

Research and evaluation: evidence of the effects of poor levels of legal capability



Workshop Report

The workshop was in two parts. In the first, John Seargeant of Plenet outlined Plenet's thinking on and approach to its research and evaluation work over the year since the last conference, and in the second, Nigel Balmer of LSRC presented findings from LSRC's most recent analysis of the PLE responses in the Civil and Social Justice Survey.

Plenet's research and evaluation work: key points.

Plenet's long-standing approach to PLE overall has been to emphasise that PLE contributes to meeting the goals of a wide range of social agendas, and is a means to an end. Plenet does not promote PLE 'for its own sake', but as a tools for others to make good use of.

Plenet still believes that the findings of the PLEAS Task Force Report that a serious lack of research and evaluation into PLE is an obstacle to its growth are still important for the development of PLE.

Plenet has formulated an approach to research and evaluation that seeks to ensure that practical evaluation of initiatives must develop alongside broader research-based understandings of PLE

Plenet has shifted the emphasis in its work on both research and practical initiatives to the notion of 'legal capability' – which describes more accurately the goals of PLE. PLE research seeks to develop models of legal capability that are capable of informing PLE initiatives. PLE initiatives test the effectiveness of different ways of delivering legal capability and what these can achieve.

Plenet is closer today to an operational model of legal capability than a year ago. The financial capability model developed by the Personal Finances Research Group (PFRG) at the University of Bristol has provided us with a good starting point: financial capability research has posited 4 life 'domains' which if examined and combined can predict financial behaviour. These domains are also useful because they provide a framework for the design of programmes that can influence capability.

In this spirit, over the past 12 months Plenet has both commissioned and taken part in projects to refine and spread its understanding of legal capability and the best ways to deliver enhanced legal capability. These include an IARS study of young people's legal capability and a NIACE study on PLE and adult learning – both published in 2009. New

research by LSRC further analysing the data from the English and Welsh Civil and Social Justice Survey and has led to a new paper (forthcoming) that throws new light on the negative effects of poor levels of legal capability on different groups in society.

Currently in the pipeline are a further IARS initiative on young people's legal capability which takes as its starting point the findings from the first initiative, a joint project involving the College of Law, LawWorks, advice networks and Plenet, exploring the role of pro bono work in legal capability development, a joint CASE studentship bid with academics from Bristol Law School, proposals for a joint series of academic PLE seminars, with PFRC, Bristol Law School and others, to start in 2010, and proposals for an approach to ESCRC on research into legal capability, again jointly with PFRC.

LSRC research presentation

The forthcoming paper is titled Knowledge, Capability and the Experience of Rights Problems.

The aims of the report are to:

- Identify specific target groups who lack legal capability and problems where public legal education might be targeted
- Gaining a clearer insight into the relationship between knowledge, skills and confidence
- Develop a better understanding of how skills may impact on the ability to pursue desired outcomes
- Use 'real-life' case studies in order to bring to life issues
- Make recommendations on any further research that will improve understanding of the needs for PLE and any delivery mechanisms.

The presentation made the following key points:

Key findings

- The majority of respondents (around two-thirds) with a civil justice problem felt that they did not know their legal rights
- More affluent, educated respondents were more likely to know their rights and disadvantaged groups (e.g. no academic qualifications, long-term illness or disability, mental health problems) less likely
- Lacking knowledge of rights was related to a reduction in obtaining advice and an increase in trying and failing to obtain advice
- Lacking knowledge of legal rights was also related to higher rates of regret over action
- The use of self-help materials (e.g. leaflets, booklets, books) and the Internet to address problems did not differ greatly with knowledge, though there was some evidence that those with knowledge were more likely to obtain 'all the information' they needed.
- Importantly, further analysis demonstrated that the impact of lacking knowledge of rights was far greater where respondents failed to obtain advice
- For strategies other than obtaining advice, a lack of knowledge of rights led to far higher percentages reporting stress related ill-health, highlighting the increased importance of advice if you do not know your rights.
- Analysis also demonstrated that disadvantaged groups were most likely not to obtain advice, to lack knowledge of rights, and to suffer adverse consequences. Conversely, disadvantaged groups were underrepresented among those who handled problems alone with knowledge of rights.
- For those doing nothing when faced with a problem, the analysis showed that an important distinction needs to be made between doing nothing and not feeling the need to act (what in many cases could be regarded as informed inaction), and doing nothing

but feeling unable to (for example, because of lack of knowledge, confidence or capacity).

- Again, some groups (e.g. low income, unemployed) were more likely not to do anything because they felt unable to act. This was also particularly true of women for reasons to do with capacity and confidence. Moreover, doing nothing while feeling unable to act more often resulted in regret over actions and adverse consequences such as stress related ill-health.
- While many respondents successfully obtained advice or handled their problems alone, a significant proportion did nothing or tried and failed to obtain advice.
- Advice-seeking strategy was strongly related to problem type reported, though social and demographic predictors also played a role. For example, disadvantaged groups (e.g. lone parents, those renting publicly, those in receipt of welfare benefits, those with no academic qualifications and those with mental health problems) were all characterised by a higher percentage obtaining advice and lower percentage handling alone, highlighting possible capacity issues.

Conclusions

The findings from the Survey demonstrate that there are knowledge, skill and confidence barriers in the population in regard to achieving legal capability. The analysis conducted for this report highlights some of the complex interrelationships between people's choice of advice-seeking strategy, their knowledge of rights and general disadvantage.

Perhaps most importantly, this report has begun to offer insight into how the population might be segmented for the purposes of targeted public legal education interventions.

Further research should be done on clarifying how concepts such as legal capacity and legal capability could best be measured. Assessing the impact of public legal education initiatives is challenging and a body of research should be encouraged to shed light on this under-researched area.

ENDS