



Justice Committee: Access to Justice

A response by
The Chartered Institute of Legal Executives
(CILEX)

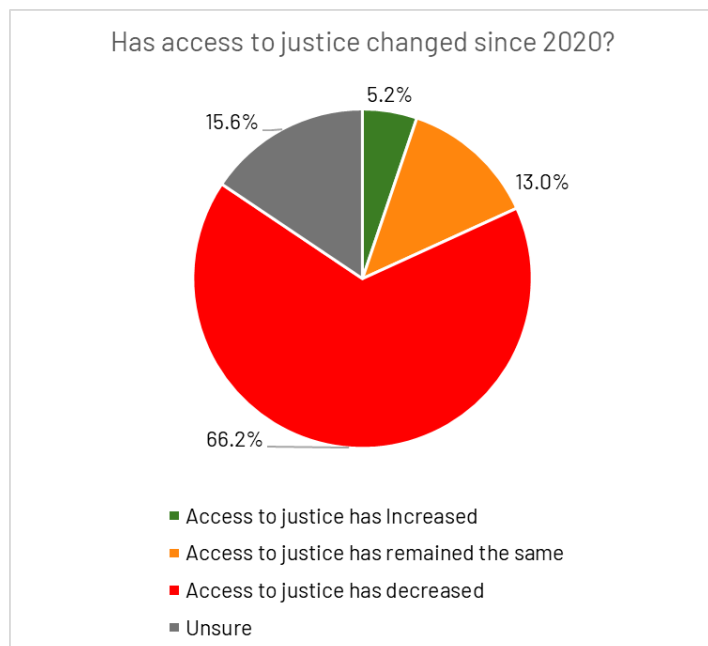
September 2025

0. Introduction

- 0.1. CILEX would like to take the opportunity to respond to the Justice Committee's inquiry in relation to Access to Justice.
- 0.2. 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).
- 0.3. CILEX represents over 17,000 members of which 76% of the membership are female, 16% of members are from an ethnic minority background, 4% are LGBTQA+ and 7% 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. 15% of members come from households which received free school meals.

1. How does the current state of the legal services and representation market in England and Wales, and associated operating pressures, affect access to justice for clients?

- 1.1. CILEX surveyed its members, and of those who responded, 66.2% believe that since 2020 access to justice has decreased, with only 5.2% of respondents believing that access to justice has increased.



- 1.2. CILEX notes that there are several reasons for this:

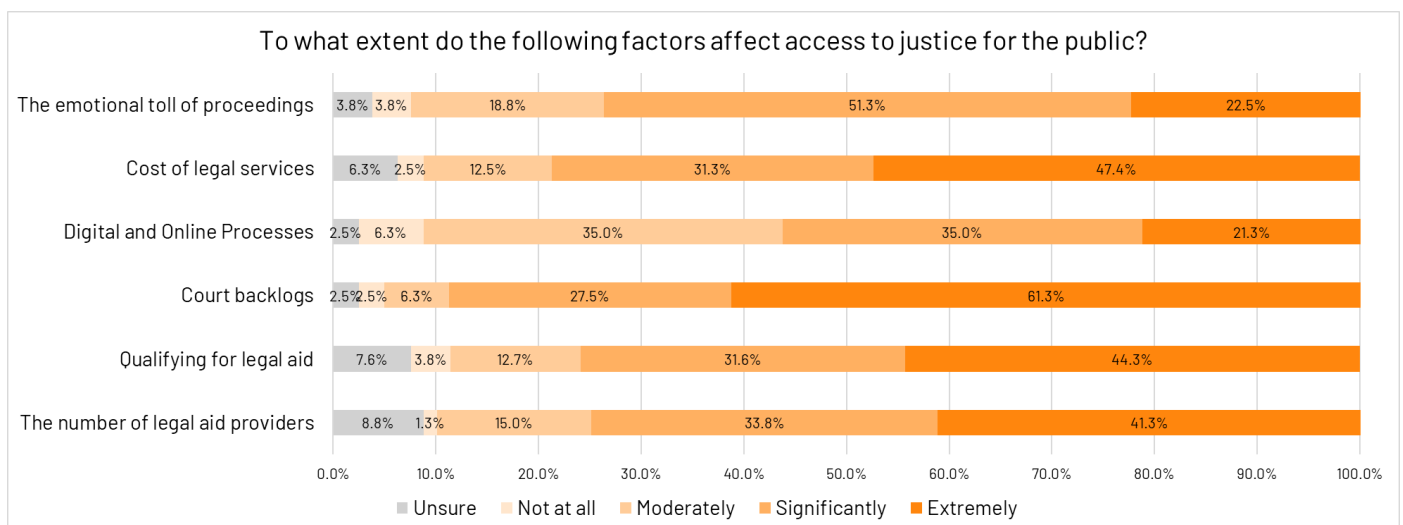
- Backlogs impacting turnaround times for cases in most courts, with notable backlogs in both the criminal and civil courts. One practitioner responded: 'We have had situations where witnesses have died before a case was finally concluded'.
- A decrease in access to legal aid funding, given that the thresholds for support remain unchanged.
- A decrease in the number of law firms, especially in legal aid work.

- A decrease in stakeholder engagement, with the OPG and probate registries operating a backlog (until recently), the land registry taking substantial time to respond to queries, and the Department for Work and Pensions failing to provide information on the first attempt.
- Costs increasing for privately funded cases, disproportionately to income.

1.3. CILEX also surveyed its members on which are the biggest factors effecting access to justice, using six prompted options. Of these, the large factors extremely impacting access to justice were:

- Court backlogs (61.3% of respondents stating this was extremely impacting access to justice):
- Cost of legal service (47.4%)
- Qualifying for legal aid (44.3%)

Conversely, members saw digital and online processes as having the least impact on justice out of the list, with only 21.3% stating this was having an extreme impact on access to justice.



2. What is the role of supplementary advice services in supporting access to justice?

- 2.1. Supplementary advice services play an important role in supporting access to justice, whether that be through a pro bono clinic, a university law clinic, pro bono hours via a firm, or the use of bodies such as Citizens Advice.
- 2.2. However, CILEX is of the view that there is now an over-reliance on these supplementary advice services, especially in areas such as housing law, employment law, consumer law, and private family proceedings.
- 2.3. CILEX believes that the good will of the profession, and the good will of students aspiring to enter the profession, is not a substitute for well-funded legal aid.

CILEX also recognises the hard work of groups such as Citizens Advice but believes that more signposting to regulated law firms should be available to them.

- 2.4. CILEX also advocates for a greater use of 'downstream benefits'. CILEX notes that through adequate provision of legal aid in housing, employment, civil, and family matters, there are dividends yielded for other departments and bodies such as NHS Trusts, the police, the DWP, and local authorities. CILEX also believes that one large downstream benefit will be a decrease in court time being used on cases involving litigants in person, ultimately creating its own efficiencies.

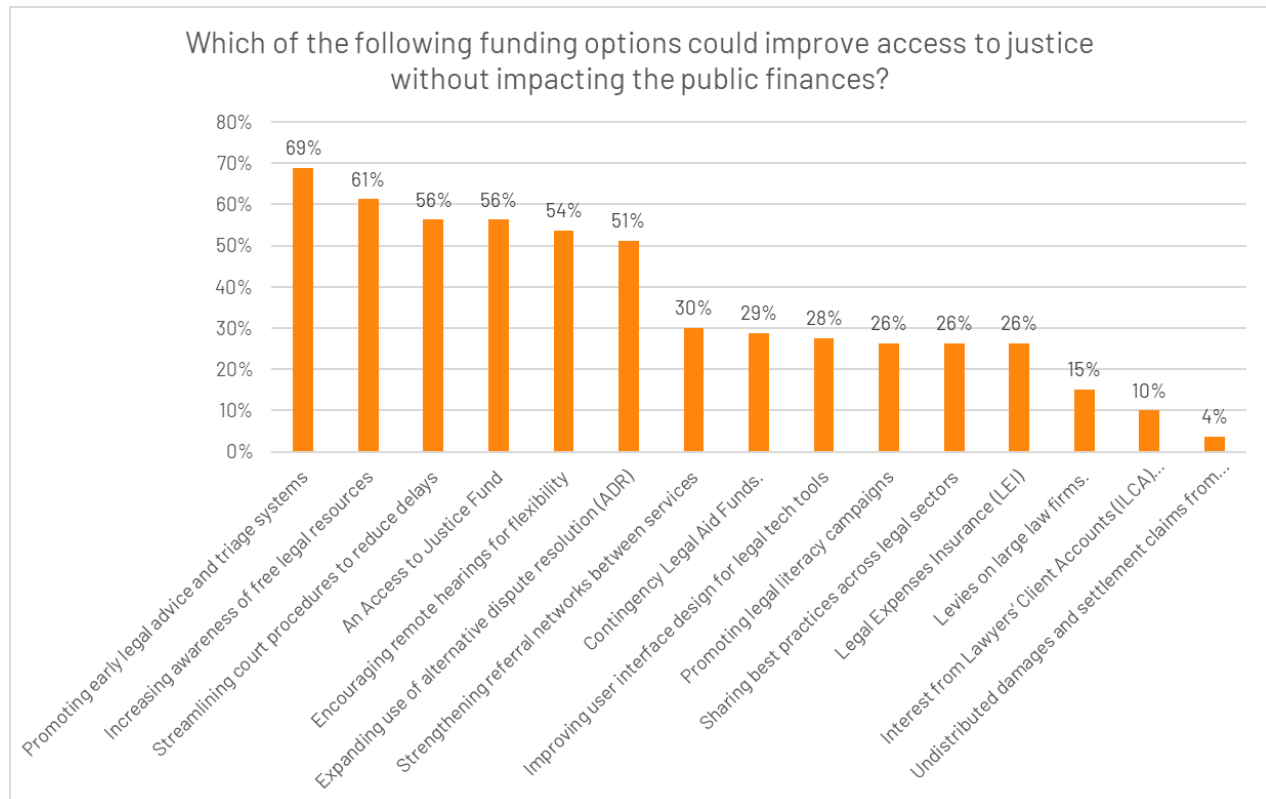
3. What is the impact of those acting without legal advice and / or representation having on access to justice?

- 3.1. CILEX surveyed its members on whether the number of Litigants in Person has changed since 2020. 54% believe that the number has increased, with only 1% of members believing it has decreased. Notably, 39% were unsure.
- 3.2. CILEX further asked its members what impact no legal representation having has on outcomes. CILEX provided ten options, which members could select if applicable. Of these members just over half believe that the following factors occur:
 - Additional strain on opposing counsel and court staff,
 - Limited awareness or use of ADR, and
 - Emotional decision-making over strategic legal choices.
- 3.3. By comparison, a higher proportion of members believing the following impacts occur:
 - Poor presentation or understanding of evidence (89%)
 - Increased procedural errors and missed deadlines (83%)
 - Greater burden on judges to guide unrepresented litigants (76%).
- 3.4. This demonstrates that for the average litigant in person, not having professional legal representation leads to procedural issues, greater court time being spent on their case through judicial assistance, and ultimately poor presentation of their case. This does a disservice to the litigant and slows down the overall court system.

4. Without impacting the public purse, what potential funding options would increase access to justice? e.g. an access to justice fund levy, conditional fee arrangements, third party funding.

- 4.1. CILEX members were asked which funding options could improve access to justice without impacting the public finances. CILEX members were given 15 multiple-choice options, of which over 50% of members supported the following:
 - Promoting early advice and triage systems (69%),

- Increasing awareness of free legal resources (61%),
- Streamlining court procedures to reduce delays (56%),
- An Access to Justice Fund (56%),
- Encouraging remote hearings for flexibility (54%), and
- Expanding the use of ADR (51%).



- 4.2. Additionally, CILEX sought other ideas from its members. One idea included highlighted the need to increase awareness of legal expenses insurance, and ascertaining the extent to which this is underutilised.
- 4.3. CILEX supports the use of early legal advice and triage systems, better signposting to free legal resources, and streamlining the court where possible to reduce delays.

5. If limited funds were available, what would be the priority areas for spending?

- 5.1. If limited funds were available, CILEX would support the following areas of reform:
- Expanding legal advice incrementally (depending on the level of funds available) to increase the number of cases triaged, signposted, and resolved out of court,
 - Create simpler and better court resources – e.g. more user-intuitive technology and portals, better listing systems, and more access to court

staff in their local court. This would reduce time spent chasing cases and free up time for practitioners to manage cases and work proactively, as well as have a better work-life balance. Additionally, in privately funded cases, it would reduce costs for litigants.

- Increase wellbeing for court users – e.g. better access to canteen facilities, and spaces to work and liaise with other lawyers. CILEX believes that increasing the welfare of lawyers in court will reduce the number of resignations from members of the profession and will lead to sustainable working practices.

6. How are the legal services regulators responding to their obligation to improve access to justice under the Legal Services Act 2007?

6.1. As highlighted above, as a result of the delegated powers, CILEX will not discuss the frontline regulation of its members.

6.2. However, CILEX undertakes other work which improves access to justice under the Legal Services Act:

- The CILEX awarding body have placed upholding the rule of law and impartial administration of justice as one of the core principles in the CILEX Professional Competency Framework.
- CILEX includes within its teaching syllabus, core issues such as client care and professional legal research, to ensure that clients receive a high standard of care in all cases.
- CILEX is a member of the Criminal Legal Aid Advisory Board, the Family Stakeholder Group, the HMLR Industry Forum, the HMCTS Strategic Engagement Group, and the Attorney General's Pro Bono Committee. Each of these groups work on issues relating to improving access to justice for members of the public either directly (e.g. through pro bono initiatives or access to legal aid) or indirectly (e.g. new processes to give parties better access to legal services).
- CILEX also represents the sector at meetings with the stakeholders such as the Ministry of Justice, the Office of the Public Guardian, the Ministry for Housing, Communities and Local Government. Whilst these meetings are often concerning specific issues concerning practitioners and the public, access to justice is a core consideration of CILEX's when attending these events.
- CILEX members, via CILEX, now have the ability to be named on the Pro Bono Recognition List. This is a recognition for CILEX members who choose to volunteer their time to members of the public, thereby increasing access to justice.

- CILEX also takes part annually in the London Legal Walk, which raises money for free legal advice charities.
- CILEX regularly responds to consultations from Parliament, Government Departments, and sector stakeholders. These regularly consider issues concerning access to justice such as the recent response from CILEX to the Civil Justice Council on litigation funding and concerns that access to justice has been curtailed as a result of recent judgements.
- The CILEX Foundation provides funding for those with social mobility barriers or from underrepresented groups to access professional legal education and legal career opportunities. This includes those working in allied professions or sectors (such as housing, CJS, social care), community services and frontline charitable organisations, who might typically be unable to fund their studies.
- CILEX is currently formulating an EDI strategy. CILEX hopes this will continue to support diversification of the profession and remove barriers to entering which in turn should ensure a more diverse profession serving more diverse communities in need of legal advice.

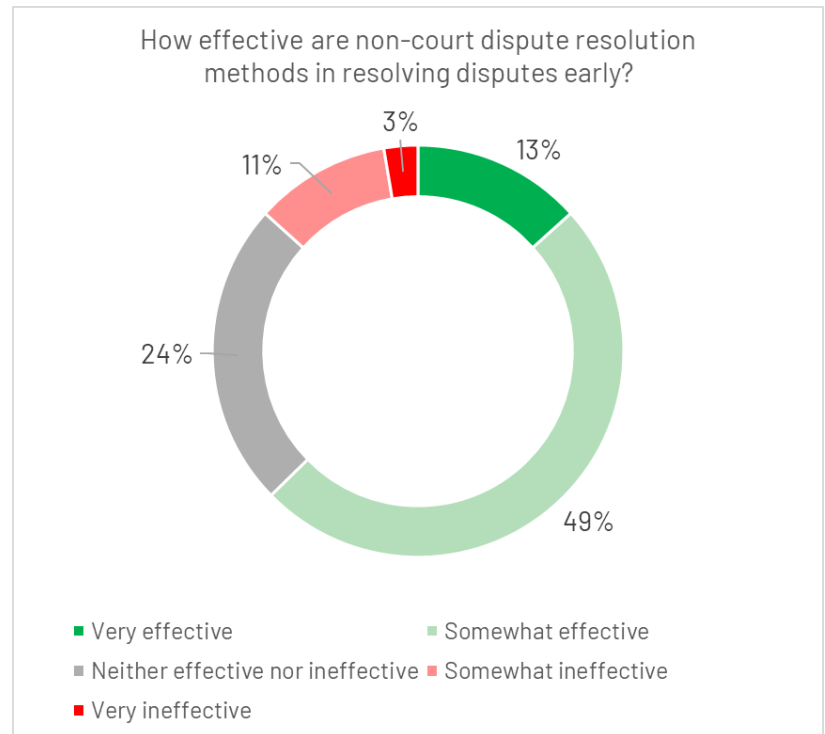
7. How is pro bono work and free legal advice being used to support access to justice and what reliance is placed on it?

- 7.1. Of those who responded, 22% of CILEX members provide pro bono or free legal advice. CILEX is of the view that pro bono activity, as well as free legal advice, is now a cornerstone of access to justice. CILEX however has concerns that both the courts and the government are reliant on these services.
- 7.2. Pro bono activity should not be an alternative to legal aid, however since the 2012 reforms, CILEX notes that pro bono activity has replaced a large number of previously legally aided work, which is no longer available.
- 7.3. CILEX champions the lawyers and students who volunteer their time, however, recognises that there is now an over-reliance on pro bono activity, which should be moderated.

8. How can advice, legal support or non-court dispute resolution, such as mediation and restorative justice, help the early resolution of disputes?

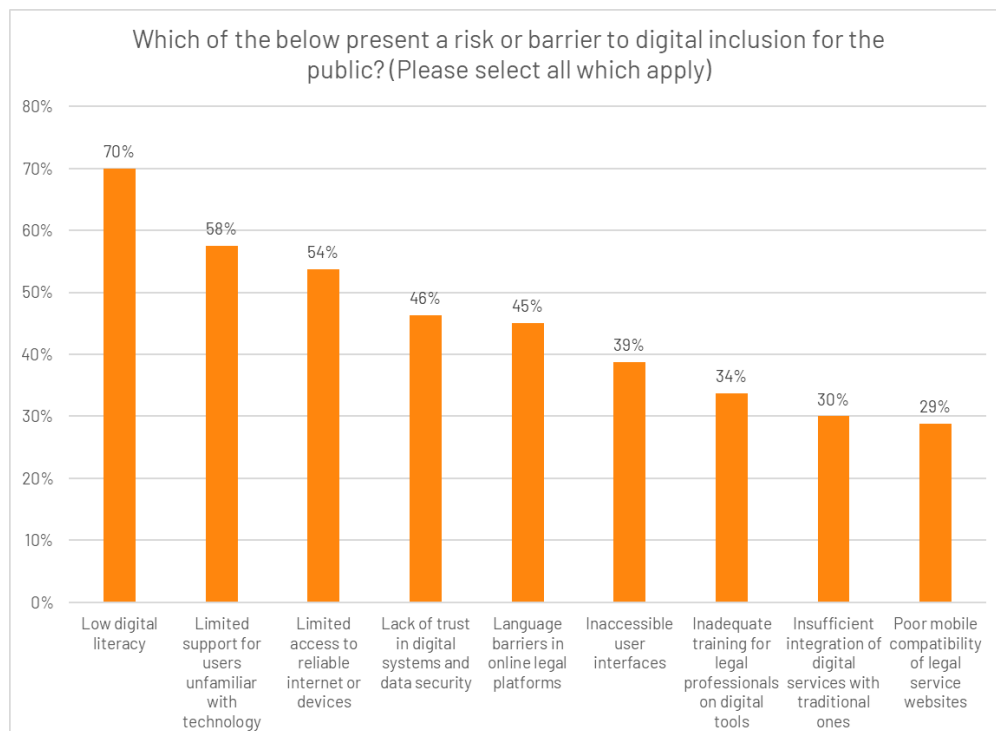
8.1. When asked, CILEX members outlined that non-court dispute resolution methods are overall effective at resolving disputes in an early way. Of those who responded, 62% believe that non-court dispute resolution is either effective or very effective.

8.2. Of those who responded, 51% believe that mediation provides the most just outcome, with 18% believing that Early Natural Evaluation provided the most just outcome.



9. What role is there for digital innovation and data collection in supporting access to justice?

9.1. CILEX supports the ongoing innovation in relation to technology and digitisation, as well as data collection. CILEX does not however believe that all innovation and data collection has resulted in increasing access to justice. Nevertheless, CILEX

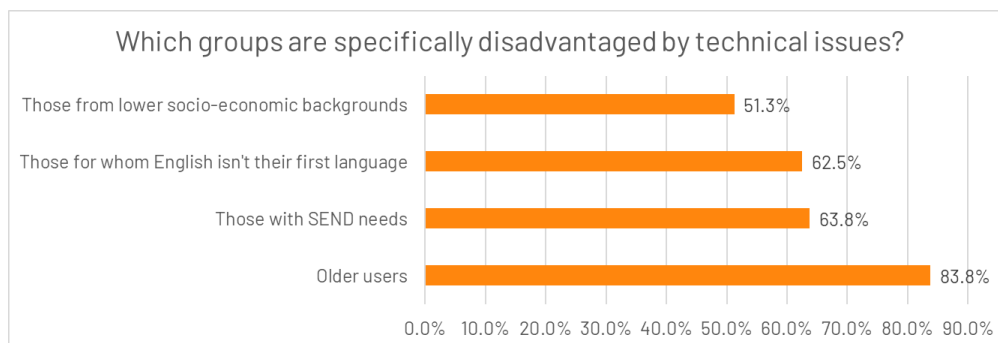


does believe that digital innovation and data collection has an important role in supporting access to justice.

9.2. However, CILEX notes that there remains a large number of barriers which limits access to justice derived from technology. Notably, when surveyed:

- 70% of members consider low digital literacy a barrier;
- 58% of members believe there is limited support for users unfamiliar with the technology; and
- 54% believe that there remains limited access to reliable internet or devices.

9.3. Additionally, when asked: “To what extent can digital innovation and data collection improve access to justice (With 1 being not at all, and 10 being completely)” the average score was 5.86, demonstrating that digital innovation and data collection can improve access to justice, but it is not a solution in of itself.



9.4. Furthermore, when asked to identify which groups are specifically disadvantaged by technical issues, over 50% of members believe that those from lower socio-economic backgrounds, those for whom English isn't their first language, those with SEND needs, and older users, are all disadvantaged.

10. How could the current system of legal aid be improved to provide a cost-efficient and cost-controlled service, with suitably remunerated legal practice across civil, criminal and family law?

10.1. CILEX believes that a cost-efficient and cost-controlled service is possible. However, this requires more investment and support. CILEX notes that a substantial amount of administrative support is required from firms to engage with the LAA systems – this should be diminished wherever possible.

11. What has been the impact of the Legal Aid Agency cyber-attack, revealed in April 2025, on recipients and providers of legal aid work, and how have the Legal Aid Agency and Ministry of Justice responded?

11.1. CILEX notes that the new portal was launched earlier in September. CILEX has received comments from practitioners that currently the system works well, however the fact that it does not function after 7pm and at weekends is

detrimental. CILEX hopes this can be resolved over time.

- 11.2. CILEX also recognises that a firm deadline for using devolved powers ceases on the 30th September. CILEX believes that more goodwill is needed from the LAA and that exemptions can be made in specific circumstances to ensure that firms are fairly remunerated.