

(Mis)trusting Justice?

Personal stories of legal proceedings in the Criminal and Family Courts

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About Revolving Doors

Revolving Doors is a national charity that aims to break the cycle of crisis and crime. We focus on the 'revolving door' group: those who have repeat contact with the criminal justice system whose behaviours are largely driven by unmet health and social needs. These include combinations of problematic substance use, homelessness, mental ill health, neurodivergence and domestic abuse, often referred to as 'multiple disadvantages'. We combine policy expertise, independent research and lived experience to champion long-term solutions for justice reform that make the revolving door avoidable and escapable. We do this by working alongside national and local decision-makers.

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ICPR, based at Birkbeck, University of London, undertakes academically-grounded, policy-oriented research on justice, producing work which is independent, objective and of the highest technical quality. The audiences for our work include academics, policy-makers and their advisers, civil society organisations, criminal justice practitioners, and the wider public. All our research is informed by concerns with justice, fairness and human rights, and a commitment to bringing about improvements in justice policy and practice.



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Dedication

We dedicate this report to Jeanette who sadly died before the project was completed. She was a dedicated member of the peer research team, bringing warmth, honesty, and good humour to the project. She was a passionate campaigner – believing fiercely that people's experiences of the justice system could, and should, be better. We hope that the findings and recommendations inspire the change that she was so determined to make happen.



Summary



The project

This project focused on lay experiences of the justice system. It was conducted as a partnership between [The Institute for Crime and Justice Policy Research](#) (ICPR), Birkbeck and [Revolving Doors](#) (RD). We used narrative interviewing – storytelling – to help research participants talk about their experiences of the criminal and family courts and about their wider lifetime contacts with legal authorities.

Our findings:

- reveal ‘lived experiences’ of a strained and underfunded justice system;
- highlight the negative impact of lifetime contact with legal authorities and state institutions on people’s trust in and expectations of justice;
- highlight harms that were compounded through involvement in the justice system; and
- identify aspects of judicial proceedings that can build or undermine trust, or entrench mistrust, in the justice system.

Between 2023 and 2025, we interviewed 131 people from across England and Wales who had been involved in judicial proceedings in the previous three years, either as a defendant in the criminal court (60%) or a party in public or private law proceedings in the family court (40%). Two-thirds of participants reported multiple contacts with the courts in their lifetime. This included over a quarter who had had lifetime experience of both the criminal and family courts. For a third of participants, their recent court contact was their first.

The project involved peer researchers who had personal experience of the courts as co-producers of the research. The peer researchers acted as co-interviewers and this helped to build rapport with the research participants, creating space for them to speak openly.

The participants

Approximately half of participants were women and just over two-fifths were from minoritised ethnic groups. Participants ranged in age from 18 to 77 years. Indicators of social marginalisation and disadvantage included care experience as a child (17%); drug and alcohol issues (32%); experiences of domestic abuse (39%); and housing instability (37%). Over two-thirds reported mental health issues (70%). Most participants (69%) depended on publicly funded legal representation.

Assessing (mis)trust

We defined trust in justice as the expectation and subsequent experience of fair, unbiased and respectful treatment from legal authorities. We assessed level of trust in justice from participants’ stories about their lifetime contacts with legal authorities.

The substance of participants’ justice stories resonates with existing research and speaks to many recognised and long-standing concerns relating to access to justice, fair process and the current operation of the criminal and family courts. However, they also offer more detailed and personal accounts of how individuals’ perceptions of the justice system are shaped over a lifetime, including by wider socio-demographic circumstances and community.

Accounts broadly reflected the following themes:

- Long-standing mistrust that was entrenched through recent court encounters
- Prior trust that was undermined by recent encounters
- Aspects of recent encounters – often co-occurring with negative factors – which helped to build or sustain trust or to ameliorate mistrust.

Long-standing mistrust and eroded trust

Many of the stories describing long-standing mistrust were from participants who had multiple contacts with the justice system. Conversely, most stories describing eroded trust were from participants whose recent encounter was their first with the formal justice system.

Long-standing mistrust

- Histories of encounters with the police that were considered harmful or unjust, including being stopped and searched, affected expectations of receiving fair treatment from other parts of the justice system. These concerns were especially prevalent among participants from minoritised ethnic groups.
- Experience of poor treatment from police as a crime victim contributed to historic mistrust. Many of the women we interviewed had been victims of domestic or sexual violence and we heard stories of the police losing evidence, disbelieving women or failing to act.
- Historic mistrust of social services was common, and childhood experiences of social services and the care system marred expectations of the fairness of public law proceedings concerning participants' own children.
- Participants noted a lack of ethnic diversity among justice professionals and the social-cultural divide between themselves and the judicial decision-makers who they felt could not understand their lives.

Eroded trust

For those whose recent justice contact was a first, stories of eroded trust concerned participants' high expectations of 'British Justice' and how these expectations were undermined during their recent court experience.

Unfairness, inhumanity and inefficiency

We identified aspects of recent judicial proceedings that had either entrenched or moderated their existing positions regarding (mis)trust. While the trajectories of those with long-standing mistrust and eroded trust differed, participants spoke of the same three overlapping issues regarding recent court contact: unfairness, inhumanity and inefficiency.

- Perceptions of gender and racial bias and social discrimination were compounded by the perceived unfairness, inhumanity and inefficiency of court processes.
- Participants felt at the mercy of an overstretched and under-resourced legal system. Most participants depended on publicly funded legal representation. This was often experienced as sporadic, rushed and impersonal. The perceived quality of legal representation impacted views about fairness and having a voice in proceedings. In criminal proceedings, some participants felt pressure to plead guilty to reduce lawyers' workloads. Loss of faith in lawyers motivated some individuals to become more actively involved in the proceedings.
- Concerns about evidence were common in accounts of family law proceedings. 'On the balance of probabilities' sometimes meant that experiences of domestic abuse were considered out of scope. Others complained of 'facts' being accepted at face value and without being tested.
- A perceived lack of training amongst justice professionals about domestic abuse and its various impacts was a common cause of complaint from those involved in private family proceedings. More widely, a failure to consistently provide special measures for victim-survivors of domestic abuse displayed to participants a lack of care about their safety during proceedings.
- Participants described court proceedings as intimidating, 'cold' and highly formal. They had often felt excluded, in the background, or silenced and simply 'processed' – rather than listened to as individuals and treated with compassion, dignity and respect.

- Judges who had appeared ‘robotic’, and who made no effort to understand the person or the wider circumstances behind the legal case, created a sense of inhumanity. Some participants had expected to have more ‘voice’ and a chance to speak to the court in their own words.
- Endemic delays and postponements at every stage of the criminal justice process echoed well-documented concerns about the current operation of the courts, created disengagement and increased anxiety. Delays relating to family proceedings took a toll on participants’ contact and relationships with their children.
- Participants also sometimes experienced hearings as rushed and partial. They decried the emphasis on speedy proceedings which they saw as unfair and limiting attention to the details of their case.
- Court experiences caused harm *in addition* to that associated with the circumstances of the case. In line with previous research, court experiences were said to have caused a deterioration in mental health, especially for those involved in family proceedings. A significant minority of participants described feeling suicidal.
- Participants – mostly women – had experienced family proceedings as an extension of domestic abuse, which was sometimes made worse when they were not given special measures in court.
- Judicial behaviour was arguably the most important aspect in participants’ assessments of court proceedings, especially in the family court. A ‘good’ judge was someone who had absorbed or challenged evidence and who helped to rectify earlier system bias and poor treatment. Participants valued judges who gave due consideration to their circumstances and determination to change.
- Lawyers described as ‘good’ by participants were those who responded quickly to queries, kept them informed, explained options and legal terminology and advocated strongly on their behalf.
- When the outcome or result of the case was what participants had hoped for, this did not always lead to greater trust in the system. Participants sometimes attributed positive or fair outcomes to their own resilience and agency (particularly where they had made efforts to become better informed about and engaged in legal processes), to ‘luck’, or to an exceptional professional who had gone ‘above and beyond’.
- Despite only a minority of interviews recounting wholly positive justice experiences, these stories demonstrate that the justice system can work as it should, with high quality and timely support from professionals and treatment perceived to be kind, fair and respectful.

Building and sustaining trust

Participants’ stories, however, were nuanced and only a minority were completely mistrusting in the justice system. Stories offered some clear suggestions for improving trust.

- Compassionate and supportive interactions with justice professionals had a positive impact on trust and helped to alleviate challenges and humanise formal justice processes.

Co-producing reforms

Peer researchers and selected participants were involved in co-producing reforms with justice professionals in a series of policy workshops. These created space for open dialogue about key themes emerging from the research. The recommendations for reform in policy and practice reflect participants’ experiences as well as workshop discussions.

We acknowledge that suggested changes need to be accompanied by wider cultural change across the justice system. This research has taken place in the context of rising court backlogs, declining productivity and staff numbers and at a time when there is significant strain on the legal aid system. We recognise that without larger-scale reform to address these wider issues, effective implementation of our recommendations will not be possible.

Recommendations across criminal and family courts

- 1. Work with people with lived experience of the courts to co-design and inform guidance and information:** Information must be presented in a range of accessible formats, written as well as more interactive formats such as video. People with lived experience can help shape how information is presented to ensure resources are effective.
- 2. Adopt a problem-solving approach that supports meaningful and inclusive involvement of all parties:** Unmet health and social needs and difficult circumstances played a role in participants' contact with the justice system. These wider factors could be better accounted for by applying a problem-solving approach during proceedings. This approach recognises the importance of support to address unmet needs. It also aims to make court hearings less intimidating for participants and to facilitate dialogue between the judge, individual and other relevant parties to create a sense of procedural fairness.
- 3. Ensure legal jargon is reduced during proceedings to improve understanding:** All court staff must ensure that any technical legal language used in proceedings is explained in plain English, and that key terms, definitions or abbreviations are defined and clarified with lay participants.
- 4. Allow flexibility in court hearings to improve wellbeing:** Breaks should be allowed where it is necessary and appropriate so participants can process information, ask clarification questions to their lawyers or support services, or to take time to reflect and regroup.
- 5. Ensure sufficient and consistently available special measures – to help vulnerable and/or intimidated witnesses and parties to participate in court proceedings and feel safe in court spaces more generally:** Participants need to be aware of the different special measures and be confident that they will be available to them in court.
- 6. Improve awareness of neurodiversity, including speech and language difficulties, amongst professionals present in a court room and juries:** Legal professionals and juries need to know how neurodiversity may present and how this can impact someone's ability to communicate so that behaviour is not interpreted as disrespectful or as a sign of guilt.
- 7. Implement a standardised protocol for the management of virtual hearings:** As part of the Courts and Tribunals Service's Remote Participation Approach, HMCTS should ensure that those who attend proceedings virtually are not disadvantaged. It would include making sure that the technology is working beforehand, that the judge engages with the lay person and introduces everyone who is involved in the hearing, that those in the courtroom speak into a microphone and that cameras are turned on.
- 8. The co-development of guidance to improve awareness and clarity on expectations of legal representation, including legal aid:** This guidance will be one of the project outputs. This will outline what people can expect from their legal representative so that they can make informed decisions and challenge when it is apparent that standards (for example around communication and availability) are not being met. It will be co-designed by legal professionals and those with experience of accessing legal representation. HMCTS and the Legal Aid Agency should signpost to this, and we intend that this becomes available in spaces accessed by people in contact with the justice system such as police custody, courts and voluntary sector organisations.

In the criminal courts

- 9. Strengthen communications during legal representation by giving duty solicitors more time with people and in private and encouraging in-person meetings if beneficial:** Conversations between defendants and duty solicitors should take place in a private space and not in courtrooms. Whilst online communications are efficient, legal representatives should respond to different communication needs.

10. Offer defendants the chance to speak at sentencing:

A key research finding was people's perceptions about the limited opportunity to convey mitigation, including remorse, in sentencing hearings. This was sometimes linked to experiences of hastily prepared pre-sentence reports or poor legal representation and sometimes perceptions about mitigation presented by lawyers being ignored or overlooked by the judge. The judge asking the defendant whether they have anything to add to the formal mitigation, would provide an opportunity for defendant voice. This would support the 'problem-solving' approach, outlined above, improving perceptions of procedural justice.

11. Increase the availability of free and independent advice and support for defendants before, during and after hearings:

Defendants would benefit from accessible, non-judgemental sources of information and the option of further support, especially in the context of the court backlogs. The peer research team highlighted the benefits of peer support so that people could access reassurance and guidance before and after hearings from those with shared experiences.

In the family courts

12. Fund charities to support parents before, during and after court proceedings:

This would ensure parties are made aware of what support is available to them early on and have sources of support when the formal proceedings have ended.

13. Allow support services to be consistently present in the court: There needs to be greater flexibility to better support individuals in the courtroom. We agree with the Domestic Abuse Commissioner that there should be a Domestic Abuse Champion, present in family court hearings. They would oversee facilities, training and awareness and collate local data to provide better information about domestic abuse as an issue in family court hearings. There would be benefits of this individual having lived experience.

14. Re-think the design and layout of family courts to create a more supportive and trauma-informed court experience:

The physical layout and design of family courts, including the layout of waiting areas, should be re-imagined, creating more comfortable, human-centred spaces for families.

15. Provide meaningful time and space for families to prepare and reflect:

Families should have designated opportunities before and after hearings to prepare, process information and seek clarification or support. This would help reduce pressure and improve individual understanding and participation in proceedings.

16. Improve judicial continuity and engagement in family court proceedings:

This could be achieved by ensuring judges are well-informed about the details of each case, maintaining consistency by having the same judge follow the matter throughout, encouraging judges to check in during hearings to ensure lay understanding, and provide specific advice on the steps needed for contact or custody arrangements where appropriate.

17. Raise awareness of existing training provision for legal professionals and continue to develop training and resources to increase awareness of domestic abuse, coercive control and long-term impacts of trauma:

This would focus on how domestic abuse can manifest and how the courts themselves can be used as a tool of coercive control, as well as the language used when discussing domestic abuse in the courtroom setting.

Glossary



Cafcass

Children and Family Court Advisory and Support Service is an independent organisation that advises the courts on the best interests of children involved in family proceedings.

Extended determinate sentence

A type of custodial sentence that is imposed on individuals who are deemed to be 'dangerous'.

Intermediary

Communication specialist who supports people to participate in court proceedings.

Legal advice and representation

Legal advice refers to information and support about the legal process at any stage given by a legal professional but not necessarily a qualified solicitor or barrister. Legal representation refers to a legally qualified professional who actively works on behalf of their client during proceedings, including a hearing.

Legal aid

Legal aid is a system of public funding to cover part or all of the costs of legal advice and representation, where individuals are eligible.

MacKenzie Friend

Is a person who provides support and guidance to someone who is representing themselves in court and acting without a qualified lawyer.

Non-molestation order

A non-molestation order is intended to protect the applicant against various forms of harm, including physical violence, intimidation, harassment or other behaviours that may cause distress.

Parental Alienation

Describes a situation when a child rejects a parent due to the influence of the other parent. The current expression favoured by the Family Justice Council (December, 2024) is: 'Unexplained reluctance, resistance, or refusal (RRR) to see a parent'.

Pre-sentence report (PSR)

A PSR is a report prepared by the probation service with detailed information about an individual's background and circumstances and details of the offence to inform sentencing.

Private Law

The private law cases referred to in this report are disputes between two private parties (mainly the parents of the children) over residence and contact arrangements. These are separate from care proceedings (public law) and do not involve the local authority. However, the children will have meetings with Cafcass workers and may also attend hearings.

Prohibited Steps Order

Is a type of court order in England and Wales that restricts a parent or guardian from taking certain actions concerning a child without prior court approval. Common uses of a PSO include preventing the removal of a child from the country.

Public Law proceedings

Public law proceedings also referred to as care proceedings are a legal process initiated by a local authority when they have concerns that a child is at risk of serious harm. They can involve children being placed in the care of the local authority on various court orders which can include care and supervision orders. A child can also be given a foster placement. Public law proceedings can lead to the permanent removal of a child through an adoption order.

Section 20

A Section 20, or Section 20 Notice (Children Act 1989), is a voluntary agreement between parents/guardians and the local authority that allows the local authority to look after the child. This is not a court order (like the SGO) but does give the child 'looked after' status. If the child is looked after and is being raised by a kinship carer, then the carer should be assessed and supported by the local authority as a foster carer. A kinship carer is often a relative, friend, or someone else connected to a child who provides care and support sometimes informally. Other arrangements involve a court order, such as a Special Guardianship Order (see below).

Special Guardianship Order (SGO)

A Special Guardianship Order is a public law court proceeding that grants a person or persons (other than the child's parents) parental responsibility for a child, until they are 18 years old. This is an alternative to foster care or adoption.

Special measures

Special measures are adjustments to help vulnerable and/or intimidated witnesses and parties to give evidence or participate in court proceedings, introduced in the Youth Justice and Criminal Evidence Act 1999. For example, the witness might be permitted to give evidence from behind a screen or via video-link.

Trauma and trauma-informed

Trauma refers to the long-lasting negative impacts on someone's emotional, physical and psychological wellbeing due to an event or experience. A trauma-informed approach recognises the impact of trauma on individuals and aims to increase practitioners' awareness of how they can create a safe and supportive environment.¹

¹ For further information on trauma-informed approach, see: <https://www.gov.uk/government/publications/working-definition-of-trauma-informed-practice/working-definition-of-trauma-informed-practice>

Introduction



1.1 Some background

This project was developed to investigate how lay people experience the justice system. It was an opportunity to hear first-hand from those who had recently been involved in judicial proceedings, either as defendants in the criminal court or as parties in the family court. Judicial proceedings adjudicate disputes between individuals and individuals and the state. They are situations where the law has entered people's lives², whether by force or invitation. Court hearings are formal encounters between legal authorities and the public, and interest in how lay people view judicial proceedings aligns with broader concerns about maintaining – or improving – public trust in the justice system.

It was our contention that to better understand how people see the criminal and family courts, we also needed to consider trust in the broader components of state authority, including the police and social services. Cumulative experiences of public services over one's lifetime will shape people's understandings of their legal rights and their expectations of the justice system.

Procedural justice (PJ) has offered insight into what influences people's assessments of fair treatment. PJ promotes well-evidenced factors, including, the importance of having a voice in proceedings – being listened to and sincerely considered in legal decision-making; being treated respectfully by legal professionals and the neutrality and consistency of decision-making. It also underlines that the public need to see legal authorities as trustworthy³ as it is trust that confers legitimacy. In full circle, trust is engendered through people's experiences of fair and respectful treatment. Trust also incorporates perceptions of distributive fairness in how the law is applied between different groups and

intersections and the effectiveness of legal authorities in the performance of their duties⁴.

We have conducted this research at a time of crisis in the justice system. Media headlines and stories that speak of 'Britain's broken justice system'⁵; a system at 'tipping point'⁶ of 'tens of thousands of lives on hold'⁷ awaiting case resolution and questions about how it has 'got so bad'⁸. Independent reviews of the criminal and family justice systems⁹ acknowledge long-term under-funding, including to wider public services and cuts to legal aid, chronic delays, exacerbated by Covid-19 and the significant pressure and personal toll on justice professionals of systems that are working well beyond capacity.

The court reform programme¹⁰ has sought to introduce new technologies and streamlined systems to modernise the justice system. The rhetoric of reform emphasised making the courts more efficient and accessible to lay people. This has included increasing the use of online hearings, a change that was accelerated by the Covid pandemic. There are, however, gaps in our understanding of how, in practice, people experience new systems, and, more broadly, the implications of an overloaded and underfunded system for trust in justice. It is a time of reckoning for the justice system, and an opportunity to re-imagine the courts, and our research seeks to amplify the voices of those who are at the 'rock face'.

1.2 The project

This project was undertaken as a partnership between [The Institute for Crime and Justice Policy Research](#) (ICPR), Birkbeck and [Revolving Doors](#) (RD). It is co-produced research, in which peer researchers with personal experience of the family and criminal courts have been closely involved at all stages (see Appendix 1).

2 Jacobson 2020; Ewick and Sibley 1998.

3 E.g. Tyler 2003; 2007; Tyler and Huo 2002.

4 Hough et al., 2010; Jackson et al 2012; Farren and Hough 2018.

5 The Times, November 2025.

6 The Evening Standard, November 2025.

7 Financial Times, December 2024; Guardian, December 2024.

8 BBC News, December 2025.

9 Independent Review of the Criminal Courts; Public Law Working Group.

10 Launched in 2016, it aimed to modernise the justice system by reducing complexity and providing new ways for people to engage. This included introduction of new technology and working practices, moving activity out of the courtroom, streamlining processes and introducing online services.

The aims were to:

- gain insight into the ways in which ‘the law’ is experienced and understood by people who are involved in criminal and family court proceedings
- assess recent court experiences within the context of lifetime encounters with justice authorities to investigate how cumulatively these can shape understandings and expectations of legal rights and fair process
- explore lay understandings of the concepts used in justice policy such as ‘effective participation’, ‘access to justice’ and the different aspects of ‘procedural justice’
- use the findings to identify and co-develop policy, practice and legal education reforms through participatory workshops involving justice professionals, the peer researchers and some of the interviewees.

1.3 This report

This qualitative research project has explored people’s experiences of the justice system, with a focus on the criminal and family courts. Our findings:

- reveal ‘lived experiences’ of a strained and underfunded justice system;
- highlight the negative impact of lifetime contact with legal authorities and state institutions on people’s trust in and expectations of justice;
- highlight harms that were compounded through involvement in the justice system; and
- identify aspects of judicial proceedings that can build or undermine trust, or entrench mistrust, in the justice system.

This report provides an overview of these findings, focusing on the implications of personal experiences of the criminal and family courts for trust in justice. We define trust in justice as the expectation and subsequent experience of fair, unbiased and respectful treatment from legal authorities. Drawing from the findings of 131 in-depth interviews conducted for this

project, we look in particular at the significance of factors such as perceived (un)fair or (dis)respectful treatment during criminal and family court proceedings; the availability and quality of support to understand the legal process; the extent to which people have a voice; and the repercussions of feeling confused and ignored. While many issues were common across jurisdictions, we also note what was specific to experiences of either the criminal or family court.

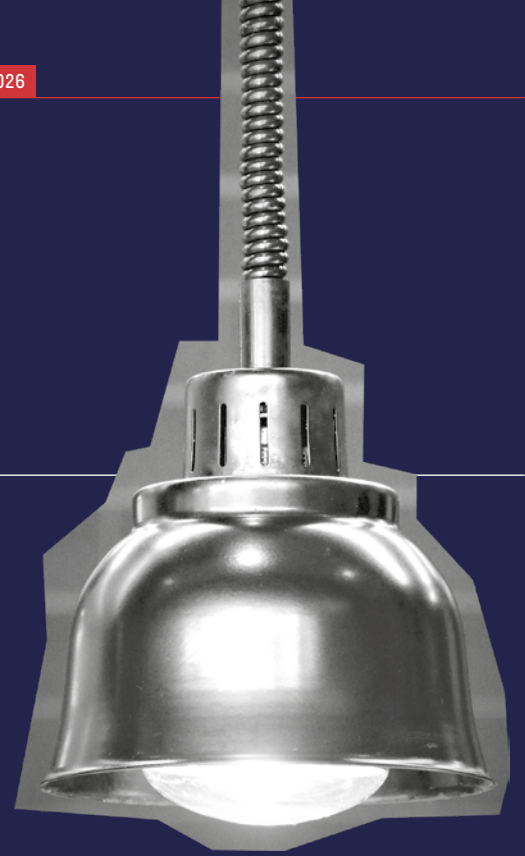
In Chapter 3, we examine personal histories to highlight the ways in which the nature of prior encounters with legal authorities and state institutions can create long-standing mistrust in the justice system. This includes the extent to which these histories are shaped by perceptions of differential or discriminatory treatment based on race, gender, socio-economic status and/or disability. Participants’ expectations of receiving fair, unbiased and respectful treatment in court proceedings are informed by those histories. We also identify what factors were important in their assessments of recent court involvement.

In Chapter 4, we focus on the sizeable minority of participants who, in contrast to those who had long-standing mistrust in the justice system arising from prior encounters, spoke of having had trust in the system that was since eroded because of recent court experience. For most of this group of ‘formerly trusting’ participants, this recent experience was their first involvement in criminal or family court proceedings.

In Chapter 5, we highlight the factors in justice processes, and particularly the qualities of justice professionals, that can help to build or sustain trust, or ameliorate long-standing mistrust, in the criminal and family courts. We describe what made participants feel more engaged and supported in their recent court hearings.

In Chapter 6, we reflect on the key findings and set out the implications for policy and practice reform in the courts. We describe how we have used findings as a springboard for discussion and co-development of reforms in a series of policy workshops with justice professionals and people with lived experience.

2. Methods



The methods are summarised here with further details of methodology provided in Appendix 1.

2.1 Project design, recruitment and interview protocol

Co-production was central to the project design. In practical terms, this involved recruiting and training seven peer researchers, all of whom had first-hand experience of the courts. Five peer researchers were involved in the project at any one time. They helped to design publicity and interview materials, contributed to project outputs, supported recruitment, co-interviewed and took part in analysis sessions. They also co-facilitated five workshops with justice professionals and selected interviewees to discuss the policy and practice implications of findings (See Chapter 6).

Interviewees – hereafter referred to as participants – were recruited through 21 voluntary sector organisations¹¹ across England and Wales, peer support groups, through social media advertising about the research and snowballing through existing contacts and networks. In using a variety of recruitment routes, we intended to contact participants with different justice experiences, including those who had limited or no prior contact with legal authorities before their recent court encounter. We also wanted the interview sample to reflect a diversity of backgrounds and to include people who may have additional vulnerabilities engaging with the justice system. The targets we set regarding gender, ethnicity and age of participants are detailed in Appendix 1.

We used narrative interviewing to support participants to recount their justice experiences. This is based on the idea that we can better understand and make sense of experiences through telling stories.¹² We used generative open questions about what

had pre-empted recent court proceedings, experiences of attending court – in person or virtually – and the period after proceedings had been completed. We also asked about first contact with legal authorities and the extent and nature of interactions thereafter.

We wanted to encourage participants to talk about their experiences of the criminal and family courts in their own way, focusing on what about the process had been significant to them. However, we also probed¹³ to seek clarification on issues raised or for further details, including their observations about the court environment or online facilities, understanding of proceedings, views on legal representation, interactions with the judge and other legal authorities and views on outcomes. Interviews examined the ‘subjective realities’ of participants’ experiences of the justice process, and in-keeping with the narrative approach, we did not seek to triangulate accounts with other sources. Interviews lasted between one and two hours and were recorded and transcribed in full. Core structured data were collected on demographic characteristics, and other biographic information was established through their personal stories. Ethical approval for the research was obtained through Birkbeck, University of London. All the names used in the report are pseudonyms and some personal details in accounts have been changed to prevent jigsaw identification.

2.2 Analysis

We conducted thematic analysis¹⁴ which entailed close reading of interview transcripts to identify themes and sub-themes associated with most recent and wider experiences of the justice system. This included creating a summary of each interview, outlining the extent and nature of contact with different legal authorities and issues associated with their participation and treatment, in judicial proceedings. These interviews offered ‘thick description’¹⁵ of involvement in the

¹¹ See Appendix 1.

¹² Foxall et al 2021.

¹³ Flick 2006; Robinson 2023.

¹⁴ Braun and Clarke 2006, 2019.

¹⁵ Geertz 1973 – Term defines detailed and vivid narrative description from participants’ perspective.

criminal and family courts. However, they were also a personal narrative, and the re-telling will be influenced by factors including their reinterpretation of events over time, changing self-perceptions and, potentially, the repression of some memories.¹⁶

2.2.1 Exploring trust

We did not explicitly ask participants how much they trusted the justice system, although participants did refer in interviews to their level of trust or faith in justice, and sometimes this included mention of high-profile miscarriages of justice, such as the ‘post office scandal’¹⁷. However, an assessment of trust – or a lack thereof – can be gathered from participants’ detailed stories of their contacts with legal authorities and/or their expectations of receiving fair and unbiased treatment by the courts. We found aspects of recent judicial proceedings in the criminal or family courts that had either entrenched or moderated their existing positions regarding (mis)trust. Participants’ accounts broadly reflected the following themes.

- Long-standing mistrust that was entrenched through recent encounters
- Prior trust that was undermined by recent encounters
- Aspects of recent encounters – often co-occurring with negative factors – which helped to build or sustain trust or to ameliorate mistrust.

While there were anomalies, we focus here on these common themes. Many of the stories describing existing mistrust were from participants who had multiple contacts with the justice system and a large proportion describing prior trust were from participants whose recent encounter was their first with the formal justice system.

2.3 The participants

We conducted interviews between March 2023 and July 2025 with 131 people located around England and Wales (see Map in Appendix 1). All had been either a party in family proceedings (40%; 52) or a defendant in criminal proceedings (60%; 79) in the last three years. Of participants whose most recent experience was in the family court (52), roughly equal proportions involved public (28) and private law proceedings (24). Family proceedings covered child custody and contact arrangements (private law); supervision, care, special guardianship, adoption, emergency child protection and revoking of an interim care order (public law). Criminal proceedings included trials and sentencing hearings in the magistrates’ and Crown Court, concerning a range of offences (sexual, drugs, violence, stalking, racially aggravated offences, theft, burglary, fraud, possession of weapons, arson, criminal damage, driving offences and breach).

2.3.1 Contacts with the courts

Two-thirds of participants (66%; 87), reported multiple contacts with the courts, including experience of the youth court (11%; 15). Over a quarter (27%; 35) reported previous contact with both the criminal and family courts. For a third of participants (34%; 44), their recent experience was a first involvement in court proceedings.

2.3.2 Socio-demographic information

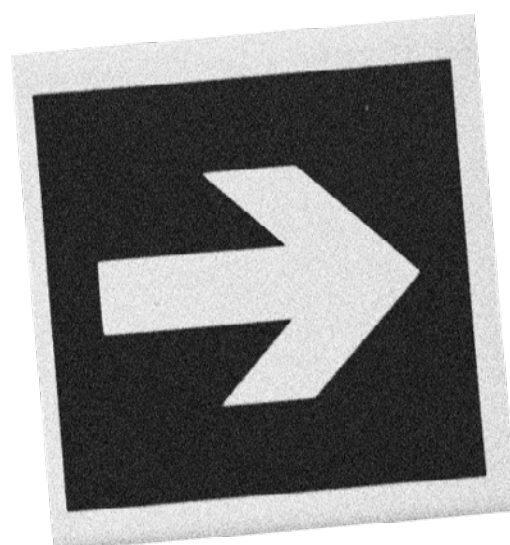
Approximately half of participants were women (48%; 63) and just over two-fifths (41%; 54) were from minoritised ethnic groups (see Table A1, Appendix 1). The large majority (90%; 115) were British nationals. Participants ranged in age from 18 to 77 years. Just under a quarter (24%; 32) were in their 20s (30) or teens (2) and slightly more in their 30s (30%; 39) and 40s (31%; 40).

¹⁶ Flick 2006.

¹⁷ A shorthand reference to the miscarriage of justice involving the wrongful convictions of sub-postmasters and – associated cover-up – based on faulty accounting software.

Nineteen (15%) participants were aged 50 or over at time of interview. Indicators of social marginalisation and disadvantage among participants included care experience as a child (17%;22); drug and alcohol issues (32%;43); experiences of domestic abuse (39%;51) and housing instability¹⁸ (37%;49). Over two-thirds of participants reported mental health issues (70%;92). As an indicator of socio-economic status, over two-thirds (69%;90) of participants wholly depended on publicly funded legal representation and where this was unavailable, for example in some private family proceedings, they often had to self-represent.

The following chapters draw illustrative examples from these personal stories of encounters with the justice system.



¹⁸ This included lifetime experience of temporary accommodation, staying with family or friends and rough sleeping.

3. Long-standing mistrust



While expressions of mistrust by no means dominated all participants' accounts of their experiences of the law, they did feature to varying degrees in the large majority. This chapter focuses on participants who reported having had multiple contacts with the justice system and whose baseline position was one of mistrust in the system and in state authorities more widely. Mistrust was often rooted in long histories of encounters that were perceived as harmful or unjust, including since childhood. They involved personal encounters with the police, courts and social services and their observations of the behaviour of state actors in their local communities.

The effects of historic mistrust can be traced through to participants' expectations and assessments of their recent court proceedings. What is also notable is the interaction between mistrust and harm. We found that experiences of the justice system, and particularly the courts, frequently compounded the harms associated with the circumstances or nature of the criminal or family cases in which they were involved.

3.1 Histories of mistrust

Long-standing mistrust in the police was a recurring theme. Participants relayed personal experiences and observations of poor, violent and racially biased policing in their local communities. Neighbourhoods they described as 'rough' and wider experiences of social disadvantage and marginalisation were referenced in relation to over-policing. Clive said, 'I grew up on a rough council estate in [City], so every time we came out of our house, we had contact with police.' Joe recounted being thrown out of a moving police van aged 13 and, when being held in police custody as an adult, having 'the shit kicked out of me.'

For many of the men and some of the women from minoritised ethnic groups, being stopped and searched by police was habitual, especially for younger participants. The case examples below show this as part of a pattern of interactions that often felt spurious and hostile and offered them no viable means of redress. These early encounters

cemented mistrust in the police, and they affected expectations of receiving fair treatment from the other parts of the justice system.¹⁹

Dejon was a black British man in his 20s, who spoke of his long history of encounters with the police. He had been frequently stopped and searched, dating back to when he was aged 11 or 12 years old, and had been arrested many times prior to his most recent arrest for knife-related offences. All this, he said, had left him 'very ashamed of the law.'

Of the police, he commented: 'They are picking and choosing who they want to arrest and put away.' He described the Crown Prosecution Service as 'very bad people.' Dejon noted how this historic police contact was being used against him in more recent proceedings. 'They are saying these things to the judge, referencing cases to the judges that happened a long time ago, and making up things too... They just pick and choose the really bad parts to sell to the judge, yeah.' In sum, his view was: 'It's the system, it's the law, and fair doesn't really exist.'

Lina was a mixed-race British woman in her 20s, who described being 'stopped and searched a lot of times' while 'hanging out with my friends, it was, like, an estate and then the police used to come with their bully vans, and they used to just ransack all of us'... Lina told us that she 'didn't like the police from a young age.' She spoke of an arrest at 18 years when drunk: 'Three police officers put me on the floor. They've dragged me, put my face on the floor... I was in the cell. I got assaulted by them. They literally beat me up... They ripped off my bra and said that I was going to self-harm with my bra.'

Sita was a British Asian woman in her 20s, whose view of the justice system stemmed first from observing as a child the way the police had treated her father and uncles. 'I've seen it my entire life. I've been pulled out of bed and dragged out of the house. It's been in my life since a very, very young age.' She

19 This reflects findings from Revolving Doors New Generation Policing programme – see Borysik and Corry-Roake (2022).

has had ‘many dirty situations with the law’ and describes multiple examples of stop and search and aggressive policing that she thinks is due to being a British Muslim woman. She felt powerless: ‘You can’t do anything. It doesn’t matter how many times you put that complaint in, it doesn’t matter what badge number you’ve got of them, what name, what address, anything... You cannot fight the law.’

Nimra’s childhood experiences of family neglect and being in care intersected with her account – summarised below – of how she was treated by the police. Like Sita, she was worn down and resigned to being arrested for ‘petty’ crime, choosing not to seek legal advice from the duty solicitor as she saw this as pointless. Her resultant trust in ‘the whole system’ was very low.

Nimra was a British Asian woman in her 20s, who described a childhood blighted by neglect and abuse. She had spent periods in care and had been arrested on numerous occasions, often when her mother made allegations about her to the police after family arguments.

‘I can’t stand the police. I know they’re not all bad... Individually they’re nice people, I’m sure they are, but once they’ve got their uniform on, and once they’re in their little mind-set of, “We’re the police” and whatever, I just don’t like them.’ She described occasions on which she had been arrested and opted not to see the duty solicitor at the police station because

‘when they’re just arresting you over petty little stuff that you know they didn’t even need to arrest you for, and they’re just being arseholes, then you kind of think, what’s the point of me making myself sit in here 12 hours extra, skip the solicitor part, get prints done, and get out.’

She reflected on the justice system in its entirety: ‘In general, the whole system, the care system, the prison system, the sentencing system, the law system, like certain laws and stuff and whatever ... it’s just complete rubbish. ... When I think ‘justice’,

I think: You know what, the next person who goes through this, I don’t want them to go through what I went through... True justice would be to change that whole system because every other kid goes through similar stuff like this; if not they probably might have more brutal stories.’

The quality of treatment received from the police as a crime victim was another contributor to historic mistrust. The majority of the women we interviewed, who had experience of the criminal and family courts, had been victims of domestic and sexual violence. We heard stories of the police losing evidence, disbelieving women’s reports or failing to act. For example, Hannah, now in her 40s, told us about going to the police as a teenager to report sexual abuse – ‘I was 16, and [because] I wasn’t 10 years old, like, do you know what I mean? Nothing happened.’ Sami, also in her 40s, had been assaulted as a teenager, the perpetrator had received a conditional discharge, and Sami felt ‘let down by the whole system because he beat me up really badly. I was made to feel like I was the one in the wrong on the stand.’ Ange felt ‘severely let down’ by the police who she said were ‘blasé’ about injuries inflicted by her partner at the time and had delayed a scheduled visit to assess Ange’s home security in view of her concerns for her safety. As we show below, how the justice system responds to domestic abuse, including the extent to which women were protected during their involvement in court proceedings, was a significant issue for evaluating court experiences.

Historic mistrust in social services was common²⁰, especially, although not exclusively, in interviews concerning public law hearings. A significant minority of participants (17%) had been in care themselves, and David and Billie’s stories – summarised below – demonstrate how childhood experience of social services, marred expectations of the fairness of public law proceedings concerning their own children:

20 This reflects recent Revolving Doors research which found that social service contact can feel overbearing and end up harming trust in authority. See Revolving Doors, Newton and Xantura 2025.

David was a black British man in his 20s. When [social services] told him that the case concerning his child was going to go court, he ‘knew immediately that they were going to dig up my past, that I was in care... If a young person comes out of care and they become a parent, they use their past against them, which I find is very judgmental and twisted.’

In describing his views of social services, he said: ‘I watched these same people take away and adopt my little sister, so I don’t really have contact with my siblings or anything like that. So that’s just to give you a prime example. I come from a family where my father passed away, and my mum went on hard drugs. And I just had [years] in care, moving from [place] to [place]... So, me trusting social services, I don’t really trust them because they don’t really have a spine.’

David spoke of his knowledge through experience that created his inherent mistrust of social services: ‘This is coming from someone who has come from a full care order. I know what goes on behind the scenes, I’ve sat in those meetings... I know they have to swear an oath to make sure that they’re telling the truth. As they go to court as well and they stand in front of a judge, some of these social workers lie... Taking a child away from a father who didn’t have a father himself, it can make some men commit suicide.’

Billie was a white British woman in her 20s. She referred to her family’s ‘reputation’ and their historic contact with social services: ‘We’ve been involved with courts all of our lives, over 20 years of it.’ Billie saw this history as biasing court decisions about her child, ‘I literally felt everyone was against me from day one... It just felt like they were just black-sheeping us. [Social services] don’t care, they just see my name and then it’s straight away, they’ve made a pre-emptive decision... They had to obviously put it through the courts. That’s the way I see it. And that’s the way I believe it. [Social services] don’t care, and neither does the courts. They don’t care about the repercussions of their actions on the people. Once the case is closed, it’s like that’s it. Wash our hands of this.’

3.2 Recent encounters with the law and entrenched or exacerbated mistrust

In more recent encounters with the criminal and family courts, three main factors had the effect of entrenching or exacerbating long-standing mistrust:

- Perceptions of unfairness
- Perceptions of inhumanity
- Perceptions of inefficiencies

While the analytic distinction between these factors assists our understanding of exacerbated or entrenched mistrust, it is important to recognise that these are overlapping and inter-related. For example, processes experienced as rushed and chaotic were readily perceived as inefficient, lacking in humanity, and giving rise to unfair outcomes. Where individuals had been denied a voice or could not understand proceedings, this could be experienced simultaneously as a form of inhumanity and as a manifestation of decision-making that was unfair because it lacked transparency and evidential grounding.

3.2.1 Perceived unfairness and entrenched mistrust

Unfairness encompassed a series of concerns about court process and outcome. It described a justice system that felt heavily weighted against them, judicial decisions that were perceived as biased or arbitrary, legal proceedings that they did not understand and during which they often felt ignored, and legal actors who had little time or energy to represent them effectively.

The assertion of racial, gendered and social discrimination in the justice system underpinned views about the fairness of legal proceedings. Rod told us that he ‘can’t respect the law’ because he sees it as ‘more geared towards punishing the less fortunate than the “well-offs”’. He cites evidence of ‘all these conglomerates and big companies that are breaking the law every day, getting away with millions and millions of tax.’

For Rod, 'the law is triggered to [punish] the less fortunate and demonises the poor.' Participants noted a lack of ethnic diversity among justice professionals and the social-cultural divide between themselves and the judicial decision-makers who, in the words of Leon 'have not come from that type of lifestyle, so they don't understand.'

Richie was a white British man in his 30s, and a person with autism. He has had multiple contacts with the CJS, since the age of 13. He said – 'If you look at who are judges... When you look at the court system, yes, we need educated people, but it just feels very exclusive in terms of, for example, everybody sounds the same. Everybody talks with a similar accent or a similar sort of prestige, if you like... You can see there's a big cultural divide between the people that work in the courts. The people that make decisions all talk in a similar way... It makes it feel like it's this exclusivity of a club that we're just on the wrong side of.'

Neel was British Asian man in his 20s. He has had multiple contacts both with the care system and with the criminal justice system since a teenager. This included experience of child criminal exploitation²¹ which he said the justice system does not understand and he was never considered to be a victim. He told us – 'As soon as I enter the court system, I just feel like it's white privilege, that's the truth. The white men run it... If there are duty solicitors, they're all white geezers who are talking to the judge like they're best friends, do you know what I mean? That's what I've seen. I'm not trying to do the race thing, I've got white kids. It's not a race thing, but I know white power.'

Imane was British Asian woman in her 30s. She had been involved in both public and private law proceedings in the family court. She described the judge in her recent public law hearing as racist – 'first-hand racism,

I received from the judge was horrendous... Oh, "You're married again. He's younger than you, though?" "Why did you want to get married? Oh, did he marry you for a visa?" You know, comments like that... I did not expect sympathy, but I would've expected understanding, and I would've thought that she would've been a bit fairer, knowing full well that she kept banging on about how she deals with, "a lot of my kind." And I was like, "I beg your pardon, "my kind"?" And she goes, "No, that wasn't the right wording. The appropriate wording is Pakistani families"'

Some participants viewed decisions made in their proceedings as being based on 'human' prejudice or judicial mood on the day rather than by evidence and due process – 'pot-luck' justice. Jennifer said she had always had low expectations of receiving fair treatment in the family court, 'It's not going to be fair [as] it is run by humans.' She told us that – 'anyone I've ever spoken to has always said it depends on the judge. If they don't like you, or if they're not in the mood, you're fucked. It's not about the evidence; it's about the judge. You're fucked if the judge doesn't like you.' Jimmy who had long experience of public and private family proceedings said,

'You might get a different outcome from a judge with a different attitude on Wednesday than you would on a Tuesday. There is very, very little consistency in the court process. And particularly when judges change through proceedings.'

There was a strong theme of 'them against us'²² in participants' stories. They understood the power of state authority, they had encountered it throughout their lives, and they often perceived their opposition to it as largely futile. It is always an unfair contest. In the context of public law proceedings, the judge is one of 'them' and will 'never challenge[s] the status quo.' Stephanie's account was typical of this view: 'Only social services are listened to.' She commented that despite 'making it very clear to [my] solicitor that there were a lot of lies within what social services were telling the courts, it was just ignored. I wasn't

21 Child criminal exploitation is a form of child abuse where a child or young person is forced or coerced to engage in criminal activity or commit crime.

22 Jacobson, Hunter and Kirby 2015.

listened to at all.' This view was echoed by April, who said, 'a lot of the time, in proceedings they go with what Cafcass, what the social workers say. Like they did listen to what I had to say but I feel like it was just because they had to. It was sort of a procedure...I don't actually think they took much of what I said into account.'

'Voice' is a key component of procedural justice and fair process²³ and describes the chance to have one's say and to be heard in judicial proceedings. The assessments participants made about having an 'effective voice'²⁴ – or a lack thereof – related to perceptions about how well they had been legally represented. Another factor in participants' evaluations of 'voice' and of being listened to in court, was their appraisal of what had counted as evidence in the proceedings, and how well that evidence had been tested. Concerns about evidence were common in accounts of family law proceedings. Participants – mothers and fathers – noted the repercussions as they saw these, of the standard of evidence applied in the family court. 'On the balance of probabilities' rather than 'beyond all reasonable doubt'²⁵ sometimes meant that their experiences of domestic abuse were judged to be out of scope for consideration in the proceedings. Others complained of 'facts' that were accepted by the court at face value. The case examples below provide an illustration of these concerns.

Guy was an Asian man in his 40s. In the past few years, Guy had been representing himself in private proceedings regarding contact arrangements for his child. Guy was not entitled to legal aid, and he could not afford to pay for legal representation. He did not feel heard by the court and described presenting his case to the judge as 'like 'speaking into the void' or being 'in outer space where nobody can hear you scream.' In part, he thought this was because he did not 'speak the [legal] language.' He was not a 'proper lawyer' and 'you can only do what you can.'

And all you can do is point out to the judges that you are not a lawyer.'

Guy said that 'there is no bias in the law... [in] the way the laws are written [and] there's no bias towards male or female. The problem is the people implementing [the law] that don't see things the same way.' A main complaint of his was the standard of evidence required for family court proceedings, on the balance of probabilities, and in Guy's view, there was no rigorous litigation of what is accepted as fact.

'I'm literally being told at the moment to accept something that's not the truth... just because they keep saying it, it doesn't make it's the truth. [Judges] go, "we don't really want to know the nitty gritty"'. Guy said he thought 'maybe it was just a case of bad luck and it's a case of that you got the wrong judge on the wrong day. But you can't have bad luck all the time.' When reflecting on his experiences of judges, he said 'I honestly can't say I've came across a good one. I've heard rumours of good ones from other people... They just seem to go out of their way to turn around and interpret things badly. [I know] it sounds like sour grapes.'

Imane was a British Asian woman who had been involved in public and private family proceedings concerning her children. Imane said the domestic abuse that she had suffered from her ex-husband was not recognised by the court. She was questioned about it in court – which she found distressing – but her lawyer was prevented from talking about the abuse during proceedings.

'Every time my barrister would say something, the judge would shut him down. She didn't even allow him to talk. And like, she kept saying, "Oh, no, there was no fact find made," about my ex being abusive, "So, we can't bring that in" ... So, it was a different rule for me and a different rule for them.'

23 E.g. Tyler 2007; Tyler and Huo 2002.

24 McKeever 2020; Hunter and Campbell 2026.

25 Standards of evidence in family law differs from criminal law when it comes to establishing the necessary standard of proof. Instead of putting a case before a jury of the public to determine if the defendant did the act "beyond all reasonable doubt", each party must make their case directly to a judge who will apply the "probability" test and decide whether it is more likely than not that the event occurred.

‘No one should have to justify that they’ve been a victim of domestic violence, regardless of their gender, regardless of their colour, regardless of their religion. And I’ve had to do that, I just want everyone to be aware that this family court system is so biased and so one-sided, there’s not even any point of going to court, because you know what the outcome is going to be.’

She described some of the difficult questions she had been asked. ‘The judge could see how uncomfortable I was... She was asking me, “Oh, you said he raped you, but you didn’t go to the police?”... And there were male barristers there.’

Most participants depended on publicly funded legal representation in criminal and public law family proceedings and some of those involved in private family proceedings where there were allegations of domestic abuse. This was often perceived to be less thorough or rigorous than legal representation that was paid for privately. In over a third of all interviews, participants – unprompted – expressed the view that the quality of legal representation would be better if they had been able to personally pay for this. Rod said, ‘duty solicitors don’t give a damn’ and Luis, ‘that they work with the police and they don’t really represent the defendants.’ Participants felt at the mercy of an overstretched and under-resourced legal system, echoing the well documented concerns about the current operation of the courts.²⁶

Legal representation was often experienced as rushed, impersonal and inadequate. This could mean having only met the lawyer for ‘10 or 15 minutes before the hearing’ or an unexpected change in the lawyer who has been working on your case, as described by Gary: – ‘On the day of the sentencing, as I walked into the room to have a chat with the supposed solicitor I’d been dealing with, another guy pops up and sort of said, “Hi, I’m your solicitor for the day. I don’t know anything about you because it’s just been chucked at me. I’ll have a quick look through your records”’.

Frank had wanted more guidance from his lawyer about the likely outcome of his criminal proceedings. He thought the lack of time for such legal conversation was because he was in receipt of legal aid: ‘I mean the outcome wouldn’t have changed, [but solicitor] not getting involved so much, I mean just a bit of guidance to say, “Look, this is what you’re looking at.” I think it would’ve changed my outlook and my preparations for what was coming down the line... got me a bit more prepared [for prison], if you’re still clinging to that little bit of hope.’

However, participants also understood the financial strictures of legal aid fees for lawyers and surmised how this would impact the extent and quality of the representation they would receive. Hattie, who had been involved in public law family proceedings, said, ‘When you go on legal aid, they don’t like to overdo too much work for you because they’re not effectively getting a lot of money for it are they? If you were paying for their services, then they’d put a lot more work in.’

In criminal proceedings, some participants talked about feeling pressure to plead guilty. They recognised lawyers’ large workloads and the limits to what was possible when dependent on legal aid. Barry said, ‘I think that the changes to legal aid have really impacted the fact that people will take that advice to plead guilty, get it out of the way, and then have them presenting mitigating factors rather than actually taking something to trial.’ Lina, told us she had pleaded guilty on the advice of her solicitor. He had told Lina, “I don’t want you to go to jail being pregnant... Instead of doing all the talking and stuff like that, just plead guilty”’. Lina described this ‘as a bit of a bummer, you know? [because] I wasn’t [guilty].’ She also noted of her solicitor, ‘I just felt like sometimes when you get free solicitors, he used to have so much paperwork and so much stuff to do that he’s just overwhelmed.’

The examples below, from Kelvin and Annie, reveal failings in terms of their legal representatives’ attention to the detail of their case or the limited capacity to challenge judicial sentencing decisions. They also demonstrate how this loss

26 E.g. Levenson (2025) The Independent Review of the Criminal Courts; Criminal Justice Joint Inspection (2022) The impact of the Covid-19 pandemic on the criminal justice system – a progress report; Independent review of Children’s Social Care (2022).

of faith in their lawyers had motivated them to become more involved in the proceedings or their aftermath (also discussed in Chapter 5).

Kelvin was a white British man in his 20s, who had been charged with firearm offences. He was unhappy with his legal aid lawyer as they did not challenge his extended determinate sentence²⁷ (EDS). Kelvin said he had found out that this sentence is reserved for violent offences, and his offence was possession of a firearm. He was given a 10-year custodial sentence.

‘So, obviously, at the start, there’s not really much for [lawyers] to do. But when it came down to later on in the case, there was stuff that they’d missed out on, or they didn’t pick up on in the first place, which obviously eventually ended up with me getting an unlawful sentence.’

Kelvin’s family had helped to pay for a solicitor to appeal his sentence. He talked about educating himself and telling the lawyers that the EDS had been wrongly applied in his case.

‘At first...I thought, “Okay, cool. My solicitors will deal with it”. They will deal with the whole situation, and I’m just, kind of, sitting back waiting for that [sentencing] date, sort of thing. But obviously, as [time] went on, I realised when I’m chatting to other people as well, you’ve got to do your homework. You can’t just rely on [lawyers]. Because you’ve got to think, with duty, free solicitors, legal aid and whatnot, they’ve got about 20, 30 different cases they’re dealing with. You’re just one in the bunch... So, a lot of stuff, they’ll miss out on.’

Kelvin’s appeal against the EDS was upheld, and he was released after his sentence was reduced and he had already served over half, including time on remand. He told us that his appeal had been fast-tracked as the CPS had acknowledged the error that had resulted in his ‘unlawful sentencing.’

Annie’s account, below, tells of her risk of a harsher sentence had she not spoken out in court, when her lawyer had failed to challenge erroneous remarks made about her by the judge in her sentencing hearing. Annie had understood that as the defendant ‘you’re not supposed to talk’ but had felt impelled to speak up because her lawyer had not done so.

Annie was a white British woman in her 40s, who has had multiple contacts with the CJS and had also been involved in private family law proceedings. Annie said she was brought up to respect the law by her parents – ‘it was drummed into me, not to break the law’ – and she felt a lot of shame about her criminal convictions. She told us that her most recent offending was linked to her drug use and declining mental health following the breakdown of her marriage and the loss of her job.

‘My medication wasn’t working. I was using it to get through the day. Looking back, I was in a deep depression. Sleeping all the time... My house wasn’t clean. I wasn’t looking after myself. And then my friend, well “friend”, said, would I like to make some money. So, I did a drug run.’ Annie was caught; she cooperated with the police and pleaded guilty early on. She was remanded before sentencing and during that time, she ‘hardly spoke’ to her solicitor ‘it was a joke.’ She described meeting her barrister for the first time at the sentencing hearing – ‘He was very vague on everything...He didn’t seem to know what was going on.’

In his sentencing remarks, the judge said that individuals like Annie never cooperate with the police and Annie had to interrupt to tell the judge that she had indeed provided information to help the police case. ‘They all looked like a deer in headlights. They were like, “What?” And then my barrister spoke to [prosecution] barrister and was looking through the notes and she was like, “Well, I haven’t got that written down.” ...

27 See Glossary.

So, if I hadn't said something when I was supposed to be quiet, I'd be in there for a lot longer... I could still be in prison now if I hadn't stood up for myself.

Annie's view of her sentencing hearing was that 'Nobody really gets your story. They only get part of what's going on, part of why you did something. They don't understand the ins and outs of it.'

3.2.2 Perceived inhumanity and entrenched mistrust

A sense of inhumanity characterised court proceedings that were often experienced as intimidating, 'cold' and highly formal. The court was described as a space where participants had felt excluded, in the background, or silenced and simply 'processed' – rather than listened to as individuals and treated with compassion, dignity and respect. Demi observed of judges she had encountered in the family court, 'They don't really interact with you so much, they interact more with the solicitors and the barristers. It's like you're just not there.' Matt who had been representing himself in private law proceedings described his experience of feeling silenced in court. Matt was an armed forces veteran with post-traumatic stress disorder (PTSD), he had wanted to provide this background information, including the impact of his PTSD on his parenting, in his submissions to the court:

'I was talking. I just took the chance to speak. And [judge] just cut me off after about three minutes and said that I wasn't getting to the point. So, after that, I didn't say anything at all. Her exact comment was, "Can't you just get on with it?" And I was just like, what?'

Lara said she had been 'terrified, anxious and claustrophobic' while sitting in the dock at the beginning of criminal proceedings: 'I just felt a bit like there were so many people in the room. Some people were nothing to do with the case, but they were just in there. It just felt a bit like a human zoo.' Richie's positioning in the dock had accentuated his exclusion from the proceedings as he also had hearing difficulties, '[The dock] has

usually got thick glass, if people don't speak into the mics, I can't hear what they're saying, I could [only] hear little snippets of what was going on.'

Sita had pleaded guilty to an assault charge. She said the judge at her sentencing hearing in the magistrates' court 'barely even spoke' and was 'very, very rushed. It was like, "Just get it over and done with, sentence her and get it done and get out"'. To Sita, this had felt inhumane, as she explained: 'There's a certain way of treating people, because everyone's human no matter what wrong they've done in life, everyone is still human. Everyone still has the right to be stood there and be spoken to like a human.'

Stories highlighted the perceived absence of, or a deficit in, understanding or empathy from the court about an individual's circumstances; the human story that lay behind the legal process and that participants had wanted the court to hear. In reference to the family court, we asked Billie what words she would use to describe her recent public law proceedings. In response, she said – 'What's the opposite of compassionate? Just harsh, cold-hearted. Because they do not have a heart when they talk. And that's what they need. I'm sorry, but if you're going to judge someone, you need to show a bit of heart.' Olivia, who had also been involved in public law proceedings, said she had been 'very open and honest throughout my assessments' about 'what I'd been through growing up, but the judge treated me like I wasn't a human being. There was no empathy, there was no compassion, there was no respect. I would be interrogated rather than questioned, to the point where the aim of the court hearing was to break me.'

Nancy's account, below, illustrates well another key theme in this regard: women who were victim-survivors of domestic abuse feeling further punished rather than supported by the family court. Women felt blamed for failing to protect their children from domestic abuse. Nancy said she had encountered several judges over the course of public law proceedings concerning her children. She said one judge had suggested she was 'faking the abuse,' despite police reports confirming this history of violence. Her general view of judges was that 'they don't see it from the mother's point of view, [nor understand] what the mothers have been through.'

Nancy was a mixed-race British woman in her 30s, who was involved in public law family proceedings concerning two of her children. She told us:

‘From personal experience, and mothers I’ve spoken to, when mothers go through domestic violence, and they’ve got an alcohol and drug issue, they [social services and the court] don’t see the root of why that is, and why the mothers have taken drugs and alcohol. It’s to mask the pain you’ve been through, and what you’re going through with your abuser. It’s not just physical abuse, it’s emotional, and mental abuse, as well... The bruises heal, but the mental abuse is very, very hard because of the coercion and things, and you end up being beaten down. And then, you just think there’s no hope. You just want to give up. And they don’t see it from that perspective. They don’t think, “Okay, right. This is what the mother has been through. What can we put in place to help the mother, and to help the child?”’

‘I was in court, and they were saying, “Why didn’t you leave your abuser?” And things like that. And I said, “It’s not that easy.”’

Some participants who had experience of both the criminal and family courts, noted that mitigation in the sentencing of criminal offences was an opportunity for more personal circumstances and challenges to be raised and acknowledged by the court, and there was no equivalent process in family proceedings.

Participants were especially alert to how judges responded to mitigation presented by their lawyers, and they also noted when mitigation was seemingly ignored or rejected by the judge. Annie, said of the judge in her case: ‘He didn’t take any notice of [the good things] said about me’ in character references or the letter she had written to the judge expressing her remorse, rather ‘he made me sound like Pablo Escobar.’²⁸ I’m not part of a gang. I’m just a woman with a fucking drug addiction.’ Joe, said of the judges he had encountered, ‘I’ve never come across

a judge who’s tried to understand you before sentencing. They’ve just gone off what’s on paper in front of them. It’s their job to be very stern, very hard-faced.’ Jan, in the example below noted the criminal justice system has no interest in understanding nor addressing ‘why people offend.’ Others had expected to have more ‘voice’ in their sentencing hearing and a chance to speak to the court themselves rather than through their lawyer (see also Chapter 4).

Jan was a white British woman in her late 60s. She has previously served in the military and had a long history of contact with the criminal justice system (CJS), including spending time in prison. She had been homeless and had suffered from periods of poor mental health. Jan said the CJS absorbs those failed by the welfare, health and social systems but she condemned the CJS’s treatment of people with mental health problems.

In discussing her recent criminal proceedings for fraud, she felt her sentence was overly harsh and that the judge had not considered the mitigation which had presented some of her wider life story. Jan felt that justice and being treated with respect demands a full assessment of the individual – ‘You should be treated with respect by the system that is going to determine your future’ and ‘the sentence should be reflected in the crime, not just picked out of a hat and, “Oh, well, before they do it again, we’ll give them a harder sentence.” The CJS has no interest in why people offend. They don’t ever say, “Well, why? What has brought you here?”’

Failings in the provision of special measures²⁹ to support people’s involvement in court proceedings might have resulted from poor communication between legal professionals, but it also displayed a lack of care about the safety of participants in judicial proceedings. For example, Lucy described her experience of requesting special measures during public law hearings she was expected to attend. Lucy was concerned about her safety in court but also when she left the court building, something she felt the judge had failed to consider.

²⁸ Pablo Escobar was a Colombian ‘drug lord’.

²⁹ See Glossary.

Lucy was a white British woman in her 40s. She had an unspecified criminal conviction for which she had received a prison sentence. The public law proceedings concerned the care of her child who had been subject to a voluntary agreement³⁰ during her imprisonment and was now back with Lucy with some oversight from social services. Her ex-partner – and father of the child – had been violent towards Lucy and he had wanted to attend the proceedings.

For an in-person hearing, Lucy had requested special measures ‘but ...to cut a long story short, even though we’d asked, and we’d [Lucy and her solicitor] requested [special measures] via email, there was no note of “this woman needs a screen, and she needs a separate room” ...There was no evidence that we’d asked for that. That wasn’t put in place.’ Lucy was very worried about seeing her ex-partner in court. ‘I arrived alone. I was really jumpy.’

Lucy chose not to attend a subsequent hearing. ‘I kept saying to [solicitor], “Well, how are you going to keep me safe when he’s there?” It was fine [when] I was attending when he was in prison. Because obviously, he’s been in prison. But he’s out...The thought of seeing him just really panics the hell out of me. But secondly, I know exactly what he’d do. If he had the opportunity, he’d be following me up the road, and following me home. And then, my baby gets put back into care until I move again. I don’t want to keep moving. I shouldn’t have to. So, I wasn’t attending.’

I said to my solicitor, “You need to ask the judge.” They don’t reply to any emails that are sent to [family court]. They don’t reply. [...] So, I joined on a video link, and [the judge] tried to tell me off. He said – “There are things in place to keep you safe, blah, blah, blah”. I said, “There are things to keep me safe whilst I’m in the building...What is to keep me safe when I leave? You’re not thinking about that.”

3.2.3 Perceived inefficiency and entrenched mistrust

The current state of the criminal and family justice system, the backlogs and chronic delays and the impact of this on the lay people and justice professionals involved, are well documented³¹ and the subject of various independent reviews³². Participants’ stories revealed their personal experiences of a struggling system. Baden, who was discussing his neurodiversity in the interview, made a comparison between traits he associated with his ADHD and how he had experienced the inconsistencies and inefficiencies of the criminal justice system. He said:

“It’s almost like the criminal justice system has ADHD. It’s inattentive. It’s hyperactive. It rushes things. It misses things out. Sometimes it sounds insensitive. Sometimes it’s argumentative. Sometimes it reacts completely irrationally.”

Malcolm found himself back before the courts after a break in his offending of some 20 years. He told us that he could see how much things had changed in that time in terms of the speed of the legal process and the support available to him as a defendant.

Malcolm was a white British man in his 70s. He also disclosed that he had learning disabilities. He compared this recent experience with his previous court contacts, noting things back then were ‘A lot quicker than it is nowadays. But with the overcrowding in prisons, and whatnot, it’s no wonder courts are taking their time.’

Malcom also saw a decline in the level of engagement and support provided by legal teams and probation. He suggested that his earlier experiences of legal representation involved more personal, ongoing contact, such as visits in prison or at home, which helped to build trust and better prepare individuals for court.

30 Section 20 voluntary agreement. See Glossary.

31 See Rowland 2025; Thomson, Ratcliffe and Gibbs 2026.

32 Levenson 2025; Gauke 2025.

'Not all the time, but in the past either a probation officer would come and explain to me what's going on, what's going to happen, or, if I had a good enough solicitor, he would say, "This is going to happen, that's going to happen." If I didn't know anything the judge was saying, because they use big words that I don't understand ... Well, the solicitor would be sitting near me, and he would be explaining to me what that judge is talking about. They don't have that nowadays.'

Inefficiencies included endemic delays at every stage of the criminal justice process. This had the effect of creating disengagement – hoping it might all be forgotten or go away – or stress arising from the uncertainty of waiting to hear one's fate. Delays were experienced between initial police interviews and being charged; for example, participants reported being 'released under investigation'³³ for well over a year before charged with an offence. There were further delays between charge and plea and between plea and trial or sentencing hearing. Idris described the CJS as 'slow and archaic. It's an old system..., especially how long remand time takes [or] people are just bailed, waiting forever.' Jed said, 'I've tried to forget about it, obviously, but it's roughly around a two-to-three-year period from it starting to [me] going to prison... It was very anxiety-driven, not knowing what's going to happen, not knowing what's going on.'

Delays also meant significant time spent on remand awaiting sentencing; we had reports of custodial sentences that had been already served by the time of the sentencing hearing. Yassine, said the constant adjournments to his sentencing hearing were 'upsetting and a lot of time was wasted.' He was keen to begin his sentence, to get access to relevant interventions, 'I know the sooner you get sentenced, the sooner you can go to a sentence prison, the sooner you can do, [various courses]'. Levi told us it took four years – 'really and truly' from initial charge for possession of a firearm to his sentencing, and he spent some of that time on remand. He described the many false starts and adjournments to his eventual sentencing:

“ [Prison] would wake you up early because when you're going to court, around 6:30am. And then they keep you downstairs in the reception for like an hour. They would stop at my prison first and then they would go pick up other prisoners who were going to court... And then you will sit in the [court cells]. Because when you go to court, you're there for the whole day... And then the judge is like, "Yeah, we're not going to see you today". It's stressful, because now you have to just sit in a holding cell for the whole day, going out of your mind, doing nothing, literally. ”

In relation to the family court, we were also told of delays and postponement to public law proceedings: 'Social services keep asking for more time.' Leona, for example, had appeared both in-person and in virtual hearings over a period of over a year and described the process 'as a lot of backwards and forwards' and Erin reported being present at 'about 14 different hearings' spanning a two-year period.

Descriptions of virtual hearings in the family and criminal courts included experiences of technical issues that hindered participation. Susan and Stephanie had attended public law hearings online. Susan said, 'there would be times where the computer would freeze, or I wouldn't be able to hear certain things. I guess I was kind of, I don't know, frightened to say anything because it is all a bit new, to be honest.' Stephanie noted that 'it was very easy to be ignored online.' She explained her WiFi signal 'isn't very good and when people [were] talking, people's mouths are all moving at different times and the system is trying to catch up. It was always freezing. It was a dire mess.'

Dane attended hearings via prison video-link. He described this experience as 'confusing'. He told us – 'There would be 10 people all sat there [in court]. I would be thinking, "Who the fuck are they?"' It was [only] "Just say your name and sit back down". Dane also cautioned that those present in the courtroom had no awareness of the 'chaos' of prison video links. He said, 'the cameras are always going off. ... but you have probably got 10 [video-link] rooms all running at the same time.'

33 Released under investigation describes a situation whereby an individual is released from police custody without charge while the criminal investigation continues.

And there are always fights there because you have got co-de's [co-defendants] in the same jail who might be saying different things.'

3.3 Harms and long-standing mistrust

Many of our participants with long standing mistrust described court experiences which, in themselves, had caused harm – that is, harm *additional* to that associated with the circumstances of the case. These findings support existing research highlighting the mental health impacts of involvement in family law proceedings³⁴ and experiences of 'secondary victimisation' most often associated with victims of crime.³⁵ We have highlighted below the accounts of some participants involved in family proceedings, who had experienced these as an extension of domestic abuse, made worse when they were not given special measures in court.

Harm was compounded by the perceived unfairness and inhumanity of the justice process, of feeling ignored and silenced during proceedings. This included participants describing the harms of racial bias 'that was when I can say I've experienced racism ...in family court. The court was cold to me and was unfair to me.' [Dwight].

Participants directly associated their court experiences with a deterioration in their mental health, or as exacerbating existing mental health issues: 'the aim of the court hearing was to break me.' [Olivia], 'that's why I've got PTSD, because you know when you're reliving everything constantly, day in, day out, it repeats in your head.' [Imane]

Jimmy, who was a victim-survivor of domestic abuse told us he had found the family proceedings more 'traumatising' than the abuse. In part this was because Jimmy felt that one of the judges overseeing his case 'didn't like the notion of a male survivor-victim.' I was on the phone to Samaritans at one point [after proceedings]. I couldn't speak for 20 minutes because I was bawling my eyes out, you know. Was I about to kill

myself? No, but I was in a really bad place, because of everything that was going on.' Bella compared the physical abuse she had experienced in her relationship to the six years of 'legal fighting' that followed. Bella described her family court experiences as 'absolute and utter hell.'

April, who had been involved in public law proceedings online, described this as 'one of the most stressful situations that I've ever had to go through.' It was made worse 'because it was Covid as well. I couldn't have, not even like, a visitor or someone to help me or anything. I was on my own and [dealing with online hearing] with a new-born as well.'

A small but significant number of participants described feeling suicidal. This was more common amongst the participants involved in family proceedings. For example, Erin who had experienced public law proceedings that resulted in her children being adopted, told us how she had felt in the courtroom.

“You know when you're in the courtroom, and you just want to cry? Don't show it. Just stand there. Yeah. Because that's what they want. I feel like they physically wanted to break me, as a person, and they really did. It's taken me years to get to this point, and I would still say... well, I'm not on suicide watch now, by the doctors. I've got so many people around me. I am in a good place, but I'm far from being a normal person, or living a normal life.”

We heard a similar account from Lara about her state of mind during her recent criminal proceedings:

34 E.g. Dalgarno et al. 2024; Domestic Abuse Commissioner 2023; Hunter, Burton and Trinder 2020.

35 E.g. Orth 2002.

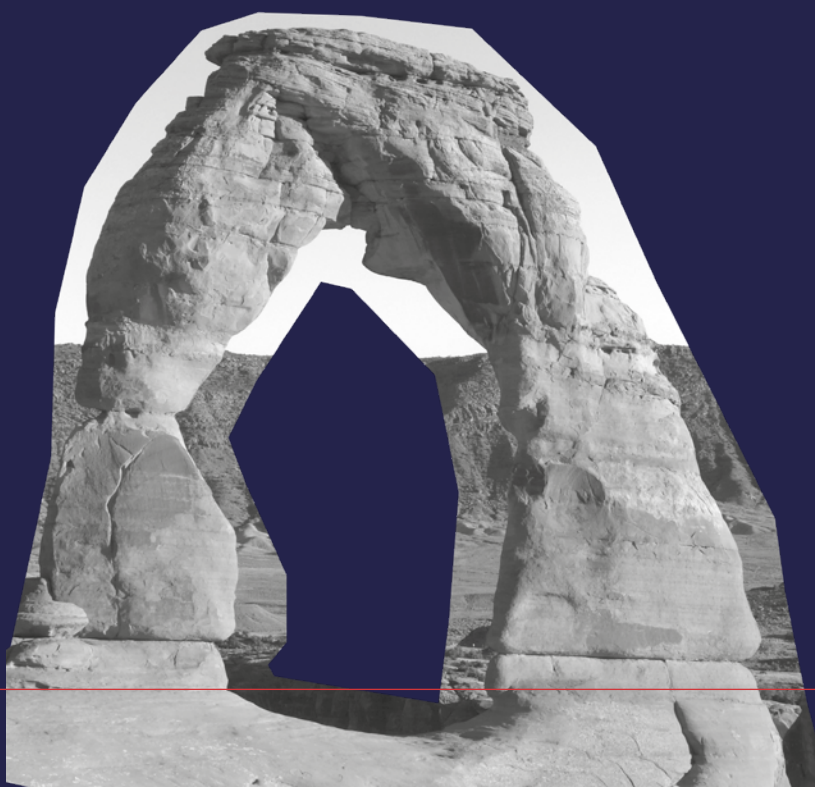
“I looked unwell. Visibly, if I looked at somebody [like me] I would be like, “That person is not very well,” I was just terrified, and I was anxious, and claustrophobic. And I have certain fears and things, due to past traumas. So, even being locked in the little dock thing, that was a lot for me. I literally felt like [process] had brought up so, so, so much stuff, and it just made my drinking and my smoking worse. It made me [feel] suicidal I don’t think they should’ve let me be in the court all by myself, sitting there by myself, so distressed, and feeling so attacked, and not having anybody checking in with me.”

- Participant voice becomes even more pressing considering the common perceptions and experiences of poor or limited legal representation.
- The backlogs and delays in the justice system are well documented but here we were told of the impact of those delays for participants’ lives, including when trying to move on from court outcomes, and their efforts or focus on rehabilitation and recovery.

3.4 Key points

- Every contact with the justice system and state institution counts towards future trust and expectations of justice. Mistrust builds over time and it reflects multiple experiences of poor, unfair and disrespectful treatment from legal authorities. This includes both personal experiences and an awareness or observation of the treatment of others who are part of participants’ communities.
- Structural disadvantage, including experiences of social, racial and gender inequality, affect the ‘baseline’ position regarding trust in the law and expectations of fair treatment in the justice system. This is compounded by the seeming lack of social and ethnic diversity among justice professionals, who were often deemed by participants to lack any insight into their lives and circumstances.
- Stories offer a deeper understanding of fair treatment in court. Legal professionals tend to equate ‘voice’ and the court’s obligation to listen, with legal representation. The lawyer will filter what is relevant to the proceedings on the participants’ behalf. Participants defined voice in a much broader way. They often felt silenced or ignored in formal proceedings and were highly attuned to how the judge treated them, including the attention the judge gave to their wider circumstances and in mitigation.

4. Erosion of prior trust



A substantial minority of the participants indicated that they had once been trusting of ‘the law’ but described the ways in which this trust had been eroded or undermined because of recent contact with the criminal or family courts. For most of this sub-group of participants, their recent experience of the courts had in fact been the first time in which they had been directly involved in court proceedings. It is these first encounters with the courts, and the way these encounters undermined prior trust that is the focus of this chapter. Unlike the participants discussed in Chapter 3, the law had not previously ‘intruded’³⁶ into the lives of these ‘formerly trusting’ participants in any significant way but had been something much more abstract and remote. Their stories described frustration, disillusionment and distress at a justice system that did not function in the way they had expected.

4.1 Recent encounters with the law and the erosion of trust

Participants describing a first recent contact with the courts included involvement in criminal and family court proceedings. With regards to the family court, this was more likely to concern private rather than public law proceedings. They also differed from those who reported multiple contacts on key indicators of socio-economic disadvantage. For example, they were more likely to have paid for legal representation than received legal aid and, overall, less likely to report histories of care experience, housing instability or drug use (Table A2 in Appendix 1).

The stories we present below demonstrate how trust – and sometimes an idealised view about the workings of ‘the law’ – was damaged or undermined in the face of a first contact with the courts. Owen said he ‘used to think that English law was the gold standard’ but this idea was ‘crushed’ after involvement in a criminal trial; Keith said he had thought of the courtroom as a place where ‘the truth would be held up like a glowing crystal’,

while his experience of private family proceedings made him ‘completely and utterly [lose] faith in the governors of our society.’ In a similar vein, Jasmine, said that she had thought the law ‘meant correct, right, order’ but now she has ‘little respect’ for it. She tells us, ‘I wouldn’t go and break the law’ ... [but] how can I respect it now?’ Amrana saw the law as ‘something that I could turn to in hard times’ for ‘protection and advice’... ‘But since I’ve been through the justice system, it’s not what I thought it was at all.’ These negative reflections about the law and the justice system were common responses to their recent experiences of criminal and family court proceedings.

As with the participants whose long-standing mistrust had been entrenched, perceptions of unfairness, inhumanity and inefficiency appeared to cause their loss of trust. And the harms associated with justice encounters, and especially court experiences, were echoed in the accounts of ‘formerly trusting’ participants. However, this group often had better systems of support – both financial and otherwise – to mitigate these harms.

4.1.1 Perceived unfairness and eroded trust

Unlike those in Chapter 3 whose mistrust in the justice system was often deeply embedded, the participants who were formerly trusting had expected court procedures and decision-making to be fair and balanced. Their accounts, summarised below, highlight the ways in which their expectations of fair treatment had been undermined. They raised many of the same issues described in Chapter 3, relating to perceptions of judicial bias, a lack of voice, not understanding the court process and limited time to attend to the details of their case with lawyers.

Owen was a white British man in his 50s. He described his trust in the law as an ‘ordinary citizen,’ being gradually eroded over the course of criminal proceedings for a sexual offence. This included trial by jury, where he was found guilty and received a suspended sentence. He is appealing his conviction.

36 Ewick and Sibley 1998.

He said that despite his arrest, he had thought that things would 'work out.' 'You trust the system. It will all come good. All the information will come out.' It took nearly two years from his arrest to being charged. He described how his trust in getting a fair hearing was challenged at his first appearance at the magistrates' court. The court was 'pretty grotty, dirty and quite disgusting.' He was 'shocked at how ramshackle it was. It felt very amateurish and very cobbled together at the last minute... like a conveyor belt, a production line of cases where they just do the minimum possible... We didn't get any of the evidence or the prosecution bundle until 6:30 the evening before... [We] can't mount an effective defence of any kind if [we] can't prepare.'

There was further delay between his plea and trial. 'The stress was unbearable, but it had been going on for a long time... We hadn't heard anything for months... and I was a bit concerned about this because I expected to be informed.' But Owen believed that in the Crown Court, 'they're going to do a proper examination, we're going to see the evidence in detail... I felt a bit of optimism, thinking, "Okay, this is where I get the chance to have my say"'. He described his optimism as being 'gradually crushed as I realised... they're just trying to process this as quickly as possible. The big emphasis from the judge was, "This is only going to take three days, isn't it? We'll be finished in three days." That seemed to be her emphasis.'

On having his say in court, 'It felt like only a fraction of things came out... This was not the whole truth, and the jury were making decisions based on incomplete information.' Owen had paid for legal representation. Of his barrister, Owen said he had expected a more robust defence – 'Quite often he's close to landing a knockout punch to expert witnesses or the police, but then it's like he doesn't.'

Archie's account, opposite describes his surprise at his lack of voice in the proceedings, including his misconception that after pleading guilty he would have an opportunity to speak to the judge in his 'own words' to explain his actions.

Archie was a white British man in his 40s. He did not disclose his offence but pleaded guilty and was remanded to custody before his sentencing. He received a community penalty. He said – his idea of the criminal justice system came from the TV and that 'turns out not to be real.' He told us he became 'paranoid,' about whether his barrister 'was actually representing [him] or whether they'll just go off to lunch with the judges and they're all mates. Maybe that's because of things you hear [in prison].'

Archie noted the lack of time to talk to his lawyer before his sentencing or for his lawyer to explain the things he did not understand about the sentencing process. He also felt that 'being put in that box [the dock] and not being able to interact with the person who's representing you felt very unfair.' Archie said, 'Even pleading guilty, I thought I would get more questioning and a chance to explain myself, sort of thing.' He had expected more space and time to speak in his own words to the judge 'not just through my barrister... with all the legal terminology.'

Of the sentencing decision-making process – although he was very relieved to receive a community penalty – he described the judge as 'someone who's got this little list of things, that you've only spoken about for half an hour, who's going to decide the rest of your life. That could definitely do with improving... It's almost like you're just a piece of paper going through a printer. You don't feel like a person [during the process], you feel more like just a number. At any point, if I could have had a conversation with the judge. Like I said, not necessarily in the court, just in a side room at some point. Maybe that would have been helpful.'

The stories below, from Jasmine and Keith, show their frustration and some disillusionment in how their applications were 'processed' in family court. They had expected to have more time to present their case and to acknowledge the wider context. They had wanted more engagement from the magistrates, although Keith saw their apparent lack of interest as resulting from a 'chaotic' and 'outdated' system, where there was no time to reflect on cases or decision-making. Jasmine expressed her disappointment in the magistrates'

poor understanding of aspects of domestic abuse. She had expected greater wisdom in that regard. Their stories also highlighted the contrasting perceptions of an inherent gender bias in private law proceedings concerning child contact arrangements, especially where domestic abuse had been raised. These opposing accounts were characteristic of the differences in how the women and men we interviewed had experienced proceedings.

Jasmine was a white British woman, in her 40s. She described her ex-partner as abusive and controlling, he was also a justice professional. The court proceedings went on for some years. She retains primary custody of her child.

She described her ex-partner as presenting to the magistrates as a 'loving father' and them 'falling for his performance.' She said she was never offered special measures when attending initial hearings. Jasmine paid for legal representation through money received from a relative. At a later stage, a non-molestation order [NMO]³⁷ was put in place against her ex-partner and after that Jasmine said she 'ticked every box' for special measures. 'I wanted a screen between us... I wish I'd done that before'... I was just as scared of him even though I would present very confidently and not speak in a wavering voice in court.' Jasmine compared her honest emotional application to the court with the 'dry', 'cold' documents her solicitor had prepared.

Jasmine said she was considered by the magistrates to be 'the manipulative one.' One had accused her of 'parental alienation'³⁸: 'Without them [magistrate] knowing the full circumstances... Sitting there, hearing one slither of your life... I mean it's so inappropriate. The trauma and the stress of it.' Jasmine said, 'In a lot of domestic abuse situations, the magistrates are not trained at all, [they have] no idea about the subtleties of coercive control.'

Magistrates are sitting on the bench [and] they looked at me like they were bored. They were really bored of my story. It very much came through. You know, they were clock-watching and just so disinterested.'

Keith was a white British man also in his 40s and had initiated private family proceedings regarding contact with his child. He has retained some contact rights. He was unimpressed by the family court, 'I'd not lived in a court world or had no experience of it' but since his various encounters he had 'completely and utterly lost faith.'

Keith initially paid for legal representation and when that proved too expensive, he represented himself. In explaining what had caused his loss of 'faith', he said he felt that his ex-partner was able to say that he had abused her without needing to provide any evidence of this; he perceived a lack of interest in – and no time to explore – the details of the case: Keith says, 'I don't blame the judges [magistrates in this case], I think [they] have an incredibly difficult job. They're all three monkeys in one seat. Because they can't see, they can't hear, they can't listen, because it's all happening too quickly and they've got to make these snap decisions.' And it 'feels like there's a rotating door as you walk into the courtroom... The atmosphere was chaotic.'

He thinks that magistrates and judges are "programmed" by an outdated system.' For Keith, the system has not evolved in line with 'modern family lives.' He thinks a positive change would be the legal presumption that mothers and fathers have 'equal rights' regarding child contact. 'No more of this 'the mother has the right. That's just got to stop. What about the father's rights? What about my right. Keith says he has 'lost an incredible amount of respect for the law.'

37 See Glossary.

38 See Glossary.

The stories of Amrana and Samira highlight their confusion and the lack of support they received to navigate this first experience of criminal proceedings. They had expected to be better informed by their lawyers as to what they should expect, and for their lawyers to be better prepared when representing them in court. They also raised issues of racial bias (Samira) and the stigma they felt and wider harms because of their involvement in the CJS (Amrana).

Amrana was a British Asian woman in her 30s. She was charged with several unspecified offences, and the criminal proceedings were used as a basis for private family proceedings initiated by her ex-husband regarding child contact arrangements.

She was under investigation for over two years before being charged and went to court ‘at least six times’ before she was sentenced. Hearings were repeatedly adjourned. Her solicitor advised her to plead guilty, which she did early on. During this period, Amrana, was dealing with other pressures in her life, including the family court proceedings and housing instability – ‘I was the first Asian girl in my whole family, my extended family [to go through the CJS]. There was a lot of stuff that I was feeling that I can’t describe. My mental health deteriorated really badly.’ She said she did not have the resilience to challenge her ex-husband when he defied a court order concerning her rights regarding contact with her children.

At her sentencing hearing, Amrana had expected her barrister to be much more prepared: ‘It was the barrister’s job to read through my case and get to know everything that had been going on.’ Having met her only once, Amrana felt he had failed to advocate effectively for her.

‘My solicitor was good, but the barrister didn’t do the whole research of my case, so when it came to him answering questions, he was looking back at my solicitor, thinking, “What am I supposed to say now?” I think, personally, it would’ve been better if I just stood up and told everyone how it was.’

Although a pre-sentence report³⁹ had recommended a non-custodial sentence, the judge dismissed this – ‘Pre-sentencing report was ripped up and chucked in the bin, kind of thing, and it was like, “No, that doesn’t matter”’. Amrana had expected the judge to be an impartial figure but ‘when it came to the sentencing, the judge was looking at me, doing her little things on her laptop, looking back up, shaking her head, rolling her eyes.’ On her sentencing, Amrana said, ‘I didn’t know about consecutive or concurrent. I didn’t know anything.’ Because of this misunderstanding of legal terminology, Amrana initially believed she was to serve nine years in prison. It was three weeks later before she learned that her custodial term was under 2 years.

Samira was a British mixed-race woman in her 40s. She was charged with drug offences:

‘This was the first ever time I’d been involved with the law. My family are law-abiding citizens. So, it was not really a part of my life.’ She was arrested at home in the early morning and was held in police custody then remanded to prison. In police custody, she was not allowed to make a phone call or to take her prescribed medication. ‘They refused to give me my medication which I’d been on for six years.’ She says no one, including her solicitor explained to her what would happen in court.

‘I wish I had a bit more support and a bit more knowledge of what was going on...[Solicitor] didn’t come and speak to me before the court hearing. They didn’t tell me what was going to happen... I wasn’t aware of what was going to happen, how it’s going to happen. You go down in the dock. You’ve got to give your name, and this and that. So, I’m basically just stood there.’

She received conflicting legal advice. Her solicitor advised her to go to trial and her barrister to plead guilty or risk a long prison sentence. ‘I’m, like, “yeah, we’re going to run trial.” then, “No, go guilty.” I didn’t know what was going on. It was just so confusing for me. It was horrible.’

39 See Glossary.

She took her barrister's advice, although expressed some regret and wished she 'could have got my say in court.' She said one of the reasons her barrister gave for advising a guilty plea was that the Crown Court in which she would be tried was 'in a very white area.'

On the preparation for her sentencing Samira told us, 'I only got halfway done on the pre-sentence report because she had booked it for two hours, but the prison only had an hour slot. They had some kind of miscommunication. So, in the middle of my pre-sentence report, it got cut off. Then, she said she was going to book it again, and it never got booked again.'

At the sentencing hearing, she told us '[judge] didn't really talk. He literally came in, and it wasn't the judge that had been dealing with me anyway. He literally opened his laptop, sentenced me, and then that's it. It was done. I know, [people told me] that, yeah, they basically read everything out to you, "This is what you're going to get... You're got mitigating factors, blah-blah-blah." But, he literally opened the laptop, read something. I was sentenced, and then that's it. I was on my way.'

4.1.2 Perceived inhumanity and eroded trust

We have described, in Chapter 3, participants' perceptions of a justice system that lacks humanity, including in the way in which little attention is given to the individual and their wider circumstances and challenges. This view was echoed in the accounts of the 'formerly trusting' participants. The justice system was described as 'cold' and of 'lacking a heart.' Judges were described as 'robotic', having no compassion, rarely making eye contact and conveying a lack of interest, even when they are listening to evidence.

Louise said of her recent experience of private law proceedings: 'At the end of the day, I'm just a number. That's all we've ever been. Me and my children have just been numbers.' This was also a theme in Sylvie's story, below. Sylvie did not feel she had been given a fair hearing in court and had found proceedings to be 'rushed and technical.'

Sylvie referred to the court backlog caused by Covid as creating the pressure for magistrates to resolve proceedings quickly, 'to tick them off their list.' However, for Sylvie, this also meant more complex underlying issues were ignored. Sylvie reflected on her disillusionment with the family justice system – 'You grow up thinking the courts are there to protect you, our justice system in the UK is robust, they will do the right thing... My expectation was that I'd go in there, I'd be heard, and someone would make balanced decisions. I don't feel that they ever did that, really.'

Sylvie was a white British woman in her 40s who had initiated private family proceedings to formalise what had been an informal shared custody arrangement with her ex-partner regarding their children. The informal arrangement had stopped working and subsequent mediation had been unsuccessful. She could not afford to pay for legal representation but did seek legal advice and sometimes was accompanied to hearings by a McKenzie Friend.

Sylvie was concerned that her ex-partner was alienating one of her children against her but had been advised that the courts are 'turned off' by the term, "Oh, don't say the words parental alienation in court, because that's something that turns them off. It's being used in so many cases now where that's not what's happening, so don't say it," but it's quite hard not to, because that describes exactly what has happened.'

She told us how delays further distanced her from her child who had stopped coming to her home. Sylvie said that the magistrates who oversaw the case were different each time and it often seemed 'very technical... I felt like I was an inconvenience to them. They just wanted to get it over with as quick as they could and not take any time to get to know any of the situation.' A Cafcass officer was appointed but by the time Sylvie met with Cafcass, she had not seen her child for six months.

She described her experience of the court as ‘absolutely horrific. I still can’t walk past [the building] today. It was just, “How on earth have you got here? Why are we here?” We’re talking about my children ...Someone is coming out and telling me it’s my turn. I’m facing the person I was married to for 20 years in this really formal setting, with three judges in front of us. Nobody knows my children. Nobody knows us.’

Like the participants we discussed in Chapter 3, a judge’s interest in the wider story was important to their assessment of the fairness of court proceedings and outcomes. In criminal proceedings, this mainly referred to the consideration given to mitigation. Hari, below, said the judge who sentenced him had shown no interest in his mitigation nor did she make any reference to a letter that he had written to her, on his lawyer’s advice.

Hari was an Asian British man in his 30s. He had pleaded guilty at the earliest opportunity and received a custodial sentence. He described his arrest for offences relating to financial fraud as a form of rescue from ‘a secret life that had been spiralling out of control,’ and he had felt some relief at the discovery of his offending. Hari’s diminished trust in justice was linked to what he perceived to be an overly harsh sentence and a complete lack of interest from the judge in his mitigation, including his mental health and caring responsibilities but also in a letter that he had written to the judge in advance of his sentencing hearing. Hari felt he was more harshly punished because he was a professional middle class man, and ‘maybe the colour of my skin.’ He described the judiciary as ‘all part of the same cloth, white and upper middle class’. His lawyer – who he had paid for – suggested he would likely receive a suspended sentence.

Hari noted that ‘you can easily be a law-abiding citizen one day, [then] get on the wrong side of the law, and you end up in the courts.’ He wanted ‘a bit of compassion and maybe some interaction would be better... I feel [judges]

have this aura about them where they come across as really cold, without compassion and without interacting, and they don’t really want to interact with you, they just want to look at the facts of the case, apply the law and sentence and that’s it and then they move on. They seem a bit robotic in that sense. For most of the sentencing hearing he said, ‘the judge was looking down and reading from her screen.’

Specifically in relation to the family court, participants’ reported experiences of legal proceedings being weaponised and the court being used as a tool of abuse by ex-partners⁴⁰. The accounts of Keeley and Simone, also suggest poor understanding of domestic abuse among some judges and magistrates in the family court:

Keeley was a white British woman in her 30s. She had been in recent contact with the criminal and family courts in relation to domestic abuse perpetrated by her ex-partner and contact arrangements for her children since their separation. A key theme in Keeley’s account is how her ex-partner had used the family court proceedings to continue his abuse of her. Her partner had pleaded guilty to criminal charges and had received a suspended sentence.

‘I was then advised by police and [a charity] that it would be a good idea to get something put in place legally regarding access to the children. This is probably my biggest regret... If I had just left it, he probably would have given up. In me trying to put in a proper agreement, he is now being allowed to fight and being believed more than me ... I put in for a prohibited steps order⁴¹. It was granted on a temporary basis pretty much straight away because of obviously what else had gone on. However, he then started with “No, I want access to my children,” which is then where we’ve gone down this huge rabbit hole of the family courts which I can say is a million times worse than the criminal courts.’

40 E.g. Douglas 2018.

41 See Glossary.

Keeley felt she was well looked after in the criminal court as a victim of domestic abuse – ‘I felt quite heard and protected.’ However, in the family court ‘it’s just flipped and they’ve gone, “Oh, so you want to block your ex-partner from seeing his children? Right. Let’s go at you then.” I’ve been investigated because at one point I was being told I might lose my children.’

Keely felt that judges and magistrates working in the family court ‘have no idea about domestic violence and about the victims and the trauma and the PTSD. And they don’t treat the victim like they’ve gone through anything and they don’t understand why a victim has done certain things or not done certain things. I’ve had a lot of comments and questions about why I didn’t report [the violence] to police. And they just don’t seem to understand that when you’ve had someone at you with a knife, you don’t go, “If you can just stop doing that, I’m just going to nip to the police station and report that.” They’re like, “But why didn’t you report it?” “Because I wasn’t allowed out the house.” “Well, why weren’t you allowed out the house?” “Because he took my keys off me.”’

Simone was a white British woman in her 40s. She described the harms and ‘trauma’ she experienced through her involvement in the family justice process. Simone talks of reporting her abusive ex-partner to the police, who she said were mostly dismissive and unhelpful.

A few years ago, her ex-partner started court proceedings to seek contact with their child. The conclusion of these proceedings was that he could have only indirect contact, which Simone was happy about. However, she described her experiences of the hearings as ‘an ordeal’, causing ‘complete panic’ and her ‘mental health sky rocketed.’ She said she has ‘yet to meet a good judge or magistrate’ and for Simone that would be someone who was much more aware of ‘trauma-informed practice⁴²’ and ‘dealing with survivors’ in a trauma-informed way.’ Simone felt she was up against both her ex and the judge, and ‘whilst I [had] managed to remove part of the power from my ex, I was powerless to remove the power from the judge, obviously.’

She said, ‘the court didn’t take a person-centred approach...I think they are too much for the law side of things than for the personal stories or the circumstances.’

4.1.3 Perceived inefficiency and eroded trust

Crumbling court buildings, sporadic contact with lawyers and case delays compounded perceptions of unfair and inhumane treatment by the courts. These experiences did not align with people’s idea – and expectations – of the British justice system. Archie – mentioned above – described his first experience of the criminal justice system as being like a ‘rollercoaster.’ He was remanded to custody to the shock of his solicitor and, whilst on remand, got little information about what was happening with his case. He told us he was unable to contact his lawyer and had to ask his mum to communicate with the lawyer on his behalf. He also mentioned the high cost of making phone calls in prison to get information about case progress. He was eventually told that his sentencing hearing would be held remotely, however, ‘It got postponed for a few days and when it got to the [date] nobody at the prison knew whether it was to be done virtually or in-person. They hadn’t received the information. Things change so rapidly from, “You’re having a remote meeting on this date.” To, “no it’s changed to this date and now you’ve got to go the court.”’

Lewis, a white British man in his 50s, told us that it had taken five years from the point of his arrest to his sentencing and even at that final stage, his sentencing hearing kept being adjourned. He said, ‘They gave me a [new] date, and I went to check what time I had to be there, [and] they said they’re not going to be seeing me now, and they would be in contact with me to rearrange. So, it was a bit of a mess, really. I had to do all the chasing up myself.’ Lewis said this had ‘felt like digging my own grave.’ He described feeling very anxious and ‘drinking a lot’ as ‘a way of coping.’ ‘It was a very hard time...I think that the whole timeframe was just way too long.’

42 See Glossary.

Delays also meant participants' lives and circumstances had often changed in positive ways since their arrest and charge; these positive changes, participants felt, were not adequately reflected in court decision-making. Mina told us that she had been on bail for two and a half years before her sentencing. In that time, Mina had 'changed [her] whole life around,' including engaging in further education but Mina felt this 'was not taken into account' in her sentencing.

In relation to private proceedings in the family court, Kenny – like Sylvie – talked about the personal toll of court delay on his relationships with his children. While he described the application concerning child contact arrangements, as 'straightforward enough,' the delay in receiving a hearing after he submitted his application 'was unnecessary.' 'I know the court say that they're busy, however, I think given the circumstances as I outlined in my C100⁴³, [they] could have afforded to get us into court to at least re-establish contact. To allow it to drift up until [months later] to me ... It was purgatory, not seeing your children.'

In John's story, below, we summarise how his 'tremendous respect' for the law was negatively impacted by the inefficiency of the criminal justice system:

John was a white British man in his 40s who had pleaded guilty to a sexual offence and received a 12-week suspended sentence at the magistrates' court. He reoffended some months later and was remanded in custody. John told us that 'even though [he had] been through the system because of wrongdoing,' he still had 'tremendous respect for the law' and thinks 'it's very important.' However, his feeling of respect was 'tinged' by 'disorganisation, poor communication and poor admin.'

The criminal justice system 'unfortunately needs huge help.' He described his justice experience as being made much more difficult by 'the inadequacies of the justice system' including 'not having the right support and information, things not being done correctly, just archaic systems of things being lost and stuck in the process, of taking forever to do' and 'that magic word Covid was buzzed around a lot as to why we had so many delays.'

John spent nine months on remand awaiting resentencing. He said that during this time he went to court eight times for the judge to say, "right, where are we up to? Who's got what? Who's du-du-duh? No, I'm not happy. Sending you away," This meant he would spend all day in a court holding cell, 'for just a 10-to-15 minutes hearing.' John thinks 'the justice system has good intentions, [but] it's absolutely on its backside. Probation [can be] wonderful in what they do but they are so thinly spread and there's no money, so there is no support and no help [and] no rehabilitation.'

4.2 Harms and eroded trust

Like the participants in Chapter 3, the court process was said to have negatively impacted the mental health of those who had prior trust. This resulted from and was compounded by unmet expectations of fair process and respectful treatment. We have emphasised how the family court process could be experienced as an extension of domestic abuse. Sylvie, whose story we discussed above, said she still cannot walk past the court building where her private law proceedings took place because of how upsetting she had found these.

What was different for formerly trusting participants, certainly where this was a first contact with the criminal justice system, was dealing with public reactions and the stigma of their offending and involvement in the CJS. This group was unused to censure or scrutiny from legal authorities. Open justice in the criminal courts had made them concerned about

⁴³ C100 form is a first stage application for a court order to make arrangements for a child or resolve a dispute about their upbringing.

public shaming and media reporting of their proceedings. In discussing their offences, they had talked of 'dark times', 'stress' and 'traumatic episodes' in their lives, however, this wider context, and for the participants some mitigation for their criminal behaviour, was rarely referred to during sentencing and therefore not publicly acknowledged. And as noted by Barbara, 'the news no longer gets lost as 'chip paper' but because of the vastness of social media 'It's still up there. My granddaughter recently got hold of my phone. She's nine. She Googled me. She said, "Oh, look, Nannie. Your picture is there."'

The conclusion of criminal proceedings was also the point at which their status had changed, as said by Barry quoted below, from 'law-abiding citizen' to 'not a fit and proper person.' The – repercussions of having a criminal record for rehabilitation were often perceived to be unduly harsh and counter-productive, a long-term punishment and impediment to getting lives back on track.

'I'm still on prescribed drugs for anxiety so I have to take antidepressant' every single day... It's difficult for me to get a job because the whole thing... I told you I used to be a [profession], now I'm not a fit and proper person anymore so I can't get a job in that environment.'

- The perceived inhumanity of the court process was significant to this group because of their higher expectations of receiving fair and respectful treatment in the justice system. They experienced proceedings as 'cold', 'formal' and dehumanising, often citing the very limited time to address the details of their case or having any opportunity for more active voice in the proceedings.
- The previous point highlights some contradiction. While participants noted delays and inefficiencies, they also experienced hearings as rushed and partial and they decried the emphasis on speedy proceedings which they saw as unfair.

4.3 Key points

- The participants discussed here had no prior contact with the courts, yet they spoke of the same issues and challenges relating to unfairness, inhumanity and inefficiency in court encounters, as described by those who had multiple contacts. What was different was the participants' high expectations of '*British Justice*' and how these expectations were undermined during a first court contact.
- Additional issues raised by this group of participants, included concern regarding the perceived lack of training amongst justice professionals about domestic abuse and its various impacts. This was a common complaint from those involved in family proceedings and included experiences of failings in the provision of special measures to ensure parties felt safe during hearings.

5. Sustaining and building trust



In the previous chapters we have focused on participants' mistrust in the justice system. We have shown how expectations of justice can be idealistic or damaged by past personal encounters with legal authorities. We have also identified the factors in recent court involvement that eroded existing trust or entrenched or exacerbated mistrust. Participants' stories were detailed and nuanced, however, and only a minority were completely mistrusting. In this chapter we highlight what participants had valued and found helpful in navigating criminal and family court proceedings, and how perceptions of 'fairness' and 'humanity' in their dealings with the courts had a positive impact on trust.

We also show the potential disconnect between positive outcomes of the justice process and trust. Some participants who believed they had received (at least partially) positive or fair outcomes from recent legal proceedings felt that this was due not necessarily to the system working well, but rather to their own resilience and agency, or sometimes merely to 'luck'. In such scenarios, experiences of good outcomes were not necessarily associated with greater trust in the system.

5.1 Recent encounters with the law and sustaining or building trust

Throughout this chapter, we show the significance of personal interactions. The challenges of the justice system, the experiences of delays, perceptions of bias, confusion caused by legal language and process or feeling misunderstood and unheard during proceedings, were improved, to some extent, through positive interactions with justice professionals. This is not to say that these interactions remedied all issues, but they did go some way towards easing anxieties and reducing mistrust. They humanised the formal justice processes.

Judicial behaviour was arguably the most important aspect in participants' assessments of court proceedings, especially in the family court. We have noted the impact of the seemingly

distant, aloof and uninterested judge. The stories below show the positive effects of the more engaged judge.

5.1.1 Perceptions of fairness

Existing mistrust was ameliorated because of perceptions of fairer court process and outcome. In the stories below, the 'good' judge was someone who had absorbed or challenged evidence and helped to rectify earlier system bias and poor treatment. The 'good' lawyer was someone who had been available and supported them throughout the proceedings, including when they were on remand, and had 'fought their corner'. Dane's story – below – is of long-standing mistrust being moderated though a recent more positive experience in the Crown Court. Dane spoke to us after receiving support whilst in prison and from the probation service and voluntary sector on his release, which had helped him to address his substance use. He described 'a paradigm shift' in his thinking after many years of mistrusting the law.

Dane was a white British man in his 40s who had a long history of CJS contact since age 12. His offending was often related to substance use. 'I was a heroin addict. I was having to go out and graft every single day to get money. I was sofa-surfing and living on the streets.' He mistrusts the police – 'I don't think the police are fair. I have had loads of beatings off the police.' He has been in prison twice, first at age 19 and again for his most recent offence, including a period on remand.

Dane's previous offences had been dealt with in the magistrates' courts. His most recent offence – initially arson with intent to endanger life – was dealt with in Crown Court. He had set fire to a friend's shed after an argument and while under the influence of drugs.

In Dane's story, aspects of fair process and the final outcome had made his experience of the Crown Court more positive. He felt well supported by his publicly funded lawyer and compared this to solicitors 'who only explain the bare minimum to you. Half the time you are just

told to shut up and say your name and sit there.' This time his solicitor 'went through everything with me. She came [to the prison], she did video links with me, she kept me informed. She sent me all the information so whatever she got, or she would come in and see me, and we would go through it all... I could phone her any time. I had her mobile number. She would also send me emails to the prison, because you can email a prisoner.⁴⁴ So, if I ever needed to contact her and I had no phone credit, I could just go to the machine and reply to one of the messages. She made me feel like someone was doing something.' Dane credited her for getting his charge of arson with intent reduced to arson, which attracted a much shorter sentence.

Dane was on remand for over a year due to the barristers' strike. He agreed to plead guilty to the lesser charge of arson, on what would have been the first day of his trial, after fire expert evidence and associated legal argument. This meant a sentence of around 3 years for arson rather than over 10 years: 'All my other sentences have been tiny ... "A shit and a shave, we call it" ... the amount of time I spent panicking about this.' By the time Dane was sentenced, he had three months left to serve before his release on licence.

He described the judge at the sentencing hearing as 'compassionate.' She had looked through 'everything', including what he considered to be his thorough pre-sentence report and said to him: "Mr [Dane], I have read everything, I have looked at the evidence, and I can see what you have done, I don't think it is right...but I can see your side of the story, so we are going to go with a simple arson." Dane said, this was in stark contrast to the Crown Court judge he had encountered at an earlier hearing who: 'Looked at me like a piece of shit, like proper down at his glasses. And when I went in the court, it was the first day, just to say my name and then they could carry on, I had my hands in my pockets. He screamed at me for having my hands in my pockets, but I was nervous.'

Dane also described his probation officer as 'brilliant'. 'I couldn't thank him more... I know you probably don't hear this very often ... He listens to me, he's set me up with mentoring, amongst other things.' Dane's feelings towards the justice system had changed in line with these more positive encounters. He talked about his 'paradigm shift,' since his recent stint in prison and the therapeutic and other support he has had from the voluntary sector. He was a Listener in prison and is training to be a Samaritan in the community.

Kobe and Nate were young men from minoritised ethnic groups who described their early contact with the criminal courts. They spoke of experiences of racially biased policing that were integral to many of the justice stories from this participant group. However, they also told of judges who had been fair and who had – in their view – helped to right some of the injustices they had experienced leading to the court proceedings. Their accounts also suggested an element of 'luck' in these positive outcomes, of getting a 'fair judge,' rather than because of due legal process.

Kobe was a black British man in his early 20s. His recent first experience of the CJS was related to his arrest and conviction for possession with intent to supply cannabis. Prior to this 'I'd been stopped and searched of course, many times [because]... I'm a stereotypical- well, personally, I would like to think I'm different, but visually I'm a stereotypical black boy. I like to wear streetwear type of clothing. I might talk in a certain way.'

Kobe pleaded guilty and was given a community penalty. Despite acknowledging the legitimacy of his conviction, he described the actions of police and prosecutors as 'sneaky'. 'They did a lot of slimy stuff, a lot of unethical stuff ... They were using cheap tactics... The law is the law. Like, I'm not going to play the victim card [but] now that I understand the situation a bit more, I'm not too happy. They told me I can't call my mum, unless I open my phone So yeah, I opened my phone [with passcode], and they just started going [through] it, like, literally on the spot.' The

⁴⁴ Email a prisoner scheme is a service available to those in prison whereby, they can receive and reply to emails that are delivered via prison staff for a small cost, and prisoners can buy credit to use the service.

prosecution also withheld evidence until the hearing. 'So, like all the items they collected, or any screenshots, or pictures, or whatever, they're supposed to show you that before you go into court. They hid pictures, and then once we were actually inside the courtroom, they said, "oh, we have these pictures we want to bring up"' Of his solicitor Kobe said, 'He wasn't doing his due diligence. He basically just said, "Yeah, just take the guilty, and just keep it moving," type of thing. It was just a normal Monday to him.'

However, in Kobe's story, the judge 'was being fair' and he questioned the prosecution. 'The judge wasn't having it, he was saying, "So you've come with these pictures...Why have you not put this in at the beginning?"' I'm lucky that I got a decent judge, and a lot of people aren't lucky. He asked, "Why has it taken you so long to collect the evidence and charge this young man?" ... And he was like, "I'm going to take that into consideration. This isn't right, what you're doing here."

Nate was a mixed-race British man in his late teens. His most recent contact with the CJS concerned charges and a trial relating to firearm and drug offences. Nate was found not guilty. He told us that since the trial he is 'just trying to live a decent life. I'm growing up and I'm learning new things and making my wrongs right.' Nate's had negative experiences of police. 'I grew up in care, so I've seen the police a lot.'

Despite the positive outcome, Nate said, 'even when I was found not guilty, I didn't feel the justice because it was like, "Why am I in this position in the first place?"' He felt his ethnicity had influenced his treatment in the criminal justice system. 'That's not me trying to play the race card but it's been a thing from when I was growing up. It's been a thing, now, it's always going to be a thing.... Especially from the backgrounds we come from. It's just like we already know what it is. I can't speak for everybody but, obviously, there's a higher chance you'll not have a fair fight because the system is what arrests you. It's the system that prosecutes you, so they both work together with each other.'

He spoke positively of the judge in his case 'I was able to understand her. She made everything quite straightforward and broke it down to a level I could understand. She didn't delay the case. The prosecution wanted to delay it by another seven months. She said no, I'd be turning 18 in a couple of weeks, so she'd like to do it before I turned 18. She didn't want to [sentence] me as an adult.'

In public law family proceedings, judicial challenge to evidence being presented by the local authority positively influenced assessments of fair process. It also helped to redress perceptions of 'them and us,' whereby the family court was perceived to be in 'cahoots' with social services. Gwen, for example, felt that public law proceedings concerning her children had been initiated too early, 'my children weren't even on a child protection plan. There were so many other things [social services] could have done.' Gwen said, 'my family was unnecessarily blown up into bits'. She told us that the judge in her case, 'wasn't happy at all. I actually liked this judge. He was good.' The judge had raised the lack of support Gwen had received from social services during the Covid pandemic lockdown and prior to their instigation of public law proceedings, 'he'd had enough after three days, and he ordered an independent social worker assessment.'

Elle's story – below – highlighted the importance of being given a clear steer from the judge about what she must do to have her children returned to her care. Elle was receiving support from a range of services, which made the 'to do' list given to her by the judge seem more attainable.

Elle was a white British woman in her 30s. Her children were subject to special guardianship orders (SGOs) due to concerns about Elle's mental health. At the time of our interview, Elle was intending to return to court to reverse the SGOs. She has been receiving support from mental health and other services, including a family support advocate. She was focusing on the issues the judge had told her she must address to have the children back in her care, including, 'to maintain mental health stability for a year, attend all my mental health appointments, take my medication, be abstinent from drugs for a year.'

'Because the judge gave quite a few points to me.... If I wanted to discharge the order for my kids, these are the points that I need to follow. That's when that glimmer of hope came to me. And I thought, "Wow, I might have another chance if I actually listen to the advice." Yes, that was amazing for me. Because that gave me something to work towards. And I feel like if I didn't have that, then I would have felt like giving up, and there would have been no sense of a future for me.'

Elle told us, 'It wasn't something that I thought needed a too long a timeframe for. And it wasn't something that I thought was impossible to actually work on... And the fact that I've got that, I can then look back and say, "Oh, have I done this, have I done that? Have I done that?" And it is something for me to feel positive about.'

In earlier chapters, we discussed participants' interactions with their lawyers (solicitors and barristers), and we noted perceptions about the lesser quality of legal representation that was publicly funded through legal aid rather than paid for privately. Legal representation is important as participant 'voice' in court proceedings is conveyed to the court via their lawyer. Participants described speaking very little during proceedings. Good lawyers were commended for 'going above and beyond,' including for keeping participants well informed, timely responses to their phone calls and explaining the aspects of the justice process that they did not understand. Dane's story – above – highlighted his 'brilliant' lawyer. Marc, on reflecting on the different solicitors who had represented him in the criminal courts, spoke of one who 'was incredible.' She had taken the time to speak to Marc's mental health worker to 'understand a bit more about me,' and she had helped to calm Marc down when he was sentenced, unfairly, in Marc's view. Marc said of his lawyer, 'She was amazing to be fair... She stands out to me because I know she went above and beyond.' Keira and David, below, were mistrusting of the justice process but described the different ways in which they were supported by their lawyer through public law family proceedings. These examples and the case studies below all relate to publicly funded lawyers.

Keira was a white British woman in her 20s. She had a dim view of the law. She described being let down by the police in relation to a sexual assault she had experienced as a teenager: 'The law can hurt people sometimes. I went through a situation where I was sexually assaulted, and the police lost the evidence of everything, and he got away with it [and] I was pretty young when that happened.'

Keira also thought social services 'are out to get me.' Keira told us that she had learning difficulties and had received support from an intermediary⁴⁵ in the public law proceedings concerning her child. 'I had someone that speaks for you at court and tells you what the judges are actually saying.' Of her lawyers, Keira said, 'I couldn't say anything bad about them. They were there for me, fighting my corner and very supportive.' Keira said – 'If I was worried about anything, I could call [solicitor] and he would go over everything with me. When I didn't understand the assessments that were getting sent to me, he would be over the phone explaining every single detail of everything... When I went to a court case where my ex's whole family were outside the court waiting, I rang my solicitor and he got my barrister to come straight out to get me which was really good. So, I felt like I was safe.'

Her solicitor had requested special measures for Keira in court – 'He made sure that I had the boards [screens] to stop me from seeing [ex-partner]. I had my own separate room, and I had guards that would just make sure that I was okay and things. So, he'd put all the safeguard things in place, which helped a lot.' She also described her lawyers' advocacy for her as a woman with learning difficulties: 'Social services kept trying to make a lot of things up. My solicitor said that if I'd got the help I needed from social services it wouldn't have gone to court in the first place. [Social services] were making out like people with special needs can't really look after children.'

David was a black British man in his 20s. We discussed his mistrust of social services in Chapter 3. He said of his lawyer who represented him in public law proceedings: 'She phones

45 See Glossary.

me regularly, emails regularly, sends over documents quite fast. She helps me break down all the legal paraphrases, as I don't really understand some parts of the legal framework. She always makes sure that she's early before court, so she can talk to me about X, Y and Z. And then we're ready to go, we're ready to fight together, fight my corner.'

David also described how he felt his voice was heard in the proceedings because despite not speaking himself, his lawyers conveyed his 'exact words' to the court. 'We were able to speak for 45 minutes before [the hearing], but we're not allowed to speak in the courtroom, unless directly guided by the judge. So, what she was saying were the exact words- because she had written down word for word, what I was saying, literally word for word, what I was saying. And it was represented and interpreted in a way where the judge was like, "Yeah, I understand his point of view".'

5.1.2 Perceptions of humanity

In procedural justice terms, humanity might be defined as respectful treatment⁴⁶. Yet it extended beyond politeness and civilities. It describes positive interactions with judges, perceptions of kindness, or some empathy or understanding from the judge, including an interest in the wider context of their lives. When this was apparent, it helped to alleviate some of the challenges of the justice process. We highlight examples from the participants' stories of what had made the courts seem more humane.

Richie had been convicted of assaulting several police officers in the course of his arrest for 'minor' criminal damage. He disclosed in the interview that he was a person with autism. Richie had been impressed by the sentencing judge and his acknowledgment – and understanding – of why his neurodiversity might help to explain his poor reaction to the police officers.

“I have not ever, in my life, come across a judge who challenged on [aggravating] factors. He went, “Well, you’ve presented the aggravating factors. I want to understand the mitigating factors”. Clearly, the judge had taken the time to read the pre-sentencing [report]. The judge had looked into it, he looked at the neurodiversity. He was like, “Well, that [number] of officers coming at you, regardless of the fact that you do have to be sentenced,” he explained that, but he also said the [police] response was really over-zealous.”

In his description of the judge, Richie said he was 'actually interested' in the personal details that might have appeared extraneous to the legal case, including 'that I had been having problems at work, the fact that this led to a breakdown in my mental health. I had then been in and out of hospital...and I'd only just restarted medication at the time that offence took place.' In his sentencing, Richie said the judge had decided against a custodial sentence because of the detrimental impact this would have on Richie. '[Judge] said “sending him to prison isn't going to make things better. He'll lose his housing. He'll lose any employment he has got now”'.

Amber's story – summarised below – describes her contrasting experience of judges during public law proceedings concerning her children. While these hearings came at different stages in the proceedings and had quite different outcomes, her story illustrates the effects – and the memories of judicial behaviour – well after proceedings have been completed. We interviewed Amber after she had been reunited with one of her children.

Amber was a white British woman in her 30s who described herself as neurodivergent. Amber's children had been the subject of care proceedings. The harm to one child – who was subsequently adopted – was later found to have come from another child rather than from an adult but by the time the police investigation was completed, 'It was too late... I can't go to the solicitors or go back to court and say, "I want my

46 E.g. Tyler 2007.

[child] back,” because once an adoption is done it is done. So, I just have to live with that now. I was just treated really unfairly. I don’t agree with court going ahead [with adoption] so quickly.’

Amber told us that the judge in one of the early hearings had prevented her lawyer from speaking on her behalf about her hopes to have her children returned to her care and what she was doing to address the local authority’s concerns: ‘My solicitor stood up and was explaining to the judge that I wanted my kids back and the reasons why. And the judge just point blank looked at her and said, “I don’t want to hear none of this... [judge] shushed my solicitor... I was just in hysterics, because I was like, “You’re not even giving me a chance. You’re not even listening.”’

Amber told us she now has a better understanding of how the proceedings work. ‘If I just actually knew what I know now I could have said this or I could have done this or that. But you’re just thrown right in at the deep end, and you don’t actually understand what’s going on at all, to be honest, because you’re in such a mess anyway.’

Amber returned to court to reverse a supervision order, concerning another child, ‘I told my solicitor what I wanted to say... because my head was in a completely different place.’

‘I will never forget the judge this time said to me, “If we could bottle up what you’re made of, what you’ve been through and how far you’ve come now, if we could bottle that up and sell it,” she said, “the world would be a much better place.” She was just completely like, “Well done, Amber. I’m so happy for you. And especially [child]. This is your chance that you’ve been fighting for. And you more than anybody deserve this chance.” I was crying, because obviously I was just over the moon...that someone as high up as a judge has actually acknowledged all my hard work and everything I’ve done.’

Hannah assessed the judge who oversaw public law proceedings she had been involved in as ‘amazing’ because she felt this judge had read all the background material on Hannah, including on Hannah’s childhood and had understood the impact it had on her life:

“ [Judge] actually looked at my case from my childhood. I feel like they saw something, and they could help, if that makes sense.... So, I think, obviously, on all your reports, they ask questions about your childhood and stuff. Well, I didn’t really have one. I know I’ve got PTSD, so I feel like – I don’t know – it all stems from my childhood. Obviously, reading the reports and stuff, I just felt like [judge] actually did their job.”

When we asked Hannah how she knew the judge had done ‘their job’ she said, ‘because of just how nice she was. Because she’d look at me.’

In a final point to make here, humanising the court process sometimes described reducing the formality of proceedings. Gwen, a parent in a public law case, talked about a judge she had felt ‘most relaxed with’ as he was ‘quite funny.... Like when he was reading out [my children’s] ages, because they’re close in age ..., he was like, “It sounds like a Thunderbirds countdown”’. This judge had also disclosed that he was from a large family, like Gwen’s. To Gwen, this personal information from the judge had signalled his understanding and support of her in response to criticism from social services about the untidiness of her home:

“ I actually liked this judge. He was good. And do you know what else? He’s one of seven siblings, so I thought that helps. I was trying to say to [social services], “Look, unless you’re in a big family, you won’t understand. You won’t understand that your house sometimes gets a bit cluttered. Your laundry basket’s a bit more full”, and it’s things like that.”

5.2 Resilience, engagement and pot-luck justice

We have mentioned above how ‘luck’ sometimes featured in participants’ positive stories about their court experiences. They said they felt ‘lucky’ to get ‘a fair judge’ or a good solicitor. Gertie, for example reflected on the luck involved in the outcome of criminal court proceedings for assault and criminal damage. This was her first time in court as a defendant. She was not eligible for legal aid but could not afford to pay for legal representation and had planned to represent herself. By complete chance, she met a lawyer who was Scottish, like herself, whilst queuing to get into the court building. She chatted to him about her case and he offered to put her in contact with a colleague, who provided Gertie with pro-bono support. The case against her was eventually dismissed.

“It just felt very, very lucky. Guardian angel shit, there was someone looking after me. If I’d been two people back in the queue... Then I would have just probably gone in and taken whatever they were going to give me...I was like, “Thank you so much.” I just couldn’t stop saying thank you. [Lawyer] was like, “It was wrong in the beginning. It should never have got this far. It’s been dealt with now.””

Positive outcomes were also sometimes linked to personal resilience, becoming better informed about legal processes over time and more engaged in the proceedings. Kelvin, who we mentioned in Chapter 3, had appealed his sentence. He talked about his efforts and personal contribution to the successful appeal against his 10-year prison sentence.

Kelvin was a white British man in his 20s who had been given an extended determinate sentence [EDS] for firearm offences. He credited fellow prisoners, a new solicitor and his own efforts for winning the appeal. ‘If you want to appeal, you’re going to have to put some work in for it. ... It kind of deters people that are not really caring about it...It’s, like, the courts are...“Our word is final, you’ve been sentenced now. Accept your sentence. Crack on with your day.”’

[But] ‘When I’m chatting to other fellas, there are

people on the wing that have been in prison for 10 years, or whatever, or they’ve done sentences similar. So, obviously, they have more knowledge on the law as well. So, them telling me, “Look. No. You cannot get that sentence.”’

Kelvin described the work he put in to preparing his appeal. ‘So, I was searching up the EDS guidelines and that, and what offences can be put onto it. That’s when I realised possession of a firearm is not under any EDS. Obviously, from there, I knew. My solicitor was putting their feet up and saying, “No. Every firearm offence gets EDS now,” when I knew it wasn’t. And I’m telling my family and I’m saying, “Look. They’re chatting shit.”’

‘From the day I got sentenced, I was able to spend all night researching stuff...Then even just apart from the court process, just your actual mental health is just way better...Obviously, I’ve got people that are actually listening to me and that are actually taking what I’m saying.’

Carmen’s story – summarised below – describes her reflections on a system that she feels she knows well. She is positive about her recent contact with the magistrates’ court because the magistrates listened and they considered evidence of her commitment to addressing underlying drug and mental health issues and they did not return her to custody. Karine’s recent contact with the court, was her first as a defendant. Karine described her labours whilst on remand and awaiting sentencing, to collate character references for the judge. She felt heard and fairly treated because the judge gave these due consideration in deciding Karine’s sentence.

Carmen was a mixed-race British woman in her 40s. Her recent court contact was in the Magistrates’ Court for breaching her licence conditions. She had also been involved in private proceedings in the family court. Carmen compared her first contact with the criminal courts when she was ‘stressed and scared’ with her most recent time, when she ‘knew the ropes’. Reflecting on her criminal and family court experience Carmen said, ‘it’s an old system, it [was] suited to the needs of people of the past, of times gone by, rather than the needs and challenges that we face as a society today.’

‘Practice makes perfect, and I know that’s an awful thing to say about court, but I’d been there before, I knew what it was all about, I’d know I’d be standing in front of three magistrates, I understood that the prosecutor would be stood there. I knew how it would flow. It wasn’t scary anymore.’ However, what had been ‘quite petrifying’ for Carmen was the thought of returning to prison.

She was ‘pleased to see that the magistrates had taken on board what her solicitor had said in her defence, ‘I was on the road to recovery, I was engaging with services, so the fact that this was heard and they had taken that into consideration. I think ‘injustice’ is criminalising and penalising somebody through the court system when they are in times of crisis... having social difficulties or mental health difficulties.’ She appreciated the magistrate talking to her directly, ‘It’s more personal, rather than you being overlooked and decisions being made around you.’

Carmen also noted the value of her own justice experience: ‘People with lived experience who have been through the system and are in a better place, socially, emotionally, mentally and every which way could be some use in assisting [people], whether it’s in an advocate capacity or whether it’s just to explain the process because as a person with lived experience, you don’t forget that first time or you don’t forget those feelings.’

Karine was a mixed-race British woman in her 30s. This was her first contact with the CJS as a defendant. She did not disclose her offence. ‘I found myself in prison. Never been in trouble before, never been arrested, had nothing to do with the court system other than attending the trial of [person who murdered her family member]. I took a bad turn in my life. It was a bad period, lots of trauma.’

Karine said she pleaded guilty after her barrister explained the length of sentence she could get if found guilty at trial. From that point on, she was very active in ensuring she had all the evidence of mitigation she needed to show the court what ‘kind of person I am.’

She had little trust in her legal representation and said about an earlier hearing: ‘The solicitor turned up maybe 10 minutes before we went into court, so this is somebody new that doesn’t know me and doesn’t really know anything about me, and they’re going to represent me in 10 minutes, for my freedom.... He didn’t care; he didn’t have any interest.’

‘I’ve always been a pretty switched-on person, I’ve always worked. So, it’s not hard for me to collect character references, just go find your old managers...or I’m quite close with my child’s teacher. “I’m sure she’d be willing to do that, if you ask her nicely.” So, it was just things like that, and I’d say to my mum, “Can you get this done?” and we’d get it done.’

Karine told us, ‘I presented myself well in court, I had a suit, I looked like it was important to me. Even if I’d come from prison... I’ve still taken that time to make sure I look presentable for court.’

‘The judge took a weekend to read through that [bundle including character references and PSR], and he let us know at court, he’d spent the weekend reading through my character references, because I had 12.... He gave me a great sentence, and he especially took into account everything that I was telling him, like what I’d been through in the last few years. I also provided my victim impact statement from the court, for my [relative’s] murder trial. So, I wanted him to get a bigger picture of how we’d got to here. And he definitely took that on board. So, if you ask me about my court proceedings, the start was absolutely terrible, but coming to the end, I felt heard and I felt looked after.’

5.3 Sustaining and building trust

There were very few accounts that were wholly positive – we counted three of the 131 interviews we conducted. Two of the interviews concerned the criminal court and one, public law proceedings in the family court. We end this chapter by detailing these positive experiences. Zander and Marta’s stories of the fair and respectful treatment they received throughout

the criminal justice process were exceptional, and in stark contrast to most participants' experiences across the criminal and family courts. They demonstrate the 'ideal', showing a justice system that is working as it should. In their stories, they have been treated respectfully by the police, they have received timely legal advice and were well represented during legal proceedings, they felt heard and understood by the judge or magistrates and they were offered rehabilitative support in addition to their sentence.

Zander was a white British man in his 50s. This was his first contact with the CJS, bar a speeding fine. He was convicted of a sexual offence. He spent three months on remand, where he said he was open about his sexuality and well supported by the LGBT-lead prison officer. Zander pleaded guilty and was given a suspended sentence.

He talked about 'a moment of madness' and being in 'a dark place in my life'. He also described the CJS process as helpful: 'The process of being arrested, being on remand, having to go through probation and counselling has helped me really address a lot of underlying issues. So, actually, it's been a positive thing.' At his arrest he remembered the custody sergeant being 'very, very kind. He understood, you know, he could see I was upset, so he allowed me to calm down, take stock of things before he talked through the charges.'

Zander paid for his lawyer who he says was 'a really good guy [because] he was very direct. I really appreciated that. It was like, "This is what you've done, this is what could happen."' His lawyer also advised him to write a letter to the judge, which was, in Zander's view, pivotal to the judge having a better understanding of Zander, and to him receiving a fair sentence. 'I'm quite good with words... and of course, it's not a pity thing, it's not saying, "Oh, woe is me." It's actually saying, "Yes, I'm guilty, I'm aware of the impact of what I've done and actually, in his sentencing, the judge said, "The letter made all the difference," because he said, "I can see you're ready for rehabilitation, I can see you've done a lot of soul searching and you are aware of the impact, and also of where you're at, the

state you're in." ... I talked about the trauma of my own life, because I grew up in a family where being gay wasn't something you could do.'

Of the judge, Zander said, 'He just came across as very efficient, very calm, kind. He had a very kind voice, actually, and the complete tone was just ...the whole atmosphere of the court was very calm.'

Marta was a white eastern European woman in her 40s. She was sentenced at magistrates' court for a second drink-driving offence. She felt ashamed as she was also pregnant at the time. She was arrested and detained by the police and kept in police custody overnight. Marta felt well-treated by the police. 'I was obviously sleeping it off, but, whenever I asked for a water and I was offered breakfast and water and everything, yeah, I was treated with respect, to be honest. Everybody was kind to me.'

Of her alcohol use, Marta explained - 'There was a lot of domestic violence, a very toxic relationship. I [previously] had postnatal depression, there was physical violence, emotional, and financial abuse, it led me down that path and the alcohol was my only escape.' Marta also described her 'positive' contact with the police as a victim of domestic abuse. 'I thought, "He's [ex-partner] going to kill me." ... It was very hectic. [Police] were there literally in minutes. they arrested him, and to top it off, it was two ladies that arrested him. Also, when I rang 999, the response was... I will say the word, "awesome," because, in that state of mind, I had busted lips and everything.'

Marta saw the duty solicitor at court. She was offered an interpreter but said she did not need one. She pleaded guilty, 'It was my second drink driving charge, so I knew what was going to happen and where I'm headed.' She described her sentencing hearing as 'short' but stressed two things that had made it easier: First, the magistrates and court staff she met had expressed publicly no moral judgement of her. 'I'm there for a reason, so no, everybody who I interacted with was very respectful and very kind but deep down you know people are judging. They are and they will. That's inevitable

because I'm pregnant, so I shouldn't be drinking at all.' Second, she was allowed to address the court. 'I was glad that I was given a chance to speak up, not defend myself but have a say, basically.' Marta said in court, 'I know what I've done, I know I'm guilty, there's no excuse for what I've done, and I am just very glad that my actions didn't cause anybody to lose a life.'

Marta was given a community penalty, which involved contact with a women's centre and support to address her alcohol issues. She valued the support she received. 'I have nobody around me. So, it got me out of the house. Actually, I was looking forward to it every time I went there.'

In Liz and Steven's story, they had got the outcome they had hoped for when the family court approved their application for special guardianship. However, their overall positive assessment of public law proceedings was heavily influenced by the responsive and varied support they had received from social services and a swift judicial decision.

Liz and Steven were white British and in their 60s. They were a party in public law proceedings after applying to become special guardians to their grandson who had been placed in emergency foster care. 'We found out that he might be adopted so we went for him, and social services were behind us all the way. [Social Services] were fantastic actually.'

'Social services told us about how we can go about this and how [they] would support us... And they came round [and] spoke to us face to face.' Liz and Steven talked of the range of support they had received: 'inch by inch [social worker] was giving us information on next steps to take, on counselling, on a trauma programme that we had to sit through because some children come out of care and they're traumatised.' Social Services also provided practical help with preparing a bedroom for their grandson and they put them in touch with a charity that became a source of further ongoing support. Liz and Steven had also appreciated the social worker being 'blunt'

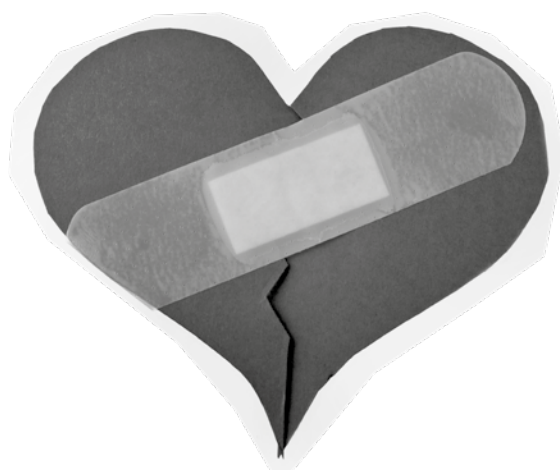
with them and helping them to manage their expectations. '[Social worker] gave us that insight ...[so] that we wouldn't be disappointed if anything did go wrong.... [social worker] understood the anxiety levels.'

They received legal advice about the 'dos and don'ts' of special guardianship from a solicitor whom they trusted because of previous contact. They attended two court hearings as part of the proceedings. The first was in-person and the final hearing was online. They described the hearings as 'very nerve-wracking.' Steven said he felt like 'an expectant father.' But social services had explained how the proceedings would unfold. They appreciated the swiftness of the final hearing – 'the judge just came in she said... she only said a few words – "Mum and dad haven't interacted," so she said, "I'm giving you the SGO." We were only in there five minutes. She said, "Congratulations." And "well done for stepping in and taking your grandchild"'. Liz and Steven had appreciated this acknowledgement from the judge. On their positive assessment of public law proceedings, Steven said 'we're not only saying that because things actually went our way, [we're] actually saying that overall, on the actual help that we've had, all the good advice we had, even down to the counselling.'

5.4 Key points

- Findings in this chapter offer a clear – and sometimes low-cost – steer about what can improve or sustain trust in the justice system. We identified what was important to participants' more positive assessments. Unsurprisingly, this included access to support, before, during and after court proceedings, from social workers, lawyers, the probation service and the voluntary sector.
- Findings highlighted the importance of professional behaviour towards participants, and the value of showing some kindness, consideration and empathy. Participants remembered 'good' lawyers and 'good' judges, well after proceedings were completed and sometimes irrespective of the outcome of their case.

- Good lawyers were defined as such because they responded to emails, they returned calls, explained legal terminology, process and next steps. They were lawyers who listened as well as advised, and who reflected participant voice in submissions to the court. Where participants had depended on legal aid, good lawyers were often recognised as working beyond the fees they could claim.
- Good judges acknowledged their presence and often spoke to them directly, they were interested in and showed some empathy for the wider story and the circumstances that had brought them to the court, and they offered special measures where required. In family proceedings and at sentencing in the criminal courts, good judges were thorough in their consideration of evidence or mitigation.



6. Implications for policy and practice



In this final chapter, we first offer some reflections and concluding comments on project findings. We describe how we have used findings so far as a springboard for discussion and co-development of reforms in a series of policy workshops. We then set out the implications of our findings for policy and practice reform in the justice system.

6.1 Reflections on findings

This project has focused on ‘lived experience’ of the justice system. The methodological approach involved peer researchers who had personal experience of the courts as co-producers of the research, including acting as co-interviewers. We hoped this would help to build rapport with the participants, creating a space for them to speak openly. The interview process offered up to two hours for participants to talk about their experiences of the criminal and family courts and about their wider contacts with legal authorities.

The substance of participants’ stories resonates with existing research and speaks to many recognised and long-standing concerns relating to access to justice, fair process and the current operation of the criminal and family courts. However, they also offered more detailed and personal accounts of how participants’ perceptions of the justice system are shaped over a lifetime, including by wider socio-demographic circumstance and communities. Stories have highlighted what helped or hindered trust in legal proceedings, capturing both systemic issues, such as access to ‘good’ legal representation and the impact of everyday professional ‘manners’ towards participants.

In addressing emerging findings, we wanted to involve the peer researchers and the research participants in co-producing reforms with justice professionals and to use the policy workshops, discussed below, as an opportunity to increase mutual understanding between professionals and participants about their court experiences.

6.2 Co-producing reforms

We held five policy workshops over the course of the project. The workshops brought together legal professionals, people with lived experience of the law, including research participants and the charities that support them, policy professionals and government stakeholders⁴⁷ to discuss findings and to co-develop practical, evidence-based recommendations for improving the justice system. The workshops created a space for open dialogue about a designated theme⁴⁸ emerging from the research across different perspectives. These supported the co-production of initial policy and practice recommendations.

The following recommendations for reform in policy and practice reflect participants’ experiences as well as the discussions during the policy workshops, and outline what needs to change to improve trust in the justice system. Overall, they strive towards having a more person-centred approach.

We acknowledge that the suggested changes to practice need to be accompanied by wider cultural change across the justice system to meaningfully increase trust in the criminal and family courts and improve people’s experiences. As noted, this research has taken place in the context of rising court backlogs, declining productivity and staff numbers⁴⁹ and at a time when there is significant strain on the legal aid system. We recognise that without larger-scale reform to address these issues, the below recommendations risk being undermined.

Across criminal and family courts

1. Work with people with lived experience of the courts to co-design and inform guidance and information products in various formats:

Individuals retain information in different ways, and how this information is communicated must be presented in accessible written

⁴⁷ Stakeholders included HMCTS and Ministry of Justice.

⁴⁸ Themes covered included public law care proceedings in the family courts, legal representation and legal aid, domestic abuse and the family courts, special measures and other adaptations to court processes, and court delays and their impact.

⁴⁹ See Rowland, C (2025) Performance Tracker 2025: Criminal justice system, Institute for Government.

formats as well as more interactive formats such as videos. Those with lived experience can help shape how information is presented to ensure resources are effective.

2. Adopt a problem-solving approach that supports meaningful and inclusive involvement of all parties:

Unmet health and social needs and difficult circumstances (e.g., homelessness and substance use) played a role in participants' contact with the justice system. As outlined in Chapter 3, participants' race, gender, socio-economic status and/or disability shaped their perceptions, expectations and assessments of their recent court involvement. These wider factors could be better accounted for by applying a problem-solving approach⁵⁰ during proceedings. This approach recognises the importance of support to address unmet needs. It also aims to make court hearings less intimidating for participants and to facilitate dialogue between the judge, individual and other relevant parties to create a sense of procedural fairness.⁵¹

3. Ensure legal jargon is reduced during proceedings to improve lay understanding: All staff in the courtroom must ensure that any technical legal language used in proceedings is explained in plain English, and that key terms, definitions or abbreviations are defined and clarified with lay participants while in court. This would help support lay people's understanding of what is going on during proceedings and help them feel more included.

4. Allow flexibility in court hearings to improve wellbeing of individuals: Breaks should be built into court proceedings. These should be allowed where it is necessary and appropriate. This would provide an opportunity for a defendant in criminal proceedings or a party in public or private law proceedings to process the information provided, ask clarification questions to their legal representatives or support services, or to take time to reflect and regroup.

5. Ensure that criminal and family courts have sufficient and consistently available adjustments – known as special measures – to help vulnerable and/or intimidated witnesses and parties to give evidence and participate in court proceedings and feel safe in court spaces more generally. Alongside this, provide accessible information to raise awareness of the different special measures available and audit what is used, where and when: To guarantee that special measures are accessible to everyone who is eligible, HMCTS must review and strengthen their availability and provide clear information for lay participants describing what is available. As part of this, an audit should be conducted to assess which special measures are being used and when these are implemented. Findings from the audit would inform improvements to ensure consistent provision across courts. Where special measures have been granted for an individual, this should be noted on the court record to inform any future applications.

6. Improve awareness of neurodiversity, including speech and language difficulties, amongst professionals present in a court room and juries: Legal professionals including clerks and list callers and juries need to be told about the way neurodiversity may present and how this can impact someone's ability to communicate (e.g. eye contact, not sitting still) so that this does not result in inference of guilt or disrespect.

7. Design and implement a standardised protocol for the management of virtual hearings: As part of the Courts and Tribunals Service's Remote Participation Approach, HMCTS should co-design a protocol for virtual hearings to ensure that those who attend proceedings virtually are not disadvantaged by not being present in the courtroom. This protocol would include making sure that the technology is working beforehand, that the judge engages with the lay person and introduces everyone who is involved in the hearing, that those in the courtroom speak into a microphone and that cameras are turned on.

⁵⁰ See: Centre for Justice Innovation (2025), *Problem-solving courts: A guide to practice in the United Kingdom*; Ministry of Justice (2026), *Cutting Youth Crime, Changing Young Lives. The Youth Justice system reform and delivery plan*.

⁵¹ *Ibid*.

8. The co-development of guidance to improve awareness and clarity on expectations of legal representation, including legal aid: This guidance will be one of the project outputs. This will outline what people can expect from their legal representative so that they can make informed decisions and challenge when it is apparent that standards (for example around communication and availability) are not being met. It will be co-designed by legal professionals and those with experience of accessing legal representation. HMCTS and the Legal Aid Agency should signpost to this, and we intend that this becomes available in spaces accessed by people in contact with the justice system such as police custody, courts and voluntary sector organisations.

In the criminal courts

9. Strengthen communications during legal representation by giving duty solicitors more time with people and in private and encouraging in-person meetings if beneficial: Conversations between defendants and duty solicitors should take place in a private space and not in courtrooms. Whilst online communications are efficient, legal representatives should respond to different communication needs and circumstances and offer in-person meetings where necessary. This will improve experiences of support

10. Offer defendants the chance to speak at sentencing: A key research finding was people's perceptions about the limited opportunity to convey mitigation, including remorse, in sentencing hearings. This was sometimes linked to experiences of hastily prepared pre-sentence reports or poor legal representation and sometimes perceptions about mitigation presented by lawyers being ignored or overlooked by the judge. The judge asking the defendant whether they have anything to add to the formal mitigation, would provide an opportunity for defendant voice at sentencing. This would support the 'problem-solving' approach, outlined above, improving perceptions of procedural justice.

11. Increase the availability of free and independent advice and support for defendants before, during and after hearings: Defendants would benefit from an accessible, non-judgemental source of information and the option of further support, especially in the context of the court backlogs. In particular, the peer research team highlighted the benefits of peer support so that people could access reassurance and guidance before and after hearings from those with shared experiences. The [CASS+ service](#)⁵² provides free, confidential, practical help and emotional support for defendants and their families in Devon and Cornwall. The positive impact of the service has been well evidenced⁵³, and there would be benefits of such a model being available more widely, especially as it has been found to reduce demand on some criminal justice system partners.

⁵² <https://www.cassplus.org/>

⁵³ Crest Advisory (2022), *CASSPLUS Evaluation: Final Report*, Centre for Justice Innovation.

In the family courts

- 12. Fund charities to support parents before, during and after court proceedings:** Support for parents and special guardians should be provided to individuals once the referral has been made, at different points during the proceedings. This will ensure individuals are made aware of what support is available to them early on and have sources of support when the formal proceedings have ended. There should also be stronger funding for parent support services to help them meet court expectations.
- 13. Allow support services to be consistently present in the court:** There needs to be greater flexibility in allowing support services to be present in the courtroom to better support individuals. We agree with the Domestic Abuse Commissioner that there should be a Domestic Abuse Champion, present in family court hearings.⁵⁴ This person would oversee facilities, training and awareness and collate local data to provide better information about domestic abuse as an issue in family court hearings. There would be benefits of this individual having lived experience.
- 14. Re-think the design and layout of family courts to create a more supportive and trauma-informed court experience:** The physical layout and design of family courts, including the layout of waiting areas, should be re-imagined, creating more comfortable, human-centred spaces for families.
- 15. Provide meaningful time and space for families to prepare and reflect:** Families should have designated opportunities before and after hearings to prepare, process information and seek clarification or support. This would help reduce pressure and improve individual understanding and participation in proceedings.
- 16. Improve judicial continuity and engagement in family court proceedings:** This can be achieved by ensuring judges are well-informed about the details of each case, maintaining consistency by having the same judge follow the matter throughout the case, encouraging judges to check in during hearings to ensure lay understanding, and provide specific advice on the steps needed for contact or custody arrangements where appropriate.
- 17. Raise awareness of existing training provision⁵⁵ for legal professionals and continue to develop training and resources to increase awareness of domestic abuse, coercive control and long-term impacts of trauma:** This would focus on how domestic abuse can manifest and how the courts themselves can be used as a tool of coercive control⁵⁶, as well as the language used when discussing domestic abuse in the courtroom setting. This would ensure legal professionals can deal with these cases appropriately in the court.

⁵⁴ Domestic Abuse Commissioner (2023), *The Family Court and domestic abuse: achieving cultural change*, London: Home Office

⁵⁵ Examples of courses include domestic abuse training for family lawyers delivered by Safe Lives and trauma informed practice training for barristers, clerks, practice managers and chambers staff delivered by Trauma Informed Law.

⁵⁶ E.g. Douglas 2018.

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Appendix



Appendix 1

Co-production and peer researchers

As previously noted, co-production was a key element of project design. Peer researchers received OCN-accredited peer research training online, which covered project aims, qualitative and quantitative research methods, including narrative interviewing, understanding research ethics, safeguarding and data protection. The peer researchers were supported by colleagues at Revolving Doors to complete the mandatory assessments to receive their OCN peer research accreditation. RD and ICPR hosted further training sessions focusing on co-interviewing and data analysis.

Recruitment

The primary selection criterion was that all participants should have attended – virtually or in person – at least one court hearing in the past three years, as a:

- defendant in a criminal case (magistrates' or Crown) and/or
- party (i.e. applicant or respondent) in a Family Court case relating to public or private children's proceedings or a domestic violence remedy application.

Interviewees were recruited through 21 voluntary sector organisations across England and Wales⁵⁷, peer support groups, via social media advertising⁵⁸ about the research and snowballing through existing contacts and networks. To help ensure that the interview sample reflected a diversity of backgrounds and experiences, we set the following targets (see also Table 1 below for ethnic breakdown of the sample):

- equal numbers to have had experience of family/criminal court proceedings;
- equal proportions of (self-identified) men and women;
- 50% from non-white ethnic groups; to include representation from the UK's three main (broadly defined) minority groups: Asian or Asian British; Black, Black British, Caribbean or African; and Mixed or multiple ethnicity;
- Up to 10% of non-British nationality who have English as an additional language;
- a range of age groups, including young people under 25;
- Purposive sampling to recruit individuals with physical or mental health conditions and from LGBTQ+ groups.

As noted in Chapter 2, we used a narrative interviewing approach to support interviewees to talk about their justice experiences. Interviews were conducted in person, or over videocalls – according to interviewees' preferences and convenience. Subject to consent, interviews were audio-recorded and transcribed for analysis and permission was also sought to deposit anonymised interview transcripts in the [UK data archive](#)⁵⁹. As a 'thank you' and taking into account the significant time commitment involved and sensitivity of the research subject matter, all participants were offered a £40 gift voucher for taking part.

Ethics

Ethical approval for the research was obtained through Birkbeck, University of London. The research protocol followed guidance on taking a trauma-informed approach to interviewing⁶⁰. This included designing the research protocol with the peer researchers, seeking advice from the community services about creating a safe space for interviews, and our research partner –

⁵⁷ Advance, Birth Companions, Breakthrough, Cafcass (Parent Forums), CassPlus, Galop, Keyring, Khady's Dream, Imkaan, Maslaha, Muslim Women in Prison, Nacro, Pac-UK, Pact, Pause, Revolving Doors, Zahid Mubarak Trust, St Giles Trust, Therapeutic Productions, Women's Aid, Sikh Women's Aid.

⁵⁸ via X, facebook, ICPR/RD websites, newsletters (e.g. Clinks) and Blogs written by the research team.

⁵⁹ [Largest collection of social, economic and population data](#)

⁶⁰ Alessi and Khan 2023.

Revolving Doors – contacting people pre-interview to ensure that they were ready to talk about their experiences. We asked interviewees if they wanted to speak to a support worker from a community organisation after the interview both as a post-interview well-being check and to provide an opportunity to discuss any issues raised by the interview.

Analysis

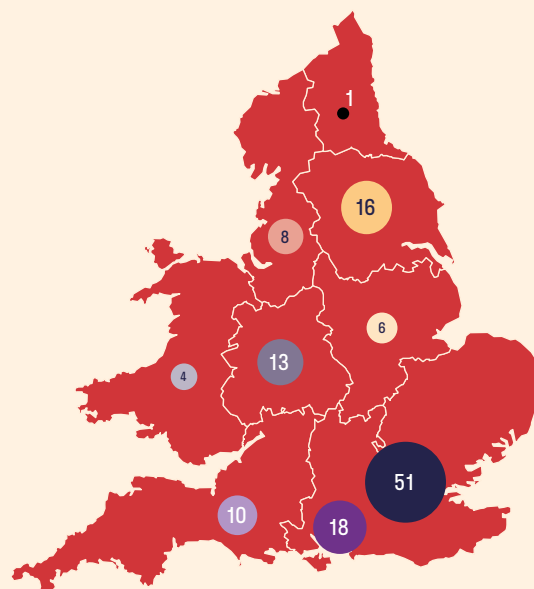
There were several stages to data analysis. It involved: 1) creating a full transcription of each interview recording; 2) close reading of transcripts, including in regular team analysis sessions to discuss and identify key themes and sub-themes as the project and fieldwork progressed; 3) designing a proforma to summarise each transcript in a consistent way. This included identifying themes relating to the extent and nature of contact with different legal authorities, experiences of court, legal representation and interactions with the judge, reflections on fairness of process and outcome, expectations of ‘the law’ and justice system, and the different ways in which participants’ stories referenced and drew from their wider lifetime experiences of legal authority. As noted in the introduction to the report, we defined *trust in justice* as the expectation and subsequent experience of fair, unbiased and respectful treatment from legal authorities. Using this definition of trust, we were able to determine participants’ baseline expectations of the justice system and to broadly categorise interviews into the groupings we have used to frame the report: long-standing mistrust that was confirmed or worsened through recent experiences; prior trust that was undermined by recent encounters and trust that was upheld in some way. Accepting the complexity of participants’ stories, we were also able to identify the common factors that participants had reported as positive or helpful during recent court encounters, including amongst those who were generally ‘mistrusting’.

Geographical split of interviewees (n=127)

Count of interviewees across geographical regions in England and Wales – where known.

Location

East Midlands London North East North West
South East South West Wales West Midlands
Yorkshire and Humber



The participants

Table A1: Ethnicity of participants

	N (=129)	%
Asian/Asian British	21	16
Black, Black British, Caribbean, African	22	17
Mixed or multiple ethnicity	9	7
White British/white other	77	60

Table A2: First v multiple contact with the courts

	First %	Multiple %
Legal representation		
Fully funded through legal aid	31	74
Indicators of marginalisation/disadvantage. Life experiences of:		
The care system	5	23
Domestic abuse	32	43
Substance (mis) use	20	42
Unstable housing	23	43

Appendix 2: Wider project outputs and dissemination activity

To date, we have discussed project and emerging findings with the Law Society, Bar Council, HMCTS and the Domestic Abuse Commissioner. In 2025, we were invited to appear on a panel with the Safeguarding Minister and Courts Minister at a Society for Labour Lawyers event at the Labour Conference, provided evidence to the [Independent Review of the Criminal Courts](#)⁶¹ and the [Co-Production Futures Inquiry](#),⁶² and completed numerous project outputs to share and disseminate our findings.

In 2023, we published a [research briefing](#)⁶³ with findings from the project's early stage, focused on interviews with parents and special guardians involved in public law care proceedings. This was submitted to the Care Proceedings Reform Group, a sub-group of the Public Law Working Group. These and other findings were developed in a paper⁶⁴ about parent voice in public law proceedings in England and Wales, published in the Journal of Social Welfare and Family Law in January 2026.

Revolving Doors authored blogs about the policy workshop discussions and the proposed co-produced recommendations.⁶⁵ Each workshop focused on a different theme that emerged from the research, which included: experiences of the family courts; domestic abuse and how it is handled in family proceedings; the quality of legal representation and perceptions of legal aid; special measures and other adaptations to court process; and court delays and their impact.

ICPR led a five-part [guest blog series](#)⁶⁶ for the Socio-Legal Studies Association (SLSA) that detailed project aims, methods and emerging findings. ICPR researchers and a RD peer researcher presented two papers on project methods and findings at the Annual SLSA Conference, in March 2026.

We worked with Criminal Justice Alliance and Media Trust Films to produce a short film showcasing the value of lived experience voices and co-production in justice research. This was launched at the Birkbeck Festival of Social Sciences event in June 2025, alongside a panel of speakers discussing the strengths and challenges of co-production.

We have additional planned outputs for 2026, which will provide a platform for the voices of individuals with lived experience of the justice system and add to the growing evidence base on co-production methodologies. Linked to the project recommendations we will develop practical guidance on two key issues: what people should expect from their solicitors and what people should expect from special measures where they are eligible. These and other project outputs and updates will be available on the websites of [ICPR](#)⁶⁷ and [Revolving Doors](#).⁶⁸

61 Independent Review of the Criminal Courts: Part 1: <https://www.gov.uk/government/publications/independent-review-of-the-criminal-courts-part-1>

62 Co-Production Futures Inquiry: <https://www.liverpool.ac.uk/heseltine-institute/projects/co-production-futures-enquiry/>

63 Revolving Doors, Lived Experience of the Law pilot phase briefing: <https://revolving-doors.org.uk/publications/lived-experience-of-the-law-pilot-phase-briefing-experiences-of-public-law-care-proceedings/>

64 Hunter, G., & Campbell, N. (2026). "You're not to speak unless you're spoken to": parent voice in public law proceedings in England and Wales. *Journal of Social Welfare and Family Law*, 48(1), 49–67. <https://doi.org/10.1080/09649069.2026.2614852>

65 Revolving Doors Lived Experience of the Law blogs: <https://revolving-doors.org.uk/?s=lived+experience+of+the+law>

66 SLSA guest blog series: <https://www.slsa.ac.uk/blog/categories/blog-series-icpr>

67 <https://www.icpr.org.uk/lived-experience-law-research-and-policy-project>

68 <https://revolving-doors.org.uk/publications/>



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ICPR, Birkbeck undertakes academically-grounded, policy-orientated research on justice. All our research is informed by concerns with justice, fairness, human rights and commitment to bringing about improvements in justice policy and practice.

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