

How People Understand and Interact with the Law

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Executive Summary

Introduction

We live in a ‘law-thick’ world (Hadfield 2010) in which our daily activities are played out within a complex and extensive legal framework.

The past 25 years have seen the conduct of at least 28 large-scale national surveys of the public’s experience of civil (or predominantly civil) legal problems. These surveys suggest that people’s awareness of law and legal services, characterisation of problems, confidence in being able to resolve problems and social norms play a critical role in determining problem resolution strategies.

Using data from the 2010 and 2012 waves of the *English and Welsh Civil and Social Justice Panel Survey* (CSJPS), this report further explores the public’s understanding of law and legal services, other elements of legal capability, expectations as to legal assistance and how these all relate to the experience of legal problems.

Context

32% of 2012 CSJPS respondents reported having experienced one or more legal problems in the past 18 months, rising to 43% in the past 36 months. Problems concerning anti-social neighbours, consumer issues, employment and money were the most common. Problems concerning care (public law children issues), relationship breakdown, domestic violence, clinical negligence, education and employment were most often severe.

In line with earlier findings, problem reporting was socially patterned, with factors such as age, family status and, particularly, morbidity (most notably, psychiatric morbidity) associated with risk.

50% of all legal problems reported in the 2010 and 2012 waves of the CSJPS were said to have had a tangible negative impact on respondents’ lives (with each of these problems described as having had 2 types of negative impact, on average). Domestic violence was most commonly associated with adverse impact,

followed by divorce/relationship breakdown, personal injury and employment problems. The most common types of impact included stress related ill-health, loss of income and loss of confidence, but problems could also lead to drug abuse, homelessness and family breakdown.

Many civil justice problems end relatively quickly after they begin. Looking at CSJPS survey problems as a whole around 50% of problems concluded within six months, and almost two-thirds after a year. However, a significant minority lasted a considerable length of time, with more than 10% of problems lasting three years or more. How long problems lasted also varied significantly with problem characteristics; specifically problem type, problem solving strategy and whether or not problems were characterised as 'legal'.

2010 and 2012 CSJPS respondents attempted to resolve 87% of reported legal problems. However, in only 6% of cases did respondents make use of a law firm, and in a further 4% the advice sector. The most common problem resolution strategy respondents adopted was to handle problems entirely alone (43%), without even informal advice from family or friends (15%). Problem resolution strategy linked to problem type, severity, duration and impact, along with professed understanding of rights, problem characterisation, subjective legal empowerment and broader personal and household behaviour.

Confirming the findings of previous surveys, the reasoning provided by those CSJPS respondents who took no action to resolve problems painted a picture of both rational cost-benefit analysis and uncertainty or fatalism. A significant minority reported they hadn't known what could have been done or thought action would have made no difference. When asked why they hadn't done more than they did resolve problems, a majority of 2010 and 2012 CSJPS respondents who had handled problems alone answered simply that they "did all that was needed." However, a significant minority again suggested that they hadn't known what else they might have done or thought that further action would have made no difference. Similarly, a significant minority of those respondents who didn't obtain independent advice suggested that advice would have made no difference.

When respondents who obtained independent advice were asked why they had not handled problems themselves, 39% gave the main reason as an inability to resolve problems alone. In the case of those who obtained independent help, but

not from a lawyer, it was evident that some respondents were unclear how lawyers connected to their problems.

25% of respondents who obtained independent help, but not from a lawyer, chose not to obtain help from a lawyer because of the perceived expense. When respondents obtained help from an advice agency, rather than a lawyer, perceived expense was the main reason provided for not instructing a lawyer.

Understanding legal rights

A steadily growing number of studies of the public's understanding of law point to a substantial knowledge deficit, though the deficit appears greater in some areas of law than others. Holding erroneous beliefs about the law is not simply a matter of chance ignorance. We have previously argued that legal reality and the public's perception of legality are each coherent and distinct, with the latter fuelled and entrenched by attitudes and social norms. One consequence of this is that erroneous beliefs are likely to prove stubborn to dislodge.

The 2010 CSJPS explored knowledge of rights in relation to a series of hypothetical scenarios, relating to rented housing, employment, a consumer transaction and a relationship breakdown. The last of these we have reported on extensively elsewhere (Pleasence and Balmer 2012).

Overall, respondents answered 59% of fact-based scenario questions correctly, though there was a significant difference in the scores for the different scenarios. So, while respondents answered housing scenario questions correctly 71% of the time, and employment scenario questions 66% of the time, the figure was just 34% for the consumer scenario. Even among only those who answered the consumer scenario questions decisively scores were substantially below those of chance.

In the case of the rented housing scenario, there was no difference in the proportion of correct responses provided by respondents living in the rented sector or elsewhere. The slightly higher scores posted by those who had actually experienced a similar scenario was not statistically significant. In contrast, in the case of the employment scenario, there was a significant difference in the proportion of correct responses provided by those in employment and others. However, there was no significant difference in the scores of the small number of

respondents who reported having experienced a similar employment scenario. Similarly, in the case of the consumer scenario, there was no difference in the scores of those who had experienced a similar scenario and others.

Multivariate analysis also indicated age to be significantly associated with legal knowledge across all three scenarios. The oldest respondents consistently obtained relatively low scores, while middle-aged respondents generally performed relatively well. Professional status was also significantly associated with knowledge scores in relation to the housing and consumer scenarios, but not the employment scenario. In the case of both the housing and consumer scenarios, legal professionals scored higher than others and, more subtly, knowledge appeared to increase with professional seniority. Educational qualifications were found to be significantly associated with legal knowledge in the case of the rented housing scenario. Here, a lack of qualifications was associated with significantly higher scores. In relation to housing and employment scenario scores, there was significant clustering of scores by household.

Turning to the professed legal knowledge of those 2010 and 2012 CSJPS respondents who had experienced legal problems, 25% believed they ‘completely’ understood their legal position at the time legal problems arose, with a further 20% believing they ‘mostly’ understood their legal position. This left 55% believing they only ‘partly’ (21%) understood their legal position or didn’t understand it ‘at all’ (34%).

Professed knowledge of rights varied considerably by subject area. Respondents most often professed initial good knowledge of legal rights concerning mortgage arrears and possession, faulty goods, faulty services and care proceedings. They least often professed initial good knowledge of legal rights concerning children’s residence and contact, clinical negligence, divorce and separation and anti-social neighbours. The contrast between respondents’ professed knowledge of their legal rights as regards faulty goods and services – where 43% and 32%, respectively, claimed complete understanding – and their poor accuracy in responding to the hypothetical consumer scenario questions is all too apparent. Indeed, when we examined just those respondents who claimed complete understanding of their consumer rights, on average they answered just

1.5 out of 5 questions correctly. This is the same score as was managed by those who professed no knowledge at all!

Multivariate analysis indicated some variation in professed knowledge by age (with scores lower among younger respondents), academic qualifications (with scores increasing with qualifications), professional status (with scores increasing with status), English as the main language at home (with scores higher where it was), knowledge of the legal sector (with scores increasing with knowledge) and subjective legal empowerment (level of subjective legal empowerment). There was also evidence of significant clustering in professed knowledge of rights by household.

Of those CSJPS respondents who believed they understood their legal position only 'partly' or 'not at all' at the time legal problems arose, 59% did not progress past this level of knowledge by the time of their CSJPS interview. Multivariate analysis indicated that the likelihood of improvement in professed knowledge over the course of problems varied by problem type, problem characterisation, age, professional status and level of subjective legal empowerment. Also, there was again evidence of significant clustering of purported improvement in knowledge by household.

Characterising problems as legal

While there has been relatively little empirical study of the 'prefigurative' dimensions of legality (McCann, 2006), the transformation - in people's minds - of everyday problems into legal problems has been shown to link to lawyer use. For example, Murayama (2010) identified a link between people's seeing problems as legal and lawyer use, and we have also observed such a link. Most recently, an analysis of legal problem resolution strategies using CSJPS data identified that "problem characterisation" is strongly associated with lawyer use. (Pleasence & Balmer 2014). Specifically, problems characterised as 'legal' were far more likely to have led to advice being obtained from a lawyer, at the expense of them being handled alone or with only informal advice. Statistical modelling indicated that legal characterisation increased lawyer use from 7% to 19%, and decreased handling alone from 59% to 44%. Legal characterisation was found to have no

overall bearing on people's tendency to use the advice sector (5% vs. 5%) or other advice (17% vs. 18%).

2010 and 2012 CSJPS problems were most commonly characterised as being the product of 'bad luck'. Indeed, 47% of problems were characterised in this way. A significant proportion were also characterised as 'bureaucratic' (18%), 'moral' (14%) and 'social' (12%). Next, 11% of problems were characterised as 'legal', 7% as 'criminal', 7% as 'private' and, finally, 6% as 'family/community'.

Multivariate analysis indicated that problem type was a key predictor of whether or not problems were characterised as legal. Rented housing, employment and particularly owned housing problems were associated with very high rates of legal characterisation. In contrast, consumer, clinical negligence, education and, particularly, neighbours problems were associated with low levels of legal characterisation. Our analysis also indicated a significant relationship between disagreement (as part of problem experience) and characterisation. Interestingly, problem severity was not found to be related to characterisation, and nor were most personal characteristics examined. The exception was attitude towards legal process; though this was relatively weak and slightly ambiguous.

In separate analyses, market characteristics (i.e. supply of and demand for legal services) were also found to be highly significant predictors of legal characterisation. However, problems concerning debt and, particularly, employment were far more likely to be characterised as legal than would be expected on the basis of supply (and problems concerning education, clinical negligence and, particularly, neighbours less likely to be characterised as legal). Similarly, problems concerning owned housing, employment and, particularly, rented housing were more likely to be characterised as legal than would be expected on the basis of demand (and problems concerning education, clinical negligence and, particularly, neighbours were less likely to be characterised as legal). The influence of market characteristics and problem type are therefore, to some extent, independent.

Understanding the advice sector

Sources of help to deal with legal issues are fragmented and complex, and previous research indicates that public awareness of even the most prominent services is limited (e.g. Patel et al 2008). Our new analysis confirms this.

We found that a majority of 2010 and 2012 CSJPS respondents knew something about only half or fewer of ten advice sources asked about. Levels of awareness of different advice sources vary considerably, with relatively high awareness levels associated with Citizens Advice, local councils, solicitors and Shelter. A small number (2%) of respondents said they knew nothing about any advice source, and 5% said they knew nothing about any of the four general legal advice sources asked about (solicitors, law centres, Community Legal Advice, Citizens Advice).

2012 CSJPS respondents also reported varied levels of understanding of the types of issues different advice sources could assist with. Of course, not all respondents who said they knew what issues advice sources could assist with were accurate in their suggestions. Nor were respondents suggestions always complete. So, for example, 60% of respondents failed to recognise that solicitors can provide assistance with housing issues, and 50% the same for employment issues, 46% for domestic violence, 26% for personal injury and 26% for other family issues. Respondents also generally failed to recognise the breadth of service offered by Citizens Advice and law centres.

Multivariate analysis of the characteristics of those respondents who said they knew nothing about any of the four general legal advice sources indicated that respondents' prior contact with one or more of the four advisers, age, education level and language spoken at home were all significant. So, prior contact with one of the four advice sources was associated with a highly significant increase in the likelihood of knowing something about (any of) them. Middle-aged respondents (35 to 59 year olds) were substantially more likely to know something about (any of) the four general advice sources than the youngest and oldest respondents. Respondents with no academic qualifications or trade apprenticeships were least likely to know about (any of) the advisers, particularly when compared to those with degrees. And while just 3% of English speakers lacked knowledge of (any of) the four advisers, this rose to 8% for those who

spoke other languages at home. Interestingly, once other factors were controlled for, we found no significant difference in level of knowledge of the four advice sources on the basis prior legal problem experience.

Objectives and the reality of advice seeking

57% of 2010 and 2012 CSJPS respondents hoped to get more than one form of support from (each of) their advisers (moral support, talk problem over, information/advice, signposting/referral, assistance with document preparation, document preparation, explanation of rights, explanation of communications, communication, negotiation, problem resolution). Indeed, 12% hoped to get five or more forms of support.

Particular adviser types were associated with hopes for particular forms of support – pointing to different roles in the public mind. For example, a marked contrast was evident between what was wanted from Citizens Advice and solicitors (and trade unions and, to a lesser extent, the police). So, while Citizens Advice was most associated with hopes to talk problems over and signposting/referral, and was also often looked to for moral support, solicitors were at the other end of the spectrum as regards hopes for these forms of support. Instead, solicitors were associated with hopes for explanations of communications, document preparation, communication/ negotiation with the other side and sorting problems out. Citizens Advice was least associated with hopes for sorting problems out. The main commonality between Citizens Advice and solicitors was in high hopes for legal rights being explained.

Differences were also evident in what respondents hoped to get from advice sources in relation to different problems types. For example, respondents most often hoped for advisers to sort out problems concerning clinical negligence, personal injury and neighbours. For debt problems, this was far less often the case. Here, respondents particularly hoped to talk problems over. Elsewhere, employment, owned housing and rented housing problems were associated with high hopes of having rights explained, while the opposite was the case for neighbours, personal injury and benefits problems. Family, employment, debt and money problems were associated with high hopes of advisers undertaking negotiations.

There was some indication that people became less concerned about talking problems over and communication with the other side as they moved through advisers.

Turning to what respondents got from advisers, a similar pattern of support emerged, suggesting that respondents' notions of what types of support services offer was reasonably well tuned. 66% of 2010 and 2012 CSJPS respondents reported that they got all or most of what they had hoped for from advice sources. Just 11% said that they got none of what they wanted. However, respondents were particularly disappointed when it came to advisers sorting problems out; although solicitors fared better than most in this respect and, in general, were reported to be most likely to deliver on respondents' hopes. Just 5% of respondents said that they got none of what they were looking for from solicitors.

There was little difference in what respondents hoped for and actually got from first, second, third and fourth advisers; although, in the case of what respondents got, there was no indication that people less often talked problems over as they moved through advisers.

A majority of CSJPS respondents facing legal problems wanted to at least significantly delegate matters to their advisers. As would be expected, different hopes and realities of support were associated with different degrees of delegation. For example, delegators were more likely than others to want (or get) advisers to sort problems out and less likely to want (or get) explanations.

Multivariate analysis identified three factors that had particularly strong associations with delegation preference; adviser type, problem type and level of education. As regards adviser type, respondents delegated most responsibility to (non-advice) council departments, the police, health/social workers and solicitors. At the other end of the scale decision delegation was rarest for Citizens Advice, a generalist service perceived by the public as more often a source of information, moral support and signposting/referral.

As regards problem type, compared to consumer problems, respondents facing problems concerning benefits and neighbours tended to want to delegate more responsibility to advisers, while respondents facing employment and,

particularly, family problems tended to want to retain a greater role in decision-making.

Finally, as regards education level, the extent to which respondents wanted to direct decision-making increased along with formal educational attainment; suggesting a link between delegation preference and legal capability.

Subjective legal empowerment

Subjective legal empowerment (SLE) has been defined as “the subjective self-belief that an individual can solve problems of a legal nature” (Gramatikov & Porter 2011). Questions included in the 2012 CSJPS sought to measure SLE across 6 domains; employment, the family, neighbours, land, business and crime.

SLE patterns were similar across domains, with a majority of 2012 CSJPS respondents feeling confident that they would be able to get fair resolutions to disputes in five of the six domains. Only in the case of business disputes, with which a substantial proportion of the population will be unfamiliar, was a minority confident of a fair resolution. The similarity of pattern across domains was illustrated by positive correlations between SLE scores in the different domains.

When looking at SLE scores overall, multivariate analysis indicated that that experience of legal problems was the key predictor of SLE scores, with scores decreasing as problem experience increased. It would appear that legal problems are more problematic than people imagine. The experience of certain problem types (e.g. those concerning money, welfare benefits, domestic violence and particularly care and clinical negligence problems) was also associated with significant and large reductions in SLE scores.

Having controlled for other variables, there were also associations between respondents’ demographics and SLE scores. SLE scores varied significantly by age (with scores reducing with age – although young NEETs were associated with particularly low scores), knowledge of the legal sector (with scores rising with knowledge), and whether respondents had recently (within 10 years) migrated to the UK (with scores lower for recent migrants). There was also evidence of clustering of SLE scores by household. No relationship was observed between SLE scores and whether respondents had ever had contact with a legal

adviser, advice centre or ombudsman. There was thus little or no evidence of contact with advisers relating to a general empowering effect.

Looking more closely at the relationship between SLE and the experience of legal problems, if respondents had experienced a problem about which nothing was done, in which there was a disagreement (with an other side), about which there was low satisfaction with the outcome, or about which there was little professed understanding of legal rights, SLE scores tended to be lower.

There was also some evidence that having had a particularly severe problem was associated with lower SLE scores. Where respondents reported having one or more particularly severe problem (with a severity score of 41-50 on the 50 point scale), this was associated with a lower SLE score (0.07 lower than those not reporting a particularly severe problem), though the difference fell marginally short of statistical significance.

Legal problems and use of the Internet

As with use of the Internet generally, use of the Internet to help resolve legal problems continued to rise. In 2012, The English and Welsh Civil and Social Justice Panel Survey (CSJPS) indicated that people turned to the Internet for help resolving 24% of legal problems, up from just 4% a decade earlier. However, despite rising use, still only around a quarter of those facing problems made use of online resources, though usage increased with problem severity.

Moreover, those people who do use the Internet to help resolve legal problems are not representative of the public as a whole. In line with earlier studies, our findings confirmed that access to broadband Internet at home was a key predictor of Internet use, as was a higher level of education. Also as expected, it remained the case that the oldest in society were less likely to go online for assistance to deal with legal problems.

Building on this, there was considerable variation in use of the Internet to address different types of legal problem, with low rates observed for problems concerning neighbours and rented housing.

In terms of the substance of Internet use, it was most often used to obtain information to help resolve problems or clarify rights. Use of the Internet akin to a directory was far less common. However, in terms of success in meeting

objectives, this picture was inverted. Greatest success was associated with discrete information tasks, such as obtaining telephone numbers for advisors. We also found that middle-aged respondents and those facing more severe problems were more successful in meeting objectives online.

However, irrespective of an individual's original objectives in going online, our findings clearly indicated Internet users' high degree of success in obtaining *some* useful information.

It was also clear that Internet use was associated with higher usage levels of other forms of service. Those who used the Internet obtained formal advice more often than those who didn't, despite the Internet only infrequently being responsible for signposting people to sources of advice.

Internet use also appeared to be associated with how people characterised problems, with 'legal' characterisation found to be more common among CSJPS respondents who sought assistance online.

Confirming the findings of previous studies, for the majority of problems CSJPS respondents did not remember the website they used when going online to help resolve their problem. In addition, many reported 'Google' to be the main site they used, highlighting reliance on search engines. On only a quarter of occasions did respondents already know about the website they used before going online, and this was generally because the website used was Google!

In terms of time spent online, our findings painted a picture of relatively fleeting usage, with the majority of respondents CSJPS spending an hour or less online.

And the effect of time spent online? While the Internet was only relatively infrequently reported to be the source of respondents' understanding of their rights use of the Internet was found to be a key predictor of knowledge acquisition among those whose knowledge level was poor at the outset of problems. This was particularly so for those who used the Internet specifically to acquire knowledge of rights or information to help resolve problems.

Finally, those who used the Internet to obtain information about problems were more likely to be successful in obtaining knowledge if they characterised their problem as legal.

Capability, problem experience and demographics

Analysis of 2010 and 2012 CSJPS data revealed that lower and higher capability respondents were associated with different patterns of problem experience. For example, consumer issues made up a far higher percentage of the problems of higher capability respondents than lower capability respondents, while the reverse was true in the case of welfare benefits problems, divorce, clinical negligence and rented housing problems. The problems reported by lower capability respondents were also far more likely to involve discrimination.

Also, advice sector/legal advice seeking and, particularly, inaction was more common among the problems of lower capability respondents, and handling problems alone far less common. And lower capability respondents were far less likely than higher capability respondents to be happy with how their problem was progressing or had concluded, with higher capability respondents were more than twice as likely to consider the outcome of their problem 'very fair'.

The problems reported by lower capability respondents were also significantly more likely to result in adverse consequences. Stress-related ill-health as a consequence of problems was particularly common for lower capability respondents, being reported on over one-third of occasions. Moreover, negative impacts on education, other mental health problems, drink/drug problems, physical ill-health, family relationships, and assault/being physically threatened and having to move home were all reported more than twice as frequently in relation to problems reported by lower capability respondents than problems reported by higher capability respondents.

Contrasting lower and higher capability respondents' demographic characteristics indicated a number of substantial differences. For example, lower capability respondents were far more likely than higher capability respondents to have been young (16-24) or old (75 or older), black and minority ethnic, renting in the public sector, living in flats, without academic qualifications, in routine manual occupations and affected by physical and or stress-related health problems.

A simple public legal education experiment

As part of this study we assessed the impact of small scale experiment run as part of the CSJPS. In this experiment, half of those respondents to the 2010 CSJPS who were identified as not having wills were randomly selected to receive a 12-page information leaflet – *Dealing with a Will* – produced by the Community Legal Service. The leaflet provided basic information on the requirements for valid wills, the consequences of dying intestate (including a brief sentence indicating the situation for those not “married to or in civil partnership with” their partner), and sources of further information and advice about wills. The objective of the experiment was to ascertain whether this ‘intervention’ impacted on the likelihood of respondents subsequently making a will. Those 2010 CSJPS respondents not selected to receive the leaflet were not given any information about wills.

Of the respondents who had been selected to receive the leaflet, 8% made a will prior to interview for the 2012 CSJPS. Of the respondents not selected to receive the leaflet, 7% had since made a will. The difference (0.9%) fell well short of statistical significance. The CSJPS was underpowered for the purposes of the experiment. An appropriate sample size for the experiment, assuming a 1% increase was being looked for, would have been around 30,000.

If the intervention *had* resulted in the observed increase in will making, then, assuming a cost of leaflet delivery of £2, the cost of each additional will made would have been just over £500. As an intervention, this cost would have then needed to be balanced against the benefits of avoiding intestacy.

1

Legal Problems and their Resolution in Context

Introduction

Public experience of law: An evidence base

The past 25 years have seen the conduct of at least 28 large-scale national surveys of the public's experience of civil (or predominantly civil) legal problems¹ (often referred to as 'legal needs surveys'²), from Australia and Bulgaria to the Ukraine and the United States (Table 1.1),³ along with various extensive sub-national surveys.⁴

¹ We use the term 'legal problem' (and related terms) to mean 'justiciable problem', as defined by Genn (1999) to refer to problems that give rise to legal issues, whether or not they are perceived to do so by those facing them, and whether or not they lead to the use of legal services or legal processes.

² Legal needs surveys can be traced back to Clark and Corstvet's (1938) landmark pilot study of "how the needs of the community for legal services were being met" in New Haven and Hartford, Connecticut, during the 1930s recession at the United States' Bar. The notion of 'need' in this context, and of what constitutes a 'legal problem', has been contested over the years. Lewis's (1973) celebrated DIY option for housing disrepair highlighted how legal services or processes may be inefficient or inappropriate means through which to resolve problems giving rise to legal issues. Through the arguments advanced by commentators such as Lewis (1973), Marks (1976) and Griffiths (1980) – who emphasised the importance of recognising costs, advantages and disadvantages – it therefore came to be regarded as illegitimate to maintain that the experience of problems giving rise to legal issues, but not leading to the instruction of lawyers, is equivalent to unmet 'need' for legal services. For a discussion of the history and form of legal needs surveys, see Pleasence, Balmer and Sandefur (2013).

³ To date, surveys have been undertaken in Australia (Coumearalos et al 2012), Bulgaria, Canada (Currie 2005, 2006, 2009), England and Wales (Genn 1999; Pleasence et al 2004, 2010, 2011, 2013; Pleasence 2006), Hong Kong (Asia Consulting Group Limited and Policy 21 Limited 2008), Japan (Murayama 2007; Sato et al 2007; Tamaki 2009), Moldova, the Netherlands (Van Velthoven and ter Voert 2004; Van Velthoven and Haarhuis 2010, 2014) New Zealand (Maxwell et al 1999; Ignite Research 2006), Northern Ireland (Dignan 2006), Scotland (Genn and Paterson 2001), Slovakia (GfK Slovakia 2004), Taiwan (Chen et al 2012), Ukraine and the United States (Reese and Eldred 1994). Findings from the Bulgarian and Moldovan surveys, undertaken by Martin Gramatikov, have not been published in English. The great majority of these 28 national surveys have adopted the approach and structure of Genn's (1999) landmark *Paths to Justice* survey.

⁴ For example, over the past two decades, surveys have been conducted in at least 16 of the 50 US states, as well as in other jurisdictions such as Australia (Coumearalos et al 2006), Canada (Baxter et al 2012), China (Michelson 2008) and Russia. Findings from the Russian survey, undertaken by Martin Gramatikov, have not been published in English.

Looking only at the United Kingdom, seven large-scale national surveys have been conducted in England and Wales (the *Paths to Justice, Civil and Social Justice* (x3), *Civil and Social Justice Panel* (x2) and *Justiciable Problems Resolution* surveys) one in Northern Ireland (the *Northern Ireland Legal Needs* survey) and one in Scotland (*Paths to Justice Scotland*). The experience of civil legal problems has also been asked about through the 2008/9, 2009/10, 2010/11, 2012-13 and 2014-15 *Scottish Crime and Justice Surveys*.

Table 1.1. National surveys of civil legal problems conducted over the past 25 years

Country	Study	Date	Size
Australia	Law Australia Wide Survey	2008	20716
Bulgaria	Access to Justice and Legal Needs Bulgaria	2007	2730
Canada	National Survey of Civil Justice Problems	2004	4501
		2006	6665
		2008	7002
England and Wales	Paths to Justice	1997	4125
	Civil & Social Justice Survey (CSJS)	2001	5611
		2004	5015
		2006-9	10537
	Civil & Social Justice Panel Survey (CSJPS)	2010	3806
		2012	3911
Justiciable Problems Resolution Survey	2015	c.10,000	
Hong Kong	Demand & Supply of Legal & Related Services	2006	10385
Japan	National Survey of Everyday Life & the Law	2005	12408
	Access to Legal Advice: National Survey	2006	5330
	Everyday Life and Law	2007	5500
Moldova	Met and Unmet Legal Needs in Moldova	2011	2489
Netherlands	Paths to Justice in the Netherlands	2003	3516
		2009	5166
		2013	5773
New Zealand	Legal Advice & Assistance Survey	1997	5431
	Unmet Legal Needs & Access to Services	2006	7200
N. Ireland	Northern Ireland Legal Needs Survey	2005	3361
Scotland	Paths to Justice Scotland	1998	2684
Slovakia	Legal Needs in Slovakia	2004	1085
Taiwan	Legal Dispute Settlement Behaviour	2011	5601

Ukraine	Legal Capacity of the Ukrainian Population	2010	2463
United States	Comprehensive Legal Needs Study	1993	3087

These surveys have found formal legal processes to be largely peripheral to the experience of ‘everyday’ legal problems. They have also found that people take a great many and varied ‘paths to justice’,⁵ and lawyer use to be relatively rare in relation to most types of problem. Thus, the surveys have increasingly focused on exploring the decision-making and factors associated with different routes to problem resolution.

As we detail in the next chapter, the availability of legal services and their cost have a bearing on strategy choices. However, it is increasingly clear that people’s awareness of law and legal services, characterisation of problems, confidence in being able to resolve problems, and social norms also play a critical role in determining problem resolution strategies (e.g. GfK Slovakia 2004, Gramatikov & Porter 2011, Pleasence, Balmer & Reimers 2011, Pleasence & Balmer 2014).

In this report

In this report we build upon the findings of ‘legal needs’ surveys to date, using data from the 2010 and 2012 waves of the *English and Welsh Civil and Social Justice Panel Survey* (CSJPS) to further explore the public’s understanding of law and legal services, other elements of legal capability,⁶ expectations as to legal assistance and how these all relate to the experience of legal problems.

In the remainder of this chapter we set out details of the CSJPS and go on to provide a summary of problem prevalence, duration, social patterning and impact. In Chapter 2 we provide an overview of the strategies people adopt to resolve legal problems. In Chapter 3 we provide new and detailed findings on the public’s understanding of legal rights. In Chapter 4 we explore the factors that influence whether people characterise of problems as legal. In Chapter 5 we provide new and detailed findings on the public’s awareness of legal services and

⁵ Genn (1999)

⁶ For a discussion and deconstruction of the still under-developed concept of ‘legal capability’ see Pleasence et al (2014).

detail what people expect from (and ultimately obtain) from advisers. In Chapter 6 we investigate the extent of people's confidence in resolving a range of types of legal problem, along with the factors that influence this. In Chapter 7 we investigate the public's use of the Internet when resolving legal problems. In Chapter 8 we look at the relationship between different elements of legal understanding and capability and, finally, in Chapter 9, we report the results of a randomised controlled trial of the provision of basic leaflet style legal information concerning wills.

The English and Welsh Civil and Social Justice Panel Survey (CSJPS)

The English and Welsh Civil and Social Justice Panel Survey (CSJPS) was a large scale survey of the general population's experience of 97 types of legal problem (concerning consumer issues, employment, neighbours, owned housing, rented housing, money, debt, welfare benefits, education, clinical negligence, relationship breakdown, domestic violence and care proceedings)⁷ and strategies used to resolve them. The survey was a substantial development of the *English and Welsh Civil and Social Justice Survey (CSJS)*, which was first conducted in 2001 (Plesence et al 2004), then again in 2004 (Plesence 2006), and on a continuous basis between 2006 and 2009 (Plesence et al 2010). The CSJS was itself a substantial development of the *Paths to Justice* survey (Genn 1999).

In addition to questions concerning problem experience and use of legal services, the CSJPS incorporated an extensive set of new questions designed to investigate public awareness of legal rights and legal services more broadly, along with questions aimed at elucidating individual attitudes and confidence in relation to legal problem resolution.

Two waves of the CSJPS were conducted prior to the survey's replacement by the *Justiciable Problems Resolution Survey*. Wave 1 interviews were conducted between June and October 2010. Wave 2 interviews were conducted eighteen months later, concluding in May 2012.

⁷ Problems were identified by asking a variant of the following question in relation to each of the 13 categories of legal problem included in the surveys: "[have you/has your partner] had any (other) problems or disputes of the type shown on this card since [18 months]?"

The first wave of the survey included 3,806 adults (aged 16+), drawn from a random selection of 2,316 residential household addresses across 194 postcode sectors of England and Wales. The household response rate was 61%, and the cumulative eligible adult response rate was 54%.

The second wave included 3,911 adults, 2,604 of whom had also been interviewed at wave 1. Of the remainder, 148 were resident in a household surveyed at wave 1, but not interviewed until wave 2, 96 were new residents in a household surveyed at wave 1, and 1,063 were new respondents from new households. For the longitudinal sample, the household response rate was 75% and the cumulative eligible adult response rate 70%.⁸ For the cross-sectional sample the household response rate was 53% and cumulative eligible adult response rate was 43%.

Wave 1 interviews took an average of 37 minutes,⁹ and wave 2 interviews an average of 35 minutes.

Across both waves of the survey, the sample was broadly representative of the adult residential household population of England and Wales, which comprises around 98% of the total population.

CSJPS respondents were 45% male, 86% white, 52% married, 12% aged between 16 and 24 and 25% aged 65 or older. 25% had a long-term limited illness or disability. This compares to 2011 census estimates of 49% of the (16+) population being male, 88% being white, 47% being married, 15% being aged between 16 and 24 and 20% aged 65 or older, and 21% having a long-term limited illness or disability.

The prevalence, social patterning and impact of legal problems

The prevalence of legal problems

Thirty-two per cent of 2012 CSJPS respondents reported having experienced one or more legal problems in the past 18 months.¹⁰ Looking at those respondents

⁸ The individual level response rate was a very high 93%.

⁹ An initial longer form of the questionnaire (asking about more questions in detail) averaged 42 minutes (n=762), with the final questionnaire averaging 35 minutes (n=3,044)

¹⁰ This includes problems that started during the survey reference period and also those that started prior to the reference period but continued into it.

who were included in both waves of the CSJPS, 43% reported having experienced one or more legal problems in the past 36 months.

As can be seen from Table 1.2, problems concerning anti-social neighbours, consumer issues, employment and money were the most commonly reported across the CSJPS, collectively accounting for more than 50% of all problems about which data were obtained. The most frequently reported problems concerned consumer issues. These accounted for 18% of all problems. However, as the mean number of consumer problems reported by respondents was higher than the mean number of neighbours problems, more respondents actually reported the latter.

Table 1.2: Prevalence of legal problems reported in wave 1 and wave 2 of the CSJPS.

Problem type	Wave 1	Wave 2	Wave 1+2
	% Respondents	% Respondents	% Problems
Neighbours	9.4%	8.4%	12.7%
Consumer	8.9%	8.2%	17.5%
Employment	5.5%	6.4%	12.2%
Money	5.3%	5.2%	10.2%
Debt	4.9%	4.2%	9.2%
Rented housing	3.8%	3.0%	6.6%
Welfare benefits	4.4%	3.7%	7.5%
Personal injury	4.1%	3.8%	3.9%
Relationship breakdown	2.1%	2.0%	3.3%
Education	1.9%	1.9%	4.0%
Owned housing	1.6%	2.2%	3.5%
Clinical negligence	1.4%	1.5%	3.0%
Divorce	1.1%	1.2%	3.7%
Domestic violence	1.0%	1.2%	2.2%
Care proceedings	0.2%	0.2%	0.5%

Although common, consumer problems were regarded as the least severe overall, with problems concerning care proceedings the most severe.¹¹ Problems concerning relationship breakdown, domestic violence, clinical negligence, education and employment were also seen as being towards the severe end of the spectrum.

The social patterning of legal problems

¹¹ However, because consumer problems were so common, and some consumers were reported to be very severe, they actually comprised almost 10% of the most severe rated problems reported.

Legal problems are not experienced uniformly across the population. Experience is tied to such things as circumstances, disposition and capability. As we have described elsewhere (Pleasence & Balmer 2014) “associations with legal problems have commonly been found with age, education, family status, income, unemployment and, particularly, morbidity (most notably, psychiatric morbidity).”

For example, reflecting the fact that “as people move through life their circumstances change and expose them to different types of ... problem” (Pleasence et al 2004, p.15), the youngest 2012 CSJPS respondents reported more problems concerning rented housing than others, while those in middle age reported more problems concerning family breakdown, employment and debt. Reflecting their economic and social circumstances, lone parents and cohabitants with children reported more problems concerning rented housing, anti-social neighbours, benefits and debt than others. Lone parents also reported more instances of domestic violence, and cohabitants with children (along with other cohabitants and those who were married and had children) more employment problems. In contrast, those who were married and had no (dependent) children reported relatively few problems of any type.

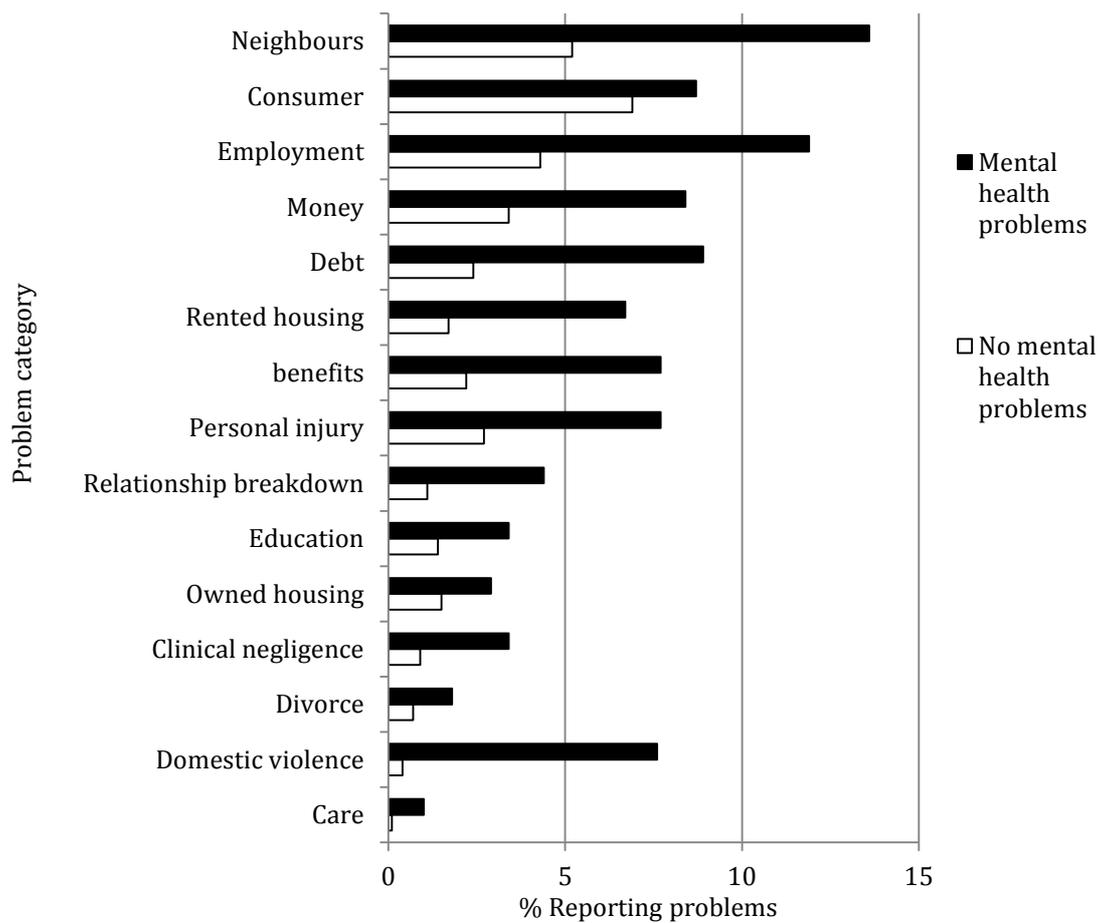


Figure 1.1. Legal problem prevalence by mental health

Most starkly, 2012 CSJPS respondents with mental health problems more often reported problems than others across *every* type examined (Figure 1.1). In some instances, the differences were particularly great. For example, 8% of respondents with mental health problems reported domestic violence, compared to less than ½% of others.

Legal needs surveys the world over have pointed to the prevalence of legal problems being generally higher among disadvantaged groups, linking to factors such as availability of resources and capability to avoid or mitigate problems, and the existence of a range of problems peculiar to disadvantage (e.g. welfare benefits related problems).

The impact of legal problems

Legal problems routinely impact on the wellbeing of those who face them. This impact can be grave, and by acting to increase the risk of further legal, social,

economic and health problems, can contribute to vicious cycles of social exclusion. A common example of such a vicious cycle is illustrated in Figure 1.2.

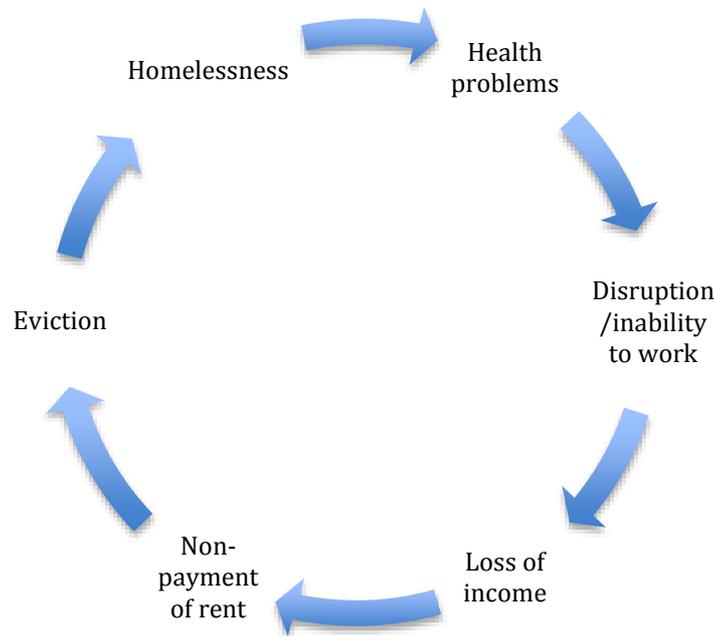


Figure 1.2. A vicious cycle of vulnerability to legal problems (adapted from Tobin Tyler et al (2011), p.236)

Overall, 50% of all problems reported in the 2010 and 2012 waves of the CSJPS were said to have had a tangible negative impact on respondents' lives. Moreover, each of these problems was described as having had 2 types of negative impact, on average. Domestic violence was most commonly associated with adverse impact (84% of problems), followed by divorce/relationship breakdown (76%), personal injury (76%) and employment problems (72%). Domestic violence also led to the most impact types, followed by divorce/relationship breakdown, employment problems, personal injury, clinical negligence and debt problems. Consumer problems were least commonly associated with adverse impact (18%), and led to the fewest impact types.

Figure 1.3 illustrates the percentage of problems, overall, that were reported to have had negative impacts of different types. The most common types of impact included stress related ill-health (24% of problems), loss of income (15%) and loss of confidence (14%). Rare, but grave, impacts included the development of drug problems (¼%), homelessness (1%) and family breakdown (2%).

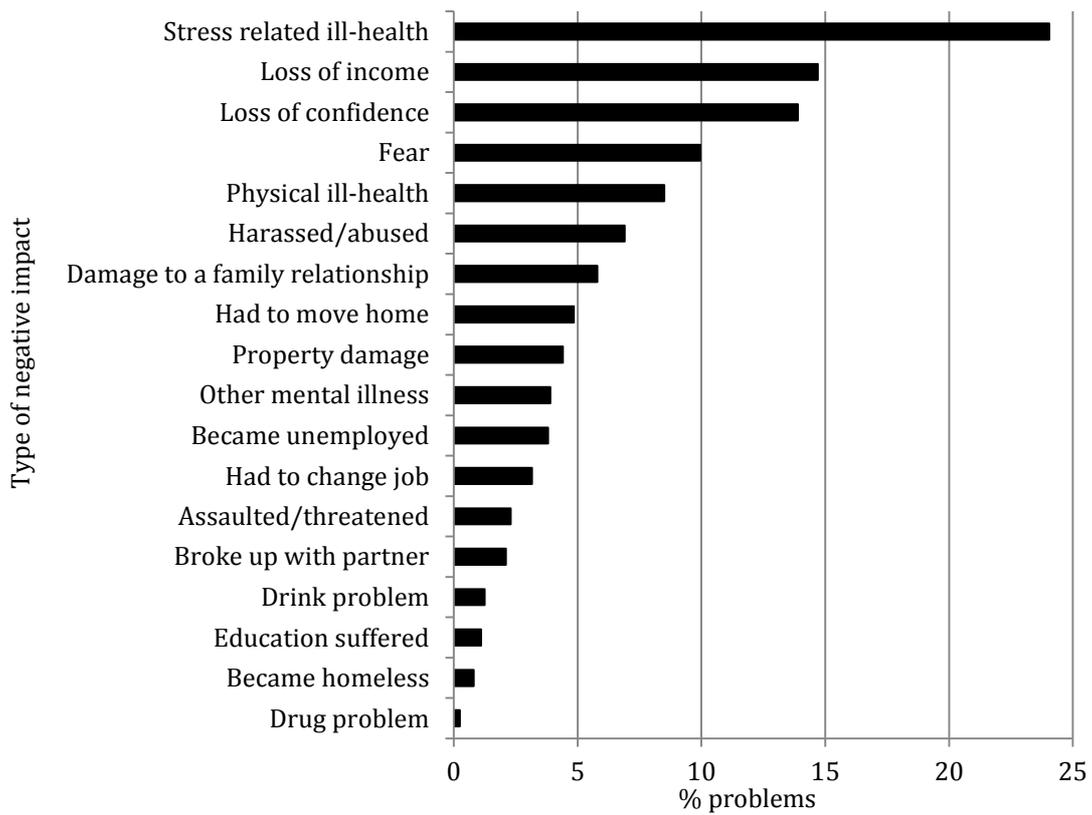


Figure 1.3. Adverse impact of legal problems

Table 1.3 illustrates the same, but for the most and least impactful problems. As is evident, the impact profiles of different problem types vary considerably.

Table 1.3: Impact of legal problems by problem type.

Impact type	Problem type				
	Consumer	Employment	PI	Relationship breakdown	Domestic violence
Stress-related ill health	7%	28%	19%	45%	50%
Loss of income	4%	37%	18%	29%	8%
Loss of confidence	6%	24%	27%	14%	24%
Fear	2%	14%	12%	10%	24%
Physical ill-health	2%	8%	59%	10%	15%
Harassed/abused	3%	6%	3%	17%	40%
Family relationship damaged	1%	2%	2%	24%	29%
Had to move home	<1%	2%	2%	16%	16%
Property damage	4%	1%	10%	2%	13%
Other mental illness	<1%	5%	7%	7%	16%
Became unemployed	-	20%	2%	9%	3%
Had to change job	-	19%	6%	5%	3%

Assaulted/threatened	<1%	3%	-	3%	37%
Broke up with a partner	<1%	2%	-	3%	34%
Drink problem	-	3%	-	2%	5%
Education suffered	<1%	<1%	2%	-	-
Became homeless	<1%	1%	-	2%	3%

It is apparent that some of the impacts reported are tied to the nature of problems (such as assault in the case of domestic violence and physical ill-health in the case of personal injury). However, it is also clear that much of the reported impact of problems follows on in their wake. For example, in addition to loss of income and unemployment, employment problems can be seen to have sometimes led to substance abuse, the break-up of families, stress-related and physical ill-health and loss of home.

The impact of legal problems contributes to their having an *additive* effect, whereby the experience of one problem increases the risk of further problem experiences. This contributes to the entrenchment of the social patterning detailed in the previous section.

The duration of legal problems

Determining how long civil justice problems last is not as simple as it might seem. If only concluded problems are considered you will inevitably underestimate how long problems last, as ongoing problems are ignored (which may have been ongoing for some time). To correctly understand and model how long problems last, ongoing problems (at the time of interview) must be included and accounted for in analysis. To do this, statistical models suited to this type of data were used. Specifically, multilevel event history analysis (also commonly known as survival analysis, (e.g. see Singer and Willett 1993)) was used to model duration (in months) for problems reported in both waves of the CSJPS. Further information on event history analysis and detailed statistical output is provided in the statistical appendix. The results below interpret the statistical output in simple terms, showing what proportion of problems would be expected to remain ongoing over time.

The following section looks at output from four simple statistical models. The first examines problem duration for all CSJPS problems, the second looks at differences across problem types, the third examines differences by broad

problem solving strategy and the fourth explores whether characterising problems as 'legal' relates to how long they last.

Duration of all civil justice problems

Figure 1.4 shows the proportion of CSJPS legal problems that remained ongoing over time (in months, following problem onset). As can be seen, around 50% of problems concluded within six months, and almost two-thirds after a year. After two years, just under 20% of problems were still ongoing, with just under 5% still ongoing after five years. So, while many civil justice problems resolve quickly, a significant minority tended to last far longer.

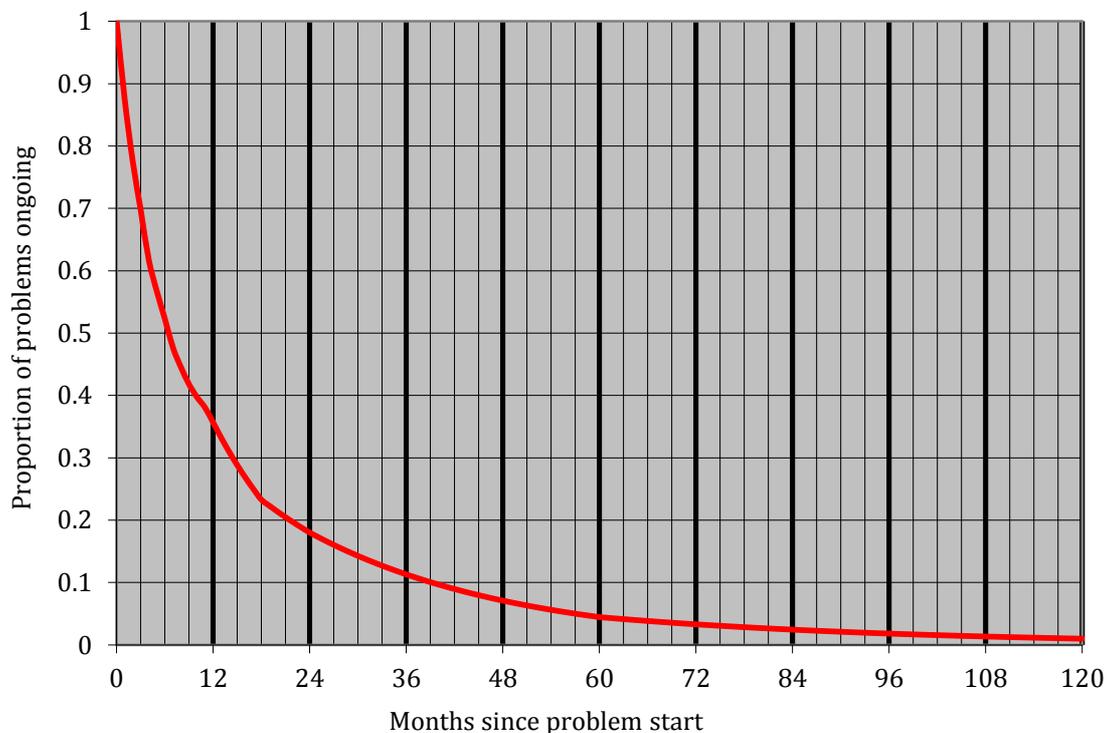


Figure 1.4 Duration of legal problems (2010 and 2012 CSJPS)

Duration of problems of different types

As has been observed previously in the context of debt issues (Patel, Balmer and Pleasence 2012), problem duration varies with type of problem. This was also the case for CSJPS problems, with a highly significant variation in how long problems lasted by problem type. For example, consumer problems were significantly

shorter in duration than all other problem types.¹² At the other end of the spectrum, debt, neighbours and particularly family problems (divorce, relationship, and domestic violence) tended to last longest. Table 1.4 shows the percentage of problems for each problem type that remained ongoing over time. As can be seen, just under 30% of consumer problems concluded within a month of their onset, and almost 50% concluded within two months. After a year, fewer than one in twenty consumer problems remained ongoing.

Table 1.4 How long different types of legal problem lasted

Problem type	Percentage of problems ongoing after (months)								
	1	2	3	4	5	6	12	24	36
Consumer	71.7	51.9	38.4	27.1	20.9	16.3	4.8	0.4	0.1
Employment	86.0	74.3	64.9	55.4	49.4	44.2	25.8	9.1	4.1
Benefits	87.6	77.0	68.4	59.5	53.8	48.8	30.4	12.1	6.1
Clinical negligence	89.2	79.8	72.0	63.9	58.6	53.9	35.8	16.3	9.0
Money	90.1	81.5	74.2	66.5	61.5	57.0	39.4	19.3	11.3
Education	90.3	81.8	74.7	67.0	62.1	57.6	40.1	19.9	11.8
Owned housing	90.7	82.5	75.6	68.3	63.4	59.1	41.8	21.4	13.0
Personal injury	91.0	83.1	76.4	69.2	64.5	60.2	43.2	22.7	14.0
Care	91.3	83.6	77.1	70.1	65.4	61.2	44.4	23.8	14.9
Rented housing	92.0	84.8	78.7	72.1	67.7	63.7	47.4	26.8	17.5
Debt	93.1	86.8	81.4	75.5	71.5	67.9	52.7	32.3	22.4
Neighbours	93.4	87.4	82.2	76.4	72.6	69.1	54.2	34.0	23.9
Domestic violence	95.1	90.7	86.7	82.3	79.2	76.4	64.1	45.7	35.5
Divorce	95.5	91.4	87.7	83.6	80.8	78.2	66.6	48.8	38.7
Relationship breakdown	97.8	95.7	93.8	91.6	90.0	88.6	81.9	70.3	62.8

Duration of problems with different broad problem solving strategies

The duration of problems also varied significantly by broad problem-solving strategy. Problems for which respondents obtained informal advice or which respondents handled alone tended to have the shortest durations, and were highly significantly more likely than problems where respondents adopted other strategies to conclude in a given month.¹³ Conversely, problems for which respondents obtained legal advice tended to last longest, and were significantly

¹² For example, compared to employment; $\chi^2_1 = 60.73$, $p < 0.001$, neighbours; $\chi^2_1 = 202.68$, $p < 0.001$ or debt problems; $\chi^2_1 = 100.25$, $p < 0.001$.

¹³ Compared to those who did nothing; $\chi^2_1 = 22.38$, $p < 0.001$, obtained 'other' advice; $\chi^2_1 = 34.55$, $p < 0.001$, obtained advice sector advice; $\chi^2_1 = 21.67$, $p < 0.001$ and particularly to those who obtained advice from a law firm; $\chi^2_1 = 59.60$, $p < 0.001$.

less likely to end in a given month.¹⁴ Figure 1.5 shows the proportion of problems that remained ongoing over time by the broad strategy respondents adopted. As can be seen, where respondents handled alone or obtained informal advice, around 10% remained ongoing after two years and just over 5% after three years. In contrast, around 45% of problems where legal advice was obtained remained ongoing after two years and 35% after three years.

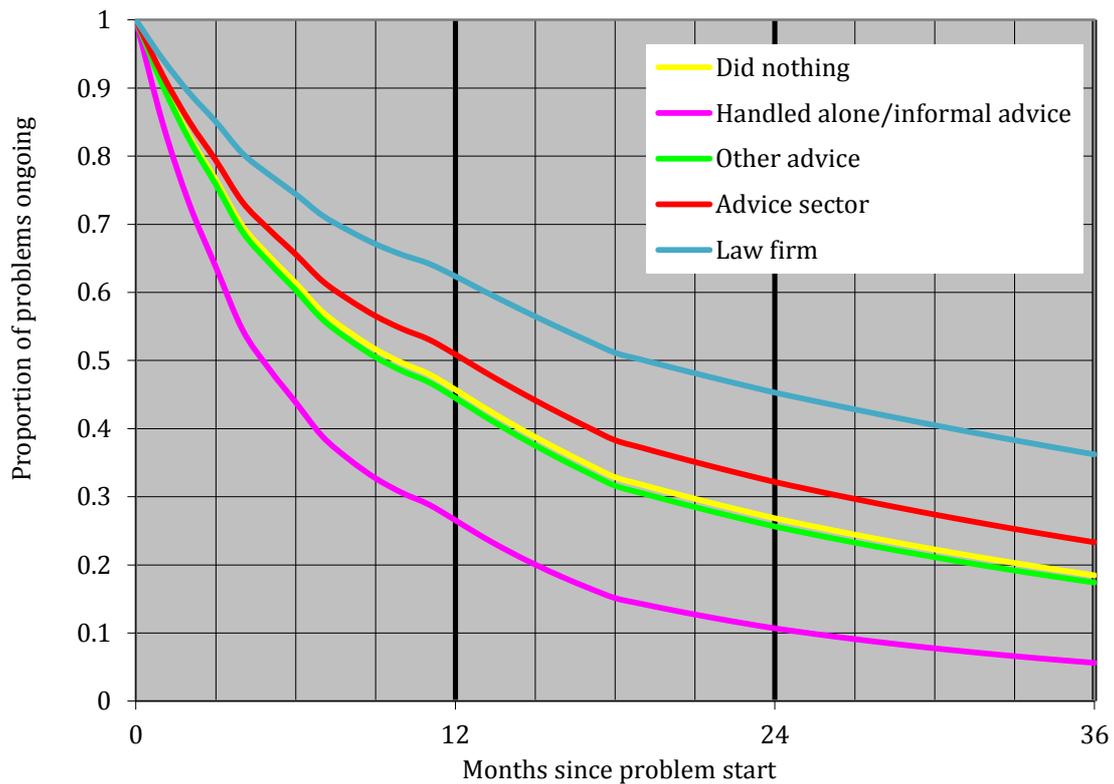


Figure 1.5. Relationship between problem-solving strategy and duration of legal problems

Duration and legal characterisation

Similarly, problems characterised by respondents as 'legal' also tended to last significantly longer than problems not characterised as 'legal'.¹⁵ As can be seen in Figure 1.6, where problems were characterised as 'legal', over half were ongoing

¹⁴ Compared to those who did nothing; $\chi^2_1 = 9.24$, $p = 0.002$, obtained 'other' advice; $\chi^2_1 = 13.18$, $p < 0.001$ and particularly to those who obtained handles alone/obtained informal advice; $\chi^2_1 = 59.60$, $p < 0.001$. The difference between those who sought advice from a law firm and from the advice sector fell just short of significance; $\chi^2_1 = 3.50$, $p = 0.061$.

¹⁵ Problems characterised as 'legal' were highly significantly less likely to end in a given month; $\chi^2_1 = 37.41$, $p < 0.001$.

after a year, compared to around a third for other problems. After three years, around 10% of 'non-legal' problems remained ongoing, compared to 30% of 'legal' problems.

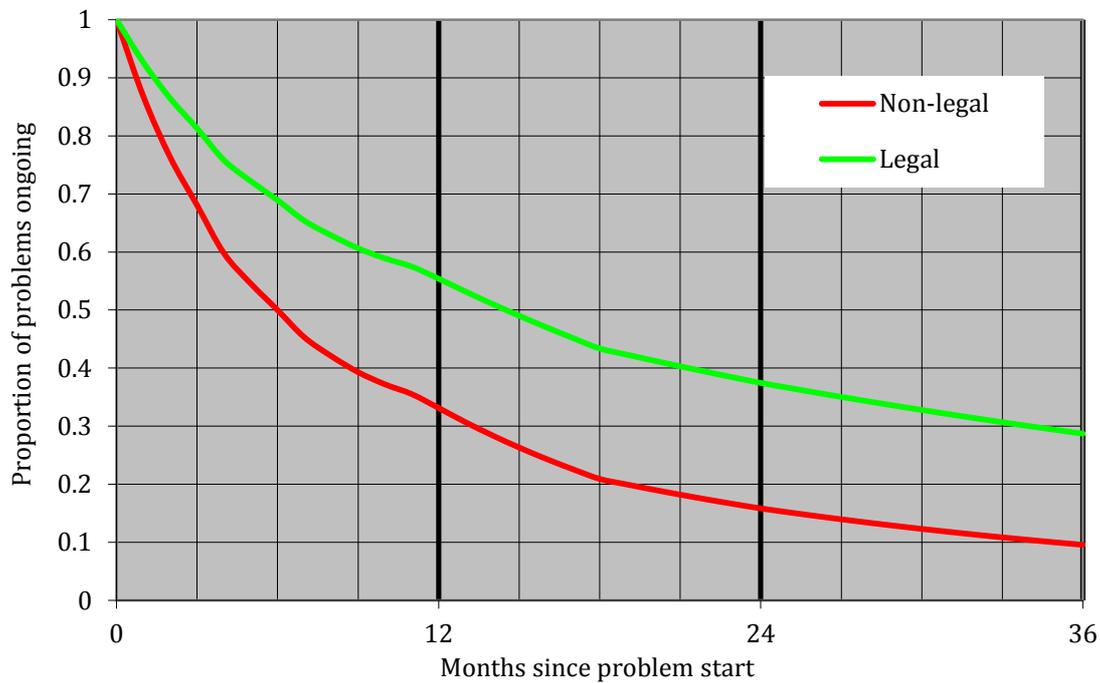


Figure 1.6. Relationship between problem duration and legal characterisation

Going forward

The picture just painted of the ubiquity, social patterning, impact and duration of legal problems lies behind access to justice policy having become interwoven with broader social welfare policy over recent decades. The ability of, and means used by, people to resolve legal problems are therefore matters of significant policy interest. In the next Chapter we turn to the strategies people adopt to resolve legal problems and explore the obstacles people can face in achieving appropriate problem resolution. In setting out factors associated with different decisions and the stated reasons for decisions we highlight the key role that aspects of understanding and capability play in achievement of justice.

2

How People Address Legal Problems: An Overview

In this chapter we provide an overview of the public's responses to the experience of legal problems, first in terms of the basic problem resolution strategies adopted, and then in terms of the reasons provided for different strategy choices.

Problem resolution: The big picture

2010 and 2012 CSJPS respondents attempted to resolve 87% of reported legal problems. However, in only 6% of cases did respondents make use of a law firm, and in a further 4% the advice sector (Table 2.1). The most common problem resolution strategy respondents adopted was to handle problems entirely alone (43%), without even informal advice from family or friends (15%).

As would be expected, the overall strategy picture differed between less and more severe problems, with the use of law firms and other formal advice increasing with problem severity. However, as can be seen in Table 2.1, inaction also increased with problem severity.

Multinomial logistic regression analysis confirmed the influence of problem severity on strategy once other factors were taken into account.¹⁶ It also pointed to a range of further influential factors. These included problem type, problems impacting negatively on respondents' wellbeing (in the manner detailed in the previous chapter), problem duration, professed understanding of rights, problem characterisation (i.e. the perceived nature of problems), subjective legal empowerment (Gramatikov & Porter 2011),¹⁷ and personal and household preferences.

¹⁶ Technical details are set out in the statistical appendix. A more detailed analysis is set out in Pleasence and Balmer (2014).

¹⁷ Gramatikov & Porter (2011) define subjective legal empowerment as "the subjective self-belief that a person possesses and can mobilize the necessary resources, competencies and energies to solve particular problem of legal nature." Within the CSJPS this was operationalised through a series of

Table 1.2: Problem resolution strategy overall and by problem severity

Problem type	All problems %	Less severe problems %	More severe problems %
Did nothing	13	11	15
Handled alone	43	49	38
Informal advice	15	16	14
Other formal advice	19	17	20
Advice sector	4	3	6
Law firm	6	3	8

Regression analysis indicated that CSJPS respondents were particularly likely to obtain advice from law firms for divorce, from the advice sector for problems concerning debt, and from other advisors for problems concerning anti-social neighbours (Figure 2.1). They were more likely to handle problems alone or obtain only informal advice (i.e. from family or friends) in the case of consumer problems, and take no action in the case of employment problems.

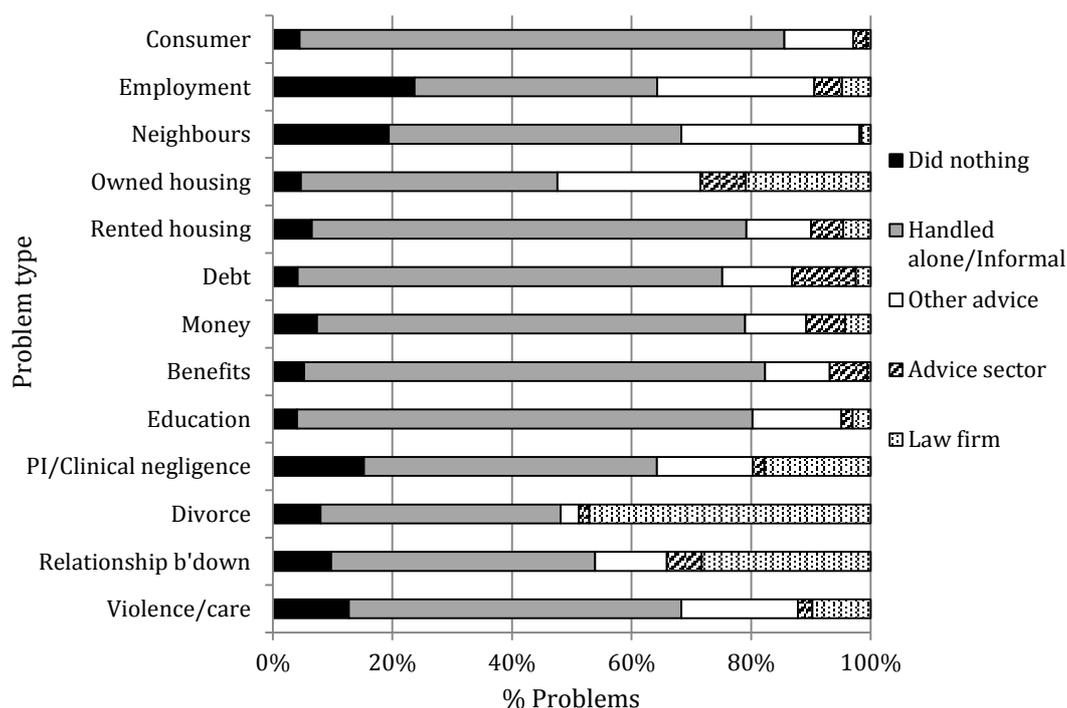


Figure 2.1. Problem resolution strategy by problem type, controlling for other factors

questions asking how likely respondents believed they would be able to obtain a fair resolution to disputes with an employer, family member, neighbour, a land dispute, a business dispute or became a victim of crime. The variable used in the model comprised a score derived by summing the responses to these questions.

Regression analysis also indicated that respondents were less likely to take no action, or handle problems alone or with only informal advice, when problems impacted negatively on their wellbeing.

Respondents were also more likely to take no action when problems lasted longer, with the regression model indicating that while respondents took no action to resolve just 10% of problems lasting less than a year, the figure rose to 15% for problems lasting for 5 years. However, the likelihood of handling problems alone or with only informal advice reduced with problem duration. So, while 62% of problems lasting less than a year were handled alone or with only informal advice, this reduced to 47% for problems lasting for 5 years.

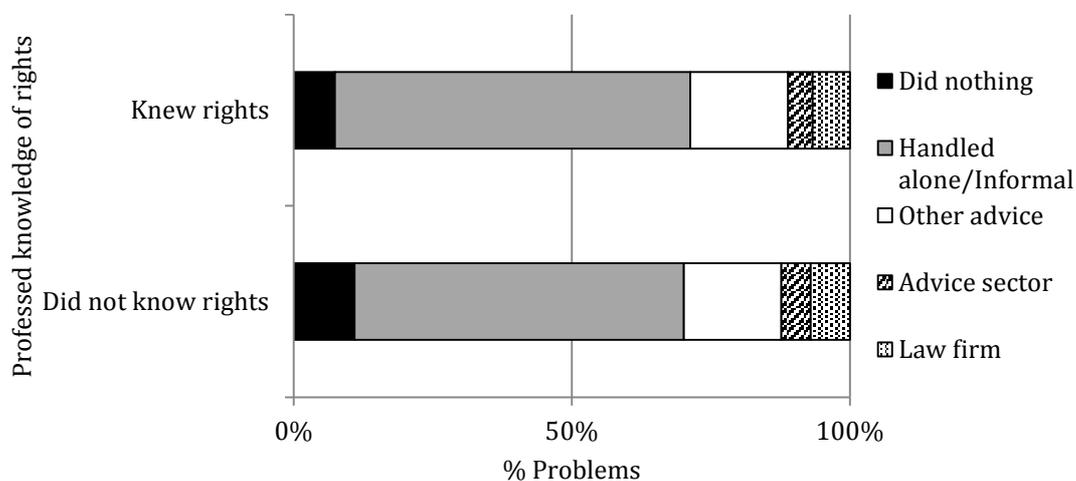


Figure 2.2. Professed knowledge of rights and problem resolution strategy, controlling for other factors

Turning to factors linked to legal capability, respondents were more likely to take no action to resolve problems if they professed they had not understood their legal rights (11% versus 7%) (Figure 2.2).

Similarly, respondents were also far more likely to obtain help from a law firm (19% versus 7%), and far less likely to try to resolve problems alone or with only informal advice (44% versus 59%), if they had characterised their problems as legal in nature (Figure 2.3). Problems characterised as criminal were also associated with increased use of law firms, while problems characterised as ‘bad luck’ were associated with higher rates of inaction.

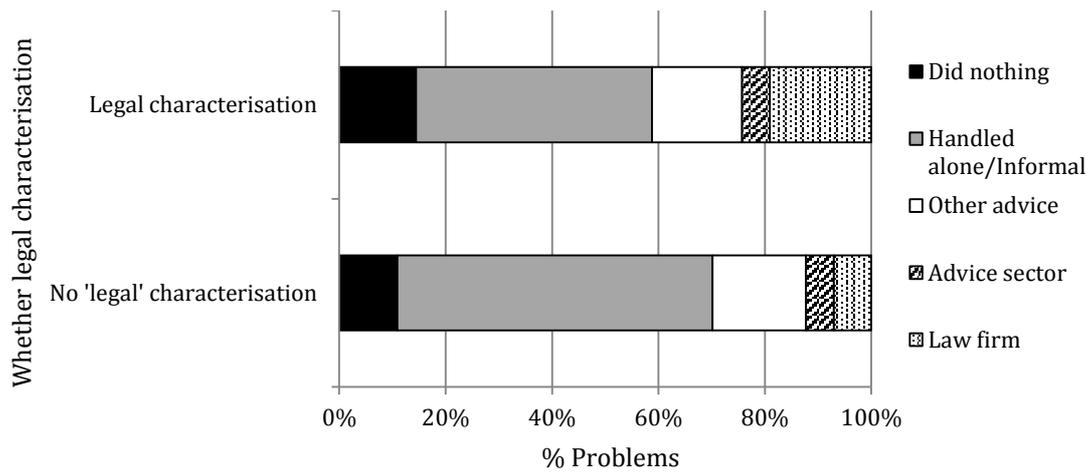


Figure 2.3. Problem characterisation and resolution strategy, controlling for other factors

Also, respondents were more likely to take action to resolve problems as subjective legal empowerment increased (Figure 2.4).

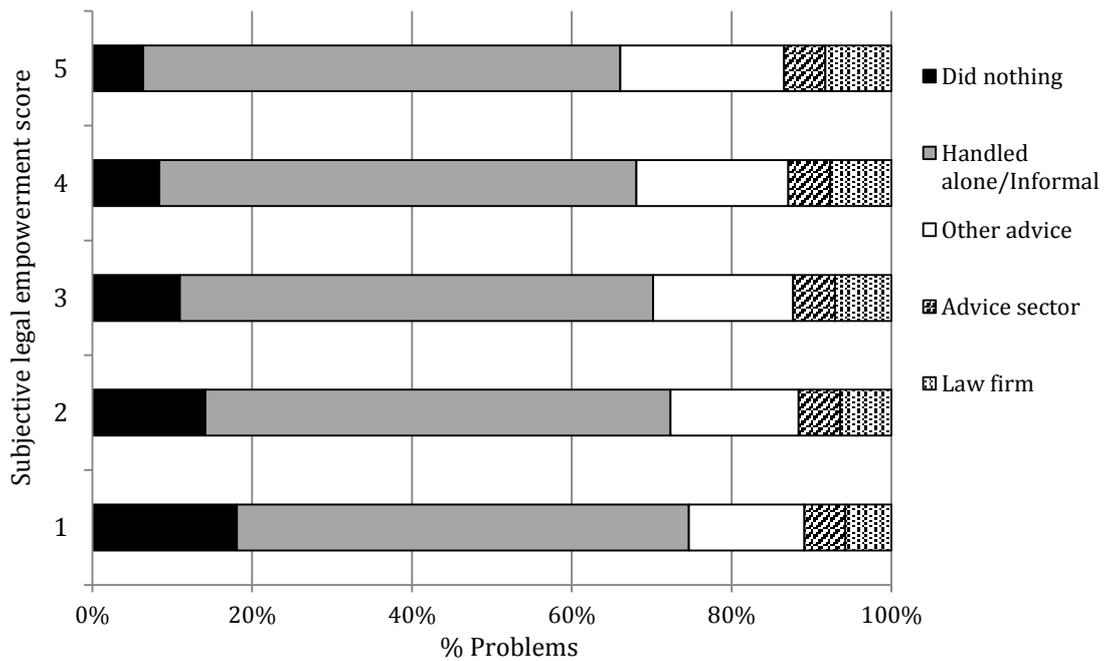


Figure 2.4. Subjective legal empowerment score and resolution strategy, controlling for other factors

Finally, regression analysis indicated an increased tendency for respondents (and others in their household) to repeat problem-solving strategies when they experienced more than one problem.

The reasoning behind problem resolution strategies

Confirming the findings of previous surveys, the reasoning provided by those CSJPS respondents who took no action to resolve problems painted a mixed picture of rational cost-benefit analysis and uncertainty or fatalism. Thus, while many respondents' inaction was due to there being no dispute or problems resolving without the need for action, a significant minority reported they hadn't known what could have be done or thought action would have made no difference.

Unlike earlier surveys, the CSJPS went on to ask respondents about the reasoning behind other resolution strategies also.¹⁸

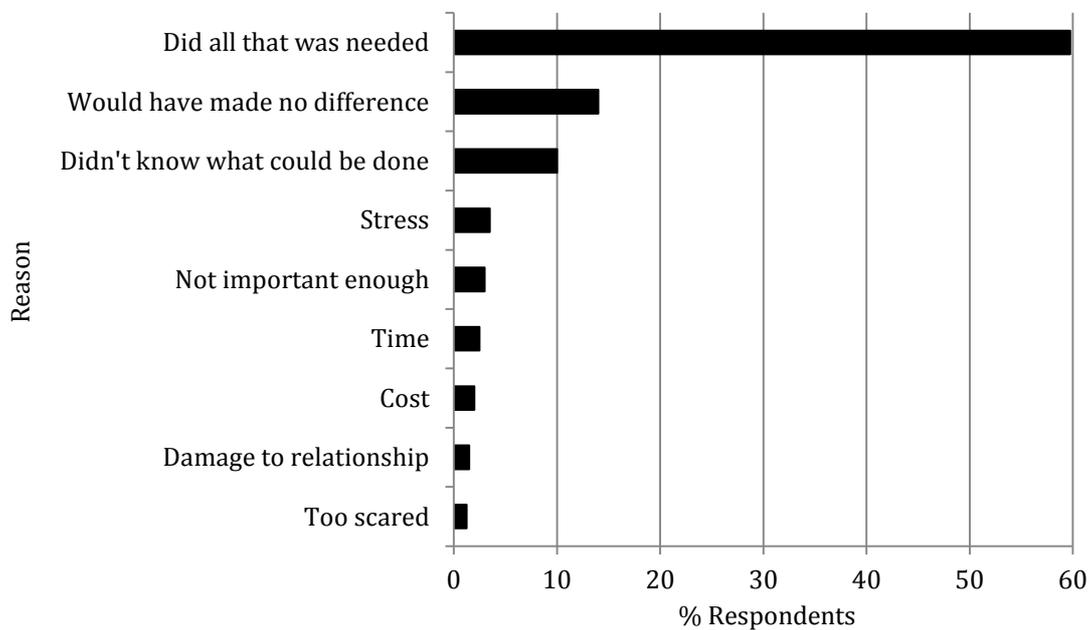


Figure 2.5. Reasons for not doing more to resolve problems, provided by those who handled problems alone.

As illustrated by Figure 2.5, when asked why they hadn't done more than they did resolve problems, a majority of 2010 and 2012 CSJPS respondents who had handled problems alone answered simply that they "did all that was needed." Relatively few mentioned stress, cost or time; although a significant minority suggested, in a more negative tone, that they hadn't known what else they might have done or that further action would have made no difference.

¹⁸ For one problem.

Similarly, as illustrated by Figure 2.6, a majority of those respondents who didn't obtain independent advice (i.e. those who had either taken no action or handled problems alone) also suggested that this was because there had been no need to do so. Again, though, a significant minority suggested, in a more negative tone, that advice would have made no difference. Just over 5% of respondents mentioned the cost of advice.

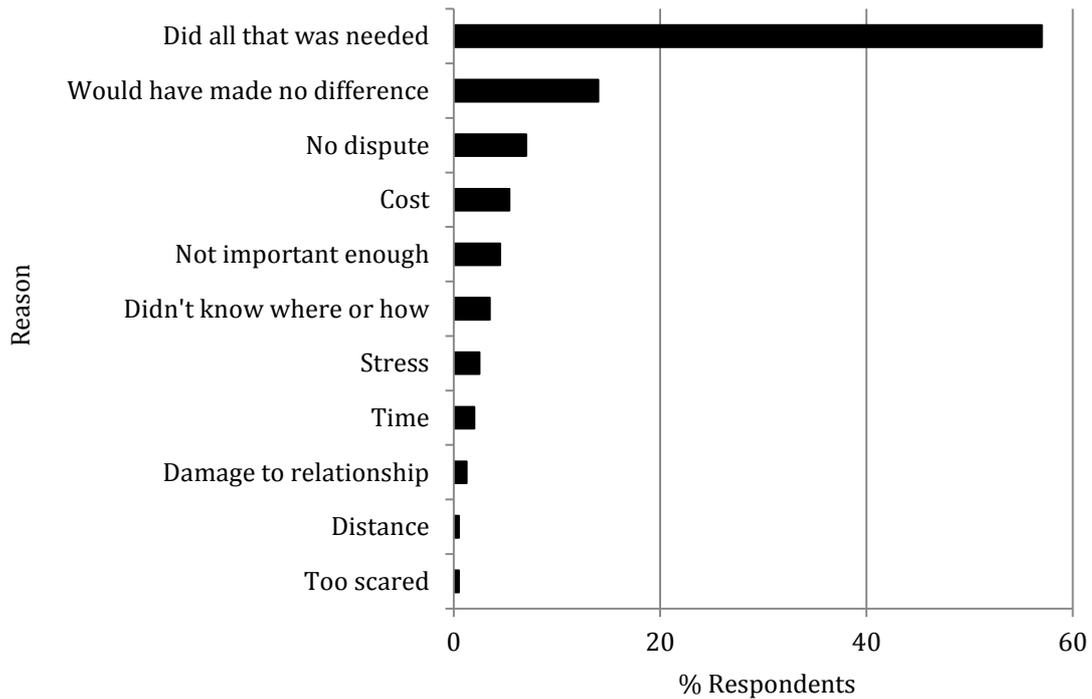


Figure 2.6. Reasons for not obtaining independent advice, provided by all those who did not do so.

As illustrated by Figure 2.7, when respondents who had obtained independent advice were asked why they had not handled problems themselves, 39% gave the main reason as an inability to resolve problems alone. This response was more common among younger respondents. There were also concerns to level the playing field, where the other side had instructed a lawyer, or had greater resources. And for some, independent help also meant being listened to.¹⁹

¹⁹ It can be seen that a significant number of respondents mentioned fear or intimidation. However, against this, some respondents used independent assistance as a means to engage the other side without harming them.

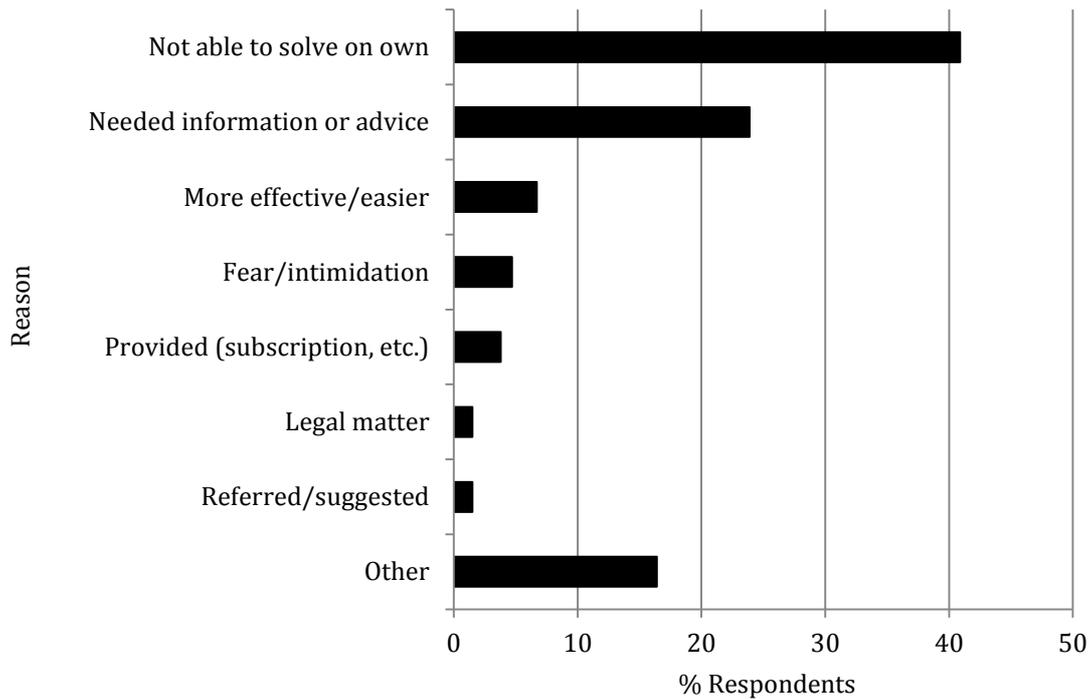


Figure 2.7. Main reason for not handling problems alone, provided by those who obtained independent help

Similarly again, as illustrated by Figure 2.8, a majority of those who obtained independent help, but not from a lawyer, stated that they chose not to instruct a lawyer because there was no need. This was more often the case for less severe problems, and those who understood their legal rights, had experience in the legal field or who had a greater sense of subjective legal empowerment. It was also evident that some respondents were unclear how lawyers connected to their problems.

In this instance, there was much more concern about cost, with around 25% of respondents choosing not to obtain help from a lawyer because of the perceived expense. This was more common in relation to less severe problems and family and employment related problems (reflecting legal aid and trade union involvement). As would be expected, cost was more often mentioned by those on lower incomes.

When those who obtained help from advice agencies, rather than solicitors' firms, were asked why they had not instructed solicitors, perceived expense was the main concern. In this instance, need was mentioned far less often.

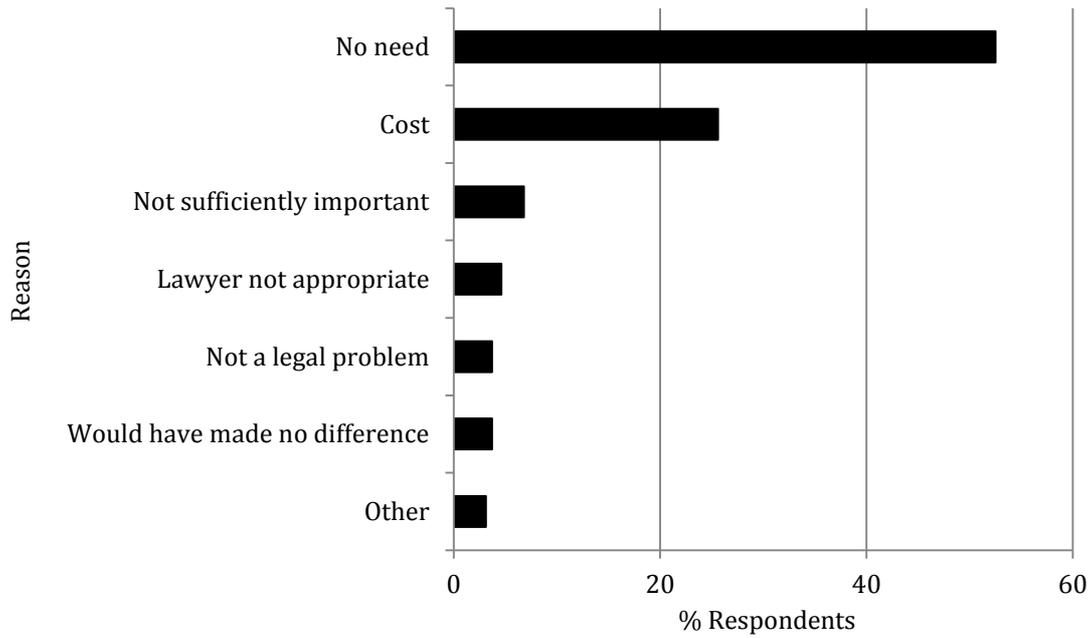


Figure 2.8. Main reason for not obtaining help from a lawyer, provided by those who obtained independent help, but not from a lawyer

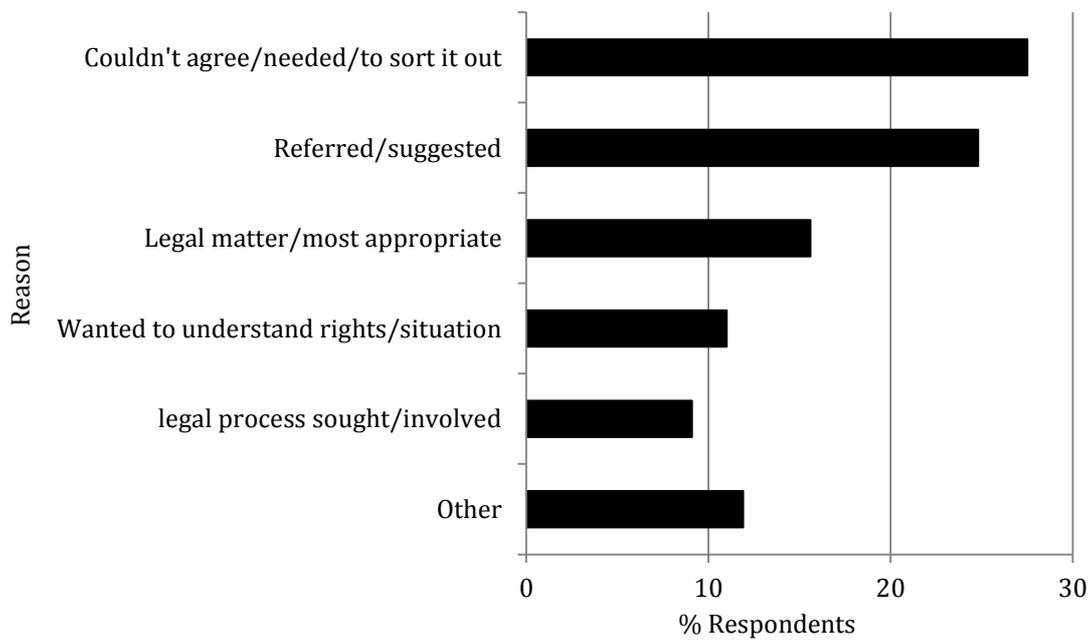


Figure 2.9. Main reason for obtaining help from a lawyer

Finally, as illustrated by Figure 2.9, the most common reason for respondents' obtaining help from lawyers was to 'sort problems out'. This was sometimes indicated to be following failure to reach agreement with the other side directly. Around 15% of respondents who instructed lawyers said that they had

done so because their problem was 'legal' or that a lawyer was most appropriate or expert. This was more often the case for less severe problems.

3

Understanding legal rights

Knowledge of legal rights in context

Knowledge of legal rights in a law-thick world

We live in a 'law-thick' world (Hadfield 2010:133) in which our daily activities are played out within a complex and extensive legal framework. Successive waves of 'juridification' – defined by Habermas (1987, p.357) as “the tendency towards an increase in formal (or positive, written) law that can be observed in a modern society”²⁰ – have seen law become “ubiquitous in social life” (Twining 1994, p.16). An increasing range of legal rights, responsibilities and protections have come to apply in the spheres of education, employment, children and families, health, housing, welfare benefits, consumer goods and services, and our environment (e.g. Teubner 1987, Goriely 1998, Howells and Weatherill 2005, Veitch 2012, Veitch et al. 2012, Gibson 2013)

Yet, with net civil legal aid budget having been cut by 15% (£141 million) between 2012-13 and 2013-14 (Legal Aid Agency 2014) following implementation of the Legal Aid, Sentencing and Punishment of Offenders (LASPO) Act 2012, and with further cuts remaining, the government is placing increasingly greater reliance on the abilities of individual citizens to understand and navigate this law-thick world alone. This is a significant challenge for the public, recognised in the Public Bill Committee debates regarding the passage of the LASPO Bill, where it was observed that changes to legal aid demanded greater public knowledge of rights if individuals are expected to self-help and self-

²⁰ He then went on to distinguish between “the *expansion* of law, that is the legal regulation of new, hitherto informally regulated social matters, from the *increasing density* of law, that is the specialized breakdown of global statements of the legally relevant facts into more detailed statements.” Habermas argued that there have been 4 epochs of juridification, with the most recent accompanying the expansion of the welfare state. Veitch et al (2007) argue that we are now in the midst of a 5th epoch, accompanying the decline of the welfare state, comprising “the re-embedding of private law mechanisms – contract and property law in particular – within formerly public, State-owned areas” and the expansion of supranational law.

represent more often (Public Bill Committee 2011). Reports of a significant increase in the volume of litigants in person in English and Welsh family courts suggest this expected increase in self-representation is being realised.²¹

Poor knowledge may prevent people from acting to protect their rights (or discharge responsibilities) (e.g. Bowal 1999, Pleasence & Balmer 2014), prevent people acting to protect against the likelihood of particular eventualities (e.g. Kim 1999, Meager et al 2002),²² and militate against good outcomes (Pleasence & Balmer 2014). Williams's (2011, p.5) review of research into litigants in person also pointed to poor knowledge acting as a disadvantage in the courts. She found that "most research" suggested litigants in person experience a variety of knowledge related disadvantages; such as in "identifying facts relevant to the case", "understanding evidential requirements" and "understanding the nature of proceedings." The poor knowledge of litigants in person also creates an "extra burden ... for court staff and judges."

So, what does research tell us about the public's understanding of the law?

Assessments of the public's knowledge of law

Unfortunately, it appears that, at least in some contexts, "the vast majority of the population systematically mispredicts ... the content of the law" (Williams 2009, p.734). A steadily growing number of studies of the public's understanding of law point to a substantial knowledge deficit (e.g. Cortese 1966, Williams & Hall 1972, Saunders 1975, Baker & Emery 1993, Darley et al. 1996, Kim 1999, Darley et al. 2001, Barlow et al. 2005, Militello et al. 2009, Panades et al. 2007, Parle 2009, Pleasence & Balmer 2012, Denvir et al 2013).

²¹ For example, the Law Society's submission of evidence to the Justice Select Committee inquiry into the impact of changes to civil legal aid under the LASPO Act 2012 included figures issued by Cafcass relating to disputes involving children that indicated an increase from 18% to 42% in the proportion of cases that began with neither party represented.

²² For example, in the context of the 'common law marriage myth', which involves the systematic over-estimation of the rights of cohabitantes against one another, whereas divorce acts as a "redistributive" process, "financial division on the breakdown from cohabitation sustains the financial power dynamics in the relationship" (Lewis et al. 2009, p.179). Thus, poor legal knowledge will lead to some financially vulnerable cohabitants to "underinsure against the financial cost" of relationship breakdown (Williams 2009, p759), "militate against amicable resolution of disputes" (Dowding 2009:207), and create "needless emotional harm" (Williams 2009, p.735).

The deficit appears greater in some areas of law than others, in part a function of salience (e.g. Saunders 1981, Casebourne et al. 2006, Pleasence & Balmer 2012). After all, there is less reason for individuals to possess knowledge with no clear bearing on their lives. So, for example, Casebourne et al.'s (2006) study of employee awareness of employment rights in the United Kingdom demonstrated that those with dependent children were "understandably" more likely than others to know a lot or fair amount about the detail of the parental right to request flexible working (40% vs. 27%). There is also less reason for people to have a grasp of the intricacies of the law than broader legal principles, and again this is reflected in findings to date (Casebourne et al. 2006).

Also, there is evidence of a lesser deficit for those with an interest in or, more predictably, relevant experience of the law. So, Baker & Emery (1993) found that students just about to start a course on family law had slightly higher levels of knowledge of divorce statute law than did the general public.²³ As would be expected, those who had completed the course had higher levels of knowledge still; although Baker & Emery found that, "in absolute terms ... even these students' perceptions were highly inaccurate" (p.445).²⁴

Beliefs about law, attitudes and social norms

Importantly, holding erroneous beliefs about the law is not simply a matter of chance ignorance. We have previously argued that legal reality and the public's perception of legality – both in the case of cohabitation and marriage – are each coherent and distinct, with the latter fuelled and entrenched by attitudes and social norms. As Louis and Taylor (2005, p.107) have observed, "people's perceptions of their rights and duties are learned in a social context."

In the employment context, Kim (1999) found that workers' beliefs were "systematically erroneous," yet "remarkably similar" between U.S. states, "despite wide variations in the states' laws." (p.447 & p.45). She concluded that respondents "assumed that the requirements of the law coincide with their beliefs as to how employers should behave and, therefore, answer the legal questions according to their own notions of fairness" (p.490).

²³ Answering 64% of questions correctly, as compared to 60%.

²⁴ Their scores averaged 70%.

Similarly, Darley et al.'s (2001) study of people's understanding of aspects of criminal law in Wisconsin, Texas, South Dakota, and North Dakota pointed to little variation between states in citizens' beliefs about the law, despite substantial differences in the actual law. Drawing on the "false consensus effect" (Ross et al 1977), they concluded that people "assume that the state, in its moral wisdom, shares their personal views" (p.168). Even in the case of Texans' relatively good understanding of Texas's irregular law concerning the use of deadly force to protect property, differences in beliefs about the state of the law "disappeared completely when the relevant attitudes of the citizens [were] covaried out" (p.178).

Also, our own study of a series of questions included in the 2010 CSJPS about a hypothetical family scenario (Plesence & Balmer 2012, p.323) made evident "symmetry of error in people's beliefs about marriage and cohabitation law, where beliefs about both cohabitation and marriage law err from their (often opposing) correct legal positions to rest more closely in line with social attitudes." People appeared to tend to assume the law concurred with what they thought it ought to be. For example, in the case of a childless couple who had lived together for 10 years, with the female partner having looked after the home and not worked since they started living together and the male partner having a good salary and sizeable savings, 52% of respondents wrongly believed that a financially dependent cohabitant would have had a good legal claim, with 65% believing the same in the case of a spouse, with most of the remainder wrongly believing that such a spouse would not have a claim. This reflects the attitudes of the public as indicated by the 2006 British Social Attitudes Survey more than the actual state of the law (see, also Barlow et al. 2004, 2005).

Beliefs about law and reference to time

Another aspect of some public beliefs about legal rights is that they are believed to crystallise over time. So, for example, Plesence & Balmer (2012) found that CSJPS respondent's beliefs about the rights of spouses and cohabitants against the estate of an intestate deceased partner depended upon relationship duration. So, the percentage of respondents believing a cohabitee would automatically inherit went from 7% for short relationship durations to an asymptote of 27%, with the

increase fairly gradual as duration increased. In the case of spouses, the asymptote was 44%. Figure 3.1 illustrates a similar phenomenon in relation to financial support on divorce or separation.

In both these examples, the passing of time can be taken to be associated with the accretion of expectation and dependency on the part of cohabitees/spouses, and thus is reflected in a public expectation that the law will protect the vulnerable.

The absence of such a public expectation in the case of rights linked to parenthood, such as child support and decisions about children’s medical treatment, meant that beliefs were independent of relationship duration.

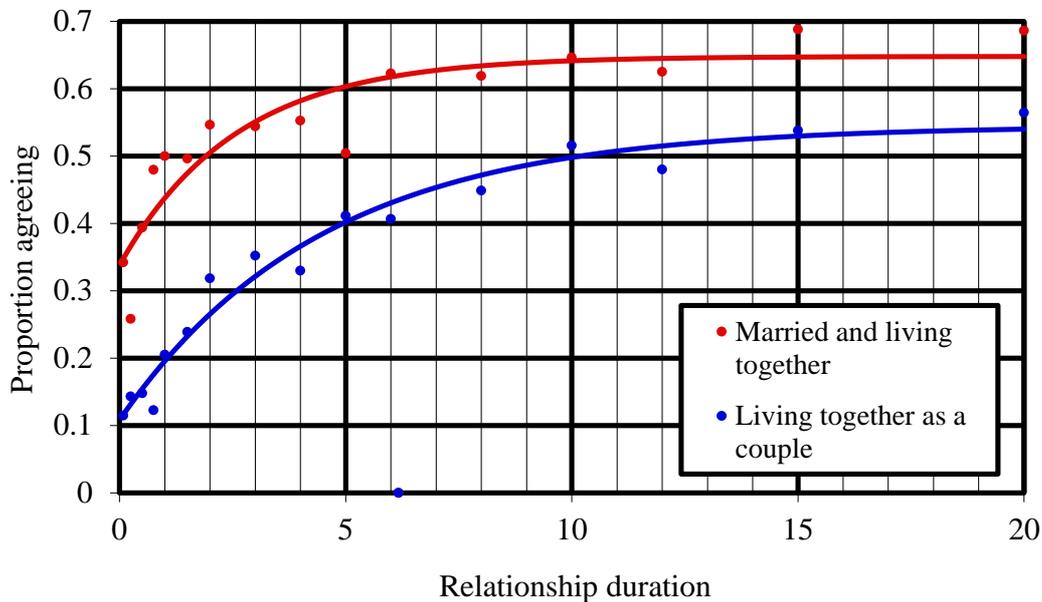


Figure 3.1 Observed and fitted asymptotic regression model values of whether CSJPS respondents felt spouses/cohabitees would have a good legal claim to financial support following divorce/separation (from Pleasence & Balmer 2012)

Challenges to dislodging erroneous beliefs

One consequence of the tendency of beliefs about the law to align with social attitudes is that, in line with cognitive dissonance theory (Kim 1999, Mahar 2003, Pleasence & Balmer 2012), erroneous beliefs may prove stubborn to dislodge. Cognitive dissonance theory (Festinger 1957, p.3) predicts that when a person’s cognitions (which include knowledge, opinions and beliefs) are at-odds, or *dissonant*, this is “psychologically uncomfortable” and will motivate the person to

“reduce the dissonance and achieve consonance.” Cognitive dissonance can therefore lead people to avoid or disregard “information that would likely increase the dissonance” (p.3).

For example, in the employment context, Kim (1999) argued that erroneous beliefs based on attitudes are likely to be “resistant to change”, as a fairness norm “overshadows the influence of most ... experiential factors” (p.447-8). Likewise, Ellickson (1991, p.115), in his study of the law’s place in ranching disputes in Shasta County, California, found that “the cattlemen resist absorbing information that is inconsistent with their folklore.” Thus, even repeated experience of insurance companies and courts following different principles did not dislodge belief that, in the event of road collisions in ‘open range’, “the motorist buys the cow.”

The impact of cognitive dissonance is also compounded by common “indifference to law” resulting from phenomena such as optimism bias (Pleasence & Balmer 2012),²⁵ though there is evidence that interest and objectivity may be raised during periods of life transition. For example, Gagné and Lydon (2004, p.328) pointed to more objective thinking about the quality and risks of relationships at “choice points in the relationship or major life transitions,” with greater “motivation to maintain ... positive views” once decision making has concluded.

In this chapter

In this chapter we use data from both waves of the CSJPS to build on the existing literature to investigate more fully the profiles of those who have good and poor knowledge of their legal rights and responsibilities, and examine what improves knowledge at the point it becomes most important; when people face legal problems.

²⁵ See, for example, Weinstein (1980)

Investigating understanding of legal rights and responsibilities in general

Investigating knowledge

The 2010 CSJPS included questions designed to explore knowledge of rights and awareness of problem resolution options in relation to hypothetical legal scenarios. Respondents were asked a series of 'Yes/No' questions about legal rights and responsibilities for one of three hypothetical scenarios, relating to housing, employment or a consumer transaction. All respondents were also asked about a relationship breakdown scenario, which we have reported on extensively elsewhere (Pleasence and Balmer 2012).²⁶

For each of the first three hypothetical scenarios, respondents were randomised into three sub-groups, with a time-related aspect of the scenarios altered for each sub-group. The purpose of this variation was to allow for examination of the extent to which people regard legal rights and responsibilities as time-dependent. While we report on this aspect of the scenarios below, in most instances we focus on knowledge across respondents as a whole, while accounting for the experimental conditions as far as possible.

In the housing scenario, 'Alisha' (the protagonist) agrees to rent a house²⁷ from a landlord who lets out a number of properties and lives elsewhere. Six weeks after moving in, she discovers that the bath has been leaking, causing the house to become damp. She asks the landlord to repair the leak. Without providing any notice, the landlord visits the house one afternoon and, after knocking on the door, lets himself in to inspect the leak. At this point in the scenario, respondents were asked whether the landlord is entitled to enter the house in this way and whether the landlord is legally obliged to repair the leak. Respondents were then told that the landlord refuses to repair the leak, and that, three months after

²⁶ The use of hypothetical scenarios, or vignettes, has a number of advantages in the examination of beliefs. Watson et al. (2002) summarised the benefits of vignette approaches to include enhancement of respondent involvement, greater realism in the survey context, enhancement of measurement reliability and construct validity. However, the vignette approach is far from limitation free (Denvir et al. 2013). Risks of ambiguity and misinterpretation remain. Moreover, as is the case more generally, individuals can feel compelled to respond to knowledge-based questions in a manner other than 'don't know' (Nadaeu and Niemi 1995), even in the face of considerable uncertainty (Chong 1993). Responses can therefore sometimes constitute 'wild guesses' (Nadaeu and Niemi 1995). Also, people without knowledge may sometimes answer fact-based questions in a manner no different to how they would answer attitudinal questions (Tourangeau and Rasinski 1988).

²⁷ In the housing scenarios, respondents were told that Alisha had a lease for six months, one year or two years.

moving in she herself pays for the repair to be done and deducts the cost from the next rent payment. She does not tell the landlord that she is going to do this, but encloses a note with the rent payment explaining what she has done. After the next rent becomes due, the landlord calls Alisha and says that she must leave the house in 28 days time. The landlord says she is in breach of the tenancy agreement by not paying the rent in full. At this point in the scenario, respondents were asked whether Alisha has breached her tenancy agreement by not paying her rent in full and whether, if she refuses to leave, the landlord is able to evict her without first obtaining a Court Order. Respondents were then told that, after 28 days have passed, two employees of the landlord arrive at the house and say they have been sent by the landlord to help Alisha move out. Respondents were asked if the two employees have the legal right to enter the property to remove Alisha's belongings. Finally, respondents were told that before the 28th day the landlord obtained a Court Order stating that ALISHA must leave the house by the 28th day. Respondents were then asked whether the two employees now have the legal right to enter the property to remove Alisha's belongings after 28 days have passed.²⁸

In the employment scenario, Alisha (aged 59) has been working 48 hours per week as an employee of Zap Computers, earning £5.50 per hour.²⁹ Her manager says he needs her to increase her hours to 50 hours per week, but Alisha does not want to work the extra hours. Her manager shows her part of her contract that says she can be asked to work up to 50 hours per week. Respondents were then asked whether Alisha has to work 50 hours per week, whether her salary is above or below the (2010) national minimum wage, and whether the minimum wage varies by age. Respondents were then told that Alisha had been asking to see the main terms of her contract since she started working at Zap Computers, and asked whether she has a legal right to see these. One month later

²⁸ The 'correct' answers to the questions were that (1) the landlord cannot enter the property in the way described, (2) the landlord is legally obliged to repair the leak, (3) Alisha breaches her tenancy agreement by not paying her rent in full, (4) the landlord cannot evict Alisha without first obtaining a Court Order, (5) the two employees do not have a right to enter the property, and (6) the two employees still have no right to enter the property following the Court Order being obtained.

²⁹ In the case of the employment scenario, respondents were told that Alisha had been in her job for six months, one year or two years.

she is told that she is going to lose her job. At this point in the scenario, respondents were asked whether Alisha is covered by the full range of (time-dependent) unfair dismissal laws. Finally, respondents were told that Zap Computer's personnel manager explains that ZAP is reducing the number of technicians it employs, and that ALISHA is going to be made redundant. The personnel manager tells her it is only fair that 'the older staff go first'. Respondents were asked whether Zap Computer's is allowed to consider Alisha's age in deciding who is to be made redundant.³⁰

In the consumer scenario, Alisha buys a new 'off the shelf' sofa from local discount shop SOFAS4U. She agrees a delivery date that is in two weeks time. No delivery is made on the scheduled delivery date. When Alisha calls SOFAS4U, the shop says they forgot to send the sofa out. Respondents were asked whether Alisha has the right to cancel the order and get a refund. They were then told that the sofa is delivered the next day. However, after Alisha receives the sofa she decides she does not want it.³¹ She has not yet unpacked the sofa, but SOFAS4U tell her they do not accept returns or offer refunds. At this point in the scenario respondents were asked whether SOFAS4U have to take the sofa back and provide a refund, and whether the situation would be different had Alisha bought the sofa from SOFAS4U's website instead of their shop. Respondents were then told that Alisha keeps the sofa, but when she unpacks it the next day, she discovers a minor defect that SOFAS4U should be able to repair easily. She calls SOFAS4U and asks them if they will arrange for a replacement or repair. SOFAS4U say she should get in touch with the manufacturer and not them. Respondents were then asked if SOFAS4U are legally obliged to replace the sofa and, if respondents said no, whether SOFAS4U are legally obliged to repair the sofa. Finally, respondents were told that the sofa then collapses when two of Alisha's friends sit down on it at the same time. Alisha calls SOFAS4U and the manufacturer, but finds that they have

³⁰ The 'correct' answers to the questions were that (1) Alisha does not have to work for 50 hours per week, (2) Alisha's salary is below the national minimum wage, (3) the national minimum wage does vary by age, (4) Alisha does have a legal right to see the main terms of her employment contract, (5) Alisha is covered by the full range of unfair dismissal laws in the case of 1 and 2 years' employment, but not in the case of 6 months' employment (though the position is different today), and (6) Zap Computers cannot consider Alisha's age in deciding who is to be made redundant.

³¹ In the case of the consumer scenario, respondents were told that Alisha decided to return goods after one day, three days or seven days.

both gone bust. The sofa had cost £400 and Alisha paid with a credit card. She decides to call the credit card company to see if they will pay for the repair or give her a refund. The credit card company says her problem has nothing to do with them. Respondents were asked whether the credit card company is right that Alisha's problem is nothing to do with them.³²

In total, 1005 respondents were asked questions about the housing scenario, 966 about the employment scenario and 982 about the consumer scenario.

In the next section we describe the patterns of answers provided to the scenario based legal rights questions. Then in the following section we set out the results of a series of statistical analyses undertaken to explore the factors associated with knowledge as exhibited through the scenario questions.

General knowledge and chancing answers

The overall picture

Overall, respondents answered 59% of the fact-based scenario questions correctly, though there was a significant difference in the scores for the different scenarios.³³ So, while housing scenario respondents answered 4.3 (SD=1.2) (71%) of their 6 questions correctly on average, and employment scenario respondents 4.0 (SD=1.3) (66%), consumer scenario respondents answered just 1.72 (SD=1.0) (34%) of their 5 questions correctly;³⁴ an interesting initial finding given that consumer rights have been found to be among those that CSJPS respondents are most confident about (Denvir et al 2013).

Figures 3.2 to 3.5 illustrate the distribution of correct answers to the scenario questions overall and for the housing, employment and consumer scenarios separately. As can be seen, the distributions are skewed towards a greater number of correct answers in the case of the housing and employment

³² The 'correct' answers to the questions were (1) Alisha does not have the legal right to cancel the order, (2) SOFAS4U are not legally obliged to take the sofa back and provide a refund if bought from their shop, (3) SOFAS4U are legally obliged to take the sofa back and provide a refund if bought from their website, (4) SOFAS4U are not legally obliged to replace the faulty sofa, (5) SOFAS4U are legally obliged to repair the faulty sofa, and (6) the credit card company is also responsible.

³³ $F=921.9$, $p<0.001$, after adjusting consumer scores to be equivalent to other scores.

³⁴ 34.9% if answers to a 6th question asked only of some respondents are included.

scenarios and, in stark contrast, towards a lesser number in the case of the consumer scenario. In the case of the housing scenario, 77% of respondents managed to answer 4 or more questions correctly, with 49% answering at least 5 correctly and 13% all 6 correctly. For the employment scenario the figures were slightly lower at 66%, 37% and 12%.

Given that providing random 'Yes/No' answers to the questions could be expected to yield 4 or more correct answers 34% of the time, 5 or more correct answers 11% of the time and perfect 6 scores 1.5% of the time, the performance of respondents in respect of the housing and employment scenarios looks creditable. However, the performance in respect of the consumer scenario looks anything but. For this scenario, just 20% of respondents provided 3 out of 5 or more correct answers, 3% provided 4 or more and just 0.3% scored perfect 5s. This compares to the 50%, 19% and 3% that could be expected to be delivered by chance.

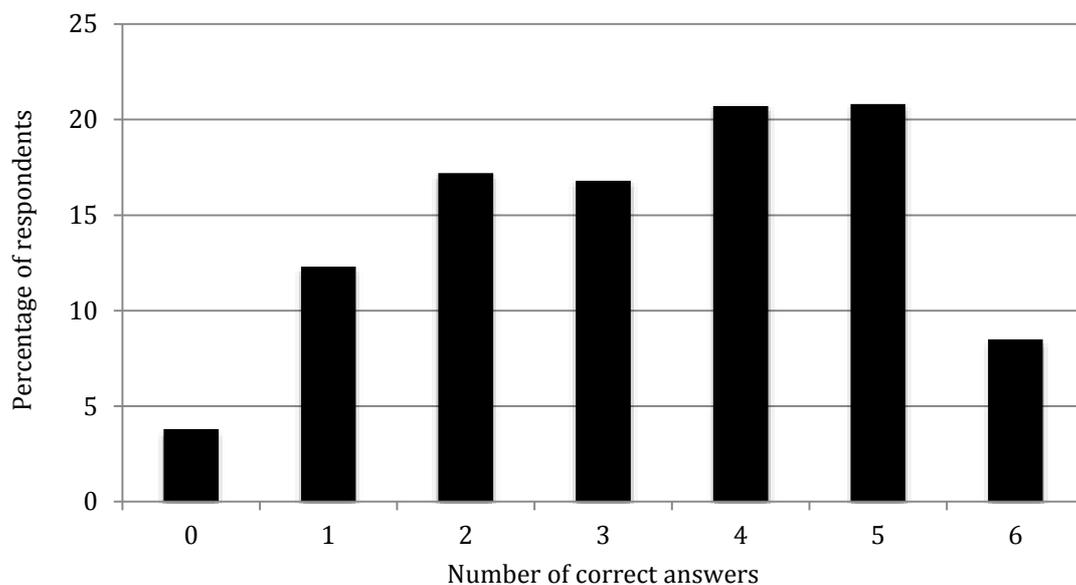


Figure 3.2 Number of correct answers (all scenarios)(n=2953)

It should, though, be noted that respondents did not always offer answers to the questions; sometimes simply stating that they did not know. In fact, just 59% of respondents answered all 6 housing questions decisively, 44% all 6 employment questions decisively and 53% all 5 consumer questions decisively. Thus the above comparison with chance may be a little unfair.

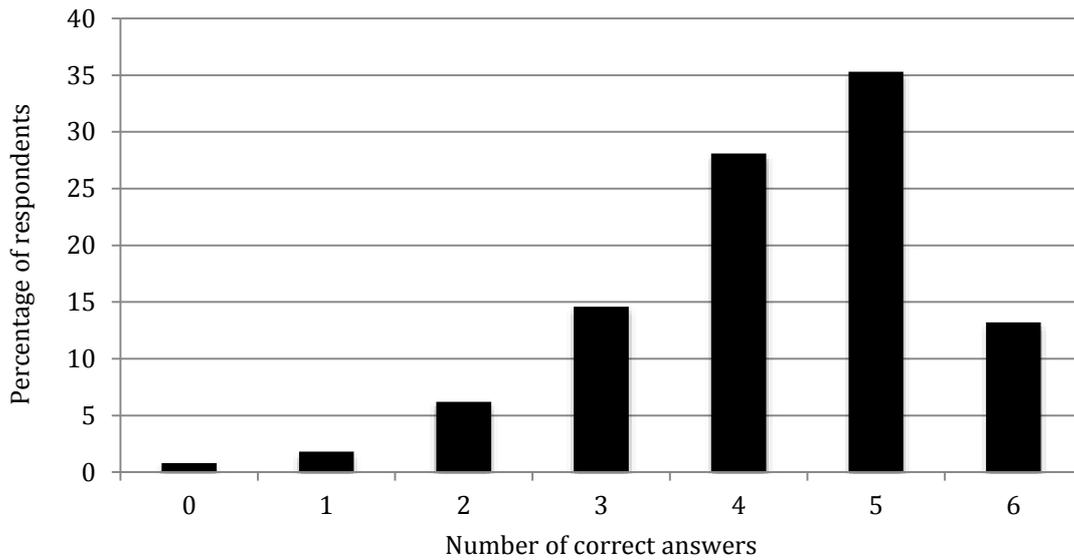


Figure 3.3 Number of correct answers (Housing scenario)(n=1055)

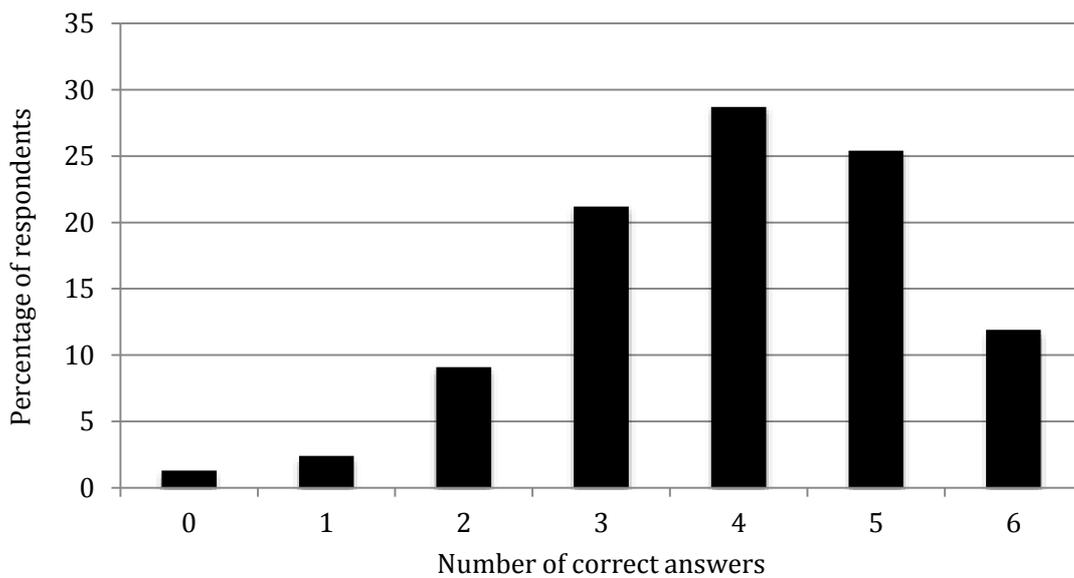


Figure 3.4 Number of correct answers (Employment scenario)(n=966)

Alternatively, a comparison between the scores of those who answered all 5 consumer questions decisively and chance sees like competing with like. However, as can be seen from Figure 3.6, even among only those who answered the consumer scenario questions decisively scores were substantially below those of chance!

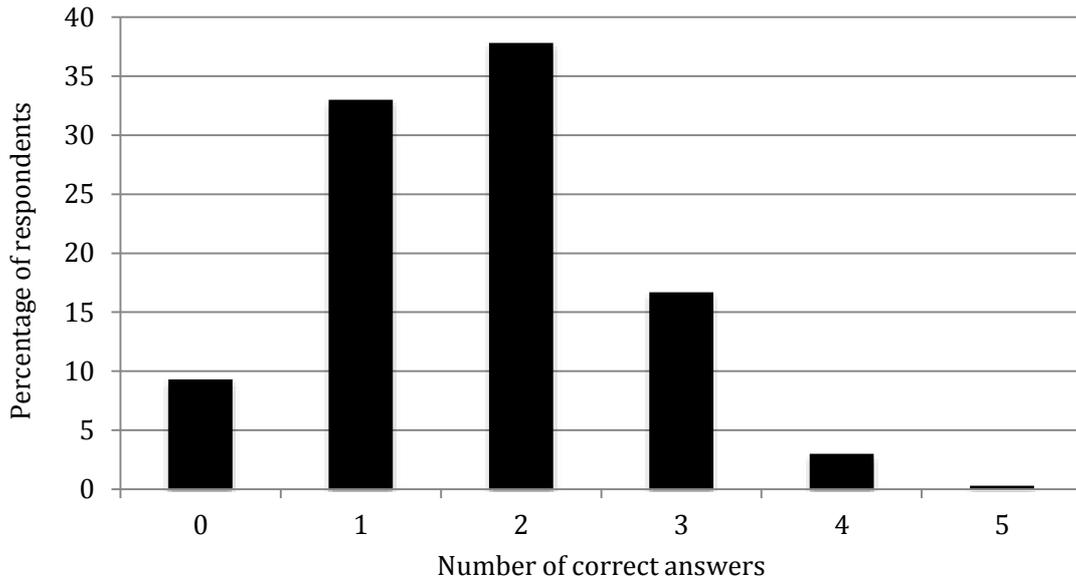


Figure 3.5 Number of correct answers (Consumer scenario)(n=982)

So, which questions proved so troublesome, and what were the factors associated with of higher scores?

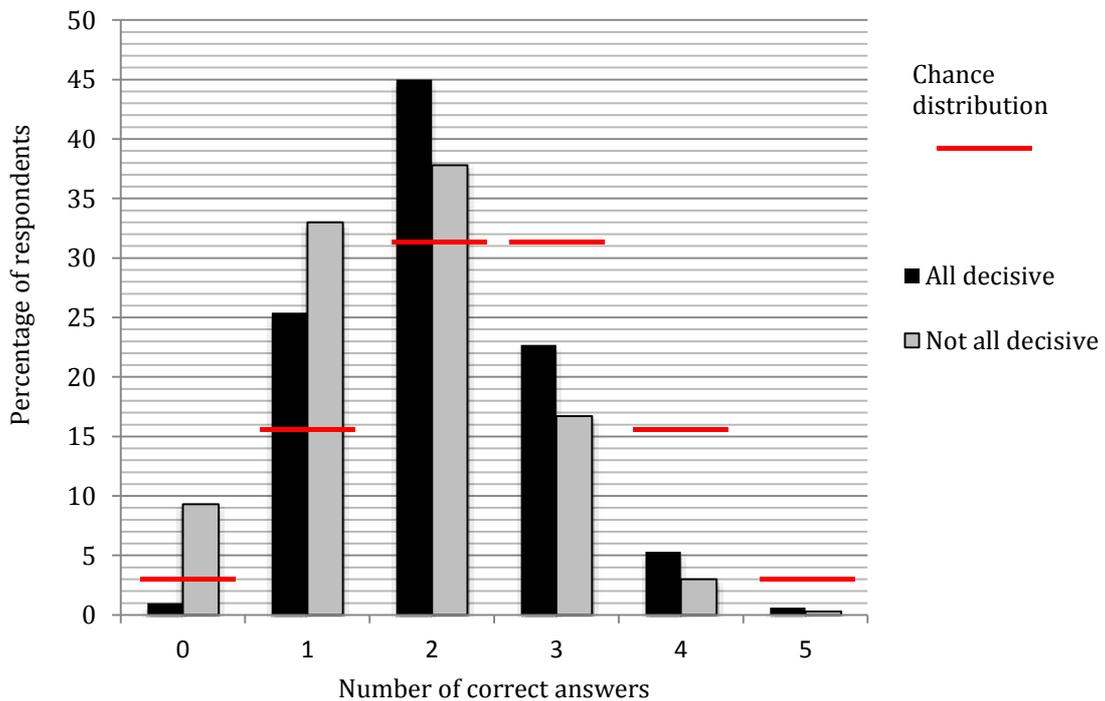


Figure 3.6 Number of correct answers (Consumer scenario)(n=522/982)

Findings in detail

Figure 3.7 sets out respondents' success in answering each of the scenario questions. As can be seen, there was a considerable range of scores across the 18 legal rights questions asked about the scenarios. The highest score – with 95% of respondents answering correctly – was associated with the employment scenario question concerning whether an employee has a legal right to see the main terms of their employment contract. Then followed the housing scenario questions concerning whether a landlord is legally obliged to repair a leaking bath (91%) and whether employees of a landlord are allowed to effect an eviction without a Court Order (84%), and the employment scenario question concerning whether age can be a consideration in redundancy decisions (82%).

The lowest scores – with just 12% and 15% of respondents answering correctly, respectively – were associated with the consumer scenario questions concerning whether a shop is legally obliged to replace a faulty item and whether an order made in a shop can automatically be cancelled for late delivery. The lowest housing scenario score was associated with the question concerning whether a landlord's employees are allowed to effect an eviction following the grant of a Court Order (33%).

The lowest employment scenario score was associated with the question concerning when employees are covered by the full range of unfair dismissal laws. This was a question where the answer varied with the length of employment, and those respondents asked about an employment of just 6 months least often provided correct answers (23%). Those asked about employments of 1 year and 2 years provided correct answers far more often (61% and 73%, respectively).

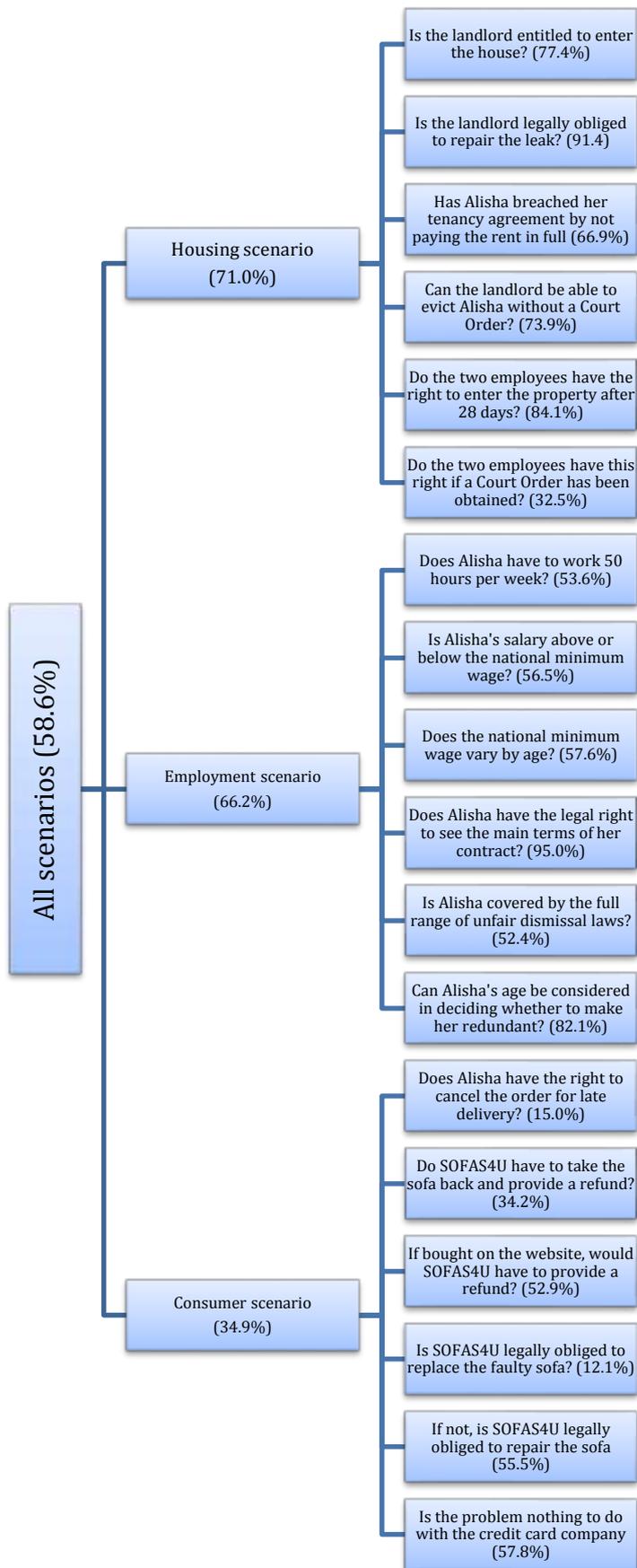


Figure 3.7. Hypothetical scenario structure and questions

Knowledge where it is needed

There is, of course, a big difference between knowledge deficits among those who are unlikely to require specific knowledge and those who will potentially require it.

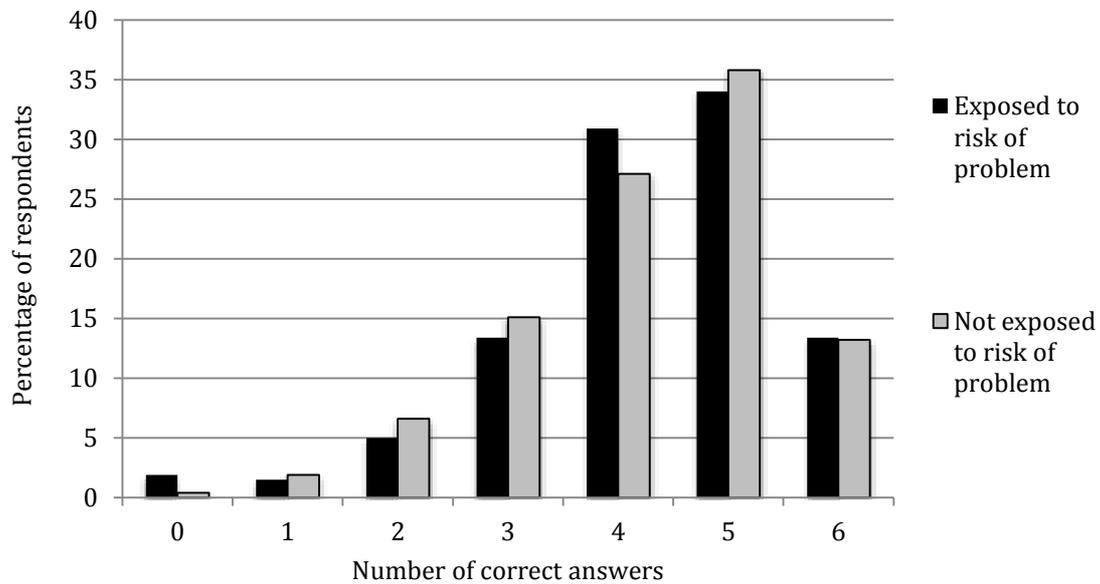


Figure 3.8 Number of correct answers (housing scenario)(n=262/743)

Figure 3.8 sets out the different housing scenario scores of those respondents living in the rented sector – and therefore more at risk of problems of the type depicted in the scenario – and those living elsewhere. As can be seen, the pattern of scores looks quite similar for each of these groups. Indeed, there was no difference in the proportion of correct responses provided by respondents living in the rented sector (4.3 out of 6) and living elsewhere (4.3 out of 6). Looking at those who reported having actually experienced similar housing problems, they correctly answered a slightly higher proportion of questions (4.5 out of 6), but the difference was not significant, owing to just 21 respondents falling into this group.

Figure 3.9 sets out the different employment scenario scores of those respondents in employment – and therefore, again, more at risk of such problems – and those not in employment. As can be seen, in this instance markedly different patterns can be seen, with those in employment scoring significantly higher. On average, those in employment answered 4.3 out of 6 questions correctly,

compared to just 3.6 for those not in employment.³⁵ However, there was no significant difference in the scores of the 26 respondents who reported having experienced similar employment problems.

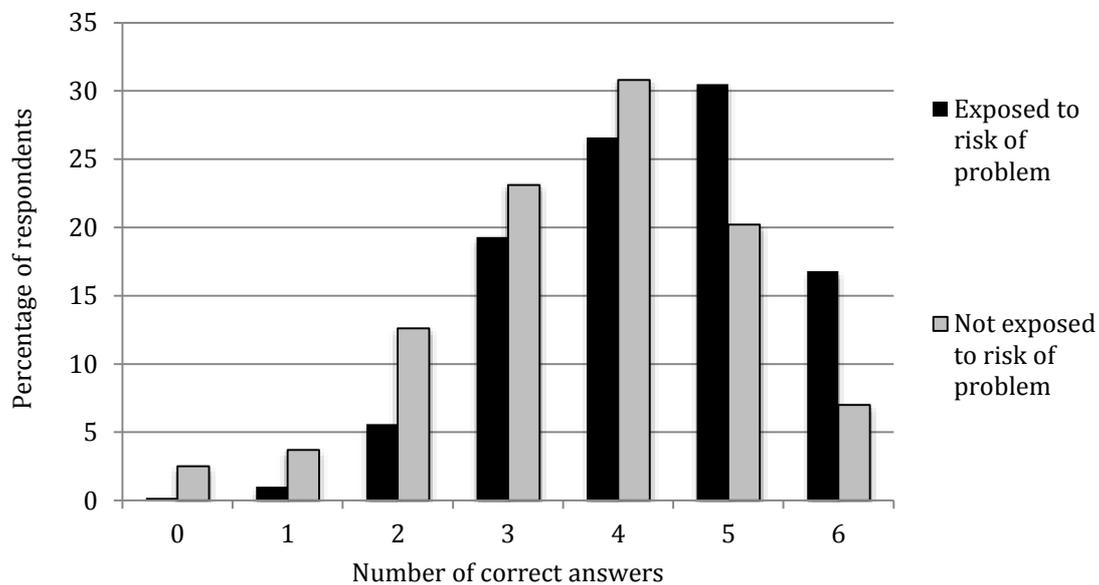


Figure 3.9 Number of correct answers (employment)(n=482/484)

For the consumer scenario, there was no means to identify respondents substantially more at risk of experiencing similar problems, but, as Figure 3.10 illustrates, a comparison of the scores of those who actually reported problems concerning faulty goods and those who had not suggested no difference. Both groups answered 1.7 of the 5 questions correctly.

Factors associated with knowledge

To identify factors associated with higher levels of knowledge of legal rights and responsibilities controlling for other matters, we employed multilevel logistic regression to predict respondents' scores in relation to each of the housing, employment and consumer scenario questions.³⁶

³⁵ T=-7.88, p<0.001.

³⁶ Details of the models are set out in the statistical appendix, along with comprehensive model outputs.

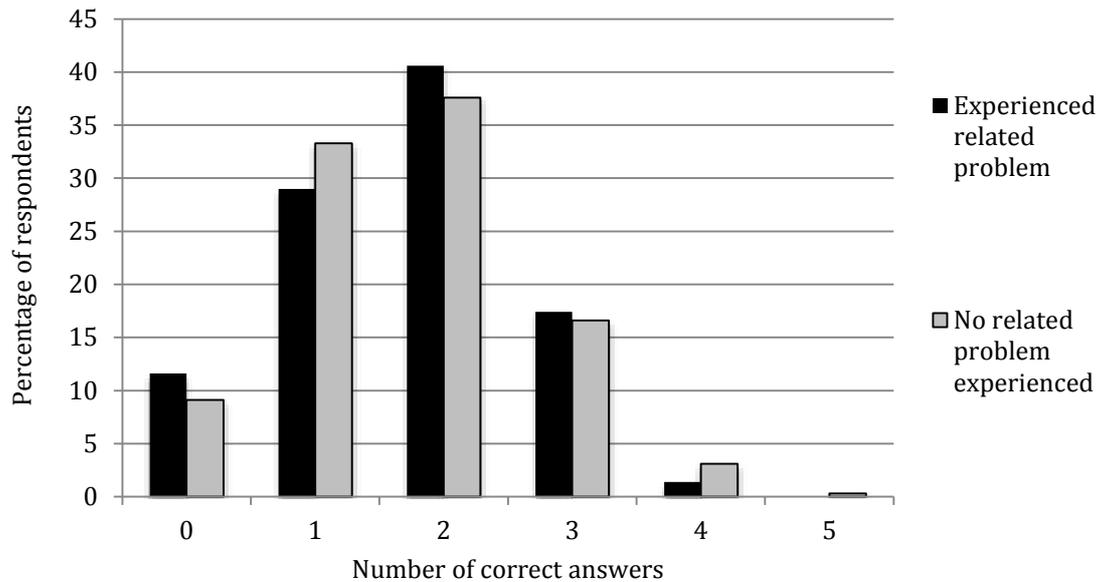


Figure 3.10 Number of correct answers (consumer scenario)(n=69/913)

Each model contained a set of predictor variables linked to capability, comprising age (16 to 24 years old, 25 to 34 years old, 35 to 44 years old, 45 to 59 years old, 60 to 74 years old, 75+ years old), educational qualifications (apprenticeship/none, GCSE/Other, Post GCSE/pre degree, degree, unknown), professional status (routine manual/other, technical/semi-routine manual, other management/clerical, professional/senior management, legal professional) and whether respondents were recent migrants³⁷ (within the past 10 years). The models also included a variable indicating whether respondents had recent personal experience of problems of the types being asked about, a variable indicating whether they had been at risk of experiencing problems of the types being asked about³⁸ (apart from in the case of the consumer model, as no simple differentiation was possible), and a variable indicating whether they felt legal problems of the type included in the CSJPS should be resolved “within ... family or community” (rather than “by using lawyers or courts”).³⁹ Finally, variables were

³⁷ This recognises that recent migrants will generally have had less experience and opportunity to learn about the detail of English law.

³⁸ For the rented housing scenario, risk was taken to be present for all those living in rented accommodation. For the employment scenario, risk was taken to be present for all those currently in employment.

³⁹ This attitude variable was included as a proxy for practical interest in the form of the law.

included to reflect the experimental structure of the hypothetical scenarios⁴⁰ and the household structure of the sample.⁴¹

Table 3.1: Results of modelling of factors associated with legal knowledge

Variable	Whether Significant in Model		
	Housing	Employment	Consumer
Age	✓	✓	✓
Education qualifications	✓		
Professional status	✓		✓
Recent migrant			
Experience of similar problem			
Risk of similar problem		✓	*
Attitude to problem resolution	✓		
Scenario structure		✓	
Household effect	✓	✓	

* = Not applicable

As is shown in Table 3.1, age was found to be significantly associated with legal knowledge across all three scenarios. The oldest respondents consistently obtained relatively low scores, while middle-aged respondents generally performed relatively well. However, as Figure 3.11 illustrates,⁴² there were some differences in the patterns of association between scenarios. For example, the youngest respondents scored significantly lower than those in other age groups in relation to the housing scenario, but performed relatively well in relation to the other scenarios.

Professional status was significantly associated with knowledge scores in relation to two scenarios, the housing and consumer scenarios, but not the employment scenario. In the case of both the housing and consumer scenarios, legal professionals scored higher than others and, more subtly, knowledge appeared to increase with professional seniority (Figure 3.12).⁴³

⁴⁰ As detailed above, there were three time conditions included within the hypothetical scenarios (related to the length of the lease, the length of employment and the time elapsed since the sale). The hypothetical scenarios were therefore constructed as ‘factorial vignettes’ rather than ‘constant variable value vignettes. Indeed, in the case of the employment scenario, the correct answers varied by condition. Thus, multilevel models were used to establish whether answers varied by condition.

⁴¹ Since in some cases more than one household member answered the same questions, we explored whether responses tended to be similar between household members.

⁴² Figure 3.11 is based on simulations from the models, controlling for other variables.

⁴³ Figure 3.12 is based on simulations from the models, controlling for other variables.

Educational qualifications were found to be significantly associated with legal knowledge in the case of only one scenario, the rented housing scenario. Here, a lack of qualifications was associated with significantly higher scores. There was little evidence of qualifications, or lack thereof, relating to success in answering the employment or consumer scenario questions.

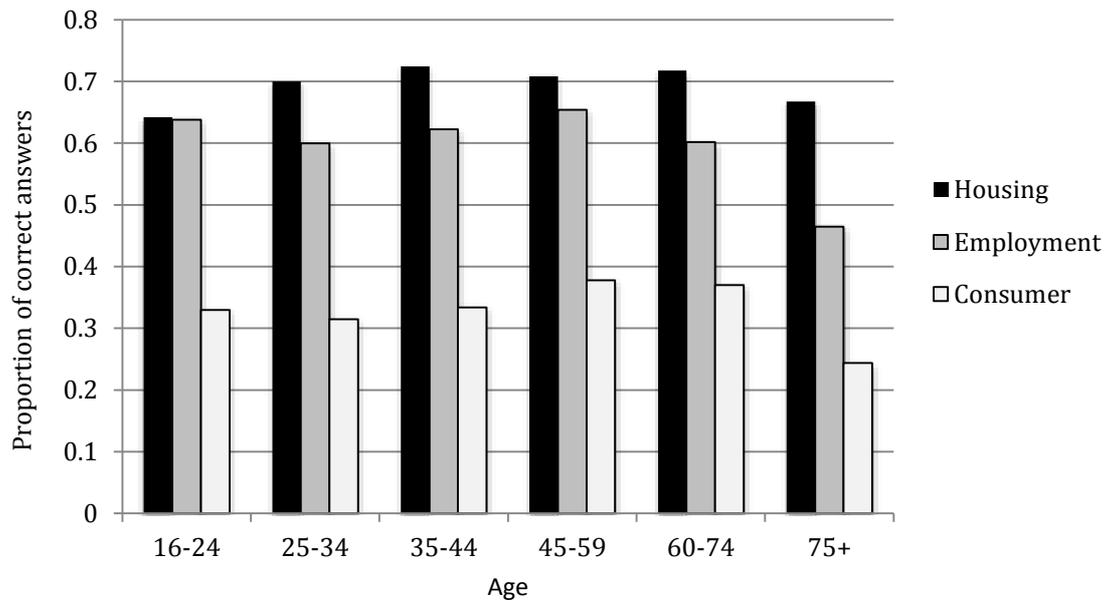


Figure 3.11 Association between age and legal knowledge, as predicted by simulation from logistic regression analysis

Whether respondents had migrated to the UK within the past ten years was not found to be significantly associated with legal knowledge in relation to any scenario. While this group scored lower than others across all three scenarios⁴⁴ the small number of recent migrants included in the models⁴⁵ was insufficient to confirm the significance of differences of the magnitude observed.

Turning to respondents' experience of problems of the types asked about, again no significant associations were found with legal knowledge, although, also again, numbers were small.⁴⁶

⁴⁴ On the basis of simulations from the models, controlling for other variables.

⁴⁵ There were just 28 recent migrants in the housing model, 36 in the employment model and 31 in the consumer model.

⁴⁶ There were just 21 respondents who had experienced similar problems in the housing model and 26 in the employment model. In both these cases respondents scored higher than those who had not experienced problems (on the basis of simulations from the models, controlling for other variables), but the findings were not significant. For the consumer model, the model suggested

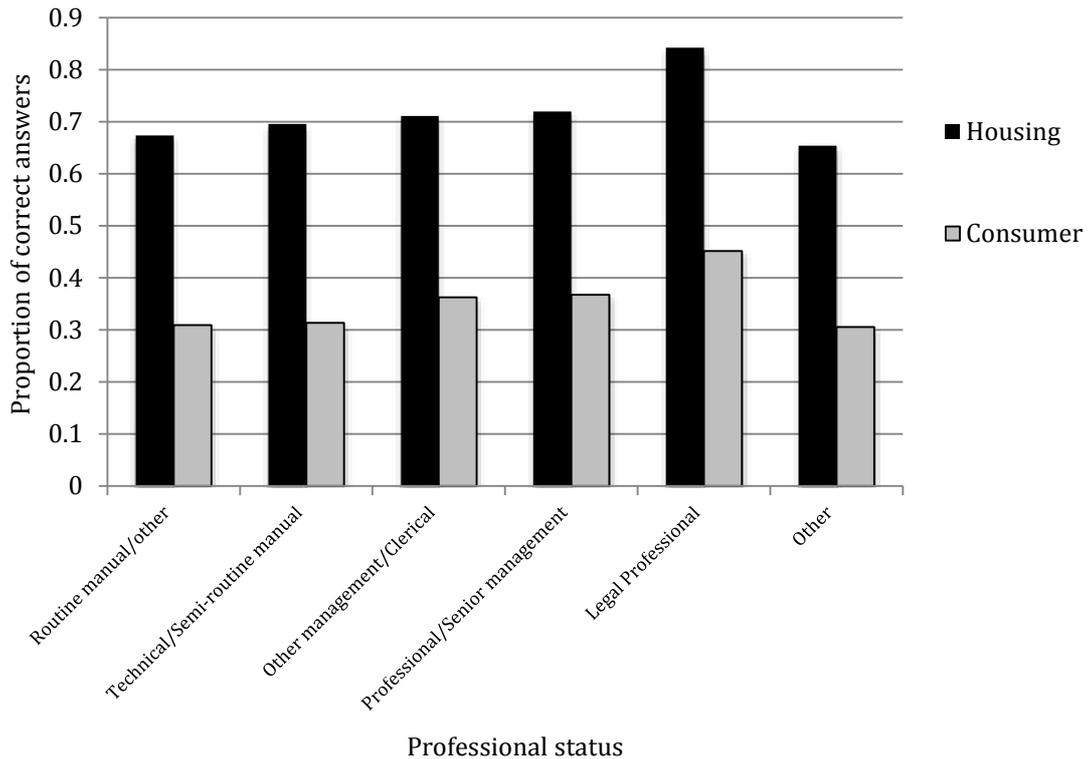


Figure 3.12 Association between professional status and legal knowledge, as predicted by simulation from logistic regression analysis

However, a significant association was found between respondents' exposure to the risk of employment problems and legal knowledge. Here, simulation from the model suggested that, controlling for other factors, those at risk of employment problems would be expected to answer 65% of questions correctly, compared to 60% for other respondents. This association was not mirrored in the case of the housing scenario.

Elsewhere, respondents who disagreed that, in general, problems should be resolved within the family or community, rather than by using lawyers or courts, were found to score significantly higher in the housing scenario than those who were neutral on the matter.⁴⁷

Finally, turning to methodology related variables, the experimental elements of the hypothetical scenarios were found to be significantly associated with legal knowledge scores in the case of the employment scenario, with

that, controlling for other factors, those who had experienced similar problems scored slightly lower than others.

⁴⁷ In percentage terms, simulated from the statistical model and controlling for other variables, those who held no strong views would be expected to answer 68% correct on average, compared to 71% for those who 'agreed' and 72% per cent for those who 'disagreed'.

respondents scoring lower when presented with a scenario in which Alisha had been employed for six months, as opposed to one or two years. This reflects the fact that the correct answers were different for this condition, and a similar answer pattern to those associated with the other conditions yielded a lower score.

Also, there were significant household effects in relation to housing and employment scenario scores. This indicated that where more than one household member answered the questions, scores were likely to be related. No household effect was observed in relation to the consumer scenario.

Investigating professed understanding of legal rights concerning real life problems

Both the 2010 and 2012 waves of the CSJPS incorporated questions asking respondents, first, whether they had understood their legal rights at the time reported legal problems arose,⁴⁸ then, if respondents said that they hadn't, whether they understood their legal rights now (i.e. at the time of interview),⁴⁹ where any additional knowledge had come from⁵⁰ and what they believed their rights were.⁵¹

In the next sections, we detail the extent to which respondents reported they understood their legal positions at the time legal problems arose, explore the factors associated with greater or lesser perceived understanding, detail the extent to which understanding changed over the course of problems and, finally, explore the factors associated with greater or lesser perceived understanding.

As we have observed before, there are limitations to the extent that self-reported knowledge of legal rights can proxy actual knowledge. The fact that CSJPS respondents sometimes had to think back over relatively long periods of time when recalling levels of knowledge at the time problems arose clearly will have impacted upon the accuracy of recall (e.g. Deming 1950, Bradburn et al

⁴⁸ "Thinking about the time the problem first started, to what extent did you understand your legal position - for example, what your legal rights were?" The available responses were 'Completely', 'mostly', 'partly', 'not at all'.

⁴⁹ "To what extent do you now understand what [your/their] legal position was?" The available responses were 'Completely', 'mostly', 'partly', 'not at all'.

⁵⁰ "How did you come to understand where you stood, legally at the time the problem first started?"

⁵¹ "Can you describe, briefly, what your legal position was?"

1987), with, for example, the acquisition of knowledge after the event sometimes leading people to incorporate post-event information into earlier memories (Groves et al 2009). Also, respondents to face-to-face surveys may be inclined to answer in certain ways (for a variety of reasons, see e.g. Groves et al 2009). And, of course, people's assessment of their knowledge may be erroneous. For example, an initial investigation into the veracity of CSJPS respondents' self-reported legal knowledge found that while respondents who professed to know their legal rights were most commonly able to provide a brief overview of them when asked, many went on to simply describe their situation (26%) withdraw their knowledge claims (11%), provide vague details (8%), provide a value judgment (6%) or indicate erroneous understanding (3%) (Denvir et al. 2013).

Professed understanding of problems at their outset

As is illustrated by Figure 3.13, 25% of CSJPS respondents⁵² believed they 'completely' understood their legal position at the time legal problems arose, with a further 20% believing they 'mostly' understood their legal position. This left 55% believing they only 'partly' (21%) understood their legal position or didn't understand it 'at all' (34%).

As is evident from above, and from previous research, knowledge and professed of rights (and professed knowledge (Casebourne et al 2006, Denvir et al 2013)) varies considerably by subject area. This can be seen from Table 3.2, which sets out the extent of respondents' professed knowledge of their legal positions in relation to 21 detailed problem types at problem outset.⁵³

Respondents most often professed initial good knowledge⁵⁴ of legal rights concerning mortgage arrears and possession (60%), faulty goods (66%), faulty services (57%) and care proceedings (52%). They least often professed initial good knowledge of legal rights concerning children's residence and contact (31%), clinical negligence (34%), divorce and separation (35%) and anti-social neighbours (35%).

⁵² Excluding those who did not know (3.5%).

⁵³ We report on the relationship between professed knowledge and problem type further below, in relation to our statistical analysis of CSJPS data. However, the modelling utilised a reduced number of broader problem categories.

⁵⁴ Equating to professing to understand the legal situation 'completely' or 'mostly'.

The contrast between respondents' professed knowledge of their legal rights as regards faulty goods and services – where 43% and 32%,⁵⁵ respectively, claimed complete understanding – and their poor accuracy in responding to the hypothetical consumer scenario questions is all too apparent. Moreover, if we examine just those respondents who claimed complete understanding of their consumer rights, we find that, on average, they answered just 1.5 out of the 5 questions about consumer rights correctly. This is the same average score as was managed by those who professed no knowledge at all!

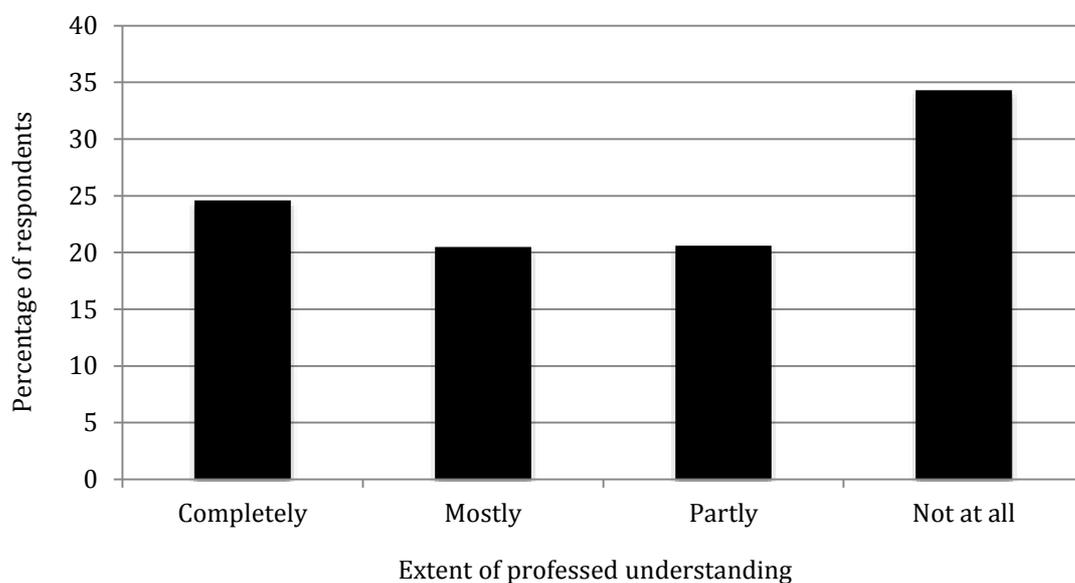


Figure 3.13 Perceived knowledge of reported problems at outset

The contrast between respondents' professed knowledge of their legal rights as regards employment terms and conditions and rent arrears and eviction – where just 18% and 19%,⁵⁶ respectively, claimed 'complete' understanding – and their relative superior accuracy of responses to the hypothetical employment and housing scenarios is also notable.

⁵⁵ $X^2_{63}=183.5$, $p<0.001$; standardised Pearson residuals = 6.8 (faulty goods), 2.2 (faulty services).

⁵⁶ Standardised Pearson residuals = -2.4 (employment terms and conditions), -0.6 (rent arrears and eviction). The latter figure would not normally be regarded as statistically significant being below 2.

Table 3.2: Professed knowledge of legal rights at onset of problem

Legal problem type	Extent of professed knowledge (Understood ...)				
	N=	Completely %	Mostly %	Partly %	Not at all %
Mortgage arrears/Possession	15	47	13	20	20
Faulty goods	318	43	23	15	19
Care proceedings	14	38	14	7	43
Faulty services	205	32	25	19	24
Personal injury	73	30	23	16	30
Amount of welfare benefit	70	27	23	13	37
Workplace injury/illness	48	25	17	33	25
Dismissal/Redundancy	99	24	21	22	32
Education	108	22	18	19	41
Entitlement to welfare benefits	113	21	17	22	40
Debt	279	21	19	17	43
Financial advice/management	48	21	17	19	44
Neighbours	408	20	25	21	35
Housing disrepair	119	20	20	20	40
Domestic violence	56	20	18	23	39
Divorce/Separation	41	20	15	37	29
Clinical negligence	87	20	14	12	55
Rent arrears/Eviction	31	19	19	10	52
Employment terms/conditions	279	18	20	26	37
Terms of lease	25	16	28	24	32
Children's residence/contact	52	8	23	27	42
Other	535	24	19	24	33
Overall	3023	25	21	21	34

Factors associated with professed knowledge

To identify factors associated with professed knowledge of legal rights upon experience of legal problems we employed ordinal regression to model the extent to which respondents suggested they understood their rights at the outset of problems.⁵⁷ As with the general legal knowledge statistical models described above, the professed knowledge model contained a set of predictor variables linked to capability, comprising age, educational qualifications, professional status, use of English,⁵⁸ awareness of legal services,⁵⁹ and extent of subjective legal

⁵⁷ Details of the model is set out in the statistical appendix, along with comprehensive model outputs.

⁵⁸ Whether English was the main language respondents spoke at home.

⁵⁹ These services comprised solicitors, law centres, Community Legal Advice, Citizens Advice, Consumer Direct, National Debtline, Shelter, the Financial Services Ombudsman and the Local Government Ombudsman. The variable equated to a score of the number of these services respondents professed to know something about.

empowerment (Gramatikov & Porter 2011).⁶⁰ The model also included variables indicating whether respondents characterised their problem as legal, whether they felt legal problems of the type included in the CSJPS should be resolved “within ... family or community”, and problem type (consumer, employment, neighbours, owned housing, rented housing, debt, money, welfare benefits, education, personal injury, clinical negligence, divorce, (ancillary to) relationship breakdown, domestic violence). Finally, variables were included to reflect the experimental structure of the hypothetical scenarios⁶¹ and the household structure of the sample.⁶²

The model indicated some variation in professed knowledge by age. For example, compared to the 45 to 59 year old reference group, younger respondents and particularly 25 to 34 and 35 to 44 year olds were significantly more likely to report lower knowledge levels.⁶³ There was also suggestion that those aged 75 or over were more likely to have ‘completely’ understood their rights, though the difference between them and the reference group fell short of significance.⁶⁴

Professed knowledge also varied somewhat by academic qualifications. As is illustrated in Figure 3.14, controlling for other variables, those with trade apprenticeships or no qualifications were least likely to suggest they understood their rights ‘completely’, with other groups all significantly more likely to understand their rights ‘completely’ rather than ‘mostly’, ‘partly’ or ‘not at all’.⁶⁵ Those with degrees were also least likely to suggest that they did not know their

⁶⁰ Gramatikov & Porter (2011) define subjective legal empowerment as “the subjective self-belief that a person possess and can mobilize the necessary resources, competencies and energies to solve particular problem of legal nature.” Within the CSJPS this was operationalised through a series of questions asking how likely respondents believed they would be able to obtain a fair resolution to disputes with an employer, family member, neighbour, a land dispute, a business dispute or became a victim of crime. The variable used in the model comprised a score derived by summing the responses to these questions.

⁶¹ As detailed above, there were three time conditions included within the hypothetical scenarios (related to the length of the lease, the length of employment and the time elapsed since the sale). Multilevel models were used to establish whether answers varied by condition.

⁶² Since the sample included multiple problems for some individual respondents and multiple respondents within some households.

⁶³ Partly or worse for 25-34 year olds (compared to 45-59 year olds); $\chi^2_1 = 5.16$, $p = 0.023$, partly or worse for 35-44 year olds (compared to 45-59 year olds); $\chi^2_1 = 5.02$, $p = 0.025$. ‘Not at all’ for 25-34 year olds (compared to 45-59 year olds); $\chi^2_1 = 5.44$, $p = 0.020$, ‘not at all’ for 35-44 year olds (compared to 45-59 year olds); $\chi^2_1 = 4.89$, $p = 0.027$.

⁶⁴ ‘Completely’ (rather than ‘mostly’, ‘partly’ or ‘not at all’) for those aged 75 or older (compared to 45-59 year olds); $\chi^2_1 = 1.76$, $p = 0.18$.

⁶⁵ Compared to ‘trade apprenticeship/none’, ‘GCSE/other’; $\chi^2_1 = 6.02$, $p = 0.014$, ‘Post-GCSE, sub-degree’; $\chi^2_1 = 6.62$, $p = 0.010$ and ‘degree’; $\chi^2_1 = 8.07$, $p = 0.005$.

rights at all, and significantly less likely than other academic qualifications groups.⁶⁶

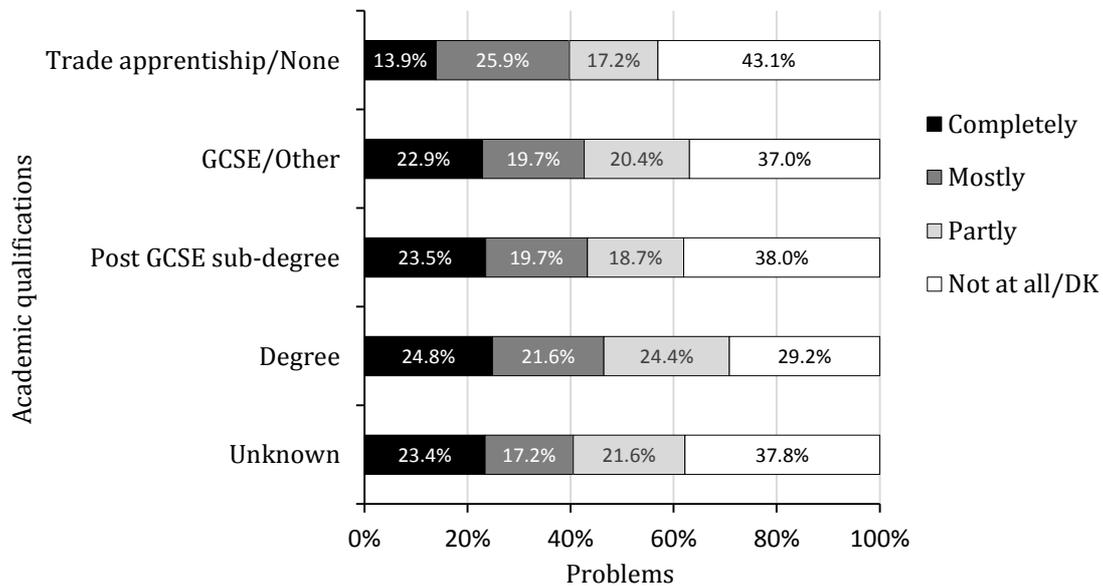


Figure 3.14 Level of professed knowledge by qualifications, as predicted by simulation from ordinal regression analysis

There was also variation in professed knowledge by professional status, with a small number of legal professionals most associated with knowing their rights ‘completely’. In contrast, those in ‘routine manual or other’ professions had the lowest rates of professed knowledge, and elsewhere professed knowledge appeared to increase with professional status.⁶⁷ Figure 3.15 illustrates the relationship between professed knowledge and profession, controlling for other variables.

There was substantial variation in professed knowledge by whether or not English was the main language respondents spoke at home, those speaking English at home significantly more likely to profess understanding their rights ‘mostly’ or ‘completely’.⁶⁸ Controlling for other variables and on the basis of simulation from the model, 44% of those speaking English at home could be

⁶⁶ For example, compared to those with trade apprenticeships/no qualifications; $\chi^2_1 = 9.75$, $p = 0.002$.

⁶⁷ $\chi^2_1 = 7.64$, $p = 0.006$; $\chi^2_1 = 4.41$, $p = 0.036$; $\chi^2_1 = 6.74$, $p = 0.009$ and $\chi^2_1 = 7.03$, $p = 0.008$ respectively.

⁶⁸ Testing the ‘partly’ or ‘not at all’ term (compared to ‘completely’ or ‘mostly’); $\chi^2_1 = 5.45$, $p = 0.020$.

expected to understand their legal rights ‘mostly’ or ‘completely’, compared to 29% of those speaking another language.

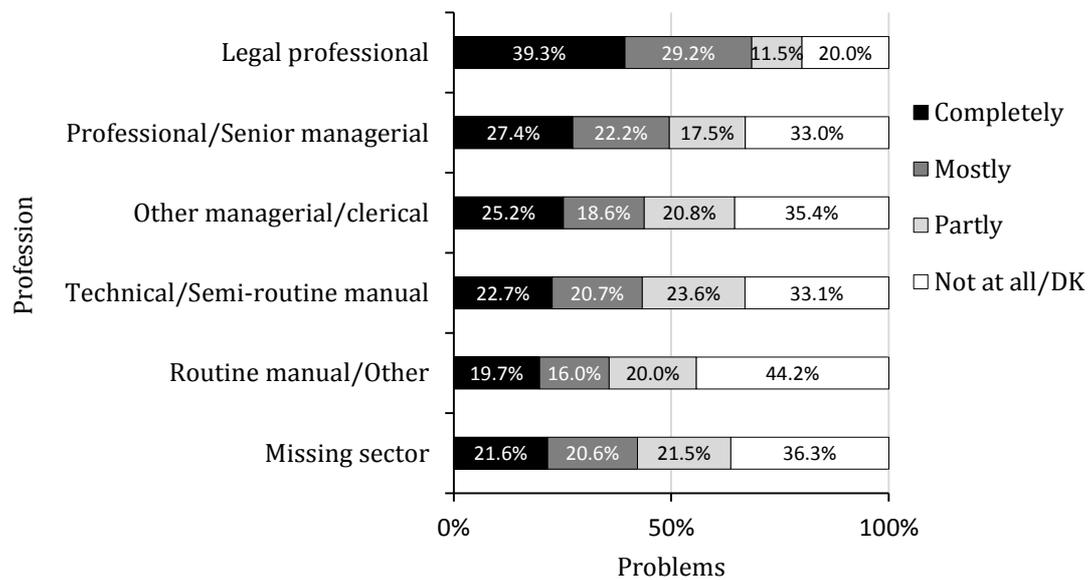


Figure 3.15 Level of professed knowledge by professional status, as predicted by simulation from ordinal regression analysis

Knowledge of the legal sector was also a highly significant predictor of professed knowledge of rights when problems started. As legal sector knowledge scores increased, so too did the likelihood of professing legal knowledge. So, as is illustrated in Figure 3.16, while respondents professed no knowledge of their rights for 46% of problems when respondents knew nothing about legal services, the figure dropped to 28% when they knew about them all.

Our findings in respect of knowledge of the legal sector were mirrored in our findings in respect of subjective legal empowerment. Here, as subjective legal empowerment increased, the likelihood of professing no knowledge decreased markedly. Thus, as is illustrated in Figure 3.17, while respondents professed no knowledge of their rights for 50% of problems when they scored zero on the subjective legal empowerment scale, the figure dropped to 27% when they scored the maximum of 24.

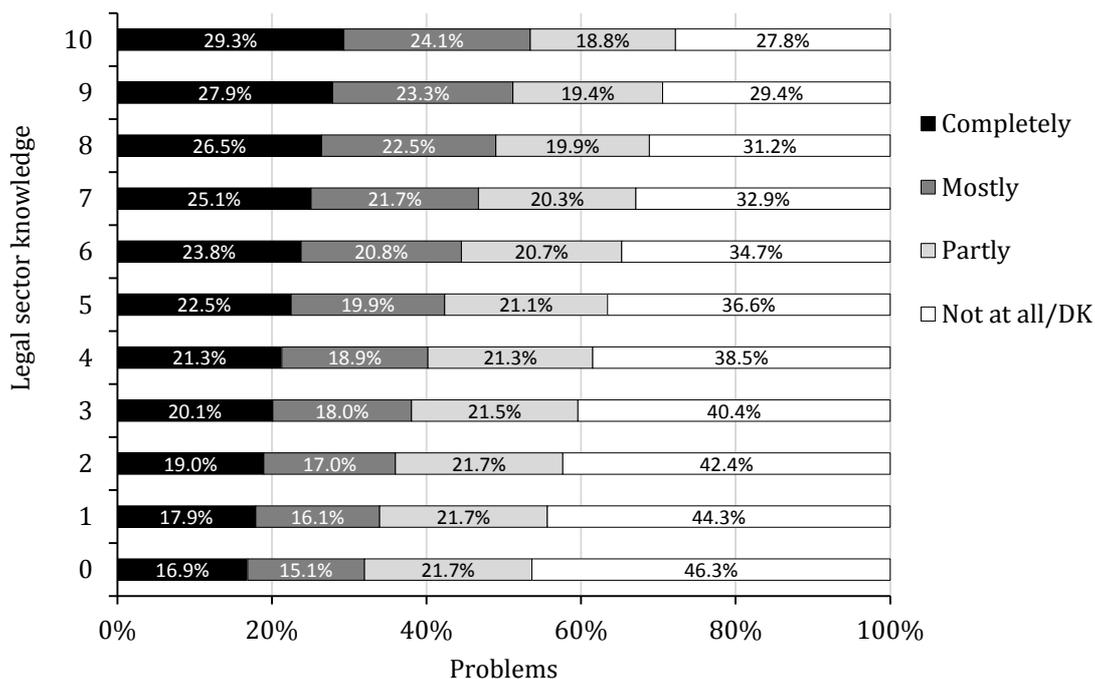


Figure 3.16 Level of professed knowledge by legal sector knowledge, as predicted by simulation from ordinal regression

Elsewhere, there was little evidence of differences in levels of professed knowledge of rights by problem characterisation or whether or not respondents felt problems should be resolved within the family or community. However, there was much significant variation in levels of professed knowledge by problem type. For example, as Figure 3.18 illustrates, consumer problems were associated with the greatest likelihood of respondents reporting they knew their rights ‘completely’ and least likelihood of their reporting that they did not know their rights at all.⁶⁹ In contrast, problems concerning debt, ancillary to relationship breakdown and (particularly) clinical negligence were characterised by a far greater likelihood of not understanding rights at all.⁷⁰ In all four cases, after controlling for other variables, the rate of not understanding rights “at all” exceeded 40% (and 50% in the case of clinical negligence).

⁶⁹ Testing the ‘not at all/don’t know’ model terms compared to the consumer reference category; $\chi^2_1 = 24.14$, $p < 0.001$ (debt), $\chi^2_1 = 12.44$, $p < 0.001$ (relationship breakdown) and $\chi^2_1 = 25.06$, $p < 0.001$ (clinical negligence).

⁷⁰ Testing the ‘not at all/don’t know’ model terms compared to the consumer reference category; $\chi^2_1 = 24.14$, $p < 0.001$ (debt), $\chi^2_1 = 12.44$, $p < 0.001$ (relationship breakdown) and $\chi^2_1 = 25.06$, $p < 0.001$ (clinical negligence).

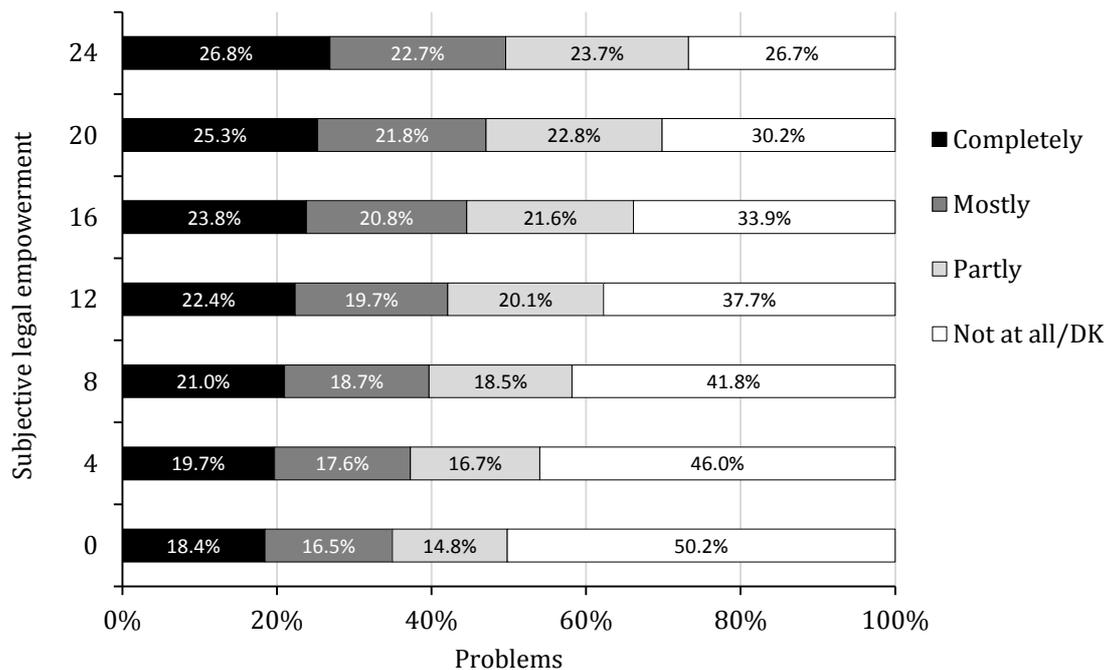


Figure 3.17 Level of professed knowledge by subjective legal empowerment, as predicted by simulation from ordinal regression

Finally, there was evidence of significant clustering in professed knowledge of rights by household. Thus, where more than one household member was asked about their knowledge of rights, levels of professed knowledge tended to correspond. There was also significant clustering at respondent level, with professed knowledge about different problems tending to correspond.

Changes in professed understanding of problems over their course

Of those CSJPS respondents who believed they understood their legal position only ‘partly’ or ‘not at all’ at the time legal problems arose, 59% did not progress past this level of knowledge by the time of their CSJPS interview. Of those who believed they did not understand their legal position at all in the first instance, 55% improved their knowledge, though only 41% subsequently came to ‘mostly’ or ‘completely’ understand their position (14% in the case of the latter). Of those who believed they ‘partly’ understood their legal position in the first instance, 54% improved their knowledge, and 20% believed they gained a complete understanding of their position.

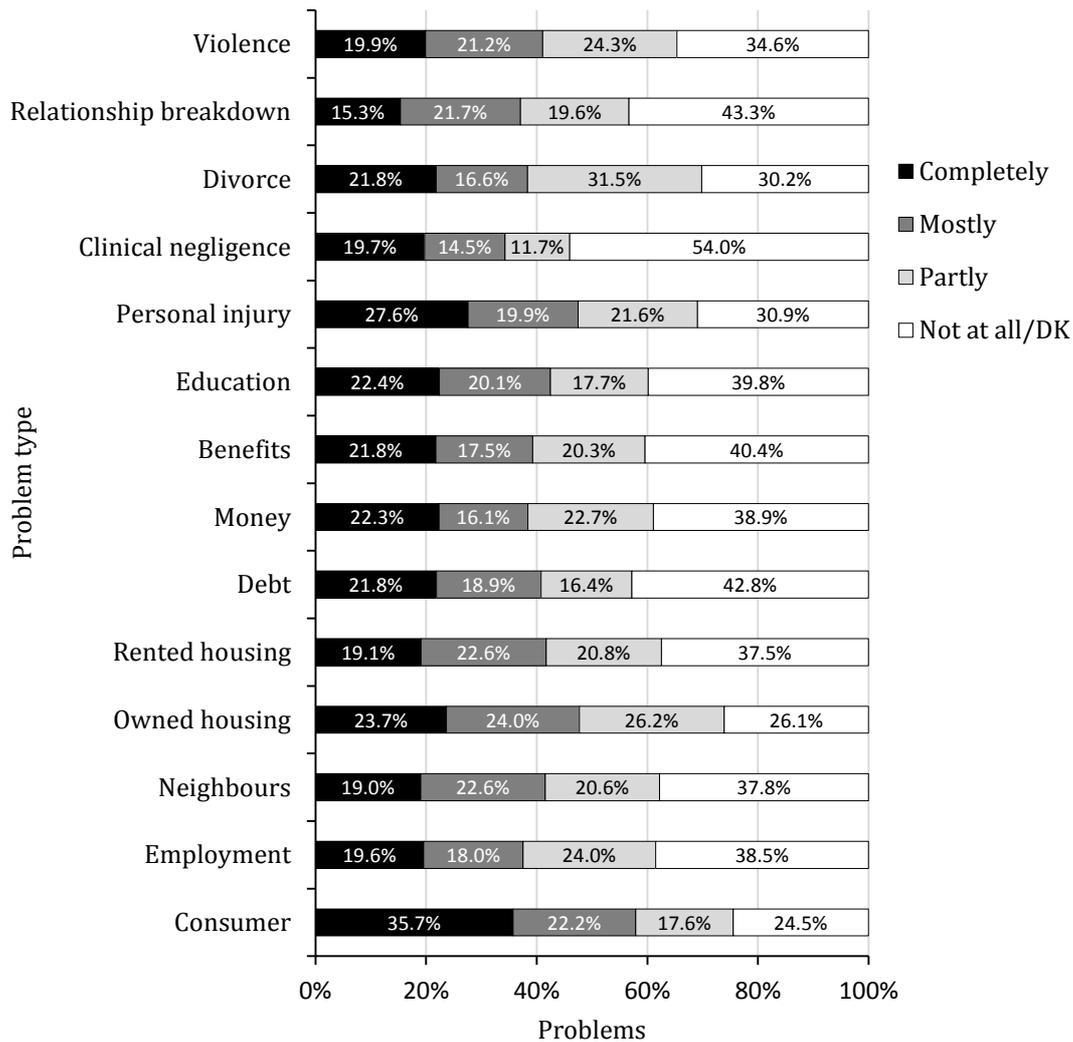


Figure 3.18 Level of professed knowledge by problem type, as predicted by simulation from ordinal regression

As with professed knowledge at the outset of problems, variation was observed in the extent to which professed knowledge of rights increased over the course of problems by problem type.

As can be seen from Table 3.3, beliefs about consumer rights were most resistant to change, with 61% of those who professed initial poor knowledge of their legal situation as regards faulty services reporting no change by the time of interview. In contrast, the figure was just 37% in the case of debt problems.

Table 3.3: Change in professed knowledge of legal rights over course of problem

Legal problem type	Change in professed knowledge				
	N=	No change %	+ 1 level %	+2 levels %	+3 levels %
Faulty services	87	61	18	12	9
Faulty goods	112	55	21	19	6
Rented housing	122	54	20	18	8
Clinical negligence	57	53	23	16	9
Neighbours	225	50	28	13	8
Care proceedings	8	50	25	13	13
Domestic violence	36	47	28	17	8
Education	64	45	20	23	11
Personal injury	64	44	27	17	13
Money	178	44	26	22	7
Welfare benefits	128	43	32	22	8
Employment	239	42	31	21	7
Owned housing	59	41	19	27	14
Relationship breakdown	69	39	30	25	6
Debt	174	37	33	23	8
Divorce/Separation	71	35	32	27	6
Overall	1693	46	27	19	8

Factors associated with knowledge change

To identify factors associated with improvement in levels of professed legal knowledge between problem onset and time of interview⁷¹ we employed binary logistic regression to model change.⁷² The variables included in the model were the same as those used in the ordinal regression modelling of professed legal knowledge at problem onset.

The change model indicated variation in purported levels of improvement in knowledge by age, with rates of improvement greatest for middle-aged respondents. So, as is illustrated by Figure 3.19, the likelihood of improvement was greatest for 45 to 59 year olds.⁷³

⁷¹ When respondents were interviewed as part of both the 2010 and 2012, in the case of reported problems that had not concluded at the time of the 2010 CSJPS interview, the relevant interview is the 2012 interview. In all other cases, the relevant interview is that in which the problem was first reported.

⁷² The model included only those who reported no or partial knowledge, or didn't know their level of knowledge, at problem outset. Details of the model is set out in the statistical appendix, along with comprehensive model outputs.

⁷³ Compared to 16-24 year olds; $\chi^2_1 = 6.79$, $p = 0.009$, 25-34 year olds; $\chi^2_1 = 5.26$, $p = 0.022$ and 35-44 year olds; $\chi^2_1 = 5.03$, $p = 0.025$. The difference compared to 60-74 year olds fell marginally short of significance; $\chi^2_1 = 3.71$, $p = 0.054$, while the difference compared to those 75 or older was non-significant; $\chi^2_1 = 1.57$, $p = 0.21$, though in part, this could be a result of modest numbers of respondents aged 75 or older in the analysis.

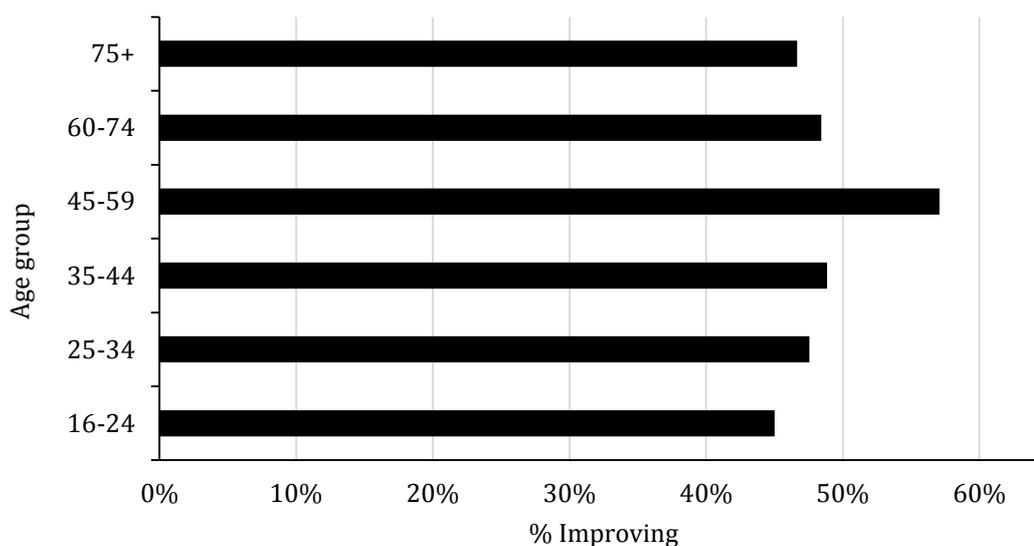


Figure 3.19 Improvement in professed knowledge by age

The model also indicated significant differences in the likelihood of respondents reporting improvement in their knowledge by profession. As Figure 3.20 illustrates, ‘routine manual/other’ workers were least likely to report an improvement, with significant increases in the likelihood of improvement (compared to the ‘routine manual/other’ group) for ‘other managerial/clerical’ workers⁷⁴ and ‘professional/senior managerial’ workers.⁷⁵ Differences between ‘routine manual/other’, ‘technical/semi-routine manual’ and, interestingly, ‘legal professional’ groups in rates of improvement were non-significant.

Also, purported improvement in knowledge of rights was significantly associated with subjective legal empowerment.⁷⁶ Specifically, as subjective legal empowerment increased, so did the likelihood that respondents reported an improvement in legal knowledge. As can be seen in Figure 3.21, simulation from the model suggested that, controlling for other factors, the percentage of respondents purporting improved knowledge rose from 36% in the case of subjective legal empowerment scores of zero to 61% for maximum scores of 24.

⁷⁴ Testing the ‘other managerial/clerical’ model term; $X^2_1 = 4.32$, $p = 0.038$.

⁷⁵ Testing the ‘professional/senior managerial’; $X^2_1 = 4.29$, $p = 0.038$.

⁷⁶ Testing the subjective legal empowerment model term; $X^2_1 = 8.71$, $p = 0.003$.

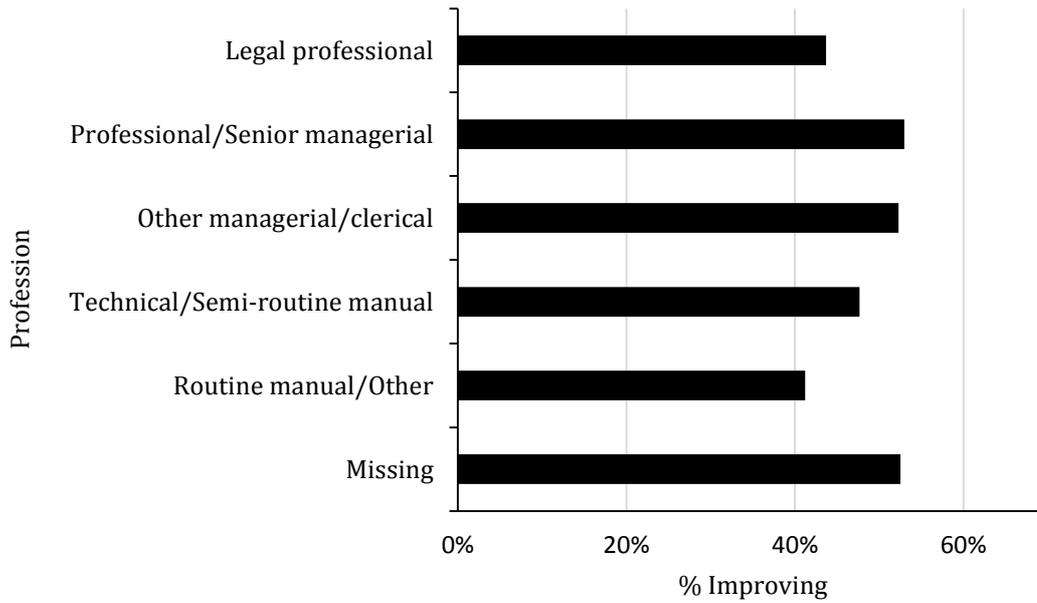


Figure 3.20 Improvement in knowledge by professional status

There was no significant variation in purported levels of knowledge improvement by academic qualifications, main language spoken at home or knowledge of legal services.

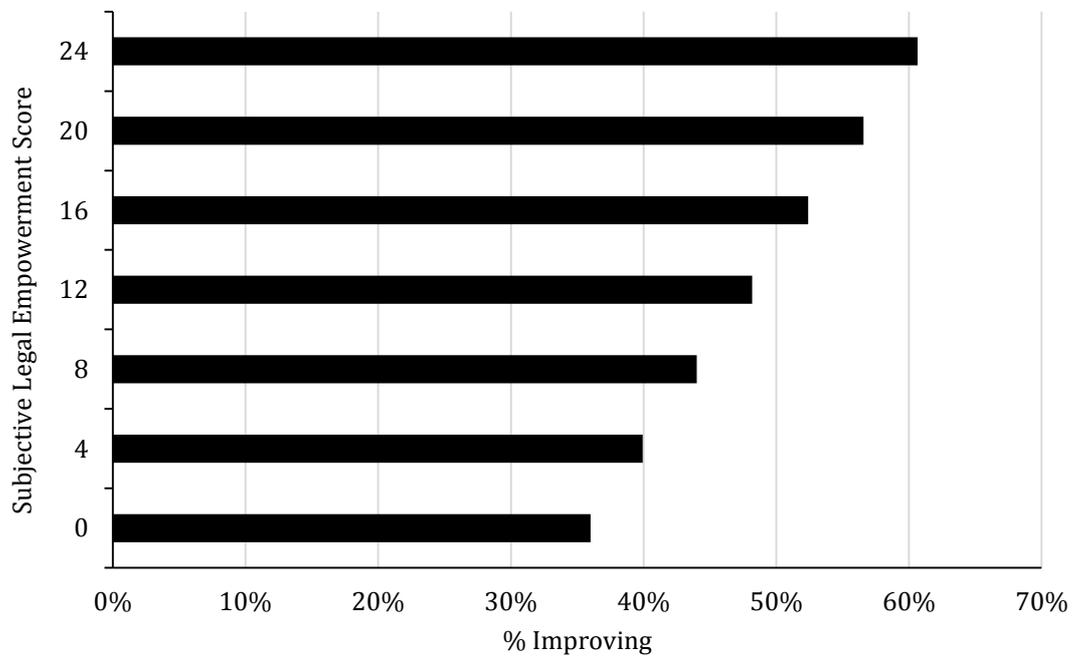


Figure 3.21 Improvement in knowledge by subjective legal empowerment

However, elsewhere, whether or not respondents characterised their problems as 'legal' was strongly associated with whether or not they reported their knowledge improved.⁷⁷ Simulation from the model suggested that, controlling for other factors, the percentage of respondents purporting improved knowledge rose from 49% where problems were not characterised as legal to 66% where they were.

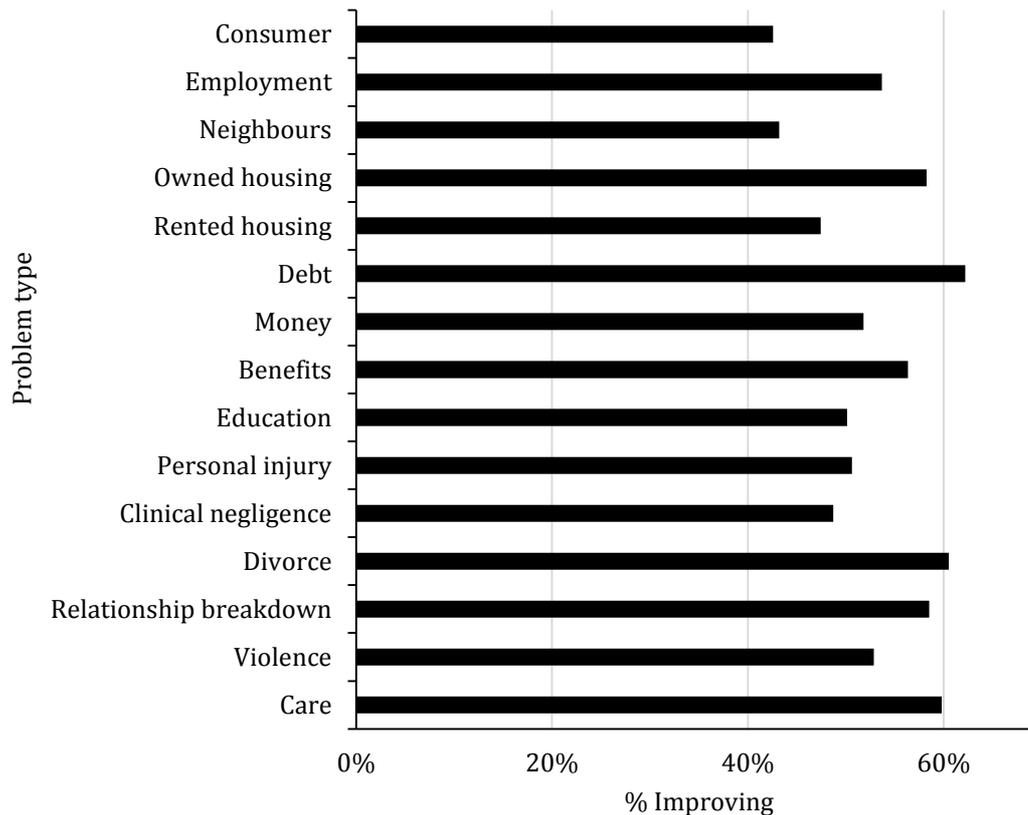


Figure 3.22 Improvement in knowledge by problem type

Knowledge improvement was also strongly associated with problem type. Thus, as can be seen from Figure 3.22, compared to consumer problems, which had among the lowest knowledge improvement rates, there were significantly higher likelihoods of knowledge improvement for divorce and problems concerning relationship breakdown, employment, owned housing and welfare benefits,⁷⁸ as well as a highly significant increase for debt problems.⁷⁹

⁷⁷ Testing the 'legal' characterisation model term; $\chi^2_1 = 20.07$, $p < 0.001$.

⁷⁸ Compared to consumer problems; $\chi^2_1 = 6.91$, $p = 0.009$, $\chi^2_1 = 4.86$, $p = 0.027$, $\chi^2_1 = 5.43$, $p = 0.020$, $\chi^2_1 = 4.23$, $p = 0.040$ and $\chi^2_1 = 6.29$, $p = 0.012$ respectively.

⁷⁹ $\chi^2_1 = 14.25$, $p < 0.001$.

There was no significant variation in purported levels of knowledge improvement by the extent to which respondents felt that problems should be resolved within the family or community.

However, there was again evidence of significant clustering of purported improvement in knowledge by household at respondent level.

Discussion

The findings

Our findings shed important and extensive new light on the public's understanding of legal rights and responsibilities.

In line with previous studies (e.g. Cortese 1966, Williams & Hall 1972, Saunders 1975, Baker & Emery 1993, Darley et al. 1996, Kim 1999, Darley et al. 2001, Barlow et al. 2005, Militello et al. 2009, Panades et al. 2007, Parle 2009, Pleasence & Balmer 2012, Denvir et al 2013), our results make evident a substantial public legal knowledge deficit across England and Wales. Overall, respondents answered only 59% of our fact-based scenario questions correctly; only moderately eclipsing chance.

Also in line with previous studies (e.g. Saunders 1981, Casebourne et al. 2006, Pleasence & Balmer 2012), our results indicate that this deficit is greater in some areas of law than others.

So, while modest levels of public understanding were evident in respect of rented housing (71% correct) and employment law (66% correct), profound ignorance was observed in the case of consumer law. On average, consumer scenario respondents answered just 34% of 5 consumer law questions correctly; a score substantially worse than would be expected by chance! Indeed, just 12% and 15%, respectively, correctly answered questions concerning whether a shop is legally obliged to replace a faulty item and whether an order made in a shop can automatically be cancelled for late delivery.

Despite this profound ignorance, consumer issues represent the most common form of justiciable issue and those about which CSJPS respondents expressed greatest confidence in their legal knowledge. Indeed, 66% of those who reported consumer problems in the 2010 and 2012 CSJPS professed to understand their rights either 'mostly' or 'completely'. However, when we

compared the legal knowledge scores (as derived from hypothetical scenario questions) of those who reported consumer problems with those who did not, we found no difference. Moreover, when we compared the scores of those who claimed 'complete' understanding of their consumer rights with others, we found that they scored worse still! People think they know their consumer rights, but they do not.

So, what is going on here? Building on our earlier findings concerning public understanding of family law (Pleasence & Balmer 2012), which suggested that people's beliefs are influenced by social norms and personal moral viewpoints (see, also, Ross et al 1977, Kim 1999, Barlow et al 2004, Louis & Taylor 2005), we here go further and suggest that the profound mismatch between people's actual and professed understanding of the law in the case of consumer law is likely strongly influenced by the practice norms of retailers. Respondents' beliefs about consumer law, while strikingly wrong, are also strikingly in line with retail practice, where cancellations of orders for late (or even on-time) delivery are routinely accepted, refunds are consistently provided for 'mistake' purchases and defective products are ordinarily replaced with new ones.

Happily, in the case of employment law, it appeared that those at risk of problems (i.e. those in employment) had greater levels of relevant legal knowledge than others (72% versus 60%). Though, this difference could not be seen among those who actually reported employment problems. But numbers were small and definitive conclusions not possible. In the case of rented housing law, those at risk of problems appeared not to have any knowledge advantage, although in this case there was some suggestion that those who had faced problems may have been slightly more knowledgeable. However, numbers were again small and definitive conclusions not possible.

Our findings concerning the social patterning of legal knowledge indicated that the oldest CSJPS respondents were more likely to perform poorly, while middle-aged respondents were more likely to perform relatively well in answering the hypothetical scenario questions. In the case of the housing and consumer scenarios, knowledge seemed to increase somewhat along with professional standing (with lawyers, perhaps unsurprisingly, scoring highest). There was also a slight suggestion that knowledge was related to time spent living

in the UK, though numbers were too small (in the case of recent migrants) to draw conclusions.

Turning to professed (rather than tested) knowledge, again our findings are in line with previous findings suggesting levels of understanding vary across legal issues. So, while 25% of CSJPS respondents believed they 'completely' understood their legal position at the time legal problems arose, figures ranged from 8% in the case of children's residence and contact to 47% in the case of mortgage arrears and possession. However, as we have demonstrated above, and as Denvir et al (2013) have illustrated in an associated study, levels of professed knowledge may not always reflect levels of actual knowledge. Thus, while these findings strongly support the unevenness of legal knowledge, and are of significant interest in relation to problem resolution behaviour, they do not provide definitive indication of relative levels of understanding between particular areas of law.

In terms of factors associated with professed knowledge, regression analysis indicated that younger respondents more often reported lower knowledge levels, as did those with fewer qualifications, those with lower professional status, those who spoke a language other than English at home, those with lesser knowledge of legal services and those with lower subjective legal empowerment scores. Regression analysis also confirmed significant variation in levels of professed knowledge by problem type.

Of those who believed they did not understand their legal position 'at all' in the first instance, 55% improved their knowledge. The corresponding figure was 54% for those who believed they 'partly' understood their legal position.

Finally, in terms of factors associated with improvements in knowledge, regression analysis indicated that rates of improvement were highest among middle-aged respondents, those with higher professional status (curiously excepting lawyers), those with higher subjective legal empowerment scores and those who characterised problems as 'legal'. Regression analysis also indicated significantly different rates of improvement by problem type.

Implications

In highlighting a substantial deficit in the public's understanding of legal rights and responsibilities – even among those for whom particular rights and responsibilities have specific bearing – the implications of our findings are profound. With law ubiquitous in everyday life, the ubiquity of ignorance of law is of evident concern.

Knowledge of legal rights and responsibilities provides a framework that informs expectations and enables the management of risk in social and economic interactions (e.g. Meager et al 2002). It is also critical to any role law may have in guiding social behaviour and, as the Public Legal Education and Support Task Force (2007, p.29) noted, contributing to the “agendas of government.” It also goes to the heart of the rule of law. Unequal knowledge threatens equality under law (Galanter 1974) and there is, anyway, an arbitrariness to unknown law, whatever its democratic origins. As Lord Diplock observed in 1975:

“The acceptance of the rule of law as a constitutional principle requires that a citizen, before committing himself to any course of action, should be able to know in advance what are the legal principles which flow from it.”⁸⁰

Of course, Lord Diplock here identifies that citizens of a democratic state cannot be assumed a passive role in their understanding of law. Citizens have a responsibility to inform themselves of laws relevant to their activities. However, given that citizens have only limited comprehension of the extent to which law impinges upon contemporary life (e.g. Pleasence et al 2010, 2011) and that, as Lord Bingham (2010, p.41) has observed, “legislative hyperactivity has become a permanent feature of our governance” – with nearly 5,000 pages of primary legislation and 11,500 pages of subordinate legislation enacted in 2006 alone⁸¹ – the responsibility of citizens to inform themselves about the law must be quite limited.

⁸⁰ Black-Clawson International Ltd. V. Papierwerke Waldhof-Aschaffenburg AG [1975] AC 591, 638 D.

⁸¹ Bingham (2010). And this ignores law emanating from the European Union and elsewhere.

Moreover, our findings of social patterning in levels of legal literacy raise the issue of capability in this regard, indicating that supplementary assistance is important for some sections of the community if understanding of law is not to act as a substantial barrier to engagement with it.

The above all suggests that state powers should be mindful of public understanding of the law, and take reasonable steps to support it. Plainly, these steps extend to the national curriculum (which addresses foundational aspects of our constitutional framework and legal system within the citizenships programmes of study) and broader public legal education (PLE) efforts concerning the current state of the law.⁸² But there is also a particular need for PLE initiatives in the context of legislative change. After all, what government would want to enact legislation that is not known about by those to whom it applies? And in the case of new law, the challenge of supporting legal literacy is made greater by the likelihood that beliefs about law are likely to be “resistant to change” (Kim 1999).

There is also a particular need for PLE initiatives in the context of the substantial cuts to legal aid brought about through the LASPO Act 2012. As was recognised in the Public Bill Committee debates regarding the passage of the LASPO Bill, there is now a far greater public reliance on self-help in the resolution of legal disputes, including representation before courts and tribunals (Public Bill Committee 2011). Yet, while the government has earmarked a “£2m package of support aimed at avoiding expensive and confrontational courtroom battles,” to include additional funding of the legal and advice sectors to “increase legal and practical support for litigants in person in civil and family courts,”⁸³ it has “imposed upon itself no duty to promote knowledge of rights, develop just-in-time legal information, share the third sector’s burden of equipping citizens to better handle their problems alone or for that matter, inform itself as to the need for public legal education interventions” (Denvir et al 2013, p.156). Thus, we can perhaps expect fewer disputes to progress to formal legal process or resolve “in

⁸² These are generally quite narrowly focused. See, for example, the Living Together campaign in relation to cohabitation law (Barlow et al 2007) and the recommendations of the Vulnerable Worker Enforcement Forum (Department for Business, Enterprise and Regulatory Reform 2008).

⁸³ Ministry of Justice press release, *More Support for Separating Couples and Parents*, 23 October 2014.

the shadow of the law” (Mnookin & Kornhauser 1979). In the case of those disputes that come before legal institutions with parties ignorant of the law, we might expect less effective argument and greater burden on the institutions concerned (e.g. Williams 2011, Pleasence & Balmer 2014).

Finally, in relation to our findings concerning consumer law, it might be thought that people’s systematic lack of understanding is unproblematic in practice, as it evidences norms of behaviour (e.g. ‘goodwill’ returns policies) that offer greater protection than the law requires. However, over-optimism in relation to legal protection can lead people to take on far greater risk than they would want, or be able, to deal with. And it is not just consumer law that people err on to their own advantage. Our findings also highlighted that 32% of CSJPS respondents believed a tenant has the legal right to deduct from rent payments the cost of services a landlord is obliged to, but does not, provide. And similar erroneous optimism has also been documented in other areas, such as family law (Pleasence & Balmer 2012) and employment law (e.g. Kim 1999).

Over-optimism as regards some aspects of the law is also mirrored by pessimism as regards others; as in the case of the 46% of CSJPS respondents who were unaware of their right to limit their working hours to 48 per week. Here, again, the impact of people’s reliance on their understanding of the law can be highly detrimental and long lasting.

In conclusion, public ignorance of law is ubiquitous, can act to undermine efforts to navigate the legal framework of everyday life, impacts on the outcome of legal issues and imposes burdens on legal institutions. It strikes at law’s efficacy, efficiency and legitimacy. It is therefore not a matter of simple academic concern, but one of practical and constitutional significance – and our findings suggest there is much that needs to be done to address it.

4

Understanding legal problems

Introduction: explaining the anomalous

Patterns of going to law

After decades of legal expansionism, or ‘juridification’ (Habermas 1987), we live our lives and conduct our business in a ‘law-thick’ world (Hadfield 2009). The law reaches deep into our work and family lives. It defines our entitlements to public services and benefits. It regulates our relationships as producers and consumers, landlords and tenants, and lenders and borrowers. It governs the education of our children, and it regulates interactions with our environment.

Yet, legal institutions, processes and services remain largely peripheral to everyday life. As we have detailed elsewhere (Pleasence & Balmer 2014), just 6% of legal problems reported across the 2010 and 2012 Civil and Social Justice Panel Surveys (CSJPS) involved respondents obtaining advice from a lawyer, and only 10% resolved through a third-party decision (6% through a court, tribunal or formal appeals service).

That is not to say that the use of lawyers and third-party decisions are peripheral across all kinds of problems. Rational cost-benefit based decision-making results in a tendency for more severe problems to be channelled towards professional services and formal processes. For example, 2010 and 2012 CSJPS respondents were more likely to obtain assistance from a lawyer or see problems resolved through third-party decisions in relation to more severe problems.⁸⁴ Advice was obtained from a law firm in relation to 8% of ‘more severe’ CSJPS legal problems, but just 3% of ‘less severe’ problems. Similarly, a third-party resolution was recorded in respect of 13% of ‘more severe’ problems, compared to 7% of ‘less severe’ problems. This tendency has been described as “market rationing” by

⁸⁴ In addition to the relative cost of advice diminishing as problem severity increases, the need to clarify legal positions and explore legal avenues increases as problem severity does the same.

Kritzer (2008, p.903),⁸⁵ and is evident across jurisdictions (e.g. Dignan 2006, Currie 2009, Velthoven & Klein Haarhuis 2010, Chen et al. 2012, Pleasence & Balmer 2014).

Problem severity is not, though, the only, or even the dominant, influence on legal problem resolution strategies. Genn (1999, p.141) has observed that “problem type tends to swamp other considerations,” and strong associations between problem type and strategy are routinely reported all around the world, even after severity is accounted for (e.g. Genn 1999, Genn & Paterson 2001, Pleasence et al. 2004, van Velthoven & ter Voert 2005, Ignite Research 2006, Chen et al 2012, Coumarelos et al. 2012).

Intriguingly, there has been remarkable constancy in findings from around the world as to which problem types are most likely to see lawyers instructed; family, (particularly owned) housing and wills/probate. So, lawyers were found to have been most frequently instructed to help resolve family problems “in 19 of 20 surveys for which findings are available” (Pleasence et al. 2013, p.34). The exception was Moldova, where family came second. Of course, there are discrepancies, such as between strong associations between lawyer use and personal injury in the United Kingdom,⁸⁶ United States and Canada (Eldred & Reese 1994, Genn 1999, Genn & Paterson 2001, Dignan 2006, Pleasence 2006, Currie 2008), and the opposite in Japan, New Zealand⁸⁷ and Hong Kong (Ignite Research 2006, Murayama 2007, Asia Consulting Group 2008). But, nevertheless, the broad consistency of observed patterns of behaviour has raised the question of “what underpins associations between problem type and lawyer use” (Pleasence & Balmer 2014, p.13).

Evidently, the fact that people who have suffered negligent accidents in the United Kingdom are more likely to instruct solicitors than people who have

⁸⁵ This market rationing does not necessarily entail an equitable distribution of legal assistance, with multivariate analyses in England and Wales, Australia and Taiwan (Pleasence & Balmer 2012, Pleasence & Macourt 2013, Huang et al. 2014) suggesting a relationship between income and lawyer use; though one that is mediated by the availability of legal aid, alternative funding schemes (such as conditional or contingent fees) and the structure of the market for legal services.

⁸⁶ This association has been identified independently in all jurisdictions of the United Kingdom (Genn 1999, Genn and Paterson 2001, Dignan 2006, Pleasence 2006).

⁸⁷ In the case of New Zealand, the comparison is complicated by the existence of the country’s no-fault compensation scheme, administered through the Accident Compensation Corporation. Though, as we discuss below, this also suggests a partial explanation of the strong associations observed between lawyer use and problem type.

suffered legal problems generally cannot be explained by the fact of the negligent accidents. As we have remarked elsewhere (Pleasence et al. 2010), there must be something lying beneath; something about the people who suffer personal injuries, the nature of personal injuries, people's understanding of lawyers or the law in relation to personal injuries, the type or range of services that solicitors offer, or the legal remedies that are available in respect of personal injuries.

Beyond the association between problem type and lawyer use

So, beyond problem severity, what underpins the seemingly arbitrary, yet dominant, association between lawyer use and problem type?

In part, the different rates of lawyer use associated with different problem types reflect the extent to which formal legal process *must* be employed in the course of problem resolution. For example, an application must be made to court for permission to divorce, thereby automatically institutionalising the divorce process and associated disputes within a formal legal framework. But, legal problems that *must* involve formal legal process are relatively rare.

In part, different rates of lawyer use between problem types also reflect expectations as to how problems resolve. This was highlighted by Gramatikov (2008) in relation to legal problem resolution behaviour in Bulgaria, where he found that “more than a third of those who had justiciable problems expected that a public institution will intervene and will solve [them]” (p.10). As he explained, “Still many of the citizens of these [East European] countries, and Bulgaria in particular, expect the state to play extensive corrective role in cases when their private lives, rights and interests are endangered” (p.11).

In addition, different rates of lawyer use reflect different levels of lawyer supply. The range of services that law firms offer acts to restrict the range of problems they are instructed about; and the range of services offered is influenced by factors linking directly to problem type, such as profitability, prestige and professional norms. There is therefore a mismatch between the focus of law firms' work and legal problem prevalence. For example, we have previously observed that the percentages of English and Welsh solicitors' non-corporate income relating to negligent accidents, employment problems and welfare benefits vary greatly (25%, 9% and 1%, respectively (Law Society 2003)), “despite incidence of

problems being similar for all three problem types, all three problem types having a potentially serious impact on people's lives and all potentially involving complex legal issues" (Pleasence & Balmer 2008, p.245).

Using CSJPS data and details of solicitors' areas of practice published by the Law Society (Law Society 2010), it is also possible to estimate that there are 5 times as many solicitors per employment problem than per welfare benefits problem practicing in the relevant area of law, with the figure rising to 15 times for negligent accidents.

Closely linked to this, different rates of lawyer use between problem types reflect public understanding of what lawyers do. For example, a Legal Services Board (2009) survey indicated that just 26% of people think that solicitors are "trained to help with" problems with benefits, compared to 88% in the case of divorce. Of course, the services offered by solicitors may be a simple reflection of the profitability of different types of work – which again raises the issue of cost.

And again linked, different rates of lawyer use reflect different tendencies to see the legal dimensions of problems.

How legal problems are perceived

While there has been relatively little empirical study of the 'prefigurative' dimensions of legality (McCann 2006),⁸⁸ the transformation of everyday problems into legal problems in people's minds has been shown to link to lawyer use. Reporting on the 2005 Japanese National Survey of Everyday Life and the Law – which included an innovative question concerning whether respondents were aware of problems being "related to law" – Murayama (2010) identified a link between people's seeing problems as related to legal and lawyer use, though the association was weaker than that between problem type and lawyer use. And we have also observed such a link, using data from both an online survey of people's

⁸⁸ Instrumental dimensions of legality have received more attention. For example, Ewick and Silbey's (1998) detailed exploration of people's use, experience and attitudes to law illustrated how law can be perceived as magisterial, manipulable or arbitrary, and that different perceptions help explain differential readiness to utilise law. To the extent that different demographics are associated with different problem types, instrumental dimensions of legality may also partly explain differential lawyer use between problem types.

characterisation of everyday problems (Pleasence & Balmer 2011) and data from the CSJPS (Pleasence & Balmer 2014).⁸⁹

Our recent investigation of legal problem resolution strategies for the Legal Services Board (Pleasence & Balmer 2014), using data from the CSJPS, identified that “problem characterisation” is strongly associated with lawyer use.⁹⁰ Specifically, problems characterised as ‘legal’ were far more likely to have led to advice being obtained from a lawyer, at the expense of them being handled alone or with only informal advice (Figure 4.1). Statistical modelling indicated that legal characterisation increased lawyer use from 7% to 19%, and decreased handling alone from 59% to 44%.

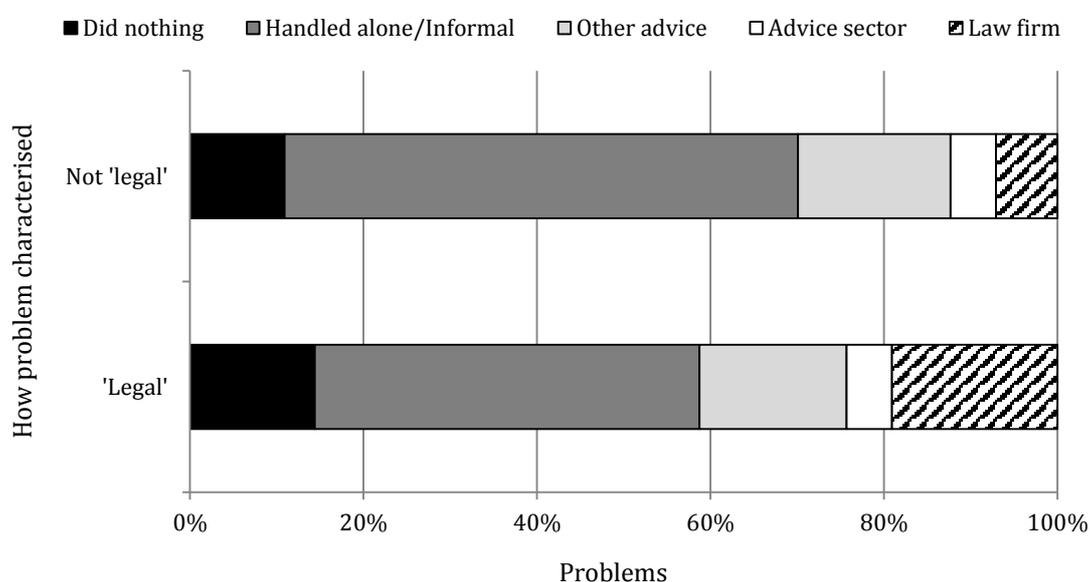


Figure 4.1 ‘Legal’ characterisation and strategy⁹¹

⁸⁹ This issue was also touched upon in Parle’s (2009) study of the legal capability of young people in the United Kingdom. Having been presented with a range of legal scenarios, many young people were unable to identify that they were dealing with legal issues, and they were consequently unable to plan courses of action to resolve them. It would appear that “a young person not able to spot that they are dealing with a law-related issue would most likely not take any appropriate action to resolve the problem” (Jones 2009).

⁹⁰ Other important associations were with problem type, professed knowledge of rights, subjective legal empowerment, problem severity, problem duration, adverse consequences and personal/household experience.

⁹¹ On the basis of statistical modelling, maintaining the strategy profile of the ‘not legal’ characterisation category at that of the whole sample (Pleasence & Balmer 2014).

Problems considered ‘criminal’ were also associated with increased lawyer use (Figure 4.2).⁹² In this case, statistical modelling indicated that legal characterisation increased lawyer use from 7% to 16%, and decreased handling alone from 59% to 50%. The problem resolution behaviour patterns observed for ‘legal’ and ‘criminal’ characterisations were fairly similar, other than in respect of the relatively elevated rate of inaction associated with the former.

Importantly, legal characterisation was found to have no overall bearing on people’s tendency to use the advice sector (5% vs. 5%) or other advice (17% vs. 18%). As we have argued elsewhere (Pleasence, Balmer & Reimers 2010), this demonstrates the great value of having a broader professionalised advice sector “to the accessibility of legal services and, ultimately, justice.” For, “as people’s recourse to the broader advice sector is relatively uninfluenced by whether or not problems are characterised as legal, it facilitates access to legal services for those who do not see the legal dimensions of the justiciable problems they encounter.” Without the broader advice sector, lack of recognition of problems’ legal dimensions might present a more significant barrier to justice.

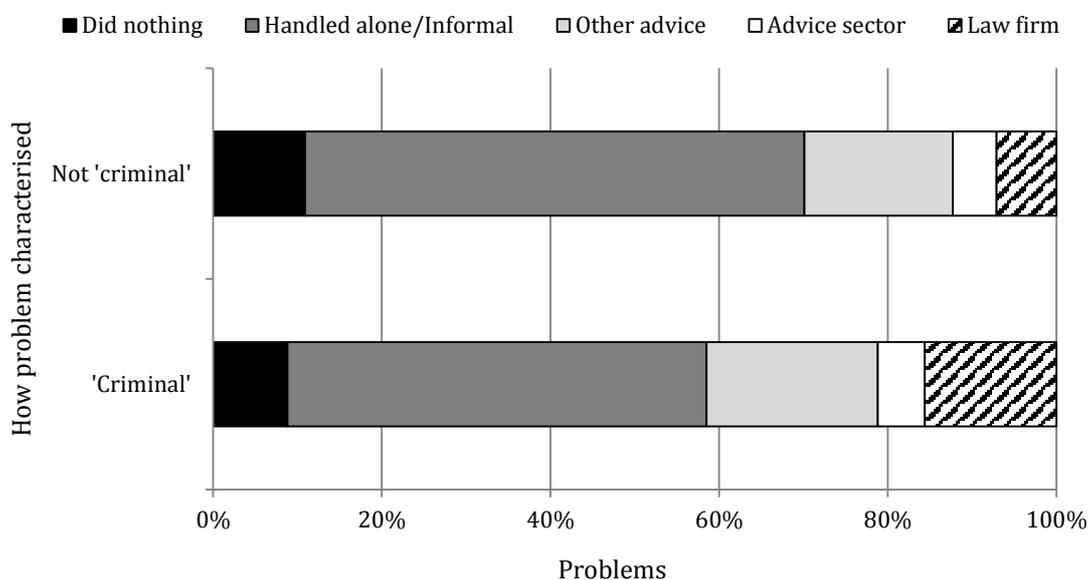


Figure 4.2 ‘Criminal’ characterisation and strategy⁹³

⁹² Elsewhere, problems being characterised as ‘bad luck’ was strongly associated with no action being taken to resolve them, rather than seeking ‘other’ advice or handling alone/obtaining informal advice. Problems being characterised as ‘moral’, ‘social’, ‘bureaucratic’ or ‘private’ was not significantly related to problem-solving strategy.

⁹³ On the basis of statistical modelling, maintaining the strategy profile of the ‘not legal’ characterisation category at that of the whole sample (Pleasence & Balmer 2014).

Earlier analysis – based on hypothetical, rather than experienced problems – illustrated how the association between lawyer use and characterisation of problems as legal and the character blindness associated with advice sector use held across different problem types (Pleasence, Balmer & Reimers 2010).

As illustrated by Figures 4.3 and 4.4, we have now been able to recreate broadly similar findings using CSJPS data.

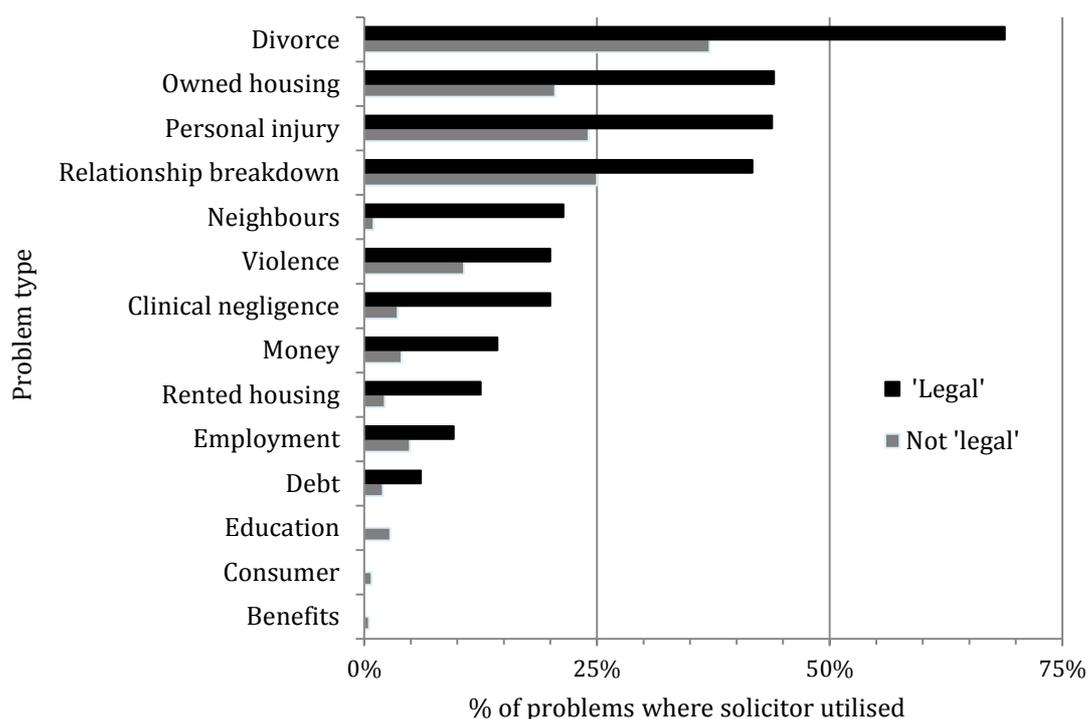


Figure 4.3 Utilisation of solicitors by problem type and whether problem characterised as 'legal' (CSJPS 2010 & 2012)⁹⁴

Figures 4.3 and 4.4 set out lawyer use, and then advice sector use, by problem type and whether or not respondents' initially characterised problems as legal (i.e. at the time problems first occurred). The figures confirm that the strong association between lawyer use and characterisation of problems as legal holds across problem type, and that there is no such association for advice sector use.

The figures also make evident the value of the broader advice sector in facilitating access to legal assistance in relation to problem types where solicitor

⁹⁴ Excluding care problems (n=14)

advice is less common, and in some cases where problems are not characterised as legal.

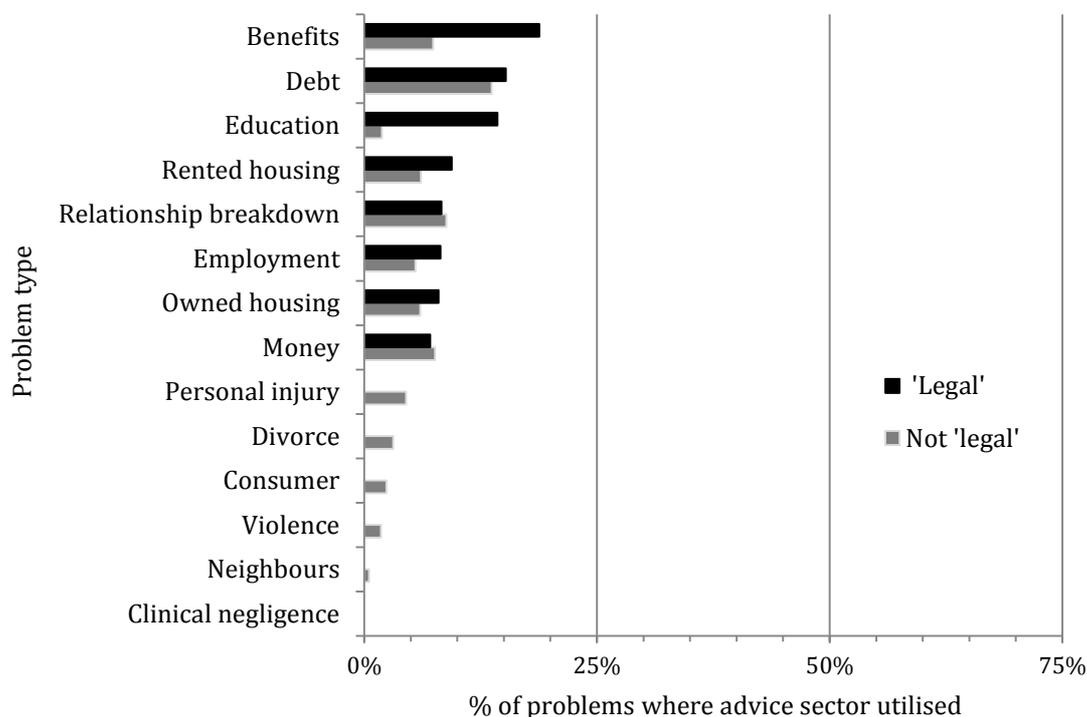


Figure 4.4 Utilisation of advice sector by problem type and whether problem characterised as 'legal' (CSJPS 2010 & 2012)⁹⁵

However, it is also evident from Figures 4.3 and 4.4 that the additional influences on advice seeking set out in the previous section also affect behaviour, and that behaviour can only be understood with reference to a broad range of factors.⁹⁶ Nevertheless, the broad advice sector unquestionably complements and augments the traditional legal services sector and, *within both sectors*, in relation to the problem types most commonly associated with the sector, assistance is more often obtained about those problems characterised as legal.

Explaining characterisation

So, what is it about legal problems and the people who face them that drives problem characterisation?

⁹⁵ Excluding care problems (n=14)

⁹⁶ For example, Figures 4.3 and 4.4 illustrate how lawyers were never used in relation to benefits and education problems characterised as legal, and that advice sector use was elevated in these instances when compared to problems not characterised as legal. Furthermore, in the case of the problem types most associated with the use of solicitors, lawyer use was greater than advice sector use even when problems were not characterised as legal.

Patterns of characterisation

CSJPS problems were most commonly characterised as being the product of 'bad luck'.⁹⁷ Indeed, 47% of problems were characterised in this way. A significant proportion were also characterised as 'bureaucratic' (18%), 'moral' (14%) and 'social' (12%).

Next, 11% of problems were characterised as 'legal', 7% as 'criminal', 7% as 'private' and, finally, 6% as 'family/community'.

As with problem resolution behaviour, there is evidently a strong association between problem characterisation and problem type. Each form of characterisation was associated with a distinct problem profile. For example, in raw percentage terms, characterisation as bad luck was most common in relation to problems concerning consumer transactions (66%), personal injuries (66%), debt (55%) and clinical negligence (54%) (Table 4.1). Characterisation as bureaucratic was most common in relation to problems with benefits (55%) and money (32%). Characterisation as moral was most common in relation to problems to do with employment (26%) and money (25%). Characterisation as social was most common in relation to problems to do with neighbours (47%) and education (26%).

Characterisation as 'legal' was most common in relation to problems regarding owned housing (23%) and relationship breakdown (23%). Conversely, it was least common in relation to problems concerning neighbours (3%), clinical negligence (6%), education (6%), consumer transactions (7%) and care (public law children issues)(7%).

These different profiles were also reflected in different degrees of overlap between manners of characterisation. So, as can be seen from Table 4.2, while characterisations of 'bad luck' were not associated with other manners of characterisation, there were evident associations between characterisations of 'legal', 'moral', 'social' and 'criminal', and also between characterisations of 'private' and 'family/community'.

⁹⁷ The relevant CSJPS question was, "Which, if any, of the descriptions on this card best indicates the character of [the problem]? You can choose more than one option, or none." The options provided were 'bad luck/part of life', 'moral', 'private (i.e. not something to involve others with)', 'criminal', 'legal', 'social', 'bureaucratic', 'family/community (i.e. something to be dealt with within the family/community)', and 'none of these'.

Table 4.1: Characterisation of legal problems by problem type

Legal problem type	% of problems characterised as ...								
	N=	Bad luck	Bureaucratic	Moral	Social	Legal	Criminal	Private	Family/ Community
Consumer	539	66	9	11	2	7	4	4	0.5
Employment	402	37	29	26	8	18	5	5	0.7
Neighbours	423	42	2	15	47	3	14	7	14
Owned housing	109	36	29	14	5	23	12	7	6
Rented housing	212	47	13	13	16	15	5	4	3
Debt	289	55	18	8	5	11	5	10	6
Money	323	42	32	15	3	13	9	10	4
Benefits	221	35	55	7	5	8	2	5	2
Education	115	30	19	12	26	6	6	4	19
Personal injury	128	66	7	11	2	13	8	5	2
Clinical negligence	89	54	11	11	3	6	9	9	1
Divorce	113	49	2	12	5	14	4	22	11
Relationship breakdown	104	35	12	25	14	23	11	14	27
Violence	62	37	0	19	15	8	19	21	27
Care	14	29	7	7	7	7	21	14	21
All problems	3143	47	18	14	12	11	7	7	6

Table 4.2: Crosstabulation of characterisations

Problem characterisation	N=	% of problems also characterised as ...							
		Bad luck	Bureaucratic	Moral	Social	Legal	Criminal	Private	Family/ Community
Bad luck	1,476	-	8.6	9.0	6.5	5.1	4.0	5.1	3.8
Bureaucratic	565	22.5	-	14.0	5.1	11.7	5.1	2.3	2.5
Moral	445	29.9	17.8	-	20.0	20.0	14.4	6.5	6.7
Social	375	25.6	7.7	23.7	-	12.5	10.7	3.7	10.9
Legal	347	21.6	19.0	25.6	13.5	-	13.5	5.2	25.6
Criminal	222	26.6	13.1	28.8	18.0	21.2	-	4.1	8.1
Private	231	32.9	5.6	12.6	6.1	7.8	3.9	-	13.0
Family/Community	193	29.0	7.3	15.5	21.2	13.0	9.3	15.5	-

Modelling legal characterisation

To gain a greater understanding of the factors associated with CSJPS respondents characterising problems as 'legal', we fitted a statistical model to explore the relationship between legal characterisation and a range of personal and problem characteristics.⁹⁸ The personal characteristics were age, profession, use of English,⁹⁹ religion, awareness of legal services,¹⁰⁰ subjective legal empowerment (Gramatikov & Porter 2011),¹⁰¹ understanding of rights,¹⁰² and whether respondents felt problems of the type included in the CSJPS should be resolved "within ... family or community". The problem characteristics included were problem type (consumer, employment, neighbours, owned housing, rented housing, debt, money, welfare benefits, education, personal injury, clinical negligence, family and care), problem severity, and whether there had been a disagreement with the other side about what should be done.

Factors associated with legal characterisation

Personal characteristics

No significant differences in the likelihood of characterising problems as legal were seen by age,¹⁰³ profession,¹⁰⁴ use of English,¹⁰⁵ religion,¹⁰⁶ knowledge of

⁹⁸ The model aimed to include a broad range of variables that we might expect would have some bearing on legal characterisation.

⁹⁹ Whether English was the main language respondents spoke at home.

¹⁰⁰ These services comprised solicitors, law centres, Community Legal Advice, Citizens Advice, Consumer Direct, National Debtline, Shelter, the Financial Services Ombudsman and the Local Government Ombudsman. The variable equated to a score of the number of these services respondents professed to know something about.

¹⁰¹ Gramatikov & Porter (2011) define subjective legal empowerment as "the subjective self-belief that a person possess and can mobilize the necessary resources, competencies and energies to solve particular problem of legal nature." Within the CSJPS this was operationalised through a series of questions asking how likely respondents believed they would be able to obtain a fair resolution to disputes with an employer, family member, neighbour, a land dispute, a business dispute or became a victim of crime. The variable used in the model comprised a score derived by summing the responses to these questions.

¹⁰² Whether respondents felt they understood their legal rights at problem outset.

¹⁰³ Controlling for other variables, 45-59 year old respondents most often characterised their problems as legal (13.5% of problems overall), with the lowest rates of legal characterisation for the oldest respondents (75 or older: 8.1%). Testing the age group terms together; $\chi^2_5 = 4.45$, $p = 0.49$.

¹⁰⁴ Simultaneously testing the profession model terms; $\chi^2_5 = 3.92$, $p = 0.56$.

¹⁰⁵ Comparing those who spoke a language other than English at home to those who spoke English; $\chi^2_1 = 0.19$, $p = 0.66$.

¹⁰⁶ Comparing those who suggested they followed a religion to those who did not; $\chi^2_1 = 0.02$, $p = 0.90$.

the legal sector,¹⁰⁷ level of subjective legal empowerment,¹⁰⁸ or understanding of rights.¹⁰⁹

However, having controlled for other variables, there was evidence of a relationship between the extent to which respondents felt that problems should be resolved within their family or community and their tendency to characterise problems as legal.¹¹⁰ Compared to those who neither agreed nor disagreed that problems should be resolved within their family or community, those who agreed were significantly more likely to characterise problems as legal.¹¹¹ There was also some indication that those who disagreed were more likely to characterise problems as legal, but the result fell short of statistical significance.¹¹²

Problem characteristics

While problem severity was not associated with legal characterisation,¹¹³ problem type was a key predictor of whether or not problems were characterised as legal, with significant differences across problem types.¹¹⁴ Figure 4.5 shows the percentage characterising problems as legal, using output from the statistical model and controlling for other variables.

As can be seen, rented housing, employment and particularly owned housing problems were associated with very high rates of legal characterisation. In contrast, consumer, clinical negligence, education and, particularly, neighbours problems were associated with low levels of legal characterisation.

¹⁰⁷ Testing the 'medium' and 'high' knowledge terms together; $\chi^2_2 = 1.71$, $p = 0.43$.

¹⁰⁸ Simultaneously testing the subjective legal empowerment model terms; $\chi^2_3 = 4.00$, $p = 0.26$. No individual subjective legal empowerment model terms were near statistical significance.

¹⁰⁹ Testing the 'mostly', 'partly' and 'completely' terms together; $\chi^2_3 = 5.95$, $p = 0.11$

¹¹⁰ Testing the 'agree' and 'disagree' terms together; $\chi^2_2 = 6.16$, $p = 0.046$.

¹¹¹ $\chi^2_1 = 5.79$, $p = 0.016$.

¹¹² $\chi^2_1 = 2.85$, $p = 0.091$.

¹¹³ Testing the severity model term; $\chi^2_1 = 0.85$, $p = 0.36$. While the likelihood of legal characterisation did increase very slightly with increasing problem severity, the association was clearly not statistically significant.

¹¹⁴ Testing the problem type model terms simultaneously; $\chi^2_{12} = 67.99$, $p < 0.001$.

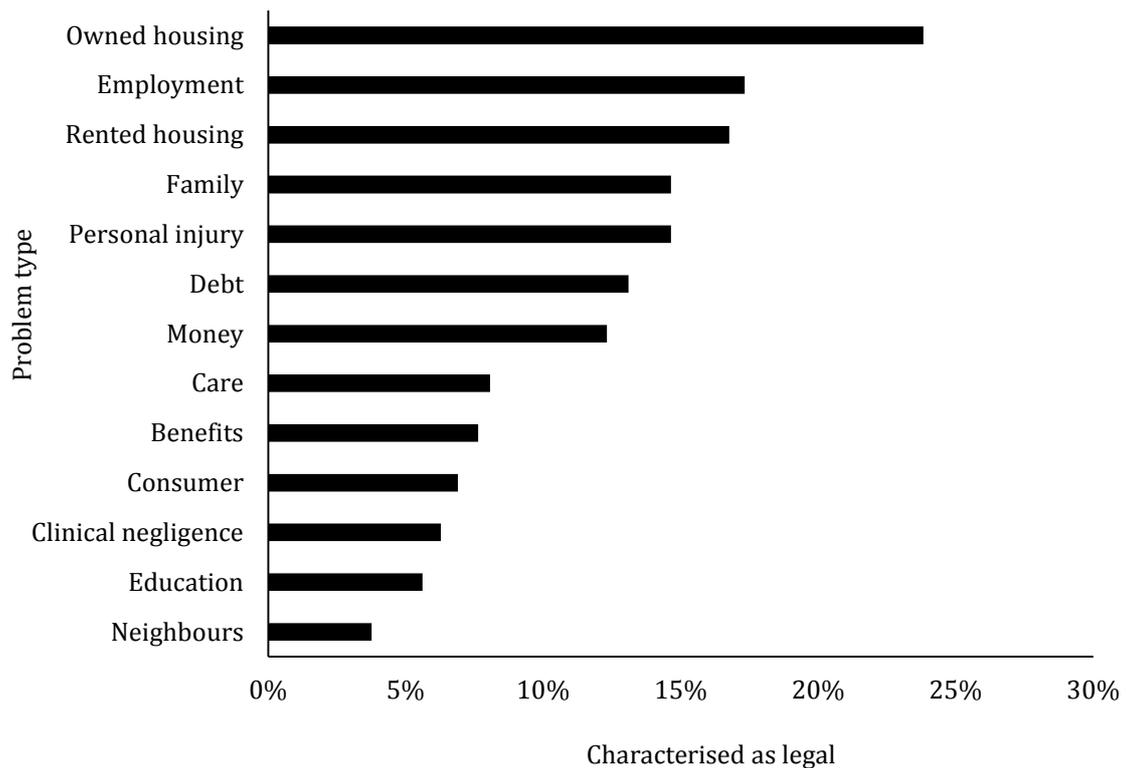


Figure 4.5 Predicted percentage characterising problems as legal by problem type, as derived from the statistical model.

Whether or not respondents reported that there had been disagreement with the other side was also a highly significant predictor of legal characterisation.¹¹⁵ Controlling for other variables, when respondents reported that there had been disagreement with the other side, 17% characterised their problems as legal. When there had been no disagreement this fell dramatically to 7%.¹¹⁶

Legal services supply and demand and characterisation

Solicitor supply was measured by dividing the number of solicitors firms in England and Wales undertaking work in each of the twelve problem types in the model by problem incidence for that problem type (to produce a figure of firms

¹¹⁵ Comparing those where there was no disagreement to those reporting a disagreement; $\chi^2_1 = 50.91$, $p < 0.001$. A small number with no details of whether or not there was a disagreement were comparable to the 'no disagreement' group; $\chi^2_1 = 0.12$, $p = 0.73$.

¹¹⁶ Looking at the raw data (i.e. not controlling for other variables) shows an even larger difference with 16.6% falling to 6.6%.

per 1,000 problems).¹¹⁷ Demand for legal services was measured by taking the percentage of CSJPS problems of each type about which legal advice was obtained.

Figure 4.6 illustrates a clear positive relationship between supply (raw data firms per 1000 problems) and legal characterisation (as predicted by the initial model, above).¹¹⁸ As can be seen, the percentage of CSJPS respondents characterising problems as legal for each problem type was related to the relative supply of legal services. However, it should be noted that some problems appeared to have a higher (e.g. employment) or lower (e.g. clinical negligence) percentage of respondents characterising them as legal than might be expected solely on supply.

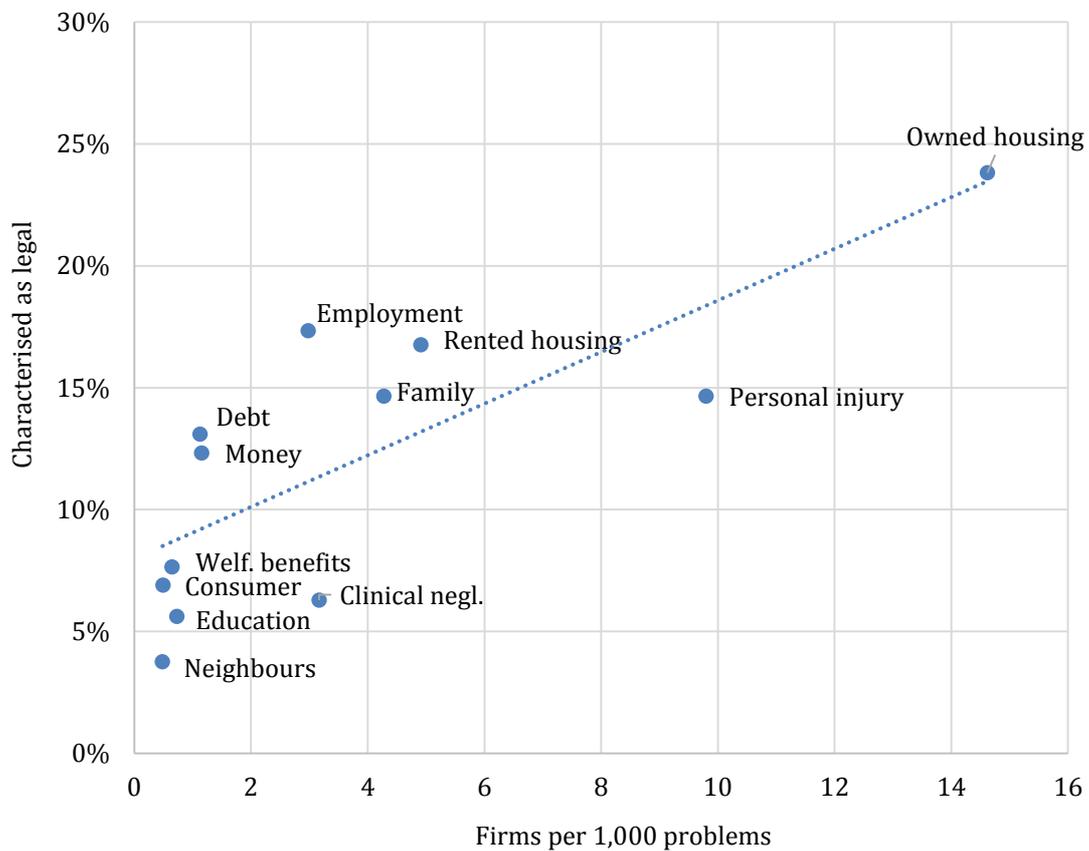


Figure 4.6 The relationship between supply (legal firms per 1,000 problems of each type) and legal characterisation (derived from the initial statistical model)

¹¹⁷ By reference to the number of problems of each type reported in the CSJPS. Care related problems were excluded from analyses due to their very small numbers.

¹¹⁸ Parametric correlation coefficient = 0.78, p = 0.003. Using a nonparametric equivalent, correlation coefficient = 0.78, p = 0.003.

Given the importance of disagreement in problem characterisation, and the fact that disagreement rates varied considerably between problem types,¹¹⁹ Figure 4.7 illustrates the same relationship, but using firms per 1000 problems that involved disagreement. A broadly similar pattern can be observed, with an overall significant positive relationship between supply and legal characterisation.¹²⁰

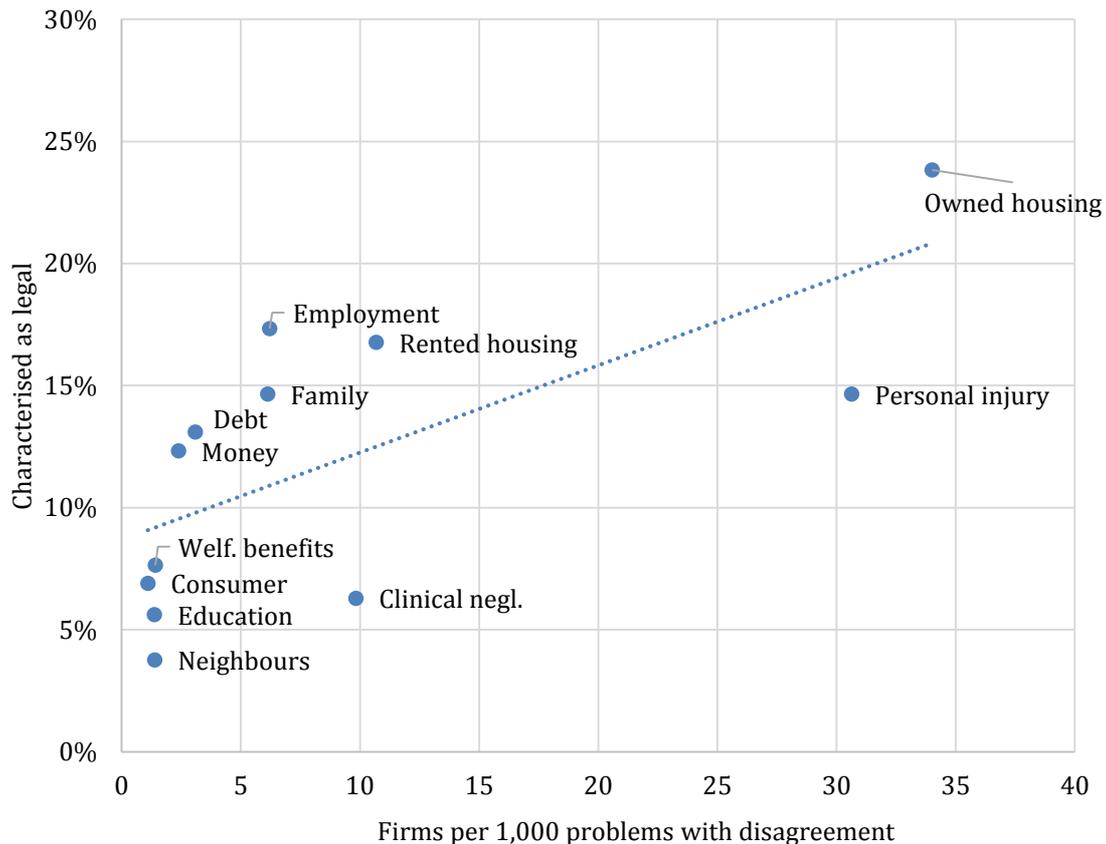


Figure 4.7 The relationship between supply (legal firms per 1,000 problems of each type where there was disagreement with the other side) and legal characterisation (derived from the initial statistical model)

Figure 4.8 shows a similar figure, but this time with supply substituted by expressed demand for legal services. Again, a significant positive relationship was observed between demand and legal characterisation,¹²¹ though again, some

¹¹⁹ Disagreement was reported in relation to around 30% of personal injury and clinical negligence problems, compared to over 50% of education and almost 70% of family problems.

¹²⁰ Parametric correlation coefficient = 0.68, $p = 0.014$. Using a nonparametric equivalent, correlation coefficient = 0.76, $p = 0.004$.

¹²¹ Parametric correlation coefficient = 0.62, $p = 0.030$. Using a nonparametric equivalent, correlation coefficient = 0.65, $p = 0.021$.

problem types had a higher or lower percentage of legal characterisation than might be expected based solely on demand.

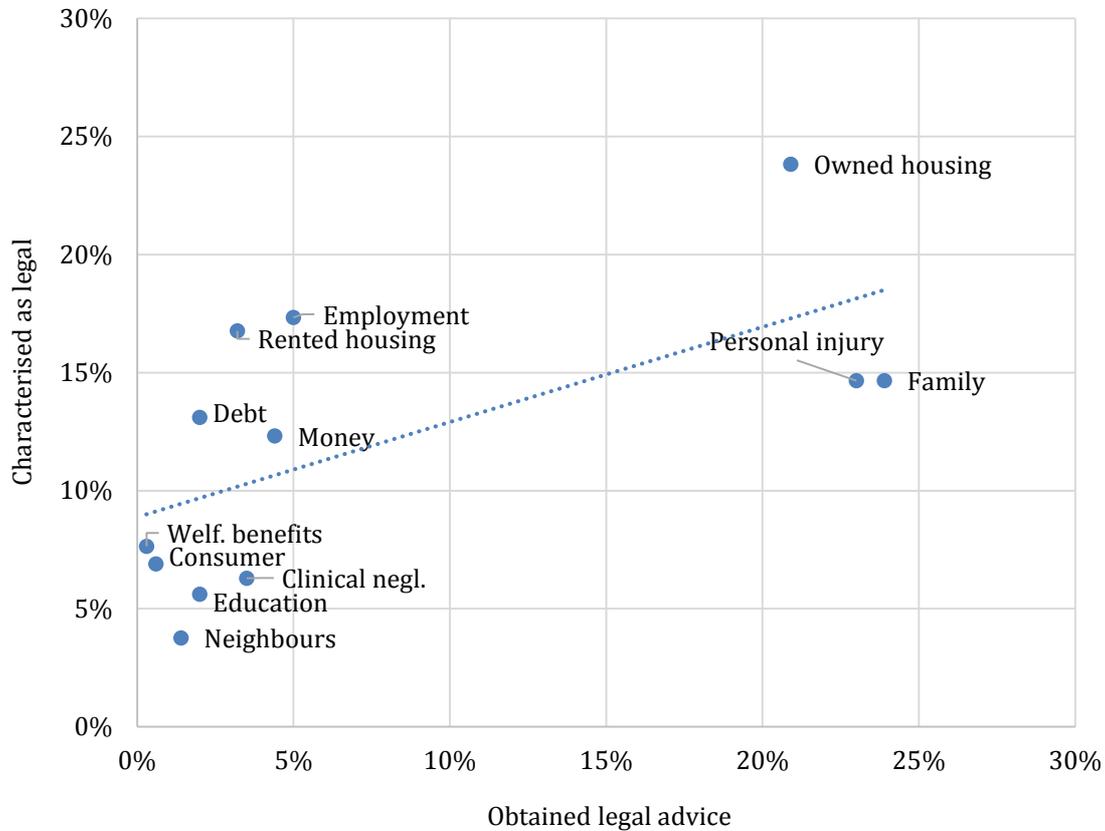


Figure 4.8 The relationship between demand (percentage of each problem type where legal advice was obtained) and legal characterisation (derived from the initial statistical model) for each problem type

Modelling supply, demand and characterisation

To explore the relationship between supply of and demand for services and legal characterisation in a more sophisticated way, we substituted the problem type variable in our initial statistical model with supply and, then, demand variables. Having obtained new model estimates for supply and demand, we were then able to quantify the extent to which the percentage of CSJPS respondents characterising each problem type as legal was in line with expectation based on supply or demand.

When problem type was replaced with solicitor supply, a highly significant association was seen between legal characterisation and number of firms per 1,000 problems.¹²² The finding indicated that, controlling for other variables, an

¹²² $\chi^2_1 = 35.39, p < 0.001$.

increase from 0.5 to 3 firms per 1,000 problems (equivalent to supply levels for consumer and employment problems, respectively) would be expected to relate to an increase from 7% to 9% of problems characterised as legal. An increase to 10 firms per 1,000 problems (equivalent to the supply level for personal injury) would be expected to relate to an increase to 16% of problems characterised as legal.

Figure 4.9 shows characterisation estimates for each problem type based on the initial statistical model, alongside what would be expected on the basis of supply (derived from the substitute model including supply). As can be seen, problems concerning debt and, particularly, employment were far more likely to be characterised as legal than would be expected on the basis of supply. But, in contrast, problems concerning education, clinical negligence and, particularly neighbours, were less likely to be characterised as legal than would be expected on the basis of supply. Problems concerning family, owned housing and welfare benefits problems were characterised as legal proportionately with supply.

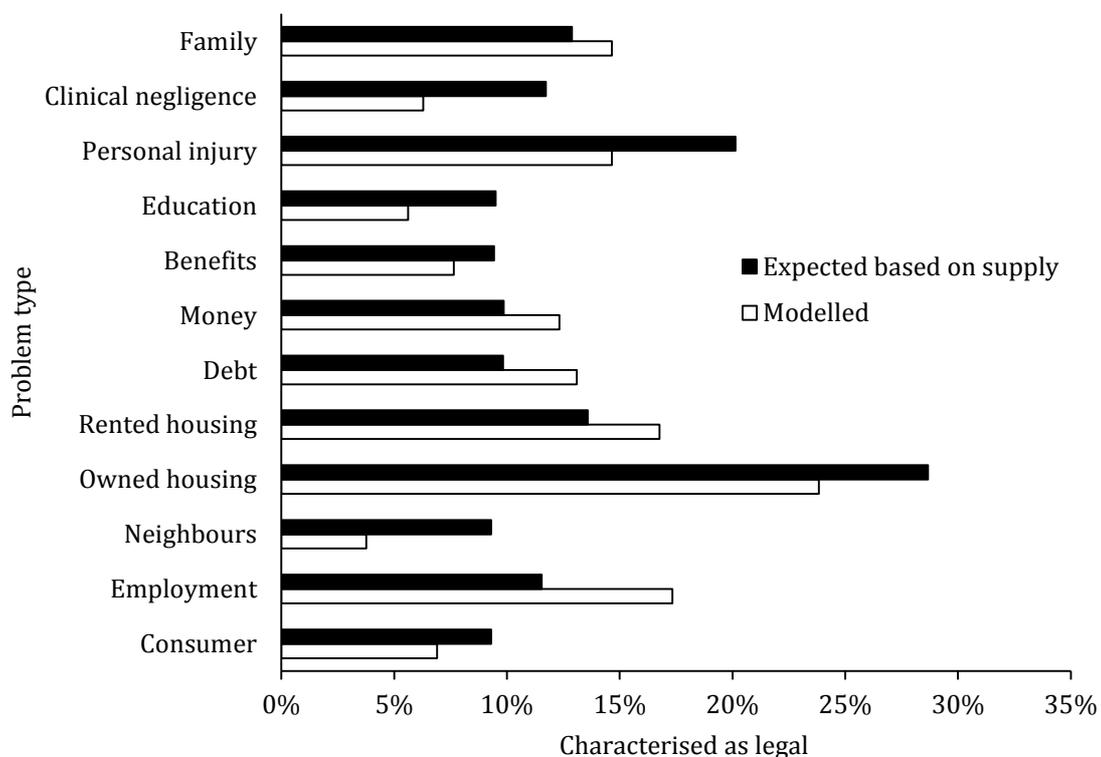


Figure 4.9 Observed legal characterisation for each problem type (derived from the initial statistical model) compared to expected characterisation based on the supply of legal services

Similarly, when problem type was replaced with expressed demand for solicitors, a highly significant association was seen between legal characterisation and demand.¹²³ Similar to Figure 4.9, Figure 4.10 illustrates the pattern of legal characterisation for problem type (initial model) and demand (substitute model). As can be seen, problems concerning owned housing, employment and, particularly, rented housing were more likely to be characterised as legal would be expected on the basis of demand. In contrast, problems concerning clinical negligence, education and, particularly, neighbours were less likely to be characterised as legal would be expected on the basis of demand.

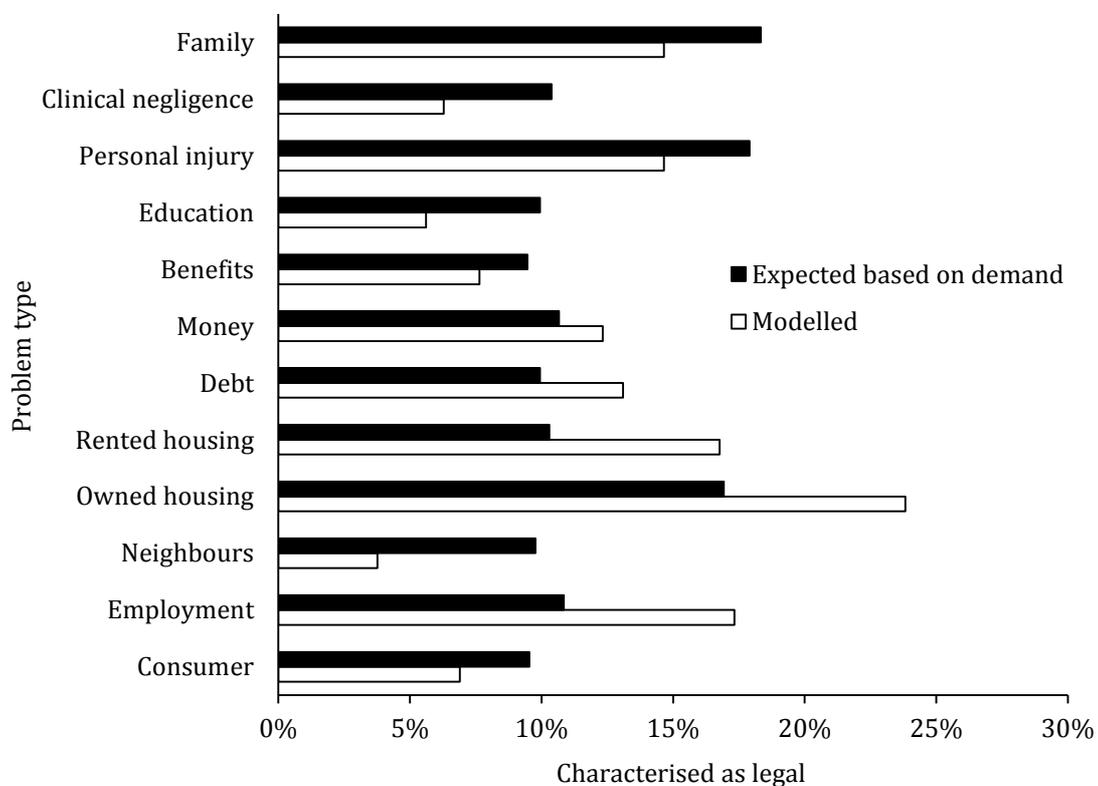


Figure 4.6 Observed legal characterisation for each problem type (derived from the initial statistical model) compared to expected characterisation based on the demand for legal services

¹²³ $\chi^2_1 = 21.08, p < 0.001$.

Discussion

The findings

Our new findings start the process of exploring what lies behind the characterisation of justiciable problems as 'legal'.

As with problem resolution behaviour, there is evidently a strong association between problem characterisation and problem type. Each form of characterisation was associated with a distinct problem profile and, once other personal and problem factors are accounted for, legal characterisation was found to be most common in relation to problems concerning housing, employment and family. Conversely, it was least common in relation to problems concerning neighbours, education, clinical negligence and consumer transactions.

Our modelling also indicated a significant relationship between disagreement (as part of problem experience) and characterisation, linking legal characterisation with conflict oriented, rather than consensual, problem resolution.

Interestingly, problem severity was not found to be related to characterisation, and nor were most personal characteristics examined. The exception was attitude towards legal process; though this was relatively weak and slightly ambiguous.

In contrast, market characteristics (i.e. supply of and demand for legal services) were found to be highly significant predictors of characterisation; though our findings raise more questions than they answer. For example, aside from being able to point to the fact that problem type and market characteristics each have independent influence on characterisation, we have been unable to further explore the relationship between the two (owing to an evident multi-collinearity undermining our modelling efforts).

Implications

Problem characterisation is strongly associated with lawyer use. The characterisation of problems as legal more than doubles the likelihood of lawyers being instructed (Plesence & Balmer 2014). Thus, understanding the factors that lead to everyday problems being characterised as legal – the 'prefigurative'

dimensions of legality (McCann 2006) – is of significant interest in the context of legal services delivery and access to justice.

Our findings illustrate how ‘naming’ problems as legal – to co-opt Felstiner et al’s (1981) aetiology of disputes (as their usage was confined to the perception of an ‘injurious experience’) – links to circumstances (e.g. whether parties are in dispute) and context (e.g. the supply of legal services). They also suggest that the personal attributes of those facing problems may be relatively unimportant. However, our findings leave much unknown. This was, perhaps, inevitable, given the likely complexity of the processes through which the everyday becomes legal and our use of retrospective data collected through a survey focused elsewhere. To shine real light on the emergence of legality in everyday life, new approaches will therefore be required.

5

Understanding Advice

Introduction

The legal advice sector

The process of “juridification” (Habermas 1987, p.357) has seen law become ubiquitous in modern life (e.g. Twining 1994, Genn 1999, Pleasence et al 2004). Sources of help to deal with an increasing range of legal issues have also become fragmented and complex.¹²⁴ In England and Wales, in addition to around 130,000 practicing solicitors,¹²⁵ 15,500 barristers,¹²⁶ 7,500 chartered legal executives,¹²⁷ 2,000 patent attorneys,¹²⁸ and 1,000 licensed conveyancers,¹²⁹ there are also tens of thousands of paralegals and other advisers (including 21,500 volunteer Citizens Advice advisers¹³⁰) working in a broad range of advice services, including over 10,000 solicitor firms,¹³¹ 319 Citizens Advice Bureaux (operating through 3,300 locations),¹³² 42 law centres,¹³³ and thousands of public and independent private, charitable and community organisations.¹³⁴ The Legal Services Board (2014),

¹²⁴ IRN Research (2015)

¹²⁵ Regulated population statistics available from the Solicitors Regulation Authority. Figures as of January 2015 were 10,312 firms and 129,992 solicitors with practicing certificates (of 165,368 solicitors on the roll). Latest figures available at <http://www.sra.org.uk/community-statistics>. Accessed on 27th February 2015. The figure for solicitors in private practice is somewhat lower, at around 85,000 (Figure available from the Legal Services Board static market analysis at <https://research.legalservicesboard.org.uk/analysis/supply/static-market-analysis/structure-of-supply>. Accessed on 27th February 2015.

¹²⁶ Bar Council (2014)

¹²⁷ Legal Services Board (2014). See, also, figures provided by the Chartered Institute of Legal Executives (CILEX) at http://www.cilex.org.uk/about_cilex_lawyers/facts_figures.aspx. Accessed on 27th February 2015. CILEX membership also includes an additional 12,500 paralegals and legal professionals.

¹²⁸ Figure provided at <http://www.cipa.org.uk/pages/about> by the Chartered Institute of Patent Attorneys. Accessed on 27th February 2015.

¹²⁹ Legal Services Board (2014)

¹³⁰ Citizens Advice (2014)

¹³¹ Solicitors Regulation Authority population statistics. See note 1, above.

¹³² Citizens Advice (2014)

¹³³ Law Centres Network (2014)

¹³⁴ For example, the Advice Services Alliance reported, in 2010, that it represented 1,750 advice providing organisations (Advice Services Alliance 2010).

which oversees the 10 separate approved regulators of legal professionals undertaking ‘reserved’¹³⁵ legal activities, has estimated that there are additionally in excess of 130,000 persons offering unreserved services, either ‘in-house’ or through the disparate organisations detailed above.

However, despite the ubiquity of law and scale of the (broadly defined) legal services sector, there is evidence that public awareness of even the most prominent services is limited. For example, analysis of the 2004 English and Welsh Civil and Social Justice Survey (CSJS) indicated that 43% of people living within 2 miles of a solicitors’ firm were unaware of the fact, with the same being true of 46% of people living within 2 miles of a Citizens Advice Bureau (Patel et al 2008). For (less common and less publicly visible) law centres, the figure was 83%.

The CSJS also pointed to “apparent confusion” on the part of many people attempting to navigate “the advice maze” (Plesence et al 2004, p.68), with regrets also being expressed about unfamiliarity with appropriate advice sources at times of need (Balmer et al 2010).

Help wanted and help provided

Within the broad range of legal services available to the public, there are also broad ranges of forms and levels of service. Some sources of legal help can provide assistance across many areas of law; others with only a narrow set of legal issues. Some are aimed at the general public; others limited to defined groups. Some aim to relieve clients of the burden of dealing with issues personally; others aim to empower clients to deal with issues personally. Some offer comprehensive assistance; others offer unbundled or limited assistance. Some involve payment (with some more and some less expensive); others are free at the point of delivery.¹³⁶

While diversity of forms of provision provides substantial consumer choice, it can also give rise to problems, especially when consumers are unaware of service availability and form. Given that people may look for very different

¹³⁵ Six reserved activities are defined by the Legal Services Act 2007: rights of audience, conduct of litigation, reserved instrument activities, probate activities, notarial activities and the administration of oaths.

¹³⁶ Some can also be paid for by third parties, such as trade unions or legal aid; although legal aid has been substantially curtailed following implementation of the Legal Aid, Sentencing and Punishment of Offenders Act 2012.

forms and levels of help, depending upon who they are, who they seek help from and what their problem is, there is evident potential for the wants and needs of clients to mismatch with the offerings of those they seek help from. Also, while adviser-client co-production has become increasingly common through “a discernible trend towards a less paternalistic conception” of traditional legal service providers over recent decades (Boon 1995, p.354)¹³⁷ – with participatory, enabling and, more recently, client led and transactional models of service delivery increasingly common (e.g. Normann 1991, Boon 1995, Moorhead et al 2003, Robertson & Corbin 2005, Susskind 2008)¹³⁸ – it is also evident that some clients lack the capacity to utilise more limited services and many more want “to be saved” from the issues they face (Genn 1999, p.100). As Genn explained, when reporting on the seminal *Paths to Justice* survey:

“For many ... the provision of information and guidance about how to take a problem forward did not meet perceived needs. What was wanted was someone to take over and deal with the problem - to make difficult phone calls or to write difficult letters. Moreover, some respondents were so emotionally drained by the worry about the problem that even if they would normally feel competent and confident, at that particular time and in those particular circumstances they were not able to manage dealing with the problem. They did not want to be *empowered*, they wanted to be saved.”¹³⁹

In this chapter

In this chapter we set out findings from a series of new analyses of 2010 and 2012 English and Welsh Civil and Social Justice Panel Survey (CSJPS) data. We detail levels of awareness of a range of legal services and understanding of the types of

¹³⁷ Boon was particularly referring to solicitors.

¹³⁸ Change has been the product of many different pressures. For example, public legal services reform, competition, regulatory and market change, increased consumerism and focus on consumer needs, ‘enabling’ service ideologies, advances in information technology (both in relation to back office and channels of service delivery).

¹³⁹ Within traditional legal services, the tensions that can exist between client and lawyer when expectations of delegation and enabling vary appear to be mitigated by a continuing professional scepticism of “both the willingness and capacity of ... clients to make a meaningful contribution to the tasks of the service” (p.121). See, further, Robertson & Corbin’s (2005) participation matrix, illustrating the practical and ethical tensions that can exist between advisers and clients for different combinations of interest in delegation and enabling.

issue that services can assist with. We also reveal the characteristics of those people who are least aware of sources of general legal assistance. We then describe what CSJPS respondents looked for from their advisers, and the extent to which this matched with what advisers provided them. And finally we reveal the types of respondent who wished to delegate legal issues to advisers and who wished to direct the activity of advisers.

Knowledge of the advice sector

The 2010 and 2012 waves of the CSJPS provided new information on the public's knowledge of the advice sector. The 2010 wave asked whether respondents 'knew something about (for example, what they do)' ten specific sources of legal advice: solicitors, law centres, Community Legal Advice,¹⁴⁰ Citizens Advice, Consumer Direct (the functions of which transferred to Citizens Advice in 2012), National Debtline, Shelter, the Financial Services Ombudsman, the Local Government Ombudsman and local councils.¹⁴¹ The 2012 wave also introduced an additional question asking respondents 'in which areas' specific organisations could provide advice.¹⁴²

Overall levels of awareness of sources of advice

Levels of awareness of different advice sources vary considerably. As illustrated by Figure 5.1, while 91% of CSJPS respondents indicated that they knew something about Citizens Advice, the figures were just 26% for Consumer Direct and 22% for the Community Legal Advice service. Relatively high awareness levels were also associated with local councils, solicitors and Shelter.

The majority (54%) of respondents knew about only half or fewer of the ten advice sources. A small number (2%) of respondents said they knew nothing about any advice source, and 5% said they knew nothing about any of the four

¹⁴⁰ Now replaced by Civil Legal Advice.

¹⁴¹ In total, 4,120 respondents answered the questions about whether they knew anything about sources of legal advice.

¹⁴² The services were Shelter, Citizens Advice, Community Legal Advice, solicitors, law centres, the ombudsmen and regulators, local councils, trade unions, legal expenses insurance, MPs, GPs, the police and legal aid. In total, between 1,714 and 1,788 respondents answered the questions relating to the different advice sources.

general legal advice sources asked about (solicitors, law centres, Community Legal Advice, Citizens Advice).¹⁴³

As also illustrated by Figure 5.1, levels of awareness were linked to levels of prior contact with advice sources. As can be seen, levels of prior contact with the three most known advice sources were higher than levels of awareness for all but one of the others.

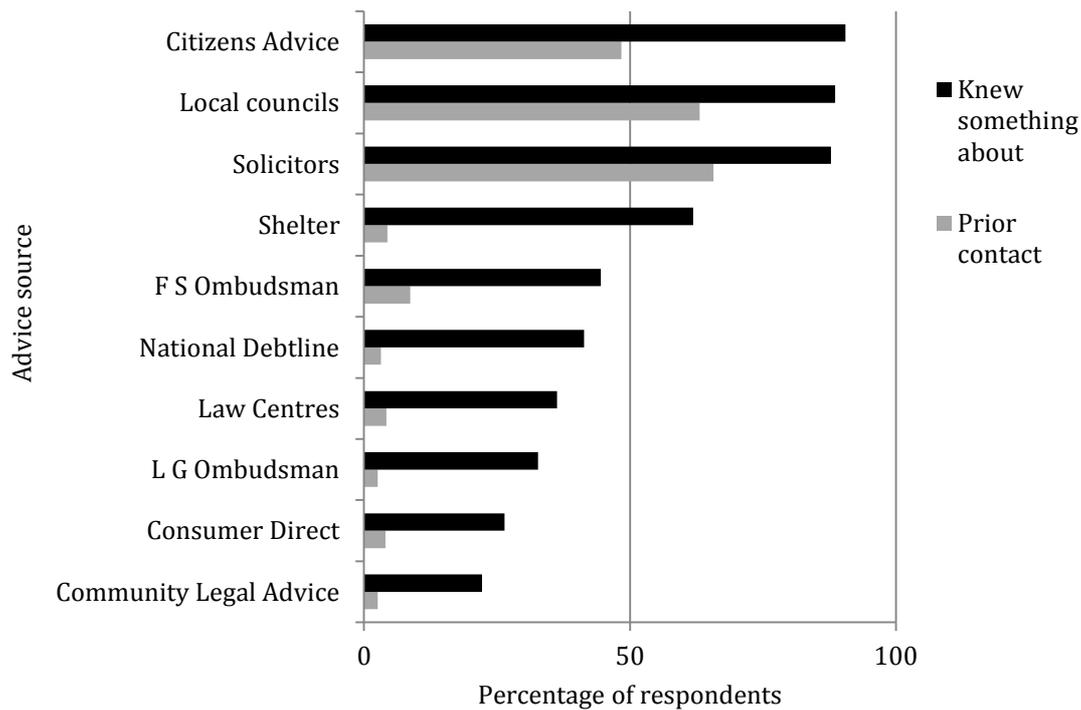


Figure 5.1 Awareness and previous contact with legal advice sources

Awareness of the areas of help provided by different sources

Mirroring the findings set out in the previous section, 2012 CSJPS respondents also reported varied levels of understanding of the types of issues different advice sources could assist with. So, while just 8% of respondents said they did not know in what areas solicitors could provide advice, the figure was 45% for Community Legal Advice and 55% for legal expenses insurance helplines (Figure 5.2).

Of course, not all the respondents who indicated that they did know what issues advice sources could assist with were accurate in their suggestions. So, for

¹⁴³ At the other end of the scale, 9% of respondents claimed to know something about all 10 sources.

example, 6% of respondents erroneously believed Shelter to provide advice about employment issues, and 2% about consumer issues. Nor were respondents suggestions always complete. So, for example, 60% of respondents failed to recognise that solicitors can provide assistance with housing issues, and 50% the same for employment issues, 46% for domestic violence, 26% for personal injury and 26% for other family issues (Figure 5.3). This was despite there being a substantial number of solicitors practicing in each of these areas.¹⁴⁴

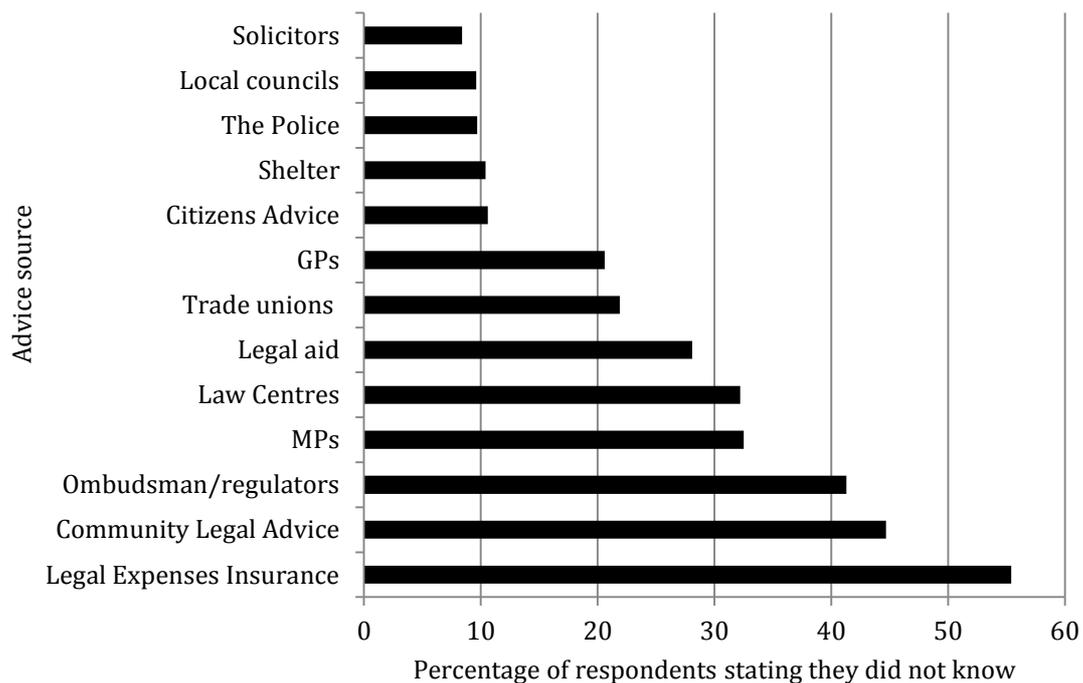


Figure 5.2 Awareness of types of issues advice sources can assist with (2012 CSJPS)

Respondents also generally failed to recognise the breadth of service offered by Citizens Advice and law centres (Figure 5.3). For example, around one-third of respondents indicated that Citizens Advice could help with only three types of issue or fewer. Consequently, 34% of respondents failed to recognise that Citizens Advice could provide assistance with benefits related issues, and 29% the same for money/debt issues. This is despite these having been the two main areas of advice provision for Citizens Advice Bureaux in 2012. Furthermore, 42% of

¹⁴⁴ The most recent Current estimate is that more than 10,000 solicitors practice in each area: Law Society (2014) *Categories of Work Undertaken by Solicitors (Fact Sheet)*, London: The Law Society.

respondents failed to recognise that Citizens Advice could provide assistance with employment issues, and 35% the same for consumer issues. This is despite these having been two of the three main areas of assistance provided through Citizens Advice's online *Adviceguide* in 2012.¹⁴⁵ For law centres, the picture was even starker, with not a single area in which a majority of respondents accurately indicated help being available.

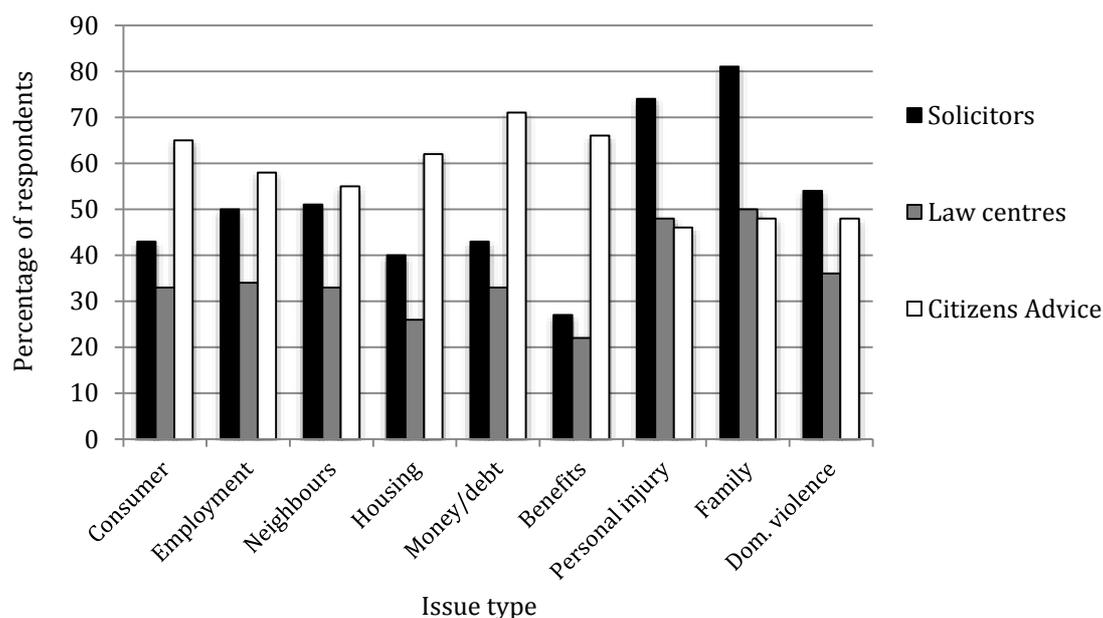


Figure 5.3 Suggestions as to issues for which help available (CSJPS 2012)

Elsewhere, respondents tended to have a narrow view of help that might be available from local councils, with suggestions centring on housing, neighbours and benefits. As would be expected, narrow views of available help were also evident for subject matter defined advice sources, such as Shelter.¹⁴⁶

¹⁴⁵ As detailed in Citizens Advice's *Advice Trends*.

¹⁴⁶ The same was also true in the case of trade unions, which were associated with employment advice. More widely still, general practitioners were associated with help for personal injuries, the police with help for domestic violence and MPs with help for housing issues. There were no areas in which legal expenses insurance was commonly identified as providing assistance. The most frequently mentioned issues were money/debt (28%), personal injury (21%) and consumer (12%), with all other issues being mentioned less than 10% of the time.

The demographics of awareness

To explore further those groups who lacked awareness of advice sources, we used binary logistic regression to identify the characteristics of those respondents who lacked awareness of all the general and broadly accessible legal advice sources asked about (i.e. Citizens Advice, solicitors, law centres and Community Legal Advice). The variables included in the regression analysis were previous contact with the adviser, recent experience of legal problems, age, level of education, profession, migration status (whether respondents had migrated to the UK within the past 10 years), language spoken at home, subjective legal empowerment (Gramatikov & Porter 2011)¹⁴⁷ and MCS score (a mental health measure based on the SF-12 questionnaire). Technical details of the regression analysis are set out in the statistical appendix.

Our analysis revealed that respondents' prior contact with one or more of the four advisers,¹⁴⁸ age,¹⁴⁹ education level¹⁵⁰ and language spoken at home¹⁵¹ were all significantly associated with knowledge of the advisers.

As would be expected, prior contact with one of the four advice sources was associated with a highly significant increase in the likelihood of knowing something about them. Only 1% of those who reported prior contact with advisers indicated they did not know something about them. Controlling for other variables, this rose to 6% for those with no previous contact; though the difference was greater still in raw data terms (1% compared to 10%), suggesting that those who had not had previous contact with advisers were also more likely to have other characteristics associated with a lack of knowledge.

As regards age, middle-aged respondents (35 to 59 year olds) were substantially more likely to know something about (any of) the four general advice

¹⁴⁷ Gramatikov & Porter (2011) define subjective legal empowerment as "the subjective self-belief that a person possess and can mobilize the necessary resources, competencies and energies to solve particular problem of legal nature." Within the CSJPS this was operationalised through a series of questions asking how likely respondents believed they would be able to obtain a fair resolution to disputes with an employer, family member, neighbour, a land dispute, a business dispute or became a victim of crime. The variable used in the model comprised a score derived by summing the responses to these questions.

¹⁴⁸ $\chi^2_1 = 55.76$, $p < 0.001$.

¹⁴⁹ Testing the age terms together; $\chi^2_5 = 41.47$, $p < 0.001$.

¹⁵⁰ Testing the academic qualifications terms together; $\chi^2_3 = 10.26$, $p = 0.017$.

¹⁵¹ $\chi^2_1 = 9.41$, $p = 0.002$.

sources than others, with the youngest¹⁵² and oldest¹⁵³ respondents particularly likely to lack knowledge. Figure 5.4 shows the relationship between age and knowledge of advice sources, having controlled for other variables¹⁵⁴ and, also, in raw data terms. We present the findings in this way to highlight that variation in knowledge levels by age group was much more dramatic still when other variables were not controlled for. Again, this reflects the fact that older and, particularly, younger respondents were more likely than other respondents to have other characteristics associated with lack of knowledge. For example, 16 to 24 year olds were less likely to have degrees or have had previous contact with any of the advisers under study (only 26% of 16 to 24 year olds reported previous contact, compared with 73% for all respondents). This reinforces the point that factors associated with lack of knowledge were frequently experienced in combination, though even having controlled for other factors, age group remained significant.

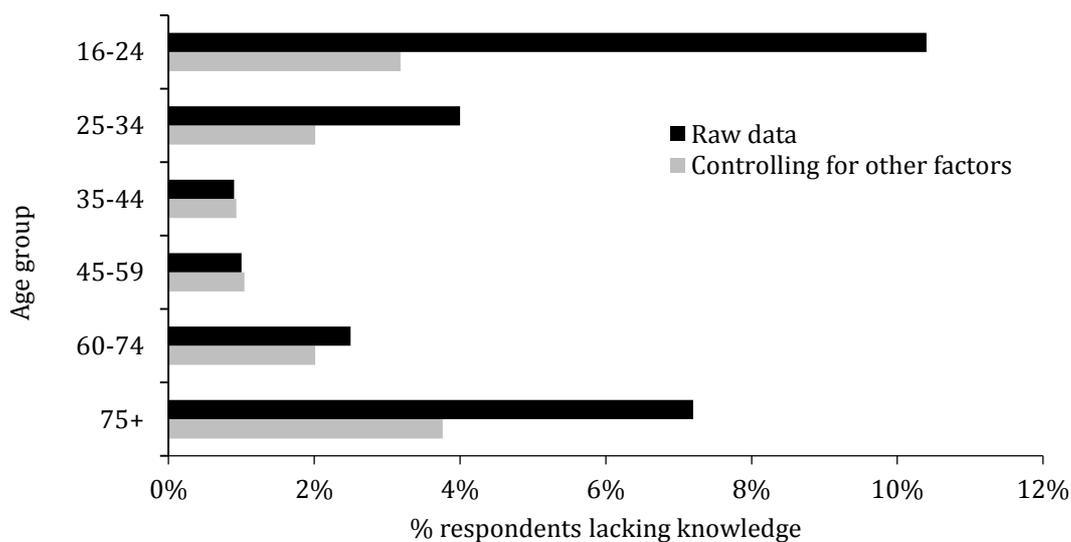


Figure 5.4 Relationship between age and knowledge of advisers, controlling for other variables (based on model output) and in raw data terms.

¹⁵² $\chi^2_1 = 8.15$, $p = 0.004$. Breaking this group down further, whether or not young people were in education employment or training made little difference to knowledge levels.

¹⁵³ $\chi^2_1 = 11.45$, $p < 0.001$.

¹⁵⁴ For the percentages based on statistical model output (controlling for other variables), the 45 to 59 year old reference group is maintained at its raw data level of 1%. Percentages for other age groups were calculated using model estimates and adjusted to be accurate relative to the reference group.

As regards education level, respondents with no academic qualifications or trade apprenticeships were least likely to know about the advisers. In contrast, those with ‘GCSE/other’ qualifications,¹⁵⁵ ‘post-GCSE/pre-degree qualifications’¹⁵⁶ and, particularly, those with degrees¹⁵⁷ were significantly more likely to have relevant knowledge. Figure 5.5 shows the relationship between knowledge of advisers and highest academic qualification, having controlled for other variables.¹⁵⁸

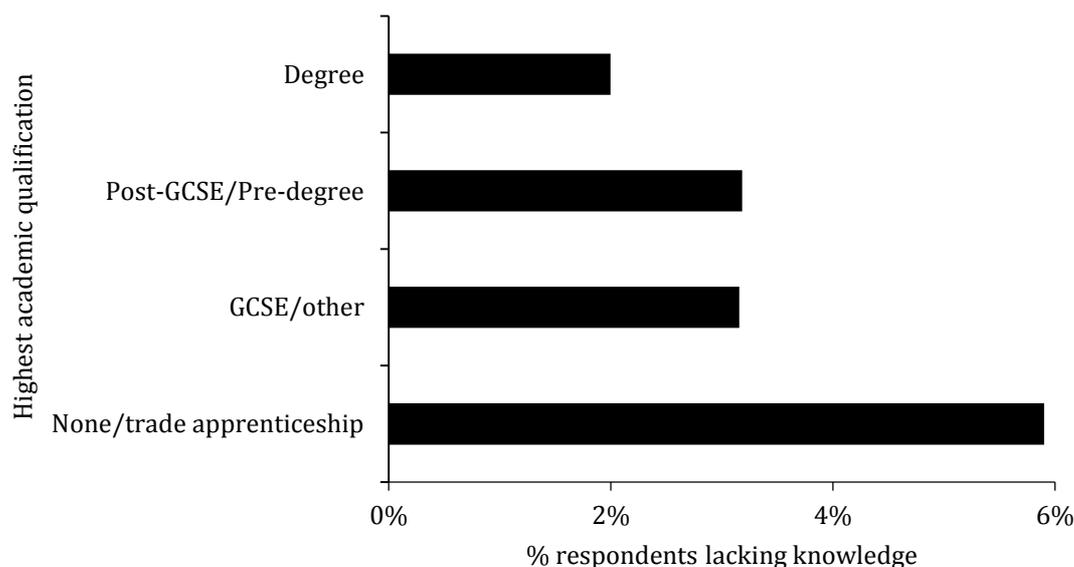


Figure 5.5 Relationship between age and knowledge of advisers (based on model output and controlling for other variables)

As regards language spoken at home, the model suggested that while just 3% of English speakers lacked knowledge of the four advisers, this rose to 8% in the case of other languages. If other factors were not controlled for, the difference was larger still (3% and 12%). Again, this was a consequence of non-English speakers also having other characteristics associated with lack of knowledge (such as a different age profile).

Elsewhere, we found no significant differences in levels of knowledge of the four advice sources on the basis prior legal problem experience, profession,

¹⁵⁵ Compared to ‘no qualifications/trade apprenticeship’; $\chi^2_1 = 5.42$, $p = 0.020$.

¹⁵⁶ Compared to ‘no qualifications/trade apprenticeship’; $\chi^2_1 = 4.71$, $p = 0.030$.

¹⁵⁷ Compared to ‘no qualifications/trade apprenticeship’; $\chi^2_1 = 7.18$, $p = 0.007$.

¹⁵⁸ The figure holds the ‘none/trade apprenticeship’ group at their raw data lack of knowledge percentage of 5.9%. Percentages for other age groups were then calculated using their statistical model estimates (which controls for the influence of other variables).

migration status, subjective legal empowerment or mental health. However, we again observed some striking differences between model and raw data associations. For example, while the statistical model indicated previous problem experience did not influence knowledge levels, there was a considerable difference in raw data terms (1.8 % of those who reported recent problems lacked knowledge, compared to 4.3% of those who did not report problems). However, this difference appears to have been a function of increased adviser contact and distinct age profiles. So, when previous contact with advisers was removed from the model problem experience became associated with a significant increase in knowledge (and the effect size increased further when age group was removed). Similarly, while the model indicated that recent migrants to the UK had similar knowledge levels to others,¹⁵⁹ there was a considerable difference in raw data terms (9% of new migrants lacked knowledge, compared to 3% of others). However, this difference was ultimately attributable (within the model) to other factors, such as age and language spoken at home. Also, if subjective legal empowerment scores were considered independently of other factors,¹⁶⁰ they too became significantly associated with knowledge of advisers,¹⁶¹ suggesting that SLE score is also associated with other variables that relate to knowledge of key advisers.

Finally, we also found no evidence of respondents' knowledge of advisers relating to knowledge of other household members.

Objectives and the reality of advice seeking

For one identified legal problem, the 2010 and 2012 waves of English and Welsh Civil and Social Justice Panel Survey (CSJPS) asked respondents for details of what they "hope[d] to get from" each of (up to) their first four advisers, and also what they "did get" from advisers.¹⁶² Respondents were also asked about the extent to which they wanted to delegate to or direct the activities of advisers. In all, data

¹⁵⁹ $\chi^2_1 = 0.03$, $p = 0.86$.

¹⁶⁰ As respondents' subjective legal empowerment scores were only determinable from wave 2 CSJPS data, they were not included in the initial statistical model. Instead, they were subsequently added to the model to establish their effect.

¹⁶¹ $\chi^2_1 = 5.65$, $p = 0.017$.

¹⁶² The number of problems is higher than the number of individuals as some individuals were asked about separate problems in wave 1 and wave 2 of the CSJPS.

was available for 1,326 advisers, who helped with 1,054 problems experienced by 900 individuals.

As can be seen from Table 5.1, the most common advisers mentioned by respondents were solicitors (15%), followed by Citizens Advice (10%), the police (9%) and trade unions (8%). However, respondents sought help from an extraordinary range of sources, with 31% of sources outside of the principal sources included in Table 5.1. We have discussed this in detail elsewhere (e.g. Pleasence et al 2004).

Table 5.1: Advisers utilised by CSJPS respondents (for which detailed data available)

Adviser type	Number	%
Solicitor	197	14.9
Citizens Advice	129	9.7
Police	122	9.2
Trade union	110	8.3
Other independent advice service	83	6.3
Council advice service/trading standards	77	5.8
Health/social worker	77	5.8
Council general enquiries	49	3.7
Other council departments	75	5.7
Other	407	30.7

Table 5.2: Problems about which advisers utilised by CSJPS respondents (for which detailed adviser data available)

Problem type	Number	%
Neighbours	210	19.9
Employment	189	17.9
Family	118	11.2
Consumer	87	8.3
Money	84	8.0
Debt	77	7.3
Benefits	64	6.1
Personal injury	63	6.0
Owned housing	53	5.0
Rented housing	52	4.9
Education	30	2.8
Clinical negligence	27	2.6

As can be seen from Table 5.2, the most common problems about which advisers were utilised were problems concerning neighbours (20%), employment (18%) and family (11%). These percentages are different from those reported for

problem experience overall; a key reason for this being that different problem types are associated with different levels of advice seeking.¹⁶³

What was wanted from sources of advice

The majority of 2010 and 2012 CSJPS respondents (57%) hoped to get more than one form of support from (each of) their advisers. Indeed, 12% hoped to get five or more forms of support. The mean was 2.4. There was no significant difference for first, second, third or fourth advisers.¹⁶⁴ However, there was some, though not great, variation in the number of forms of support respondents hoped to get by both adviser type and problem type. For example, people hoped to get a broad range of forms of support from council advice services/trading standards and departments (2.4) and the police (2.4)(compared to solicitors (1.7) and health/social workers (1.7)) and in relation to employment problems (2.9) (compared to neighbours problems (1.2)).¹⁶⁵

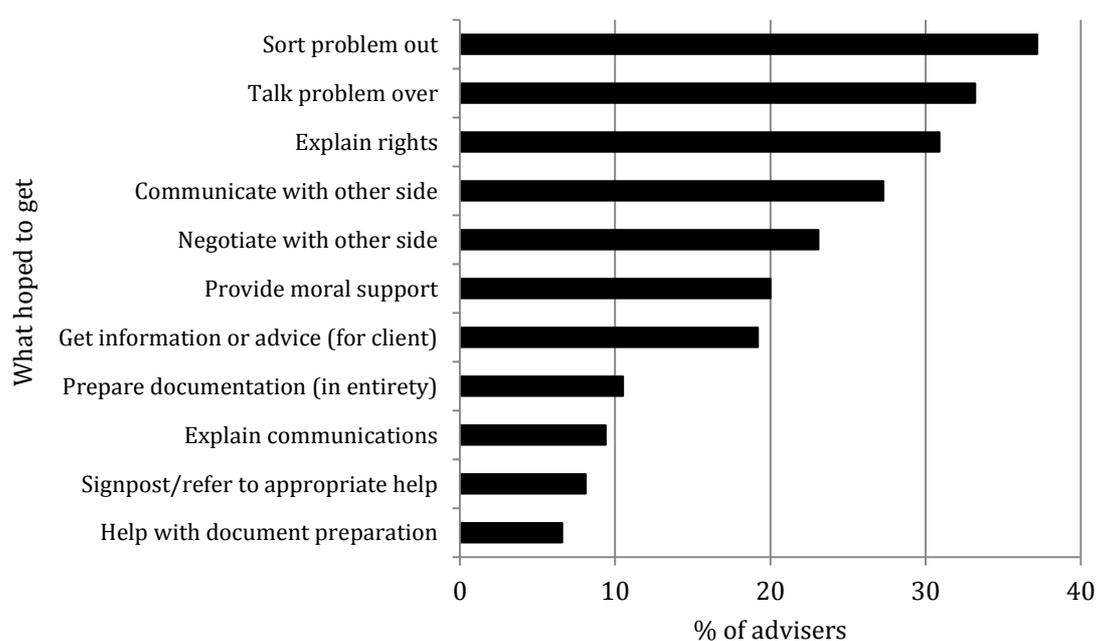


Figure 5.6 Forms of support hoped for from sources of advice

¹⁶³ In relation to the data analysed for this section, the proportions differed to an even greater extent. This is because some problem types were associated with greater or lesser numbers of advisers than others.

¹⁶⁴ Although, in raw data terms, the mean did reduce slightly in each case: 2.4, 2.3, 2.3 and 2.1 (respectively).

¹⁶⁵ The figures for other adviser types were: trade unions (2.1), other independent advisers (2.1), council general enquiries (2.0) and Citizens Advice (2.0). For other problem types they were owned housing (2.7), money (2.6), family (2.6), family (2.5), debt (2.4), clinical negligence (2.4), education (2.2), rented housing (1.9), consumer (1.9) and benefits (1.6).

In general, particular adviser types were associated with hopes for particular forms of support – pointing to different roles in the public mind. As is illustrated by Figure 5.7, this manifested in there being some substantial differences in what respondents hoped to get from different advice sources.

For example, a marked contrast was evident between what was wanted from Citizens Advice and solicitors. So, while Citizens Advice was most associated with hopes to talk problems over (41%) and signposting/referral (20%), and also often looked to for moral support (20%), solicitors were at the other end of the spectrum as regards hopes for these forms of support (26%, 5% and 7%, respectively). Instead, solicitors were relatively highly associated with hopes for explanations of communications (37%), document preparation (24%), communication/negotiation with the other side (37%/40%) and sorting problems out. (48%). Citizens Advice was least associated with hopes for sorting problems out (13%). The main commonality between Citizens Advice and solicitors was in high hopes for legal rights being explained (42% in both cases).

A similar contrast was also evident between Citizens Advice and trade unions and, to a slightly lesser extent, the police.

Elsewhere, respondents were also relatively unlikely to hope for council advice services (20%) to sort problems out; though the opposite was true for other independent advice services (43%).

Differences were also evident in what respondents hoped to get from advice sources in relation to different problems types (Table 5.2). For example, respondents most often hoped for advisers to sort out problems concerning clinical negligence (59%), personal injury (55%) and neighbours (45%). For debt problems, this was far less often the case (26%); although here respondents particularly hoped to talk problems over (44%). Elsewhere, employment, owned housing and rented housing problems were associated with high hopes of having rights explained (45%, 41% and 35%, respectively), while the opposite was the case for neighbours, personal injury and benefits problems (21%, 21% and 23%, respectively). Family, employment, debt and money problems were associated with high hopes of advisers undertaking negotiations (34%, 29%, 29% and 28%, respectively).

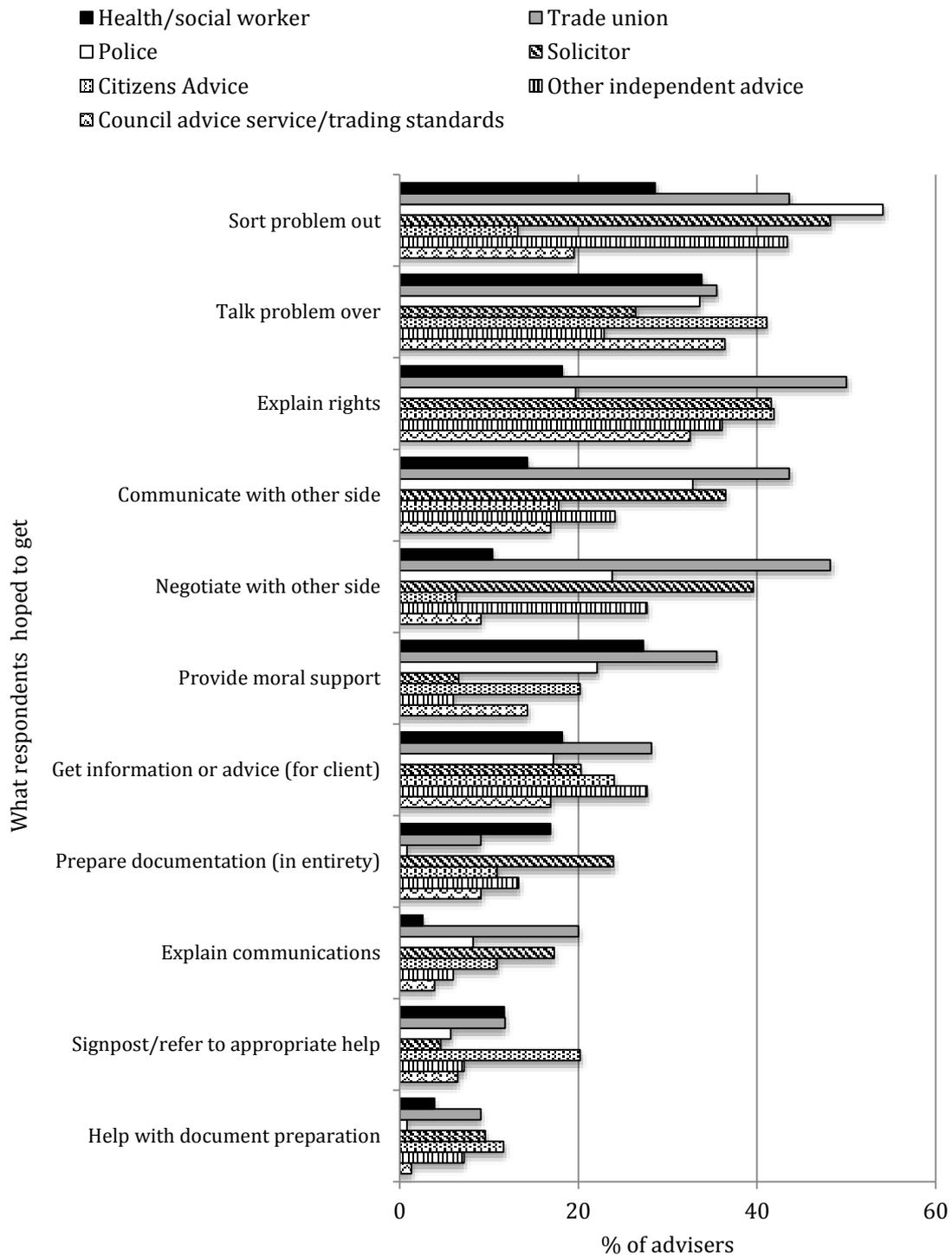


Figure 5.7 What respondents hoped to get from different advice sources

There was little variation in what respondents were looking for from first, second, third and fourth advisers; although there was some indication that people

became less concerned about talking problems over and communication with the other side as they moved through advisers.

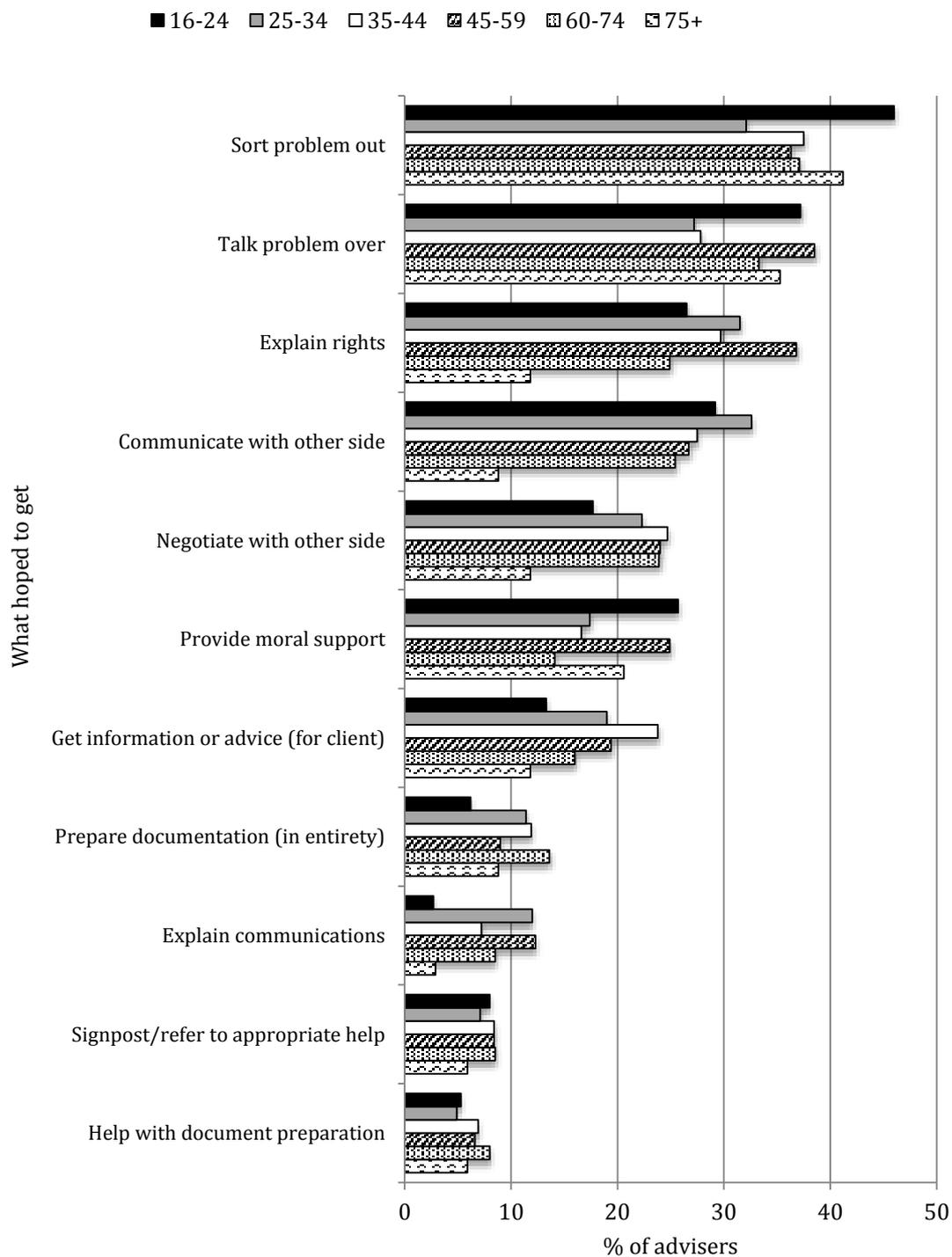


Figure 5.8 Forms of support hoped for from sources of advice

Finally, there was some evidence of respondents' hopes for support changing over the life course. Thus, as is illustrated in Figure 5.8, the youngest and

oldest respondents seemed to be most disposed to delegating problems to advisers in their entirety; less often being interested in information and explanations.

What was got from sources of advice

Respondents reported a similar pattern of forms of support obtained as they did for forms of support hoped for. As for the number of forms of support hoped for, 57% of respondents reported getting more than one form of support from (each of their) advisers, and 11% reported getting five or more (compared to 12%). The mean was the same, at 2.4.

Figure 5.9 compares what respondents got from their advisers with what they hoped to get. As can be seen, there is little difference in relation to most forms of support. However, an important exception is sorting problems out. Here, fewer than two-thirds of respondents had their hopes met (24% obtaining what 37% hoped to obtain).

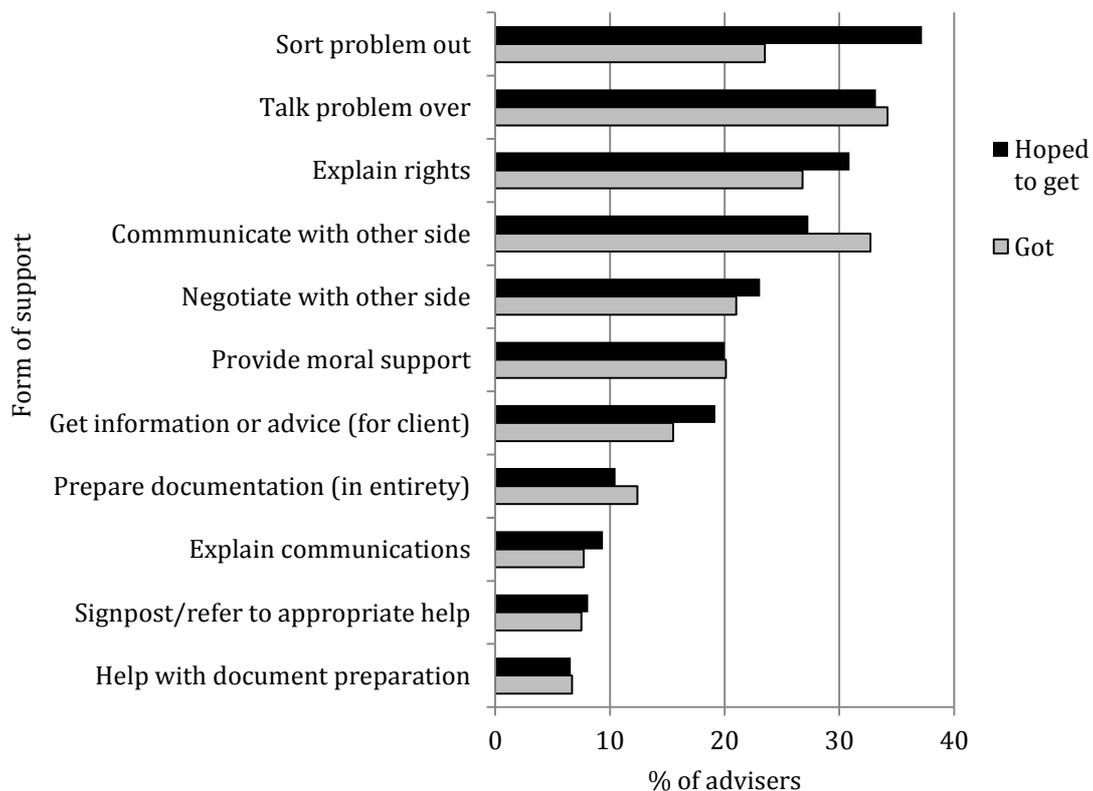


Figure 5.9 Comparison of what respondents hoped to get and actually got from advice sources

Table 5.2: What respondents wanted to get from advice sources by problem type

Help wanted by client	% of problems											
	Consumer	Employment	Neighbours	Owned housing	Rented housing	Debt	Money	Benefits	Education	Personal injury	Clinical negligence	Family
Sort the problem out	34	32.6	45	24.3	29.2	25.5	41.4	36.5	21.6	55.3	58.8	35.6
Talk problem over	30.9	36.9	30.6	25.7	38.5	43.6	30.3	33.8	40.5	29.4	20.6	33.1
Explain rights	27.8	45.3	21.0	40.5	35.4	21.3	31.3	23	24.3	22.4	26.5	38.1
Communicate with other side	16.5	30.9	30.3	29.7	23.1	18.1	35.4	21.6	21.6	29.4	26.5	27.5
Negotiate with other side	12.4	29.2	19.6	27	4.6	28.7	28.3	18.9	10.8	34.1	17.6	25.6
Provide moral support	17.5	29.2	18.8	14.9	12.3	14.9	12.1	17.6	40.5	20	20.6	19.4
Get information or advice (for client)	14.4	27.5	13.3	24.3	15.4	16	22.2	12.2	24.3	18.8	26.5	19.4
Prepare documentation (in entirety)	10.3	7.2	3.3	16.2	9.2	18.1	17.2	12.2	2.7	9.4	26.5	15
Explain communications	3.1	14.8	4.1	13.5	1.5	10.6	13.1	9.5	8.1	9.4	5.9	13.1
Signpost/refer to appropriate help	5.2	10.2	5.2	10.8	9.2	9.6	11.1	10.8	8.1	2.4	8.8	8.8
Help with document preparation	5.2	8.1	1.8	17.6	4.6	12.8	13.1	5.4	2.7	3.5	2.9	5

Around two-thirds of 2010 and 2012 CSJPS respondents reported that they got all (44%) or most (22%) of what they had hoped for from advice sources. Just 11% said that they got none of what they wanted.

Of advice sources in the legal sector, success in obtaining what was hoped for was particularly evident in relation to solicitors, with 81% reporting they got all (57%) or most (24%) of what they had hoped for (Figure 5.10). Just 5% said that they got none of what they wanted.

Figure 5.11 and Table 5.3 show the forms of support that respondents got by adviser type and problem type. These can be compared with Figure 5.7 and Table 5.2. The findings concerning solicitors set out in the previous paragraph are reflected in the lower proportion of frustrated hopes that solicitors would sort problem out, as compared to other advice sources (and particularly council advice services/trading standards). Solicitors also noticeably exceeded hopes in relation to the preparation of documentation and communicating/negotiating with the other side.

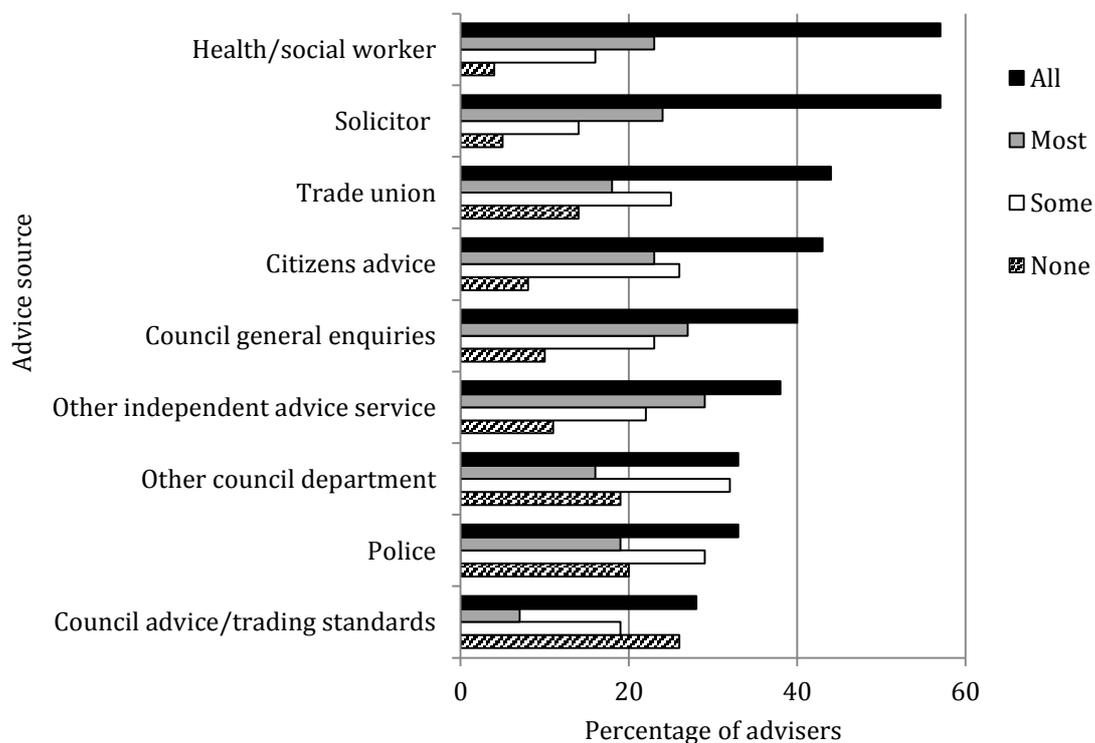


Figure 5.10 Extent to which respondents got what they hoped for

Turning to forms of support obtained from advisers by problem type, again patterns were fairly similar to those of what respondent had hoped for. However, it is worth noting that, against a backdrop of advisers sorting out problems far less often than respondents hoped, a contrary story emerged in the case of debt problems. Here, both the rates of negotiation (30%) and sorting problems out (27%) attributed to advisers were higher than those hoped for (29% and 26%, respectively).

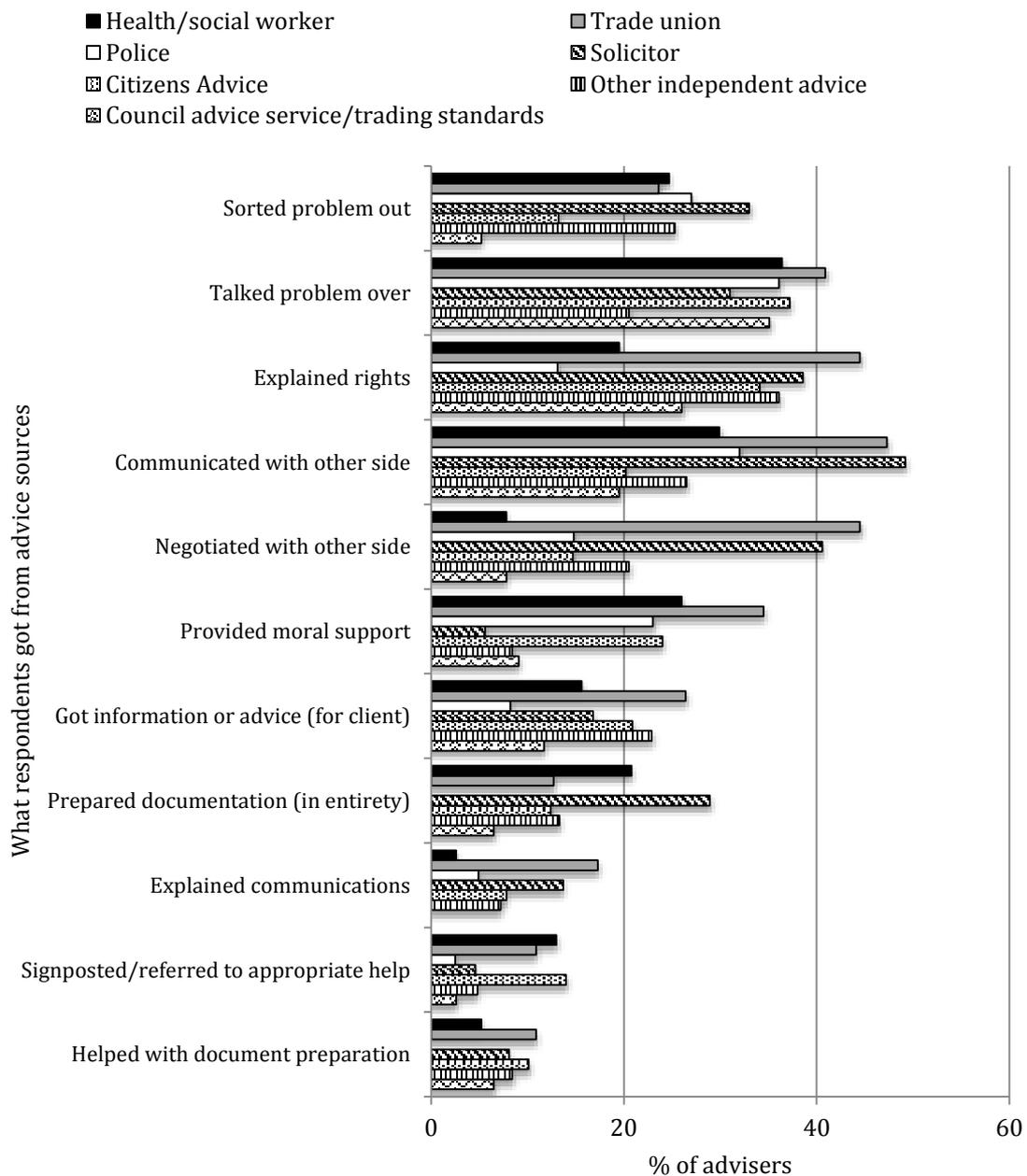


Figure 5.11 What respondents actually got from different advisers

Table 5.3: What respondents actually got from advice sources by problem type

Help got by client	% of problems											
	Consumer	Employment	Neighbours	Owned housing	Rented housing	Debt	Money	Benefits	Education	Personal injury	Clinical negligence	Family
Sorted the problem out	21.6	17.8	24.0	17.6	24.6	26.6	23.2	23	18.9	35.3	44.1	23.8
Talked problem over	33.0	38.6	31.0	23.0	36.9	40.4	23.2	36.5	43.2	36.5	26.5	38.1
Explained rights	25.8	39.0	15.1	32.4	24.6	29.8	25.3	25.7	18.9	29.4	29.4	27.5
Communicated with other side	18.6	35.2	33.2	36.5	32.3	27.7	37.4	27.0	18.9	36.5	47.1	35.6
Negotiated with other side	12.4	26.3	15.5	23.0	4.6	29.8	21.2	16.2	13.5	36.5	17.6	25.0
Provided moral support	24.7	28.8	17.7	17.6	13.8	17.0	7.1	17.6	40.5	20.0	23.5	18.1
Got information or advice (for client)	14.4	23.7	8.5	20.3	9.2	14.9	17.2	13.5	24.3	15.3	17.6	14.4
Prepared documentation (in entirety)	10.3	10.2	6.6	18.9	12.3	17.0	13.1	10.8	2.7	16.5	32.4	16.9
Explained communications	1.0	11.9	3.7	8.1	1.5	12.8	9.1	8.1	5.4	8.2	8.8	10.6
Signposted/referred to appropriate help	6.2	8.1	4.8	5.4	6.2	11.7	9.1	6.8	8.1	9.4	8.8	8.8
Helped with document preparation	5.2	7.6	0.7	10.8	6.2	17.0	14.1	6.8	2.7	5.9	5.9	5.6

There was also little difference in what respondents hoped for and actually got from first, second, third and fourth advisers. But in the case of what respondents got, there was no indication that people less often talked problems over as they moved through advisers; although there was some indication that later advisers were less likely to prepare documentation.

Finally, as is illustrated by Figure 5.12, there were significant differences reported in the extent to which assistance provided by advisers was legal in nature. The ordering of advice sources is as would be expected. It is notable that health and social workers are providing assistance that is described as ‘entirely legal’ on a routine basis. However, as we have found in relation to previous CSJS data, this can refer to the context of professional work (e.g. provision of reports in a personal injury case, etc.).

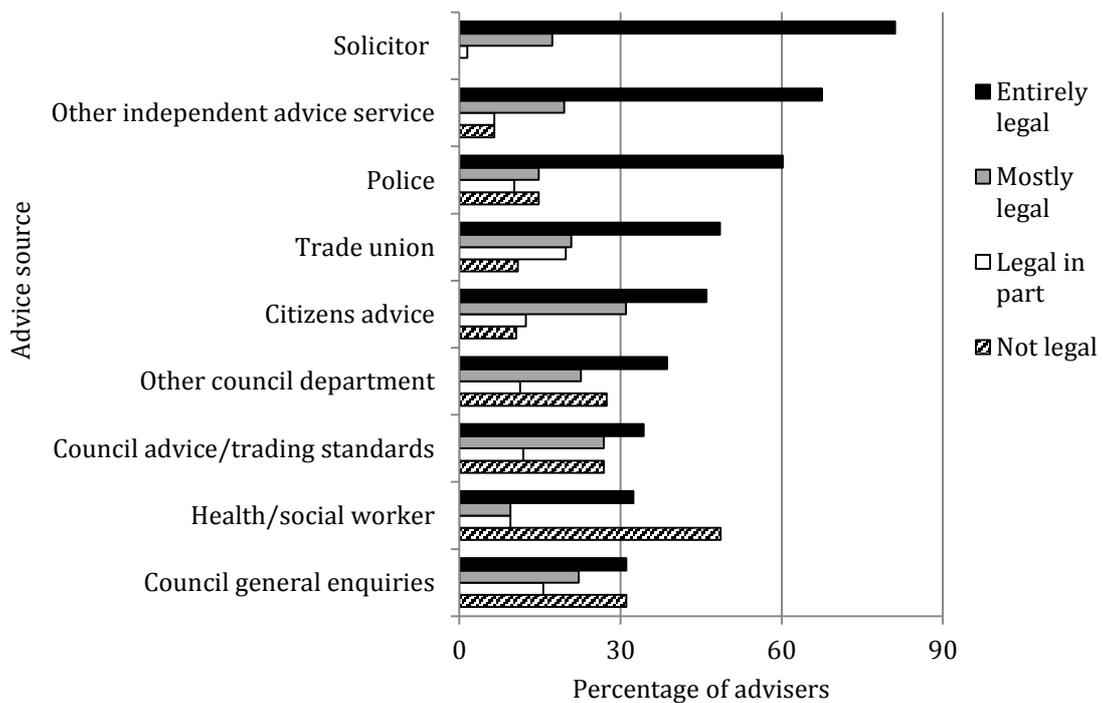


Figure 5.12 Extent to which respondents described assistance as legal

Degrees of delegation

A majority of CSJPS respondents facing legal problems wanted to at least significantly delegate matters to their advisers. In all, 34% wanted advisers “to make decisions and act to help [them] in the way [advisers] thought best” (referred to, for brevity, as ‘decision delegation’). A further 30% wanted advisers

to “describe all options, always recommend an option, but let [respondents] choose what to do” (‘partial decision delegation’), 24% wanted their advisers to “describe all the options and their consequences, and make a recommendation if ask[ed] for one, and then let [respondents] choose what to do” (‘advisory support’), and the remaining 12% wanted advisers to only provide information or advice when specifically requested and “always let [respondents] choose what to do” (‘directed support’).

Figures 5.13 and 5.14 illustrate what respondents with different delegation preferences hoped to get and actually got from advisers.

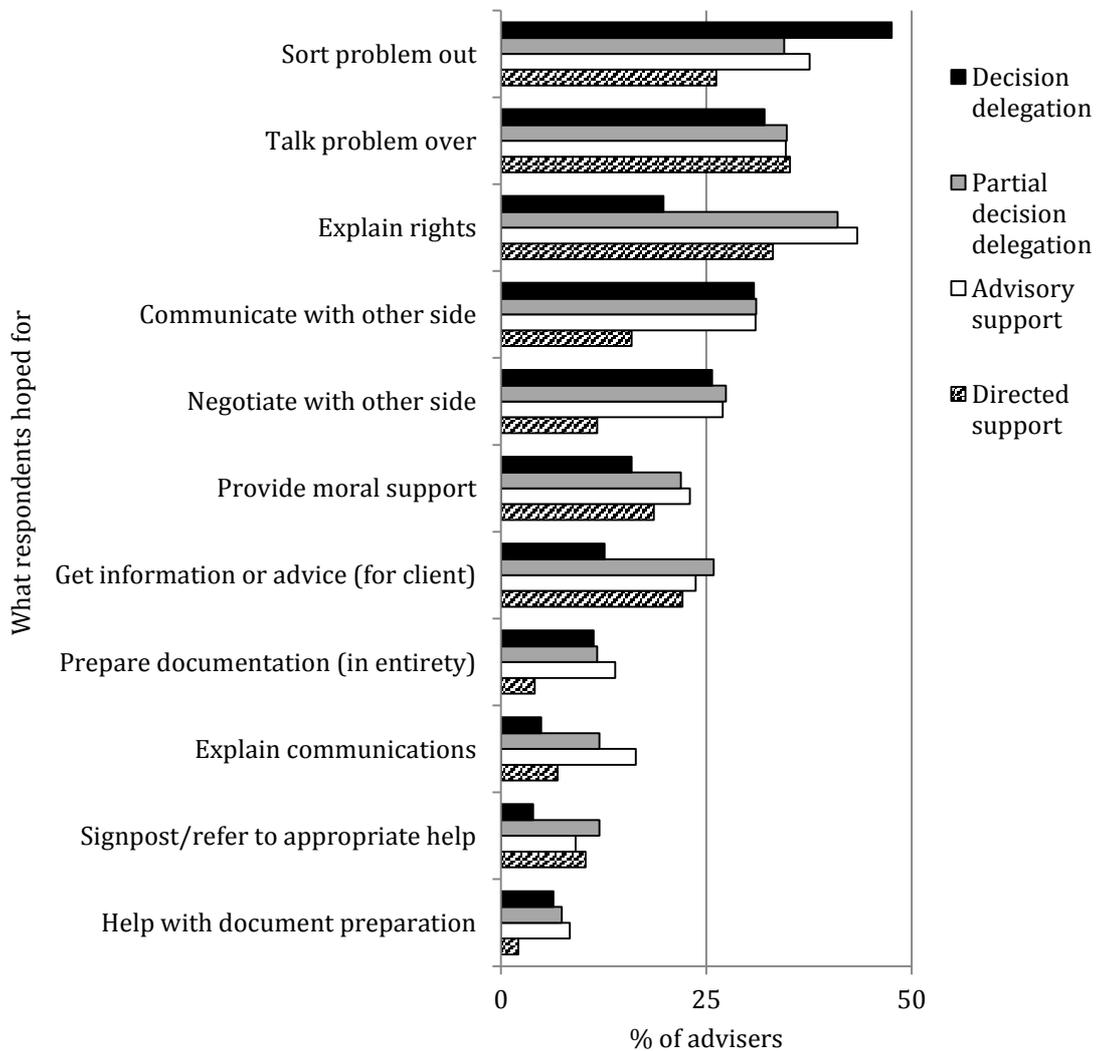


Figure 5.13 What respondents hoped for from advisers by delegation preference

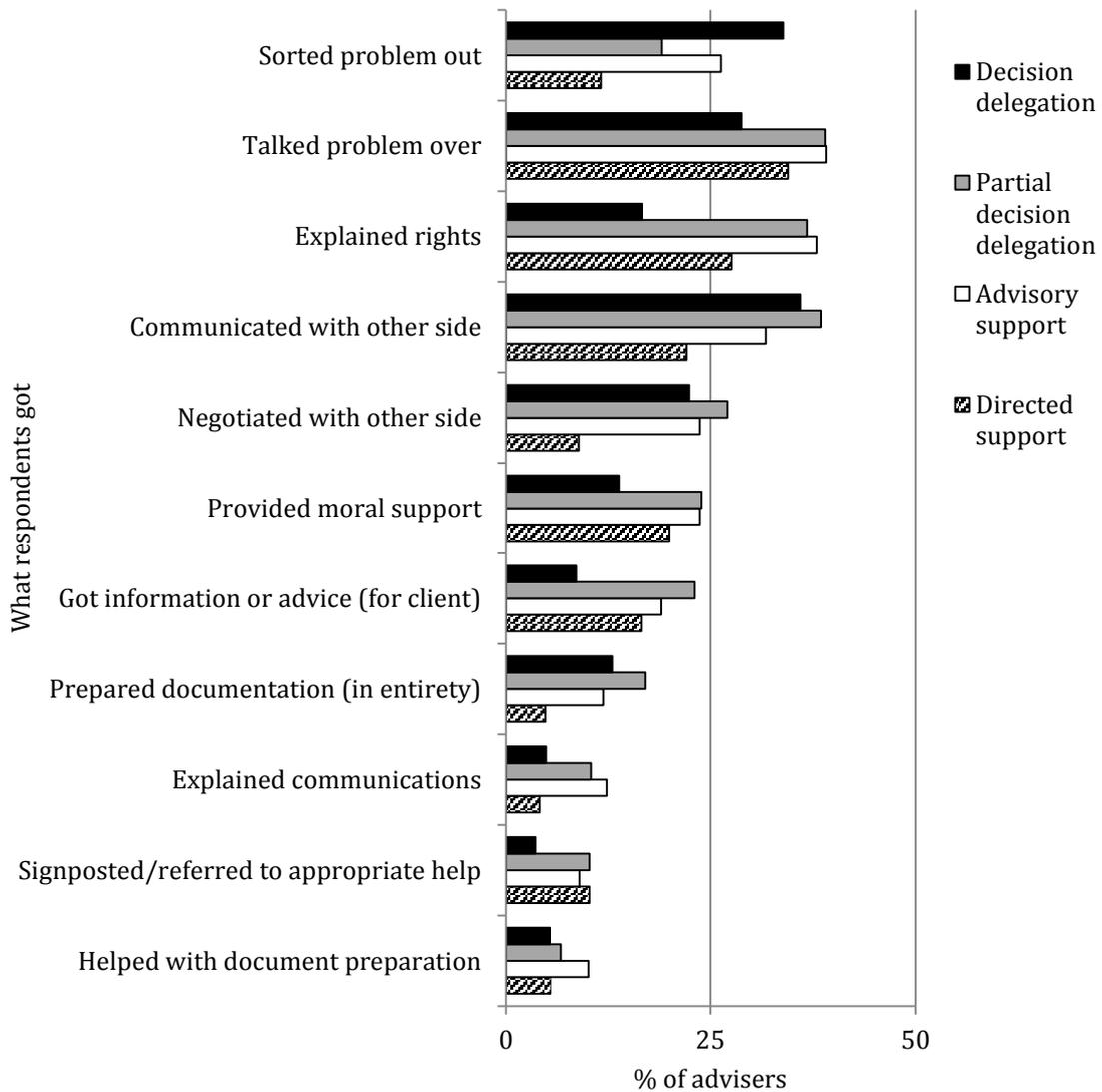


Figure 5.14 What respondents got from advisers by delegation preference

Factors associated with delegation

To gain a better understanding of what drove respondents' delegation preferences we undertook multilevel ordinal regression analysis to explore how delegation varied with demographics. An ordinal model was used since the extent to which respondents wanted to delegate responsibility was ordered. A multilevel model was used since respondents' views on delegation of responsibility were at an advisor level, and respondents could have multiple advisers per problem (a multilevel structure).¹⁶⁶ The variables included in the model were adviser type

¹⁶⁶ The model was fitted using MLwiN (Rasbash et al., 2009).

(as defined in Table 5.1), problem type (as defined in Table 5.2), problem severity, problem characterisation (i.e. whether respondents characterised problems as 'legal'), age, level of education, profession, migration status, self-efficacy (measured using standard personality questions), subjective legal empowerment and MCS score.

Model output and further detail on interpretation of results is provided in the statistical appendix.

Our analysis identified three factors that had particularly strong associations with delegation preference; adviser type,¹⁶⁷ problem type¹⁶⁸ and level of education.¹⁶⁹ With regard to adviser type, respondents delegated most responsibility to (non-advice) council departments, the police, health/social workers and solicitors (Figure 5.15); advisers of types noted above to be more associated with hopes of sorting problems out (Figure 5.11). At the other end of the scale decision delegation was rarest for Citizens Advice. Council general enquiries were likewise associated with relatively low levels of decision delegation.

With regard to problem type, compared to consumer problems (the reference category in the statistical model), respondents facing problems concerning benefits and neighbours tended to want to delegate more responsibility to advisers.¹⁷⁰ Respondents facing employment and, particularly, family problems tended to want to retain a greater role in decision-making.¹⁷¹ The relationship between delegation preference and problem type is illustrated in Figure 5.16.

¹⁶⁷ Testing the nine adviser type terms simultaneously; $\chi^2_9 = 35.04$, $p < 0.001$.

¹⁶⁸ Testing the twelve problem type terms simultaneously; $\chi^2_{11} = 55.26$, $p < 0.001$.

¹⁶⁹ While testing the academic qualifications model terms simultaneously fell short of significant; $\chi^2_{11} = 6.12$, $p = 0.11$, there were significant differences between particular qualifications.

¹⁷⁰ Compared to consumer problems; $\chi^2_1 = 1.87$, $p = 0.17$ and $\chi^2_1 = 3.66$, $p = 0.056$ respectively. Note that while these differences were short of statistical significance, this was in comparison with consumer problems. If we compare either neighbours or benefits problems to either employment or family problems for example, all differences are highly statistically significant.

¹⁷¹ Compared to consumer problems; $\chi^2_1 = 4.6$, $p = 0.032$ and $\chi^2_1 = 11.83$, $p < 0.001$ respectively.

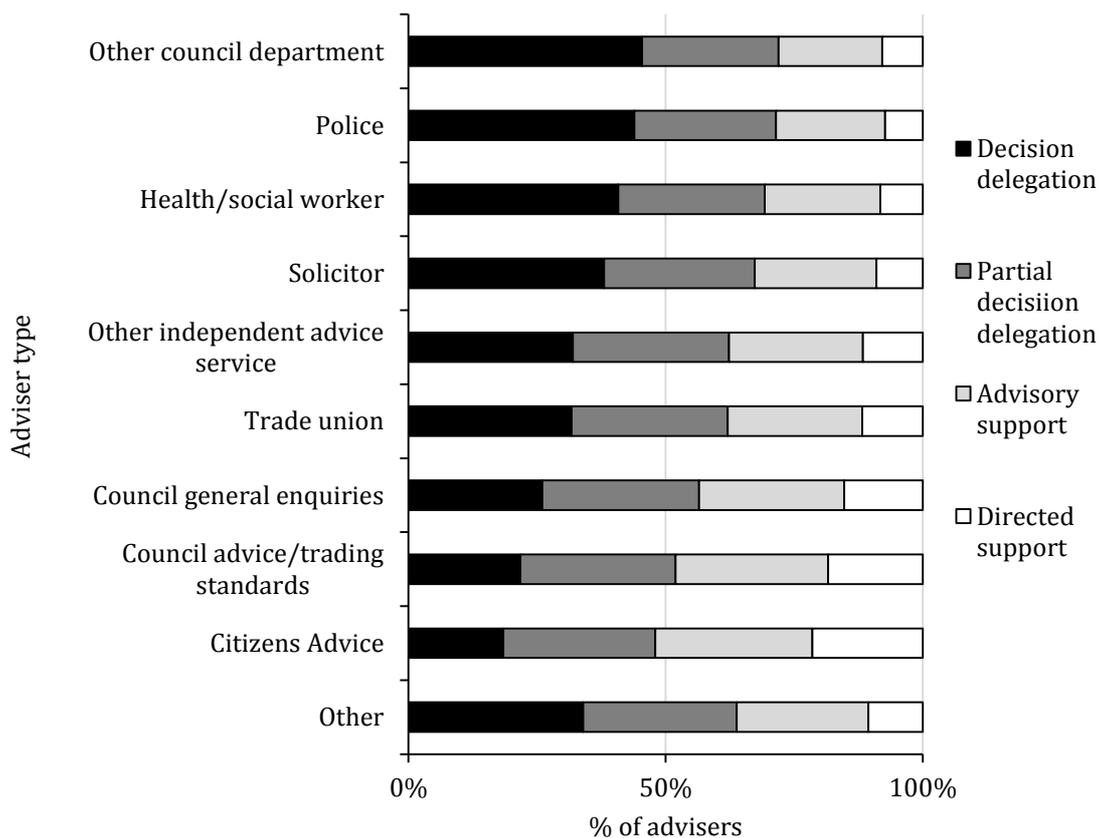


Figure 5.15 Relationship between delegation preference and adviser type (based on model output and controlling for other variables)

With regard to education level, the extent to which respondents wanted to direct decision-making increased along with formal educational attainment; suggesting a link between delegation preference and legal capability. For example, compared to those with no qualifications or a trade apprenticeship, those with 'post-GCSE/pre-degree' qualifications and, particularly, those with a degree tended to want to delegate less.¹⁷² Figure 5.17 illustrates the relationship between the extent to which respondents wanted to delegate responsibility and their highest academic qualification. As can be seen, respondents tended to delegate less and take more responsibility themselves as level of highest qualification increased.

¹⁷² $\chi^2_1 = 3.98$, $p = 0.046$ and $\chi^2_1 = 5.36$, $p = 0.021$ respectively. In this instance, there was no difference in the case of those with GCSEs ($\chi^2_1 = 1.34$, $p = 0.25$)

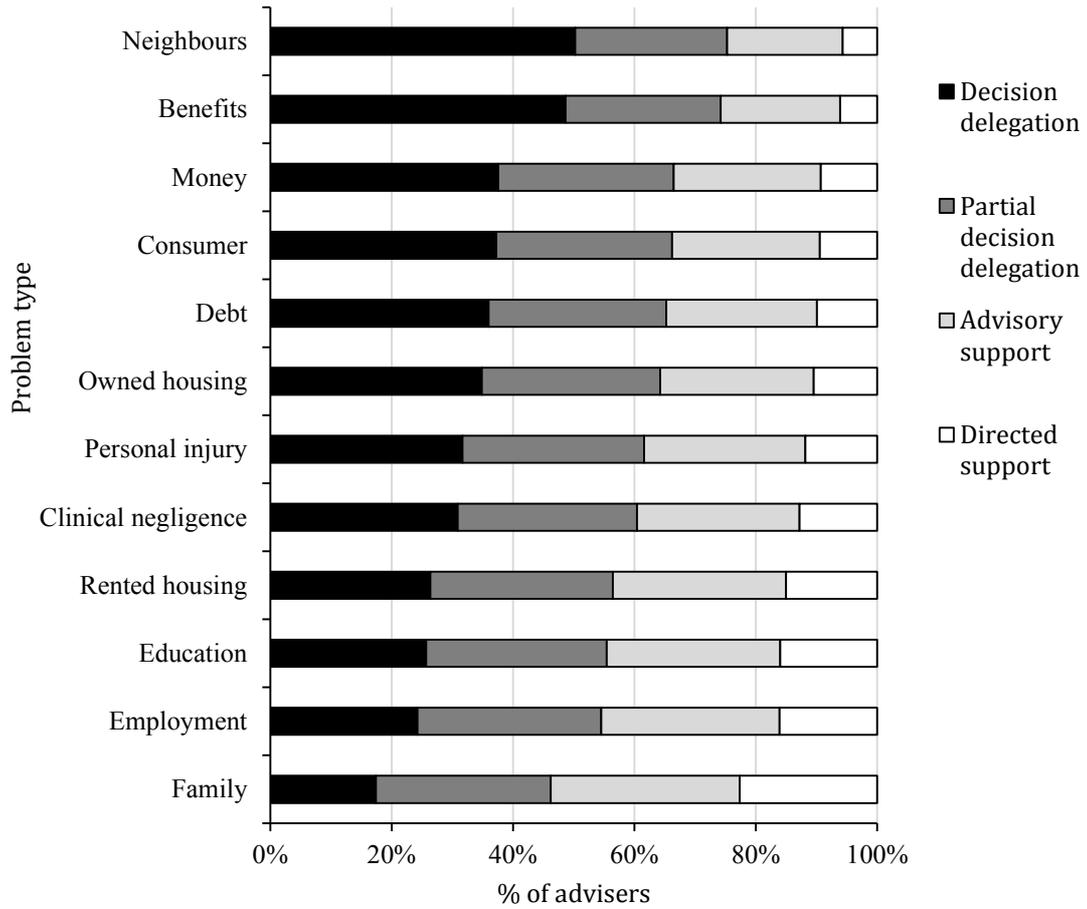


Figure 5.16 Relationship between delegation preference and problem type (based on model output and controlling for other variables)

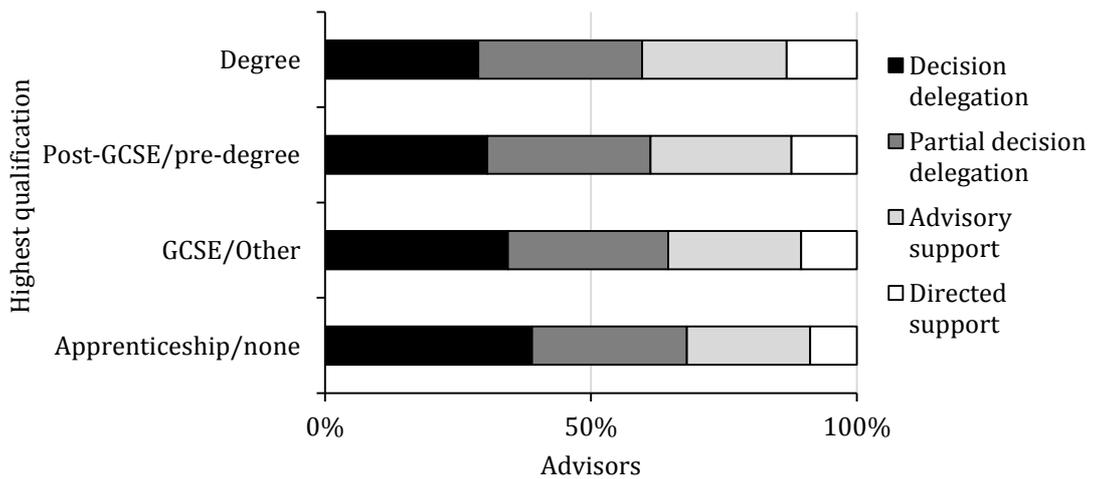


Figure 5.17 Relationship between delegation preference and education (based on model output and controlling for other variables)

The other factors included in the model were only weakly and not statistically significantly associated with delegation preference.¹⁷³ However, unsurprisingly, the model hinted that the small number of respondents who had worked in law (e.g. as lawyers, advisers or teachers) wanted to delegate the least; but the difference was non-significant (possibly due to the small numbers of respondents with legal experience in the analysis).¹⁷⁴

Elsewhere, there was also evidence of clustering of preferences within individual problems (as indicated by significant problem level variance terms in the statistical model). Essentially, when respondents used more than one adviser for a problem, they tended to want a similar level of delegation across advisers.

Discussion

The findings

Our findings confirm that levels of public awareness of sources of advice are relatively low, though they vary considerably by adviser type. Thus, while most 2010 and 2012 CSJPS respondents knew something about Citizens Advice, local councils, solicitors and Shelter, the picture was quite different for other adviser types, such as law centres, the local government ombudsman, Consumer Direct and Community Legal Advice. 2012 CSJPS respondents also reported varied levels of understanding of the types of issues different advice sources could assist with and, in general, respondents failed to recognise the breadth of service offered by solicitors, Citizens Advice and law centres.

While just 2% of respondents said they knew nothing about any of 10 advice sources asked about, 5% said they knew nothing about any of the four general legal advice sources asked about (solicitors, law centres, Community Legal Advice, Citizens Advice).

¹⁷³ While the youngest respondents (16-24 year olds) delegated most and older respondents (60-74 year olds) least, differences across age groups were clearly non-significant. Similarly, while greater problem severity, worse mental health and higher self-efficacy went alongside increased delegation, relationships were weak and clearly non-significant. And there was no evidence of any association between delegation preference and profession, migration status, subjective legal empowerment score or whether or not problems were characterised as legal.

¹⁷⁴ For example, comparing those with legal experience to the 'routine manual/other' reference category; $\chi^2_1 = 1.82$, $p = 0.18$.

Multivariate analysis of the characteristics of those respondents who said they knew nothing about any of the four general legal advice sources indicated that respondents' prior contact with one or more of the four advisers, age, education level and language spoken at home were all significant. The last three of these link to broad legal capability, and illustrate how this is relevant even prior to services being accessed.

Our findings concerning what 2010 and 2012 CSJPS respondents hoped for and got from advisers suggested that, in accessing advisers, people have a reasonably nuanced understanding of the different forms and levels of support offered by different types of adviser. 66% of CSJPS respondents reported that they got all or most of what they had hoped for from advice sources.

Each adviser type was clearly associated with hopes for and the provision of particular forms and levels of support – pointing to different roles in the public mind. So, while Citizens Advice was most associated with hopes to talk problems over and signposting/referral, and was also often looked to for moral support, solicitors were at the other end of the spectrum as regards hopes for these forms of support. Instead, solicitors were associated with hopes for explanations of communications, document preparation, communication/ negotiation with the other side and sorting problems out.

Respondents' hopes in relation to solicitors seemed to be particularly apt, with just 5% of respondents said that they got none of what they were looking for from solicitors. This was despite solicitors frequently being looked to for sorting problems out, a hope that commonly led to disappointment elsewhere.

Our findings also neatly illustrate the relationship between the forms and level of support that people look for from advisers and the extent to which they wish to delegate problems to advisers.

Building on this, our analysis identified three factors that had particularly strong associations with delegation preference; adviser type, problem type and level of education. As regards adviser type, respondents delegated most responsibility to solicitors, the police, health/social workers and (non-advice) council departments. At the other end of the scale decision delegation was rarest for Citizens Advice, a generalist service clearly perceived by the public as more often a source of information, moral support and signposting/referral.

The link observed between level of education and delegation preference – whereby those with fewer qualifications most often wanted to delegate – suggests awareness of relative legal capability.

Implications

In confirming that levels of awareness of legal services are relatively low, and that the accuracy of the public's understanding of the types of issue that different services can help with is wanting, our findings point to the need for legal services to convey more effectively the support they can offer. Even those services that figure prominently in the public's consciousness have work to do. For example, while more than 90% of CSJPS respondents reported that they knew something about Citizens Advice, one-third indicated that Citizens Advice could help with only three types of issue or fewer. Indeed, a one-third failed to recognise that Citizens Advice could provide assistance with benefits and money/debt related issues, despite these having been the two main areas of advice provision for Citizens Advice Bureaux in 2012.

There is also a broader responsibility, akin to the one discussed in Chapter 3 in relation to awareness of legal rights and responsibilities, to enhance understanding of sources of help through the national curriculum and PLE initiatives. Ignorance of sources of help can act as a significant barrier to accessing justice. For example, Balmer et al (2010) reported that one in twelve of the 9.4% of 2006-9 CSJS respondents who took no action to resolve legal problems explained that they did not know who to go to for help. And as with PLE more generally, initiatives to raise awareness of legal services should be targeted towards those most impacted on, namely those lacking capability more broadly (e.g. the young, those with no qualifications) and who are also vulnerable to legal problems.

Genn's (1999, p.100) observation that many respondents to the *Paths to Justice* survey "did not want to be empowered, they wanted to be saved" clearly illustrates the despair felt by many who face legal problems. This is a despair that can be exacerbated by lack of awareness of sources of help and having to navigate

the 'advice maze'¹⁷⁵ that confronts those seeking help (and lies behind the phenomenon of 'referral fatigue')(Pleasence et al 2004). However, just as it is the case that some services offering support to people facing legal problems can, and do, act as saviours (in the sense of sorting problems out on their clients' behalves), so some such people want to be empowered.

While not dismissing the difficulties faced by those who want different things from legal services than are offered, it is evident that those who access legal services have reasonable expectations as to the forms of assistance that are available. As we just noted, each adviser type was clearly associated with hopes for and the provision of particular forms and levels of support, and two-thirds of CSJPS respondents got all or most of what they hoped for from advisers. However, this excludes those who did not access a legal service, and also highlights that a significant minority of respondents did not get what they hoped for. Evidently, therefore, awareness raising efforts should extend to the form of support services provide, as well as the types of issue about which support is available. And in terms of Robertson and Corbin's (2005) participation matrix, it is those persons who are looking to delegate problem resolution to advisers, but who access services that are oriented towards information provision or empowerment who are at greatest risk of frustration in their advice seeking efforts. Within this group are more likely to be those with fewest qualifications, a group that is targeted more generally in the context of PLE.

¹⁷⁵ As we noted above, there are thousands of public and independent private, charitable and community advice providing organisations.

6

Patterns of Subjective Legal Empowerment

Introduction

Defining subjective legal empowerment

Legal empowerment is a broadly defined and commonly used concept in the field of law and development. It has been defined by Golub (2010, p.1) – who first introduced it in 2001¹⁷⁶ – as “use of the law to specifically strengthen the disadvantaged.” The term became currency through the Commission of Legal Empowerment of the Poor (2008), and now commonly reflects a focus within global justice programmes on “empowering individuals to realise their rights and voice their demands more actively” (Kolisetty 2014, p.9). Kolisetty (2014) has argued that the concept of legal empowerment, viewed in this way, transcends formal justice system approaches, being concerned – similar to the ‘justiciable problem’ (Genn 1999) approach in legal needs research – with appropriateness and effectiveness of legal problem resolution, rather than the manner of resolution.

Building on the concept of legal empowerment, Gramatikov and Porter (2010, p.4) re-conceptualised it “as a psychological state which can be observed at individual, group and social level,” and introduced the notion of ‘subjective legal empowerment’. They then equated subjective legal empowerment to “the subjective self-belief that an individual can solve problems of a legal nature,” if such problems arise, and developed a methodology to such self-belief.

As Gramatikov & Porter (2011, p.172) recognise, referencing Galanter’s (1974) seminal work, “power is the currency of disputes,” meaning that “an empowered person will be one who sees his or her position in an important relationship as not less powerful than the position of the other party.” Lack of subjective legal empowerment can therefore act as “a substantial barrier” to

¹⁷⁶ Golub & McQuay (2001)

resolving problems. Confirming this, as we detailed in Chapter 2, a person’s level of subjective legal empowerment – defined within the CSJPS in terms of people’s self-belief as to the likelihood of being able to ‘get a fair resolution’ across a range of types of legal dispute¹⁷⁷ – is linked to dispute resolution strategy decisions. As subjective legal empowerment increases, so too does a person’s tendency to act to resolve legal problems.

In this chapter

In this chapter we set out patterns of subjective legal experience across 6 domains; employment, the family, neighbours, land, business and crime. We then investigate the factors associated with level of subjective legal empowerment.

CSJPS respondent’s subjective legal empowerment

An overall measure of subjective legal empowerment (SLE) was created using six 2012 CSJPS questions asking respondents how likely they felt they would be ‘to get a fair resolution’ if they had a conflict with an employer, family member or neighbour, had a land dispute, business dispute or were the victim of crime.

Subjective legal empowerment across domains

Figures 1 to 6 illustrate responses to each of the 6 SLE questions individually.

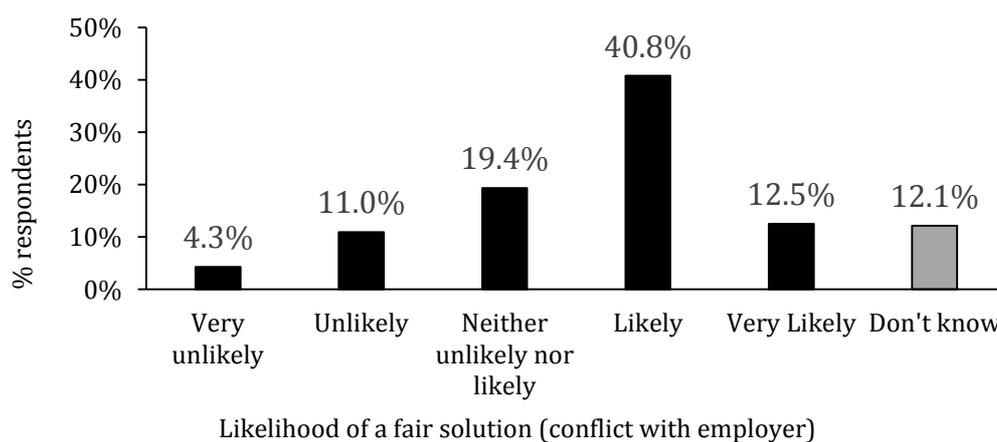


Figure 6.1 Survey respondents’ perceptions of the likelihood of getting a fair solution if they had a conflict with their employer

¹⁷⁷ We are grateful to Robert Porter, of Tilburg University, for his assistance in developing the questions used within the CSJPS to measure subjective legal empowerment. It is important to recognise that a person’s level of empowerment may vary between areas of law, such as family, employment and housing.

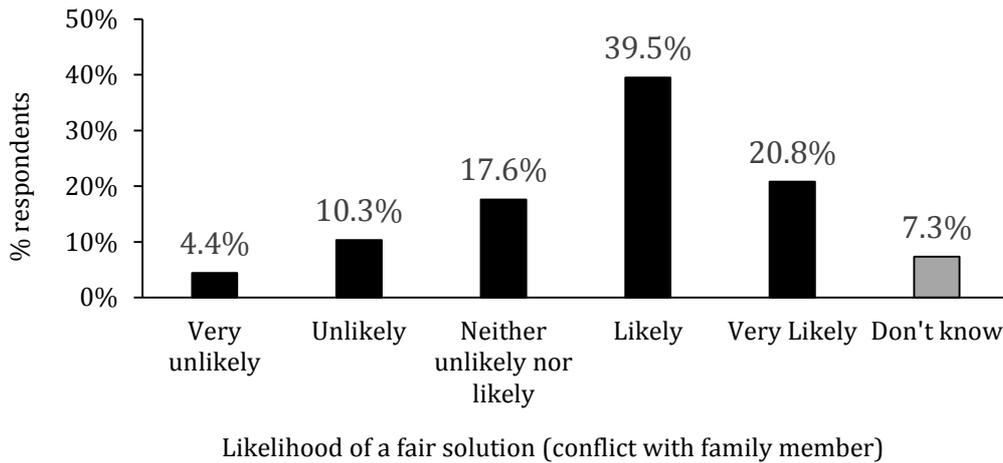


Figure 6.2 Survey respondents' perceptions of the likelihood of getting a fair solution if they had a conflict with a family member

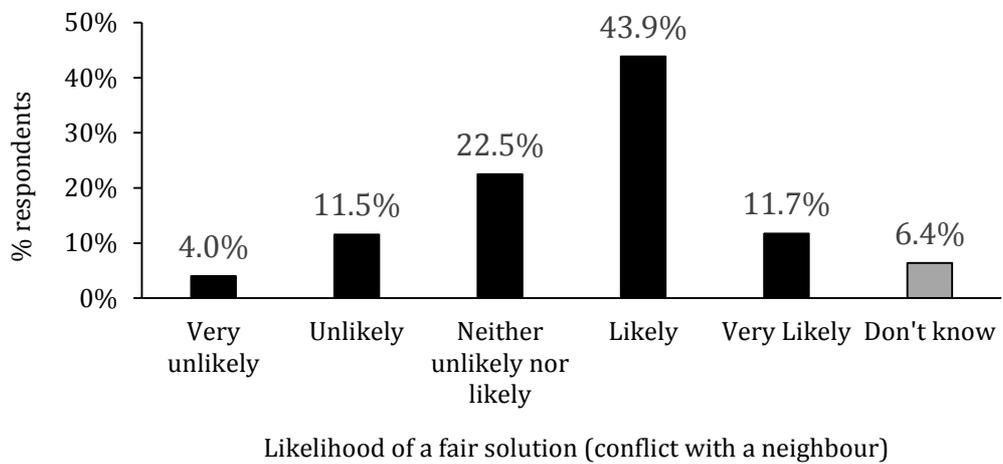


Figure 6.3 Survey respondents' perceptions of the likelihood of getting a fair solution if they had a conflict with a neighbour

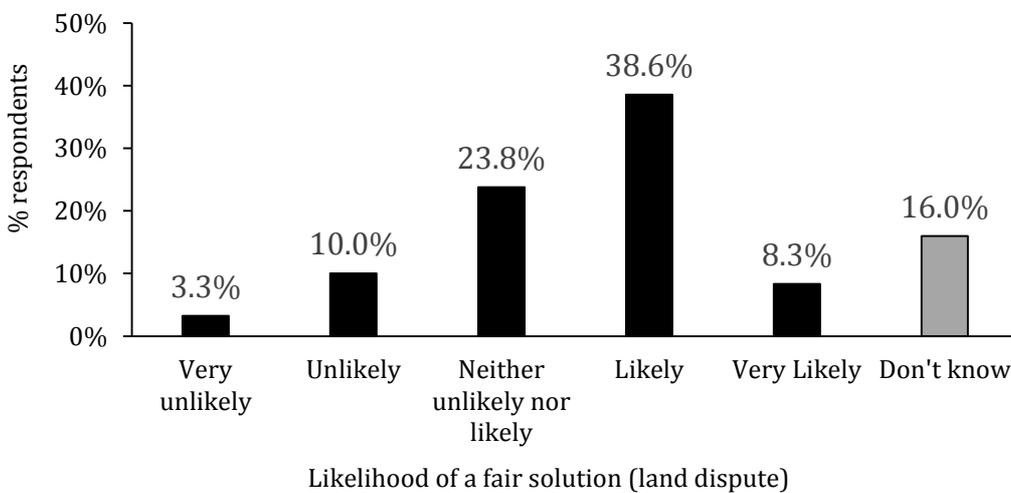


Figure 6.4 Survey respondents' perceptions of the likelihood of getting a fair solution if they had a land dispute

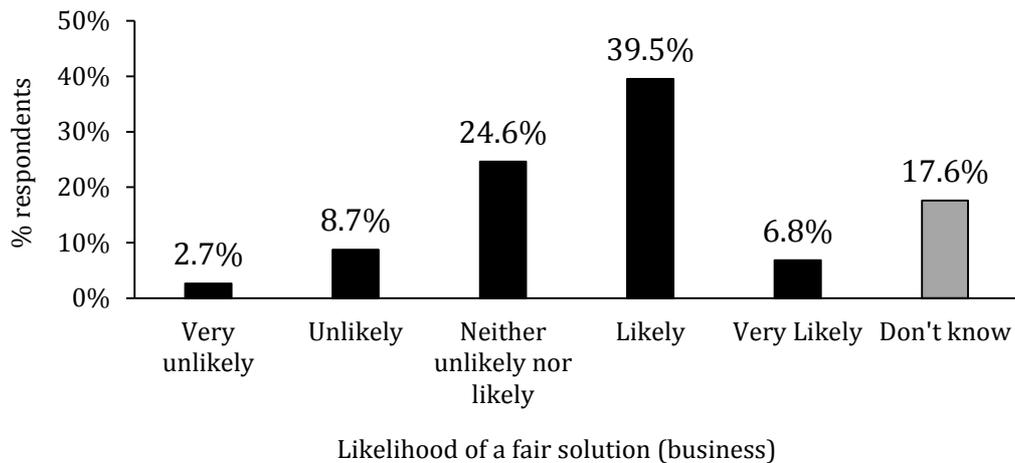


Figure 6.5 Survey respondents' perceptions of the likelihood of getting a fair solution if they had a business dispute

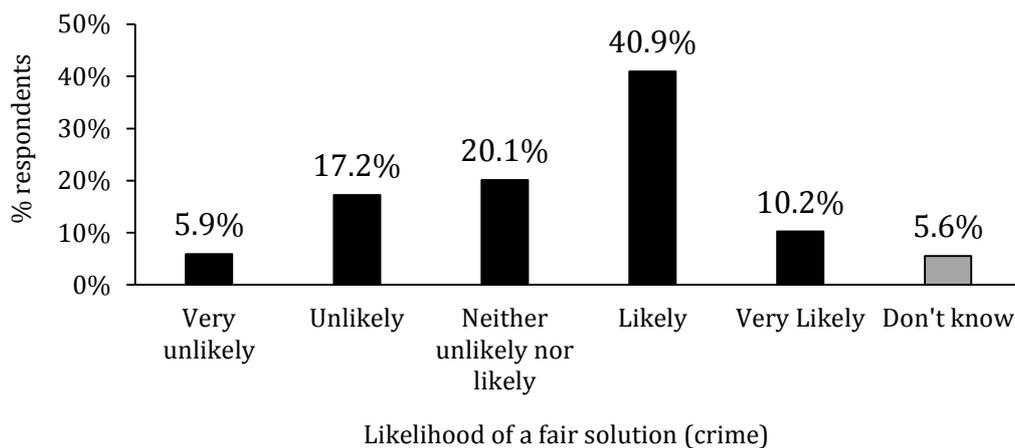


Figure 6.6 Survey respondents' perceptions of the likelihood of getting a fair solution if they were a victim of crime

As can be seen from Figures 6.1 to 6.6, subjective legal empowerment patterns were similar across domains, with a majority of 2012 CSJPS respondents feeling confident that they would be able to get fair resolutions to disputes in five of the six domains. Only in the case of business disputes, with which a substantial proportion of the population will be unfamiliar, was a minority confident of a fair resolution. Low LSE scores ('very unlikely', 'likely') were more common in the case of crime. At the other end of the spectrum, 23% of respondents reported feeling that they would be unlikely or very unlikely to get a fair resolution if a

victim of crime, dropping to 16% in the case of neighbours disputes and 15% in the case of family and employment disputes.

Relationship between subjective legal empowerment across domains

The six SLE questions were all related to each other, as shown in the correlation matrix below (Table 6.1). The matrix shows Spearman's correlation coefficients for each pair of SLE questions. The coefficients can vary between -1 (a perfect negative relationship) and +1 (a perfect positive relationship). These measures of strength of relationship are also accompanied by a p-value which indicates whether the association was also statistically significant.

In all cases, positive relationships were observed between pairs of SLE variables, all of which were highly statistically significant. Particularly strong relationships were observed between confidence when faced with employment and business disputes, and family and neighbours conflicts. Conversely, the relationship between confidence when faced with family conflicts and confidence in land disputes, business disputes and crime victimisation were somewhat weaker.

Table 6.1: Relationship between the 6 SLE questions (Spearman's correlation coefficients).

SLE question	Employment	Family	Neighbours	Land	Business	Crime
Employment	1	.227**	.272**	.327**	.406**	.230**
Family	.227**	1	.366**	.182**	.186**	.135**
Neighbours	.272**	.366**	1	.300**	.259**	.219**
Land dispute	.327**	.182**	.300**	1	.382**	.246**
Business dispute	.406**	.186**	.259**	.382**	1	.267**
Victim of crime	.230**	.135**	.219**	.246**	.267**	1

** p < 0.001

Subjective legal empowerment in the round

Distribution of overall SLE scores

As indicated together, the six SLE questions were combined into a single measure of SLE (SLE score) by summing responses and dividing by six (the number of

questions).¹⁷⁸ The mean score was 3.4 (median = 3.5), the standard deviation 0.61, and the interquartile range was 0.83. Figure 6.7 shows the distribution of SLE scores for all respondents. As can be seen, scores around three to four were relatively common, with very high and particularly very low scores relatively uncommon. Overall, 74.2 per cent of respondents scored between three and four and 92.4 per cent scored between two and a half and four and a half.¹⁷⁹

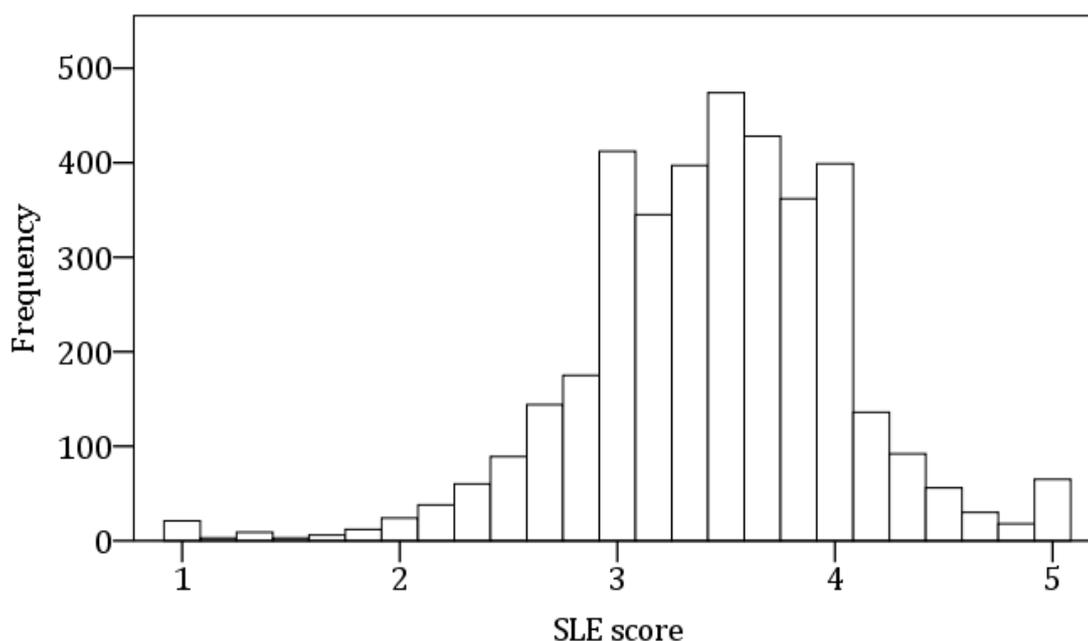


Figure 6.7 CSJPS respondents overall SLE scores.

Factors associated with SLE score

Factors associated with SLE score were explored in two ways. First three multilevel models¹⁸⁰ were fitted using all respondents with SLE scores to determine the extent to which respondent's social and demographic

¹⁷⁸ This yielded a subjective legal empowerment (SLE) score that could vary between one and 5, with an overall mean score of 3.44 (and a median of 3.50). The 'don't know' responses shown in Figures 1 to 6 were added to the 'neither unlikely nor likely' category for the purpose of creating a single SLE score. Another option is to use factor analysis to extract a single SLE score component from the six SLE questions. However, this has little impact on results with the summed and factor analysis versions very highly related. Analysis uses the simple summed version for ease of interpretation. The standard deviation was 0.61, and the interquartile range was 0.83.

¹⁷⁹ The relatively narrow spread of scores is worth noting when interpreting subsequent analysis. Some changes in SLE score that appear to be relatively small visually can still be (highly) statistically significant.

¹⁸⁰ Multilevel models (Rasbash et al., 2009) were used to correctly model the data structure since SLE scores were nested within household.

characteristics (Model 1), their use and knowledge of legal/advice services (added for Model 2) and their legal problem experience (added for model 3) were associated with higher or lower SLE scores.¹⁸¹

Second, a further three models were fitted, restricting analysis to only those respondents reporting one or more new legal problems during their wave two interview. These models aimed to establish whether any particular elements or characteristics of problem experience were associated with higher or lower SLE scores. Elements/characteristics included having problem where nothing was done, handling a problem alone, obtaining advice for a problem (including legal and advice agency advice), having a problem with a disagreement, having a particularly severe problem, having a problem with an unfair outcome, having a problem and being unhappy with its progress/outcome and having a problem where legal rights were understood 'not at all' or 'completely'.¹⁸² Detailed statistical output for all models can be found in the statistical appendix.

The models indicated that legal problem experience was the key predictor of SLE scores. Where respondents reported one or more problems, SLE score fell by a highly significant 0.09. In addition SLE score fell further still as respondents reported additional problems, with a dramatic reduction of 0.55 in SLE score for those with five or more problems (compared to those with none). It would appear that legal problems are more problematic than people imagine. Figure 6.8 illustrates the relationship between SLE and problem experience controlling for the other variables in the models.

¹⁸¹ Unless specified otherwise, significance tests of model terms reported in footnotes use model three (as shown in the statistical appendix) which contains respondent characteristics, legal sector knowledge/contact with advisers and number of legal problems.

¹⁸² Model A included 'obtaining advice for a problem', while model B replaces this with two distinct forms of advice (solicitor/barrister and advice agency advice). Model C replicates model A with 'not at all' knowing rights for a problem replaced with 'completely' knowing rights for a problem. Unless otherwise specified, significance tests of model terms reported in footnotes use model C.

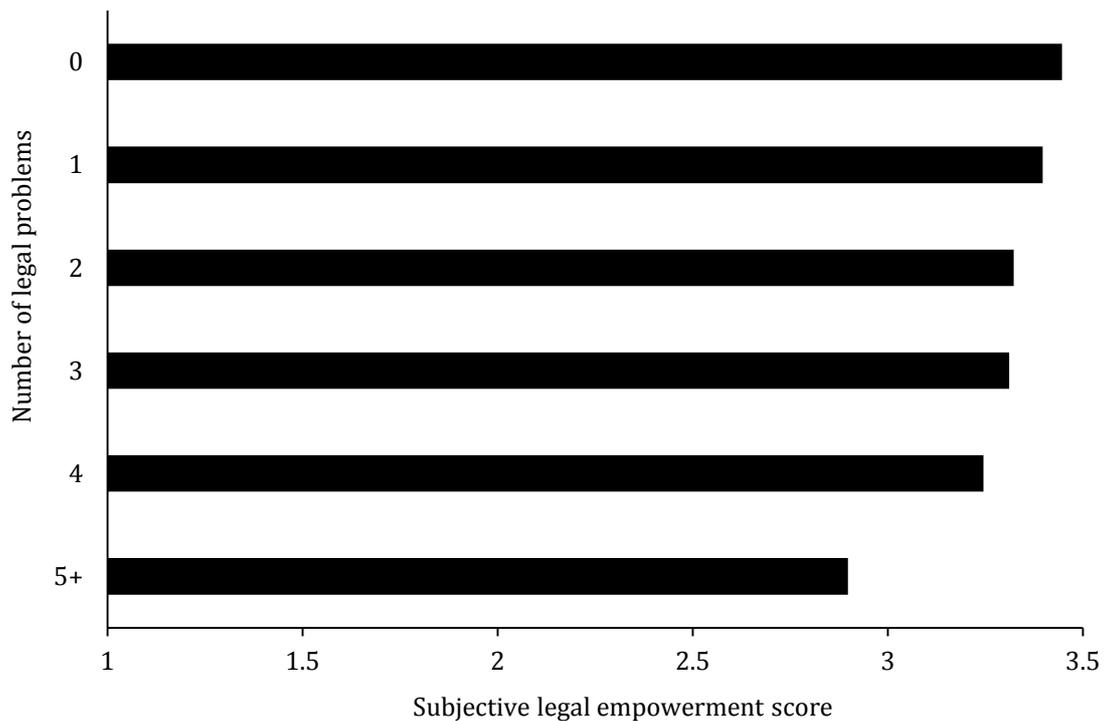


Figure 6.8 The relationship between legal problem experience and subjective legal empowerment (controlling for other variables)

The experience of certain problem types was also associated with significant and large reductions in SLE scores. For example, SLE scores were lower among those respondents who reported problems concerning money, welfare benefits, domestic violence and particularly care and clinical negligence problems.¹⁸³

Having controlled for other variables, there were also associations between respondent's demographics and their SLE scores. For example, 60 to 74 year olds and those aged 75 or older had lower subjective empowerment scores, and significantly lower scores than those in the 45 to 59 year old reference age group (reductions of 0.07 and 0.10 in SLE score respectively)¹⁸⁴ (Figure 6.9).

¹⁸³ Though numbers of problems were small for domestic violence and care, so findings fell short of significance.

¹⁸⁴ Comparing 60-74 year olds to 45-59 year olds; $\chi^2_1 = 5.88$, $p = 0.015$. Comparing those who were 75 or older to 45-59 year olds; $\chi^2_1 = 6.92$, $p = 0.009$.

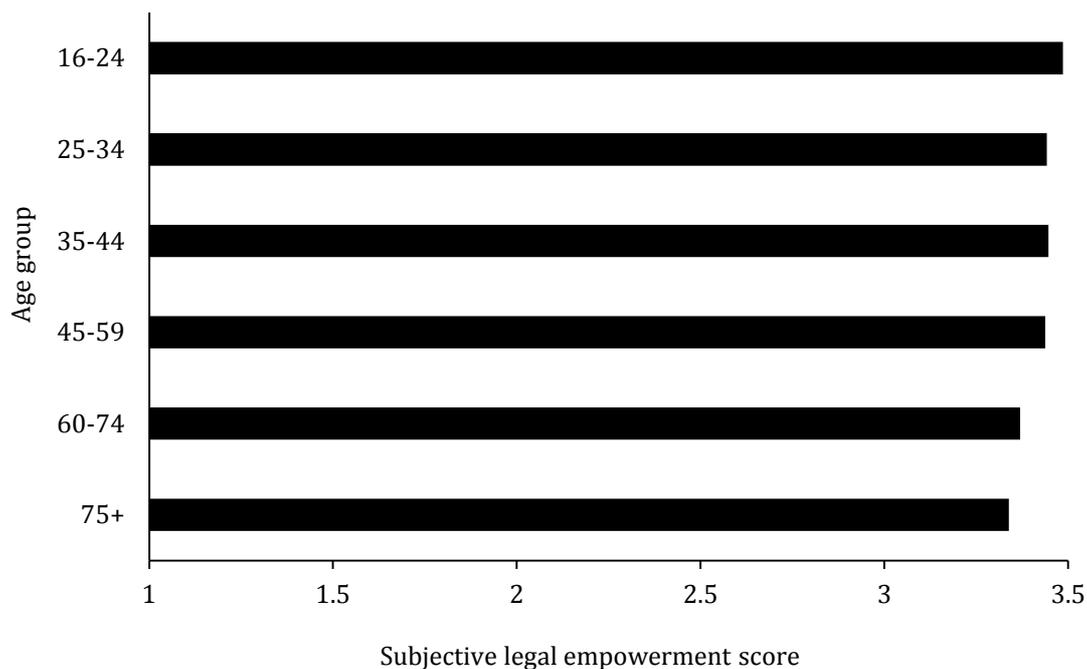


Figure 6.9 The relationship between age group and subjective legal empowerment (controlling for other variables)

While young respondents had among the highest levels of subjective legal empowerment, when education, employment or training (NEET status) was included in the modelling, SLE scores were found to be substantially lower for young NEETs (0.24 lower than young people in education employment and training). Figure 6.10 shows the relationship between age group and SLE score, controlling for other variables, splitting 16 to 24 year olds based according to NEET status.

Looking at other factors linked to legal capability, legal sector knowledge (how many advisers of a list of ten respondents felt they knew something about) was also strongly significantly associated with SLE score.¹⁸⁵ Compared to those with 'low knowledge' (who knew about 1-3 advisers), those with 'medium knowledge' (4-7 advisers) had significantly higher SLE scores (around 0.09 higher)¹⁸⁶, with even higher SLE scores for those with 'high knowledge' (8-10 advisers, around 0.16 higher).¹⁸⁷ Figure 6.11 shows the relationship between legal sector knowledge and SLE score having controlled for other variables. As can be seen, SLE score increases with respondent's perceived legal sector knowledge.

¹⁸⁵ Testing the legal sector knowledge terms simultaneously; $\chi^2_3 = 23.75$, $p < 0.001$.

¹⁸⁶ Comparing 'medium' to 'low'; $\chi^2_1 = 10.00$, $p = 0.002$.

¹⁸⁷ Comparing 'high' to 'low'; $\chi^2_1 = 23.68$, $p < 0.001$.

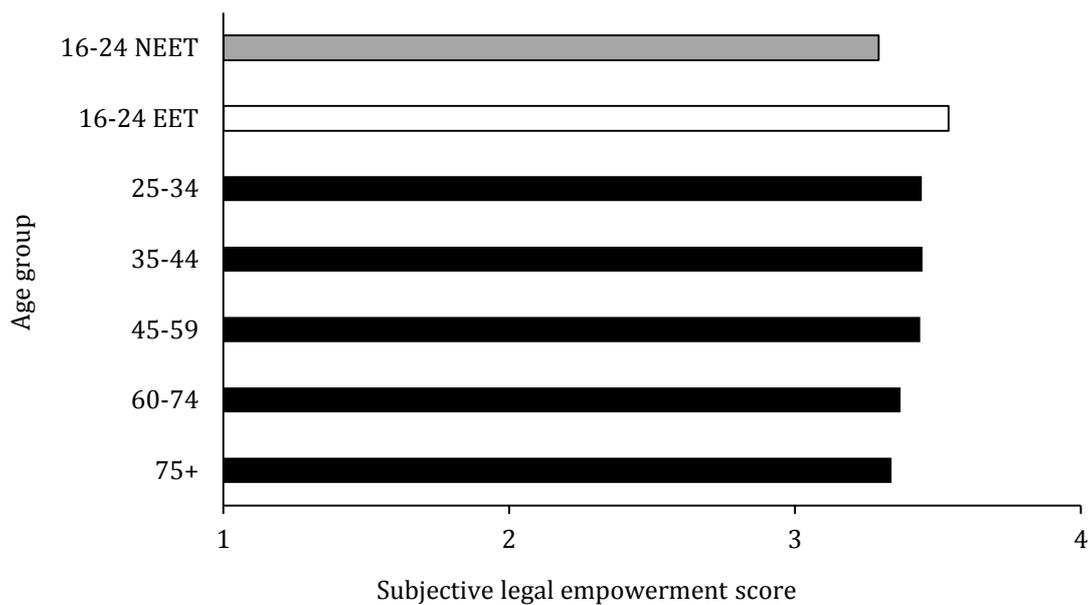


Figure 6.10 The relationship between age group (splitting 16-24 year olds by NEET status) and subjective legal empowerment (controlling for other variables)

However, no relationship was observed between SLE scores and whether respondents had ever had contact with a legal adviser,¹⁸⁸ advice centre¹⁸⁹ or ombudsman.

Also, there was only slight indication of SLE scores varying with qualifications. Those with no qualifications – or an apprenticeship – had lower SLE scores than those with degrees, though results were not significant.¹⁹⁰ Similarly, there was only slight indication of SLE scores varying by profession.¹⁹¹

¹⁸⁸ Having contacted a solicitor or law centre in the past was associated with a small increase in SLE score (of around 0.04), which fell short of statistical significance ($\chi^2_1 = 2.84$, $p = 0.092$). Whether or not problem type was included in the model had relatively little impact on the association between solicitor use and SLE score, perhaps since unlike use of advice centres, solicitor use was more likely than advice sector use to not be directly linked to a problem or dispute (e.g. a significant proportion of transactions involving conveyancing or wills).

¹⁸⁹ Interestingly, in a model without problem experience included, having ever contacted an advice agency was associated with a significant reduction in SLE score (of around 0.05 compared to those who had never contacted and advice agency) ($\chi^2_1 = 5.02$, $p = 0.025$). However, the reduction in SLE score with advice agency contact was moderated once problem experience was introduced to the model (to around 0.03) and ceased to be significant (i.e. once powerful association between problem experience and SLE score was accounted for (see below)) ($\chi^2_1 = 2.02$, $p = 0.16$).

¹⁹⁰ Testing the academic qualifications model terms together; $\chi^2_3 = 3.28$, $p = 0.35$. Comparing those with most and least qualifications, the difference in SLE score appeared to be around around 0.06; $\chi^2_1 = 3.17$, $p = 0.075$

¹⁹¹ There was some evidence of lower SLE scores for the ‘unknown’ group, which included respondents without a profession to report (For example, a change of 0.13 compared to ‘professional/senior managerial’; $\chi^2_1 = 8.50$, $p = 0.004$). In addition, differences were somewhat

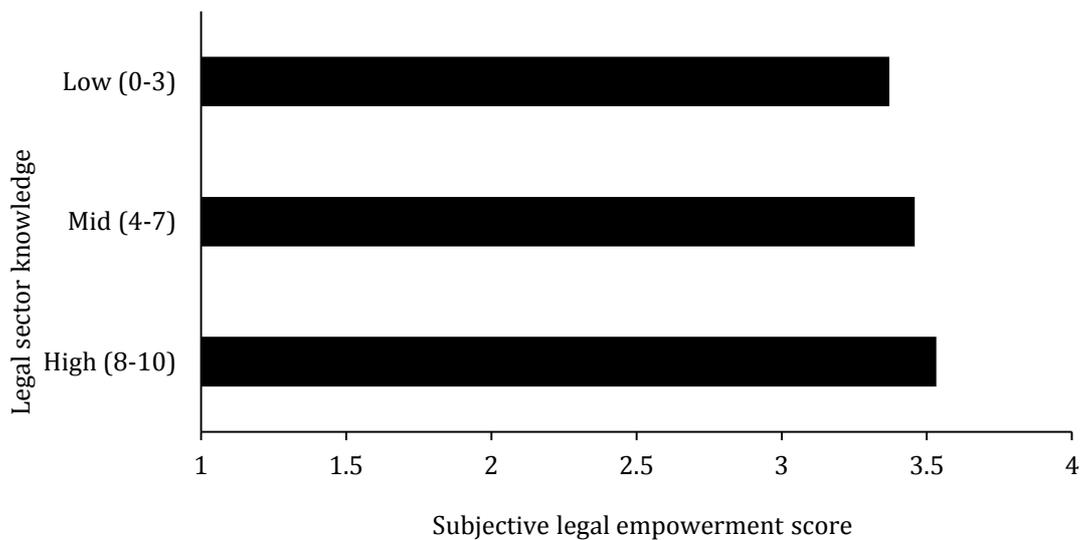


Figure 6.11 The relationship between legal sector knowledge and SLE score (controlling for other variables)

Elsewhere, those respondents who had migrated to the UK within the past 10 years were found to be associated with significantly lower SLE scores than other respondents (0.22 lower), though the same did not appear true of whether English was spoken as the main language in respondents' homes.¹⁹² Also, poor physical and mental health were both associated with slightly lower SLE scores.

There was no evidence of any association between respondents' gender and SLE score.

Finally, there was evidence of household effects in SLE score. If one household member had a high SLE score it was more likely that other household members would also have high SLE scores. Conversely, if one household member had a low SLE score it was more likely that other household members would also

greater in a model including demographics only (i.e. without legal sector knowledge, use of services and problem experience). For example, in the demographics only model, the difference between 'routine manual/other' and 'professional/senior managerial' was statistically significant (a difference in SLE score of 0.09; $\chi^2_1 = 4.98$, $p = 0.026$). However, this difference ceased to be significance once legal sector knowledge and use of services was introduced to the model.

¹⁹² Interestingly, if the 'recent migrant' variable was replaced in the model with whether or not respondents spoke English at home, the relationship between language and subjective legal empowerment score was clearly not significant. The reduction in SLE score with 'other language' spoken at home of 0.04 was clearly non-significant; $\chi^2_1 = 0.64$, $p = 0.42$. However, despite measures being in place to interview in languages other than English, it is unlikely that the CSJPS contained a wholly representative sample of non-English speakers.

have low SLE scores. In all 26% of residual variation was due to differences between households.¹⁹³

Legal problem experience and SLE score

As shown above, legal problem experience had a powerful association with SLE score, with problem experience and particularly multiple problem experience relating to lower SLE scores.

To build on this, we conducted further analysis restricting the dataset to the subset of respondents who reported one or more problems. Specifically, the additional analysis explored the extent to which SLE was influenced by problem resolution strategies, the extent of disagreement within problems, knowledge of rights relating to problems experienced, the severity of problems, fairness of outcomes and satisfaction with outcomes.

If respondents had experienced a problem about which nothing was done,¹⁹⁴ in which there was a disagreement (with an other side),¹⁹⁵ about which there was low satisfaction with the outcome,¹⁹⁶ or about which there was little professed understanding of legal rights,¹⁹⁷ SLE scores tended to be lower. Conversely, if respondents had experienced problems about which they felt they knew their rights, SLE scores tended to be higher. These key variables are summarised in Figure 6.12.

There was also some evidence that having had a particularly severe problem was associated with lower SLE scores. Where respondents reported having one or more particularly severe problem (with a severity score of 41-50 on the 50 point scale), this was associated with a lower SLE score (0.07 lower than those not reporting a particularly severe problem), though the difference fell marginally short of statistical significance.¹⁹⁸

¹⁹³ From the person and household level residuals; $(0.086 / (0.086 + 0.251) * 100) = 25.5\%$.

¹⁹⁴ $\chi^2_1 = 9.25, p = 0.002$.

¹⁹⁵ 0.09 lower than those without a disagreement; $\chi^2_1 = 5.33, p = 0.021$

¹⁹⁶ $\chi^2_1 = 12.07, p < 0.001$.

¹⁹⁷ $\chi^2_1 = 8.60, p = 0.003$.

¹⁹⁸ $\chi^2_1 = 2.84, p = 0.091$ in model A and $\chi^2_1 = 3.82, p = 0.050$ in model C.

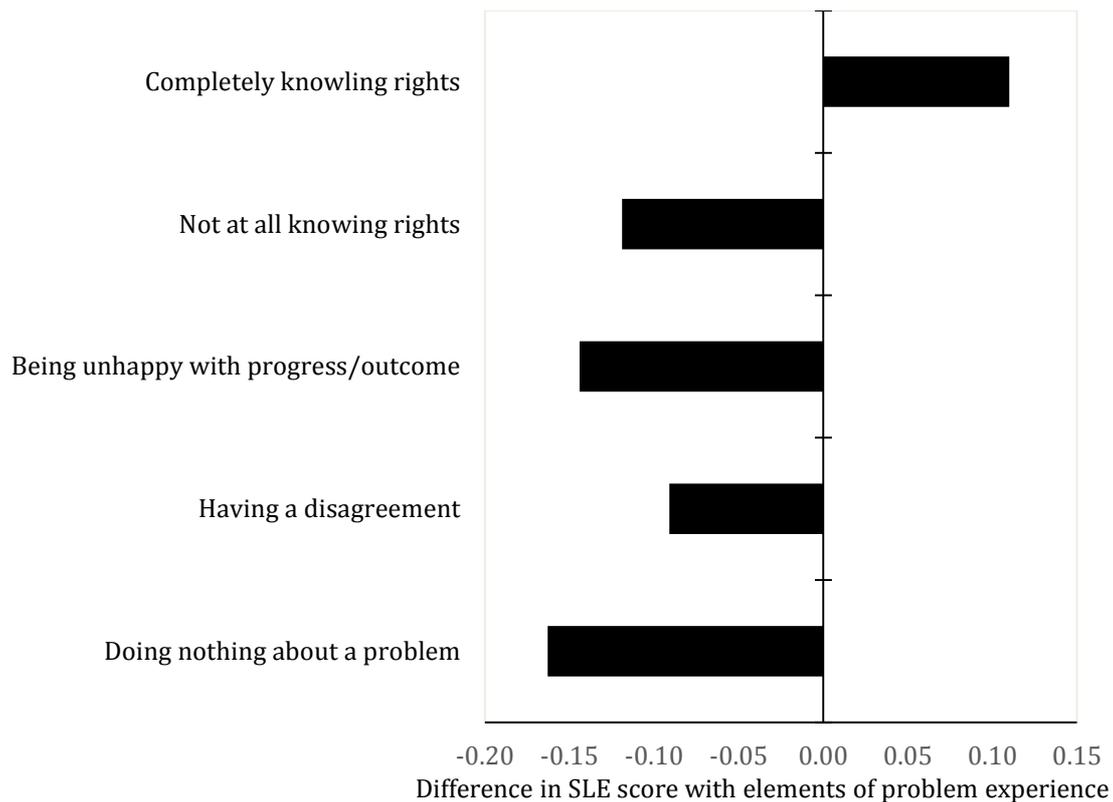


Figure 6.12 Key elements of problem experience that were associated with a significant difference in SLE score (compared to those not reporting these characteristics).

Having handled a problem alone, obtained advice for a problem, obtained legal advice for a problem or used an advice agency for a problem were not associated with significant differences in SLE score.¹⁹⁹

Finally, as with the previous models, there was also some evidence of clustering in SLE score by household. So again, if one household member had a high SLE score it was more likely that other household members would also have high SLE scores. Conversely, if one household member had a low SLE score it was more likely that other household members would also have low SLE scores. 19% of the residual variation was due to differences between households.²⁰⁰

¹⁹⁹ A second model (model B in the statistical appendix) replaced whether or not respondents had obtained advice for a problem with two specific forms of advice; whether or not they had obtained advice from a solicitor or barrister, and whether or not they had obtained advice from an advice agency. However, neither having obtained legal advice nor advice sector advice for a problem related to any difference in SLE score. Compared to those who had not obtained legal advice or advice sector advice for any problems respectively; $\chi^2_1 = 0.23$, $p = 0.63$ and $\chi^2_1 = 0.57$, $p = 0.45$.

²⁰⁰ From the person and household level residuals; $(0.062 / (0.062 + 0.274)) * 100 = 18.5\%$.

Discussion

The findings

Our findings suggest that most people feel reasonably confident about addressing legal problems, and that confidence levels are similar across problem types. However, they also suggest people may generally underestimate the difficulty of resolving problems, reflected in SLE scores falling alongside increasing problem experience (particularly in the case of 5 or more problems).

Providing subtlety to the picture, the experience of different types of problem impacted differently on SLE scores, with particularly significant reductions associated with problems concerning money, welfare benefits, domestic violence and particularly care and clinical negligence problems. There was also some evidence that having had a particularly severe problem was associated with lower SLE scores.

Importantly, SLE scores also appeared to be lower after people had taken no action to resolve problems, when peoples' problems had involved disagreement, when people had not known their rights in relation to problems they experienced, and when they had been unsatisfied with problem outcomes. Thus, our findings point to negative problem experience having a particularly malign influence on SLE levels.

Elsewhere, SLE scores varied by age (with scores reducing with age), knowledge of the legal sector (with scores rising with knowledge), and whether respondents had recently (within 10 years) migrated to the UK (with scores lower for recent migrants). However, no relationship was observed between SLE scores and whether respondents had ever had contact with a legal adviser, advice centre or ombudsman. There was thus little or no evidence of contact with advisers relating to a general empowering effect.

Implications

Confidence in one's ability to address legal problems is evidently a critical component of legal capability. As we detailed in Chapter 2, SLE links to dispute resolution strategy. As SLE increases, so too does the tendency to act to resolve legal problems.

Our finding that negative experience of problem resolution (for instance, where there were disagreements or unsatisfactory outcomes) – and, indeed, though to a lesser extent, any experience of legal problems – impacts negatively on SLE points to a compounding factor to our earlier findings concerning problem clustering and the relationship between legal problems and social exclusion (e.g. Pleasence et al 2004b, Buck et al 2005). As also do our findings that SLE scores are lower when people have previously taken no action to resolve problems (bringing about entrenchment of inaction as a form of response to problems) or previously not known their rights in relation to problems (another aspect of legal capability).

Our findings also confirm the importance of awareness of not only rights, but also the advice sector, raising again the challenge to government and the legal services sector, discussed in the previous three chapters, to increase broad public awareness of legal rights, responsibilities and services.

7

Legal Information and Advice in the Information Age

Introduction

Internet access, capability and the utility of online resources

As with use of the Internet generally, use of the Internet to help resolve legal problems continues to rise. In 2012, The English and Welsh Civil and Social Justice Panel Survey (CSJPS) indicated that people turned to the Internet for help resolving 24% of legal problems, up from just 4% a decade earlier.

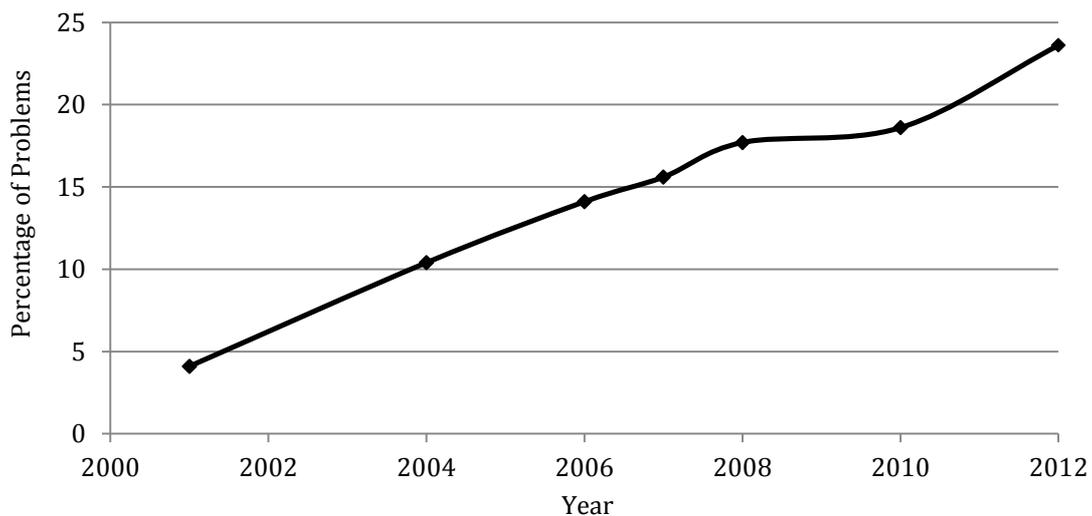


Figure 7.1 Growth in use of the Internet for legal problems from 2001 to 2012 (English and Welsh Civil and Social Justice Survey/Panel Survey)

Alongside rising use, the Internet has been promoted by the government as a tool to aid in the dissemination and delivery of advice, information and advocacy services (Cabinet Office 1999, HM Government 2010), increasingly as a means to reduce public sector transaction costs by reducing demand for more expensive modes of delivery. In the legal services context, a number of areas of advice were excluded from legal aid provision through the Legal Aid, Sentencing and Punishment of Offenders Act 2012 “on the basis that self-help, such as using

information found online, offers a sufficient replacement for access to traditional advice for those experiencing such legal problems” (Denvir et al 2014, p.671, Ministry of Justice 2010). This places great importance on the accessibility and adequacy of alternative services.

However, it is evident that only a minority of people utilise the Internet to help resolve legal problems, and that different population groups have different capacities to do so.

The demographics of effective Internet use

In the early years of the Internet, non-use was largely attributed to ‘the first digital divide’ – the ability of individuals to physically access the Internet. However, focus has now shifted more towards ‘the second digital divide’ – the capacity of individuals to use Internet resources (Hargittai 2002). That is not to say that the first digital divide is no longer of concern. For example, physical access remains relatively low among the oldest in society (Dutton and Blank 2013). But, it is increasingly evident that many of those who have physical access to the Internet struggle to derive the anticipated benefits of online activity (Parle/IARS 2009, Edcoms 2007). This may be particularly so if individuals are not aware of what the Internet can offer (Greater London Authority 2002), they do not possess relevant skills (Eysenbach & Kohler 2002) and/or relevant services are difficult to locate (Scott 1999).

In general, young people might be expected to be less capable of using the Internet for information retrieval tasks on account of their stage of cognitive development and life experience. Young people “prefer to use the Internet as a tool for entertainment rather than advice” (EdComms 2007, p.60). And when using the Internet for advice, their narrower vocabulary and lack of confidence formulating keywords can make defining information needs more challenging, and their greater tendency to get frustrated, experience ‘information overload’ and their poor recollection of sites thought helpful, limits their effectiveness (Bilal & Kirby 2002, Cockburn & Jones 1996, EdComms 2007, Landauer et al. 1992, Shenton and Dixon 2004). Young people’s effectiveness at using the Internet is also limited by their tendency to overlook relevant sites (Tabatai & Shore 2005), use of natural language and longer search terms that are often not handled well

by search engines (Bilal 2000, 2002), and difficulty in distinguishing between accurate and inaccurate sources of advice (Eysenbach & Kohler 2002, Lazonder 2000, Tabatai & Shore 2005).²⁰¹ They also tend to seek 'answers' rather than aiming for a general understanding of issues they face, and thus fare better when dealing with 'closed-ended questions' for which answers must be found than with 'open-ended' questions where general understanding is required (Wallace and Kuperman 1997 as cited by Bilal 2000, Bilal and Kirby 2002). Previous studies have also demonstrated that when using the Internet for the purpose of information seeking, young people tend to emphasise convenience over correctness, and are motivated by information seeking strategies that prioritise speed, potentially at the cost of quality (Connaway et al. 2011, Davis 1989, Rieh 2004, Shenton & Dixon 2004)

Perhaps, then, it is not so strange that Denvir et al (2011) found that young people's greater physical Internet access was not accompanied by an increase in use of the Internet to help resolve legal problems, and that young people who did use the Internet were relatively unsuccessful in doing so.

Of course, barriers associated with young people are not limited to this group. They may equally affect other groups lacking capacity or relevant life experience. It has been shown that willingness and capacity do not always rise in line with age. Findings from the 2006-2009 Civil and Social Justice Survey (CSJS) highlight that those aged 60+ are less likely to use the Internet than other age groups when faced with a legal problem and more often fail to achieve their objectives when they do (Denvir et al 2014).

As well as young people, Denvir et al (2011) found that use of the Internet in relation to legal problems rises in line with educational qualifications. Those with lesser qualifications demonstrate the lowest levels of Internet use. Existing literature also notes the influence of personal characteristics beyond education level, such as social disadvantage, technological capability and advice delivery preferences (Denvir et al 2011, Denvir and Balmer 2014, Attewell 2001, Zhao and Elesh 2007, Greater London Authority 2002, Michael Bell Associates 2007). In relation to the last of these, some people prefer to use the Internet only to

²⁰¹ Denvir (2014) has also highlighted how infrequently individuals seeking information on legal problems, actually consider the legitimacy of a website.

ascertain information, but resort to other advice delivery formats for support in resolving more personal issues (Estabrook, Witt & Rainie 2007).

Internet use and problem characterisation

Another factor that comes into play when searching for information online, is the extent to which individuals understand that problems engage the law and legal rights. Characterisation of problems provides cues to guide individuals in forming appropriate search keywords and selecting relevant content from search results. Yet, previous research has shown that individuals do not always characterise legal problems as being 'legal' in nature (Plesence et al 2010). Although it is true that legal problems do not always require a 'formal legal' resolution, appropriate characterisation is likely to help individuals find suitable online resources, particularly if the language used by mainstream websites is rooted in that of the 'law' and 'rights'.

Although the characterisation of problems as 'legal' is not a prerequisite to searching online, it likely influences the type of information individuals look for, and may make it difficult for individuals to define their information search requests (Belkin 1980). Characterisation of problems is reflected in the key words that people use when searching. As such, poor knowledge of subject matter may be reflected in search queries (Marchionini 1989).

Findings from Denvir's (2014) study of young people's online searching for information about hypothetical rights-based problems, highlight that individuals with less subject-specific knowledge (i.e. non-law students) were less proficient at devising search terms. Denvir also found that, when framing search requests, study participants often drew on cues provided in the problem statements. They also differed in their approach to searching, with younger respondents tending towards search terms framed in a question format, and older respondents tending towards queries centred around keywords. While Denvir's (2014) analysis of online resources also highlights that there is little difference in the type of content appearing in search engines on the basis of search terms, people cannot be blind to the relevance of the law if they are to effectively use the Internet to help resolve a legal problem. Not all problems experienced need to be resolved through legal processes, but legal problems are sensitive to jurisdiction and to the correct

application of relevant laws. The failure to conceive of the law as being relevant to the problem at hand raises issues around whether individuals will be cognisant of jurisdiction and credibility when they rely on resources found online. Certainly, Denvir's (2014) study highlights that individuals are often ignorant of jurisdiction when seeking information from the Internet, with 83 participants (42%) going to a website that provided information which was only relevant in another jurisdiction and 39 participants (20%) visiting websites with completely irrelevant content.

Internet use and subjective legal empowerment

Also, while obtaining knowledge from the Internet is one thing, translating knowledge into effective action is quite another. In addition to making sense of content found online, individuals must deduce from this content appropriate steps to take to try to resolve problems. Furthermore, their confidence in taking these steps and in them being likely to lead to an appropriate outcome is important. Pleasence and Balmer (2013), found that subjective legal empowerment – a concept developed by Gramatikov and Porter (2011) to reflect confidence in resolving legal disputes – was one of the most influential factors associated with taking action to resolve legal problems. As subjective legal empowerment scores increase, inaction significantly decreases.

Awkwardly, knowledge may not always support empowerment. For example, Denvir (2014) found that individuals faced with hypothetical rights-based problems reported being less confident about handling problems after using the Internet to find information than they were before.

Feeling sufficiently empowered to resolve a legal problem is likely to be informed by individuals' attitudes to and perceptions of dispute resolution processes, including the legal system, and their beliefs in their skills and ability to navigate them. However, they are also likely to be informed by perceptions of the complexity of situations, which may increase with exposure to legal frameworks and process requirements. This presents a key challenge to online services, as knowledge of rights must ultimately be key a building block of empowerment.

In this chapter

In this chapter we use data from the CSJPS to explore how those facing legal problems make use of the Internet, drawing on a series of questions relating to the extent to which respondents used the Internet, how they used the Internet, their objectives in using the Internet, and what they achieved from using the Internet and how Internet use fits in with broader problem resolution behaviour.

As part of our analysis, we used binary logistic regression to explore factors associated with Internet use and the role of Internet use in improving (self-reported) knowledge of rights. Details of this analysis and model outputs are set out in the statistical appendix.

Who uses the Internet and when?

To explore the factors associated with fitted a binary logistic regression model incorporating physical Internet access, qualifications, age, problem type and problem severity.

Access to broadband Internet at home was a strong determinant of use of the Internet in the resolution of legal problems.²⁰² In percentage terms, simulated from the statistical model and controlling for other variables, those without home Internet access were predicted to use the Internet 16% of the time, compared to 33% per cent for those with Internet access.

Education level also played a highly statistically significant role in predicting use of the Internet.²⁰³ In particular, those with degrees had high levels of Internet use, with the lowest levels for those with solely GCSE or other qualifications.²⁰⁴ Simulating Internet use from the statistical model and controlling for other variables demonstrated that those with degrees were predicted to use the Internet when faced with a problem 31% of the time, compared to 23% for those with no qualifications/apprenticeship, 22% for those post GCSE/Pre-degree and 16% for those with GCSEs/Other Qualifications.

There was also some evidence of variation in Internet use by age group. While age groups between 16 and 59 were broadly comparable in their Internet

²⁰² $\chi^2_1 = 14.56, p < 0.001$.

²⁰³ Testing the education model terms together; $\chi^2_3 = 29.91, p < 0.001$.

²⁰⁴ Comparing those with 'degrees' to those with 'GCSE/other qualifications'; $\chi^2_1 = 28.80, p < 0.001$.

use when faced with problems (all around 24% controlling for other variables), there was a reduction in use for 60 to 74 year olds (18%) and particularly those aged 75 or older (13%).²⁰⁵

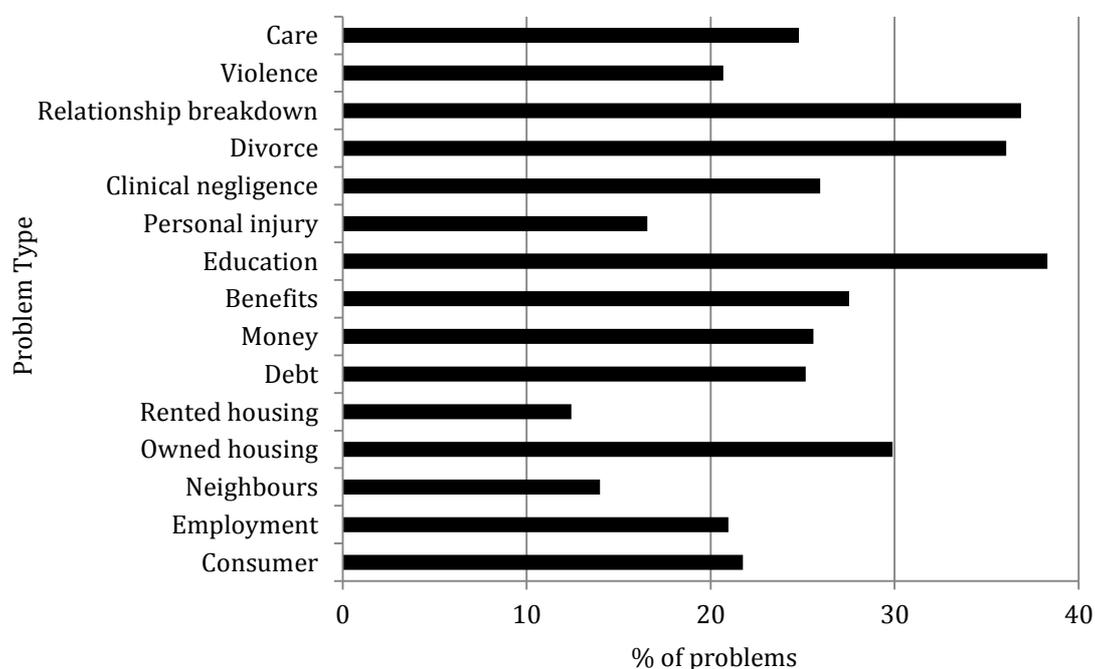


Figure 7.2 Percentage of problems for which the Internet used by problem type (simulated from regression analysis)

There was also considerable variation in use the Internet to address different types of legal problem.²⁰⁶ There were high rates of Internet use for owned housing and, particularly, relationship breakdown, divorce and education problems.²⁰⁷ Conversely, Internet use was lowest for problems concerning neighbours and rented housing.²⁰⁸ Figure 7.2 illustrates the level of Internet use by problem types, whilst controlling for other variables.

²⁰⁵ While 60-74 and 75 or over model terms fell short of significance, this was likely to have been a result of small numbers of older respondents (particularly over 75). If the groups are collapsed into a single 60 or over category significant differences emerge, for example, when contrasted with 45-59 year olds; $\chi^2_1 = 4.29$, $p = 0.038$ and 35-44 year olds; $\chi^2_1 = 4.01$, $p = 0.045$.

²⁰⁶ Testing all of the problem type terms simultaneously; $\chi^2_{14} = 41.99$, $p < 0.001$.

²⁰⁷ With use for divorce; $\chi^2_1 = 4.66$, $p = 0.031$, relationship breakdown; $\chi^2_1 = 5.77$, $p = 0.016$ and education; $\chi^2_1 = 5.91$, $p = 0.015$ all significantly greater than for the consumer model reference category.

²⁰⁸ With use for both neighbours; $\chi^2_1 = 5.37$, $p = 0.020$ and rented housing problems; $\chi^2_1 = 4.86$, $p = 0.027$ significantly lower than for the consumer model reference category.

Finally, use of the Internet was found to rise with problem severity.²⁰⁹ Simulating from the model and controlling for other variables, those with a severity score of 1 to 10 were predicted to use the Internet for only 17% of their problems, compared to 22% for those with scores 11 to 20, 23% for those with scores between 21 to 30, 23% for those with scores 31 to 40 and 27% for those with scores 41 to 50. The difference in use between those with the highest and lowest severity scores was clearly statistically significant.²¹⁰

What is the Internet used for: self-help or signposting?

While the existing literature, alongside the findings from the CSJPS have demonstrated that Internet use varies among groups, it is also the case that not everyone uses the Internet for the same purposes. While some may be seeking signposting to an advisor, others may be seeking to self-help using information they obtain from a range of websites.

This section sets out the answers CSJPS respondents gave when asked:

- (i) what they were hoping to achieve in using the Internet to help resolve a problem; and,
- (ii) what they actually achieved using the Internet.

Objectives when using the Internet

Figure 7.3 illustrates what CSJS respondents wanted from the Internet in relation to legal problems. As can be seen, the Internet was most often used with the intent of obtaining information to help respondents resolve their problems, with this objective expressed in relation to 29% of problems for which the Internet was used (195/668 problems). This was closely followed by those seeking to obtain information about their rights (27%). Individuals least frequently sought the telephone number of an advisor (8.2%), an online service to resolve the problem for them (4.2%), or details of an advisor to see in person (2.8%).

²⁰⁹ Testing the severity terms together showed a significant association with Internet use; $\chi^2_4 = 10.17$, $p = 0.038$.

²¹⁰ $\chi^2_1 = 9.87$, $p = 0.002$.

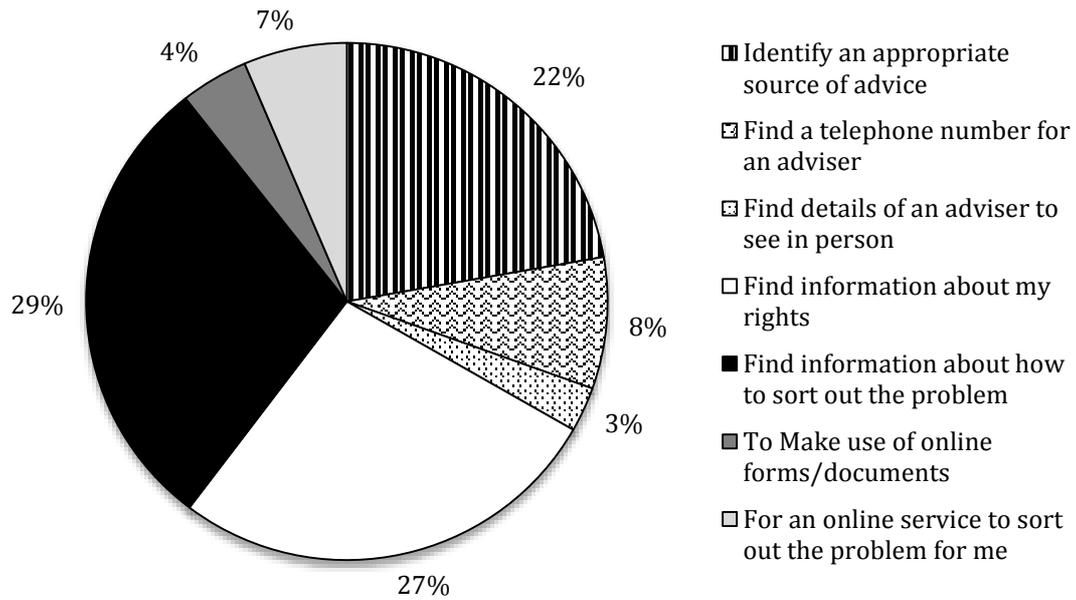


Figure 7.3 The Internet goals expressed by CSJPS Respondents.

Success in meeting objectives

When it came to success in meeting goals, 34% of objectives were said to have been met fully and 28% met partially, although success rates varied by objective. As illustrated by Figure 7.4, individuals were most successful when seeking to identify appropriate sources of advice and seeking telephone numbers for advisors.

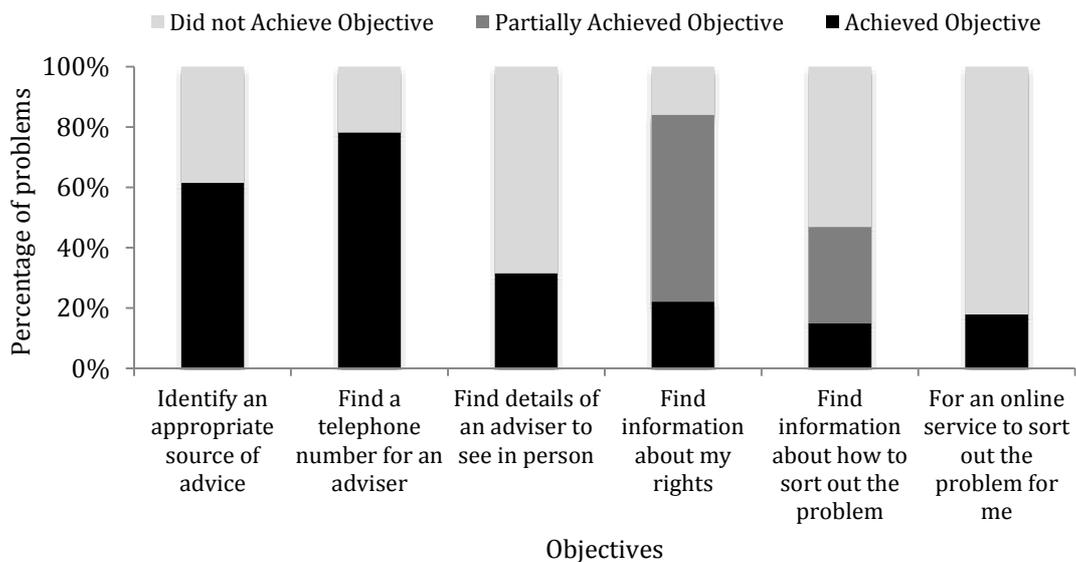


Figure 7.4 Number of online objectives met (either fully or partially)

For both those seeking information about their rights and those seeking information to sort out their problem, individuals more commonly achieved their objective only in part. Individuals rarely found an online service to resolve their problem for them.

The fact that individuals were more successful in partially or fully achieving their online goals when they were seeking information about their rights rather than information to help them resolve their problem may point to the nature of online information. As has been noted in previous studies (Denvir 2014, Advice Services Alliance 2006) information available online tends to be geared more towards the provision of rights-based information rather than the provision of problem-solving content. Notably, websites tend to focus on providing guidance as to where an individual might stand in a given dispute (from a legal perspective), rather than providing action-orientated content aimed at guiding individuals towards resolution. This may leave individuals aware of their rights, yet lacking awareness of how to enforce these rights. In Denvir's 2014 study, it was hypothesised that this explained why young people tended to rely on a number of sources of assistance, which included, but was not limited to the Internet.

Innovations emerging in other jurisdictions, notably the Rechtwijzer website (www.rechtwijzer.nl) provided by the Dutch Legal Aid Board which aims to present problem resolution in a decision-tree model, provide evidence as to how websites might better incorporate different types of information (see further Smith and Paterson 2014). And, soon, Rechtwijzer 2.0 and the British Columbian online Civil Resolution Tribunal (CRT) which promise to "morph" online legal information into online dispute resolution (Smith 2014).

With so many individuals being successful in obtaining the telephone numbers of advisors, it points to the availability of certain signposting content in favour of other types of content. Equally, the success of those seeking telephone numbers may be a reflection of the fact that searching for a telephone number is a very narrow and well-defined information-seeking goal. This is not true of those seeking 'information to help resolve the problem' which could feasibly encompass a broad range of information needs, some of which may be tailored towards problem-solving, but which might also be aimed at helping individuals to better

contextualise or define their problem without necessarily providing problem-solving advice. With some individuals successful in obtaining more information to help them solve their problems than others, the issues individuals face when seeking information online may relate, not just to the content available online, but also to individuals' understanding of what content they need and how to go about obtaining it.

As Puustinen and Rouet's (2009) research identifies, document searching (online or otherwise) requires self-awareness of one's information needs as well as the ability to make a judgment as to when sufficient information has been gathered. Numerous studies have however revealed the difficulties certain groups face in defining their problems (Brand-Gruwel et al. 2005, Branch 2001, Lazonder 2000). Research has found that users often have trouble selecting relevant categories from web-like menus (Puustinen and Rouet 2009), struggle to generate an appropriate set of key words when utilising search functions and rarely think to use synonyms (Schacter et al. 1998) or alternative words upon initial failure (Bilal 2002, Dinet et al. 2004). Consequently, some researchers suggest that the skills needed to be an effective help seeker and information searcher must be taught (e.g. Wood and Wood 1999). These findings are reaffirmed by Denvir's (2014) study, which highlighted that young people often struggled to obtain information online, in spite of being educated and experienced Internet users studying at high school and undergraduate level.

When we looked at differences between success rates on the basis of demographic characteristics, there were some modest differences between those successful in achieving their goals and those not successful; although it is to be noted that, while objectives were generally similar between groups, some differences were observed.

For example, for 16 to 24 and 25 to 34 year olds who expressed objectives, 21% of objectives were reported as having been fulfilled. However, this compared to 34% in the case of 35 to 44 year olds 30% for 45 to 59 year olds and 29% of those aged 65 or over. Also, those experiencing problems with a severity score under 40 met their goals in relation to 28% cent of objectives, compared to 18% for those reporting a severity score over 40. This may link to the earlier finding that those facing more severe problems used the Internet than more than those

facing less severe problems.

Additional value gained from the Internet

Although individuals were not always able to achieve their objectives when using the Internet, this is not to say that those individuals gained nothing from Internet use. Table 7.1 displays what people wanted from the Internet in the context of everything else they obtained from Internet use. As can be seen, irrespective of an individual's original objectives all respondents demonstrated a high degree of success in obtaining some information about their rights.

In some cases, people were more successful in obtaining this information than they were in fulfilling their original objective. So, for example, only 10% of those seeking an online service to resolve the problem were successful in finding such a service, yet 12% of the same people were successful in obtaining some information about their rights and another 12% in obtaining all the information they needed about their rights. Individuals also more often found the telephone number for an advisor than managing to find an advisor to see in person.

Internet use and resolution strategy

In order to explore how people went about resolving legal problems, CSJPS respondents were asked a range of questions designed to investigate their use of formal and informal advisors. Those who used the Internet obtained formal advice more often than those who didn't. In contrast, those who used the Internet handled their problems alone less often than those who didn't (45% v. 39%). This may be because people sometimes used the Internet to find out the details of advisers, or it may be a reflection of the nature of content available online, which acts to encourage individuals to seek assistance from offline sources (acting, perhaps, as a form of triage) or reinforces the need for assistance (acting, perhaps, to exhibit the complexity of problems or their legal character). This last sentiment echoes Denvir's (2014) finding that individuals were less confident handling problems after using the Internet to find information than they were before; despite improvements in knowledge of rights.

Table 7.1: What respondents wanted from the Internet and what they got

	What respondents got from the Internet							Online service sorted out the problem
	Identified an appropriate source of advice	Found the telephone number for an adviser	Found the details of an adviser to see in person	Obtained information about my rights		Obtained information about how to sort out the problem		
What respondents wanted				SOME	ALL	SOME	ALL	
Identify an appropriate source of advice	37.8	12.4	2.9	17.4	9.5	12	7.1	0.8
Find a telephone number for an adviser	17.6	34.4	5.6	18.4	7.2	10.4	5.6	0.8
Find details of an adviser to see in person	12.2	24.5	12.2	22.4	6.1	12.2	6.1	4.1
Obtain online information about my rights	14.8	9.2	3	36.8	13.2	14.5	7.6	1
Obtain online information about how to sort out the problem	15.4	10.4	3.3	22.7	16.4	20.7	9.7	1.3
Make use of online forms or documents	16.9	9	3.4	20.2	12.4	23.6	13.5	1.1
For an online service to sort out the problem for me	14.3	10.2	4.1	12.2	12.2	14.3	22.4	10.2

Those using the Internet sought formal help more often even when severity was factored in. For problems with a severity score of less than 30, when the Internet was used, advice from lawyers was obtained for 6% of problems and other formal advice for 26% of problems. When the Internet was not used, the figures were 5% and 19%, respectively. For problems with severity scores of 30 or over, when the Internet was used, advice from lawyers was obtained for 14% of problems and other formal advice for 30%. For problems where the Internet was not used, the figures were 24% and 9%, respectively.

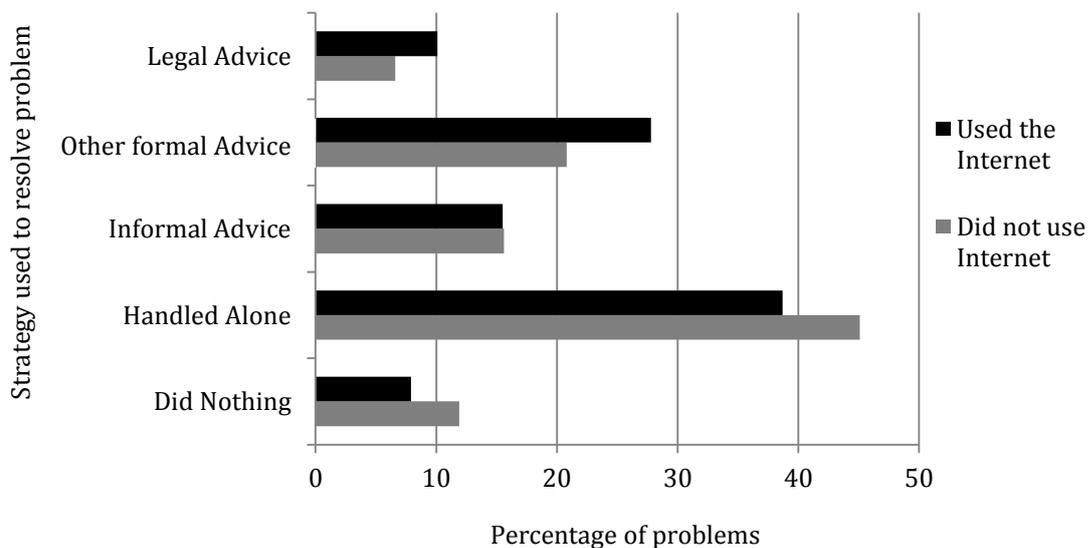


Figure 7.5 Percentage of problems for which a particular strategy was adopted, by those using the Internet and those not using the Internet²¹¹

In spite of those using the Internet turning to formal advisors somewhat more frequently than non-Internet users, the Internet was only infrequently responsible for signposting people to sources of advice. Of those who used the Internet and who obtained advice, only 14% found out about their advisor from the Internet, with most Internet users finding out about their advisor from friends/family (22% of problems), or having existing knowledge of the advisor/service (37%). The Internet/email was also an infrequent method of making contact with advisors.

²¹¹ For the avoidance of confusion it should be noted that unlike previous surveys, the CJSPS asked about strategy separate from Internet use, so that an individual who reported using the Internet could still be classified as ‘doing nothing’ about their problem if they failed to take any action other than using the Internet.

Moreover, as is illustrated by Figure 7.6, when successful contact was made with advisors, respondents used email/Internet to make contact for just 6% of problems, compared to 46% in the case of the telephone and 40% in the case of physical visits. A similar pattern emerged in the case of unsuccessful attempts to contact advisors; though here the telephone was more prominent.

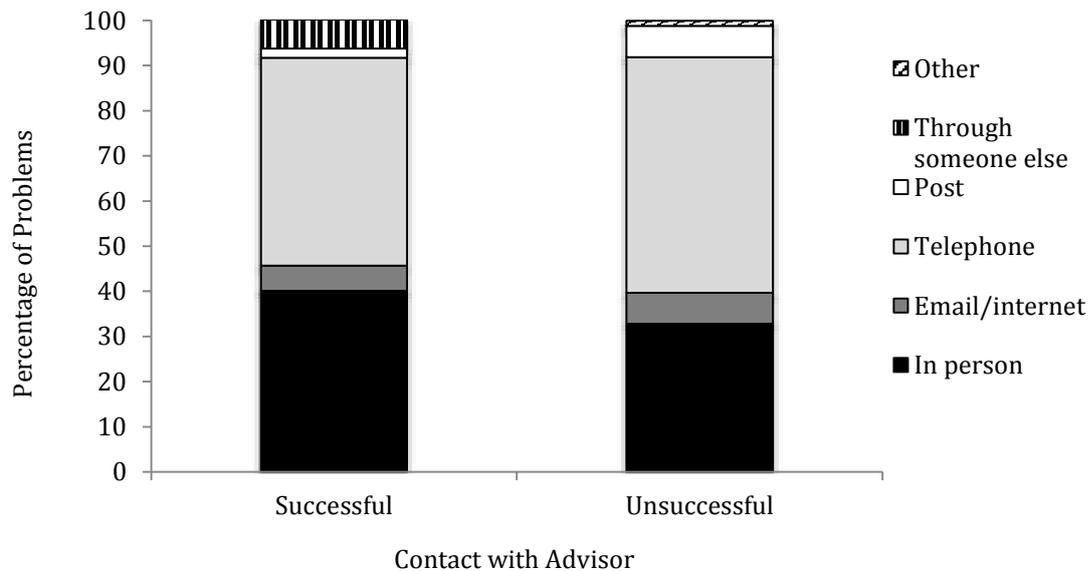


Figure 7.6 Percentage of problems for which successful and unsuccessful efforts were made to contact an advisor, by mode.

Problem characterisation, strategy and use of the Internet

While it is not clear at what point CSJS respondents came to their understanding of the character of their problems (as they were asked about characterisation only at interview), differences were evident in how problems were characterised on the basis of whether respondents used the Internet or not. As can be seen from Figure 7.7, characterisations of problems as legal were more common among those who had used the Internet (20%) than those who had not (9%). Moral and bureaucratic characterisations were also more common among Internet users. Bad luck and family/community issue characterisations went the other way.

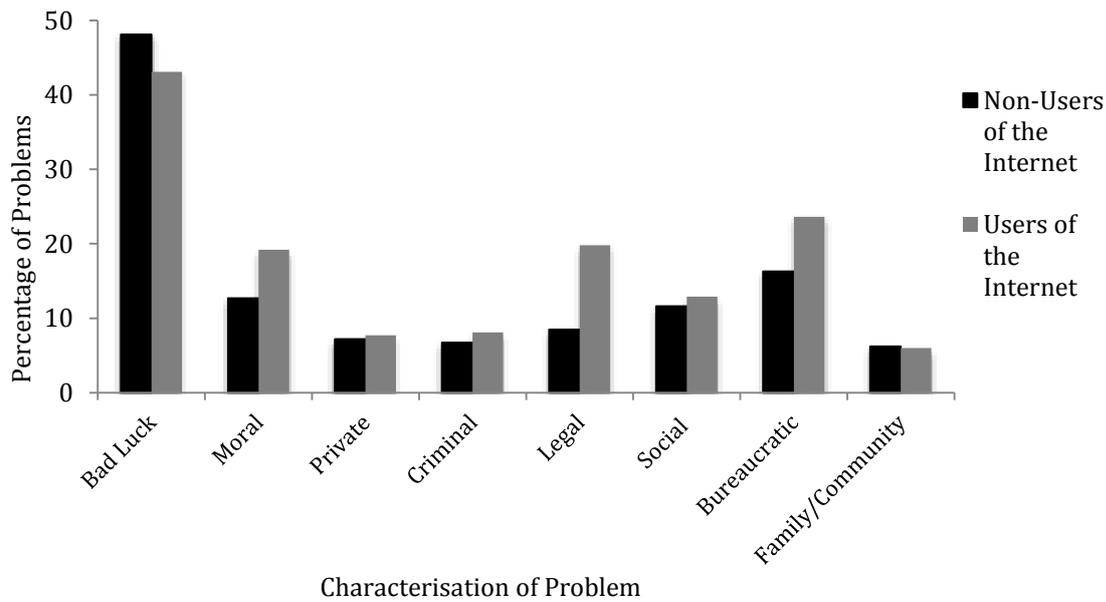


Figure 7.7. How problems were characterised by Internet users and non-Internet users

The relationship between characterisation, strategy and use of the Internet is not clear. It may be, as suggested above, that characterisation is influenced by content viewed online and this accounts for the differences between groups. Conversely, the fact that such differences exist may account for why some people use the Internet and others do not.

Web use in legal problem resolution

When it comes to using the Internet to address informational needs, previous studies have found that individuals rarely navigate directly to websites (Rose and Levinson 2004); are not good at remembering the names of the websites they use, or have used in the past; and rely strongly on search engines (Eysenbach and Kohler 2002, Denvir 2014). This places emphasis on search engines, with the problems that entails in relation to navigation to the most appropriate online destinations (detailed in the introduction). Evidently, the utility of different websites varies greatly as regards problem resolution. In the legal context, Denvir (2014) found that use of particular websites was correlated with increased acquisition of knowledge, demonstrating that some websites are of greater benefit than others. So in relation to her hypothetical employment problem, the (now defunct) direct.gov website was associated with the best knowledge score improvement, while for the housing problem the Shelter website (www.shelter.org.uk) was associated with best improvement.

Websites Used

Figure 7.8 shows the 'main' websites that Internet using CSJPS respondents made use of.

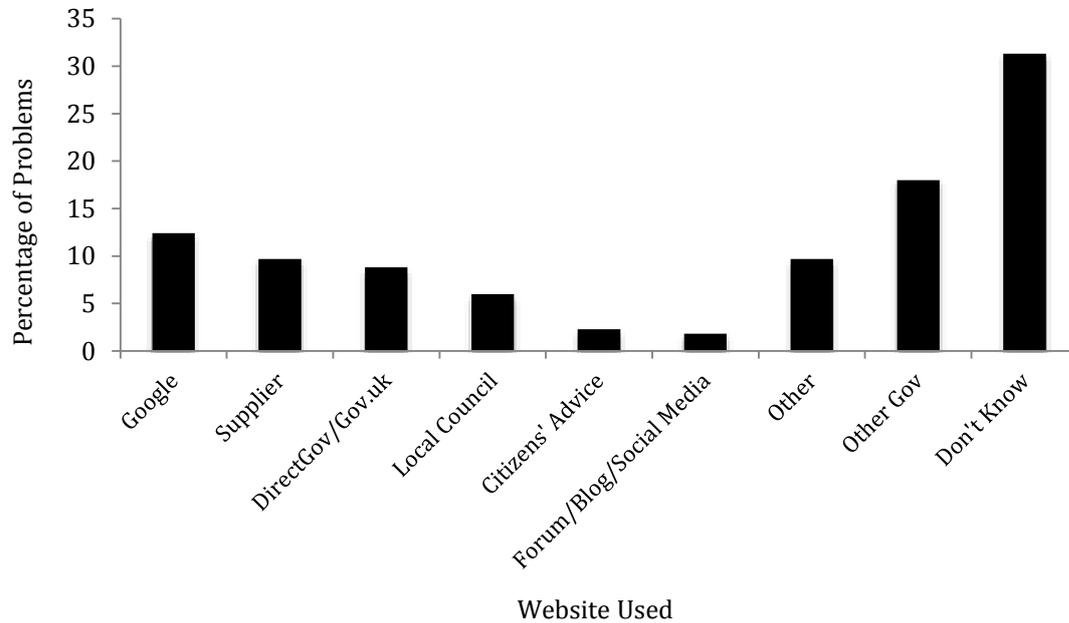


Figure 7.8 Percentage of problems for which particular websites used as main website.

As can be seen, and as has been demonstrated in the existing literature, for the majority of problems (31%, n=68), respondents did not remember the website they used when going online to help resolve their problem. Also, for many problems (12%, n=27), respondents reported that they used 'Google' as the main site to help resolve problems, highlighting reliance on search engines to locate sources of information. Relatively few respondents recalled 'DirectGov/Gov.uk²¹² as the main website used (9%, n=19), or the Citizens Advice website (2%, n=5) (a similar number used a forum/blog/social network (2%, n=4).

A range of other government websites (and the websites of non-departmental public bodies) were utilised by respondents (18%, n=39), including that of Revenue and Customers (HMRC), that of the court service (HMCS) and that of the Advisory, Conciliation and Arbitration Service (ACAS). Figure 7.9 details the way in which individuals were routed to specific websites. For most sites, individuals relied on Google to signpost them appropriately (31%, n=67), with others reporting 'searching/browsing' as the route to the website they used, without naming a specific search engine (10%,

²¹² DirectGov transitioned to Gov.uk during the survey reference period

n=22). There were a number of problems for which individuals already knew of the website (24%, n=51), although this was generally because the website used was Google! For a smaller number of problems, respondents were directed via correspondence from the other side (8%, n=18), while there was still a number of respondents who didn't know how they found the website they used in relation to their problem/s (16%, n=35).

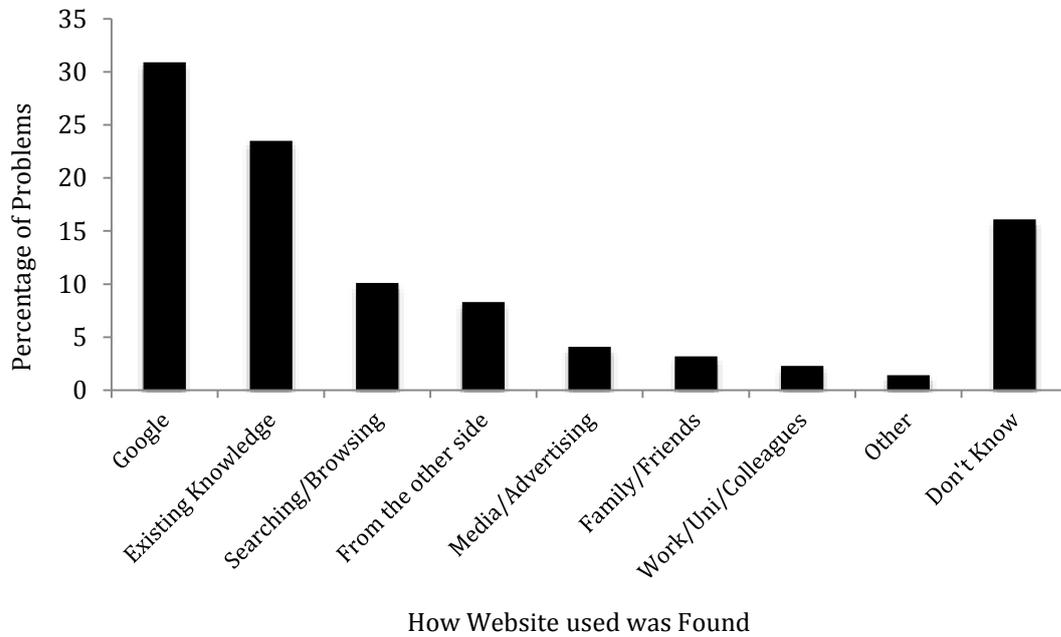


Figure 7.9 How websites used were found.

Length of time spent online

For the majority of problems (61%), respondents spent an hour or less online, although there were a number of problems (10%) for which over 12 hours were spent online. Looking at whether there was a relationship between the time spent online and the severity an individual attributed to a problem, a two-tailed Spearman's rank order correlation found evidence of a positive correlation between severity and time online (with time increasing in line with severity). But, whilst the finding was statistically significant, the overall correlation highlighted only a weak relationship between the two variables.²¹³ Those who obtained advice in relation to their problem spent, on average, less time using the Internet to resolve their problem, as may well be expected, since many of these would have been using the Internet as a signposting tool. These findings are in keeping with existing research, which has indicated that people tend to spend less than

²¹³ $r_s=0.178$ ($p < 0.001$)

30 minutes online in respect of legal problems (Denvir 2014) and this was the case for 40% of problems (n=161) in this analysis.

Obtaining knowledge and improving legal capability

As already shown, CSJPS respondents frequently reported acquiring a better understanding of their rights by going online in respect of their problem (irrespective of whether this was their intention). But what role did the Internet play for those who already professed to have an understanding of their rights at the outset of problems?

The role of the Internet in improving knowledge of rights

Both the 2010 and 2012 waves of the CSJPS incorporated questions asking respondents whether they had understood their legal rights at the time legal problems arose.²¹⁴ For those who professed not to know their rights at the outset they were asked whether they understood their legal rights at the time of interview.²¹⁵ Respondents who claimed to understand their rights were also asked how they had come by their knowledge.

A quarter of CSJPS respondents²¹⁶ believed they ‘completely’ understood their legal position at the time legal problems arose, with a further 20% believing they ‘mostly’ understood their legal position. This left 21% believing they only ‘partly’ understood their legal position and 34% reporting they didn’t understand it ‘at all’.

Looking at how knowledge was (said to be) acquired, Figure 7.10 shows the various sources identified by CSJPS respondents. As can be seen, respondents most commonly said that they had acquired their understanding from speaking to an advisor (30%), although acquiring knowledge through family and friends was also common (26%). The Internet was a relatively infrequent source of understanding (11%), only slightly more common than talking to the other side (10%) or referring to a leaflet/book (9%), and lower than past experience of a similar problem (14%).

²¹⁴ “Thinking about the time the problem first started, to what extent did you understand your legal position - for example, what your legal rights were?” The available responses were ‘Completely’, ‘mostly’, ‘partly’, ‘not at all’.

²¹⁵ “To what extent do you now understand what [your/their] legal position was?” The available responses were ‘Completely’, ‘mostly’, ‘partly’, ‘not at all’.

²¹⁶ Excluding those who did not know (3.5%).

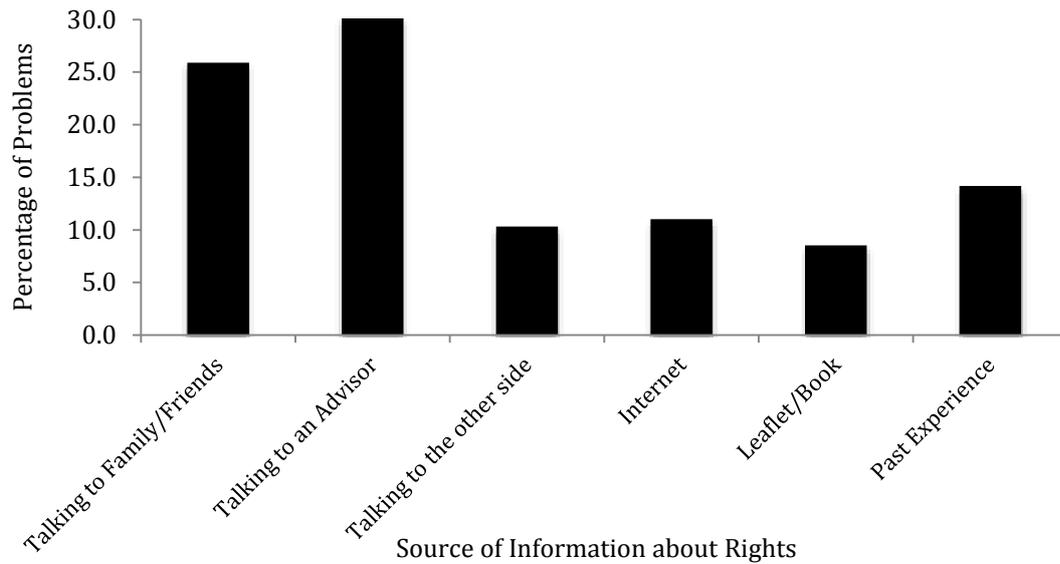


Figure 7.10 How respondents found out about their rights in relation to their problems.

Evidently, understanding the Internet’s role in improving knowledge of rights must be understood with reference to a broader range of factors than just Internet use, especially given that individuals who use the Internet are more likely to seek formal advice. Problem characterisation is also likely to be of influence since those who do not characterise their problem as legal are unlikely to see the relevance of ‘rights’ in the context of their problem. Further, any assessment of success must take into account an individual’s level of subjective legal empowerment, as empowerment will reflect an individual’s likely degree of motivation in pursuing information and resolution.

Knowledge, characterisation and empowerment

In this section we turn to focus on the role the Internet plays in the acquisition of knowledge.²¹⁷ In order to do this, we take a deeper look at those respondents to the CSJPS who professed not to know their rights at the outset of problems but who acquired knowledge over their course.

To identify factors associated with the acquisition of knowledge we fitted a statistical model exploring knowledge acquisition on the basis of use of the Internet, use of formal advisors, problem characterisation and subjective legal empowerment.

Use of the Internet was a key predictor of knowledge acquisition and associated with a statistically significant increase in the likelihood of gaining knowledge of rights, both for those who used the Internet for signposting²¹⁸ and, particularly, for those who used the Internet specifically to acquire knowledge of rights or information to help resolve problems.²¹⁹ In percentage terms (controlling for other variables), when the Internet was used to acquire knowledge of rights, 74% of respondents with an initial knowledge deficit reported an improvement in knowledge, compared to 66% for other Internet users and 49% for those who did not make use of the Internet.

Those who obtained formal advice were also far more likely to report improvement in their knowledge of rights over the course of problems.²²⁰ In percentage terms, controlling for other variables, this equated to a 63% likelihood of improving rights, compared to 47% for those not obtaining formal advice. The impact of obtaining formal advice was particularly clear when combined with Internet use, with those who obtained formal advice *and* who used the Internet to obtain information, acquiring knowledge on 81% of occasions, compared to those who did not obtain formal advice and who did not use the Internet, where the rate of improvement was just 44%.

Looking at the role that problem characterisation played in the acquisition of knowledge, it was interesting to note that certain characterisations were associated with lower levels of knowledge acquisition than others. As shown in Figure 7.11, problems

²¹⁷ In Denvir's (2014) study, 69% of participants improved their knowledge of rights in either housing or employment law following Internet use. However, although the information needed to answer the questions were available on two mainstream websites, individuals rarely managed to answer all questions correctly. Those who were given a 'hint' directing them to a website where all the answers were provided were no more likely to increase their scores compared to those left to search the Internet freely.

²¹⁸ $\chi^2_1 = 4.06, p = <0.05$.

²¹⁹ $\chi^2_1 = 16.57, p = <0.000$.

²²⁰ $\chi^2_1 = 19.29, p < 0.001$.

characterised as being ‘bad luck/part of life’, ‘social’, ‘bureaucratic’ or ‘family/community’ were associated with lower rates of knowledge acquisition. The opposite was true of problems considered ‘private’, ‘moral’, ‘legal’ and ‘criminal’, although the difference was only statistically significant for ‘legal’ problem characterisation.²²¹ In percentage terms, those characterising their problem as ‘legal’ had a 62% likelihood of improving their knowledge, compared to 50% for others.

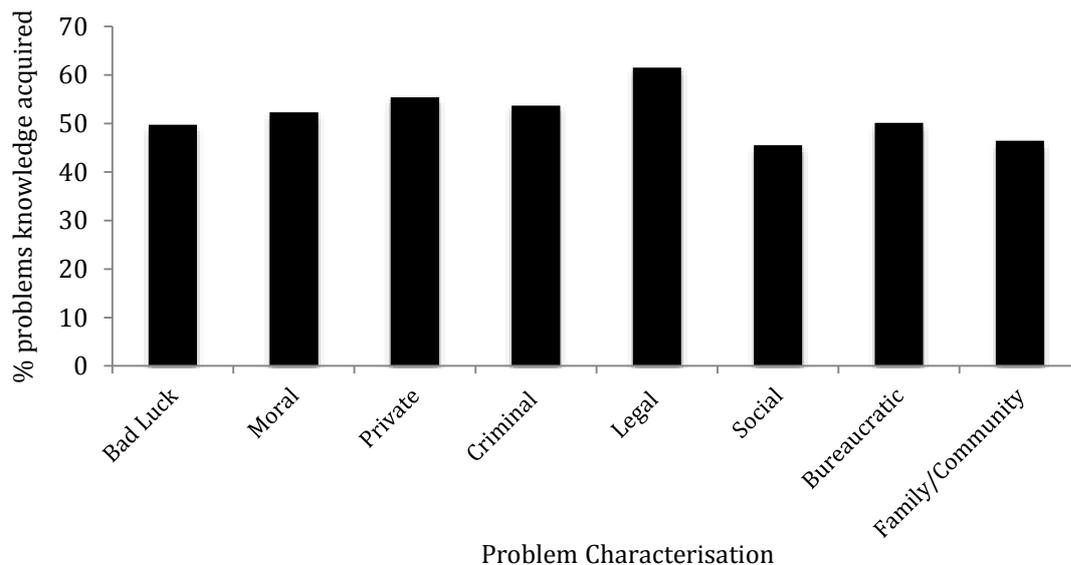


Figure 7.11 Percentage of problems for which subjective knowledge of rights is acquired during the course of the problem, by problem characterisation

Those who used the Internet to obtain information about problems were more likely to be successful in obtaining knowledge if they characterised their problem as legal (80%) than if they did not (72%). Improvement in knowledge on the basis of problem characterisation and Internet use may be related to the types of ‘key words’ the main advice websites use to attract visitors. Conversely, it could also be the case that information provided online more often leads individuals to characterise their problem in certain ways as a result of the nature and phrasing of content. This is a knowledge gap that cannot be filled with the existing data and requires greater investigation to determine the role characterisation plays in influencing the online information seeking behaviours of Internet users. Added to this, there remains a need to explore the extent to which online resources are currently ‘framing’ their content in a manner that best meets the perceived needs of users.

²²¹ $\chi^2_1 = 5.20, p = 0.023$.

Level of subjective legal empowerment was not a statistically significant predictor of improved knowledge.²²²

Discussion

The findings

Despite the fact that use of the Internet to help resolve legal problems continues to rise, still only around a quarter of those facing problems make use of online resources. Moreover, those people who do, are not representative of the public as a whole. In line with earlier studies, our new findings confirm that access to broadband Internet at home is a key predictor of Internet use, as is a higher level of education. Also as expected, it remains the case that the oldest in society are less likely to go online for assistance to deal with legal problems.

Building on this, our findings point to considerable variation in use of the Internet to address different types of legal problem, with low rates observed for problems concerning neighbours and rented housing. But Internet use was found to increase along with problem severity.

In terms of the substance of Internet use, we found it was most often used to obtain information to help resolve problems or clarify rights. Use of the Internet akin to a directory was far less common. However, in terms of success in meeting objectives, this picture was inverted. Greatest success was associated with discrete information tasks, such as obtaining telephone numbers for advisors. We also found that middle-aged respondents and those facing more severe problems were more successful in meeting objectives online.

However, irrespective of an individual's original objectives in going online, our findings clearly indicate Internet users' high degree of success in obtaining *some* useful information.

It is also clear that Internet use is associated with higher usage levels of other forms of service. Those who used the Internet obtained formal advice more often than those who didn't, despite the Internet only infrequently being responsible for signposting people to sources of advice.

²²² Testing the subjective legal empowerment terms simultaneously; $\chi^2_2 = 2.17$, $p = 0.34$.

Internet use also appears to be associated with how people characterise problems, with 'legal' characterisation found to be more common among CSJPS respondents who sought assistance online.

Confirming the findings of previous studies, for the majority of problems CSJPS respondents did not remember the website they used when going online to help resolve their problem. In addition, many reported 'Google' to be the main site they used, highlighting reliance on search engines. On only a quarter of occasions did respondents already know about the website they used before going online, and this was generally because the website used was Google!

In terms of time spent online, our findings paint a picture of relatively fleeting usage, with the majority of respondents CSJPS spending an hour or less online.

And the effect of time spent online? While the Internet was only relatively infrequently reported to be the source of respondents' understanding of their rights use of the Internet was found to be a key predictor of knowledge acquisition among those whose knowledge level was poor at the outset of problems. This was particularly so for those who used the Internet specifically to acquire knowledge of rights or information to help resolve problems.

Finally, those who used the Internet to obtain information about problems were more likely to be successful in obtaining knowledge if they characterised their problem as legal.

The Implications

As can be seen from our findings, the way in which individuals interact with the Internet when faced with legal problems is complex. Our findings provide examples of both the first and second digital divide at play and suggest that disadvantaged groups – those who tend to experience multiple, severe problems – remain poorly placed to benefit from the Internet as a source of help.

Also, while the benefits gained by Internet users as regards knowledge acquisition are encouraging,²²³ it is a matter of concern that CSJPS respondents' information acquisition objectives in going online were often not met. Importantly, and as noted in previous studies (e.g. Denvir 2014, Advice Services Alliance 2006), these findings may

²²³ Even though, as in Denvir's (2014) study, respondents rarely attribute increases in knowledge to the Internet

reflect the nature of information provided online and the tendency for online resources to focus on answers to simple problems and to prioritise the provision of rights-based information rather than information that can help individual's 'action' their rights and handle problems independently.

Perhaps as a function of the content available online, CSJPS respondents rarely used the Internet in isolation. For over half of problems reported, the Internet formed only one part of a broader resolution strategy that included use of formal advisors. This is in line with previous studies that have highlighted how websites provided by the legal profession commonly advocate obtaining professional advice (Denvir 2014). It is also possible that online research sometimes promotes characterisation of problems as legal and/or complex, and these may also be factors that push people towards formal advice (Pleasence et al 2004). Alternatively, it may be that people who obtain advice have a greater likelihood of utilising support services in general.

Despite the connection between Internet use and formal advice, the Internet/email was rarely used as a mode of contacting advisors, suggesting a disconnect between Internet use and interaction with advisors. The Internet was rarely used as a seamless method of obtaining information *and* advice, and combinations of online and offline sources of information were most common. This may be dictated by individuals' personal help-seeking preferences, noting previous studies, which suggest individuals prefer traditional modes of access where problems are complex (see, further, Agosto and Hughes-Hassell 2005). It may also reflect the availability of online services (as opposed to online information) to assist in problem resolution, and the tendency of websites to advertise phone numbers more prominently than email addresses when directing individuals to further sources of assistance (Denvir 2014).

Findings from this study when taken in conjunction with those of Denvir (2014) suggest that service providers must think very carefully about the type of content provided online and the purpose of providing this content. If the Internet is to be seen as a self-help resource, it would appear that more needs to be done to provide step-by-step guidance for individuals. Innovations emerging in other jurisdictions, notably the Rechtwijzer website (www.rechtwijzer.nl) provided by the Dutch Legal Aid Board, which aims to present problem resolution in a decision-tree model – and, soon, Rechtwijzer 2.0 and the British Columbian online Civil Resolution Tribunal (CRT) which promise to “morph” online legal information into online dispute resolution (Smith 2014) – provide

evidence as to how websites might better incorporate different types of information (see, further, Smith and Paterson 2014).

There is also a need for online services that are sufficiently broad to draw in as many people as possible. However, in looking to extend the safety-Net, it must be recognised that the Internet is not a suitable self-help tool for all people or legal problems. That said, there should be much scope to better utilise information that service providers already have access to. For example, certain services providers who offer email assistance (e.g. Shelter, Citizen's Advice) may be in a position to publish the advice they give to individuals in relation to specific problems. An answer-bank of this nature may offer the compromise between the sufficient breadth and optimum depth necessary, yet not always achieved, by FAQ sections.

Finally, it is informative that it was not entirely clear which websites CSJPS respondents used, given the tendency for most to either forget or report that they used a search engine as their primary website. The fact that individuals frequently forgot the website they used is not uncommon (Eysenbach and Kohler 2002, Denvir 2014). Nonetheless, for service providers it suggests (as was found by Denvir 2014) that search engines are the key to user engagement. Thus much future success will depend upon where sites find themselves in search rankings. This reasserts the importance of placement in search rankings, over and above other forms of advertising.

In a fast developing field such as technology it is to be expected that, with adequate funding, online services will continue to improve to provide better support to those seeking information and advice for legal problems. However, as much as the Internet can widen access to justice, there is also the danger that reliance on online services will further marginalise some of the most disadvantaged in society. The benefits offered by online legal services continue to be dictated by the accessibility and quality of information provided and the public's capacity to use it and apply it in a meaningful way. There is a need for sustained investment in online resources if they are going to become more central to legal problem resolution. But there is also an evident need for a diverse range of accessible and affordable legal services, to ensure that justice can be achieved by people from all sections of society and across all areas of the law.

8

Capability, Problem Experience and Demographics

Introduction

Exploring lower and higher capability respondents

This Chapter explores the interaction between variables and measures considered in previous chapters and how this interaction relates to aspects of problem experience and respondents' characteristics. It is focused on two sets of problems reported through the CSJPS:

- Those problems about which respondents suggested they knew their rights only 'partly' or 'not at all' at the outset, and where respondents knew something about a maximum of 5 of the 10 types of adviser they were asked about in general questioning and had a relatively low subjective legal empowerment score.²²⁴
- Those problems about which respondents suggested they knew their rights either 'mostly' or 'fully' from the outset, and where respondents knew something about the majority of adviser types they were asked about in general questioning²²⁵ and had a relatively high subjective legal empowerment scores.²²⁶

In total, there were 340 problems of the first type (where respondents might be described as 'lower capability'), and 365 problems of the second type (where respondents might be described as 'higher capability').

Analysis

Having created groups of problems reported by 'lower' and 'higher' capability respondents (as defined above), analysis first explored the extent to which these groups were comprised of different types of problem, likely to involve different strategies,

²²⁴ Of 20 or less on a scale ranging from 6 to 30.

²²⁵ Knew something about six to ten of ten advisor types presented.

²²⁶ Of 21 or more on a scale ranging from 6 to 30.

progressed or led to different outcomes or were more or less likely to involve adverse consequences.

To allow a comparison of lower and higher capability respondents' demographic characteristics, problem level data was then aggregated into a new *person level* dataset,²²⁷ yielding 219 lower and 236 higher capability respondents, all of whom had experienced at least one legal problem. The demographic characteristics of lower and higher respondents were then explored.

Limitations

This analysis was necessarily limited by the questions available within the CSJPS datasets. While more information concerning capability was collected through the CSJPS, compared to earlier surveys, the information was nonetheless confined to a relatively small number of variables. A more comprehensive measurement of capability and understanding will not be possible until these issues become a central focus of future surveys. Also, it is important to note that this section explores associations between capability, problem experience and demographics and does not explore capability as a cause or effect. Again, this would require alternative methodological approaches. However, even given these limitations, a powerful picture emerges.

Findings

Capability and problem experience

Problem type

The pattern of problems reported by lower and higher capability respondents differed markedly (Figure 8.1). As can be seen in Figure 8.1, over a quarter of all problems reported by higher capability respondents concerned consumer issues, compared to only 13% of problems reported by lower capability respondents. In contrast, welfare benefits problems, divorce, clinical negligence and rented housing issues made up a far higher percentage of problems reported by lower capability respondents. Problems reported by lower capability respondents were also significantly more likely to involve discrimination (12%, 37 of 323 compared to 4%, 13 of 318).²²⁸

²²⁷ To avoid considering the same demographic information for the same respondents.

²²⁸ $\chi^2_1 = 12.09$, $p = 0.001$.

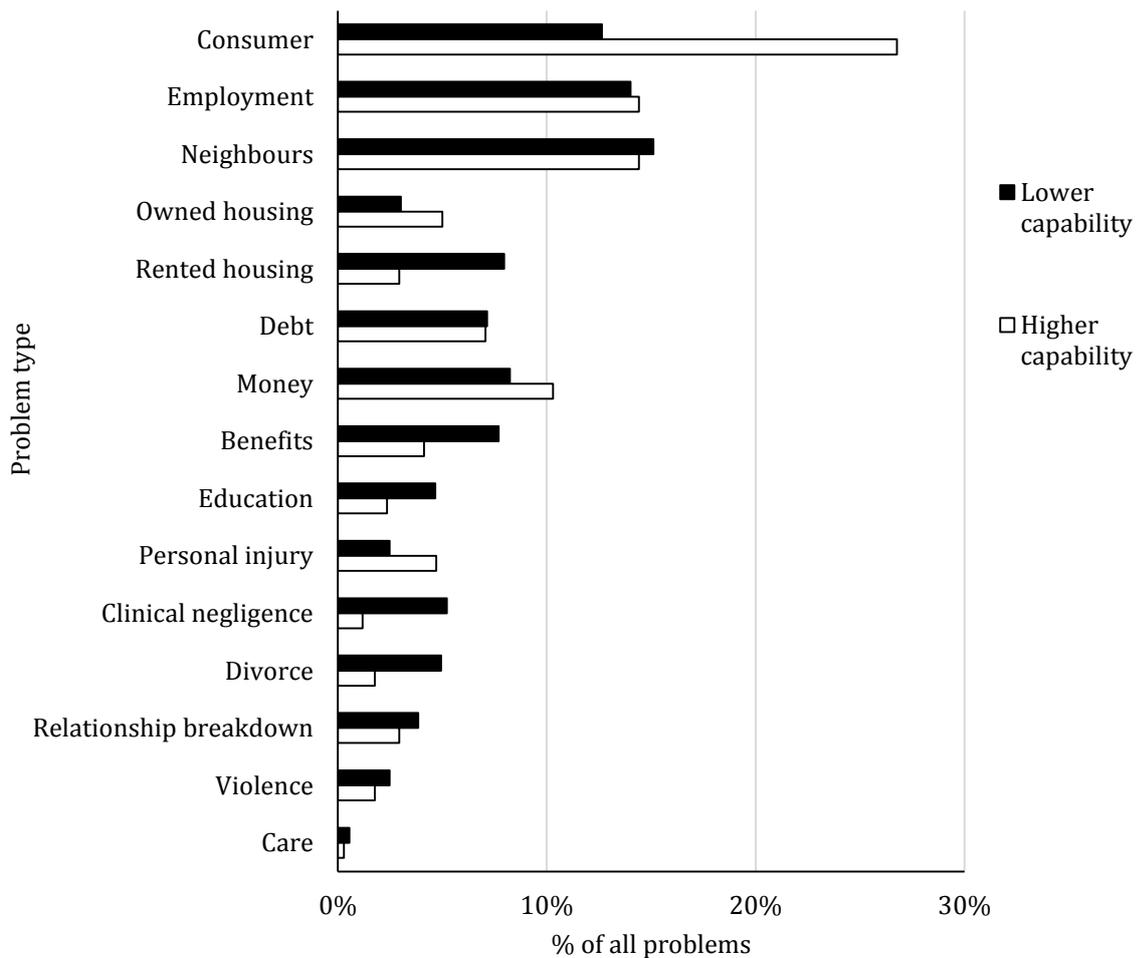


Figure 8.1 Pattern of problems reported by lower and higher capability respondents

Strategy

Problems reported by respondents with lower capability were associated with very different problem resolution strategies to those reported by respondents with higher capability.²²⁹ Where respondents had lower capability, they were far more likely to do nothing about their problem and far less likely to handle their problems alone. In addition, informal, advice sector and legal advice were all comparatively more likely for lower capability respondents. Figure 8.2 shows the relationship between respondents' capability and problem resolution strategy.

²²⁹ Conducting a simple χ^2 test on the two by five table; $\chi^2_5 = 37.17$, $p < 0.001$.

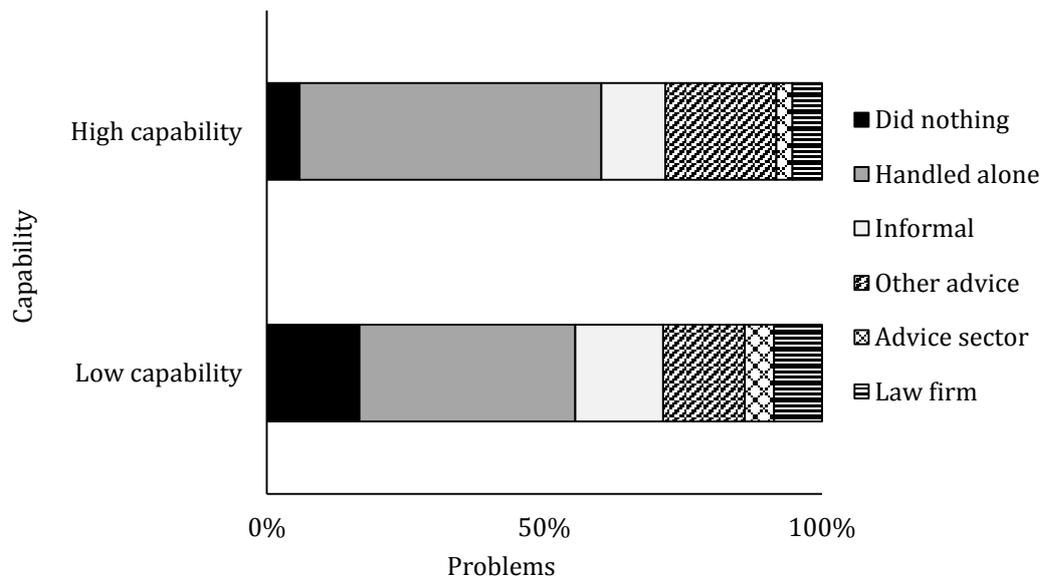


Figure 8.2 Problem solving strategies associated with the problems of higher and lower capability respondents

Capability, problem progress and outcome

There were significant differences in satisfaction with problem progress and outcome (if problems had concluded) between higher and lower capability respondents. Of those answering, lower capability respondents suggested that they were happy with how problems were progressing, or problem outcome, in relation to 166 of 348 problems (48%). This contrasted with higher capability respondents who were happy with progress or outcomes in relation to 262 of 334 problems (78%).²³⁰ Similarly, there were highly significant differences in perceptions of the fairness of the outcome of concluded problems between higher and lower capability respondents,²³¹ as is illustrated in Figure 8.3. As can be seen, higher capability respondents were more than twice as likely as lower capability respondents to feel that problem outcomes were ‘very fair’, and far less likely to feel outcomes were unfair.

More generally, higher and lower capability respondents also differed significantly in how their problems concluded.²³² As shown in Figure 8.4, the problems of lower capability respondents were far more likely than those of higher capability respondents to be ongoing at the time of interview. Lower capability respondents were also more likely to be putting up with their problems. Conversely, higher capability

²³⁰ Using a simple 2x2 χ^2 test indicated that this was a highly significant difference between high and low capability; $\chi^2_1 = 72.98$, $p < 0.001$.

²³¹ $\chi^2_3 = 59.12$, $p < 0.001$.

²³² $\chi^2_4 = 24.28$, $p < 0.001$.

respondents reported a far higher percentage of problems that resolved by agreement between the parties.

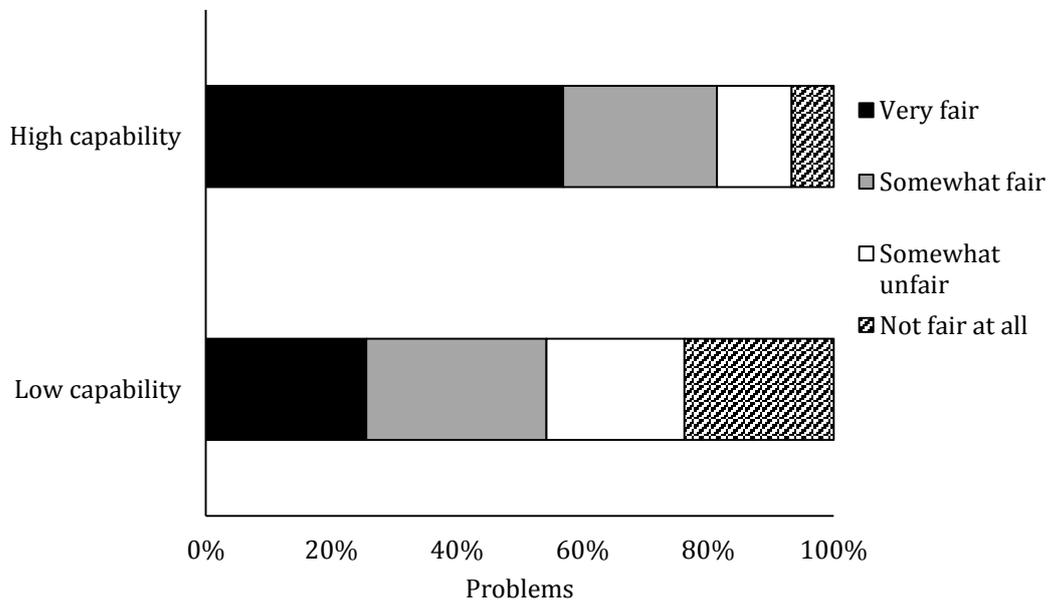


Figure 8.3 Perceptions of the fairness of the outcomes of problems reported by higher and lower capability respondents

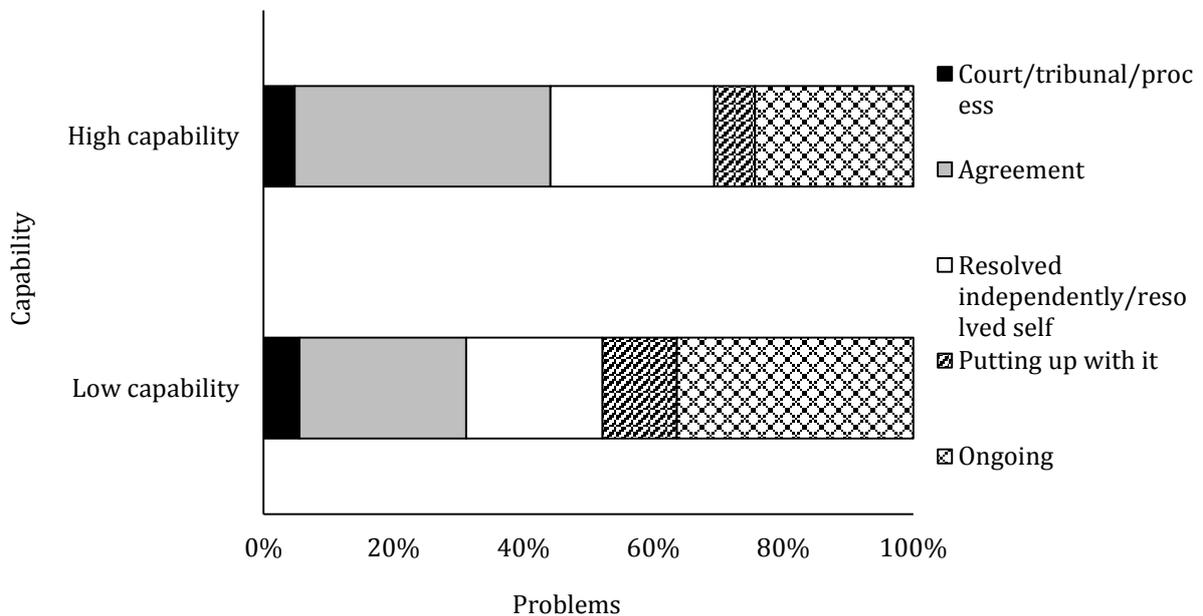


Figure 8.4 The outcome of problems reported by higher and lower capability respondents

Capability, disagreements and adverse consequences

Problems reported by lower capability respondents were significantly more likely than those of higher capability respondents to involve disagreement (59%, 200 of 338 compared to 49%, 171 of 350).²³³

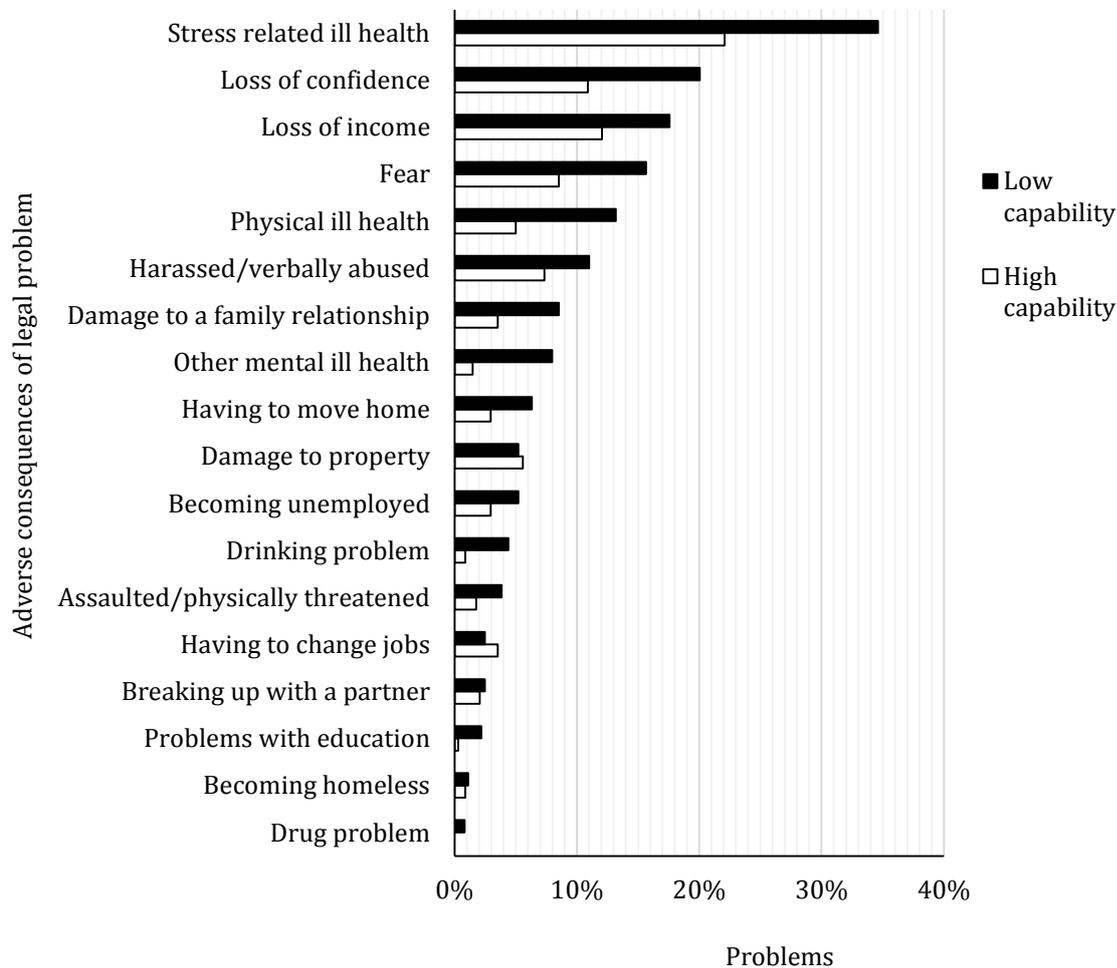


Figure 8.5 Adverse consequences associated with problems reported by respondents with lower and higher capability

In addition, problems reported by lower capability respondents were far more likely to be associated with adverse consequences. 227 of 364 problems (62%) reported by lower capability respondents had one or more associated adverse consequence. This compared to 139 of 340 (41%) for higher capability respondents.²³⁴ Figure 8.5 shows the different types of adverse consequence associated with problems reported by respondents with lower and higher capability. As can be seen, the majority of adverse

²³³ $\chi^2_1 = 7.36, p = 0.007$.

²³⁴ A highly significant difference; $\chi^2_1 = 32.50, p < 0.001$.

consequences stemmed from the problems of lower capability respondents, with a particularly high percentage of problems reported by lower capability respondents associated with consequential stress-related ill-health. Moreover, negative impact on education, other mental health problems, drink/drug problems, physical ill-health, damage to family relationships, and assault/being physically threatened and having to move home were all reported more than twice as often in the case of problems reported by lower capability respondents.

The demographics of capability

Using the aggregate person level dataset, rather than problem level data set used for the above analyses, we were able to compare the demographic characteristics of lower and higher capability respondents. Analysis was restricted to those respondents who reported at least one legal problem.

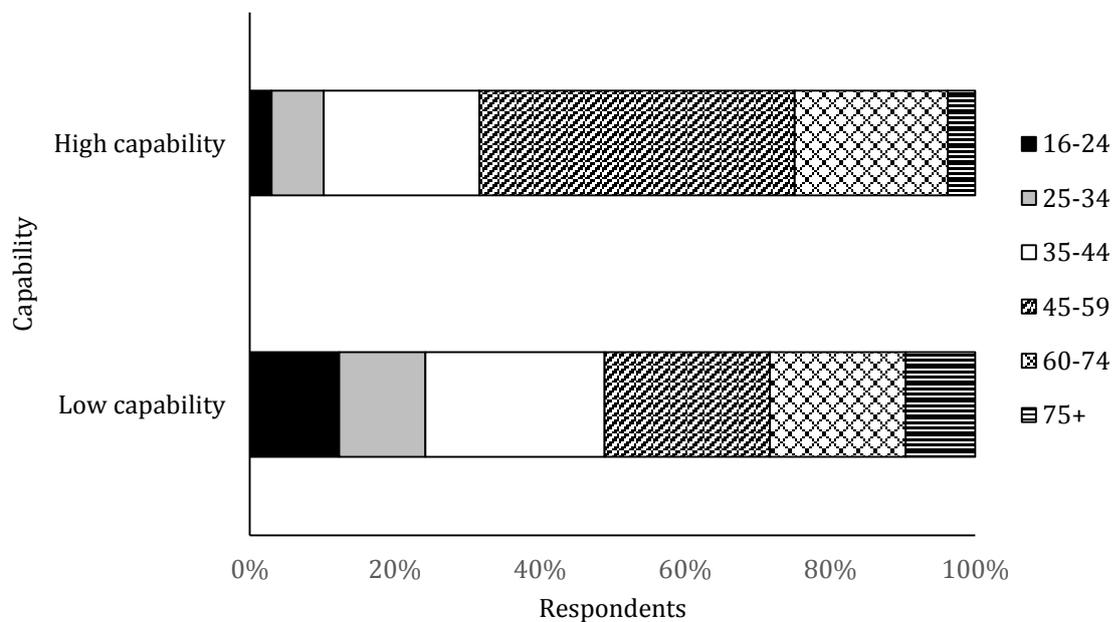


Figure 8.6 The profile of lower and higher capability respondents who reported one or more problems

There were significant differences in the percentages of respondents of different ages in the lower and higher capability groups.²³⁵ As can be seen in Figure 8.6, the higher capability group was disproportionately made up of 45 to 59 year olds, while the youngest (25 to 34 year olds and, particularly, 16 to 24 year olds) and oldest respondents (aged 75 or older) appeared more often in the lower capability group.

²³⁵ $\chi^2_5 = 37.13, p < 0.001$.

There was also a significant difference in the percentage of BME respondents in the lower and higher capability groups,²³⁶ with 88% white British respondents in the lower capability group, compared to 95% in the higher capability group.

The lower and higher capability groups also differed in both the types of accommodation they lived in and their tenure types. Lower capability respondents were far more likely to be living in flats (14% compared to 6%) and terraced housing (32% compared to 21%). Conversely, higher capability respondents were more likely to be living in semi-detached (34% compared to 27%) or detached housing (40% compared to 27%). Figure 8.7 illustrates the tenure patterns associated with lower and higher capability respondents. As can be seen, they differ dramatically, with living rent-free and public sector renting far more likely in the lower capability group.²³⁷

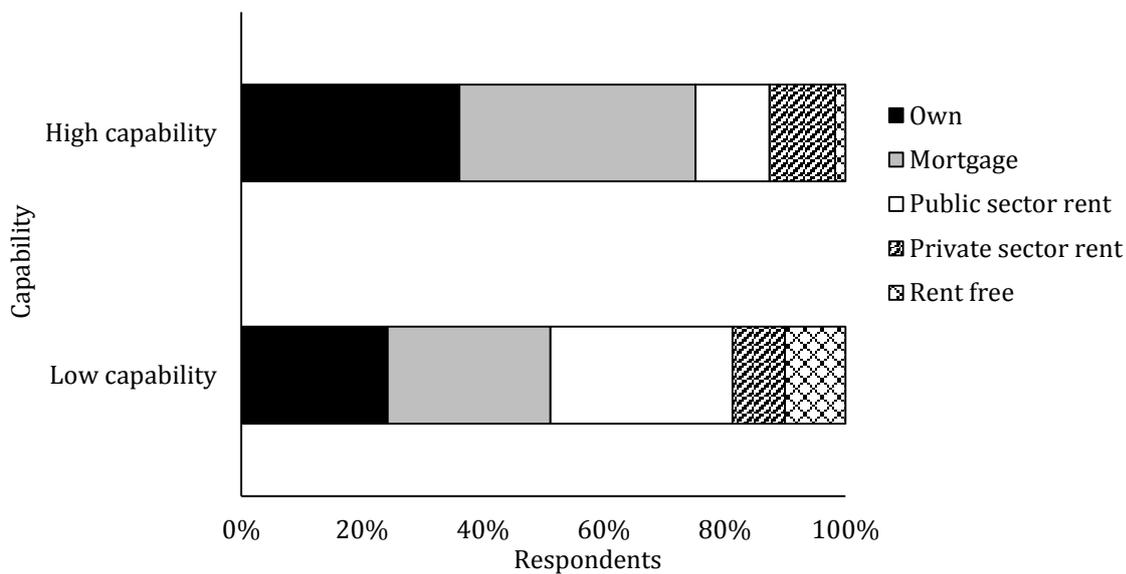


Figure 8.7 Tenure of lower and higher capability respondents reporting at least one legal problem

The two groups also differed in academic qualifications and professional status. Of the lower capability group, 34.7 per cent had no academic qualifications and 16.0 per cent had a degree. This compared to only 9.7 per cent of the high capability group with no qualifications and 38.2 per cent with a degree.²³⁸ Where a profession was given by respondents, high capability respondents were more likely to have ‘modern professional’ (23.0 per cent compared to 12.8 per cent), ‘senior managerial/administrative’ (17.6 per

²³⁶ $\chi^2_1 = 7.68, p = 0.006$.

²³⁷ Not surprisingly, this difference was highly significant; $\chi^2_4 = 42.69, p < 0.001$.

²³⁸ $\chi^2_2 = 53.67, p < 0.001$.

cent compared to 3.8 per cent) or 'middle/junior managerial' positions (10.6 per cent compared to 7.5 per cent). In contrast, low capability respondents were more likely to have 'technical/craft' (11.3 per cent compared to 6.3 per cent), 'semi-routine manual' (19.5 per cent compared to 14.1 per cent) and particularly 'routine manual' positions (21.8 per cent compared to 4.2 per cent).

There were also highly significant differences between low and high capability respondents in both physical and mental health, complementing differences between the groups in adverse health consequences of civil justice problems set out above. 41.6 per cent of low capability respondents reported a long-term illness or disability compared to 24.8 per cent of high capability respondents,²³⁹ while 36.4 per cent of low capability respondents self-reported a stress-related illness compared to 21.4 per cent of high capability respondents.²⁴⁰

Finally, while low capability respondents appeared somewhat more likely than high capability respondents to be female (55.7 per cent compared to 50.0 per cent), this difference was not significant.²⁴¹

Discussion

The findings

Categorising respondents as lower or higher capability (on the basis of professed knowledge of rights when faced with a problem, knowledge of the legal/advice sector and subjective legal empowerment) revealed a number of significant differences in problem and respondent characteristics.

For example, consumer issues made up a far higher percentage of the problems of higher capability respondents, while welfare benefits problems, divorce, clinical negligence and rented housing problems made up a far higher percentage of problems for lower capability respondents. The problems reported by lower capability respondents were also far more likely to involve discrimination.

There were also significant differences in problem solving, with advice sector/legal advice seeking and, particularly, inaction more common among the problems of lower capability respondents, and handling problems alone far less common.

²³⁹ $\chi^2_1 = 14.53$, $p < 0.001$.

²⁴⁰ $\chi^2_1 = 12.72$, $p < 0.001$.

²⁴¹ $\chi^2_1 = 1.49$, $p = 0.22$.

Differences were also observed in relation to satisfaction with how problems were progressing and outcome. Lower capability respondents were far less likely than higher capability respondents to be happy with how their problem was progressing or had concluded, while higher capability respondents were more than twice as likely to consider the outcome of their problem 'very fair'. Lower capability respondents were also more likely to be experiencing ongoing problems or be putting up with a problem as a form of problem outcome. In contrast, resolving problems by agreement was far less common than for higher capability respondents.

The problems reported by lower capability respondents were also significantly more likely to result in adverse consequences. Stress-related ill-health as a consequence of problems was particularly common for lower capability respondents, being reported on over one-third of occasions. Moreover, negative impact on education, other mental health problems, drink/drug problems, physical ill-health, family relationships, and assault/being physically threatened and having to move home were all reported more than twice as frequently in relation to problems reported by lower capability respondents, as compared to problems reported by higher capability respondents.

Finally, contrasting lower and higher capability respondents' demographic characteristics indicated a number of substantial differences. For example, lower capability respondents were far more likely than higher capability respondents to have been young (16-24) or old (75 or older), black and minority ethnic, renting in the public sector, living in flats, without academic qualifications, in routine manual occupations and affected by physical and/or stress-related health problems.

Implications

The characteristics of those who have lower legal capability are the characteristics of those vulnerable to social exclusion. To a significant extent, they are therefore also the characteristics of those most at risk of experiencing legal problems; particularly social welfare related legal problems, such as those concerning, for example, welfare benefits and rented housing.

This has a key policy implication in the context of access to justice; namely that the population groups that most warrant targeting for PLE and legal services support are largely the same. It also therefore underlines the four key policy themes that have emerged from the legal needs research literature; namely that services (and we include

PLE initiatives among these), be targeted, joined-up, timely and appropriate. However, as Mulherin has noted, “statements such as these are easy to make ... [but] difficult to operationalise” (Pleasence et al 2014, p.iii). As he goes on to expound, this is because “the devil is in the detail, and it is often very difficult to analyse and understand complex problems and models for their solution, while reducing these to provide simplified, accurate communication of the lessons learned.” A framework for operationalisation of the four policy themes is set out elsewhere (Pleasence et al 2014). But there is a key challenge to this operationalisation at the system level that also requires addressing: existing funding, accountability and responsibility arrangements are not designed for securing ‘collaborative advantage’ (Huxham & Vangen 2005). As Mulherin details in the Australian context:

For a range of historical, political, jurisdictional and accountability reasons, funding is provided usually on a portfolio basis to achieve portfolio goals ... This funding is often directed at specific projects and programs and spread throughout many hundreds of different service providers with different capabilities and approaches. Inevitably, there is a great potential for many related, complementary or even overlapping projects to be delivered by different organisations under quite different contractual, operating and reporting conditions, with differing eligibility criteria. Also in this context, significant gaps in service delivery will usually occur ... The result is, in many cases, a complex, confused and unresponsive system of funding and responsibility for the delivery of services across the community. (p.iv)

The challenges to integration presented by the fragmentation of responsibility, funding and delivery of public services – in terms of coherence from the citizen perspective – are too great to ever be fully met. Moreover they can act in tension with equally pressing challenges, such as those to public accountability, economic efficiency, professional independence and autonomy, and privacy (e.g. Bogdanor 2005, Huxham & Vangen 2005, Dunleavy 2010). However, in looking to improve the public’s legal capability and access justice, fragmentation of responsibility, funding and delivery must be confronted. Whether this be through integrated procurement, systems thinking, incentivisation, professional training or another approach, the challenges are real and cannot be ignored if real change is to take place.

9

A Simple Public Legal Education Experiment

Introduction

The prevalence and precaution of wills

As the Law Commission (2009, p.1) has observed, “in an ideal world we would all make a will,” as “the process of grieving, and of adjustment to change, can be made far worse by uncertainty and anxiety about money or belongings.”

However, only a minority of adults in the UK have wills (Law Society 2014, Will Aid 2014); although there is indication of recent “strong growth in the proportion of people saying they have written a will” (Will Aid 2014).

As would be expected, the prevalence of wills varies with age (National Consumer Council 2007, Will Aid 2014). So, while a majority of those aged over 55 have a will, the figure is much lower for young people.²⁴² Prevalence may also link to wealth, as both the recent Law Society (2014) and Will Aid (2014) surveys indicated a common reason for people not having wills is a belief that they have little to leave.

However, this last finding also points to public ignorance on the subject of wills and intestacy. For example, it suggests a lack of appreciation of other potential functions of a will; such as to appoint guardians for surviving children under the age of 18.²⁴³ Related to this, the Will Aid survey found that 29% of parents *without* wills had not considered who would look after their children in the event of their death, and a majority of those *with* wills²⁴⁴ had not used them to appoint guardians.

There also appears to be more general ignorance as to the distribution of assets on intestacy, with 13% of Will Aid survey respondents without wills believing that wills

²⁴² 42% of 25 to 34 year old respondents to the Will Aid research without a will felt they were “too young” to write wills. The median age at death of those dying intestate is 73, compared to 83 for others (Law Commission 2009).

²⁴³ This can also be done by signed statement: Children Act 1989, s.5

²⁴⁴ Just 44% of parent respondents to the Will Aid research indicated they had wills.

are unnecessary “because their loved ones will automatically inherit.”²⁴⁵ Even in the case of spouses and children, the intestacy rules may often not reflect the wishes of the deceased; but in the case of cohabitants this erroneous belief can prove disastrous – as, in England and Wales, cohabitants are not recognised by intestacy laws,²⁴⁶ despite the Law Commission (1989) noting that the law is intended to reflect the deceased’s “presumed wishes”.²⁴⁷ Alarming, fewer than one-third of cohabiting respondents to the Will Aid survey had wills.²⁴⁸

In this chapter

In this chapter we first set out the extent to which respondents to the 2010 and 2012 English and Welsh Civil and Social Justice Panel Surveys (CSJPS) – a large-scale nationally representative face-to-face survey – had wills, and then go on to report the results of a small scale experiment run (at no additional cost) as part of the CSJPS. In this experiment, half of those respondents to the 2010 CSJPS who were identified as not having wills were randomly selected to receive a 12-page information leaflet – *Dealing with a Will* – produced by the Community Legal Service. The leaflet provided basic information on the requirements for valid wills, the consequences of dying intestate (including a brief sentence indicating the situation for those not “married to or in civil partnership with” their partner), and sources of further information and advice about wills. Three of nine pages setting out substantive information about the law concerned intestacy and reasons for making a will, including page 1, which read:

When you make a will, you can say how your funeral should be dealt with, and what will happen to your possessions and other assets (your ‘estate’) when you die. If you die without making a will (called ‘dying intestate’), it can be complicated to work out who will get what. If you die without a will, the law sets out how your estate is to be shared out – which means it might not go to the people you want it to. This could have very

²⁴⁵ Also, 23% of Law Society respondents “wrongly believed that without a will their possessions would automatically go to their family.”

²⁴⁶ Administration of Estates Act 1925, s.46(1). Though application for financial provision is possible under the Inheritance (Provision for Family and Dependents) Act 1975.

²⁴⁷ There is also evident public support for cohabitants’ rights on intestacy (Williams et al 2008, Douglas et al 2011), and the Law Commission have recommended legislation to recognise cohabitants within the intestacy laws (Law Commission 2011).

²⁴⁸ For a discussion of public misunderstanding of the law relating to cohabitants, see Pleasence & Balmer (2012).

serious consequences: for example, depending on your family situation, your husband or wife might have to sell the family home to give your children the money they are entitled to.

The objective of the experiment was to ascertain whether this ‘intervention’ impacted on the likelihood of respondents subsequently making a will. Those 2010 CSJPS respondents not selected to receive the leaflet were not given any information about wills.

It should be noted that the leaflet was not designed for the purposes of the study, but was one available at the time for inclusion in the experiment. Had a leaflet been designed for the study, it would most likely have been quite different in character; having a sole objective of communicating the risks of intestacy and the process of will making.

New findings from the CSJPS

The demographics of will making?

In line with findings from elsewhere, the CSJPS indicated that only a minority of the population of England and Wales have wills. As suggested by the recent Will Aid survey, the percentage of CSJPS respondents with wills increased between 2010 and 2012, from 41% to 43%.

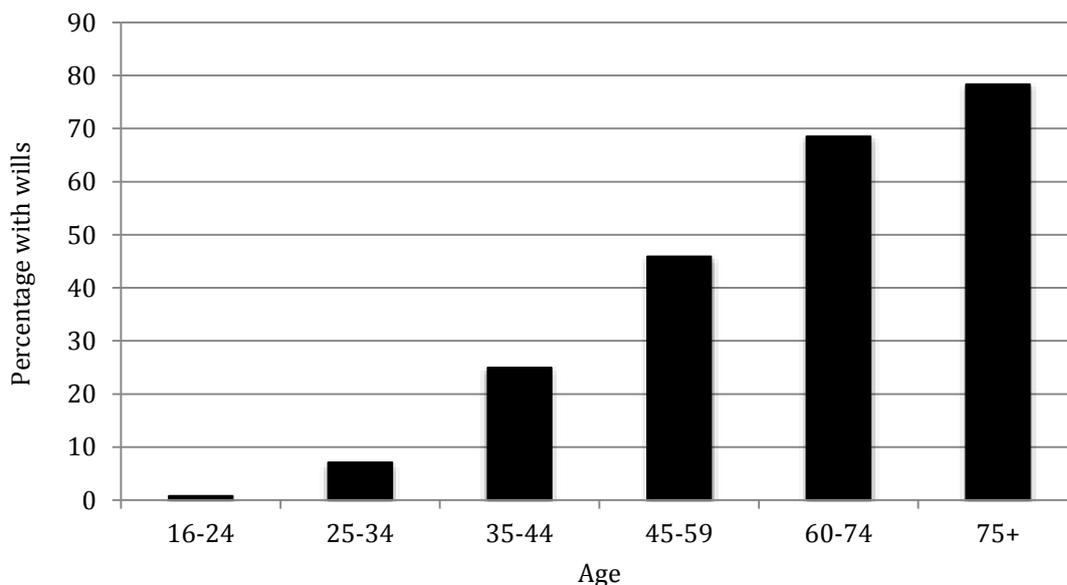


Figure 9.1 Percentage of general population with wills, by age

Looking at the 2012 CSJPS, the socially patterning of wills was evident. As can be seen from Figure 9.1, there was a gulf between the extent to which the youngest and oldest age groups had wills. While just 1% of those under the age of 25 had wills, the figure was 78% for those over the age of 75. Furthermore, as can be seen from Figure 9.2, there was also a gulf between the extent that those on the lowest and highest personal incomes had wills. While 22% of those earning less than £2,500 per year had wills, the figure was 56% for those earning £50,000 or more.

Linked to this, differences were also seen in relation to (for example) professional status, and form of tenure. While just 14% of those living in the rented sector had wills, the figure rose to 37% for those with a mortgage and 74% for those who owned their homes outright. Similarly, while just 28% of routine manual and service workers had wills, the figures were 44% for clerical and intermediate workers, 48% for traditional professionals and 58% for senior managers and administrators.

Also, confirming previous findings that cohabittees – a group that can be particularly disadvantaged by the intestacy rules – are less likely than those who are married to have wills, the 2012 CSJPS found that just 26% of cohabittees had wills, compared to 53% of those who were married. Moreover, within both these groups, those with dependent children were significantly less likely to have wills. So, as can be seen from Figure 9.3, while just 22% of cohabittees with dependent children had wills, the figure was 62% for those who were married and had no children.

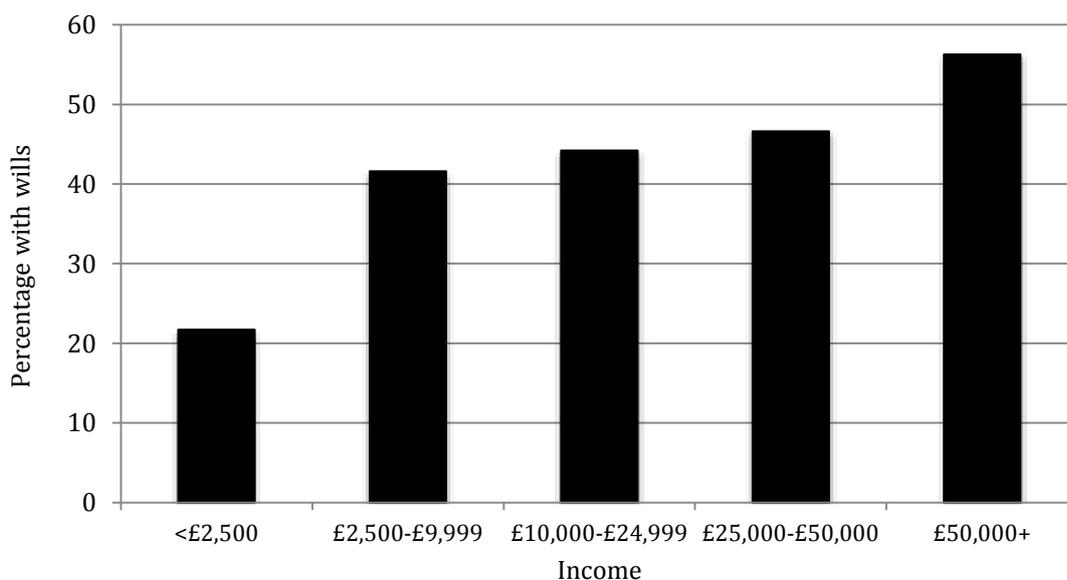


Figure 9.2 Percentage of general population with wills, by income

Differences in the prevalence of wills were also observed in relation to ethnicity and religion. For example, black and minority ethnic CSJPS respondents reported having wills on far fewer occasions than white British respondents (17% vs. 46%). And linked to this, unexpectedly,²⁴⁹ not a single Muslim CSJPS respondent reported having a will (compared to 47% of Christians and 29% of those with no religion).²⁵⁰

Finally, there were differences in the prevalence of wills by health and disability status; though there was a significant disparity between long-term health and disability generally and mental health. In the former case, those 2012 CSJPS respondents who reported having a long-term limiting illness or disability were more likely to have a will than others (51% vs. 40%), perhaps reflecting more common reflection on mortality. However, in the case of mental illness, the position was reversed (38% vs. 44%).

No significant differences in prevalence were observed in the case of gender.²⁵¹

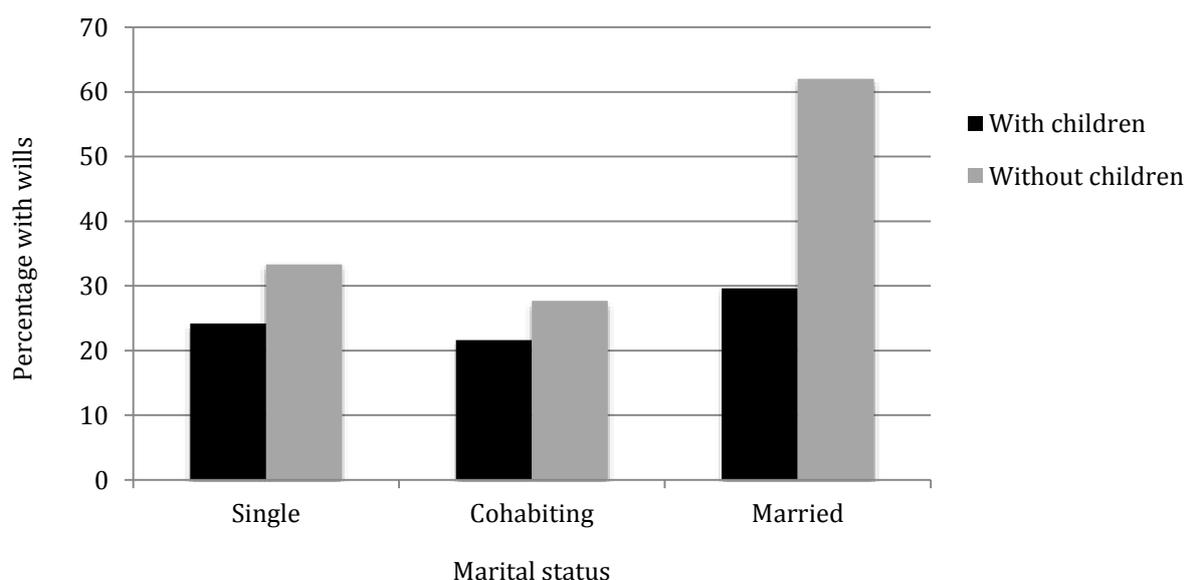


Figure 9.3 Prevalence of wills by marital status and children

Results of the experiment

Of the 2,177 2010 CSJPS respondents without a will 1,021 (47%) were randomly selected to receive the *Dealing with a Will* leaflet (the intervention), with the remaining 1,156 (53%) receiving no information. Of the 1,021 selected to receive the leaflet, 858 (84%)

²⁴⁹ As Islam places emphasis on having a will, or *al wasiyah*.

²⁵⁰ For most religions, numbers were too small to allow for comparison.

²⁵¹ $\chi^2=3.13$, $p=0.372$.

actually received it.²⁵² The results were analysed on the basis of whether or not respondents were randomly selected to receive the leaflet rather than whether or not they actually received it.²⁵³

1,387 (64%) of the original participants in the experiment were re-interviewed eighteen months later as part of the 2012 CSJPS. Of the 654 remaining respondents who had been selected to receive the leaflet, 52 (8%) made a will between interviews. Of the 729 respondents not selected to receive the leaflet, 52 (7%) had since made a will. The difference (0.9%) fell well short of statistical significance.²⁵⁴ The relationship between the intervention condition and whether or not a will was made is shown in Figure 9.4.

Significance, effect size and cost-benefit

The difference observed in will making rates between the intervention and control groups was small and consequently not statistically significant. Were a separate experiment to be undertaken to determine whether an information leaflet such as the *Dealing with a Will* leaflet *actually* results in an additional 1% of those without wills going on to make a will, then – assuming an alpha level (risk of a false positive, or Type I error) of 0.05 and power of 0.8 (likelihood of avoiding a false negative, or Type II error) – a sample size of around 30,000 would be required.

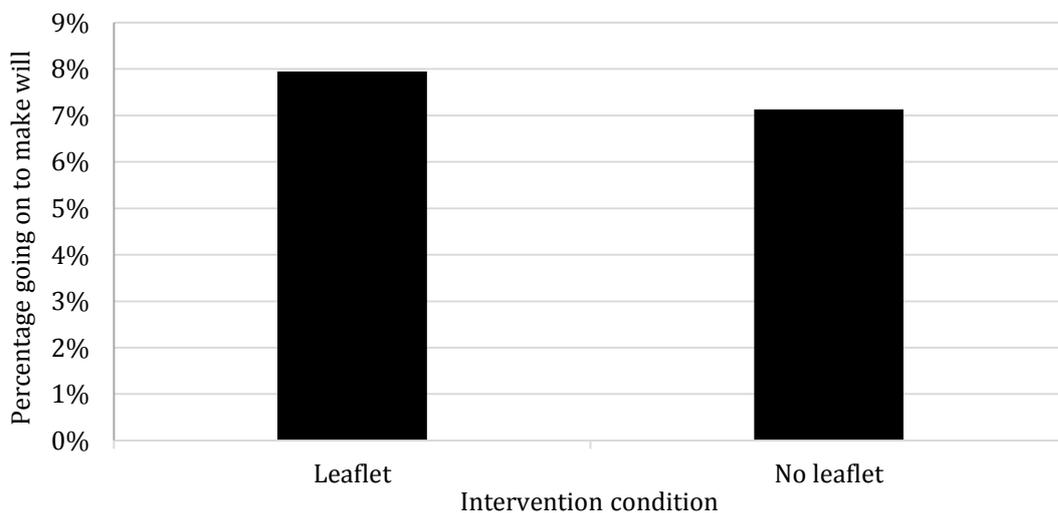


Figure 9.4 Percentage of experiment participants who made will, by condition

²⁵² Of those who did not receive a leaflet many suggested that they had already received one (i.e. their spouse had already received one in an earlier household interview). A number also refused the leaflet on the basis that it was not wanted or needed.

²⁵³ This is known as intention-to-treat analysis and is designed to avoid potentially misleading results as a consequence of non-random attrition of participants or crossover (into other conditions).

²⁵⁴ Using a simple chi-squared test; $\chi^2_1 = 0.33$, $p = 0.57$.

While the observed difference was small, this does not necessarily mean that a 0.39% increase in will prevalence (through 1% of those people without a will going on to make one when they would otherwise not have done so) is of practical insignificance. Supposing a cost of leaflet delivery of £2, the cost of each additional will made would be just over £500. The practical significance of the observed difference (were it not a product of chance) would therefore depend upon the balancing benefits of avoiding intestacy (and, in political terms, who would bear the cost and reap the benefit).

Conclusions

Our findings confirm that only a minority of the population of England and Wales have a will, and that having a will is socially patterned. The prevalence of wills clearly increases with age and also with wealth. Our findings also highlight that, despite the greater hazards of intestacy for cohabitants, cohabitants are among the least likely to make wills; a situation sometimes compounded by the general association of children with lower wills prevalence.

As regards the small scale experiment run within the CSJPS, with a view to determining whether the targeted distribution of generic legal education materials might generate an observable impact on will prevalence, our findings fell well short of statistical significance. However, as we have noted above, to confirm an impact of the size observed through an experiment would require a sample size of around 30,000; substantially greater than the CSJPS experiment sample size of just over 2,000. We also noted that a small effect from a low cost intervention may be of practical significance. Benefits may be spread thinly across populations, but still outweigh costs.

Also, the fact that the leaflet used was not designed solely to warn of the risks of intestacy and provide information on how to go about making a will, the key messages pertaining to the experiment are likely to have been diluted. So, while the experiment illustrates well the challenges of ascertaining the benefits of low-cost interventions that are likely to have thinly spread benefits, it does go to the question of whether a dedicated and targeted low cost information intervention might have been demonstrably effective.

Finally, the experiment illustrates well the possibility of embedding such research methods within surveys; and perhaps points to the possibility of more bespoke and substantial initiatives in the future.

References

- Advice Services Alliance. 2006. Community Legal Service Direct Expansion Project, Advice Services Alliance and Legal Services Commission: London. Downloaded from <http://www.advicenow.org.uk/about-us/evaluation-and-research/reviewing-and-scoring-information-resources,10050,FP.html> [Accessed 15/01/2015].
- Agosto, D.E. and Hughes-Hassell, S. 2005. People, Places, and Questions: An Investigation of the Everyday Life Information-Seeking Behaviors of Urban Young Adults. *Library and Information Science Research*, 27(2), pp. 141-163.
- Asia Consulting Group and Policy 21 (2008) *Consultancy Study on the Demand for and Supply of Legal and Related Services*, Hong Kong: Department of Justice.
- Attewell, P. 2001. The First and Second Digital Divides. *Sociology of Education*, 74(3), pp. 252-259.
- Baker, Lynn A. & Robert E. Emery (1993) "When Every Relationship is Above Average – Perceptions and Expectations of Divorce at the Time of Marriage," 17(4) *Law and Human Behavior*, 439-450.
- Barlow, Ann, Carol Burgoyne, Elizabeth Clery, & Janet Smithson (2007) "In Practice: The Living Together Campaign – The Impact on Cohabitants," *Family Law*, 166-169.
- Barlow, Ann, Simon Duncan, Grace James, & Alison Park (2005) *Cohabitation, Marriage and the Law: Social Change and Legal Reform in the 21st Century*. Oxford: Hart.
- Baxter, J., Trebilcock, M. and Yoon, A. (2012) "The Ontario Civil Legal Needs Project: A Comparative Analysis of the 2009 Survey Data," in Trebilcock, M., Duggan, A. and Sossin, L. (eds.) *Middle Income Access to Justice*. Toronto: University of Toronto Press.
- Belkin, N. J. 1980. Anomalous States of Knowledge as a Basis for Information Retrieval. *Canadian Journal of Information Science*, 5, pp. 133–143.
- Bilal, D. 2000. Children's Use of the Yahoo!igans! Web Search Engine: I. Cognitive, Physical, and Affective Behaviors on Fact-Based Search Tasks, *Journal of the American Society for Information Science*, 51(7), pp. 646 – 665.
- Bilal, D. 2002. Children's use of the Yahoo!igans! Web Search Engine: III. Cognitive and Physical Behaviours on Fully Self-Generated Search Tasks. *Journal of the American Society for Information Science and Technology*, 53(13), pp. 1170-1183.
- Bilal, D., and Kirby, J. 2002. Differences and Similarities in Information Seeking: Children and Adults as Web Users. *Information Processing and Management*, 38 (5), pp. 649–670.
- Bingham, T. (2010) *The Rule of Law*, London: Allen Lane.
- Bowal, P. (1999) "A Study Of Lay Knowledge Of Law In Canada," *Indiana International And Comparative Law Review*, 9(1), 121–141.
- Bradburn, N.M., Rips, L.J. & Shevell, S.K. (1987) "Answering Autobiographical Questions: The Impact Of Memory And Inference On Surveys," 236(4798) *Science*, 157–161.
- Bogdanor, V. (2005) *Joined-Up Government*, Oxford: Oxford University Press.
- Boon, A. (1995) "Client Decision-Making in Personal Injury Schemes" in 23 *International Journal of the Sociology of Law*, pp. 253-272.

- Branch, J. L. 2001. Junior High Students and Thinks Alouds: Generating Information-Seeking Process Data using Concurrent Verbal Protocols. *Library and Information Science Research*, 23(2), pp. 107–122.
- Brand-Gruwel, S., Wopereis, I., and Vermetten, Y. 2005. Information Problem Solving by Experts and Novices: Analysis of a Complex Cognitive Skill. *Computers in Human Behavior*, 21(3), pp. 487–50.
- Buck, A., Balmer, N.J. & Pleasence, P. (2005) "Social Exclusion and Civil Law: Experience of Civil Justice Problems Among Vulnerable Groups," in 39(3) *Social Policy and Administration*, pp.302-322.
- Cabinet Office 1999. Modernizing Government. Available online at <http://webarchive.nationalarchives.gov.uk/20100807034701/http://archive.cabinetoffice.gov.uk/moderngov/download/modgov.pdf> [Accessed 15/01/2015].
- Casebourne, J., Regan, J., Neathey, F. & Tuohy, S. (2006) *Employment Rights at Work: A Survey of Employees 2005*. London: Department of Trade and Industry.
- Chen, K.-P., Huang, K.-C., Huang, Y.-L., Lai, H.-P., Lin, C.-C. (2012) *Exploring Advice Seeking Behavior: Findings from the 2011 Taiwan Survey of Justiciable Problems*. Paper presented at the Law and Society Association Conference, Honolulu, 7 June 2012.
- Chong, D. (1993) "How People Think, Reason, And Feel About Rights And Liberties," 37(3) *American Journal Of Political Science*, 867–899.
- Clark, C.E. and Corstvet, E. (1938) "The Lawyer and the Public: An A.A.L.S. Survey," in 47(8) *The Yale Law Journal*, pp.1272-1293.
- Cockburn, A., and Jones, S. 1996. Which Way Now? Analyzing and Easing Inadequacies in WWW Navigation. *International Journal of Human-Computer Studies*, 45(1), pp. 105-129.
- Commission on Legal Empowerment of the Poor (2008) *Making the Law Work for Everyone: Volume 1 - Report of the Commission on Legal Empowerment of the Poor*, New York: Commission on Legal Empowerment of the Poor & United Nations Development Programme.
- Connaway, S.L., Dickey, T.J., and Radford, M.L. 2011. "If it is too inconvenient I'm not going after it:" Convenience as a critical factor in information-seeking behaviors. *Library and Information Sciences Research*, 33(3), pp. 179-190.
- Cortese, C.F. (1966) "A Study in Knowledge and Attitudes Towards the Law," 2 *Rocky Mountain Social Science Journal*, 192-203.
- Coumarelos, C., Macourt, D., People, J., McDonald, H.M., Wei, Z, Iriana, R. and Ramsey, S. (2012) *Legal Australia-Wide Survey: Legal Need in Australia*. Sydney: Law and Justice Foundation of New South Wales.
- Coumarelos, C., Wei, Z and Zhou, A.Z. (2006) *Justice Made to Measure: New South Wales Legal Needs Survey in Disadvantaged Areas*. Sydney: Law and Justice Foundation of New South Wales.
- Currie, A. (2005) *A National Survey of the Civil Justice Problems of Low and Moderate Income Canadians: Incidence and Patterns*. Ottawa: Department of Justice.
- Currie, A. (2006) *The legal Problems of Everyday Life: The Nature, Extent and Consequences of Justiciable Problems Experienced by Canadians*. Ottawa: Department of Justice.
- Currie, A. (2009) "The Legal Problems of Everyday Life," in Sandefur, R.L. (ed.) *Access to Justice*, Bingley: Emerald.
- Darley, John M., Catherine A. Sanderson, & Peter S. LaMantia (1996) "Community Standards for Defining Attempt: Inconsistencies with the Model Penal Code," 39(4) *American Behavioral Scientist*, 405-420.

- Darley, John M., Kevin M. Carlsmith, & Paul H. Robinson (2001) "The Ex Ante Function of the Criminal Law," 35(1) *Law and Society Review*, 165-189.
- Davis, F.D. 1989. Perceived Usefulness, Perceived Ease of Use and User Acceptance of Information Technology. *MIS Quarterly*, 13(3), pp. 318-39.
- Deming, W.E. (1950) *Some Theory of Sampling*, New York, NY: Dover.
- Denvir, C., 2014 What is the net worth? Young people, civil justice and the Internet. Doctoral thesis, UCL (University College London), Available from <http://discovery.ucl.ac.uk/1437397/>.
- Denvir, C., Balmer, N.J. and Pleasence, P. (2013) "When legal rights are not a reality: do individuals know their rights and how can we tell?" 35(1) *Journal of Social Welfare and Family Law*, 139-160
- Denvir, C., Balmer, N.J. & Pleasence, P. 2014. Portal or Pothole? Exploring how Older People use the 'Information Superhighway' for Advice Relating to Problems with a Legal Dimension. *Journal of Ageing and Society*, 34(4), pp. 670-699
- Denvir, C., Balmer, N.J. and Pleasence, P. 2011. Surfing the Web: Recreation or Resource? Exploring How Young People in the UK use the Internet as an Advice Portal for Problems with a Legal Dimension. *Interacting with Computers*, 23(1), pp. 96-104.
- Department for Business, Enterprise and Regulatory Reform (2008) *Vulnerable Worker Enforcement Forum: Final Report and Government Conclusions*, London: BERR
- Dignan, T. (2006) *Northern Ireland Legal Needs Survey*. Belfast: Northern Ireland Legal Services Commission.
- Dinet, J., Favart, M., and Passerault, J.M. 2004. Searching for Information in an Online Public Access Catalogue (OPAC): The Impacts of Information Search Expertise on the use of Boolean Operators. *Journal of Computer Assisted Learning*, 20(5), pp. 336-346.
- Douglas, G., Woodward, H., Humphrey, A., Mills, L. & Morrell, G., "Enduring Love? Attitudes To Family And Inheritance Law In England And Wales," in 38 *Journal of Law and Society* pp.245-271.
- Dowding, Sally. (2009) "Self-Determination or Judicial Imposition?" in J. Miles, & R. Probert, eds., *Sharing Lives, Dividing Assets: An Inter-Disciplinary Study*. Oxford: Hart.
- Dunleavy, P. (2010) *The Future of Joined-Up Public Services*, London: 2020 Public Services trust.
- Dutton, W.H. and Blank, D. 2013. *Cultures of the Internet- Oxford Internet Study 2011*. Oxford: OxIS.
- Edcomms. 2007. 90% Participation Project Desk Research. London: Department for Education and Skills.
- Ellickson, Robert C. (1991) *Order Without Law: How Neighbours Settle Disputes*. Cambridge, MA: Harvard University Press.
- Estabrook, L., Witt, E. and Rainie, L. 2007. Information Searches that Solve Problems: How People use the Internet, Library and Government Agencies when they Need Help. Downloaded from http://www.pewinternet.org/~media/Files/Reports/2007/Pew_UI_LibrariesReport.pdf [Accessed 15/01/2015].
- Eysenbach, G., and Kohler, C. 2002. How do Consumers Search for and Appraise Health Information on the World Wide Web? Qualitative Study using Focus Groups, Usability Tests, and in-Depth Interviews. *BMJ*, 324, pp. 573-7.
- Felstiner, W.L.F., Abel, R.L. and Sarat, A. (1981) "The Emergence and Transformation of Disputes: Naming, Blaming, Claiming ...," in 15(3-4) *Law and Society Review*, pp.631-654.

- Festinger, Leon (1957) *A Theory of Cognitive Dissonance*. Stanford, CA: Stanford University Press.
- Gagné, Faby M., & John E. Lydon (2004) "Bias and Accuracy in Close Relationships: An Integrative Review," 8(4) *Personality and Social Psychology Review*, 322-338.
- Galanter, M. (1974) "Why the Haves Come Out Ahead: Speculations on the Limits of Legal Change," in 9(1) *Law and Society Review*, pp.95-160.
- Genn, G. (1999) *Paths to Justice: What People Do and Think About Going to Law*, Oxford: Hart.
- Genn, H. and Paterson, A. (2001) *Paths to Justice Scotland: What People in Scotland Think and Do About Going to Law*, Oxford: Hart.
- GfK Slovakia (2004) *Legal Needs in Slovakia II*, Bratislava: GfK Slovakia.
- Gibson, H. (2013) "Home-School Agreements: On the Rise of 'Juridification' and Contractualism in Schools," 39(6) *Oxford Review of Education*, 780-796.
- Golub, S. (2010) *What is Legal Empowerment? An Introduction*, Rome: International Development Law Organisation.
- Golub, S. & McQuay, K. (2001) 'Legal Empowerment: Advancing Good Governance and Poverty Reduction', in *Law and Policy Reform at the Asian Development Bank*, Manila: Asian Development Bank.
- Goriely, T. 1998. Making the welfare state work, in *The transformation of legal aid*, edited by Regan, A. Paterson, T. Goriely, and D. Fleming. Oxford: Oxford University Press.
- Gramatikov, M.A. & Porter, R.B. (2010) Yes I Can: Subjective Legal Empowerment, Tilburg: Tilburg University (Tilburg University Legal Studies Working Paper Series Number 023/2010)
- Gramatikov, M.A. & Porter, R.B. (2011) "Yes I Can: Subjective Legal Empowerment," 18(2) *Georgetown Journal on Poverty Law and Policy*, 169-199.
- Greater London Authority. 2002. *The Digital Divide in a World City*. London: Greater London Authority.
- Groves, R.M., Fowler, F.J., Couper, M.P., Lepkowski, J.M. Singer, E. & Tourangeau, R. (2009) *Survey methodology*, Hoboken, NJ: John Wiley.
- Habermas, J. (1987) *The Theory of Communicative Action, Volume 2: Lifeworld and System*, Cambridge: Polity Press
- Hadfield, Gillian K. (2010) "Higher Demand, Lower Supply? A Comparative Assessment of the Legal Resource Landscape for Ordinary Americans," 37 *Fordham Urban Law Journal*, 129-156.
- HM Government. 2010. *Manifesto for a Networked Nation*. Downloaded from <http://download.microsoft.com/download/E/D/1/ED1C5516-2AF6-456F-961B-0393EB8FAE96/ManifestoForANetworkedNation.pdf> [Accessed 15/01/2015].
- Hardin, J.W. and Hilbe, H.M. (2007). *Generalized Linear Models and Extensions (2nd edition)*. College Station, Texas: Stata Press.
- Hargittai, E. 2002. Second Level Digital Divide: Differences in People's Online Skills. *First Monday*, 7(4) Downloaded from <http://firstmonday.org/article/view/942/864>. [Accessed 15/01/2015].
- Howells, G. and Weatherill, S. (2005) *Consumer Protection Law (2nd edn.)*, Aldershot: Ashgate.
- Huxham, C. & Vangen, S. (2005) *Managing to collaborate*, Oxford: Routledge.
- Ignite Research (2006) *Report on the 2006 National Survey of Unmet Legal Needs and Access to Services*, Wellington: Legal Services Agency.
- Kim, Pauline T. (1999) "Norms, Learning, and Law: Exploring the Influences on Workers' Legal Knowledge," *University of Illinois Law Review*, 447-515.

- Kolisetty, A. (2014) *Examining the Effectiveness of Legal Empowerment as a Pathway Out of Poverty: A Case Study of BRAC*, Washington, D.C.: The World Bank (Justice and Development Working Paper 26/2014).
- Kritzer, H.M. (2008) To Lawyer or not to Lawyer? Is that the Question? 5(4) *Journal of Empirical Legal Studies*, 875.
- Landauer, T., Egan, D., Remde, J., Lesk, M., Lochbaum, C. and Ketchum, D. 1992. Enhancing the Usability of Text through Computer Delivery and Formative Evaluation: The SuperBook Project. In C. McKnight, A. Dillon, J. Richardson. eds., *Hypertext: A Psychological Perspective*. Chichester, UK: Ellis Horwood, pp. 71-136.
- Law Commission (2009) *Intestacy and Family Provision Claims on Death: A Consultation Paper*, London: Law Commission.
- Law Commission (2011) *Intestacy and Family Provision Claims on Death*, London: Law Commission.
- Law Society (2010) *Categories of Work Undertaken By Solicitors*, London: Law Society (Fact Sheet Series).
- Law Society (2014) *Millions of Britons Have No Will*, Press release of 27th October 2014, at <http://www.lawsociety.org.uk/news/press-releases/millions-of-britons-have-no-will>
- Lazonder, A. W. 2000. Exploring Novice Users' Training Needs in Searching Information on the WWW. *Journal of Computer Assisted Learning*, 16(4), pp. 326-335.
- Legal Aid Agency (2014) *Annual Report and Accounts*, London: HMSO.
- Lewis, Jane, Rosalind Tennant, & Jean Taylor (2009) "Financial Arrangements on the Breakdown of Cohabitation: Influences and Disadvantage." In J. Miles & R. Probert, eds., *Sharing Lives, Dividing Assets: An Inter-Disciplinary Study*. Oxford: Hart.
- Mahar, Heather. (2003) *Why Are There So Few Prenuptial Agreements?* Cambridge, MA: John M. Olin Center for Law, Economics, and Business. Available at http://www.law.harvard.edu/programs/olin_center
- Marchionini, G. 1989. Information-Seeking Strategies of Novices using a Full-Text Electronic Encyclopedia. *Journal of the American Society for Information Science*, 40(1), 54-66.
- McCullagh, P. and Nelder, J.A. (1989) *Generalized Linear Models*. London: Chapman and Hall.
- Meager, N., ET AL (2002) "Awareness, Knowledge and Exercise of Individual Employment Rights." London: Department of Trade and Industry.
- Michael Bell Associates Research and Consultancy (MBA). 2007. Rights to Access Project: Interim Evaluation Summary Report for Youth Access. London: Youth Access.
- Michelson, E. (2008) *Popular Attitudes towards Dispute Processing in Urban and Rural China*. Oxford: The Foundation for Law, Justice, and Society.
- Militello, Matthew, David Schimmel, & H. Jake Eberwein (2009) "If They Knew, They Would Change," 93(1) *NASSP Bulletin*, 27-52.
- Ministry of Justice 2010. Proposals for the Reform of Legal Aid in England and Wales. Ministry of Justice, London.
- Moorhead, R. and Sefton, M. (2005) *Litigants in person: unrepresented litigants in first instance proceedings*. London: Department of Constitutional Affairs.
- Moorhead, R., Sherr, A. & Paterson, A. (2003) "What Clients Know: Client Perspectives and Legal Competence," in 10(1) *International Journal of the Legal Profession*, pp.5-35.
- Murayama, M. (2007) "Experiences of Problems and Disputing Behaviour in Japan," in 14 *Meiji Law Journal*, pp.1-59.

- Murayama, Masayuki (2010) Individual Behaviour and Institutional Conditions: How Could We Measure Institutional Factors in Survey? Paper presented at the IISJ Workshop Current Socio-Legal Perspectives on Dispute Resolution , Onati, Spain, 15th – 16th July 2010.
- Nadeau, R. and Niemi, R.G. (1995) “Educated Guesses: The Process of Answering Factual Knowledge Questions in Surveys,” 59 (3) *The Public Opinion Quarterly*, 323–346.
- National Consumer Council (2007) *Finding The Will: A Report On Will Writing Behaviour In England And Wales*, London: National Consumer Council
- Normann, R. (1991) “The client as customer—the client as co-producer,” in *Services Management: Strategy and Leadership in Service Business* (2nd edn.), New York: John Wiley and Sons.
- Panades, Rosa, Roslyn Corney, Christopher Ayles, Jenny Reynolds, & Fiona Hovsepian (2007) *Informing Unmarried Parents About their Legal Rights at Birth registration*. London: One Plus One.
- Parle, L.J. (2009) “Measuring young people’s legal capability,” London: Independent Academic Research Studies and PLEnet
- Patel, A., Balmer, N.J., and Pleasence, P. (2012) Debt and Disadvantage: The Experience of Unmanageable Debt and Financial Difficulty in England and Wales. *International Journal of Consumer Studies*, 36, 556-565.
- Pleasence, P., Balmer, N.J. and Sandefur, R.L. (2013) *Paths to Justice: A Past, Present and Future Roadmap*, London: UCL CELS
- Pleasence, P. & Balmer, N.J. (2012) “Ignorance in Bliss: Modeling Knowledge of Rights in Marriage and Cohabitation,” in 46(2) *Law and Society Review*, pp.297-333.
- Pleasence, P. & Balmer, N.J. (2014) *How People Resolve ‘Legal’ Problems*, London: Legal Services Board.
- Pleasence, P., Balmer, N.J., Patel, A., Cleary, A., Huskinson, T., Cotton, T. (2011) Civil Justice in England and Wales: Report of Findings from Wave 1 of the English and Welsh Civil and Social Justice Survey. Legal Services Commission: London.
- Pleasence, P., Balmer, N.J., Patel, A., Cleary, A., Huskinson, T. and Cotton, T. (2011) *Civil Justice in England and Wales: Report of Wave 1 of the English and Welsh Civil and Social Justice Panel Survey*, London: Legal Services Commission.
- Pleasence, P. Balmer, N.J. and Reimers, S. (2010), “Horses for Courses? People’s Characterisation of Justiciable Problems and the use of Lawyers,” in Legal Services Board (ed.), *The Future of Legal Services: Emerging Thinking*. London: Legal Services Board.
- Pleasence, P. T., Balmer, N. J. and Reimers, S. (2011). “What really drives advice seeking behaviour? Looking Beyond the Subject of Legal Disputes,” in 1(6) *Oñati Socio-Legal Series*.
- Pleasence, P., Buck, A, Balmer, N.J., O’Grady, A., Genn, H., & Smith, M. (2004) *Causes of Action: Civil Law and Social Justice*, Norwich: The Stationery Office.
- Pleasence, P., Buck, A, Balmer, N.J., O’Grady, A. & Genn, H. (2004b) “Multiple Justiciable Problems: Common Clusters and their Social and Demographic Indicators,” in 1(2) *Journal of Empirical Legal Studies*, pp.301-329.
- Pleasence, P., Coumarelos, C., Forell, S. and McDonald, H. (2014) *Reshaping Legal Assistance Services: Building on the Evidence Base*, Sydney: Law and Justice Foundation of New South Wales.
- Public Legal Education and Support Task Force (2007) *Developing Capable Citizens: The Role of Public Legal Education*, London: PLEAS Task Force.

- Puustinen, M. and Rouet, J.F. 2009. Learning with New Technologies: Help Seeking and Information Searching Revisited. *Computers and Education*. 53(4), pp. 1014-1019.
- Rasbash, J., Charlton, C., Browne, W.J., Healy, M. and Cameron, B. (2009) *MLwiN Version 2.1*. Centre for Multilevel Modelling, University of Bristol.
- Rieh, S. Y. 2004. On the Web at Home: Information Seeking and Web Searching in the Home Environment. *Journal of the American Society for Information Science and Technology*, 55(8), pp. 743–753.
- Robertson, M. and Corbin, L. (2005) "To Enable or to Relieve? Specialist Lawyers' Perceptions of Client Involvement in Legal Service Delivery" in 12(1) *International Journal of the Legal Profession*, pp.121-143.
- Rose, D.E. and Levinson, D. 2004. Understanding User Goals in Web Search. *Proceedings of the 13th International Conference on World Wide Web*, pp. 13-19.
- Ross, L., Greene, D. & House, P. (1977) "The False Consensus Effect: An Egocentric Bias in Social Perception and Attribution Processes," 13 *J. of Experimental Social Psychology*, pp.279–301.
- Sato, I., Takahashi, H., Kanomata, N. and Kashimura, S. (2007) *Citizens' Access to Legal Advice in Contemporary Japan: Lumpers, Self-Helpers and Third-Party Advice Seekers*. Paper presented at the Joint Annual Meeting of the Law and Society Association and the Research Committee on Sociology of Law, Humboldt University, Berlin, 26 July 2007.
- Saunders, LaVell E. (1975) "Collective Ignorance: Public Knowledge of Family Law," 24(1) *The Family Coordinator*, 69-74.
- Schacter, J., Chung, G.K.W.K., and Dorr, A. 1998. Children's Internet Searching on Complex Problems: Performance and Process Analyses, *Journal of the American Society for Information Science*, 49(9), pp. 840 – 849.
- Scott, S. 1999. How do People Access and use Legal Information? Implications of the Research for Delivery via the Internet, Downloaded from <http://www.lawfoundation.net.au/report/legalinformation>. [Accessed 15/01/2015].
- Shenton, A.K. and Dixon, P. 2004. Issues Arising from Youngsters' Information-Seeking Behavior. *Library and Information Sciences Research*. 26(2), pp. 177-200.
- Singer, J.D. and Willett, J.B. (1993) "It's about time: Using discrete-time survival analysis to study duration and the timing of events," in 18(2) *Journal of Educational Statistics*, pp.155-195.
- Smith, R. 2014. *Digital Delivery Of Legal Services To People On Low Incomes: From Online Information to Resolution*, London: The Legal Education Foundation
- Smith, R., and Paterson, A. 2014. *Face to Face Legal Services and Their Alternatives: Global Lessons from the Digital Revolution*. Glasgow: Centre for Professional Legal Studies, University of Strathclyde.
- Steele, F. (2008) Multilevel models for longitudinal data, *Journal of the Royal Statistical Society, Series A (Statistics in Society)* 171 (1): 5-19.
- Susskind, R. (2008) *The End of Lawyers?* Oxford: Oxford University Press.
- Tabatai, D. and Shore, B. 2005. How Experts and Novices Search the Web. *Library and Information Sciences Research*, 27(2), pp. 222-248.
- Tamaki, T. (2009) "Summary Tables of the Results of an Internet Survey on Dispute Resolution," Part 1 and Part 2, in *Niigata University Journal of Law and Politics*, 41(3/4), pp.205-240; 42(1), pp.157-180.

- Teubner, G. (1987) *Juridification of Social Spheres: A Comparative Analysis in the Areas of Labour, Corporate, Antitrust and Social Welfare Law*, Berlin: Walter de Gruyter
- Tobin Tyler, E., Lawton, E., Conroy, K., Sandel, M. & Zuckerman, B. (2011) *Poverty, Health and Law: Readings and Cases for Medical-Legal Partnerships*, Durham, N.C.: Carolina Academic Press.
- Tourangeau, R. and Rasinski, K. (1988) "Cognitive Processes Underlying Context Effects in Attitude Measurement," 103(3) *Psychological Bulletin*, 299–314.
- Twining, W. (1994) *Blackstone's Tower: The English Law School*, London: Sweet and Maxwell.
- van Velthoven, B.C.J. and ter Voert (2004) *Paths to Justice in the Netherlands: Looking for Signs of Social Exclusion*, Den Haag, the Netherlands: Ministry of Justice.
- van Velthoven, B.C.J. and ter Voert (2005) *Paths to Justice in the Netherlands*. Paper presented at the International Legal Aid Group Conference, Killarney, June 2005.
- van Velthoven, B.C.J. and Haarhuis, C.M.K. (2011) "Legal Aid and Legal Expenses Insurance, Complements or Substitutes? The Case of the Netherlands," in 8(3) *Journal of Empirical Legal Studies*, pp.587-612.
- Veitch, K. (2012) "Juridification, Medicalisation, and the Impact of EU Law: Patient Mobility and the Allocation of Scarce NHS Resources," 20(3) *Medical Law review*, 362-398.
- Veitch, S., Christodoulidis, E. and Farmer, L. (2012) *Jurisprudence: Themes and Concepts*, Oxford: Routledge.
- Wallace, R., and Kupperman, J. 1997. Online Search in the Science Classroom: Benefits and Possibilities. Cited in D. Bilal. 2000. Children's Use of the Yahoo!igans! Web Search Engine: I. Cognitive, Physical, and Affective Behaviors on Fact-Based Search Tasks. *Journal of the American Society of Information Science*. 51(7), pp. 646–665.
- Ware, J.E., Kosinski, M., Turner-Bowker, D.M., Gandek, B. (2007) *User's Manual for the SF-12v2 Health Survey*. QualityMetric Incorporated, Lincoln, Rhode Island and Health Assessment Lab, Boston, Massachusetts.
- Watson, K.D., Polonsky, M.J. and Hyman, M.R. (2002) "Designing Vignette Studies in Marketing," 10(3) *Australasian Marketing Journal*, 41-58.
- Weinstein, Neil D. (1980) "Unrealistic Optimism About Future Life Events," 39 *Journal of Personality and Social Psychology*, 806-820.
- Will Aid (2014) *Will Aid Research 2014: Key Findings*, at <http://www.willaid.org.uk/press/research>
- Williams, C., Potter, G. & Douglas, G. (2008) "Cohabitation and intestacy: public opinion and law reform," in 499 *Child and Family Law Quarterly*, pp.508-517.
- Williams, K. (2011) *Litigants in Person: A Literature Review*, London: Ministry of Justice.
- Williams, M., & Hall, J. (1972) "Knowledge of the Law in Texas: Socioeconomic and Ethnic Differences," 7(1) *Law and Society Review*, 99-118.
- Wood, H., and Wood, D. 1999. Help Seeking, Learning and Contingent Tutoring. *Computers and Education*, 33(2/3), pp. 153–169.
- Zhao, S., and Elesh, D. 2007. The Second Digital Divide: Unequal Access to Social Capital in the Online World. *International Review of Modern Sociology*, 33(2), pp. 171-192.

Statistical Appendix

Chapter 1

Each CSJPS problem has a start date and an end date if it has concluded. If it is ongoing at the time of interview, end date can be replaced with interview date to yield problem duration in months. If the problem has concluded, this is the duration of the concluded problem. If the problem is ongoing at the time of interview, the data is considered 'right censored'. Event history analysis is able to take account of both concluded and ongoing problems in modelling problem duration. This type of model results in a hazard function, which is the conditional probability that a problem end in a month given that the problem did not conclude in the previous month. Hazard (of a problem finishing) is shown in the statistical output below. This can in turn be used to calculate the survivor function, which is used in the main text above (figures and tables) to illustrate how long CSJPS problems last. The survivor function is obtained by cumulatively subtracting the hazard for each month (and for each problem type, strategy or characterisation) from 1 (i.e. all problems). It provides a simple representation of problem duration - the proportion of each problem type remaining over time. For a short simple introduction to this type of model, see Steele (2008). The models fitted are quite simple in that they all look at a single variable (in addition to time) and no interactions between time and the variables are included in the model. The problem level random effects in the output table below reflect the fact that monthly observations were nested within problem. This categorises the model as a 'frailty' model, controlling for unobserved heterogeneity (and potential selection effects) by acknowledging that certain problems are more or less likely to end than others. All statistical models were implemented using MLwiN (Rasbash et al. 2009).

Table A1. Event history analysis output (significant model terms in bold)

Variable	Level	Model 1		Model 2		Model 3		Model 4	
		B	SE	B	SE	B	SE	B	SE
Constant		-1.95	0.06	-0.93	0.09	-2.28	0.12	-1.88	0.06
Month (since problem began)	1	0.00	-	0.00	-	0.00	-	0.00	-
	2	-0.11	0.09	-0.04	0.09	-0.09	0.09	-0.10	0.09
	3	-0.23	0.10	-0.12	0.10	-0.20	0.10	-0.23	0.10
	4	-0.10	0.10	0.05	0.10	-0.05	0.10	-0.09	0.10
	5	-0.47	0.12	-0.29	0.12	-0.41	0.12	-0.46	0.12
	6	-0.52	0.13	-0.33	0.13	-0.46	0.13	-0.51	0.13
	7	-0.39	0.13	-0.19	0.13	-0.33	0.13	-0.38	0.13
	8	-0.70	0.16	-0.48	0.16	-0.62	0.16	-0.68	0.16
	9	-0.79	0.17	-0.56	0.17	-0.73	0.17	-0.77	0.17
	10	-1.00	0.19	-0.77	0.19	-0.93	0.19	-0.99	0.19
	11	-1.18	0.21	-0.93	0.21	-1.10	0.21	-1.17	0.21
	12	-0.76	0.18	-0.51	0.19	-0.71	0.19	-0.75	0.18
	13-18	-0.66	0.10	-0.37	0.11	-0.59	0.10	-0.65	0.10
	19-24	-1.19	0.15	-0.85	0.15	-1.09	0.15	-1.16	0.15
	25-60	-1.28	0.12	-0.88	0.12	-1.17	0.12	-1.27	0.12
61+	-1.73	0.18	-1.27	0.18	-1.56	0.18	-1.72	0.18	
Problem type	Consumer	-	-	0.00	-	-	-	-	-
	Employment	-	-	-0.89	0.11	-	-	-	-
	Neighbour	-	-	-1.72	0.12	-	-	-	-
	Owned housing	-	-	-1.35	0.18	-	-	-	-
	Rented housing	-	-	-1.51	0.15	-	-	-	-

	Debt	-	-	-1.67	0.13	-	-	-	-
	Money	-	-	-1.28	0.12	-	-	-	-
	Benefits	-	-	-1.02	0.14	-	-	-	-
	Education	-	-	-1.30	0.18	-	-	-	-
	Personal injury	-	-	-1.39	0.18	-	-	-	-
	Clinical	-	-	-1.18	0.21	-	-	-	-
	Divorce	-	-	-2.13	0.28	-	-	-	-
	Relationship breakdown	-	-	-2.85	0.23	-	-	-	-
	Domestic violence	-	-	-2.04	0.27	-	-	-	-
	Care	-	-	-1.42	0.61	-	-	-	-
Broad strategy	Did nothing	-	-	-	-	0.00	-	-	-
	Handled alone/informal advice	-	-	-	-	0.55	0.12	-	-
	Other advice	-	-	-	-	0.04	0.13	-	-
	Advice sector	-	-	-	-	-0.15	0.18	-	-
	Law firm	-	-	-	-	-0.52	0.17	-	-
Characterised problem as 'legal'?	No	-	-	-	-	-	-	0.00	-
	Yes	-	-	-	-	-	-	-0.65	0.11
Problem level variance		0.99	0.07	0.91	0.07	1.00	0.07	0.97	0.07

Chapter 3

Models fitted

The three statistical models fitted in relation to the hypothetical scenarios were logistic regression models (for proportions), implemented using MLwiN statistical software (Rasbash et al 2009). Logistic regression is a common model type where the response variable (e.g. respondent's score out of six in the rented housing scenario) is a proportion (i.e. r correct out of n questions). A multilevel model was used (with two levels) since the data was hierarchical, with scores nested within households. Multilevel models can be used to correctly account for this type of data structure.

The model is used to assess whether particular factors (e.g. age group) are associated with an increase or decrease in score. How to interpret logistic regression is set out in a range of statistical texts, though all of the output in the main text is summarised in simple terms, without statistical output or jargon.

Model output is set out in Tables A1 to A3 below.

The two statistical models fitted to explore professed knowledge at the outset of problems and changes in professed knowledge over the course of problem experience were, as with the above models, implemented using MLwiN statistical software.

The first was an ordinal regression model, a commonly used model for ordered response variables, such as the extent to which respondents felt that they knew their rights when their problem began. A multilevel model was used (with three levels) to reflect the hierarchical nature of the data, with assessments of knowledge nested within respondents, and respondents nested within households. As indicated above, multilevel models can be used to correctly account for this type of data structure. The model was used to assess whether particular factors (e.g. age group) were associated with progressively worse knowledge of rights (compared to the 'complete' understanding reference category).

Model output is set out in Table A4 below.

The second model explored factors associated with perceived improvements in knowledge of rights by the time of interview. In this case, the response variable (improvement vs. no improvement) was binary, so a binary logistic regression model was fitted. Again, a multilevel model was implemented to account for data structure. Again, the model was used to assess whether particular factors (e.g. subjective legal empowerment)

were associated with a greater or lesser likelihood of improving perceived knowledge of rights.

Model output is set out in Table A5 below.

Statistical output in footnotes

Description of associations in the text is frequently accompanied by footnotes presenting important statistical information from statistical model output. These footnotes typically take two forms.

First, footnotes of the form ‘Testing the qualifications terms simultaneously; $\chi^2_4 = 7.43$, $p = 0.11$.’ assess whether the parameters for a particular predictor (in this case qualifications) are jointly equal to zero. This is essentially a measure of whether the predictor as a whole has a significant association with respondents’ score. A p-value less than 0.05 would lead us to conclude that the parameters are not jointly equal to zero and there is a significant association.

Second, footnotes also frequently explore where specific differences might lie (e.g. between 45-59 year olds and those over 75; $\chi^2_1 = 25.88$, $p < 0.001$). In this example, we would conclude that the difference between the age groups was statistically significant. Again, a p-value less than 0.05 would indicate that this difference is statistically significant.

Table A3.1. Multilevel logit model predicting score in response to the rented housing scenario questions on the basis of a range of predictor variables.

Variable	Level	Estimate	SE
Constant		1.06	0.19
Problems should be resolved within family/community	Neutral	0.00	-
	Agree	0.14	0.08
	Disagree	0.23	0.11
Age group	16-24	-0.31	0.12
	25-34	-0.04	0.11
	35-44	0.08	0.10
	45-59	0.00	-
	60-74	0.05	0.10
	75+	-0.20	0.12
Profession	Routine manual/other	0.00	-
	Technical/semi-routine manual	0.10	0.10
	Other management/clerical	0.18	0.11
	Professional/senior management	0.23	0.12
	Legal professional	1.00	0.31
	Unknown	-0.09	0.15
Qualifications	Apprenticeship/none	0.00	-
	GCSE/Other	-0.47	0.16
	Post GCSE/pre degree	-0.42	0.17
	Degree	-0.41	0.17
	Unknown	-0.50	0.16
Recent migrant	No	0.00	-
	Yes	-0.28	0.20
Experienced relevant rented housing problem	No	0.00	-
	Yes	0.33	0.24
Exposure to relevant circumstances	No	0.00	-
	Yes	0.10	0.08
Experimental group (time)	6 months	0.00	-
	1 year	0.13	0.08
	2 years	0.08	0.08
Household effects		0.15	0.05

Table A3.2. Multilevel logit model predicting score in response to the employment scenario questions on the basis of a range of predictor variables.

Variable	Level	Estimate	SE
Constant		0.42	0.18
Problems should be resolved within family/community	Neutral	0.00	-
	Agree	0.02	0.07
	Disagree	0.14	0.11
Age group	16-24	-0.07	0.12
	25-34	-0.24	0.11
	35-44	-0.14	0.10
	45-59	0.00	-
	60-74	-0.23	0.10
	75+	-0.79	0.12
Profession	Routine manual/other	0.00	-
	Technical/semi-routine manual	0.16	0.09
	Other management/clerical	0.18	0.10
	Professional/senior management	0.07	0.11
	Legal professional	-0.28	0.35
	Unknown	-0.02	0.14
Qualifications	Apprenticeship/none	0.00	-
	GCSE/Other	-0.04	0.14
	Post GCSE/pre degree	0.06	0.14
	Degree	0.14	0.15
	Unknown	-0.21	0.13
Recent migrant	No	0.00	-
	Yes	-0.17	0.17
Experienced relevant employment problem	No	0.00	-
	Yes	0.26	0.20
Exposure to relevant circumstances	No	0.00	-
	Yes	0.23	0.08
Experimental group (time)	6 months	0.00	-
	1 year	0.41	0.07
	2 years	0.44	0.07
Household effects		0.09	0.04

Table A3.3. Multilevel logit model predicting score in response to the consumer scenario questions on the basis of a range of predictor variables.

Variable	Level	Estimate	SE
Constant		-0.67	0.17
Problems should be resolved within family/community	Neutral	0.00	-
	Agree	-0.04	0.07
	Disagree	-0.10	0.11
Age group	16-24	-0.21	0.12
	25-34	-0.28	0.11
	35-44	-0.19	0.10
	45-59	0.00	-
	60-74	-0.03	0.09
	75+	-0.64	0.12
Profession	Routine manual/other	0.00	-
	Technical/semi-routine manual	0.02	0.10
	Other management/clerical	0.24	0.11
	Professional/senior management	0.26	0.12
	Legal professional	0.61	0.29
	Unknown	-0.02	0.15
Qualifications	Apprenticeship/none	0.00	-
	GCSE/Other	0.07	0.15
	Post GCSE/pre degree	0.20	0.15
	Degree	0.16	0.16
	Unknown	-0.07	0.14
Recent migrant	No	0.00	-
	Yes	-0.21	0.19
Experienced relevant consumer problem	No	0.00	-
	Yes	-0.07	0.12
Experimental group (time)	1 day	0.00	-
	3 days	0.01	0.07
	7 days	0.02	0.07
Household effects		0.003	0.003

Table A3.4. Ordinal regression model predicting understanding of rights when problems began on the basis of a range of predictor variables.

Variable	Level	Understanding of rights (reference category = 'completely')					
		Mostly or less		Partly or less		Not at all	
		Est	SE	Est	SE	Est	SE
Constant		2.177	0.397	0.929	0.314	0.527	0.323
Age group	16-24	0.129	0.179	0.071	0.146	0.277	0.150
	25-34	0.133	0.145	0.258	0.123	0.348	0.129
	35-44	0.200	0.129	0.312	0.109	0.345	0.116
	45-59	0.000	-	0.000	-	0.000	-
	60-74	0.198	0.156	0.041	0.131	0.086	0.142
	75+	-0.350	0.264	-0.171	0.244	0.005	0.265
Academic qualifications	Trade apprenticeship/none	0.000	-	0.000	-	0.000	-
	Missing	-0.654	0.265	-0.035	0.192	-0.217	0.196
	Degree	-0.735	0.259	-0.290	0.187	-0.607	0.195
	Post-GCSE/pre-degree	-0.660	0.256	-0.152	0.185	-0.208	0.189
	GCSE/other	-0.627	0.255	-0.127	0.183	-0.255	0.187
Legal sector knowledge score		-0.074	0.019	-0.094	0.016	-0.081	0.017
Profession	Routine manual/other	0.000	-	0.000	-	0.000	-
	Missing	-0.118	0.190	-0.287	0.158	-0.329	0.154
	Technical/semi-routine manual	-0.180	0.206	-0.336	0.172	-0.473	0.171
	Other managerial/clerical	-0.325	0.209	-0.354	0.177	-0.368	0.175
	Professional/senior managerial	-0.440	0.215	-0.600	0.182	-0.479	0.184
	Legal professional	-1.000	0.419	-1.439	0.393	-1.156	0.436
Subjective legal empowerment score		-0.021	0.013	-0.027	0.011	-0.042	0.011
Language spoken at home	English/Welsh	0.000	-	0.000	-	0.000	-
	Other	0.471	0.345	0.663	0.284	0.237	0.267
Problem characterised as 'legal'	No	0.000	-	0.000	-	0.000	-
	Yes	0.089	0.156	0.247	0.131	0.008	0.138

Problem type	Consumer	0.000	-	0.000	-	0.000	-
	Employment	0.850	0.168	0.874	0.146	0.658	0.158
	Neighbours	0.888	0.165	0.697	0.141	0.628	0.153
	Owned housing	0.601	0.267	0.434	0.226	0.085	0.267
	Rented housing	0.882	0.222	0.691	0.181	0.614	0.190
	Debt	0.708	0.185	0.732	0.162	0.836	0.170
	Money	0.680	0.170	0.836	0.153	0.675	0.166
	Benefits	0.713	0.200	0.796	0.174	0.737	0.184
	Education	0.676	0.267	0.657	0.227	0.714	0.233
	Personal injury	0.390	0.235	0.444	0.212	0.323	0.234
	Clinical negligence	0.840	0.300	1.024	0.257	1.287	0.257
	Divorce	0.711	0.272	0.838	0.235	0.287	0.251
	Relationship breakdown	1.152	0.312	0.896	0.240	0.856	0.243
	Domestic violence	0.829	0.372	0.717	0.301	0.490	0.312
Problems should be resolved in family/community	Agree	-0.105	0.154	0.094	0.127	-0.062	0.131
	Neither	0.000	-	0.000	-	0.000	-
	Disagree	-0.234	0.179	0.069	0.152	0.090	0.154
	Unknown	-0.226	0.149	-0.203	0.122	-0.286	0.126

Table A3.5. Multilevel logistic regression model predicting the likelihood of improvement in perceived understanding of rights on the basis of a range of predictor variables.

Variable	Level	Est	SE
Constant		-0.865	0.600
Age group	16-24	-0.674	0.259
	25-34	-0.525	0.229
	35-44	-0.455	0.203
	45-59	0.000	-
	60-74	-0.479	0.249
	75+	-0.578	0.462
Academic qualifications	Trade apprenticeship/none	0.000	-
	Missing	-0.457	0.366
	Degree	0.045	0.366
	Post-GCSE/pre-degree	-0.069	0.358
	GCSE/other	-0.368	0.356
Legal sector knowledge score		-0.039	0.029
Profession	Routine manual/other	0.000	-
	Missing	0.635	0.256
	Technical/semi-routine manual	0.368	0.280
	Other managerial/clerical	0.621	0.299
	Professional/senior managerial	0.658	0.318
	Legal professional	0.121	0.804
Subjective legal empowerment score		0.058	0.020
Language spoken at home	English/Welsh	0.000	-
	Other	-0.277	0.427
Problem characterised as 'legal'	No	0.000	-
	Yes	0.976	0.218
Problem type	Consumer	0.000	-
	Employment	0.618	0.265
	Neighbours	0.035	0.265
	Owned housing	0.877	0.427
	Rented housing	0.274	0.319
	Debt	1.103	0.292
	Money	0.513	0.277
	Benefits	0.766	0.305
	Education	0.430	0.385
	Personal injury	0.446	0.384
	Clinical negligence	0.341	0.413
	Divorce	1.009	0.384
	Relationship breakdown	0.889	0.403
	Domestic violence	0.571	0.473
	Care	1.042	1.116
Problems should be resolved in family/community	Agree	-0.125	0.236
	Neither	0.000	-
	Disagree	-0.083	0.270
	Unknown	-0.443	0.224

Chapter 4

Model fitted

The statistical model fitted to explore whether or not problems were characterised as legal was a multilevel binary logit model, implemented using MLwiN statistical software (Rasbash et al 2009). Binary logit models are common model types where the response variable (e.g. whether or not a problems was characterised as legal) is binary. A multilevel model was used since the data was hierarchical, with characterisation nested within respondents/households. Multilevel models can be used to correctly account for this type of data structure.

Statistical output in footnotes

Description of associations in the text is frequently accompanied by footnotes presenting important statistical information from statistical model output. These footnotes typically take two forms.

First, footnotes of the form ‘Testing the qualifications terms simultaneously; $\chi^2_4 = 7.43, p = 0.11.$ ’ assess whether the parameters for a particular predictor (e.g. age group) are jointly equal to zero. This is essentially a measure of whether the predictor as a whole has a significant association with respondents’ score. A p-value less than 0.05 would lead us to conclude that the parameters are not jointly equal to zero and there is a significant association.

Second, footnotes also frequently explore where specific differences might lie (e.g. between 45-59 year olds and those over 75; $\chi^2_1 = 25.88, p < 0.001$). In this example, we would conclude that the difference between the age groups was statistically significant. Again, a p-value less than 0.05 would indicate that this difference is statistically significant.

Table A4.1. Multilevel binary logit regression model predicting legal characterisation of problems on the basis of a range of variables

Variable	Level	Estimate	SE
Constant		-2.34	0.46
	16-24	-0.34	0.24
	25-34	-0.17	0.19
	35-44	-0.24	0.17
	45-59	0.00	-
	60-74	-0.27	0.21
	75+	-0.58	0.46
Religion	No	0.00	-
	Yes	0.02	0.16
	Unknown	0.44	0.33
English spoken at home	Yes	0.00	-
	No	0.17	0.39
Profession	Routine manual/other	0.00	-
	Not answered (incl. never worked)	-0.14	0.35
	Technical/semi-routine manual	-0.23	0.26
	Other managerial/clerical	0.11	0.25
	Professional/senior managerial	0.16	0.25
	Legal professional	0.10	0.45
Subjective legal empowerment	Low	0.00	-
	Medium	-0.48	0.29
	High	-0.20	0.25
	Missing	-0.37	0.28
Legal sector knowledge	Low	0.00	-
	Medium	0.16	0.20
	High	0.29	0.23
	Missing	0.25	0.24
Problems should be resolved within family/community	Neither agree nor disagree	0.00	-
	Agree	0.43	0.18
	Disagree	0.37	0.22
Understood rights when problem started	Not at all/don't know	0.00	-
	Completely	-0.04	0.17
	Mostly	-0.23	0.19
	Partly	0.24	0.16
Problem severity score		0.00	0.00
Disagreement with other side	Yes	0.00	-
	Unknown	-0.82	0.38
	No	-0.95	0.13
Problem type	Consumer	0.00	-
	Employment	1.04	0.23
	Neighbour	-0.64	0.33

	Owned housing	1.44	0.31
	Rented housing	1.00	0.28
	Debt	0.71	0.27
	Money	0.64	0.25
	Benefits	0.11	0.32
	Education	-0.22	0.45
	Personal	0.84	0.34
	Clinical	-0.10	0.51
	Family	0.84	0.26
	Care	0.17	1.10
Random person level variance		0.52	0.22

Chapter 5

Models fitted

Two statistical models were fitted, both implemented using MLwiN statistical software (Rasbash et al., 2009). The first model explored factors associated with lack of awareness of four key advisor types (solicitors, CABx, law centres and community legal advice). Since the outcome was binary (no knowledge vs. some knowledge) a multilevel binary logistic regression model was fitted. A multilevel model was used since respondents were nested within household. Statistical output for this model is shown in Table A1. The second model explored the extent to which respondents wanted to delegate responsibility to advisers when faced with a problem. Since the extent to which respondents wanted to delegate responsibility was ordered, a multilevel ordinal regression model was fitted, with variables added as common coefficients, taking advantage of the ordinal outcome variable. A multilevel model was used (with two levels) since the data was hierarchical, with delegation preferences nested within problems (as respondents could have multiple advisers for a given problem). Statistical output for this model is shown in Table A2. In both models, multilevel models were used to correctly account for hierarchical data structure (some of the consequences of failing to do so are set out in Goldstein, 2011). Detail on how to interpret ordinal and logistic regression models can be found in a range of statistical texts, though all of the output in the main text is summarised in simple terms, without statistical output or jargon.

Statistical output in footnotes

Description of associations in the text is frequently accompanied by footnotes presenting important statistical information from statistical model output. These footnotes typically take two forms.

First, footnotes of the form 'Testing the qualifications terms simultaneously; $\chi^2_4 = 7.43$, $p = 0.11$.' assess whether the parameters for a particular predictor (in this case qualifications) are jointly equal to zero. This is essentially a measure of whether the predictor as a whole has a significant association with a dependent variable. A p-value less than 0.05 indicates that the parameters are not jointly equal to zero and there is a significant association.

Second, footnotes also frequently explore where specific differences might lie (e.g. between 45-59 year olds and those over 75; $\chi^2_1 = 25.88$, $p < 0.001$). In this example, we would conclude that the difference between the age groups was statistically significant. Again, a p-value less than 0.05 indicates a difference is statistically significant.

Model output

Table A1. Multilevel binary logistic regression output modelling lack of knowledge of four key advisor types (compared to some knowledge) on the basis of a range of variables. Statistically significant model terms are in bold.

Variable	Level	Estimate	Standard Error
Constant		-3.94	0.69
Highest academic qualification	None/trade apprenticeship	0.00	-
	GCSE/other	-0.65	0.28
	Post-GCSE/pre-degree	-0.65	0.30
	Degree	-1.12	0.42
Age group	16-24	1.14	0.40
	25-34	0.67	0.42
	35-44	-0.11	0.53
	45-59	0.00	-
	60-74	0.67	0.40
	75+	1.31	0.39
Mental health (MCS score)		0.02	0.01
Profession	Routine manual/other	0.00	-
	Technical/semi-routine manual	0.16	0.29
	Other managerial/clerical	0.18	0.33
	Professional/senior managerial	-0.44	0.43
	Legal	0.28	1.14
	Unknown/missing	0.84	0.32
New migrant (last 10 years)	No	0.00	-
	Yes	-0.08	0.46
Language spoken at home	English	0.00	-
	Other	1.02	0.33
Previous contact with advisors	No	0.00	-
	Yes	-1.73	0.23
One or more civil justice problem	No	0.00	-
	Yes	-0.35	0.25
Household level variance		0.59	0.38

Table A2. Multilevel ordinal regression output modelling the extent to which respondents wanted to delegate responsibility to advisors when faced with problems on the basis of a range of variables. The reference outcome category was 'directed support' and statistically significant model terms are shown in bold.

Variable	Level	Estimate	Standard Error
<i>Fixed terms</i>			
Constant (<= decision delegation)		0.05	0.60
Constant (<= partial decision delegation)		1.44	0.60
Constant (<= advisory support)		2.87	0.61
Advisor type	Solicitor	0.00	-
	Local council	-0.58	0.34
	Council advisory service/trading standards	-0.81	0.31
	Other council department	0.33	0.32
	CAB	-1.01	0.25
	Other independent advice agency	-0.27	0.27
	Trade union	-0.29	0.27
	Police	0.24	0.29
	Health/social worker	0.12	0.29
	Other	-0.17	0.20
Problem type	Consumer	0.00	-
	Employment	-0.62	0.29
	Neighbours	0.55	0.28
	Owned housing	-0.11	0.35
	Rented housing	-0.52	0.37
	Debt	-0.06	0.33
	Money	0.01	0.31
	Welfare benefits	0.48	0.35
	Education	-0.57	0.46
	Personal injury	-0.25	0.34
	Clinical negligence	-0.31	0.46
	Family	-1.04	0.30
Highest academic qualification	None/trade apprenticeship	0.00	-
	GCSE/other	-0.20	0.17
	Post-GCSE/pre-degree	-0.38	0.19
	Degree	-0.46	0.20
Subjective legal empowerment	Low	0.00	-
	Medium	-0.05	0.31
	High	0.13	0.33
	Unknown	0.17	0.34
Problem characterised as legal	No	0.00	-
	Yes	0.10	0.16
Age group	16-24	0.21	0.24
	25-34	0.16	0.19

	35-44	0.05	0.16
	45-59	0.00	-
	60-74	-0.25	0.19
	75+	0.02	0.40
Mental health (MCS score)		-0.007	0.006
Profession	Routine manual/other	0.00	-
	Technical/semi-routine manual	0.16	0.22
	Other managerial/clerical	-0.08	0.23
	Professional/senior managerial	0.05	0.25
	Legal	-0.54	0.40
	Unknown/missing	0.14	0.23
Problem severity score		0.004	0.004
Self-efficacy	Low	0.00	-
	Medium	0.16	0.18
	High	0.25	0.21
	Unknown	-0.08	0.17
New migrant (last 10 years)	No	0.00	-
	Yes	-0.18	0.42
<i>Random terms</i>			
<= decision delegation/<= decision delegation		0.04	0.15
<= decision delegation/<= partial decision delegation		0.23	0.14
<= decision delegation/<= advisory support		0.13	0.14
<= partial decision delegation/<= partial decision delegation		0.86	0.21
<= partial decision delegation/<= advisory support		0.65	0.23
<= advisor support/<= advisory support		1.74	0.40

Chapter 6

Models fitted

Six statistical models were fitted, all implemented using MLwiN statistical software (Rasbash et al., 2009). The first set of model explored the association between SLE score and social and demographic characteristics (Model 1), use and knowledge of legal/advice services (added for Model 2) and legal problem experience (added for model 3). SLE score was treated in all models as a normally distributed variable, meaning that the model estimates shown below relate directly to SLE score. A multilevel model was used since respondents were nested within household. Statistical output for the first set of models is shown in Table A1. The second set of three models restricted analysis to only those respondents reporting one or more new legal problems during their wave two interview. These models aimed to establish whether any particular elements or characteristics of problem experience were associated with higher or lower SLE scores.²⁵⁵ Again a multilevel model was used since respondents were nested within household. Statistical output for the first set of models is shown in Table A2. In all models, multilevel models were used to correctly account for hierarchical data structure (some of the consequences of failing to do so are set out in Goldstein, 2011).

Statistical output in footnotes

Description of associations in the text is frequently accompanied by footnotes presenting important statistical information from statistical model output. These footnotes typically take two forms.

First, footnotes of the form ‘Testing the qualifications terms simultaneously; $\chi^2_4 = 7.43$, $p = 0.11$.’ assess whether the parameters for a particular predictor (in this case qualifications) are jointly equal to zero. This is essentially a measure of whether the predictor as a whole has a significant association with a dependent variable. A p-value less than 0.05 indicates that the parameters are not jointly equal to zero and there is a significant association.

²⁵⁵ Model A included ‘obtaining advice for a problem’, while model B replaces this with two distinct forms of advice (solicitor/barrister and advice agency advice). Model C replicates model A with ‘not at all’ knowing rights for a problem replaced with ‘completely’ knowing rights for a problem. Unless otherwise specified, significance tests of model terms reported in footnotes use model C.

Second, footnotes also frequently explore where specific differences might lie (e.g. between 45-59 year olds and those over 75; $\chi^2_1 = 25.88$, $p < 0.001$). In this example, we would conclude that the difference between the age groups was statistically significant. Again, a p-value less than 0.05 indicates a difference is statistically significant.

Model output

Table A1. Multilevel models exploring SLE score on the basis of a range of variables. Model 1 includes solely social and demographic characteristics. Model B adds contact with advisors and legal sector knowledge. Model C further adds legal problem experience. Statistically significant terms are shown in bold.

Variable	Level	Model 1		Model 2		Model 3	
		Estimate	SE	Estimate	SE	Estimate	SE
Constant		2.770	0.072	2.741	0.076	2.837	0.077
Gender	Female	0.000	-	0.000	-	0.000	-
	Male	-0.012	0.018	-0.018	0.018	-0.017	0.018
Age group	16-24	0.001	0.040	0.035	0.042	0.049	0.042
	25-34	-0.028	0.035	-0.003	0.035	0.005	0.035
	35-44	-0.016	0.031	-0.004	0.031	0.008	0.031
	45-59	0.000	-	0.000	-	0.000	-
	60-74	-0.052	0.028	-0.053	0.028	-0.068	0.028
Recent migrant (last 10 years)	75+	-0.095	0.037	-0.076	0.038	-0.099	0.038
	No	0.000	-	0.000	-	0.000	-
	Yes	-0.204	0.092	-0.203	0.093	-0.222	0.092
PCS score		0.003	0.001	0.003	0.001	0.002	0.001
MCS score		0.009	0.001	0.009	0.001	0.008	0.001
Profession	Routine manual/other	0.000	-	0.000	-	0.000	-
	Technical/semi-routine manual	0.041	0.032	0.030	0.032	0.036	0.031
	Other managerial/clerical	0.059	0.033	0.040	0.034	0.040	0.033
	Professional/senior managerial	0.089	0.035	0.059	0.035	0.058	0.035
	Legal	0.063	0.095	0.035	0.095	0.045	0.094

	Unknown	-0.063	0.043	-0.066	0.043	-0.071	0.043
Academic qualifications	Apprenticeship/none	0.000	-	0.000	-	0.000	-
	GCSE/other	0.027	0.027	0.019	0.027	0.025	0.027
	Post-GCSE/pre-degree	0.031	0.029	0.016	0.029	0.023	0.029
	Degree	0.059	0.034	0.044	0.034	0.060	0.033
Ever contacted solicitor/law centre	No	-	-	0.000	-	0.000	-
	Yes	-	-	0.032	0.021	0.036	0.021
Ever contacted advice agency	No	-	-	0.000	-	0.000	-
	Yes	-	-	-0.046	0.020	-0.029	0.020
Ever contacted ombudsman	No	-	-	0.000	-	0.000	-
	Yes	-	-	0.027	0.039	0.045	0.039
Legal sector knowledge	Low (1-3)	-	-	0.000	-	0.000	-
	Missing	-	-	0.069	0.032	0.074	0.031
	Medium (4-7)	-	-	0.082	0.028	0.088	0.028
	High (8-10)	-	-	0.154	0.033	0.162	0.033
Number of legal problems	None	-	-	-	-	0.000	-
	One	-	-	-	-	-0.050	0.027
	Two	-	-	-	-	-0.123	0.038
	Three	-	-	-	-	-0.135	0.058
	Four	-	-	-	-	-0.201	0.087
	Five or more	-	-	-	-	-0.549	0.081
Household level residuals		0.091	0.009	0.090	0.009	0.086	0.009
Respondent level residuals		0.254	0.009	0.253	0.009	0.251	0.009

Table A2. Multilevel models exploring SLE score for those with one or more new wave two problem on the basis of a range of elements of problem experience. Model A included 'obtaining advice for a problem', while model B replaces this with two distinct forms of advice (solicitor/barrister and advice agency advice). Model C replicates model A with 'not at all' knowing rights for a problem replaced with 'completely' knowing rights for a problem. Statistically significant terms are shown in bold.

Variable	Level	Model A		Model B		Model C	
		Estimate	Standard error	Estimate	Standard error	Estimate	Standard error
Constant		3.54	0.04	3.58	0.04	3.51	0.04
Did nothing for a problem	No	0.00	-	0.00	-	0.00	-
	Yes	-0.16	0.05	-0.19	0.05	-0.18	0.05
Handled a problem alone	No	0.00	-	0.00	-	0.00	-
	Yes	-0.01	0.04	-0.05	0.04	-0.04	0.04
Obtained advice for a problem	No	0.00	-	-	-	0.00	-
	Yes	0.06	0.04	-	-	0.05	0.04
Used advice agency for a problem	No	-	-	0.00	-	-	-
	Yes	-	-	-0.03	0.07	-	-
Use solicitor/barrister for a problem	No	-	-	0.00	-	-	-
	Yes	-	-	-0.05	0.06	-	-
Had a severe problem (severity score 41-50)	No	0.00	-	0.00	-	0.00	-
	Yes	-0.07	0.04	-0.06	0.04	-0.08	0.04
Had a disagreement with the other side	No	0.00	-	0.00	-	0.00	-
	Yes	-0.09	0.04	-0.07	0.04	-0.10	0.04
Had a 'not at all' fair outcome	No	0.00	-	0.00	-	0.00	-
	Yes	0.05	0.06	0.04	0.06	0.05	0.06
Was unhappy with how things had turned/were turning out	No	0.00	-	0.00	-	0.00	-
	Yes	-0.14	0.04	-0.14	0.04	-0.16	0.04
	No	0.00	-	0.00	-	-	-

Did not know rights at all for a problem	Yes	-0.12	0.04	-0.11	0.04	-	-
Knew rights completely for a problem	No	-	-	-	-	0.00	-
	Yes	-	-	-	-	0.11	0.04
Household level residuals		0.06	0.02	0.06	0.02	0.07	0.02
Respondent level residuals		0.27	0.03	0.28	0.03	0.27	0.03

Statistical Appendix to Chapter 7

Models fitted

We fitted two multilevel binary logistic regression models, implemented using MLwiN statistical software (Rasbash et al., 2009). Binary logistic regression is a common model type where a binary outcome is predicted on the basis of a range of other variables. Multilevel models were used (with two levels) since the CSJPS data is hierarchical, with problems nested within individuals, in turn nested within households. Multilevel models can be used to correctly account for this type of data structure.

The first model explored use of the Internet (yes/no) in relation to Internet access (whether or not an individual had access to broadband Internet at home), qualifications (apprenticeship/none, GCSE/Other, Post GCSE/pre Degree, Degree, unknown), age (16-24, 25-34, 35-44, 45-59, 60-74, 75+), problem type (Consumer, Employment, Neighbours, Owned Housing, Rented Housing, Debt, Money, Benefits, Education, Personal Injury, Clinical Negligence, Divorce, Relationship Breakdown, Violence and Care) and problem severity. Problem severity was measured using a 50-point scale, with 1 representing the least severe problem and 50 representing most severe. For the purpose of our analysis, scores were collapsed to 5 categories (0-10, 11-20, 21-30, 31-40, 41-50).

The second model explored acquisition of knowledge of rights by problem characterisation (Bad Luck/Part of Life, Moral, Private, Criminal, Legal, Social, Bureaucratic, Family/Community), subjective legal empowerment (low, medium and high), use of a formal advisor (yes/no), and use of the Internet (collapsed into three groups: those who did not use the Internet at all; those who used it for purposes other than to obtain information about their rights or to find information to help resolve the problem; and, those who used it to obtain information about rights or find information to help resolve the problem). Subjective legal empowerment scores were derived from a series of questions which asked about how confident CSJS respondents were that they could obtain a fair outcome in relation various legal problems.

Statistical output in footnotes

Description of associations in the text is frequently accompanied by footnotes presenting important statistical information from statistical model output. These footnotes typically take two forms.

First footnotes of the form testing the term 'use of the Internet' simultaneously (as seen in respect of the second model); $\chi^2_1 = 16.17$, $p = <0.000$, assess whether the parameters for a particular predictor (in this case Internet) are jointly equal to zero. This is essentially a measure of whether the predictor as a whole (rather than separated out into the categories (i) use of the Internet for signposting; (ii) use of the Internet to obtain information about the problem/rights) has a significant association with respondents' acquisition of knowledge. A p-value less than 0.05 would lead us to conclude that the parameters are not jointly equal to zero and there is a significant association. In this case, irrespective of what the Internet was used for (signposting/information) use of the Internet as a whole was associated with an increased likelihood of gaining knowledge of rights.

Second, footnotes also frequently explore where specific differences might lie (e.g. referring to the first model, exploring differences between those who have access to the Internet at home and those who do not; $\chi^2_1 = 14.56$, $p = <0.000$). In this example, we would conclude that the difference between the age groups was statistically significant. Again, a p-value less than 0.05 would indicate that this difference is statistically significant.

Table A7.1. Binary Logistic Regression Model predicting use of the Internet in relation to a Legal Problem on the basis of a range of predictor variables.

Variable	Level	Est	SE
Constant		-2.29	0.5
Education	None/Apprenticeship	0.00	-
	Degree	0.47	0.28
	Pre Degree/Post GCSE	0.06	0.3
	GCSE/Other	-0.45	0.29
Severity	1 to 10	0.00	-
	11 to 20	0.38	0.23
	21 to 30	0.47	0.24
	31 to 40	0.44	0.24
	41 to 50	0.71	0.23
Internet at home	No	0.00	-
	Yes	1.11	0.29
Age	16-24	0.00	-
	25-34	-0.24	0.27
	35-44	-0.03	0.26
	45-59	-0.04	0.25
	60-74	-0.48	0.3
	75+	-0.95	0.7
Problem type	Consumer	0.00	-
	Employment	-0.05	0.23
	Neighbours	-0.60	0.26
	Owned Housing	0.47	0.33
	Rented Housing	-0.77	0.35
	Debt	0.21	0.28
	Money	0.24	0.26
	Benefits	0.35	0.29
	Education	0.91	0.38
	Personal Injury	-0.4	0.39
	Clinical Negligence	0.25	0.4
	Divorce	0.8	0.37
	Relationship Breakdown	0.84	0.35
	Violence	-0.11	0.5
Care	0.05	0.92	
Household effects		0.74	0.2

Table A7.2 Binary Logistic Regression model predicting improvement in knowledge of rights on the basis of a range of predictor variables.

Variable	Level	Est	SE
Constant		-0.11	0.19
Empowerment score	Low	0.00	-
	Medium	-0.24	0.16
	High	-0.24	0.63
Internet use	Did not use Internet	0.00	-
	Signposting only	0.78	0.39
	Knowledge acquisition	1.15	0.28
Formal advice	No	0.00	-
	Yes	0.70	0.16
Problem characterisation	Bad Luck/Part of Life	-0.13	0.16
	Moral	0.07	0.21
	Private	0.18	0.26
	Criminal	0.10	0.26
	Legal	0.52	0.23
	Social	-0.26	0.22
	Bureaucratic	-0.07	0.20
	Family/Community	-0.23	0.30
Household effects		0.39	0.20