



Ministry
of Justice

Key Findings from the Legal Problem and Resolution Survey, 2014–15

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Contents

List of tables

List of figures

1. Introduction	1
1.1 Background	1
1.2 Legal Problem Resolution Survey design	2
1.3 Measuring the experience of legal problems	2
2. Key findings	4
2.1 The prevalence of legal problems	4
2.2 Characteristics of legal problems	6
2.3 How people tried to resolve legal problems	8
2.4 Use of formal resolution processes	11
2.5 Help obtained to resolve problems	13
2.6 Use of legal or professional help	14
2.7 Self-help	15
2.8 Outcomes of legal problems	16
3. Conclusions	18
References	23
Appendix A	24
Glossary	24

List of tables

Table 1.1: Details of the 11 problem types	3
Table 2.1: Percentage of adults who experienced a legal problem in the last 18 months by problem type	4
Table 2.2: Resolution strategies used to try to resolve legal problems	9
Table 2.3: Most formal resolution strategy used, by problem type	10
Table 2.4: Use of formal resolution processes by problem type	12

List of figures

Figure 2.1: Number of legal problems respondents had experienced in the last 18 months	6
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1. Introduction

1.1 Background

The Legal Problem Resolution Survey (LPRS) measures people's experiences of everyday problems, including issues such as personal debt, problems with consumer purchases, disputes with employers and landlords, injury or ill-health arising from accidents or negligence and issues arising from a relationship breakdown. These everyday problems *may* have a legal solution through the civil justice or tribunal system.

The LPRS was designed to provide robust data on the prevalence of legal problems, the strategies and services that people use to resolve their problems, and problem outcomes. Conducted in 2014–15, the LPRS provides the current primary source of robust quantitative data on the nature and impact of civil, family and administrative legal problems experienced by adults in England and Wales. It follows in the tradition of a number of previous surveys in England and Wales (and internationally) that provide evidence on the pyramid of legal problems, from those that are not even perceived to be legal issues by the individual experiencing them to those which result in court or tribunal proceedings.

The LPRS builds on the previous surveys conducted in England and Wales.¹ It used an innovative methodology to sample respondents and achieve a larger number of interviews than these previous surveys, enabling robust sub-group analysis, and has more of a focus on information and advice obtained to help resolve problems. There are a number of methodological differences between the LPRS and these previous surveys which means figures from across the different surveys should not be directly compared.

The LPRS is of particular value given the significant reforms that have been made in the civil, family and administrative justice field since the last Civil and Social Justice Panel Survey, notably the legal aid reforms introduced by the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO) and Jackson reforms to fee and insurance arrangements, both introduced in April 2013, and the changes to court fees and family justice reforms introduced in April 2014.

This report presents a summary of the findings from the LPRS, focusing on the experience of legal problems and the resolution and advice strategies adopted. It provides evidence to

¹ Paths to Justice in 1997, Civil and Social Justice Survey in 2001, 2005, 2006–09 and the Civil and Social Justice Panel Survey in 2010 and 2012.

inform our understanding of flows into the formal justice system and insight into how people seek to resolve their problems through other means. It is accompanied by a supplementary report presenting more detailed findings from the survey. This evidence will be valuable in helping to inform policy development and service delivery in the legal advice and services field and justice reforms.

1.2 Legal Problem Resolution Survey design

The LPRS is a nationally representative general population survey of adults aged 18 and over living in households in England and Wales. The sample was drawn using random probability methods from respondents interviewed for the Crime Survey for England and Wales (CSEW) to generate a large sample with telephone contact details.² The response rate for the LPRS was 51%. When the original CSEW response rate and consent rate to be re-contacted are taken into account, the cumulative response rate for the LPRS is 31%.³ Data were weighted to ensure that they were representative of the target population of adults aged 18 and over living in households in England and Wales.

Telephone interviews were conducted with 10,058 respondents between November 2014 and March 2015. The survey did not cover organisations or businesses, and individuals were asked to only report problems that they experienced in a personal capacity. The survey therefore does not provide any estimates of the experiences of businesses or those not living in the household population, for example those in communal establishments or those who are homeless.

Further details of the survey methodology are available in the supplementary report.

1.3 Measuring the experience of legal problems

Respondents were asked if they had experienced problems or disputes in 11 distinct categories (see Table 1.1) in the 18 months before interview.⁴ These were described as everyday problems rather than legal problems to avoid respondents' own characterisation of what may or may not constitute a legal problem influencing their responses.⁵

² The CSEW is a very large and high quality source, interviewing around 35,000 adults a year. For further information on the CSEW, see its user guide here: <http://www.ons.gov.uk/ons/guide-method/method-quality/specific/crime-statistics-methodology/user-guides/index.html>

³ The cumulative response rate factors in the response rate to the CSEW itself (c. 75%) and the consent rate to the re-contact question within the CSEW (80%).

⁴ This included problems that had started during the 18 month recall period and also those that started before but were ongoing during the period. The problems may or may not have concluded by the time of interview.

⁵ Previous surveys have shown that many people do not characterise problems as legal in nature even though a legal solution is possible. For example, see Pleasence et al (2010b).

Table 1.1: Details of the 11 problem types

Problem category	Examples of problem types included
Civil legal problems	
Problems with purchasing goods or services	Purchase of faulty high-value items, defective repairs to high-value items, defective building works, services not being delivered as promised.
Problems with neighbours' anti-social behaviour	Noisy neighbours, abusive neighbours, neighbours damaging respondents' property.
Money problems (excluding personal debt)	Difficulties in obtaining money owed by a debtor, disputes over bills/tax assessments, being mis-sold financial products, mismanagement of pensions/investments, disputes over division of property after death.
Problems with personal debt	Unable to keep up with repayments due/monies owed to creditors, harassment from creditors.
Problems with living in rented accommodation	Rent arrears/eviction, repairs, failure to return deposit, issues with lease or tenancy agreement, harassment by landlord.
Accidents or negligence problems	Injury or ill-health arising from accidents caused by another person, poor working conditions or negligent medical treatment.
Problems with owning or buying residential property	Planning permission, rights of way/boundary/communal disputes, mortgage arrears/repossession, issues during purchase/sale.
Administrative legal problems	
Employment problems	Dismissal/redundancy, not receiving employee rights, unfair treatment, discrimination.
Problems with provision of state benefits	Dispute about entitlement to/amount of and delays in processing state benefits, tax credits, or state pensions.
Problems with provision of school education	Obtaining a school place, access to special needs provision, exclusion/suspension or unauthorised absences (applies to respondent if aged 18 to 21 at time of interview, or to respondents' child(ren) aged 21 or under)
Family legal problems	
Problems arising from relationship breakdown – financial and child arrangements ⁶	Division of property, financial support and arrangements for care of and contact with children

⁶ The LPRS captured information about divorce and dissolution of civil partnerships separately. See Appendix D of the supplementary report for the findings.

2. Key findings

2.1 The prevalence of legal problems

Experiencing one or more of the eleven types of legal problems covered in the survey was relatively common, with almost a third of adults (32%) reporting that they had experienced one or more of the legal problems asked about in the 18 months before interview. Just over a quarter (27%) of adults had experienced a civil legal problem, a tenth (10%) of adults had experienced an administrative legal problem and 1% had experienced a family legal problem. The most commonly reported problems related to purchasing goods or services (8%), neighbours' anti-social behaviour (8%) and money problems (excluding personal debt) (7%), see Table 2.1.

Table 2.1: Percentage of adults who experienced a legal problem in the last 18 months by problem type,¹ LPRS 2014–15

	Percentages
Civil legal problems	27
Purchasing goods and services	8
Neighbours' anti-social behaviour	8
Money excluding personal debt	7
Personal debt	5
Rented accommodation	5
Accidents or medical negligence	4
Owning or buying residential property	2
Administrative legal problems	10
Employment	6
State benefits	3
Education	2
Family legal problems	1
<i>Unweighted base</i>	<i>10,058</i>

¹ People may have experienced more than one type of problem, and are counted more than once in this table.

There was considerable variation in the prevalence of experiencing a legal problem by socio-demographic characteristics. The following groups were particularly likely to say they had experienced at least one problem: those aged 18–24 years (37%) or 25–44 years (42%), those with a long-standing, limiting illness or disability (40%), lone parents⁷ (55%), the unemployed (46%), and those who received means-tested state benefits (46%).

⁷ Defined as one adult living in a household with dependent children.

The variation across socio-demographic groups followed different patterns for different types of problem. Lone parents, for example, tended to report relatively high levels of problem experience across most of the problems covered (family problems – 19%, personal debt – 18%, neighbours’ anti-social behaviour – 15%, other money problems – 13%, rented accommodation – 12%, and provision of state benefits – 12%). Those with a long-standing limiting illness or disability were particularly likely to experience a legal problem related to an injury or ill-health arising from an accident or negligence – 7% (which could be directly related to their illness or disability). They were also, along with the unemployed, particularly likely to report experiencing issues with neighbours’ anti-social behaviour, personal debt, the provision of state benefits and (12%, 10%, 7% among those with limiting illness/disability and 14%, 14% and 10% among the unemployed).

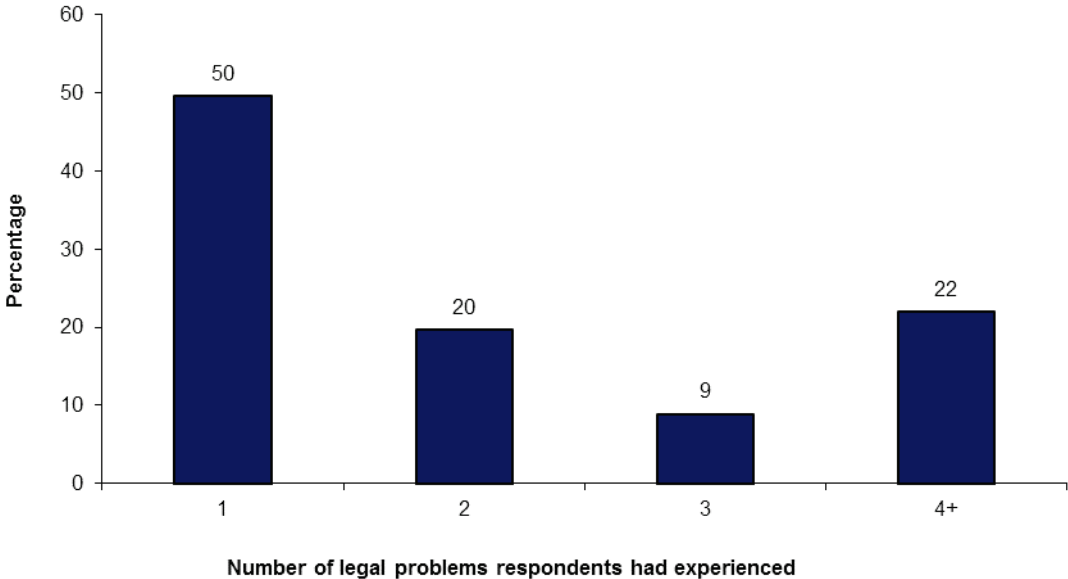
Although the overall proportion of adults experiencing a legal problem did not vary by household income, there were differences in the types of problem experienced. Adults living in less affluent households⁸ were more likely to experience problems with neighbours’ anti-social behaviour (11%), personal debt (9%) and problems with rented accommodation (9%) than those in more affluent households,⁹ whereas adults living in the most affluent households were more likely to experience other money-related problems (12%) and issues with consumer purchases (12%).

The experience of multiple problems was relatively common, particularly among groups that may be considered to be vulnerable to disadvantage. Around a half of adults who experienced at least one problem had experienced more than one problem during the 18 month period (20% of adults with problems had experienced two problems, 9% had experienced three problems, and 22% had experienced four or more problems) (see Figure 2.1).

⁸ Households with an annual household income of under £15,000.

⁹ Households with an annual household income of £60,000 or above.

Figure 2.1: Number of legal problems respondents had experienced in the last 18 months,¹ LPRS 2014–15



¹ Includes adults who experienced at least one problem in the 18 months before interview, excluding those who did not know how many problems they had experienced in the period.

Among those with problems, the following groups were particularly likely to experience four or more problems: lone parents (42%), the unemployed (39%), those living in socially rented accommodation (37%), those living in low-income households¹⁰ (31%), those receiving means-tested state benefits (39%) and those with a longstanding limiting disability or illness (32%). Many of these characteristics co-vary. For example, lone parents in the survey were more likely to live in rented accommodation and have lower household incomes than other adults. These findings suggest that there is a group of the population who are more vulnerable not just to experiencing a legal problem, but to experiencing multiple problems.

2.2 Characteristics of legal problems

The problems reported to the survey were a mix of ongoing and concluded problems, with 61% of problems having concluded at the time of interview and 39% ongoing. The majority (75%) of concluded problems lasted 6 months or less, with 12% of concluded problems lasting more than a year. Ongoing problems were more likely to have a longer duration than concluded problems, with almost half (47%) of ongoing problems still not concluded after a year.

¹⁰ Household income of less than £15,000 per year.

Many of the problems experienced were not considered to be of a legal nature at the outset. A quarter (23%) of adults said that they considered their problem to be of a legal nature, although this was higher for problems associated with owning or buying property (39%), money (excluding personal debt) (34%), and relationship breakdown (33%).

There was considerable variation in how fault was ascribed depending on the type of problem. For example, around three-quarters (76%) of adults with accidents and negligence problems considered the other party to be entirely at fault. In contrast, almost a third (30%) of those with debt problems said the other side had thought they were at fault and almost half (47%) said that neither side considered the other to be at fault.

There was also variation in how serious problems were perceived to be. Overall, a quarter (23%) of problems were perceived by the respondent to be very serious and a third (34%) not very serious. Problem types more likely to be considered very serious were those associated with relationship breakdown (38% were considered very serious), provision of state benefits (32%) or education (32%), employment disputes (30%) and injury or ill-health arising from accidents or negligence (28%).

Almost a half of adults (45%) with a problem reported at least one adverse consequence as a result of the problem, with the nature of adverse consequences varying across types of problem and socio-demographic groups. Notably, those with an issue associated with relationship breakdown were particularly likely to report experiencing loss of income or financial strain (54%), stress or other mental health issue (47%), loss of confidence (42%) and harassment or abuse (38%). Problems arising from an employment dispute or the provision of state benefits led to stress or other mental health issues for 28% and 30% respectively and loss of income or financial strain for 37% and 42% respectively. Lone parents, unemployed adults, those living in low-income households and those with a longstanding limiting illness or disability were particularly likely to report experiencing an adverse consequence.

Not surprisingly, adults who considered their problem to be very serious were particularly likely to have said they experienced an adverse consequence (70% did so). Even for the least serious problems, however, a quarter (26%) reported some form of adverse consequence, with stress or other mental health issue, loss of confidence and financial strain each mentioned by around 10% of adults with problems.

Around a tenth (13%) of adults said they felt they had been subject to discrimination on the grounds of their race, gender, disability, sexual orientation, age or religion in relation to the problem they experienced.¹¹ This was more common in relation to administrative legal issues concerning the provision of state benefits or education or employment disputes (22%).

2.3 How people tried to resolve legal problems

Respondents to the survey who had experienced a legal problem in the 18 months prior to interview were asked about the action they took to try to resolve the problem. Responses to these questions in combination with responses to questions concerning the respondents' use of information/advice were grouped into the following types of resolution strategies:

- Tried to resolve using a **formal resolution process** (e.g. court, tribunal, ombudsman, independent conciliation, mediation, etc.), including where the other party initiated this process;
- Tried to resolve with **legal or professional information, advice or help**. This includes formal legal advisors (e.g. a lawyer) or independent professional advisors whose role is not necessarily to give legal advice (e.g. Citizens Advice);
- Tried to resolve on own through **self-help** (e.g. obtained own information, advice or help from internet, leaflets or self-help guides, friends and family, or the other party); and,
- **Did not try to resolve** the problem.

Most people who reported experiencing a problem tried to do something about it, although this was often without recourse to any formal processes or legal or professional help. Overall, around a half used a formal process and/or legal/professional help to try to resolve the problem. Resolution strategies varied according to problem type and characteristics. There are, however, few differences by socio-demographic group.

Only a small minority of those with problems did nothing about their problem (4%). Just under a half of adults said that the most formal resolution strategy they used was either trying to resolve through a formal resolution process (17%) or through legal or professional help

¹¹ This discrimination may have been directly in relation to when the problem arose, for example discrimination in the workplace leading to an employment problem, or may have arisen during the course of the problem, for example when seeking advice.

(27%). Just over a half (52%) had tried to resolve the problem on their own, using self-help only (see Table 2.2).

Table 2.2: Resolution strategies used to try to resolve legal problems, LPRS 2014–15

	Percentages				
	A formal resolution process	Legal/ professional help	Self-help ¹	Did not try to resolve	<i>Unweighted base</i>
All resolution strategies used ²	17	39	90	4	2,959
Most formal resolution strategy used ³	17	27	52	4	2,959

¹ Includes sourcing own information, advice or help from internet/leaflets, family or friends, or the other side of the problem.
² Adults who used more than one strategy are included under each strategy used, and percentages will therefore not sum to 100.
³ Adults who used more than one strategy are included once only for the most formal strategy used.

Adults experiencing a problem with relationship breakdown were particularly likely to use formal resolution processes (35%) and far less likely to try to resolve with self-help only (25%), compared with adults with other types of problem. For most civil and administrative problems the most formal strategy used was to try to resolve the problem without legal or professional help, the exceptions to this being injury or ill-health arising from an accident or negligence and owning or buying a residential property. The use of formal resolution processes was more common for these problem types, as well as for personal debt or other money problems and employment disputes (21% – 24%). Adults who experienced a legal problem concerning their neighbours’ anti-social behaviour were most likely to do nothing to resolve their problem (14% took no action to resolve the problem compared with 1%–4% for other problems) (see Table 2.3).

Table 2.3: Most formal resolution strategy used, by problem type,¹ LPRS 2014–15

	Percentages				
	A formal resolution process	Legal/professional help	Self-help	Did not try to resolve	<i>Unweighted base (=100%)</i>
Civil problems	16	26	55	4	2,199
Purchasing goods and services	9	15	75	1	424
Neighbours' anti-social behaviour	11	36	39	14	405
Money excluding personal debt	23	20	56	1	434
Personal debt	24	15	59	2	187
Rented accommodation	13	17	68	2	318
Accidents or medical negligence	22	47	28	4	212
Owning or buying residential property	15	44	39	2	219
Administrative problems	18	30	49	3	636
Employment	21	37	40	3	317
State benefits	15	22	61	2	202
Education	16	27	57	1	117
Family problems	35	40	25	1	124
All legal problems	17	27	52	4	2,959

¹ This table shows the most formal resolution strategy used. Adults who used more than one strategy are counted once in this table.

The use of formal resolution processes was relatively common for problems perceived to be very serious (26%), where adverse consequences were associated with the problem (23%) and for problems which were considered to be of a legal nature at the outset (29%).

There were few differences in the most formal resolution strategy used across socio-demographic groups, although young adults aged 18–24 were more likely to try to resolve their problem using self-help only (64%) than older adults (46%–54%).

Obtaining legal or professional help was strongly associated with using a formal resolution process, when other characteristics were controlled for. Other characteristics that were also strongly associated with using formal resolution processes were the type of problem experienced, the seriousness of the problem, whether it was thought of as legal at the outset and the duration of the problem.

2.4 Use of formal resolution processes

The use of formal resolution processes (such as courts or tribunals, conciliation, mediation or arbitration, regulators or ombudsmen) was relatively uncommon, although varied by problem types. Where a formal process was used, most adults had obtained formal legal help or other professional help. Where formal processes were not used this was often because they were not considered at all, and if they had been considered but not used this was usually because the problem had concluded without the need for it.

Overall, around a tenth (9%) of adults who had experienced problems had participated in independent conciliation, mediation or arbitration, 5% had contacted a regulator or ombudsmen and 5% said there had been a court or tribunal case (either initiated by the respondent or the other party).

For adults with a problem linked to relationship breakdown, 16% used a court process and 28% participated in mediation. Independent mediation, conciliation or arbitration was also used relatively often by those with an employment dispute (16%), while use of a court/tribunal process was relatively common for those with a personal debt problem (12%), other money problem (8%), issue with the provision of state benefits (11%) or injury or ill-health arising from an accident or negligence (11%) (see Table 2.4).

Table 2.4: Use of formal resolution processes by problem type,¹ LPRS 2014–15

	Percentages				
	Court / tribunal claim	Used independent conciliation, mediation or arbitration	Used regulator/ ombudsman	Did not use formal legal process	<i>Unweighted base</i>
Civil problems	5	8	6	84	2,199
Purchasing goods and services	2	3	4	91	424
Neighbours' anti-social behaviour	-	9	2	89	405
Money excluding personal debt	8	8	12	77	434
Personal debt	12	10	7	76	187
Rented accommodation	-	9	5	87	318
Accidents or medical negligence	11	8	4	78	212
Owning or buying residential property	6	7	6	85	219
Administrative problems	6	11	5	82	636
Employment	3	16	5	79	317
State benefits	11	3	5	85	202
Education	3	11	5	84	117
Family problems	16	28	0	65	124
All legal problems	5	9	5	83	2,959

¹ Respondents could select more than one formal process, so percentages will not sum to 100.

Adults who had not used a court or tribunal in relation to their problem were unlikely to have considered doing so (14% said they had considered the use of a court or tribunal). The most common reason given for not using a court or tribunal was that the problem had already resolved. The role of court fees was mentioned by a small minority (10% of those who had considered using a court or tribunal and 6% of those who had not considered it).

Similarly, among the 91% of adults who did not take part in independent conciliation, mediation or arbitration, 12% said they had considered doing so at some point and 88% said they had not considered it at all. The most common reason for not using mediation was that the problem was resolved, although for some it was not considered appropriate or they did not think it would help.

Most of those who were involved in a formal process to resolve their problem said that they had either obtained legal help (27%) and/or other professional help (56%), with those who had done neither usually sourcing their own information, advice or help. Just over a half of those involved in a court or tribunal process said they had obtained formal legal help.

A quarter of those who used conciliation, mediation or arbitration had obtained formal legal help and 62% had used other professional help.

Due to the small number of survey respondents who had been involved in a court or tribunal process it is not possible to provide detailed findings on their experience of that process. The survey does, however, suggest that around a half of such cases did not proceed to a court or tribunal hearing. Surveys that specifically target court or tribunal users provide fuller information on experiences (see for example the Civil Court User Survey).¹²

2.5 Help obtained to resolve problems

In addition to examining the most formal resolution strategy used by adults with legal problems, including the use of formal legal resolution processes such as court, the LPRS also explored the range of sources of information, advice and help that people accessed to deal with or resolve their problem. The sources of information, advice and help used, were categorised as follows:

- **Formal legal help** (information, advice and help from a solicitor or barrister);
- Other **professional help** (information, advice and help from an independent advisor whose role is not necessarily to give legal advice e.g. Citizens Advice, local council, trade unions, other unspecified advisors);
- **Sourced own information** (e.g. from the internet or leaflets, or family and friends or the other party); and,
- **Obtained no advice**, information or help.

The majority of adults with a problem obtained information, advice or some other form of help to try and sort out their problem. They most often sourced their own help (73%), for example from the internet, although almost four in ten (39%) had used either formal legal or other professional help.

Overall, 84% of adults with a problem had obtained some form of information, advice or help when trying to sort out the problem, often using a number of different sources. Overall, 12% gained information, advice or help from a legal professional, 32% from another professional and 73% sourced their own information, for example from the internet or leaflets or family and friends. Of those who sourced their own information, 40% had also gained formal legal or other professional help too.

¹² Hamlyn et al (2015).

There were variations in advice-seeking behaviour by type and nature of problem, which broadly mirror those reported above in relation to overall resolution strategy. There was, however, more variation in advice-seeking behaviour across socio-demographic groups than observed when examining the most formal resolution strategy used. The sourcing of own information was high across all groups, although somewhat lower among those aged 75 or over (59%), those with no educational qualifications (61%) and those from black or minority ethnic groups (66%). Conversely, while formal legal help was uncommon, it was relatively more common among 45–64 year olds (14%), those in employment (13%) and home-owners (14%–15%). The likelihood of obtaining formal legal help also increased with household income, being 17% for those in a household with an income of £60,000 or more per year and 7% for those in a household with an income of less than £15,000 per year.

The key factors that were strongly associated with obtaining formal legal or other professional help were characteristics related to the problem itself (such as the type of problem experienced, the seriousness of the problem, whether it was thought of as legal at the outset, whether it led to adverse consequences and the duration of the problem), whether a formal resolution process was used, and age of adult (with older adults more likely to obtain legal or professional help).

2.6 Use of legal or professional help

The most common source of formal legal or other professional help was a solicitors' firm, with a quarter of those obtaining legal or professional help using a solicitor. Advisors tended to offer a range of types of help and advice, from directly acting on behalf of the individual to general guidance and moral support. Those using legal or professional advisors were generally satisfied with the service they received.

Among adults who used legal or professional advisors in relation to their problem (39% of all those with a problem), the sources most often mentioned were a solicitors' firm (26%), Citizens Advice (18%) and local council services (14%). The use of solicitors among those who obtained legal or professional help was highest for problems related to relationship breakdown (62%), injury or ill-health arising from an accident or negligence (63%), owning or buying residential property (39%) and money (not personal debt) (32%). Among those who obtained legal or professional help, the use of Citizens Advice was particularly popular for problems related to personal debt (45%) or the provision of state benefits (49%).

Those who used legal or professional help tended to obtain a range of different types of information, advice and help. The majority of adults who obtained help from a legal/professional advisor said that the last advisor contacted had provided help to understand the situation or their options (82%), suggestions on what they should do (76%) or help to understand their legal rights (70%). Around three-fifths (62%) said they had gained moral support. The provision of more direct help was less common, with 52% of adults who obtained legal/professional help reporting the (last) advisor acted on their behalf, 39% saying that they helped prepare documents and 3% saying they represented them in a court or tribunal. Overall, among those who had obtained help from a formal legal advisor (that is, from a solicitor or barrister), 70% said the legal advisor had acted on their behalf, and 62% that the legal advisor had helped them complete documents. Formal legal representation in a court or tribunal was far less common, mentioned by 9%.

Fifteen per cent of adults who had used a legal or professional advisor said that they had to personally pay for the help provided. This was more common where the advisor was a solicitor (35%). Those using a legal or professional advisor were generally positive about the service they received. In relation to the last advisor used, 85% said that they were satisfied with the advisor, 64% said they thought the advisor had helped resolve or reduce the problem and 97% felt that the advisor had treated them with respect.

Of those adults with a legal problem who did not obtain any help from a legal or professional advisor, 6% had wanted to obtain legal or professional help but were unable to and 11% said they had considered getting such help but had decided not to do so. Sixteen per cent of adults who did not obtain any legal or professional help said this was due to cost. More common reasons given were that they did not need help or knew enough themselves (28%), the problem was not important enough (22%), or that the problem resolved without the need for help (20%). Adults with problems relating to a relationship breakdown were more likely than adults with other problems to cite cost as a reason for not obtaining any legal or professional help (34% compared with 15% of civil and 16% of administrative problems).

2.7 Self-help

Overall, almost three-quarters (73%) of adults with a problem had sourced their own information or advice to help deal with the problem. Almost half of all adults with problems had obtained information, advice or help from their friends and family, or the other side of the problem (both 44%), and just over a third (35%) had used the internet, continuing the upward trend seen in previous surveys. Using the internet is more common than using leaflets, books or self-help guides for information or advice (11%).

Getting help from friends and family was more common for adults with problems related to a relationship breakdown (68%). Getting information, advice or help from the other side of the problem was particularly common for problems with purchasing goods and services (60%) and the provision of education (59%).

The use of the internet as a source of information or advice was particularly common for problems with the provision of education (57%), the provision of state benefits (46%) and issues with owning or buying residential property (43%). Adults aged 65 and over and those with no educational qualifications were least likely to have used the internet to help with their problem (10%–19%). This is likely to be related to the general patterns of internet access and use among these groups.

The types of information adults obtained when using the internet to help with their problem followed a similar pattern to the type of information gained from leaflets, books or self-help guides. This was most commonly to identify a source of advice, obtain information on how to deal with the problem, information about rights and to find contact details for an advisor.

2.8 Outcomes of legal problems

Overall, just over half of problems had resolved by the time of interview, with only a small proportion being resolved by a court or tribunal. Around a half of problems that were resolved through action were resolved using self-help only. In around a half of unresolved problems where action had been taken, formal processes or formal legal or professional help had been used, suggesting these had not been effective in resolving the issue.

The most common way of resolving legal problems was through agreement with the other side (41%), either through a direct agreement (34%) or through independent conciliation, mediation or arbitration (7%). A quarter of adults with resolved problems (26%) said that they or the other side of the problem had acted independently of each other to sort it out and 21% said the problem just sorted itself out or that they moved on. A very small proportion of resolved problems were resolved as a result of a decision made by a court, tribunal or other independent party such as a regulator or the police (7%).

Overall, 59% of adults whose problems had resolved by the time of interview said that it had resolved all or somewhat in their favour, 24% said the outcome was evenly split, 13% said it had resolved all or somewhat in favour of the other side, with the remaining 4% saying it had ended in no one's favour. There was some variation by problem type, with problems relating

to injury or ill-health arising from an accident or negligence most likely to conclude in the respondent's favour (75%), and personal debt problems most likely to conclude evenly (52%) and least likely to conclude in the respondent's favour (25%).

Almost two-thirds of adults with unresolved problems (60%) said that they planned to take action to try to resolve their problems in future. Adults with problems concerning their neighbours' anti-social behaviour were less likely to say they planned to resolve their problem in future than adults with problems relating to personal debt or rented accommodation (52% compared with 71% and 70%). There was little variation in whether an adult planned to resolve their problem in future by their socio-demographic characteristics, problem duration, problem seriousness or whether the problem had led to adverse consequences. Adults who had already tried to resolve their problem in some way, or had obtained some form of help, were more likely to say they were planning to resolve their problem in future than adults who had not previously tried to resolve their problem.

Comparing the subset of adults with an unresolved problem who had tried to resolve it at some point but subsequently given up with those whose problems had resolved as a result of action,¹³ shows that there are few differences between the groups in terms of socio-demographic profile or type of problem experienced. Those who had given up were, however, more likely to have problems they considered to be very serious and that had resulted in adverse consequences.

Examining the most formal resolution strategy used by adults who had given up trying to resolve their problem and adults whose problems had resolved as a result of some action shows that a similar proportion of each group had used a formal resolution process (18% and 20% respectively), and self-help (51% and 55%). Adults who had tried to resolve their problem and given up were, however, slightly more likely to have used legal or professional help than adults whose problems were resolved through an action (32% compared with 24%).

¹³ Comprising decisions made by a court, tribunal or other independent party, through conciliation, mediation or arbitration, through direct agreement with the other party, or by the respondent or the other party taking independent action to resolve the problem.

3. Conclusions

The main aim of the Legal Problem and Resolution Survey (LPRS) was to provide robust quantitative evidence on the civil, administrative and family legal problems experienced by adults in England and Wales.

Experiencing a legal problem is a relatively common experience, with a third of adults having experienced at least one problem in the preceding 18 months, although many people who do have such a problem do not classify it as a legal issue themselves and most problems are dealt with without the use of any legal or formal resolution processes or legal advice. Thus the problems that result in formal legal action are a very small part of a much larger pool of problems that people experience, and for the most part, deal with alone or without legal or professional help. These findings are in line with those from previous surveys.

Understanding the overall picture and the extent to which individuals are able to deal with their problems through less formal means is important in considering what access to justice represents for different groups, and how people can best be supported in resolving issues effectively and quickly.

Previous surveys have shown that some vulnerable groups of the population were far more likely to experience problems than others.¹⁴ The LPRS similarly finds that experiencing legal problems varied for different groups of the population, with lone parents, unemployed adults, those in receipt of means-tested state benefits and adults with a long-standing limiting disability particularly likely to experience legal problems. These groups were also more likely to experience multiple problems, again in line with previous survey findings. Having a low household income was not related to experiencing a legal problem overall, but was related to experiencing multiple legal problems. These findings suggest that groups who are less likely to have access to financial resources and who may be more vulnerable to disadvantage are more susceptible to problems.

There was some variation in the types of legal problem experienced by different groups of the population. Lone parents could be expected to have high levels of experience of relationship breakdown problems, but they also had relatively high levels of most of the other problem types included in the survey (personal debt, other money problems, rented accommodation, neighbours' anti-social behaviour and state benefits). Adults with a

¹⁴ See for example, Balmer (2013).

long-standing or limiting disability were particularly likely to experience problems relating to injury or ill-health arising from an accident or negligence, and, along with unemployed adults and adults who received state benefits, they were also relatively likely to experience problems with provision of state benefits, personal debt, and their neighbours' anti-social behaviour. Adults with lower household incomes were more likely to experience problems with personal debt, rented accommodation and neighbours' anti-social behaviour, whereas adults with higher household incomes were more likely to experience problems with purchasing goods and services and money (excluding personal debt).

For many people the problems they experienced were significant, with almost half reporting at least one adverse consequence arising from the problem, most commonly stress or other mental health problem, loss of confidence or loss of income or financial strain, and a quarter considering the problem to be very serious. This pattern is again broadly similar to those found in previous surveys.¹⁵ Thus the ability of people to understand and deal effectively with their problem is important in minimising the negative consequences that they may experience and in ensuring a solution is found.

Most people took active steps to try to understand or sort out the problem that they faced, usually turning to non-legal professional advisors or sourcing their own information, advice or help to try to resolve the issue. The proportion of adults who took some form of action to try to resolve their problem appeared to be higher compared with previous surveys.¹⁶ Relatively few problems involved the use of a legal process or formal resolution service, or formal legal help.

Adults' experiences of their problem and how they went about trying to deal with the problem varied somewhat across different types of legal problem. Broadly, problems related to a relationship breakdown had a different profile to civil and administrative problems.

Adults who experienced problems related to a relationship breakdown were more likely than adults with most other types of problems to consider their problem to be very serious, and to report experiencing a range of adverse consequences as a result of the problem. How adults with relationship breakdown problems tried to resolve their problem also differed somewhat, as they were more likely to use a formal resolution process, and more likely to obtain formal legal help.

¹⁵ See for example, Balmer (2013).

¹⁶ The measures are not directly comparable to previous surveys due to differences in how these questions were asked in the different surveys.

There was considerable variation across the different types of civil and administrative legal problem, and while there were some broad patterns for different types of problem, within each problem type there was also considerable variation in the experiences people had. The supplementary report provides full details on these differences.

There were very few differences between different socio-demographic groups in the resolution strategy they used, including no differences based on their household income. Socio-demographic characteristics were not associated with using a formal resolution process when the problem characteristics and use of help were taken into account. The key factors that were associated with the use of formal resolution processes, in addition to the use of formal legal help were the problem type, perceived seriousness of the problem, whether it was considered a legal issue at the outset and the problem duration.

Socio-demographic characteristics were, however, related to whether an adult obtained formal legal help to resolve their problem. Adults who had higher household incomes, and perhaps related to this, older adults, employed adults and those who owned their homes, were more likely to obtain formal legal help than other adults. Reflecting the resolution strategy findings, adults were more likely to have obtained formal legal help if they thought of their problems as legal when it began, considered it to be very serious and reported it had led to adverse consequences.

Self-help was the most common strategy used to try to resolve legal problems, with adults commonly reporting getting information, advice or help from their friends and family or the other side of the problem. The use of the internet as a source of information or advice has increased compared with previous surveys, but still remains relatively low compared to the high proportion of adults who report using the internet for other purposes (such as online banking or government transactions).

The findings from the survey show that the types of legal problem people commonly encounter present a complex and variable set of circumstances and issues and they cannot be easily categorised based on a single dimension, such as the type of legal dispute. The provision of help, advice and services to support people with such problems therefore needs to be sufficiently broad and flexible to meet a diverse range of needs.

The advice-seeking behaviour of those with problems shows that a range of different legal and professional advisors were used, with many using more than one type of provider,

alongside self-help. The help received from providers was also wide ranging, and in two-thirds of cases it appeared the help served to resolve or reduce the problem experienced.

The LPRS included a mix of resolved and unresolved problems. Many of the resolved problems were resolved without the use of any formal resolution process or service. Of those problems that had resolved, six in ten were resolved by both parties to the problem directly engaging with each other or by one of the parties acting independently.

Comparing adults with a problem who had tried to resolve it at some point but subsequently given up with those whose problems had resolved as a result of some form of action, shows similarity in socio-economic profile and problem type profile. Those who had given up were, however, more likely to have problems they considered to be very serious and that had resulted in adverse consequences. The patterns of resolution strategies and help obtained differ only slightly between the two groups, suggesting that formal resolution processes and formal legal help or professional help were not always effective in resolving the issue.

There is a small group of adults with problems which significantly impact on them who, despite using a variety of resolution strategies, fail to resolve their problem. An adult's confidence and capability are likely to be a key influence on their behaviour and how they respond to their legal problem. In some cases, the use of formal resolution processes or legal help may not be warranted and the problem can be resolved using only self-help, and adults with these problems take the appropriate level of action to resolve their problems. In other cases, adults' willingness to engage with their problems or their willingness to compromise to reach a conclusion may influence how they choose to resolve their problem.

Overall, the findings suggest that adults vulnerable to disadvantage are more likely to experience problems, and so could benefit from some targeted support. More work is however needed to explore what support would be most useful, as the findings did not illuminate what works best in helping adults to successfully resolve their legal problems, with little variation by the resolution strategies or advice obtained. Being able to access and understand information about possible options will influence how people try to resolve their legal problems. Individual capability and confidence are also important, with some people able to fully understand the available resolution options, and therefore either handle their problems using only self-help sources or know what kind of professional help would be suitable and know when and how to access it. Conversely, others with lower levels of legal

capability and confidence may be discouraged from trying to resolve their problem if they are unable to access or understand relevant information, advice or help.¹⁷

The LPRS has captured a wealth of data, including some areas which have not been covered in this report, such as public awareness of legal services, attitudes to the Justice System and self-perception of legal capability. Further analysis of the data can be undertaken to explore these issues, and the data will be made available to the wider research community in due course.¹⁸

¹⁷ Pereira et al (2015).

¹⁸ The data will be deposited at the UK Data Service, see <https://www.ukdataservice.ac.uk/>

References

- Balmer, N., (2013), English and Welsh Civil and Social Justice Panel Survey: Wave 2, Legal Services Commission. Available at:
<http://webarchive.nationalarchives.gov.uk/20130315183909/http://www.justice.gov.uk/downloads/publications/research-and-analysis/lsrc/lsrc-report-csjps-wave-2.pdf>
- Genn, H. (1999) *Paths to Justice: What People Do and Think About Going to Law*, Oxford: Hart
- Hamlyn, B. Coleman, E., Purdon, S., and Sefton, M. (2015) *Civil Court User Survey: Findings from a postal survey of individual claimants and profiling of business claimants*. Available at:
<https://www.gov.uk/government/publications/civil-court-user-survey-2014-to-2015>
- Pleasence, P. and Balmer, N.J. (2010) *Civil Justice in England and Wales: Report of the 2006–9 English and Welsh Civil and Social Justice Survey*, London: Legal Services Commission
- Pleasence, P., Balmer, N.J. and Reimers, S. (2010b), 'Horses for Courses? People's Characterisation of Justiciable Problems and the Use of Lawyers', in Legal Services Board (ed.) *The Future of Legal Services: Emerging Thinking*, London: Legal Services Board.
- Pleasence, P., Balmer, N.J., Patel, A., Cleary, A., Huskinson, T. and Cotton, T. (2011) *Civil Justice in England and Wales 2010: Report of the First Wave of the English and Welsh Civil and Social Justice Panel Survey*. London: Legal Services Commission.
- Pleasence, P., Balmer, N.J., and Sandefur, R.L. (2013) *Paths to Justice: A Past, Present and Future Roadmap*.
- Pereira I., Perry, C., Greevy, H., and Shrimpton, H. (2015) *The Varying Paths to Justice*. Available at: <https://www.gov.uk/government/publications/the-varying-paths-to-justice>.

Appendix A

Glossary

Administrative legal problem – a problem that would be mainly dealt with by a tribunal. Administrative problem types included in the LPRS relate to employment, the provision of state benefits and the provision of education.

Civil legal problem – a problem that would be mainly dealt with by a county court. Civil problem types included in the LPRS relate to purchasing goods and services, neighbours' anti-social behaviour, debt, accidents and negligence, and buying, owning or renting property.

Conciliation, mediation or arbitration – the use of an independent and impartial third party to resolve disputes outside the court or tribunal. Generally, conciliation and mediation are non-binding whereas arbitration is binding on both parties to the dispute.

Family legal problem – a problem that would be mainly dealt with by the Family Court. Family problems included in the LPRS relate to disputes arising from a relationship breakdown, such as parental disputes concerning children, and financial provisions.

Formal legal help – information, advice or help to resolve a legal problem received from a solicitor, lawyer or barrister.

Professional help – information, advice or help to resolve a legal problem received from an independent professional advisor whose role is not necessarily to provide legal help.

Formal resolution process – comprises court or tribunal cases, other court processes (such as Money Claim Online), contacting a regulator or ombudsman, or participation in conciliation, mediation or arbitration.

Legal or professional help – information, advice or help to resolve a legal problem received from either a lawyer, solicitor or barrister or other independent professional advisor whose role is not to provide legal help.

Legal problem – a problem or dispute that *could* be resolved through the court or tribunal system.

Ombudsman – an independent, impartial person appointed to investigate complaints about organisations.

Self-help – obtaining information, advice or help to resolve a legal problem from friends and family, the other side of the dispute, the internet, or leaflets, books and self-help guides.