

Annexe to the PLEAS Task Force Report

EXECUTIVE SUMMARY

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

**Alexy Buck
Pascoe Pleasence
Nigel J. Balmer**

July 2007

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 not 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.