

Annexe to the PLEAS Task Force Report

**Education Implications from the
English and Welsh Civil and Social Justice
Survey**

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Executive Summary

1. Introduction

This research annex to the Public Legal Education and Support (PLEAS) Task Force Report details findings from the English and Welsh Civil and Social Justice Survey (CSJS). The focus of the report is on survey results that have public legal education implications.

The PLEAS Task Force is an independent body set up in early 2006 to develop proposals for how to promote and improve public legal education. Their working definition of public legal education encompasses the development of awareness, knowledge, understanding, skills and confidence. It is the tool citizens need to achieve legal capability.

Recent examples of research evidence point towards education gaps. As the CSJS is based on a representative sample of the population of England and Wales, and a full range of civil justice problems, it provides a comprehensive picture. This report for the first time draws together all the survey findings that have public legal education implications, and includes many new results.

2. Methodology

The CSJS provides detailed information on the nature, patterns and impact of people's experience of civil justice problems and the use and success of problem resolution strategies. Face-to-face interviews are conducted in respondents' own homes. Eighteen distinct civil justice problem categories are covered.

The report presents findings from the 2004 CSJS and the continuous CSJS, which commenced in January 2006. The findings from the continuous survey focus on new public legal education questions devised in liaison with the PLEAS Task Force.

3. Results from the 2004 English and Welsh Civil and Social Justice Survey

Respondents who reported a civil justice problem chose very different ways of dealing with their problem. These results on problem resolution strategies have public legal education implications.

A substantial proportion (just over 10 per cent) of those reporting civil justice problems took **no action** to resolve them:

- Respondents without any educational qualifications had high rates of doing nothing.
- There were significant differences in rates of inaction between problem types. Those faced with problems relating to clinical negligence, unfair police treatment, personal injury, neighbours, mental health, employment and domestic violence were less likely than others to take action to resolve them.

- The most common reason for doing nothing was that respondents thought it would make no difference. Uncertainty as to rights and as to what to do or where to get help was also mentioned.
- Reasons for inaction varied significantly by problem type. Respondents with employment, discrimination, money/debt and mental health problems most often said they did not act because they thought nothing could be done.

Two per cent of respondents **tried and failed to obtain advice** for their problem and then **gave up**:

- This was related to some socio-demographics associated with social exclusion, such as publicly renting, being without motorised transport and having a low income.
- It was uncommon in a number of problem categories: divorce, immigration, children, consumer and rented housing problems.

Five per cent of respondents **tried and failed to obtain advice** and **subsequently handled their problem alone**:

- There were higher rates for publicly renting, young and Asian respondents.
- Relatively high rates were found for unfair police treatment, both owned and rented housing, and neighbours problems.

Thirty-one per cent of respondents **handled their problems on their own from the start**:

- High rates were found among those with higher degrees, among black respondents, privately renting respondents, those without long-term illness and disability, and respondents on higher incomes.
- There were particularly low rates for those receiving benefits and for lone parents.
- Consumer, money/debt and welfare benefits problems had high percentages.

Fifty-two per cent of respondents **obtained formal advice** for their civil justice problem:

- Middle-aged respondents, lone parents, those publicly renting and respondents receiving benefits had high rates of obtaining advice.
- For some problem types, such as discrimination, employment, mental health or children, respondents went to a wide range of different advisers – some of whom might not have been the appropriate advice source.

In addition to the results on problem resolution strategies, further findings with public legal education implications from the 2004 CSJS include:

Awareness of mainstream local advice provision:

- There was a clear mismatch between respondents' perception of local advice provision and actual provision.
- Respondents with a lack of awareness of local CABx, Law Centres or solicitors were slightly more likely to do nothing about their civil justice problem and less likely to handle it alone than others.

Entrenched behaviour patterns:

- Adopting a particular problem solving strategy greatly increased the likelihood of adopting the same strategy again for subsequent problems. For example, those who tried and failed to get advice for one problem also tried and failed to get advice for other problems.

- There was also evidence of ‘household preferences’ for particular courses of action. For example, people living in households in which others had acted to resolve problems were more likely to act to resolve their own problems.

Regretting problem-solving strategy:

- Some of those who did not seek advice or tried and failed to obtain advice regretted not obtaining help. These respondents tended to believe that they would have got a better outcome with advice.
- Respondents whose problems had concluded were also asked about regrets: the most common being not obtaining advice or more advice, or advice elsewhere.
- Regrets may be linked to unrealistic expectations. Welfare benefit, rented housing and money/debt problems had the highest rates of respondents subsequently saying that reaching a conclusion took much longer than expected.

Meeting objectives:

- Of those who obtained advice, 46 per cent obtained their objectives. Of those who tried in vain to obtain advice and then gave up, only 11 per cent obtained their objectives. Of those who handled their problems alone, 42 per cent obtained their objective.

4. First Findings from the Continuous English and Welsh Civil and Social Justice Survey

Self-reported lack of knowledge:

- Sixty-two per cent of respondents said they did not know at the time of their problem what their legal rights were relating to that problem.
- An even higher 69 per cent reported that they did now know what formal processes (such as court proceedings and tribunals) were sometimes used to deal with their sorts of problems.
- Of those who did say they knew what formal processes were sometimes used, a relatively high 71 per cent said they also knew how to use these processes.
- Sixteen per cent of respondents said they wished they had known about their rights/formal processes at the time of problem experience. Six per cent said they would have wanted to know that they should have obtained advice.

Socio-demographics and knowledge:

- Respondents on lower incomes and those with fewer academic qualifications had higher rates of reporting that they did not know their legal rights and of formal processes used at the time of problem experience, compared to those in more advantageous positions. For example, 49 per cent of those who earned over £50,000 said they knew their legal rights at the time of the problem, whereas only 24 per cent of those who earned under £10,000 said this.

Problem types and knowledge:

- There were significant differences in knowledge of rights and of processes across problem types.

- There was some evidence of more knowledge of rights for consumer problems and less knowledge of rights and of legal processes for neighbours problems.
- There were high rates of knowledge of rights and of formal processes for both divorce and relationship breakdown problems.

Impact of knowledge on problem strategy:

- Whether respondents felt they knew about their rights or of formal legal processes at the time of problem experience had a significant impact upon their problem solving strategy.
- Respondents who said they did not know their legal rights relating to their problem: did nothing far more often; were more likely to have tried, failed and then handle their problem alone; and were comparatively less likely to obtain advice.
- Respondents who suggested they did not know of any formal processes used to solve their types of problems also did nothing far more often and handled their problems alone less often.

Adverse consequences as a result of problems and knowledge:

- Respondents who said they did not know their rights were significantly more likely than other respondents to report one or more adverse consequences on their life as a result of their civil justice problem.
- The two largest differences between those who did and did not know their legal rights was in percentages reporting loss of income and, particularly, loss of confidence.

Regrets and knowledge:

- Respondents who said they did not know their legal rights relating to their problem were significantly more likely than other respondents to regret their actions. They felt that, with hindsight, they should have got more advice or advice from elsewhere. They also regretted not getting information more frequently than respondents who said they knew their rights.

Outcomes and knowledge:

- There were significant differences in outcome between those who said they knew about their rights and the processes used to deal with their types of problems, and those who did not.
- The largest single difference was in percentage ending problems by sorting the problem out themselves, with those knowing their rights reaching an outcome on their own far more frequently.

Meeting objectives and knowledge:

- In terms of meeting their objectives, there were significant differences between those who felt they knew their legal rights at the time of their problem, and those who did not.
- Those who knew their rights met all of their objectives 59 per cent of the time compared to only 29 per cent for those who did not know their rights.

5. Conclusions

Research implications - the case for public legal education:

- The CSJS findings show there are knowledge, skills and confidence gaps in the population.
- Socio-demographic results highlight some of the specific population groups who might benefit from education initiatives. Findings at problem level show how public legal education might be of more benefit in relation to some legal issues. Given the findings on persistent advice strategies, public legal education initiatives have the potential to break entrenched behaviour patterns.
- First results from the continuous CSJS provide useful baseline results on people's lack of knowledge in regard to civil justice problems. Importantly, they demonstrate clearly the negative impact of knowledge gaps – increased rates of inaction, more failed attempts to obtain advice and more negative consequences as a result of problems. Problem outcomes also differed for those lacking knowledge. Crucially, they were far less likely to meet their objectives.
- Continuous survey results confirmed the 2004 CSJS findings regarding vulnerable groups. Taken together with the findings that a lack of knowledge can have severe consequences, successful public legal education initiatives have the potential to contribute to social justice.

Challenges and the need for further research:

- Despite the CSJS results making a clear case for the value of public legal education, there are a number of challenges.
- Care needs to be taken to adequately define the concept of public legal education. There are overlaps between public legal education and citizenship education. There is also no single indicator of what an adequate level of legal education entails.
- Even when equipped with the necessary awareness and skills required to avoid or deal with a legal issue effectively, some citizens might not take any action. People's behaviour is not always rational and decision-making is influenced by many different factors. This makes changing behaviour a daunting task for public legal education initiatives.
- Self-esteem, ability to cope, entrenched avoidance behaviour, life circumstances and support networks are all factors that need to be taken into account, alongside anxiety about the implications of dealing with a problem. The PLEAS Task Force has acknowledged this challenge by including confidence and skills in their core definition of what public legal education seeks to achieve. However, for some people in desperate circumstances, immediate and high-quality advice will be their first priority.
- The relative merits of resource allocation between advice services and public legal education also requires a close examination.

To address these challenges, to assess the impact of the national public legal education strategy suggested by the PLEAS Task Force and to inform future developments, dedicated research and evaluation will be necessary.

1. Introduction

1.1 Overview

This research annexe to the Public Legal Education and Support (PLEAS) Task Force report presents findings from the English and Welsh Civil and Social Justice Survey (CSJS). The survey provides detailed information on the nature, pattern and impact of people's experience of civil justice problems and the use and success of problem resolution strategies. It is representative of the population of England and Wales.

The Legal Services Research Centre (LSRC), the independent research division of the Legal Services Commission, is responsible for the CSJS. The LSRC has a broad remit to conduct strategic research in civil and criminal justice and related social policy fields.

The focus of this report is on survey results that have public legal education implications, namely:

- Do citizens know how to deal with civil legal issues?
- Are there socio-demographic groups who seem more likely to have knowledge and skills gaps when faced with civil legal problems?
- Are there types of problems where knowledge gaps are more likely to act as a barrier to problem resolution?
- What impact does a lack of 'legal capability' have?

Following the introduction, the methodology for the CSJS is described. Findings from the 2004 survey are then presented. Reflecting the impact the CSJS has had on policy and research, it became a continuous survey in January 2006. First findings from the continuous CSJS are therefore also presented, focussing on new public legal education questions. Lastly, we highlight key research implications. References are included at the end of the report.

1.2 Policy and Research Background

Policy developments

Over recent years, there has been an increasing concern whether citizens are equipped with sufficient legal 'know-how'. In January 2006, the Department for Constitutional Affairs (now Ministry of Justice) announced the PLEAS Task Force. The move came after the Legal Action Group, the Citizenship Foundation and the Advice Service Alliance urged a national strategy to fund public legal education on citizens' rights and knowledge of the law (Legal Action Group, Citizenship Foundation and Advice Services Alliance 2004, 2005).

The PLEAS Task Force is an independent body and brings together individuals from a wide range of organizations. The remit given to the Task Force was to develop proposals for how to promote and improve public legal education.

The aim of developing a national strategy for public legal education mirrors previous developments in other fields. Government strategies have recently been developed for consumer education (Office of Fair Trading 2004) and financial capability (Financial Services Authority 2004).

Defining public legal education

The PLEAS Task Force's working definition of public legal education, referred to as PLE, is multi-dimensional and encompasses the development of awareness, knowledge, understanding, skills and confidence:

PLE provides people with awareness, knowledge and understanding of rights and legal issues, together with the confidence and skills they need to deal with disputes and gain access to justice. Equally important, it helps people recognise when they may need support, what sort of advice is available, and how to go about getting it.

PLE has a further key role to play in helping citizens to better understand everyday life issues, making better decisions and anticipating and avoiding problems.

(PLEAS Task Force 2007, p.9)

The Task Force acknowledge that there are various ways of defining public legal education. They also use the term 'capable citizen' to describe what public legal education ultimately aims to achieve. The Task Force see public legal education as the tool citizens need to attain legal capability.

Public legal education is concerned with improving citizens' awareness, knowledge, skills and confidence in both civil and criminal matters. This research annex focuses on evidence from people's experience of civil issues.

Selected research evidence

Recent examples of research evidence highlight the need for public legal education. Previously published findings from the CSJS and the influential *Paths to Justice* surveys show that civil issues are everyday and wide-spread (Pleasence 2006; Genn and Paterson 2001; Genn 1999). These surveys therefore provide evidence that it is important for citizens to know how to deal with legal problems - simply because many of them will experience at least one problem over the course of their lives. Problems with a landlord, divorce or relationship breakdown disputes, problems with debt, faulty consumer goods or difficulties with receiving the right amount of benefit payment all provide examples.

As we have shown elsewhere, there are also clear links between the experience of civil justice problems and social exclusion (Buck et al. 2005). Legal issues frequently occur in combination (Pleasence et al. 2004) and there are clear links between civil justice problems such as debt on the one hand, and health, illness or disability on the other (Balmer et al. 2006). Not surprisingly given these findings, law-related problems have knock-on effects on health services and other public services (Pleasence et al. 2007). Effective public legal education initiatives have the potential to lessen these knock-on effects; through helping citizens avoid problems, or recognising and dealing with problems earlier and more successfully.

Limited legal capability may result in wrongly assuming nothing can be done about a problem with an employer, believing that one just has to 'put up' with problems such as anti-social neighbours or unsafe rented housing, or not being confident or knowledgeable enough to enforce one's right to receiving welfare benefits. Craig (2004) highlighted in his research the importance of this last point for alleviating the poverty and social exclusion experienced by some older people. At the opposite end of the age distribution, young people are often unaware of their rights and unable to exercise them, leaving them at greater risk of social exclusion (Youth Access 2002). New research on financially and socially excluded groups has shown knowledge gaps regarding the availability and accessibility of mainstream advice services; thereby highlighting the importance of outreach advice in trusted, familiar and convenient locations as well as the importance of public legal education (Buck et al. 2007).

Further recent examples of research evidence that point towards education gaps include the Employees' Awareness, Knowledge and Exercise of Employment Rights Survey (Casebourne et al. 2006). The survey shows that vulnerable workers - such as younger workers, those without a Human Resources department and non-union members – had lower levels of awareness and knowledge about their rights at work than other workers. Further results demonstrated that a disparity in awareness also existed across different types of employment rights.

Genn et al. (2006) highlighted weak levels of understanding about and access to systems of redress among tribunal users. The researchers found those who challenge administrative decisions tend to be the most determined and confident, or those who are successful in obtaining advice and support. Echoing the finding that awareness and knowledge is unevenly spread across the population in regard to employment rights, some population groups had different levels of awareness than others in regard to the use of tribunals as a means of redress.

Another example concerns co-habitation. Tennant et al. (2006) found a lack of awareness among cohabitants about the wider legal framework for their cohabitation, and a general misunderstanding about the relative statuses of marriage and cohabitation. Research conducted for the Living Together campaign indicates that almost two-thirds of people believe erroneously that cohabiting couples of some standing have 'common law' rights akin to those of married couples (see www.advicenow.org.uk).

Building a comprehensive picture

The research findings mentioned above - including previously published results from the CSJS - provide evidence of knowledge and skills gaps in the population in regard to legal issues and processes. However, some of the studies are limited in scope, because they focus on specific population groups or issues. As the CSJS is based on a representative sample of the population of England and Wales and a full range of civil justice problems, it overcomes such limitations and provides a comprehensive picture.

This report for the first time draws together all the findings from the CSJS that have public legal education implications. The report contains many new results, including important findings on the negative impact of knowledge gaps on people's advice-seeking strategy and on their lives more generally.

2. Methodology

2.1 2004 English and Welsh Civil and Social Justice Survey

All interviews for the 2004 CSJS were arranged and conducted face-to-face in respondents' own homes, by BMRB Social Research between July and December 2004.

Residential addresses were randomly selected from 250 postcode sectors spread throughout England and Wales, using the small user postcode address file. Adults over 18 years of age within each of 3,832 households were interviewed, yielding 5,015 respondents. Seventy-two per cent of adult household members (over 18 years of age) were interviewed. The household response rate was 79 per cent (89 per cent where successful contact was made with an adult occupant), and the cumulative eligible adult response rate was 57 per cent. These response rates compare with other large-scale social surveys such as the Expenditure and Food Survey (58 per cent in 2003/4: Gibbins 2004) and Family Resources Survey (65 per cent in 2003/4: Chung et al. 2004). Twenty per cent of households contained just one adult, 58 per cent contained two adults and the remainder contained three or more. The average number of adults in each household was 1.8. Overall, the average survey household size was 2.7, slightly bigger than the 2001 census estimate of 2.4. Twenty-five per cent of respondents aged between 25 and 74 years old reported a long-term limiting illness or disability, compared to the 2001 census estimate of 24 per cent.

All respondents completed a screening interview, where they were asked if they had experienced a problem since January 2001 that had been difficult to solve in each of eighteen distinct civil justice problem categories. Problem types are listed in Table 1, along with examples of constituent sub-categories and the proportion of respondents reporting having experienced one or more problem of each type. All respondents were also asked for a range of details about themselves and the household in which they resided.

Table 1. Discrete problem types reported in the survey, and percentage/number of respondents reporting one or more problem of each type (2004 CSJS).

Problem Type	Example	%	N
Consumer	Faulty goods/services (e.g. building work)	10.0	503
Neighbours	Anti-social behaviour	6.6	329
Money/debt	Mis-selling of financial products, disputed bills	5.6	279
Employment	Termination/terms of employment	5.2	260
Negligent accidents	Road accidents, workplace accidents	4.9	244
Housing (renting)	Repairs to property/unfit housing, lease terms	2.7	137
Housing (owning)	Boundaries/rights of way, planning permission	2.4	121
Discrimination	Disability discrimination, race discrimination	2.2	111
Divorce	-	2.1	106
Welfare benefits	Entitlement to/quantification of benefits	1.9	98
Relationship breakdown	Residence/care of children, division of assets	1.7	84
Clinical negligence	Negligent medical or dental treatment	1.6	79
Children	School exclusion, choice of school	1.5	75
Housing (homelessness)	Experience/threat of homelessness	1.2	61
Domestic violence	Violence against respondent/children	0.8	42

Unfair police treatment	Assault/unreasonable detention by police	0.8	40
Immigration	Obtaining authority to remain in the UK	0.3	16
Mental Health	Conditions of/care after hospital discharge	0.2	11

For the two most recent problems identified in each category, respondents were asked about their nature, action taken to resolve them, manners of conclusion and the impact on their lives. If a respondent had experienced at least one problem, they progressed to a follow-up interview, addressing further aspects of a single problem drawn from those identified through the screening interview (including advice, objectives, costs and outcomes). The mean total interview duration was half an hour. A full technical report of the 2004 CSJS has been published elsewhere (Phelps et al. 2005).

2.2 Continuous English and Welsh Civil and Social Justice Survey

The continuous CSJS commenced in January 2006. The general format of the survey has remained the same. Continuous surveys offer clear benefits over their periodic counterparts. They allow for continuous analysis and monitoring, seasonal analysis, ongoing development, a continuous reference period and a choice of reporting period.

For the continuous CSJS, total figures for all of 2006 show that adults over 18 years of age within 2,504 households were interviewed, yielding 3,249 respondents. Residential addresses were randomly selected from 168 postcode sectors, spread throughout England and Wales, again using the small user postcode address file. Seventy-two per cent of adult household members (over 18 years of age) were interviewed. The household response rate was 75 per cent (80 per cent where successful contact was made with an adult occupant), and the cumulative eligible adult response rate was 54 per cent. The average number of adults in each household was 1.8. Overall, the average survey household size was 2.6. Fieldwork for the continuous survey is again being conducted by BMRB Social Research.

Following liaison with the PLEAS Task Force, four public legal education questions were added to the continuous CSJS in July 2006. The questions were incorporated into the follow-up survey section, in which respondents answered detailed questions about one problem:

- At the time of the problem, did you know what your legal rights were relating to this problem?
- At the time of the problem, did you know what formal processes (such as court proceedings and tribunals) are sometimes used to deal with these sorts of problems?
- Did you know how to use these processes?
- Is there anything you wish you had known at the time you experienced the problem that would have helped you deal with it?

The results detailed below are based on basic descriptive examination of survey data and simple univariate analysis where appropriate.

3. Results from the 2004 English and Welsh Civil and Social Justice Survey

3.1 Overview

Results are presented on problem resolution strategies, covering both socio-demographics and findings at problem level. For those respondents who did nothing to resolve a civil justice problem, additional findings on reasons behind adopting this strategy are shown. For those who obtained advice, attitudes behind advice-seeking are presented. Findings on awareness of mainstream local advice provision are also included, followed by results on entrenched behaviour patterns. Lastly, selected findings on regrets, expectations and meeting objectives are presented as they, too, highlight where there might be education gaps.

3.2 General Problem Resolution Strategies

Thirty-three per cent of respondents reported a civil justice problem over the three-and-a-half year survey reference period, equating to 1,674 of 5,015 respondents. Respondents who reported a civil justice problem chose very different ways of dealing with their problem. These results on advice-seeking strategy highlight groups who may have knowledge and skills gaps, as well as the types of problems where gaps may be particularly prevalent.

A substantial proportion of those reporting civil justice problems took no action to resolve them (just over 10 per cent). A further 2 per cent tried and failed to obtain advice for their problem and then gave up. Five per cent of respondents tried and failed to obtain advice and subsequently handled their problem alone. Thirty-one per cent handled their problems on their own from the start. Fifty-two per cent of respondents obtained formal advice for their civil justice problem.

3.3 Doing Nothing

While there were some socio-demographic differences in rates of inaction, problem type was a far stronger determinant of doing nothing.

Socio-demographics

If the strategies adopted by those with and those without educational qualifications are compared, highly significant differences between the two groups emerge¹. This was predominantly as a result of more inaction among those without any qualifications (14 per cent) and less handling alone (26 per cent), as well as more handling alone among those with higher degrees (42 per cent). Broad strategy by educational qualifications is shown in Figure 1.

¹ Using a chi-squared test on the 8X5 table of educational qualifications by strategy; $\chi^2_{28} = 61.22$, $p < 0.001$ ('don't know' and 'other' responses are excluded).

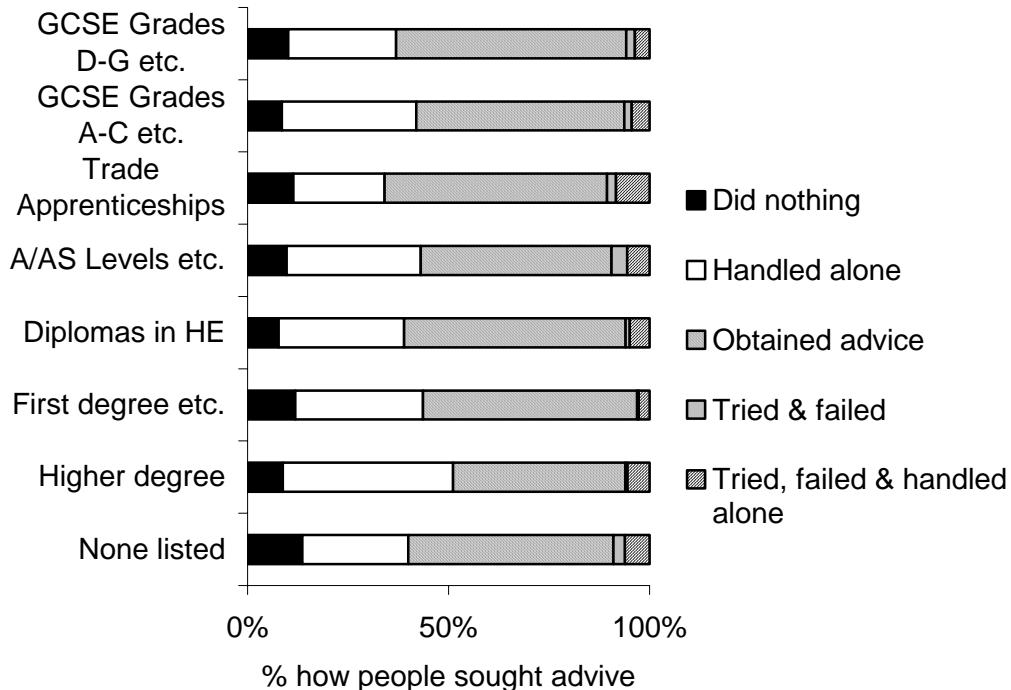


Figure 1. Broad strategy by educational qualifications.

There was little evidence of differences in inaction between male and female respondents (11 and 9 per cent respectively) and there was no observable difference between white and black/minority ethnic respondents, with both groups doing nothing for around 10 per cent of problems. There was no indication that those on higher incomes were more likely than others to act. However, survey respondents receiving means-tested welfare benefits were less likely to do nothing about their civil justice problem than those not receiving such benefits (less than 9 per cent vs. over 11 per cent), and differed significantly in their overall strategies². There were no noticeable differences in the likelihood of action having been taken to deal with problems between respondents in different forms of housing or among different family types. Neither economic activity nor long-term illness or disability appeared to influence whether any action was taken.

Problem types

Respondents experiencing different types of civil justice problems chose different ways of dealing with them, with highly significant differences in rates of inaction between problem types (see Figure 2)³. Those faced with problems relating to clinical negligence, discrimination, unfair police treatment, personal injury, neighbours, mental health, employment and domestic violence were less likely than others to take action to resolve them. Arguably, doing nothing about a problem was therefore most common for problems associated with a substantial imbalance of knowledge, standing and institutional support, and also with inter-personal conflict. In contrast, those faced with problems concerning welfare benefits and children were more likely

² Using a chi-squared test on the 2X5 table of receipt of means tested benefits by strategy; $\chi^2_4 = 36.41$, $p < 0.001$. There were also major differences in percentage handling alone (25 per cent benefits vs. 34 per cent of others), obtaining advice (58 per cent vs. 48 per cent) as well as some differences in trying but failing to obtain advice (3 per cent vs. 1 per cent).

³ $\chi^2_{17} = 187.70$, $p < 0.001$.

than others to act, as were those faced with relationship breakdown and problems relating to money/debt and consumer transactions.

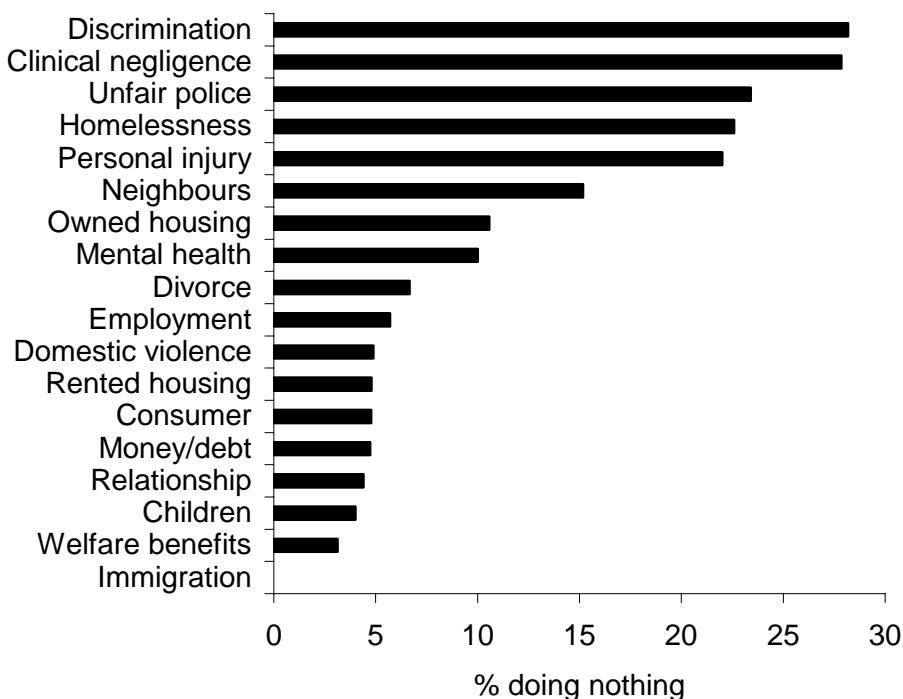


Figure 2. Percentage doing nothing when faced with a civil justice problem by problem type.

Reasons for doing nothing

Respondents were asked why they did nothing about a problem (they were able to provide multiple reasons for inaction). The most common reason was that people thought it would make no difference (22 per cent). Uncertainty as to rights (7 per cent) and as to what to do or where to get help (8 per cent) was also mentioned. Figure 3 shows overall reasons for inaction, with those reasons which may have implications for public legal education highlighted.

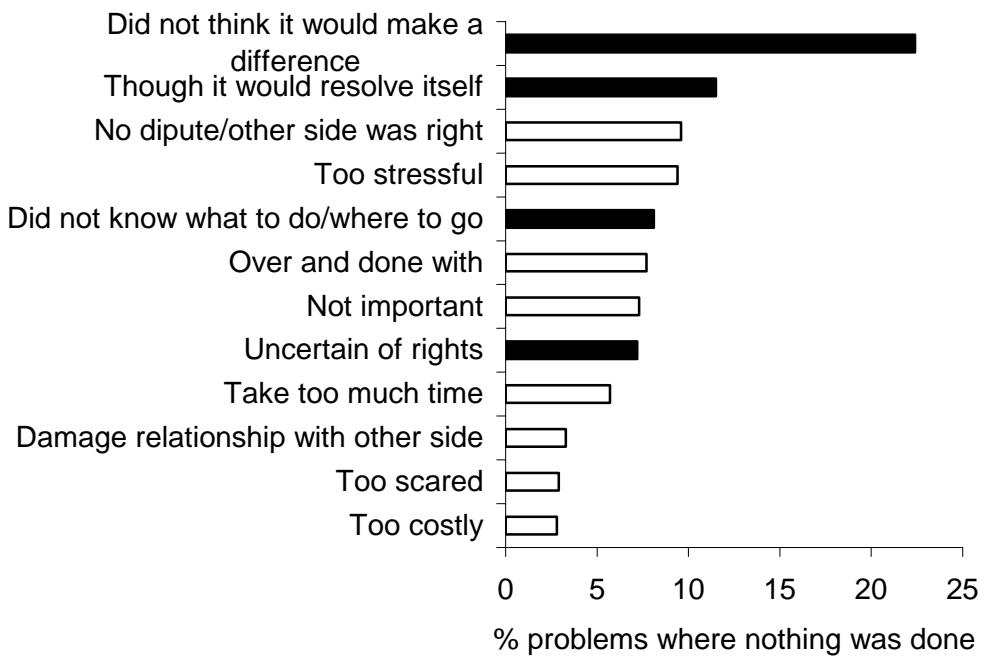


Figure 3. Reasons for inaction, with those reasons which may have implications for public legal education highlighted.

Breaking results down further to show variation between different demographic groups and their reasoning behind doing nothing, there was some indication that black and minority ethnic respondents were more likely than white respondents to think nothing could be done to help them⁴. Lone parents and cohabittees without children had high percentages of thinking the problem would resolve itself, with around 20 per cent of those doing nothing suggesting this as a reason for inaction⁵. Relatively high percentages of a small number of lone parents who did nothing about their civil justice problem (n=22) also felt the problem was ‘too stressful’ to sort out (18 per cent), or were ‘too scared’ to sort the problem out (14 per cent).

Not knowing what to do or who to go to was a particularly common reason for inaction among cohabittees (17 per cent and more than double the percentage elsewhere)⁶, among 35-44 year old (16 per cent) and among those with a personal or household income of less than £10,000 (15 per cent)⁷. No 18-24 year olds gave ‘did not know where to go/who to go to’ as a reason for inaction, and only 3 per cent of those with an income over £50,000 did so.

⁴ 37 per cent vs. 21 per cent; $\chi^2_2 = 3.97$, $p = 0.046$.

⁵ Though overall differences in thinking the problem would resolve itself across all family types did not reach significance; $\chi^2_5 = 6.38$, $p = 0.27$.

⁶ Though again, overall differences were not significant across family types; $\chi^2_5 = 6.01$, $p = 0.31$.

⁷ In the case of age, differences between age groups reached statistical significance; $\chi^2_5 = 11.61$, $p = 0.041$. This was mainly a result of 35-44 year olds (Pearson residual = 2.3) and 18-24 year olds (Pearson residual = -1.9). For income, differences did not quite reach significance; $\chi^2_2 = 5.28$, $p = 0.071$. Standardised Pearson residuals exceeding around two or three indicate a lack of fit of the null hypothesis (independence) in that cell (Agresti 2002, p.81).

Reasons for inaction varied significantly by problem type⁸. Respondents said most often they did not act because they thought nothing could be done to resolve employment, discrimination, money/debt and mental health problems. They least often thought nothing could be done to resolve consumer and personal injury problems.

A relatively high 36 per cent of respondents who did nothing about their money/debt problems reported not knowing what they could have done. They also reported relatively frequently being unaware of their rights. A high 44 per cent of respondents with employment problems they had done nothing about reported this was because they were unaware of their rights. Respondents who did not take any action to resolve civil justice problems related to unfair treatment by the police and for rented housing matters also frequently gave this response, although these results are based on small numbers of observations.

These findings can be built upon by looking at follow-up interview survey respondents who were asked specifically why they did not seek advice rather than why they did nothing about their problem. Of 361 respondents, common reasons for not seeking advice were again that respondents felt advice would not have made a difference (30 per cent), along with thinking they did not need advice (31 per cent). Of responses related directly to awareness of advice, 11 per cent suggested it did not occur to them to seek advice, while 12 per cent were unsure about where to go for advice. Twelve per cent also thought nobody would be able to help them with their problem.

Of the 361 respondents who did not seek advice, only 20 per cent considered advice. Only Citizens Advice Bureaux (32 per cent) and solicitors (18 per cent) accounted for any significant percentages when these respondents were asked which advisers they considered.

3.4 Trying and Failing to Get Advice

Despite respondents recognising they needed some help with their civil justice problem, they did not necessarily manage to obtain advice. For analysis purposes, failing to get advice was defined as trying to contact an adviser/advisers but failing to get any of the information needed. Two per cent of respondents who reported civil justice problems tried and failed to get advice.

Socio-demographics

Trying and failing to get advice was related to some socio-demographics associated with social exclusion. Those living in flats tried and failed to get advice more often than other respondents (3 per cent vs. 2 per cent)⁹, as did those without motorised transport (3 per cent vs. 2 per cent)¹⁰. Those publicly renting also had a higher

⁸ Rates of 'no dispute with anybody/thought other side was right', 'thought problem would resolve itself', 'did not know what to do/where to go', 'uncertain of rights', 'did not think it would make any difference to the outcome' and 'too early' all differed significantly by problem type.

⁹ There were significantly different strategies for different housing types; $\chi^2_{12} = 22.16$, $p = 0.036$, with a high Pearson residual (2.2) for trying and failing for those in flats.

¹⁰ There were significantly different strategies for those with and those without motorised transport; $\chi^2_4 = 19.83$, $p = 0.001$, with a fairly high Pearson residual (2.0) for trying and failing for those without motorised transport.

percentage of trying and failing (3 per cent vs. 2 per cent elsewhere). Young respondents were more likely to try and fail (3 per cent), while among a small number of elderly respondents (over 75 years of age, n=78) there was a further increased percentage of trying and failing (8 per cent)¹¹. There were comparatively high rates of trying and failing to get advice among respondents with low incomes (3 per cent, personal or household income less than £10,000). Furthermore, single respondents without children, cohabitantes with children and lone parents also had increased rates of trying and failing to get advice (all 3 per cent or over).

Problem types

Trying but failing to obtain advice was uncommon in a number of problem categories. In only 1 of 545 consumers and 1 of 146 rented housing problems did a respondent try and fail to obtain advice. There were no instances of trying and failing for immigration, divorce or children problems. In contrast, a small number of homelessness problems (n=62) had an increased percentage of respondents trying and failing to get advice (8 per cent), as did neighbours problems (6 per cent). In addition, while numbers are again small, 2 of 40 respondents suffering domestic violence and 1 of 10 respondents with a mental health problem also tried but failed to obtain advice.

3.5 Handling Problems Alone

There were two different groups who handled their problems on their own without the help of an adviser. One group handled alone, *after* trying and failing to enter the advice system. The other group handled their civil justice problem on their own from the outset. In handling problems alone, most respondents simply talked or wrote to 'the other side' and attempted to negotiate a solution.

3.5.1 Handling Alone After Failing to Get Advice

Socio-demographics

Among the 5 per cent of respondents who tried to get advice, failed and then handled their problem alone, publicly renting respondents had a higher percentage (7 per cent) than respondents in other types of housing. Young respondents were more likely to try, fail and then handle alone (9 per cent). A high percentage of a fairly small number of Asian respondents (n=96) tried, failed and handled alone (14 per cent)¹².

Problem types

Regarding problem type, neighbours problems had relatively high rates of respondents trying, failing and then handling their civil justice problem alone (7 per cent). Both owned and rented housing problems had a high percentage of respondents trying, failing and handling alone (10 per cent and 8 per cent respectively), as did problems with unfair police treatment (15 per cent). In contrast, there were no respondents with divorce or immigration problems who tried, failed and

¹¹ Overall, differences in strategy between different age groups were highly significant; $\chi^2_{20} = 82.24$, $p < 0.001$. There were higher Pearson residuals for trying and failing for 18-24 year olds (1.8) and particularly those over 75 (3.7).

¹² Pearson residual = 3.8 for tried, failed and handled alone and Asian. This was clearly the largest residual when cross-tabulating ethnicity and strategy.

handled alone (though in the case of immigration, this is only based on 15 problems). Children problems (1 per cent) and personal injury problems (1 per cent) had small percentages of respondents trying, failing and handling alone.

3.5.2 Handling Problems Alone From the Outset

Socio-demographics

Respondents in 31 per cent of problems handled alone from the outset. The highest rates of handling a problem alone from the outset were found among those with higher degrees (42 per cent compared to 30 per cent for other respondents)¹³. There were high rates of handling alone for black respondents (40 per cent)¹⁴, privately renting respondents (39 per cent) and respondents living rent free (40 per cent). In the case of tenure, this contrasted strongly with publicly renting respondents, who only handled alone from the outset for 21 per cent of problems¹⁵. There were particularly low rates of handling alone for lone parents (22 per cent)¹⁶ and cohabitantes with children (23 per cent) and those receiving benefits (25 per cent). There was some evidence of differences between long-term ill or disabled respondents (27 per cent handling alone) and those without a long-term illness or disability (33 per cent handling alone)¹⁷. For income, those with a low income (26 per cent of those with income of less than £10,000) were less likely to handle alone than those with a high income (37 per cent of those with income over £50,000)¹⁸.

Problem types

For problem type¹⁹, consumer problems had high rates of respondents handling alone from the outset (59 per cent). High percentages were also recorded for money/debt (47 per cent) and welfare benefit problems (45 per cent). Not surprisingly, divorce problems had the lowest percentage of respondents handling them alone from the outset (just under 10 per cent). Respondents with homelessness problems and personal injury problems also tended not to handle these problems alone from the outset (11 per cent and 12 per cent respectively).

3.6 Obtaining Advice

The majority of respondents (52 per cent) did obtain advice for their civil justice problem. However, this does not necessarily mean they went to the adviser most suited to deal with their problem, or that they received all the information and advice they had hoped for.

¹³ See Figure 1 and footnote 1.

¹⁴ There were significant differences in strategy by ethnicity (in four groups); $\chi^2_{12} = 31.75$, $p = 0.002$. Pearson residuals for handling alone for Black respondents = 1.8.

¹⁵ There were significant differences in strategy by tenure; $\chi^2_{16} = 69.68$, $p < 0.001$. Pearson residuals for handling alone; publicly renting (-4.0), privately renting (2.5), rent free (2.1).

¹⁶ There were significant differences in strategy by family type; $\chi^2_{20} = 41.20$, $p = 0.004$. Pearson residual for handling alone for lone parents = -2.5 and for cohabitantes with children = -1.9.

¹⁷ Differences in strategy by whether or not respondents had a long-term illness or disability were close to significance; $\chi^2_4 = 9.05$, $p = 0.060$. Pearson residuals for handling alone for ill or disabled respondents = -2.0.

¹⁸ There were significant differences in strategy by income (in three groups); $\chi^2_8 = 17.10$, $p = 0.029$. Pearson residuals for handling alone; less than £10,000 (-2.1), over £50,000 (2.0).

¹⁹ See footnote 3.

Socio-demographics

Respondents in their mid-forties were most likely to obtain advice (55 per cent of 35-44 year olds and 58 per cent of 45-59 year olds). Younger and older respondents were less likely to do so (42 per cent of 18-24 year olds and 39 per cent of those over 75)²⁰. Elsewhere, lone parents (62 per cent)²¹, those renting publicly (59 per cent)²² and those in receipt of benefits (58 per cent compared to 41 per cent of those not in benefit receipt)²³ all had high rates of obtaining advice. Black respondents²⁴ and those living rent free had far lower percentages of obtaining advice (40 per cent and 41 per cent respectively).

Figure 4 shows the type of adviser respondents went to for advice. As can be seen, for some civil justice problems the paths to advice are relatively clear. For divorce and relationship breakdown problems, most respondents went to a solicitor for advice, as did those with problems related to unfair treatment by the police. For other problems, the adviser types respondents approached were from a far more heterogeneous group. For example, for problems relating to discrimination, employment, mental health or children, respondents went to a wide range of different advisers. This indicates that there might be knowledge and awareness gaps, with people seeking out advice from a range of advisers, some of whom might not be the most appropriate advice source.

²⁰ See footnote 11, Pearson residuals for obtaining advice; 18-24 (-2.4), 45-59 (2.4), 75+ (-1.6).

²¹ Overall for family type, see footnote 16. Pearson residual for obtaining advice for lone parents = 2.3.

²² See footnote 15. Pearson residual for obtaining advice for publicly renting = 2.3, for rent free = -2.0.

²³ See footnote 2.

²⁴ See footnote 14. Pearson residual for obtaining advice for black respondents = -1.7.

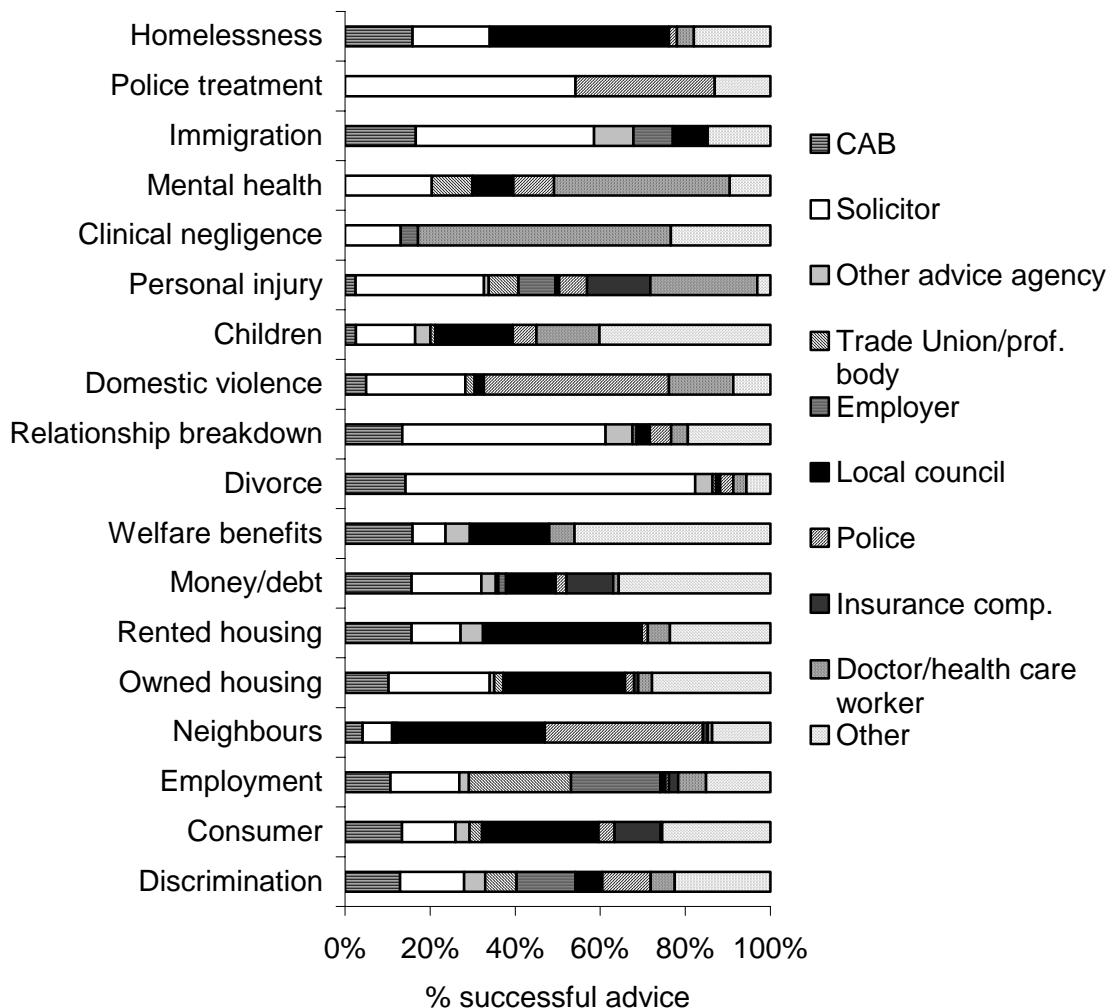


Figure 4. Percentage of advice received by problem type and adviser type.

Attitudes behind advice-seeking

Respondents who either obtained all or some of the advice or information they needed from their adviser were asked what made them consider trying to obtain advice from that adviser. Around three quarters simply claimed 'because it was obvious to do so'.

Respondents who obtained advice but then said they received none of the advice or information needed and suggested that they 'could have done with more' advice, were asked a follow-up question about why they were not intending to get more advice or information. Out of 266 respondents, the two most frequent reasons given were that seeking more advice or information would not make any difference to the outcome (25 per cent) and that they did not know where to go (24 per cent).

3.7 Awareness of Mainstream Local Advice Provision

There was a clear mismatch between respondents' perceptions of local advice provision and actual provision. Follow-up interview survey respondents, i.e. those who answered detailed questions about one selected problem, were asked which of a list of advisers were within two miles of their homes. While around 46 per cent of

those with a CAB within two miles of their home were unaware of it, 25 per cent of those without a CAB within two miles thought there was one. At least 43 per cent of respondents were unaware that a solicitor was within two miles of their home. Eighty-three per cent of those with a Law Centre within two miles were unaware of it.

Further analysis indicated that awareness of local mainstream advice providers had little effect on whether advice was sought or not. There was no clear difference in the awareness of those respondents who obtained advice, those who tried but failed to obtain advice and those who tried but failed to obtain advice and then handled their civil justice problems alone.

However, respondents with a total lack of awareness of CABx, Law Centres or solicitors were slightly more likely to do nothing about their civil justice problem and less likely to handle it alone than others²⁵. Even among this group, not knowing what to do or where to go remained a relatively rare reason for inaction (less than 12 per cent). Far more common was the feeling that advice would make little difference to the outcome, accounting for a third of responses.

3.8 Entrenched Behaviour Patterns

Problem solving strategies were persistent: adopting a particular problem solving strategy greatly increased the likelihood of adopting the same strategy again for subsequent problems. Importantly, this persistence also extended to household members, with some evidence of ‘household preferences’ for particular courses of action. For example, people living in households in which others had acted to resolve problems were more likely to act to resolve their own problems.

For individuals, the persistence of strategy is demonstrated in Table 2; the percentage of those adopting particular strategies for subsequent problems is shown, in relation to problems that had further problems following on from them.

Table 2. Strategy reported by respondents by subsequent strategy for later problems.

Subsequent strategy	Initial Strategy				
	Did nothing	Handled alone	Obtained advice	Tried & Failed	Tried, failed & handled alone
Then did nothing	23.9	12.3	10.4	17.9	12.7
Then handled alone	39.4	43.2	30.4	28.6	32.7
Then obtained advice	33.8	36.8	51.2	39.3	43.6
Then tried & failed	0.7	1.9	2.0	10.7	3.6
Then tried, failed & handled alone	2.1	5.9	6.0	3.6	7.3

As can be seen, of those doing nothing, 24 per cent of respondents with a subsequent problem did nothing again, a far higher percentage of inaction than among other groups. Similarly, those who handled an initial problem alone, handled alone again 43 per cent of the time, again a higher percentage than among other

²⁵ Differences in strategy by overall awareness did not reach significance; $\chi^2_8 = 10.99$, $p = 0.20$. However, those lacking awareness did have relatively high Pearson residuals for doing nothing (1.9) and handling alone (-1.6). Those lacking awareness did nothing around 13 per cent and handled alone 24 per cent of the time compared to around 8 per cent doing nothing and 30 per cent handling alone for those correctly identifying advisers.

groups. This trend of persistent strategies can also be seen for obtaining advice, trying and failing, and trying, failing and then handling alone. In each case, adopting a particular strategy for an initial problem makes that strategy much more likely if additional problems are experienced.

These findings indicate that developing people's legal capability has the potential to not only result in appropriate action for a current problem, but also for subsequent problems experienced by individuals and their household members. This is particularly important for those who have done nothing about one problem and tend to do nothing about subsequent problems, and for those who try and fail to get advice for one problem and also try and fail to get advice for other problems.

3.9 Regretting Problem-Solving Strategy

Regretting not seeking advice

Out of 361 respondents who had not sought advice, 23 per cent said they wished they had obtained advice or information. These 81 respondents were asked why they wished they had obtained advice or information. Forty-one per cent suggested they would have got a better outcome, 32 per cent said the problem was more serious than they initially thought, 32 per cent thought their problem would have been resolved sooner, 27 per cent believed the other side would have taken them more seriously, 23 per cent thought the situation would have been less stressful and 12 per cent said they could not handle the problem alone. When asked who they wished they had sought advice from, advice agencies accounted for almost half of the answers (47 per cent).

Regrets among those who tried and failed to get advice

Of 116 respondents who tried and failed to get advice for their civil justice problem, a relatively high percentage (18 per cent) responded they did not know whether they now wished they had obtained help. Thirty-five per cent said they wished they had obtained help or advice. Of these 41 respondents, 16 thought they would have got a better outcome with advice, 14 believed they could not handle their problem alone, 11 said their problem would not go away, 10 said the problem was more serious than previously thought, and 8 respondents said the other side would have taken them more seriously. However, when asked where they wished they had got advice or help from, the most common answer was 'don't know' (12 of 41 respondents).

Looking back at concluded problems

For all concluded problems discussed in the follow-up interviews, respondents were asked whether there was anything about the way in which they handled the situation that they now wished they had done differently. Of 679 respondents, 196 (29 per cent) said there was indeed something they wished they had done differently. Among this group the most common regret was that they had not obtained advice or more advice, or advice elsewhere (26 percent). This was followed by 17 per cent of respondents wishing they had acted sooner. Seven per cent specifically wished they had got advice sooner. Indicating the importance of confidence and determination, 12 per cent wished they had tried harder, been more resolved or more assertive. Five per cent wished they had used a formal process or had used it sooner. Only 2 per cent wished they had done nothing and only 4 per cent wished they had handled their problem alone. Three per cent wished they had got information or more

information, indicating that respondents did not perceive a lack of general information to be greatly significant.

Of course, some regrets may be linked to respondents having unrealistic and wrong expectations of the problem resolution process, which may indicate an education issue. Problems with welfare benefits (50 per cent), rented housing (46 per cent) and money/debt (42 per cent) had the highest rates of respondents subsequently saying they 'took much longer than expected'.

3.10 Meeting Objectives

Additional analysis confirms respondents are justified in regretting not doing anything about their problem, as those who obtained advice generally fared much better in terms of obtaining their objectives – in particular when compared to those who tried and failed to get advice. Of those who obtained advice, 46 per cent obtained their objectives. Of those who tried in vain to obtain advice and then gave up, only 11 per cent obtained their objectives.

Interestingly, of those who handled their civil justice problems alone, 42 per cent obtained their objectives. This illustrates that a significant number of those who feel confident, skilled and empowered enough to handle their problems alone are able to meet their objectives without seeking advice. However, as shown above, these tended to be respondents with higher educational qualifications and those with higher incomes. Importantly, some of the problems that were handled alone are likely to have been less serious problems and as a result objectives may have been easier to achieve.

4. Findings from the Continuous English and Welsh Civil and Social Justice Survey

4.1 Overview

Frequencies for all four new education and knowledge related questions (see p.10) are presented, followed by a more detailed analysis in regard to socio-demographics and to problem types²⁶. The highly significant impact of respondents' reported knowledge of their legal rights, and of formal processes, on resolution strategies is then highlighted. This is followed by results on the number of advisers respondents tried to obtain advice from, and negative consequences as a result of problems, by whether or not respondents felt they knew about their legal rights and of formal processes relating to their problem. Lastly, findings are also presented on respondents' regrets, problem outcomes and whether objectives were met.

4.2 General Findings on Public Legal Education Questions

Thirty-eight per cent of respondents said they knew at the time of their problem what their legal rights were relating to that problem, whereas 62 per cent said they did not.

A higher 69 per cent of respondents reported that at the time of their problem, they did not know what formal processes (such as court proceedings and tribunals) were sometimes used to deal with their sorts of problems. Thirty-one per cent said they did know at the time of the problem what formal processes were sometimes used. However, of this group of respondents, 29 per cent did not know how to use these processes. A relatively high 71 per cent said they did know.

Lastly, respondents were asked whether there was anything they wished they had known at the time they experienced the problem that would have helped them deal with it. Sixteen per cent said they would have wanted to know about their rights/formal processes and 6 per cent said they would have wanted to know that they should have obtained advice. Two per cent answered that they would have wanted to have been aware of the limitations of advice/advice services, and 1 per cent reported that they would have wanted to have known about the emotional cost of trying to resolve their problem. A relatively high 31 per cent of respondents claimed that there was nothing they wished they had known.

4.3 Socio-demographics

Men were slightly more likely than women to feel they knew their legal rights relating to their problem (40 per cent vs. 32 per cent), though this did not reach significance using a simple chi-squared test²⁷. Furthermore, they were slightly more likely to suggest they knew of formal processes used to deal with their problems, such as court proceedings and tribunals (34 per cent vs. 28 per cent).

There was also some evidence of small differences by tenure, with publicly renting respondents least likely to suggest that they knew their rights (25 per cent). This

²⁶ Results cover all interviews conducted between 1 July and 31 December 2006.

²⁷ $\chi^2_1 = 2.67$, $p = 0.10$.

contrasted with 34 per cent for those owning their homes, 38 per cent for those with mortgages, 40 per cent for those renting privately and 64 per cent for a small number of respondents ($n = 11$) living rent free²⁸. This rent-free group also had a high rate of suggesting there was nothing they wished they had known at the time to help them deal with their problem (58 per cent). Elsewhere, those owning their homes and renting privately more frequently wished they had known about their rights or of formal processes (24 per cent and 22 per cent respectively).

Importantly, as Figure 5 shows, those with no academic qualifications were somewhat less likely than other respondents to report knowing their legal rights at the time of the problem (25 per cent vs. 38 per cent) and far less likely to report knowing of formal processes (18 per cent vs. 34 per cent)²⁹. Forty-eight per cent of those with higher degrees and 48 per cent of those with first degrees reported knowing their legal rights relating to their problem, whereas 38 per cent of those with O-levels and GCSE Grades A-C and only 18 per cent of those with O-levels and GCSE Grades D-G did so.

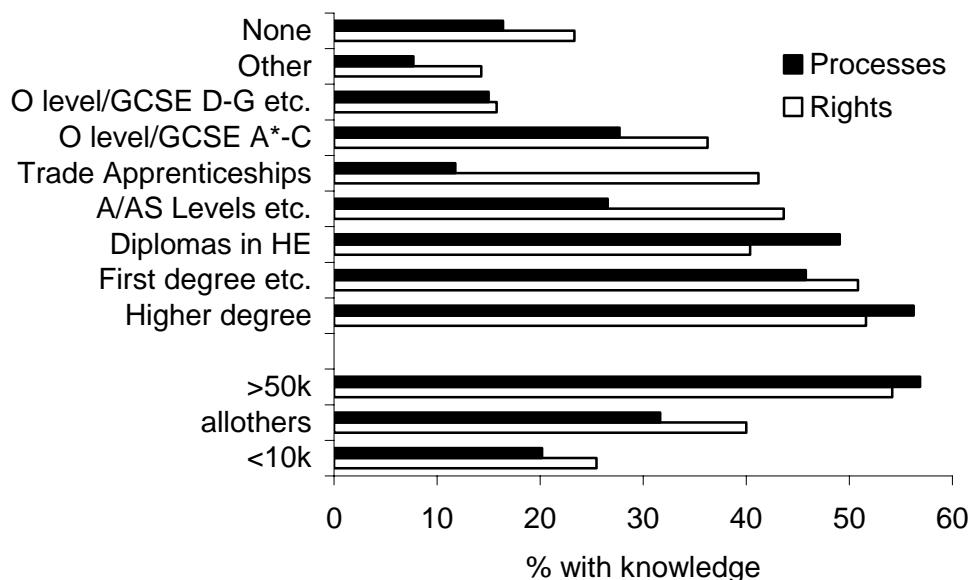


Figure 5. Percentage of respondents with knowledge of rights and of processes by educational qualifications and household/personal income.

Likewise, 57 per cent of those with higher degrees and 42 per cent of those with first degrees reported knowing of formal processes sometimes used to deal with their types of problems, whereas only 31 per cent of those with O-levels and GCSE Grades A-C and 17 per cent of those with O-levels and GCSE Grades D-G reported knowing these formal processes at the time of the problem.

Despite these differences, there was little evidence of comparative differences in what respondents wished they had known at the time of the problem that would have helped them deal with it. Those with and without qualifications reported ‘nothing’ at fairly comparable rates (34 per cent vs. 27 per cent) and the two groups did not differ

²⁸ Again using a simple chi-squared test, differences were just short of significance; $\chi^2_4 = 8.20$, $p = 0.09$.

²⁹ In the case of formal processes, differences reached statistical significance; $\chi^2_1 = 5.72$, $p = 0.017$.

in tendency to give particular responses. However, 52 per cent of those with higher degrees reported ‘nothing’, whereas only 31 per cent of those with O-levels and GCSE Grades A-C and 33 per cent of those with O-levels and GCSE Grades D-G reported that there was nothing they wished they had known at the time of the problem.

Regarding income, those with higher incomes were significantly more likely to report knowing their legal rights and formal processes relating to their problem (see Figure 5). Forty-nine per cent of those who earned over £50,000 said they knew their legal rights at the time of the problem, whereas only 24 per cent of those who earned under £10,000 said this³⁰.

Likewise, 50 per cent of those who earned over £50,000 reported knowing what formal processes could be used to deal with their problem, whereas only 21 per cent who earned under £10,000 reported this³¹.

A higher proportion of those with higher incomes replied that there was ‘nothing’ they wished they had known than those with lower incomes: 39 per cent of respondents who earned over £50,000 replied ‘nothing,’ whereas only 26 per cent of those earning less than £10,000 said this. Sixteen per cent of those who earned over £50,000 said they wished they had known their rights or more about formal processes, whereas 15 per cent of those who earned less £10,000 said this.

4.4 Problem Types

As can be seen in Table 3, there were significant differences in knowledge of rights and processes across problem types³². While numbers of some problem types were relatively small, there was some evidence of more knowledge of rights for consumer problems and less for neighbours’ problems³³. For knowledge of legal processes, again neighbours had a low percentage³⁴, while there were high rates of knowledge of rights and formal processes for both divorce and problems ancillary to relationship breakdown³⁵.

Table 3. Whether or not respondents felt they knew their rights, or knew of formal processes, split by problem type.

Problem type	Whether or not respondent knew their legal rights?		Whether or not respondent knew of formal processes?	
	% Yes	Total N	% Yes	Total N
Discrimination	53.8	13	50.0	14
Consumer	48.9	92	34.3	99
Employment	32.4	34	22.2	36
Neighbours	19.6	51	17.3	52
Owned housing	57.1	14	40.0	15
Rented housing	34.8	23	29.2	24
Homelessness	18.2	11	9.1	11

³⁰ $\chi^2_1 = 10.94$, p = 0.004.

³¹ $\chi^2_1 = 12/54$, p = 0.002.

³² $\chi^2_{17} = 26.95$, p = 0.049 and $\chi^2_{17} = 30.86$, p = 0.021 respectively. Monte-Carlo methods were used as some cell counts were small.

³³ Pearson residuals were 1.8 and -2.1 respectively for ‘yes’.

³⁴ Pearson residual = -1.8.

³⁵ Pearson residuals were 2.2 and 1.9 respectively for ‘yes’.

Money/debt	37.5	40	37.5	40
Welfare benefits	34.6	26	35.7	28
Divorce	50.0	14	64.3	14
Relationship breakdown	55.6	9	63.6	11
Domestic violence	60.0	5	20.0	5
Children	27.3	11	27.3	11
PI	35.7	14	40.0	15
Clinical negligence	16.7	12	8.3	12
Mental health	0.0	3	0.0	3
Immigration	50.0	2	50.0	2
Police treatment	25.0	12	25.0	12

4.5 The Impact of Knowledge on Strategy

Whether or not respondents felt they knew their rights or had knowledge of formal processes at the time of problem experience had a highly significant impact upon their broad problem solving strategy³⁶.

Respondents who suggested they did not know their legal rights relating to their problem did nothing far more often (12 per cent vs. only 3 per cent) and tried, failed and handled alone at far higher rates (11 per cent vs. 1 per cent). They were also comparatively less likely to handle alone (33 per cent vs. 44 per cent) or obtain advice (41 per cent vs. 49 per cent).

Furthermore, respondents who suggested they did not know of any formal processes did nothing far more often (12 per cent vs. 2 per cent) and handled alone less often (41 per cent vs. 52 per cent). Advice-seeking strategy by whether or not respondents reported knowing their rights or knowing of formal processes is shown in Figure 6.

³⁶ Using simple chi-squared tests on two 5X2 tables of broad strategy by whether respondents knew their rights/knew of processes showed significant differences in both cases; $\chi^2_4 = 23.18$, $p < 0.001$ (rights), $\chi^2_4 = 14.28$, $p = 0.006$ (processes).

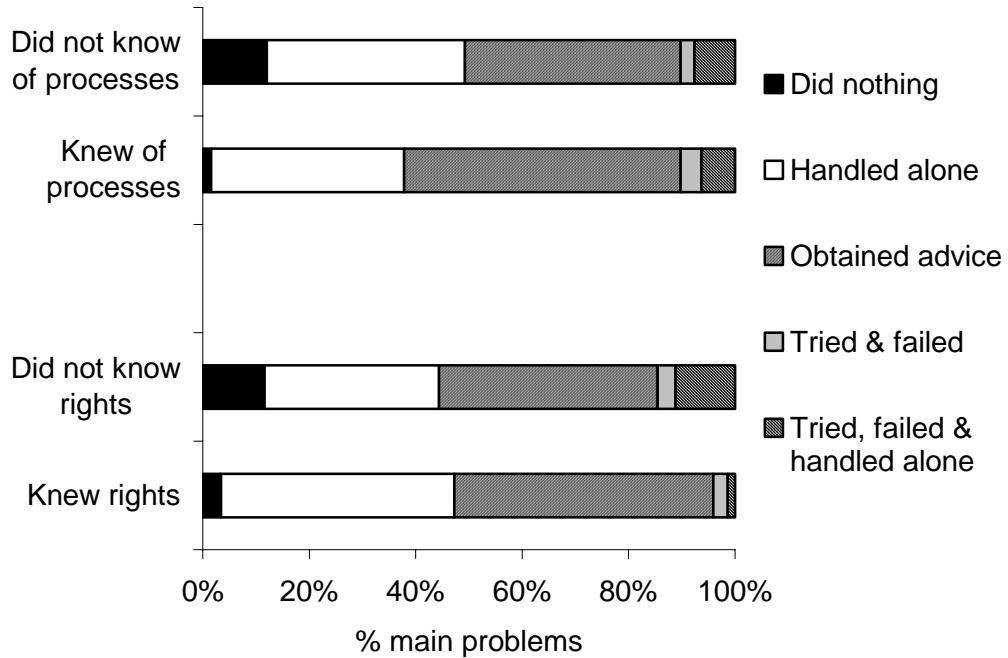


Figure 6. Advice-seeking strategy by whether or not respondents reported knowing their legal rights or knowing of formal processes used to solve problems.

4.6 Number of Advisers and Reported Knowledge

Figure 7 shows number of advisers from whom respondents tried to obtain advice (regardless of success), split by whether or not respondents felt they knew about their legal rights at the time of problem experience³⁷.

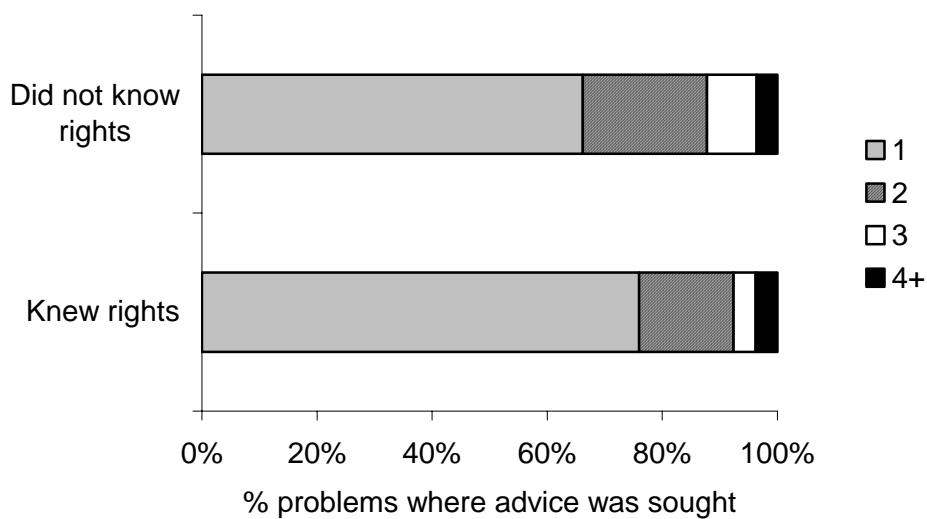


Figure 7. Number of advisers respondents tried to obtain advice from, by knowledge of rights (respondents not at least trying to obtain advice are excluded).

³⁷ Analysis is restricted to rights as findings for knowledge of processes were almost identical.

There is some suggestion in Figure 7 that those who did not know their rights tended to try more advisers, though this just failed to reach statistical significance³⁸.

4.7 Negative Consequences as a Result of Problems

Importantly, those respondents who felt they did not know their rights were significantly more likely than other respondents to report one or more adverse consequences on their life as a result of their civil justice problem (55 per cent vs. 43 per cent)³⁹. However, there was little difference between those who reported knowing their rights/knowing of processes and those who did not, in rate of reporting individual types of negative consequences as a result of problems. Of individual adverse consequences, the two largest differences between those who did and did not know their legal rights was in percentage reporting loss of income (18 per cent for those who did not know their rights vs. 12 per cent elsewhere) and, particularly, those reporting a loss of confidence (18 per cent vs. 11 per cent)⁴⁰.

4.8 Regrets over Actions

As in the 2004 CSJS, follow-up interview survey respondents were asked whether there was anything about the way they handled their problem that they wished they had done differently. Those expressing regrets over their actions were then asked what they wished they had done differently. While those who did not know what formal processes were sometimes used to deal with their types of problems were only slightly more likely to regret their actions (35 per cent vs. 24 per cent elsewhere), those who suggested they did not know their legal rights were highly significantly more likely than other respondents to regret their actions (45 per cent vs. 15 per cent)⁴¹.

Figure 8 shows reasons for regrets over the handling of problems (of only those expressing regrets) for those with and those without reported knowledge of their legal rights relating to their problem.

³⁸ Using a simple Mann-Whitney test; $Z = -1.86$, $p = 0.063$.

³⁹ Again, using a chi-squared test; $\chi^2_2 = 4.91$, $p = 0.027$.

⁴⁰ Though differences in rates of the individual adverse consequences were not significantly different between those who did or did not know their rights.

⁴¹ Using a chi-squared test, this difference was highly significant; $\chi^2_2 = 23.27$, $p < 0.001$. The difference did not quite reach significance for knowledge of processes; $\chi^2_2 = 3.46$, $p = 0.063$.

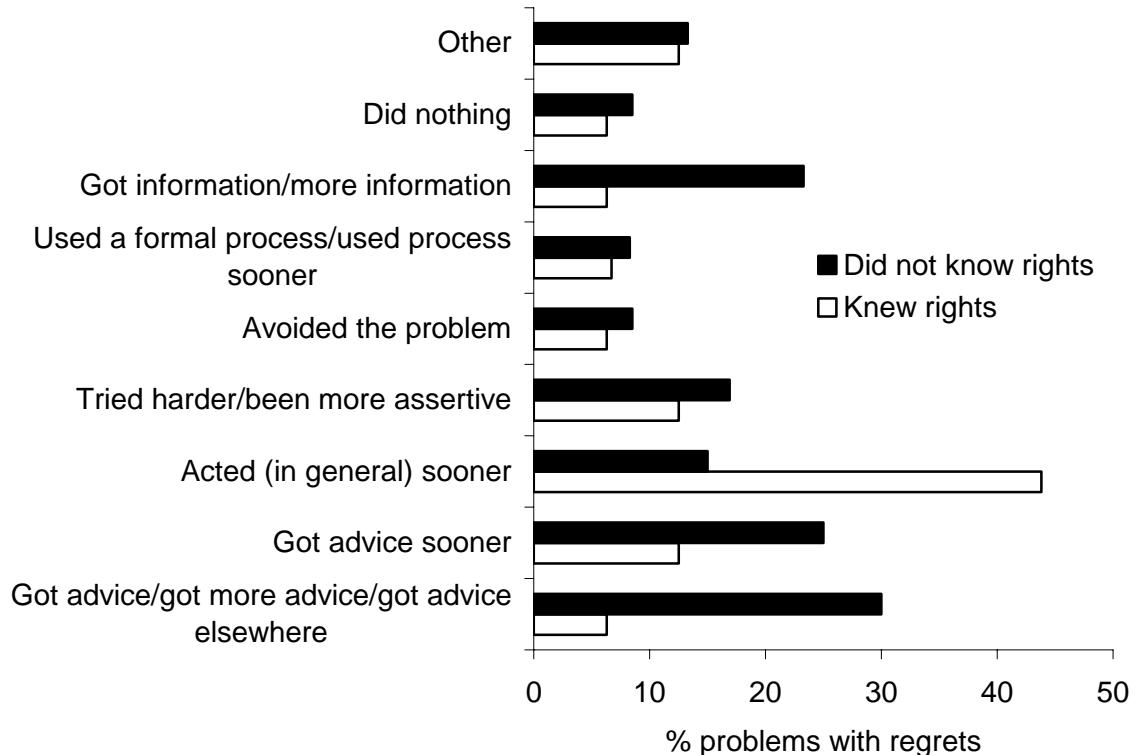


Figure 8. Reasons for regret over handling of problems for those with and those without knowledge of their rights.

Evidently, reasons for regret differed between the two groups, with those respondents who felt they knew their legal rights relating to their problems reporting more frequently that they wished they had acted sooner. On the other hand, respondents who reported not knowing their rights felt far more frequently that, with hindsight, they should have got more advice or advice from elsewhere. They also regretted not getting information or more information more frequently than respondents who said they knew their rights.

4.9 Problem Outcome and Meeting Objectives

For concluded problems, respondents were asked how the problem ended. Figure 9 and Figure 10 show how problems ended for those with, and those without knowledge of their rights and those with, and those without knowledge of processes. While this figure is based on relatively small numbers (135 respondents/problems for the knowledge of rights figure and 144 for knowledge of processes), quite different patterns of outcome can be observed.

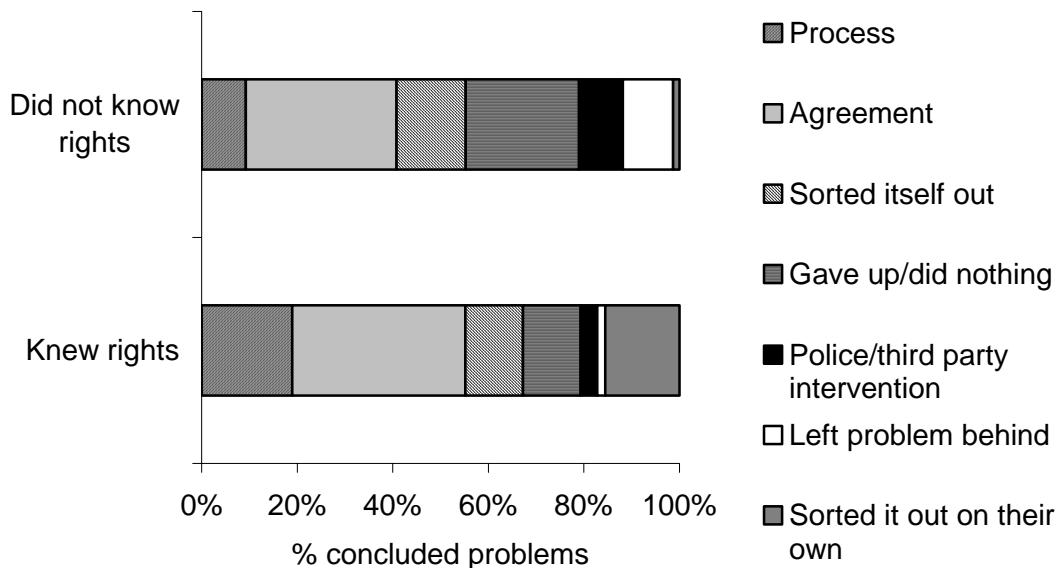


Figure 9. Problem outcome by knowledge of rights (concluded problems only).

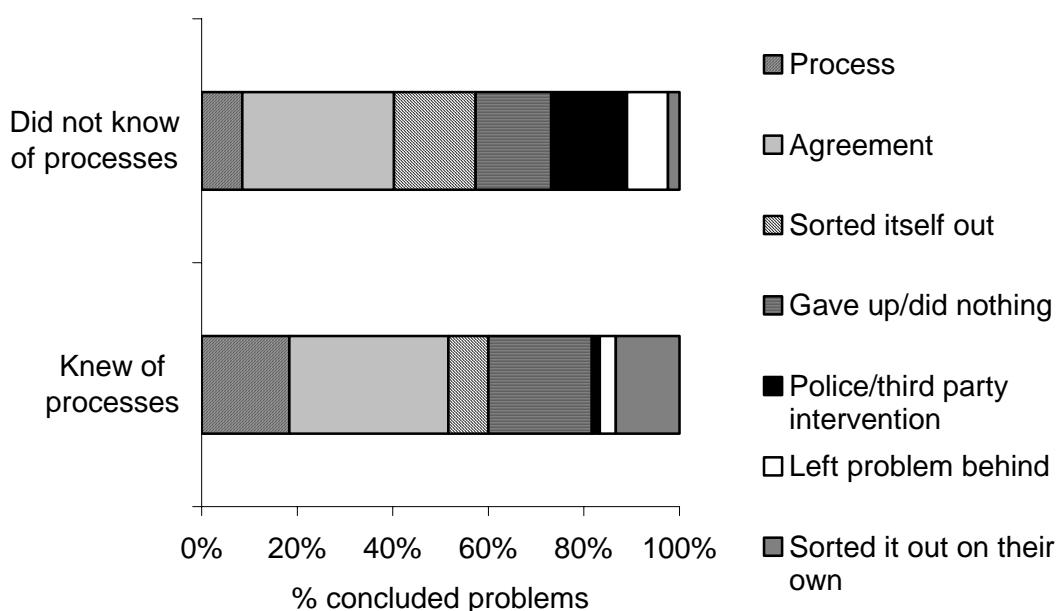


Figure 10. Problem outcome by knowledge of processes (concluded problems only).

In both cases, there were significant differences in outcome between groups (i.e. knew rights vs. did not know rights; knew of processes vs. did not know of processes)⁴². For knowledge of legal rights relating to respondents' problems, the largest single difference between the two groups was in percentage ending problems

⁴² Using exact chi-squared tests on the two 7X2 tables; $\chi^2_6 = 19.37$, $p = 0.003$ (rights), $\chi^2_6 = 19.66$, $p = 0.002$ (processes).

by sorting the problem out themselves⁴³. For knowledge of processes, there were particularly large differences between the two groups in third party/police intervention to end problems and again, sorting problems out themselves⁴⁴.

Follow-up interview survey respondents taking action were asked a wide range of questions about their objectives and whether these objectives were met. For the current analysis, whether or not respondents met their objectives was recoded into three categories; met all objectives, met some/part of objectives, met no objectives⁴⁵.

Crucially, there were significant differences between those who felt they knew their legal rights at the time of their problem and those who did not in whether or not objectives were met⁴⁶. Those who knew their rights met all of their objectives 59 per cent of the time compared to only 29 per cent for those who did not know their rights. While the percentage meeting some or part of their objectives was fairly comparable between the two groups (25 per cent for those knowing their rights vs. 32 for those who did not), those who suggested that they did not know their rights failed to meet any of their objectives more than twice as often (39 per cent for those not knowing their rights vs. 17 per cent for those knowing their rights). Whether or not objectives were met by whether or not respondents had knowledge of their rights is shown in Figure 11.

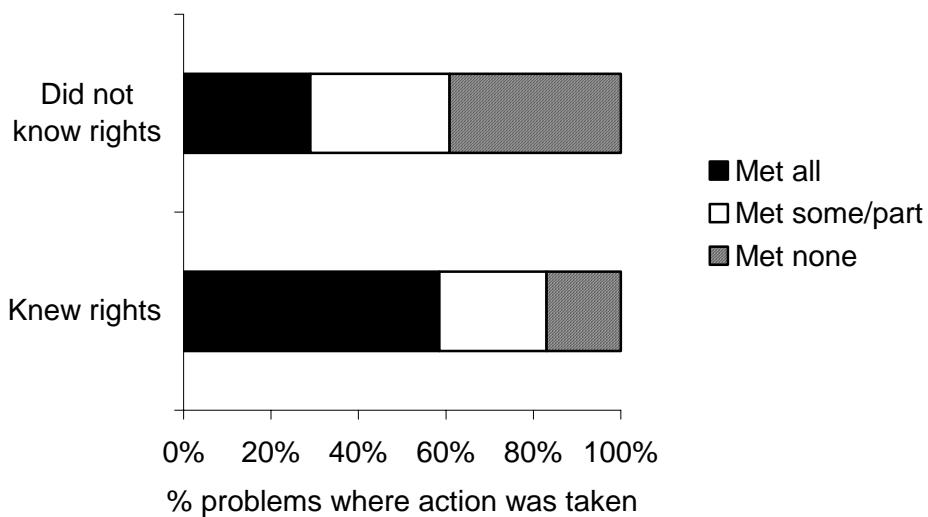


Figure 11. Whether objectives were met by knowledge of legal rights.

⁴³ 16 per cent (knowledge of rights) vs. 1 per cent (no knowledge of rights). This 1 per cent constituted only one response. Standardised Pearson residuals; 2.2 (knowledge of rights), -2.0 (no knowledge of rights).

⁴⁴ Third party intervention; 2 per cent (Pearson residual = -2.0) for those with knowledge of processes, 16 per cent for those without knowledge (Pearson residual = 1.7). Sorting the problem out on their own; 13 per cent (Pearson residual = 1.8) for those with knowledge of processes, 2 per cent for those without (Pearson residual = -1.6).

⁴⁵ A small number of 'too early to say' responses were ignored.

⁴⁶ Using a chi-squared test on the 3X2 table; $\chi^2_2 = 11.79$, $p = 0.003$.

5. Conclusions

5.1 Research Implications: The Case for Public Legal Education

The findings presented in this research annexe to the PLEAS Task Force report confirm that there are knowledge, skills and confidence gaps in the population.

2004 English and Welsh Civil and Social Justice Survey

The results from the 2004 CSJS show that those most vulnerable were more likely to choose advice-seeking strategies that may not have been appropriate. For example, respondents without any formal educational qualifications had high rates of not doing anything at all about their civil justice problem, those on low incomes had comparatively high rates of trying and failing to get advice, as did those publicly renting, younger and older respondents. In contrast, those who handled their problems alone tended to have higher degrees, higher incomes, and not to be suffering from long-term illness or disability. Clearly, this points to groups who are less vulnerable and likely to have the personal capacity and understanding required to handle problems alone. Interestingly, lone parents had high rates of obtaining advice (see also Buck et al. 2004), as did those in benefit receipt. These socio-demographic results highlight some of the specific population groups who might benefit from public legal education initiatives.

Similarly, findings at problem level show that public legal education might be of more benefit in relation to some legal issues than others. Clinical negligence, discrimination, unfair police treatment, personal injury and neighbours problems had relatively high rates of people not doing anything. Problems related to, for example, mental health or children issues could benefit from targeted education programmes, as respondents were seemingly unaware who the single most appropriate adviser was for these types of problems. Public legal education could therefore usefully focus on problem types in two separate, though related ways. For problems where there are high rates of inaction, public legal education could be useful in triggering action, whereas problems where people take action but go to the wrong advisors could benefit from a different type of public legal education initiative.

Further results from the 2004 CSJS presented in this report provide a detailed picture of reasons behind choosing a particular advice strategy. Those who did nothing about their civil justice problems often thought advice would make no difference. Uncertainty as to rights and what to do and where to get help from were less frequently mentioned. Explicit awareness issues were therefore secondary to a perception that advice had little to offer. However, whilst believing that advice would not make a difference could be a realistic assessment of the situation, it may also point to a lack of knowledge of - and confidence in - the legal advice system. Specific groups, such as those who did not act upon their civil justice problems because they thought nothing could be done to help them, might benefit most from education initiatives. In terms of targeting problems, respondents most often said they did not act because they believed nothing could be done to resolve employment, discrimination, money/debt and mental health problems, indicating a sense of powerlessness.

People's advice-seeking behaviour was further influenced by previous advice-seeking strategy. Successful public legal education initiatives have the potential to break entrenched behaviour patterns, so people adopt an problem-resolution

strategy based on appropriateness and not on previous behaviour. The evidence from the CSJS suggests that role model exposure may be important; successful advice-seeking behaviour might therefore be usefully incorporated into popular culture media (e.g. TV programmes, radio) as these have high degrees of penetration across the population.

Continuous English and Welsh Civil and Social Justice Survey

The results from the continuous CSJS provide new findings on people's self-reported lack of knowledge, thereby providing useful baseline results. Sixty-two per cent of respondents said they did not know at the time of their problem what their legal rights were relating to that problem, and an even higher 69 per cent reported that they did now know what formal processes were sometimes used to deal with their sorts of problems.

Importantly, continuous survey results demonstrate clearly the negative impact of knowledge and education gaps. Lack of knowledge lead to increased rates of inaction and more failed attempts to obtain advice. When advice was sought, those lacking knowledge also tended to try more advisers, suggesting increased difficulty in locating an appropriate adviser.

Those lacking knowledge also suffered more negative consequences as a result of their problems. They had high rates of regret over their actions, which - more so than among other groups - were principally related to wishing they had obtained advice. Outcome of problems also differed for those lacking knowledge and, crucially, those who lacked knowledge were far less likely to meet their objectives.

Continuous survey findings confirmed the 2004 CSJS findings regarding vulnerable groups. Respondents on lower incomes and those with fewer academic qualifications had higher rates of reporting that they did not know their legal rights and of formal processes used at the time of problem experience, compared to those in more advantageous positions. Taken together with the findings that a lack of knowledge can have severe consequences, successful public legal education initiatives have the potential to contribute to social justice.

5.2 Challenges and the Need for Further Research

The results from both the 2004 and the continuous CSJS make a clear case for the value of public legal education. However, there are a number of challenges which need to be addressed. Four of these are highlighted below.

First, care needs to be taken to adequately define the concept of public legal education to ensure that any research and evaluation is able to measure it. This will be a key requirement if progress in developing citizens' knowledge of and confidence in dealing with a range of legal issues is to be assessed. However, there is no single indicator of what an adequate level of legal education entails. What might be adequate for one citizen would be inadequate for another. As Atkinson et al. have pointed out in regard to financial capability: 'It might be possible to define a basic level of financial capability that is required by everyone in a given society. Beyond that level, the degree and nature of financial capability required by any individual will depend on their circumstances' (2006, p.10).

Taking account of the situated and contextual nature of knowledge is even more difficult for legal capability, as it includes so many different legal issues, many of

which are intimately linked to a wide range of social and personal problems. Adding to this complexity, there are a variety of appropriate responses to legal problems; these include acting alone with the right knowledge or approaching an appropriate adviser.

There are also overlaps between public legal education and citizenship education, with the latter at present being the more distinct and widely known term. Whilst citizenship education has entered the collective discourse, public legal education by comparison is far less tangible and, at present, is a term used by a limited number of experts.

Second, even when equipped with the necessary awareness and skills required to avoid or deal with a legal issue effectively, some citizens might not take any action. People's behaviour is not always rational and decision-making is influenced by many different factors and 'cost-benefit' analyses (see e.g. Summers et al. 2005). This makes changing behaviour a daunting task for public legal education initiatives.

The difficulty of achieving behaviour change relates to a third challenge: personal capacity. Self-esteem, ability to cope, entrenched avoidance behaviour, life circumstances and support networks are all factors that need to be taken into account, alongside anxiety about the implications of dealing with a problem. The PLEAS Task Force has acknowledged this challenge by including confidence and skills in their core definition of what public legal education seeks to achieve. However, for some people in desperate circumstances, immediate and high-quality advice will be their first priority. There is also the issue of general levels of numeracy and literacy in the population. Basic levels of literacy are a key tool citizens need to be able to deal with their legal issues.

Lastly, the relative merits of resource allocation between advice services and public legal education requires a close examination.

To address these challenges, to assess the impact of the national public legal education strategy suggested by the PLEAS Task Force and to inform future developments, dedicated research and evaluation will be necessary.

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