

House of Lords Constitution Committee

Inquiry: The UK's Constitutional Safeguards

1 October 2026

Introduction

1. JUSTICE is a cross-party law reform and human rights organisation, working to strengthen the justice system – administrative, civil, and criminal – in the United Kingdom. Our vision is of fair, accessible, and efficient legal processes in which rights are protected and the country's international reputation for upholding and promoting the rule of law is reflected.
2. This is a response to the Call for Evidence by the House of Lords Constitution Committee for its Inquiry into the UK's Constitutional Safeguards,¹ which asked the following questions:
 - 1) Is the UK's constitutional democracy under threat? If so, why?
 - 2) How could potential threats to the constitution be mitigated?
 - 3) What safeguards exist to protect the UK constitution?
 - 4) How effective are the UK's constitutional safeguards? Where do the vulnerabilities lie?
 - 5) Who are the key guardians of the integrity of the UK's constitution? What formal or informal powers do they have? Who guards the guardians?
 - 6) How do the UK's constitutional safeguards compare to those in other jurisdictions? What are the comparative strengths and weaknesses of the UK's system?
 - 7) How has the landscape of constitutional safeguards changed over time? Which safeguards have become both more or less significant, and why?
3. We have broken our response down into two sections. Section I considers threats to the UK's constitutional democracy, responding to Question 2 on threats, Question 4 on vulnerabilities, Question 6 on weaknesses, and Question 7 in relation to negative changes. Section II considers mitigations and actions, answering Question 2, 3, 4 and 7 in relation to existing safeguards and opportunities for their improvement.

¹ UK Parliament, [‘The UK's constitutional safeguards’](#).

I. Threats to the UK's Constitutional Democracy

Introduction

4. Adherence to and upholding the rule of law underpins our constitutional democracy. The Committee recognised the fundamental importance of this constitutional principle and the rule of law's centrality to the UK's constitution in its first report in 2001 and in its report last year.²
5. The rule of law is of fundamental importance to the UK's constitutional democracy and our constitutional settlement.
6. JUSTICE has looked at threats, developments and challenges that are corrosive to the rule of law in the UK and, therefore, to the health and security of our constitutional democracy. Key threats identified include:
 - a. **Weak legislative scrutiny:** There is overuse of skeleton legislation and Henry VIII powers, lack of scrutiny of secondary legislation, limited pre- and post-legislative scrutiny.
 - b. **Access to justice:** Severe cuts to legal aid, court backlogs and "legal aid deserts" all disproportionately affect vulnerable communities and result in individuals being unable to enforce and uphold their constitutional rights.
 - c. **Judicial independence:** Media and political attacks on the independent judiciary erode public trust, and statutory provisions have increasingly sought to limit judicial oversight.
 - d. **Judicial diversity:** The senior judiciary remains unrepresentative, which represents a risk to both public confidence and decision-making quality.
 - e. **Lack of understanding:** The rule of law is poorly understood by both the public and politicians. Lack of public legal education and understanding can lead to confusion and misinterpretation of fundamental constitutional principles and the functioning of the rule of law.³
7. We have identified two further areas representing risks and opportunities to the health of the UK's constitution. These are:
 - a. **The governance and accountability of the justice system:** JUSTICE's research has identified critical gaps in the landscape of accountability, governance, and

² Constitution Committee, *Reviewing the Constitution: Terms of Reference and Method of Working* (1st Report, Session 2001–02, HL Paper 11); and

Constitution Committee, *The rule of law: holding the line against tyranny and anarchy* (13th Report, Session 2024–26, HL Paper 211).

³ JUSTICE, *The Rule of Law: Building Resilience through Culture and Practice* (January 2026).

scrutiny mechanisms for the English courts and tribunals and some areas of public sector decision-making.

- b. **Equal and early access to legal education:** Children and young people are the future custodians of our constitutional democracy, which is based on the rule of law and respect for fundamental rights. Every child should have access to high-quality, engaging, and relevant education about the law, their rights, and our justice system.

Sovereignty

- 8. Over the last decade, the invocation of a perceived need or demand for the UK to regain "sovereignty" has exerted pressure and undermined the very notion of state power being constrained by legal standards.
- 9. Calling for the exercise of unconstrained and unfettered power and/or the removal of safeguards on state action represents a significant threat to the upholding of the rule of law and our constitutional order.
- 10. Taken together, calls for judicial powers to hold Government to account to be reined in and curtailed alongside demands to "regain sovereignty" represent a threat striking at the heart of the health and vitality of our constitutional democracy.

Access to justice

- 11. A lack of access to justice is one of the most acute challenges to the rule of the law in the UK and to the health of our constitutional democracy. If laws are not enforceable and rights cannot be upheld, they become meaningless.
- 12. When considering the effectiveness or vulnerability of safeguards to our constitutional order, the ability of citizens to uphold their rights is integral to our constitutional democracy.
- 13. Access to justice is unequal across the UK and across our population, with those from less advantaged socio-economic backgrounds and those in particularly vulnerable circumstances least able to access the justice system to enforce their rights.
- 14. This is a particular issue in the areas of law where individuals commonly face legal issues: employment, housing, and social security. High demand and swingeing cuts that decimated legal aid have resulted in "legal advice deserts" in many parts of our country.⁴ This provides a visible representation of how equal access to justice is not borne out in the lived experience of millions of people.

⁴ The Law Society, '[Legal Aid Deserts](#)'.

15. Furthermore, ensuring that individuals understand and can access legal advice and representation to effectively assert their legal rights is crucial to safeguarding the integrity and vitality of the UK's constitutional democracy.
16. Access to justice is fundamental to addressing the vulnerabilities in our democratic settlement and making good on our promise of equality before the law.

The judiciary

17. Equality before the law also requires an independent judiciary. It is important to our constitutional democracy that trust in the judiciary, as the branch of state responsible for interpreting and applying the law, is upheld and that the public has confidence that judges act impartially and serve everyone equally.
18. We have witnessed a race to the bottom in political attacks and allegations of judicial bias, with judges called "enemies of the people" and "activist".⁵ Alongside a damaging narrative of judicial bias, an ongoing lack of judicial diversity, particularly in the senior judiciary, may threaten legitimacy of this branch of our state.

Executive powers and lack of parliamentary scrutiny

19. In 2023, JUSTICE published *The State We're In: Addressing Threats & Challenges to the Rule of Law*, a report identifying the main rule of law challenges faced by the UK.³ This identified key threats to the rule of law within our legislative process, in particular:
 - a. a lack of meaningful pre-legislative scrutiny and/or sidelining of consultation and responses; and
 - b. overuse of and overreliance on skeleton legislation and delegated powers, combined with a lack of effective scrutiny of secondary legislation.
20. UCL's Constitution Unit has conducted important work into the impact of the power that the executive wields over the legislature.⁶ Separate to control over parliamentary time, the legislative process can be improved and strengthened by increased and enhanced pre-legislative scrutiny.
21. Increased recourse to skeleton legislation involves a substantial delegation of powers and represents a decisive shift in law-making power in favour of the executive. This raises two interrelated concerns for the rule of law and our constitutional democracy:

⁵ James Slack, *'Enemies of the people: Fury over 'out of touch' judges who have 'declared war on democracy' by defying 17.4m Brexit voters and who could trigger constitutional crisis'*, (Daily Mail, 3 November 2016); for example, Paul Seddon, *'Jenrick attacks 'activist' judges in conference speech'* BBC (6 October 2025).

⁶ UCL, 'House of Commons procedure: why does it matter and how does it change?' (July 2025) < <https://www.ucl.ac.uk/social-historical-sciences/constitution-unit/constitution-unit-publications/constitution-unit-briefings/house-commons-procedure-why-does-it-matter-and-how-does-it-change> > accessed 1 October 2026.

- a. increasingly granting the executive wide law-making powers departs from the fundamental principle of parliamentary sovereignty; and
 - b. executive law-making in this manner necessarily entails the further use of secondary legislative instruments, which lack the same level of parliamentary scrutiny as primary legislation. Statutory Instruments cannot be amended by Parliament, and they are very rarely rejected.⁷
22. Linked to concerns raised above regarding the exercise of unconstrained state power, these trends represent *de facto* weakening of Parliament as a check on the executive's power.

Constitutional norms and principles

23. One obvious consequence of parliamentary sovereignty is that unwritten constitutional principles and norms can quickly change or be 'lost'. For example, there is a growing risk that the idea of 'disapplying' human rights protections or the interpretative provision in section 3 of the Human Rights Act 1998, as seen in the Illegal Migration Act 2023 and the Safety of Rwanda (Asylum and Immigration) Act 2024,⁸ could become a normalised trend.
24. This speaks to the symbiotic relationship between the threats facing our constitutional democracy. If individuals lack an understanding of the rule of law and our fundamental constitutional principles, are unable to access justice and uphold or enforce their rights in their everyday lives and repeatedly hear the impartiality of judges being called into question, then it is somewhat unsurprising that the government feels able to 'disapply' human rights provisions in constitutional pieces of legislation. In so doing, a vicious circle is created: fundamental constitutional principles are further undermined and seen as temporary, unimportant, or roadblocks to be discarded.

Governance and accountability of the justice system

25. JUSTICE recently undertook a mapping exercise of bodies and organisations undertaking governance, accountability, and scrutiny functions in respect of the English courts and

⁷ 0.01% of SIs are rejected. Between 2010 and 2019 an average of 3,000 Statutory Instruments were passed each year. Between 1950 and 2017 the House of Commons has rejected 11 Statutory Instruments and the House of Lords rejected 6. This is a rejection rate of 0.01% of the total number laid.

See Chris Watson 'Acts and Statutory Instruments: The Volume of UK legislation 1850 to 2019' (Briefing Paper No CBP 7438, House of Commons Library 4 November 2019).

Ruth Fox and Joel Blackwell, 'Westminster Lens: Parliament and Delegated Legislation in the 2015-16 Session' (Hansard Society, 14 March 2017).

⁸ Illegal Migration Act 2023, s 1(5) and Safety of Rwanda (Asylum and Immigration Act) 2024, s 3 both repealed by the Border Security, Asylum and Immigration Act 2025.

tribunals, and some areas of public sector decision-making. A report with our findings is forthcoming later this year.⁹

26. One of JUSTICE's conclusions from this research was the extent to which constitutional norms inform both the framework and the boundaries of the governance and accountability of the English justice system. In particular, the principles of the separation of powers, Parliamentary sovereignty, and judicial independence appear to provide the operating framework for governance and oversight of the justice system, as well as the outer limits of how these functions can be exercised by different bodies in relation to different aspects of the system.
27. JUSTICE's research identified almost 50 different organisations, bodies, and groups undertaking accountability, scrutiny, and governance functions in relation to the English justice system. Despite the plethora of existing bodies, critical gaps in the accountability landscape remain. In JUSTICE's view, these gaps, of which a handful are highlighted below, represent both risks and opportunities for safeguarding the UK's constitution. The UK's constitution rests, in large part, on there being an effective, accountable, accessible, and fair justice system.

The absence of a dedicated Courts Inspectorate

28. HM Inspectorate of Court Administration ('HMICA') was administratively closed in 2010¹⁰ and formally abolished in 2012.¹¹ Since it was closed, there has been no dedicated, independent inspectorate for the courts, except for the functions the criminal justice inspectorates have to independently inspect the criminal courts.¹² This means that there is no independent scrutiny of the performance of the majority of courts and tribunals – including the family, administrative, and coronial courts. Against the backdrop of the multiple crises and backlogs plaguing the courts, the lack of a dedicated inspectorate comes at the detriment of access to justice (which includes access to the courts and effective court procedures). This, in turn, strains the health of the UK's constitution.

Limited external monitoring of the judiciary

29. Our research found that oversight of the judiciary and judicial conduct is, overwhelmingly, an internal affair. The Judicial Conduct and Investigations Office ('JCIO') sits within the

⁹ This piece of work was funded by the Nuffield Foundation as part of its Public right to justice programme. We will share it with the House of Lords Constitution Committee when it is published.

¹⁰ Ministry of Justice, 'Impact Assessment: Abolition of HM Inspectorate of Court Administration' (15 November 2011) 1.

¹¹ The Public Bodies (Abolition of Her Majesty's Inspectorate of Courts Administration and the Public Guardian Board) Order 2012, SI 2012/2401, art 2(1).

¹² The Public Bodies (Abolition of Her Majesty's Inspectorate of Courts Administration and the Public Guardian Board) Order 2012, SI 2012/2401, art 2(1)–(4).

Judicial Office, with substantive complaints-handling dealt with by judges¹³ (as distinct from the initial eligibility filter, which is done by the JCIO¹⁴).

30. Even where there is a scrutineer independent of the judiciary – for example, in the Judicial Appointments and Conduct Ombudsman – their oversight of judges is limited to matters of the JCIO's procedural handling of the complaint,¹⁵ rather than the substance of the complaint about the (alleged) judicial conduct.
31. Additionally, there is limited information in the public domain about the workings of the Judicial College, the Judicial Executive Board, and the Judges' Council.
32. The judiciary, as an institution, is monitored externally insofar as individual judges have voluntarily given evidence to Parliamentary inquiries and evidence sessions to support Parliament's scrutiny functions in relation to the justice system; and the Lady Chief Justice's established the Transparency and Open Justice Board to better realise the open justice principle in our courts,¹⁶ including supporting media reporting of proceedings.¹⁷
33. the need for judicial independence is not in question. However, as the judiciary accepts, the principle of judicial independence is not incompatible with accountability of judges.¹⁸ It is in the interests of our constitution that careful consideration be given to navigation of the seeming tension between judicial independence and the need for accountability and governance, particularly as regards independent scrutiny and transparency to the public.

The limits of Parliamentary scrutiny

34. While evidence and witness attendance is usually provided at the invitation of Parliament, there have been – admittedly rare – circumstances in which Parliament's attempts to scrutinise individuals, bodies, and groups have been frustrated.¹⁹ For example, a witness's failure to attend a Committee session when they are formally summoned is considered contempt, i.e., an act or omission which is intended to, or actually, obstructs or impedes the Committee's work.²⁰ Such non-attendance is reported to the House.²¹

¹³ For example, see the Judicial Conduct Rules 2023, Part 5 and rule 68 for the circumstances in which, respectively, a nominated judge or an investigating judge considers complaints.

¹⁴ Judicial Conduct Rules 2023, rule 23.

¹⁵ Constitutional Reform Act 2005, s 110(6).

¹⁶ [‘Transparency and Open Justice Board’](#) (Courts and Tribunals Judiciary, 30 April 2024).

¹⁷ Courts and Tribunals Judiciary, ‘Transparency & Open Justice Board: Membership and Terms of Reference’.

¹⁸ Judiciary of England and Wales [‘The Accountability of the Judiciary’](#) (October 2007) p. 4.

¹⁹ House of Commons Committee of Privileges, *Conduct of Mr Dominic Cummings* (HC 1490, 2017 – 2019), paras. 33 – 34.

²⁰ *Erskine May*, Part 6, Chapter 38, para 38.55.

²¹ *Erskine May*, Part 6, Chapter 38, para 38.33.

35. Contempt can also include non-compliance with an order of the Committee; preventing, delaying, obstructing, or interfering with the Committee's orders;²² witness obstruction and interference; and evidence tampering.²³ This contempt can be '*investigated and punished*'.²⁴ However, there is no real means to enforce witness attendance, and sanctions for those found guilty of contempt are exceedingly rare, with fines or imprisonment not having been used by the Commons since 1666 and 1880 respectively.²⁵
36. There is also a tension between Parliament calling for government officials and civil servants to provide evidence, with Government guidance to civil servants stating that '*it is not the role of select committees to act as disciplinary tribunals*'.²⁶ Additionally, Erskine May notes that Select Committees have no power to send for any papers which, if required by the House itself, would not be sought by an Address. This means that a Select Committee cannot formally order a Secretary of State or government official to produce papers.
37. Whether or not Parliament should have powers to enforce sanctions for contempt, or powers to compel evidence, has been the subject of previous debates.²⁷ The question of what safeguards exist to promote Parliament's crucial role as a scrutineer of the actions and conduct of those people and bodies working in other branches of the state should be a subject of consideration in this Committee's Inquiry.

Implementation gaps frustrate efforts at accountability and systems change

38. JUSTICE's research identified that Parliamentary Committees, Ombudsmen, Inspectors and independent Commissioners have powerful, oftentimes statutory, information-gathering and scrutiny powers. For example, obstructing the performance of the Parliamentary and Health Service Ombudsman's functions can be treated as contempt.²⁸ Inspectors²⁹ and Commissioners³⁰ can advise relevant Minister/s and other public authorities.

²² Erskine May, Part 6, Chapter 38, para 38.57.

²³ Erskine May, Part 6, Chapter 38, paras 38.58–61.

²⁴ Erskine May, Part 6, Chapter 38, para 38.55.

²⁵ Hannah White, '[In contempt? Witnesses Before Select Committees](#)' (*Institute for Government*, 18 April 2016).

²⁶ Erskine May, Part 6, Chapter 38, para 38.35.

²⁷ Powers and select committees: The extent and enforcement of the powers of the House in relation to select committees and contempts, '[Written evidence from the Clerk of the House of Commons](#)' (SCC0001, February 2017).

²⁸ Parliamentary Commissioner Act 1967, s 9

²⁹ For example, the Chief Inspector for the Crown Prosecution Service ('CPS') advises the Director of Public Prosecutions on the performance of each CPS area, Headquarters Directorates, and the CPS as a whole. See Criminal Justice Joint Inspection, '[His Majesty's Crown Prosecution Service Inspectorate \(HMCPSI\)](#)'.

³⁰ For example, the Victims Commissioner has a duty to advise Ministers on any matters relating to victims and witnesses. See Domestic Violence, Crime and Victims Act 2004, s 50.

39. However, there is no statutory duty on the recipients of such advice to implement the recommendations, meaning there is a question as to the efficacy of this scrutiny when resulting action cannot be compelled, and there is no duty to implement recommendations.
40. Furthermore, recommendations and attempts at accountability may be seen to conflict with other government priorities. This was arguably at the heart of what the former Chief Inspector of Borders and Immigration, David Neal, was referring to when he claimed that his inspection reports had been “*suppressed*” and that there was a lack of implementation of his recommendations.³¹
41. Safeguarding the constitution requires public sector accountability efforts to be meaningful. This includes remedy or redress to be genuinely accessible to members of the public; independent and transparent monitoring of those services to help ensure the quality of their service delivery; and for the outcomes of those processes to be properly recognised and implemented by the public body and/or Minister in question. The justice system, including public sector decision-making, is the practical means by which members of the public experience principles of constitutional importance, including the rule of law and access to justice. The resilience of our constitution requires that the public trust that our institutions, services, and officials are working for the public good. This, in turn, requires effective and accountable systems.

Section 2: Mitigations and actions

Institutions

42. The Institute for Government has proposed the establishment of a new constitutional body, to safeguard core constitutional principles.³² We believe this proposal would provide a source of long-term constitutional thinking that could preserve constitutional values over time and provide detailed and expert scrutiny.
43. The Equality and Human Rights Commission (‘EHRC’) is responsible for promoting and enforcing equality and human rights frameworks as an independent watchdog. Granted a wide range of powers, there is no question that the EHRC has the potential to act as a powerful safeguard of our constitutional democracy, protecting human rights and ensuring that legal protections are upheld.
44. However, the question of whether this potential is being met is a separate issue. In practice the EHRC’s work falls short of its statutory promise, and this is cause for significant concern when considering the efficacy of safeguards to protect our constitutional

³¹ Home Affairs Committee, *One-off session with the former Inspector of Borders and Immigration*, (Oral Evidence, HC 596, 27 February 2024) Q1.

³² Bennett Institute of Public Policy Cambridge and Institute for Government, [‘Review of the UK Constitution: Final Report’](#) (September 2023).

democracy and mitigation of threats. In 2019, the Women and Equalities Select Committee highlighted a decline in the EHRC's enforcement activity.³³ The EHRC's own strategic plan from 2025 to 2028 has raised the impact of decreased budgets and expanded regulatory duties requiring prioritisation "to make best use of our limited resources".³⁴

45. Rights lose their meaning and value as anything other than a theoretical concept if they are not upheld robustly and if breaches are not investigated and acted upon. Any plan to improve the safeguards that protect our constitutional framework must ensure that the EHRC is properly resourced to uphold its functions and mandates across equality and human rights.
46. This work is vital not only in mitigating against threats to our constitutional democracy but also in proactively upholding and protecting rights, through preventative and positive action. It is important that individuals understand and see proactive protection of human rights, not merely defensive responses to breaches that have already occurred.
47. The new Prime Minister has set out a vision of the "preventative state", defined by "investment in prevention" rather than paying for failure.³⁵ Applied to human rights, the rule of law and our constitutional framework is an important opportunity to reframe investment in institutions and activities that proactively and positively uphold our constitutional democracy and constitutional principles as far more effective and preventative measures than merely seeking to react to threats or take action when breaches have already occurred.

Equal and early access to legal education

48. Nearly two-thirds of the UK population are unaware of their basic legal rights or the processes by which they are enforced.³⁶ Public understanding of the legal system and constitutional principles is critical to meaningful civic engagement with the institutions, processes and safeguards which underpin the UK's constitutional framework.
49. The risk of misunderstandings arising is heightened by the current information landscape, where inaccurate or incomplete reporting of legal issues, combined with inflammatory rhetoric about the legal system and institutions, can undermine public confidence in legal processes and erode trust in the rule of law. For example, the Daily Mail characterised the High Court judges, who ruled that Parliament's consent was required for the UK to leave the European Union, as "*enemies of the people*" who "*declared a war on democracy*".³⁷

³³ House of Commons Women and Equalities Committee, 'Enforcing the Equality Act: the law and the role of the Equality and Human Rights Commission' (HC 1470 Published on 30 July 2019).

³⁴ EHRC, 'Strategic plan 2025 to 2028' (26 March 2025).

³⁵ Tom McTague, 'Andy Burnham Seizes Control' *The New Statesman* (23 September 2026).

³⁶ Advice now, 'Public legal education'.

³⁷ James Slack, 'Enemies of the people: Fury over 'out of touch' judges who have 'declared war on democracy' by defying 17.4m Brexit voters and who could trigger constitutional crisis', (Daily Mail, 3 November 2016).

Such a characterisation overlooks the principle of judicial independence and the role of the courts in scrutinising the exercise of Government power.

50. It is important that individuals are equipped with the knowledge to critically engage with, and challenge, what they encounter about legal and constitutional issues in the media and elsewhere. Public legal education ('PLE') is an important safeguard. It *"provides people with awareness, knowledge and understanding of rights and legal issues, together with the confidence and skills they need to deal with disputes and gain access to justice [...] PLE has a further key role in helping citizens to better understand everyday life issues, making better decisions and anticipating and avoiding problems."*³⁸
51. There are two broad aims of PLE, both of which are crucial to the rule of law and our constitutional framework:
 - a. **Enhancing people's legal capability:** PLE gives people knowledge and practical tools to understand their rights and the mechanisms through which those rights can be exercised. It can help address inequalities in access to justice by ensuring that individuals are better able to recognise when their legal rights may be engaged, understand the avenues available to them, and seek appropriate support.
 - b. **Democratic empowerment:** PLE can provide an accessible understanding of fundamental constitutional principles i.e. the separation of powers. Explaining these principles, and why they matter, enables individuals to engage more meaningfully with constitutional issues and scrutinise claims (made in the media and elsewhere) about the operation of those institutions.
52. PLE can, therefore, be understood as part of the wider infrastructure which supports the rule of law and the health of the UK's constitution. It is not a substitute for effective institutional safeguards (such as democratic law-making processes, discussed above), nor access to legal advice and representation. Rather, PLE helps ensure that individuals have the knowledge and confidence necessary to understand, participate in and, where necessary, make use of the legal systems designed for them. Equally as important, PLE supports individuals to understand and participate in our democratic processes and institutions; safeguards them from unchecked or excess power; and helps them to recognise and scrutinise the exercise of public power.
53. Since October 2025, JUSTICE has scoped the existing landscape of major child-focused PLE providers to identify the availability, methods, delivery, and outcomes of these initiatives. Our final report is forthcoming later this year. Our findings include that:

³⁸ PLEAS Task Force, 'Developing capable citizens: the role of public legal education: The report of the PLEAS Task Force', (July 2007), para. 12. This definition has been widely recognised across legal and research sectors.

- a. PLE for children and young people is not a legal requirement, despite there being several relevant statutory duties on a range of stakeholders to promote this form of learning.³⁹
- b. Citizenship education, which would perhaps be the natural home for PLE in the National Curriculum, is not a statutory requirement for young learners;⁴⁰ suffers from de-prioritisation as compared with other subjects; and does not have standardised content on law and the justice system.
- c. PLE delivery appears to be largely undertaken in schools by youth-focused organisations and sometimes working with the legal sector. For example, Young Citizens work, with its pro bono partners, is a particularly impressive example of these fruitful collaborations.
- d. More can, and must, be done to scale up and standardise PLE delivery so that every child in the country is put on an equal footing as to their knowledge of, and confidence in, their rights and the justice system. Now is the time to pursue this objective, especially given the renewed recognition by the Government, Parliament, and the legal and education sectors of the importance of PLE and young people's status as the future guardians of the rule of law.⁴¹

54. There was an Independent Review into the (English) National Curriculum, the findings of which were reported in November 2025.⁴² The proposals of Professor Becky Francis, the Independent Reviewer, included that:

- a. citizenship education be made statutorily compulsory from Key Stage 1 (i.e. early years schooling);⁴³
- b. a new 'Law and justice' Programme of Study be developed to "ensure that pupils develop an understanding of rules and laws, why they are important, who makes them and the consequences of not following them";⁴⁴
- c. in anticipation of the Government acting on its commitment to lower the voting age to 16, the content of the proposed Programme of Study on 'Democracy and government' "should support democratic understanding and engagement...[and]

³⁹ For example, local authorities' duty to promote community development by securing primary, secondary and further education for their residents (Education Act 1996, s 13); the Legal Services Board's duty to increase public understanding of citizens' rights and duties (Legal Services Act 2007, s 1); and the 'Prevent' duty on schools and further education settings to promote the rule of law.

⁴⁰ Citizenship is a statutory foundation subject at Key Stages 3 and 4 (Education Act 2002, ss 84(3)(h) and 85(4)(c)). The Government has committed to making Citizenship a requirement in Key Stages 1 and 2 in its recent Curriculum Review and to creating a new 'Law and rights' Programme of Study in the revised Citizenship curricula at all stages.

⁴¹ For example, see Peers' conclusions in the House of Lords Constitution Committee, *The rule of law: holding the line against tyranny and anarchy* (HL Paper 211, 13th Report of Session 2024 – 26) at paras 237 and 245.

⁴² Department for Education, 'Curriculum and Assessment Review Final Report: Building a world-class curriculum for all' (5 November 2025).

⁴³ Ibid p.59.

⁴⁴ Ibid pp. 59 – 60.

should align with the fundamental British values of democracy, the rule of law, individual liberty, and mutual respect and tolerance for those of different faiths and beliefs";⁴⁵

- d. a new 'Media literacy' Programme of Study "should ensure age-appropriate skills are developed from primary schooling onwards, including research skills and evaluating information and news sources";⁴⁶ and
- e. the new Programmes of Study should be developed so that the learnings may be specific and built sequentially through each Key Stage.⁴⁷

55. We understand that work is underway to develop these proposals, with the reformed curriculum due to be rolled out in schools in September 2028.⁴⁸ In our view, if formulated well and coupled with the appropriate funding, training, and capacity-building amongst teachers, these reforms will go a long way to scaling up and standardising PLE delivery, so that it reaches many more pupils and provides an engaging, measured, and meaningful form of learning about the rule of law and justice.
56. However, whilst these are welcome changes, we are conscious that the status quo will continue in the interim. The status quo includes significant efforts by Young Citizens, LEDUCATE, and the National Justice Museum; and initiatives by, for example, the UK Supreme Court and the lower courts; and the work of the former Solicitor General and former Attorney General, Robert Buckland KC and Richard Hermer KC to address public legal education, but these are no substitute for the necessary reform to law and curriculum. There is consensus among Government, Parliament, the legal, education and children's sectors that compulsory legal education in schools is necessary.⁴⁹
57. The reform of PLE in the UK should learn from previous and ongoing efforts to provide PLE to school-age children and young people. In addition, JUSTICE considers that reform can take inspiration from citizenship education programmes that have been implemented abroad. For example:
- a. **France:**⁵⁰ Moral and civic education ('MCE') is included in the school curriculum across all levels, with the aim of developing "*responsible, critical citizens through instruction on Republican values [...] inclusion, civic engagement*".⁵¹ MCE consists of, among other topics, education on the rule of law, human rights, liberal participatory democracy, the

⁴⁵ Ibid p.59.

⁴⁶ Ibid p.60.

⁴⁷ Ibid p.60.

⁴⁸ Department for Education, '[New curriculum to give young people the skills for life and work](#)' (4 November 2025).

⁴⁹ House of Lords Constitution Committee, *Holding the line*, para. 245

⁵⁰ This comparative research was provided, *pro bono*, in support of JUSTICE's Public Legal Education scoping project.

⁵¹ [Code de l'éducation](#) art L312-15 (France).

constitutional framework and rights and responsibilities.⁵² By the first year of high school, the main focus of MCE is for students to develop an understanding of what the rule of law is and how it structures the law, constrains political power and protects individuals.⁵³ Outside of the education sphere, MCE is supported by the legal sector and non-profit organisations which, for example, offer free sessions to young people to raise awareness on citizenship and provide real life perspective on democratic life.⁵⁴

- b. **South Africa:**⁵⁵ Citizenship education is embedded within the national curriculum framework as part of Life Orientation ('LO'), which is a compulsory subject across all ages.⁵⁶ LO includes education on the rule of law, human rights, liberal participatory democracy, constitutional set-up and the rights and responsibilities of children. Citizenship education is also implemented beyond the classroom through various institutions, including: (i) NGOs and pro bono projects, which provide "Know Your Rights" resources and workshops to schools and communities;⁵⁷ (ii) the courts and tribunals, where, for example, the Constitutional Court of South Africa (via the Constitutional Court Trust and its associated heritage precinct, Constitution Hill) run PLE through school programs, workshops, and tours;⁵⁸ and (iii) student law clinics, such as Street Law South Africa, which deliver interactive legal education sessions in schools and communities.⁵⁹

58. Institutional accountability and governance and PLE both provide opportunities for the Government to take clear steps towards safeguarding our constitutional democracy.

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⁵² Ministry of National Education, Higher Education and Research, 'Annex to the Decree of 12 June 2024: Moral and Civic Education Programme from First Grade to Final Year of General, Technological, and Vocational Tracks and CAP-Preparatory Classes' (13 June 2024).

⁵³ Ministry of National Education, Higher Education and Research, 'Programme Booklet: Moral and Civic Education, "Seconde" (first year of High School)' (2025).

⁵⁴ See, for example, Association ÉVEIL, 'Accueil - EVEIL' (*L'association ÉVEIL*); and Parlons Démocratie, 'Parlons Démocratie' (*Parlons Démocratie*).

⁵⁵ With thanks to Mishcon de Reya for providing comparative research, *pro bono*, in support of JUSTICE's Public Legal Education scoping project.

⁵⁶ Department of Basic Education (South Africa), 'Curriculum and Assessment Policy Statement (CAPS): Further Education and Training (FET) Phase, Life Orientation Grades 10–12' (2019).

⁵⁷ By way of example, see Centre for Child Law, 'Know Your Rights' (*Centre for Child Law*); South African History Archive, 'History Education Workshops' (*South African History Archive*); and Equal Education, 'Our movement' (*Equal Education*).

⁵⁸ See Constitutional Court Trust, 'Constitutional education for high schools' (*Constitutional Court Trust*); and Constitution Hill, 'The school on The Hill' (*Constitution Hill*).

⁵⁹ See Street Law Inc, 'Street Law' (*Street Law Inc*); and Constitutional Court Trust, 'Chapter 1: Introduction to Law and the Legal System' (*Constitutional Court of South Africa*).