



TLEF Research Insights

How People Understand and Use the Law

Insights from *How People Understand and Interact with the Law*



The
Legal
Education
Foundation

Insights

- This is a unique project where researchers tracked the impact of civil law problems on people over a period of time. The researchers went back to the same individuals two years after they were first interviewed about a legal problem, to see what impact it was having on them by then.
- The findings show that people's understanding of the law is low: only 20 per cent of those surveyed gave three or more correct answers to a series of five questions relating to consumer transactions. This is a lower success rate than would be statistically expected if they had just guessed at the answers.
- The report also provides insights into how well people recognised difficulties as 'legal problems', with most of them putting their situations down to 'bad luck', rather than something the law could help them resolve.
- Experiencing a legal problem reduces an individual's confidence about solving legal problems in the future. Legal problems prove to be more difficult to resolve than people imagine at the outset.

Background

This report presents analysis of the findings of the first and second waves of the Civil and Social Justice Panel Survey (CSJPS) 2010 and 2012. This is the only nationally representative, longitudinal survey of people's experience of legal problems ever conducted in England and Wales. This survey was run by the Legal Services Research Centre, the independently managed research division of the Legal Services Commission (the organisation previously responsible for the administration of the legal aid scheme). In 2013 the Legal Services Commission was disbanded, as part of changes introduced by the Legal Aid, Sentencing and Punishment of Offenders Act 2012. At present, the results from this survey are the only population level data available on people's experience of civil law problems.

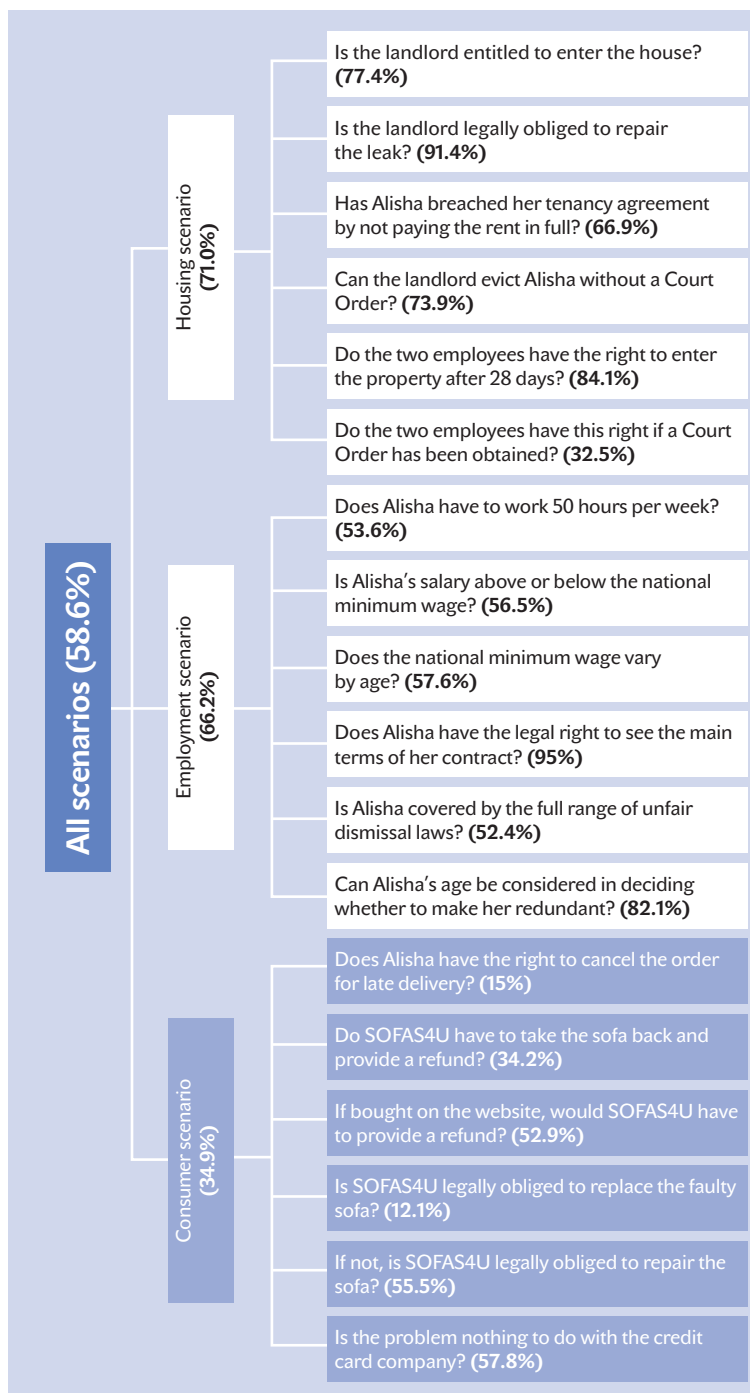
Nearly one third of respondents to the second wave of the Civil and Social Justice Panel Survey, conducted in 2012, reported experiencing a legal problem over the past 18 months. These problems were not distributed evenly, the data demonstrated that factors such as age, family status and whether or not individuals were suffering from an illness, particularly a mental illness, affected the likelihood of experiencing a legal problem. Across the two waves of the survey, half of the problems experienced were said to have a tangible negative impact on the lives of the individuals who experienced them. The most common negative impacts that respondents reported experiencing as a result of their legal problem were stress related ill health, loss of income, and loss of confidence.

This survey was innovative in its approach to exploring two issues, 'legal understanding' and 'legal capability'. 'Legal understanding' refers to the extent to which individuals understand their legal rights, 'legal capability' refers to the extent to which individuals are able to deal with the legal problems that they experience.

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Summary of findings

Figure 1: Hypothetical scenario structure, questions, and percentage of respondents who answered correctly by question



Understanding legal rights

Participants were asked questions about their legal rights in relation to four hypothetical scenarios, which dealt with rented housing, employment, a consumer transaction and a relationship breakdown. Responses to three of these scenarios were analysed as part of this project (see Figure 1 for details). Overall, they answered 58.6 per cent of questions correctly relating to housing, employment and consumer transactions. Legal rights in relation to consumer transactions were the least well understood. Individuals do not realise how little they know about their rights, particularly in relation to consumer transactions.

Respondents who claimed complete understanding of their consumer rights on average only answered 1.5 out of 5 questions on the subject correctly. This is the same score as those who said that they had no knowledge at all of their legal rights. On the basis of this finding, it appears that self reported measures of legal understanding are not necessarily an accurate proxy for legal knowledge.

Summary of findings continued

Characterising problems as legal

A key factor which determines whether people identify a problem as 'legal' is whether it involves a disagreement. The severity of the problem is not related to whether it is characterised as legal.

Legal problems and use of the internet

Those people who use the internet are most likely to do so with the aim of obtaining information to help them resolve their problems or clarify their rights. They are least likely to report success in this aim. Use of the internet is associated with higher usage of formal legal advice.

Understanding the advice sector and the reality of advice seeking

Public awareness of even the most prominent sources of advice is low. Middle aged respondents were more likely to know something about solicitors, law centres, Community Legal Advice and Citizens Advice, than the youngest or oldest respondents to the survey.

Solicitors were the most likely to meet individual's expectations in terms of solving problems. Only 5 per cent of respondents reported that they got none of what they were looking for from solicitors.

Summary of findings continued

Subjective legal empowerment and legal capability

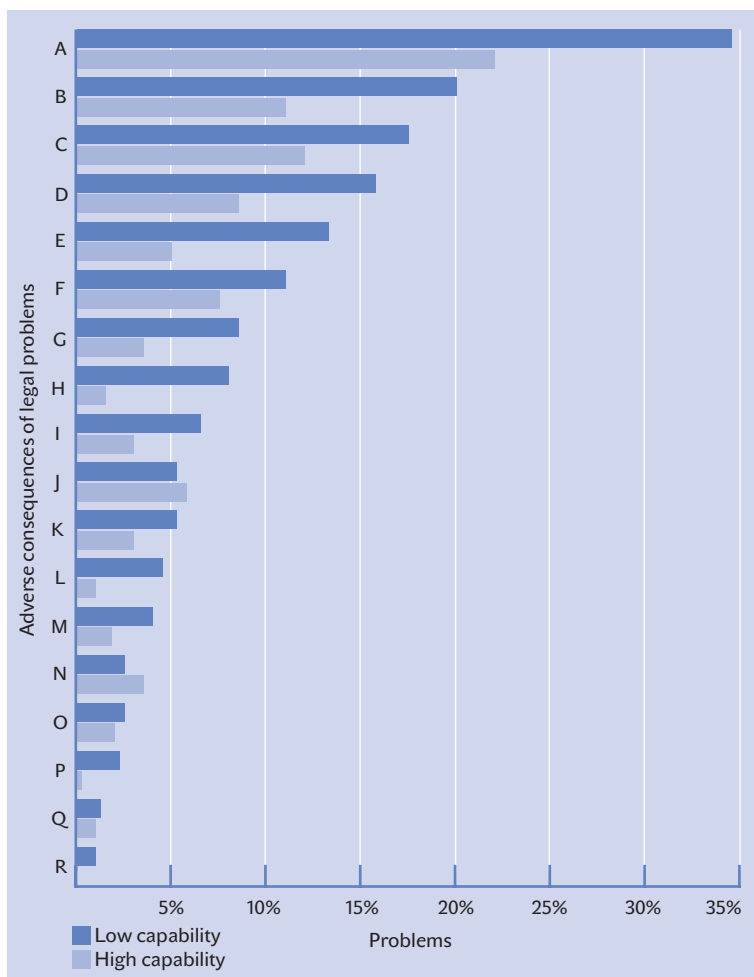
Legal problems are more difficult to resolve than people imagine, and their confidence in being able to resolve future legal problems is reduced if they have had legal problems previously. Younger people are the least likely to believe that they can resolve legal problems.

The researchers devised a proxy for 'legal capability' by combining answers to questions about knowledge of rights and knowledge of advice services with the subjective legal empowerment score individuals attained.

“Subjective legal empowerment’ is defined as the self- belief that an individual can solve problems of a legal nature if they occur”¹

Individuals with the lowest levels of legal capability were more likely to be young (16-24) or old (75+), from a BAME background, renting in the public sector and affected by physical or stress related health problems, among other factors.

Figure 2: Adverse consequences of legal problems by level of legal capability



- A Stress related ill health
- B Loss of confidence
- C Loss of income
- D Fear
- E Physical ill health
- F Harassed/verbally abused
- G Damage to a family relationship
- H Other mental ill health
- I Having to move home
- J Damage to property
- K Becoming unemployed
- L Drinking problem
- M Assaulted/physically threatened
- N Having to change jobs
- O Breaking up with a partner
- P Problems with education
- Q Becoming homeless
- R Drug problem

¹ Gramatikov, M.A., & Porter, R.B., Yes, I can: Subjective legal empowerment, Georgetown Journal on Poverty Law & Policy, 2011/vol.18(2), pp. 169-199.

Conclusions and next steps

This substantial report provides a wide range of insights into the experience of legal problems and what determines whether or not they are resolved. The evidence presented here suggests that public knowledge of the law is low, and that much of what individuals believe they know about their rights may not be correct.

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It indicates that certain groups are more vulnerable than others in relation to both their ability to solve legal problems and the impact that these problems have on them. The findings of this research have already been used by sector experts Youth Access and Law for Life to recommend reforms. We hope that this publication will be used to inform the development of evidence-based solutions that help people to understand and resolve their legal problems.

TLEF's Recommendation

This study emphasises the pressing need to develop effective initiatives to educate the public about the law. Education initiatives should help individuals to:

- (i) identify when a problem they are experiencing has a legal dimension,
- (ii) check whether what they think they know about their legal rights is correct and
- (iii) access appropriate and timely information and support to enable them to resolve the issues that they are facing in accordance with the law.

About the project

This information is drawn from 'How People Understand and Interact with the Law' by Prof Pascoe Pleasence, Dr Nigel J Balmer and Dr Catrina Denvir, published by PPSR, Cambridge 2015. Their analysis is based on circa 4,000 interviews conducted for the English and Welsh Civil and Social Justice Panel Survey (CSJPS) 2010 and 2012.

This report was funded by the Legal Education Foundation.

About TLEF

The Legal Education Foundation is a grant making trust that promotes legal education to help people better understand and use the law.

Its current strategic plan sets out three programme objectives – to increase public understanding of the law and the capability to use it, to advance skills and knowledge in the legal sector to ensure legal needs are met and to increase access to employment in the law with a particular interest in social mobility and diversity. The Foundation also has a strong focus on the role of evidence and the role of technology.

In 2014-15, the Foundation will disburse £3.7million to a range of organisations working in different social, professional and academic settings across the UK. The majority of these organisations have charitable status. Although only operating as a grant making trust since 2013, the origins of the Foundation date back to a law tutorial firm established in the 1870s. This went on to become the College of Law which, by 2011, was delivering courses to 7,500 students a year at eight centres across England. Following a major strategic review concluding in 2012, the Governors of the College decided to sell the education and training business and to devote the monies generated by the sale to endow the organisation as a Foundation.



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