Britta Bohlinger – Written Evidence (VUC0072)

This submission was prepared using assistive technology (Equality Act 2010).

Q 1: What is a constitutional safeguard, and how effectively do they operate in the UK?

1.1) A constitutional safeguard is any functional mechanism that prevents state overreach, enforces public accountability, and protects the rule of law. In the UK, the administration of justice relies on a distinct framework of operational safeguards to identify and rectify state error.

1.2) These include HM Courts and Tribunals Service (HMCTS) administrative controls via their multi-tier internal complaints process. They also include local MP referrals to the Parliamentary and Health Service Ombudsman (PHSO), and Judicial Complaints Investigations Office (JCIO) oversight of judicial conduct. Oversight extends to professional regulation of the legal profession, including the Solicitors Regulation Authority (SRA), and police reporting channels, including Report Fraud. Further bodies exist; this list is not exhaustive.

Q2: To what extent is the UK's constitutional democracy under threat, and what are the main threats?

2.1) Contemporary empirical evidence demonstrates that the administrative, regulatory, and enforcement machinery required to maintain the UK's constitutional framework is suffering from systemic failures that actively weaken the rule of law.

2.2) First, the primary civil mechanism for access to justice is compromised; the House of Commons Justice Committee ("Justice Denied – Dysfunctional County Court System" Report July 2025) officially designated the County Court system as "dysfunctional" due to a severe deficit in judges, critical recruitment vacancies, and an inefficient administrative process where physical case files are routinely shipped around the country.

2.3) Second, this committee's own report, "The rule of law: holding the line against tyranny and anarchy", November 2025, formally warned that the foundational rule of law in the UK is actively eroding under these institutional strains.

2.4) Third, the statutory safeguards ensuring the integrity of legal services and the judiciary face severe deficits in accountability; the Solicitors Regulation Authority (SRA) has faced direct parliamentary intervention and statutory enforcement actions following high-profile regulatory collapses in consumer law firms, while the Judicial Conduct Investigations Office (JCIO) continues to operate with significant structural opacity, with performance metrics indicating that the office routinely dismisses or rejects well over 80% of all misconduct complaints at the initial assessment stage.

2.5) Finally, the national "Report Fraud" (Police) and economic crime enforcement infrastructure fails to function as an effective legal deterrent, with critical processing backlogs resulting in negligible prosecution rates for the vast majority of reported offences.

Q 3: What are the main vulnerabilities in how constitutional safeguards currently operate? Do they provide effective protection for the constitution?

3.1) The evidence shows that in more than ten reported cases, Action Fraud refused to investigate due to an alleged lack of "viable lines of inquiry"- wholly disregarding the specific leads provided in the reports.

3.2) The evidence further demonstrates that in over twenty instances across various cases and jurisdictions, HMCTS executed case transfers, issued official documents, and took procedural actions without required judicial oversight.

3.3) In at least five cases, HMCTS unilaterally closed proceedings in the absence of a judicial order.

3.4) Furthermore, the evidence indicates that in at least ten instances, statutory appeal rights or applications to set aside drafts (misrepresented as judicial orders) were either explicitly denied or functionally disregarded.

3.5) Data from the complaints process confirms this stance was rigidly maintained and internal corrective action denied. Subsequently, external guardrails compounded these errors, resulting in a systemic failure.

3.6) Recurring safeguard failures included: a) denial or failure to engage with the substantive merits of the complaint, b) arriving at a decision outside the true scope of the report or complaint, c) unlawful or improper narrowing of the complaint's scope, d) procedural gatekeeping and defensive complaint handling.

3.7) Finally, the evidence establishes that internal system controls were systematically disabled or circumvented. This operational failure resulted in the generation of inaccurate data, the mislabelling of court filings, and the omission of critical documentation from the official record.

Q4: Who are, or should be, the key guardians of the UK's constitutional safeguards? Is there clarity on who is accountable for maintaining them, and are existing accountability mechanisms effective?

4.1) While the senior judiciary is the theoretical guardian of the rule of law, the actual, day-to-day guardians are the administrative staff, caseworkers, investigators across the bodies listed above, who manage the files, cases or complaints.

4.2) Accountability rests de facto within the organisations (and systems) where errors are made, or disinformation is produced. Conflicts of interest compound

the lack of independent and effective safeguards. Over time this has created significant systemic issues that reinforce one another.

Q5: To what extent have changes over the last 30 years increased or decreased the effectiveness of constitutional safeguards?

5) Over the last few decades, increased pressure on budgets and digitisation have materially decreased the effectiveness of these safeguards. While automation and digitisation are highly desirable, the evidence shows severe risks regarding system controls. There is a critical lack of operational checks - such as the four- or six-eye principles standard within the financial sector - and a failure to adhere to professional standards regarding complaint, investigation, and referral handling.

Q6: What comparisons can be drawn with constitutional safeguards in other countries?

6.1) Independent financing and the removal of conflicts of interest are recognised best practice. Where court administration both operates and de facto polices access to justice, oversight is compromised.

6.2) Mature systems prioritise the genuine independence of the judiciary and, even under constraint, strictly separate court administration from judicial oversight.

Q7: Are there any specific changes or reforms that are needed to make constitutional safeguards more effective?

7.1) A robust compliance enforcement mechanism should be established to address any unauthorised or legally inaccurate administrative declaration, document, transfer, or other incident concerning the UK Courts and Tribunals, with controls that cannot be circumvented.

7.2) The UK already has in place policies, frameworks, and corrective mechanisms that compare favourably with many other countries. The issue is not their existence but their accountability and effectiveness, which require urgent improvement.

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