup>4</sup>. This is substantially lower than the 23% of those of working age across Britain with a disability.<sup>5</sup>

## **3. The condition of the court estate, and its effect on the work of the County Court**

- 3.1. CILEX is aware that the physical condition of the court estates continues to decline over time. CILEX notes that the physical deterioration of Court buildings causes disruption to cases listed, as well as disrupting the administrative capabilities of staff working in the County Courts.
- 3.2. Moreover, the current condition of the court estate has meant that there is a lack of meeting room availability when cases do go ahead, whether this is due to maintenance or overcrowding. CILEX members noted that this has created difficulty in obtaining instructions from their client and can often impede effective litigation.
- 3.3. CILEX reiterates the need for an increase in remote hearings being available for County Court hearings. Where maintenance is required on Court estates, this can be done with minimal disruption.

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<sup>2</sup> Bolt, Burden, Kemp “Only 2% of Britain’s civil and criminal courthouses are fully accessible” <<https://www.boltburdonkemp.co.uk/our-insights/campaigns/only-2-percent-british-courthouses-fully-accessible/#:~:text=With%20all%20this%20in%20mind,it%20differ%20across%20Great%20Britain%3F>> Accessed 12/02/2025

<sup>3</sup> BSB, Diversity at the Bar 2023: A summary of the latest available diversity data for the Bar (BSB 2024) p19

<sup>4</sup> SRA, Diversity in Law Firms’ workforce < <https://www.sra.org.uk/sra/equality-diversity/diversity-profession/diverse-legal-profession/>> Accessed 12/02/2025

<sup>5</sup> House of Commons Library, “UK disability statistics: Prevalence and life experiences” (House of Commons Library 2024 Number 09602) p5

3.4. Additionally, CILEX calls for a detailed breakdown on the use of the £220m funding which has been provided to the courts. Several times ministers have promised that they *“are also investing more in our courts across England and Wales. In August 2023, we announced we are investing £220 million for essential modernisation and repair work of our court buildings across the next two years, up to March 2025.”*<sup>6</sup> As March 2025 is fast approaching, CILEX calls for an independent analysis as to the spending of the £220m and how effective it has been in delivering a) modernisation, and b) repair. CILEX also calls for an independent analysis into how much further financial support would be required to complete all necessary repairs across the court estate.

#### **4. The use of technology in the County Court and how it could be used to improve the service provided by the County Court**

4.1. Whilst CILEX is aware that the introduction of technology has somewhat improved the service provided by the County Court, there remain issues. CILEX members note that the lack of confidence from Court staff, including the judiciary are key barriers in improving the services provided by the County Court through technological adoption. An example of this includes Courts requesting paper bundles in addition to auto-bundles. CILEX is concerned that this is creating more expense and using valuable resources that could be used better elsewhere.

4.2. CILEX believes that the use of remote hearings should be increased in the County Courts. CILEX is aware that the use of remote hearings is declining, and notes that the use of remote hearings, where appropriate, will assist in the ongoing delays at the County Court. Additionally, increasing the use of technology in Courts promotes confidence in use, which could rectify some of the concerns as stated above.

4.3. CILEX also believes that funding is needed to be provided to civil legal aid lawyers to assist clients with technology. Whilst the court system should continue to improve its technology usage, parties to proceedings cannot be left behind. With 71% of practitioners surveyed considering “clients understanding of technology” to be a barrier for civil legal aid lawyers, it is clear that the public need support to play a full part in their proceedings.

#### **5. The effect of the reform programme on the County Court, including the new Online Civil Money Claims service and the Damages Claims service**

5.1. CILEX represents both Claimant and Defendant legal practitioners working within the County Court. Members representing both Claimant and Defendant work

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<sup>6</sup> Mike Freer, Parliamentary Written Answers, UIN 12091

reported that the Online Civil Money Claims service and the Damages Claims service are not being used effectively. CILEX is concerned that through improper use of the services are causing the continuation of vexatious litigation.

## **6. Whether there is sufficient judicial capacity in the County Court, and current steps to improve judicial capacity**

6.1. CILEX recognises the ongoing concerns regarding judicial capacity remain in all Courts. Whilst the number of Judges is an area of contention, for the County Court, there are other factors that interfere with the capacity of the judiciary in carrying out their functions in the Courts. For example, where County Courts are having to close due to the poor physical condition, this is directly impacting the number of effective sitting days available to the County Court.

6.2. Data suggests the number of judgments has increased by 12% in comparison to the last quarter in 2023<sup>7</sup>. However, CILEX notes that 93% of these judgments were default judgments.

6.3. CILEX hopes that the further development and trust of technology in the County Court, alongside regular maintenance of court buildings, could remedy some of the judicial capacity concerns. As referred to above, the increase of remote hearings in other courts are serving many benefits in reducing the delays in cases and reaching a sustainable level of sitting days.

## **7. The current procedural mechanisms used by the County Court to resolve disputes**

7.1. CILEX understands that queries are being made to HMCTS regarding DCP Orders. Members are reporting that directions are organised incorrectly, meaning that litigation is often delayed, and disputes continue to remain unresolved unnecessarily. One example noted that the first direction within the DCP Order referred to part 35 questions, with the disclosure of records later in proceedings.

## **8. The quality of data available on the work of the County Court**

8.1. CILEX recently attended the Civil Justice Council Forum, where industry leaders identified where data collection and analysis could be improved to maximise the efficiency of work in various areas, including the County Court. CILEX recommends working in collaboration with sector leads such as the Civil Justice Council in formulating a high-quality, useful and deliverable data streaming mechanism.

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<sup>7</sup> Civil Justice Statistics Quarterly: July to September 2024, [Civil Justice Statistics Quarterly: July to September 2024 - GOV.UK](https://www.gov.uk/government/statistics/civil-justice-statistics-quarterly-july-to-september-2024).

8.2. CILEX also notes that whilst seeking data on the work of the County Court is valuable, there are two limitations:

- 1) The data being provided is frequently provided by firms and practitioners who are already struggling to make practicing financially viable. Firms and practitioners are therefore hesitant to provide data which is costly (both in terms of tech to capture the data and labour needed to collate it). CILEX is of the view that if more data is needed on county courts, this should be provided by the Government and auditors, or where needed from firms, a scheme should be established whereby compensation for the necessary time and resource is provided.
- 2) Any data captured must be collected and analysed with a view to appropriately using it. It is not satisfactory for a wealth of data to be collected, merely to be ignored. CILEX is of the view that data sets, such as the civil justice statistics quarterly, should expressly state how the data will be used by central government, or whether it is merely for research or published for transparency.

8.3. In relation to the physical state of courtrooms, CILEX is of the view that there are finite civil courtrooms, and finite facilities. CILEX believes that external (or in house depending on budget constraints) inspections are needed to assess these courtrooms and facilities. These inspections should not be used as a vehicle for telling off civil servants and court staff, but they should be used as a barometer for identifying the extent of repairs needed. All endeavours should be made that these inspections are realistic.