

Public engagement with the justice system: an evidence review

Full report

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This report was commissioned by the Nuffield Foundation as part of its [Public right to justice](#) programme. The views expressed are those of the author and not necessarily the Foundation. The report forms part of a series of evidence reviews and briefing papers critically examining different dimensions of the justice system and access to justice in England and Wales. The programme aims to develop an interconnected body of research, providing policymakers, practitioners and the public with a better understanding of how the justice system operates, where it falls short, and how it could better meet the needs of those it serves.

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Executive summary

This report presents the findings of an evidence review commissioned by the Nuffield Foundation on the general public's engagement with the justice system.

Scope and focus

The review examines three dimensions of public engagement: the transparency or openness of the justice system; the representativeness and diversity of justice system actors; and the public's direct participation in the delivery of justice as lay adjudicators. The focus is on adjudication and the courts and tribunals system (henceforth 'the courts'), across the administrative, civil, family and criminal jurisdictions. Research evidence on the experiences of the justice system of court users (e.g. defendants, parties and witnesses) is outside the scope of the present review but is covered by a review separately commissioned by the Foundation (Tsalapatanis et al, 2026).

The starting point of the review was the recognition that all members of the general public have a stake in a courts system to which they can turn for redress if they are facing a legal problem. More broadly, members of the public should perceive the courts as an institution that upholds their rights, constrains state power, resolves disputes and enforces the law so as to help maintain an orderly society. If courts are perceived to fulfil these responsibilities fairly and effectively, and to have rightful authority in doing so, they can be said to be legitimate in the eyes of the public.

A great deal of contemporary debate about justice in England and Wales, however, points to strains in the relationship between the public and the justice system. There are concerns about barriers which impede access to justice, declining levels of public trust or confidence, and associated challenges to the legitimacy of the system.

Review approach

This study took the form of a structured evidence review, designed to identify and synthesise the main bodies of scholarship, legal commentary and policy debate relating to the three core themes of transparency, representativeness and diversity and lay adjudication, paying particular attention to the significance of these themes for the legitimacy of the justice system. It did not aim to provide a comprehensive account of all relevant literature.

A search strategy was devised to identify a broad but manageable body of relevant literature. Searches covered academic and policy-oriented ('grey') literature, using bibliographic databases, Google and targeted searches of relevant organisations' websites. Searches were limited to literature published since 2010 and focused on England and Wales. The identified publications were screened for relevance and categorised by literature type, jurisdiction and thematic focus.

A large language model (LLM) was used to generate summaries of publications to support this process, with quality assurance checks undertaken by the research team on a sample of the summaries. Following further additions and exclusions, a final corpus of 156 publications was selected. The LLM was also used to produce structured syntheses of the publications, working from the original sources rather than the AI-generated summaries. These syntheses informed the researchers' analysis and reporting of the findings.

Findings and implications

Many commentators writing about the courts – from both academic and policy perspectives – regard the transparency or openness of judicial proceedings, the representativeness and diversity of justice system actors, and lay adjudication as complementary institutional mechanisms that can play a vital part in supporting public trust in, and the perceived legitimacy of, the justice system. A variety of other – usually intersecting – rationales for transparency, representativeness and diversity and lay adjudication are also elaborated in the literature. These centre on concepts and principles such as access to justice; the quality of judicial decision-making; public legal education; and democratic participation, scrutiny and accountability.

Collectively, the literature suggests that the three mechanisms serve to progressively narrow the gap between the general public and the justice system:

- *Transparency* allows the public to observe, scrutinise and understand the judicial process and its outcomes.
- *Representativeness and diversity* allow members of the public to see themselves reflected in those who officiate in the courts.
- *Lay adjudication* directly incorporates members of the public into the courts system and the delivery of justice.

The empirical evidence supporting these claims, in the context of England and Wales, is limited. Much of the academic literature is concerned with constitutional, doctrinal and legal principles and associated normative values, which do not easily lend themselves to empirical testing. Many policy-oriented publications are likewise grounded in legal principles or normative propositions rather than detailed empirical findings.

There are some empirical studies from this jurisdiction (and to a greater extent internationally) which offer qualified support for associations between the three mechanisms and public trust or confidence in justice. There is also some more modest evidence concerning their implications for the quality of judicial decision-making and civic engagement. However, significant gaps in knowledge and understanding remain with regard to how these mechanisms operate in practice. There is also limited evidence on the public's own expectations of their engagement with the justice system, including what forms of participation they might consider meaningful and important.

The gaps in the existing evidence base do not mean that policy action to promote transparency, representativeness and diversity and lay adjudication should await further research. The case for supporting these mechanisms rests not only on empirical claims about their relationship to public confidence and legitimacy but also on long-established legal principles and democratic values. There

are therefore already strong grounds for maintaining and strengthening policy efforts to enhance these mechanisms.

At the same time, there is a need to extend the evidence base. We propose a programme of research to address the overarching question: how, and under what conditions, do contrasting institutional mechanisms shape the relationship between the public and the justice system, particularly the courts? This would entail detailed investigation of the processes by which these mechanisms affect public confidence, engagement and legitimacy. A more robust evidence base would help to inform policy and practice aimed at addressing deficits in public trust and legitimacy and strengthening public engagement with justice.

1 Introduction

The Nuffield Foundation's *Public right to justice* programme is examining how the justice system of England and Wales serves the public, and how it can better meet their legal needs. As part of this programme, the Foundation has commissioned a series of reviews of existing research evidence on whether and how legal needs are being met, people's experiences of interacting with the justice system, and the scope for reform.

This report presents the findings of a review that addresses these themes from a broader perspective than the other reviews in the series. Its subject is the relationship between the general public and the justice system. Research evidence on court users' (e.g. defendants', parties' and witnesses') experiences of and participation in the justice system is outside the scope of the present review but is covered by that of Tsalapatanis et al (2026).

There is a vast array of academic, legal and policy-oriented scholarship and research which sheds light on the nature and quality of the relationship between the general public and the justice system. In line with the Foundation's brief, we have focused on three dimensions of this relationship. These are: the transparency or openness of the system to the general public; the extent to which justice system actors are diverse and representative of the general population; and the general public's direct participation in the delivery of justice as lay adjudicators. All three dimensions are widely understood to contribute to the legitimacy of the justice system in the eyes of the public.

The review does not consider all constituent parts of the justice system but is confined to public engagement in the context of adjudication and the courts and tribunals system (henceforth referred to as 'the courts' as a shorthand). The administrative, civil, family and criminal jurisdictions are all within the review's scope.

The evidence base comprises both academic and policy-oriented (or 'grey') literature. The former comprises peer-reviewed journal articles, contributions to edited volumes and monographs, while the latter includes publications produced by government bodies, think tanks, justice non-governmental organisations (NGOs), legal professional bodies and other commentators. The literature also spans publications based wholly or partly on empirical research and those oriented around theoretical, conceptual or doctrinal concerns or professional opinion and commentary. Our review draws on this wide range of sources to provide an overview of current scholarly and policy debate and research on the core themes.

Following this introduction, the report comprises seven main sections. In Section 2, we discuss the concept of public engagement with justice and its relationship to transparency, representativeness and diversity, and lay adjudication. Section 3 describes the approach we took to the review, and 4 provides an overview of the literature identified. Sections 5, 6 and 7 discuss the evidence base on transparency, representativeness and diversity, and lay adjudication respectively. Finally, in Section 8, we highlight key messages from the review and consider some implications for policy and future research.

2. Examining public engagement with justice

In the tribunals and the civil, family and criminal courts of England and Wales, decisions are made that often have direct, immediate and far-reaching effects on people's lives. These include, for example, decisions about an individual's right to live in the country or their employment; liability for actions that have caused harm, and associated compensation; where and with whom a person's children will live; and whether an alleged wrongdoing in fact occurred and, if it did, what sanction should be applied to the wrongdoer.

But the ways in which the courts operate, and the decisions that are reached in the courtroom, do not affect only the individuals directly involved in the cases being heard. The courts have a much wider audience, which includes the general public – all of whom have a stake in a courts system to which they can turn for redress if they are facing a legal problem that cannot otherwise be resolved. More broadly, in a functioning democratic society, members of the public should perceive the courts as an institution that upholds their rights, constrains state power, resolves disputes and enforces the law so as to help maintain an orderly society. In fulfilling these functions, the courts support the state as well as the public; as observed by Resnik, 'governments depend on judiciaries to implement their rules, to develop norms, to protect their economies and to prove governments' capacity to maintain "peace and security"' (2025: 57; emphasis in original).

2.1 Legitimacy

If courts are perceived to fulfil these responsibilities fairly and effectively, and to have rightful authority in doing so, they can be said to be legitimate in the eyes of the public, according to established definitions of legitimacy. Tyler, for example, describes legitimacy as "the belief that authorities, institutions, and social arrangements are appropriate, proper, and just" which leads individuals to comply voluntarily with those authorities, institutions and arrangements (Tyler, 2006: 376). For Bottoms and Tankebe, legitimacy is "dialogic", emerging through interactions between power-holders' claims to legitimacy and the public's responses to these claims. As a result, it is "constantly in flux" and comes under strain "when it becomes clear that a relevant audience has rejected one or more aspects of [the power-holders'] initial claim to legitimacy" (Bottoms and Tankebe, 2012: 152).

Concerns about such strains in the relationship between the public and the justice system of England and Wales, and hence in the system's legitimacy, are a prominent theme in current research and debate about the justice system in general and the courts more specifically.

2.1.1 Access to justice

One source of reported concern about the relationship between the public and the justice system is the difficulty many people encounter in obtaining the legal remedies to which they are entitled. Access to justice is widely regarded as foundational to the rule of law. For example, the first of eight rule-of-law principles identified by Lord Bingham, in his seminal book *The rule of law*, is: “The law must be accessible and so far as possible intelligible, clear and predictable” (Bingham Centre for the Rule of Law, n.d).¹

Yet many commentators today describe significant, and worsening, barriers to access. This is evident, for example, in the foreword and key findings of a Bar Council report.

A fair and just society requires fair access to justice – yet many people in England and Wales today struggle to exercise that right. (Fenhalls, 2022: 2)

The solution is clear: long-term planning and resourcing of a system that is equipped to provide the legal redress to which people are entitled (Bar Council, 2022: 4).

Dimensions of access to justice include the following, as identified, and noted to be limited or under threat, by Ernest Ryder (2024) in a keynote address to a Nuffield Foundation conference:

- access to legal information and advice
- access to formal legal systems
- access to a fair and effective hearing
- access to a decision according to law
- access to a remedy and enforcement

Ryder (2025: 61) has since argued that

the impact of austerity and the change in people’s behaviours, as a consequence of the Covid pandemic, have had a serious impact on one of our foundational constitutional principles: access to justice. There are delays and backlogs that are antagonistic to justice. Case volumes are increasing and resolution rates in many jurisdictions are declining. Austerity without strategy brings price rationing which is the antithesis of access to justice.

Legal scholar Hazel Genn (2025) has produced a large body of research on the responsiveness of the justice system to citizens’ legal needs. In a lecture reflecting on “the current ‘access to justice crisis’ in England and Wales (and other parts of the world)”, she highlighted the concrete manifestations, for the public at large, of barriers to access:

1 The other seven principles, as summarised by the Bingham Centre, concern the application of law rather than discretion to resolve legal questions; equality before the law; fair and appropriate exercise of powers; protection of fundamental human rights; provision of means for resolving civil disputes; fair adjudicative procedures; and compliance by the state with its obligations in international as well as national law.

Access to justice can be viewed as a process and outcome aspiration that can only empirically achieve its theoretical objectives at an individual level. An ‘access to justice crisis’ is a population level description of the experiences of myriad individuals faced with everyday problems in need of solution and for whom recourse to legal rights and entitlements is not theoretically the only way of dealing with the issue, but may, in practice, be the only way of achieving a solution or a remedy.

From this perspective, she understands legal rights and entitlements as means of preventing harm and supporting health and wellbeing. Accordingly, she argues that

We need to talk more of the ROLE rather than the RULE of law in relation to access to justice. We need to stress how law can help, support, facilitate, repair, protect and prevent. In sum, we need, through our language, to connect better with those outside the legal field to communicate the value of law to individuals and to society. (Genn, 2025)

2.1.2 Trust and mistrust

Like access to justice, public trust and confidence in the justice system are widely regarded as highly pertinent to the system’s legitimacy. In socio-legal scholarship, the relationship between trust and legitimacy is understood in a variety of ways. Trust and confidence are variously treated as indicators of legitimacy, manifestations of legitimacy, and factors that contribute to or shape it.

Empirical research conducted over the past two decades has consistently identified aspects of court processes which undermine the trust of individuals who attend court as parties, witnesses or supporters, and which consequently have negative implications for legitimacy. For example, Hunter et al’s recent study (2026) of the family and criminal courts found that delays and inefficiency, overly complex language, and poor treatment by justice professionals were among many factors contributing to mistrust among lay court users. Tsalapatanis et al (2026) reviewed the evidence base on users’ views and experiences of civil, administrative and family justice on behalf of the Nuffield Foundation. They report on research which finds that users’ practical and emotional needs are often not met; that cuts to the resourcing of the system have had significant negative impacts; and that users may have uninformed or unrealistic expectations of what court proceedings entail.

The present review pertains to the general public rather than the minority of the public who have been directly involved in court proceedings. With respect to the wider public, there is increasing concern among policy-makers and commentators that trust in the justice system – including in the courts and judiciary – may be declining. This is seen in the context of deficits of trust in other areas of public life. In a UK parliamentary briefing, Gibbs and Mutebi (2025: 5) note that “Evidence has shown declining trust levels in public institutions in the UK and around the world”. Internationally, this is “associated with the decreasing performance of public institutions and challenges to representative democracy” (2025: 51).

Existing data on levels and aspects of trust or mistrust in justice and the courts in England and Wales are mixed and not definitive. Addressing the theme of access to justice, Byrom notes that

an absence of detailed research to understand changes in attitudinal barriers to accessing the formal legal system – such as *lack of trust and confidence in the courts* – undermines attempts to address these issues. (Byrom, 2024: 24-5; emphasis added)

Data from the Office for National Statistics (ONS) suggest that the courts enjoy sustained and relatively high levels of trust. The most recent release on the ONS ‘Trust in government UK’ survey, from 2023, notes that nearly two-thirds of respondents (62%) reported high or moderately high trust in the courts and judicial system, making this the most trusted of the public institutions asked about in the survey (ONS, 2024). On the other hand, data from Gallup’s World Poll indicate a substantial recent decline in the proportion of UK respondents expressing confidence in the judicial system and courts – from 69% in 2024 to 57% in 2025. While this decline is observed to be “unique among [Britons’] ratings of other national institutions”, it should be seen in the context of a generally fluctuating figure for public confidence in the judiciary and courts over the past 18 years, between highs of 71% (in 2022 and 2023) and a low of 55% (in 2007) (Vigers, 2025).

Relatedly, the Legal Services Board (LSB) has highlighted generally low levels of what it terms ‘legal confidence’, defined in terms of individuals’ belief that they would personally achieve a fair and positive outcome in certain scenarios relating to the law. The LSB’s 2023 survey of the legal needs of the general public found that only 12% of respondents had a “high level” of legal confidence while 50% had a “medium level” and 38% a “low level” (LSB, 2026).

Different components of the justice system attract differing levels of confidence. For example, there is substantial evidence of a long-standing lack of trust in the sentencing decisions of the criminal courts. Around two-thirds (65%) of respondents in a 2021 survey stated that sentences were a little or much too lenient; in a similar vein, 59% believed judges were “out of touch with what the people think” (Roberts et al, 2022). The research also consistently demonstrates that this mistrust in sentencing is at least partly rooted in limited knowledge about sentencing practice, the severity of which is routinely under-estimated (Roberts et al, 2022; Justice Committee, 2023). At the same time – vividly illustrating the multidimensional character of trust in the criminal courts, let alone trust in justice more broadly – there appears to be a consistently high level of trust in juries (Roberts and Hough, 2011; discussed further in Section 7 below).

2.2 Supporting legitimacy

While the evidence is not definitive, elements of mistrust in the courts and wider justice system, along with barriers to accessing justice, indicate that its legitimacy may be under strain. With the courts, judiciary and criminal justice having long been a focus of the rhetoric of populist politics (Freiberg and Gelb, 2008), it seems likely that the challenges to legitimacy will continue to grow.

Against this backdrop, three broad institutional mechanisms are commonly advanced by academics, legal practitioners and reformers as means of strengthening the relationship between the public and the justice system and thereby supporting public confidence and ultimately the legitimacy of the system. These mechanisms, which reflect the themes identified by the Nuffield Foundation as the focus of the review, are:

1. the transparency of the justice system
2. the representativeness and diversity of justice system actors
3. lay participation in the administration of justice, and specifically lay adjudication

The first of these – transparency – is closely associated with the principle of open justice. It concerns the public’s capacity to observe, scrutinise, understand and know about justice institutions, procedures and outcomes. The second – representativeness and diversity – is the principle that the wider public should be properly represented by and reflected in the people who make up the justice system. The third – lay participation and adjudication – is the principle that the public should not merely be represented or reflected by those who deliver justice but should themselves directly participate in this process. The Foundation’s brief for this review originally specified “participation in the administration of justice” as the third theme; however, over the course of the project, we narrowed this to lay adjudication for reasons that will be discussed in Section 7 below.

Thus, all three mechanisms can be understood as not merely ways of strengthening the relationship between the public and the justice system, or of helping the public to better engage with the system. Beyond this, they can also be said to bridge the gulf between the public and the justice system.

Over the course of this report, we will look at existing research and commentary on how each of the three mechanisms of transparency, representativeness and diversity and lay adjudication supports public engagement with the courts and justice system, and at other functions and rationales associated with these mechanisms. The review findings will thus offer a broad perspective on the question of how a justice system can sustain a legitimate relationship with the public it serves.

3. Review approach

Following our preliminary, high-level review of the literature on the concept of public engagement with justice which informed the conceptual framework set out in Section 2, we undertook a review of existing scholarship, legal commentary and policy debate relating to the three core themes of transparency, representativeness and diversity, and lay adjudication.

The review did not seek to provide a systematic or comprehensive review of all relevant literature. Instead, it was designed to provide a structured overview of the main bodies of scholarship, legal commentary and policy debate relating to the three core themes, paying particular attention to the relevance of these themes to the legitimacy of the justice system. To situate the literature in its broader context, we also undertook initial searches on other concepts pertinent to public engagement with justice. These included legitimacy, public trust and confidence in justice, access to justice, the rule of law, procedural justice, and public legal education.

3.1 Search strategy

In the first phase of the project, a search strategy was devised which set out the scope of the review, the data sources and the search terms. The strategy encompassed both academic and grey literature. Aside from the late addition of some selected sources, the search was conducted in March and April 2026.

3.2 Data sources

Academic literature was searched using relevant legal, social science and multidisciplinary research and bibliographic databases available to the research team. These were Lexis+, HeinOnline, ProQuest, JSTOR, Scopus, Criminal Justice Abstracts (EBSCO) and Google Scholar.

In addition to searching these databases, we conducted a hand search of the websites of agencies and services with a known or likely interest in public involvement in the justice system. To ensure this process was structured but manageable within the time constraints of the review, we devised a list of organisations whose work relates to justice policy or practice or public engagement. This included:

- statutory, government and parliamentary bodies
- think tanks, policy research bodies and research foundations
- legal support and advocacy groups
- legal professional bodies

See Table 1 for the full list of organisations.

To complement the database search, we conducted a targeted hand search of Google, applying a stopping rule after screening the first 50 results (five pages). We included only results leading to research, project and evaluation reports, training, guidance and toolkits, white papers and other policy documents, theses, conference proceedings, and articles from reputable news sources when the articles were deemed highly relevant. Social media threads and commercial advertisements were excluded.

Table 1: List of relevant agencies

Criteria: remit includes a recognised contribution to justice policy, practice and public engagement	
Statutory, government and parliamentary bodies	gov.uk, Ministry of Justice, Crown Prosecution Service, ONS, Courts and Tribunals Judiciary, HM Courts and Tribunals Service (HMCTS), UK Parliament Justice Select Committee
Think tanks and policy research bodies	JUSTICE, Legal Education Foundation, Nuffield Foundation, Centre for Justice Innovation, Institute for Government, Bingham Centre for the Rule of Law, IPPR, Policy Exchange, Transform Justice
Legal support and advocacy groups	Citizens Advice, Law Centres Network, LawWorks, Legal Action Group, Public Law Project, The Transparency Project, The Good Law Project
Legal professional bodies	The Law Society, Bar Council, LSB

3.3 Selection criteria

Publications were screened against a list of inclusion and exclusion criteria, as detailed in Table 2.

Table 2: Inclusion and exclusion criteria

Inclusion criteria	Exclusion criteria
- published in English - on a database accessible to the research team - published from 2010* onwards (so that it captured the post-austerity policy context and developments associated with the HMCTS court modernisation programme which ran from 2016 to 2025) - relates in whole or part to adjudication and court/tribunal processes, within administrative, civil, family or criminal justice sectors - has a significant focus on England and Wales - addresses aspects of the public's relationship or engagement with justice or explores policy/practice developments that support public engagement	- not available in English - published before 2010 - not accessible to the research team - focuses exclusively on policing, prisons or probation - does not address public engagement or its impact on fairness/effectiveness of the justice system - based on countries other than England and Wales, with no significant transferable insights to England and Wales - blogs, vlogs, social media posts and forums - focuses on the participation of individuals as direct parties to legal proceedings (e.g. defendants or victims), with no significant transferable insights into how these experiences impact the scrutiny or delivery of justice - focuses on public engagement in forms of justice that fall outside the scope of this study (e.g. environmental, climate, medical, social or economic justice) - focuses only on professionals (e.g. judges, lawyers) without considering public users or communities - earlier versions of studies superseded by later, more complete publications (duplication)

Note: * This timeframe was selected to ensure the review captured a broad and manageable range of relevant literature without the results becoming unwieldy.

3.4 Search terms

The search terms were developed with reference to the aims of the review and the key concepts identified in a preliminary review of literature on public engagement with justice. As shown in Table 3, the terms fell into five categories.

To ensure that the search returns were manageable and captured literature relating both to the overarching concept of public engagement with justice and to the three core themes of the review, search strings combined terms from these categories using Boolean operators (see Table 4).

After trialling the search strings, additional filters were applied where appropriate. For example, some searches were restricted to terms appearing in a publication title or abstract, or to journal articles and book chapters. This reduced the number of retrieved publications while improving the relevance of results.

Table 3: Search terms

Category	Search terms
Settings and jurisdictions	"Courts", "administrative justice", "civil justice", "family justice", "family court", "county court", "criminal justice", "criminal proceedings", "family proceedings", "civil proceedings", "tribunal", "judicial", "judiciary"
Public perspectives	"public participation", "public engagement", "public attitudes", "public confidence", "public expectations", "public perceptions", "public legal education", "public trust", "legitimacy"
Lay adjudication and roles	"lay adjudicators", "lay adjudication", "civic participation", "magistrates", "magistracy", "jurors", "jury", "non-judicial members", "oversight bodies", "non-legal members", "lay members"
Legal norms and principles	"open justice", "transparency", "access to justice", "representativeness", "diversity", "procedural justice", "civic participation", "rule of law"
Geographic remit*	"England", "Wales"

Note: * The decision to include geographic remit in the search terms was made after a trial run of search terms and strings which produced a large number of results from other jurisdictions.

Table 4: Search strings

String 1: Public engagement and participation	("England" OR "Wales") AND ("courts" OR "tribunal") AND ("public participation" OR "public engagement" OR "public attitudes" OR "public confidence" OR "public expectations" OR "public perceptions" OR "civic participation" OR "public trust")
String 2: Lay adjudication and representation	("England" OR "Wales") AND ("lay adjudicators" OR "lay adjudication" OR "magistrates" OR "magistracy" OR "jurors" OR "jury" OR "non-judicial members" OR "non-legal members" OR "lay members") AND ("representativeness" OR "diversity" OR "procedural justice" OR "public trust" OR "legitimacy")
String 3: transparency and legal norms	("England" OR "Wales") AND ("open justice" OR "transparency" OR "access to justice") AND ("courts" OR "tribunal" "administrative justice" OR "civil justice" OR "criminal justice")
String 4: Specific jurisdictions and systemic initiative	("England" OR "Wales") AND ("family justice" OR "family court" OR "county court" OR "criminal proceedings" OR "family proceedings" OR "civil proceedings" OR "tribunal") AND ("public legal education" OR "oversight bodies")

3.5 Screening and results

The searches identified a total of 10,563 publications: 9,158 from academic databases and 1,405 from grey literature sources. References and abstracts were uploaded to the literature review platform Rayyan to assist with screening. On Rayyan, 2,451 duplicates were identified, bringing down the number of publications to 8,112 publications.

Given the large quantity of literature, we undertook pre-screening of the sources, involving rapid assessment of each publication's relevance by checking for the appearance of search terms in the title and abstract through keyword searches.² This allowed us to eliminate sources that clearly fell outside the scope of the review – for example, where publications addressed parts of the justice system unrelated to the courts or did not concern justice in England and Wales.

Pre-screening reduced to 971 the number of publications that were progressed to the full screening stage. The screening was then carried out against the specified inclusion and exclusion criteria (Figure 2). This was conducted by one member of the research team, with input from the wider team when queries arose regarding the scope and relevance of publications. This process involved reviewing the titles and abstracts of identified sources in greater detail and undertaking an initial thematic tagging of publications. Given the large number of sources, screening decisions were based primarily on titles and abstracts. However, for sources where the relevance remained unclear, targeted keyword searches within the full text were used to inform the screening decision.

Decisions to include or exclude items were made by the researchers, but we used Rayyan to facilitate this screening process. Rayyan provided screening suggestions based on the researchers' prior decisions, auto-resolution of duplicates and, as screening progressed, flagging of records likely to be of limited relevance based on terms associated with out-of-scope sources.

² Keyword searches included terms identified as relevant to the review through the search strategy, as well as terms likely to indicate that a publication was outside the scope of the review (e.g. "environmental justice").

A total of 249 publications remained in the corpus after screening. These publications were summarised and subsequently subjected to critical appraisal which informed both the refinement of the review scope and the subsequent synthesis.

3.6 Summarisation

Given the review's time constraints, we used a large language model (LLM; Claude, Opus 4.8) to generate structured summaries of the 249 publications (see Annex 1 for the summarisation prompt).³ Each summary comprised:

- citation
- jurisdiction/context (where relevant)
- type of publication (e.g. empirical, doctrinal, conceptual/theoretical, research review, policy report, commentary)
- topic, aim or research question
- methods and dataset (where relevant)
- key findings
- limitations noted by authors

To minimise the risk of misinterpretation or hallucination, we built in additional safeguards. The LLM was instructed to rely solely on uploaded source documents (all of which were in the public domain); privacy settings were applied to prevent use of prompts and outputs for model training; and quality assurance procedures were undertaken through manual and AI-assisted cross-checking (as detailed below).

3.7 Summaries cross-check

Following the generation of the summaries, dip-sampling checks were conducted on approximately 10% of the output, involving comparison of the LLM output with the original sources. Because of the large number of sources, this was split between a 5% manual review by a member of the research team and a 5% cross-check using an alternative LLM, NotebookLM.⁴

The AI cross-check identified a small number of instances where academic publications had not been interpreted correctly, such as inaccuracies in reporting of statistical findings by a single digit. The manual cross-check identified some inconsistencies in tone and referencing style but no substantive inaccuracies. Because all the noted discrepancies were minor, we judged the summaries to be sufficiently reliable for use in the subsequent appraisal stage.

3 Use of AI to generate publication summaries was approved by the Nuffield Foundation. The Foundation also provided feedback on the prompt developed for this stage of the review.

4 NotebookLM was selected for this purpose because it is a source-grounded LLM designed to generate responses based on user-uploaded source materials, providing traceable outputs linked to uploaded sources, making it well suited to verifying the accuracy and completeness of the original summaries (Scherbakov et al, 2025; Thai, 2025).

3.8 Appraisal

The summaries were subjected to a rapid critical appraisal by the research team to confirm the relevance of each source to the review and to identify the jurisdictions to which they related, their public types and the themes they addressed. The appraisal framework comprised the following criteria:

- classification
 - academic: empirical (at least in part)
 - academic: theoretical, conceptual or doctrinal
 - academic: literature review or meta-analysis
 - academic: other
 - grey literature: commentary, think piece or opinion
 - grey literature: literature review or meta-analysis
 - grey literature: project, research or evaluation report
 - grey literature: other
- peer-reviewed
- jurisdiction(s) covered
 - family
 - criminal
 - civil
 - administrative (including tribunals)
- empirical evidence (for academic or grey literature)
 - evaluation(s) of initiatives
 - public attitudes research
 - research on justice professionals
 - research on lay adjudicators
 - research on lay court users
- themes
 - transparency

- representativeness and diversity
 - lay adjudication
 - access to justice
 - procedural justice
 - trust and legitimacy
 - public legal education
 - rule of law
- whether the publication discussed policy or practice initiatives
 - relevance to the review (high, medium, low)

Each publication was assessed against these criteria and the conclusions recorded manually on a spreadsheet.

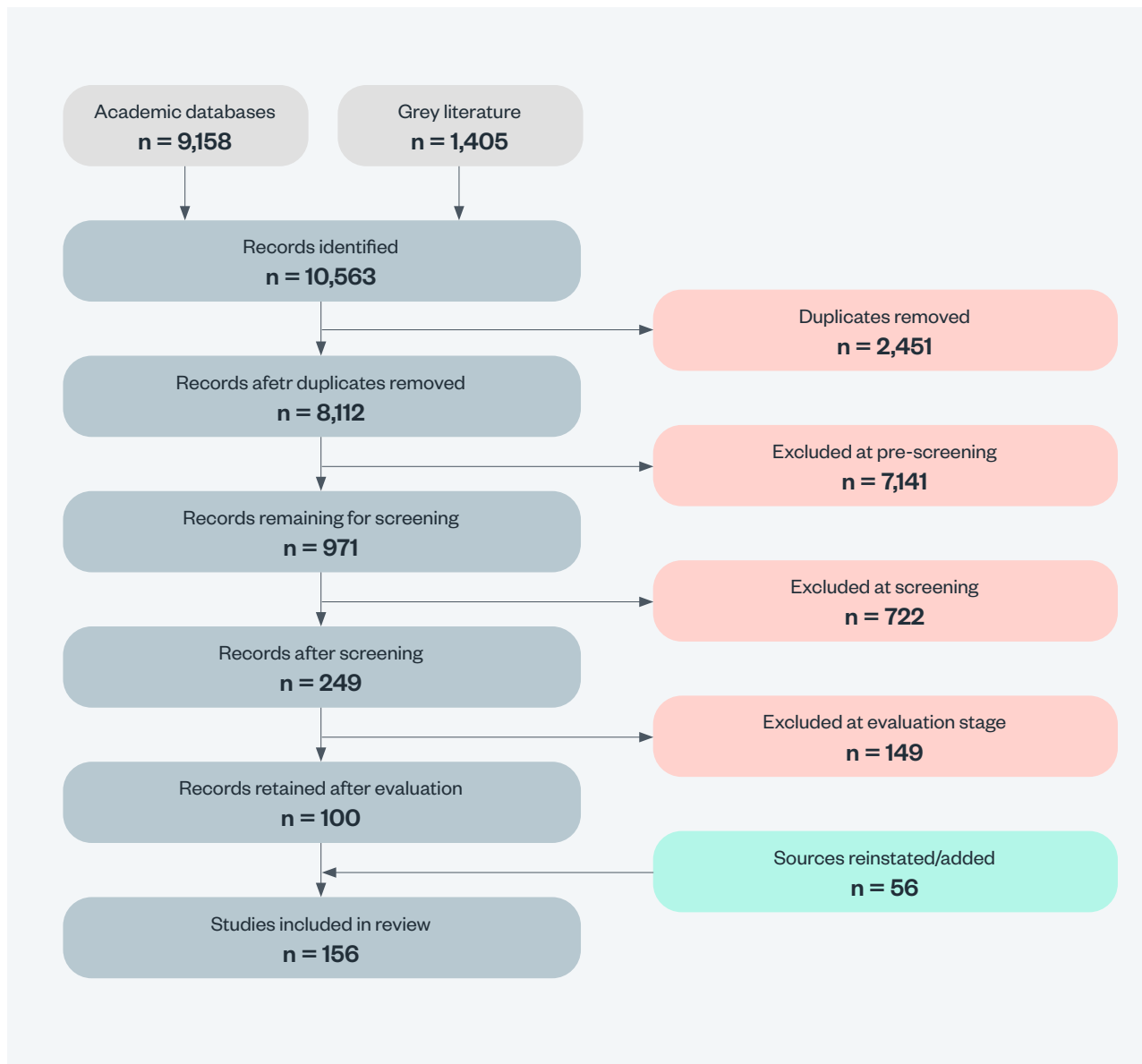
3.9 Selection of the final corpus

Following the critical appraisal, we narrowed the review to items in the corpus which were identified, at the appraisal stage, as addressing one or more of the core themes of transparency, representativeness and diversity, and lay adjudication. This led to the elimination of 149 items.

Also at the appraisal stage, we identified additional items that addressed the core themes but had been inappropriately excluded during pre or full screening or had not been returned by the original searches. These additional publications were incorporated because they were cited in other publications in the corpus and appeared to make a significant contribution to the literature on the core themes. We subsequently identified a small number of further relevant items during the finalisation of this report. In total, there were 56 additional items.

Taking into account the items discarded (149) and those that were added (56), the resultant final corpus numbered 156 publications. Figure 1 depicts the process by which the final corpus was achieved, based on “Preferred Reporting Items for Systematic Reviews and Meta-Analyses (PRISMA)” (Page et al, 2021) – a reporting guideline designed to improve the transparency of systematic reviews by helping authors to report how studies were identified, screened, appraised and synthesised.

Figure 1: PRISMA flow diagram



3.10 Synthesis

Due to the time constraints of the project, it was agreed with the Nuffield Foundation that an LLM (Claude Opus 4.8, as also used to generate the summaries) would be used to support the synthesis process of the final sources. The same safeguards as those implemented during the summarisation phase were employed to minimise the risk of hallucinations and misinterpretations.

To further reduce the risk of misinterpretation, the research team decided to conduct the synthesis using the original publications rather than the summaries generated for the evaluation stage. Because analysing too many sources at once is known to increase the likelihood of errors when using an LLM (Du et al, 2025), the synthesis was conducted in two stages. First, sources were grouped by thematic focus (transparency, representativeness and diversity, and lay adjudication) and by

literature type (academic empirical, academic non-empirical, grey empirical and grey non-empirical). Within each category, they were synthesised in batches of between two and ten items; the number of sources per batch was determined by the length of the publications.

For each batch synthesis, we prompted the LLM to identify cross-cutting themes in the publications included in the batch – with particular reference to why the core theme was deemed important and how it related to other key concepts addressed by the review. We also prompted for strengths and weaknesses and gaps in the evidence, relevant policy or practice initiatives, and the jurisdictions covered (see Annex 2 for the batch synthesis prompt).

In the second synthesis stage, batch syntheses were merged for each combination of literature type and theme, prompting the LLM to draw together findings across the same areas of focus as in the first stage (see Annex 3 for the prompt for the merging of syntheses). This process resulted in a total of 12 synthesis outputs: four per theme. These synthesis outputs were reviewed by the researchers and used, alongside the original sources, to identify the key issues addressed in the literature. In this process of review, we paid particular attention to how the concepts of transparency, representativeness and diversity and lay adjudication are understood and how their rationales and functions are explained.

3.11 Limitations

While this review was designed to provide a structured overview of the existing evidence base, it does not claim to be exhaustive. The broad and multidimensional nature of the concepts under review, together with the project's time and resource constraints, necessitated a pragmatic approach.

Accordingly, and in consultation with the Nuffield Foundation, we balanced considerations of depth, breadth and feasibility in setting the parameters of the literature search, reflected in the inclusion and exclusion criteria set out in Figure 2 above. A key decision was to limit the search to items published since 2010, which means that some less recent research that continues to have a bearing on contemporary scholarship and debate is not covered. The relatively narrow date range of 2010 to early 2026 nevertheless captured a large body of scholarship and commentary, including publications reflecting on the post-austerity policy context and the implications of the 2016–25 HMCTS court modernisation programme.

In line with the Foundation's stated interests, the search focused on evidence from England and Wales. The final corpus included a small proportion of sources which addressed the subject of inquiry in an international context, but with particular relevance to developments in England and Wales. Some relevant research may have been missed as a result of our decision to include ("England" OR "Wales") in search strings, but not the broader alternative of ("England" OR "Wales" OR "UK" OR "United Kingdom"). The narrower formulation was adopted after initial testing found that the broader version substantially increased the volume of returns.

Notwithstanding the date range and geographic limits, the searches identified a large quantity of publications which varied widely in type and scope as well as subject matter.

Pre-screening and screening were undertaken rapidly to reduce the final corpus to a manageable size, with the process facilitated by the review software Rayyan. During the subsequent stages of appraisal, synthesis and writing up, we identified and added relevant items that either had not been

captured by the original searches or had been inappropriately screened out. This helped to address omissions, although this supplementary identification of sources was necessarily a less systematic process than that adopted for the original searches.

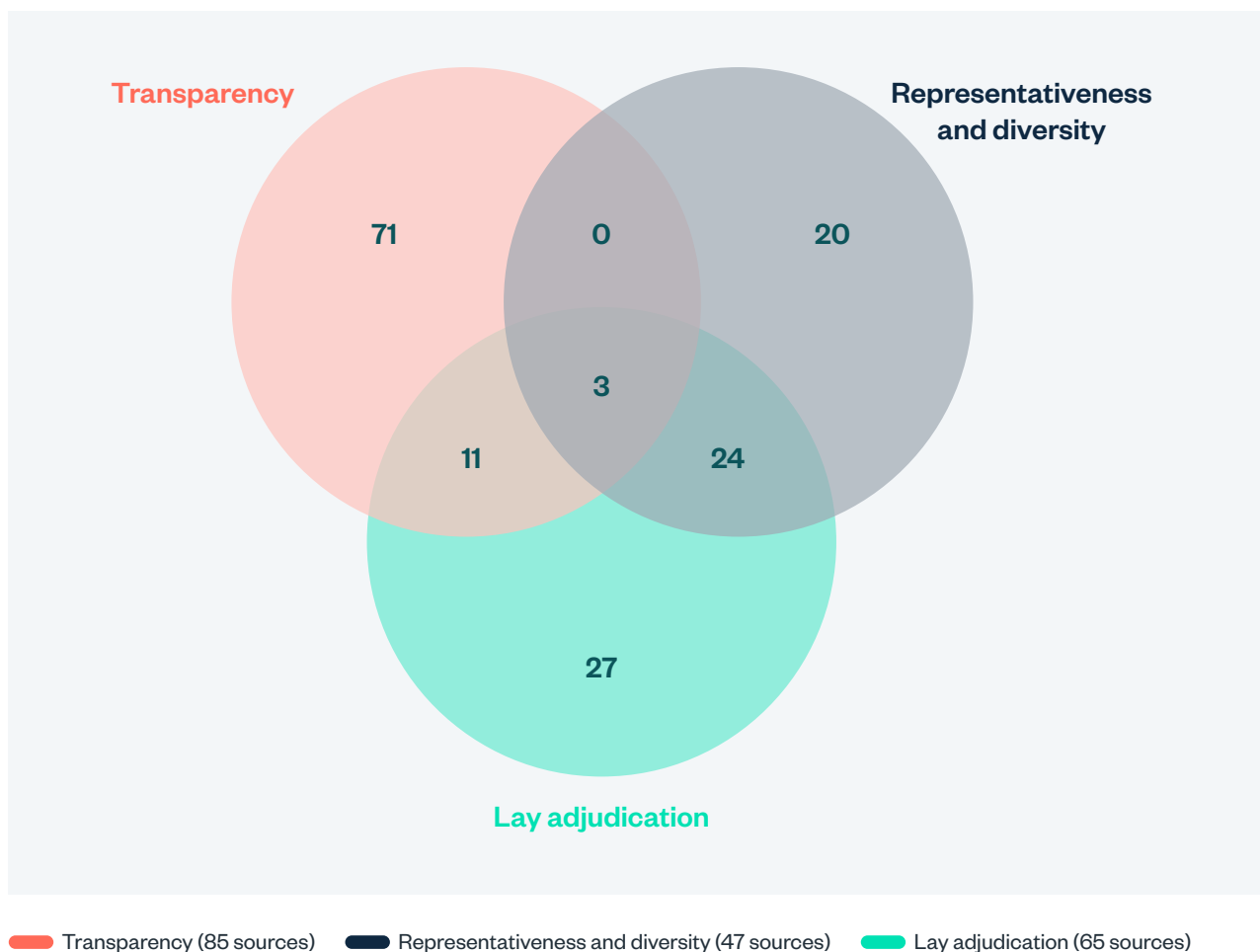
Use of an LLM to generate the publication summaries and syntheses was not part of the original project plan but was agreed with the Foundation after completion of the initial searches. This use of AI was limited to the summarisation and synthesis phases. The LLM was not used to make screening decisions, to appraise the sources (although this primarily drew on the AI-generated summaries) or to generate the final report. To minimise errors or misinterpretations arising from AI use, approximately 10% of the AI summaries were cross-checked and the syntheses were generated on the basis of the original texts rather than the summaries.

The AI-generated summaries and syntheses were not used as a source for any direct quotations or citations in this report. All publications directly quoted or cited were reviewed in their original form.

4. Literature mapping

This mapping covers the 156 sources in the final corpus, all of which were published between 2010 and 2026 and addressed at least one of the core themes of transparency, representativeness and diversity, and lay adjudication.

Figure 2: How the three themes overlap



As Figure 2 shows, transparency was largely a distinct theme, with 71 of its 85 sources showing no overlap with either of the other themes. In contrast, representativeness and diversity and lay adjudication were more closely linked, sharing 24 sources. No source connected transparency with representativeness and diversity without also involving lay adjudication. Only three sources addressed all three themes simultaneously.

Figure 3: Publications by year (2010–26)

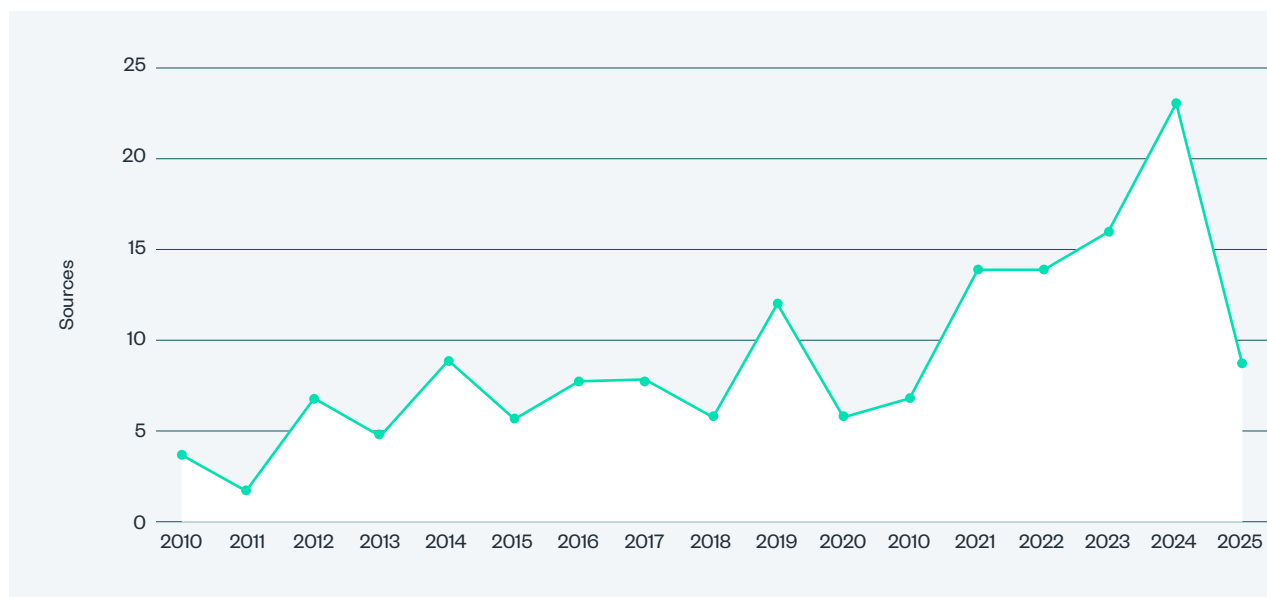
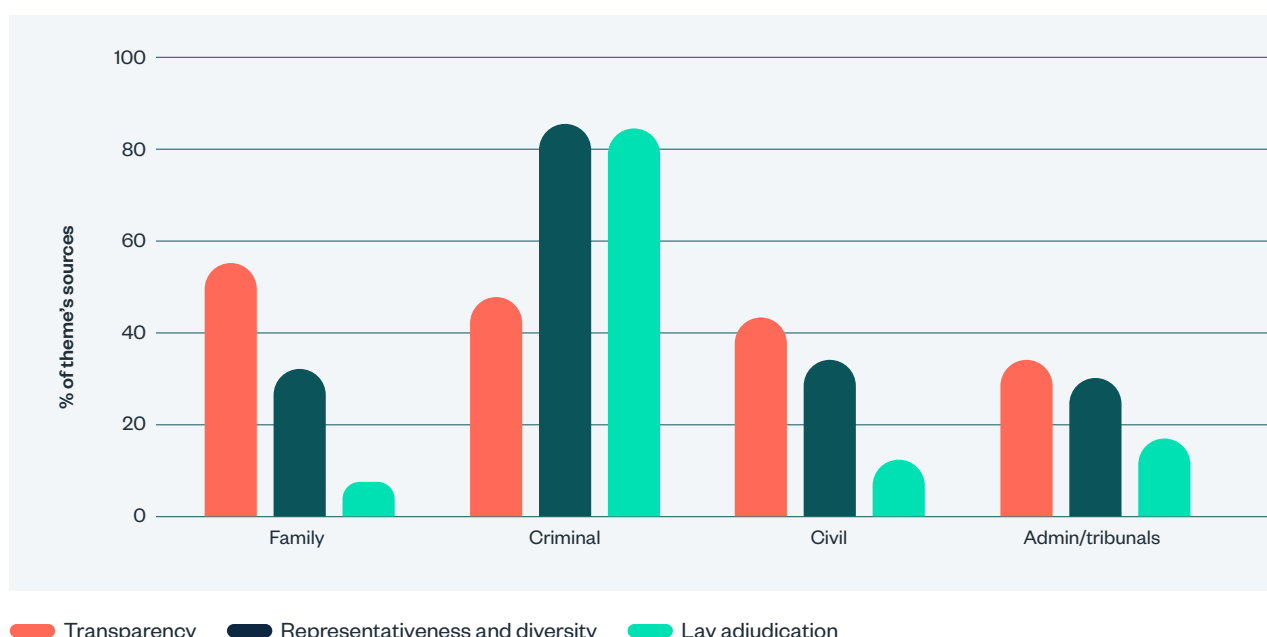


Figure 3 shows that around half of all sources (76 of 156) were published from 2022 onwards. The lower 2026 figure (9) reflects a partial year.

Figure 4: Theme by jurisdiction



As Figure 3 shows, criminal justice was the most prominent jurisdiction in two of the three themes: 85% of representativeness and diversity sources and around 85% of lay adjudication sources addressed a criminal setting (in whole or part), while their coverage of family, civil and administrative settings was comparatively much lower. Transparency, by contrast, was less focused on the criminal jurisdiction, with 55% looking (in whole or part) at family justice, 48% at criminal, 44% at civil and 34% at administrative settings.

Figure 5: Literature classification (empirical compared with non-empirical)



Publications were classified as either academic or grey literature, and then within each of those categories as empirical or non-empirical. Grey literature made up the majority of every theme's evidence base: 65% of transparency sources, 85% of representativeness and diversity, and 66% of lay adjudication (see Figure 5).

5. Findings A: Transparency

As noted in Section 4, we identified 85 publications relating to the theme of transparency within the justice system. These publications are listed in Annex 4, and any cited directly in this section are also included in the References.

We classified 55 of the sources as grey literature and 30 as academic. In contrast to the themes of representativeness and diversity and lay adjudication, in relation to which the sources were heavily weighted towards the criminal justice system, the publications on transparency were more frequently concerned with family or civil justice: 55% and 44% dealt in whole or in part with these two jurisdictions respectively.

5.1 Meanings of ‘transparency’

The literature on the transparency of the courts defines and elaborates this concept in a variety of ways. It is often used synonymously with ‘openness’ and is generally treated as integral to the principle of ‘open justice’. Accordingly, as described in Section 3, our search terms encompassed both concepts.

Although there is substantial overlap between open justice and transparency, they are conceptually distinct. ‘Open justice’ generally refers to a broad legal principle often deemed an essential component of the rule of law and frequently expressed as the imperative that “justice must not only be done, but must also be seen to be done”.⁵ As observed by Bosland and Townend, it was in the landmark case of *Scott v Scott* [1913] that the principle of open justice was formally recognised by the House of Lords as “fundamental to the administration of justice under the common law” (2018: 183).

The principle of open justice is now expressed in the right to a fair trial under Article 6 of the European Convention on Human Rights, under which individuals are entitled to a “fair and public hearing”. The House of Commons Justice Committee states, in the summary of its inquiry on Open justice: Court reporting in the digital age: “Open justice is a principle that defines how our legal system operates and is a core component of the rule of law” (Justice Committee, 2022: 3).

In contrast to the broad principle of open justice, the term ‘transparency’ is more commonly used to refer to the methods or means through which the principle is realised and its associated goals – such as scrutiny and accountability – are achieved. As such, it tends to be defined with reference to any or all of the following:

⁵ This phrase was coined by Lord Hewart, then Lord Chief Justice, in the case of *R v Sussex Justices* [1924].

- the hearing of cases in public, so that the general public can freely attend and observe proceedings
- media reporting on court proceedings, potentially including live broadcasting
- the public availability of information on court proceedings, including records of individual cases (judgments, transcripts and other material) and aggregate information and statistics

A variety of challenges to transparency are identified in the literature. The general public have the right to observe most criminal and many other kinds of court and tribunal proceedings. However, the extent to which they attend the criminal courts – let alone other court settings of which there is likely to be less awareness or interest – appears to be limited and declining. A report on a London-based CourtWatch programme highlights the barriers that members of the public attending court may encounter even when proceedings are formally ‘open’. These include difficulty navigating court buildings, invasive security checks, unreliable hearing lists, poor audibility in courtrooms, and being questioned about their presence by court staff and professionals (Gibbs and Ratcliffe, 2024).

Journalists’ attendance at court is said to be much less common today than in the past (e.g. Justice Committee, 2022; Townend and Welsh, 2023), with reporting on criminal and other cases now limited to high-profile and atypical proceedings rather than occurring routinely in the local press. Also impacting court reporting is the fragmentation of the media landscape, and there are concerns about inaccurate or misleading (conventional or social) media coverage of court cases. At the same time, there has been a gradual expansion of legal permissions for broadcasting of certain court proceedings, especially in the criminal jurisdiction.

The implications for transparency of the rapidly expanding digitalisation of court processes is another significant theme in the literature, with digitalisation seen to offer both risks and benefits. There are concerns that virtual and online hearings take place out of view of the public. On the other hand, some commentators are confident that technological innovation can make proceedings more accessible to the public, for example through provision for remote observation of virtual hearings and through live reporting on social media. Digitalisation is also said to allow more comprehensive information about court proceedings to be made publicly and rapidly available, albeit this is said to be constrained, in practice, by continuing weaknesses in the data infrastructure (Justice Committee, 2022).

Notwithstanding the emphasis in the literature on transparency and open justice as foundational to the rule of law, the literature highlights tensions between openness and other principles, including the right to privacy. These tensions are described as especially acute in the context of the Family Court. Here, a series of measures aimed at bringing greater transparency to proceedings that were traditionally largely hidden from public view inevitably carry the risk of identification of the individuals involved, including children. Reforms included a rule change in 2009 which permitted accredited journalists to attend some family hearings⁶ and practice guidance issued by the President of the Family Division, Sir James Munby, encouraging publication of anonymised court judgments (Munby, 2014).⁷ Following the two-year Family Court Reporting Pilot which ran from January 2023, provision for court reporting was rolled out nationally under amendments to the Family Procedure Rules

6 The Family Proceedings (Amendment) (No. 2) Rules 2009, S.I. 2009/857.

7 This was subsequently replaced by revised and expanded guidance issued by Munby’s successor, Sir Andrew McFarlane (McFarlane, 2024).

and associated Practice Directions.⁸ This has facilitated greater media coverage of Family Court proceedings in the media, particularly by the BBC and the *Guardian*.

The purported solution to the problem of risks of intrusion and privacy breaches arising from greater transparency and reporting of family proceedings is to anonymise any information that is made public. However, there is debate about how to determine the appropriate methods and degrees of anonymisation (e.g. Doughty et al, 2017).

As well as privacy, other considerations that are said to conflict with the goal of transparency include national security and the need to protect vulnerable witnesses and to support the rehabilitation of offenders. Consequently, as argued by Adams et al (2022: 44),

What is at stake here is not simply how to strike an appropriate balance between the public and private interest ... Rather, the issue is how to ensure that the principles of open, and equal, access to justice can be reconciled in practice. Different contexts may well require distinct balances to be struck.

5.2 Rationales for transparency

In Section 2, we noted that if the courts are perceived to be fulfilling their responsibilities fairly and effectively and to have rightful authority in so doing, they can be described as legitimate in the eyes of the public. Within the literature on transparency and the principle of open justice, many of the functions and purposes attributed to transparency can be understood in relation to the concept of legitimacy, whether or not the term is used explicitly. Open justice is widely regarded as a core principle of the rule of law in its own right, but much of the discussion focuses more specifically on various ways in which transparency supports the legitimacy of the justice system.

The literature places a particular emphasis on scrutiny as a means of ensuring accountability. It is argued that the powerful – in this context, the judiciary – can be held properly to account only if they exercise their power in the view of the public rather than behind closed doors. This is reflected in Jeremy Bentham’s frequently quoted assertion that “Publicity is the very soul of justice ... It keeps the judge himself while trying under trial” (cited in Townend and Welsh, 2023: 1). The metaphor of sunlight as the best disinfectant, which originated with US Supreme Court Justice Louis Brandeis in 1914, has been utilised by Sir James Munby in a number of landmark cases in the Family Court (as cited, for example, by Ward, 2012; Magrath and Phillimore, 2015).

Openness permits vital scrutiny of the ways in which “the courts exercise draconian powers, affecting the lives and liberties of often involuntary litigants”, according to Magrath (2025: 165). But such scrutiny, Magrath also asserts, is only meaningful if the process is

clear and intelligible. Secrecy does not reside only in holding the hearing behind closed doors. It can exist in the use of obscure language or procedures, or in a failure to share critical information, such as written pleadings or arguments which the court has seen but are not made available to the press or public observers. (2025: 165)

8 The Family Procedure (Amendment No. 2) Rules 2024.

Courtwatching schemes, which involve organised or semi-organised observation of court proceedings by activists or volunteers, permit close and direct scrutiny of the exercise of power by the courts. The Bail Observation Project was established in 2010 ‘to monitor the largely unknown operation of immigration bail hearings and expose lack of due process’ (Walker et al, 2025: 8). Gill and Hynes (2021: 573) write of courtwatching in an international context:

We would argue that the intimacy of courtwatching in the flesh – hearing the same sounds, experiencing the same atmospheres, feeling the same heat and cold as litigants – can equip courtwatchers with a heightened empathy with experiences of state power. Intimate and embodied approaches to court-watching help to reclaim and hold accountable the corporeal power that courts claim.

Scrutiny and the accountability it achieves are said to enhance the quality of decision-making in the courts by reducing the risks of bias and arbitrariness. Among various rationales for transparency and open justice identified by Hanna (2012: 282) is the “scrutiny rationale”, according to which “holding proceedings in public helps to ensure that they are conducted appropriately, that testimony is honest, and therefore that just outcomes are more likely”. This rationale is expressed similarly by Bosland and Townend (2018: 184):

Openness and public scrutiny of the courts ... are said to guard against the exercise of arbitrary or partial decision-making, to provide “an impetus for high judicial performance”, and to ensure that all participants in court proceedings, including witnesses, are held to account.

In this and other such accounts, transparency is thus understood as improving the administration of justice itself while simultaneously strengthening its legitimacy in the eyes of the public.

Beyond accountability and decision-making, some commentators present transparency as supporting democratic participation in the justice system. The public courtroom is understood not simply as a venue in which justice is administered but as a civic space in which citizens can actively engage with the operation of law and government. (Section 7 of this report looks at wider implications of citizen involvement in the delivery of justice in the courts.) Moore, drawing on Resnik and Curtis (2011), notes that:

the open courtroom is an arena for participatory democracy. As they put it: “[o]pen court proceedings enable people to watch, debate, develop, contest, and materialize the exercise of both public and private power”. (2019: 501)

However, Moore regards current technological change as a potential threat to this democratic function of open justice, foreseeing as a consequence of this change “the transformation of the public into passive viewers of justice in the virtual court of tomorrow” (2019: 506).

A theme running through scholarship and policy debate about transparency and accountability is the proposition that transparency contributes to legitimacy by promoting public trust or confidence in the justice system. In a 2025 Bar Council lecture, senior judge Sir Nicholas Mostyn observed that the principle articulated in *Scott v Scott* – that holding trials in public is the best means of ensuring public confidence and respect – “has become almost canonical in the justification of the open justice principle” (2025: 54). This “almost canonical” status of the presumed link between open justice and confidence is reflected in comments about the Open Justice and Transparency Board, established

by the Lady Chief Justice in 2024. In a 2025 speech, its chair, Mr Justice Nicklin, stated: “The rule of law depends on public confidence in the administration of justice which, in turn, depends upon open justice” (Nicklin, 2025).

Sorabji (2025) argues that what he refers to as “effective communication by the courts and judiciary with the public” supports the democratic accountability of the courts, while also serving as:

a means by which the courts and judiciary can create what can be termed social legitimacy; public understanding of, and confidence in, the judiciary, which in turn helps to secure the rule of law. (Sorabji, 2025)

In similar vein, McLachlin (2014) contends that “the open courts principle works to preserve public confidence in the administration of justice, which is essential to the rule of law”, by fulfilling three functions: assisting “the search for truth” by disseminating accurate information; enhancing judicial accountability and deterring misconduct by justice professionals; and “permitting the community to see that justice is done” and thereby fulfilling a “therapeutic” role.

Although arguments linking transparency to trust are widespread within the legal and policy literature, relatively few studies have sought to test this relationship empirically. Grimmelikhuijsen and Klijn (2015) is a rare example of a study that did so, in the context of “intense debate in the academic literature about whether transparency really contributes to trust or whether it even diminishes citizen trust in institutions”. The researchers undertook a field experiment in the Netherlands which centred on a television series about a district court. They found that the series had a positive impact on individuals’ trust in judges. The authors point to the importance of examining these dynamics in differing national and cultural contexts.

Research on public knowledge of sentencing provides further, though qualified, empirical support for associations between transparency, understanding and confidence. Sentencing Council research has found that providing information about sentencing guidelines tends to improve confidence in the fairness of sentencing (Marsh et al, 2019). Other research has identified a relationship between limited knowledge of sentencing practice and perceptions that sentences are too lenient (Roberts et al, 2022). However, the Justice Committee cautions that the relationship between public understanding and confidence is “far from straightforward”, and that greater information will not necessarily produce greater confidence (2023: 47). The Committee nevertheless makes the case for wider access to sentencing information – including through publication of sentencing data and broadcasting of sentencing remarks – in order to “encourage more of the public to know about the justice which is done in their name” (2023: 48).

These discussions point to what is sometimes described as the educative function of, or rationale for, transparency. Here, transparency is understood to contribute to legitimacy not only by promoting public confidence in justice but also by helping people to understand the law, court processes and the role of the judiciary. In turn, this is said to support access to justice by raising awareness of whether and how to seek formal redress for legal problems. This educative function of transparency is described by Bosland and Townend as a matter of “providing a mechanism for the public to learn about court processes as well as what the law is and what standards of behaviour it requires” (2018: 184).

The various functions attributed to transparency are reflected in initiatives aimed at making judgments and court proceedings more available and intelligible to non-specialist audiences, including through expanded publication of judgments, press summaries and explanatory materials. With respect to publication of Family Court judgments, Doughty et al observe that “It would be useful to explore further how publication can function as a resource for people who have to navigate the family justice system without legal advice” (2017: 77). However, comprehensive online publication of court outcomes is also understood to pose a risk of information overload, as well as raising concerns about privacy. This prompted Magrath (2019) to ask, in relation to law reporting and public access, “Is too much a good thing?”.

Another perspective on openness and transparency in general, and the publication of judgments more specifically, is that this is fundamental to the incremental evolution of the common law through precedent and legal doctrine. Mulcahy, writing about the increasing use of mediation and other forms of private dispute resolution in the sphere of civil litigation, considers the implications of the corresponding “minimal interest in the public airing of important legal debates” (2013: 77). In this era of the ‘vanishing trial’, she points to the importance of determining “how we identify those cases that must get to trial if both the needs of individuals and the collective need for developing doctrine are to be served” (2013: 61).

It is also recognised that research into the courts and the law depends on public access to judgments, court records and administrative data. Ward, for example, describes the publication of Family Court judgments under the Family Courts Information Pilot as “a rare opportunity to analyse judicial reasoning about questions of fact in the lower courts” (2012: 523), while Adams et al describe the online repository of employment tribunal judgments as a “veritable treasure trove” (2022: 42) for researchers seeking to understand how the tribunal system operates in practice. For initiatives such as the CourtWatch programme, transparency – via the mechanism of volunteers’ observations of magistrates’ court hearings – is a means of generating evidence about the functioning of the courts that can inform policy and practice change (Ratcliffe, 2024; Ratcliffe and Gibbs, 2024).

In short, the evidence base presents transparency as serving a range of closely related functions. While concerns with scrutiny, accountability and public confidence dominate the discussion, transparency is also understood to support public legal education, the development of legal doctrine and research. These various rationales collectively reinforce the broader proposition that an open and transparent justice system is best able to demonstrate and sustain its legitimacy.

6. Findings B:

Representativeness and diversity

We identified 47 sources on the representativeness and diversity of justice system actors. These are listed in full in Annex 5.

Of the 47 items, we classified 40 as grey literature and 7 as academic. The bulk of this literature concerned criminal justice in whole or large part – with just three publications considering the criminal jurisdiction only to a limited extent and two not at all. There was a substantial overlap in the literature between discussion of representativeness and diversity and discussion of lay adjudication: 27 of the 47 sources also addressed the theme of lay adjudication.

6.1 Meanings of ‘representativeness’ and ‘diversity’

Scholarly and policy-oriented discussions about the representativeness and diversity of the justice system tend to focus on the extent to which those with responsibility for delivering justice reflect the population they serve. A common underlying assumption in these discussions is that the more closely the justice system reflects the population, the fairer and more trusted – and hence more legitimate in the eyes of the public – it will be. The broad consensus on the importance of representativeness is expressed in the following observation from a JUSTICE report on judicial diversity:

It is widely recognised, including by the Lord Chancellor and the senior judiciary, that a judiciary comprised mainly of white men from socially advantaged backgrounds is neither desirable for our justice system nor acceptable in 2017. (2017: 16).

The implications of representativeness for the legitimacy of the justice system will be further considered in the sub-section on ‘rationales’, below. Before turning to that issue, we consider two other themes that emerge from the literature. First, there are questions about the terms in which representativeness and diversity are understood:

- Is consideration being given to particular demographic characteristics (e.g. ethnicity) of justice actors or other attributes?
- Is the issue of representativeness pertinent to all justice actors or to certain actors only (such as professional judges or lay adjudicators)?

- How does the demographic profile of court-involved populations affect understandings of the representativeness of justice actors?

Second, there is the empirical question of the extent to which justice system actors are in fact representative and diverse. Related to this latter question, there is also discussion of factors which may explain the evident lack of representativeness and diversity and would therefore be key to efforts to address this problem.

6.1.1 How are representativeness and diversity understood?

Across both the academic and grey literature, there is more of a focus on race or ethnicity than on other sociodemographic characteristics. However, age and class are also discussed to some extent: for example, lay magistrates are reported to be predominantly middle aged or older and middle class, as well as predominantly white. Class (and associated privilege) and gender are also major considerations in discussion of the professional judiciary, as in the reference to “white men from socially advantaged backgrounds” in the passage quoted from JUSTICE above. Intersectionality – bringing into view other characteristics such as disability – is also mentioned in the literature.

The primary emphasis in the literature is on the representativeness or otherwise of adjudicators – variously, professional judges of differing levels of seniority, lay magistrates and jurors. The attention paid to the representativeness and diversity of magistrates and jurors helps to explain the overlap with the literature on lay adjudication. Indeed, as will be discussed in Section 6, rationales for lay adjudication are frequently linked to notions of representativeness. The strong criminal justice orientation of the literature also stems in part from the interest in lay adjudication, which is a much more prominent feature of this jurisdiction than of others. Discussion of the professional judiciary is sometimes situated within broader debates about diversity in the legal profession. In contrast, there appears to be little discussion of the representativeness and diversity of court staff or other professionals working in the courts. (The more substantial evidence base on diversity in policing fell outside the scope of this review.)

A significant thread in the literature is the demographic skew of court-involved populations, which complicates understandings of the representativeness of justice actors. In the criminal courts in particular, defendants are disproportionately young, male and from disadvantaged socioeconomic backgrounds, and some minoritised ethnic groups are also over-represented relative to the general population. In this context, the lack of representativeness of older, white, middle-class magistrates and professional judges becomes even starker. This raises an implicit question about whom the justice system should represent: the population as a whole, or those who come into contact with the courts.

6.1.2 How representative and diverse are justice system actors?

Compared with lay magistrates and professional judges, jurors are reported to be more representative of the wider population in terms of demographic characteristics. This is no surprise, since jurors are randomly selected from the electoral register: an “inclusive approach” that is said to produce “remarkably representative groups of local people doing jury service at every Crown Court” (Thomas, 2025). Nevertheless, it does not mean there is a consistent ‘match’ between jurors and those whose guilt they ascertain, given eligibility rules for jury service (which, for example, rule

out people with certain criminal convictions) and the sociodemographic skew of the defendant population.

The Ministry of Justice publishes annual statistics on the diversity of the judiciary for England and Wales, providing data on the gender and ethnicity of lay magistrates, professional judges and lawyers, and more limited information on age and other characteristics. Headline figures from the 2025–26 statistics, for legal professionals, magistrates and professional judges, are shown in Table 5.

Table 5: Diversity of the judiciary, England and Wales, 2025–26

	Male	White	Age 50+
Legal professionals – barristers	59%	83%	41%
Legal professionals – solicitors	46%	81%	31%
Legal professionals – Chartered Legal Executives	22%	88%	40%
Lay magistrates	43%	86%	81%
Professional judges – courts and tribunals	55%	87%	67%
Judges – courts	60%	88%	69%
Judges – tribunals	46%	86%	63%

Source: Ministry of Justice, 2026.

In all three branches of the legal profession, the proportions of both female and minority ethnic lawyers have increased over the past decade. As Table 5 shows, women make up a small majority of solicitors and a large majority of Chartered Legal Executives but are in a minority among barristers. The Ministry of Justice reports that the proportion of individuals from minority ethnic backgrounds across the legal profession is broadly in line with that of the national working-age population (according to the 2021 Census, 17% of people aged 25–74 in England and Wales are from minority ethnic backgrounds).

The magistracy has long come under criticism for its largely white, older and middle-class profile. The Ministry of Justice figures show, however, that the proportion of minority ethnic magistrates is gradually increasing – from 11% in 2017 to today’s figure of 14% – while the age profile has become slightly more balanced – from 86% aged 50 and over in 2017 to 81% today. The class and age dimensions are said to reflect, in part, the fact that magistrates are self-selected volunteers who must have the confidence, capacity and resources to commit to the role. Despite efforts to expand recruitment of magistrates through wider advertising and more frequent recruitment cycles, the formalised application process is subject to continuing criticism for tending to favour candidates from professional backgrounds (Gibbs, 2024; 2025).

Similarly, the Ministry of Justice figures reveal that the demographic profile of the professional judiciary is gradually shifting: from 93% to 87% white between 2015 and 2026, and from 68% to 55% male over the same period (all court and tribunal judges). However, significant concerns remain about the predominance of white, privately educated men in the professional judiciary – and particularly the senior judiciary. The older age profile of professional judges is largely to be expected, given that the role demands a high level of professional expertise and experience.

While, as shown in Table 5, court judges are less diverse than tribunal judges, there are also marked differences within the population of court judges. For example, 70% of High Court judges are male, and 91% are white. The latest edition of the Sutton Trust's *Elitist Britain* publication reports that 62% of senior judges attended a private school and 75% completed an undergraduate degree at Oxford or Cambridge, "easily making it the profession with the highest Oxbridge attendance featured in this report" (Holt-White et al, 2025: 68).

Factors contributing to the lack of diversity of the professional judiciary are said to include bias in the selection of judges. Commentators also point to wider barriers to entry to and progression within the legal profession which impact individuals from disadvantaged or under-represented backgrounds. A first Judicial Diversity and Inclusion Strategy, published in 2020, set out a five-year plan for tackling these barriers. The objectives of the second strategy, for the years 2026–30, are defined as:

1. Every judicial office holder fosters an inclusive working environment where everyone is treated with dignity and respect.
2. The judiciary will promote greater diversity within the applicant pool for judicial office including by engaging with under-represented groups.
3. The judiciary will support diversity through the development of the career potential of all salaried and fee paid judges. (Judiciary of England and Wales, 2026: 5)

Some of the academic and policy discussion considers the interplay between patterns of under-representation in the judiciary and wider structural factors such as racism and socioeconomic inequality. From this perspective, the narrower issue of representativeness can be effectively addressed only if it is understood in its social and political context. For example, in a report responding to the first diversity strategy, Monteith et al argue:

The roll-out of weak diversity and inclusion efforts fosters the assumption that the necessary work is being done, creating a tick-box type culture of antibias training and outreach that is not rooted in the recognition of structural injustice requiring deep remediation. (2022: 9)

6.2 Rationales for representativeness and diversity

As with the literature on open justice and transparency, the theme of legitimacy recurs (explicitly or implicitly) in academic and policy discussions about representativeness and diversity. The principal argument is that members of the general public who see themselves represented or reflected in the justice system are more likely to perceive the system as fair and effective, and accordingly to accept its authority as legitimate. As observed by L'Hoiry (2024: 3), for example:

magistrates are intended to represent the wider public in the criminal justice system, embodying the fundamental democratic principle of participatory justice or in other words, being judged by one's peers ... Being representative of their communities thus runs at the heart of magistrates' legitimacy.

Also with respect to lay magistracy, the link between representativeness and legitimacy is clearly articulated by Hough and Roberts. They argue that institutions of justice derive their legitimacy, in large part, from "the public perception that the institution in question shares the moral values of

the population”. This, they write, is more likely to apply to magistrates than to professional judges, provided that:

- Magistrates must be drawn from the local community
- They should reflect the profile of the local community
- People should be aware of this. (Hough and Roberts, 2016: 1)

Public confidence or trust is an integral part of this purported relationship between representativeness and legitimacy. The literature, and particularly policy documents, frequently make an association between confidence in the justice system and the diversity of its actors. The benefits of a diverse judiciary are repeatedly framed in these terms, for example: “A judiciary which is visibly more reflective of society will enhance public confidence” (Advisory Panel on Judicial Diversity, 2010: 15); “The more diverse the judiciary, the more confidence the public will have that justice will be delivered equally to all” (Barton-Crosby et al, 2023: 11); “Public confidence in the judiciary is sustained by a judiciary that reflects the diverse composition of the society it serves” (Judiciary of England and Wales 2026: 4).

In a context in which ethnic minorities are over-represented among the court-involved population and under-represented in both the lay magistracy and the professional judiciary, there are particular concerns about the historically low levels of trust in the justice system among minority ethnic groups. The government-commissioned Lammy Review on minority ethnic disproportionality in the criminal justice system observes that “A fundamental source of mistrust in the [criminal justice system] among [Black, Asian and minority ethnic] communities is the lack of diversity among those who wield power within it” and calls for “a clear national target to achieve a representative judiciary and magistracy” (Lammy, 2017: 37, 40).

While the arguments about the inter-relationships between representativeness, confidence and legitimacy are widely advanced in the literature, there is limited empirical evidence of these relationships. A rare example is Quinlan and Karcher’s (2025) survey research, which found that most respondents (61%) believed diverse juries to be fairer than those that are not diverse. Delaney’s analysis of debates on judicial appointments notes a broad consensus that a lack of judicial diversity threatens legitimacy, but suggests that there is much less agreement about “what exactly would constitute a representative judiciary” (2016: 765). Delaney draws on research from the US which suggests that the association between diversity and confidence is more complicated than is often assumed – with greater judicial diversity supporting trust for minority groups but undermining trust in the eyes of the majority population. Noting the absence of “conclusive empirical evidence” on these issues more broadly, Delaney concludes that questions remain about how and for what purpose a diverse judiciary should be achieved (2016: 767).

A related and common theme across the literature on both professional and lay adjudication is that representativeness and diversity contribute not just to public perceptions of the fairness of the justice system but to decision-making that, in practice, is fairer and more accurate. This is what Rackley describes as “the quality argument for diversity – that diversity improves the quality of the judicial output, that judicial diversity makes for better judging” (2023: 276; emphasis in original). Rackley considers this “quality argument” in relation to the establishment of the Industrial Court in

1919, where “women’s presence and the values, insights and experience they bring, were explicitly and deliberately tied directly to the Court’s ability and success” (2023: 294).

Other commentators also link adjudicators’ breadth of experience and circumstances to the insights they are able to bring to their decision-making. According to the then Lord Chief Justice, “diversity improves the nature of decision-making” because judges, like all other people, “can and do learn from the experiences and perspectives of others” (Burnett, 2019: 17). Having reviewed international research on lay adjudication, Hans et al conclude that it demonstrates that “lay legal decision making contributes importantly and distinctively to legal outcomes” (2024: 142), and that “if a jury does not fully represent the community, it cannot incorporate the breadth of knowledge and perspectives of that community in assessing the facts of a case” (2024: 143). The authors recognise, however, that the incorporation of “community values” into decision-making is double-edged, as “it can also introduce unwanted prejudice into legal fact-finding”; accordingly, they note the urgent need for “more empirical testing of ways to reduce bias” (2024: 153).

Research over many years by the UCL Jury Project led by Cheryl Thomas provides some empirical support for the association between representativeness of (lay) adjudicators and fair decision-making. Having tracked all jury summonses, Thomas concludes that the “inclusive approach” to juror selection in England and Wales “results in remarkably representative groups of local people doing jury service at every Crown Court” (Thomas, 2025).⁹

Thomas argues that these “representative” juries make decisions that are fair in terms of ethnicity: quantitative analysis of all jury verdicts over 18 years reveals that “minority ethnic defendants are not more likely than White defendants to be convicted by a jury in England and Wales across all offence types”. She concludes that the jury trial is “the one part of the justice system that we know does not systematically discriminate against defendants” (Thomas, 2025; see also Thomas, 2017). Thomas’s research suggests that, notwithstanding the importance of the overall representativeness of the jury system, fair decision-making does not necessarily depend on the diversity of individual juries: a case simulation study found that all-white juries were not more likely to convict a Black or Asian defendant than a white defendant (Thomas, 2010).

Access to justice, and the intrinsic value of equality and inclusion, are themes that also emerge in discussions about the representativeness and diversity of justice system actors. It is argued that to be accessible as well as fair, the justice system must be able to create a sense of connection with the wider public who may need it or find themselves caught up in it. Burnett (2019: 18) asserts that “a diverse judiciary ... appear[s] to be less remote from litigants” and “can help make the legal process less daunting”. In the context of the Family Court, Achan (2025) observes that the work of understanding the needs of litigants depends on professionals being “attuned to different forms of diversity and the barriers that marginalised identities may present”. Professionals must therefore recognise that “family justice impacts individuals from every corner of society, and ... be proactive in understanding that society”.

The connection of representativeness and diversity to accessibility extends beyond discussion of (potential) litigants’ access to the justice system. There is also the question of accessibility to all levels of the legal profession. A diverse profession would be one which has not only addressed the

⁹ The question of whether jurors’ ethnicity impacts their decision-making has been subject to little empirical investigation in England and Wales beyond Thomas’s work, but there is a body of US research which has found evidence of such an impact (see e.g. Lynch and Shaw, 2025) – although findings are not consistent (see e.g. Hunt, 2015, for a research review).

structural barriers limiting applicants from non-traditional backgrounds but has also drawn from the widest available talent pool. Langdon-Down (2021) quotes an interview with Mrs Justice Cockerill – the newly appointed head of the Commercial Court and the first woman in the role in the court’s 125-year history:

“We need to attract the best bright young minds from a range of backgrounds and experiences”, she says. But she is concerned that, if the judiciary is not visibly diverse, women and [Black, Asian and minority ethnic] lawyers may be put off applying because they feel they would have to be “practically a unicorn” to become a judge.

The range of rationales that feature in both the scholarly and the policy literature on representativeness and diversity reinforce the proposition that a justice system whose decision-makers more closely reflect the society they serve is better able to inspire public trust and sustain its legitimacy.

7. Findings C:

Lay adjudication

On the theme of lay adjudication in the justice system, our literature searches identified 65 published sources, which are listed in full in Annex 6.

Of these 65 items, 43 were classified as grey literature and 22 as academic. Nine of the publications on lay adjudication did not concern the criminal jurisdiction, and one did so only to a limited extent. Alongside lay adjudication, 27 of the 65 also addressed the theme of representativeness and diversity.

7.1 Lay participation and lay adjudication

In the Nuffield Foundation's original specification for this evidence review, one of the three core themes was defined as 'participation' – or more specifically, the general public's capacity 'to engage or participate in the scrutiny or delivery of the administration of justice'.

As our work progressed, we narrowed this theme to 'lay adjudication'. This term is used here to refer to the involvement of non-legally-qualified citizens in judicial decision-making in court and tribunal settings. This narrower focus reflects the fact that beyond lay adjudication, there are few opportunities for the public to be directly involved in the work or governance of the courts. For example, unlike within other parts of the justice system such as prisons and the police, there is no statutory provision for lay scrutiny of the courts. Youth offender panels, however, provide a counter-example. These panels, which agree and oversee restorative work undertaken by children sentenced to referral orders, are required to have two volunteer members who represent the local community (along with a representative of the Youth Offending Team in an advisory capacity) (Ministry of Justice, 2018).

Courtwatching (discussed in Section 5) is a form of public scrutiny, but has generally been undertaken on a relatively limited and ad hoc basis in England and Wales, in comparison with the United States, where it is more established (Gill and Hynes, 2021). A further form of lay participation is the public's contribution to justice policy through participating in research and consultation exercises; however, this was outside the scope of the review.

The limited scope for lay participation – other than lay adjudication – in the courts can be compared with the wider provision in other spheres of public policy. In the health service, in particular, patient and public involvement has been an important principle for more than 50 years (see, for example, Tritter, 2011).

7.2 Meanings of ‘lay adjudication’

Lay adjudicators in England and Wales are jurors, magistrates and non-judicial members of tribunal panels. Juries sit in the criminal courts (specifically, the Crown Court), occasionally in coroner’s courts, and in very exceptional circumstances in civil cases. The lay magistracy is also predominantly located in the criminal courts (adult magistrates’ and youth courts), although magistrates also hear cases in the Family Court and deal with a limited range of civil matters. Accordingly, notwithstanding the existence of non-judicial tribunal members, the evidence base is overwhelmingly concerned with criminal justice. By international standards, the criminal justice system of England and Wales is unusual in terms of the extent of its reliance on lay adjudication.

A prominent issue in much of the literature is the perceived contraction in the role and powers of lay adjudicators in recent years. Some tribunals have seen increasing use of single judges or two-person panels in place of the tripartite structure comprising one professional judge and two non-judicial members with differing expertise. Writing about the employment tribunal, for example, Corby and Latreille (2012: 94) note that

the role of lay members has been progressively attenuated: the contribution of lay members’ workplace experience to decision-making has in practice been circumscribed and has been increasingly subordinated to the knowledge of the legally qualified chairperson as employment law has grown and employment relations have become juridified.

Commentators have drawn attention to the curtailment of magistrates’ powers in the context of a justice system operating under severe resource constraints, struggling to manage delays and tackle growing backlogs, and subject to a long series of reforms focused on improving efficiency. Court closures and centralisation, the expansion in online adjudication, the increasing deployment of professional district judges in magistrates’ courts, and a dramatic reduction in magistrate numbers are said to have eroded the principle and practice of ‘local justice’ with which the lay magistracy has historically been associated. Donoghue writes of government reform efforts aiming “to reorient and expand the function of lay justices” (2014: 929) against the backdrop of at least two decades of policy changes which “have served to systematically undermine the lay magistracy’s role” (2014: 961). More recently, a countervailing development has been the increase in the sentencing powers of magistrates’ courts, with a further increase likely. But granting magistrates greater sentencing powers is deemed by some to pose its own risks, particularly in terms of sentence inflation (Justice Committee, 2019).

Current government proposals to restrict access to jury trial in the wake of the Leveson Review (2025) have generated substantial debate. The proposals have attracted opposition from many legal professionals and others who argue that the planned reforms, contrary to what their proponents claim, will have little impact on Crown Court backlogs but will have significant negative repercussions for justice. These arguments reflect wider assumptions about the value of juries and lay adjudication more generally, to be discussed below under ‘Rationales for lay adjudication’. These contemporary debates about the jury system in England and Wales should be understood in the context of longer-term change that extends beyond this jurisdiction. Pennington and Dolliver describe an accelerating decline in jury trials in the United States, which “directly translates into fewer opportunities for lay

people to have a direct participatory experience in the court system” (2022: 595). They relate this development to the broader, global trend of the ‘vanishing trial’ – mentioned also in Section 5 – which encompasses the growing reliance of many justice systems on plea bargaining, out-of-court settlements, summary procedures and, increasingly, online forms of adjudication.

In essence, recent policy trends and developments mean that much of the current literature on lay adjudication is concerned less with defining the role of lay adjudicators than with assessing the implications of the changing scope and significance of their work.

7.3 Rationales for lay adjudication

Scholarly and policy publications on magistrates and juries frequently discuss the underlying rationales for, or functions of, lay adjudication. These rationales are conceptualised in a variety of ways, but a number of key issues recur. As also applies in the case of transparency and representativeness/diversity, a prominent thread running through the literature is the notion of lay adjudication as a mechanism for building and sustaining the legitimacy of the courts and wider justice system in the eyes of the general public. This legitimising function is variously attributed to principles of judgment by peers, democratic participation, incorporation of community values into decision-making, accountability and transparency. Public confidence features as a recurring theme, as is also the case for the literature on transparency and representativeness and diversity.

The principle of judgment by one’s peers is central to understandings of lay adjudication as a support for legitimacy. This principle conveys the sense that in a modern democratic society the justice system is not – or should not be – an entity that exists above or removed from the general public; rather, the public are an intrinsic part of the system itself. This is a matter of self-governance, as reflected in de Tocqueville’s assertion in his 1835 volume *Democracy in America*, which is frequently quoted in contemporary debates, that the jury “places the real direction of society in the hands of the governed” (cited in Liu and Chen, 2020: 417).

Writing of the concept of the jury trial in an international context, Liu and Chen (2020: 416) argue that it

not only involves laypeople in the administration of justice by giving them a ‘judicial’ role in passing judgment on their peers, but also entrusts them with an important ‘legislative’ role whereby they can cast judgment on unpopular and oppressive laws.

The lay magistracy is similarly seen to embody the principle of democratic participation in justice and judgment by peers, as observed by L’Hoiry (2026: 941):

In England and Wales, magistrates are intended to represent the wider public in the criminal justice system, embodying the fundamental democratic principle of participatory justice or in other words, being judged by one’s peers.

The Magistrates’ Association – the membership body for magistrates – argues that there should be “greater respect and understanding of the role of magistrates as volunteers in the context of participatory democracy” (2022: 4). As such, magistrates are part of an institution which “has been described as a jewel in the nation’s democratic crown” (2022: 5).

The participatory rationale for lay adjudication extends to the purported impact on jurors and magistrates themselves, and their wider participation in civic life. Thomas reports of long-term, US-based research by Gastil et al that it

has found that people who served on a jury and had never voted before were significantly more likely to vote at the next election. The study found that jury service also sparked long-term changes in how people used the media and their involvement in community and civic groups. (Thomas, 2010: 1010)

In their international review of research on lay adjudication, Hans et al also report on evidence, including that from Gastil et al, that “jury participation leads to voting, and service as a lay judge leads to greater political involvement” (Hans et al, 2024: 156). They nevertheless comment that this does not definitively demonstrate a causal relationship between lay adjudication and democracy more broadly, since it may be “that democratic countries are more comfortable giving citizens a voice in legal decision making” (2024: 156).

The principle of judgment by peers has further implications. Some commentators argue it presupposes representativeness (discussed in Section 6 of this report), since those doing the judging can hardly be regarded as peers if they appear to have nothing in common with those being judged. For example, Hans et al observe that “A lack of representativeness can ... undermine the legitimacy of the verdicts reached by lay members of the community” (2024: 143).

Judgment by peers is regarded as not simply a matter of lay adjudicators who ‘represent’ the public in terms of demographic or other characteristics. It is further understood to support legitimacy by ensuring that the ‘values’ of the wider public, or the public’s diverse perspectives, are reflected in decision-making. This means that lay adjudicators have the capacity to “act as the conscience of the community when deciding whether conduct remains within permissible social boundaries”, as Pennington and Dolliver (2022: 581) comment regarding jurors.

According to this line of argument, a key contribution of lay adjudication to fair and legitimate court outcomes is its incorporation of societal values. Lay adjudicators’ decision-making is contrasted with that of professional judges in that it is said to draw on a broader range of lived experience and social perspectives. For example, in a lecture on trial by jury, Heather Hallett – herself a senior judge – argued that “To convict in most jury trials ten people brought together with all their varied experiences must agree as opposed to one possibly case hardened judge” (2017: 10).

Some commentators, in considering the range of experience and knowledge that lay adjudicators bring to decision-making, highlight the local dimensions of this phenomenon. ‘Local justice’ is largely associated with magistrates’ courts, and with the work of professional district judges as well as lay magistrates in these courts. Donoghue (2014: 935) argues that:

The notion of democratic legitimacy should also be understood as existing concomitantly with the concept of local justice. Through the local justice model, it is intended that magistrates “bring common sense and knowledge of the locality and the local community to the criminal justice process”.

Donoghue also notes that local justice is to some extent a contested concept, on the basis that it arguably runs counter to principles of consistency in decision-making and judicial independence. She asserts that, nevertheless,

it is possible to remain devoted to the principles of unbiased, detached adjudication conducted by third party neutrals while at the same time valuing decision-makers who understand community issues and who are well-placed to incorporate local knowledge where appropriate, and consistently with the rule of law. (2014: 937)

For local people, according to Gibbs, local justice was once “a visible symbol of the strength of the justice system in the midst of their community” (2013: 4). Gibbs voices profound concern about the extent to which court closures and other efficiency measures have undermined local justice.

Some of the discussion of magistrates’ and jurors’ decision-making is echoed in the relatively sparse literature concerning lay adjudication in tribunals. Like magistrates and jurors, non-judicial members of tribunal panels are said to bring knowledge and diverse viewpoints that professional judges lack – although in the case of panel members, this relates to specialist expertise rather than ‘common sense’ or ‘community values’. A study of tribunal decision-making involving a simulated Disability Living Allowance appeal found substantial reliance on the expertise of both types of non-legally qualified panel member (a medical member and a disability qualified member) as well as the legally qualified panel member (Thomas and Genn, 2013).

Corby and Latreille argue that the progressive attenuation of the role of lay members in the employment tribunal undermines the tribunal’s legitimacy by diminishing lay members’ distinctive contribution to decision-making. This is because, in theory,

lay members, that is, employer and employee representatives, possess knowledge and experience of the workplace and thus can relate legal disputes to employment relations realities. Such knowledge complements the legal knowledge of the employment judge, and all three members have equal voting rights. (Corby and Latreille, 2012: 98)

Burgess et al argue that the knowledge offered by lay judges in employment hearings is both “explicit”, meaning it is linked to specific, often technical facts, and “tacit”, meaning it is “acquired experientially” and reflects exposure to workplace norms and values, among other factors (2017: 39). In its response to a consultation on panel composition of the employment tribunal, the Trades Union Congress argues that “there is increased assurance of a fair hearing with the inclusion of lay members”, because these members can draw on their “experience of how workplaces operate” in assessing and weighing evidence. In contrast to lay members, most professional judges follow career paths that give them “little direct experience of a typical workplace and the respective roles of employers and workers” (Trades Union Congress, 2023: 4).

Although the literature frequently attributes particular decision-making qualities to lay adjudicators on account of the values, experience and knowledge they bring to the process, these claims are also questioned. Writing specifically about lay adjudication in the criminal justice system, Kirby notes that “the fact-finding ability of lay participants has been subject to intense scrutiny” (2019: 46), and that critiques have variously centred on jurors’ ability to understand complex cases; magistrates’ capacity to interpret and apply the law; and concerns that magistrates may be inclined to defer to police and prosecution perspectives rather than adopting an independent stance.

As discussed above, one of the principal rationales for lay adjudication is that it embodies participatory democracy. Another dimension of this democratic rationale is that lay adjudicators – more specifically, juries – are said to play a part in scrutinising and potentially constraining the state’s exercise of power, thereby providing a source of democratic accountability.

For Pennington and Dolliver, “Jurors in criminal cases function as an important check on prosecutorial overreach” (2022: 581). Considering the risks associated with the possibility of juryless trials in cases involving serious organised crime, Campbell argues that “the integration of professional and lay decision-making in the criminal trial is viewed as providing a check on the State”. Campbell further comments on the “symbolic” as well as the substantive function of this safeguard, recognising its pertinence to public perceptions of justice: “the jury may mitigate or overturn over-reaching State powers or biases, and its presence demonstrates the public’s potential to hold the State to account” (2014: 86).

Like Liu and Chen, who note, as mentioned above, that juries may judge “unpopular and oppressive laws” (2020: 416), Hallett (2017) points to the jury’s role in placing not only the accused but also “the criminal process ... itself” under trial. The jury can refuse to convict if it deems the law to be unjust, while also ensuring “that the prosecution and the judge are on trial”. Here we see a close link between lay adjudication and the principle of open justice. Hallett’s comment echoes Jeremy Bentham’s famous assertion, discussed in Section 5 of this report, that publicity “keeps the judge himself, while trying, under trial”.

The jury system is said to promote transparency and open justice in a more concrete way, since proceedings must be made intelligible to the ordinary people who make up the jury and ultimately determine if the defendant is guilty. Associated with this, there is also an educative dimension to jury service. Thomas’s UCL Jury Project found that in post-verdict surveys, most jurors reported “that the experience of being in court for the trial was interesting, informative and educational”. Moreover, while 87% stated that they would have opted out of jury service when first summoned had they had the option of doing so, 81% stated, post-verdict, that “they would now be happy to serve again if summoned”. This leads Thomas to argue that the experience of jury service is “transformational for most members of the public in this jurisdiction” (Thomas, 2020: 1010).

Writing about lay adjudication in Europe more generally, Machura argues that it provides an opportunity for citizens “to learn about the law and the functioning of the legal system on the one hand and to learn useful skills for democratic practice, on the other” (2016: 249).

However, there is a tension between the transparency rationale and the long-established principle that jury deliberations remain secret, which is reinforced by the prohibition, under the Contempt of Court Act, of inquiries into jurors’ reasoning. As Kuhn (2025) observes, this makes it difficult to assess how juries reach their decisions or to compare their performance with other adjudication models, thus limiting the evidence that is available to inform current government proposals for reforming the jury system.

A public confidence rationale emerges from the literature on lay adjudication as it does from the literature on transparency and representativeness. There is clear evidence of high levels of public support for the jury system in England and Wales, and also in other common law jurisdictions, albeit “the basis for the strong public support for the institution of the jury is unclear” (Roberts and Hough, 2011: 259). Approval of the jury system is linked by some commentators to more general trust in

justice. For example, responding to current government proposals to restrict trial by jury, Rutherford (2025) argues that “jury trial is a cornerstone of public confidence in the justice system”. There is empirical support for this proposition: Liu and Chen’s review of international evidence finds that

public trust in the judiciary is higher in countries with jury trials than in those without them ... [which] provides suggestive evidence that the jury system indeed consolidates people’s trust in the judiciary. (2020: 414)

Liu and Chen report that this finding is “consistent with other historical evidence and well-established theories”; however they note also that it is a finding of “correlation rather than causation” (2020: 431).

Public attitudes to the lay magistracy in England and Wales also appear to be broadly positive, although the public are largely “ill-informed” about their role (Roberts et al, 2012: 1087). Less is known than in the case of juries about the implications for trust in justice. Donoghue observes that, “To what extent the current composition of the magistracy impacts upon (or increases) public confidence is an issue which lacks a reliable evidence base” (2014: 939).

Looked at as a whole, the literature presents lay adjudication as a means of connecting the justice system to the wider public. The various rationales emphasise differing aspects of this connection, while reinforcing the overarching proposition that public involvement in judicial decision-making contributes to the legitimacy of the justice system.

8. Discussion

In this concluding section of the report, we highlight the key messages to emerge from the evidence base, as well as gaps in existing research. We then consider some of the implications for policy and practice and future research.

8.1 Supporting public engagement with justice: three mechanisms

The starting point of this review was the recognition that the general public have a vital stake in a fair and effective court and wider justice system. The system should operate on behalf of the public in upholding their rights, constraining and regulating the state's exercise of power upon them, resolving disputes in which they are involved, and helping to maintain an orderly society by enforcing the law. Further, the courts cannot deliver justice unless the public have the knowledge and capacity to turn to them for assistance in addressing legal problems that cannot be dealt with by other means. More fundamentally, the courts can be described as legitimate in the eyes of the public if people believe them to have the rightful authority to fulfil these various functions and perceive them to be doing so in a fair and effective manner.

Notwithstanding the critical importance of public engagement with justice, as we observed in Section 2, the relationship between the public and the justice system of England and Wales is widely considered to be under strain at the present time. This is said to be reflected in the significant and growing barriers that the public encounter in seeking to access justice. There are also concerns that public trust or confidence in aspects of the justice system are declining. Such developments can be seen in the context of a wider crisis of legitimacy across many of the nation's public institutions.

Many commentators writing about the courts – from both academic and policy perspectives – examine different facets of the public's relationship with the courts and wider justice system. These commentators often regard the transparency or openness of judicial proceedings, the representativeness and diversity of justice system actors, and lay adjudication in the courts as complementary institutional mechanisms that play an important part in bolstering legitimacy.

In Sections 5, 6 and 7 of this report, respectively, we discussed the key themes emerging from the literature on transparency, representativeness/diversity and lay adjudication. In considering how each of these is understood to act as a mechanism for supporting legitimacy, we examined also the connections to allied concepts such as public confidence in justice, access to justice, and democratic participation and accountability.

Our analysis of the literature suggests that each of the three mechanisms can be regarded as contributing to a progressive narrowing of the gap between the general public and the courts system which is intended to serve them:

- *Transparency* is about allowing the public to observe, scrutinise and understand the judicial process and its outcomes.
- *Representativeness and diversity* are a matter of ensuring that members of the public see themselves reflected in those who officiate in the courts.
- *Lay adjudication* means that the public become, directly and by design, an integral part of the courts system, through active engagement in the delivery of justice.

Lady Justice Hallett commented in a speech in 2017 that the jury trial “ensures that the public do not become estranged from the justice system”. The findings of this review indicate that the three mechanisms of transparency, representativeness and diversity and lay adjudication all function, or potentially function, as means of countering the risk of estrangement (Hallett, 2017: 8).

8.2 The evidence base

This review identified a large body of literature, published since 2010, on public engagement with the justice system, and particularly with the courts. The literature encompasses empirical, conceptual and doctrinal scholarship and policy-oriented publications ranging from project reports and evaluations to consultation documents and practitioner and political commentary. As described in Section 3, the review was designed to provide a structured overview of the existing evidence base and to identify the principal lines of argument articulated by commentators, but we do not claim that this is an exhaustive or definitive account of the relevant literature.

Across the three core themes of transparency, representativeness and diversity and lay adjudication, we identified publications that vary widely in terms of their objectives, the questions or debates they are addressing, and the kinds of research evidence, if any, on which they draw. We broadly classified the sources as either academic or policy-oriented grey literature, and found that, within both categories, the presentation of empirical evidence is limited.

Much of the academic literature is conceptual or theoretical. This body of work is primarily concerned with key constitutional, doctrinal and legal principles and associated normative values. These include the principle of open justice; lay adjudication as a form of democratic participation; the contribution of transparency and lay adjudication to democratic scrutiny, accountability and public legal education; and the normative importance of diverse and representative adjudicators whose decision-making is informed by community standards and expectations. This literature explores how these principles and values have informed the evolution of the law over centuries and continue to shape contemporary understandings and conceptualisations of justice, the rule of law and legitimate authority.

Many of the policy-oriented publications covered by this review likewise do not present detailed empirical evidence. These publications, predominantly produced by legal practitioners, professional representative bodies and justice reform NGOs, often proceed from legal principles or normative propositions whose value and importance are treated as self-evident. Many of the authors variously refer to consultation findings, their own or colleagues’ professional experience, and sometimes existing research in advancing arguments for or against policy and practice developments. Such developments include, for example, the digitalisation of court processes and the expansion of virtual court attendance and hearings; changing patterns of court reporting; the publication of court

decisions and other records and information; differing approaches to the recruitment and selection of justice system actors; efforts to tackle institutional racism within the legal system; court closures and the associated erosion of 'local justice'; and proposed restrictions on jury trials.

The relative paucity of empirical evidence in both the scholarly and the policy-oriented literature we reviewed reflects, in part, the intrinsic difficulty of testing many of the assumptions which underlie the purported rationales for transparency, representativeness/diversity and lay adjudication. Nevertheless, there is a sub-set of the literature that – whether from an academic or a policy perspective or combining elements of both – reports on primary empirical findings or comprehensively reviews existing empirical research. Although the evidence remains limited and highly qualified, it offers some support for claims about how transparency, representativeness and diversity and lay adjudication support public engagement with justice and the perceived legitimacy of the courts.

The empirical evidence that does exist is clustered around four main questions, as follows.

1. Does transparency promote confidence in justice?

Existing research findings offer qualified support for an association between transparency, understanding and public confidence in the courts and justice in England and Wales.

Grimmelikhuijsen and Klijn's (2015) experimental study in the Netherlands found that a television series on a district court had a positive impact on viewers' trust in judges. Research commissioned by the Sentencing Council of England and Wales found that confidence in the fairness of sentencing was improved when people were provided with information about sentencing guidelines (Marsh et al, 2019). Roberts et al (2022) similarly report on prior research findings of an association between information about sentencing and increased confidence in criminal justice. On the other hand, having reviewed existing research, the Justice Committee notes that the relationship between public understanding of sentencing and confidence in justice is not straightforward, and that it is important to avoid "simplistic causal claims" (2023: 59).

2. Do representativeness/diversity and lay adjudication promote public confidence in justice?

There are multiple assertions in the policy literature about the importance for public confidence of representative and diverse decision-makers in the courts. There is some, albeit limited, empirical evidence of this relationship in literature published since 2010.

Quinlan and Karcher (2025) report on survey findings indicating that the public perceive diverse juries to be fairer than non-diverse juries. Writing of diversity within the professional judiciary, Delaney (2016) cites US research demonstrating that it can increase confidence among under-represented groups but undermine confidence within the majority population.

Liu and Chen's (2020) international review of research finds evidence of an association between jury systems and trust in justice, but the authors caution that this does not demonstrate a causal relationship. Roberts and Hough (2011) describe a substantial body of research from England and Wales and other common law jurisdictions showing high levels of public support for juries. However, this research does not establish whether confidence in the jury system translates into greater

confidence in the courts or justice system more broadly. There also appears to be general public approval for the lay magistracy, although this is in the context of limited public knowledge about magistrates (Roberts et al, 2012). The absence of a “reliable evidence base” on magistrates and public confidence is noted by Donoghue (2014: 939).

3. Do representativeness and diversity and lay adjudication affect the quality of decision-making?

Questions about the quality of decision-making in the courts raise many issues that extend well beyond the scope of this evidence review. Nevertheless, decision-making is relevant, given that – as discussed above – it is said to be impacted by the lay or professional status of adjudicators, and by the extent to which they are representative or diverse.

Thomas (2010; 2017) makes the case for fairer decision-making by juries than by others within the criminal justice system, on the basis of long-standing research by the UCL Jury Project which found that juries (all-white and general juries alike) do not discriminate against minority ethnic defendants, unlike other parts of the criminal justice system. In an international context, Hans et al (2024) report that scholarship has demonstrated the important and distinctive contribution of lay decision-making to legal outcomes. At the same time, they note the potential for bias in decision-making by lay adjudicators and the consequent need for “more empirical testing” in relation to this issue (2024: 153). Kirby makes reference to the “intense scrutiny” of lay decision-making in the criminal courts and the emergent concerns about aspects of jurors’ and magistrates’ fact-finding (2019: 46).

Thus, there appears to be, at best, only modest evidence in support of the proposition that decision-making by lay or more representative adjudicators has distinctive strengths.

4. Does involvement in lay adjudication promote wider civic participation?

International research reviewed by Hans et al (2024) offers some empirical support for the civic engagement rationale for lay adjudication. There is evidence, particularly from the US, that jury service encourages political and community involvement, including electoral participation. Nevertheless, Hans et al observe that this does not necessarily demonstrate a causal relationship between jury service and democracy more broadly.

The present review has not identified research in England and Wales that indicates to what extent, if at all, there is a relationship between civic participation and lay adjudication in this jurisdiction. There is, however, evidence from England and Wales of other positive impacts of jury service on jurors, although this does not directly support the civic engagement rationale. Research by Thomas has found that jury service in England and Wales has a highly positive – indeed, “transformative” – effect on most jurors, with initial reluctance to serve largely giving way to willingness to serve again following an experience they find to be “interesting, informative and educational” (2020: 1010).

Knowledge gaps

Looked at as a whole, in the context of England and Wales, the existing evidence base provides only qualified empirical support for many of the claims made about transparency, representativeness and diversity, and lay adjudication. This does not necessarily diminish the importance of these three mechanisms, since much of the literature concerns long-established constitutional and legal

principles and normative values that do not readily lend themselves to empirical testing. It does, however, indicate that there are substantial gaps in knowledge about precisely how, and to what extent, these mechanisms do in reality support the perceived legitimacy of the courts, as they are widely assumed to do.

One important gap concerns the general public's willingness or ability to engage with the justice system. As we observe above, there is evidence of strong public support for the institution of the jury trial; we also noted Thomas's finding that jurors report positively on their experiences (2025). More broadly, attitudinal research (cited in Section 2) paints a mixed picture of levels of trust in the justice system. Some findings indicate that confidence in the courts and judiciary is high, while others paint a picture of low or declining confidence. A consistent finding is that the public tend to mistrust (and have limited knowledge about) sentencing decisions by the criminal courts. But beyond this evidence of positive attitudes to juries, and mixed perceptions of the justice system more generally, there is little that tells us about what the public expect and want of the justice system in terms of their own engagement with it; how such engagement might build trust and legitimacy; and which forms of public engagement are likely to be most meaningful and effective.

8.3 Implications for policy and research

This report makes clear the abiding interest of academics, legal practitioners and policy-makers in public engagement with justice. This is reflected in the importance frequently attached to transparency, representativeness and diversity and lay adjudication as institutional mechanisms that strengthen, or have the potential to strengthen, the relationship between the public and the justice system. In particular, these mechanisms are understood to build and sustain trust in justice and the perceived legitimacy of the system.

Reflecting these broad assumptions, various recent and ongoing policy reforms have the aim of enhancing transparency, representativeness and diversity and lay adjudication. These include initiatives to make the courts more open and accessible to public scrutiny – for example, by extending the provision of data on court processes and outcomes, and by widening the scope for court reporting and broadcasting. Various measures have been aimed at increasing the diversity and representativeness of the lay and professional judiciary, including through improved recruitment, selection and retention practices.

At the same time, the mechanisms of public engagement are potentially undermined by other policy developments aimed at pursuing different ends. Some measures aimed at increasing the efficiency of the courts, reducing costs and addressing backlogs have the unintended consequence of narrowing opportunities for public scrutiny and participation. This includes, for example, court closures, increased reliance on online processes, restrictions on jury trial, and curtailment of the role of lay magistrates and lay tribunal panel members. Some policy developments encompass competing benefits and risks for public engagement: digitalisation, for example, can expand access to information and proceedings while also creating new barriers to scrutiny.

The current knowledge gaps in relation to public engagement with justice – identified by this review – do not mean that policy developments aimed at strengthening transparency, representativeness/diversity and lay adjudication should await a stronger evidence base. The case for supporting these mechanisms rests not simply on the (limited) empirical evidence of their relationship with public

confidence and legitimacy but also on long-established legal principles and democratic values. On this basis, there is a strong case for maintaining and strengthening current policy efforts to make the courts more open and accessible to public scrutiny, to increase the diversity and representativeness of those who administer justice, and to sustain opportunities for lay participation in justice. There may also be scope to explore new forms of public engagement with justice, including through the establishment of formal roles for public scrutiny of the kind found in other areas of public policy.

Equally, policy-makers should take into account the potential implications for public engagement, confidence and the legitimacy of measures adopted primarily for other purposes. Current proposals to restrict the availability of jury trial, for example, have been debated largely in terms of their potential contribution to tackling court backlogs and their implications for the right to a fair trial. The likely consequences of these reforms for public engagement with justice are a further consideration. Crucially, policy-makers must recognise that courts do not exist only for those directly involved in proceedings: they are public institutions in which all members of society have a stake. The relationship between the public and the justice system should thus be a central consideration in the development of justice policy across the administrative, civil, family and criminal jurisdictions. This is all the more important in a broader social and political context in which there appears to be low or declining confidence in many of the institutions and authorities of the state.

Although there is already a strong case for policy action to support transparency, representativeness and diversity and lay adjudication, this does not diminish the need to extend the evidence base. Reforms seeking to strengthen legitimacy through these mechanisms would benefit from more robust, systematic and detailed examination of the processes involved. We therefore propose that there is a need for a programme of research that would address the overarching question: how, and under what conditions, do contrasting institutional mechanisms shape the relationship between the public and the justice system, and particularly the courts? This research would entail detailed investigation of the specific processes by which the mechanisms affect public confidence, engagement and legitimacy; the factors which support or inhibit their effectiveness; and the interconnections and interactions between the mechanisms in different contexts. Such investigations would encompass evaluations of specific policy measures and practical initiatives as well as broader enquiries into the functioning of the courts and related justice services.

In developing such a programme of research, it may be instructive to draw on the example of procedural justice theorists who, over the past two to three decades, have closely examined how the power of legal authorities is legitimated. Although much of this work focuses on policing, it shares with the present review a concern with trust in justice and the associated legitimacy of justice institutions. The contribution of this body of work lies not only in its substantive findings but also in its sustained empirical examination – often through public surveys – of the specific ways in which legitimacy is established, maintained and challenged (see, for example, Jackson et al, 2026). Consequently, “this work shines a light on the processes of legitimation [of police power], as well as on the causal mechanisms that energise these essentially normative processes” (Hough, 2020: 26).

The proposed programme of research would ideally comprise multiple components and utilise a range of complementary methodologies. Large-scale public attitude surveys could investigate how different groups understand and evaluate the justice system and its institutions. Deliberative approaches – where respondents are surveyed before and after being provided with information and taking part in group discussions – could explore the public’s appetite for formal participation in the

administration and delivery of justice beyond the limited opportunities that are currently available. These research exercises could draw out comparisons with forms of lay participation in other arenas of public life, such as health. Deliberative and other structured methods could also be utilised to gain insight from the experiences and perspectives of justice professionals and lay adjudicators. With regard to the latter, this might entail testing the current legal limits of juror participation in research.

Although the present evidence review has explicitly focused on the general public rather than that sub-set of the public who have direct experience of the courts, we recognise that this distinction between the public and court users is artificial. There is no clearly defined population of court users but rather a spectrum of involvement in court proceedings. Involvement might include, for example, attending court to support family or friends who are parties or witnesses in a case. Another kind of involvement entails taking initial steps to seek redress for a legal problem through the courts and perhaps encountering barriers in trying to access justice. Moreover, for every individual who attends a court case, their experiences have ripple effects on many others closely and more distantly associated with them. Hence, it is vital that research on public engagement with justice should encompass, and be sensitive to, all forms and levels of engagement.

This review has highlighted the breadth and complexity of the relationship between the general public and the institutions of justice, including the courts. Scholarly and policy debate highlight the ways in which transparency, representativeness/diversity and lay adjudication – independently and in differing combinations – mediate this relationship. While the evidence is incomplete, the literature consistently suggests that all three mechanisms help to narrow the gap between the public and the justice system and to support the legitimacy of the courts. As pressures on the system continue to evolve, identifying how to build and strengthen engagement, through these and other institutional mechanisms, is likely to remain a central challenge for policy-makers, practitioners and researchers.

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Annex 1: Source summarisation prompt

This prompt was developed with input from the Nuffield Foundation. It was trialled with Claude (Opus 4.8) and refined continually until the research team was satisfied with the output and format generated. Previous versions of the prompt were documented in a history table. The prompt was uploaded alongside a 'Review Protocol' document, which set out the project's search strategy and inclusion and exclusion criteria.

Context: I am conducting an evidence review based on the uploaded 'Review Protocol'. I will upload sources in batches of 5–10. I want you to extract specific data points to help me build summaries of the sources.

Task: Analyse the attached sources using the definitions and criteria in the Review Protocol. For each source, produce a summary using the format below. Do not number the subheadings.

Begin each summary with the source title as a heading (Author, Year), followed immediately by a one-line "at a glance" italicised line giving Category, Geographic Scope, and Legal Setting, separated by vertical bars. For example: Academic (doctrinal) | England and Wales | Criminal justice.

Then provide the following sections, in this order, under bolded subheadings:

Citation: Full academic citation (Author, Year).

Scope Status: Always include this section for every source, regardless of whether the source is in or out of scope. Bold the verdict word. If a source clearly falls outside the scope defined in the Protocol, mark it as **EXCLUDE** with a one-sentence reason. If a source is within scope but sits at the boundary of one or more criteria, mark it as **INCLUDE — FLAG FOR REVIEWER** with a one-sentence explanation of the boundary issue. If a source is clearly within scope, mark it as **INCLUDE** with a one-sentence confirmation of the primary inclusion criteria met.

Key Findings: Main results/arguments, around 300 words total, presented as 3–5 bullet points. Each bullet should be 2–3 sentences long and cover a distinct finding, argument, or theme. Begin each bullet with a short, bolded lead phrase (2–4 words) that describes what the bullet is about — descriptive, not evaluative. For example: "Policy critique. The article argues that...". If the source makes one extended argument that does not sort into discrete themes, omit the leads for that summary. Where applicable, state the page numbers (of the PDF) at the end of each bullet in brackets in the format (pp. 1023–1024). Use this page-number format consistently throughout the summary.

Research Questions: State which questions (RQ1, RQ2 (a, b, c), RQ3) the source addresses and explain how. If an RQ is not addressed, state “Not addressed” rather than a longer explanation.

Thematic Tags: Provide 3–5 tags that categorise the core themes (e.g., Public Confidence, Lay Participation, Family Justice). Present them as a single line separated by middle dots (·), not as a bulleted list.

Category: Academic (Theoretical/conceptual/doctrinal), Academic (Empirical; a paper that considers empirical research as well as discussion of theoretical/conceptual/doctrinal issues should be assigned to the ‘empirical’ category), or Grey Literature (provide a short description of the format of the grey literature, e.g. commentary or think pieces; research or evaluations; etc.).

Publication Type: (e.g., journal article, policy report, research review).

Geographic Scope: (e.g. England and Wales; region of England and Wales (specify); international comparative (specify countries)).

Legal Setting: State which legal settings the source focuses on, e.g. criminal, family, civil, administrative, other, etc.

Aim/Research Question(s): Primary goal of the source

Annex 2:

Batch synthesis prompt

The use of Claude (Opus 4.8) was approved by the Nuffield Foundation. The prompt was trialled and refined continually until the research team was satisfied with the outputs and format generated. The version of the prompt presented below illustrates its application to the synthesis of one of the three themes (in this example: representativeness and diversity). The prompt was subsequently adapted for each theme to support theme-specific synthesis.

1. What are the cross-cutting themes, relating to representativeness and diversity of the justice system, in these publications?
2. What do these publications tell us about why representativeness and diversity of the justice system is important?
3. What do these publications tell us about policy or practice initiatives that have sought to improve the representativeness and diversity of the justice system?

What policy/practice initiatives have been introduced or trialled and with what effects?

What policy/practice initiatives are currently proposed or in early stages of implementation, and what are their expected effects?

What potential policy/practice initiatives are being considered?

4. What are the strengths and weaknesses of the existing evidence with respect to representativeness and diversity of the justice system?
5. Only where relevant, identify whether the publications relate to any of the following additional themes: transparency/open justice, and lay participation/adjudication. Where they do, explain how they relate and what insights they provide.
6. Only where relevant, identify whether the publications relate to any of the following additional themes: access to justice, procedural justice, trust/legitimacy, public legal education, and the rule of law. Where they do, explain how they relate and what insights they provide.
7. What are the gaps in the existing evidence with respect to representativeness and diversity of the justice system?
8. In addressing questions 1–5, reference the jurisdictions referred to (criminal; family; civil; administrative; all/general; combination of the above).

Annex 3:

Merge of syntheses prompt

The use of Claude (Opus 4.8) was approved by the Nuffield Foundation. The prompt was trialled and refined continually until the research team was satisfied with the outputs and format generated. From this trialling, an 'Example format' document was generated to help keep formatting consistent across the 12 outputs. The version of the prompt presented below illustrates its application to the synthesis of one of the three themes (in this example: representativeness and diversity). The prompt was subsequently adapted for each theme to support theme-specific synthesis.

TASK: Merge batch syntheses into one integrated Word document

I am uploading Word documents containing several batch syntheses. Each batch was written from a different set of publications (e.g. one grey literature, one academic). Each batch answers the same eight questions about representativeness and diversity is important. Merge them into a single, well-organised Word (.docx) document that answers all eight questions and makes it easy to trace every point back to its original publication.

Before you start, read the uploaded documents in full.

OUTPUT FORMAT (follow exactly)

- Produce a downloadable .docx file.
- Open with a short "About this document" note (3–6 sentences): how many batches, what each batch covers, and a statement that material is reorganised by question and theme, not by batch.
- Label the batches consistently (please keep them as the batch name/number they are uploaded as) and use those labels throughout.
- Use a heading for each of the eight questions, in the order given below.
- Under each question, use themed sub-headings; do not paste one batch then the next.
- Keep every author–year reference inline and in bold (e.g. Gibbs (2013)).
- Put the jurisdiction in parentheses at the end of each theme/point (Criminal; Family; Civil; Administrative; General; or Combination (if combination – specify which of the legal jurisdictions is referred to)).

THE MOST IMPORTANT RULE: KEEP ALL REFERENCES VISIBLE

Every claim must keep its author and year, exactly as in the batch. Never drop a reference. If more than one source makes the same point, cite all of them.

START WITH TWO SOURCE TABLES (before the main answers)

Table 1 – Primary publications (the corpus). Columns:

Short reference (author, year)

Full reference as given in the batch (if no full citation is given, say so and record the batch's description verbatim – do not invent title/publisher details)

Which batch it came from (e.g. 5d Grey Other)

Which jurisdiction(s) it covers

Table 2 – Secondary works cited within the corpus. List every other work, study, or case law mentioned inside the primary publications, with columns: short reference, how it appears in the batch, which primary source cites it, and what it supports.

This table is required so that no reference is lost in the merge.

HOW TO MERGE

- Organise by question, then by theme. Bring together what all batches say.
- If two batches make the same point, say it once and cite every source behind it.
- If two batches disagree or one qualifies the other, show both, name which source says what, and do not flatten the disagreement. Explicitly flag cross-batch convergences and tensions.
- Keep jurisdiction labels throughout.

HANDLING BATCH-LEVEL META-COMMENTARY

- If a batch contains scaffolding that no longer applies after merging (e.g. “only one publication was supplied to me”), drop the scaffolding but preserve any substantive point inside it (e.g. a source's narrow jurisdictional scope).

STRUCTURE OF THE ANSWERS (in this order)

1. Cross-cutting themes
2. Why representativeness and diversity is important
3. Policy and practice initiatives – (a) introduced or trialled, and their effects; (b) proposed or in early stages, and expected effects; (c) potential initiatives under consideration
4. Strengths and weaknesses of the evidence
5. Only where relevant – How do the primary sources discuss the themes of lay participation and adjudication; transparency and open justice

6. Only where relevant – How do the primary sources discuss the themes of access to justice; procedural justice; trust and legitimacy; public legal education; rule of law

7. Gaps in the evidence

8. Jurisdictions covered – one consolidated table with columns: publication; primary jurisdiction (criminal / family / civil / administrative / general / combination (if combination – specify which of the legal jurisdictions is referred to); notes. Follow it with a commentary on where the corpus concentrates and the jurisdictional gaps.

DO NOT

- Leave out a source because it appeared in only one batch or seemed minor
- Blur which source said what
- Add new sources, statistics, or claims that are not in the batches
- Invent full citations where the batch gave only a short reference

Note: Please match the structure, tables, and referencing style of the attached example “Example format” document.

Annex 4: Transparency publications

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