

## Chapter 1: The legal system in England and Wales

### The legal system

If you would like to read more about the English and Welsh legal system there is any number of books available. Martin Partington's *Introduction to the English Legal System* (Oxford University Press) is concise, updated annually, and takes a critical as well as a descriptive approach.

Websites of (some of) the bodies mentioned in this chapter are:

[www.parliament.uk](http://www.parliament.uk)

<https://senedd.wales/en/Pages/Home.aspx>

[www.justice.gov.uk](http://www.justice.gov.uk)

[www.ombudsman.org.uk](http://www.ombudsman.org.uk) (covers Parliament and the NHS)

[www.lgo.org.uk](http://www.lgo.org.uk) (Local Government Ombudsman)

[www.childrenscommissioner.gov.uk](http://www.childrenscommissioner.gov.uk) (Children's Commissioner for England)

[www.cqc.org.uk](http://www.cqc.org.uk) (Care Quality Commission)

For critical thinking on the court system you might like to consider the work of Justice. Justice is an all-party law reform and human rights organisation working to strengthen the justice system – administrative, civil and criminal – in the United Kingdom. It produces reports on best practice in civil and criminal justice drawing on comparative work and the expertise of legal practitioners. There are useful resources on its website <https://justice.org.uk/>

### Lawyering and judging

There are a number of books which you may find interesting on the practice of law. Here are two you might enjoy.

*The Secret Barrister—Stories of Law and How It is Broken* (Macmillan 2018) is an anonymous, unrestrained, and damning critique of the legal system in England and Wales. Everyone who works in the courts should read it. You can also read the secret barrister's blog—<https://thesecretbarrister.com>.

Quite different, but equally revealing is Sir Mark Hedley's *Modern Judge: Power, Responsibility and Society's Expectations* published by Family Law in 2016. The publisher's description says:

As society becomes more complex, so does the law. However, law cannot provide for every circumstance and so its application often involves the exercise of discretion. Criminal sentencing, child welfare, the protection of those who lack mental capacity and disputes about medical treatment are obvious examples. How do judges go about that? How far are judges influenced or affected by their backgrounds, beliefs and own life experiences? And, if consistency is an aspect of public justice, can that be achieved? And what about the conflict between public justice and personal privacy? Many see these as pressing questions in a society where judges have perhaps greater effective power than ever before.

The BBC Radio 4 programme *Law in Action* covers current legal debates some of which are very relevant to your work. The episodes are listed here [www.bbc.co.uk/programmes/b006tgy1/episodes/guide](http://www.bbc.co.uk/programmes/b006tgy1/episodes/guide).

### **Covid-19 and the legal system in England and Wales**

Julie Doughty (2020) 'Remote justice – family court hearings during the pandemic', *Journal of Social Welfare and Family Law* This case note looks at initial judicial reflections on access to justice in the context of remote and partially remote hearings in family law cases.

G McKeever, 'Remote Justice? Litigants in Person and Participation in Court Processes during COVID-19' [2020] MLRForum 005 (available from: <http://www.modernlawreview.co.uk/mckeever-remote-justice>), In this article Professor McKeever raises important concerns about effective participation in remote hearings, particularly for litigants in person.

For Lady Hale's thoughts on the potential for change in the court system following the pandemic listen to her brief talk on how we might rethink the courts after the pandemic. Lady Hale was the first woman to become a supreme court judge and its first woman president.

<https://www.bbc.co.uk/sounds/play/p08hg5q1> <https://www.bbc.co.uk/sounds/play/p08hg5q1>