

The legal needs of consumer groups

Rosaline Sullivan

April 2011

Contents

Introduction	3
Chart 1: Regional population of the UK	4
1. Income	5
1.1 UK total population – household annual income	5
1.2 Low income by region	6
1.3 Regional number of property transactions above £40,000	6
1.4 Household income by ethnicity	7
2. Adults with mental health problems	9
2.1 Characteristics of adults with psychiatric disorders – by employment status	10
2.2 Psychiatric disorder according to family type	10
3. Adults with long standing ill-health and disability	12
3.1 Problem type according to health	12
4. Black and minority ethnic groups (BME)	15
4.1 Percentage of ethnic minorities in England and Wales	15
4.2 Household tenure by ethnicity	16
4.3 Incidence of problems according to household tenure	17
Chart 2: Summary statistics on grants of representation issues, and contentious probate case, England and Wales	18
Chart 3: Geographical spread of ethnic minorities	20
5. Refugees and asylum seekers	21
6. Travellers	24
7. Elderly	25
8. Young people	28
8.1 Estimate population: age and marital status	29
8.2 Rates of divorce per 1,000 married individuals	29
8.3 Percentage of problem incidence by problem type and age	30
9. Lone parents	32
9.1 Income related benefits and family type	32
9.2 General problem incidence by family type	33
9.3 Problem type and incidence by family status	33
10. Prisoners	36
10.1 Demographic profile of prisoners	36
Conclusion	38

Introduction

1. A major contributor to the scope of legal services is the English and Welsh Civil and Social Justice Survey (CSJS), undertaken by the Legal Services Research Centre. The CSJS is a large-scale nationally representative household survey of experience of civil justice problems. The categories of civil justice problem the survey covers are: discrimination; consumer; employment; neighbours; owned housing; rented housing; money/debt; welfare benefits; divorce; problems ancillary to relationship breakdown; domestic violence; children; personal injury; clinical negligence; treatment for mental illness; immigration; unfair treatment by the police; homelessness; and basic information on criminal offending and victimisation. For each civil justice problem covered by the survey, details are collected on problem resolution strategy, use of advisers, use of dispute resolution processes, outcomes and the social, health and economic consequences of problem experience. This survey details the barriers consumers face to obtaining legal advice and uncovers clusters of civil justice problems.
2. A limitation of the CSJS is that as the sample is derived from residential addresses this results in some sections of the population being discounted. Consequently, while the CSJS divides participants according to their demographic group, to highlight barriers some social groups face to obtaining legal advice, it has overlooked some other at a disadvantage, hard-to-reach, groups.
3. With the finding that legal need varies according to the type of consumer accessing legal services, with some demographic groups “particularly vulnerable to legal issues and...difficult to reach through survey research” (Mulherin and Coumarelos, 2006; 13); the Legal Services Board (LSB) decided to undertake a literature review of the legal needs of at a disadvantage groups. ‘At a disadvantage’ has been argued to be a more robust and informative term than the concept of ‘vulnerable’ (George and Lennard, 2006). The consumer groups we consider in this review are low income consumers, in comparison to high income consumers; adults with mental health problems; adults with long-standing ill-health and disability; ethnic minorities; refugees and asylum seekers; the elderly; young people; lone parents and prisoners. It is important to note that we are aware that these groups are not homogenous; likewise, we are not suggesting that all individuals who fall into any of these categories will automatically be at a disadvantage.
4. At a disadvantage groups can be defined as those who are vulnerable to social exclusion (Moj 2009, 7/09) and the finding that people vulnerable to social exclusion are more susceptible to experience civil justice problems than others (Pleasence, 2006); it is important to assess the needs of such individuals to determine whether their needs are being met, therefore determining whether social exclusion can be addressed. We hope this review will enable us to identify gaps in current research on the legal needs of such groups.
5. To understand the variance of legal need, we must consider the population size of each consumer group. Chart 1 details the population of the UK, sub-categorised into England and Wales, and regionally. This chart can be used as a reference for the

figures in this paper, allowing the reader to estimate the population size of the groups discussed.

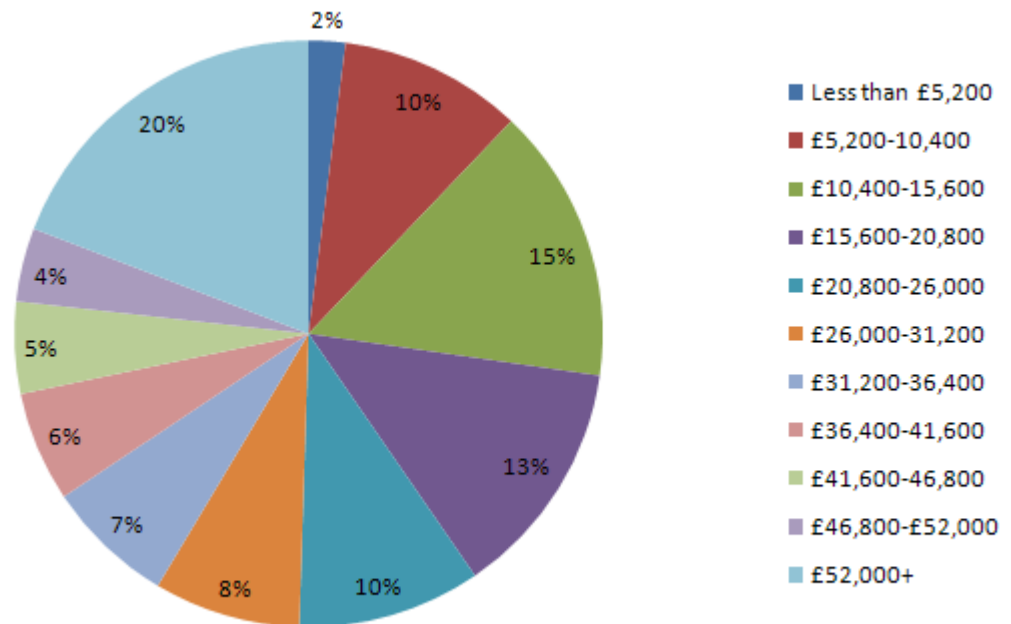
Chart 1: Regional population of the UK

Area	All Groups (thousands)
UK	60,975.0
ENGLAND AND WALES	54,072.0
ENGLAND	51,092.0
NORTH EAST	2,564.5
NORTH WEST	6,864.3
YORKSHIRE AND THE HUMBER	5,177.2
EAST MIDLANDS	4,399.6
WEST MIDLANDS	5,381.8
EAST OF ENGLAND	5,661.0
LONDON	7,556.9
SOUTH EAST	8,308.7
SOUTH WEST	5,178.0
WALES	2,980.0

Source: ONS Annual Statistics 2010

Chapter 1: Income

Figure 1.1: UK total population – household annual income

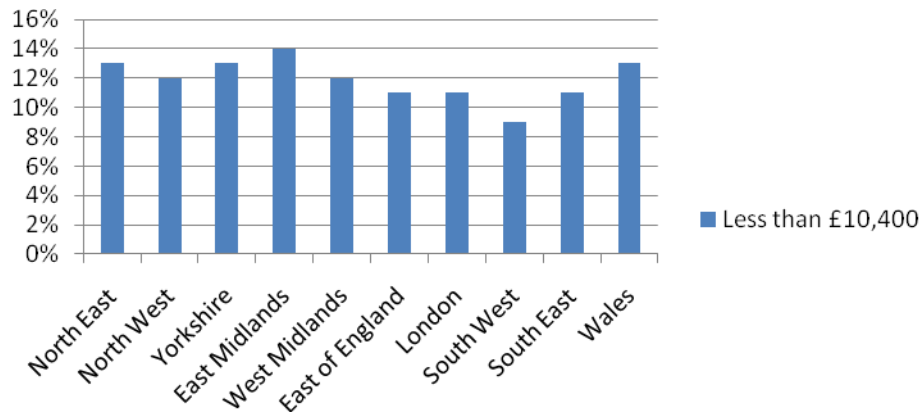


Source: Family Resources Survey 2008-09

1. Incidence of justiciable problems varies according to income. Around 35% of those with an annual income lower than £10,000 experience a justiciable problem in comparison to 44% of households with an income greater than £50,000. This is not to say that there is a positive correlation between income and incidence of problem, as 35% of those with an income between £10,000 and £50,000 had a justiciable problem (CSJS, 2007) and 48% of those with exceptionally low incomes, less than £4,000, reported problems (CSJS, 2001).
2. Type of justiciable problem differs according to level of income, reflecting the different lifestyles those on high income experience compared to those on lower incomes. High income respondents report consumer problems more frequently, 20.4% of those with an income exceeding £50,000 in comparison to just 9.9% of those with an income lower than £10,000; which highlights the positive correlation between the use of consumer services and affluence (CSJS, 2007). Welfare Benefit problems are, as expected, more prevalent among those with incomes lower than £10,000 (4.2% compared to 2.1% of those with an income greater than £50,000). Clinical negligence is a more common problem with those with income greater than £50,000 (3.1% compared to 1.7% among those with incomes lower than £10,000), possibly an indication that those on high incomes are more willing to complain, the truth of which shall be investigated in LSB-funded research on complaints-handling, to be published in April 2011.

3. While the CSJS investigates incidence of legal problems according to socio-demographic indicators, there is no information on the geographical spread of such issues. Problems are likely to differ regionally, resulting in different levels of supply to meet the demand in each region. Figure 1.2 shows that the East Midlands, Wales and the North East have higher representation of low income households; according to the CSJS these areas will have higher incidence of Welfare Benefit problems.

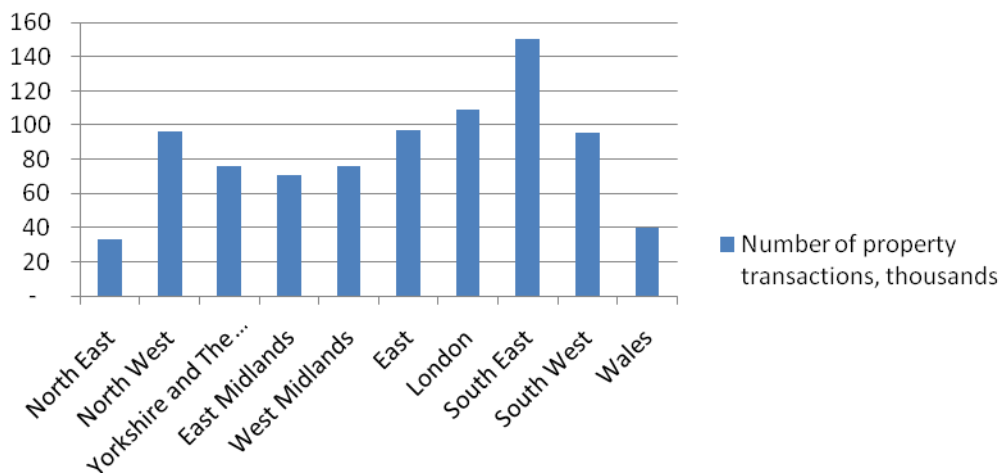
Figure 1.2: Low income by region



Source: Family Resources Survey 2008-09

4. Figure 1.3 shows the number of property transactions according to region, showing that the South East and London have the highest number of property transactions above £40,000, which will link directly to the need for Conveyancing services, with the North East and Wales having the lowest, correlating with the low income areas identified in Figure 1.2.

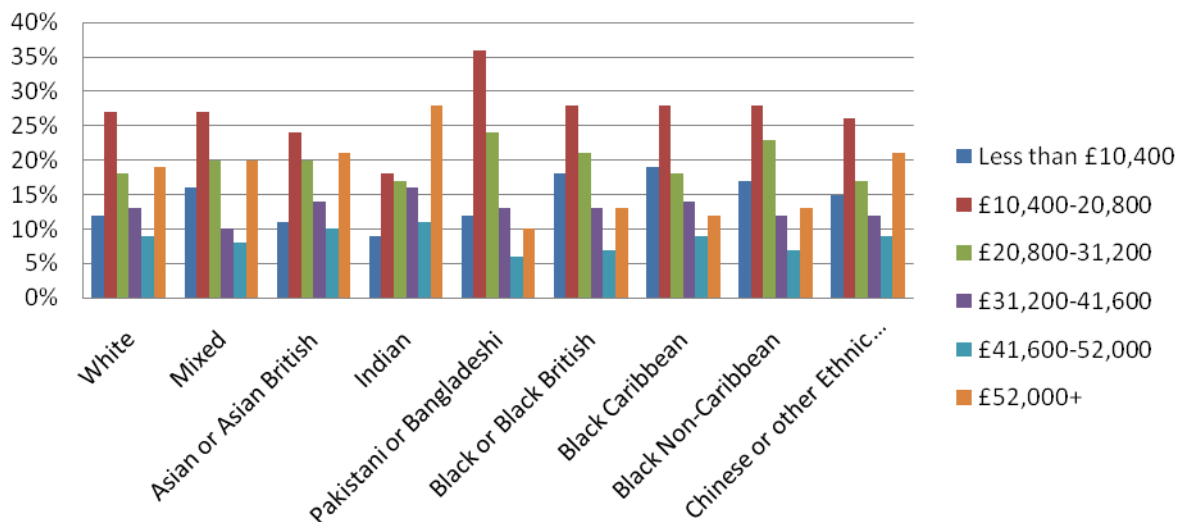
Figure 1.3: Regional number (thousands) of property transactions above £40,000 (2009)



Source: ONS(2010)

- Household income is also found to alter according to the ethnicity of the head of house, as shown in Figure 1.4. Heads of households who are Indian are most represented in households with an annual income over £52,000, while, in comparison to other ethnic groups, Black Caribbean is the group with the highest percentage of those in households with an income less than £10,400.

Figure 1.4: Household income by ethnicity



Source: Family Resources Survey 2008-9

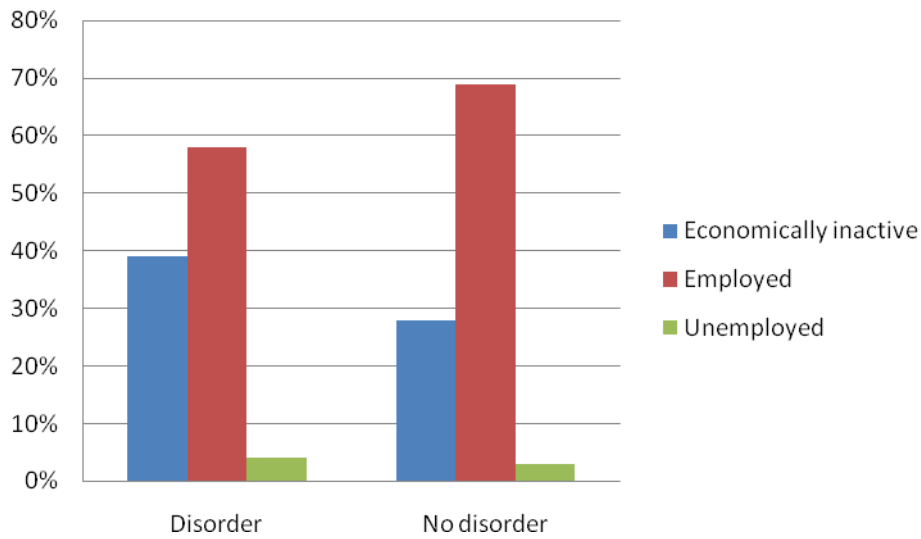
- Disabled individuals are more likely to live in low income households than non-disabled individuals, as are those living in households headed by a member of an ethnic minority (Households Below Average Income, 2008/09). Couples without children are twice as likely to be in the top 20% of distribution of disposable income, whereas just 3% of lone parents are in the top 20%; the legal needs of such groups are considered later.
- Knowledge of legal rights has a positive correlation with income, with 68.9% of respondents with an income lower than £10,000 reported to not know their legal rights, falling to 65.2% of those with an income between £10,000 and £50,000 and 54.6% of those with an income greater than £50,000. Not knowing the process to resolve such problem has the same trend with 73.8%, 71.6% and 53.6% respectively (Balmer et al, 2010). The difference in level of knowledge may account for the difference in resolution strategy. Those with an income lower than £10,000 were more likely to do nothing to address their legal problem than those with an income greater than £50,000, 8.8% and 6.4% respectively. However, there is not a positive correlation between income and lack of response to problems, as 9.3% of those with incomes between £10-50,000 did nothing to resolve their problem (CSJS, 2007). This may be due to eligibility of legal aid for those with lower incomes, perhaps resulting in them being more willing to address their problems if they can obtain free legal advice.

8. Income may also have an influence over the type of service provider; 43% of people seek advice from solicitors' firms to address justiciable problems regarding the break-up of families, personal injury and home ownership, in comparison to just 7% for other problem types. The cause of this lack of action to address justiciable problems has been speculatively linked with financial assets: "it may be that the financial cost of instructing solicitors...means that help from solicitors is sought more often in relation to more serious problem types or by those with more financial resources" (Pleasance et al, 2010; 2). This is supported by the correlation found between use of solicitor and social group. Those in the highest two social groups (A and B) are more likely to have used a solicitor in the past 5 years, with 47% answering that they have not in comparison to 66% of those in social groups D and E (SRA, 2009).

Chapter 2: Adults with mental health problems

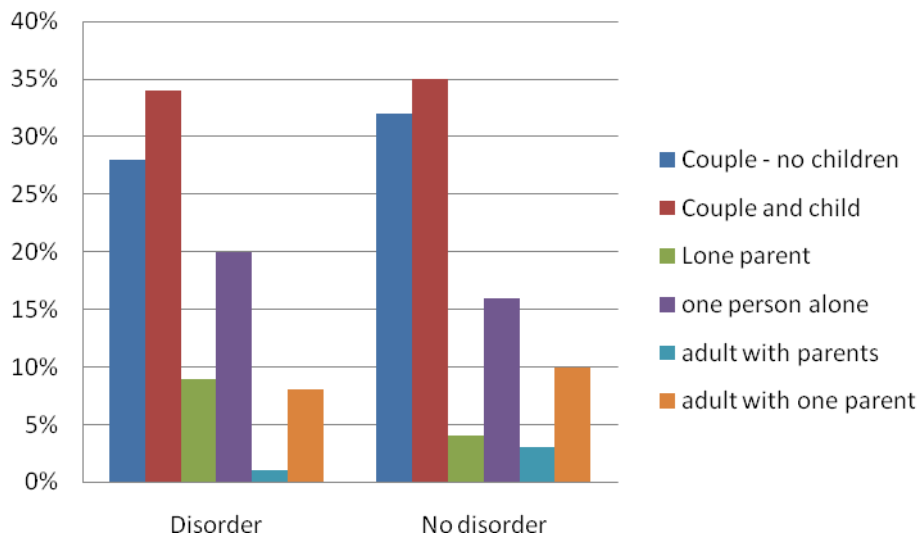
9. Little research has been conducted on how adults with mental health problems experience civil, family and criminal justice. There is “limited information on formal justice systems and processes, particularly civil justice...especially on how these were experienced specifically by adults with mental health problems” (MoJ 2009, 6/09; iii).
10. The lack of research conducted on access to justice for those suffering from mental health is startling considering the prevalence of the disorder. Between 15 and 25% of the general population have a common mental health problem at any one time (Seymour and Grove, 2005). Around 44% of all people claiming Incapacity Benefit are diagnosed as having a mental health problem (Seymour and Grove, 2005).
11. Economic and social deprivation affects adults with mental health problems disproportionately. While there are relatively few studies that discuss the legal needs of those with mental health problems, we can theorise their legal needs due to their social and economic statuses. Around 72% of those with psychosis, a more severe form of psychiatric disorder, are unemployed or socially inactive, compared to around 33% of the total sample (Meltzer et al, 2002). People with mental health problems are found to be nearly three times as likely to be in debt than other people; be in low income households; have higher rates of relationship breakdowns (Meltzer et al, 2002); and more likely to be in rent arrears (Office of the Deputy Prime Minister, 2004). These social and economic problems may result in their legal needs differing from the “norm” - the legal needs of individuals in low income households were discussed previously.
12. Figure 2.1 shows that, compared with no disorder, those with a psychiatric disorder are more likely to be economically inactive (39% compared to 28%) and less likely to be employed (58% compared to 69%). Assessing the family status of those suffering from neurotic disorders may also allow us to theorise their legal need. Figure 2.2 shows that those with a neurotic disorder are more likely to be living as a one person family unit (20% compared with 16%) or a lone parent (9% compared to 4%). The legal needs of lone parents are discussed later.

Figure 2.1: Characteristics of adults with psychiatric disorder – by employment status



Source: ONS (2000)

Figure 2.2: Psychiatric disorder according to family type



Source: ONS (2000)

13. While access to justice for those suffering from mental health problems is difficult to assess due to the lack of research on the civil justice problems of adults with mental health problems (MoJ, 2009, 06/09); the CSJS provides significant evidence for the legal needs of consumers who report a long-standing illness or disability, which

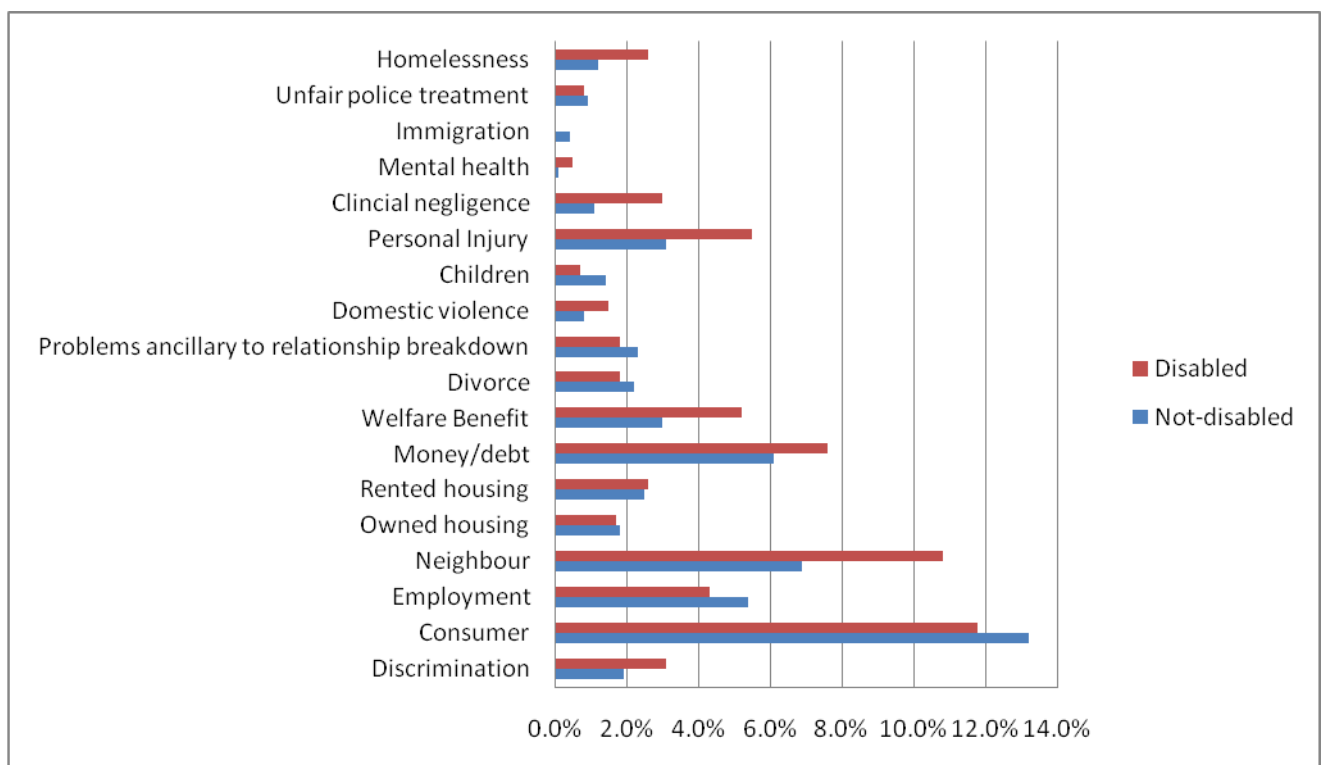
include mental illness. 43% of respondents to the 2001 survey who reported long standing ill-health or disability also reported having experienced one or more justiciable problems, only 35% of the remaining respondents did so (Pleasence et al, 2004). However, we cannot speculate that those with long-term illness have mental health issues as they are not specifically addressed as a variable and this survey does not include individuals living in temporary housing, therefore excluding those sectioned under the Mental Health Act. The legal needs of adults with long standing ill-health or disability are considered later.

14. Targeted civil advice services provided by various agencies , including the Citizens Advice Bureaux, specialist mental health caseworkers and benefits advice teams for adults with mental health problems, have been found to reduce homelessness and debts and improve mental health in users (LSC, 2005), emphasizing the demand for specialist services (MoJ, 2009).

Chapter 3: Adults with long standing ill-health and disability

15. Census (2001) data shows that almost 9.5 million people (18.2% of the English and Welsh population) say they have a long term illness, health problem or disability which limits their daily activity or the work they could do. Of these, 4.3 million, around 8% of the population, are of working age.
16. Incidence of disability varies regionally. Wales has the highest proportion of people with limiting long-term illness (23.3%), followed by the North East region of England (22.7%), while the South East and London are the lowest English regions at 15.5% (Census, 2001).
17. Overall, long-term ill or disabled respondents reported more problems than other respondents (40.6% compared to 34.6%, CSJS, 2007), with incidence of type of problem differing among disabled and non-disabled respondents, as demonstrated in Figure 3.1.

Figure 3.1: Problem type according to health



Source: CSJS (2007)

18. The SRA (2009) consumer research study found that the most commonly used service for people with disabilities is wills and probate, followed by buying or selling property. Disabled consumers use wills and probate more than any other group (18% compared to 14% of the general public and just 3% of ethnic minorities). A

comparison to prevalence of problem type cannot be made to the CSJS as the problem categories are not the same.

19. The CSJS (2007) identified consumer problems as the most common issue for respondents with disabilities; it was also the most common problem for non-disabled respondents, though incidence varied slightly with 13.2% of not ill or disabled respondents reporting such problems, compared to 11.8% of ill or disabled respondents. This difference may be due to the variance of household income, as discussed below, a comparison of high and low income households was made previously.
20. Respondents who were long-term ill or disabled were significantly more likely to experience neighbour problems (13.6% vs. 7.4% (CSJS, 2006) and 10.8% vs 6.9% (CSJS, 2007)) and slightly more likely to experience rented housing problems (4.2% vs 2.5% (CSJS, 2006) and 2.6% vs 2.5% (CSJS, 2007)). This difference may be due to the high incidence of socially renting among individuals with a disability, with those on incapacity benefit more likely to socially rent than own or privately rent (11%, 3% and 3% respectively) (Family Resources Survey, 2008-09). Another factor possibly leading to the difference in reported neighbour problems according to existence of disability, is disabled individuals being more exposed to the activity of neighbours, as a consequence of being at home more (Pleasence, 2006).
21. Those with a disability are also more likely to report discrimination problems, 3% compared to 1.7% (CSJS, 2007). In fact, half of all the discrimination problems reported through the 2001 survey concerned disability discrimination (Pleasence, 2006).
22. Long-term ill or disabled respondents reported more money or debt problems, (7.1% vs. 5% (CSJS, 2006) and 7.6% vs. 6.1% (CSJS, 2007)). A possible cause of this is that people in the poorest fifth of the income distribution are 2.5 times more likely to become disabled during a year than those in the top fifth. This results in 14% of individuals in households in which someone becomes disabled entering poverty, who were previously above the poverty line (Joseph Rowntree Foundation, 2003). Further evidence of the economic status of those with a disability is the finding that in households where one or more was workless due to sickness or disability; 72% had no savings and just 4% had savings greater than £20,000. The contrast in savings is evident when a comparison is made with the household group "single, or couple, all in full-time work", with 31% having no savings and 10% having savings of £20,000 or more. (Family Resources Survey, 2008-09). However, this is not to say that those who become disabled will experience their income plummet as many individuals who become disabled are already on a low income, meaning that the average fall in income associated with becoming disabled is less than expected (Joseph Rowntree Foundation, 2003). The economic status of disabled individuals may result in the finding that people with disabilities are more likely to use legal aid to pay for their legal service, 30% compared to 19% of the general population (SRA, 2009)
23. Long-term ill or disabled individuals are typically older, just 3% of 16-24 year olds are permanently sick/disabled, compared to 14% of those aged 55-59 (Family Resources

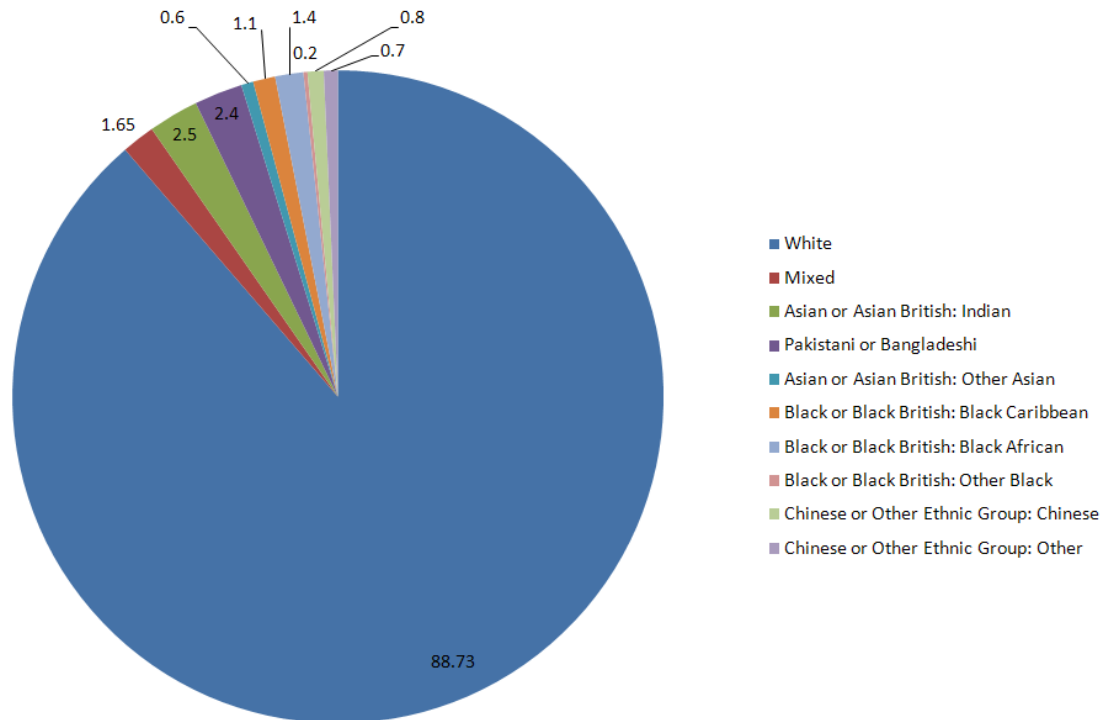
Survey, 2008-09), with long-term ill or disabled respondents to the CSJS older than other respondents (mean=56 years vs. 43 years) (Buck et al, 2005). While this may have partly resulted in more being retired and fewer in full, or part-time, employment (Buck et al, 2005), low employment rates cannot solely be accredited to the age of disabled respondents; just 30% of disabled men of working age are employed or self-employed, compared to 84% of non-disabled men (Joseph Rowntree Foundation, 2000) . This may explain why the 2006 CSJS found no difference in employment problems between disabled and non-disabled respondents, though the 2007 CSJS found a 0.9% difference.

24. Long-term ill or disabled respondents reported fewer problems in only three cases; consumer, employment and immigration (CSJS, 2006/07); no difference was found in legal service use for immigration issues between disabled respondents and the nationally representative in the SRA (2009) study.
25. When responding to problems, compared to not ill or disabled respondents, disabled respondents were slightly less likely to do nothing (8.6% vs 8.8%) and handle alone (34.2% vs 34.7%). Disabled respondents were slightly more likely to obtain advice (49.4% vs 49%), try and fail to obtain advice (1.8% vs 1.7%) and try, fail and handle alone (6.0% vs 5.7%) (CSJS, 2007). Similarly, when people with disabilities are dissatisfied with the service they received they are more likely to take action; 31% of people with disabilities took no action, compared to 37% of the general public and 55% of ethnic minorities (SRA, 2009).
26. Satisfaction varies among disabled and non-disabled consumers; 30% of people with disabilities are either fairly or very dissatisfied with the legal service they received, compared to 19% of the general public (SRA, 2009).
27. When individuals with disabilities are satisfied with their service; clear communication is ranked the highest satisfaction indicator, 41% compared to 27% nationally representative. However, of those who scored generally supportive as the reason for their satisfaction, just 28% were individuals with disabilities, compared to 36% of the general public. These results indicate that, on a communications level, solicitors are performing well for clients with disabilities, but as the score for 'generally supportive' is lower than for the population as a whole; this indicates that solicitors are perhaps unaware of the level of support people with disabilities would prefer (SRA, 2009).

Chapter 4: Black and minority ethnic groups (BME)

28. Around 11.27% of the UK population is considered to be from a non-white ethnic minority, around 7.2 million people (ONS, 2007), an estimate of the population according to ethnicity is detailed below (Figure 4.1)

Figure 4.1: Percentage of ethnic minorities in England and Wales



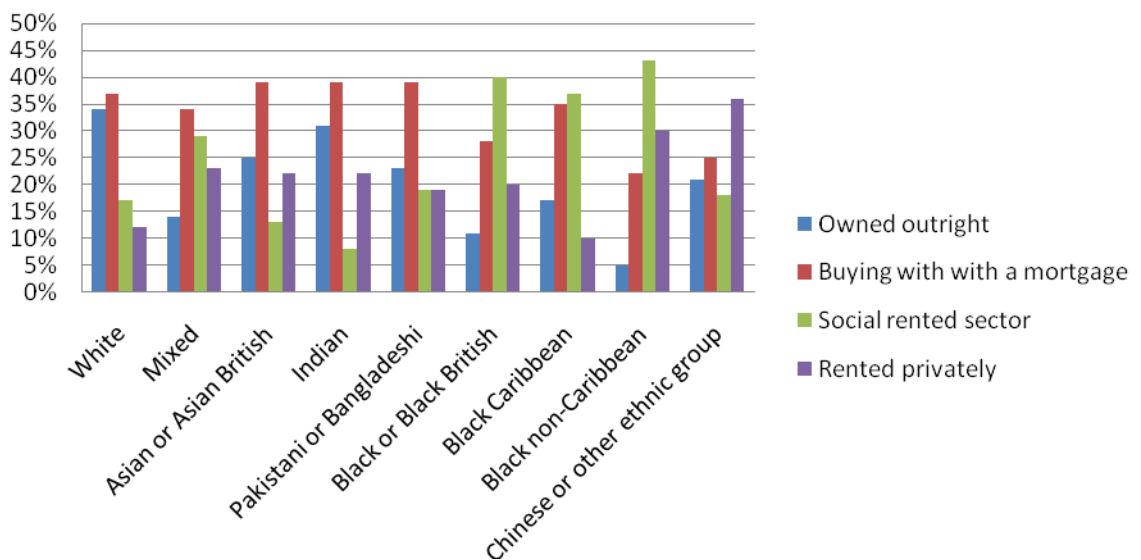
Source: ONS Population Estimates by Ethnic Group 2007

29. Research has shown that it is inadequate to distinguish solely between white and black and minority ethnic individuals (Pleasence et al, 2004). The varying demographic profiles of ethnic minorities may result in a difference in legal need among ethnic groups; this disparity of problems may be overlooked when ethnic groups are grouped together.
30. Bangladeshi, Pakistani and Indian women are likely to be married (over 70%) whereas women belonging to Black ethnic groups are less likely to be married (around 30%) (Lindley et al, 2004). Black individuals are more likely to divorce; 4.3% of Black respondents had experienced problems ancillary to divorce compared to 1.3% of Asian respondents and 2.1% of white respondents (CSJS, 2007). Only 38% of Bangladeshi women and 48% of Pakistani women have no dependent children, in comparison to 65% of White women (Lindley et al, 2004).
31. Black and mixed ethnicity women are more likely to be single mothers; more than half of Black and mixed ethnicity families are headed by lone parents, compared to less

than a quarter of White families and just over one tenth of Asian families (Labour Force Survey, 2002; ONS). The legal needs of lone parents are considered later.

32. As displayed in Figure 4.2, Black non-Caribbean and Black British individuals are more likely to socially rent (43% and 40% respectively) than White respondents (17%). Indian respondents are less likely to socially rent than any other ethnicity (8%). White individuals are the ethnic group most likely to own a house (71%), closely followed by Indian individuals (70%), while Black non-Caribbean individuals are the least likely to own a house (27%) (Family Resources Survey, 2008-9). We can estimate that the difference in household tenure, according to ethnicity, leads to a difference in legal need. This is supported by the finding that buying and selling property was found to be the most common service used by the nationally representative (21% of those who had used a solicitor in the last five years) compared to just 13% of ethnic minorities (SRA, 2009), and that incidence of rented housing problems was more prevalent amongst Black respondents (7.1%) than White respondents (2.4%) (CSJS, 2007).

Figure 4.2: Household tenure by ethnicity

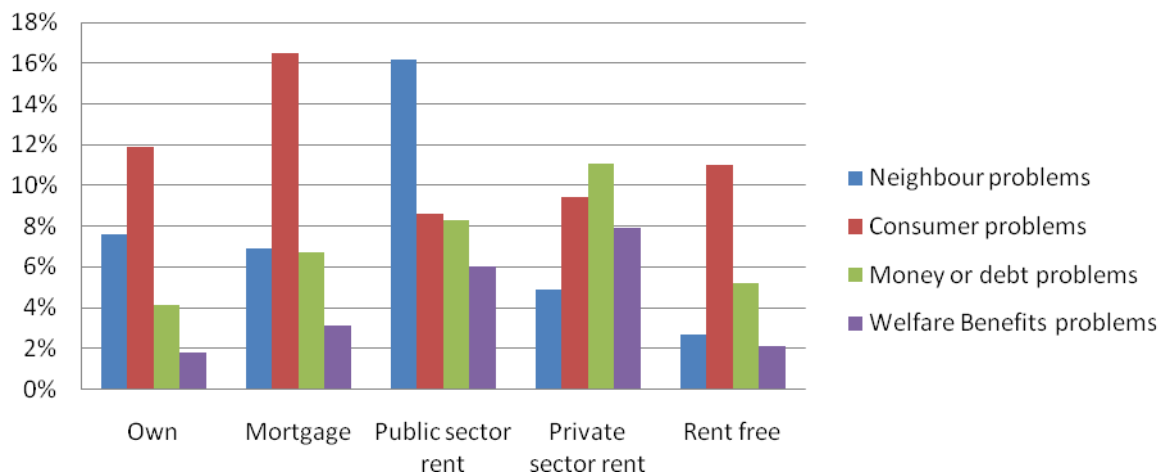


Source: Family Resources Survey 2008-09

33. Household tenure can also influence the type of problem other than housing problems, as conveyed in Figure 4.3. Those who own a house with a mortgage are more likely to experience consumer problems than individuals in other tenures (16.5% compared to 8.6% who publically rent), possibly due to affluence, as discussed earlier. Those who publically rent report a higher incidence of neighbour problems (16.2% compared to 2.7% of those who rent free). We can compare figures displayed in figures 4.2 and 4.3 and estimate that Black non-Caribbeans are more likely to experience neighbour problems and less likely to experience consumer problems as they are most likely to socially rent and less likely to own. In contrast, Indian respondents may be more likely to experience consumer problems and less likely to

experience money or debt problems as they are most likely to own a house. However, this is not entirely supported by the findings of the CSJS as only 7.1% of Asian respondents reported consumer problems, compared to 13.4% of Black respondents. This may be due to the merging of Asian respondents, as the Family Resources Survey shows a difference in housing ownerships among Indian, Asian and Chinese respondents (Figure 4.2).

Figure 4.3: Incidence of problems according to household tenure



Source: CSJS (2007)

34. There is further evidence to support the prevention of the amalgamation of ethnic minorities. Incidence of employment problems differed among ethnicities; with 10.4% of Black respondents found to have experienced problems in comparison to 5.2% of White respondents. Incidence of money or debt problems was more prevalent among Black respondents (9.5%) than White respondents (6.6%) (CSJS, 2007), supported by the finding that Black individuals are more likely to be in low income households than White individuals, refer to Figure 1.4. Ethnic minorities, unlike the sample of nationally representative, are under-represented in those using will writing services (SRA, 2009), however, research has not identified the cause of this.
35. While the SRA's survey shows that ethnic minorities are less likely to use wills/probate services, it is difficult to investigate this further or consider the regional demand due to lack of evidence. Chart 2 displays the number of annual probate cases, but this is not broken down regionally or demographically.

Chart 2: Summary statistics on grants of representation issued, and contentious probate case, England and Wales, 2005 to 2009

	2005	2006	2007	2008	Number of cases 2009
Grants of representation ¹					
<u>Numbers</u>					
	198,3	196,7	195,0	200,0	196,2
Probate	63	48	84	82	45
Letter of administration with will annexed	13,68	14,17	14,39	14,88	15,22
	3	2	8	8	3
Letter of Administration	87,16	100,2	76,69	52,51	42,69
	9	07	3	0	6
<u>Percentages (of all grants)</u>					
	66.3				
Probate	%	63.2%	68.2%	74.8%	77.2%
Letter of administration with will annexed	4.6%	4.6%	5.0%	5.6%	6.0%
	29.1				
Letter of Administration	%	32.2%	26.8%	19.6%	16.8%
Total grants of representation	299,2	311,1	286,1	267,4	254,1
	15	27	75	80	64

Source: The Probate Service

36. Overall, ethnic minorities experience civil justice problems more frequently than White individuals; 40.9% in comparison to 36.6%. Black respondents are more likely to experience numerous problems, with 7.1% experiencing four or more problems compared to 2.7% of White respondents (CSJS, 2007). However, while the frequency of problems is higher, the level of inaction is also higher with 23% of ethnic minority respondents taking no action to solve a justiciable problem, in comparison to 19% of White respondents (Plesence et al, 2004); ethnic minorities' use of solicitors is less frequent than the general public (28% and 41% respectively) (SRA, 2009).

37. Ethnic minorities experience high levels of victimisation; adults from a mixed race or Asian background were more likely than those from other ethnic groups to be victims of crime, 46% of adults of mixed race adults within the last 12 months (British Crime Survey 2002/2003). Such individuals are more likely to have high levels of worry about burglary and violence than White people (Salisbury and Upson, 2004; 1, cited in MoJ 2009, 7/09). Chakraborti and Garland's (2003) review of ethnic minority individuals living in Suffolk found that 36% had been victims of crime in the previous

12 months. Ethnic minority groups in Suffolk were “worried about a range of crimes and incivilities” (MoJ 2009, 7/09).

38. High levels of inaction are again found, with only 42% of victims of racism found to have reported the incident, compared to 75% of victims of robbery (Chakraborti and Garland, 2001). Discrimination has been identified as the factor with the largest lack of response (Balmer et al, 2010).
39. A number of suggestions have been offered by researchers for the under-reporting of crimes among ethnic minorities. One reason suggested is that victim support organisations fail to take into account cultural differences, resulting in some ethnic minorities being reluctant to approach such organisations. Services have been found to be “culturally rigid” with “the unavailability of multiple language services provision or translation facilities”, presenting significant barriers to a diverse range of consumers obtaining advice (Pleasence et al, 2004; 111).
40. While this is concerning, this is not to say that when ethnic minorities do obtain advice they will receive an inferior service, as ethnic minorities and the general public were found to be similarly satisfied with the service they received from a solicitor (82% and 83%, respectively, found to be fairly or very satisfied). However, when consumers from an ethnic minority are dissatisfied with their service the majority, 55%, take no action to complain in comparison to 37% of the general public (SRA, 2009). This research does not investigate the cause of inaction to dissatisfaction among ethnic minorities.
41. While legal services have been deemed “culturally rigid” this is not to say that services need to be delivered by someone in the same ethnic group to result in a better standard; in fact 81% of ethnic minorities said that the ethnicity of their lawyer is not very or not at all important. The need to speak the same language is important; with nearly a third of ethnic minorities agreeing that they need a native language fluent solicitor (SRA, 2009).
42. The reluctance to address problems and difference in problem-handling strategies may be due to the difference in education levels across the ethnic groups, possibly impacting on the degree of legal education. Around 40% of Black Caribbean girls achieve five or more A*- C GCSEs, compared to nearly 80% of Chinese girls (Botcherby et al, 2004). The CSJS established that knowledge of rights differed according to respondents’ academic attainment with 70.2% of those with no academic qualifications not being aware of their rights, and 77% not knowing the process to resolve such issues; in comparison to 63.5% and 68% respectively of respondents with any academic qualification (Balmer et al, 2010).
43. Not only do problem-handling strategies and use of advice differ among ethnicities; the type of legal services provider also differs. O’Grady et al (2005) found that a higher proportion of Asian respondents contacted their local council first, whereas a higher proportion of Black respondents contact an ‘other’ source of advice (Moj, 2009 07/09). Ethnic minorities are also more likely to use the internet to find a solicitor than any other method (34% compared to 26% of the general public). Using a family

solicitor is much lower for ethnic minorities than the general public (18% compared to 26%) (SRA, 2009).

44. Considering that legal need is thought to differ according to ethnicity; the geographical spread of legal need can be estimated by looking at the geographical spread of ethnic minorities. As displayed in Chart 3, London has the highest proportion of non-white inhabitants, around 30% of the regional population.

Chart 3: Geographical spread of ethnic minorities

Region	Percentage of non-white population
NORTH EAST	4.51%
NORTH WEST	7.86%
YORKSHIRE AND THE HUMBER	9.45%
EAST MIDLANDS	9.06%
WEST MIDLANDS	13.89%
EAST OF ENGLAND	8.37%
LONDON	30.96%
SOUTH EAST	7.96%
SOUTH WEST	4.72%
WALES	2.90%

Source: ONS Population Estimates by Ethnic Group 2007

45. While the CSJS identifies difference in legal need and response among ethnic groups, such findings need to be taken with precaution as the small sample of BME individuals used for this survey may skew results.

Chapter 5: Refugees and asylum seekers

46. 'Refugee' and 'asylum seeker' have specific legal meanings. An asylum seeker is a person who has crossed an international border in search of safety and applied for refugee status under the 1951 Geneva Convention. A refugee is someone who has obtained refugee status (MoJ, 2009 7/09).
47. In 2009, 30,675 applications were made for asylum in the UK (ONS Monthly Asylum Statistics, November 2010). In the UK 70% of refugees and asylum seekers were found to be adults, 70% of these were males (ICAR, 2007).
48. Refugees and asylum seekers may have a range of needs, from housing and welfare support to advice about racial harassment (Dewell, 2001). There are some common factors we can consider which most asylum seekers and refugees experience at some point. However, sources are limited with the view there is a lack of research or literature regarding access to justice and refugees and asylum seekers (MoJ, 2009 7/09).
49. Most asylum seekers will be issued a Statement of Evidence Form at their screening interview. Applicants for asylum are required to complete this in English and return it to the Home Office within ten working days. Completion is of great importance as failure to do so can result in the refusal of an asylum claim (Mayor of London, 2005); in 2003, 15% of the total applications for asylum were refused on non-compliance grounds (Home Office, 2004). Most asylum seekers are then called to the Home Office for an interview. While legal representation at this stage is allowed, public funding for legal representation at this stage ceased in April 2004, except in exceptional circumstances (Mayor of London, 2005). There are disputes on this lack of access to legal representation, with interest groups arguing that it is not feasible that individuals who are socially isolated, unable to speak English and possibly traumatised, are expected to represent themselves in a complex proceeding (Mayor of London, 2005). If individuals are not granted asylum then they are entitled to appeal, though some cannot be made until removal from the UK.
50. With research identifying that asylum seekers usually have no real idea about how the asylum system works before they arrive in the UK (Robinson and Seagrott, 2002), they are unlikely to understand the role of legal advice and representation in the asylum process, or how to locate an adviser (Mayor of London, 2005).
51. Legal demand differs according to region. More asylum seekers live in London than any other city or region of the UK (Mayor of London, 2005), though statistical information about the precise population of asylum seekers in London is limited. While statistics show that 22% of applicants still in the asylum determination system who were receiving support from the National Asylum Support Service were living in London, and there is known to be more than 42,000 asylum seekers in receipt of public support in London; these statistics are not representative of the total number of asylum seekers in London as there are "many more asylum seekers in London who have not applied for any public support or who have lost public support due to a breach of support conditions" (Mayor of London, 2005; 11).

52. The supply of legal services, including the availability to access immigration advice, varies regionally. The North of England Refugee Service identifies that, although there are lawyers in Middlesbrough and Newcastle who can take on clients, the demand level is high meaning that they cannot spend much time with each client (Asylum Support Partnership, 2008). In other areas there is a lack of supply, for example, “there is only one firm in Sunderland and for clients dispersed to Hartlepool and Darlington, it is a 13 and 16 mile bus journey to see a solicitor” (Asylum Support Partnership, 2008; 2). Access to justice for asylum seekers seems even more difficult in North Wales where there was found to be one firm in Wrexham, and North Wales generally, providing immigration advice and representation, which closed its immigration department on 1 May 2008; this results in many clients in North Wales lacking access to asylum specialists (Asylum Support Partnership, 2008).
53. Dispersal is another factor which can obstruct access to justice. Asylum seekers have little choice about where they are dispersed to; possibly dispersed to initial accommodation in one city and re-dispersed to another city weeks later. Dispersal may result in asylum seekers being placed in areas of the country where there is a lack of specialist providers (MoJ, 2009, 7/09). Dispersal also results in the asylum seeker being forced to choose whether to seek representation at the earliest opportunity or wait to be re-dispersed before seeking legal advice (Asylum Support Partnership). The latter may result in some asylum seekers having their interview with the Home Office prior to seeking legal advice. Once links are established individuals are reluctant to move (Refugee Council, 2005).
54. Large debate on the legal needs of refugees and asylum seekers focuses on the notion that cuts in legal aid prevent such consumer groups from accessing justice. This concern was further compounded by the administration of Refugee and Migrant Justice (RMJ), once the “leading provider of legal advice to refugees” (The Independent, June 2010). This closure was attributed to delays in legal aid payments; a consequence of the 2007 reform meaning that RMJ could only receive payments when cases were closed. This new payment method has also been said to cause cherry-picking where representatives choose cases that can be dealt with quickly, turning those away that are more complex (Refugee and Migrant Justice, 2010).
55. When asylum seekers do obtain legal advice they can do so from a number of advisers:
- solicitors funded through the Legal Services Commission or working privately for a commercial fee
 - barristers working mainly in the courts, funded through the LSC or working privately
 - specialist not-for-profit (voluntary sector) immigration advisers, funded solely or partly by the LSC, or grants from other sources
 - not-for-profit immigration advisers who work at a non-specialist level (mainly community and voluntary sector groups), who get their funding from a variety of sources
 - immigration advisers, or immigration consultants, who charge clients for their services (Mayor of London, 2005).

56. As previously stated, the majority of asylum seekers are adults. However, in 2009, approximately 4,000 separated children made applications for asylum in the UK, with an estimated 10,000 separated children currently within the country (Refugee Council, 2011). Separated children are defined as less than 18 years old, outside their country of origin and separated from both parents, or primary caregivers. While separated children are required to have legal representation throughout their asylum application, 'the asylum and immigration system stands out as having the least formal, specialised provision for young people' (Crawley, 2004, cited in Refugee Council, 2011; 4). As there is no formal process for allocating a legal representative to separated children some children are bereft of this opportunity.
57. Quality of legal advice to separated children is perceived to be varied. In interviews conducted with Children's Advisers there was an identified belief that only a small number of legal representatives gather the necessary information for an asylum application. Signifiers of quality legal advice for separated children are based on soft skills; Advisers believed that providers who were more welcoming and supportive of the independent adult and perceived Advisers as partners were providing a good service (Refugee Council, 2011). Legal representatives account legal aid limitations as the cause for the limitations in the quality of advice they provide, resulting in them being "reluctant to take any case through the appeal process unless they are confident that it will be upheld" (Refugee Council, 2011; 6).
58. With 75% of applications for asylum refused in the first quarter of 2007 (Home Office, 2007) it is imperative to ensure that all asylum seekers are accessing quality justice. 'Decisions on asylum applications are influenced by the quality of legal representation. Thus good quality representation can be the difference between a successful application or otherwise' (Refugee Council, 2011; 6). It is not possible to rely on asylum seekers to seek access to justice, as they have been found to not understand their legal circumstances (Kelly and Meldgaard, 2005, cited in MoJ, 2009).

Chapter 6: Travellers

59. The precise numbers of Gypsies and Travellers in England and Wales are unknown, and the categories did not appear on the 2001 census. The Commission for Racial Equality, now the Equality and Human Rights Commission, estimated that there are between 270,000 and 360,000 in England living in houses, three times those living the traditional nomadic lifestyle (Commission for Racial Equality, 2006). Case law has established that Gypsies and Travellers are recognised as an ethnic group, covering them under the Race Relations Act and the Welsh Assembly Government has a duty to ensure equality for all people (Cemlyn et al, 2009).
60. Gypsies and Travellers suffer from lack of suitable, secure accommodation; discrimination; low life expectancy; poor healthcare; low educational achievement; low rates of employment; and high rates of poverty. Discrimination is believed to be present into the criminal justice system where Gypsies and Travellers are found to experience disproportionate levels of Anti-Social Behavioural Orders, high frequency of remand in custody, discrimination from police, prejudice within pre-sentence reports and the prison system (Cemlyn et al, 2009). While there is little, or no, research on the legal needs of Gypsies and Travellers, we can estimate their legal needs according to some factors of their demographic profile; for example their possible legal need as a cause of low income, the effects of which were discussed earlier.
61. Evidence suggests that negative experiences of policing makes Gypsies and Travellers unlikely to report crime to the police or seek justice through formal routes (Moj, 2009 7/09). Researchers have argued that “given the complexity of the law insofar as it relates to Gypsies and Travellers, access to legal advice and help is essential in ensuring that members of the travelling community are able to access justice and fair outcomes to the challenges that they face” (Cemlyn 2009;164). There is, however, limited information on how Gypsies and Travellers access justice; they are not included in the English and Welsh Civil and Social Justice Survey meaning that we have little information on their legal needs and outcomes. A number of organisations such as the Travellers Advice Team provide legal advice to Gypsies and Travellers. Clearly, there is a demand for further research to assess the extent to which Gypsies and Travellers access legal services, and the outcomes of such advice.

Chapter 7: Elderly

62. 16% of the UK population is believed to be aged over 65. By 2034, 23% of the population is projected to be aged 65 and over compared to 18% aged under 16 (ONS mid-year population estimates, 2010). There are a higher proportion of individuals above 65 in the North West, South East and South West (Neighbourhood Statistics, ONS)
63. “The importance of addressing the legal needs of older people is underscored by the fact that older people are identified as a group who are socially and economically disadvantaged” (CAP 2009; 9).
64. During a three and a half year period more than a quarter of people over 50 reported having encountered one or more civil justice problems (Age Concern, 2006). Reporting of problems falls with age; dropping from 37.8% of people aged between 45 and 59 to 17.2% of people aged 75 and over (CSJS, 2007).
65. Elderly experience different problem types than younger respondents due to life circumstances. As people move into their late forties and fifties their children start to leave home, resulting in the number of family problems decreasing. Rented housing problems are also in decline (experienced by less than 0.5% of those 75 and over in comparison to 4.3% of those aged 18 to 24). This is attributed to the finding that just 30% of older respondents were renting compared to 80% of younger respondents (Pleasence et al, 2004). Divorce rates decrease after peaking between the ages of 25 and 44, with just 0.4% of those aged 60-74 experiencing problems related to divorce (CSJS, 2007); these findings are supported by the statistics provided by the Office for National Statistics (as conveyed in Figure 8.2).
66. There is mixed evidence on the type of problems older consumers face. Problems relating to neighbours are said to peak when respondents are aged 50; the cause of which has been hypothesized as “a greater sensitivity to them on the part of older people” (Pleasence et al, 2004; 17). However, the findings of the 2007 CSJS did not corroborate this, as just 6.9% of those over 75 and 8.5% of those aged 60-74 experienced such problems, in comparison to a peak at ages 35-44 (9.7%). The variance in outcomes of the CSJS sheds light on the need for research focused solely on this social group.
67. Problem areas identified the CSJS for further investigation “to provide a more reliable picture of legal need in later life” (CAP, 2009; 31) include accommodation issues, health issues, finance, discrimination, abuse, substitute decision making and grand-parenting issues (CAP, 2009).
68. A limitation of the CSJS is that elderly respondents are not categorised according to family type and gender, instead categorised by age. Family type has been found to influence factors which are believed to cause civil justice problems. For example, 28% of single male pensioners were found to have no savings in comparison to 26% of single female pensioners and 17% of pensioner couples, while 35% of pensioner couples are found to have saving of more than £20,000 in comparison to 25% of single male pensioners and 17% of single female pensioners (Family Resources

Survey, 2008-09). Such findings further highlight the need for research focused solely on elderly.

69. In response to problems, over 50% of the population aged over 50 obtained advice, 30% handled it alone and 10% did nothing. The incidence of doing nothing to address problems increases with age, with 30% of those who were 80 and over doing so (CSJS, 2007). This is not to say that elderly who do nothing face greater barriers to accessing justice as only 35% of those who did nothing were 'unable to act'; the lowest among all age groups (Balmer et al, 2010).
70. The provider of legal services differs for older consumers in comparison to younger consumers. Older people are more likely to turn to solicitors for advice (15%) and are less likely to approach the Citizen's Advice Bureau than younger people. The use of the internet for advice seeking has increased from 4% in 2001 to 16% in 2007 (CSJS). This increase in internet use has lead researchers to consider the impact this will have on access to justice for older people as "older people are at particular risk of being those who are most disadvantaged by the digital exclusion" (CAP 2009; 9).
71. People over 50 use leaflets and booklets as a source of information, although 7% of the over 50s in the CSJS had tried to use the internet for help with their problem. None of the isolated older people had used the internet as a form of contact compared to 17% of older people who were not isolated. "This finding indicates that internet-only advice services exclude a very high proportion of vulnerable older people" (Age Concern, 2007; 9). The exclusion of vulnerable older people is concerning considering that some firms, such as My Lawyer, are solely online services offering a cheap solution to legal services such as will-writing and power of attorney, which are services most frequently used by the elderly. The internet is also a means of broadcasting information. It has "been increasingly relied upon by legal service providers, government departments, complaint handling bodies and interest groups to convey legal information to consumers" (CAP 2009; 63). However, the lack of internet use and access may not be such a cause for concern, as initial contact with advisers is more likely to be made via the telephone, with 53% doing so, although this is not an option for those whose hearing is impaired.
72. Changing Ageing Partnerships, in their interviews conducted with the elderly in Northern Ireland, found that older people from minority backgrounds face barriers to accessing justice due to "differing cultural expectations about the position of older people in society and families, and from a lack of cultural diversity in services" (CAP 2009; 59). One barrier is created by the complexity of legal jargon for those who are not fluent in English, although this applies to all ethnic minorities and not just the elderly. Cultural and societal expectations may result in the reluctance to move outside of the community to seek advice; supported by the reluctance of Indian participants to discuss legal issues (CAP 2009). Ethnic minorities may also be less aware of legal aid, as it is not advertised and relies upon individuals seeking it.
73. While the CSJS has provided great input into the demand for legal services; a limitation of the survey is that the sample consists of individuals living in private households, therefore excluding those living in institutional settings. "The survey

content also excludes certain problem categories that are more relevant in later life - such as access to community care services. This results in an underestimate of the civil and social justice problems that older people encounter” (Age Concern, 2007; 1). Age Concern identifies the need for further research “to provide a more reliable picture of legal need in later life” (Age Concern, 2007; 2).

Chapter 8: Young people

74. Young respondents to the CSJS, categorised by those aged 18 to 24 year olds by Youth Access (LSC, 2007), were found to have a different demographic profile to older respondents. They were more likely to be an ethnic minority (14% v 8%), live in high density housing (47% v 35%), live rent free (42% v 4%), be in education (25% v 1%) or be unemployed (6% v 4%), and less likely to own their own homes than older respondents.

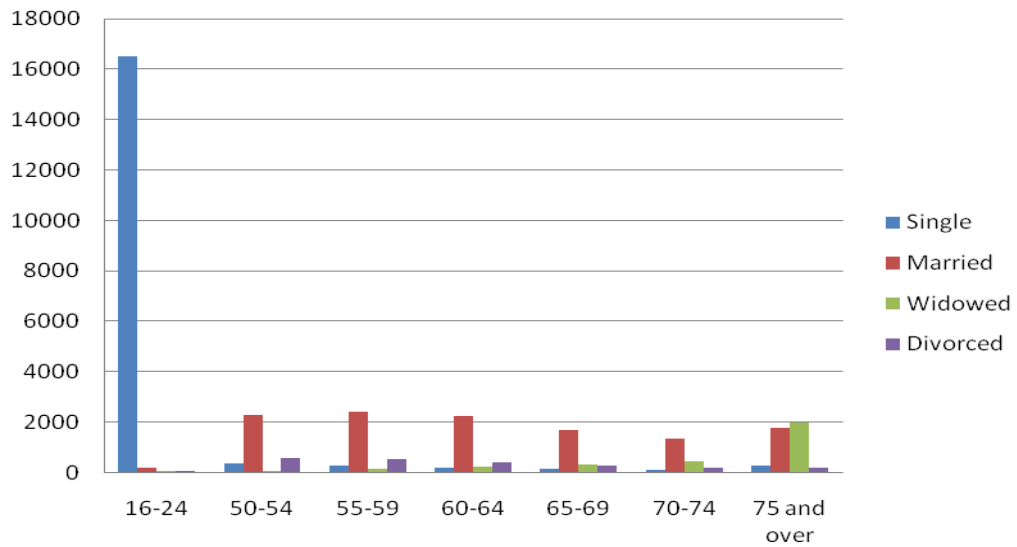
75. Young people's need for advice varies according to three factors believed to influence social exclusion (Social Exclusion Unit (2000) cited in Kenrick, 2002):

- The family – poor parenting, family conflict, low income, poor housing and being placed in care
- Schooling – low achievement, truancy and exclusion
- The community – disadvantaged neighbourhood and influence of friends.

While the CSJS collects information on educational levels, income and family group; these are not differentiated amongst the age category. No information is collected on the neighbourhood of respondents. We are, therefore, unable to assess the impact of these factors of the legal needs of young respondents, as well as other age groups.

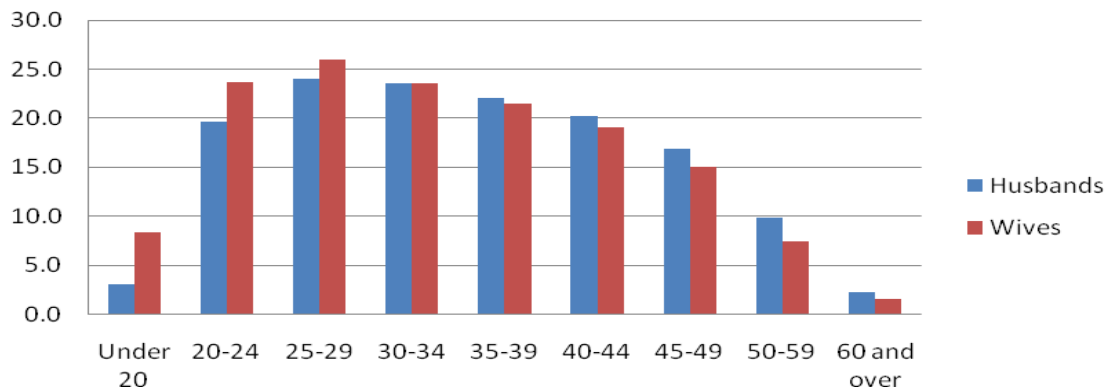
76. The different demographic profiles of younger respondents compared to those over 24 are likely to lead to difference in type and frequency of legal needs. In the 2004 CSJS "problems such as those concerning owned housing, consumer problems and divorce were more common amongst those aged over 24" (LSC, 2007; 3), the low incidence of divorce among those aged under 24 is displayed in figures 8.1 and 8.2. Younger respondents, aged 18 to 24, reported more problems concerning rented housing, homelessness, mental health and unfair police treatment (as conveyed in Figure 8.3). Those who are socially isolated, defined as those who are not living in households containing adults over the age of 24, not only reported problems more often than other young respondents (47% compared to 30%) but reported a higher incidence of rented housing, homelessness, neighbours and money/debt problems, as displayed in Figure 8.3 (LSC, 2007). These findings provide further impetus for differentiating between socially included and socially excluded individuals in the age categories.

Figure 8.1: Estimated population (thousands): age and marital status



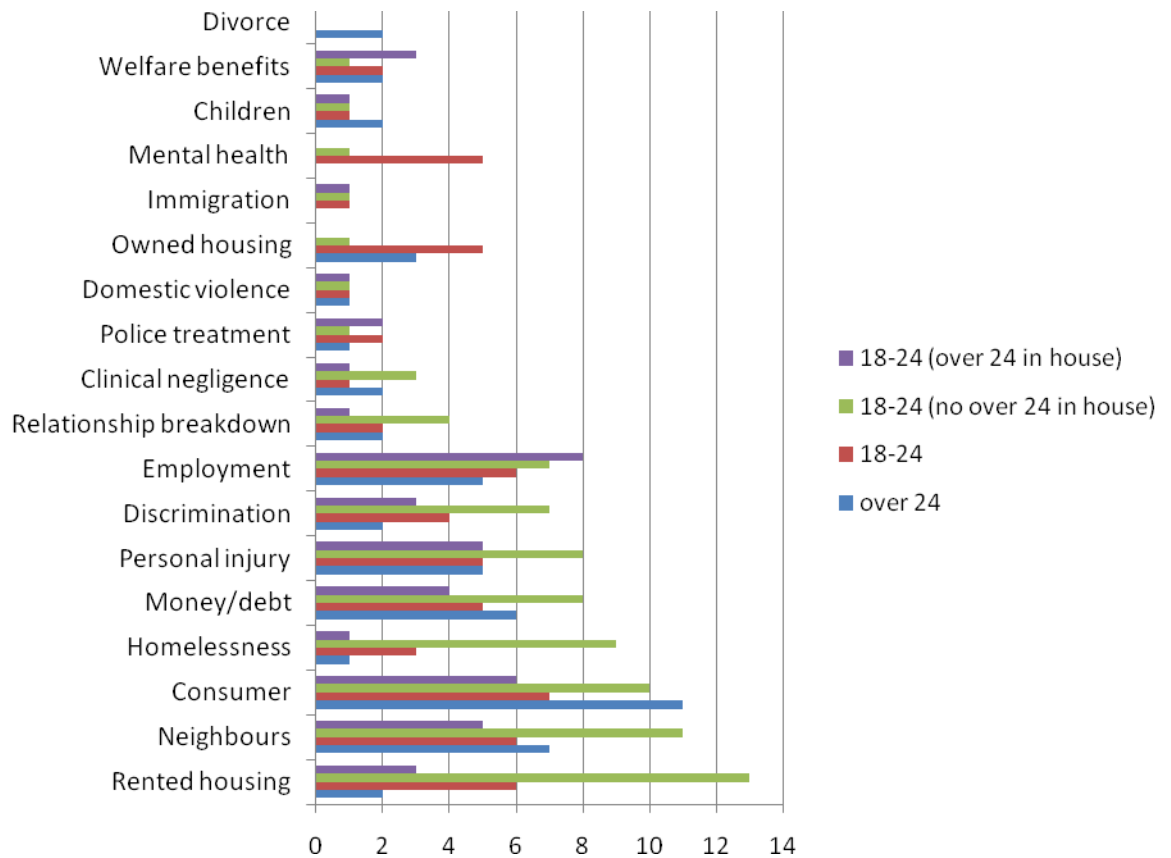
Source: ONS (2007) Marriage, divorce and adoption statistic

Figure 8.2: Rates of divorce per 1,000 married individuals



Source: ONS(2007) Marriage, divorce and adoption statistics (England and Wales).
 Note: there are around 12 marriages per 1,000 unmarried individuals. Number of divorces in England and Wales in 2007 – 128,232

Figure 8.3: Percentage of problem incidence by problem type and age



Source: LSC (2007)

77. Over 80% of young respondents to the CSJS lived in rented housing, compared to just 30% of older respondents; resulting in 11% of 18 to 24 year olds reporting rented housing problems, compared to just 3% of older respondents (Pleasence et al, 2004).
78. The high incidence of reported homelessness problems for young respondents, 3% of all young respondents compared to 1% of those over 24 (LSC, 2007), as shown in Figure 8.3, and the CSJS excluding those who do not living in residential households may result in a large sample of young people with specific legal needs being overlooked. The incidence of homelessness was even more acute for socially isolated individuals, with 9% of them reporting a problem (LSC, 2007); this figure may not be representative as the problem is believed to be far greater - one in five of all young people are believed to experience homelessness at some point between the ages of 16 and 24 (Eurostat (1998), cited in Kenrick, 2002).
79. There is a slightly higher frequency of legal problems among younger consumers, with 35% of 18 to 24 year olds found to report one or more civil law problem, compared to 33% of those over 24 (CSJS, 2004). However, this is not to say that the incidence of civil justice problems decreases as age increases, as there is a peak in civil justice problems when individuals reach their mid-30s with 44% of those aged 35-

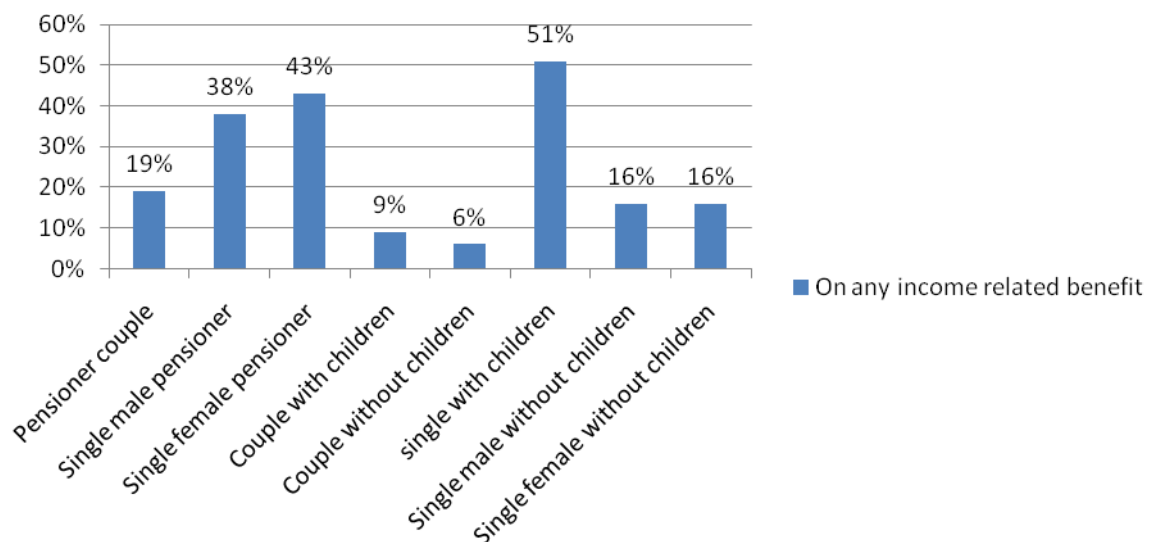
44 experiencing one or more civil justice problem compared to 35% of those aged 18-24 (CSJS, 2007).

80. Young people were less likely to address their legal problem than those over 24; 15% of 18 to 24 year olds did nothing to try and resolve their legal problem, compared to 10% of older respondents and 58% faced problems without obtaining advice, compared to 47% of older respondents (LSC, 2007). While they were less likely to seek advice, they were also more likely to fail when they did try to seek advice (Wintersteiger, 2008). This lack of advice seeking may be attributed to a lack of legal awareness amongst young people. Levels of awareness among young people are believed to be low; 38% of children and young people were aware they had rights (Office of Children's Rights Commissioner for London, 2002). This is not to say that young people are not interested in knowing their rights, as young people are found to desire more knowledge about their rights and how to use them (Chapman et al, 1999). Further research to explore the awareness of access to justice for such a group would be beneficial, especially assessing the impact on legal knowledge of the requirement for citizenship education in the national curriculum.
81. The impact of not addressing legal needs is likely to be acute for young people, who are found to be more likely to suffer from depression or psychiatric disorders and are over-represented in the criminal justice system (Wintersteiger, 2008). The legal need of young people may be underestimated due to their mobility, with young people found to disappear from employment and benefit services (De Paul Trust, 1996).
82. When young people address their legal needs the source of provider differs to older consumers. Young people rarely access mainstream advice services (Kenrick, 2002). Only one in 110 young respondents stated that they would go to a mainstream advice agency for problems concerning benefits or housing (Lewes District Information Shop for Young People (1996)). A reluctance to approach mainstream advice may be due to the soft-skills young people look for in their legal advisers; patience, understanding, sympathy, approach and easy to talk to (Gallagher, 1999).
83. While the CSJS provides useful information on the legal needs of young respondents, this data is limited to the legal needs of respondents aged over 18. There is scarce research on the legal needs of individuals aged 16-18.

Chapter 9: Lone parents

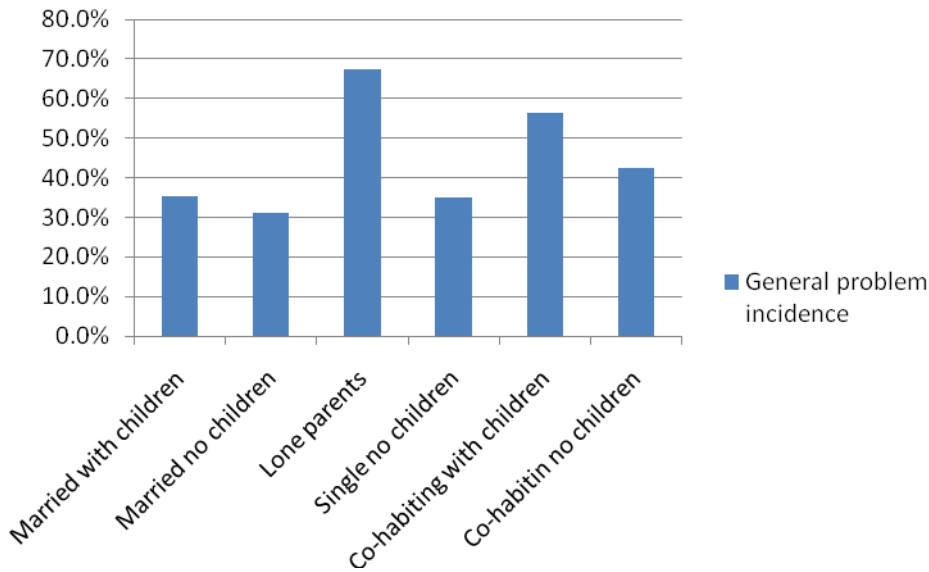
84. It is estimated that there are 1.7 million one parent families in Britain (Skills and Learning Intelligence Model, 2003), with just under one in ten households in England and Wales run by a lone parent, more than nine out of ten of such households are headed by women (Census, 2001).
85. The population of lone parents differs according to region and district. The region with the highest proportion of lone-parent households with dependent children is the North West. In Knowsley district more than one in six of all households consist of lone parents with children (both dependent and grown up). The district with the most is Newham in London with 11.9%. The South East region has the fewest (5.2%), with East Cambridgeshire the lowest district with just 3.1% (ONS, Census 2001).
86. The demographic profile of lone parents may result in them having a diverse range of legal needs. Of families with dependent children, lone parents account for 23% among the White population, 49% among Black communities and 11% among Asian groups (ONS, 2003). The National Council for One Parent Families (2001) suggests that three in five lone parents in the UK live in poverty and nearly half of poor children live in lone-parent families, with over half of lone parents receiving Income Support and over one-third receiving Working Families' Tax Credit (Buck et al, 2004); Figure 9.1 conveys that lone parents are the family group most likely to be on income-related benefits. One parent families are more likely than others to be in lower standard private housing or public housing (The National Council for One Parent Families, 2001); the legal needs of such households have been discussed previously. Lone parents are also likely to have ill health and disability problems (Millar and Ridge, 2001).

Figure 9.1: Income related benefits and family type



Source: Family Resources Survey 2008-9

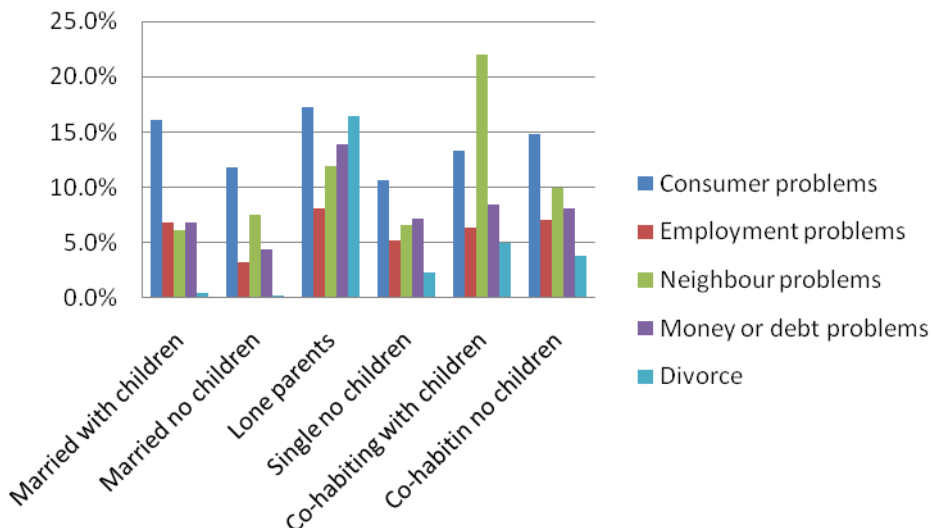
Figure 9.2: General problem incidence by family type



Source: Civil and Social Justice Survey 2007

87. Lone parents are found to have the highest incidence of civil justice problems than any other family group, as displayed in Figure 9.2. While lone parents are a social group considered in the CSJS their justiciable problems need to be looked at further. Research focusing solely on the legal needs of lone parents, (Moorhead et al, 2004) has found significant differences in the prevalence and type of legal issues.

Figure 9.3: Problem type and incidence by family status



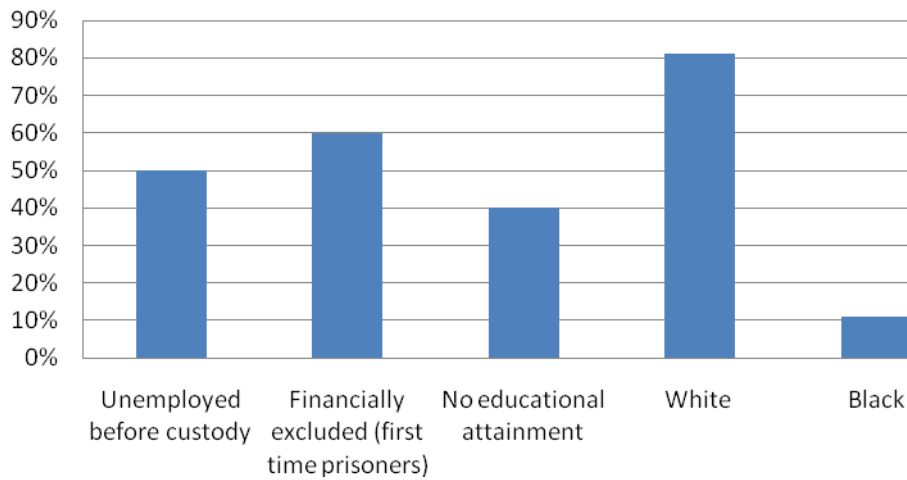
Source: Civil and Social Justice Survey 2007

88. The most common justiciable problem experienced by lone parents was benefits, with 69% of lone parents found to have dealt with it (Moorhead, 2004). One third of these translated into significant problems. This is far greater than estimated by the CSJS, around 8%. Figure 9.3 shows that lone parents are more likely to experience consumer problems than any other family group, 17.3% compared to 10% of individuals who are single with no children. Lone parents were also found to experience money or debt problems more, 13.9% compared to 4.4% of those who were married with no children.
89. Contact, residence and similar problems relating to children was the second most common set of issues among the sample of lone parents; experienced by 43% of all the lone parents in the sample. 89% of those respondents experiencing such problems reported at least one other significant problem (Moorhead, 2004). These findings cannot be compared with CSJS as the CSJS does not have the same problem definitions, covering these issues as “children problems”, which were experienced by 10% of lone parents. The duration of contact and residence problems was also notable, with over 60% reported to have lasted more than a year, with almost half lasting for two years or more.
90. Debt was also a prevalent issue for lone parents, with 48% found to have dealt with debt issues (Moorhead, 2004). This is in contrast to the 2.7% of all respondents to the CSJS (LSRC, 2010) and 14% of lone parent respondents to the CSJS. The high incidence of debt problems is supported by the finding that the likelihood of being in arrears was greater for lone-parent households (27%) compared to just 12% of couples with children (BIS, 2010). Only 17% of lone parents who reported dealing with debt issues did not report any other significant justiciable problems. Debt problems were most likely to be associated with problems with benefits, child support and housing problems. They were, among with contact/residence, one of the longest lasting justiciable problems, with 62% reported to have lasted a year or longer (Moorhead, 2004).
91. Divorce, adult maintenance and the future of the family home were the most significant problems for lone parents seeking advice (Moorhead, 2004). A worrying finding is that, considering the occurrence of debt problems, over half of those with significant debt problems did not seek advice on them (Moorhead, 2004), in contrast to just 4% of all respondents to the CSJS doing nothing to address the problem, although around 40% handled this problem alone (LSRC, 2010).
92. There are a number of suggestions for the failure of lone parents to seek advice, ranging from the belief that seeking advice will not help, not knowing where to get advice to lack of affordable advice (Moorhead, 2004).
93. Of those who seek advice, the source of advice differs according to the problem type. Solicitors are sought for divorce, contact and residence issues. The Citizens Advice Bureau is approached regarding debt and welfare benefits problems (Moorhead, 2004), approached in around 25% of all debt or financial problems of all respondents to the CSJS (LSRC, 2010).

94. There are some differences in the advice needs and advice seeking behaviour of different types of lone parent. Lone fathers are a small proportion of lone parents, and, as such, are hard to study. Generally, the problems that lone fathers have been found to deal with are similar for lone mothers. However, a few differences have been found. Lone fathers were more likely than lone mothers to have dealt with divorce, 58% in comparison to 27% of lone mothers. Lone fathers are more likely to have dealt with issues surrounding finding work, 37% compared to 23%. Lone mothers were more likely than lone fathers to have dealt with problems relating to child maintenance, 27% in comparison to 13%, and violence or harassment, 47% compared to 26% (Moorhead, 2004).

Chapter 10: Prisoners

Figure 10.1: Demographic profile of prisoners



Source: LSC (2009)

95. There are roughly 80,000 prisoners in England and Wales. Around 5% of the prison population are female (Moj, 2008).
96. “All prisoners have criminal law issues. Civil and family issues also emerge when people are imprisoned and removed from their daily lives” (Grunseit, 2008; 1). Some issues arise from prisoners’ chaotic lives and financial disadvantage prior to their incarceration. Prisoners’ housing, child custody arrangements, employment and any business they operate are all impacted upon by their separation from a community (Grunseit, 2008).
97. Prisoners can often be categorised as socially excluded prior to their incarceration. A survey of outreach centres found that prisons had the highest proportion of respondents with the lowest household incomes (before they entered prison) with 60% of first-time prisoners financially excluded; 40% reporting no educational qualifications; and 40% unemployed, as conveyed in Figure 10.1 (LSC, 2009). Those who experience financial problems before going to prison may have their problems made worse by their incarceration; 38% reported that their debt problems had got worse since starting their sentence. This may be attributed to mounting interest and the “inability to contact their lenders from prison” (LSC, 2009; 12). As such, 12% of prisoners who did not report financial problems before entering prison reported such problems since being in prison. This was mainly attributed to the inability to stop interest and cancel direct debits. It is concerning that a high percentage of prisoners receive no advice for their financial problems, considering the high incidence of financial exclusion; only 6% of all prison respondents reported receiving advice on how to manage their money on a day-to-day basis (LSC, 2009). This lack of access to justice is a great cause for concern; not only will it impact on the lives of the prisoners

and their families but it may also encourage them to commit criminal activities on their release (CAB, 2007) .

98. Over 20% of prisoners face increased financial problems, with a third of prisoners' existing debt problems worsening while incarcerated (CAB, 2007). The National Reducing Re-Offending Delivery Plan aims to aid prisoners with their debt problems through the provision of debt advice. However, the benefit of such a scheme may not be great due to the restrictions imposed on prisoners (CAB, 2007).

99. A number of barriers have been identified preventing prisoners from accessing justice (LFSNSW, 2008). These include:

- lack of access to computers (Lester, 2006)
- lack of access to telephones, limitations to the length of calls and the cost (de Simone and D'Aquino, 2004)
- difficulties in reaching and getting information from Legal Aid (Queensland) (de Simone and D'Aquino, 2004)
- the length of time it takes to obtain advice (Grunseit, 2008)

These barriers to justice may be the cause of 90% of prison respondents to outreach services who experienced financial difficulties receiving no advice (LSC, 2009). Such obstacles may be highlighted by prisoners' lack of knowledge, with inmates not being able to identify the correct process to secure legal advice (Grunseit, 2008).

100. While some support organisations target this vulnerable group, their efforts are restricted. There are only 43 prisons with a CAB advice service, out of 139 establishments (CAB, 2007). This implies there is a great demand not being met, yet this is hard to support as researchers have identified the "dearth of research" (Law and Justice Foundation of New South Wales, 2008; iv) on how prisoners access justice.

Conclusion

101. This review concludes that the legal needs of individuals differ according to their socio-demographic profile.
102. While the research analyses legal needs according to social group, these groups are not homogenous and their needs are complex. This means that a lone parent may also be experiencing mental health problems, possibly as a result of their legal issues, so their legal needs may also be influenced by this health issue.
103. This literature review identifies the gap in knowledge of the public legal education of at a disadvantage groups. Buck et al's (2007) found that 62% of people who reported experiencing a civil justice problem also reported they did not know their legal rights at the time, and 69% reported they did not know which process to adopt to deal with their sorts of problems (Wintersteiger, 2008). The impact of this lack of knowledge is considered to be greatest to those at a disadvantage. This may be the cause of some social groups less likely to report justiciable problems, even though they are more likely to experience them (Buck al, 2005).
104. Future schemes to improve access to justice may include an awareness raising campaign targeting at a disadvantage groups. Service providers, organisations and agencies should focus upon training on an ongoing basis that addresses the needs of at a disadvantage groups, focusing on the need to be sensitive to socio-demographic status; identifying how support can be tailored to the individual. The impact of such schemes would be of interest to the Legal Services Board.
105. Following the difference in findings from research focusing solely on at a disadvantage groups, the researcher calls for further research focusing on such groups. There is a dearth of research on most at a disadvantage groups, particularly travellers and those on low income. The Legal Services Board is not able to assess whether all members of society are achieving access to justice without such research.

References

- Age Concern (2007) *Civil and social justice needs in later life*. Legal Services Research Centre
- Asylum Support Partnership (2008) Policy report: *Access to legal advice for dispersed asylum seekers*. Kate Smart
- Balmer, N; Buck, A; Patel, A; Denvir, C; Pleasence, P (2010) *Knowledge, capability and the experience of rights people*. LSRC. Plenet <http://www.plenet.org.uk/data/files/knowledge-capability-and-the-experience-of-rights-problems-lsrc-may-2010-255.pdf>
- Bhattacharya et al. 2003, G., Ison, L., and Blair, M., *Minority Ethnic Attainment and Participation in Education and Training: the evidence*, University of Birmingham and DfES, 2003, p11, citing National Pupil Database, GCSE results, 2002. Available at <http://www.dfes.gov.uk/research/data/uploadfiles/RTP01>
- Botcherby, S., and Hurrell, K.(2004) *Ethnic Minority Women and Men* (Manchester: Equal Opportunities Commission). Available at http://www.eoc.org.uk/EOCeng/EOCcs/Research/ethnic_minority_women_and_men_briefing.pdf (additional tables available at http://www.eoc.org.uk/EOCeng/EOCcs/Research/ethnic_minority_women_and_men_tables.asp)
- Breton, R. Hartmann, N. Lennards, J. and Reed, P. (2004) *A Fragile Social Fabric? Fairness, Trust and Commitment in Canada*, McGill-Queen's University Press
- Buck, A. Balmer, N. Genn, H. O'Grady, A and Pleasence, P. (2004) *Lone Parents and Civil Law: Their Experience of Problems and Their Advice-seeking Behaviour*
- Buck, A. Balmer, N. and Pleasence, P. (2005) *Social Exclusion and Civil Law: Experience of Civil Justice Problems among Vulnerable Groups*. Social Policy and Administration.
- Buck et al (2007) *Education Implications from the English and Welsh Civil and Social Justice Survey*
- Cemlyn, S. Greenfields, M. Burnett, S. Matthews, Z. Whitwell, C. (2009) *Inequalities experienced by Gypsy and Traveller communities: a review*. Equality and Human Rights Commission (2009). Located at http://www.equalityhumanrights.com/uploaded_files/research/12inequalities_experienced_by_gypsy_and_traveller_communities_a_review.pdf
- Changing Ageing Partnership (2009) *Digital divide, older people and online legal advice*. Institute of Governance. School of Law, Queen's University Belfast.
- Chakraborti, N. & Garland, J. (2003) *An 'Invisible' Problem? Uncovering the Nature of Racist Victimisation in Rural Suffolk*, *International Review of Victimology*, **10** (1): 1-17.
- Chapman, N. Cross, M. Macfarlane, R. Maclagan, I. (1999) *Oxfordshire Children's Rights Needs Assessment Report*, Save the Children
- Citizens Advice Bureau (2007) *Locked out: CAB evidence on prisoners and ex-offenders*

Commission for Racial Equality (2006) *Common ground. Equality, good relations and sites for Gypsies and Irish Travellers. Report of a CRE inquiry in England and Wales*. London: CRE.

Communities and Local Government – see <http://www.communities.gov.uk/>

Crawley, H (2004) *Working with children and young people subject to immigration control – guidelines for best practice*. ILPA

De Paul Trust (1996) *Status Zero: a young person's road to homelessness*

Department for Business Innovation and Skills (BIS) (2010) *Over-indebtedness in Britain: Second follow-up report*

Department for Educational and Skills (2006) First Release, SFR 21/2006.

Department for Work and Pensions. *Households Below Average Income: an analysis of the income distribution 1994/5 – 2008/9*

http://research.dwp.gov.uk/asd/hbai/hbai_2009/pdf_files/full_hbai10.pdf

Department for Work and Pensions. *Family Resources Survey 2008/09*

<http://research.dwp.gov.uk/asd/frs/>

Dewell, D (2001) *Provision of legal advice to asylum seekers: a study of the perceptions and experiences of immigration solicitors practicing in asylum law*, The Law Society. Cited in Mayor of London (2005)

The Fawcett Society (2005) *Black and Minority Ethnic Women in the UK*

<http://www.fawcettsociety.org.uk/documents/BME%20Women%20in%20the%20UK.pdf>

Fryers, T., Melzer, D., & Jenkins, R. (2003) *Social inequalities and the common mental disorders: a systematic review of the evidence*. *Social Psychiatry Psychiatric Epidemiology*, 38(5): 229-237.

Gallagher, R. (1999) *Children and Young People's Voices: The Law, Legal Services, Systems and Process in Scotland*, Scottish Child Law Centre. Cited in Kenrick (2002)

Grunseit, A, Forell, S and McCarron, E (2008) *Taking justice into custody: the legal needs of prisoners – summary report*. Law and Justice Foundation of New South Wales.

Home Office (2004) *Asylum statistics: United Kingdom 2003*. Cited in Mayor of London (2005)

Home Office (2007) *Asylum Statistics: 1st Quarter 2007*, cited in MoJ (2009, 7/09)

Howard, M. (1999) *Enabling Government: Joined up Policies for a National Disability Strategy*, London: Fabian Society. Cited in (Pleasence, 2006).

The Independent (19 June 2010) Asylum-seekers left without legal advice as Government faces demand to pay up <http://www.independent.co.uk/news/uk/home-news/asylumseekers-left-without-legal-advice-as-government-faces-demand-to-pay-up-2004772.html#>

Information Centre about Asylum and Refugees (ICAR) (2007). *Women Refugees and Asylum Seekers in the UK*. Cited in MoJ (2009, 7/09)

Joseph Rowntree Foundation (2003) *Social exclusion and the onset of disability*. Tania Burchardt

Joseph Rowntree Foundation (2000) *Enduring economic exclusion: disabled people, income and work*. Tania Burchardt

Kenrick, J. (2002) *Rights to Access: Meeting Young People's Needs for Advice*, London: Youth Access
<http://www.youthaccess.org.uk/resources/publications/loader.cfm?csModule=security/getfile&PageID=2200>

Kritzer, H. M. (2008) *To Lawyer or Not to Lawyer: Is that the Question?* In 5 Journal of Empirical Legal Studies, pp. 875-906. Cited in Pleasence et al (2010)

Law and Justice Foundation of New South Wales (2010) *Outreach legal services to people with complex needs: what works?* Suzie Forell and Abigail Gray

Legal Services Commission (2005) *Innovation in the Community Legal Services*.

Legal Services Commission (2007) *Young People and Civil Justice: Findings from the 2004 English and Welsh Civil and Social Justice Survey*. Published by Youth Access

Legal Services Commission (2009) *Outreach Advice for Debt Problems: Research and evaluation of outreach services for financially excluded people*.

Legal Services Research Centre (2010) *Unmanageable Debt and Financial Difficulty in the English and Welsh Civil and Social Justice Survey: Report for the Money Advice Trust*

University of Leicester Centre for Utility and Consumer Law (2006). *At a disadvantage*. George, M and Lennard, L.

Lewes District Information Shop for Young People (1996) *Lewes District Project: feasibility study*. Cited in Kenrick (2002)

Lindley, J., Dale, A., and Dex, S. 'Ethnic differences in women's demographic, family characteristics and economic activity profiles, 1992 to 2002', pp153-65 in *Labour Market Trends* April 2004, Office for National Statistics, 2004. Available at http://www.statistics.gov.uk/articles/labour_market_trends/ethnic_differences.pdf

Mayor of London (2005) *Into the Labyrinth: legal advice for asylum seekers in London*

Meltzer, H. S. N., Lee, A., Bebbington, P., Brugha, T., & Jenkins, R. (2002) *The social and economic circumstances of adults with mental disorders*. Office of National Statistics.

Millar, J. and Ridge, T. (2001) *Families, Poverty, Work and Care: A Review of the Literature on Lone Parents and Low-income Couple Families with Children*. Research report No. 153, London: Department for Work and Pensions.

MIND (2002) *Factsheet: The Social Context of Mental Distress*

MIND (2002) *Factsheet: How common is mental distress?*

http://www.mind.org.uk/help/research_and_policy/statistics_1_how_common_is_mental_distress#gender

Ministry of Justice (2008) *The problems and needs of newly sentenced prisoners: results from a national survey*. Series 16/08

Ministry of Justice (2008) *Criminal Statistics England and Wales 2008*.

www.justice.gov.uk/publications/criminalannual.htm

Ministry of Justice (2009) *Access to Justice: a review of the existing evidence of the experiences of adults with mental health problems*. Series 6/09

Ministry of Justice (2009) *Access to Justice: a review of existing evidence of the experiences of minority groups based on ethnicity, identity and sexuality*. Series 7/09

Ministry of Justice (2010) *Baseline survey to assess the impact of legal services reform*. Series 3/10

Moorhead, R. Robinson, M., & Matrix Research and Consultancy Ltd (2006) *A trouble shared – legal problem clusters in solicitors' and advice agencies*. Department for Constitutional Affairs Research Series No 8/306

Mulherin G, Coumarelos C (2007) *Access to Justice in Disadvantaged Communities in Transforming Lives: Law and Social Processes* Pleasance, Buck and Balmer eds (2006)

MyLawyer <http://www.mylawyer.co.uk/ml/>

National Council for One Parent Families (2001) *One Parent Families Today: The Facts*. London

National Health Service (1999) *National Service Framework for Mental Health*

Niner, P.M. (2002) *The Provision and Condition of Local Authority Gypsy/Traveller Sites in England*

O'Grady, A. Balmer, N.J. Carter, B. Pleasence, P. Buck, A. and Genn, H. (2005) *Institutional Racism and Civil Justice*. *Ethnic and Racial Studies*, 28(4), July 2005

Office of Children's Rights Commissioner for London (2002) *Sort it Out! Revisited*, Sue Sharpe

Office for National Statistics (November 2010) *Monthly Asylum Statistics*

<http://www.homeoffice.gov.uk/rds/pdfs10/asylum-nov2010.xls>

Office for National Statistics (2007) *Marriage, divorce and adoption statistics*
http://www.statistics.gov.uk/downloads/theme_population/FM2no35/fm2no35.pdf

Office for National Statistics *Population Estimates 2007*
<http://www.statistics.gov.uk/STATBASE/Product.asp?vlnk=14238>

Office for National Statistics (2008) *Social Trends*
http://www.statistics.gov.uk/downloads/theme_social/Social_Trends38/Social_Trends_38.pdf

Office for National Statistics (2000) *Psychiatric morbidity among adults living in private households in Great Britain*
http://www.statistics.gov.uk/downloads/theme_health/psychmorb.pdf

Pleasence, P., Buck, A., O'Grady, A., Genn, H., Smith, M. (2004) *Causes of Action: Civil Law and Social Justice*. Legal Services Research Centre

Pleasence, P., Balmer, N.J., Buck, A., O'Grady, A., & Genn, H. (2004b) *Multiple Justiciable Problems: Common Clusters and Their Social and Demographic Indicators*, *Journal of Empirical Legal Studies*,

Pascoe Pleasence (2006) *Causes of Action: Civil law and Social Justice*. Legal Services Commission

Pleasence, P. Balmer, N. and Reimers, S. (2010) *Horses for Courses? People's Characterisation of Justiciable Problems and the Use of Lawyers*. The Legal Services Board "the Future of Legal Services"
http://www.legalservicesboard.org.uk/what_we_do/Research/Publications/pdf/14_june_conference_papers.pdf

Prime Minister's Office (2006) *Our Nation's Future – Social Exclusion – 5 September*.

Rainer (November 2007) *80 per cent of young people in debt by 21* (press release).

Refugee and Migrant Justice (2010) *Review of quality issues in legal advice: measuring and costing quality in asylum work*. ICAR, City University, London.

Refugee Council (2011) *Lives in the Balance: The quality of immigration legal advice given to separated children seeking asylum*. Laura Brownlees and Terry Smith

Refugee Council (2005) *A study of asylum seekers with special needs*

Robinson, V and Seagrott, J (2002) *Understanding the decision-making of asylum seekers*, Findings 172, Home Office Research, Development and Statistics Directorate; Gilbert A and Kosher, K (2002), *Information dissemination to potential asylum seekers in countries of origin and/or transit*, Findings 220, Home Office Research, Development and Statistics Directorate. Cited in Mayor of London (2005)

Salisbury, H. & Upson, A. (2004) *Ethnicity, victimisation and worry about crime: findings from the 2001/02 and 2002/03 British Crime Surveys*. Home Office Research Findings 237: 1-6.

Seymour, L. & Grove, B. (2005) *Workplace interventions for people with common mental health problems*, Sainsbury Centre for Mental Health

Skills and Learning Intelligence Model (2003) *Moving Towards Inclusion: A Picture of Disadvantage in the South West* http://www.swslim.org.uk/documents/mti/lone_parents.pdf

The Social Exclusion Unit (2001) *Preventing Social Exclusion*. A report by the Social Exclusion Unit

The Social Exclusion Unit, (2000), Report of Policy Action Team 12: Young People

Solicitors Regulation Authority (2009) *Consumer research study 2008: A survey of public attitudes towards solicitors*. ComRes.

Travellers Advice Team <http://www.gypsy-traveller.org/law/travellers-aid-team>

Welsh Assembly Government – see <http://wales.gov.uk/>

Wintersteiger, L. (2008) *Young people's experience of law-related events: the role of public legal education*. Public Legal Education Network