Nuffield Foundation

Understanding the justice needs gap in England and Wales

Policy brief

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Key findings at a glance

This Review examines the justice system in England and Wales from the perspective of people experiencing everyday civil, family, and administrative justice problems. It applies a standardised framework of people-centred justice outcome indicators to three national legal needs surveys conducted by government and legal services institutions in 2004, 2014–15, and 2023 and brings this evidence together with more than two decades of reform and implementation evidence to examine whether people can obtain the support they need and resolve their justice problems on fair terms.

This Review points to five findings with implications for how justice reform is designed, delivered, and assessed.

Offering insights into people's relatively recent justice experiences, analysis of the 2023 Individual Legal Needs Survey data finds that:

Substantial gaps remain between people's justice needs and the solutions available to them. More than one-third of adults experienced a 'non-trivial' justice problem, defined as a problem rated 4 or higher on a 1–10 seriousness scale, while substantial gaps remained in obtaining needed assistance and advice (tailored guidance, practical support, advocacy, or representation) and accessing dispute resolution mechanisms (formal or informal routes used to resolve a problem). Even when a process concluded, it was not always experienced as fair, nor was the underlying problem always resolved.

Justice inequality appears at different stages and takes different forms. Legal capability was the clearest recurring divide, while disability, education, income, and experiencing several problems were associated with disadvantage at particular points in the justice journey.

Different forms of support need to work together. Among people who needed a dispute resolution mechanism, estimated resolution was lowest among those who accessed one without also obtaining the assistance and advice they needed.

The findings from national legal needs surveys from 2004, 2014–15, and 2023 are interpreted alongside the reforms and wider pressures relevant to people's reported experiences. This analysis suggests the following trends across the three reform contexts:

The findings highlight the importance of judging justice reforms not only by changes to procedures and services, but by whether people can resolve their problems. Across the three reform contexts, routes more directly affected by reforms did not show a clear advantage in problem resolution. The clearest resolution shortfall appeared in the 2014–15 survey context, shaped by court, tribunal, and major legal aid reforms that increased pressures on providers and substantially narrowed publicly funded assistance: problems more directly affected by these

changes were less likely to be resolved. The 2004 survey context, shaped by early civil procedure and legal-aid reforms, combined greater preparation demands with changes in the availability and provision of assistance. Under Modernisation (the HM Courts and Tribunals Service Reform Programme), the 2023 survey showed suggestive differences by legal capability and problem severity (though these latter patterns were more uncertain).

A recurring issue was that people were unequally able to meet the demands that justice processes placed on them. In the two earlier reform contexts, estimates suggested larger resolution shortfalls among people on lower incomes and with lower educational attainment, although their statistical precision varied. Under Modernisation, there were indications that people with lower legal capability and those facing more severe problems were less likely to reach resolution through routes more directly affected by reforms, although the evidence was less conclusive.

In this brief

From need to resolution: Where justice need gaps arise as people seek support and pursue resolution.

Justice inequality: How gaps differ across population groups and at different stages of the justice journey.

Justice needs across reform contexts: How major changes to civil procedure, legal aid, courts, and tribunals and the growing use of online and remote justice services altered the context in which people pursued justice.

What the evidence suggests across reform contexts: How patterns in problem resolution and disadvantage differed across three survey snapshots.

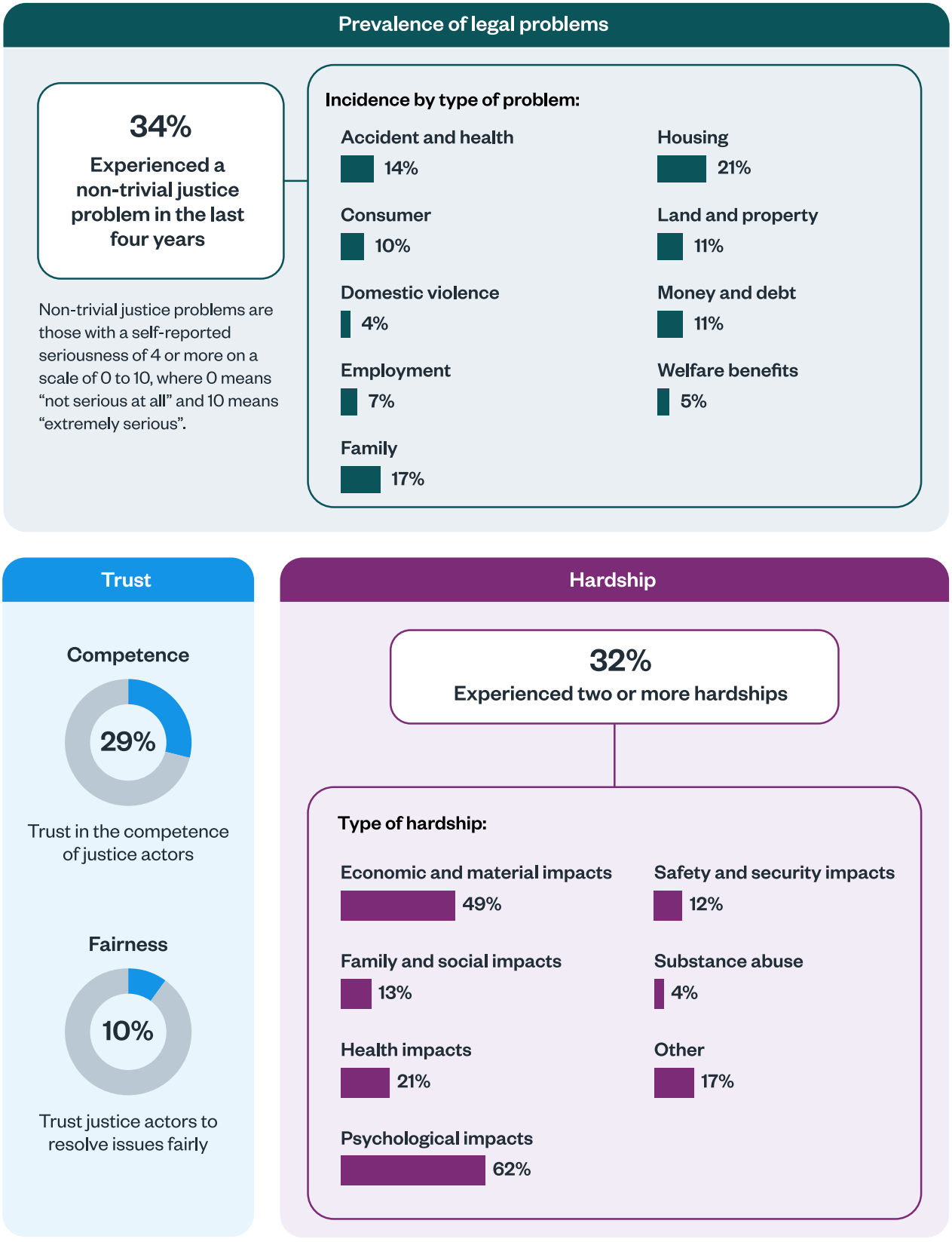
Policy recommendations: What the findings imply for the design, delivery, and assessment of justice reform.

Building better evidence for future reform: How legal needs evidence can be strengthened and used alongside administrative and service data.

From need to resolution

Legal needs surveys start from the problems people experience, rather than from their contact with a particular institution or service. They therefore capture population-level justice needs and outcomes, including problems that never reach a formal institution. **Figure 1** provides a snapshot of these needs and their wider consequences. Housing, family, and accident and health problems were the most common. Justice problems also frequently extended beyond the original dispute: nearly one-third of people experiencing a non-trivial problem reported hardships across two or more areas of their lives, with psychological and economic or material impacts particularly common. Trust was also low, both in the competence and accessibility of justice actors and in their fairness across people with different financial resources.

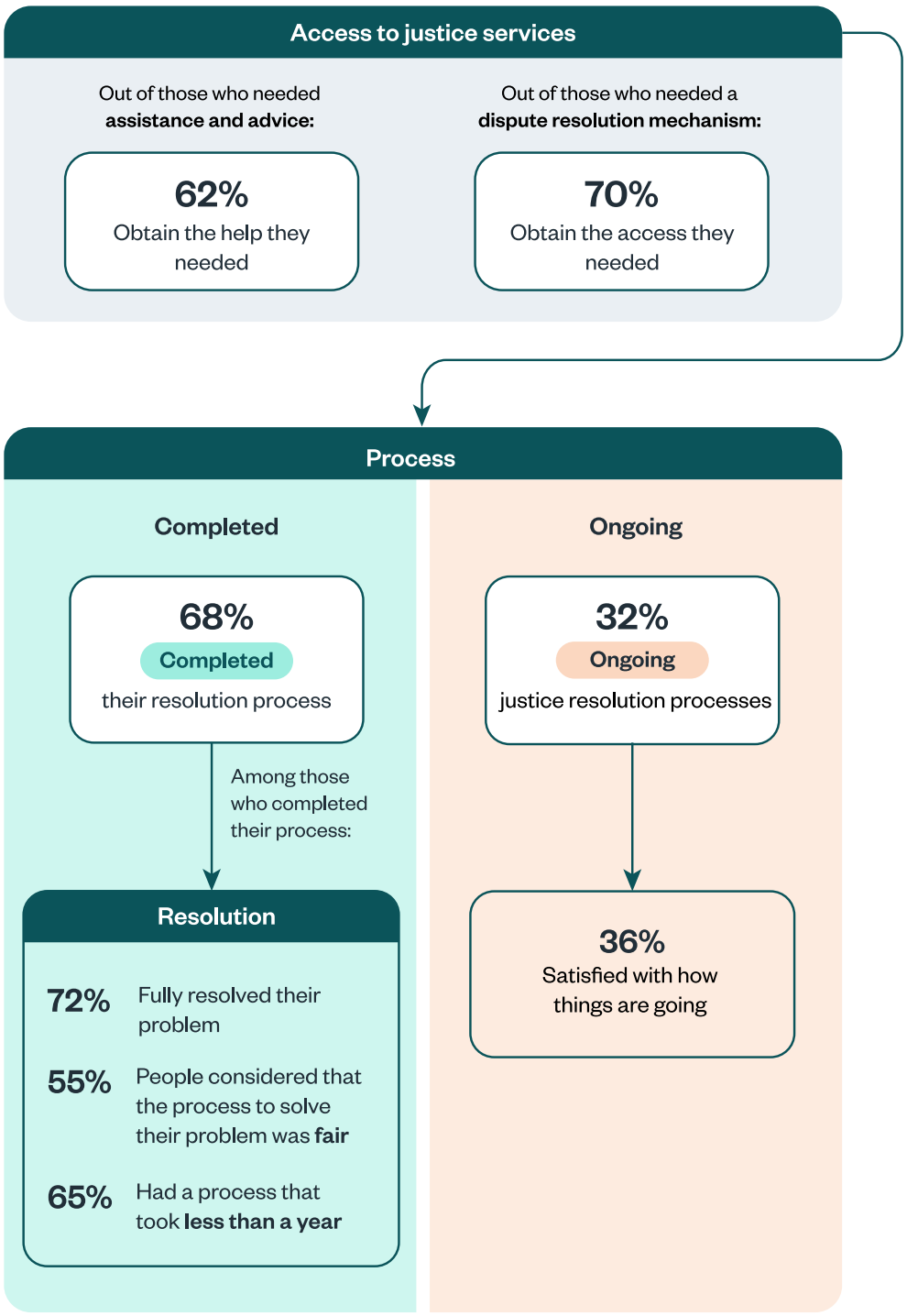
Figure 1. Justice problems, hardship, and trust at a glance



Source: Legal Services Board. 2024. 2023 Individual Legal Needs Survey: Exploring Unmet Legal Needs. Legal Services Board. https://legalservicesboard.org.uk/wp-content/uploads/2025/01/ILNS-unmet-needs-topic-report-FINAL.pdf.

Experiencing a justice problem is only the beginning of the journey. People may need assistance and advice and a route through which to pursue resolution. **Figure 2** follows this journey from access to needed services through process completion and resolution. Regarding access, it highlights two distinct gaps: among people who needed assistance and advice, 38% did not obtain it; and 30% of those who needed a dispute resolution mechanism did not access one. Of the 68% who completed the process, 72% fully resolved their problem and 55% considered the process fair.

Figure 2. Access to services and resolution experiences at a glance



After accounting for observed differences in people's characteristics and the justice problems they encountered, estimated resolution among people who needed a dispute resolution mechanism was lowest for those who accessed one without also obtaining the assistance and advice they needed. Those who obtained the assistance and advice they needed had higher estimated resolution, whether or not they also accessed a dispute resolution mechanism. Together, these findings suggest that access to a resolution route and access to the support needed to use it effectively should be considered together.

Justice inequality

Justice inequality did not follow a single pattern, with different dimensions of disadvantage emerging at different stages of the justice journey. Legal capability was the clearest recurring divide, evident across access, trust, process experience, fairness, and resolution. At the resolution stage, 66% of those with lower legal capability had fully resolved their problem, compared with 76% of those with higher legal capability. Resolution was also lower among people with disabilities, people with no qualifications, and those experiencing several justice problems.

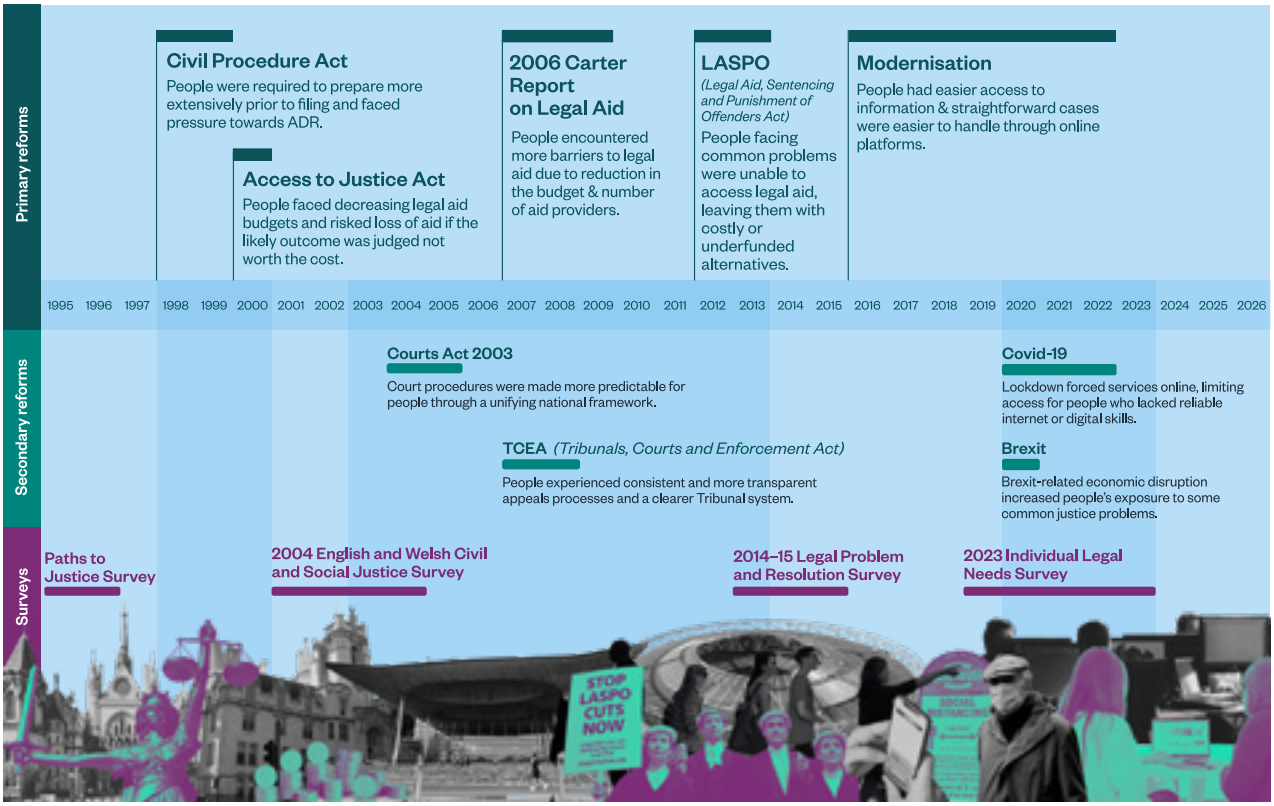
Elsewhere in the justice journey, different inequalities – including disability, education, income, and experiencing several problems – became more visible. People with disabilities and those with lower legal capability were more likely to experience hardships across several areas of their lives. Overall problem prevalence and average severity varied little by income, but income substantially shaped the types of problems people faced and the circumstances in which their consequences were experienced. People on lower incomes were disproportionately exposed to welfare, debt, homelessness, and eviction, while the problems they experienced more commonly were not necessarily less severe.

Justice needs across reform contexts

Since the late 1990s, major reforms have changed civil procedure, legal aid, court, and tribunal organisation, and the use of online and remote justice services. **Figure 3** places these changes alongside the following national legal needs surveys used in the Review: the 2004 English and Welsh Civil and Social Justice Survey (CSJS), the 2014–15 Legal Problem and Resolution Survey (LPRS), and the 2023 Individual Legal Needs Survey (ILNS).

The three surveys are not treated as a continuous series or as direct before-and-after observations. Each provides a separate population snapshot, interpreted in relation to the reforms and wider pressures relevant to its fieldwork and recall period. The 2004 survey is interpreted in the context of early civil procedure and legal-aid reforms; the 2014–15 survey in the context of court, tribunal, and major legal-aid reforms; and the 2023 survey in relation to court and tribunal Modernisation alongside COVID-19 and Brexit.

Figure 3. Timeline of major justice reforms, wider pressures, and legal needs surveys used in the analysis, England and Wales (1997–2023)

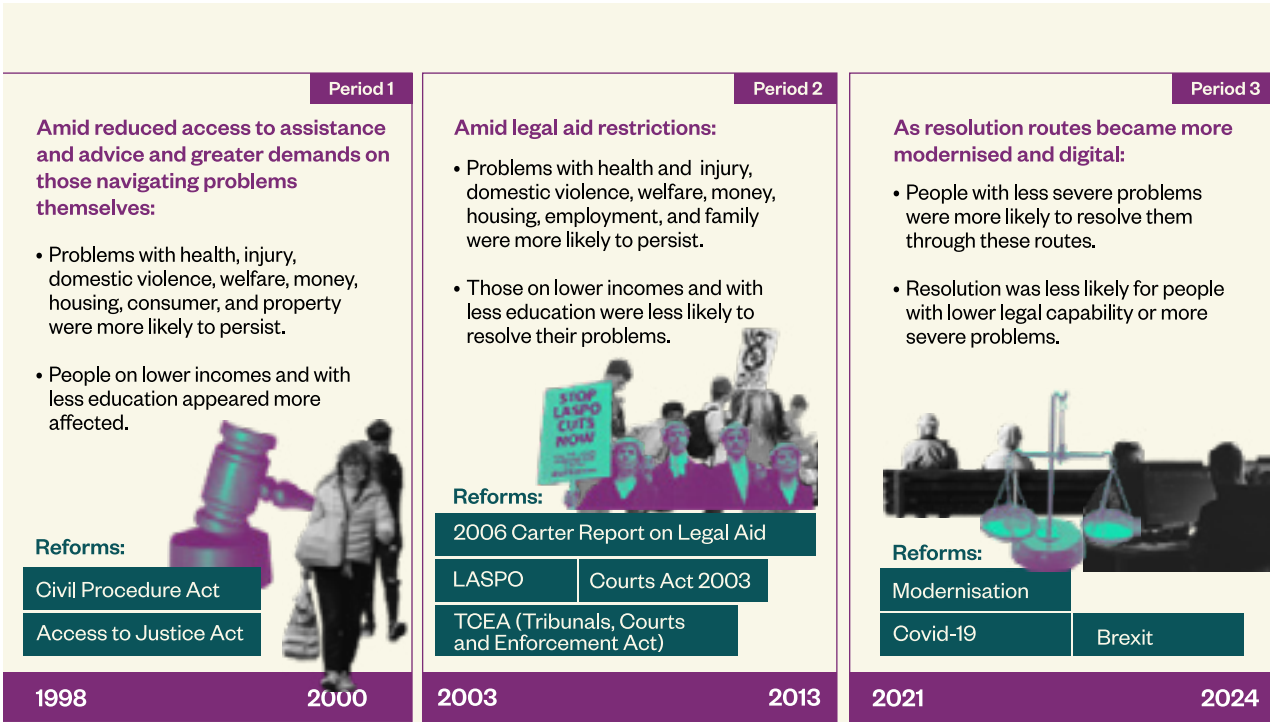


Note: The timeline shows when major reforms were implemented or wider pressures operated and the periods covered by the legal needs surveys used in the Review. Dark green bars identify the core reforms considered in the analysis, while bright green bars identify secondary reforms with relatively more limited or indirect relevance. Purple bars show each survey's recall period – the period respondents were asked to consider when reporting justice problems. The analytical periods, shaded darker blue on the timeline, align these survey windows with the corresponding reform context and are explored further in **Figure 4**.

What the evidence suggests across reform contexts

The survey evidence is considered alongside the Review's structured analysis of the major reforms: what they changed, the mechanisms through which those changes could plausibly affect people's justice journeys, and wider evidence on their implementation and consequences. The survey analysis then examines whether corresponding patterns appear in people's reported outcomes. Where estimates are imprecise or not statistically conclusive, they are treated as suggestive rather than established. The Review considers the evidence as a whole, examining whether the survey findings are consistent with what the structured review shows about how reforms were implemented and how they affected people's justice journeys. The relationships are associational and do not establish that the reforms caused the differences observed. **Figure 4** summarises the main findings across the three reform contexts, each corresponding to a distinct analytical period.

Figure 4. Problem resolution within three reform contexts



Note: Period 1 and Period 3 include suggestive estimates that were not statistically conclusive. The relationships presented across the three panels are associational and do not establish that the reforms caused the differences observed.

Reform exposure and problem resolution

The 2004 evidence is consistent with a context in which reforms increased preparation and other demands earlier in people's justice journeys while also changing the availability and provision of publicly funded assistance. People facing accident and health, consumer, domestic violence, welfare benefits, money and debt, housing, and land and property problems, which were more directly affected by these changes, appeared less likely to reach resolution, although the estimates were uncertain.

The clearest resolution shortfall appeared in the 2014–15 survey context. Legal aid reforms had increased financial pressures on providers and, through the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO), substantially narrowed the scope and financial eligibility of publicly funded assistance. Accident and health, domestic violence, employment, family, housing, money and debt, and welfare benefits problems, which were more directly affected by the court, tribunal, and legal-aid reforms, were less likely to be resolved.

Under Modernisation, there was little overall difference in resolution between routes more and less directly shaped by the reforms. The structured review suggests this may reflect mixed effects: streamlined digital routes could make some processes easier, while creating greater demands where people needed more support or problems required more tailored handling.

Justice inequality

Justice inequality also took different forms within the three reform contexts. In the 2004 context, point estimates suggested that the resolution shortfall for more directly affected problems was larger among people on lower incomes and with lower educational attainment, although the evidence was uncertain. This pattern is consistent with evidence from the period that greater preparation demands coincided with changes in the availability of professional support, which may have been harder to absorb for people with fewer resources.

In the period captured by the 2014–15 LPRS, the resolution shortfall was largest among people on lower incomes: those facing more directly affected problems had an estimated 21-percentage-point lower probability of resolution than those facing less directly affected problems, compared with about 7 percentage points among people on higher incomes. Education showed a similar pattern, while differences by legal capability were smaller. These subgroup differences were not statistically conclusive. However, the larger shortfall among people on lower incomes is consistent with evidence that narrower legal-aid coverage, eligibility, and provider capacity made people's own financial resources more consequential when seeking alternatives to publicly funded assistance.

Under Modernisation, point estimates suggested lower resolution on more directly affected routes than on less directly affected routes among people with lower legal capability and those facing more severe problems, but these patterns were not statistically conclusive. Taken alongside evidence on how the reforms were implemented, these patterns raise a recurring question about whether the support and flexibility available within justice processes are sufficient for people with different resources, capabilities, and problems.

Policy recommendations

1. Design for where disadvantage compounds

Justice processes need to remain usable by people with different resources and capabilities and by those facing problems of different severity and complexity. Furthermore, the findings show that disadvantage can compound before people reach a process: people on lower incomes are more exposed to problems involving welfare, debt, and housing insecurity, while having fewer resources to absorb their consequences or replace support that is unavailable. Reform should therefore consider not only average outcomes, but who is most exposed to the problems and services affected, and whether changes risk reinforcing existing inequalities, and use this understanding to improve the design of justice processes so that they remain usable for people facing compounding disadvantage.

2. Manage scarcity-driven trade-offs explicitly

Reform can make processes simpler or more efficient while also changing what people themselves must understand, prepare, and manage. The Review does not establish that earlier levels of provision could have been sustained, or that outcomes would have been better without reform. Where resources are constrained, the relevant questions are therefore how choices about funding and efficiency redistribute demands between institutions, services, and individuals; which people-centred outcomes and forms of support are protected; and who is expected to absorb the consequences. This lesson applies beyond any single reform period.

3. Treat support and resolution routes as complementary

Effective access depends on more than whether a service or resolution route formally exists. The findings point to the importance of multiple visible entry points, coordinated and effective referrals, and sustained human support where legal capability, problem severity, interconnected problems, or procedural demands make self-navigation difficult. This suggests that when under constrained budgets, prioritising the frontline functions that help people identify, navigate, and resolve problems effectively, rather than assessing resource needs only through existing institutional structures, may be more helpful.

4. Assess people's outcomes as well as institutional performance

Measures of cost, timeliness, throughput, and process completion remain important, but they cannot show on their own whether people resolve the underlying problem or whether outcomes differ across people and problems.

Reform should therefore be assessed not only by whether processes become faster, simpler, or more efficient, but also by whether people can obtain and use the support available to them and resolve their problems on fair terms.

5. Build better evidence for future reform

England and Wales' longstanding legal needs evidence provides an unusually rich population-level perspective on justice. This Review demonstrates how, despite substantial differences between successive surveys, considerable common analytical ground can be found. This approach can be leveraged in other contexts where data availability allows. Yet changes in measurement, survey design, and sample size continue to limit what can be examined consistently, particularly where multiple forms of disadvantage intersect.

Future evidence would therefore benefit from greater continuity in core measures, including severity, multiple problems, legal capability, access to services, resolution, duration, fairness, and hardship, as well as survey designs that support robust disaggregation and longitudinal analysis, alongside stronger links between legal needs, administrative, and service data. Together, these sources can provide a fuller picture of both people's justice outcomes and the systems intended to respond to their needs.

About the review

The Review draws primarily on the 2004 English and Welsh Civil and Social Justice Survey, the 2014–15 Legal Problem and Resolution Survey, and the 2023 Individual Legal Needs Survey. Published findings from Paths to Justice and other legal needs studies provide additional context.

Survey evidence is interpreted alongside a structured review of reforms, policy documents, evaluations, and wider access-to-justice research. Relationships are estimated separately within each survey rather than as a continuous series. The quantitative findings are associational and do not establish that individual reforms caused the differences observed. The analysis was also informed by consultations with experts and justice institutions.

The Review was produced by researchers at the World Justice Project and commissioned by the NuffieldFoundation as part of its *Public right to justice* programme.

Key reference

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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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