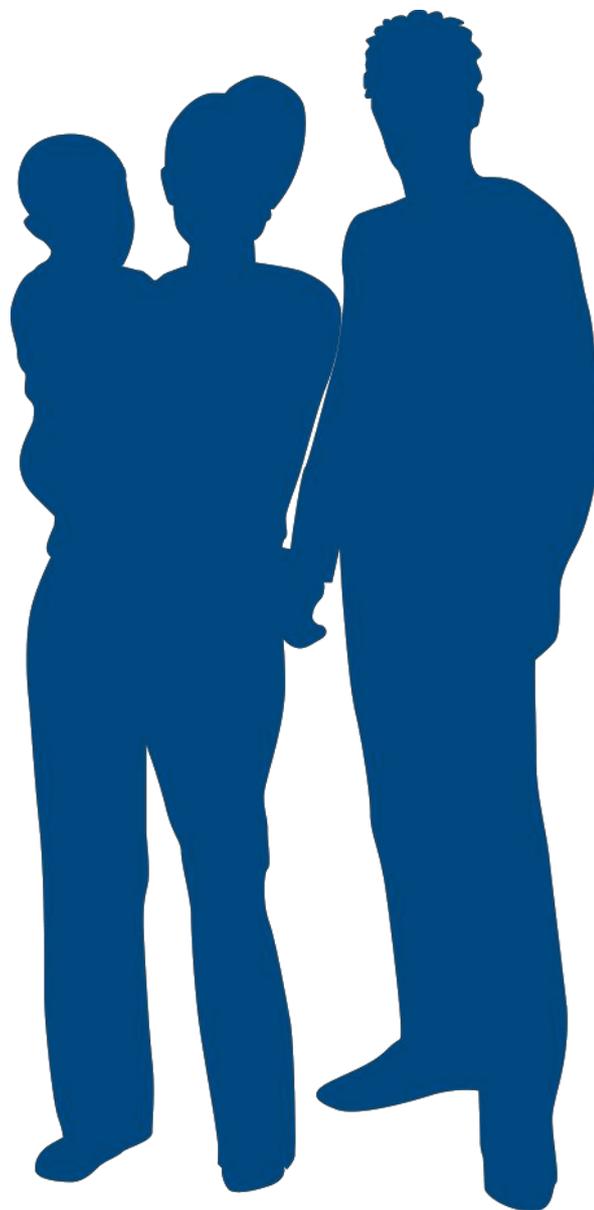


Responsive justice

How citizens experience
the justice system



**citizens
advice**

Contents

Executive summary	2
Introduction	4
Justice is a public service	7
People don't have confidence in our justice system	11
A more responsive justice system	19
Responsive justice in action	21

Executive summary

The justice system is a vital public service. It upholds our laws, defends our rights and supports our institutions. Almost half of us will use the justice system at some point in our lives. This may be as a consequence of crime, or it may be to help solve other everyday problems with housing, debt, employment or relationships.

Yet for many of us, the justice system feels remote, confusing, intimidating and inaccessible. Only 2 in 5 people (39 per cent) believe our justice system works well for citizens. People using the justice system - often through no choice of their own - find themselves dependent on professionals and specialists to make sense of their options and help them navigate the process.

This report uses new evidence from the frontline of local Citizens Advice, the Witness Service, and new online polling of adults in England and Wales to explore the public's perception and experience of the justice system.

We find that while most people value the justice system and would expect to be treated with respect, the majority of the public also think it should be easier for people who haven't broken the law to solve their problems and get support.

We found people would worry about using the justice system for a number of reasons:

Firstly, many people have real concerns about the amount of support and advice available to help them through the justice system. Almost three quarters (72 per cent) agree that trying to solve their problems might not be worth the financial and emotional cost.

Secondly, user experience is leaving a bad feeling: one in five people who have been involved in courts say they came out with a worse opinion of them than when they started.

Thirdly, less than half (48 per cent) of people believe that if they had to go to court, their outcome would be fair.

We need a justice system that works well for citizens, and a responsive justice system that takes people's needs into consideration. This means a public service that provides support, information and advice to help people to understand their options and access resolution. It should provide and promote alternatives to court and make them easier to access. It should build on the positive expectations people have about the way they'll be treated to ensure as many people as possible leave

the justice system with their problems resolved, and a more positive opinion about the process by which they did it.

Citizens Advice is beginning a programme of work exploring people's experiences of the justice system. This report is just one step in better understanding citizens' needs. Future work will explore more deeply the issues that citizens face when trying to access resolution or justice in our courts.

Introduction

The justice system is in some ways an anomaly among public services. GP surgeries and hospitals are seen as a service there for everybody, which should suit the needs of their users. Debate around a seven day NHS fills the media as politicians highlight the need for services to fit around people's lives. Schools, too, are responding to the pressures of modern life: increasing numbers are opening earlier and closing later to suit the changing needs of busy parents' lifestyles.

Yet the justice system often escapes this scrutiny. As a service dealing with crime, relationship issues or other breaches of our rights, we hope that we would never have to come into contact with the justice system - or at the very least only do so once. This means justice escapes the pressure that comes from service users or 'consumers' to change and adapt to their needs.

Furthermore, the public don't always have an accurate impression of what the justice system does. Pervasive and lasting stereotypes are a judge in a wig, scales and a gavel, and a system whose primary purpose is punishment and prison. And, up to a point, these images are accurate.

The justice system also does much more than sentence people who have committed a crime. It enables a whole range of people to solve their problems, whether through employment tribunals, family court proceedings or small claims procedures. It is integral in ensuring citizens can exercise their rights and solve their problems.

Who are the citizens in the justice system? What is their experience? And how can an understanding of their perspective drive modernisation and change to ensure justice works for people's needs?

Why us?

Through our network of services and outreach, Citizens Advice sees how a negative experience with the justice system can affect someone's life in many different ways.

In the last year, we helped clients with over 200,000 legal issues in our network of local offices.¹ Of these, we helped clients with 46,000 problems with County and High Court proceedings; 32,000 problems with solicitors and barristers; and 16,000 problems with Magistrates Court proceedings. These range from issues about bringing a claim to court and where to go for advice, to how to stand as a litigant in person.

¹ We helped 200,217 legal issues between June 2014 and June 2015

Online, Citizens Advice is a first port of call for many people with legal issues. In the last 6 months, Citizens Advice's online pages on legal issues were viewed almost 2.4 million times.²

Citizens Advice also delivers the court based Witness Service. We help 14,500 witnesses in England and Wales every month.³

Through these channels and more, Citizens Advice is uniquely placed to act as a champion for citizens using the justice system.

Why now?

The legal support landscape in England and Wales has changed significantly in the last three years. Restrictions to legal aid and increased court fees reflect the current economic and political environment. At the same time, the government has set out its agenda for a 'One Nation Britain' in which the justice system works better for victims, protects the most vulnerable in society, and delivers faster and fairer justice for all citizens.⁴

Meanwhile there is increasing understanding that court users need advice, information and support that spans wider than their trial or case. Innovative services such as the Family Solutions Court in the Royal Courts of Justice Central Family Court, and the Community Advice and Support Service in Plymouth are helping people to solve their problems both in and outside of court.

At a time when decreasing funding coincides with calls for improved services and greater equality, there has never been a better time to examine people's experience of our justice system and ask how the Ministry of Justice, HM Courts and Tribunal Service, legal professionals and advice services can rethink their work to best respond to people's needs.

Methodology

In September 2015, Citizens Advice commissioned YouGov Plc to undertake a survey of 2,025 adults. The resultant figures have been weighted and are nationally representative of all England and Wales adults. Fieldwork was undertaken between 14th - 15th September 2015.

This report also draws on new evidence from Citizens Advice frontline staff and volunteers. The Citizens Advice Network Panel is a monthly survey sent to over 600 staff and volunteers across England and Wales, asking about their experiences of

² Online pages on legal issues were viewed 2,369,363 times between June 2014 and June 2015

³ We supported 43,612 witnesses between April and June 2015

⁴ Gove, M (June 2015) What does a one nation justice policy look like?

<https://www.gov.uk/government/speeches/what-does-a-one-nation-justice-policy-look-like>

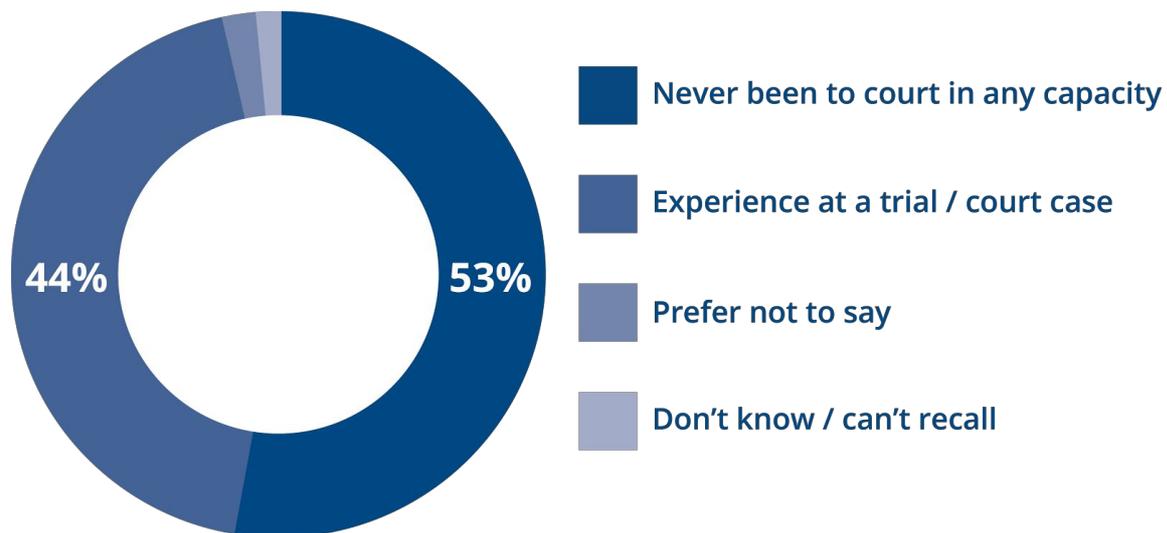
and views on policy issues. Questions about the justice system were included in the July 2015 edition. Responses were received from 293 people. Respondents to this survey include advisors, gateway assessors, trustees and managers and those in support, research and campaigns roles.

Information is also drawn from the advice issue code statistics that report the problems we help our clients with, and data from the Citizens Advice Witness Service.

Justice as a public service

Almost half of the people we surveyed had used the justice system at some point in their lives. UK adults are more likely to have experienced a trial or court case than to smoke⁵ or have a mortgage⁶. The justice system is not a minority issue.

Everybody knows someone who has been involved in the justice system. If not you, then a friend, family member or a colleague will have experience at a trial or a court case.



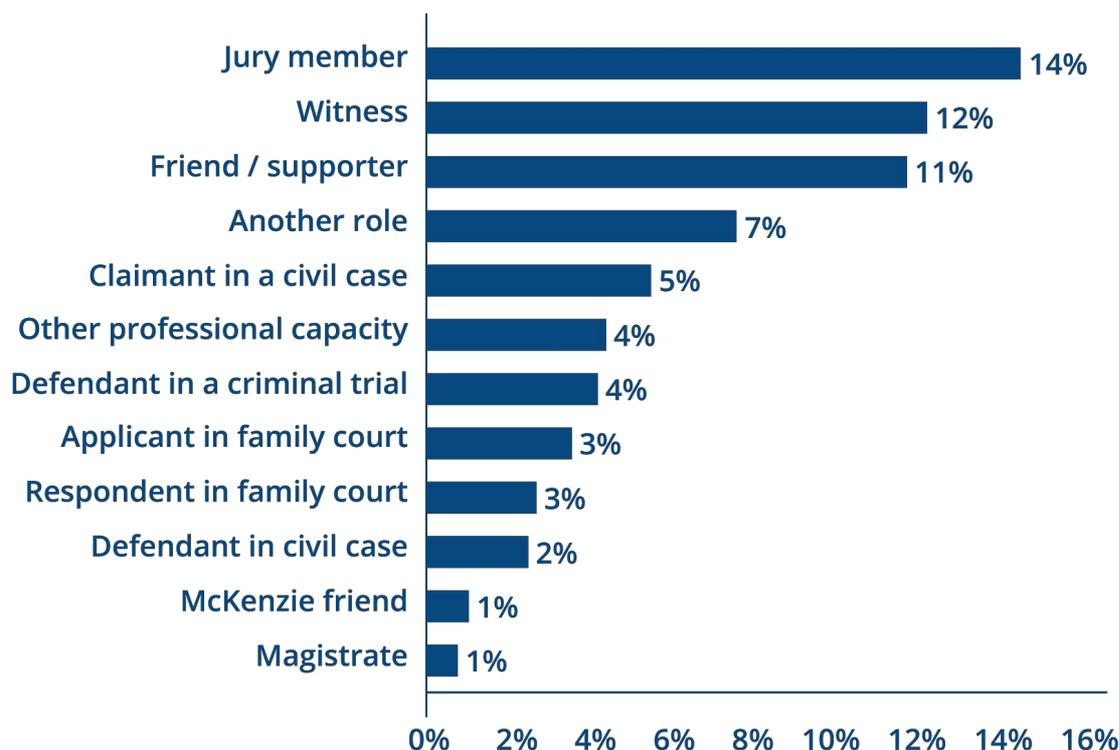
▲ Figure 1: 'Thinking about the courts of justice in England and Wales, have you ever been to court or involved in a trial in any capacity.' Source: Responsive Justice Survey. Base: All respondents (2,025).

It is a service which everyone uses, and for a broad range of reasons. A large proportion of citizens end up in court because they are helping someone else to access justice or solve their problems. The most common reason for being in court is as a jury member. In fact, a striking 14 per cent of people have contributed to the justice system in this way. More than one in nine people have given evidence in our courts as a witness. Another one in nine has been to court as a friend or supporter. A surprisingly high number - one in every hundred people - report having been to court as a McKenzie friend (a lay person who assists someone representing themselves in a court of law).

⁵ ASH Action on Smoking and Health (June 2015) Smoking statistics: who smokes and how much. http://ash.org.uk/files/documents/ASH_106.pdf

⁶ Office for National Statistics (December 2012) 2011 Census: Key statistics for England and Wales. <http://www.ons.gov.uk/ons/rel/census/2011-census/key-statistics-for-local-authorities-in-england-and-wales/stb-2011-census-key-statistics-for-england-and-wales.html#tab---Accommodation-and-tenure>

This paints a clear picture of the justice system which is often missed: an environment where citizens give up their time (often voluntarily) to support and help others to do what is right, to ensure justice is done, and to access resolution - whatever the problem. The court we see here is one of people helping other people. These are citizens who simply happened to receive a jury summons, witness a crime or offer to help a friend in a time of need.



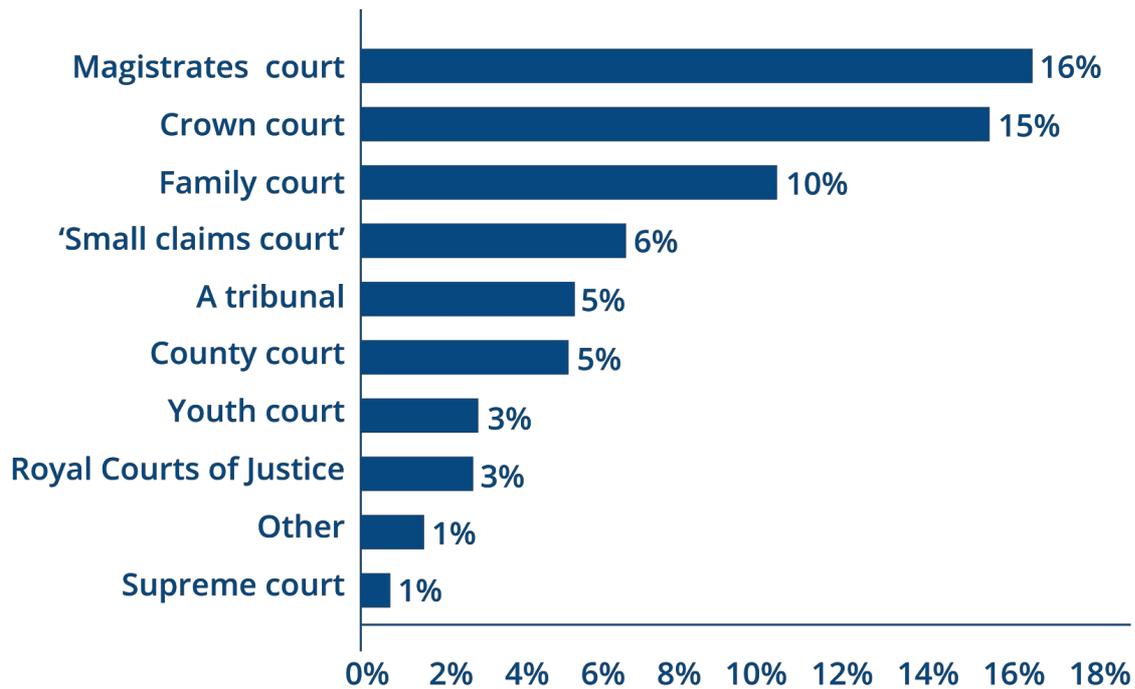
▲ Figure 2: 'Which, if any, of the following have you EVER done?' Source: Responsive Justice Survey. Base: All respondents (2,025).

The next most common reason for citizens becoming involved in the justice system is solving legal problems: 5 per cent of people have brought a civil case and 2 per cent have defended one. Civil issues include unpaid debts, property repossession and personal injury.

A number of people have been involved in a family case - either as an applicant (3 per cent) or respondent (3 per cent). Family cases can help parents resolve disputes about how to bring up their children and organise financial support after divorce. They also include bigger decisions about whether a local authority will intervene to protect a child from their family or home life, and to oversee adoption cases.

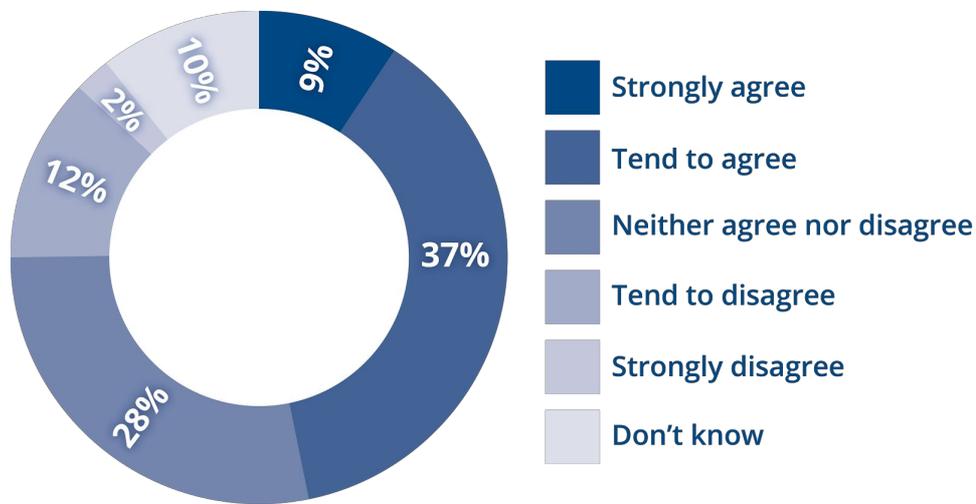
A far smaller proportion of court users have been to court because they've been accused of a crime, although it's not an insignificant number: one in every twenty five people have been to court as a criminal defendant. Of these, all are accused of committing a crime; only some will be found guilty.

There is also a range of different court types visited, all of which will provide a different service and give users a different impression of the justice system. Almost 1 in 6 people have been to a Magistrate’s Court, more than 1 in 7 have been to a Crown Court and 1 in 10 have been to a Family Court. And one in 20 have been to a Small claims court, a tribunal or a County Court. These findings clearly show that the justice system is used by citizens for a range of reasons, and many different citizens will have strongly different experiences of courts.



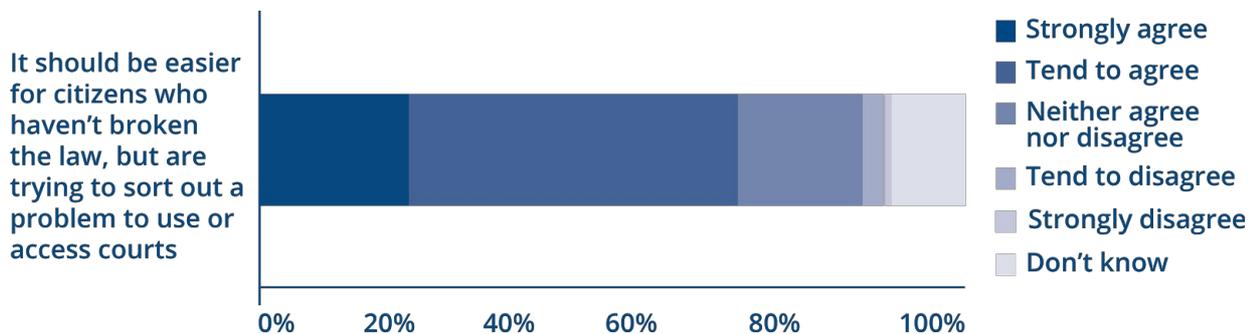
▲ Figure 3: 'Which, if any, of the following types of courts have you ever been involved in a case or trial at, as a witness, victim, in a professional capacity or as someone else directly involved in the case, but not as a jury member.' Source: Responsive Justice Survey. Base: All respondents (2,025).

These findings show that many people have experience of the justice system, both in solving their own problems and helping others to solve theirs. Yet the role of courts is still perceived to be predominantly for punishing the guilty, rather than being a public service for citizens. Almost half of respondents (47 per cent) agreed with this statement. Only 15 per cent of people actively disagree that courts are primarily for punishing the guilty.



▲ Figure 4: 'Courts are predominantly for punishing the guilty, rather than being a public service for citizens'. Source: Responsive Justice Survey. Base: All respondents (2,025)

Separately, 68 per cent feel that it should be easier for citizens who haven't broken the law but who are just trying to solve their problems to use or access courts.



▲ Figure 5: 'It should be easier for citizens who haven't broken the law, but are trying to sort out a problem to use or access courts'. Source: Responsive Justice Survey. Base: All respondents (2,025).

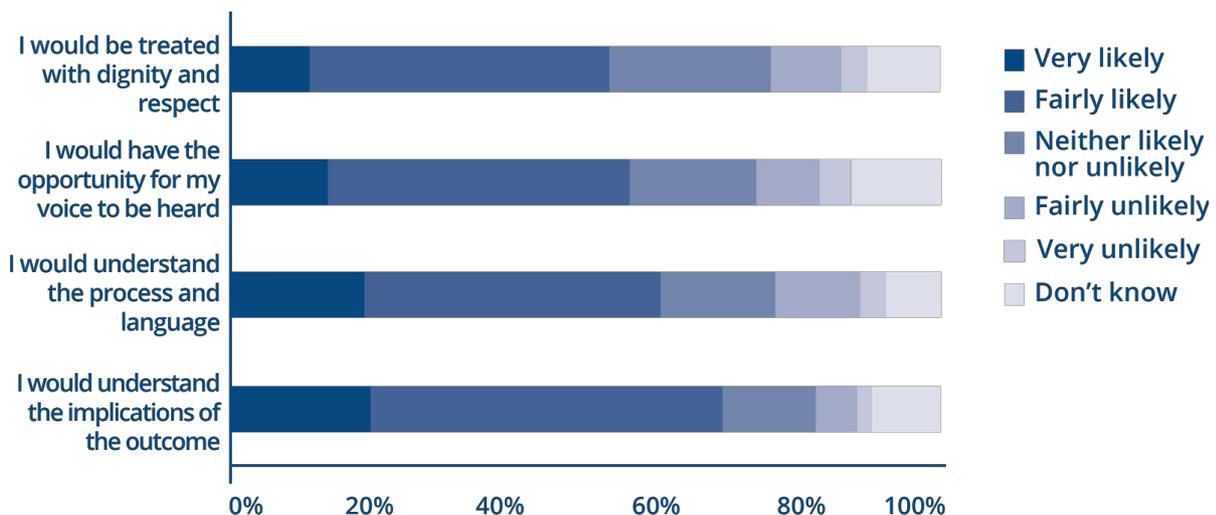
The justice system is a public service that a large proportion of citizens are likely to need at some point in their lives, but at the moment, it just isn't perceived in this way.

People don't have confidence in our justice system

The majority of respondents are positive about being able to understand court processes, and most people have an expectation they would be treated well. Yet people have a range of serious concerns about the practical, professional and emotional support that would be available if they were to need it. Many have doubts that they'd be able to access legal representation, but they also wouldn't feel confident representing themselves in court, meaning that too many people would give up on trying to solve their problems at all. Overall, only 2 in 5 (39 per cent) people feel that the justice system works well for citizens.

People generally trust that if they had to go to court, they would be treated with respect, would be given the opportunity to have their voice heard, would understand the process and language, and would understand the implications of any outcomes.

But some still worry about this: 1 in 7 thought it unlikely that they would be treated with dignity and respect; would have the opportunity for their voice to be heard; or would understand the process and language.



▲ Figure 6: 'If you had to go to court, how likely or unlikely do you think each of the following would be to happen?' Source: Responsive Justice Survey. Base: All respondents (2,025).

Low levels of support and advice are putting off some people from seeking to solve their problems

People are notably less confident about the level of support that would be available for them if they did have to go to court. This concern was shared both by those with experience of going to court and those who had never been.

Of those with personal experience of a case or trial, only 1 in 10 (11 per cent) knew who to talk to if they had any worries about the process. Services such as Personal Support Unit⁷ and Witness Service offer support to litigants in person and witnesses respectively, but they also offer their service to their clients' friends and family. Providers and courts need to raise awareness about these and similar services among the general public to ensure people can get the support they need.

As might be expected given the high profile of recent legal aid restrictions, only a minority (37 per cent) of respondents thought it likely they would be able to access free legal advice or representation if they needed to.

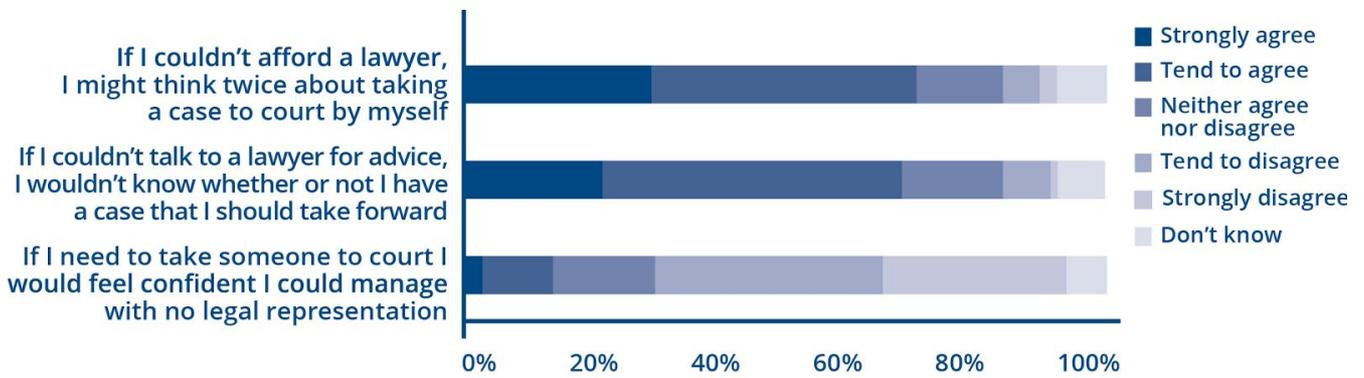
When asked particularly about the vulnerable clients they see every day, 53 per cent⁸ of our staff and volunteers believe it is now rarely or never possible for vulnerable people to access legal aid. Only 8 per cent feel it is often or always possible for vulnerable people to access legal aid.

Some of those people no longer eligible for legal aid will find the money to afford representation. Some will not. The knock on effects of increased restrictions on free legal representation are twofold: some people will resolve their problems through the justice system without a lawyer, but some will choose not to resolve their issue at all.

Before even getting to court, most people report that they would want legal advice to find out if their case has merit. Over two-thirds (68 per cent) of respondents wouldn't know whether to proceed with a case if they couldn't talk to a lawyer for advice. This lack of advice at the first stage of the process risks an increase in the number of people with legitimate grievances leaving their problem unresolved as well as an increase in the number of people unwittingly spending their time, energy and money on going to court with a meritless case.

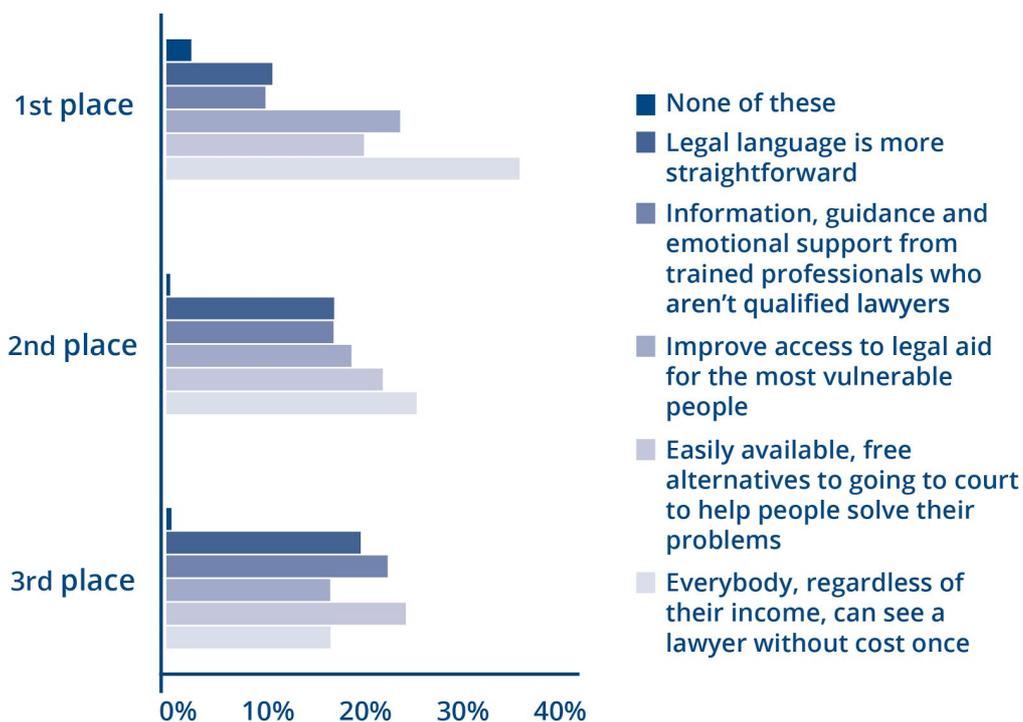
⁷ The Personal Support Unit is a court-based service that helps people facing proceedings without legal representation in civil and family courts and tribunals.

⁸ Network Panel Survey (July 2015)



▲ Figure 7: To what extent do you agree or disagree with each of the following statements? Source: Responsive Justice Survey. Base: All respondents (2,025).

In fact 71 per cent report that, without being able to afford a lawyer, they might 'think twice' about taking a case to court by themselves. This poses important questions about access to justice. Advice at the beginning of the process is vital in ensuring people with problems are able to solve them. In fact, when asked to rank what support would be most useful, by far the most popular choice was that everybody, regardless of their income, should be able to see a lawyer without cost at least once. Nearly half of people (46 per cent) chose this as their first option, and three quarters of respondents placed it somewhere in their top three priorities out of the five options offered.



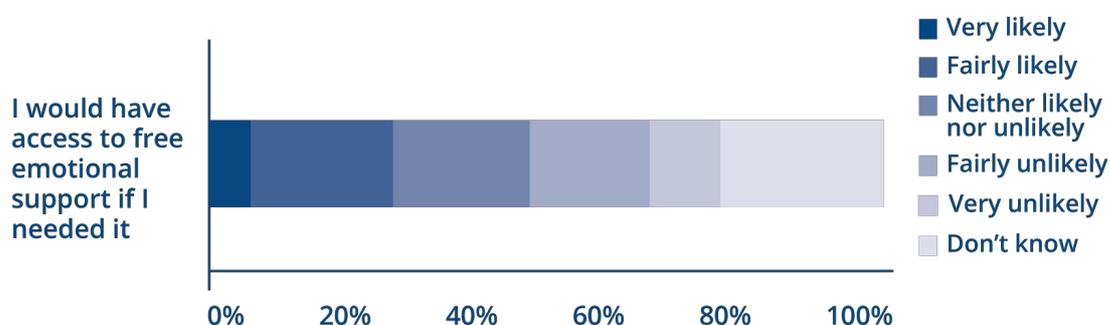
▲ Figure 8: Which THREE of the following do you think the Government should prioritise in order to improve the justice system for ordinary citizens? Source: Responsive Justice Survey. Base: All respondents (2,025).

More and more people are going to court without a lawyer

With a problem that needs solving, and little to no access to legal advice and representation, a growing number of citizens choose or are forced to represent themselves in court, acting as a 'litigant in person' or 'defendant in person'. People representing themselves have to form complex legal arguments, take part in court procedures and learn to use archaic legal language. Not surprising then, that only 14 per cent of the public felt confident they could manage if they had to represent themselves in court alone.

For those people standing alone in our courts, there is too little support available: seven in ten Citizens Advice staff and volunteers agree that there is not currently satisfactory emotional support available, and where it is available, people don't know where to find it⁹.

When it comes to the public's perception of emotional support more generally, only 27 per cent think it likely they could access free emotional support if they needed it. A quarter of people (24 per cent) just didn't know.

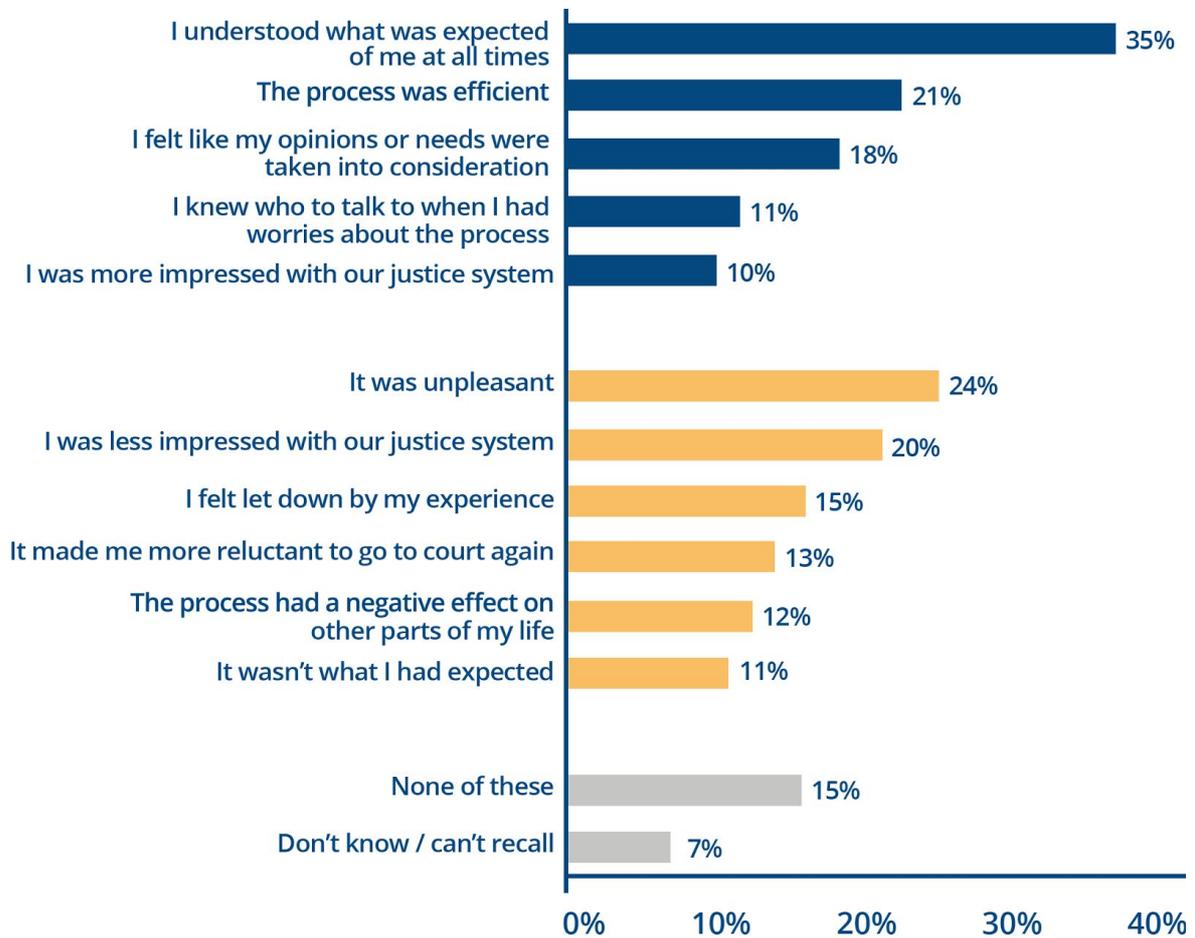


▲ Figure 9: 'If you had to go to court, how likely or unlikely do you think each of the following would be to happen?' Source: Responsive Justice Survey. Base: All respondents (2,025).

Negative experiences are leading to negative opinions of the justice system

Of those who have experience of the justice system, too many come away with a negative opinion. 1 in 5 respondents report feeling less impressed with our justice system after having experienced it, compared to only 1 in 10 who reported feeling more impressed afterwards. 15 per cent of those with personal experience of a trial felt 'let down' by their experience of the justice system and 13 per cent said their experience made them reluctant to go to court again. The justice system is supposed to be a service which enables citizens to solve their problems. These findings show that, for many, the justice system only serves to exacerbate them.

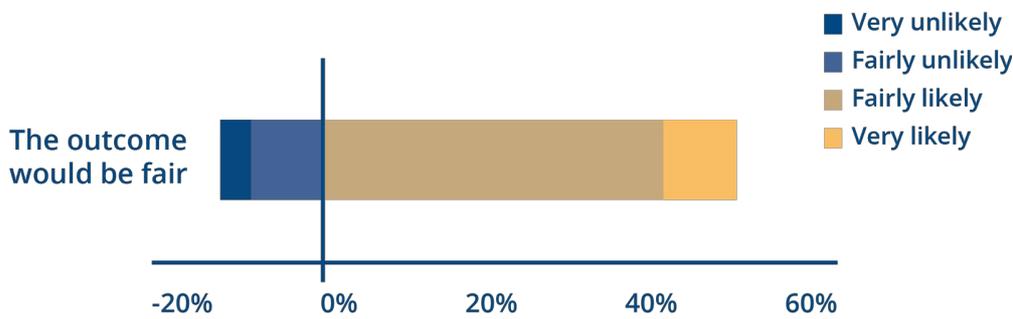
⁹ Network Panel Survey (July 2015)



▲ Figure 10: 'Thinking specifically about the process you went through (i.e. not the crime or problem that gave reason for you to be there): which, if any, of the following statements apply to you?' Source: Responsive Justice Survey. Base: All respondents with personal experience of a trial (960).

When asked about their impressions of the clients they see, half of Citizens Advice staff and volunteers don't believe their clients trust the justice system to provide an overall fair process and outcome¹⁰. Our polling reiterated this: less than half of the population actively reported that if they had to go to court, the outcome would be fair.

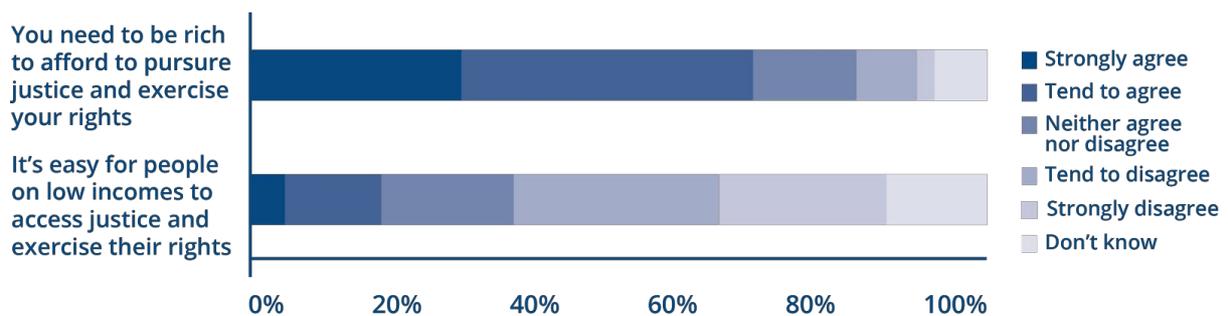
¹⁰ Network Panel Survey (July 2015)



▲ Figure 11: ‘If you had to go to court, how likely or unlikely do you think each of the following would be to happen?’ Source: Responsive Justice Survey. Base: All respondents (2,025).

People don’t think the justice system provides the same service for everyone

While all these issues are affecting everyone, there’s also still a notable perception that the system works better for the affluent. 68 per cent of people agree that you need to be rich to afford to pursue justice and exercise your rights and only 17 per cent believe it’s easy for people on low incomes to access justice and exercise their rights.



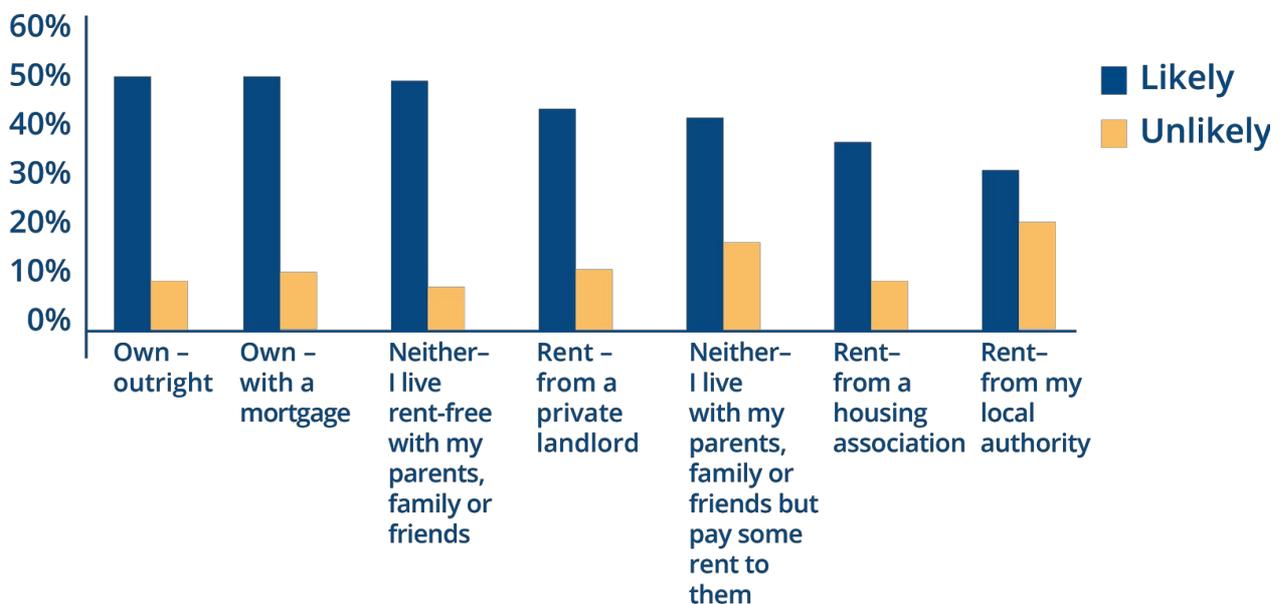
▲ Figure 12: ‘Do you agree or disagree with the following statements’. Source: Responsive Justice Survey. Base: All respondents (2,025).

Changes to legal aid eligibility are creating a situation in which increased numbers of vulnerable people are likely to be left to fend for themselves in the justice system: 53 per cent of our staff and volunteers believe it is rarely or never possible for vulnerable people to access legal aid.

Worryingly, it is some of the most vulnerable in society (those with the least secure housing, work and income) who are least likely to expect their outcome would be fair. Those in the highest income bracket are almost twice as likely as those in the

lowest income bracket to expect a fair outcome (62 per cent compared with 32 per cent¹¹). This is not surprising when you consider that wealthier respondents were less likely than other respondents to have been a defendant in a criminal or civil case; less likely to have been to the family court at all; and significantly more likely to have attended court in a professional role such as a judge or lawyer.

Similarly, homeowners are most likely to describe a fair outcome as being likely (51 per cent or those owning outright and those with a mortgage). Next come those living rent free with family or friends (50 per cent); renting from a private landlord (45 per cent); renting from a housing association (38 per cent); and lastly those renting from a local authority, among whom less than a third (32 per cent) think a fair outcome would be likely.



▲ Figure 13: ‘If you had to go to court, how likely or unlikely do you think each of the following would be to happen? The outcome would be fair’ Source: Responsive Justice Survey. Base: All respondents (2,025).

Those with full time jobs had more confidence than those working part time (50 per cent compared to 44 per cent), who in turn were more confident than those not working at all (38 per cent).

The only group who were considerably more confident in the fairness of their outcome were people who had experience of the Royal Courts of Justice (the building that encompasses the High Court and the Court of Appeal): 70 per cent thought their outcome would be fair versus the national average of 48 per cent.

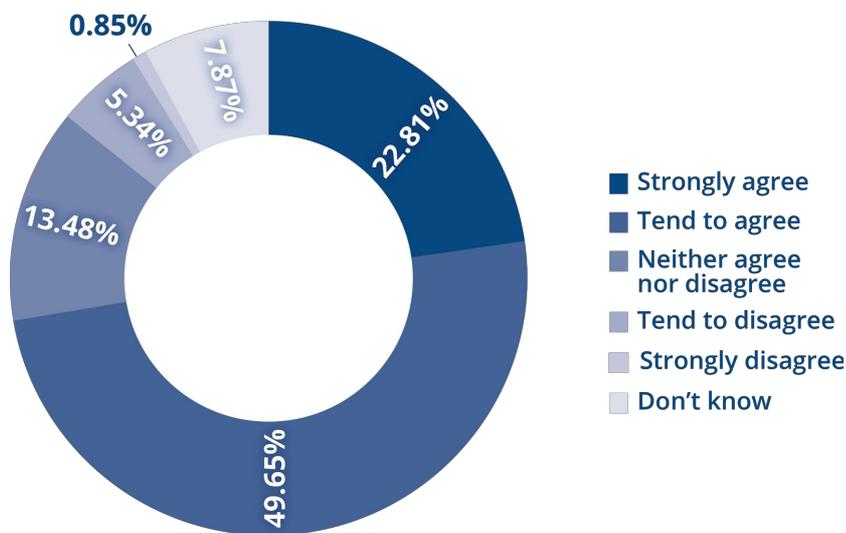
¹¹ 62 per cent of respondents with a household income of £70,000 to £99,999 expected their outcome to be fair, compared with just 32 per cent of those with a household income of £5,000 to £9,999.

People’s bad experiences and perceptions of justice are putting them off using it

Citizens are being put off from trying to solve their problems because access to resolution is too distressing and expensive.

Most people (72 per cent) agree that ‘trying to get justice can sometimes not be worth it, because of the emotional drain and financial costs’. Only 6 per cent of people disagree with this sentiment. Those with personal experience of a trial or court case are even more likely to agree that justice isn’t always worth the stress and expense: 78 per cent of those with experience said this compared to 70 per cent of those without. This negative sentiment is most pronounced among those who have gone to court as a defendant in a civil or criminal case (88 and 87 per cent respectively) or as a respondent in a family court (83 per cent).

As might be expected, the most active disagreement with this statement came from those who had gone into court in a professional capacity, although even in these instances, disagreement was low at 16 per cent.



▲ Figure 14: ‘Trying to get justice can sometimes not be worth it, because of the emotional drain and financial costs’. Source: Responsive Justice Survey. Base: All respondents (2,025).

Because of perceptions that support and advice is lacking, and because of negative past experiences, people are choosing to give up on solving their problems, and we are seeing this in practice in local Citizens Advice offices. Almost 4 in 5 staff and volunteers in the Citizens Advice network report having seen an increase in the number of clients choosing not to follow up their issues at all. It is clear, overall, that the court system is not considered to be the effective public service that it could be.

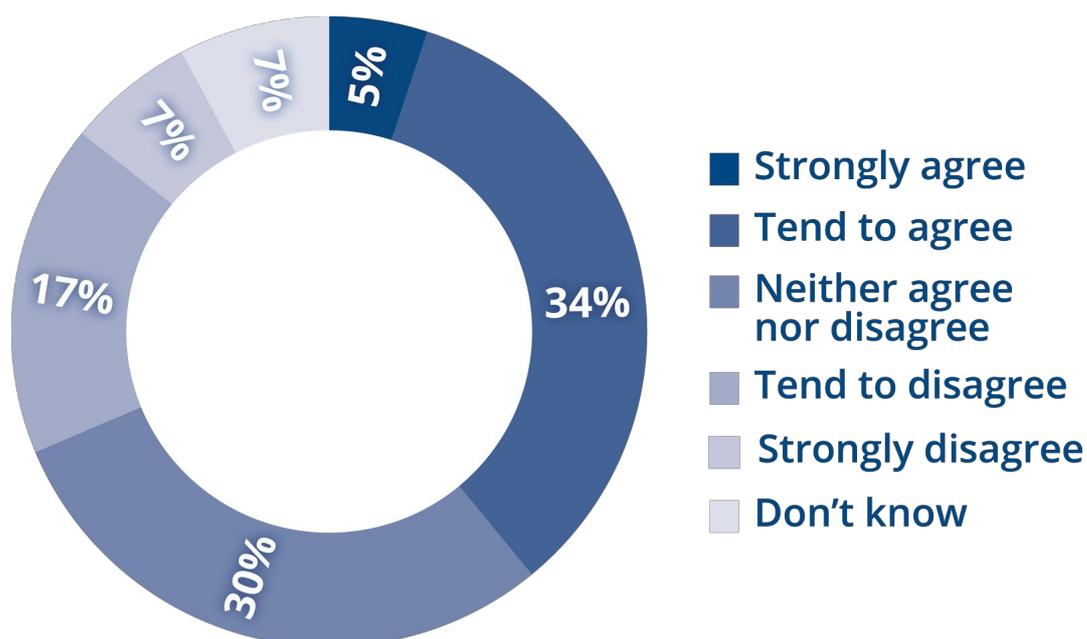
A more responsive justice system

Our justice system needs a shake up. It needs to respond better to citizens needs.

Our findings reveal that many people trust the justice system to treat them with respect and let them have their say. They also believe that if they did go to court, they would understand the process and the implications of any outcomes.

But people also have a lot of concerns. They are concerned they wouldn't be able to access advice and emotional support if they needed it. They don't trust that they'd get legal aid for representation, and they are concerned that people more vulnerable than themselves may struggle too. They're concerned that they wouldn't know whether to take their case forward, and most wouldn't feel confident doing this alone. Even if they did get their case to court, they don't necessarily trust that the outcome would be fair. Too many people would choose not to resolve their problem because of the issues they associate with our justice system.

Overall, only 2 in 5 (39 per cent) people believe our justice system works well for citizens. Those with experience are likely to be even less positive: among people who have been to court as a friend or supporter, only a third believe the system works well for citizens, and over a third (35 per cent) actively disagree that it does.



▲ Figure 15: 'Overall, we have a justice system that works well for citizens'. Source: Responsive Justice Survey. Base: All respondents (2,025).

We see clients every day whose minor legal problems have resulted in negative effects on their health, relationships and finances. Legal problems are rarely isolated and, if left unresolved, they rarely go away. At Citizens Advice, we understand the importance of responsive public services in helping people to resolve and move on from their problems.

The justice system has the potential to be a place for meaningful resolution; an opportunity for people to solve their problems and access justice. The case examples included in boxes here offer some insight into how this could work differently.

In order to achieve this, citizens need high quality advice so they understand the options available to them. Information about legal aid must be clearer to ensure those who are still eligible for legal aid know to apply and are able to do so. And more information and support is required to enable those who do represent themselves in court to do so to the best of their ability. Attention is particularly required for those citizens who are involved in the justice system through no fault or choice of their own - those citizens who are in court simply to see done what is right.

Citizens Advice is beginning a programme of work exploring people's experience of the justice system. We're asking why only 2 in 5 agree that the justice system works well for citizens. We're focusing on the experience of the increasing number of people going to court to represent themselves. We're also exploring the journey witnesses take, from witnessing a crime, to giving evidence, and then getting their lives back on track after the event.

An important aspect of the work we're doing is in understanding the role courts can play in helping people to access justice and to solve their problems.

Too many citizens have concerns about courts and bad experiences of the justice system. If the government is going to achieve a One Nation Justice system, it is time the justice system became a public service that responds to the needs of its users.

Responsive justice in action

Plymouth Community Advice and Support Service (CASS)

CASS helps users of Plymouth Magistrates Court to access the support they need. The service is open to anyone: defendants, victims, witnesses or family members. Users don't even have to be involved in the court. Volunteers work with clients to find out what problems are most troubling and identify the most effective ways of tackling these problems. 70% of CASS's work involves direct intervention like providing emotional support with court proceedings, or information and advice about specific problems such as debt and housing issues. 30% of CASS's work involves referring people to more specialist support, including alcohol and drugs treatment and community health services. There is clear evidence that CASS is improving people's experience of going to court and helping them solve their problems.

The Family Solutions Court at Royal Courts of Justice Central Family Court

Launched in July 2015 and based on a single floor of the court, the Family Solutions Court is made up of a group of services that prioritise the needs of court users. Staff and volunteers at the Personal Support Unit provide support and information to litigants in person preparing to represent themselves in court. RJC Advice, the Citizens Advice service also based on that floor, provides free legal advice and hosts both private and public pro bono rotas for those in need of representation. As well as mediation, RCJ Advice delivers a unique court based child contact centre where rooms decorated by school children and filled with toys create a positive environment for parents and children to spend contact time together. Space is also available for separating couples to attend Separated Parents Information Programmes.

Community Advice at Highbury Corner Magistrates Court

Launched in January 2015, Community Advice helps offenders, their families, and other court users through the process of going to court. The service is able to make referrals for the longer term help from organisations that provide mental health services or supported housing. Delivered by Citizens Advice Islington, Highbury Corner Community Advice also helps people with practical issues like benefit claims or court fines. After only six months of the service having been in place, 3 in 5 users said their problems had been resolved. And referrals are helping people too: two months after seeing someone at the Community Advice service, 4 in 5 clients reported that they had visited the service to which they'd been referred.

Free, confidential advice.

Whoever you are.

We help people overcome their problems and campaign on big issues when their voices need to be heard.

We value diversity, champion equality, and challenge discrimination and harassment. We're here for everyone.

Written by Katherine Vaughan, Imogen Parker and Laura Bunt



citizensadvice.co.uk

Published November 2015

Citizens Advice is an operating name of The National Association of Citizens Advice Bureaux.

Registered charity number 279057.