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Doing justice to justice: the real cost of a broken system

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Introduction

In 1949, the post-war Labour government made a promise[1] to the people of England and Wales: access to the law is a fundamental right belonging to everyone, not just those who can afford it. As our society slowly rebuilt itself, this promise was enshrined in a funding mechanism that became our legal aid system. It was designed to serve as an essential safety net, ensuring that the economically vulnerable could challenge unlawful state actions, secure safe housing, and navigate the complex machinery of family and social welfare systems.

When legal aid was first conceived, 80% of the population qualified for assistance. But the promise of *'access to justice'* was never granted the same cultural or political status as the National Health Service, universal education, or social security. In the public consciousness, the pillars of the welfare state did not explicitly include the courts. Access to justice became the welfare state's silent pillar. And silent pillars tend to be the most vulnerable to demolition.

Overnight, whole categories of social welfare ... were taken out of scope... Access to justice in England and Wales is in a state of advanced, systemic failure.

And so it came to pass. Throughout the 1990s, eligibility for assistance fell to under 50%[2]. Later, during the 2000s, the scope of what was covered was steadily narrowed[3]. Then, in 2012, the Legal Aid, Sentencing and Punishment of Offenders Act (LASPO) was enacted, which fundamentally altered the principles underpinning the system[4].

From 1949 onward, the tests for civil legal aid had been simple: *Are you poor enough, and is your case strong enough?*[5] After LASPO, a third question took precedence: *Is your problem the kind of problem the state has decided still matters?*[6]

Overnight, whole categories of social welfare, housing, debt, welfare benefits, and the vast majority of family and immigration law were taken out of scope. More than a decade later, we are living with the consequences. Access to justice in England and Wales is in a state of advanced, systemic failure. Thousands of dedicated providers have been forced to leave the market, administrative backlogs have swollen to unprecedented proportions, and vast geographic swathes of the country have been emptied of legal advice providers entirely, leaving behind expansive '*legal aid deserts*'[7].

1 Chris Smith, *Legal Aid and Advice Act 1949: 70th Anniversary*, House of Lords Library Briefing LLN-2019-0099, 23 July 2019.

2 Henry Brooke, *The History of Legal Aid 1945 to 2010*. Bach Commission on Access to Justice, September 2017.

3 Ibid.

4 Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c.10).

5 Jordan Briggs, 'A Brief History of Legal Aid', *Legal Cheek*, 19 January 2021 (accessed 18 June 2026).

6 Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c.10).

7 Westminster Commission on Legal Aid, *Inquiry into the Sustainability and Recovery of the Legal Aid Sector*, October 2021 (accessed 18 June 2026).

The irony, of course, is that over the last 30 years, substantive law reform has made rights for tenants, benefit claimants, parents and workers more extensive on paper than they have ever been. Yet, the legal aid system has been withdrawn from precisely these areas. While the substantive rights have expanded, the advice infrastructure necessary to make those rights a reality has significantly shrunk. Today, the system is disappearing before our eyes, propped up only by the goodwill and sheer determination of exhausted legal aid practitioners working for free.

My role at LAPG gives me a unique vantage point. Because our membership spans legal aid practitioners across the whole of England and Wales, at every level of qualification, from paralegals and trainees to senior KCs, we hear what is actually happening at the coalface in each of these areas. It is these views and perspectives of our members that shape what I've set out below. This article examines the structural crises unfolding across our justice system. It identifies five overarching themes – the lack of strategy; infrastructure; funding; scope; and a rapidly diminishing workforce – before examining how these systemic failures manifest in specific practice areas, from the family courts to mental health tribunals.

National Strategy for Access to Justice

Legal aid practitioners ... are forced to grapple with a short-sighted government approach that focuses heavily on punitive micromanagement and an obsession with contract compliance

There is currently no clear strategy by government regarding the funding and co-ordination of advice services across England and Wales. Within the Ministry of Justice (MoJ), legal support is seen as distinct from legal aid. The MoJ also tends to view legal aid as a service outsourced to private practice, with legal support delivered by the not-for-profit and pro bono sectors. Because funding and data are held in strict siloes for each, it remains incredibly difficult to piece these fragments together into a comprehensive picture of supply and demand. The lack of overarching strategy also raises other concerns, as set out below. Naturally, clients have little interest in the back-office funding mechanics of the advice they receive; they simply need support to solve their legal problems. In reality, however, every part of the advice ecosystem is completely interdependent, making these rigid distinctions arbitrary and unhelpful.

LAPG is actively campaigning for a national strategy for access to advice, alongside long-term plans to develop that service – including its workforce. Such a strategy cannot just look at the MoJ budget in isolation. It needs a *whole-of-government* approach that recognises how early legal advice acts as an insurance policy, saving money further down the line for the NHS, local authorities, and the welfare system. Without this kind of joined-up thinking, we will continue to watch brilliant practitioners driven out of the sector, leaving behind vulnerable people who have legal rights on paper, but no actual ability to enforce them.

Infrastructure

This lack of overarching strategy directly impacts the day-to-day infrastructure of the justice sector. Legal aid practitioners, for example, are forced to grapple with a short-sighted government approach that focuses heavily on punitive micromanagement and an obsession with contract compliance unseen elsewhere in the legal profession. Highly skilled lawyers, working for fees initially set in 1996 and then cut further in 2011, are being forced to endure exhausting additional administrative burdens. Research undertaken last year found that practitioners spend up to a quarter of their working day on unbillable administrative tasks[8]. Those who remain in the market are plagued daily by line-by-line assessments, potential reductions on every bill, and annual audits

8 Jo Wilding, *Non-Chargeable Time in Legal Aid Work*, Legal Aid Practitioners Group, September 2025 (accessed 18 June 2026).

with sanctions for the most irrelevant compliance issues. Contracts are weighted heavily in favour of the Legal Aid Agency (LAA), controlling everything from office opening hours to where clients sign forms. Practitioners must therefore be experts in family, criminal defence, or housing law, while maintaining a parallel, uncompensated specialism in legal aid regulations, just to survive on fees set at a fraction of Guideline Hourly Rates.

This economically fragile sector was then made to contain the damage caused by the LAA cyber-attack in May 2025,[9] an example of exactly the short-term saving that leads to massive long-term wastage. For years, the sector warned that the LAA's antiquated and underfunded IT infrastructure was a significant risk, vulnerabilities that the MoJ had explicitly recognised but failed to act upon. This economically fragile sector was then forced to absorb the fallout when the system was attacked, and the LAA had to take all its digital systems offline. The absence of contingency planning compelled them to improvise emergency processes, which only exacerbated the pressure on practitioners. Despite repeated representations, the government has refused to consider offering compensation to providers who performed vast amounts of unpaid, manual administrative work while the system was offline. One family firm estimated that it took one staff member working full time entirely on work related to the data breach, meaning fewer survivors of domestic abuse could be seen[10].

Providers are being asked to deliver a '2026 service' on 1994 rates, leading to severe financial precarity across the sector.

This breakdown has been further compounded by a fundamental failure in how we collect data within the justice system. As the recent National Audit Office report highlighted, the MoJ and the LAA do not actually estimate overall demand for legally aided services; they merely forecast expenditure for budgeting purposes. This absolute absence of demand-side insight means that the data collected by various bodies remains fragmented, uncoordinated, and lacks comparability (or interoperability). This failure has expensive consequences for the state. A person with unmet mental health needs who comes into contact with the police, then the courts, then probation, generates data at each individual point. Without linked records, the probation officer cannot see the mental health history; the housing officer cannot see the criminal justice record; and no single body has a complete picture of what that person needs to break the cycle. By operating in a data vacuum and refusing to take a joined-up approach, the justice system ends up funding repeated, high-cost crisis responses rather than the earlier, holistic interventions that could have prevented them.

Funding

How is funding number three on this list, you may ask, when it's the *number one* concern that practitioners raise? Providers are being asked to deliver a '2026 service' on 1994 rates, leading to severe financial precarity across the sector. The Law Society's 2014 Otterburn and Ling Report[11] noted that most criminal law firms' finances were precarious, with profit margins reduced to 5%. Numerous reviews, including four in the past five years alone, have called into question the long-term sustainability of legal aid. For example, the House of Commons Justice Committee's 2021 inquiry[12] found an urgent need to overhaul the system so that providers are paid for *all* the work they do to support their clients, especially at the early stages of the process. The inquiry

9 Legal Aid Agency, 'Legal aid agency data breach', GOV.UK, first published 19 May 2025, last updated 31 July 2025 (accessed 18 June 2026).

10 Jenny Beck KC (Hon), oral contribution to the All-Party Parliamentary Group on Access to Justice, 'Access to Justice, Legal Aid, and the Courts Estate: Briefing for Minister Sackman KC MP', 21 July 2025 (unpublished).

11 Andrew Otterburn and Vicky Ling, Otterburn Legal Consulting, *Transforming Legal Aid: Next Steps – A Report for the Law Society of England and Wales and the Ministry of Justice*, February 2014.

12 House of Commons Justice Committee, *The Future of Legal Aid*, Third Report of Session 2021–22, HC 70 (27 July 2021).

concluded that the structure of the current fee scheme did not support high-quality service to clients, and the legal aid system generally lacked flexibility.

The House of Lords Constitution Select Committee report published in March 2021[13] similarly concluded that the whole justice system is under strain, and that actions that might have alleviated the effects of the pandemic had not been taken. This left backlogs at crisis levels. The Westminster Commission on Legal Aid[14] echoed these concerns, finding that problems with recruitment and retention of practitioners were widely reported, with firms struggling to support trainees. The MoJ's own 2025 Review of Civil Legal Aid[15] concluded that the system faces severe sustainability challenges due to a shrinking provider base and widespread dissatisfaction among its professionals. It found that about 80% of providers are experiencing increased demand, particularly in housing, debt and immigration. When current fees were set, the minimum wage did not exist, the average house cost under £60,000, and a pint of milk was just 36p[16]. Since 1996, the Consumer Price Index has nearly doubled[17]. The 10% cut in 2011 further exacerbated this decline.

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To break this cycle of stagnation, we need a permanent shift toward *independent* fee-review mechanisms that are entirely outside departmental control (similar to the independent pay review bodies used for doctors and teachers), ensuring that legal aid rates are adjusted annually to reflect inflation and the true cost of service delivery.

Recent research from The Law Society and Frontier Economics in 2025 confirms that the legal aid market has moved past tight margins into total collapse[18]. In the study's sample, every housing provider was operating at a loss, with a median loss of £126,000 per provider per year. Even in family law, nearly half of providers lose money, with a median annual loss of £16,000.

This is ultimately a false economy that passes downstream costs to the taxpayer. Cutting the legal aid budget simply transfers the cost to more expensive departments. Poor housing conditions cost the NHS £1.4 to £1.5 billion annually[19]. Properly funding housing legal aid to reduce disrepair by just 5% would save the NHS £15 million a year[20]. Early legal intervention acts as an insurance policy, preventing the homelessness and health crises that the state eventually pays for at a much higher premium.

Scope

This financial short-sightedness brings us directly to the limitations placed on practitioners in delivering the holistic service a client needs, because so much has been removed from scope. The underlying problem is structural. Treasury rules strictly prevent these cross-departmental benefits from being measured and recognised,

13 House of Lords Select Committee on the Constitution, *Covid-19 and the Courts*, 22nd Report of Session 2019–21, HL Paper 257 (30 March 2021).

14 Westminster Commission on Legal Aid, *Inquiry into the Sustainability and Recovery of the Legal Aid Sector,* October 2021 (accessed 18 June 2026).

15 Ministry of Justice, *Civil Legal Aid: Towards a Sustainable Future*, CP [number] (24 January 2025), and the consultation response: Ministry of Justice, *Civil Legal Aid: Towards a Sustainable Future: Consultation Response*, CP 1333 (2 July 2025).

16 Office for National Statistics, 'CPIH Annual Rate: Total (CZNT)', *Consumer Price Inflation Time Series* (MM23), (accessed 18 June 2026).

17 Ibid.

18 Frontier Economics, *Research on the Sustainability of Civil Legal Aid*, Law Society of England and Wales, May 2024 (accessed 18 June 2026).

19 BRE Group, *The Cost of Poor Housing in England by Tenure*, 2023 (accessed 18 June 2026).

20 Frontier Economics, *Research on the Sustainability of Civil Legal Aid*, Law Society of England and Wales, May 2024 (accessed 18 June 2026).

leaving government operating in short-term electoral cycles to make decisions that look efficient *today*. This creates a perverse incentive to cut narrowly within the unprotected justice budget, even where such cuts generate far higher expenditure elsewhere in government. Treasury is in the process of reforming this approach[21] but there remains a gap between intention and practice, leading to decisions that appear efficient on paper, but are wasteful in public spending and harmful to clients and society.

The current restrictive scope of civil legal aid has a direct and damaging impact on access to justice. In housing, for example, legal aid is oriented towards crisis management, with services focused on the latter stages of possession and eviction processes.

In private family law, the removal of most cases from scope has left many separating parents without access to legal advice at the very point where constructive early intervention could promote stability and better outcomes for children.

Workforce

These structural flaws have impacted the advice sector workforce for decades. Findings from our 2021 Legal Aid Census[22] showed that legal aid practitioners initially motivated by a clear desire to tackle injustice and support local communities, rapidly become demoralised when faced with the bleak and dispiriting reality.

Diversity is also at risk ... If it is only those with independent means who can afford to qualify, we are essentially re-establishing the law as a closed-shop career for the wealthy.

The most recent data confirms a heavy strain on the criminal defence profession. The number of duty solicitors providing police station representation fell by 27% between 2017 and 2024, as firms struggle to retain staff amid decades of stagnant fees and unsustainable working conditions.

Diversity is also at risk. While criminal and social welfare law have historically been pathways for diverse legal talent, Juniors now enter the profession with between £55,000 and £70,000 of debt. While commercial firms offer first-year trainees around £52,000[23], legal aid firms struggle to meet even the Law Society's recommended minimums, which currently sit at £28,090 in London and £24,916 elsewhere. For many firms, the revenue a junior generates is often lower than the £70-£90 per hour it costs to employ them,[24] making training a financial risk rather than an investment. The abolition of the Legal Services Commission training grants in 2010, which previously provided £20,000 per trainee, has never been effectively replaced. If it is only those with independent means who can afford to qualify, we are essentially re-establishing the law as a closed-shop career for the wealthy.

The most visible consequence of these factors has been a sharp decline in the number of legal aid providers, leading to widespread wastelands where people eligible for public funding struggle to access legal aid in their locality. Research from the Legal Services Board[25] highlights the extent of legal need in the UK, with approximately 64% of adults (nearly 30 million people) experiencing a legal issue over a four-year period. While many seek help, roughly 32% of those with legal needs are left with unmet needs, often due to high costs or inability to find representation.

21 HM Treasury, *Consolidated Budgeting Guidance 2025–26*, GOV.UK, 27 February 2025 (accessed 18 June 2026).

22 Catrina Denvir, Jacqueline Kinghan, Jessica Mant, Daniel Newman and Sasha Aristotle, *We Are Legal Aid: Findings from the 2021 Legal Aid Census*, Legal Aid Practitioners Group, March 2022 (accessed 18 June 2026).

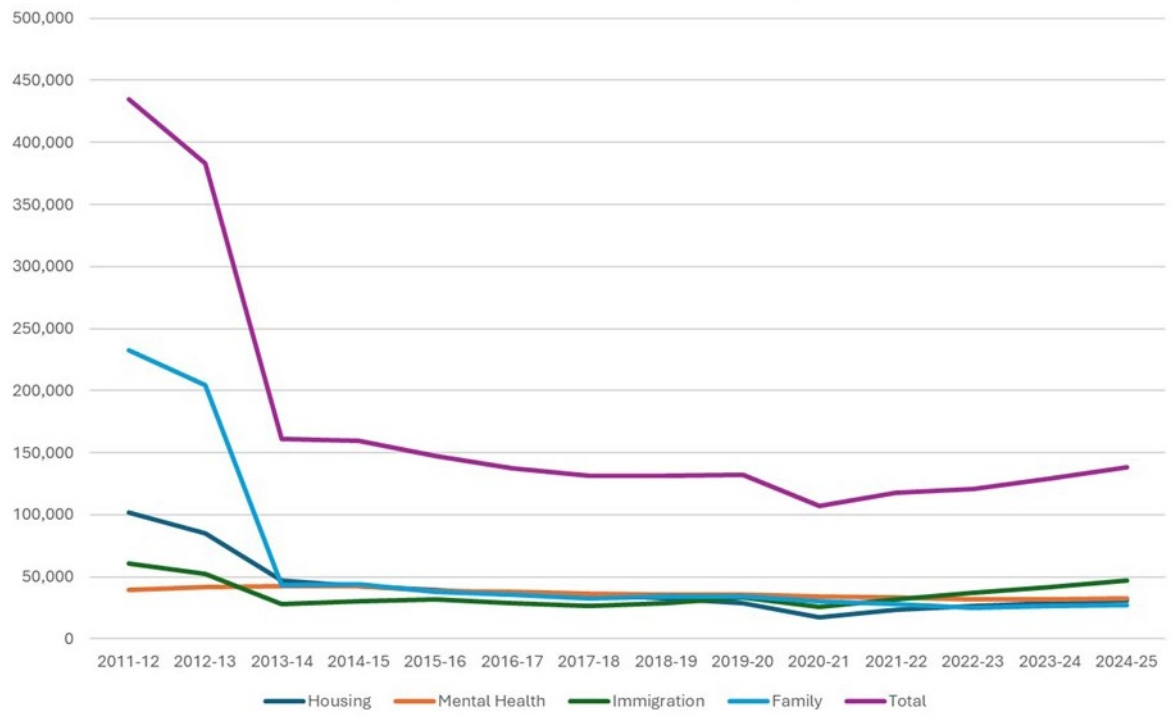
23 Chambers Student, 'Law Firm Salaries Compared' (2026) (accessed 18 June 2026).

24 Westminster Commission on Legal Aid, *Inquiry into the Sustainability and Recovery of the Legal Aid Sector* (October 2021) (accessed 18 June 2026).

25 YouGov, *Individual Legal Needs Survey 2023: Summary Report*, Legal Services Board, April 2024 (accessed 18 June 2026).

Legal help and controlled legal representation matters started

(High volume areas still in scope of legal aid)



Source: Legal Aid Agency and Ministry of Justice, *Legal Aid Statistics Quarterly: October to December 2025*

Civil legal aid provider numbers fell from roughly 3,000 in 2010 to around 1,400 by 2024,[26] as many firms either leave the market entirely or reduce the number and type of cases they can take on. Coverage is particularly poor in regions such as Wales and South-West England, leaving people with acute legal issues unable to obtain legal support even though they meet all of the eligibility criteria.

Impact on specific practice areas

When we look at specific practice areas, these systemic failures appear in distinct ways.

Community care

The stagnant fees in community care sit alongside a sharp increase in demand, with new requests for local authority-funded social care rising by 4% in 2023/24 compared with the previous year, and 8% since 2019/20[27]. Yet, analysis published by the Institute for Government reveals that the proportion of older people actually receiving council-funded long-term social care has plummeted over the last 20 years, dropping from 8.2% of the population to just 3.6%[28].

Additionally, the growth of Court of Protection work (which offers higher fee rates) distorts the demographics of those being assisted. Many firms take on contracts primarily to access this work, both inflating the extent to which community care practice appears to meet legal advice need, and limiting opportunities for junior practitioners to gain

26 Tom Burrows and Magdalena Domínguez, *Changes in the Provision of Civil Legal Aid in England and Wales*, Institute for Fiscal Studies, 5 June 2026, DOI: 10.1920/re.ifs.2026.0031 (accessed 18 June 2026).

27 Care Quality Commission, *State of Care 2024/25*, 24 October 2025 (accessed 18 June 2026).

28 Institute for Government, Performance Tracker 2025: Adult Social Care, 28 October 2025 (accessed 18 June 2026).

experience in the practice area[29]. This has resulted in vast areas where nearly 70% of the population (over 42 million people) have no access to a community care legal aid provider. Less than 15% of the population has access to more than one local council legal aid provider. There have, however, been some minor, isolated improvements in backlogs; the proportion of care or supervision proceedings meeting the 26-week target recently rose from 34% to 38% despite councils initiating more proceedings last year[30]. But these operational efficiencies are being achieved by a workforce pushing itself to the absolute limit, rather than through structural improvements to the sector.

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Family

We can see a similar story in private family law, where the removal of early legal advice has led to a surge in the number of people forced to navigate complex court proceedings alone. This influx of vulnerable litigants unfamiliar with the process naturally slows proceedings, fuelling court delays and reducing mediation take-up. A Public Accounts Committee report in September 2025[31] found that children and families are being routinely let down by unacceptably long delays in the justice system. It noted that the 26-week statutory requirement for public law cases has never been met, and in December 2024, more than 4,000 children were involved in cases that had been open for almost two years. Delays are often caused by cancelled hearings and a lack of both district judges and social workers. Performance is particularly poor in London and the South-East, where cases last around a year on average compared to under six months in Wales. All of this occurs alongside a growing backlog. In the family courts, there were 270,474 new cases in 2025[32], up 3% from 2024, with the highest increases seen in private family law and financial remedy cases at 13%, alongside a continued increase in domestic abuse cases at 4%. While the 'Child Focused Courts' model rolled out in March[33] is a very positive step forward, halving trial backlogs and resolving cases up to seven-and-a-half months faster by putting the child at the centre of decision-making, it cannot scale up in the way that is needed while the wider system is starved of resources.

Housing

The sector is facing increasing delays. Research by the Association of Consumer Support Organisations and Express Solicitors shows that it now takes an average of just under a year to get a case to final hearing.[34] Tenants in the South-East face an average wait of 462 days, while those in the North-East wait 251 days[35]. The Renters' Rights Act[36] will inevitably increase pressure in the system as landlords will be required to show good reason when evicting tenants, who in turn will have a greater ability to challenge Section 8 evictions. This spike in cases will hit a population largely devoid of legal representation and force tenants to represent themselves. This is especially so given that 40% of the population do not have access to a local legal aid provider for housing advice (and for welfare rights that figure rises to 84%).

29 Access Social Care, *Community Care Legal Career Pathways*, Legal Education Foundation, April 2022 (accessed 18 June 2026).

30 *Community Care* 'More Care Proceedings Meeting 26-Week Target Despite Rising Caseloads', 30 March 2026 (accessed 18 June 2026).

31 House of Commons Committee of Public Accounts, *Improving Family Court Services for Children*, HC 883, Session 2024–25, 12 September 2025 (accessed 18 June 2026).

32 Ministry of Justice, *Family Court Statistics Quarterly: October to December 2025,* GOV.UK.

33 Ministry of Justice, '*Children to Get Swifter Justice as New Family Court Approach Expands Nationally*', GOV.UK, 17 March 2026 (accessed 18 June 2026).

34 Association of Consumer Support Organisations and Express Solicitors, '*Civil Justice System Still Failing Consumers, Say ACSO and Express Solicitors*', 13 September 2024 (accessed 18 June 2026).

35 Ministry of Justice, *Civil Justice Statistics Quarterly: April to June 2024*, GOV.UK, 12 September 2024 (accessed 18 June 2026).

36 Renters' Rights Act 2025.

Immigration

In this area we are seeing a trend of accelerated refusals due to an increase in *'initial'* decisions. However, this has been achieved alongside a sharp drop in asylum grant rates, which fell from 76% to 45% over a two-year period.[37] This wave of rapid refusals has triggered a massive surge in complex appeals, causing the tribunal backlog to almost double in a single year.[38] Many asylum seekers are destitute, traumatised, or digitally excluded. Vulnerable individuals, including victims of trafficking and those with severe mental health needs, are often forced through interviews without necessary adjustments or legal oversight. While decision-making in the courts may have speeded up, it has failed to keep up with the number of new cases. Crucially, nearly 40% of asylum appeals that received a substantive judicial hearing in 2025 resulted in the initial Home Office decision being overturned[39], highlighting the danger of rushing vulnerable individuals through interviews without proper legal oversight or necessary adjustments.

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In oral evidence to the Lords Constitutional Committee, the Lady Chief Justice expressed explicit concern about these backlogs, warning that incoming cases continue to arrive at an alarming rate[40].

To ease pressure, the Home Secretary is expected to imminently introduce new legislation to make it harder for rejected asylum seekers to rely on Article 8 when appealing against deportations, alongside a new appeals body whose adjudicators will include non-lawyers[41].

Mental health

In mental health we are seeing the same legislative paradox that I mentioned at the start of this piece. The Mental Health Act 2025 significantly increases the frequency of appeal opportunities for detained patients, and the expansion of community treatment orders has given thousands more individuals the right to challenge compulsory detention. However, the legal aid sector is shrinking so rapidly that there are simply not enough practitioners to represent them. This has led to distortion in the contract market, where many firms hold a mental health legal aid contract as a gateway to Court of Protection work, which in turn skews MoJ data and creates a false impression of a healthy, competitive market.

Special educational needs and disability

We can see an identical, heart-breaking dynamic within special educational needs and disability (SEND) law. Demand for Education Health Care Plans (EHCPs) is rising rapidly. Between 2016 and 2025, the share of pupils in England with EHCPs almost doubled, while between 2014 and 2022 the number of appeals tripled.[42] When parents do bring a case, they are overwhelmingly vindicated: the SEND tribunal finds partly or wholly in favour of the parents in 99% of cases[43].

37 Esme Kirk-Wade, *Asylum Statistics*, House of Commons Library Research Briefing SN01403, 29 May 2026 (accessed 18 June 2026).

38 Mihnea Cuibus, Peter William Walsh and Madeleine Sumption, *The UK's Asylum Backlog*, Migration Observatory, University of Oxford, 22 April 2026 (accessed 18 June 2026).

39 Ibid.

40 Baroness Carr of Walton-on-the-Hill, Lady Chief Justice, Oral evidence to the House of Lords Select Committee on the Constitution, 10 June 2026 (accessed 18 June 2026).

41 Home Office, *Asylum: New Independent Appeals Body – Call for Evidence*, GOV.UK, first published 25 March 2026, last updated 20 April 2026 (accessed 18 June 2026).

42 Eduin Latimer, Luke Sibieta and Darcey Snape, *Support for Children with Disabilities and Special Educational Needs*, Institute for Fiscal Studies, 3 October 2025, DOI: 10.1920/re.ifs.2025.0030 (accessed 18 June 2026).

43 Anoushka Kenley and Ruqayyah Jemal, *Wasting Money, Wasting Potential: The Cost of SEND Tribunals* (Pro Bono Economics and Disabled Children's Partnership, 2023 (accessed 18 June 2026).

...survivors of adult rape are made to wait an average of 16 months before the court hears their trial when a defendant has not been remanded, which is over six months longer than any other offence type,

Earlier this year, the government published proposals to remove the tribunal's power to make binding decisions on educational placements in favour of mediation[44]. This represents a significant downgrade in the rights of disabled children, especially considering that sixty per cent of all SEND appeals relate directly to school placements. This comes at a time when the tribunal faces an unprecedented caseload, recording 6,700 new appeals this quarter alone – an 18% increase year-on-year – pushing the open backlog to 16,000 pending cases[45].

Violence against women and girls

For violence against women and girls (VAWG) cases, the deep limitations of our justice infrastructure are causing severe harm. The scale of this crisis is laid bare by the *Living in Limbo* report, which finds that there are now over 13,000[46] sexual offence cases awaiting trial in the Crown Court[47], part of a wider backlog likely to hit 100,000 cases without radical action[48]. Behind these numbers, survivors of adult rape are made to wait an average of 16 months before the court hears their trial when a defendant has not been remanded, which is over six months longer than any other offence type[49]. Between 2015 and 2023, the number of rape trials effectively heard in the Crown Court actually decreased by 71%.[50] Survivors frequently see their trial dates postponed up to six times, and frontline organisations warn that these systemic barriers fall disproportionately on Black and minoritised women, who face intersecting layers of institutional exclusion. Forced to bear the brunt of these endless backlogs, the number of rape victims withdrawing from prosecutions before trial has more than doubled in five years[51].

Yet, despite these devastating consequences, the government's *Freedom from Violence and Abuse* strategy, published in December 2025, focuses almost exclusively on policing and criminal justice, effectively ignoring the vital civil and family law pathways that are so critical to keeping these women safe[52].

Employment

Finally, the figures in employment reflect a system struggling to keep pace. The number of outstanding individual claims was 64,000 at the end of March 2026, an increase of 55% compared to the previous year, with claims continuing to outpace resolutions[53]. Practitioners report that tribunals are trying their best, but a key issue is the volume of people representing themselves, which slows down proceedings. The reality is that civil legal aid for employment law has been almost entirely eradicated, remaining theoretically available for discrimination claims, but with administrative hurdles so high that representation is illusory. The new Employment Rights Act[54], which enshrines

44 Department for Education, *Every Child Achieving and Thriving*, Schools White Paper, 23 February 2026 (accessed 18 June 2026).

45 Lord Justice Dingemans, *Senior President of Tribunals' Annual Report 2025*, January 2026 (accessed 18 June 2026).

46 Now 14,749 as at the end of December 2025, per the Rape Crisis webpage.

47 Rape Crisis England & Wales, *Living in Limbo: Stop Retraumatising Survivors*, November 2025 (accessed 18 June 2026).

48 Ministry of Justice, Criminal Court Statistics Quarterly: January to March 2025, 26 June 2025 (accessed 18 June 2026).

49 Rape Crisis England & Wales, *Living in Limbo: Stop Retraumatising Survivors,* November 2025 (accessed 18 June 2026).

50 Ibid.

51 *The Guardian*, 'Trials Collapse as Victims Abandon Cases Amid Long Court Delays', 6 December 2024 (accessed 18 June 2026).

52 Home Office, *Freedom from Violence and Abuse: A Cross-Government Strategy to Build a Safer Society for Women and Girls*, GOV.UK, first published 3 February 2026, updated 17 April 2026 (accessed 18 June 2026).

53 Ministry of Justice, *Tribunal Statistics Quarterly: January to March 2026*, 26 June 2026 (accessed 18 June 2026).

54 Employment Rights Act 2025.

unfair dismissal as a day-one right, will inevitably cause a significant increase in claims. But as noted in *Briefings* [2026] 1154, introducing expansive new workplace protections without a functioning tribunal system or access to early advice means these historic protections risk being just rights on paper.

Conclusion: rebuilding the shared foundation

The difficulties people face in accessing justice across *every practice area* demonstrate that the legal advice system can no longer be treated as an isolated, optional item in a departmental budget. The gridlock we see across our courts and tribunals is not a separate crisis; it is the direct symptom of a broken pipeline. Whilst the government continues to add more rights on paper, it simultaneously dismantles the very infrastructure required to enforce them, leaving the public with hollow protections that mean very little in the real world. For decades, successive governments have operated under the illusion that cutting the justice budget saves public money. It does not. It simply transfers a much higher financial premium downstream onto the NHS, local authorities, policing, and social services – leaving the vulnerable human beings beneath to ultimately pay the price.

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To say that the state funds 'access to justice' is to do a fundamental disservice to the thousands of practitioners who give up their time and energy to prop up a system running on fumes and goodwill. Legal aid and not-for-profit lawyers have been forced to become the protectors of a broken system – taking the blows, absorbing the uncompensated costs, and stepping into the breach to provide the holistic service their clients actually need, instead of the minimal, restricted service set out in statute. They are doing the heavy lifting the state refuses to do, not for praise or fair reward, but because they know what happens to vulnerable people if they walk away.

But high-quality practitioners, law centres, and high-street firms cannot survive on heroism alone. They are leaving the market not because they lack a social conscience, but because it is mathematically impossible to run a modern practice and pay competitive salaries using fees frozen in 1996. We have reached the absolute limit of what goodwill can sustain.

If we are to prevent a total collapse of the justice system, government must abandon this short-sighted approach and treat access to advice as a vital piece of national infrastructure. This requires a comprehensive national strategy that bridges the arbitrary divide between legal aid and the wider advice sector. It requires a commitment to independent, inflation-linked fee reviews that shield justice funding from political whims and Treasury cost-cutting. It requires an immediate uplift to stabilise those critically endangered civil categories – like family, education and community care – that were left behind during the recent housing and immigration adjustments. Finally, it requires a wholesale shift toward whole-of-government budgeting that recognises the immense social and financial value of investing in early legal advice.

Access to the law is not a luxury for the wealthy; it is a fundamental right that belongs to us all. It is time for the government to honour the promise made in 1949, rebuild the silent pillar of the welfare state, and restore access to justice as a proud, fully funded public good.