



Nottingham
Law School
Nottingham Trent University

Reshaping Legal Services Conference ***6 March 2025***

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Research, Report & Need for Action
‘Regulatory Leadership on Access to Justice’

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Panel and Legal Services Board**

Regulatory Leadership on Access to Justice

Overarching question:

“How can regulators be more creative in using their powers, levers and influence to find multiple (and creative) solutions to the problem of unmet legal needs as it relates to access to justice?”

Given that “improving access to justice” is a statutory regulatory objective, our report makes suggestions on how to make access to justice an intentional and clear focus for regulators’ work.



The Research Team: Project Lead Dr Curran, Project Lead (Access to Justice expert), Professor Ching (Legal Education Regulation expert) and Professor Jarman (Legal Regulation expert)



Sustainable Development Goal 16.3

Access to Justice

- A **people centred approach** focuses on addressing people's everyday justice and needs
- Aims to improve the lives of all members of society through access to effective and efficient dispute resolution mechanisms, legal protection of human rights and the ability for all people to live in safety and security
- Starting from an understanding of people's needs, experiences and expectations, a people-centred approach aims to strengthen systems to deliver justice and security services for all



(‘OECD Framework and Good Practice Principles for People-Centred Justice’ (OECD 2021) UNDP, ‘Human Rights: The Global Programme for Strengthening the Rule of Law, Human Rights, Justice, and Security for Sustainable Peace and Development Phase IV (2022-2025)’)

Key points - What regulators can do to improve access to justice (emphasising importance of LSB leadership)

To address the access to justice problem we need to:

- Be **bold**
- Be **creative** – facilitate innovation
- Have LSB take a **leadership** and convening role – with a deliberate and intentional focus on access to justice improvement
- Take **action**
- Take **calculated risks** informed by overseas experience (next slide)
- Start **culture change** which takes time, so report has immediate, short, medium and long term aims
- Have an **outcome plan** (or Theory of Change)

Key points - What are regulators in other jurisdictions doing

- A2J is not about legal aid, it is about equality before the law underpinning democracy/rule of law and quality legal service and consumer protection
- Regulators all have a role to play in A2J but not just legal regulators. Consider opportunities in health, insurance, financial, and utility sectors
- ***Move beyond saying 'it's not possible' to what's possible*** e.g. IOLTA, Investment, A2J grants and paramount duties/ expectations of the profession across all statutory objectives rather than reductionist 'best interest of clients'
- Culture shift occurred in Australia since the 1990s, often led by regulators. 10 years ago, FCA thought 'consumer duty' could not happen

Key points - How regulators can help with early advice and support intermediaries

- Research barriers to early advice (e.g. low capability, trust, navigability) and support for trusted intermediaries (Victoria) and paralegals (Saskatchewan)
- Reconsider homogenous approaches to regulation - assuming models are all for profit and commercial reduces scope for A2J agencies
- Explore integrated legal practice such as health justice partnerships to overcome barrier of service users having to go to multiple providers
- Share effective practice - How can professions and regulators help? What is working already? What is replicable?
- Urge Government/Parliament to ensure legislative change in line with the recommendations in the report

To address harm caused by people not having access to justice — *(e.g. poor housing, lack of income, being unsafe, discrimination etc.)* requires:

- a problem-solving and growth mindset;
- a willingness to look at the evidence to inform strategic action, practice and improve development;
- innovation, exploration and creativity; and
- measurement of positive impacts on access to justice of implementation and action, to inform, recalibrate and gauge progress and to inform future steps.

**Turn to the person next to you (or in front or behind you) and each answer this question:
(Total 2 minutes)**

What more can you do to address access to justice?

Continue this conversation later in the break.

'From Little Things Big Things Grow' (Paul Kelly & The Messengers, 1991)



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