

Expert blog: How earlier legal support for sub-postmasters could have made a significant difference in averting miscarriages of justice

Associate Professor Liz Curran, Nottingham Law School, explains why the Post Office scandal is a symptom of a much wider access to justice issue in the UK.

By Helen Breese | Published on 23 January 2024

Categories: [Press office](#); [Research](#); [Nottingham Law School](#);



Associate Professor Liz Curran says the Post Office scandal is just the 'tip of the iceberg' when it comes to issues caused by lack of access to legal support

Like many others in this country, I am appalled by the sub-postmasters experience of injustice and I see it as an abject failure in providing a proper legal advice sector.

The Post Office miscarriage of justice is a case study for many other travesties people are experiencing across the UK, day-in and day-out because of a broken system for legal support, advice and representation.

The problem is that people are isolated, marginalised and disadvantaged. Research has shown that they do not know their problems are often legal in nature and that they have rights. Even if they are aware of this - and many are not - they think they cannot afford a lawyer and do not proceed any further.

I am not talking about private lawyers who take matters to court and initiate proceedings, but community based trusted legal support, for example law centres and Law for Life UK that, despite austerity and problematic funding regimes, are still here to help people hold authority to account.

Access to these services can stop unlawful activity early on, if only people knew they could get help.

A decent, navigable, adequately funded legal advice and support service could have challenged and questioned the evidence-base and arguments by the Post Office and questioned the underlining lack of proof of their claim. Examination of documents could have identified that their contracts were problematic and probably unenforceable.

Associate Professor Liz Curran talks about the importance of effective justice interventions

Sub-postmasters could have received support with documentation and correspondence at all stages, on their employment and their wrongful dismissal, as well as guidance on how to negotiate better outcomes addressing the power imbalances and refusing the Post Office's deliberate policies to bully and isolate. Such early legal support would have addressed the individual sub-postmaster, identifying the trend so they knew they were not alone.

Earlier legal support could have averted 20 years of unnecessary harm, hurt, anxiety, stress, breakdown, suicide, family estrangement, imposts upon children and partners. This includes poor mental health and life outcomes which have also had flow on effects for the NHS, education, life opportunities and the public purse in having to provide a range of additional support services.

This list is by no means exhaustive. Evidence from my research over decades shows earlier legal support not only provides access to justice for the community but also offers benefits to the taxpayer through cost savings. These include preventing the waste of court and judicial time through individual prosecutions and collective court actions being initiated that were unfounded, and averting miscarriages of justice that lead to further appeals and flow on costs to the state in health, social support and in this case costly imprisonment, Parliamentary Inquiries and future redress claims in compensation.

The Post Office scandal is the tip of the iceberg. My [evidence-based research](#) with people at the front line, namely, the struggling charity sector and community members, show they feel powerless and overwhelmed by actions of well-resourced authorities. There is a need for legal literacy about how the law is there to protect people and to ensure adherence to those laws. There is also a need for people to have greater capability, confidence, and trust in the lawyers and for availability of publicly funded lawyers (not just the private lawyers whose services often come at a cost many cannot afford).

A properly funded legal assistance sector offering holistic support is critical to avert further harm for members of the community. They do not have the resources to combat well-resourced, powerful, often belligerent, righteous entities that act against the citizenry.

Without a proper legal advice sector such entities act unlawfully and are rarely held to account. This makes equality before the law, the underpinning of democracy a myth.

This is in the gift of the Government to fix using the countless independent research studies based on lived experience. They write the laws and Parliament passes the laws – it is critical people are equipped with what they need to understand these laws for the common good.

[Dr Liz Curran](#), Associate Professor of Clinical Legal Education, Nottingham Law School

<https://www.ntu.ac.uk/about-us/news/news-articles/2024/01/early-legal-support-could-have-prevented-post-office-scandal>