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The United Kingdom's criminal justice system is a complex network of institutions that includes the police, the Crown Prosecution Service, the courts, prisons and the probation service. (Ryan,2022). The main aim is to uphold the rule of law, protect the public and ensure fair and effective justice (Crown Prosecution Service, 2017). In recent years, the CJS has struggled to deliver these goals due to increased pressure, which has affected both structural and operational problems. With the constant underfunding and rising caseload, this has created a strain across all parts of the system (Parliamentlive,2023). This has raised questions about whether the UK justice system is still fair, accessible, and trusted by the public.

Financial constraints, policy instability, and systemic inequalities create structural challenges. (Loader and Sparks, 2011). Whilst the operational challenges are referred to as day-to-day pressures, these can include court delays, prison overcrowding, staff shortages and outdated technology. These problems are reinforcing one another and undermining the access to justice, rehabilitation outcomes and public confidence in the legal institutions. (HM Inspectorate of Prisons, 2025) The interaction between these structural and operational weaknesses has created a self-perpetuating cycle where limited resources and poor coordination hinder reform allowing inequalities to deepen and further eroding trust in the fairness and efficiency of the justice system

This essay will critically evaluate these structural and operational barriers, examining their impact on fairness, rehabilitation and public trust. As a result, this will be accomplished by looking into government reports and academic literature. Therefore, it will help argue that meaningful reform requires addressing both the system's underlying structure and its operations, rather than focusing only on a short-term fix.

The current challenges facing the United Kingdom's criminal justice system are rooted in the way it is organised, funded, and governed. The challenges are not due to policy failures but are caused by long-term institutional and political choices that have shaped how the justice system is delivered. The Ministry of Justice (2025) notes that multiple independent agencies, including the police force, the Crown Prosecution Service, the courts, the prison and probation services, control the CJS. They have different priorities and accountability structures. Due to the work being carried out separately and not linked, this has created duplication of effort and weak coordination across the system (Newburn, 2017). The result of this has caused issues with the

strategy and is now struggling to respond effectively to changing social demands, resource pressure and the political expectation

The significant problem within the structure that has been affected the most will be the funding constraints. Data show that since the early 2010s, public expenditure reduction has been directly impacted in all stages of the justice system (HM Treasury, 2013).

The Institute for Government (2025) identifies significant structural damage within the prison system of England and Wales, including the impact of long-term staffing cuts and deteriorating infrastructure. Since 2013/14, the number of officers has gone down by 26% from 2009/10. This sustained financial pressure has not only reduced staffing levels but also weakened rehabilitation programmes maintenance standards, and prisoners welfare, creating a cycle where under-investments lead to declining performance, further overcrowding and increasing cost over time

Also highlights that many prison buildings are unfit for human habitation. This shows that the level of overcrowding and the lower levels of purposeful activity demonstrate that the structural issue of overcrowding undermines the operational function. The overcrowding and the insufficient staffing have far-reaching implications for both access to justice and the effectiveness of rehabilitation. The reduction in prison staff has not only affected safety and order but also limited prisoners' access to education, work programmes, and rehabilitative support. It not only affects the prison, but the court system is causing issues which are impacting the ability to deliver justice and public trust.

Another challenge that the prison system is impacted by is drug-related death within England and Wales prisons. During the 2015-2020 period, the prison system was under considerable stress, which created a dangerous environment for drug-related death (Duke et al., 2023). With the prison crisis and increase in prison population, which is causing overcrowding, leading to detentions in prisons and cuts in rehabilitation programmes (Duke et al., 2023). The combination of overcrowding, reduced supervision, and limited access to rehabilitation has fostered a culture of dependency and violence within prisons, further undermining safety, rehabilitation outcomes and public confidence in the system's ability to protect and reform offenders.

When examining the legislative complexity over time, the criminal law in England and Wales has become highly fragmented due to legislation and ongoing policy reform. The government has caused issues when introducing overlapping or inconsistent laws. The Law Commission (2018) has repeatedly warned that UK criminal law is 'dispersed across numerous acts', which undermines the clarity and accessibility for practitioners and the public. For example, the sentencing law historically spread across more than 1,000 provisions before the Sentencing Act

2020 attempted to simplify it. However, even after the consolidation, the commission notes that frequent amendments and new legislation will continue, which will cause greater confusion and error in sentencing. The impact of this effect across the justice system, due to the law becoming difficult to navigate, is affecting public confidence. This has also led to mistakes in court and delays in proceedings due to the complexity of the statute book.

We can see the impact of this on public confidence, as a recent poll conducted in October 2024 found that 68% of the public disapproved of the labour early releases and believed that alternative sentences frequently receive critical feedback in the media (Rowland, 2025).

Another structural challenge the law faces is access to justice and legal aid. The legal aid framework works as part of the law governing who has access to funded representation. Since the Legal Aid, Sentencing and Punishment of Offenders Act (2012), there has been a significant reduction in funding, which has made it harder for defendants and victims to have representation (Ministry of Justice, 2023). This can catch many defence and victim vulnerabilities and unrepressed, which leads to longer trials and miscarriages of justice.

Examining the court's structure reveals that many issues exist within the magistrates' courts. There have been challenges with the magistrates' court in England and Wales' closure. According to the National Audit Office (2019), over half of the courts within England and Wales have closed since 2020 due to the Ministry of Justice's cost reduction. The impact of this has resulted in defendants, witnesses, and victims having to travel long distances to court, with some travelling over 50 miles to attend. This has led to inequality in access to justice, particularly for individuals in rural or disadvantaged areas where public transportation links are limited. This undermines the principle of local justice that the magistrates' courts were designed to uphold.

Politicisation represents one of the most structural challenges within the criminal justice system of England and Wales. As Newburn (2017) explains, the criminal justice policy is deeply embedded within the political pressure, where you will see the government frequently respond to media pressures and public anxiety about crime rather than to the evidence or the long-term strategy. The government will introduce new laws or policies to help appear "tough on crime" (Newburn, 2017). Due to these changes, the system has experienced shifts in laws and priorities, which are making it unstable and challenging to coordinate effectively. An example of this is that new sentencing rules or prison reform are often introduced quickly without enough resources or consultation. This led to much confusion, inconsistency, and reduced confidence within the system.

The structure's emphasis on punishment is reinforced by political and social pressure that equate being "tough on crime" with maintaining safety, even though research consistently

shows that rehabilitative and restorative approaches are more effective in reducing reoffending. (Ward & Maruna, 2007) For example, in the United States and the United Kingdom, non-violent offenders frequently receive lengthy prison sentences with access to counselling, education or job training. The system's emphasis on punishment is reinforced by political and social pressure that equate being "tough on crime" with maintaining safety, even though research consistently shows that rehabilitative and restorative approaches are more effective. Overall, the structural issue is that it is built into how the system operates and is governed, which has caused the justice system to focus more on punishment and control rather than rehabilitation and long-term effectiveness.

The COVID-19 pandemic has exposed numerous operational weaknesses within the criminal justice system of England and Wales. According to Kay and Case (2023), the crisis has created significant disruptions across policing, courts, prisons, and probation services, underscoring the fragility of these operations. One of the most serious challenges that was pointed out was the backlog of court cases that built up when hearing was delayed or suspended. According to the government report, these delays continue to pose a significant risk to the system's performance, compromising both access to justice and public confidence. (HMCPSP, 2022).

The shift to remote hearings also created operational difficulties. While technology allowed courts to continue to run, many defendants and victims do not have access to the technology or face barriers in understanding the proceedings, raising concerns regarding fairness. (Brader, 2022). Looking into prison and probation, strict lockdowns interrupted daily routines such as education, rehabilitation and family visits. Kay and Case (2023) argue that these restrictions not only worsen the prisoners' well-being but also undermine the system's rehabilitative aims. Assessing the government report, we can see that operational recovery has been slowed down, and the service still has a long way to go before it improves. (Crown Prosecution Service, 2022). Overall, COVID-19 has had a significant impact on operations and coordination across the criminal justice system. This has left it vulnerable to crisis and unable to meet its goals within a timely and fair justice system.

Another major operational challenge within the criminal justice system of England and Wales is the ongoing shortage of skilled staff across prisons, probation, and courts. The government reports show that the number of experienced prison officers fell sharply after years of budget cuts, leaving many establishments struggling to maintain safe and consistent operation. (Ministry of Justice, 2013) Fewer officers mean less supervision. This has reduced access to education or work programmes and also increased the risk of violence and self-harm. The Institute for Government (2025) also highlights that many prisons are operating with outdated buildings and insufficient staff, which limits their ability to deliver rehabilitation.

These problems can be observed after custody, as Kay and Case (2023) argue, due to the pandemic, which has caused staffing pressures due to sickness, and also the halt in recruitment during this time, resulting in significant differences in caseloads within probation and the youth justice system. Staff are being overworked, and many are inexperienced due to a lack of training during this time, which has led to a decrease in rehabilitation and crisis management. As a result, the fairness and effectiveness of the system were significantly impacted, as rehabilitation outcomes worsened and public confidence declined.

Overcrowding in prisons across England and Wales has become a serious operational challenge to provide decent living conditions and effective rehabilitation. According to the HM Prison and Probation Service (2025), as shown in this report, there were 20,470 prisoners, equivalent to a rate of 23.6% overcrowding. This report shows that prisons were held in accommodation that was overoccupied and exceeded the certified normal capacity. Looking at another report from the Institute for Government, this report shows that overcrowding affects poor prison performance, which is highlighted by the highest levels of overcrowding and the lowest levels of activity being "over-represented among the worst performers" (Rowland, 2025).

This operational pressure has restricted access to education work and therapeutic programs because space and staff time have been reduced. This is due to having to divert their time to safety and containment rather than rehabilitation. Overcrowded accommodation undermines the living standards, which increases tensions and violence within the prison. As a result, this rehabilitation has weakened with fewer prisoners engaging in opportunities to change their behaviour, which increases the risk of reoffending. This placed a greater strain on the probation services and eroded public confidence.

Probation in England and Wales has also faced a long-term operational challenge linked to staff shortages and an increase in workloads. According to His Majesty's Inspectorate of Probation (2024), staff shortages remain one of the most critical issues facing the service. One in three probation officers will describe the workload as unmanageable, which leads to inconsistent supervision and poor risk management. An example of this that we can see on BBC NEWS (2023), Damien Bandal was put on the incorrect risk management, which resulted in him being released into the public, and this resulted in a quadruple murder of 4 children in their family home in September 2021. (Torr, 2023).

The inspection found that in 2023/24, only 55% of inspected probation cases met the correct quality standards. This highlights the clear operational gap between policy and delivery (HM Inspectorate of Probation, 2025). This pressure worsened after the 2021 reformation of the service, when the failed transforming rehabilitation module was replaced with a single national structure. Kay and Case (2023) argue that while reunification was aimed at improving efficiency, it created instability, which led to local drives under-resourcing and staff without adequate

support or training. This institution has reduced the ability to provide effective rehabilitation, as probation officers spend more time on administrative compliance rather than engaging in meaningful contact with service users. HM Prison and Probation Service (2025) report that high caseload and staff turnover continue to affect supervision quality, increasing reoffending.

Another operational challenge highlighted by Newburn (2017) is the gap between policy and frontline delivery. Policies are created to improve rehabilitation, community justice, and offender management, but often fail to achieve these outcomes due to agencies' struggles with challenges such as limited staffing, insufficient training, and a lack of coordination, as previously mentioned. An example for the Ministry of Justice (2022) has found that initiatives to increase the availability of probation-led rehabilitation programs that were set out nationally, only 60% of local probation services could offer these programs consistently due to resource and staffing constraints. The implementation gap demonstrated that operational effectiveness depends not only on the policy but on the ability of the agencies to deliver in practice. Without the support, frontline staff are forced to focus on crisis management and complications over rehabilitation, which reduces the impact of the police intervention and undermines the credibility of the system in the eyes of the public. (Newburn,2017).

The increasing reliance on technology across the criminal justice system has created operational challenges that impact the effectiveness, fairness and access to justice. Newburn(2017) notes that while digital systems and data sharing have great potential to improve coordination across agencies, operational implementation often lags behind policy ambition due to limited training, incompatible systems and uneven staff competencies. This was particularly evident during COVID-19 when courts shifted rapidly to remote hearings. The government report highlights that while remote hearing maintains the continuity of justice, 16% of defendants and victims experienced technical issues, a lack of access to equipment or difficulty participating effectively. This raised concerns about fairness and procedural quality (Brader, 2022).

Additionally, digital recorder management and inter-agency data sharing remain inconsistent across policing, courts and probation, causing delays in decision-making and increasing administrative burden (Ministry of Justice, 2013). Due to these technological challenges, staff shortages and high workloads are compounded, forcing frontline personnel to prioritise basic processing over meaningful engagement with cases. Whilst digital tools have benefits, their short comings, particularly when resources and training do not keep pace with police expectations (Newburn,2017). The technological gap not only limits efficiency but also undermines transparency and accountability, as incomplete data sharing can lead to errors in risk assessment, inconsistent sentencing decisions and a growing perception that the justice system is outdated and unreliable.

The impact on access to justice has been significantly impacted by the cut to legal aid funding within England and Wales, following the Legal Aid, Sentencing and Punishment of Offenders Act 2012. This has impacted access to justice, leaving many people unable to afford the correct legal representation or advice. The reform removed larger areas of civil law from the legal aid, which includes most cases concerning welfare benefits, employment, housing, debt, and immigration. This has resulted in a large number of people who previously qualified for free or subsidised legal help now facing the legal system alone. As we can see from the government data, there has been a reduction in the number of cases receiving legal aid since 2013 (Ministry of Justice, 2025). The withdrawal of support has left a significant number of low-income and vulnerable groups unable to access legal services, disproportionately affecting those who are least able to navigate the complex legal procedure in the first place. (Ministry of Justice and Legal Aid Agency, 2024)

With the cuts to legal aid, this also causes challenges in the public, leading to growing distrust in the system. The public has lost confidence in the fairness and accessibility of legal institutions. With cuts across courts, policing, and legal aid, this has created significant delays, backlog and barriers to accessing justice (Ministry of Justice 2025). Ministry of Justice and HM Courts and Tribunals Service (2025) report that court closures, understaffing and outdated technology have weakened the public service and efficiency. The longer waiting times in criminal and family courts, alongside the inconsistent sentencing, have eroded public confidence in judicial outcomes. (Domínguez and Zaranko, 2025)

High-profile failures within the criminal justice system in England and Wales have significantly undermined public confidence, demonstrating both structural and operational weaknesses. The murder of Zara Aleena in 2022 is an example of this. These services are serious failures across probation, prisoner and policing services. The offender was assessed as a medium risk despite a high-risk history. The offender was released prematurely, and probation failed to recall him despite a missed appointment. (ITV News, 2023) This Case, widely reported in the media, highlighted systemic under-resourcing and poor coordination, reinforcing public perception that the system cannot reliably protect the public.

Similarly, the wrongful conviction of Peter Sullivan, who spent nearly four decades in prison for a crime he did not commit, before being acquitted in 2025, exposed flaws in investigation, forensic review and oversight mechanisms. (Clea Skopeliti, 2025) Such miscarriages of justice, amplified by extensive media coverage, create the impression that the system is slow, inconsistent, and unable to deliver fair outcomes. When the public perceives courts, prisons and probation as ineffective and unsafe, trust is gone. These cases illustrated that delays, unfairnesses and operational failures are not abstract concerns but tangible events that shape

the public perception, making reform and effective communication essential to restore legitimacy and confidence within the criminal justice system in England and Wales.

The criminal justice system in England and Wales faces a deep structural and operational challenge that has contributed to widespread public distrust. With chronic underfunding, a fragmented government, and reactive policymaking, every part of the system, from policing to courts, prisons, and probation, has been weakened. Structural issues such as budget cuts, outdated laws and political interference have created a system that is unstable, poorly coordinated and focuses more on punishment than rehabilitation. Operationally, problems from staff shortages, court delays and overcrowded prisons have further limited the system's ability to deliver fair, timely and effective justice.

These weaknesses have undermined public confidence, as citizens increasingly perceive the justice system as slow, inconsistent, and unequal in its treatment of different social groups. The focus on short-term solutions rather than long-term planning has exacerbated the problem, reducing both the fairness of outcomes and the system's credibility. As a result, many people feel alienated from the legal institution, viewing them as serving political or bureaucratic interests rather than public justice, which deepens social distrust and discourages cooperation with the system.

Meaningful reform requires addressing both structural and operational failures. The system must be adequately funded, staffed by professional staff and guided by conscience and evidence-based policing. Investments in rehabilitation and access to legal services need to be improved, and the technology also needs to be improved. Without tackling these underlying issues, public discourse will continue, and the criminal justice system will struggle to fulfil its core aims of delivering fair, effective, and equal justice for all. Ultimately, sustainable reform depends on a long-term strategic vision that prioritises fairness, accountability and collaboration between agencies, ensuring that justice in England and Wales is not only delivered but also seen to be delivered by the public it serves.

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