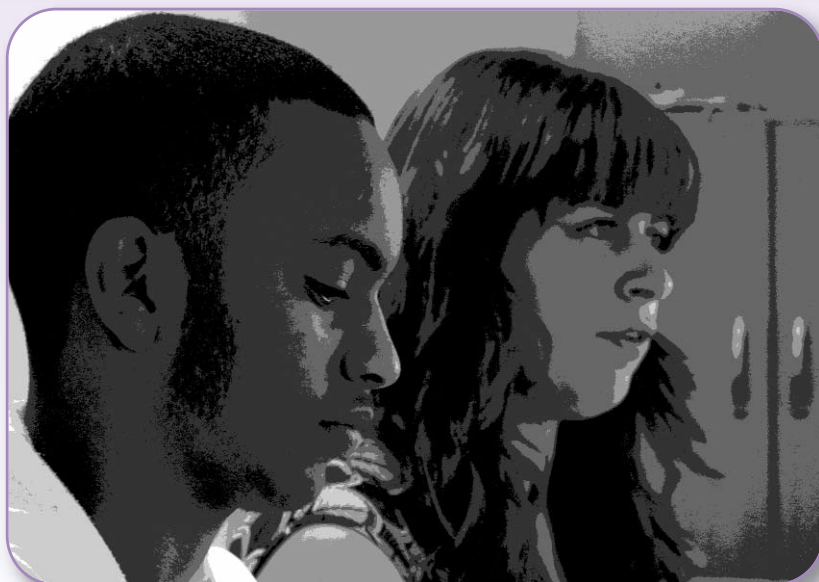


Measuring young people's legal capability



Research report July 2009

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1 Foreword

Although the term ‘legal capability’ is not in our everyday vocabulary, and this is especially true for young people, it refers to the basic ingredients that make an active citizen who is able to fully participate in everyday life. Being legally capable simply means to be able to perform our role as equal members of society while being aware of our basic rights and responsibilities. It is not about complex legal concepts; it is about empowerment and proper education. However, there is a balance that needs to be struck when expecting individuals, especially the most vulnerable, to maximise their democratic role.

The question of what make us legally capable becomes particularly timely in the current financial and political climate where more and more young people are struggling to cope, and the demand for legal advice is ever increasing. For young people a legal problem – let that be crime or debt related, domestic violence or employment – will have a bigger impact. Starting out in life presents young people with enormous new challenges. For some, learning is supported through existing educational structures; this isn’t the case for everyone. Marginalised young people; such as those out of education or employment, those from certain minority ethnic groups, offenders or those at risk of offending are less likely to receive help or want to engage with the system and what is available to the mainstream population.

As a youth-led social policy think-tank with a charitable aim to make our society a better place for young people from all groups, we were particularly pleased to be involved in this project. When we set out to understand the concept of young people’s legal capability, we were clear about what we could not do, or were simply not interesting in doing. Sterile data collection that helps develop theoretical models for academia and other commentators was not our aim. Through genuine, youth-led, in-depth research, we aimed to explore what a group of marginalised young people think about the issue, in the hope that this new knowledge will help us formulate evidence-based recommendations for policy and practice.

Robust research by professionals is often hampered by the inability to relate with the sample. From our long experience in youth policy, even the most skilled researcher might fail to collect data from young people if the right language and attitude is not adopted. At IARS, we share the belief that this kind of research is best done by young people themselves. The experienced young research staff team exists only to facilitate this process. We consider this to be one of the key contributions of this report, which we hope will start a constructive debate in this under-researched and under-developed area.

Dr. Theo Gavrielides
Chief Executive, IARS
July 2009

About Independent Academic Research Studies (IARS)

Set up in 2001, IARS is a **youth-led social policy think-tank**. It aims to empower and give voice to young people so that they can influence policy and democratically engage in society as equal citizens. Through volunteering, youth-led work, training, skills-development programmes and research, young people at IARS aim to improve the practices that affect them. As role models, they participate in society and support their peers and youth-led organisations and groups in creating a tolerant and equal society where young people are respected and valued. IARS is unique in its structure and is the only think-tank of its kind in the UK.

As a youth-led organisation, IARS has a unique insight into the issues affecting young people and is thus ideally placed to lead on this research. IARS has also found that young researchers are more able to gain the trust of other young people, as they “speak the same language”, which is important when trying to carry out qualitative research with disadvantaged and marginalised young people. The evidence gathered from this project is therefore unique and would not have been possible but for the youth-led approach.

About the author

Lewis Jon Parle manages IARS’ youth led projects and its team of young researchers, both paid and voluntary. He is currently studying to become a barrister at the Inns of Court School of Law after having completed the Graduate Diploma in Law at BPP Manchester in 2007 and receiving a scholarship from the honourable society of Middle Temple. He graduated with a 2:1 Ba (Hons) in History from the University of Liverpool in 2005 studying the economic and social history of the UK. He also completed a Masters in Historical and Sociological Research from the University of Liverpool in 2006 and received a distinction for his dissertation on policing and the infringement of civil liberties in 1970s Manchester.

About the Public Legal Education Network

Plenet is a network of organisations and individuals committed to supporting the advancement of public legal education (PLE). The network was established to continue building the body of knowledge of what makes for successful public legal education. The range of participants includes statutory bodies, not-for-profit organisations, legal professionals, researchers, educators and campaigners.

Plenet aims to develop the recommendations and to implement the strategic goals of the PLE and Support (PLEAS) Task Force.

The core purposes of Plenet are:

- to take a lead in creating an identity for PLE
- to promote its use, and
- to create a centre of excellence for its successful development and delivery.

Plenet falls under the wing of the Advice Services Alliance (ASA).

2 Executive summary

Background to the project

In 2008, the Public Legal Education Network (Plenet) commissioned Independent Academic Research Studies (IARS) to carry out an exploratory study on young people's legal capability. Plenet wanted to investigate the need for public legal education (PLE) amongst various groups of young people, and to gain an insight into the nature of their legal capability. This research also aimed to achieve a better understanding of the components of legal capability in order to develop a conceptual model that could provide the basis for a future baseline survey of the levels and types of legal capability in the wider population.

Plenet sought to work with IARS due to its experience in working with marginalised and disadvantaged young people. IARS' youth-led philosophy and methodology offered an opportunity to ensure that the project engaged young people at all levels, from research design through to reporting.

The project sought to conceptually emulate the approach taken with the associated field of financial capability. That research started by exploring people's capability through the three elements of **knowledge, skills and attitudes**. This project used a similar approach.

Findings from the young people's legal capability pilot study

Through a qualitative methodology consisting of focus groups complemented by face-to-face interviews with young people aged 16-25 from particularly disadvantaged and marginalised backgrounds, we found that:

Knowledge

- The participants had little or no knowledge of most basic rights and entitlements; in particular they seemed unaware of any system of civil law to which they had recourse.
- The young people's lack of knowledge of their rights/entitlements, legal processes or where to go for help impeded their ability to recognise that they were dealing with an issue with legal elements. This in turn would affect their ability to plan how to resolve the issue.
- If the participants did seek information and/or help, it was either in the form of information available at the point of sale in shops, or by speaking to their family members or friends. There was also little knowledge of existing structures for advice.

“I didn't know anything about my rights. I only spoke to my mum ... and she didn't know what to do either.”

(Young male, 16-17, White British)

“I know what I mean in my head, I just don’t know how to say it.”

(Young female, 16-17, dual heritage)

Skills

- Many of the participants lacked sound verbal communication skills, which would greatly affect their ability to resolve law-related problems. For example, many of the young people had difficulty verbalising their thoughts and arguments, or used aggressive body language. Further, many of the young people would act in an aggressive manner to resolve law-related issues.

“I would start shouting and ask for the manager.”

(Young male, 16-17, Black Caribbean)

Attitudes

- The young people’s chosen source of help and advice was affected by their attitudes, in particular, a negative attitude towards professionals (such as the police) and advice professionals. Their choice of family members and friends was in part due to familiarity and trust, but also convenience.
- The young people’s impetus to resolve an issue and persist was affected by what was at stake. For example, those problems they felt as being less serious might not be acted upon at all.
- The young people had difficulty in managing the emotional effects and stress that law-related issues had on their lives. In particular the most marginalised young people reported feeling lost and helpless.

“I felt helpless throughout the whole period. The problem had built up over a period of time and it just made me not want to go into work. Then I was trying to do things for the purpose of work and felt totally disheartened when I was told my work was no good. I just felt like I had been cheated.”

(Young female, 20-25, Chinese)

“I think it was a legal issue because to move to a foster home I needed a lawyer to help me get all my paperwork together as I was an asylum seeker and at the time I had been in the UK for a couple of years and had no passport ... I didn’t go to the foster home because I didn’t know how to get a lawyer.”

(Young female, 16-17, Black British)

Developing the domains of legal capability

From the fieldwork there arose a number of competencies or domains; these captured the behavioural aspects of legal capability:

Knowing rights and remedies

This is a basic knowledge of legal entitlements and processes, which would enable the young person to identify that they are dealing with a law-related issue and help them decide an appropriate service to approach for help if required.

Spotting a legal issue

From the research it was clear that knowledge of rights and remedies was linked to the skill of identifying a legal issue. A young person who is not able to spot that they are dealing with a law-related issue would most likely not take any appropriate action to resolve the problem.

Knowing where to go for help

Knowing the appropriate places to seek help is linked with knowing rights and remedies. For instance, a young person who knows that they have a consumer-related problem would be able to approach a relevant agency for advice/information. This domain would also incorporate the ability to use digital resources effectively, such as using internet search engines.

Planning how to resolve the issue

This would involve a young person knowing not only their rights and remedies but the steps they are required to take to resolve the issue such as registering a complaint and keeping relevant evidence.

Communicating effectively

It was clear that the ability to communicate verbally and in writing was lacking amongst the young people who took part in this project. Being able to communicate effectively was linked to being able to manage emotions, and in particular, anger. Avoiding aggressive language or behaviour is also a factor in preventing further legal complications including consequences arising from antisocial behaviour and criminal penalties.

Managing emotions

Many of the young people in this study would react aggressively if dealing with certain law-related issues. Being able to manage their emotions would enable them to communicate more effectively.

“I felt sad and cried a lot, couldn’t concentrate on work. I had little time to talk to my parents and it got worse when I did talk to them.”

(Young female, 16-17, Black British)

Key recommendations

For policy makers and practitioners	For further research
<ul style="list-style-type: none"> ● The participants emphasised the importance of getting help from people they know and trust and in a place that is familiar and preferably used by young people. PLE activities need to engage marginalised young people through outreach work and via their trusted helpers. ● The young people who took part in this study had difficulty in managing the emotional effects and stress that law-related issues had on their lives. In particular the young people reported feeling lost and helpless. PLE activities should consider the emotional impact experienced by young people facing law-related issues. For example, the ability to cope with stress and anger are important aspects of legal capability and may give rise to the need for counselling support to some young people. ● The overall lack of awareness of civil legal entitlements, the role of the justice system and legal processes suggests the need to strengthen and expand provision of law-related education for young people. ● There is a need to develop activities that seek to improve young people's communication and planning skills through training and support. ● PLE activities should consider the need to provide intermediary PLE training to improve the capacity of trusted intermediaries to reach young people. This is important if PLE activities are to be delivered through outreach work. ● Consideration should be given to the role of the private sector in providing prominent and accurate information on the existence of statutory rights as distinct from internal policies and procedures. 	<ul style="list-style-type: none"> ● This small scale qualitative study should be treated as a pilot for further research and analysis. The area of legal capability is new and challenging and this report has taken the first step in helping the PLE movement to understand better its challenges and opportunities. ● The impact of young people's past experiences and backgrounds on legal capability, in particular their experiences of dealing with law-related issues, and levels of wealth and education. This might require a multidisciplinary approach to gain an in-depth understanding. ● Further research needs to be conducted to correlate the findings of this study with views from a variety of stakeholders, including academics, policy makers and professionals delivering PLE activities. This will help to establish what level of legal capability would be deemed sufficient to manage law-related issues effectively. ● Further research is also needed to be carried out with a wider group of young people to offer a representative sample of the demography of the country. This piece of research would need to investigate the various issues that different groups of young people face. ● It is recommended that a UK-wide survey is carried out to determine levels of capability (a baseline), in line with the work that has been carried out in the field of financial capability. ● There is a need to develop a robust evaluation framework to assess the immediate, medium and long-term impacts of PLE activities on their participants.

3 Introduction

Structure of this report

This structure of this report follows the stages of the research process from initial development of the project idea through to developing recommendations. This enables the reader to better understand how we went about conducting the research.

Research methodology: an overview



We carried out a preliminary literature review on public legal education (PLE), legal capability and the associated field of financial capability, to provide a context for the research and to identify existing gaps, so that we could refine the research questions for the young people taking part in our project.

The search for materials focused on three main types of source:

- i) academia
- ii) research, policy and journalistic output of Third Sector organisations (for example, the Plenet website www.plenet.org.uk)
- iii) public sector research and policy output, such as the PLEAS Task Force final report (2007).

This initial review of material raised questions about how we might go about developing a qualitative research methodology to investigate young people’s legal capability. The initial ideas were tested with pilot focus groups and interviews before a final set of research questions were finalised.

Four focus groups and 10 face-to-face interviews were carried out in London and Liverpool. The data was analysed in light of the literature review and presented in this report.

4 Literature review

Public legal education (PLE) and financial capability

PLE, and to a wider extent, legal capability, currently have limited research and policy development. As a result, there are few available and relevant documents for review. Some of the literature reviewed is produced for internal purposes and is policy focused. IARS reviewed literature that was available through Plenet and its partners, literature searches using online search engines and associated references. The review has drawn heavily on the associated field of financial capability, on which more extensive research has been conducted. We have referred in particular to the Financial Service Authority (FSA)'s large-scale study of financial capability (FSA, 2005).

This literature explores some aspects of thinking on PLE in the UK to gain an understanding of the concept of legal capability and create a foundation upon which to base the research questions we wanted to ask during the fieldwork phase of the project.

The journey towards developing an understanding and coherent policy agenda for PLE in the UK began with the launch of the report of the PLEAS¹ Task Force in July 2007.² In it, the Task Force provided a working definition for PLE:

“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 in helping citizens to better understand daily life issues, making better decisions and anticipating and avoiding problems”

(PLEAS Task Force, 2007:9)

This definition incorporates the basic idea of using various educational methods to make people more capable to deal with law-related issues by ‘up-skilling’ or ‘capacity-building’ them. PLE is therefore the mechanism through which people’s capacity to deal with law-related issues is improved (Wintersteiger, 2008:2).

PLE can be seen as part of a wider goal to achieve social justice by providing people with the ability to access justice. It has been consistently argued that there can be no substitute for a well- resourced legal aid system. “Public funding of legal services should be a central government priority because they ‘provide an important counterbalance to the evident inequalities in society’, and thereby help to secure equal access to justice for all” (Wallach, 1992). The idea of improving people’s legal capability is a fundamental goal of PLE. This is explored elsewhere in this report.

¹ Public Legal Education and Support Task Force.

² The Task Force began meeting in 2006 and was set up as a result of a consultation paper, *Towards a National Strategy for Public Legal Education: a Proposal for Development*, published in 2005. Consultation carried out by Advice Services Alliance, The Citizenship Foundation and Legal Action Group.

Types of PLE

There is a wide variety of PLE activities, with no one right or definitive method. The PLEAS task force identified a number of examples, including:

- campaigns
- leaflets or a pack
- a training course
- classroom teaching
- a theatre production
- a TV programme
- a mentoring scheme
- a website, and
- many other activities. (PLEAS Task Force, 2007).

Although not a comprehensive assessment, PLE activities can be categorised into the three types discussed briefly below.

- i Firstly, there is the provision of information. This normally takes the form of generic and targeted leaflets on different problems with a legal element, from understanding a tenancy agreement, to human rights, or how the court system works. Information can be distributed either in paper form or via dedicated websites such as **www.direct.gov.uk** or **www.liberty-human-rights.org.uk**. Information is therefore freely available but “requires a reasonable level of literacy in English and demands intellectual motivation”³ (Ardill, 2002:2).
- ii Secondly, there are community-based approaches, which are mostly led by the Third Sector and include outreach courses covering basic legal rights. For example, Law Works delivers free workshops to organisations and individuals working in the community.⁴ Provision of this sort of PLE is often patchy and difficult to sustain due to funding constraints.
- iii Thirdly, there are self-help activities or projects which aim to equip people with the skills to deal with problems with a legal element by themselves. This approach can come in a number of forms. There are off-the-shelf packs on legal issues such as drafting a will, to intensive projects that work with people to ensure they have the necessary abilities to manage their own legal issues.

The issues that PLE activities seek to address can be incredibly varied and “are not abstract ‘legal problems’. They are not problems familiar only to lawyers or discussed in tribunals and civil courts, they are for the most part the problems of ‘everyday life’” (Pleasance, 2006:1). Law “continues to be associated with the problems of everyday life, a fact that obscures the role that law, or rather legal capability, has in identifying and securing opportunities” (Wintersteiger, 2008:2).

The need for PLE

At present, education on the law and the legal system in the UK is extremely limited. It was only in 2002 that any formal mandatory education on legal structures was incorporated into the national curriculum in the form of citizenship education.⁵ A significant number of young people have little or no knowledge about the workings of the legal system, and what they do know has probably been learned from informal and inaccurate sources.

³ Essentially, a certain amount of volition is required of the individual to want to solve their problem.

⁴ www.lawworks.org.uk

⁵ www.teachingcitizenship.org.uk/page?p=13

Young people, particularly those who are aged 16-25 and who suffer from multiple disadvantages, are some of the most excluded people in society. They would seem more likely to suffer from the negative effects of unresolved legal problems. It has been shown in the *English and Welsh Civil and Social Justice Survey*, conducted by the Legal Services Research Centre and published in 2007, that 35% of the respondents who were aged 18-24 reported having more than one legal problem, and those who are “socially isolated”⁶ were far more likely to suffer more problems. It has been suggested that “many young people fail to respond to law-related events, but even when they do, they may not achieve favourable outcomes. For example, they might try – and fail to get help”.... It is ... likely that young people in particular lack the experience to have developed strong negotiation and perseverance skills and this may account for poor outcomes in some cases” (Wintersteiger, 2008:6).

Furthermore, the *English and Welsh Civil and Social Justice Survey* revealed that many people in England and Wales are potentially very vulnerable because of their ignorance of legal rights. Out of the five thousand people who took part, only 38% said they knew their legal rights and 69% did not know anything of formal legal processes. Perhaps unsurprisingly, those without any academic qualifications were more likely to report that they did not know their legal rights and legal processes (Buck, 2007:23-24). It is apparent from the literature that the burden of unresolved legal problems falls more heavily on the socially excluded “who are less likely than the average citizen to take any action or seek help with their problems” (Robins, 2007).

The impact of unresolved legal problems can go far beyond the obvious financial implications. In an interim report of the *Rights to Access Project* many of the 25 participants felt that not receiving advice would be detrimental to their mental health and impact on other parts of their lives (Michael Bell Associates, 2007:7). This is supported by findings from the *Civil and Social Justice Survey* which found that of the 18-24 year olds, 15 % suffered from physical ill health and 25% from stress-related problems as a result of their unresolved legal problems (Legal Services Research Centre, 2007:2-4). A report by *Youth Access* suggests that young people spend more time worrying about their problems than any other age group and can suffer from a loss of confidence (Kenrick, 2007:2).

The related field of financial capability

Legal capability is at the present time relatively unexplored. Research into the field of financial capability, on the other hand, has had significant investment and development over the past 10 years, which provides a starting point for the idea of legal capability.

The Financial Services Authority (FSA) commissioned the Personal Finance Research Centre (PFRC) to design a survey to measure levels of financial capability in the UK. The results of this large-scale study were published in 2005. The impetus for the study was the number of people in the UK who were in debt, unable to manage their finances and who were not making the best choices with regards to financial services. In developing the questionnaire the FSA looked at gaining an understanding of people’s behaviours and attitudes rather than setting “right and wrong answers” (Atkinson, 2005:14). The three elements of capability were viewed as follows:

- i **Knowledge** – a basic body of knowledge and understanding, which people can draw from when managing their affairs.
- ii **Skills** – the ability of a person to apply their knowledge and understanding, which could be underpinned by two sets of skills: gathering financial information and record keeping, and financial planning which includes saving, spending and budgeting.

⁶ Meaning those young people not living in households containing adults over the age of 24.

- iii **Attitudes** – being willing to apply their knowledge and understanding to attain their desired outcome. This includes:
 - a) the willingness to invest time
 - b) being able to gain access to information and advice
 - c) the confidence (and, perhaps most interestingly in light of the findings from this project),
 - d) people’s attitudes towards things, such as people (FSA, 2005:17-19).

After some initial development and testing these ‘elements of capability’ were translated into four domains, which would be easier to understand for the general public. The idea of using the domains approach was chosen because it was concluded that there was no single indicator of financial capability (Atkinson, 2005:8). Instead the focus of the four domains was on people’s ability to:

- i **Manage money** – including making ends meet and keeping track.
- ii **Plan ahead** – assessing people’s ability to deal with long term financial commitments.
- iii **Choosing (financial) products** – assessing people’s knowledge about financial products, their attitudes towards risk, and behaviour and confidence in selecting appropriate financial products.
- iv **Stay informed** – assessing people’s ability to keep abreast of relevant changes and knowledge of where to get help and advice.

Each of these domains would require people to draw on the different ‘elements of capability’. For example, to **manage money** a person might need: some **knowledge** of financial services that may assist them, such as choosing the right type of bank account; the **skill** to be able to budget and possessing a **thrifty** attitude.

Questions that arose from the literature review

- i How can we learn from the domains approach used in the financial capability research?
- ii What abilities does a legally capable young person have
- iii What law-related events do these young people commonly encounter?
- iv How can we develop baseline indicators in order to measure legal capability?
- v Can PLE activities improve young people’s legal capability and empower them to live independent and confident lives?
- vi Do young people have any special needs which the designers of PLE activities need to take into account?

5 Developing the concept of legal capability

Following the preliminary literature review it became clear that there was a need to further develop the idea of using the capability model from the financial capability study for legal capability. This section of the report explains how we used the elements of capability and developed them into a pilot qualitative study.

It has already been suggested by the PLEAS task force that the elements of legal capability might fall under the same three broad elements considered for the model of financial capability: **knowledge, skills and confidence** (PLEAS Task Force, 2007).

A legally capable person would be able to harness all three of these elements to be able to make good decisions and solve a range of problems. Some headway has been made on trying to understand what knowledge, skills and attitudes means in the context of legal capability at a conference held by Plenet called *Developing Capable Citizens* in 2008,⁷ and this research will build upon that work. In particular, the delegates at this conference took part in an exercise to define what the three elements of knowledge, skills and attitudes might encompass:

- i **Knowledge** – awareness, know where to find out more, understand the issues, know the routes to a solution (or processes), know where to get help.
- ii **Skills** – be able to communicate effectively, be able to keep track, decision-making skills.
- iii **Attitudes** – confidence, determination, belief that it (pursing goal) is worth it, emotional detachment from problem.

However, as explored in the literature review, a significant outcome of the development of the financial capability research was the finding that people’s perceptions of capability differed from the conceptual model. “They found it very difficult to distinguish between knowledge, understanding and skills” (FSA, 2005:21). This resulted in the decision to focus on assessing people’s capability through four domains (FSA, 2005:17).

In developing these domains there has been a shift from how people deal with problems to look more generally at what a financially capable person might look like (Gannaway, 2008). For example, one of the domains that was decided upon was ‘planning ahead’, which was concerned with assessing people’s ability to deal with long-term commitments. The focus then is on decision making, management **and** problem solving. This is an important lesson for developing any idea of *legal* capability: young people not only face ‘legal’ **problems**, such as being sued for a breach of a lease, but they also need to be equipped to be able to make informed decisions and be aware of their consequences, such as being aware of clauses in a lease and knowing when they might be breached.

⁷ www.plenet.org.uk/text-onlu/news-and-evnts/cardiff-conference-november-2008,10084,FP.html

Whilst the work on financial capability provides a sound base for a concept of legal capability, simply transplanting the financial capability style domains to anything law related renders several problems. This is partly because law-related events can happen at every turn and take on a myriad of forms, from buying a tin of baked beans which turns out to be out of date, to being accused of committing a crime, to taking an employer to an employment tribunal because of a wrongful dismissal. These problems are so vastly different and require such different abilities that a slightly different approach will need to be taken when developing a baseline indicator for legal capability.

It was therefore decided that when developing the qualitative research methodology for this project we would begin by investigating further what the three elements of capability (**knowledge, skills, attitudes**) would look like in the 'legal' context. It was thought that this initial development would allow domains to be identified. This would allow the development of a baseline survey to assess the legal capability of people in the UK more generally.

This was also the approach taken with the development of the financial capability research. In particular, the FSA identified the need to commission a comprehensive baseline survey to establish the state of financial capability in the UK. This baseline was assessed through the design of a questionnaire that measured levels of capability by identifying the different components or elements of financial capability, and creating a scale against which these components can be measured.

Further, it is important to note that in developing the financial capability questionnaire the PFRC stated that a "one size fits all approach would be inappropriate" to measure capability (FSA, 2005). This was because it is important to take into account the context within which the individual is operating; people of different means, cultural background or life stage would be faced with different problems and decisions to make. Similarly, it would seem inappropriate to treat all people as equal when exploring the concept of legal capability.

Developing a qualitative methodology for a pilot study

It was felt that there had not been enough development of the legal capability framework to begin designing a 'capability' questionnaire to determine a baseline of legal capability. Therefore, we decided to use a qualitative methodology to carry out this piece of research, because the aim of the project was to explore and begin mapping a relatively new topic. It was decided that focus groups, complimented by face-to-face interviews with young people, would allow for an in-depth and frank discussion of the issues.

Developing the focus groups and research questions

We decided that 'testing' in focus groups and discussing young people's responses to scenarios depicting possible daily law-related events would give the clearest indicator of legal capability. The idea was to test the young people's **knowledge, skills and attitudes** through a series of questions prompting discussion.

In deciding what scenarios should be chosen we opted for a consumer situation and a domestic violence scenario. These were chosen because in the case of domestic violence, this was an area that offered an exploration of distinctions between knowledge of the difference between civil and criminal jurisdictions, as well as being identified as a problem that resulted in high levels of inaction (Buck et al 2007:12). In choosing a consumer problem, we picked a common problem typed that young people may encounter, or may be able to relate to even if they had no direct experience themselves. We also consulted the IARS youth advisory group,

which thought that returning a faulty item to a shop and an incident of domestic violence would be issues that many young people had faced or could relate to.

The scenarios that were presented to the participants were as follows:

- i **A typical consumer issue of returning a faulty item** – scenario depicting a young person returning a faulty CD to a shop. The young person is told that she is not entitled to a refund or exchange.
- ii **A domestic violence problem involving parents and siblings** – scenario depicting a father losing his temper and hitting his son.

Both scenarios tested (to differing degrees) a young person's knowledge, skills and attitudes to resolve the issues through a series of open and closed questions. For example, the young people in the consumer scenario were asked what they thought their rights would be in this situation (**to understand levels of knowledge**); in the domestic violence scenario the young people were asked whether they would tell anyone about the incident (**to understand attitudes towards the problem**). The types of questions asked were not designed to be interpreted as having either 'right' or 'wrong' answers, but rather to understand the young people's thinking process, and whether a deficiency in one element of capability would impact upon another, and whether it would impact on their overall legal capability.

The scenarios and questions asked can be found in **appendix 1** of this report.

To compliment the focus groups and provide a more personalised in-depth analysis, we also decided to explore lived, law-related events through face-to-face interviews. The interviews explored one law-related event that each of the young people had experienced through a series of open questions that we asked each participant.

Similar to the focus groups, these questions focused on exploring and assessing capability through three elements: knowledge, skills and attitudes. For example, questions focusing on **how** the young person dealt with the problem were designed to elicit information on both skills and attitudes. We added an extra dimension to the interviews by asking young people about the actual and desired outcome(s) to their problem, and a series of reflective questions asking what they might do differently if faced with a similar problem in the future.

The interview discussion guide can be found in **appendix 1** of this report.

Sampling

We wanted to involve marginalised young people in the research because we felt they would be the ones facing the biggest challenges when dealing with law-related events and should therefore be a priority when developing useful, targeted PLE activities. Further, one of the hypotheses of the project was that these young people would have particular needs, which may or may not currently be addressed by advice services and or PLE activities.

We define marginalised young people as most likely to be:

- i disadvantaged by economic status or class, and/or
- ii affected by indirect or discrimination of any kind, and/or
- iii excluded from playing an active role in society.

Young people who fall into the above categories tend to be:

- i from Black, Asian, minority ethnic and refugee groups, and/or
- ii lesbian, gay, bisexual and transgender, and/or
- iii disabled, and/or

- iv from families with limited income, and/or
- v not in education employment, education or training, and/or
- vi at risk of offending, or are already subject to a process of the criminal justice system.

We aimed to hold three focus groups with eight to 10 young people in each (24-30 in total) and face-to-face interviews with 12 young people. We decided we would hold one of the focus groups and some of the interviews in Liverpool and the remainder in London, to increase the diversity of the sample.

Recruitment of sample

The young people who took part in the fieldwork were targeted through outreach work and IARS' referral sources. We also offered a small cash incentive for the young people to enable them to participate without worrying about any financial cost to themselves, and to demonstrate that their time was valued.

We were able to recruit 30 young people between 15-25 years to take part in four focus groups, one in inner city Liverpool and three in different areas around London. Ten young people took part in the face-to-face interviews, including some of the young people who had taken part in the focus groups.

We were successful in recruiting our target groups of disadvantaged young people. In particular: 20 out of 30 of the focus group participants and eight out of 10 of the interview participants were from Black, Asian or minority ethnic backgrounds; 15 of the 30 focus group participants and eight of the interview participants had fewer than five GCSEs or no qualifications at all; 13 of the 30 focus group participants and two of the 10 interview participants were not in employment, education or training; 10 of the 30 focus group participants and four of the 10 interview participants have had contact with the criminal justice system, and seven out of the 30 focus group participants and five of the 10 interview participants had been excluded from school.

A table of the background information of the young people who took part in the focus groups and interviews can be found in **appendix 2**.

Learning from the research experience

One of the main challenges of this project was trying to carry out the qualitative research with marginalised and disadvantaged young people at the IARS premises in central London. In particular, we initially found it very difficult to engage and recruit young people from these backgrounds using our referral sources, even when offering a relatively generous cash incentive. However, it became clear in the first two London focus groups, where 12 young people had agreed to take part in each, but only three turned up to the first one and six to the second, that cash incentives weren't enough. There were also a number of problems with how we were engaging with the young people and holding the focus groups.

After informal chats with some of the young people, we understood that the kind of young people we were trying to reach would rarely venture outside of their local area, either due to a fear of violence, or because they did not feel comfortable going to somewhere unfamiliar. We therefore had to change our approach in two ways. Firstly, instead of expecting young people to be drawn into taking part because of a cash incentive, we did some outreach work at local youth clubs and centres to speak to the young people directly. Secondly, we held the focus groups in settings such as a youth club and a snooker club. Whilst this approach was valuable for the research, it increased costs, as additional focus groups needed to be held.

For future projects which carry out research with marginalised young people, we would strongly recommend factoring in these findings when designing the research methodology. Carrying out research with this group of young people is a very time- and resource-intensive exercise. Furthermore, if expecting young people to give up their time, we would strongly advise budgeting cash or other incentives in advance. After informal chats with the young people, and following findings from other IARS projects, we have found it is important that young people feel that they are respected and that their time and effort is valued and appreciated.

Limitations of the research

It became clear when analysing the findings that it is difficult to test a person's skills in clinical focus group conditions. This is because in real life there are a countless possible number of variables which could affect a person's ability to deal with a law-related event, from the time of day, to a person's temperament.

6 Findings from the young people's legal capability pilot study

Introduction

This section of the report will explore the findings from the action research that was carried out as part of the IARS project. We used several different approaches to try to understand the participants' legal capability.

We analysed:

- the answers to two focus group scenarios:
 - the return of faulty goods to a store, and
 - an incidence of domestic violence.
- the discussions on legal capability
- the face-to-face interviews, and
- other observations.

Understanding the findings

The findings from the fieldwork are analysed and structured under three broad headings, which mirror the elements of capability explored in the literature review: **knowledge, skills and attitudes**. Under these elements are domains. For example, under knowledge will be discussed knowing rights and knowing where to go for help. The domains explored in this list are not a comprehensive list but merely represent the themes that arose during the fieldwork.

The three broad elements and sub-domains are not considered in isolation. There is also a discussion of the links between each. As a result, it is inevitable that there will a degree of overlap between each of the elements and sub-domains.

Where appropriate, this section will discuss the findings from the literature review in the light of the findings of the fieldwork and make recommendations for further discussion and research.

When discussing the findings of the fieldwork it will be made clear when a number of **responses** is being referred to, as opposed to a number of **people**. It was often the case that each young person gave more than one response to a question. Furthermore, the number of responses and people are represented as units rather than percentages, due to the relatively small number of young people involved in the research; this is to prevent the results being misleading and from being misinterpreted.

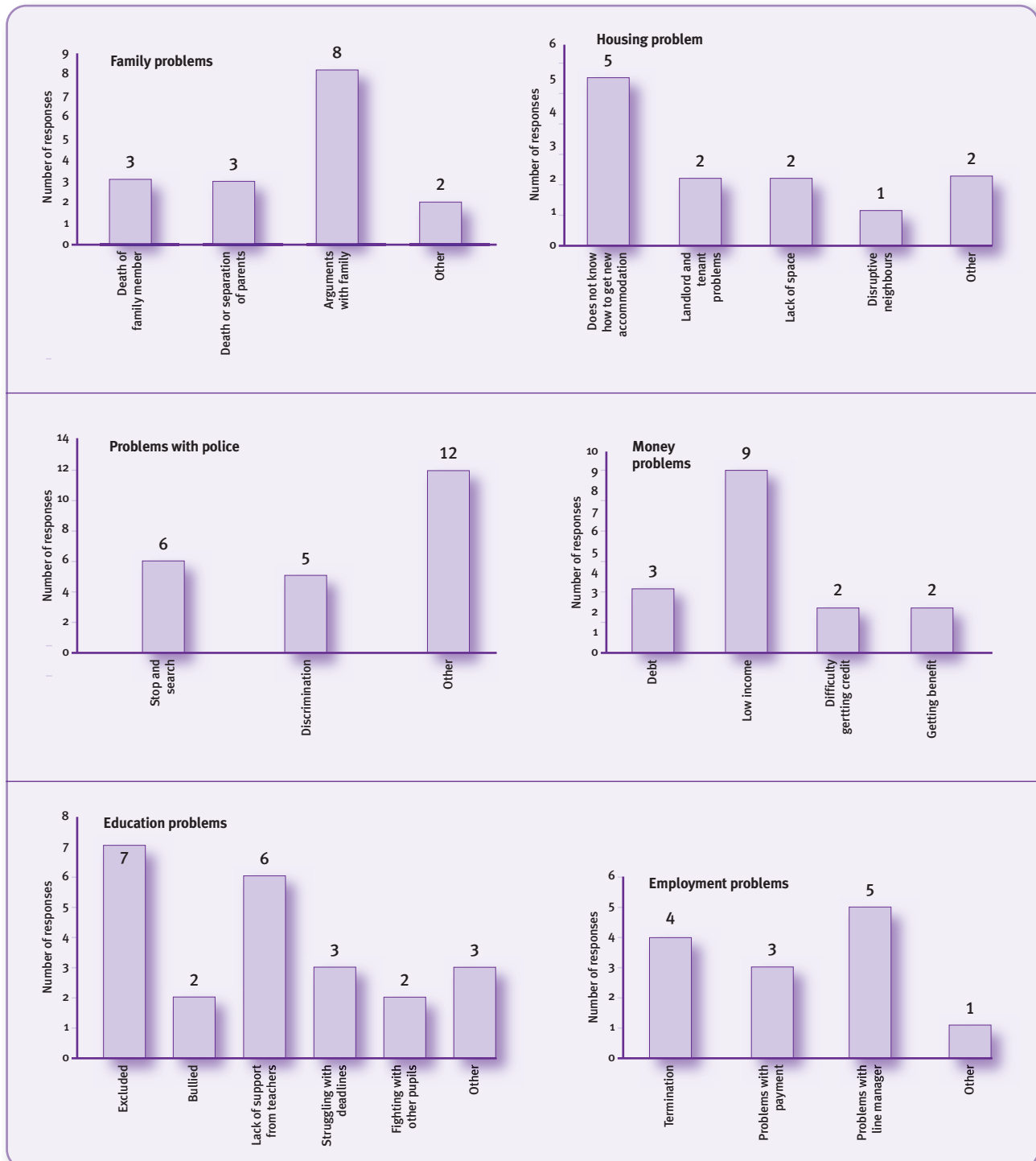
Findings from the fieldwork: Exploring young people's legal capability

Problem clusters faced by participants

As **chart 1** below illustrates, the young people who took part in the action research face many and varied law-related problems in their everyday lives. The most common types include problems with the police, problems at school (including exclusion), family problems and money problems.

Chart 1

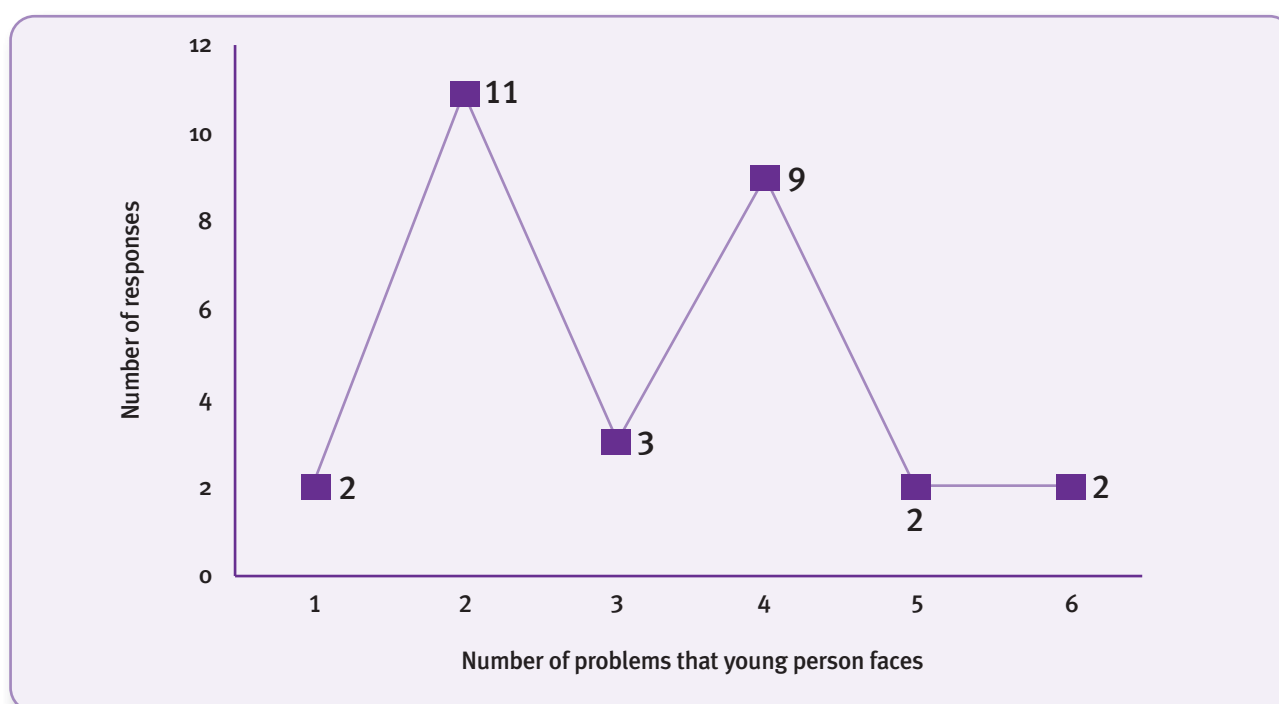
A snapshot of the problems the young people who took part in the focus groups face



As **chart 2** below shows, these young people were not just dealing with single problems in isolation, but multiple problems at the same time. Just over a third of the focus group participants identified that they had at least two problems, whilst just under a third identified that they had at least four problems. **Perhaps startling is that four of the 30 young people had five or more problems.** These results support the findings of the *English and Welsh Civil Justice Survey* which found that “respondents between the ages of 18 and 24 years old experienced ‘problem clusters’” (2007:4). However, there was no discernable pattern of which problems ‘clustered’ together in this particular case.

The young people who took part in the focus groups are therefore a particularly vulnerable group of young people whose unresolved law-related problems could lead them to face further problems and disadvantage.

Chart 2
Number of problems that young person faces



Young people's knowledge

Knowledge of legal rights and remedies

It was a general observation that the young people in the focus groups and interviews had a very limited knowledge or understanding of legal rights and remedies. Instead, they rely on potentially incorrect information and advice from people who may also be unaware of legal rights and remedies.

When considering a person's rights in the consumer scenario, involving the return of a faulty/damaged item, most of the young people had a rudimentary understanding that a person might be entitled to a refund or exchange. **Chart 3** below shows that almost half (17 of out 35) of the young people thought that a person should be entitled to an exchange or refund. However, when the young people were asked how they knew this, all of them cited particular store policies, which they were aware of from their experience of purchasing goods in the past. Further, approximately a third (12 out of 35) of the young people responded that a person could only expect an exchange or refund for purchasing a faulty item within a prescribed time period.

Chart 3

Responses from Q.b of consumer scenario: what rights Sarah has with regards to returning her faulty CD



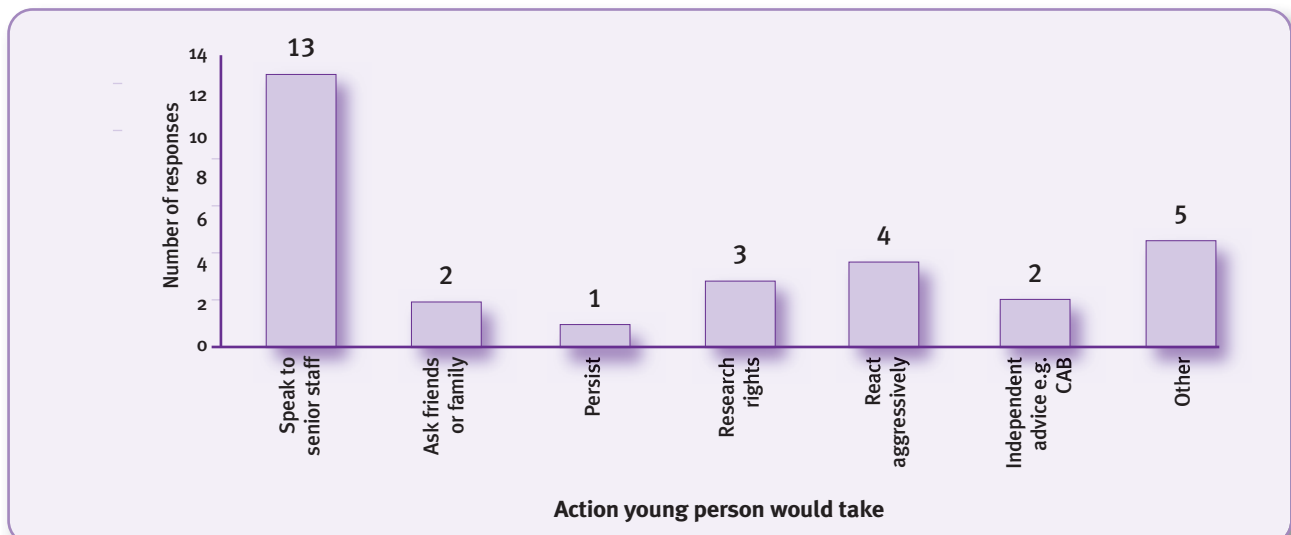
Similarly, all of the young people thought that such a time limit was dictated by a particular store policy available at the 'point of sale'. None of the young people were aware of the existence of legislation that existed to protect consumers.

It is therefore clear from these findings that the knowledge the young people had of legal rights was either mis-informed, or very limited.

The young people in the focus groups relied on information supplied to them at the 'point of sale', or what might be thought of as the most simple and convenient outlet. This apparent reliance on what information would be available at any given moment was also exhibited when the young people were asked about any actions they would take or where they might seek further information. As shown by **chart 4** below, over a third (13 out of 30) of the young people responded that they would speak to another member of the store staff if they did not know their rights.

Chart 4

Responses from Q.c of consumer scenario: what a young person would do if they were not sure of their rights



The reliance by many of the young people on the store and store staff for information on legal rights and remedies suggested a lack of awareness of any wider framework of civil legal rights to which they had recourse.

This lack of knowledge and reliance on informal sources of advice was explored by one of the interviewees who faced a similar situation. He had bought a laptop, which developed a fault. He returned it to be repaired three times and wanted an exchange or refund. He said:

"I'm not totally sure of my rights but do feel that I should be entitled to a replacement ... I don't understand all the small print and the language."
(Young male, 20-25, White British)

The participant did not know what he was entitled to and as a result relied on the advice and actions of the store staff over a six-month period. His problem therefore was unresolved. These findings raise a policy concern about the responsibility of retailers and other businesses to ensure that their customers have accurate knowledge about their legal entitlements. As this research illustrates, the danger of not having such a duty is that there is always the chance that a young person will be unwittingly taken advantage of because of their lack of knowledge.

Knowing where to go for help

Knowing where to go for help is often an important route to effective resolution of law-related difficulties. This is would be particularly important if: a young person didn't know very much about a particular area of law, there were a number of issues arising concurrently, or if the issue they were dealing with was particularly traumatic.

The young people's knowledge in this area was also very weak. Almost a third (nine out of 34) of the responses to **question d** of the consumer scenario, asking where young people might seek help if they did not know their rights, were that they would not know where to go. The most common place the young people would seek information is the internet (seven out of 35 responses), followed by their friends and family, and independent advisors (five out of 35 responses each see **chart 5 below**).

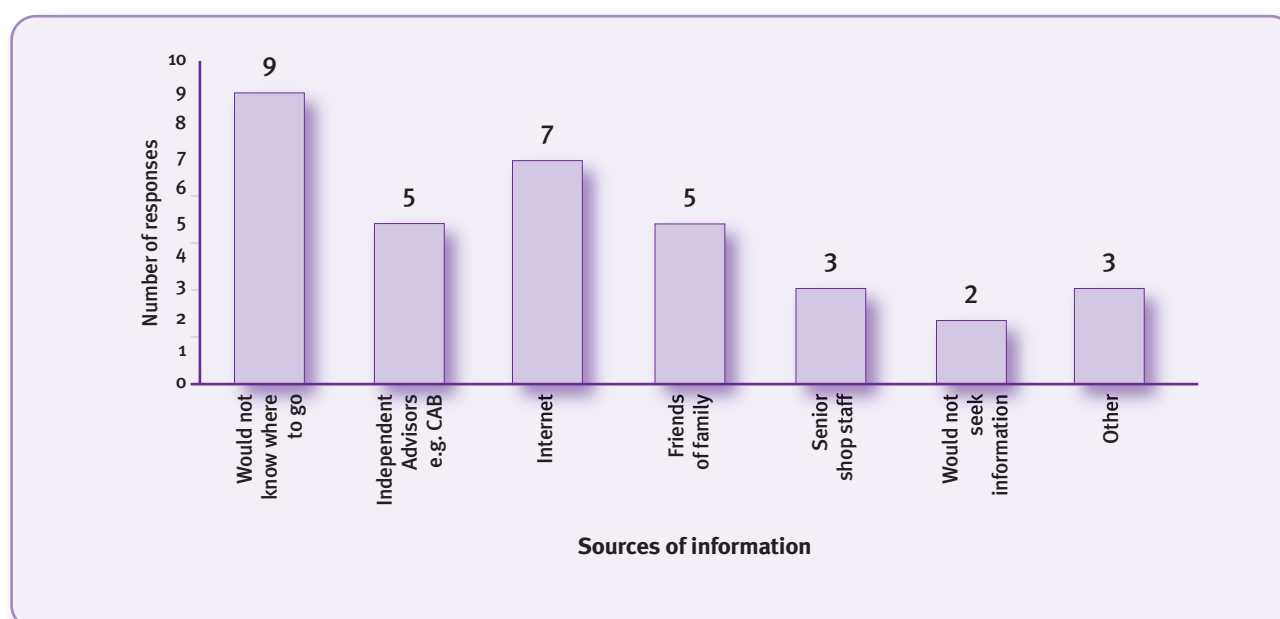
Many of the participants lived fairly isolated lives, and had very little awareness of advice services – these services might be invisible to them, just as they might be invisible to those services.

For instance, one of the young interviewees needed to move out of her parents' house. She said:

*"I think it was a legal issue because to move to a foster home I needed a lawyer to help me get all my paperwork together as I was an asylum seeker and at the time I had been in the UK for a couple of years and had no passport ... I didn't go to the foster home **because I didn't know how to get a lawyer.**"*
(Young female, 16-17, black British)

Chart 5

Responses from Q.d of consumer scenario: knowing where to get more information about what your rights are



The findings from both the consumer and domestic violence scenarios suggest that the young people might not only have a lack of basic knowledge of where they could go for help, but also that they might not see typical help and advice services as viable options for them.

For instance, only half (17 out of 30, see **chart 6** below) of the young people would seek help in the domestic violence scenario. Of those young people, most (13 out of 17) said they would seek help and support from their friends and family (see **chart 7** below). Only seven thought that they would approach someone independent, such as the police or social services. In light of other findings in this report, in particular, the young people's preference to speak with their peers, friends and family, this is not surprising. Similarly, only five of the 30 young people answered that they would seek help from an independent advisor in the consumer scenario (see **chart 5** above).

The young people in both scenarios would therefore choose to seek help from particular individuals that they know and perhaps trust and who it would be convenient to consult.

For instance, in the case of the young person who had tried to return a faulty laptop after three failed attempts, he said:

"I've not spoken to anyone and have only received help from my brother in putting a letter together."

(Young male, 20-25, White British)

One of the young people, who was excluded from school after a fight with another pupil, said:

"I didn't know anything about my rights. I only spoke to my mum ... and she didn't know what to do either."

(Young male, 16-17, White British)

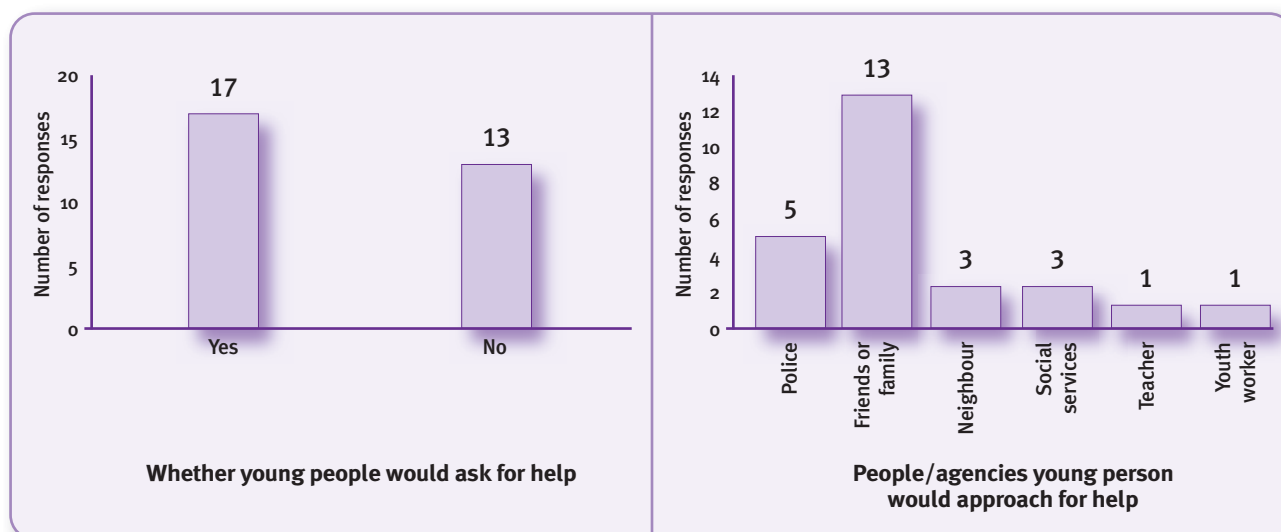
One of the young people was faced with having to leave home without knowing what to do or where to go. He only spoke to his father

“and a trustworthy friend who is sensible ... I trust their advice. They have sense.”
 (Young male, 15, dual heritage – Black Caribbean and White British)

Therefore it seems that it is not only knowing where to go for help that matters with young people, but approaching someone familiar or going somewhere secure. This will be explored further in the attitudes section.

Charts 6 and 7

Responses from Q.b of consumer scenario: what rights Sarah has with regards to returning her faulty CD.



From informal discussions with the young people after the focus group it also appeared that their knowledge of where to go for help might be limited by their knowledge of local geography.

A number of the young people said they spend most of their time in their local street or neighbourhood. A few of the young people had previously never visited central London, despite living in the nearby South London borough of Lewisham.

Some said they would not know where to go outside of their local area for help and could only think of their friends and family, local youth clubs or community centres, as somewhere where someone might be able to offer help and advice.

The responses to both of the scenarios raise a question not only about knowledge of where to get help, but also about how appropriate that help would be.

For instance, of the seven young people who said they would use the internet to find more about their rights, none were able to name a particular website that might help them (see **chart 5** above) suggesting they are unlikely to find the accurate sources or that they might give up if they couldn't find the right information.

It would therefore appear that it is important for participants to be able to exercise judgment in the scenarios that they may face on a daily basis.

Summary

- The participants generally had a very limited knowledge of legal rights, remedies, processes and where they might seek help.
- Some of the participants relied on the easiest available source for information and advice, even if that source gave them wrong information. In particular, they relied on friends and family for advice and support for a wide variety of problems.
- The participants were reluctant to use conventional advice-giving services as they seemed alien and unfamiliar. Instead, the majority of them sought advice from friends and family that they trusted.
- It is recommended that a basic level of legal capability for young people would not require detailed legal knowledge of rights and remedies and agencies offering help. Instead, it is recommended that a young person should have enough knowledge to:
 - i be able to spot that they are dealing with a law-related issue
 - ii have a basic idea of what their rights and remedies are in the situation
 - iii know what suitable help is available to them in their local area
 - iv know which websites can guide them to valuable sources of information and advice.
 - v Because the participants seemed to rely heavily on legal information in shops, we recommend that retailers and other businesses ensure that customers are fully aware of their legal entitlements when buying goods and services.

Young people's skills

Spotting a legal issue

Directly linked to knowing and understanding legal rights and remedies is the ability to analyse an issue and be aware of its different dimensions. A person unaware that they are experiencing a law-related issue would be unaware of how rights, remedies, legal processes, and agencies offering help and support might be able to help them.

In the interviews, the young people discussed a variety of problems that they had faced, from being excluded from school, being involved in fights, or dealing with disruptive neighbours. They were asked whether they considered the problem they had encountered to be a legal one. In each case the problem they described **was** law related and would require some awareness of legal rights, remedies and processes to achieve a desirable outcome. However, just two of the 10 young people answered that they considered their problem to be a legal one or have a legal element.

None of the young people knew their rights at the time and none of them approached anyone for advice or help outside their friends and family.

We then asked the young people if they would do anything differently. Most said that they were unsure what they would do differently; only one said they would seek help. She said:

"I didn't get what I wanted, I could have got someone really qualified to help me maybe."

(Young female, 16-17, black British)

A similar lack of awareness of the various dimensions of a law-related issue was apparent from how the young people answered certain questions in the consumer and domestic violence scenarios.

Most of the young people thought that domestic violence was a family problem that did not warrant intervention by police. In the informal discussions that followed, some of the young people explained that in such scenarios that involved family members, there was a duty on other family members to resolve it 'in house'.

Finally, some of the young people in informal discussions following the consumer scenario did not see returning a faulty item as a law-related issue.

Planning

The ability to plan is an important capability for a person dealing with a law-related issue. It allows the person to put their knowledge and understanding in a context and decide in what order they should proceed to achieve their desired outcome.

From the interviews it became apparent that some of the young people had found it difficult to map out or plan how they were going to deal with a particular law-related issue. This is unsurprising, as many of the young people did not have much knowledge of rights, remedies and legal processes.

For example, one of the young interviewees who had left home because of problems with his parents was having trouble in deciding how to proceed with his problem. He had a vague idea that he might be able to pursue housing options from the local authority and that he could go and stay in a hostel. He sought advice from his friends and two young people's agencies that were not able to help him over the phone. His ideal outcome was to restore the relationship with his parents and eventually move back into his family home.

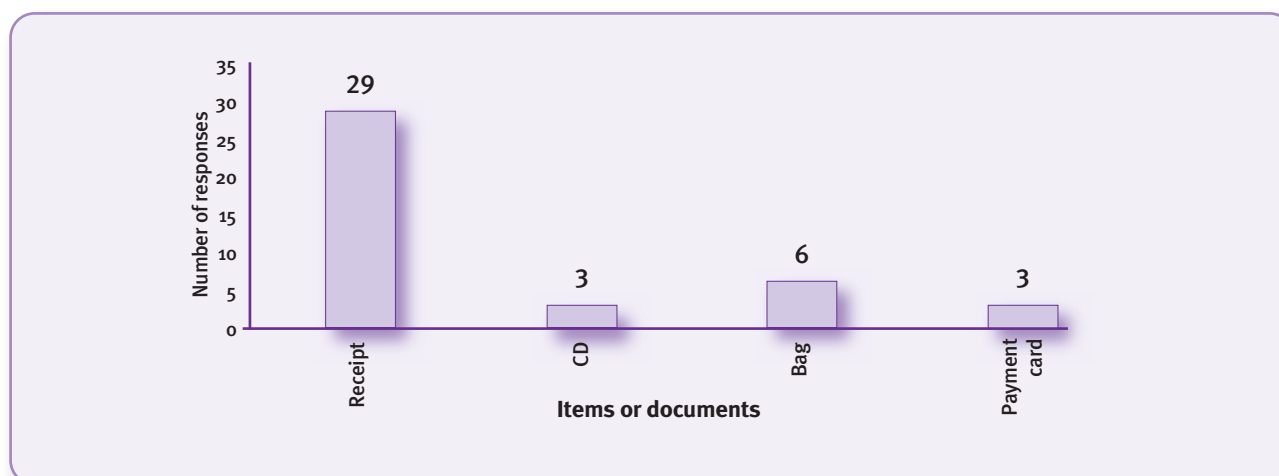
He did not, however, know how to get access to housing or any other support services to help him resolve the relationship problems with his parents. As a result he felt "lost" and had no plans on how to proceed and hoped the problem would resolve itself.

Part of planning ahead is being organised and understanding what you need to deal with a problem. It was also a finding from the consumer scenario that the young people appeared to have an understanding of the importance of having evidence when seeking their remedies. As shown by **chart 8**, all but one of the young people understood the importance of taking their receipt with them if they had to return an item to a shop.

From further discussions the young people felt that it was important to have proof of purchase with them in such a situation. For some of the young people this knowledge was based on past experiences where they had required proof of purchase in a consumer situation.

Chart 8

Responses from Q.a of consumer scenario: what items a young person might take with them to a shop when returning an item



Communication skills

The ability to use language to communicate our thoughts and needs is taken for granted as an almost basic necessity of survival. Communication skills could be said to encompass what is said and how it is said, including body language.

During the focus groups it was observed that some of the young people seemed to have great difficulty being able to express their ideas verbally.

For example, one girl in the first London focus group commented:

“I know what I mean in my head, I just don’t know how to say it.”
(Young female, 16-17, dual heritage)

It was also observed in the second London focus group that the three participants, when prompted to develop their answers or give explanations, were often only able to give very basic responses. Furthermore, in these focus groups, some of the young people spoke very quietly or mumbled.

The answers that some of the young people gave to the consumer scenario also suggests that they might communicate in an aggressive manner when dealing with other people.

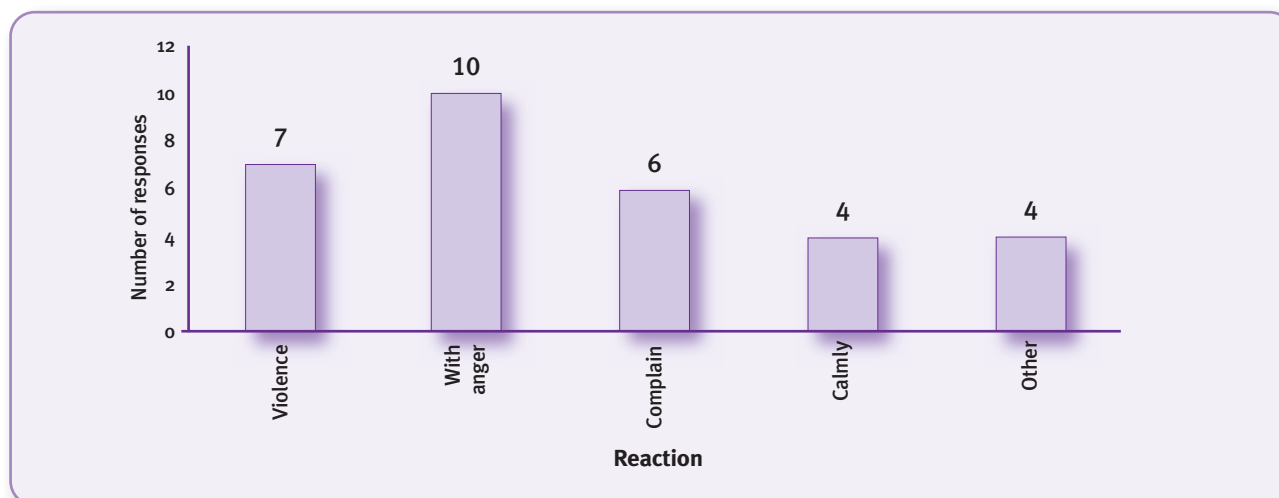
When asked how they might react in the consumer scenario when told that they would not be entitled to an exchange or refund, seven of the young people said they would react with violence, and 10 said they would react with anger. The responses included:

- *“Control anger, don’t shout or swear, give respect.”*
(Young male, 16-17, Black African)
- *“Possibly hostile, but nothing physical.”*
(Young male, 20-25, Hispanic)
- *“I would start shouting and ask for the manager.”*
(Young male, 16-17, black Caribbean)

Only four of the young people said they would react calmly.

Chart 9

Responses from Q.f of consumer scenario: how the young person would react in consumer scenario



We also observed in the focus groups that the young people adopted a number of distinct styles of body language when communicating. Some of the young people had a tendency to gesticulate a lot with aggressive movements, particularly pointing. Some of the young people were slouched or looking at the table or floor.

Only a small number of the young people maintained eye contact during the focus groups or were able to effectively communicate their thoughts. These observations are significant when considering legal capability, because lacking basic communication skills could be seen to act as a barrier to using any knowledge or other skills.

Despite how the young people might react in these situations, their ideas of how they **should** communicate and behave were very different. **Chart 10** below contains the responses to the question of what skills the young people thought would be needed to resolve the consumer scenario. Whilst 10 out of the 30 young people said that communication skills were important, 14 were able to be more specific and identify that being able to remain calm and polite in such a situation was important. The young people therefore clearly had an awareness of what communication skills would be required to make them more 'able'.

Summary

- Many of the young people were unable to identify when they were dealing with a law-related issue.
- From the interviews it was clear that some of the young people were unable to plan a course of action to resolve a law-related issue.
- The young people had a basic understanding that they would need to retain evidence if they were to resolve certain types of law-related issues, such as returning a faulty item in the consumer scenario.
- Many of the young people lacked basic verbal communication skills.
- Many of the young people would adopt an aggressive approach to communicating with others when dealing with a law-related issue.

- It is a recommendation that verbal communication skills are one of the most important elements of legal capability and the evidence from the focus groups and interviews suggests that young people need a great deal of help and support in this area.

Young people's attitudes

Persistence

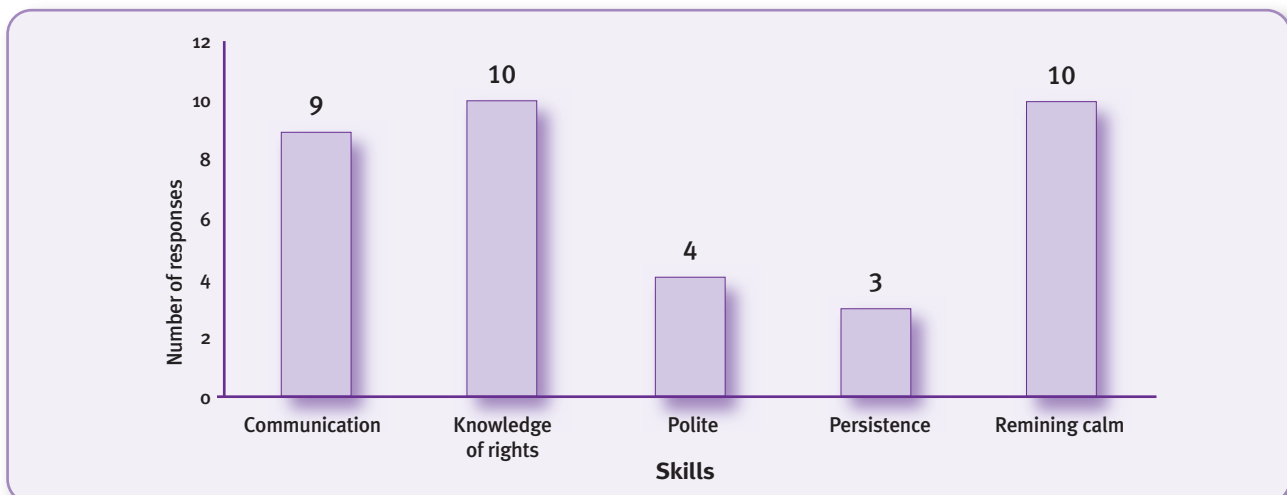
There was some indirect evidence of how persistent the young people are in dealing with particular problems of a legal nature. A persistent attitude would be particularly important in dealing with those issues that span a relatively long time period.

The evidence of the participants' persistence from the focus groups was limited.

However, in informal discussions, some of the young people said that their attitude would depend on what was at stake. For example, some said that they might "*not be bothered*" to pursue to any great length the exchange or refund of something of small monetary value such as a CD in the consumer scenario. But if the product was of a higher value then they would be more inclined to persist.

Chart 10

Responses from Q.g of consumer scenario: what skills young people think Sarah needs to deal with this scenario and get what she wants



There was some limited evidence from the interviews that where a problem seems particularly complex the participants were less inclined to persist.

For example, one of the young people who was dealing with disruptive neighbours chose to move house because:

"... housing issues just seemed so complex ... the only thing I would have done differently is move sooner."

(Young male, 20-25, White British)

Another one of the young people who was a victim of harassment in the workplace by her line manager and was wrongfully dismissed didn’t pursue any course of action beyond seeking some advice. She said:

“I never intended to stay at the company, but I would have liked to have stayed there ‘til I found somewhere else.”

(Young female, 20-25, Chinese)

Attitudes towards people

It was clear that the young people’s response to dealing with particular problems might depend on the attitude that they adopt towards particular people.

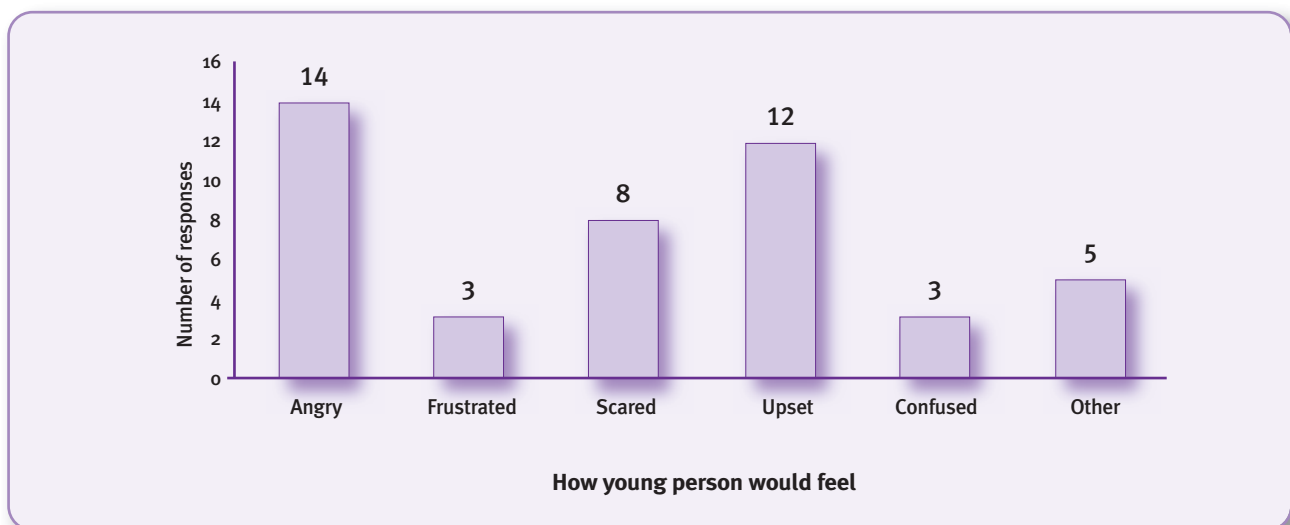
The participants’ aggressive approach to certain people was prominent in both the domestic violence and consumer scenarios.

Almost a third of the young people (nine out of 30) said they would respond with some form of aggression and violence towards their father in the domestic violence scenario. If placed in a similar situation almost half of the young people (14 out of 30) would feel angry (see **chart 11**). Furthermore, it has already been explored in the communication section above that a significant number of the young people would react aggressively to the shop staff in the consumer scenario. For example, one young person said he would “*lash out*” and “*punch them in the face*” (Young male, 16-17, Black Caribbean).

From these answers it appears that these young people have a tendency to adopt an adversarial attitude and approach to the person who they might see as the cause to the problem or the barrier to having the problem resolved.

Chart 11

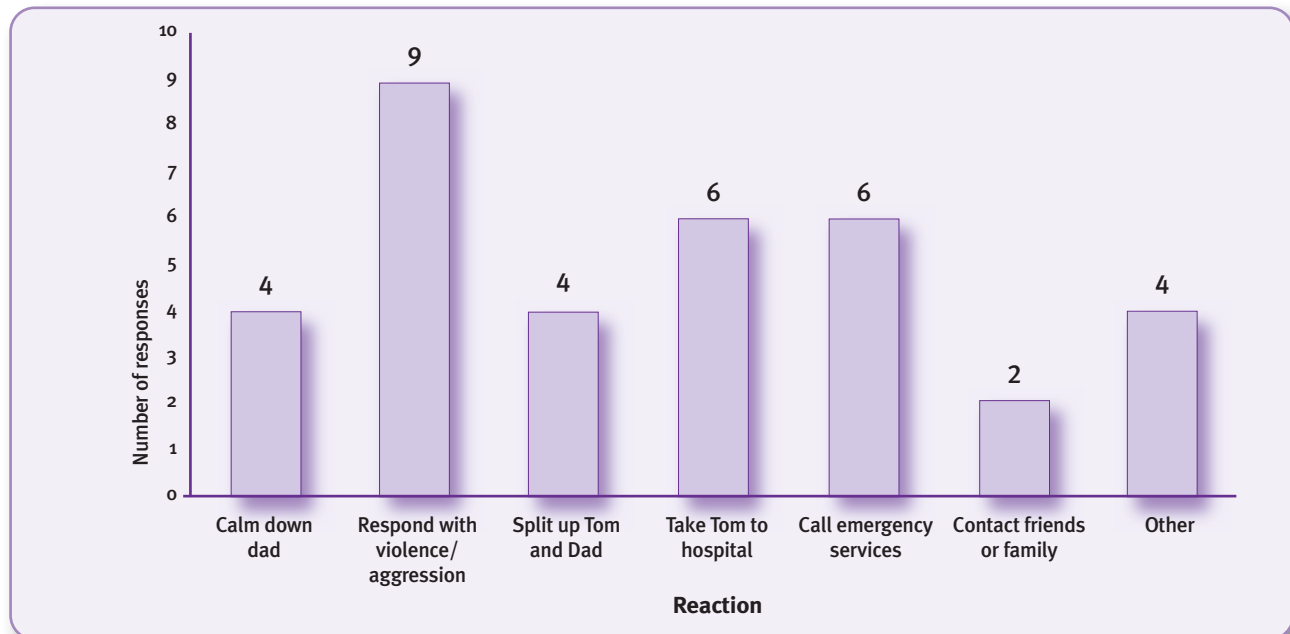
Responses from Q.c of domestic violence scenario: how young person would feel if placed in domestic violence scenario



It was clear, however, that the participants realised that this wasn't the best approach to dealing with either scenario. When asked how a person should act in the consumer scenario, 21 of the 30 young people answered that they should act politely and four said they should act calmly, which illustrates that these young people at least have an awareness of what attitude they should adopt (see **chart 12** below).

Chart 12

Responses from Q.a of domestic violence scenario: what young person's first reaction would be



As has been suggested earlier it appears from both the interviews and focus groups that a young person's decision to seek help and advice might depend on their attitude towards potential sources of advice. The research found that young people tended to gravitate towards friends and family as a source of advice and help because they trusted and were familiar with them.

During informal discussions it also became apparent that some of the young people were suspicious of advice professionals 'in suits' who don't necessarily speak the same language as them or share similar experiences.

It is a possibility therefore that these young people do not see conventional advice services as a viable option for them because they are seen as an 'other'.

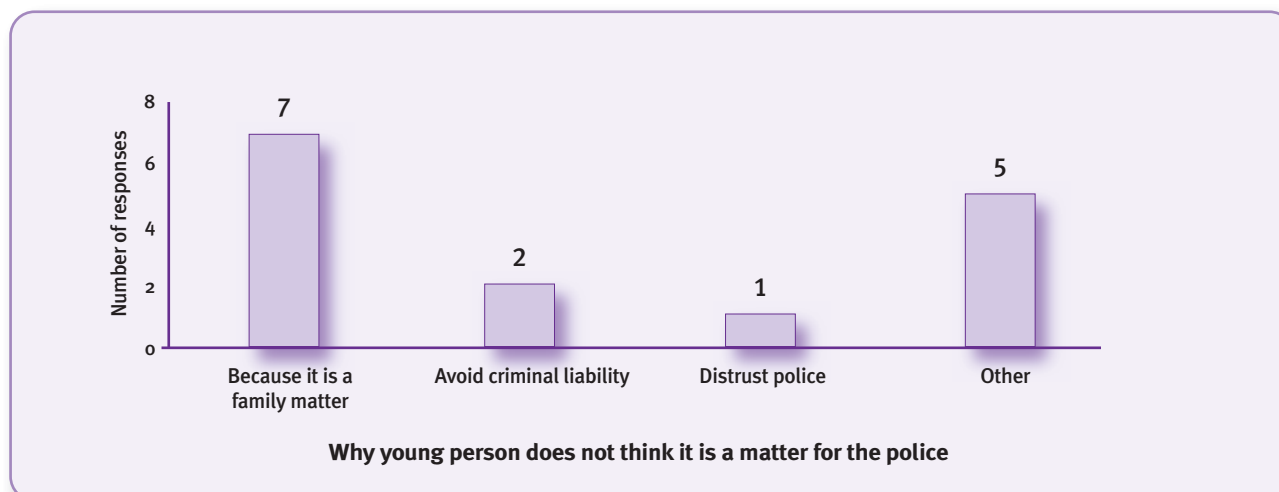
Attitudes towards the problem

From the focus groups it was clear that the type of legal problem and the people involved would determine the attitude they had to it.

This was particularly evident in the domestic violence scenario. Of the young people who said that the domestic violence scenario was not a matter for the police, seven said that this was because it was a family matter (see **chart 13**).

Chart 13

Responses from Q.a of domestic violence scenario: what young person's first reaction would be



The fact that family members were involved in this issue had not unexpectedly changed the young person's attitude towards the problem. It was not surprising, therefore, that the young people would turn to their family for support in this situation. There may be other scenarios in the young people's lives where they encounter a serious law-related event, but their views of it are altered because it involves familiar people.

Attitudes towards space

It was a major finding of this report that attitude towards space plays a large part in a young person's willingness to seek support. As explored in the introduction and methodology section, there was a very low turn out in two of the London focus groups. After informal chats with the young people who did attend, it was clear that for some of them, who have a fear of violence if they move from their local area where they feel safe, or who are uncomfortable travelling to unfamiliar places, where help and support is located would play a large part in whether they would chose to use it.

This is supported by the findings above which showed that the young people preferred to seek help from their friends and family because they were familiar and trusted. When the focus groups were changed to different locations in youth settings in the young people's local area, the turn out dramatically improved, and the young people seemed much more at ease.

This finding supports a number of discussions that were held at a PLE conference in February 2008⁸ by delegates who provided tailored legal services to young people.

There was a strong indication that the only way to provide PLE services to marginalised young people was through outreach work in the youth setting, or the young people's local area, due to these issues of trust and unfamiliarity.

⁸ www.pletnet.org.uk/text-only/news-and-events/cardiff-conference-november-2008,1084,FP.html

Summary

- The participants' persistence in dealing with law-related issues depended on what was at stake, they may therefore not 'bother' to try and resolve problems that they see as minor.
- The participants' willingness to persist was challenged when they were dealing with a problem that they viewed as difficult or complex to resolve.
- It was a major finding of this report that attitude towards space plays a large part in a young person's willingness to seek support.
- Although it was clear from the research that the young people had a particular attitude towards their problems and particular people, it is uncertain to what extent their background and experiences mould these attitudes.

Emotional impact of problems

The law-related problems the young people had dealt with had an emotional impact on their lives. This suggests that in delivering PLE services, providers may need to consider the emotional state of the target group when designing their activities.

Further research needs to be conducted in this area to establish whether managing emotions and or feelings is an element of legal capability, or whether it could be a secondary adjunct of any PLE activity.

It was apparent that the young people facing most difficulties were those who had housing problems. One of the young interviewees had left home due to a problem with his parents and was looking for somewhere to live whilst staying at this friend's house. He said that he was:

"in a weird state, thinking about a lot of things, how long I was going to be staying at friends' houses ... feel lost. Don't know how I'm going to do it. Feel confused."

(Young male, 16-17, Black African)

Another young person dealing with a housing problem said:

"I felt sad and cried a lot, couldn't concentrate on work. I had little time to talk to my parents and it got worse when I did talk to them."

(Young female, 16-17, Black British)

Another one of the young people who had suffered from harassment by her line manager in the workplace said:

"I felt helpless throughout the whole period. The problem had built up over a period of time and it just made me not want to go into work. Then I was trying to do things for the purpose of work and felt totally disheartened when I was told my work was no good. I just felt like I had been cheated."

(Young female, 20-25, Chinese)

In considering the elements from which legal capability arose in the context of these focus groups there are many other possible domains which would make up legal capability which are not covered by this research. For instance, it was difficult to establish whether a young person's confidence affected their capability. Given the clinical nature of the focus groups it was also difficult to test decision-making skills and develop further an understanding of planning skills.

The relationship between the different elements of legal capability

It was clear from the evidence gathered in the focus groups and interviews that the different elements of legal capability were linked. For instance, patterns began to emerge between a young person's level of knowledge and their attitude towards the problem. Although not comprehensively developed in this report, understanding these links will be vital for determining levels of capability and for deciding on the best PLE activities required to improve a person's overall capability. The links between the different elements of capability have been illustrated in a diagram at the end of this section.

- **Knowledge** – The above data suggests that a lack of knowledge can have an adverse affect on a person's attitude towards law-related events. For instance, the young people who had limited knowledge of legal rights and remedies, and where to go for help would be more likely to react aggressively. Further, not knowing their rights or where to look might mean a young person gives up, which will have a negative impact on their 'resilience' or perseverance. Perhaps unsurprisingly this would seem to suggest that a lack of knowledge can cause someone to react negatively to the problem or issue that they are dealing with.

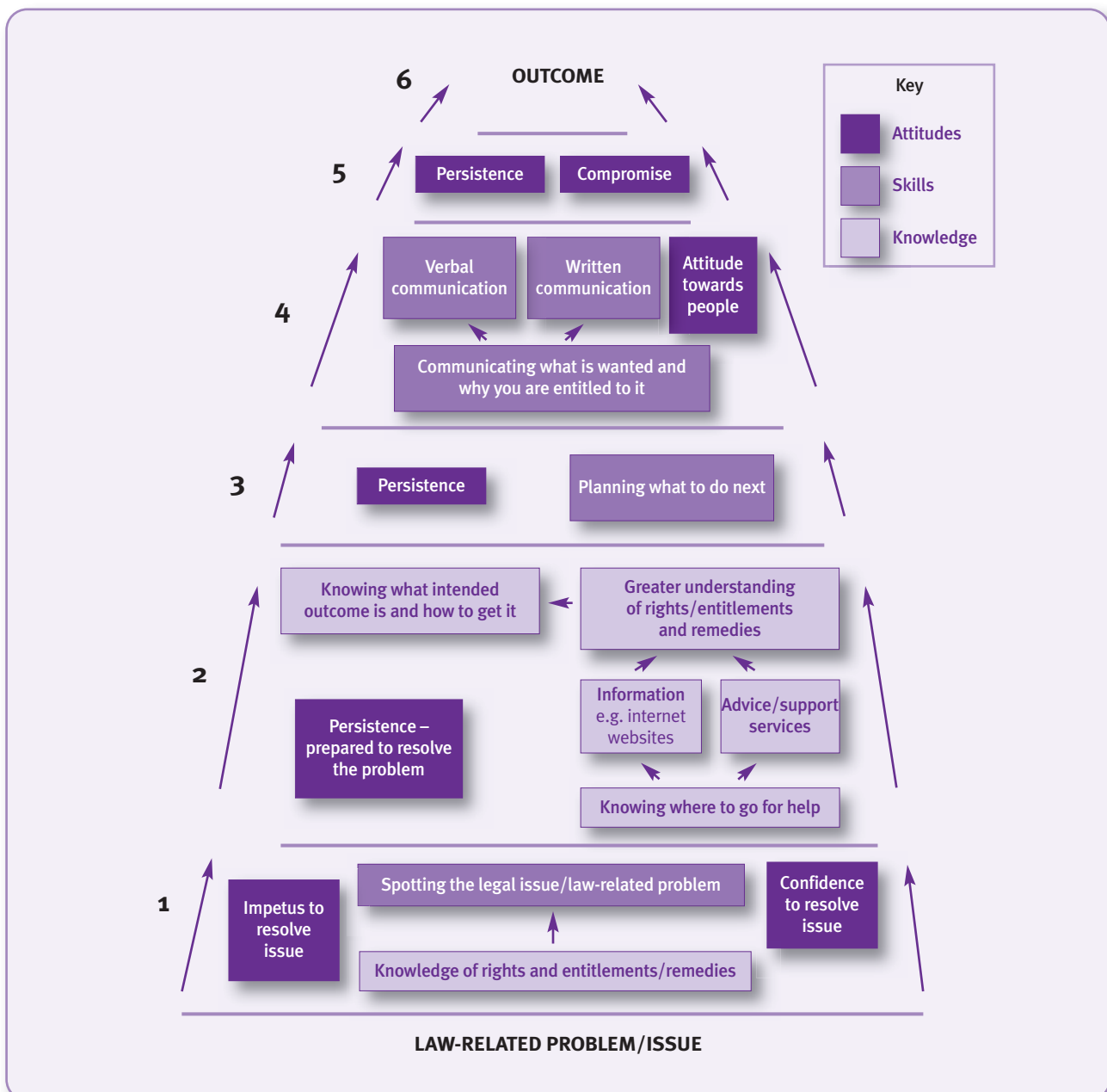
However, it would also seem the case that even where a young person may have some knowledge about their problem and agencies that could help them, a negative attitude towards those agencies would prevent them from seeking help. This was particularly so for the police, who were not seen as part of a solution to a problem, but the opposite. Furthermore, a more positive attitude towards friends and family as a source of help could be problematic, if those people did not have the capabilities to resolve the issue.

Finally, a lack of basic knowledge about the area of law relating to the issue being dealt with could act as a barrier for spotting that it is a legal issue. This was particularly the case for the young people who took part in the interviews. Eight out of the 10 interviewees, who did not think that they were dealing with a legal issue at the time, had limited or no knowledge of rights and remedies and where to go for help. This could be a fundamental problem for a young person dealing with a law-related issue, as not understanding the problem dealt with would unwittingly preclude that person from taking any action to resolve it.

- **Skills** – The young people's communication skills was the main skill set that appeared to have a dramatically negative effect on their overall capability. In particular it was clear that the interviewees' communication skills had acted as a barrier in the past to resolving their law-related issues. Further, as described in the findings many of the young people would take an aggressive approach to dealing with a law-related issue, which, at the very least might damage their chances of negotiating with other people and worst cause the person they are communicating with to also become aggressive. Therefore, it is possible that even though a person may have adequate knowledge of their rights and remedies, and where to go for help, that poor communication skills could prevent them from making good entitlements that they have.

- **Attitudes** – It was difficult with this piece of research to make the link between a person's attitudes (beyond what has been explored above) and their overall legal capability. It is clear that further research is needed to establish if there is a link between a young person's background and past experiences and their attitude towards law-related issues. However, generally it can be said that a young person's attitude towards particular issues and people are heavily dependent on their knowledge and skills.

Below is a sketch of how the different elements of legal capability can operate in practice based on the findings from this research. It would appear that the different capability elements form a pyramid structure, with the different elements forming layers of building blocks. The structure is symbolic, because if a few of the building blocks are not present or are not on firm foundations, then there is a risk that the rest of the structure will collapse and the young person would not be able to resolve their law-related problem satisfactorily. For example, a young person who has acquired knowledge about their problem might not be able to progress any further because they don't have the necessary verbal or written communication skills to advocate for their rights/entitlements.



7 Conclusions

This piece of research has made progress in understanding how the concept of legal capability operates in practice and the levels of capability of a small group of particularly disadvantaged and marginalised young people.

It was a hypothesis of this project that the types of young people who we would engage in the research would have low levels of legal capability and would have very particular needs if they were to be empowered to be more able to deal with law-related events. The findings from the fieldwork confirmed this hypothesis and located particular weaknesses in the young people's **knowledge, skills and attitudes**. Further, it was found that a weakness in one area could have a negative impact on their overall legal capability. For instance, if a young person had knowledge of their rights and entitlements, they could be precluded from using them in practice if they did not have adequate communication skills. Some of the key conclusions regarding the elements of capability include:

Knowledge:

- The participants had little or no knowledge of most basic rights and entitlements; in particular they seemed unaware of any system of civil law to which they had recourse.
- The young people's lack of knowledge of their rights/entitlements or where to go for help impeded their ability to recognise that they were actually dealing with an issue with legal elements, which in turn would affect their ability to plan how to resolve the issue.
- If the participants did seek information and or help, it was either in the form of information available at the point of sale in shops, or by speaking to their family members or friends. This preference to seek help from these familiar sources could have a negative effect on the young person's efforts to resolve the law-related issue, if those sources do not have the correct information and advice.

Skills:

- Many of the participants lacked sound verbal communication skills, which would greatly affect their ability to resolve law-related problems. For example, many of the young people had difficulty verbalising their thoughts and arguments, or used aggressive body language. Further, many of the young people would act in an aggressive manner to resolve law-related issues. However, most of the young people realised that to be more 'capable' they should adopt a more co-operative and polite approach. This illustrates that the young people were aware of their shortcomings, but had difficulty in acting on them to improve their abilities.

Attitudes:

- The young people's chosen source of help and advice was affected by their attitudes, in particular, a negative attitude towards professionals (for example, the police and advice professionals). Their choice of family members and friends was in part due to familiarity and trust, but also convenience.
- The young people's impetus to resolve an issue and persist was affected by what was at stake. For example, those problems they felt as being less serious might not be acted upon at all.
- The young people had difficulty in managing the emotional effects and stress that law-related issues had on their lives. In particular the young people reported feeling lost and helpless.

From the fieldwork there arose a number of competencies or domains. This is not a comprehensive list, but represents the findings from the fieldwork, in particular:

Knowing rights and remedies – This is a basic knowledge of legal entitlements and processes, which would enable the young person to spot that they are dealing with a law-related issue and help them decide an appropriate service to approach for help if required.

Spotting a legal issue – From the research it was clear that knowledge of rights and remedies was linked to the skill of spotting a legal issue. A young person not able to spot that they are dealing with a law-related issue would most likely not take any appropriate action to resolve the problem.

Knowing where to go for help – Knowing the appropriate places to seek help is linked with knowing rights and remedies. For instance, a young person who knows that they have a consumer-related problem would be able to approach a relevant agency for advice/information. This domain would also incorporate the ability to use resources effectively, such as using internet search engines.

Planning how to resolve the issue – This would involve a young person knowing not only their rights and remedies but the practical steps they are required to take to resolve the issue.

Communicating effectively – It was clear that the ability to communicate verbally and in writing was lacking amongst the young people who took part in this project. It was clear that being able to communicate effectively was linked to being able to manage emotions, and in particular, anger.

Managing emotions – Many of the young people in this study would react aggressively if dealing with certain law-related issues. Being able to manage their aggression and anger would enable them to communicate more effectively.

Strategic development of public legal education for young people.

Whilst this project has made some progress towards understanding the concept of legal capability, it has also raised questions about who is most in need of PLE activities and what type of activities should be delivered to raise people's capability. Posing such questions to determine who should benefit from the resources available for PLE activities will inevitably mean some groups will take priority. For example, in a time of economic recession, it might be appropriate for PLE activities to target those young people who have lost their jobs in the worst hit geographical areas.

These policy considerations can be viewed as conflicting between short- and long-term strategies for developing public legal education provision. Short-term strategies focus on helping specific groups facing specific problems. Long-term strategies include developing law-related education in schools and would aim to achieve 100% legal capability across the board. Below are some of the issues that may need to be considered:

What groups of people need to be considered?

This question might determine the types of problems or issues that will be encountered and secondly what the expected level of capability might be. Young refugees and asylum seekers will face a different set of problems and face a distinct set of barriers that an affluent married white British couple (for example) might not face.

What types of problems or issues do this group face?

One consideration under this heading is a person's 'life stage'. For example, young people encounter very distinct problems as a result of their youth and the lack of experience that accompanies it, but perhaps they also experience multiple disadvantages in the form of low income or a disability.

What is a reasonable level of capability for this group?

To a large extent this is a question of practicality. Would a disadvantaged young person trying to resolve an unfair dismissal by their employer be legally capable if:

- they were able to conduct their own trial at an employment tribunal and succeed in persuading the court to award their desired remedy? or
- they were aware that they have been unfairly dismissed and therefore have a legal problem, and know to get expert help?

What impact would initiatives to improve this group's capability have?

It is important that any activities or initiatives that seek to improve young people's legal capability make a real and measurable impact on their lives. This study has concluded that targeted activities should be aimed at marginalised young people, whether there had been a significant impact on their health, wellbeing, finances and overall standard of living is a question of effective evaluation of activities and developing models of best practice to tackle particular issues.

8 Recommendations

Based on the findings from the literature review, discussion of legal capability and the findings from the young people's legal capability pilot study, there are a number of recommendations for policy makers, practitioners of PLE and those carrying out research and evaluation in the areas of legal capability and PLE.

Recommendations for policy makers/PLE practitioners

- The participants placed a great importance on getting help from people they know and trust and in a place that is familiar and preferably used by young people. PLE activities need to engage these young people through outreach work and via their trusted helpers.
- The young people had difficulty in managing the emotional effects and stress that law-related issues had on their lives. In particular the young people reported feeling lost and helpless. PLE activities should consider the emotional impact experienced by young people facing law-related issues. For example, the ability to cope with stress and anger are important aspects of legal capability.
- The overall lack of awareness of civil legal entitlements, the role of the criminal justice system, and legal processes suggests the need to strengthen and expand provision of law-related education for young people.
- There is a need to develop activities that seek to improve young people's communication and planning skills through training and support.
- PLE activities should consider the need to provide intermediary PLE training to improve the capacity of trusted intermediaries to reach young people. This is important if PLE activities are to be delivered through outreach work.
- Consideration should be given to the role of the private sector in providing prominent and accurate information on the existence of statutory rights as distinct from internal policies and procedures.

Towards a baseline survey of legal capability

One of the aims of this piece of research was to begin designing a conceptual model of legal capability that would provide the basis for future measurement of capability in a quantitative survey. The complexities of the idea of legal capability are apparent from the developments in the associated field of financial capability in trying to define what a baseline indicator. Legal capability, like "financial capability [,] is a relative not an absolute concept. It might be possible to define a basic level of capability that is required by everyone in a given society. Beyond that the capability required by any given individual will depend on their circumstance" (FSA, 2005:17). With regards to this baseline, "in an ideal world, 100% of the population would attain this basic level of capability" (ibid).

However, it became clear during the development phase that the scale of this study would not complete the conceptual model and will require further exploratory studies. Some progress has been made with regards to the domains of legal capability (for example, spotting a legal issue, planning and so on). To begin to develop the baseline indicator it is clear that a further and much larger piece of work is required in line with the FSA's work on financial capability. Such a study would need to explore the design of questionnaires and pilot and develop a scoring system, in a similar way to financial capability.

Recommendations for further research

Below is a list of areas of inquiry that arose during this project, which require further study:

- The impact of young people's past experiences and backgrounds on legal capability, in particular their experiences of dealing with law-related issues, levels of wealth and education. This might require a multidisciplinary approach to gain an in-depth understanding.
- Further research needs to be conducted with a variety of stakeholders, including academics, policy makers and professionals delivering PLE activities to establish what level of legal capability would be deemed sufficient to manage law-related issues effectively.
- Further research is also needed to be carried out with a wider group of young people to offer a representative sample of the demography of the country. This piece of research would need to investigate the various issues that different groups of young people face.
- It is recommended that a UK-wide survey is carried out to determine levels of capability (a baseline), in line with the work that has been carried out in the field of financial capability.
- There is a need to develop a robust evaluation framework to assess the immediate, medium and long-term impacts of PLE activities on their participants.

Appendix 1 – focus group and interview questions

Discussion guides used in the four focus groups

Focus group discussion guides	
Consumer Scenario	Domestic Violence Scenario
<p>The scenario Sarah goes into HMV to buy a CD for her brother’s birthday. Two weeks later on his birthday, Sarah discovers that there is a fault with the CD – it looks as though there is a scratch on the disk, which makes the music skip. Furthermore, she notices that the cover is cracked.</p> <p>Sarah takes the CD back to the shop to try and exchange it. The shop assistant says: “Sorry love, I can’t take the CD back because you’ve opened it and used it, and as for the case, it’s cheap plastic, what do you expect?”</p>	<p>Sarah, who is 17, lives at home with her brother Tom (16) and her mum and dad. Sarah thinks her dad has a drinking problem. He has lost his temper with her brother a number of times and on one occasion he hit him.</p> <p>It is 1am and Tom has just come back really late from hanging out with his friends. His dad is still up and has been drinking. When asked about what he had been doing Tom got defensive. His dad quickly lost his temper and started shouting. Tom answered back. His dad punched Tom in the face causing his nose to break. Tom was very distraught, upset and confused and needed hospital treatment.</p>
Q.a What items/ documents do you think Sarah might need with her at the shop?	What is the first thing you would do?
Q.b Do you know what Sarah’s rights are in this situation?	Why?
Q.c If you were in this situation and you were not sure of what your rights were, what would you do?	How would you feel?
Q.d Would you know where to get more information about what your rights are in this circumstance?	Would you ask anyone for help?
Q.e Imagine you are in this situation, how would you feel?	If so, who would you ask?
Q.f How would you react?	Would you tell anyone what your dad had done?
Q.g What skills do you think Sarah needs to deal with this situation and get what she wants?	If yes, who would you tell?
Q.h How should she act or behave?	What would you tell them?
Q.i NA	You take Tom to the hospital and the doctor asks what happened: what do you tell him?
Q.j NA	Do you think this is a matter for the police?
Q.k NA	If yes/no why?
Q.l NA	Would your answer be different if it was a stranger who had hit and injured Tom?
Q.m NA	If so, why?

Discussion guide used in the 10 face to-face interviews.

Interview discussion guide	
Q.a	Outline problem dealt with.
Q.b	Did you know your rights at the time? If yes, what did you know?
Q.c	Did you know at the time how to use your rights to get what you wanted/needed? If so explain who you spoke to, why, how they thought they may be able to help etc.
Q.d	Did you get any help at all to deal with your problem, or did you speak to anyone who gave you any advice?
Q.e	How did you feel a) when you first discovered the problem b) while you were trying to do something about the problem and c) when you had finished dealing with the problem?
Q.f	When you first discovered the problem, what was the ideal outcome that you wanted?
Q.g	Did you get the outcome you wanted? If yes – what do you think you did well? Would you have done anything differently? If no – Why do you think you didn't get what you wanted? Would you have done anything differently?
Q.h	At the time did you think your problem was a legal problem? If so/not why?

Appendix 2 – background information of research participants

Background information of focus groups participants

Focus Group		Liverpool	London 1	London 2	London 3	Total
No. of Participants		9	6	3	12	30
Ethnicity	White Brit	9	1	0	0	10
	BAME	0	5	3	12	20
Gender	Male	8	3	3	11	25
	Female	1	3	0	1	5
Age	16-19	4	2	3	5	14
	20-25	5	4	0	7	16
Current level of education	No Quals	2	0	1	2	5
	< 5 GCSEs	3	0	0	7	10
	> 5 GCSEs	1	1	0	1	3
	A Levels	0	2	1	1	4
	NVQ or Equiv	0	3	1	1	5
	Degree	3	0	0	0	3
Current Status	Education	1	1	3	4	9
	Employed	3	3	0	2	8
	NEET	5	2	0	6	13
Other	Excluded from school	3	1	1	2	7
	Contact with Criminal Justice System	4	1	3	2	10
	Low Income	0	2	0	0	2

Background information of interview participants

No. of Participants		Total
		10
Ethnicity	White Brit	2
	BAME	8
Gender	Male	6
	Female	4
Age	16-19	8
	20-25	2
Current level of education	No Quals	6
	< 5 GCSEs	2
	> 5 GCSEs	0
	A Levels	0
	NVQ or Equiv	1
	Degree	1
Current Status	Education	5
	Employed	3
	NEET	2
Other	Excluded from school	5
	Contact with Criminal Justice System	4
	Low Income	5

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