Written evidence submitted by the Legal Services Consumer Panel (ATJ0161)

Dear Members of the Justice Select Committee,

Re: Access to Justice Inquiry Submission

Introduction

The Legal Services Consumer Panel (Panel) is an independent statutory body that advocates on behalf of legal services consumers, including potential consumers (who want to use legal services but are not able to afford them or secure free representation). The Panel aims to ensure that legal services regulation is focused on the needs of legal services users. In its current independent three year strategy, the Panel is working to improve access to justice, foster consumer focused regulation and promote the use of innovative delivery models and technology to meet the present and future needs of consumers. Operationally, the Panel is housed within the Legal Services Board (LSB).

The Panel is making this submission because it sees access to legal services as increasingly out of reach for a significant portion of the population. As explained below, without access to legal services, people have less access to justice simply because their chances of reaching a satisfactory outcome to their legal issue are substantially reduced. Accordingly, access to legal services enables access to justice and without them, access to justice is limited. And access to justice is a necessary part of maintaining the rule of law in England and Wales.

Summary

The current state of the legal services market is confusing for consumers and fails to provide them with the information they need to realise they have a legal problem or effectively choose a provider to suit their needs. Consumers of unregulated legal services providers are left without any direct route to redress and others do not engage with the market at all because they assume legal services are too expensive, not readily available or inaccessible via legal aid. There are growing gaps in the market for consumers needing housing, community care, benefits, immigration or criminal law services. As a result, 32% of potential legal services consumers are underserved, left with unmet legal need and poorer outcomes.

The Panel's Regulatory Leadership on Access to Justice research report lists a multitude of options for legal regulators to improve access to justice without resorting to the public purse but surprisingly none of the approved regulators have engaged meaningfully with the material; the LSB has explored only one idea (attempting to develop a regulatory sandbox for providers that may improve access to justice). The potential solutions that have been suggested have worked in other sectors and other jurisdictions, yet regulators cannot see past public finances as the answer to eroding access to justice. They have spent large amounts of money on access to justice research topics but have taken no action at all. They have refused to consider how they can make a difference to access to justice in a targeted way despite the Panel's consistent prodding or growing market failures.

Access to justice innovation must be pursued, not only via technology but also through alternative service delivery models that are user-centric and offer human interaction when required. Pro bono has not been exploited in England and Wales to the extent it is used in other jurisdictions, which along with successful free advice and representation agencies, offer good practice models. Regulators have a long way to go in improving data collection, but it should be tackled in pursuit of further insights into access to justice challenges to inform future solutions.

Inquiry Questions

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?**

The current legal services landscape is difficult to navigate for individual consumers. The first obstacle they face is that it is not always clear that the problem they have is a legal issue. In other words, a person's understanding of their rights and responsibilities (or where to find that information) are important factors in determining unmet legal need.[1] Unmet legal need occurs when someone needs professional help to deal with a legal issue but does not receive adequate support. Information explaining legal rights and responsibilities should be readily available when a consumer needs it but most people do not know where to find it.

Second, the legal services sector's archaic regulatory framework is unworkable for consumers and fails to help them navigate the market. Research shows that most legal services consumers believe that all legal services providers are regulated.[2] Of course, this is not the case. 90% of consumers say being regulated would increase their trust in their legal professional[3] but there is no one centralised database to find out if a provider is regulated.[4] Adding to the confusion, lawyer is not a reserved title, professional accountants can provide some regulated legal services[5] and freelance solicitors are regulated by the Solicitors' Regulation Authority (SRA) but can work in unregulated businesses.[6] Yet even those who are regulated are beholden to a myriad of regulators[7] (and can switch between them), each with their own set of qualification routes, rules and compensation schemes. Despite the LSB acting as an oversight regulator for the past eighteen years, consistent collaboration between legal regulators and harmonisation of policies across the sector is low. For example, though research has confirmed substantial numbers of legal services consumers are vulnerable[8] due in large part to the stressful situations causing them to engage with legal professionals in the first place, there is no sector wide strategy or approach to deal with vulnerability.

For those who choose unregulated providers, the ramifications are unclear. If consumers of unregulated legal services are not satisfied, there is no direct route for redress because the Legal Ombudsman only takes complaints from consumers who use a regulated legal services provider. Unregulated businesses offer services such as will writing, online divorce and prepaid probate services. In addition, recent Family Procedure Rules changes have unintentionally pushed more legal services into the unregulated sector. If problems arise from the legal work that is undertaken in these areas, it is often not immediately apparent because the consumer lacks the knowledge to understand whether the service is legally sound and problems may not be discovered for some time. Without a direct route to redress, consumers are often left with two undesirable choices, to complain to and take legal action against the provider, or to deal with the consequences of the poor legal service themselves.

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[1] See LSB Individual Legal Needs Survey 2023: Exploring Unmet Legal Needs (2024) at p. 25.

[2] See SRA Corporate Strategy Benchmarking Survey (2024) at slide 10.

[3] See LSCP 2025 Tracker Survey: How consumers are using legal services (2025) at p. 22.

[4] While the Legal Choices website tries to explain how a consumer can check whether a legal services provider is regulated, most consumers do not know about this resource and a consumer may still have to check through all the frontline regulator directories to find out.

[5] Qualified Institute of Chartered Accountants in England and Wales (ICAEW) members can conduct probate and administer oaths.

[6] See SRA Choosing a solicitor.

[7] The Legal Services Act 2007 authorises eight frontline regulators: Solicitors' Regulation Authority, Bar Standards Board, Council for Licensed Conveyancers, CILEx Regulation, Intellectual Property Regulation Board, Institute of Chartered Accountants in England and Wales, Faculty Office and Costs Lawyer Standards Board. Outside the Act, the Immigration Advisers Authority regulates anyone not already regulated under the Legal Services Act 2007, who is providing immigration services.

[8] LSB Vulnerability in Legal Services Research Report (2022) at p.13.

Third, research shows that perceived accessibility of lawyers is a significant factor affecting whether someone is left with an unmet legal need.[9] The accessibility of lawyers can include whether someone thinks they can afford a lawyer, whether they know how to find a suitable lawyer or if they have time to engage with a lawyer.[10] The CMA's 2016 and 2020 reports on the legal services sector[11] found the legal services market to be characterised by stark levels of information asymmetry between providers and consumers. To help remedy this, they charged the LSB and frontline regulators with developing quality indicators to help consumers choose high quality legal services to meet their needs. Yet, to date, no discernible progress has been made on this front. Though there has been increased price transparency as regulators made some price transparency requirements in non-contentious areas of law mandatory (and even this straightforward CMA-mandated regulatory intervention took many years to implement), many providers are still not subject to such rules. For example, for the most part, legal services providers offering family law services (where a high level of unmet legal need exists), still do not have to publish their prices. And while there has been some increase in recent years in consumers shopping around to find a legal professional who meets their needs, less than half of consumers do so[12]. Worryingly, the poorest legal services consumers believe there is no legal aid available at all[13] which may affect their decision to try to obtain legal help.

Finally, there is a recognised lack of providers offering legal aid services in housing, community care, benefits, immigration or criminal law.[14] Providers are finding it harder and harder to recruit legal professionals with the skills and experience to work in these areas which have the greatest effect on the most marginalised consumers. This means that even if legal services consumers qualify for legal aid, there is a dwindling supply of legal professionals who have the experience and expertise required to help them. This is all before considering the inconsistent and inadequate funding available for the free advice and representation sector which is increasingly forced to rely on pro bono services from legal professionals (who are often unfamiliar with the areas of law where demand exists) to broaden the scale of their reach. Such services still need to be supervised by legal professionals qualified in areas of social welfare law which is facing severe deficits of staff and an ageing population of specialist professionals in practice.

The current state of the legal services market is that 32% of people in England and Wales who are facing a legal issue have unmet legal need[15] and no access to justice. "[T]hose who considered their contentious legal issue to be of high severity and did not try to get help said they assumed it would be too expensive (26%) or did not think there were advisers that could help (21%)."[16] Even those who have serious legal issues do not know how to go about finding how much professional legal assistance will cost or may not even realise it is a legal issue in the first place. These consumers do not even try to engage with the legal services market.

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

Supplementary advice services such as Citizens Advice and Law Centres provide free, independent, and confidential advice to those who might otherwise struggle to access legal help. They support access to justice in both practical and systemic ways.

Firstly, they bridge gaps in legal aid, helping those left without access to any legal assistance. Citizens Advice helps people navigate issues themselves through information, guidance, and

[9] See LSB Individual Legal Needs Survey 2023: Exploring Unmet Legal Needs (2024) at p. 25.
[10] See LSB Individual Legal Needs Survey 2023: Exploring Unmet Legal Needs (2024) at p. 22.
[11] See Capital & Markets Authority (CMA) Legal Services Market Study (2016) and CMA Review of the legal services market study in England and Wales (2020).
[12] Only 44% of consumers shopped around for their legal services in 2025. See LSCP 2025 Tracker Survey: How consumers choose legal services (2025) at p. 8.
[13] See LSB Legal Needs of Individuals in England and Wales: Summary Report (2024) at p. 15.
[14] See the Law Society of England and Wales's Legal Aid Desert maps (2025).
[15] LSB Individual Legal Needs Survey 2023: Exploring Unmet Legal Needs (2024) at p. 3.
[16] LSB Legal Needs of Individuals in England and Wales: Summary Report (2024) at p. 15.

advocacy support. Law Centres often use their own staff (funded through a variety of sources, included limited legal aid funding and charitable support) and pro bono assistance to provide free legal services. This assistance can empower individuals and promote legal literacy. Citizens Advice provides self-help resources online, helping people understand their rights and how to enforce them. Many Law Centres empower individuals through legal education workshops, community outreach, and public legal education, building the capacity of communities to resolve legal issues independently.

Advice agencies and law centres emphasise early-stage advice, which can prevent legal problems from escalating into crises. For example, timely intervention in rent arrears can prevent evictions; support with benefits applications can prevent destitution and homelessness. This early action reduces pressure on the courts and improves outcomes for clients.[17]

However, it should be noted that advice agencies and law centres face a range of challenges in supporting access to justice. Limited and short-term funding restricts their ability to provide in-depth legal support, while cuts to legal aid have left many key areas—such as welfare benefits, housing, and immigration—outside the scope of funded legal help, resulting in increased demand for help. In addition, they struggle with staff and volunteer shortages, making it difficult to meet the needs of all clients.[18]

Notably, the proposed National Legal Service[19] envisioned a comprehensive legal assistance program using a variety of delivery models. This multi-faceted and user-centred approach called for free early advice provided by advice agencies, a digital legal self-help platform and legal representation offered through legal aid providers (including private practitioners and law centres) as a way to address the failings of the current legal aid framework. All of these are essential parts of the justice system that should be better connected to MOJ policy making functions so changes in justice policy are made in line with their capacity.

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

For the most part, those who act without legal advice and/or representation are being excluded from the regulated market of professional legal services. Not getting professional help is the most common reason a person ends up with an unmet legal need where their issue is not adequately resolved.[20] These people do not have an equal opportunity for justice.

Conversely, 71% of people who had resolved their legal issue believed that the help they received helped them get a better outcome.[21] From help identifying a legal problem to help managing it, people feel better outcomes are achieved with assistance to navigate the legal system. From the point of view of people experiencing a legal issue, their access to justice was improved with legal assistance.

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.

In April this year, Lord Willy Bach (Labour peer) helped launch the Panel's Regulatory Leadership on Access to Justice research report that examined how legal regulation can be used to reduce unmet legal need, citing a number of recommendations that would not impact

[17] See Understanding Local Legal Needs: Early Intervention and the Ecosystem of Legal Support at pp. 1-2 and 7-8; See generally Making a Difference in Challenging Times: Citizens Advice 2021-22 Impact Report.
[18] See LSCP Seminar to Explore Solutions to Unmet Legal Need: Summary (2023) at p. 1.
[19] See The National Legal Service: A New Vision for Access to Civil Justice (2023).
[20] LSB Legal Needs of Individuals in England and Wales: Summary Report (2024) at p. 22.
[21] LSB Legal Needs of Individuals in England and Wales: Summary Report (2024) p. 20.

the public purse. The report was meant to start an open discussion on how legal regulators can play a role in increasing access to justice. Such ideas ranged from regulators using codes of conducts, conflict of interest rules or ethics training to increase access to legal services to supporting sector-wide public legal education to working with other bodies such as the Financial Conduct Authority on early advice opportunities, among others.

Many additional ideas concerned possible alternative funding options (excluding the public purse) to improve access to justice. These ideas were taken from other sectors and jurisdictions where they provide independent funding streams for various access to justice initiatives. These potential funding recommendations include:

- noting subsection 51(4)(d) of the *Legal Services Act 2007* as a possible way to ringfence access to justice funding from legal professionals' practising certificate revenue[22];
- interest on lawyers' client accounts (ILCA, also called IOLTA)[23];
- increasing the number of costs awards in pro bono cases that are directed to an access to justice fund[24];
- earmarking exemplary damages for access to justice where there is no specific individual to receive them[25];
- increased fining powers for regulators with the fines generated contributing to an access to justice fund (instead of being remitted to the Treasury)[26];
- making better use of apprenticeship funding[27];
- fining repeat offenders such as local authorities and others who cause more people to have to enforce their legal entitlements by taking legal action (including cross-sector funding)[28];
- levies on losing litigation parties and/or users of the High Court and higher courts and/or top-tier law firms to contribute to an access to justice fund[29];
- investment returns from an access to justice fund (created from multiple alternative options)[30];
- supporting legal services providers to offer more affordable services[31];
- encourage the expansion of the legal expenses insurance market[32];
- organise pro bono legal services platforms during national disasters (with support to pro bono lawyers to ensure high quality legal advice)[33].

This full range of alternative access to justice funding options should be explored and considered.

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

Early advice provision should be prioritised as it can help reduce demand for legal assistance because it can stop a person's legal problem from multiplying when left unaddressed.

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[22] See Regulatory Leadership on Access to Justice at paras. 10.12 to 10.13.
[23] See Regulatory Leadership on Access to Justice at paras. 10.20 to 10.25.
[24] See Regulatory Leadership on Access to Justice at para. 10.17.
[25] See Regulatory Leadership on Access to Justice at paras. 10.18 to 10.19.
[26] See Regulatory Leadership on Access to Justice at paras. 10.3 to 10.6.
[27] See Regulatory Leadership on Access to Justice at paras. 10.26 to 10.28 and SQE and the Apprenticeship Levy.
[28] See Regulatory Leadership on Access to Justice at paras. 10.29 to 10.31.
[29] See Regulatory Leadership on Access to Justice at paras. 11.10 to 11.13.
[30] See Regulatory Leadership on Access to Justice at paras. 10.7 to 10.8 and 10.13 to 10.14.
[31] See Regulatory Leadership on Access to Justice at paras. 11.17 to 11.19 and 12.12.
[32] See Regulatory Leadership on Access to Justice at paras. 9.31 to 9.34 and Legal Expenses Insurance.
[33] See Regulatory Leadership on Access to Justice at paras. 9.16, 9.35 to 9.36 and 11.25 to 11.26.

Spending should focus on preventative measures such as proactive legal services that help identify legal problems at an early stage when advice can have greater impact.[34]

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

In the face of rising unmet legal need, legal services regulators have refused to take action to try to improve access to justice. The Panel has consistently called for regulators to consider how they can use their regulatory levers to prioritise actions in furtherance of the regulatory objective to improve access to justice,[35] even asking the LSB to use its convening power to prompt concerted efforts among all the legal regulators, but to no avail. The Panel published its Regulatory Leadership on Access to Justice research report this year in order to provide regulators with a repository of ideas (that have worked in other sectors and other jurisdictions, covering many angles including potential funding streams) to consider, yet they have shown no appetite to engage with the report or any of its specific recommendations. This is not acceptable given that 32% of people with a legal issue, or one third of their demand side market, are underserved.[36]

Legal services regulators do not understand that they have a role to play, despite this being mandated by the Legal Services Act 2007. Given the scale of the problem, every actor must do everything possible to improve the access to justice reality for the people of England and Wales. Legal regulators appear reluctant to even consider how their regulatory levers may be used in a creative manner to meet need.

With the current state of public finances, it is important to consider how many small incremental changes could add up to making a larger improvement to access to justice. There is the potential to make small improvements independent of the public purse, as has been done in other legal jurisdictions. Creative solutions are needed more than ever.

In recent years, the largest legal regulator, the SRA, has commissioned research into consumer segmentation (including how to reach consumers who do not take up legal services)[37], consumer vulnerability[38], online dispute resolution[39] and lawtech (showing 97% of lawtech funding goes to business to business applications with only 3% going to consumer applications)[40]. But no concrete actions have come out of these large-scale research projects. A group of legal regulators has also collaborated on research into digital exclusion and how it affects legal services consumers[41], but again no plan for action is being discussed or considered alongside this research. The LSB has produced guidance for frontline legal services regulators on promoting technology and innovation to improve access to legal services[42] but again, meaningful actions have yet to materialise. Regulatory sandboxes, when available, have not been used to promote avenues to test access to justice solutions and pilots of novel ideas have been lacking.

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[34] See Understanding Local Legal Needs: Early Intervention and the Ecosystem of Legal Support at pp. 1-2 and 7-8; See generally Making a Difference in Challenging Times: Citizens Advice 2021-22 Impact Report.

[35] See LSCP Consultation Response to the LSB's 2025-26 Business Plan, LSCP Consultation Response to the SRA's 2024-25 Business Plan, LSCP Consultation Response to the LSB's 2024-25 Business Plan.

[36] LSB Individual Legal Needs Survey 2023: Exploring Unmet Legal Needs (2024) at p. 3.

[37] SRA Consumer Segmentation of the Legal Services Market in England and Wales: Final Report (2023)

[38] SRA Feasibility study to consider whether and how the Solicitors Regulation Authority could measure and monitor consumer vulnerability in the legal market (2025).

[39] SRA Solving Legal Issues through Technology (updated 2024).

[40] SRA Technology and Innovation in Legal Services (2021) at p. 96.

[41] Yet unpublished, this research was announced in 2024 by the BSB as Research on digital exclusion.

[42] See LSB Guidance on promoting technology and innovation to improve access to legal services (2024).

The root problem is that legal regulators see access to justice as a government funding issue[43] and as a result they are not involved in discussions to improve access to justice in any meaningful way. They have not fully explored their options or discussed how they could work together with other regulators to have a greater impact on access to justice. They have not engaged with novel proposals, such as the National Legal Service[44], to see whether their regulatory levers could be used to support possible solutions to unmet legal need. Notably, legal regulators have done less in this space than the professional bodies. While the legal profession itself has opposed certain specific ideas that could contribute to increased funding for access to justice initiatives (such as Interest on Lawyers' Client Accounts or ILCA), the profession (i.e. Law Society and Bar Council) is engaged in documenting specific problems such as legal aid deserts[45], suggesting possible policy solutions[46] and calling for government action to broaden access to justice. Because access to justice is such a broad concept (and regulators can argue anything they do to strengthen the regulated profession improves access to justice), it might help to provide a definition of what it means in terms of the regulatory objective so that stakeholders, like the Panel, can more effectively hold regulators to account.

Finally, there is a surprising lack of action by regulators to ensure that social welfare legal services are still offered in the market where there is a significant dearth of legal professionals practising law in these areas. Regulators are standing on the sidelines, ignoring this acute market failure rather than responding to it as any consumer-focused regulator would.

For all of these reasons, the Panel feels that regulators are not responding to their clear obligation to improve access to justice under the Legal Services Act 2007.

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

There are arguments that the free advice and representation sector is over-reliant on pro bono legal services, but the Regulatory Leadership on Access to Justice report notes that other jurisdictions have made even wider use of pro bono services in facilitating access to justice via quantified expectations, mandatory annual requirements or mandatory reporting of each member of the profession's pro bono activities.[47] Accordingly, it may be helpful to explore the possibility of regulators adopting compulsory pro bono targets where alternatives (such as monetary or other contributions) to this work are made available as appropriate.

Best practice dictates that pro bono lawyers should be equipped with adequate training (both legal and soft skills) to provide pro bono services with supervision in most cases. Some law centres, such as University House in London, have made effective use of pro bono and have perfected systems to achieve effective and long-lasting partnerships with law firms to scale up quality services for their clients. Nevertheless, legal aid is an important part of the country's justice infrastructure which needs to function optimally so pro bono can complement it.

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

Other than what is already stated above, the Panel does not have any evidence to answer this question.

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

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[43] See quote from UK frontline legal services regulator at para. 10.1 of the LSCP Regulatory Leadership on Access to Justice report (2025).
[44] See The National Legal Service: A New Vision for Access to Civil Justice (2023).
[45] See Law Society Legal Aid Deserts (2025).
[46] See Law Society 21st Century Justice Project – Final Report (2025).
[47] See LSCP Regulatory Leadership on Access to Justice report (2025) at paras. 4.44 to 4.47.

Digital innovation can contribute to more economical delivery models for legal services that may widen access, however, it is important to also note that digital service delivery models need to also include options for human interaction where they are needed. For example, where safeguarding issues are at play such as detecting domestic violence in family law cases, human interaction must be available. Any wider use of technology must address the 'digital gap' so that all consumers' needs are met. It also needs to be considered how new digital tools will sit within a wider legal services market landscape and how they integrate with a variety of legal and wrap around services on offer. The adoption of any digital tools must also take precautions to account for cyber threats and privacy challenges.

Innovation though should not be limited to approaches involving new technology; it should be viewed as a wider conversation about different ways to deliver legal services as opposed to more traditional models. Alternative service delivery models may concentrate on different parts of the customer journey, involve different actors or methods, and not only digital tools. Discussions of innovation should be framed broadly enough to capture all types of positive transformations.

Finally, the Panel has long highlighted the paucity of meaningful data collection by legal regulators, relating to their regulated communities (such as detailed information about what types of law they are practising and services they are offering) as well as the people they serve. This also applies to data that could be useful in identifying access to justice gaps in the marketplace and justice system. Policies that can make a real difference to people's lives must be based on real world information and data. Accordingly, steps need to be taken to ensure that useful information is transparently collected with accessible and user-centred design in mind to encourage high levels of data collection compliance as well as its positive use to foster solutions.

The Panel has forthcoming research on how to improve service delivery for legal services consumers. Frontline advice and legal representation agencies also have valuable lessons on how to use innovative service delivery methods to assist people who struggle with traditional legal service delivery models. Innovation discussions must be user-centric and capture these important learnings which may sit outside the world of Lawtech.

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?

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?**

The Panel does not have any evidence to answer these questions.

We hope you find the Panel's comments helpful. Should you have any questions pertaining to this submission, please contact Heidi Evelyn, Consumer Panel Manager, at Heidi.Evelyn@legalservicesconsumerpanel.org.uk, with any enquiries.

Yours sincerely,

Tom Hayhoe
Chair, Legal Services Consumer Panel

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