

Digitally (De)Faulted? How do young people use the Internet to acquire knowledge of their rights?

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Over the last decade in England and Wales there has been an increasing shift in Government towards digital services¹. Within legal aid, the Internet has been seen both as an innovative and potentially cheaper route to delivering advice to those eligible for publicly funded advice and representation.² It has also been seen as a means by which to disseminate legal information to those ineligible for legal aid, yet unable to afford the costs of private legal assistance.³ Yet whilst the Internet has revolutionised the way in which citizens interact with each other and with Government, in respect of its use for legal self-help a range of barriers can compromise effective online engagement.

To date, little work has been done to assess the quality, breadth, reach and scope of the wide array of government, private and third sector websites that purport to offer legal information and advice. More importantly, little has been done to assess how individuals use the information they find online in the resolution of legal problems; the extent to which information resolves the problem in question; and how individuals search for and select relevant resources from the broad range available online. As a result we do not know how effective the Internet is as a self-help resource for legal problems and the extent to which the content currently available online meets the publics' informational needs.

An enquiry into these issues is particularly timely. Recent developments in the field of legal aid brought about by the Legal Aid, Sentencing and Punishment of Offenders Act [2012] have brought renewed attention to issues of online problem solving. A reduction in the scope of eligible legal aid matters suggests individuals will need to be more self-sufficient in the resolution of their legal problems. This push towards self-sufficiency may go further still, depending on the outcome of the Ministry of Justice's latest round of legal aid reforms.⁴

Previous research published in this area suggest that online advice seeking for civil justice problems may be more complex than might be ordinarily assumed. Findings from the Civil and Social Justice Survey published in 2011, highlighted somewhat counter-intuitively, that young people aged 18-24 were less likely than other age groups to use the Internet for the purpose of seeking information to help resolve a civil justice problem. This was true despite young people having greater access to the Internet at home than other age groups, and was exacerbated for those with a low level of educational attainment. When using the Internet CSJS findings highlighted that young people were typically looking for 'information to help resolve their problem' and 'information about their rights' suggesting that the desire for

¹ Cabinet Office (1999) *Modernizing Government*. Cabinet Office: London

² Lord Chancellor's Department (1998). *Civil Justice: Resolving and Avoiding Disputes in the Information Age* 1998. DCA: London; Lord Chancellor's Department (2000) *civil.justice.2000– A Vision of the Civil Justice; System in the Information Age*. DCA: London; PriceWaterhouseCoopers (PwC) (2009) *The Economic Case for Digital Inclusion*. Report prepared for the Champion for Digital Inclusion, PwC: London.

³ Legal Services Commission (LSC) (2006) *Making Legal Rights a Reality: The Legal Service Commission's strategy for the community legal service 2006-2011*. London: Legal Services Commission

⁴ See further https://consult.justice.gov.uk/digital-communications/transforming-legal-aid/consult_view

self-help was present. However, unlike other age groups they tended to be less successful in meeting these objectives.⁵

In further exploration of this, in 2012 we undertook an experiment with 100 young people aged 18-24. The participants were university students at UCL, 16 were third year law students, with the remaining representing a range of disciplines and levels of study.

Participants were given a hypothetical legal problem and asked to answer six questions relating the rights of the protagonist in the scenario.⁶ Participants were randomised into one of two groups. Group one was given a housing hypothetical in which the protagonist was facing: a dispute with a landlord over a leak in the bathroom; the right of the landlord to enter a property without notice; the right of the protagonist to withhold rent payments; and the authority of the landlord to evict without a court order.

The second group was allocated an employment hypothetical in which: maximum working hours; minimum wage; the right to see an employment contract; age discrimination; and redundancy were the issues of focus. Participants were first asked to answer the rights-based questions without reference to the Internet or other resources. They were then asked to use the Internet to either (a) obtain answers to the questions they were unsure about, or (b) verify the answers they were sure about. Half of each experimental group was randomised into a further condition whereby they were provided with a 'hint' website, advising them that a particular website may be of use to them.

Those in the 'hint-housing' group were directed to the www.shelter.org.uk website, and those in the 'hint-employment' group were directed to the www.adviceguide.org.uk website. Participants were encouraged to take their time searching the Internet and to treat the problem with the same severity as they would if it was a problem they were experiencing themselves. Individuals could participate in the experiment in a location of their choosing, the only requirement being access to the Internet. The full search and browsing history of participants was recorded through the use of virtual desktops and participants were given a £10 Amazon Voucher upon completion.

Results highlighted varying degrees of knowledge amongst the student population. Prior to using the Internet the landlord problem cohort averaged 3.39 correct answers out of 6 correct, rising to 4.67 upon use of the Internet. For those in the employment group, a mean of 3.25 correct answers out of 6 was achieved, with an increase to 5.28 following Internet use. Findings suggested that Internet use did increase the knowledge of the students.

Looking at Internet search history highlighted some further interesting findings, in that students typically spent less than 10 minutes searching.⁷ Some participants failed to consider the jurisdictional relevance of results (for example, referring to websites in the United States), and individuals given the hint website did not always immediately act upon

⁵ Denvir, C. Balmer, N.J & 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: 96-104

⁶ The questions were carefully selected to ensure that answers were readily obtainable on the most common legal help websites.

⁷ This is consistent with the time spent reported by respondents to the Civil and Social Justice Panel Survey. The Civil and Social Justice Panel Survey is a panel format of the longitudinal Civil and Social Justice Survey.

it, although frequently found their way to the hint website indirectly. Searches were consistently structured around search engines. Individuals rarely used searched functions within websites and tended not to browse within websites either, but rather go back and forth between search pages in an attempt to generate new results at each question. There was also evidence of a failure by some to consider the reliability of websites. This included instances where knowledge market websites such as YahooAnswers! and ehow.com were used in preference to (potentially more) reliable sources.

Importantly, whilst participants increased their knowledge of rights as suggested above, this had little bearing on their views as to how the protagonist should handle the problem. Participants often gave inappropriate responses (such as seeking help from an Ombudsman or going straight to court) and failed to recognise the urgency of seeking advice. This suggested that their knowledge of rights did not translate into knowledge of the appropriate action.

Crucially, 65 percent claimed that they would not have the confidence to handle a similar problem alone despite 72 percent having scored 5 or higher when using the Internet to answer the rights questions. This was not true for the final year law students where the inverse relationship applied. Two-thirds of this cohort claimed that they would be confident handling their problem alone, even though their success on the knowledge questions remained comparable to other respondents. Finally, when determining what the participants would do when faced with a similar problem, the vast majority indicated they would seek help from family/friends and an advisor/representative on account of their professional or life experience.

Results at this preliminary stage suggest that there is an increasingly important role of the Internet to play in self-help, but that it is important not to overestimate its utility. For public legal education and self-help (in light of policy changes) we find that the Internet (imperfectly) increases knowledge of rights, but that this knowledge does not equal confidence or competence with regard to action.

Problems experienced by this high-achieving cohort are likely to be exacerbated for vulnerable young people. These findings come in addition to other research conducted in the field looking at the impact of knowledge of rights on problem resolution.⁸ As preliminary results, fieldwork and the inclusion of further specific participant groups remain on-going. The project is due to be completed in early 2014.

⁸ Denvir, C. Balmer, N.J & Buck, A. (2012) Informed Citizens? Exploring the relevance of knowledge of rights in the context of civil justice problem resolution. *Journal of Social Policy*, July, 41; 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? *Journal of Social Welfare and Family Law*, 35, 1:139-160