Written Evidence from JUSTICE (SFJ0022)

1. JUSTICE is a cross-party law reform and human rights organisation working to create a fair justice system within everyone's reach. In this submission, we set out our organisational response to the Call for evidence: inquiry on support for jurors.

Importance of Juries

2. Jury service is a vital component of civic participation and one of the few times the public can participate directly in the justice system. Juries ensure that individuals are judged by a panel of their peers, bringing ordinary citizens into a criminal justice system that can otherwise appear remote or professionalised.

3. Juries act as a vital bridge between society and the law, ensuring that justice is not determined by a single class or authority alone.[1] Juries act as a final democratic safeguard to prevent miscarriages of justice, ensuring that prosecutions, which can result in the loss of an individual's liberty, are robustly tested by 12 members of the public rather than having evidence pass from police to prosecution to judge, for the latter's sole consideration.[2] In 1956, Lord Devlin famously described trial by jury as "the lamp that shows that freedom lives".[3]

4. Since the Government introduced reforms to restrict the right to jury trial in England and Wales, [4] JUSTICE has consistently highlighted that juries play a vital role as a cornerstone of our democracy.[5] This view is shared by the British public, with polling demonstrating that the 'right to a fair trial by jury' is viewed as a fundamental protection, ranking it as a primary right that they believe should be enshrined in law.[6]

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[1] See JUSTICE, 'Courts and Tribunals bill (2026) <https://www.justice.org.uk/briefings/courts-and-tribunals-bill> accessed 11 September 2026

[2] See JUSTICE, 'Courts and Tribunals bill (2026) <https://www.justice.org.uk/briefings/courts-and-tribunals-bill> accessed 11 September 2026: DAT Green, 'Why Juries Matter' *Prospect* (4 December 2025) <https://www.prospectmagazine.co.uk/ideas/law/the-weekly-constitutional/71731/why-juries-matter#:~:text=Juries%20break%20this%20chain%20of,public%20of%20the%20defendant%27s%20guilt> accessed 11 September 2026

[3] Devlin, Patrick. *Trial by Jury* (The Hamlyn Lectures, 8th Series London: Stevens & Sons, 1956), Chapter 6, p. 164.

[4] Courts and Tribunals Bill, clause 3

[5] JUSTICE, 'Courts and Tribunals bill (2026) <https://www.justice.org.uk/briefings/courts-and-tribunals-bill> accessed 11 September 2026

[6] See JUSTICE, 'Courts and Tribunals bill (2026) <https://www.justice.org.uk/briefings/courts-and-tribunals-bill> accessed 11 September 2026: Professor Cheryl Thomas KC (Hon) 'How the jury system really works' *Counsel* (19 December 2025) <https://www.counselmagazine.co.uk/articles/how-the-jury-system-really-works> accessed 11

5. The current debate about reducing jury trials in the interests of efficiency raises fundamental concerns about reducing the role of lay participation in the criminal justice system. It is vital that the views of those who have served on juries form part of that debate[7] we, therefore, welcome the Committee undertaking this Inquiry.

6. The evidence suggests that jurors value jury service and there is resistance to proposals to restrict their use in criminal trials.[8] 81% of jurors in one survey said they would be happy to serve again; 78% found the experience interesting; 58% educational; and 42% found it stressful;[9] while a separate survey of 483 former jurors in England and Wales found that judge-only trials were deeply unpopular.[10]

7. However, supporting jurors is essential to sustaining trial by jury. It is an investment in individual welfare, fair participation, sound decision-making and confidence in the justice system.

September 2026. The Rowntree Foundation conducted research with the British public on what rights should be enshrined the last time a Bill of Rights was proposed, "the right to a fair trial before a jury" came out top of the list. 89% of the British population thought that this was a primary right that should be enshrined in law.

[7] Fawcett, H., Brooks, M., Curley, L., Portnoy, S., & Ahearne, J. (2026). Unmet Needs? Juror Perspectives on Support Following Jury Service in England and Wales. *Journal of Aggression, Maltreatment & Trauma*, 1–23. <https://doi.org/10.1080/10926771.2026.2673511> accessed 11 September 2026

[8] ibid p.16 "Jurors were least favorable toward judge-only trials. Our findings also demonstrate that, despite some of the issues with the existing jury system, there is a broader public commitment to the principle of trial by jury, and some resistance to undermining the jury system. Thus, despite the challenges of jury service, individuals feel it to be an important and worth-while civic duty. As noted previously, they also find it interesting, educational, and useful in improving their perception of the justice system (Bornstein et al., 2005; Thomas, 2020). Interestingly, previous research has suggested (see Curley & Neuhaus, 2024) that judges are not immune to bias and that expert decision makers can often be more biased that laypeople due to the use of specialized cognitive shortcuts designed to allow them to do their job efficiently and effectively (Dror,2011). In addition to this, abolishing or attenuating the role of a jury may undermine how much power individuals have within society, as jury service is sometimes the only means by which a citizen may actively engage in civic duty (Curley & Neuhaus, 2024), something potentially noted by the participants in this study. Furthermore, judges are at least as biased as jurors and the removal of jury duty was unpopular in the current study sample of experienced jurors, suggesting such a move may not be popular or worthwhile."

[9] Thomas, C; (2020) The 21st century jury: contempt, bias and the impact of jury service. Criminal Law Review (11) pp. 987-1011 <https://discovery.ucl.ac.uk/id/eprint/10115525/7/Thomas_21st%20century%20jury%20CLR%202020%20RPS.pdf> accessed 11 September 2026 p.30 and p.31

[10] Fn 7

Statutory framework

5. The Juries Act 1974 governs jury service in England and Wales. HM Courts and Tribunals Service (HMCTS) and GOV.UK material provides information on eligibility, selection, attendance and the practical elements of jury service.[11]

Public participation, trust and confidence

5. In 2023, 197,007 people took part in jury service.[12] When they return to their everyday lives, jurors become ambassadors for the justice system,[13] whilst they cannot disclose what happened in the deliberation room,[14] after the trial, they can speak about their experience in the courtroom.[15]

6. Jury service is most jurors first direct experience of a criminal court. One survey of former jurors found 71.8% had never previously entered a courtroom.[16] Jury service can demystify criminal proceedings, improve understanding of the justice system and provide a sense of fulfilment from participating in an important civic duty.[17]

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[11] GOV UK, Inside HMCTS 'From Summons to Service: Your Complete Guide to Jury Duty' <https://insidehmcts.blog.gov.uk/2025/02/07/from-summons-to-service-your-complete-guide-to-jury-duty/> accessed 11 September 2026

[12] GOV UK, Inside HMCTS 'Understanding the jury selection process' <https://insidehmcts.blog.gov.uk/2024/05/07/understanding-the-jury-selection-process/> accessed 11 September 2026

[13] Justice and Home Affairs Committee, Written Evidence, Dr Kingsley Obi Omeihe (Senior Lecturer and President of the Academy for African Studies at University of the West of Scotland), Dr Ibiyemi Omeihe (Lecturer and Chair of Leadership at the Academy for African Studies at University of the West of Scotland), and Dr Ijeoma Okpanum (Lecturer and Chair of Organisational Behaviour at the Academy for African Studies at University of Aberdeen), (SFJ0007)

[14] Juries Act 1974, 20D

[15] Gov UK 'Jury service' <https://www.gov.uk/jury-service/discussing-the-trial> accessed 11 September 2026

[16] Fawcett, H., Brooks, M., Curley, L., Portnoy, S., & Ahearne, J. (2026). Unmet Needs? Juror Perspectives on Support Following Jury Service in England and Wales. *Journal of Aggression, Maltreatment & Trauma*, 1–23. <https://doi.org/10.1080/10926771.2026.2673511> accessed 11 September 2026

[17] Matthews, R., Hancock, L., & Briggs, D. (2004). Jurors' perceptions, understanding, confidence and satisfaction in the jury system: A study in six courts. Home Office research findings, report 227. Home Office. <https://www.researchgate.net/publication/265046610_Jurors%27_Perceptions_Understanding_Confidence_and_Satisfaction_in_the_Jury_System_A_Study_in_Six_Courts> accessed 11 September 2026

7. Research shows that most people would serve on a jury again as they believe that the system is fair.[18] In one study 95% of jurors surveyed considered juries to be significant to our system of justice.[19]

8. Unlike voting, jury service is not voluntary and unjustified failure to attend can result in criminal sanctions.[20] Jury service often requires people to reorganise employment, income, caring responsibilities and daily life at short notice. Jurors are also often required to confront distressing evidence and make decisions with profound consequences for defendants, victims, witnesses and families. Therefore, reasonable steps should be taken to anticipate and mitigate foreseeable harm, minimise avoidable disruption and provide effective support to jurors when necessary.

Mental Health impact

9. Whilst jurors describe many positive aspects of jury service,[21] they also report experiencing stress.[22] Jury service can be a significant source of anxiety[23] and can pose a psychological and emotional burden.[24]

10. Jurors may encounter graphic evidence, in an unfamiliar court environment,[25] where the "weight of responsibility"[26] can lead to "fear" that "they may reach an "incorrect" verdict".[27]

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[18] ibid

[19] ibid p. 65: 62% answered "Yes, very important, essential or integral" 33% answered "Yes, quite important or do need them"

[20] Juries Act, 1974, 20(1)a

[21] Fn 16, p. 64 "The majority of jurors (58%) said that the most positive aspect of service was that they acquired a greater understanding of what happens in a criminal court trial and that it had been a positive learning experience."

[22] Thomas, C; (2020) The 21st century jury: contempt, bias and the impact of jury service. Criminal Law Review (11) pp. 987-1011 <https://discovery.ucl.ac.uk/id/eprint/10115525/7/Thomas_21st%20century%20jury%20CLR%202020%20RPS.pdf> accessed 11 September 2026 p.29 42% described it as stressful

[23] Robertson, N., Davies, G. And Nettleingham, A. (2009), Vicarious Traumatisation as a Consequence of Jury Service. The Howard Journal of Criminal Justice, 48: 1-12. <https://doi.org/10.1111/j.1468-2311.2008.00539.x> accessed 11 September 2026

[24] Fawcett, H., Brooks, M., Curley, L., Portnoy, S., & Ahearne, J. (2026). Unmet Needs? Juror Perspectives on Support Following Jury Service in England and Wales. *Journal of Aggression, Maltreatment & Trauma*, 1–23. <https://doi.org/10.1080/10926771.2026.2673511> accessed 11 September 2026 citing Fn 22.

[25] Manchester Metropolitan University, Courtroom Wellbeing Hub, 'Hannah and Matt take part in Justice and Home Affairs inquiry into juror support' (3 September 2026) <https://courtroomwellbeinghub.mmu.ac.uk/2026/09/03/justice-and-home-affairs-inquiry-

11. A Manchester Metropolitan University study of 180 mock jurors – who were exposed to graphic skeletal evidence in a fictional murder-case – found that average traumatic-stress symptoms rose substantially over the study period, with 44% meeting the researchers' threshold for PTSD-type symptoms one week after exposure.[28] These findings relate only to the cohort examined and should not be assumed to be representative of the wider juror population. However, this demonstrates how exposure to distressing courtroom material can produce trauma-like symptoms, at least in the short term.[29]

12. Evidence further indicates that juror distress is likely to be greater where jurors have prior trauma or pre-existing mental-health difficulties, or in cases involving distressing or graphic material.[30] Scottish research has also associated greater distress with longer trials and cases involving crimes against the person, particularly murder.[31]

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into-juror-support/> accessed 11 September 2026

[26] Brooks, M., Glynn, J., Fawcett, H., Barnes, A., Carew, R., Errickson, D., Lavnou, M., '' Trauma in the courtroom: The role of prior trauma exposure and mental health on stress and emotional responses in jurors' (2024) <https://bpspsychub.onlinelibrary.wiley.com/doi/pdf/10.1111/bjc.12522> accessed 11 September 2026

[27] Fawcett, H., Brooks, M., Curley, L., Portnoy, S., & Ahearne, J. (2026). Unmet Needs? Juror Perspectives on Support Following Jury Service in England and Wales. *Journal of Aggression, Maltreatment & Trauma*, 1–23. <https://doi.org/10.1080/10926771.2026.2673511> accessed 11 September 2026, citing Palmer, E. A. (2005). Variables influencing the vicarious trauma of jurors in criminal cases [Doctoral dissertation]. University of Northern Colorado]. ProQuest Dissertations (. Parliament, S. (2023, April 25).

[28] Brooks, M., Glynn, J., Fawcett, H., Barnes, A., Carew, R., Errickson, D., Lavnou, M., '' Trauma in the courtroom: The role of prior trauma exposure and mental health on stress and emotional responses in jurors' (2024) <https://bpspsychub.onlinelibrary.wiley.com/doi/pdf/10.1111/bjc.12522> accessed 11 September 2026

[29] ibid p.616 "Although the current study is advantageous in assessing symptoms post- trial to identify sustained psychological aftereffects, it is important to note that the seven- day follow-up period was short, and we cannot tell if the symptoms naturally subsided or persisted."

[30] Fawcett, H., Brooks, M., Curley, L., Portnoy, S., & Ahearne, J. (2026). Unmet Needs? Juror Perspectives on Support Following Jury Service in England and Wales. *Journal of Aggression, Maltreatment & Trauma*, 1–23. <https://doi.org/10.1080/10926771.2026.2673511> accessed 11 September 2026

[31] Welsh, E., Robertson, N., Ireland, L., & Davies, G. (2020). The impact of jury service on Scottish jurors' health and well-being. The Howard Journal of Crime and Justice, 59(1), <https://researchonline.gcu.ac.uk/files/33584003/L.Ireland_The_impact_of_jury_service_on_Scottish_juror_revision_September_2019.pdf> accessed 11 September 2026 p. 3–16

13. However, individuals with experience of trauma or mental ill-health should not be treated as unable to serve on a jury. This could undermine the diversity of juries and place an unfair burden on people to disclose sensitive personal information. Instead, all jurors should be appropriately prepared, provided with confidential routes to raise concerns and specialist support where necessary.

Support and preparation

Pre-trial

5. The Juries Act 1974 does not create a freestanding statutory entitlement to psychological support for jurors in England and Wales.[32] Support is primarily through information provided by HMCTS and GOV.UK guidance about the nature of jury service, distressing material, available adjustments and routes to support.[33] Reasonable adjustments can also be made for individuals who have a disability or physical or mental health condition.[34]

6. However, there is no national pre-service psychological screening or support programme identified within guidance for jurors in England and Wales. Mental health support often focuses on signposting to external resources such as to the GP, NHS 111, and Samaritans[35] and formal pre-trial psychological support or tailored therapeutic programmes for jurors do not currently exist as a standard routine.[36]

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[32] Juries Act 1974

[33] GOV UK, 'Jury service', <https://www.gov.uk/jury-service> accessed 11 September 2026; GOV UK, Inside HMCTS 'From Summons to Service: Your Complete Guide to Jury Duty' <https://insidehmcts.blog.gov.uk/2025/02/07/from-summons-to-service-your-complete-guide-to-jury-duty/> accessed 11 September 2026

[34] GOV UK, 'Jury service', <https://www.gov.uk/jury-service> accessed 11 September 2026

[35] E.g. GOV UK, 'Jury service', <https://www.gov.uk/jury-service> accessed 11 September 2026 "You may be upset by the trial and want to speak to someone privately. Speak to court staff - they'll give you advice. For emotional support speak to your GP to find out what support is available. You can also contact the Samaritans - although they cannot give advice."; See also: The British Psychological Society, 'BPS urges focus on juror mental health ahead of inaugural Jury Duty Appreciation Week' (May 2024) <https://www.bps.org.uk/news/bps-urges-focus-juror-mental-health-ahead-inaugural-jury-duty-appreciation-week> accessed 11 September 2026

[36] The British Psychological Society, 'BPS urges focus on juror mental health ahead of inaugural Jury Duty Appreciation Week' (May 2024) <https://www.bps.org.uk/news/bps-urges-focus-juror-mental-health-ahead-inaugural-jury-duty-appreciation-week> accessed 11 September 2026

13. Evidence suggests jurors in England and Wales may be insufficiently prepared for the emotional demands of jury service.[37] Particular concern is raised about jurors, including those who have experienced trauma themselves, not being "fully prepared for potential emotional distress that a trial may bring."[38] Jurors may benefit from strategies to build 'psychological preparedness', including "prior knowledge, training and readiness for trauma exposure".[39] This may help to buffer the effects of direct and indirect exposure to trauma and could include education about stress responses and ways to manage symptoms.

14. Further, research found that providing a short, plain-English written notice to jurors at the start of a trial increased jurors' understanding of their legal responsibilities.[40]

15. We, therefore, recommend providing a 'national juror-preparation package' covering psychological, legal and administrative information:

    - The role and importance of jury service
    - The possibility of distressing material and normal stress reactions
    - Confidential routes to raise concerns during service
    - What may be discussed after trial and how to access support
    - Court procedure, practical arrangements and financial support
    - Clear conduct, social-media and internet-research rules

16. Currently, in serious, lengthy, high-profile or particularly graphic cases, judges have discretion to warn jurors in advance about distressing material and ask whether jurors wish to be discharged.[41] Additionally, in

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[37] Fawcett, H., Brooks, M., Curley, L., Portnoy, S., & Ahearne, J. (2026). Unmet Needs? Juror Perspectives on Support Following Jury Service in England and Wales. *Journal of Aggression, Maltreatment & Trauma*, 1–23. <https://doi.org/10.1080/10926771.2026.2673511> accessed 11 September 2026

[38] Brooks, M., Glynn, J., Fawcett, H., Barnes, A., Carew, R., Errickson, D., Lavnou, M., '' Trauma in the courtroom: The role of prior trauma exposure and mental health on stress and emotional responses in jurors' (2024) <https://bpspsychub.onlinelibrary.wiley.com/doi/pdf/10.1111/bjc.12522> accessed 11 September 2026

[39] ibid

[40] Thomas, C; (2020) The 21st century jury: contempt, bias and the impact of jury service. Criminal Law Review (11) pp. 987-1011 <https://discovery.ucl.ac.uk/id/eprint/10115525/7/Thomas_21st%20century%20jury%20CLR%202020%20RPS.pdf> accessed 11 September 2026 p.11-13

[41] House of Lords, 'Jurors: Mental Health Impact' Volume 829: debated on Tuesday 28 March 2023 <https://hansard.parliament.uk/lords/2023-03-28/debates/CA03C6A9-4DD0-4D8A-8DAC-

serious sexual-offence, homicide or murder cases, judges may also invite jurors to raise relevant personal experience that would make sitting particularly difficult.[42]

17. We recommend consistency is applied across such serious cases. The prosecution should have a duty to identify and inform the court and the judge that a case may be very disturbing for jurors, so that relevant steps can be taken to mitigate harm.

Post-trial

Secrecy and deliberations

18. Section 20D of the Juries Act 1974 prohibits disclosure of statements made, opinions expressed, arguments advanced or votes cast during jury deliberations.[43] A person guilty of an offence under this section is liable on conviction on indictment, to imprisonment for a term not exceeding 2 years or a fine (or both).[44]

19. Yet, before the introduction of a written juror notice,[45] only 53% of surveyed jurors correctly identified the scope of restrictions on post-trial

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B22BF680EA83/JurorsMentalHealthImpact> accessed 11 September 2026, Lord Bellamy: "My Lords, as I say, the Government are exploring options. Sometimes a judge will warn jurors in advance that it is distressing and ask whether any of them wish to be discharged. There is a post-trial leaflet and an interesting video, which I watched yesterday, for jurors after the trial, which suggests what they should do if they feel stressed. Some courts of their own volition make references to local charities, and we are providing further guidance to courts on what to do in those circumstances."

[42] House of Lords, 'Jurors: Mental Health Impact' Volume 829: debated on Tuesday 28 March 2023 <https://hansard.parliament.uk/lords/2023-03-28/debates/CA03C6A9-4DD0-4D8A-8DAC-B22BF680EA83/JurorsMentalHealthImpact> accessed 11 September 2026, Baroness Kennedy: "It is commonplace now for judges to say to a jury that a case is of a sexual nature or involves homicide or murder where the facts are particularly troubling and gruesome, and to ask: "If any of you have any reason why you feel could not sit on such a case, then please come forward and tell me". You can have a juror say, "I have had an experience in my past which will make this particularly difficult". Judges will take the opportunity to say that the juror does not have to sit. That is commonplace in serious cases now."

[43] Juries Act 1974, s20D it is also an offence to solicit or obtain such information.

[44] ibid

[45] Thomas, C; (2020) The 21st century jury: contempt, bias and the impact of jury service. Criminal Law Review (11) pp. 987-1011 <https://discovery.ucl.ac.uk/id/eprint/10115525/7/Thomas_21st%20century%20jury%20CLR%202020%20RPS.pdf> accessed 11 September 2026 "Your *Legal Responsibilities as a Juror* notice, only 53% of surveyed jurors correctly identified the post-trial disclosure rule. This rose to 73% following its introduction. The correct rule is that jurors may discuss the case after trial, except for matters occurring in deliberations. Almost all jurors who answered incorrectly adopted an overly restrictive view that they could not discuss the case with anyone other than fellow juror."

discussion. This rose to 73% after the notice was introduced.[46] Almost all of those who answered incorrectly adopted an overly restrictive view that they could not discuss the case with anyone other than a fellow juror.[47]

20. Misunderstanding may undermine jurors' wellbeing, as they may feel isolated and uncertain about whether they can seek help from family, friends, a GP or a mental-health professional.[48] Former jurors expressed strong support for greater clarity for healthcare professionals on what can and cannot be discussed under jury-secrecy rules.[49]

21. Therefore, we recommend clear, nationally consistent guidance for jurors and healthcare professionals, developed with former jurors, HMCTS, relevant professional bodies and mental-health specialists.

Therapeutic Support

29. A survey of former jurors on various potential jury reforms found the strongest support for a counsellor or therapist available after trial, a general post-court debrief, and greater clarity for mental-health professionals on disclosure rules. [50]

30. Currently, post-trial support mainly consists of an HMCTS pamphlet 'After jury service: practical advice for jurors who have completed jury service' which is not publicly available but reportedly advises jurors of potential impacts on their wellbeing and directs them to their healthcare provider for support.[51]

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[46] ibid

[47] ibid p.13: "Again, almost all jurors who selected an incorrect answer about post-trial disclosure selected the answer that would not result in their committing contempt (i.e. "I cannot discuss the case with anyone except my jury"), although it is not helpful for juror wellbeing if some jurors do not realise that they can discuss some aspects of the case after the trial is over."

[48] ibid; Fawcett, H., Brooks, M., Curley, L., Portnoy, S., & Ahearne, J. (2026). Unmet Needs? Juror Perspectives on Support Following Jury Service in England and Wales. *Journal of Aggression, Maltreatment & Trauma*, 1–23. <https://doi.org/10.1080/10926771.2026.2673511> accessed 11 September 2026

[49] Fawcett, H., Brooks, M., Curley, L., Portnoy, S., & Ahearne, J. (2026). Unmet Needs? Juror Perspectives on Support Following Jury Service in England and Wales. *Journal of Aggression, Maltreatment & Trauma*, 1–23. <https://doi.org/10.1080/10926771.2026.2673511> accessed 11 September 2026

[50] Fawcett et al https://www.tandfonline.com/doi/full/10.1080/10926771.2026.2673511: "Jurors indicated their perceptions regarding potential jury reforms (see Table 2). The most popular choices (through ranking specific options) were: 1) In-court Counsellor/therapist providing support post-trial; 2) Post-court debrief from counsellor/therapist; 3) More clarity for mental health professionals regarding contempt of court."

[51] ibid p. 4

31. The Ministry of Justice launched an 'Enhanced Support for Jurors' pilot in 15 Crown Courts between October 2024 and March 2025. This combined a 24/7 Juror Assistance Programme (JAP) counselling helpline with an 'End of Trial Intervention' (ETI) debrief delivered by court staff.[52] Despite low uptake of the helpline,[53] those who accessed counselling showed measurable improvements in mental-health outcomes. [54]

32. JUSTICE recommends England and Wales roll out the MoJ pilot nationally, subject to the recommendations for improvement set out in the HMCTS evaluation of the pilot.[55]

Comparative examples

Scotland

29. The criminal jury service in Scotland is governed by the Criminal Procedure (Scotland) Act 1995 and the Scottish Courts and Tribunals Service ("SCTS"), which is responsible for the operational administration of jury service.[56]

30. The Criminal Procedure (Scotland) Act 1995 in Scotland provides measures such as safeguards for excusal, discharge, accommodation, meals and medical services and enables judges to respond to individual difficulties during a trial.[57] However, similarly to in England and Wales, the

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[52] Gov UK, 'Extra support for jurors thanks to launch of pionerring scheme' <https://www.gov.uk/government/news/extra-support-for-jurors-thanks-to-launch-of-pioneering-scheme> accessed 11 September 2026; Gov UK, 'Evaluation of the Enhanced Support for Jurors Pilot' <https://www.gov.uk/government/publications/evaluation-of-the-enhanced-support-for-jurors-pilot> accessed 11 September 2026

[53] HM Courts & Tribunals Services 'Evaluation of the Enhanced Support for Jurors pilot' **<**https://assets.publishing.service.gov.uk/media/69fc505181a251700a20b1f5/Enhanced-juror-support-pilot-evaluation-report-embargoed-v01-final.pdf> accessed 11 September 2026 "Of 17,811 jurors, only 24 (0.13%) accessed the JAP, 13 (0.07%) were referred to counselling, and 10 (0.06%) attended at least one counselling session. However, those who did attend counselling sessions reported measurable improvements in mental health." "Barriers to engagement: Stigma, timing, group dynamics, and the self-referral model limited uptake, particularly among male jurors. Additionally, variability in the dissemination of the JAP sign-posting materials may have further impacted take up."

[54] ibid p.15 "GAD-7 scores dropped from 9.7 (mild anxiety) to 4.1 (minimal anxiety)." "PHQ-9 scores dropped from 10.9 (moderate depression) to 4.2 (mild depression)."

[55] ibid p.4-5 and p.18-19

[56] Scottish Courts and Tribunals 'The High Court of Justiciary' <https://www.scotcourts.gov.uk/courts-and-tribunals/the-supreme-courts/the-high-court-of-justiciary/> accessed 11 September 2026

[57] Criminal Procedure (Scotland) Act 1995, Part VII.

statutory framework does not establish a support framework for jurors before, during and after a trial.[58]

31. Before trial, jurors mostly receive support through information material provided by the SCTS.[59] During the pre-trial stage jurors may seek to be excused, the court can consider any personal circumstances before the jury is sworn in.[60]

32. Once the trial has begun, section 88(7) of the Criminal Procedure (Scotland) Act 1995 provides that a juror can be excused where the juror has stated the grounds for being excused in open court. The decision is determined on a case-by-case basis by the judge.[61] It is recognised that care must be taken by both prosecution and defence when deciding whether it is necessary to show footage or images to the jury that have the potential to be distressing or disturbing.[62]

33. Further, in Scotland, juries are not generally sequestered during trial adjournments unless the court so orders,[63] which provides a form of support during the trial. For instance, jurors are able to retain ordinary contact with their life at home during adjournments.

34. After trial, jurors can receive psychological support if they have experienced distress through SCTS via a referral.[64] In cases involving

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[58] ibid

[59] Scottish Courts and Tribunals Service 'Jurors' <https://www.scotcourts.gov.uk/coming-to-court/jurors/> accessed 11 September 2026

[60] Criminal Procedure (Scotland) Act 1995, Part VII.

[61] Judicial Institute for Scotland, 'e-Jury Manual' <https://www.judiciary.scot/docs/librariesprovider3/judiciarydocuments/judicial-institute-publications/export_e-jury_manual_2022-01-14_1634.pdf> accessed 11 September 2026 p.4.13 "Section 88(7) of the 1995 Act gives the court power to excuse a juror from serving in a trial where the juror has stated the ground for being excused in open court. …But it is still the function of the judge to decide whether or not a particular circumstance is a sufficient ground for excusing the juror."

[62] Judicial Institute for Scotland, 'Judicial management of jury trials - stages of the trial process' <https://judiciary.scot/docs/librariesprovider3/judiciarydocuments/jury-manual/judicial-management-of-jury-trials.pdf> accessed 11 September 2026 p.3

[63] Criminal Procedure (Scotland) Act 1995), section 88 (8) "Where a trial which is proceeding is adjourned from one day to another, the jury shall not be secluded during the adjournment, unless, on the motion of the prosecutor or the accused or *ex proprio motu* the court sees fit to order that the jury be kept secluded."

[64] NHS Lothian, 'Support for Jurors' <https://services.nhslothian.scot/riverscentre/support-for-jurors/> accessed 11 September 2026

traumatic material which may affect jurors, the judge or sheriff may recommend that all jurors are offered access to post-trial support.[65] If the judge or sheriff does not recommend access to support, jurors can request a referral. The Judicial Institute of Scotland highlights in some trials it may be appropriate to refer jurors to the availability of post-trial support.[66] In cases where the trial is exceptionally long or stressful, judges have discharged jurors from further jury service for a specified period.[67]

35. The Victims, Witnesses, and Justice Reform (Scotland) Act 2025 introduces two important developments. It allows the court to appoint a communication supporter for jurors with disabilities,[68] including during deliberations[69] and it creates a route for research into jury deliberations.[70] Similar support could be explored for jurors in England and Wales.

Northern Ireland

36. The Juries (Northern Ireland) Order 1996 governs jury service in Northern Ireland. Section 12 provides that jurors in Northern Ireland are selected by way of a ballot in open court.[71]

37. The Northern Ireland Courts and Tribunals Service (NICTS) provides a series of information videos for jurors.[72] The videos cover the roles and

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[65] ibid

[66] Judicial Institute for Scotland, 'e-Jury Manual' <https://www.judiciary.scot/docs/librariesprovider3/judiciarydocuments/judicial-institute-publications/export_e-jury_manual_2022-01-14_1634.pdf> accessed 11 September 2026

[67] ibid

[68] Victims, Witnesses, and Justice Reform (Scotland) Act 2025, s.64; Scottish Government, 'Enabling jurors: business regulatory impact assessment', <https://www.gov.scot/publications/enabling-jurors-business-regulatory-impact assessment/pages/2/> accessed 11 September 2026

[69] Scottish Government, 'Enabling jurors: business regulatory impact assessment', <https://www.gov.scot/publications/enabling-jurors-business-regulatory-impact assessment/pages/2/> accessed 11 September 2026 amendments to section 99 of the Criminal Procedure (Scotland) 1995 Act allow a juror's communication supporter to be present while the jury is enclosed, to communicate or visit the juror, and to accompany the juror when seeking instruction from the court.

[70] Victims, Witnesses, and Justice Reform (Scotland) Act 2025, sections 67 and 68

[71] Juries (Northern Ireland) Order 1996, s.12

[72] Department of Justice, 'NICTS jury information videos' <https://www.justice-ni.gov.uk/articles/nicts-jury-information-videos> accessed 11 September 2026

responsibilities of jurors, what to expect during the process and what support is available.

38. The support available includes:
    a. A jury keeper responsible for ensuring that nobody contacts the jurors during the trial and for providing a way for jurors to communicate with the judge.[73]
    b. Similarly to in Scotland, if it has been a long or difficult trial, at the end the judge may excuse jurors from future jury service for a certain period.[74]
    c. At the end of a trial, the trial judge may advise sworn jurors of the availability of counselling services. The service is free and can be delivered in person or remotely and is confidential. [75] However, uptake of this is low. Since January 2024, only 14 people have used the counselling service.[76]

39. There has been recent criticism of the support available to jurors in Northern Ireland. For instance, in 2025, a juror, Lee Thompson was diagnosed with PTSD after completing jury service on a high-profile murder trial.[77] Dr Michael Duffy, a cognitive psychotherapist and expert in PTSD from Queen's University Belfast, highlighted that Thompson's experience is not uncommon and has suggested that more needs to be done to "assist [jurors] to cope with what they're being exposed to".[78]

40. Both the pilot in England and Wales and counselling services in Northern Ireland reflect that support does not guarantee uptake. Any national programme therefore must address barriers to accessing support, ensure promotion of available support and destigmatise seeking help.[79]

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[73] Indirect government services, 'What happens at a jury trial' <https://www.nidirect.gov.uk/articles/what-happens-jury-trial> accessed 11 September 2026

[74] The Juries (Northern Ireland) Order 1996

[75] Department of Justice, 'Jury Frequently Asked Questions' <https://www.justice-ni.gov.uk/articles/jury-frequently-asked-questions> accessed 11 September 2026

[76] BBC News 'More support needed for jurors after 'traumatising' trials' <https://www.bbc.co.uk/news/articles/cyvqn3mlvmyo> accessed 11 September 2026

[77] ibid

[78] ibid

[79] For instance, the Enhanced Support for Jurors evaluation found that only 0.13% of jurors accessed the Juror Assistance Programme, identifying potential stigma, timing of support, group dynamics, and limited awareness as key barriers.

Canada

29. Historically, section 649 of the Criminal Code, made it a criminal offence for a juror to discuss deliberations with anyone for life, which prevented many health professionals from offering therapy out of fear of prosecution. This received criticism for preventing former jurors to get the support necessary.[80] In October 2022, Bill S-206[81] amended section 649 to allow former jurors to seek medical or psychiatric treatment, therapy, or counselling from a licensed healthcare professional at the end of a trial for issues related to their jury service, without violating jury secrecy.[82]

30. However, support services are managed at a provincial level and significantly vary across Canada. Some provinces offer no support at all.[83] An example of good practice can be seen in Ontario. In 2017, in recognition of jury service being an important civic responsibility that could be difficult for jurors,[84] they launched a free 24/7 counselling service for jurors upon completion of their service.[85] Jurors can also access four 1-hour sessions in English or French by phone, in person, email or videoconference. Those who feel that they may require additional counselling may be provided with up to four more sessions free of charge.

31. In 2025, the Northwest Territories Justice Department announced that it was looking to introduce a support programme for jurors while serving, given the high degree of stress and anxiety jurors experience during deliberations.[86]

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[80] Law Now 'Canadian Jurors Need Mental Health Support' (2019) <https://www.lawnow.org/canadian-jurors-need-mental-health-support/> accessed 11 September 2026

[81] Parliament of Canada, S-206,44th Parliament, 1st session <https://www.parl.ca/LegisInfo/en/bill/44-1/s-206?view=progress> accessed 11 September 2026

[82] Parliament of Canada, 44th Parliament, 1st Session 'Legislative Summary of Bill S-206: An Act to amend the Criminal Code (disclosure of information by jurors)' <https://lop.parl.ca/sites/PublicWebsite/default/en_CA/ResearchPublications/LegislativeSummaries/441S206E> accessed 11 September 2026

[83] Law Now 'Canadian Jurors Need Mental Health Support' (2019) <https://www.lawnow.org/canadian-jurors-need-mental-health-support/> accessed 11 September 2026

[84] Ontario, Newsroom, 'Ontario Launches Free Counselling Program for Jurors' (31 January 2017) <https://news.ontario.ca/en/release/43553/ontario-launches-free-counselling-program-for-jurors> accessed 11 September 2026

[85] Ontario, 'Jury summons' <https://www.ontario.ca/page/jury-summons> accessed 11 September 2026

[86] CBC, 'N.W.T justice department to introduce new supports for jurors' (2025)

32. Given the misconceptions raised earlier in this submission about juror secrecy rules, England and Wales should consider whether legal constraints impede jurors from accessing appropriate support. Additionally, England and Wales could explore the value of establishing dedicated 24/7 juror support services.

<https://www.cbc.ca/news/canada/north/jury-support-9.6955911> accessed 11 September 2026

[87] R. Martin, 'Convicting Peaceful Protesters: Proportionality's Proper place at Criminal Trial' (Oxford University Press 2024) <https://academic.oup.com/ojls/article/44/2/342/7639848> accessed 11 September 2026; See Singh LJ in *DPP v Ziegler and others* [2019] EWHC 71 [84]–[86]; See: JUSTICE, Written evidence - SSP0049 para 104;

[88] Director of Public Prosecutions v Ziegler and others [2021) UKSC 23; See: JUSTICE, Written evidence - SSP0049 para 104

[89] See: JUSTICE, Written evidence - SSP0049 para 105-107

[90] See: JUSTICE, Written evidence - SSP0049 para 106: "In Attorney General's Reference No.1 of 2023 [2024] EWCA Crim 243 the Court of Appeal considered whether matters relating to the motivation behind the act of protest, for example, merits, the protest cause or urgency, could form part of the 'circumstances' of the destruction or damage under section 5(2)(a) of the Criminal Damage Act 1971. The court held that "explanation of C's views on climate change… lacked the necessary proximity to the damage.""

[91] Cuadrilla Bowland Ltd and others v Persons Unknown [2020] EWCA Civ 9, [97].

[92] See: JUSTICE, Written evidence - SSP0049 footnote 193: Violence in this context refers to force against persons, whereas property damage - especially when symbolic and carried out as part of protected political speech- is a form of non-violent civil disobedience. Yet domestic courts increasingly treat property damage as if it were equivalent to violence by holding that significant damage removes protest from the protection of Articles 10 and 11 altogether

[93] LIBERTY, 'Liberty Warns Protest Freedoms at Risk under Attorney General's proposals' (2022) <https://www.libertyhumanrights.org.uk/issue/liberty-warns-protest-freedoms-at-risk-under-attorney-generals-proposals/> accessed 11 September 2026

[94] Michel Forst, UN Special Rapporteur on environmental defenders under the Aarhus Convention, 'Statement regarding the four-year prison sentence imposed on Mr. Daniel Shaw for his involvement in peaceful environmental protest in the United Kingdom' (July 2024)<https://unece.org/sites/default/files/2024-01/Aarhus_SR_Env_Defenders_statement_following_visit_to_UK_10-12_Jan_2024.pdf> accessed 11 September 2026

[95] See Fn 26; Farrington, D and Kapardis, A,'The Psychology of Crime, Policing and the Courts' (Taylor and Francis, December 2016), Book chapter: Padfield, N., The English jury, Issues, concerns and future decisions "Others are deeply traumatised by the sorts of decisions they are forced to make, in the company of 11 strangers."

Juries in protest cases

23. Concerns regarding what evidence is available to juries during trial has recently arisen in protest-related prosecutions.

24. "Reasonable excuse" and "lawful excuse" defences have been key provisions through which Article 10 and 11 ECHR proportionality has been incorporated into protest offences at trial.[87] Where engaged, the court is required to consider whether conviction would be proportionate on the facts of the case.[88] In recent years, domestic appellate courts have progressively narrowed the scope of defences in protest cases of criminal damage,[89] increasingly withdrawing them from jury consideration and restricting the circumstances in which defendants may explain their political, ethical or scientific motivations.[90] The effect is that juries are often prevented from hearing the motivation behind protestors' actions.

26. Yet, the Court of Appeal has also recognised a distinction in respect of civil disobedience, where "the protestor is engaged in a form of political action undertaken on moral grounds rather than in mere criminality."[91] This distinction is critical. Without it, the risk is that the law treats violent[92] and non-violent protest identically.

27. As highlighted by Liberty "the constitutional importance of a jury finding facts in a trial cannot be understated."[93] Similarly, the United Nations Special Rapporteur on Environmental Defenders' report states that "it is very difficult to understand what could justify denying the jury the opportunity to hear the reason for the defendant's action, and how a jury could reach a properly informed decision without hearing it".[94]

28. Given that evidence broadly shows that jurors take the responsibility for verdicts seriously, particularly where consequences for defendants, complainants and communities are grave,[95] this may be compounded where jurors are left with a sense that they were not given the full picture behind a defendant's actions or the offences on which they are delivering a verdict. It is, therefore, vital that jurors receive relevant information to understand the decision they are being asked to make.

September 2026