

Gender Gaps in Access to Civil Legal Justice

A survey of support services in
England and Wales



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A survey of support services
in England and Wales

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Introduction

In the last 10 years since the Legal Aid, Sentencing and Punishment of Offenders (LASPO) Act 2012 entered into force, the UK justice system has seen significant and sustained cuts to funding. In 2019/20, the Ministry of Justice budget was 25% lower than in 2010/11.¹

The civil legal justice system was in a fragile position even before the pandemic, and there were already concerns² about the different (and disproportionate) ways women were being impacted by the underfunding of the civil legal justice system compared to men. However, the full extent of these gendered and intersectional impacts – particularly on women on low incomes, Black and minority ethnic women, new migrant women and women as carers – has not been fully explored.

The gendered dimensions to the economic impact of cuts, as well as other changes to the civil legal justice system are important. The different economic and social positions that women and men occupy in the labour market, the distributions of power within society, as well as the gender norms that determine caring responsibilities, mean that women will face specific challenges when navigating the civil legal system. And we know from equality impact assessments on intersecting inequalities,³ that gendered structures of inequality interact with other inequalities, placing Black and minority ethnic, working-class women, and disabled women at more severe disadvantage than other groups.

How funding is distributed across the different stages of the justice system will also have implications for women. Cuts to the legal aid budget in the LASPO Act 2012 have led to what has been described as a ‘justice gap’ with millions of people falling between the income thresholds for legal aid entitlement and the income/savings necessary to be able to afford legal advice without falling into poverty.⁴ Some areas of law have been taken out of the scope of legal aid altogether.

There is every reason to think that women will be hit particularly hard by cuts to civil legal aid. Even before the introduction of the LASPO Act 2012, the majority of those using civil legal aid were women.⁵ And legal aid has always been a critical lifeline for vulnerable women, like survivors of domestic and sexual abuse, and asylum-seeking women.

1 House of Commons Library (2020) [Is the criminal justice system fit for purpose?](#)

2 For example see: EHRC (2016) [Legal aid reforms and women’s access to justice](#); Bach Commission Report (2017) [The right to justice final report](#); APPG Legal Aid/Westminster Commission on Legal Aid (2021) [Inquiry into the sustainability and recovery of the legal aid sector](#)

3 WBG and Runnymede Trust (2017) [Intersecting Inequalities: the impact of austerity on Black and minority ethnic women in the UK](#)

4 Law Centres Network (2020) [Law for all](#)

5 EHRC (2018) [The Impact of LASPO on Routes to Justice](#)

But the combination of cuts to legal aid, as well as cuts to local authority funding has resulted in the closure of half of law centres or agencies offering free legal advice, resulting in ‘advice deserts’ across the country.⁶ Advice services are vital in helping claimants to access entitlements and navigate social security, especially when decisions such as sanctions can trigger destitution.

Cuts to civil legal aid for advice/advocacy concerning benefits, housing, family law (all crucial for domestic abuse victims) also mean that lawyers can no longer afford to do this work, fragmenting the legal infrastructure and expertise.⁷

And while legal aid is available for asylum cases, immigration detention and victims of human trafficking, it is no longer available for other areas of immigration. This leaves a large number of migrant women unprotected.

This report sets out some of the impacts on women of changes following the LASPO Act 2012, as well as other changes to the civil legal justice system. As well as exploring the consequences of some of these changes, the report explores the reasons why (and where) women seek help or advice on civil legal matters. The report also explores possible solutions to helping women – from all backgrounds – to access civil legal justice.

The next sections of this report summarise the findings from an online survey, administered between 17 November 2022 to 10 January 2023, exploring the gender gap in access to civil legal justice. In total, 115 organisations/services responded to the survey (see Appendix A for methodology).

We also convened a roundtable of stakeholders with an interest in access to civil legal law in order to sense-check our interim survey findings, and to identify gaps, opportunities to work together and policy priorities.

6 Law Society (2019) [Technology, access to justice and the rule of law report](#)

7 WBG, EVAW and SEA (2019) [Benefits or Barriers? Making social security work for survivors of domestic abuse across the UK's four nations](#)

Executive Summary

This report summarises the findings from an online survey, administered between 17 November 2022 to 10 January 2023, exploring the gender gap in access to civil legal justice. In total, 115 organisations/services responded to the survey.

The survey drew responses from services/organisations across England and Wales – either with a national presence or representing specific regions.

The largest category of respondents worked in advice services, solicitor law firms, and law centres from across the country. A significant number of respondents also worked in academia, and for trade unions. Other organisations/services included those specialising in medical malpractice cases, employment discrimination, belief or age discrimination and healthcare-related cases.

We also convened a roundtable of stakeholders with an interest in access issues to civil legal law in order to sense-check our interim survey findings, and to identify gaps, opportunities to work together and policy priorities.

Civil legal law issues women seek help for

The most common issues that women seek help for as reported by respondents in the survey are:

Employment Law

- **'Other [employment] discrimination'** (45%) and **'maternity/pregnancy discrimination'** (39%). 'Other discrimination' included age discrimination, flexible working requests, less favourable treatment as part-time workers as well as claims related to changes in shift patterns within insecure/unstable employment contracts.
- **Maternity/pregnancy discrimination** includes employers refusing to allow women to reduce their hours after return from maternity leave; or redundancy during or just after return from maternity leave.
- Respondents reported that it's **more challenging** to address employer discrimination when individuals have **insecure employment status**.
- While employment law is included in legal aid, it has a **low threshold for eligibility**.
- Issues around employment tribunals, including limited legal aid, are concerning. Time limits for employment tribunals are too short (at 3 months). In addition, law, processes and procedures in relation to employment tribunals are complicated, therefore placing an individual at a disadvantage if she has to represent herself.
- **Scope of employment law issues** covered by legal aid is also a common concern.

Housing Law

- There has been an increase in women facing **no-fault eviction proceedings** and **homelessness**.
- **Rent arrears** – particularly for vulnerable women, including for women survivors of domestic abuse with insecure/pre-settled immigration status.
- An additional issue in relation to rent arrears is that it doesn't fall neatly into **legal aid scope**.

Social security law

- Women frequently seek advice on **social security/benefits** (over 50% of respondents).
- **'Debts with DWP'** is a common issue seen by support services (28% of respondents).
- Increase in **ill mental health** in relation to benefit issues was raised as an important issue.
- The **benefit cap** is pushing people into desperate situations, a particularly **single parents**.
- Problems with benefits was considered a huge issue for **Gypsy, Roma and Traveller** groups.

Private family law

- **'Domestic violence'** is one of the main issues women seek help/advice for (48% of respondents).
- Changes to legal aid have had a huge impact on family and maternity-related cases - impacting women on **separation**, and **children maintenance issues**.
- Support through the family court system "has all drastically reduced since 2012" [survey respondent].
- There is a **lack of financial support for women as carers** for disabled children or adults, or carers for injured adults awaiting medical negligence/personal injury claims.
- Lack of access to appropriate and timely care was reported – both for women as carers, as well as women suffering from mental health issues.
- **Vulnerable women** – particularly those fleeing domestic violence – are still **unable to access legal aid** support because they cannot provide sufficient financial paperwork or because they own/part-own a home as an owner occupier.
- There is a lack of support for women to go back to courts if private court orders (after a divorce is finalised) are breached by the ex-partner.
- **Support** for victims of domestic abuse **ought to start much earlier** than the legal process, and joined-up and seamless referral processes with frontline and other services are crucial.

Immigration and asylum-seeking law

- **'Welfare benefits/No Recourse to Public Funds'** selected by 36% of respondents as the main reason migrant women sought their legal help or advice.

- **'Domestic violence or trafficking'** was selected by 30% of respondents.
- **'Housing'** is a key/common issue for women in the context of immigration and asylum seeker laws (25% of respondents).
- Concerns about the consequences of **No Recourse to Public Funds** (NRPF) for new **migrant women with uncertain immigration status**. This is a particular gap for vulnerable women who need to leave their home due to domestic violence.

Barriers for women with regards to accessing civil legal aid, and consequences of changes from 2012

- One of the major consequences of the LASPO Act 2012 – combined with other changes to civil legal aid – is that **vulnerable women are unable to access civil legal aid** (85% of respondents).
- Another major consequence of the legal aid changes is **'women reaching crisis point or problems escalating'** before they receive any legal help or advice (77% respondents).
- **'Ineligibility'** (e.g. some employment discrimination not being included in legal aid; complex application process), **'inaccessibility'** (e.g. sparse providers/services in some geographical areas), and **'lack of awareness and signposting'** (e.g. of what qualifies for legal aid) are significant barriers for women with regards to access to civil legal aid (over 66%).
- Women are hit with a double whammy: **reduced scope** of what was covered by legal aid (e.g. restricting areas of private family law, employment law, social security, housing, immigration), **plus less legal aid funding** available. A major implication is that it masks and minimises the scale of civil legal problems experienced by the public overall.
- The **limited scope of employment-related issues/discrimination** being included in legal aid is a significant barrier to women accessing civil justice.
- **More people reaching crisis point and representing themselves in court** – as a consequence of financial cuts to legal aid (including closures of Law and Advice centres).
- There was some concern that directing people away from courts led to women being unable to access legal aid at all (in matters of civil/family law), as mediation has higher legal aid thresholds.
- One national advice service commented that **caseloads had increased in all the civil legal areas** every year for the past 10 years. In addition, they identified **more cost-of-living related issues** in the last three years.

Solutions to help women from all backgrounds access civil legal justice

- **'More resources', 'early intervention'** and **'improving accessibility'** were major factors in improving access (75% of respondents).
- Common themes include **making legal aid more flexible; investing in public legal education** (the lack of legal awareness was considered an acute problem in some areas of civil law e.g. medical negligence); and **addressing systemic structural barriers**.

- **Longer time limits** to be given before people (including pregnant women or new mothers) are forced to take action through employment tribunals is important to improve access to justice for women.
- However, there are wider issues – beyond financial - in relation to the civil justice system. One example is poor referral processes for victims of domestic violence and the need to improve how services work together.
- When interpreting these findings, it is important to remember that the barriers highlighted reflect what women are seeking help or advice for. It is not the same as what may be the biggest civil legal issues for women, or what they need. These may be limited by the scope of what women understand they can get help with.

“*LASPO has been devastating for access to justice for women. Removal from scope of debt and most benefits advice, as well as restrictions on early advice or representation in other areas, limits potential to alleviate problems before they reach crisis (by which stage they are often more complex and multifaceted). The knock-on impact on the sector has been profound with practices reducing/ceasing legal aid work leading to substantial advice deserts in a range of social welfare fields women need.*” [Law Centre: regional coverage]

Gender gaps in access to civil legal justice

Profile of respondents

The survey attracted 115 respondents (Table 1) from diverse organisations/specialist services across all the regions in England and Wales. Of these, 53 questionnaires were incomplete, but we are still including much of the information from them (both partial and complete) as we recognise that some of the questions in the survey may not have been relevant to all the organisations/specialist services responding to it.

Respondents were asked to pick one of the options in the questionnaire which most closely reflected what they, their service or their organisation did.

Table 1: Number of respondents by organisation or service

Type of service or organisation	Number of respondents
Academic	8
Advice service	19
Barrister	11
Housing association	2
Law centre	11
Legal aid service/group	1
Refugee/asylum service	1
Solicitor law firm	18
Trade union	12
Violence against women & girls (VAWG) support service	7
Other	25
All	115

The largest category of respondents worked in advice services (19), solicitor law firms (18) and law centres (11). A significant number of respondents from academia (8), and trade unions (12) also participated in the survey. A large number of respondents identified their organisation/service as 'other' which included services specialising in medical malpractice cases, employment discrimination, belief or age discrimination and healthcare-related cases.

Respondents were also asked if their service or work was available nationally, or in one or more regions. The survey drew responses from across all regions in England and Wales, although some areas had more coverage than others (Chart A).

Chart A: Distribution of respondents across England and Wales (N)



Employment law issues women seek advice for

Survey respondents were asked to select the most common employment law issues that women sought help for from their service or organisation. Eighty-five respondents responded to this question, and 30 skipped it.

Chart B shows that the two most popular categories selected by respondents were ‘other [employment] discrimination’ (45%) and maternity/pregnancy discrimination (39%). Open ended text questions revealed that ‘other discrimination’ included age discrimination, flexible working requests, less favourable treatment as part-time workers as well as claims related to changes in shift patterns within insecure/unstable employment contracts.

Chart B: Percentage of organisations/services identifying common employment law issues women sought help for

N=85 Respondents



Over 1 in 4 respondents who answered this question selected ‘mental health/human rights’ as the main reason why women sought their help or services in relation to employment law.

Survey respondents were given the opportunity to tell us whether their case load had increased in particular areas of employment law, and to highlight – in their own words – any concerns or areas of employment law which had been overlooked in the survey with regards to women seeking help/advice in relation to employment law. A common response was ‘age discrimination’.

As well as identifying the other common areas of employment law which women sought help for (specified under ‘other discrimination’ above), several respondents pointed out that even though employment law is included in legal aid, *“the threshold is very low”*. Others added that *“time limits for employment tribunals are too short at 3 months”*, and that *“redundancy during (or worse) just after return from maternity leave”* were equally important employment law issues to consider.

Barriers to employment tribunals were raised by several respondents, including how limited legal aid for employment tribunals meant that many women could not access employment tribunals. Others pointed out that not all barriers to employment tribunals were financial:

“*The law and procedures are complicated. It is unrealistic to expect lay people to represent themselves adequately in the Employment Tribunals, particularly when already suffering the stresses of having lost her job, caring for a baby with no maternity pay, or having experienced workplace sexual harassment or other discrimination (e.g. race or disability) at work.*” [Barrister: national coverage in England]

A common thread with regards to employment law that was raised in the open-ended question was insecure employment status. This meant that identifying employer discrimination was *“extra challenging”*. But maternity/pregnancy-related discrimination were also common themes:

“*By a wide margin, the employment law issues that arise most often are those relating to pregnancy and maternity. Within that, the single most common problem is employers refusing to allow women to reduce their hours upon return from maternity leave.*” [Trade union: national coverage]

One respondent – representing a trade union with national coverage – highlighted an increasing number of cases (e.g. in teaching and medical professions) relating to non-unionised women being faced with *“malicious and untrue allegations against the women to their professional regulator”* by men when relationships end. The respondent added: *“Women in unions are supported, but often the regulator gives less weight to coercive control”*.

Overall, there appeared to be widespread agreement that access to legal aid in relation to employment cases was extremely difficult:

“*When it comes to Employment cases, it is extremely rare for women to be able to access any public funding to enable them to get decent legal advice or representation. Women just cannot afford to get decent legal advice or representation, whereas most employers can and do. This has a grave adverse effect on women’s access to civil legal justice in England and Wales.*” [Barrister: national coverage]

It is important to remember that these are the issues that women seek help/advice on – which may be limited by scope of the service, or whether legal aid is available for that particular issue; it is not necessarily a representation of all the employment law issues which women are faced with in the general population.

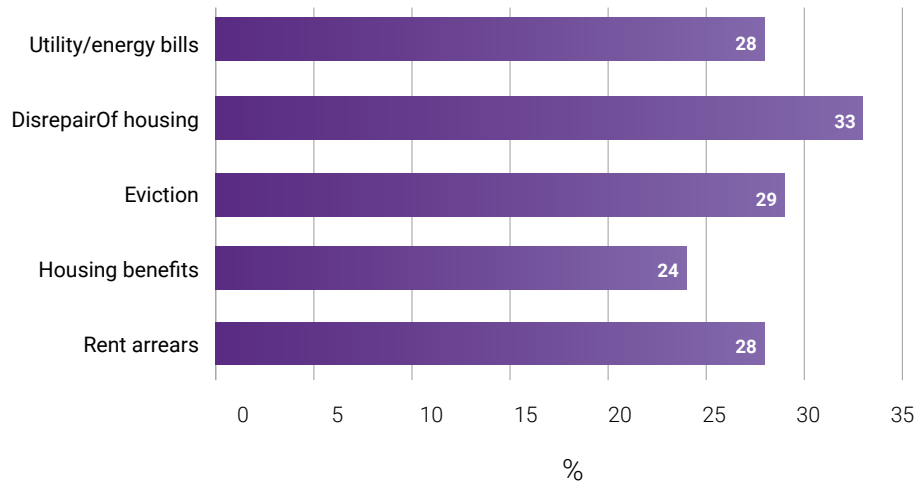
Housing law issues women seek advice for

Survey respondents were asked to identify two main or most common housing law issues that women sought help for from their service from this list: rent arrears; housing benefits; eviction; disrepair of housing; utility/energy. Eighty-two respondents answered this question. Importantly, respondents were also given the opportunity to select ‘not applicable’ at the end of this list, as well as add any further qualitative feedback in open text fields.

A slightly higher proportion of respondents (33%) selected ‘disrepair of housing’ as the most common housing issue which women sought legal advice/help with. But the other options had similar rates of selection.

Chart C: Percentage of organisations/services identifying common housing law issues

N=82 Respondents



Notably 29% of respondents selected ‘eviction’ and 28% ‘rent arrears’ as common housing issues which women sought legal help or advice with. The frequency of eviction issues was reinforced in one of the open text sections of the questionnaire, with one law centre adding:

“There has been a big increase in women facing no-fault eviction proceedings and homelessness. I used to deal mainly with rent arrears [and] housing possession but this is no longer the case.”

But the issue of rent arrears was clearly also important – particularly for vulnerable women, including for women survivors of abuse with insecure/pre-settled immigration status:

“When it comes to housing we have also seen more issues of rent arrears (when survivors are exiting an abusive relationship), and to a lesser extent issues of disrepair, often after they have moved on from refuge or other types of emergency accommodation into further temporary accommodation facilities.” [VAWG support service: regional coverage]

An additional issue for specialist services/legal advice in relation to rent arrears was that it didn't fall “neatly” into legal aid scope. This was highlighted by one of the stakeholders in the roundtable discussion on December 13, 2022:

“We focus on homelessness and eviction. But we're getting so many recent increases for example. But our systems would not record that recent increase – this is the key problem because it doesn't fall neatly into legal aid scope.” [Law centre: regional coverage]

Social security law issues women seek advice for

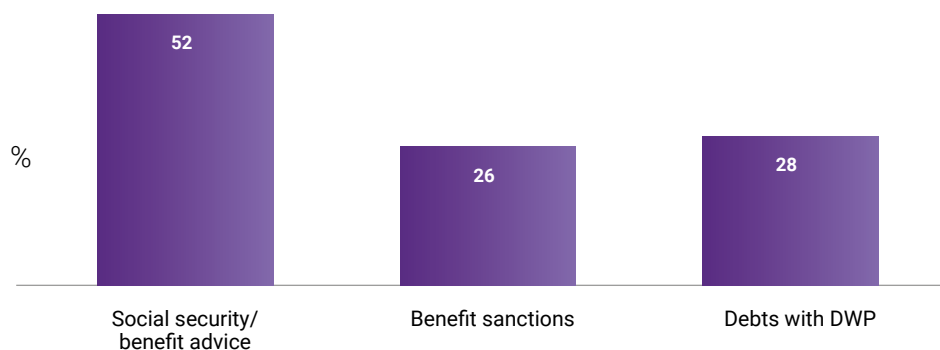
Of the respondents (81) who replied to the question of common social security issues women sought legal advice/help with, over half (51.9%) selected social security/benefit advice. This was followed by nearly 3 in 10 respondents selecting ‘debts with DWP’ and a quarter of respondents selecting ‘benefit sanctions’ (Chart D).

In general debts was a key theme with law and advice centres. One Law Centre highlighted how they had set up a “Women's Debt Service” because of the disproportionate number of women coming to them with debt-related issues:

“We have started a Women's Debt Service within our main Debt service. Female average Debt is 31% higher for women than men; the average benefit overpayment is 18 times higher for women than men; average utility debt is 84% higher for women than it is for men.” [Law Centre, East of England]

Chart D: Percentage of organisations/services identifying common social security law issues

N=81 Respondents



Issues with benefits for female clients was a common theme. One law centre serving clients in the North West of England highlighted an increase in mental health in relation to benefit issues:

“Over the past 18 years of doing benefits work I have seen a sharp increase in [ill] mental health in women, particularly those aged 55 plus.”

Another law centre in the North West region highlighted how social security benefit caps have “*serious impacts*” on the ability of single parents to manage financially and that “*non-dependent deductions*” also had a detrimental impact.

Single parents were not the only group affected by the benefit cap. A Director of a voluntary organisation added that “*benefits is a huge issue*” for Gypsies, Roma and Travellers in the roundtable discussion on interim findings.

Another stakeholder in the roundtable discussion highlighted the desperate predicament of some women facing the threat of benefit cap:

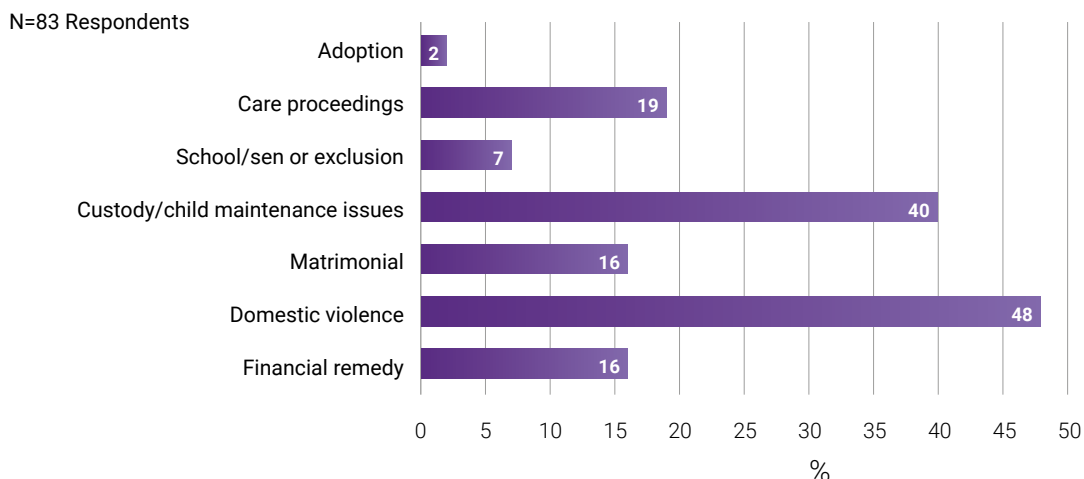
“Your findings resonate a lot – especially the benefit cap... We had a woman who said she will have herself sterilised so she doesn’t have a third child. Disappointing that the court allowed the benefit cap to go ahead. We can’t maximise benefits for people if they are capped. That’s crucial.” [Law centre: regional coverage]

Private family law issues women seek advice for

Survey respondents were asked to select the two main or most common private family law issues women sought help for with regards to their service. Respondents were given a choice of 8 categories to choose from, including ‘not applicable’. Choices for this question included: financial remedy; domestic violence; matrimonial; custody/child maintenance issues; care proceedings and adoption.

Worryingly, almost half (48%) of the respondents selected ‘domestic violence’ reasons as one of the most common issues women sought legal advice or help with. This was closely followed by ‘custody or child maintenance issues’ (40% respondents) (Chart E).

Chart E: Percentage of organisations/services identifying common private family law issues



Reasons relating to ‘care proceedings’ was selected by 19% of respondents, and matrimonial and financial remedy was selected by 16% of respondents.

Some respondents took the opportunity in the open text sections of the questionnaire to elaborate on their concerns. One advice centre in the North West of England pointed out that changes to legal aid had a huge impact on family and maternity-related cases – impacting women on separation, children and maintenance issues. This respondent also raised the concern that support through the family court system *“had all drastically reduced since 2012”*.

Respondents also highlighted community care and public law issues which women sought their help or advice on – including being under-supported as unpaid carers or parent carers:

“We advise women on challenging inadequate access to health and social care support, poor provision for disabled children/adults, accessing carers’ support and support for vulnerable children and care leavers. Women, by virtue of higher levels of destitution and caring responsibilities, are often more in need of support from public authorities and are more acutely affected by their decisions.” [Law centre: regional coverage]

Lack of access to appropriate and timely care – both for women as carers, as well as women suffering from mental health issues was a common theme in the open-text sections of the survey. One unspecified service from the Yorkshire and Humber region felt that this *“exacerbates other issues”*.

Medical negligence was another common theme in the open text sections of the survey – and once again linked to the issue of women as unpaid carers:

“I work in medical negligence and personal injury law representing claimants. In my experience, women are more often the unpaid caregivers for injured persons who are waiting for their claim to settle and cannot yet access funds. Women can also take a long time to approach us about gynaecological and birth-related medical negligence claims, as due to the taboos and misinformation surrounding women’s health, they may wrongly believe what has happened to them is normal.” [Solicitor law firm: regional coverage]

Another common theme among respondents was the issue of women accessing legal aid support after fleeing domestic abuse:

“Evidence requirements for legal aid can be very difficult for vulnerable women to meet e.g. proving domestic abuse or providing sufficient financial paperwork.” [Law centre: regional coverage]

One stakeholder in the roundtable discussion highlighted how *“having a home compromises your access to legal aid – especially matters if you’ve had to flee your house because of domestic violence”*.

There also appeared to be broad agreement – both from the qualitative feedback in the questionnaire as well as from the roundtable discussion – that support for victims of domestic abuse had to start much earlier than the legal process, and the importance of joined-up and seamless referral processes:

“We also run a DV project for women with ESL [English as a second language] issues. DV victims rocketed about between services. So we set up a project to help referral process smoother. There’s a huge need for DV services and our project had people walking through the door.” [Law centre: regional coverage]

An additional concern was the lack of support for women if financial arrangements – after the divorce is finalised – is not adhered to by the ex-partner: *“many with private court orders rely on them, and have no access to courts when breached”* [Housing Association: national coverage].

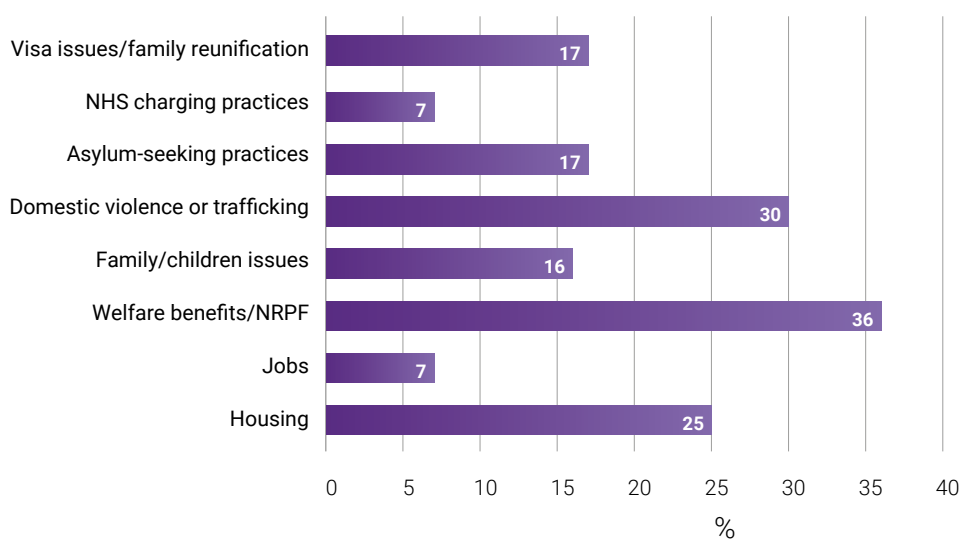
Immigration and asylum seeker issues women seek advice or legal help on

Eighty-one respondents replied to this question asking them to select the key/common immigration or asylum seeker law issues women sought their advice/help for.

Of these respondents, over a third (36%) selected ‘welfare benefits/No Recourse to Public Funds’ followed closely by 30% of respondents selecting ‘domestic violence or trafficking’ as the main reason women sought their legal help or advice.

Chart F: Percentage of organisations/services identifying common immigration or asylum seeker law issues

N=81 Respondents



A quarter of respondents who replied to this question, also identified 'housing' as a key/common issue for women seeking help with immigration and/or asylum seeker laws, and 17% of respondents reported women seeking help for asylum-seeking re-applications was a common issue.

Several respondents raised concerns about the consequences of No Recourse to Public Funds for new migrant women with uncertain immigration status. One respondent pointed out that this left migrant women with uncertain (or pre-settled) immigration status extremely vulnerable if they suddenly left their home due to domestic violence.

Another specific concern raised by a respondent from a Law Centre in the East of England was that there was "*no Immigration Legal Aid Contract in Norfolk*" which limited what they could do to help clients.

Respondents were given the opportunity to tell us whether their caseload had increased in any particular areas of civil law. One advice centre responded:

“*Our caseload has increased every year for the last 10 years in all the areas. We are seeing more cost of living related issues over the last three years.*” [Advice service: national coverage]

Barriers for women when accessing civil legal aid

Civil legal aid in England and Wales is generally available at two stages: initial advice and assistance (Legal Help) and representation in court (Civil Representation).

Survey respondents were asked what they considered to be the main barriers for women accessing civil legal aid. Based on a review of literature, five types of barriers (with examples to clarify) were presented to the respondents as options to choose from (see Table 2):

- Lack of awareness and signposting
- Services not joined up
- Early advice
- Inaccessibility e.g. geography, language
- Ineligibility e.g. not in scope; complex application process

Respondents were also asked to rate how important these issues were in relation to a short scale – 'no barrier', 'is a barrier' and 'is a significant barrier'. In total 75 respondents completed this question.

Table 2 shows that almost all of the issues outlined – from lack of awareness to ineligibility were considered to be barriers (including 'significant barriers') for women trying to access civil legal aid.

Table 2: Main barriers for women with regards to accessing civil legal aid, as identified by percentage of organisations/services

	No barrier	Is a barrier	Significant barrier	Don't know	Total (N)
Lack of awareness and signposting (e.g. of what qualifies for civil legal aid; what services are on offer and where)	5%	24%	63%	8%	75
Services not joined up (e.g. advice or services connecting women to other support services including GP, drug and alcohol services, custody/social services)	8%	35%	44%	13%	71
Early advice (e.g. early advice lacking in many key law areas, such as housing, family law, debt, employment discrimination, immigration; specialist advice lacking)	8%	21%	63%	8%	73
Inaccessibility (e.g. sparse providers/services across some geographical areas and some legal areas; no funding for travel; advice or legal aid information not available in different languages)	5%	24%	64%	7%	74
Ineligibility (e.g. employment discrimination not included in legal aid; complex application process and thresholds for legal aid)	8%	20%	65%	7%	72

Two-thirds or more of respondents identified 'ineligibility' (e.g. some employment discrimination not being included in legal aid; complex application process), 'inaccessibility' (e.g. sparse providers/services in some geographical areas), 'early advice' and 'lack of awareness and signposting' (e.g. of what qualifies for legal aid) as "significant barriers" for women with regards to access to civil legal aid.

Interestingly, respondents did not identify 'services not joined up' as much of a 'significant barrier' compared to other issues (e.g. 'ineligibility' or 'inaccessibility'), but notably 79% of 71 respondents still considered lack of joined up services to be a barrier at some level.

Respondents were also given the opportunity to add additional comments/other barriers to legal aid in an open-text field after this question.

One stakeholder at the roundtable discussion – representing the homeless sector – highlighted that fewer law centres (due to cuts in civil legal law) meant that women who were vulnerable were less likely to access civil legal aid. But they added there was also an issue of frontline services – such as the homeless sector – lacking the legal expertise to direct women to civil legal aid.

Another stakeholder at the roundtable pointed out the paradox between women disproportionately seeking advice on civil legal matters, yet only a fifth of overall legal aid clients were women: ***“this is not addressed at all”***.

A significant issue – one that was raised in the survey and the subsequent roundtable meeting with stakeholders – was being hit with a ***‘double whammy’***: reduced scope of what was covered by legal aid (e.g. restricting areas of law which were previously eligible for legal aid) and reducing the amount of legal aid available. A major implication was that it masked and minimised the scale and diversity of civil legal injustices experienced by the public:

“*What people need help with is limited by scope; we won’t see the advice need laid out in its complexity – what’s actually going on in people’s lives. What we see is what people have found out somehow that they may be able to get help with - if they google it and it says employment is in scope. So the reason it comes to us is because they figure out it’s in scope. That means it doesn’t reflect all the discrimination or pressing issues in the workplace; it’s what they think they can get help with. Even these categories are shaped by the existence of legal aid. It warps what we think people need.”* [Law centre: regional coverage]

The issue of scope was a common theme: ***“we’re getting so many rent increases for example, but our systems would not record that recent increase is the key problem, because it doesn’t fall neatly into legal aid scope.”*** [Law centre: regional coverage]

Stakeholders at the roundtable also pointed out that ***“diverting people away from court means diverting people away from legal aid”*** as the alternative - mediation – has very high thresholds for legal aid, and is ***“entirely unregulated in this country”*** [Roundtable participant].

Consequence for women of changes following LASPO Act 2012 and other changes to civil legal aid

The Legal Aid, Sentencing and Punishment of Offenders Act (LASPO Act 2012) commenced in April 2013. It narrowed the scope of civil legal aid (by, for example, excluding private family, housing, debt, social security benefits, employment and clinical negligence matters); facilitated the introduction of a mandatory telephone gateway; proposed a residence test for legal aid; reformed Judicial Review (including restrictions to legal aid for judicial reviews) and introduced employment tribunal fees across Great Britain (which have since been abolished).

Survey respondents were asked what they considered to be some of the major consequences on women of changes following the LASPO Act 2012, as well as broader changes to civil legal aid (see Table 3). Respondents were also asked to rate how important these issues were in relation to a scale – ‘no impact’, ‘some impact’ and ‘major impact’ so we could ascertain a sense of the scale of the problem. In total 66 respondents completed this question.

Table 3: Consequences of changes following the LASPO Act 2012, as well as broader changes to civil legal aid on women, as identified by percentage of organisations/services

	No impact	Some impact	Major impact	Don't know	Total (N)
Vulnerable women unable to access legal aid for various reasons	4%	11%	74%	11%	66
Women reaching crisis point or problems escalating	3%	12%	65%	20%	66
Women unable to get help with tribunals	5%	14%	49%	32%	65
Women not coming forward with issues or claims	8%	14%	48%	31%	65
Women unable to hold public authorities to account	3%	12%	60%	25%	65
BME/migrant women turning to informal community arbitration systems	5%	18%	37%	40%	62
Extra financial costs for clients/women	6%	23%	52%	19%	64

Table 3 shows that nearly two-thirds or more of respondents (who responded to this question) agreed that the LASPO Act 2012, as well as other changes to civil legal aid had had some or major impact in the following areas:

- **Vulnerable women unable to access legal aid** e.g. because legal aid is not available for some areas of civil law; because Exceptional Case Funding is too complex or because residence criteria is too onerous.
- **Women reaching crisis point** or problems escalating before receiving help in civil legal cases.
- **Women unable to receive help with tribunals** e.g. because there are not enough lawyers to help with SEND (Special Educational Needs and Disability) tribunals.
- **Women not coming forward** e.g. with pregnancy/maternity discrimination claims or petitioning for divorce because of the introduction of fees for court or tribunal hearings.
- **Women unable to hold public authorities to account** e.g. for unlawful administrative decisions relating to women's rights, because of the limiting of legal aid for Judicial Review.
- **Black and minority ethnic or migrant women turning to informal Community Arbitration Systems** for matrimonial or other private family law issues.
- **Extra financial costs** incurred by citizens in the application process for civil legal aid e.g. letters from GPs.

An overwhelming 85% of respondents (out of 66 respondents) agreed that one of the major consequences of the LASPO Act was the profound detrimental impact on women accessing civil legal aid (Table 3). This was followed closely by 77% of respondents agreeing that another consequence was 'women reaching crisis point or problems escalating' before they received any legal help advice. One service succinctly highlighted the issues:

“LASPO has been devastating for access to justice for women. Removal from scope of debt and most benefits advice, as well as restrictions on early advice or representation in other areas, limits potential to alleviate problems before they reach crisis (by which stage they are often more complex and multifaceted). The knock-on impact on the sector has been profound with practices reducing/ceasing legal aid work leading to substantial advice deserts in a range of social welfare fields women need.” [Law centre: regional coverage]

Of the 62 respondents who replied to the question of whether Black and minority ethnic / migrant women may be turning to informal community arbitration systems for matrimonial or other private family law matters as a consequence of changes to civil legal aid, 37% of respondents agreed that this was a ‘major impact’, 17% agreed that this had ‘some impact’.

A common theme in the replies to the open-ended questions was the limited scope of employment-related issues being included in legal aid: *“Legal Aid for Employment proceedings in extremely limited. It is ineffective. Many women cannot access the Employment Tribunals.”* [Barrister: national coverage].

Others pointed out that there were more systemic issues with employment tribunals as a result of the government policy changes in civil legal justice:

“Employment tribunal fees were introduced in 2013 but abolished in 2017 so no longer a barrier but there are clearly other barriers as to why only 1% of women with pregnancy/maternity discrimination issues do bring claims in employment tribunals. These barriers include complexity of the law which doesn’t protect women in many circumstances, little legal aid eligibility and even if eligible it may not include free representation for the hearing.” [Advice service: national coverage]

Another reoccurring theme was the complexity of “law and procedures” in relation to employment tribunals:

“The law and procedures are complicated. It is unrealistic to expect lay people to represent themselves adequately in the Employment Tribunals, particularly when already suffering the stresses of having lost her job, caring for a baby with no maternity pay, or having experienced workplace sexual harassment or other discrimination (e.g. race or disability) at work.” [Barrister: national coverage]

Increased delays with getting to tribunals, as well as increasing duration of tribunals was also attributed to changes in relation to LASPO Act 2012 and/or changes to civil legal aid:

“Timescales - both in terms of waiting time to get to tribunal and we are seeing the number of days a tribunal is held over has seemingly increased. And a major impact of civil legal aid changes was having to provide more support for litigants in person.” [Advice service: national coverage].

More people representing themselves in court – as a consequence of financial cuts to civil legal aid – was a reoccurring theme in both the survey and the roundtable discussion with stakeholders:

“*Closure of law centres and advice centres due to lack of funding. Lack of full service legal advice available especially representation in tribunals – often only possible if advice available pro bono.*” [Advice service: national coverage]

“*We saw a lot more of litigants in person. Courts getting bogged down with issues which previously would have been dealt with lawyers before getting to court. A lot of people not getting advice which they could have got help with before getting to court stage.*” [Trade union: national coverage]

Solutions to help women – from all backgrounds – to access civil legal justice

Survey respondents were asked to rate – based on their experience or knowledge – what they felt would help women, from all diverse backgrounds, to access civil legal justice in England and Wales (Table 4). As before, respondents were also given the opportunity to add any further comments or suggestions.

Sixty-two respondents completed this question (Table 4). Of these respondents, over half or more of respondents agreed that:

- **‘more resources’** (e.g. financial support for those having to travel far to appointments; funding available for renewal applications)
- **‘early intervention’** (e.g. an early advice scheme free to access particularly on social welfare legal issues)
- **‘improving accessibility’** (widening eligibility criteria/scope for civil legal aid; alternatives to completing forms online for women with digital exclusion issues)
- **‘improving practice in how we do things’** (e.g. more outreach to community organisations) and
- **‘raising awareness’** (e.g. better sign-posting and awareness of civil legal aid at community level, and for marginalised women) would “significantly improve” access to civil legal justice. Three-quarters or more respondents agreed that more resources, early intervention and improving accessibility were major factors in improving access ‘significantly’.

Table 4: Solutions that might help women from all backgrounds access civil legal justice, as identified by percentage of organisations/services

	No impact	Improve access a little	Improve access significantly	Don't know	Total (N)
Raising awareness (e.g. of civil legal aid services at community level; better signposting and awareness-raising for women with No Recourse to Public Funds)	6%	35%	55%	3%	62
Improving accessibility (e.g. widening eligibility criteria for legal aid; alternatives to completing forms online for women with limited digital data/Wi-Fi; more training and support for litigants in person; more publicly funded law centres)	3%	19%	74%	3%	62
Early intervention (e.g. an early advice scheme, free to access particularly in social welfare, private family and immigration/asylum- seeker law)	6%	10%	77%	6%	62
More resources (e.g. financial support for those having to travel far to appointments; more funding for solicitors to undertake civil legal aid work including in immigration and asylum-seeking applications; funding available for renewal applications; civil legal aid to be upgraded in line with inflation)	3%	13%	77%	7%	61
Cultural sensitivity (and training with regards to race, sex, religion, and other protected characteristics)	7%	44%	43%	7%	61
Improving practice in how we do things (e.g. more awareness of trauma-informed practice, more outreach to community centres)	8%	29%	56%	7%	59

There was less consensus as to whether 'cultural sensitivity and training with regards to sex, religion and other protected characteristics' would improve access 'significantly' to civil legal justice, although 44% of respondents who completed this question, agreed that it would 'improve access a little'.

Questionnaire respondents and roundtable stakeholders had a lot to say with regards to interventions/solutions which were either necessary or would help to facilitate access to civil legal justice and to legal aid. One law centre had three suggestions - making civil legal aid more flexible; investing in public legal education, and addressing systemic structural barriers:

“(1) Flexibility to use legal aid to do more than simply litigate, where doing so would be more effective in tackling systemic issues affecting women or enable vulnerable individual women to be represented more holistically. (2) Substantial investment in public legal education to raise legal literacy of social welfare rights, to enable these to be identified/tackled earlier. (3) Highlighting and challenging the overarching structural and social barriers that create/exacerbate women’s vulnerabilities.”

Another stakeholder at the roundtable discussion recommended longer time limits to be given before people – and particularly pregnant women, or women with a young baby - are forced to take action through tribunals:

“The main issue we have with short time limits is that it restricts scope for negotiation and resolution and almost forces you to go to litigation in order to protect your position. I think it’s important to make the point that a longer time limit e.g. 6 months would in fact allow more alternative dispute resolution and keep more cases out of tribunals (which are severely stretched) ... A longer time limit before having to take action through ACAS and the tribunal would be helpful in keeping cases out of tribunal and often produces better outcomes.” [Voluntary sector: national coverage]

Interestingly, both respondents and stakeholders highlighted wider issues in relation to the civil justice system – which were not necessarily financial. One example was poor referral processes for victims of domestic violence:

“We run a DV project for women with ESL issues. DV victims rocketed about between services. So we set up a project to help referral process smoother. There’s a huge need for DV services and our project had people walking through the door.” [Law centre: regional coverage]

Other qualitative suggestions from questionnaire respondents included: “access to legal advice for personal injury” and “deep and thorough advice which is much better than one-off interventions”. One respondent pointed out that “inaccessibility” to civil legal advice and legal aid manifested in all sorts of ways: “inaccessibility also includes not being able to get to places due to child and other care responsibilities”. [Law centre: regional coverage]

Systemic structural barriers was also a common theme in relation to women and access to legal aid:

“Many national and local policies and practices affect women differently (more harshly) than men. Access to free specialist advice, provided by a strong and sustainable legal sector, is essential to promoting and protecting women’s rights and ensuring equal participation in society. Legal Aid work needs to be sufficiently resourced and remunerated to enable advisors to undertake this work now and to train and develop a new generation of lawyers to continue to represent women in the future.” [Law centre: regional coverage]

Another respondent commented that women were not just disadvantaged from a “*systemic standpoint*” but often also “*because they do not know that a crime has been committed against them*”. Education and training was therefore “*important for informing and empowering them [women] to speak up*”. [Other service/organisation: regional coverage]

One respondent suggested that we needed a more radical “systems change” solution – one that included the statutory sector, legal providers, voluntary, community and social enterprise (VCSE) organisations and government:

“*Collaboration- not competition - client centred approach. In Norfolk we have the Norfolk Community Advice Network- includes Age UK, Cit A, Shelter etc underpinned by an advice led referral system ensuring the clients tell their story only once.*” [Law centre: regional coverage]

This respondent also highlighted the Community Justice Fund by the Access to Justice Foundation as an example of good practice because it was “*collaboration to build capacity of specialist legal sector.*”

Broader barriers with regards to accessing civil legal justice

Survey respondents and roundtable stakeholders shared other examples of barriers that prevented women from accessing civil legal justice – which were not necessarily related to finance. One roundtable participant pointed out that only “*1 in 6 of the general population who has a legal problem understands that the problem is a legal problem*” – but also that this problem was getting worse due to under-funding in the civil legal justice sector.

The lack of legal awareness was considered an acute problem in some areas of civil law:

“*Women can also take a long time to approach us about gynaecological and birth related medical negligence claims, as due to the taboos and misinformation surrounding women’s health, they may wrongly believe what has happened to them is normal.*” [Solicitor law firm: regional coverage]

Others highlighted a lack of legal expertise in their sector, which prevented women, including vulnerable women from getting access to legal aid: “*we arrange housing for marginalised women in London, women who have been trafficked, or are coming from prison but expertise around legal aid is lacking.*” [Voluntary organisation, Housing: regional coverage].

The lack of specialised legal knowledge in primary contact services (e.g. housing and homelessness), as well as what qualifies for civil legal aid was a common theme. One survey respondent, representing a national housing association shared the example of private family law – in particular, when arrangements after a divorce is finalised are breached: “*we don’t have the knowledge to help them in these specialised areas*”.

One unnamed service (from Yorkshire and Humber) identified lack of access to appropriate and timely healthcare “*which exacerbates other issues*” and “*unnecessary barriers to women [are] being placed by local authority and DWP*” as two other barriers to civil legal. They also highlighted that while their service was open to all groups, their “*clients are overwhelmingly women*”.

Another respondent from East of England highlighted numerous barriers for their female clients including learning difficulties, mental health, racism with regards to services and digital exclusion:

“*Language is a barrier; other issues such as learning difficulties and/or mental health. Racism is as a barrier to services. Rurality/isolation is a barrier. Digital by default approach to service provision is a barrier- 21% of our Debt clients not confident in using Internet; 12% have no Internet at home...*” [Law centre: regional coverage]

Survey respondents also highlighted the indirect impact on women of being unpaid carers for injured family members:

“*I work in medical negligence and personal injury law representing claimants. In my experience, women are more often the unpaid caregivers for injured persons who are waiting for their claim to settle and cannot yet access funds.*” [Solicitor law firm: regional coverage]

Conclusion and Recommendations

This survey succinctly highlights the obstacles and barriers across the board for women with regards to effective access to civil legal justice. Despite some policy changes since 2012 (e.g. rules on domestic violence for private family law cases being relaxed; employment tribunal fees abolished), this survey suggests that women are still unable to satisfy stringent requirements for legal aid.

Pregnancy and maternity discrimination was identified as one of the main issues where there are barriers to women seeking help. Issues related to insecure employment are harder to tackle in tribunals, and the complexity of the system, time limits and restrictions on legal aid makes self-representation harder in employment cases.

Within housing law, no-fault evictions, rent arrears and homelessness are significant issues women seek help with. Rent arrears are a particular issue for victims/survivors of male violence against women and girls (VAWG) and for migrant women with insecure status.

Support with social security is another significant area for legal aid access for women, particularly support with debts to DWP. Single mothers and women from Gypsy, Roma and Traveller background are especially affected by benefit issues.

In family law, domestic abuse is a crucial area in which women seek support for civil legal justice. Changes to legal aid had a huge impact on separation and child maintenance issues, where it is now much harder to access legal aid. VAWG victims/survivors still face many barriers in accessing legal aid, including having no paperwork if they had to flee their home, and legal aid support often starting very late in the process, at a crisis point.

For migrant women, having no recourse to public funds (NRPF) is the main reason they seek help, followed by domestic violence or trafficking. NRPF is particularly a serious issue for migrant women with insecure status who are VAWG victims/survivors.

This research also highlights wider issues in relation to the civil justice system that are not necessarily financial or related directly to cuts.

Overall, the complexity of the legal process, combined with reduced legal aid and lack of awareness or signposting, are significant barriers for women accessing courts and employment tribunals. As a consequence, 85% of respondents to this survey agreed that because of LASPO 2012 change vulnerable women are very often unable to access civil justice. Support services are now witnessing a lot of people reaching crisis point and/or representing themselves in court.

The lack of legal awareness is an acute problem for women in some areas of civil law (e.g. around gynaecological and birth-related medical negligence claims). The lack of enforcement of equality and discrimination laws is a recurrent issue.

Many respondents highlighted a lack of legal expertise in their sector, such as the housing or homelessness sector, which prevented vulnerable women from getting access to legal aid.

The lack of specialised legal knowledge in primary contact services (including GP services), as well as what qualifies for civil legal aid were also important issues raised.

Recommendations

Based on the issues identified throughout the report, and the interventions suggested by the survey respondents, we make the following recommendations:

- **More research into impact of LASPO changes on women's employment outcomes:**
There is a strong case for undertaking more research on the impact of changes in civil legal law (since 2012) on employment outcomes for women. This research highlighted the wide variety of civil legal issues experienced by women – particularly women who are in economically weaker positions to negotiate better outcomes e.g. part-time workers; those on insecure employment contracts; pregnant women or those returning from maternity leave.
- **Improving access to legal aid for employment discrimination:**
The scope for employment law issues covered by legal aid should be widened, and thresholds for eligibility and time limits to seek advice should be increased.
- **Intervene with support sooner to avoid litigation:**
There is a strong case for funding specialist advice for employment and discrimination-related cases, so as to avoid litigation, and to keep cases out of tribunals. This would not only help to achieve better outcomes – such as helping women to keep their jobs – but would also maintain good working relationships with employers.
- **Better overall legal training:**
Better legal training for solicitors themselves – and embedding legal expertise in primary-contact services (e.g. GP services, housing, homelessness, foodbanks) would mean improved access to civil legal justice.
- **Improve general public legal education:**
To ensure people can access the support they are entitled to, it is important to share and disseminate public legal education at a local and community level.
- **Improve referrals to address issues sooner:**
More cross-sector collaboration to build on each other's expertise and knowledge and to facilitate referrals. Many services are keen to link up with law centres. This would make a significant difference particularly for victims/survivors of domestic abuse.

Appendix A – Methodology

This report is based on the results of a quantitative online survey (on SurveyMethods), which consisted of 16 questions. The survey was live from 17 November 2022 to 10 January 2023, and was promoted and shared through:

- Women's Budget Group (WBG): Emails and online discussions with stakeholders, networks and contacts; newsletters
- Social media – through WBG and through WBG contacts and networks

While we did not use qualitative methods in this part of the research study, we included several open text sections in the survey to give respondents an opportunity to identify any overlooked areas or feedback any further concerns about current access to the civil legal justice system.

The report also includes feedback from a roundtable discussion held on 13 December 2022, with 10 stakeholders, including law centres from different parts of the country, housing associations and voluntary and community organisations.

As with any method, however, it is also important to acknowledge potential limitations of this study. The purpose of this study was to gather initial insights on the main challenges women face when accessing civil justice to inform further in-depth research and policy work. This was not meant to be a comprehensive or generalizable survey study. The responses are based on self-selected organisations/services, from across all regions in England and Wales, who opted to participate in the survey. 115 organisations/services working directly with service users responded to this survey, providing an important, up-to-date insight into the nature of the barriers to access to civil legal justice for women in England and Wales.

A few other caveats. While 115 organisations or services responded to this survey, they did not respond to every question. Some questions were skipped because they were not relevant to the service provided by an organisation. The nature of the survey (where the questions were not linked) meant that we could still use the data from incomplete questionnaires.

The design and execution of the survey, and analysis of the findings and feedback was carried out by Dr Zubaida Haque, with the assistance of Dr Harry Taylor, for the UK Women's Budget Group.

