

Standing alone

Going to the family court without a lawyer



**citizens
advice**

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Executive summary

The way people use the family courts is changing

The family courts help people resolve a range of family issues - whether getting a divorce or working out financial or custody arrangements after a separation. Before 2013, many people using the family courts used a lawyer to navigate the process and argue their side of the case. Since then, more people are representing themselves.

In part this is an outcome of the Legal Aid Sentencing and Punishment of Offenders Act (LASPO Act) implemented in 2013, which reduced funding for people going to the family court and reduced the number of people able to access legal advice and representation. Since the act, the proportion of private family law cases in which both parties were represented fell from a half to a quarter.¹

The last three years have also seen a change in the type of people trying to represent themselves in court. In the past, many people represented themselves through choice. Now a larger proportion of people represent themselves because they feel they have no other option.²

Citizens Advice sees the effects of these changes first hand

Since 2013, our advisers have seen a change in the way the people we support are able to access resolution to their family problems. 67% of our advisers report an increase in the number of people they see going to court without representation.³ Citizens Advice offices based in courts, such as RCJ Advice within the Royal Courts of Justice, have seen an increase in the number of clients in need of support to represent themselves in court.

7 in 10 people report that without being able to afford a lawyer, they might 'think twice' about taking a case to court by themselves⁴ and this is evident in the people we see. More than half of the Citizens Advice network have seen an increase in the number of people choosing not to resolve their family problems since 2013.⁵

¹ National Statistics (2014) *Family Court Statistics Quarterly. January to March 2014*. Ministry of Justice.

² The Justice Committee (2015) *Impact of changes to civil legal aid under Part 1 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012*. House of Commons.

³ Citizens Advice (Unpublished) *Network Panel Survey: July 2015*. Citizens Advice.

⁴ Vaughan, K. et al (2015) *Responsive Justice: How citizens experience the justice system*. Citizens Advice.

⁵ Citizens Advice (Unpublished) *Network Panel Survey: January 2016*. Citizens Advice.

The system is not set up to deal with people representing themselves

Some people find the experience of self-representation positive. They get the outcomes they need, find communities of supportive people who become friends or find confidence in themselves. But for the majority, any positives are outweighed by the stress, responsibility and loneliness of going to court without representation (being a litigant in person). The system is not set up to deal with litigants in person. This leads to a bad experience for court users and can mean litigants in person achieve worse outcomes compared with their represented counterparts.⁶

Going to court without a lawyer has wider negative impacts

9 in 10 people with experience of going through court as a litigant in person say it affected at least one other aspect of their life.⁷ This report identifies the four key areas affected:

1. **People's mental and physical health is suffering.** 7 in 10 of our advisers say the experience of going to the family court as a litigant in person exacerbates existing mental health issues and 7 in 10 agree that the experience causes people's physical health to suffer.⁸
2. **The experience is putting a strain on people's working lives.** Almost half (47%) of advisers agree that the experience of going to the family court as a litigant in person places extra pressure on people's relationships with their employers and 2 in 5 advisers believe it puts a particular strain on self-employed people.⁹
3. **People's finances can be negatively affected.** The impact on working life (whether losing paid hours or a job altogether) negatively impacts on people's finances. There are further costs such as travelling to and from court and photocopying.

⁶ Trinder, L. et al (2014) *Litigants in Person in Private Family Law Cases*. Ministry of Justice.

⁷ Citizens Advice (Unpublished) *Screeener Survey: litigants in person in the family courts 2015*. Citizens Advice.

⁸ Citizens Advice (Unpublished) *Network Panel Survey: January 2016*. Citizens Advice.

⁹ Citizens Advice (Unpublished) *Network Panel Survey: January 2016*. Citizens Advice.

4. **Relationships with friends and family are put under pressure.** 71% of our advisers say the experience causes relationships with family and friends to suffer.¹⁰

There is appetite and potential for improvement

The Ministry of Justice is paying close attention to the increase in self-representation in family courts and they have taken positive steps to ensure litigants in person are able to access a good service. But there is further to go.

This research identifies 8 ways to improve people's experience of going to the family court:

1. Litigants in person need a clear way to navigate through the court process
2. Information should be easy to find, consistent, reliable and user-friendly
3. Paperwork and processes should be designed with the layperson in mind
4. The physical court environment must help, not hinder, litigants in person
5. Litigants in person need the tools to cope with pre-trial negotiations
6. Guidance for legal professionals needs universal adoption
7. People need more information to make the most of lawyers' services
8. Evidence requirements shouldn't be a barrier to those eligible for legal aid

This report makes 3 key recommendations about how courts, professionals and other service providers can address these opportunities:

1. **Litigants in person need access to reliable advice and information** to determine the validity of their case; investigate alternatives to court; progress their case through different stages; represent themselves effectively and deal with outcomes.
2. **Processes, physical courts and professionals' behaviour should respond to the increased numbers of litigants in person** by ensuring best practice for working with laypeople is provided consistently.
3. **Support for vulnerable people should be more easily accessed.** Victims of domestic abuse should be able to access the legal advice and representation to which they are entitled. Other vulnerable groups, such as people with mental health issues, should be signposted to appropriate services.

¹⁰ Citizens Advice (Unpublished) *Network Panel Survey: January 2016*. Citizens Advice.

Citizens Advice

Citizens Advice sees the issues people face when trying to access legal resolution. In 2014/5 we helped people with 198,000 legal issues across our network of local services and specifically with 10,000 issues about legal aid. This included people asking for help with eligibility and scope of legal aid and finding a legal aid lawyer.

In the same year, we helped over 284,000 people with relationship issues. We helped 107,000 people (38%) with divorce issues and almost 97,000 (34%) with child maintenance issues or other issues with children. We also helped 7,500 people with problems relating to domestic abuse.

RCJ Advice based at the Royal Courts of Justice and the Central London Family Court has been helping people since 1978, including those going to court without a lawyer. In 2014/5, they helped over 3000 litigants in person in civil and family matters, and dealt with more than 7000 enquiries. This number is rising. In the first half of 2015/6, they assisted more than 2,500 litigants in person and dealt with just over 4,300 queries.

Through our website, Citizens Advice provides digital advice and information to help people with their legal and relationship problems. Last year, our online content on law was viewed more than 2.4 million times and our content on relationships was viewed over 5 million times.

Introduction

We are living in a time of significant change for justice.

Since last year's general election the Conservative Government has driven forward major reforms of the court system. It has renewed its focus on reducing prison populations and promoted alternative dispute resolution as a way to access justice for lower cost. Reductions in the scope and availability of legal aid have meant changes in the delivery of legal services and how people access justice.

As with other public services, digital technology is changing how people interact with court and other legal services and how they are delivered.

All this is at a time of tightened public spending - the Ministry of Justice has experienced a £249m (4%) reduction in budget in 2015/16. This followed a £500m reduction in the previous year.¹¹

Collectively, these changes impact on who goes to court, the support they receive and their experience. The focus of this report is one result of these changes: the increased number of people going to the family court without a lawyer (as a 'litigant in person').



Litigant in person

A litigant in person (LiP) is someone who represents themselves in court instead of having a legal representative to act on their behalf. Litigants in person need to conduct research, create complex legal arguments, complete legal procedures and argue their case in court in front of a judge. Some LiPs have had some legal advice or representation in the past, others will have received none.

¹¹ Smith, C. (2015) *Moj hit with further £249m of cuts*. Law Society Gazette.

The number of people representing themselves in court is growing

There has been an increase in people acting as litigants in person in recent years. In part this has been an outcome of the Legal Aid Sentencing and Punishment of Offenders Act (LASPO Act) implemented in 2013. The act reduced funding for people going to the family court by around two thirds¹² and the result was a reduction in the number of people able to access legal advice and representation.

Since the LASPO Act, the number of private family law cases in which both parties were represented fell from a half to a quarter.¹³ 67% of Citizens Advice advisers report an increase in the number of clients they see going to court without representation.¹⁴

The last three years have also seen a change in the *type* of people trying to represent themselves in court. Previously people were more likely to represent themselves through choice. Now many people are representing themselves because they feel they have no other choice.¹⁵



The Legal Aid Sentencing and Punishment of Offenders Act

The Legal Aid Sentencing and Punishment of Offenders Act (LASPO Act) took effect in 2013. The reforms aimed to: discourage unnecessary litigation at public expense; target legal aid to those who need it most; make significant financial savings; and deliver better overall value for money for the taxpayer.

Before the act, people going to court with a family problem such as divorce had the opportunity to apply for legal aid to access a lawyer to represent them. The act introduced changes to eligibility and scope of legal aid, meaning that legal aid is no longer available in private family law regardless of a person's income.

¹² Legal Aid Agency (2015) *Legal Aid Statistics in England and Wales. April to June 2015*. Ministry of Justice.

¹³ National Statistics (2014) *Family Court Statistics Quarterly. January to March 2014*. Ministry of Justice. Table 2.4.

¹⁴ Citizens Advice (Unpublished) *Network Panel Survey: July 2015*. Citizens Advice.

¹⁵ The Justice Committee (2015) *Impact of changes to civil legal aid under Part 1 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012*. House of Commons.

There are exceptions to this. The first is for people who are able to provide evidence of domestic abuse or child abuse, who are still eligible for legal aid where they have an income below a certain amount. A victim's income must be no more than £2,657 a month before tax and their savings shouldn't be more than £8,000 (people under this threshold can still be asked to pay a contribution). The second is in proceedings when someone is up against their local authority or the NSPCC (known as public law). People in these cases have also generally remained in the scope of legal aid.

The reduction in scope of family legal aid has proved controversial, both in terms of the experience of those no longer eligible for legal aid, and the overall cost savings made. Two years after implementation, the House of Commons Justice Committee found that the Ministry of Justice had successfully made significant savings. However it also found that the implementation of the LASPO Act had not achieved its other objectives and this put access to justice at risk.¹⁶¹⁷

The ability to access representation plays a significant role in people's decision to go to court: 7 in 10 people report that without being able to afford a lawyer, they might 'think twice' about taking a case to court by themselves.¹⁸ Given the number of people likely to use court services at some point in their lives, this impact is widespread; 1 in 10 adults in England and Wales have been involved in a case in the family courts in some capacity¹⁹ and almost a quarter of a million cases are started in the family courts every year.²⁰

A growing cohort of litigants in person impacts on courts

The Ministry of Justice and the Judiciary are paying close attention to the rising trend in self-representation in family courts, as they anticipated an impact on court services ahead of the introduction of the LASPO Act.²¹

¹⁶ The Justice Committee (2015) *Impact of changes to civil legal aid under Part 1 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012*. House of Commons.

¹⁷ Garton Grimwood, G. (2016) *Litigants in person: the rise of the self-represented litigant in civil and family cases in England and Wales*. House of Commons Library.

¹⁸ Vaughan, K. et al (2015) *Responsive Justice: How citizens experience the justice system*. Citizens Advice.

¹⁹ Vaughan, K. et al (2015) *Responsive Justice: How citizens experience the justice system*. Citizens Advice.

²⁰ National Statistics (2014/5) *Family Court Statistics Quarterly. July 2014 to June 2015*. Ministry of Justice.

²¹ Thomas, J. (2015) *The Lord Chief Justice's Report*. Judiciary of England and Wales.

Firstly, a rise in self-representation has resulted in changes for the role of judiciary and lawyers. The Judicial Executive Board recently highlighted the adverse effects on courts' administration and efficiency when dealing with litigants in person, and the reduction in take up of alternatives to court as people don't know their options.²² The Bar Council, Chartered Institute of Legal Executives and the Law Society have produced guidelines for professionals working with the increased number of LiPs to adapt to this new context.²³

There has also been an impact on court outcomes. Evidence (based on quantitative analysis of a non-representative qualitative sample) suggests litigants in person achieve worse outcomes in the family courts than their represented counterparts, especially when the other party has access to a trained lawyer. Litigants in person tend to have a higher proportion of withdrawn or dismissed cases: nearly a fifth of non-represented cases are withdrawn or dismissed compared with only one in twenty fully represented cases.²⁴ And this isn't because LiPs are bringing the wrong sort of claims: in civil law litigants in person are only as likely to bring unmeritorious claims as those with representation.²⁵ Research has found that in many cases litigants in person simply have little or no ability to fight their case.²⁶

Courts are having to adapt to new timeframes. Cases where neither party is represented have been found to be considerably quicker than where both parties are represented.²⁷ However, cases with one litigant in person have been found to be slower than cases where both parties are represented.²⁸

More litigants in person also brings cost. In 2013/14, the increase in litigants in person was estimated to cost the Ministry of Justice £3.4million.²⁹ Additionally, the Low Commission have noted that the cost of unresolved problems may be being met by the taxpayer through other means, such as the NHS or welfare programmes.³⁰ Further, the loss in revenue through fewer payments from

²² Garton Grimwood, G. (2016) *Litigants in person: the rise of the self-represented litigant in civil and family cases in England and Wales*. House of Commons Library.

²³ The Law Society (2015) *Surge in DIY justice sparks guidelines for lawyers*. The Law Society.

²⁴ Trinder, L. et al (2014) *Litigants in Person in Private Family Law Cases*. Ministry of Justice.

²⁵ Trinder, L. et al (2014) *Litigants in Person in Private Family Law Cases*. Ministry of Justice.

²⁶ Trinder, L. et al (2014) *Litigants in Person in Private Family Law Cases*. Ministry of Justice.

²⁷ National Statistics (2015) *Family Court Statistics Quarterly. July to September 2015*. Ministry of Justice.

²⁸ Trinder, L. et al (2014) *Litigants in Person in Private Family Law Cases*. Ministry of Justice.

²⁹ Low Commission (2014) *Tackling the advice deficit: A strategy for access to advice and legal support on social welfare law in England and Wales*. LAG Education and Service Trust Ltd.

³⁰ Low Commission (2014) *Tackling the advice deficit: A strategy for access to advice and legal support on social welfare law in England and Wales*. LAG Education and Service Trust Ltd.

government to legal service providers was estimated to be £60 million in 2013/14.
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Counterpart to reduced litigation, the LASPO Act aimed to encourage access to resolution through alternatives to court. However, there has been a sharp fall in the number of people accessing alternatives to court such as mediation. This rate has now stabilised to around half of pre-LASPO levels.³² Ministry of Justice and Department for Work and Pensions is focusing resources on high profile campaigns increasing awareness of mediation and have increased the legal aid available for mediation, meaning these numbers may rise in the coming years.³³

This research contributes to work already underway

This report presents Citizens Advice research that reviews the challenges faced by litigants in person and the gaps in service. The research explored what people's experiences are, not only in court but before and after the case, to assess how well current services meet people's needs.

Our research builds on a growing body of research into litigants in person, which has shed valuable insight into their routes to self-representation³⁴, their effect on courts,³⁵ and how experiences might impact upon people.³⁶ We know that some people are able to represent themselves successfully. Yet in many cases it can be challenging to ensure balance of power, access to a fair trial and access to justice.

We welcome the significant activity already in motion within the sector, such as training and support led by the Litigants in Person Support Strategy group, the expansion in pro bono advocacy of litigants in person, and progress in redrafting court guides and forms.³⁷ Numerous groups have produced tools and guidance for litigants in person, including the judiciary,³⁸ the bar,³⁹ RCJ Advice and Advicenow. A new Civil Procedure Rule (CPR) encourages legal professionals to

³¹ Ministry of Justice and Legal Aid Agency (2014) *Implementing reforms to civil legal aid*. National Audit Office.

³² Legal Aid Agency (2015) *Legal Aid Statistics in England and Wales. April to June 2015*. Ministry of Justice.

³³ Legal Aid Agency (2015) *Civil news: family mediation campaign launched by MOJ*. Gov.uk.

³⁴ Pereira, I. et al (2015) *The Varying Paths to Justice*. Ministry of Justice.

³⁵ Trinder, L. et al (2014) *Litigants in Person in Private Family Law Cases*. Ministry of Justice.

³⁶ Lin, X. et al (2015) *Sleepless nights: accessing justice without legal aid*. Middlesex University London and Toynbee Hall.

³⁷ Briggs, M. (2015) *Civil Courts Structure Review: Interim Report*. Judiciary of England and Wales.

³⁸ Bailey, E. et al (2013) *A Handbook for Litigants in Person*. Civil Sub-Committee of the Council of Circuit Judges.

³⁹ The Bar Council (2013) *A Guide to Representing Yourself in Court*. The Bar Council.

adapt certain procedures so they make more sense for litigants in person, and litigants in person are also being increasingly considered as part of planning for the judiciary, chancery and civil courts.⁴⁰⁴¹⁴²

We also draw on a vibrant picture of local innovation in support for litigants in person. In Bristol, judges are advising people who are representing themselves how to do their best in the courts.⁴³ The Family Solutions initiative based in the Central London Family Court bases the RCJ Advice family legal team with the Personal Support Unit who offer emotional and practical support together with access to mediation, representation, separated parents information programmes and the first ever child contact within a court delivered by RCJ Advice. In York, Citizens Advice offers trained volunteers to accompany litigants in person to court. LiP liaison judges have been established in a large number of family courts.

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We hope this research contributes to this debate - specifically to the work of the Litigants in Person Strategy Group, annual National Forum,⁴⁵ government and the sector - with new insight from individuals with experience of being a litigant in person.

While there has, rightly, been much debate on the issue of legal aid, this report does not focus on the rights and wrongs of the changes that were enacted in 2013. It is likely that litigants in person will continue to be an aspect of our justice system in the future. This research calls for people's experiences to be at the heart of reform and it identifies ways to provide people with better support.

Methodology

This report brings together: in-depth qualitative interviews and a qualitative and quantitative survey of litigants in person; a survey of Citizens Advice staff and volunteers; and information drawn from our advice issue code statistics which report the problems we help our clients with from over 3,500 locations across England and Wales.

⁴⁰ Hickinbottom, G. (2013) *The Judicial Working Group on Litigants in Person: Report*. Courts and Tribunals Judiciary.

⁴¹ Briggs, M. (2015) *Civil Courts Structure Review: Interim Report*. Judiciary of England and Wales.

⁴² Raisbeck, G. (2015) *New CPR 3.1A - clearer court proceedings for litigants in person?* The Law Society.

⁴³ Tickle, L. (2015) *Where's the justice in making family law cases a do-it-yourself project?* The Guardian.

⁴⁴ Briggs, M. (2015) *Civil Courts Structure Review: Interim Report*. Judiciary of England and Wales.

⁴⁵ Dyson, J. A. (2015) *Fourth National Forum on Access to Justice for Litigants in Person*. Civil Justice Council.

We conducted in-depth interviews with a non-representative sample of 16 people with experience of going to the family court without legal representation within the last 5 years. 12 had experience of private family law. 4 had experience of public family law. This report focuses on private family law because it is the area of family law most transformed in the last 3 years and which has seen the greatest increase in people representing themselves.⁴⁶ Litigants in person in public law cases are not a distinct group from those in private family law cases and as such many of the experiences covered in this report are shared by those experiencing public and private law issues. Quotes from people with experience of private and public law are used to illustrate typical experiences and consistent themes in the analysis.

To extend the sample and give context, we invited people who had experience of representing themselves in the family court to tell us more in an online survey. Respondents were recruited via social media and were therefore a self selecting, non-representative sample.

This report also draws on new evidence from Citizens Advice frontline advisers. The Citizens Advice Network Panel is a monthly survey sent to over 600 staff and volunteers across England and Wales, asking about their experiences of policy issues. Questions about the justice system were included in the July 2015 edition. Responses were received from 293 people. Questions about the justice system were also included in the January 2016 edition. Responses were received from 244 people. Respondents to this survey include advisers, gateway assessors, trustees and managers as well as those in support, research and campaigns roles. Respondents are hereon referred to as 'advisers' or the 'Citizens Advice network'.

We draw findings from our advice issue code statistics, and data from the Citizens Advice Witness Service, based in every court in England and Wales. We also synthesise existing secondary data, such as Quarterly Courts Statistics from Ministry of Justice.

Finally, we benefitted from extensive engagement with stakeholders from membership and regulatory bodies, lawyers and the bar, frontline advice staff and volunteers and experts in relationships and separation.

⁴⁶ National Statistics (2015) *Family Court Statistics Quarterly. April to June 2015*. Ministry of Justice.

Who are litigants in person in family courts?

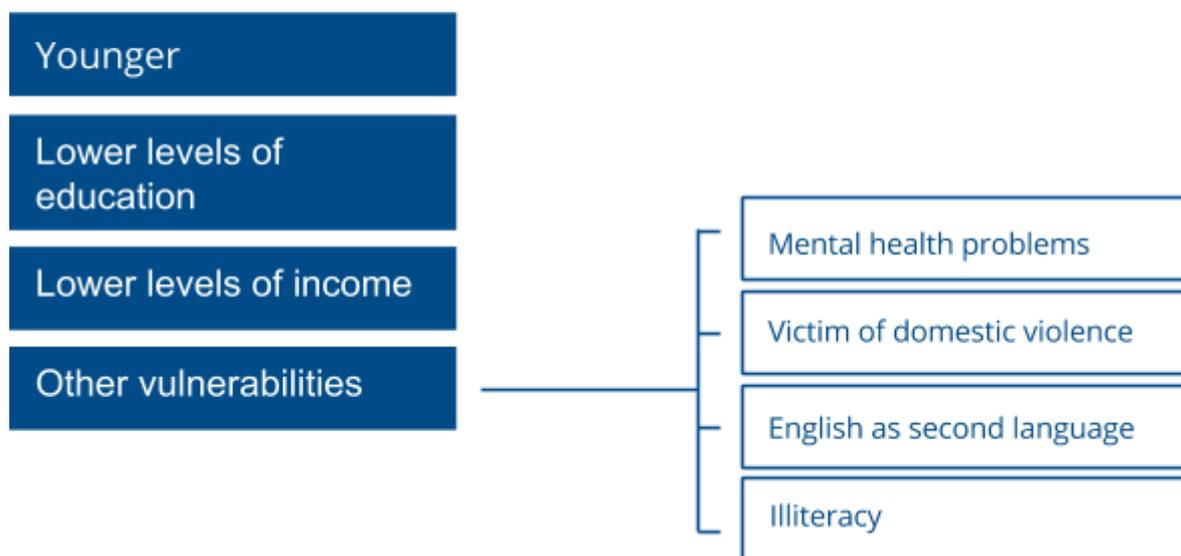
Who are litigants in person?

It is difficult to draw exact conclusions about the profile of litigants in person, as demographic data is not readily available from court files.^{47,48}

However, research indicates that litigants in person tend to be on lower incomes, have lower levels of education, and be younger than those with representation.⁴⁹

⁵⁰ Around half of litigants in person in private family law cases have one or more vulnerabilities.⁵¹ Vulnerabilities can range from mental health, being a victim of domestic violence, having English as a second language and illiteracy.

Characteristics of litigants in person



From our non-representative, self selecting sample of 74 litigants in person, we found that 4 in 5 litigants in person had dependants at the time of the court

⁴⁷ Trinder, L. et al. (2014) *Litigants in Person in Private Family Law Cases*. Ministry of Justice.

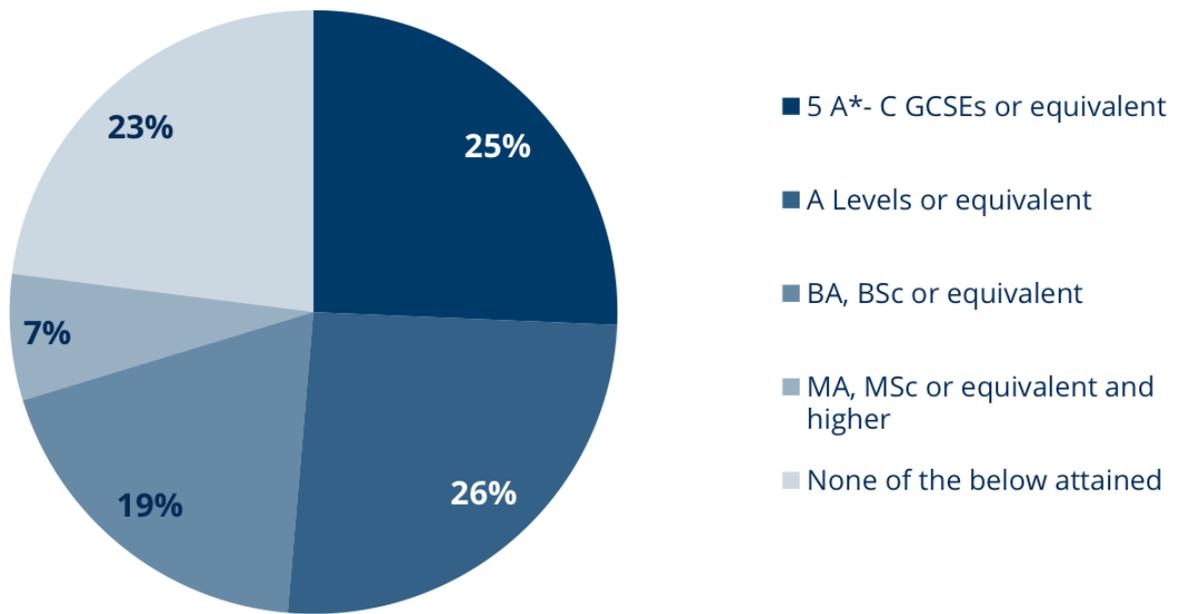
⁴⁸ Garton Grimwood, G. (2016) *Litigants in person: the rise of the self-represented litigant in civil and family cases in England and Wales*. House of Commons Library.

⁴⁹ Trinder, L. et al (2014) *Litigants in Person in Private Family Law Cases*. Ministry of Justice.

⁵⁰ Williams, K. (2011) *Litigants in person: a literature review*. Ministry of Justice.

⁵¹ Trinder, L. et al (2014) *Litigants in Person in Private Family Law Cases*. Ministry of Justice.

process.⁵² 4 in 5 earned less than £1000 after tax per month at the time of the court process, making them in the bottom 8th percentile of earners at the time of the implementation of the LASPO Act.⁵³ Almost 1 in 4 had not achieved 5 A* to C grades at GCSE or above. Only 1 in 4 respondents had obtained a degree or higher level of qualification.⁵⁴



→ (Fig.1) At the time of your court process, what was the highest level of education you had achieved? Screener Survey: litigants in person in the family courts (2015)

Evidence shows that mental health issues are common among litigants in person, and may be more common among this group than the general population. Around a third of litigants in person have been estimated to have a mental health issue compared with a quarter among the general population.⁵⁵⁵⁶

⁵² Citizens Advice (Unpublished) *Screener Survey: litigants in person in the family courts 2015*. Citizens Advice.

⁵³ HM Revenue and Customs (2016) *Percentile points from 1 to 99 for total income before and after tax, 1992-93 to 2013-14*. HM Revenue and Customs.

⁵⁴ Citizens Advice (Unpublished) *Screener Survey: litigants in person in the family courts 2015*. Citizens Advice.

⁵⁵ Civil Justice Council Working Group (2011) *Access to Justice for Litigants in Person (or self-represented litigants)*. Civil Justice Council.

⁵⁶ McManus, S. et al (2009) *Adult Psychiatric Morbidity in England 2007: results of a household survey*. NHS Information Centre for Health and Social Care.

Why do people become litigants in person?

Few people choose to go to the family court without a lawyer if alternative options are available.

Before faced with the decision, people are wary about representing themselves. Only 14% of adults in England and Wales feel confident that they could manage if they had to represent themselves in court.⁵⁷

Finances are the primary reason why people choose to represent themselves in court. About half of litigants in person in private family cases self-represent for reasons of cost alone.⁵⁸ 92% of Royal Courts of Justice Advice (RCJ Advice) clients report that they are representing themselves because they cannot afford a solicitor.⁵⁹

There are a range of other reasons that can cause someone to become a litigant in person. They include: lack of information about legal aid (almost 1 in 5 report that they did not know whether they were eligible for legal aid⁶⁰); lack of time to secure representation; mistrust of lawyers; underestimation of complexity and inability to secure legal aid despite being a victim of domestic abuse.

What is the impact on people's lives?

Some people find the experience of self-representation positive⁶¹. They get the outcomes they need, find communities of supportive people who become friends, or find confidence in themselves. But for the majority, positives are outweighed by the stress, responsibility and loneliness of being a litigant in person.

It is impossible to neatly distinguish the impact of self-representing from the impacts caused by going to court and generally undergoing wider family change. However, we know that being a litigant in person exacerbates wider problems as well as creating new ones. 9 in 10 people with experience of going through court as a litigant in person report it affected at least one other aspect of their life (such as health, relationships, work and finances).⁶²

⁵⁷ Vaughan, K. et al (2015) *Responsive Justice: How citizens experience the justice system*. Citizens Advice.

⁵⁸ Trinder, L. et al (2014) *Litigants in Person in Private Family Law Cases*. Ministry of Justice.

⁵⁹ RCJ Advice (2015) *ASLIP Project 2014/15*. RCJ Advice.

⁶⁰ Citizens Advice (Unpublished) *Screening Survey: litigants in person in the family courts 2015*. Citizens Advice.

⁶¹ Trinder, L. et al (2014) *Litigants in Person in Private Family Law Cases*. Ministry of Justice.

⁶² Citizens Advice (Unpublished) *Screening Survey: litigants in person in the family courts 2015*. Citizens Advice.



Aaron, 41, went to court to work out details about children and finances when he and his wife split up. He was represented for the first few proceedings but when he quickly ran out of money he began to represent himself. He used the internet to 'get him through' but he knew it wasn't working well.

Having seen the difference between going into court with a lawyer and without, Aaron felt upset by his treatment as a litigant in person. He felt judges 'brushed aside' his questions, and solicitors: 'interrupted him', 'spoke over him' and undermined him through their tone of voice. He found accusations made against him upsetting and, unable to defend himself, he was left feeling angry.

Without an advocate in the courtroom, and having found nobody else to talk to, the pressure and responsibility caused Aaron to withdraw from his friends and family to concentrate on his 'quest' to see his children. He developed depression, began self harming and made more than one attempt on his own life.

At this time, Aaron still had to go to work every day. Distracted by the case, Aaron spent a lot of his working days researching his case and making calls. His boss was understanding but Aaron now sees that his actions almost lost him his job. Without help and support, Aaron's experience of representing himself in court quickly affected his health, relationships and his work.

Lack of emotional support can affect mental and physical health

A lack of emotional support for people managing the court process on their own can result in mental health issues developing or getting worse. Without a way to offload, and with the full weight of the process on the individual's shoulders, LiPs struggle to detach from the court process.



7 in 10

Citizens Advice advisers feel that the experience of going to the family court as a litigant in person makes existing mental health issues worse.⁶³

⁶³ Citizens Advice (Unpublished) *Network Panel Survey: January 2016*. Citizens Advice.

"I was left on my own. Yes, I had [my McKenzie friend] to help but he had other cases on as well. I had to do some of the hearings on my own and I just think it didn't help having to self-represent because I wasn't dealing with my own issues. I wasn't dealing with the emotional side of things. I became like a robot and that has now just avalanched and led to me being diagnosed with God knows what. Do you know what I mean? I've been in and out of hospital for the last year over it all."

Sarah, trying to get contact with her child who had been adopted

This pressure can have physical consequences. People can suffer from problems such as sleepless nights and high blood pressure.



69%

of our advisers agree that the experience of going to the family court as a litigant in person causes people's physical health to suffer.⁶⁴

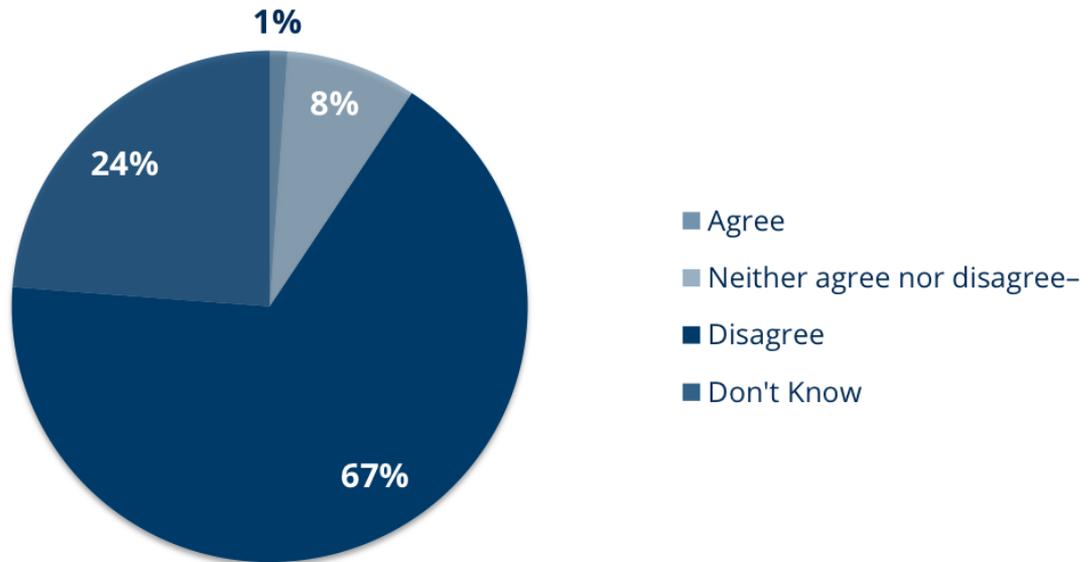
"I had to go to the hospital a few times when I just wasn't eating. I had no appetite whatsoever. It got to the point where I started getting really bad pains in my stomach and had to have the ambulance come out. They said: 'it's because you're not eating.' But I can't."

Oscar, trying to keep contact time with his daughter

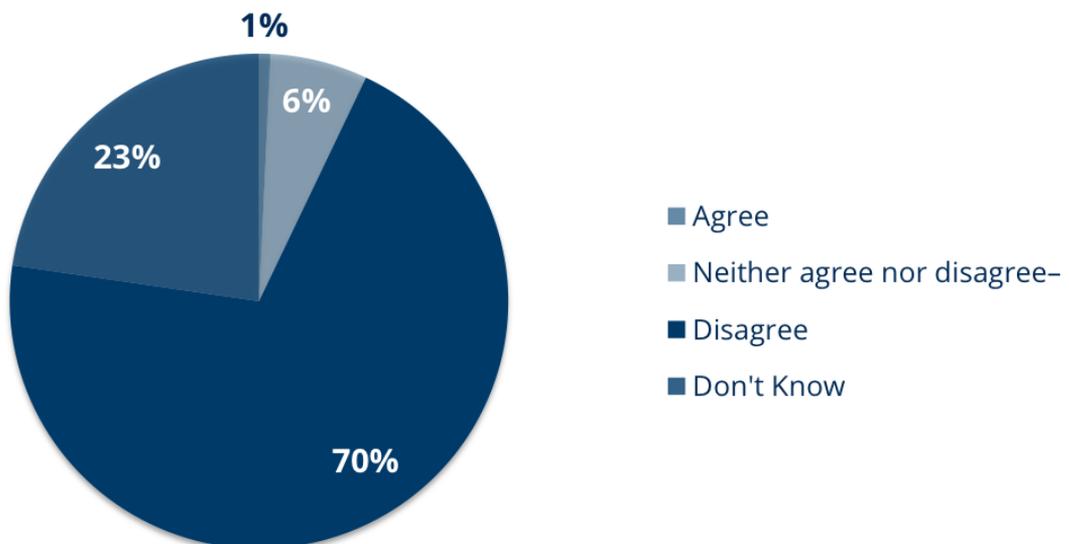
Only 1% of our advisers think there is satisfactory emotional support available for litigants in person. 67% think there is not enough. Even fewer think people are able to find it: 70% disagree that litigants in person know how to access the emotional support that is available.⁶⁵

⁶⁴ Citizens Advice (Unpublished) *Network Panel Survey: January 2016*. Citizens Advice.

⁶⁵ Citizens Advice (Unpublished) *Network Panel Survey: July 2015*. Citizens Advice.



→ (Fig.2) To what extent do you agree or disagree with the following statements? "There is satisfactory emotional support available for Litigants in Person" Citizens Advice Network Panel (July 2015)



→ (Fig.3) To what extent do you agree or disagree with the following statements? "Litigants in Person know how to access emotional support that is available" Citizens Advice Network Panel (July 2015)

"You can't shout and scream and say what you want to say. You build stuff up behind you. Over this last year, I've been trying to deal with an avalanche. I got to the point where I was suicidal and then I had a vision and started hearing voices. I've took a number of overdoses, you know

what I mean, I cut myself. If you told me two years ago I'd be like this now, I would have laughed in your face.”

Sarah, trying to get contact with her child who had been adopted

Apart from the negative experience of court users, this lack of support has implications for other public services. For some litigants in person, GPs become a primary port of call for emotional support. GPs’ responses range from prescribing antidepressants to simply providing a listening ear. Conversations people have with their GP are not limited to health issues but cover broader issues associated with being a litigant in person. This fits with our research which found GPs spend almost a fifth of their time on social issues not principally about health.⁶⁶

“I think family courts in particular need to have at the end of cases involving children, they need to be able to offer resources such as Samaritans or counselling or whatever. They need to have those phone numbers up somewhere.”

Lillian, domestic abuse victim trying to make contact with her children who are in care

People self-representing face consequences in their working life

Without the right support, people find that the drain on time, and the distraction of going through the process, can seriously affect working life. Self-employed people are particularly vulnerable.



2 in 5

Citizens Advice advisers believe being a litigant in person in the family courts puts particular strain on self-employed people.⁶⁷

When litigants in person need extra time to complete processes and put together a case, or during the time they are physically in court, self-employed people report having to turn down potential work or struggle to deliver work to which they are already contracted.

⁶⁶ Caper, K. et al (2015) *A very general practice*. Citizens Advice.

⁶⁷ Citizens Advice (Unpublished) *Network Panel Survey: January 2016*. Citizens Advice.

“I’ve lost jobs, literally, by having to drop everything to do the legal work.”

Kim, self-employed person and domestic abuse victim in various court matters involving her children

“My business, I was self-employed then, I gradually lost clients because I wasn’t focused on it. The doctor would say, ‘We want to sign you off work because you’ve got depression’ I said, ‘I can’t afford to be ill’.”

Mike, trying to get contact time with his son

For people who work for someone else, the need to take time off work, change working hours, and constant distractions can put a strain on their relationship with their employer. In extreme cases people are fired, or forced to quit because they are unable to hold down their job effectively.



47% of the Citizens Advice network agree that the experience of going to the family court as a litigant in person places extra pressure on people’s relationships with their employers.⁶⁸

“I just stopped work completely. I just didn’t go to work. The day it all kicked off was a Sunday and on the Monday I rang up and I said, ‘You know what? I’m not coming back. Clear my desk and I’ll come and collect my stuff’...I didn’t even care. I’ll be honest, because the children come first.”

David, trying to keep contact with his children

“I was spending a lot of time during the day just researching, doing things at my desk, you know, on the Internet and making phone calls, when I should’ve been working. You’re paid to do a job, you’re not paid to take time off just doing things. It put a lot pressure on my mind.”

Aaron, trying to resolve finance and contact issues over his three children

⁶⁸ Citizens Advice (Unpublished) *Network Panel Survey: January 2016*. Citizens Advice.

Being a litigant in person can have a direct impact on people's finances

The impact on working life (whether losing paid hours, or a job altogether) negatively impacts on people's finances. There are also basic costs, such as travelling to and from court and photocopying.

"I've got myself in quite a lot of debt due to the court issues [...] I ended up getting a credit card. I've not actually been able to start paying that off yet. [...] When you're a litigant in person, you've got to do the photocopying yourself, you've got to do the printing yourself, you've got to do the posting yourself, you know what I mean? You're not talking one or two pages. You're talking full bundles and documents, and then, you get sent the other party's on email because they can't be bothered to send it out on paper. [...] It really, really does mount up."

Sarah, trying to get contact with her child who had been adopted

Relationships with family and friends can suffer

"Friends and family are supportive, but they don't understand the toll it takes."

Lillian, domestic abuse victim trying to make contact with her children who are in care

Without strong services to provide emotional support, the stress of representing yourself places extra strain on people's relationships.



71%

of Citizens Advice advisers agree that the experience of going to the family court as a litigant in person causes relationships with family and friends to suffer.⁶⁹

Relationships between parents and their children are particularly tested: 65% of the Citizens Advice network agree that the experience of going to the family court

⁶⁹ Citizens Advice (Unpublished) *Network Panel Survey: January 2016*. Citizens Advice.

as a litigant in person puts particular strain on people with caring responsibilities.
70

 **65%** of the Citizens Advice network agree that the experience of going to the family court as a litigant in person puts particular strain on people with caring responsibilities.⁷¹

"I was pretty stressed. Because I was stressed out, patience was running low with everybody. Even my own little boy. It was just, like, 'No, Mummy doesn't want to read right now, I've got to write all this down, can you just go play in your room for a bit'. It pushed me away from things like that."

Katie, trying to keep contact with her son

"Children and family, it does affect it, because you're spending less time with them, because you're doing it all on your own. If I'd have been a single parent, I wouldn't have been able to represent myself, because [of] the children."

Victoria, mother trying to get her child back from care

People need a better experience of court

Our research has identified 8 areas which, if addressed, will improve court users' experience, make courts more fair, make the role of legal professionals clearer, ensure vulnerable people can access the support they are entitled to, and save money by ensuring people can access alternatives to court so court time is used efficiently and effectively. The findings have implications for policy-makers, government, professional regulation bodies and support and advice services.

⁷⁰ Citizens Advice (Unpublished) *Network Panel Survey: January 2016*. Citizens Advice.

⁷¹ Citizens Advice (Unpublished) *Network Panel Survey: January 2016*. Citizens Advice.

1. Litigants in person need a clear way to navigate through the court process



Beth, 35, is a stay at home mum with three children. Beth and her daughter's dad, Chris, split up when their daughter was born. When their daughter started school, Chris applied to the court for full custody of their daughter. When Beth first received the letter telling her this, she "didn't have a clue" what it meant.

With no idea who to turn to for advice, she rang her mum. Beth's mum paid for a solicitor for the first hearing but couldn't afford to give her any more money so Beth started representing herself. The solicitor gave Beth some advice, but with no understanding of what the next hearings would involve, Beth didn't know how to use that information.

Beth called her local Citizens Advice, but didn't make an appointment because she thought everything was going to be fine: "I think in the back of my head, I was thinking, 'It's got to be fair'". In the end, Beth got most of her information from searching online and 'liking' pages on facebook.

Beth lost custody of her daughter. She doesn't know whether the outcome would have been different with a lawyer, but wishes she'd have had someone to tell her what to do from start to finish. Without advice about where she could get some help, Beth didn't find out about services such as McKenzie friends or pro bono until after the process had ended.

At present, there is no clear route for people trying to resolve a family problem. This is leaving people struggling to know where to turn for help. People don't know whether court is the best option for them, whether alternative resolution is available, whether they could get legal aid, or what legal services are available to them.

“If I had been on my own, I certainly would have been really stuck. This isn’t a strange thing. I don’t expect you to come into my work and know what I’m doing, and vice-versa.”

David, trying to keep contact with his children

People don’t know if court is the best option

People struggle to understand whether their case should go to court at all. While litigants in person are no more likely than a represented party to bring an unmeritorious claim to court,⁷² this gap in provision means that the litigants in person who do bring an unmeritorious claim may not know they are doing so and may be in court with no chance of success.

“Even paying £500 for a McKenzie friend was not an option for me, and it was, ‘I’m on my own,’ basically. All I had was the Internet and myself, really. That was it.”

Aaron, trying to resolve finance and contact issues over his three children

People don’t know what alternatives are available. The government has raised the profile of mediation and extended funding for it. However, many people are unaware of the existence, benefits of, and funding available for alternatives to court.⁷³ These include: post-separation counselling, separating parents information programmes or mediation. Resolving issues out of court reduces the strain on and cost to courts. It also increases the chance of a better outcome for the family.⁷⁴



Bristol Combined Court Centre

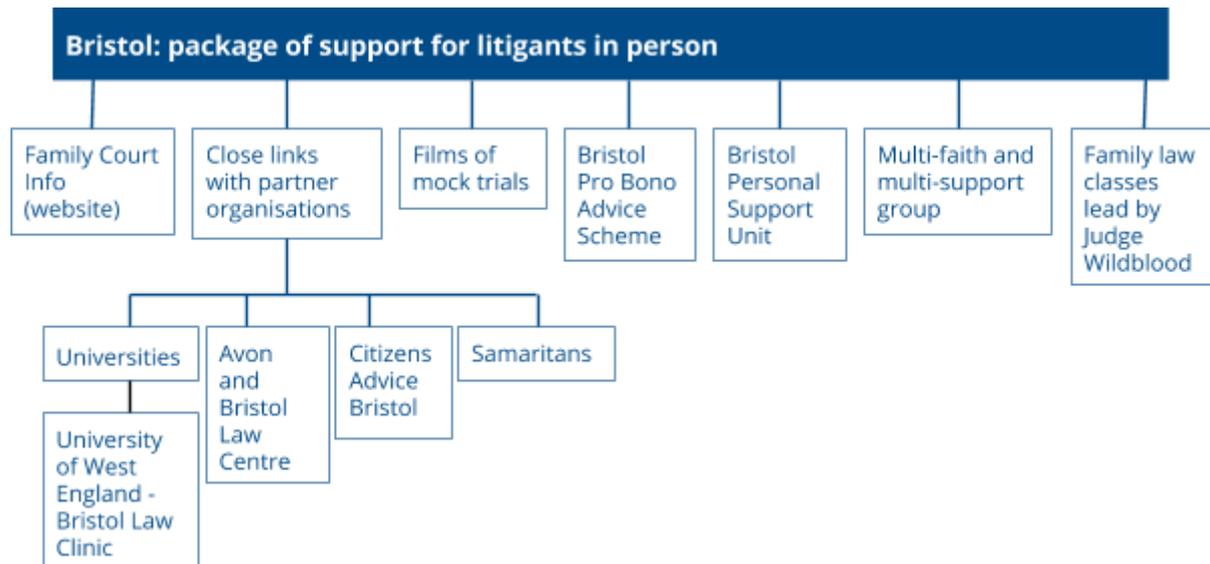
The centre provides ‘masterclasses’ for the public, marketed in collaboration with the local Citizens Advice and Jordans. The sessions provide an introduction to the family courts, information on substantive law and procedure, and an opportunity for people to ask questions. Masterclasses contain audiences of around 100 people. Leading judge, HHJ Stephen Wildblood, highlights the importance of

⁷² Trinder, L. et al (2014) ‘Litigants in Person in Private Family Law Cases’. Ministry of Justice

⁷³ Summerfield, A. et al (2014) Public experiences of and attitudes towards the family justice system. Ministry of Justice.

⁷⁴ Marjoribanks, D. (2015) Breaking up is hard to do. Relate.

not lecturing people, dressing informally and starting with ground rules.



It is not clear who is eligible for legal aid, so people don't seek help

It is not clear where to go to seek help with legal aid. 19% did not know whether they were eligible for legal aid before becoming a litigant in person.⁷⁵ Advice given by solicitors and other legal professionals can be simplistic or inconsistent.⁷⁶

For cases which do require a court hearing, people lack information on legal services available to them (including pro bono and free services). Legal providers are increasingly offering discrete services (known as 'unbundled' or 'a la carte' services) rather than being employed from the start of a case to the end. But consumers who may be able to pay are not being guided to this increasingly widespread offer of unbundled services.

There has been an increase in the number of people choosing not to resolve their family problems

Lack of a clear direction means problems are left unresolved. 79% of Citizens Advice advisers have seen an increase in the number of their clients choosing not to follow up their issue⁷⁷ and more than half of the Citizens Advice network have seen an increase since 2013 in the number of people who are choosing not to

⁷⁵ Citizens Advice (Unpublished) *Screener Survey: litigants in person in the family courts 2015*. Citizens Advice.

⁷⁶ Pereira, I. et al (2015) *The Varying Paths to Justice*. Ministry of Justice Analytical Series.

⁷⁷ Citizens Advice (Unpublished) *Network Panel Survey: July 2015*. Citizens Advice.

resolve their family problems.⁷⁸ In Wales, evidence shows potential litigants in person are giving up before starting a claim.⁷⁹

The absence of a clear route to resolution leaves many people going to court without a clear understanding of what they should expect when they get there. More than half of Citizens Advice advisers believe litigants in person have “expectations of what they’ll find in court that turn out to be incorrect” and almost 2 in 5 believe litigants in person “tend not to have any particular expectations about what they will find in court” at all.⁸⁰

2. Information should be easy to find, consistent, reliable and user-friendly

“Well, really, there are only two options. There are law books in the library, or you Google it.”

Lillian, domestic abuse victim trying to make contact with her children who are in care

Anyone facing court proceedings is faced with a vast amount of information in books, online, in forums, from quasi professionals or from family and friends. But without knowing where to go and what to look for, it can be difficult to know what information to trust. Information may be out of date, biased, incorrect or incomplete. Litigants in person need reliable, accessible and well designed information as early as possible to help them navigate court on their own.



David, 55, works as a mechanic and has two teenage sons. When his wife asked for a divorce, she applied for full custody of their children. David was distressed at the thought of his contact with them being so significantly reduced, and wanted to see them 50/50.

He didn't trust the solicitors he met with to deal with such an important decision, so he quit his job to focus on putting together a strong case to see his sons. David found supportive

⁷⁸ Citizens Advice (Unpublished) *Network Panel Survey: January 2016*. Citizens Advice.

⁷⁹ Dyson, J. A. (2015) *Fourth National Forum on Access to Justice for Litigants in Person*. Civil Justice Council.

⁸⁰ Citizens Advice (Unpublished) *Network Panel Survey: July 2015*. Citizens Advice.

communities of parents in similar situations online, but he struggled to find information online that he felt was reliable.

Unable to find reliable information online, David turned to his local university library to find the information he needed. He stayed at the 24 hour library for most of nine days, eating out of vending machines and sleeping with his head on the table.

David was successful and describes his relationship with his sons as being better than ever. A lot of the research David undertook was irrelevant to his case and he wonders how people with caring responsibilities, or who aren't able to quit their job, would find time to do the research he needed to.

Online searches lead people to forums and social media

For many litigants in person, finding a community of people who have already been through the process can be an important source of insight and support. As knowledge and confidence builds, some LiPs can answer other people's questions. Many McKenzie Friends began as litigants in person exchanging information on these sites.

"It was all those pages on Facebook that I found out most of the information."

Beth, trying to keep sole custody of her daughter

However, as with any lay communities, forums tend to be updated by people with little or no legal training. This means information can be bias, irrelevant, out of date or otherwise unreliable.

"You obviously get all sorts of information. The ones that people post the most are the horror stories... I mean, there was good advice and bad, and of course, you don't know which is which."

Mike, trying to get contact time with his son

These forums do have value when accessed by a critical users. They fill a service gap by providing insight from people who've been through the process themselves.



Family Court Information website for Bristol, Weston, Gloucester and Bath (familycourtinfo.org.uk)

This website was instigated by His Honour Judge Stephen Wildblood QC, Designated Family Judge for Avon, North Somerset and Gloucestershire. It is one of a range of initiatives that are the result of collaboration between courts, lawyers, charities and universities. Family Court Information website provides litigants in person with all the information they may need to represent themselves in court. There is a strong focus on presenting the information in a user-friendly way. Flowcharts give an overview of how a child arrangement or financial matter might proceed in court and what each party might be expected to do. The site also signposts to other services such as domestic violence services or law clinics.

Legal texts are authoritative but inaccessible to lay people

For those who have the time and determination, legal texts can provide a useful resource for litigants in person. However, many find texts are too dense. Those who successfully use legal texts commit hours and days to reading them.

"It's mostly written in legal terms, and half Latin and whatever else. I've never been in court in my life before. I've never had to deal with anything legal, and it was just like a different language to me."

Oliver, trying to get custody of his son

"When you first start [looking through books] you're in a dilemma of which one do you start with. Even looking at the index of the books, it doesn't always help. So, you have to realistically go through all of it."

Victoria, mother trying to get her child back from care

Many end up relying on informal networks for help and advice

Whether meeting up with a family friend who is a trained family lawyer, or simply asking someone with a degree to help with forms, the quality of people's connections plays a significant role in their ability to prepare.

"I had my daughter who's done a degree in psychology, she did all the paperwork for us."

Alison, involved in a public family law case over her granddaughter

"My parents were very supportive, my sisters were very supportive. They could only help so much, they're not legal experts."

Aaron, trying to resolve finance and contact issues over his three children

People also rely on ad hoc conversations or informal relationships with court professionals without any financial agreement. For example, questions traditionally directed to the instructed lawyer are redirected to the judge or court clerk and can result in inconsistent responses.

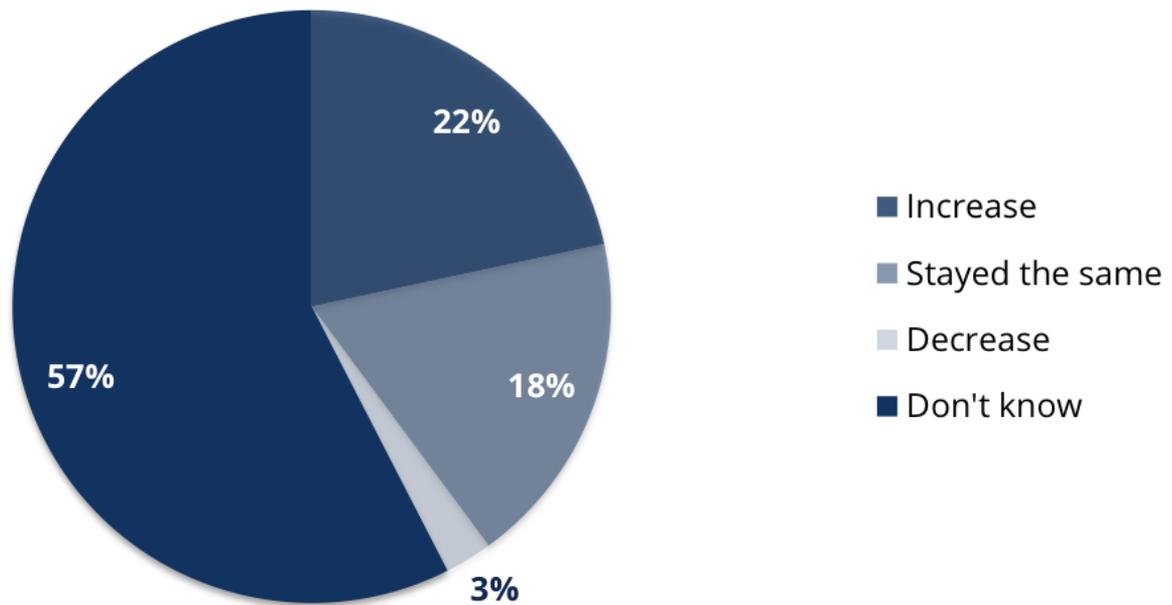
"Some of the decisions I made relied on the judge's clerk being prepared to email with me, but I don't think all of them are like that. Some of them are very, what's the word, they're not prepared to deal directly like that."

Kim, domestic abuse victim in various court matters involving her children

McKenzie friends are used as an alternative to professional representation

Court users are increasingly drawing on untrained people for support: more than 1 in 5 (22%) Citizens Advice advisers have seen an increase in the number of McKenzie friends being used as an alternative to professional legal representation.⁸¹

⁸¹ Citizens Advice (Unpublished) *Network Panel Survey: July 2015*. Citizens Advice.



→ (Fig.4) "From what you have seen or been made aware of in your local Citizens Advice, how far would you say the following has increased, decreased or stayed the same? McKenzie friends being used as alternative to professional legal representation" Citizens Advice Network Panel (July 2015)



McKenzie Friends

McKenzie friends can provide: information and advice before court, moral support, notes and advice on the day, or help with case papers. There are limits to this service. McKenzie friends don't have permission to address the court. They are not always legally trained. Lastly, they are unregulated so there is no way for users to assess the quality of their service.

McKenzie friends can be family or friend of the litigant in person. They can also be strangers who have experience of representing themselves. Some McKenzie Friends are connected to a charity. Some charge for the service, while others provide their assistance for free as part of a charity or independently.

Government is currently consulting on the courts' approach to McKenzie friends.⁸²

⁸² Lord Chief Justice of England and Wales (2016) *Reforming the courts' approach to McKenzie Friends: a Consultation*. Courts and Tribunals Judiciary.

However, 1 in 10 Citizens Advice advisers have noticed more people reporting problems with McKenzie friends. Less than 1 in 100 have seen a decrease in the number of these problems.⁸³ These problems are often due to unrealistic expectations about what McKenzie friends can and can't provide. McKenzie friends can provide valuable support, practical help and guidance on procedure and law. But they are not a replacement for representation.



YorLaw – McKenzie friends project with Citizens Advice York

Launched in October 2015, YorLaw is the result of collaboration between Citizens Advice York, Law Works, Law Society, The University of Law at Leeds, and York University's Law School. The main idea of the project is to offer a McKenzie friend to go to court with litigants in person going through a family court case involving children at York County and Family Courts. The project also offers a drop-in session and a phone line at Citizens Advice York involving 35 volunteers from Citizens Advice and local universities.

Without clear, reliable sources of information people find inaccurate information, waste time and rely on unregulated advice. This causes cases to be put at risk, it magnifies disadvantage and places professionals in a tough position when they are asked to fill the gaps.

3. Paperwork and processes should be designed with the layperson in mind

“The forms are an absolute nightmare. You get pages and pages of stuff. You constantly have to keep referring back to previous information. I can't remember what I did on Monday, let alone what happened last [year], or what my case number is. [...] They require so much information, and the stakes are so high that you aren't risk giving a wrong bit of information.”

Oliver, trying to get custody of his son

⁸³ Citizens Advice (Unpublished) *Network Panel Survey: July 2015*. Citizens Advice.

Litigants in person are struggling to provide the court with key information because they are grappling with paperwork and processes. With no clear 'road map' to the next stage of the process, the right forms are hard to find, complex to complete and difficult to fill out objectively. This makes it difficult for litigants in person to move the process on effectively.

The right forms are difficult to find and too complex to complete

Without a lawyer to guide the case, litigants in person struggle to find the forms they need at each part of the process.⁸⁴ At present, people's information needs are not being met elsewhere. The government's online form finder is not intuitive and court staff are not able to advise as this is considered legal advice. This lack of information results in frustration and slows down the process.

Once identified, forms are difficult to complete. In a single month last year, one divorce hub reported that almost a fifth (19%) of divorce petitions for issue were returned for correction.⁸⁵ This results in stress for the individual and delays for all parties. The Personal Support Unit and Advicenow both offer instructions for form-filling, but support is patchy.

"It was helpful to have somebody who had an understanding of the process. Or had a better understanding, should I say, than I've got. They were also really good support."

Tom, trying to gain contact time with his daughter, on support from the Personal Support Unit



CourtNav

Royal Courts of Justice Advice (RCJ Advice) and Freshfields Bruckhaus Deringer have developed CourtNav, an online tool to help people complete their divorce petitions with remote assistance from a lawyer for free. Before anyone is sent to CourtNav, an adviser will conduct an initial assessment to make sure the tool is suitable for their needs.

CourtNav breaks down the information required into user-friendly, plain English. It provides guidance and the opportunity to ask a

⁸⁴ Williams, K. (2011) *Litigants in person: a literature review*. Ministry of Justice.

⁸⁵ Smith, C. (2015) *Biggest divorce hub returns one in five petitions*. The Law Society Gazette.

solicitor questions. CourtNav highlights inconsistent information and prompts the user to change it. Forms completed on CourtNav are then checked by a solicitor. Only when the solicitor is happy with the content will the form be sent to court. This means that so far all forms submitted via CourtNav have been accepted. This saves time and distress for users.

The implementation of this online tool also means that advisers can spend more time with those who need more complex advice. This project was awarded for its contribution to access to justice through IT at the Legal Aid Lawyer of the Year Awards in July 2015.

CourtNav will be available nationally from Citizens Advice from April 2016.

Submitting evidence can be a challenge for litigants in person

Evidence in court must be submitted clearly and concisely - a difficult skill which can take years of training and practice to develop. Evidence forms need to fulfill certain criteria such as having numbered paragraphs and include a 'statement of truth' which confirms the content is true to the best of the author's knowledge.

"It's quite devastating, actually, because you're dealing with issues to do with your children, and you can't separate yourself from that fact, and you feel at such a disadvantage against experienced barristers or solicitors. You don't feel like you can put your case across properly."

Lillian, domestic abuse victim trying to make contact with her children who are in care

Many litigants in person struggle to identify what issues are important and how to convey their side of these arguments convincingly. Instead they focus on why they feel they should have their way, or how the other party has wronged them. A litigant in person may feel it important to convey their ex-partner's philandery when the only relevant issue in a custody case is their child's wishes. While extremely important to the litigant, these arguments do not always have any bearing on the court's decision.

“The process is a minefield and you need to be emotionally detached to make the right decisions.”

Survey respondent with experience of being a litigant in person

People are struggling to complete the process, not only because it is complicated and confusing, but because a calm, analytical approach is required. Approaching forms and procedures objectively is impossible for many litigants in person fighting over issues such as custody of their own children.

4. The physical court environment must help, not hinder, litigants in person



Kim, 34, has two children with her ex-husband, who was abusive to her during their marriage. She left her husband six years ago.

In the last six years she's had to go to court about forty times. Kim was told she wasn't eligible for legal aid because she owns her own house. However, with the sheer number of hearings, she does not feel she can afford to pay solicitors fees every time she goes to court and so often represents herself.

One of the fears she has of representing herself is being in the court building on her own. On one occasion, she had arranged for a volunteer from the Personal Support Unit (PSU) to accompany her into the courtroom. When Kim's ex-husband approached them, threatening her and shouting, she was pleased she had a PSU volunteer by her side, but wished he could step in. She thinks victims of domestic abuse need a bit more support from the court to ensure they are safe from perpetrators of domestic abuse.

Many courts are austere and intimidating environments for anyone involved in a case, especially for those in violent, abusive or threatening situations. Security guards, x-ray machines, poor signage, and busy communal spaces can be unwelcoming, confusing and distressing.

Without basic explanations and instructions - traditionally provided by a lawyer - court can reduce a person's ability to concentrate when presenting their case.

For vulnerable people, such as victims of domestic abuse, the risk of being forced to wait with the other party can be traumatising. 89% of victims of domestic abuse say they feel afraid of the family courts.⁸⁶

"It's intimidating. Normally, the waiting area is extremely busy. You find that the barristers tend to sit together. It's very overwhelming, you know, and it can be quite rowdy, you know? [...] If it's something that you're not used to, it's overwhelming."

Lillian, domestic abuse victim trying to make contact with her children who are in care

The presence of a court supporter can alleviate the stress significantly. Volunteers for the Personal Support Unit provide a valued service through accompanying a litigant in person through court, and sometimes into the courtroom itself. McKenzie friends can also provide a reassuring presence for litigants in person. However, not everyone has access to a court supporter.

"I couldn't speak, I was heartbroken. I couldn't get my words out, I didn't know what I was saying. I couldn't put it across the way I wanted to[...] It was so hard, and it hurts so much. You just don't understand how it all goes round in your head. You try and get your words out, you look like a complete freak. I was hysterical."

Beth, trying to keep sole custody of her daughter



Family Solutions in the Central London Family Court

The Central London Family Court bases all support services together. Since the family solutions initiative was introduced, judges work with RCJ Advice and the PSU to ensure people attending court know about all available services. The court has based all first hearings on the family solutions floor to ensure litigants in person are introduced to services early on in their cases.

⁸⁶ Neate, P. (2015) *Protection Measures: How to make the family courts safer*. Women's Aid.

In Bristol, court familiarisation visits or ‘show-arounds’ are being piloted to help increase the confidence of people preparing to represent themselves in court.⁸⁷ The Witness Service provide pre-court visits in criminal trials to improve the experience for court users - 9 in 10 people using the service report feeling safe in court.⁸⁸

5. Litigants in person need the tools to cope with pre-trial negotiations

“I mean, with the negotiation [before we went into the courtroom], it’s quite clear, you know, it was quite clear that I was trying to fight uphill.”

Mike, trying to get contact time with his son

Litigants in person are ill-equipped for pre-trial negotiations

The family court has traditionally relied on lawyers to begin negotiations to narrow down issues and negotiate possible settlements and even reach agreement before they enter the courtroom. Where both parties are litigants in person, they will rarely begin negotiations outside of the courtroom.⁸⁹ However, when one party is represented by a lawyer, the responsibility to undertake this negotiation falls on a litigant in person.

Not knowing what to expect, many litigants in person are taken by surprise when approached by the opposition’s lawyer ahead of a trial. Effective pre-trial negotiation requires preparation, an understanding of the information a judge will want, knowledge of case law, realistic goals and a clear sense of what outcomes would be acceptable. Litigants in person do not have the tools to deal with this stage of the process. Few even know why this process exists.

Without knowing the purpose of the exchange, litigants in person can be reticent to engage and refuse to negotiate with the opposition before they enter the courtroom. Where litigants in person do engage, they can feel afterwards that the information shared has been used against them. Litigants who do engage are also less able to extract relevant information from the opposition’s lawyer.

⁸⁷ Dyson, J. A. (2015) *Fourth National Forum on Access to Justice for Litigants in Person*. Civil Justice Council.

⁸⁸ Witness Service (2015) *Witness Experience Form: July to September*. Witness Service.

⁸⁹ Trinder, L. et al. (2014) *Litigants in Person in Private Family Law Cases*. Ministry of Justice.

This is problematic for 4 reasons. Firstly, it creates an imbalanced exchange in which litigants in person can feel they have been taken advantage of. Secondly, it can serve to exacerbate anxiety, confusion and nerves for a litigant in person immediately before the trial. Thirdly, it places lawyers in a difficult position, where their job requires them to negotiate with someone who may not be able to effectively do so.⁹⁰ And fourthly, it may waste court time by increasing the proportion of negotiations that have to take place in front of a judge.⁹¹

“[Before court, the other side’s solicitors] belittle you, and then they provoke you for a reaction. Then, that reaction gets told in court.”

Aaron, trying to resolve finance and contact issues over his three children

“The barrister was really nice outside the courtroom. He actually gave me, probably, advice he shouldn’t have given me, even though I knew that, you know, you have to be on guard.”

Gurjinder, trying to keep contact with her two children

Litigants in person are less able to come to an agreement without a judge. A judge’s adjudication is required in only 5% of fully represented cases because many outcomes are reached through voluntary consent orders. In cases where there is a litigant in person, 16-18% of cases require adjudication.⁹²

6. Guidance for legal professionals needs universal adoption

“I think, when you represent yourself, it all depends on how good a judge you’ve got in front of you, if they’re understanding, because a court process is intimidating.”

Victoria, mother trying to get her child back from care

⁹⁰ Bar Council, CILEx, Law Society. (2015) *Litigants in person: guidelines for lawyers*. Bar Council, CILEx, Law Society.

⁹¹ Trinder, L. et al (2014) *Litigants in Person in Private Family Law Cases*. Ministry of Justice.

⁹² Trinder, L. et al (2014) *Litigants in Person in Private Family Law Cases*. Ministry of Justice.

There is good guidance already in place to advise lawyers on how to behave but this has not yet trickled down to provide a consistent service for court users.⁹³ The increased number of litigants in person requires lawyers to alter their behaviour in the family courts. This can put into conflict their primary duty to the court and secondary duty to their client.⁹⁴

Good practice exists, but is not consistent

“I stood up in court, standing there, asked ‘What is this?’ The judge is like, ‘Sorry, I can’t [explain]. You know, you’ll have to look that up.’”

Aaron, trying to resolve finance and contact issues over his three children

Natural variation across the judiciary looks like inconsistency to some court users. Some judges look through LiPs’ case notes; steer LiPs to particular topics; or give basic information if asked.⁹⁵⁹⁶ Other judges take a less investigative approach and require the litigant in person to take on the role of the lawyer they do not have.

Recent changes in the rules for judges provide clarity about their role. New rules give judges ultimate discretion to deal with cases in the way they feel best serves justice. This means judges can take a more inquisitorial approach.⁹⁷ These rules rightly respond to the increased number of litigants in person. However increased discretion in practice may not result in decisions which appear consistent to court users.

“I think, yes, I think the judge is fair there and he will ask, ‘Have you got any more to say?’.”

Lillian, domestic abuse victim trying to make contact with her children who are in care

Good guidance exists but it is not consistently used by lawyers. Solicitors and barristers struggle to know how best to work with litigants in person. In order to act in the interests of justice, lawyers may decide that it is their duty to provide a litigant in person with information, correct a mistake or take time out to explain their language to the litigant in person. This approach is valued by a litigant in

⁹³ Trinder, L. et al (2014) *Litigants in Person in Private Family Law Cases*. Ministry of Justice.

⁹⁴ Bar Council, CILEx, Law Society (2015) *Litigants in person: guidelines for lawyers*. Bar Council, CILEx, Law Society.

⁹⁵ Trinder, L. et al (2014) *Litigants in Person in Private Family Law Cases*. Ministry of Justice.

⁹⁶ Moorhead, R. and Sefton, M. (2005) *Litigants in person: Unrepresented litigants in first instance proceedings*. Department for Constitutional Affairs.

⁹⁷ Raisbeck, G. (2015) *New CPR 3.1A - clearer court proceedings for litigants in person?* The Law Society.

person but can be a source of contention for the represented party paying the solicitor's bill. In other circumstances, a lawyer may feel it is not their role to help the litigant in person.

Outdated and technical language excludes litigants in person

"It's like going into a foreign land. Court is very formal. They use jargon. You're dealing with legislation and case law, none of which is written for laymen to understand. The judges' vocabulary is different to what people use day to day."

Lillian, domestic abuse victim trying to make contact with her children who are in care

The continuing use of old-fashioned and technical language by professionals in court makes it difficult for litigants in person to engage effectively in the process. Where one party is represented and the other is not, it is vital that language is easy to understand so the inequality between a lawyer and a litigant in person is reduced.



Youth Justice Legal Centre (<http://www.yjlc.uk/>)

The Youth Justice Legal Centre is a website set up by the charity Just for Kids Law. It is unique because it is used by both legal professionals and children who need information about criminal law. It offers an explanation of legal phrases in plain English and guidance on what to expect at court. It also provides resources for lawyers dealing with a case in the Youth Court. It presents information in a way that allows both a layperson and legal professional to find information about their case at court. Around 650 professionals have signed up to receive legal updates.

The behaviour of professionals is key in LiPs' ability to represent themselves

"I know [my ex] and I knew that I wasn't in the wrong. So to fight against him was alright, but to fight against somebody who knows the ins and outs would have just been pure scary. I was scared enough as it was."

Katie, trying to keep contact with her son

Cases in which no party is represented can be problematic: hearings can lack structure, parties struggle to identify basic facts, and judges can be required to intervene more often.

However, professionals are present in the majority of cases involving a litigant in person. In 3 in 5 private family law cases where a litigant in person is present, the LiP represents themselves against a professional⁹⁸ and 4 in 5 litigants in person say they have been up against a represented party at some point in the process.⁹⁹
¹⁰⁰ The behaviour of professionals is therefore a key factor in a litigant in person's experience and ability to undertake the task effectively.

7. People need more information to make the most of lawyers' services

"Lawyers can do no more than you can do."

Saiid, trying to enforce a court order over access to his two children

Unclear information about the services lawyers can provide makes it difficult for people to judge the quality of a professional or compare services.¹⁰¹¹⁰²¹⁰³ Without clear information, unrealistic expectations about what lawyers do causes people to feel frustrated with the service they ultimately receive. Consumer protections are not well enough known and people do not know how to complain. This means that one poor experience can put someone off the whole sector.

People aren't aware of the value of lawyers

"It wasn't so much that I was well prepared, because I didn't have a clue I was well prepared, to be honest. [...] I just felt [that] if it was going to fail, if

⁹⁸ Ministry of Justice (2015) *Family Court Statistics Quarterly. April to June 2015*. Family Court Tables.

⁹⁹ Citizens Advice (Unpublished) *Screening Survey: litigants in person in the family courts 2015*. Citizens Advice.

¹⁰⁰ Trinder, L. et al (2014) *Litigants in Person in Private Family Law Cases*. Ministry of Justice.

¹⁰¹ Pereira, I. et al (2015) *The Varying Paths to Justice*. Ministry of Justice.

¹⁰² Lalani, M. (2013) *A better deal for consumers - the story of the SRA's consumer empowerment work 2012-13 and looking ahead to what's next*. Solicitors Regulation Authority.

¹⁰³ Legal Services Consumer Panel (2012) *Comparison websites*. Legal Services Consumer Panel.

this hearing was going to fail, it was going to fail on my merits. Not because of an incompetent solicitor. I just felt no-, I had no trust for them.”

David, trying to keep contact with his children

Family cases - especially those involving finance problems - can be complex and technical¹⁰⁴. Many litigants in person underestimate the complexity of a case and so underestimate their need for a lawyer.

It is only after many people have been through the process of going to the family court, that they come to realise the value of having a lawyer. More than 7 in 10 people with experience of representing themselves in the family courts said they felt instructing a court professional would have benefitted their court experience.

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Where people have had a negative experience of a lawyer, they often don't know how to complain and get compensation. There do exist strong complaints procedures, and a legal ombudsman whose role it is to deal with complaints, yet consumers feel they have little power in this area. They spend large sums of money on services they neither understand or trust. Distrust of lawyers is exacerbated by stories in the media about “fat-cat” lawyers who overcharge and underdeliver.¹⁰⁶¹⁰⁷¹⁰⁸¹⁰⁹ It is these frustrations with lawyers' methods that can cause people to take matters into their own hands.

People need support to help them access the limited advice that is available

“I took all of the documentation and evidence that I'd put together, the entire file, it was like this [gestures a thick wad of papers], that I put together in 9 days. I put it in front of them and I said, 'This is what I've got so far, so really, there's not much for you to do,' and the solicitor said, 'Well, forget about that.' I just got up and left.”

David, trying to keep contact with his children

¹⁰⁴ Pereira, I. et al (2015) *The Varying Paths to Justice*. Ministry of Justice.

¹⁰⁵ Citizens Advice (Unpublished) *Screening Survey: litigants in person in the family courts 2015*. Citizens Advice.

¹⁰⁶ McKay, P. (2013) *Is there no end to fat cat lawyers' hypocrisy?* Daily Mail.

¹⁰⁷ Phibbs, H. (2010) *Legal aid gravy train has not yet ground to a halt*. Daily Mail.

¹⁰⁸ Ames, J. (2015) *Crime legal aid lawyers paying the price for years of fat cat fees, says top silk*. Legal Cheek.

¹⁰⁹ Wooding, D. (2012) *Rich pleaders: 6 fat cat lawyers get £½MILLION each a year legal aid*. The Sun.

Where legal advice is available for free, for example pro bono work, many people struggle to make the most of time limited contact. A lack of clarity about what a pro bono lawyer might be able to achieve, and the information they will need to be able to do this, leaves consumers unprepared for meetings and frustrated with outcomes.

Unbundled services offer people more control by allowing them to choose which discrete pieces of work they would like a lawyer to complete. This includes working out the validity of a claim, completing paperwork, preparing witness statements and being represented at hearings.¹¹⁰

While unbundled services are fragmented and cannot provide the same holistic overview as full representation, in many cases it is better that a litigant in person access some level of representation or advice than none at all.¹¹¹ It also saves consumers money. Legal services are increasingly diversifying their offer by providing unbundled services.¹¹² If this market is to continue to grow, consumers need to have information about how best to 'pick and mix' the legal advice and representation for which they pay.

8. Evidence requirements shouldn't be a barrier to those eligible for legal aid

"I haven't been able get disclosure from the police. I haven't been able to get GP records. I haven't been able to understand the court process properly. I'm up against someone who has abused me. It's just wrong."

Lillian, domestic abuse victim trying to make contact with her children who are in care

The strict evidence requirements introduced by the LASPO Act reduced the number of victims of domestic abuse who could access help and this has forced some victims to represent themselves in court. In many cases this is against the perpetrator.¹¹³

¹¹⁰ Ipsos Mori (2015) *Qualitative research exploring experiences and perceptions of unbundled legal services*. Legal Services Consumer Panel.

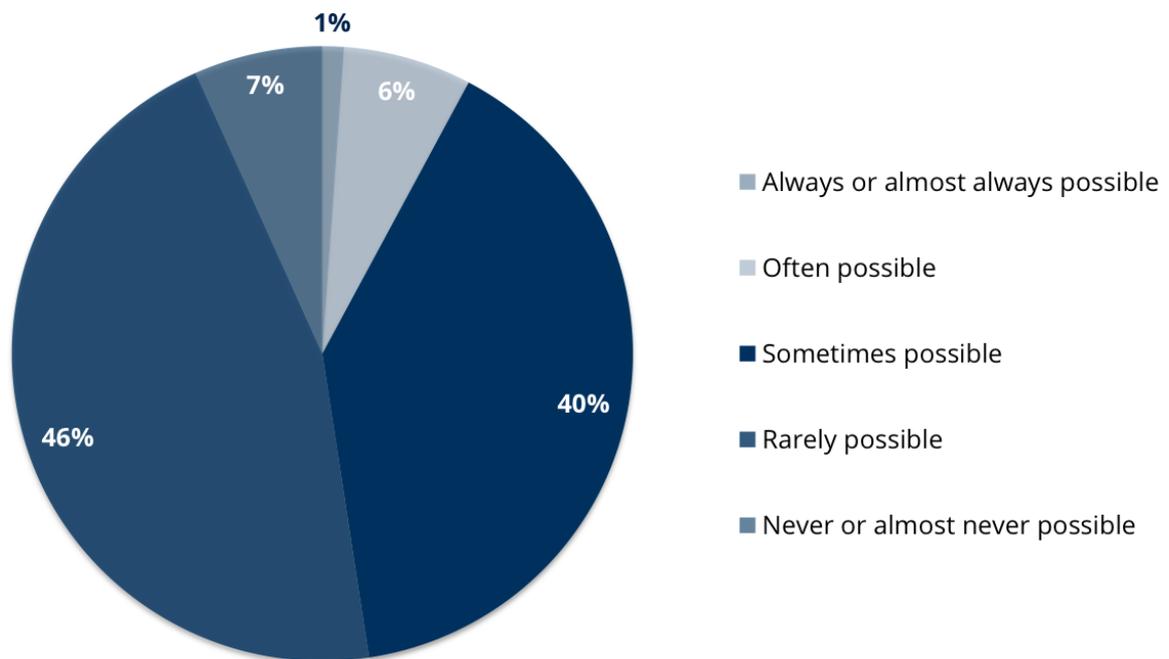
¹¹¹ Ipsos Mori (2015) *Qualitative research exploring experiences and perceptions of unbundled legal services*. Legal Services Consumer Panel.

¹¹² Ipsos Mori (2015) *Qualitative research exploring experiences and perceptions of unbundled legal services*. Legal Services Consumer Panel.

¹¹³ Garton Grimwood, G. (2015) *Legal aid for victims of domestic abuse*. House of Commons Library.

Victims of domestic abuse struggle to access legal aid

More than 3 in 5 advisers found legal aid changes in 2013 affected the help they were able to give clients who are victims of domestic abuse¹¹⁴ and 46% of Citizens Advice advisers believe vulnerable people (whether vulnerable due to their legal issue or personal circumstances) are now rarely able to access legal aid.¹¹⁵



→ (Fig.5) "Based on your own experience, to what extent do you think those people whose legal issue or personal circumstances make them vulnerable, are able to access legal aid?" Citizens Advice Network Survey Panel (July 2015)

The strict evidence requirements in place do not take into account lived experience.¹¹⁶ The two year limit placed on evidence (which has now been found to be unlawful by the court of appeal) means evidence can expire while disputes are ongoing. Evidence criteria require victims to have reported the abuse to a professional (such as police, social services or a GP) but the majority of victims of domestic abuse never take their case to a professional. A third don't tell anyone.

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¹¹⁴ Parker, I. (2015) *Struggling for Support*. Citizens Advice.

¹¹⁵ Citizens Advice (Unpublished) *Network Panel Survey: July 2015*. Citizens Advice.

¹¹⁶ The Justice Committee (2015) *Impact of changes to civil legal aid under Part 1 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012*. House of Commons.

¹¹⁷ Parker, I. (2015) *A link in the chain: The role of friends and family in tackling domestic abuse*. Citizens Advice.

Victims of domestic abuse are being victimised again by the court system

“The one with the least feelings has got the most power. And that's certainly a fact, an absolute fact.”

David, trying to keep contact with his children

Without access to legal aid, around a quarter of victims of domestic abuse go on to represent themselves in court. Around a quarter pay a solicitor privately and over half do nothing.¹¹⁸

The anxiety, stress and trauma associated with going to court as a litigant in person is made worse for victims of domestic abuse. For the quarter of victims of domestic abuse who go on to represent themselves in court many will face cross examining or being cross examined by their perpetrator.¹¹⁹ This offers the perpetrator further opportunity to wield their power over and control against the victim.¹²⁰



Chayn: how to build your own domestic violence case without a lawyer

Chayn is an open source gender and technology project that aims to empower people against violence and oppression. Chayn has produced a guide to help people trying to build their own domestic violence case without a lawyer. The guide is for victims and survivors of domestic violence who, for any reason, are without a lawyer. The guide can also be used by those who do have legal support, to help them organise evidence in order to feel more confident when navigating complex legal systems, and enable them to engage in more in-depth discussion with their lawyer. Because evidence requirements are so problematic for victims of domestic abuse, the focus of the guide is on helping people to prepare the right evidence and present it well. The guide is accessible online or as a PDF or podcast. It has been created and reviewed with the help of lawyers, psychologists and domestic abuse survivors. Because it is open-source it is open to further modifications to best suit its users.

¹¹⁸ Rights of Women et al (2014) *Evidencing domestic violence: reviewing the amended regulations*. Rights of Women.

¹¹⁹ Parker, I. (2015) *Struggling for Support*. Citizens Advice.

¹²⁰ Women's Aid (2016) *Nineteen child homicides*. Bristol Women's Aid.

It was officially launched in November 2015, and has already had more than 2,600 views.

7 in 10 (69%) of the Citizens Advice network believe that vulnerable people are not able to be a litigant in person and should not be expected to do so.¹²¹ It is vital they are able to resolve their problems without experiencing further harm.

Recommendations

Three key recommendations can be drawn from the findings above.

1. Reliable advice and information should be provided by a trusted source, both online and in person

People are struggling to find a trusted source of advice, tailored to their needs, and available in the way they would choose to access it. Ongoing advice and support - whether in person, over the phone, or web chat - will be key in ensuring people can undertake the tasks expected of them. Face to face advice is particularly important for people who are digitally excluded.

People who represent themselves in court need to understand all their options. Early advice can help some people avoid going to court. Advice services can ensure those people who would benefit from alternatives to court (such as post-separation counselling, mediation and separated parents information programmes) or online tools are informed and signposted if appropriate. For others, early advice can direct people to free, unbundled or fully paid-for advice and representation when it is appropriate.

Ministry of Justice is focusing on improving online tools to free up court time and get the best outcomes for citizens.¹²² It is vital that online tools being produced are accessible and that support is available where it is necessary for people to use tools confidently and effectively.

As an increasing number of people turn to search engines with their problems so independent information provided by a trusted source should be clear and

¹²¹ Citizens Advice (Unpublished) *Network Panel Survey: July 2015*. Citizens Advice.

¹²² Harbott, A. (2016) *How we're transforming justice: Digital Justice speech at Sprint 16*. MoJ Digital.

accessible online. This is vital to ensure litigants in person can prepare effectively for court and access guidance if things go wrong.

Online content provided by advice services and online court services should be designed with users in mind. Further than simply outlining the law or listing people's rights, information should respond logically to the questions, phrases and key terms people use. An information service should find out people's problems and provide the information they need to resolve them so they do not have to turn to unreliable websites and forums. Improved online information will reduce the strain on those currently filling this information gap: court staff, legal professionals and informal networks.

Through reliable, trusted sources of information, the problems many litigants in person are experiencing throughout the process (understanding the benefits and limits of McKenzie friends; the value and remit of legal professionals; what to expect from a pre-trial negotiation; and how to complain if necessary) may be avoided.

Empowered and educated litigants in person would spend less time asking court professionals basic questions. Ministry of Justice should explore the effectiveness of a journey map or starter kit. A journey map would help LiPs to identify sources of help. Innovative tools such as CourtNav should be used more widely. This would move cases forward, save court time and money, and improve outcomes for litigants in person.

2. Court reforms should be a catalyst for making physical courts and court processes more user friendly

Physical court spaces should be set up with users in mind. As the court estate in England and Wales is streamlined, it is important that remaining courts are well organised, clearly signposted and do not cause users to feel unsafe. To achieve this, litigants in person should be offered the chance to familiarise themselves with the court before any hearings take place.

In the criminal courts, the Witness Service provides pre-trial court visits for witnesses in the knowledge that experience and performance are improved when people know what to expect. Pre-trial "show arounds" for litigants in person are already being provided in some courts and have been found to increase LiPs' confidence.¹²³ Digital alternatives - such as the provision of pictures and videos of

¹²³ Dyson, J. A. (2015) *Fourth National Forum on Access to Justice for Litigants in Person*. Civil Justice Council.

the court environment online - would be valuable for people who aren't able to access a show around. Good practice has so far been driven locally and court-based innovation should continue. Additionally, Ministry of Justice (MoJ) should identify ways in which these services can be provided consistently across the court estate.

Processes and professionals' behaviour should catch up with the increasing presence of litigants in person. MoJ is already developing and testing more efficient systems and processes.¹²⁴ HM Courts and Tribunals Service (HMCTS) are working to reduce the complexity of processes including working with Citizens Advice and PSU to simplify fee remission forms. MoJ and HMCTS should build on this good practice by continuing to design and test processes with litigants in person in mind. This will ensure litigants in person are able to undertake processes effectively and save court time - for instance by reducing the number of forms which must be returned having been completed incorrectly.

There has long been a strong argument for simplifying language and reducing formality¹²⁵¹²⁶ and valuable codes of conduct have been produced by solicitors' and barristers' regulating bodies. Court users are not yet consistently experiencing the fruits of this good guidance. Codes of conduct should be cascaded and implemented effectively to ensure that the good practice of many lawyers can be practiced by all legal professionals. To achieve this culture change, an increased focus could be placed on litigants in person as part of Continuing Professional Development for lawyers.

3. Vulnerable people should receive the support they need to resolve their problems

Evidence requirements for legal aid must improve so victims of domestic abuse are not forced to face their perpetrator in court without a lawyer. Improvements to these evidence requirements has been made since their introduction.¹²⁷¹²⁸¹²⁹ However, the effectiveness of tools to help those in exceptional circumstances needs continuing consideration.

¹²⁴ Fallon, M. (2015) *Working together to help people with court fees*. MoJ Digital.

¹²⁵ Centre for Justice Innovation and T2A (2015) *Young Adults in Court: developing a tailored approach*. Centre for Justice Innovation.

¹²⁶ Jacobson, J. et al (2015) *Structured mayhem: Personal experiences of the Crown Court*. Criminal Justice Alliance.

¹²⁷ Legal Aid Agency (2015) *Legal Aid Statistics in England and Wales. April to June 2015*. Ministry of Justice.

¹²⁸ Gallagher, P. et al (2015) *Domestic violence victims are being forced to face abusers in court ordeal, lawyers warn*. The Independent.

¹²⁹ Rights of Women (2016) *Evidence tests for domestic violence are unlawful, says Court of Appeal*. Rights of Women.

The Court of Appeal has recognised that current evidence requirements are unlawful. Government must use this opportunity to understand the experience of victims of domestic abuse, and design updated requirements accordingly. This involves exploring ways in which victims of coercive and controlling behaviour, including financial abuse, can provide evidence to support their case. As many victims of domestic abuse never report their experience to a professional, the list of possible evidence must be broadened.

The Court of Appeal's ruling that a two year time limit on evidence is too short means government has an opportunity to draft an alternative, much broader limit that acknowledges that the effects of domestic abuse do not end quickly or neatly. Perpetrators of domestic abuse can remain a lifelong threat. A considerable extension of the two year time limit is required to ensure victims do not find themselves locked out of the justice system.

Courts and advice services should foster strong links with mental health services, such as the Samaritans, to ensure people experiencing mental health issues related to their experience of going to court have the support they need. Information on mental health services should be displayed prominently around courts, especially in areas litigants in person are likely to use. Staff and volunteers dealing with litigants in person should be trained in spotting the signs of mental health issues so they can signpost people to the specialist help they need.

Further research should identify those groups whose circumstances make them be particularly vulnerable. For instance, tailored support might help self-employed people to effectively manage their workload while going through court, to find extra help or to explain their circumstances to clients and the court. This could help them to keep running their business over a stressful time.

Some people are able to achieve what they need through the family courts. But many report stressful, upsetting and traumatic experiences exacerbated by the services and professionals whose role it is to help them. Good practice is present in many areas of family justice, whether positive guidance, innovative tools, or supportive services. But there is further to go. Decisions made in family courts have a significant impact on people's lives. The current reforms are an opportunity to make sure anyone who uses the family courts gets a fair outcome.

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