

Executive summary

Introduction

The following report analyses the findings of the 2010 and 2012 UK Civil and Social Justice Panel Survey¹ alongside some of the underlying policy contexts for public legal education and information (PLEI) developments. The findings reveal on-going significant gaps in legal knowledge and capability amongst the UK population, creating substantial barriers to access to justice and undermining the rule of law.

The unevenly distributed profiles of legal capability in the population correlate with other aspects of personal capability, and compound underlying disadvantage. The research confirms that the way in which people come to understand the law and legal processes is framed by pre-existing beliefs and attitudes and by their social and familial settings. Confidence or lack of it impacts on their ability to act effectively and navigate day-to-day legal encounters.

Perhaps most pressingly, the findings confirm the need to recognise the lack of reach of traditional legal services into the lives of people who experience common and sometimes complex legal issues, their reticence to seek legal advice and the concomitant need to reshape justice policies to be more responsive and proactive in providing multidimensional forms of assistance in a timely and targeted way.

To this extent justice policy lags far behind advances in financial, health and consumer education that have promoted positive teaching methodologies that are more dynamic and engaging, involving innovative on and offline environments with integrated, concrete, practical help to allow individuals to see the real-life value of education and information.

Key findings

The emergence of legal problems

- Half of the UK population will experience a civil justice problem every 36 months, falling to just under 1/3 of the population every 18 months.
- The most common legal issues emerge from day-to-day social and economic interactions: consumer, employment, neighbour and money management issues account for more than half of all problems reported.

1 The Civil and Social Justice Panel Survey (CSJPS) is a nationally representative survey of people's experience of, and response to, problems with a legal dimension and involved face-to-face interviews with 5,113 respondents aged 16 and over in their own homes across two waves, the first in 2010, the second in 2012.

- Some people are more likely to experience legal problems. Vulnerability to legal problems increases as a consequence of low income, age (being young or older), reduced educational qualifications, and ill-health. In addition, manual and routine workers as well as migrants are particularly prone to legal problems.
- Over half of the people who experience legal problems describe negative impacts including stress-related ill-health, loss of income or confidence, physical ill-health and family breakdown. The collective impact on the wellbeing of individuals and the economy is staggering.

Understanding legal rights

- There is a substantial knowledge deficit in the UK. Most people lack effective knowledge of legal rights, and many people misinterpret or misunderstand their rights.
- When tested with fact-based scenarios, on average 59% of people are able to demonstrate some understanding of their rights, however there is significant variation across legal areas.
- Only 25% of people claim to know their legal position completely when they experienced a legal problem, rising to 45% of people who claim mostly to know their rights.
- Knowledge of rights in regard to family problems is worryingly low, with only 38% of people knowing some of their rights in the case of domestic violence, and 37% in the case of divorce or separation. Knowledge of employment rights and welfare entitlements both fall below 40%. Some areas of law are particularly prone to misinformation, such as consumer law.
- Overall, younger and older people, lower skilled workers, and migrants appear to have less knowledge than other groups.

Legal capability and legal services

- Most people handle their legal problems alone. Only 6% of people use a lawyer for their legal problems, a further 4% use advice agencies. Awareness of legal services is low.
- Only 11% of people identify legal problems accurately. Characterizing a problem as legal more than doubles the likelihood of an individual seeking legal help, and substantially increases the likelihood of getting some kind of help rather than handling the issue alone.
- Internet use is on the rise, around 25% of people use the Internet to solve legal problems, however not everyone is able to use online provision well.
- Legal capability was a key indicator for the effective use of legal services. People with low levels of legal capability are more likely not to act, and less likely to sort things out alone. They are less able to successfully solve legal problems, and are twice as likely to experience stress-related ill-health, damage to family relationships and loss of income.

Beliefs and attitudes about the law

- Beliefs about law are bound to people's social and cultural contexts. Their sense of fairness and wider norms inform how they interpret the legal dimensions of their lives.
- Legal problems are more complicated than people believe. Around 50% of people feel confident that they can achieve a fair resolution to a prospective issue until they encounter a legal problem.
- Levels of confidence decline significantly when a real legal problem occurs, with an even greater decline as more legal problems are experienced.
- Problems relating to money, welfare benefits, domestic violence, care proceedings and clinical negligence are the issues that have a particularly negative impact on levels of confidence and a sense of disempowerment
- Older people over 60, new migrants and people in poor physical and mental health all had less faith in their ability to resolve issues positively, and within households this lack of faith tended to be felt more generally.
- The characteristics of people with low levels of legal capability are the same as those who are at greater risk of experiencing legal problems, a fact that compounds their risk of becoming socially excluded.

Recommendations

1. Integrating PLEI² into wider services and improving coordination of stakeholders

The evidence suggests the urgent need for justice reforms to focus on the capability of individuals and communities in solving everyday legal issues. Future reform agendas should:

- Recognise the importance of PLEI in triage, appropriate referrals to legal services and to wider health and social assistance programmes;
- Recognise the underlying role of social and community programmes that provide the settings for PLEI interventions;
- Recognise the importance of wider stakeholders in improving the quality and interconnectedness of information and education for the public, including legal services regulators, traders and public service providers;
- Recognise improved levels of legal capability are a criterion for accessing legal services effectively; and
- Recognise that PLEI is a vital tool in early intervention, preventing problems from escalating later on.

2 Public legal education and information is referred to as PLE and PLEI interchangeably throughout the report to recognise the broad scope of practices involved.

2. Selecting the most appropriate approaches in PLEI

Legal capability is a life skill. There is a significant range of capability amongst citizens, with the most vulnerable being the least capable. There is therefore a need to focus on methods for improving legal capability through multidimensional, tailored, intervention designs aimed at key groups and legal issues. Recommendations for improvements in the quality and effectiveness of interventions include:

- Encouraging learning from wider sectors and integrating lessons learned from financial, consumer and health education fields, amongst others.
- Promoting teaching methods and practices for use in PLEI that are much more dynamic; empowering and engaging, with a question-driven (not answer-driven), deliberative curriculum;
- Encouraging innovative learning environments with integrated, concrete, practical tools to help individuals see the real-life value of legal information and education;
- Embedding PLEI in lifelong learning and vocational training; and
- Recognising legal capability as a key life skill that has benefits on both a personal and national level, proving a rationale for national governments to fund PLEI to achieve more effective participation in social and economic life.

3. Defining the objectives and strategies of PLEI, and evaluating outcomes

Justice sector outcomes measurement focused on timely, fair and lasting resolution to legal problems need to incorporate elements of legal capability as fundamental to access to justice and the rule of law. A future research agenda needs to:

- Assess how people are better enabled through multidimensional channels to understand their legal position and know what they can do, and how to do it;
- Assess how different types of PLEI interventions result in improved levels of capability and the wider impact of improved capability on socio-economic outcomes;
- Establish a clearer baseline for legal capability amongst vulnerable groups in order to measure long-term impact of PLEI programming on access to justice;
- Investigate further the interrelationship between knowledge, skills and confidence and the impetus for behaviour change; and
- Investigate further the pedagogical aspects of PLEI.