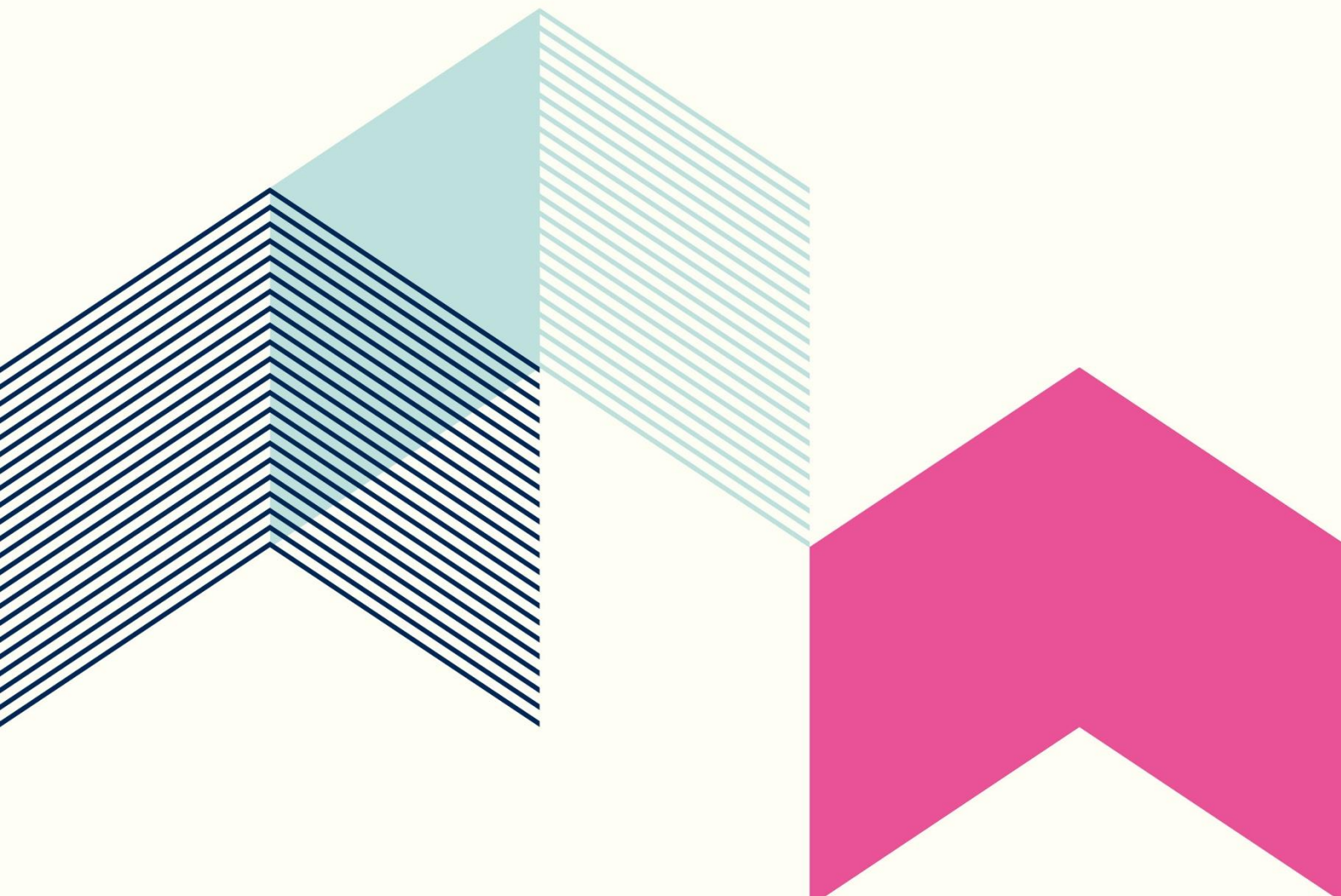




The Access to Justice
Foundation

Briefing note: DBIST consultation on the opt-out collective actions regime

July 2026



The Department for Business, Science, Innovation and Trade (DBSIT) has launched a consultation on the opt-out collective actions regime, building on last year's call for evidence. This regime exists to help people who've been harmed enforce their rights and get the redress they're owed.

Deadline for submissions is Friday 25th September. You can find more information here: [Swifter and simpler competition redress, regulatory appeals and competition enforcement - GOV.UK](#)

This is an opportunity to champion access to justice for consumers across the country, and to make sure the system works for as many people as possible, while supporting a healthy economy. We're responding to the consultation to make the case for a regime that delivers real consumer redress and measurable public value.

What are collective actions?

Opt-out collective actions are legal cases brought on behalf of a group of people affected by anti-competitive behaviour. Claimants are automatically included unless they opt out. When not everyone eligible claims their share, the leftover funds are called undistributed damages.

The review comes as pressures on the civil justice system continue to grow. Every year, two-thirds of adults in England and Wales face a legal problem. More than 11 million get no help to resolve it. Demand for free legal advice has jumped by over 40% in five years, while legal aid funding has dropped by £728 million since 2012.

Our role in collective actions

Under the Consumer Rights Act 2015, The Access to Justice Foundation is the prescribed charity designated to receive undistributed damages from opt-out collective actions.

DBSIT is consulting on whether to change to the prescribed charity. Should this go ahead, we risk replacing proven, accountable, and impactful work with an untested option.

The Competition Appeal Tribunal has already recognised our role in three cases, including *Gutmann v SW Trains*. In June, we distributed £3.7 million in unclaimed funds from this case as grants to 16 free legal advice organisations across London, the Southeast of England, Scotland and Wales. These areas were strategically selected, based on where class members were located and the most persistent gaps in access to free legal advice.

About us

We are a national grant-making charity that funds organisations increasing access to justice. These organisations provide the legal advice and services which are critical for individuals to enforce their consumer rights.

We were established in 2008 by the Law Society, Bar Council, CILEX, and Advice Services Alliance. It is supported by the judiciary, the Ministry of Justice, and the Attorney General.

£83million+ distributed
1,100+ grants made
370+ organisations funded

Why we are best placed to receive unclaimed damages

DBSIT is consulting on whether to change the prescribed charity that receives unclaimed damages under the Consumer Rights Act. Our response will outline why it is crucial that we continue to have this responsibility:

- 1. For the regime to be effective, consumers need to be aware of and able to enforce their rights.**

Low take-up in collective actions points to a gap in consumer awareness and access to damages, and that gap costs people money. Research confirms that lower-income households are least likely to be able to engage with the process and claim damages they're entitled to. Our funding reaches these communities.

- 2. The money we distribute supports UK consumers and boosts the economy.**

Our funding goes to improve consumer confidence and makes enforcement easier, by helping people understand their rights and act on them. Resolving

consumer legal issues requires expert advice and support but delivers measurable economic benefits. Our Access All Areas report found that free advice to consumers recovers £10.40 for every £1 invested.

3. We are a trusted grant-maker with a track record in redistributing money to have greatest impact.

We are never the final recipient of funds, instead we efficiently channel funds to organisations that support UK consumers. Our public strategy holds us accountable for how we spend money, and we have the infrastructure to report back on impact. We work with parties to collective actions to design targeted funding programmes for undistributed sums and use our networks to help the distribution of damages to class members.

4. Funding is urgently needed to address gaps in legal advice.

Access to justice has become out of reach for millions across the UK, and the gap between need and capacity keeps growing. Demand for our partners' services has risen by 40% in five years, with one frontline service reporting 119% growth. Between February and July 2026, we received 591 applications requesting over £146 million in funding but could only make up to 66 grants totalling just over £19 million.

Funding that makes a real difference

We've built our grant-making strategy to make sure undistributed damages are put to the best possible use.

Working with a Funding Advisory Group, including experts from Advice UK, Age UK, Citizens Advice, Consumer Voice, Law Centres Network and Which?, we've set clear principles and priorities. Any funds we receive from the collective actions regime will focus on three areas:

- 1. Access to legal advice in local communities. Funding long term support so people who need free legal advice most can get it, locally and nationally.**
- 2. Policy change. We'll fund work that tackles the root causes of legal need, in partnership with frontline and community groups.**
- 3. Mass reach citizen engagement and empowerment. We'll use our advice and grantee networks to help people understand and act on**

their legal rights, including their eligibility for and take up of collective action damages.

Access to justice is the bedrock of a strong economy

When people understand and can enforce their rights, markets work better, costs to public services fall, and communities grow stronger. Every year, millions face legal problems they can't resolve alone - families threatened with unlawful eviction, workers denied the pay they're owed, consumers left out of pocket by mis selling.

Our Access All Areas report, produced by Pragmatix Advisory, looked at the impact and value of free consumer advice across the UK. Drawing on research with 92 of our funded partners, who support more than 574,000 people a year, it found free consumer advice generates an average financial recovery of £2,000 per client.

When free advice can't reach people, the costs don't disappear, they land on people already struggling, public services, and the wider economy. Investing in a properly funded advice sector isn't just the right thing to do, it's the economically rational one.

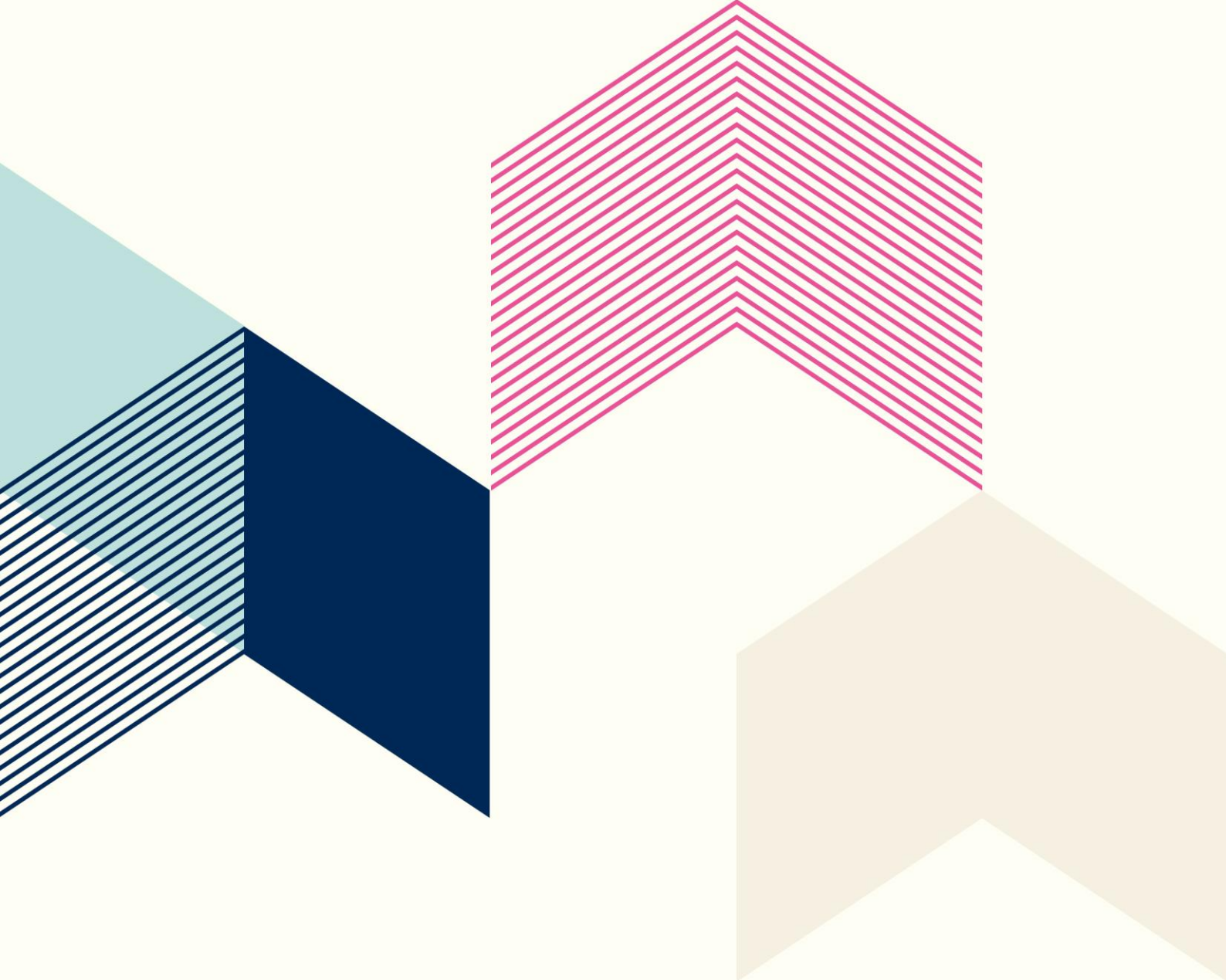
Undistributed damages from collective actions offer a proven way to generate additional resources without calling on the public purse.

Government can build on this by continuing to designate us as the prescribed charity to receive undistributed damages.

The need has never been greater, neither has the opportunity

We're working collaboratively on our consultation response, making the case for an approach that protects consumers' access to redress, and supports work that's already delivering results.

If you're interested in supporting us, we'd love to hear from you. Get in touch to find out how you can help.



**The Access to Justice
Foundation**

7 Bell Yard, London, WC2A 2JR

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