

Northern Ireland Legal Needs Survey

Report prepared for

Northern Ireland Legal Services Commission

July 2006

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By

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Executive Summary

Introduction

- 1 This report presents the main findings from the 2005 Northern Ireland Legal Needs Survey. The Survey was undertaken on behalf of the Northern Ireland Legal Services Commission.
- 2 The overall aim of the research is to enable the Commission to inform itself about the need for legal services in Northern Ireland, as required under article 6 of the Access to Justice (NI) Order 2003.
- 3 In meeting this aim, the NI Legal Needs Survey was designed to address the following questions:
 - What is the incidence of legal need in Northern Ireland, as measured by the proportion of the adult population experiencing different kinds of problems which have a remedy in civil law?
 - How does the incidence of legal need vary among different segments of the population, with particular reference to the section 75 equality groups and indicators of disadvantage such as receipt of State benefits?
 - What are the responses of the public to justiciable problems, including the use of legal and other advice sources, self-help strategies, and simply doing nothing?
 - What are the outcomes of different strategies for resolving justiciable disputes?
 - How does the incidence of legal need in Northern Ireland compare with existing estimates for England and Wales and Scotland?

Methodology

- 4 The methodology for the NI Legal Needs Survey comprised two main elements:
 - Development of a modified shortened version of the 2004 *English and Welsh Civil and Social Justice Survey*, to ensure comparability of the survey results so far as this was possible.
 - The use of an existing survey vehicle for the purposes of data collection, that is, the Northern Ireland Omnibus Survey, which is a random probability sample of individuals living in private households.

- 5 The NI Omnibus Survey is undertaken by the Northern Ireland Statistics and Research Agency (NISRA) on a periodic basis mainly to obtain snapshot data on attitudes to various issues of interest to Government.
- 6 In order to ensure a sample size large enough for statistical analysis, the Legal Need questionnaire was included in each of three successive Omnibus surveys over the period January to April 2005. This strategy yielded a total of 3,361 interviews.
- 7 Each of the survey respondents was asked whether or not they had experienced one or more of 19 problem types in the previous three years. Those who said they had experienced one or more problems were also asked, for the most recent and, where applicable, second most recent occurrence of each problem type, whether it was still ongoing or now over. If the problem had concluded, respondents were asked how the dispute had been resolved.
- 8 Those who had experienced a problem were then asked a series of follow-up questions to determine what they had done in response to the problem, including whether they had sought advice, the sources used, the nature of the advice given and what, if any, further action was taken. Respondents were also asked about their level of satisfaction with the outcome.
- 9 Overall, the NI Legal Needs Survey could be considered successful in meeting its stated objectives, notwithstanding a degree of complexity and the inclusion of a number of sensitive topics (e.g. domestic violence, mental health, relationship problems). The number of persons saying they had experienced one or more problems in the past three years was close to 1,200. This was well within the target sample size range originally specified as being required to facilitate statistical analysis of what people do when confronted with justiciable problems.

Incidence, Number and Type of Problem

- 10 Legal needs surveys measure the occurrence of a range of problems that people encounter in their everyday lives and which have some form of legal 'content'. These are called 'justiciable problems'.
- 11 Section 2 of the report focuses on the incidence, number and type of justiciable problems, as reported by respondents to the NI legal needs survey. It answers the following questions:
 - How many persons experienced one or more of 19 problem types in the three-year survey reference period?
 - How frequently did different problem types arise?
 - How many problems did people encounter?

- What were the differences by problem type in their relative importance to, and impact upon, individual 'problem-havers'?
- How does the Northern Ireland picture compare with other countries of the UK?

12 The key findings are as follows:

- 35.5 per cent of survey respondents said they had experienced one or more problems in the preceding three years, on a par with comparable estimates for England and Wales.
- Most of those with a problem (62 per cent) encountered one type of problem only. One in five experienced two problem types, while a further 17 per cent had three or more types of problems.
- The average number of problems reported was 1.94 per person with a problem. Applied to the NI population aged 18+, this equates to a grossed-up total number of problems in the three-year survey reference period of 875,000, equivalent to 688 per 1,000 persons aged 18+.
- The reported incidence of different problem types varied considerably, from 14 per cent for consumer problems to less than one per cent for problems such as domestic violence and homelessness.
- The types of problems reported by respondents to the NI LNS followed much the same patterns as in England and Wales
- Over two-thirds of those with a problem said that it was very important to resolve, while 40 per cent said that the impact on their lives was very severe. Importance and impact varied by problem type.
- The problems with the greatest impact on individuals' lives were those to do with divorce, family/relationship matters, children and/or domestic violence, followed closely by welfare benefits and access to social services. The severity of the impact was lowest for consumer problems.

Socio-demographic Profile

- 13 The socio-demographic profile of persons reporting justiciable problems is critical in 'mapping' from legal needs to social needs. This is of singular importance in assessing the vulnerability of different social groups to justiciable problems, particularly the more disadvantaged sections of the population, as well as the extent to which needs differ within and across the various section 75 groups.

14 Section 3 of the report provides a socio-demographic profile of justiciable problems, under the following headings:

- How does the incidence of justiciable problems vary among different segments of the population?
- What are the main patterns of vulnerability to justiciable problems?
- How do patterns of vulnerability vary by problem type?

15 The key findings are as follows:

- There are pronounced variations between and within different socio-demographic groups in the reported incidence of justiciable problems.
- The highest report rates were amongst lone parents (59 per cent), divorced persons (58 per cent), working age persons with a disability (55 per cent), working age persons in receipt of state benefits (50 per cent), those living in private rented accommodation (48 per cent) and persons with caring responsibilities for a disabled or dependent older person (46 per cent).
- Incidence was higher amongst sub-groups that are more directly linked to the 'defining circumstances' of a problem than are others; for example, living in rented accommodation and problems of that type. This same effect can lead to the clustering of problems due to a person's particular circumstances. For example, separated and divorced persons were more likely than other marital status sub-groups to report problems to do with divorce proceedings as well as families and relationships, children and domestic violence.
- In addition, some sub-groups possess other characteristics that serve to increase their vulnerability to a justiciable problem, over and above the direct effects associated with defining circumstances. For example, a high proportion of working age persons with a disability receives State benefits and they were more likely to report such problems than persons without a disability. In short, multiple sources of disadvantage interact to increase vulnerability to justiciable problems.
- The third main influence identified was the 'stages of life' effect, which is most clearly seen in the variations by age group in the incidence of justiciable problems. For both men and women, the incidence of problems was highest amongst those in the 25-34 and 35-44 age groups (45 per cent).

- 16 The survey findings can therefore be seen to underpin the relevance of legal and advice services to the Government's New Targeting Social Need (TSN) initiative for tackling poverty and social exclusion.
- 17 In addition, the Legal Needs Survey provides evidence that, from a section 75 equality perspective, different groups have different needs and experiences in relation to justiciable problems, both in terms of the frequency of occurrence and the patterns of problem types that different groups encounter. The survey findings therefore point to the need for section 75 screening in respect of new policies and programmes for publicly funded legal services. Though, the NI Legal Needs Survey also provides a resource for equality screening.

Responses and Actions Taken

- 18 One of the more important benefits of a legal needs survey is that it facilitates the collection of information on the actions taken by individuals in the face of justiciable problems, for example, whether they seek advice, or deal with the problem using their own means, or simply let it take its course.
- 19 Section 4 of the report focuses on responses to justiciable problems. It addresses the following issues:
- What problem handling strategies do people adopt when confronted with justiciable problems?
 - To what sources do people turn for advice and how does this vary by problem type?
 - How successful are advice-seekers in obtaining the advice and information that they need?
 - What courses of action do people take?
- 20 The key findings are as follows:
- Problem handling strategies varied according to the nature of the problem as well as the importance of and impact upon the affected individual.
 - Fourteen per cent did not take any action nor seek advice or information from any source. Most often, this was because they did not think it would make any difference (36 per cent of those who did nothing).
 - A little over one in four (26 per cent) of those who reported a justiciable problem said that they had handled the problem on their own. Those with consumer problems were most likely to adopt this approach

- Sixty per cent of problem-havers sought advice, from a range of different sources. Those having a problem to do with divorce, family/relationships, children and/or domestic violence were the most likely (77 per cent) to seek advice.
- Of those who sought advice, 61 per cent said they got all of what they needed. A further 29 per cent said they got some of what they needed while one in ten said they got none of what they needed.
- The majority of problem-havers (65 per cent) sought to resolve their problem by talking with or writing to the other side. Eight per cent took a course of action involving a court or tribunal, while five per cent said they had used a mediation/conciliation service with three per cent mentioning the use of an ombudsman.
- Partly reflecting a different mix of problem types, advice-seekers were more likely than self-helpers to take courses of action involving more formal procedures.

Resolutions and Outcomes

- 21 A legal needs survey can help to illuminate the extent of unmet need by documenting the occurrence of problems where advice has not been sought and which the citizen has been unable to resolve satisfactorily.
- 22 Section 5 of the report provides a framework for assessing unmet need by examining how problems were resolved and satisfaction with outcomes, relative to the problem handling strategies adopted by those with justiciable problems. The following issues are addressed:
- In what ways were justiciable problems resolved?
 - How did resolutions vary by type of problem?
 - How satisfied were those surveyed with the way in which their problem was resolved or is working out?
 - What can the above tell us about the extent of unmet legal need?
- 23 The key findings are as follows:
- The most common means of resolving disputes was by agreement (42 per cent). A further 18 per cent said the problem had 'sorted itself out'. Thirteen per cent of those whose problem had concluded said they had simply given up trying to sort the matter.

- Relatively few problems (six per cent) reached a court/tribunal. One per cent of problems ended via an ombudsman with five per cent saying their problem had been concluded through mediation/conciliation.
- Apart from the use of mediation, the NI survey findings are broadly similar to those reported for the LSRC's 2004 England and Wales survey.
- Resolutions varied by problem type. Two in three consumer problems ended by agreement. One in three problems to do with divorce, family/relationships, children and/or domestic violence concluded at a court/tribunal.
- Fifty-five per cent said that they were satisfied with how their problem had concluded or was working out. Satisfaction was higher for problems that are now over (69 per cent) compared to ongoing disputes (35 per cent).
- Satisfaction also varied according to problem-handling strategies, being higher where the respondent had handled the problem alone or had sought advice and obtained all of the advice felt to be needed.
- Based on situations where no advice was sought and the respondent was not satisfied with how things had worked out or were working out, the extent of unmet need is indicatively estimated at 16 per cent of justiciable events.

Concluding Remarks

- 24 The NI Legal Needs Survey provides, for the first time, a baseline for quantifying the incidence and extent of justiciable problems in Northern Ireland and the ways in which people go about tackling such problems, including sources of advice. In that regard, it enables the Commission to better inform itself about the need for civil legal services, including the importance and impact of different problem types.
- 25 The Survey also provides a resource for policy development, insofar as it contributes to building an evidence base for the development of new systems to administer publicly funded legal services that seek to ensure access to justice for those with legal needs. The patterns of vulnerability illustrated in this report are especially germane to the New TSN and section 75 policy contexts.
- 26 The NI Legal Needs Survey should also be seen as a resource for research and investigation into legal need in Northern Ireland. In that regard, it is strongly recommended that the Survey dataset should be made available to the academic community for further investigation and analysis. While this report has presented the main findings from the

Survey, there is still scope to undertake additional research into a number of topics.

- 27 Finally, as the 2005 Survey represents a baseline, it is useful to consider periodic follow-up Surveys, to serve in tracking and updating the picture of need, to take account of new developments, and strengthening the evidence base through the accumulation of research findings. This could be done on a 3-4 year cycle.

1 Background

Introduction

- 1.1 The Northern Ireland Legal Services Commission ('the Commission') was established in October 2003 to assume responsibility for the administration of all aspects of publicly funded legal services in Northern Ireland. The creation of the Commission, under the Access to Justice (NI) Order 2003, is a central plank in the Government's ongoing reform of arrangements for the delivery of legal aid.
- 1.2 Article 6 of the Access to Justice (NI) Order requires the Commission, *inter alia*, to "inform itself about the need for, and the provision of, civil legal services". An early task for the Commission has therefore been to design and implement a research strategy to provide an evidence base for the development of new systems to administer publicly funded legal services that seek to ensure access to justice for those with legal needs.
- 1.3 In early 2004, as the first stage in the development of a research strategy, a literature review was commissioned to address two overarching issues:
 - What are the definitions of legal and social need to be measured, within the context of provision of legal aid?
 - Empirically, what research strategy should be deployed to measure these definitions?
- 1.4 The literature review, reported in Dignan (2004), found a dearth of original empirical research into the incidence and extent of civil legal need in Northern Ireland. This stands in marked contrast to the rest of the UK, where there is a long tradition of legal needs studies, dating back to Abel-Smith *et al* (1973), on through Genn (1999) and Genn and Paterson (2001), to the Legal Service Research Centre's (LSRC) English and Welsh Civil Law and Social Justice Surveys (Pleasence *et al*, 2004; 2006). One consequence is that policy development in Northern Ireland tends to be shaped by, and to follow on from, what is happening in the rest of the UK. This in turn assumes that the contours of legal need in Northern Ireland are no different from the rest of the UK. However, it cannot be taken as given that the incidence and extent of legal need in Northern Ireland is identical to the 'national average'¹.

¹ This is evident from the contrast between Scotland and England and Wales illustrated in the Genn (1999) and Genn and Paterson (2001) *Paths to Justice* studies (see the discussion in Dignan, 2004).

- 1.5 Furthermore, the way in which people respond to problems that may raise legal issues is likely to be shaped not just by their individual perceptions and capabilities, but also by the availability and provision of advice and assistance and peoples' awareness of the possibilities for accessing advice and assistance. But the 'supply side' in the provision of advice and assistance will inevitably exhibit local variations that may in turn affect the extent to which needs are met, or not.
- 1.6 Finally, the policy context in Northern Ireland differs somewhat from the rest of the UK. The national concerns with poverty and social exclusion are echoed in the New Targeting Social Need (TSN) initiative in Northern Ireland. But public authorities in Northern Ireland are also subject to the requirements of section 75 of the Northern Ireland Act (1998). Section 75 requires public authorities to have due regard to the need to promote equality of opportunity between persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation; between men and women generally, persons with a disability and persons without, and persons with dependants and persons without. In meeting their section 75 requirements, public authorities may need to subject their existing policies and practices to an equality impact assessment to determine if there is any adverse impact with respect to the nine section 75 groups. Satisfying this requirement entails gathering information on the differences in needs between sub-groups of the population. Section 75 therefore provides an additional impetus to the collection of original research data on the situation in Northern Ireland.
- 1.7 For all of the above reasons, the Dignan review recommended that a Northern Ireland legal needs survey should be undertaken, as a critical building block in the development of the Commission's research strategy. This recommendation was accepted. Subsequently, the fieldwork for the first Northern Ireland Legal Needs Survey (NI LNS) was undertaken in spring 2005.
- 1.8 An interim report was made to the Commission in July 2005 on the 'top-line' findings from the NI LNS. This was followed by a presentation of analysis and findings to the Commission in September 2005. The survey findings formed the basis of a presentation to the Sixth LSRC International Conference, *Transforming Lives: The Impact of Legal Services and Legal Aid*, held in Belfast in April 2006 in association with the Northern Ireland Legal Services Commission and the Scottish Legal Aid Board (Dignan, 2006).
- 1.9 This report presents the main findings from the NI Legal Needs Survey. The next part of this Section discusses the survey objectives and the approach to measuring legal need. The Section then presents a summary of the survey methodology, including design and fieldwork; a more detailed description of the Survey can be found in the Statistical Annex accompanying this report. The Section concludes by setting out the structure of the report.

Research Aim and Objectives

1.10 The overall aim of the research is to enable the Commission to inform itself about the need for legal services in Northern Ireland, as required under article 6 of the Access to Justice (NI) Order 2003.

1.11 In meeting this aim, the NI Legal Needs Survey was designed to address the following questions:

- What is the incidence of legal need in Northern Ireland, as measured by the proportion of the adult population experiencing different kinds of problems which have a remedy in civil law? Alternatively, what is the incidence in Northern Ireland of 'justiciable events', as defined in Genn's *Paths to Justice* studies?
- How does the incidence of legal need vary among different segments of the population, with particular reference to the section 75 equality groups and indicators of disadvantage such as receipt of State benefits?
- What are the responses of the public to justiciable problems, including the use of legal and other advice sources, self-help strategies, and simply doing nothing?
- What are the outcomes of different strategies for resolving justiciable disputes?
- How does the incidence of legal need in Northern Ireland compare with existing estimates for England and Wales and Scotland?

1.12 The starting point in addressing the foregoing questions is the definition of legal need proposed in the Dignan (2004) review of legal needs studies, as set out in Box 1.A overleaf. The definition builds directly on that offered by the 1980 Hughes Commission report². Thus, a person who is able to find an appropriate and satisfactory non-legal solution to a problem (e.g. supply of faulty goods or services) could not be said to have a legal need, even if the problem or dispute potentially has a remedy in civil law. Consequently, the need for legal services is conceived in terms of two stages i.e. enabling the person with a problem to identify a legal solution and, if he or she judges it appropriate, choosing a solution that involves knowledge of rights and obligations or of legal procedures.

² The definition set out in Box 1.A also owes much to the discussion in Johnsen (1999).

Box 1.A Legal need: Working definition**Legal need and legal problems**

'Legal needs' are the legal problems that the citizen cannot solve effectively by his or her own means. A 'legal problem' refers to a situation in which knowledge of, or use of legal services could be expected to lead to better outcomes and improved welfare for the citizen, compared to what would be expected to occur if such services were not used and/or the citizen lacked knowledge of his or her legal rights. That is, in the absence of such services or knowledge of legal rights, the citizen may potentially suffer loss or disadvantage.

Legal services

Legal services can be defined broadly, encompassing facilities, advice, assistance, information or action which enable a citizen with a problem to assert or protect his or her rights in law by identifying and, if the person so chooses, pursuing a legal solution, that is, a solution which involves a knowledge of rights and obligations or of legal procedures.

The need for legal services

A citizen encountering a matter that raises legal issues and finding a satisfactory solution cannot be said to have been deprived of legal services. But the person's capacity to find such a solution may depend in the first place on awareness of his or her legal rights.

Accordingly, the need for legal services refers to a need for services – facilities, advice, assistance, information or action – that enable a citizen with a legal need to assert or protect his or her rights in law by firstly identifying and, if he or she so chooses, then pursuing a legal solution.

Unmet need

'Unmet need' arises where a citizen with a legal need is unaware that he or she has a legal right, or where the citizen would prefer to assert or defend a right but is constrained from doing so for want of effective access to appropriate legal services of adequate quality and supply.

Source: Dignan, 2004.

- 1.13 In the definition set out in Box 1.A 'unmet need' is projected as a gap between the occurrence of a legal problem or dispute and the individual's capacity for solving that problem, whether that be a need to know what his or her legal rights are or a need to defend or assert a right. The definition is again largely derived from Hughes, but introduces the sufficient condition for public intervention by speaking of constraints due to lack of 'effective access'. What counts as effective access is ultimately a policy question. Thus, for example, the civil legal aid schemes presently in existence in Northern Ireland largely equate lack of effective access with lack of disposable income and assets.

1.14 In a survey context, the measurement of legal need according to the above definition commences by defining a set of problems or disputes that satisfy some threshold level of seriousness and for which a remedy exists in civil law, and then to inquire about the frequency with which such problems occur amongst the general population (see Dignan, 2004, for a more detailed discussion).

1.15 The key measure used in the NI Legal Needs Survey for that purpose is Genn's concept of a 'justiciable problem', that is:

A legal matter experienced by an individual that raises legal issues, whether or not it is recognised by the respondent as being 'legal' and whether or not any action taken by the respondent to deal with the event involved the use of any part of the civil justice system (Genn, 1999, p. 12).

1.16 A justiciable problem refers to a problem or dispute:

- That is difficult to resolve.
- For which a remedy exists in civil law.

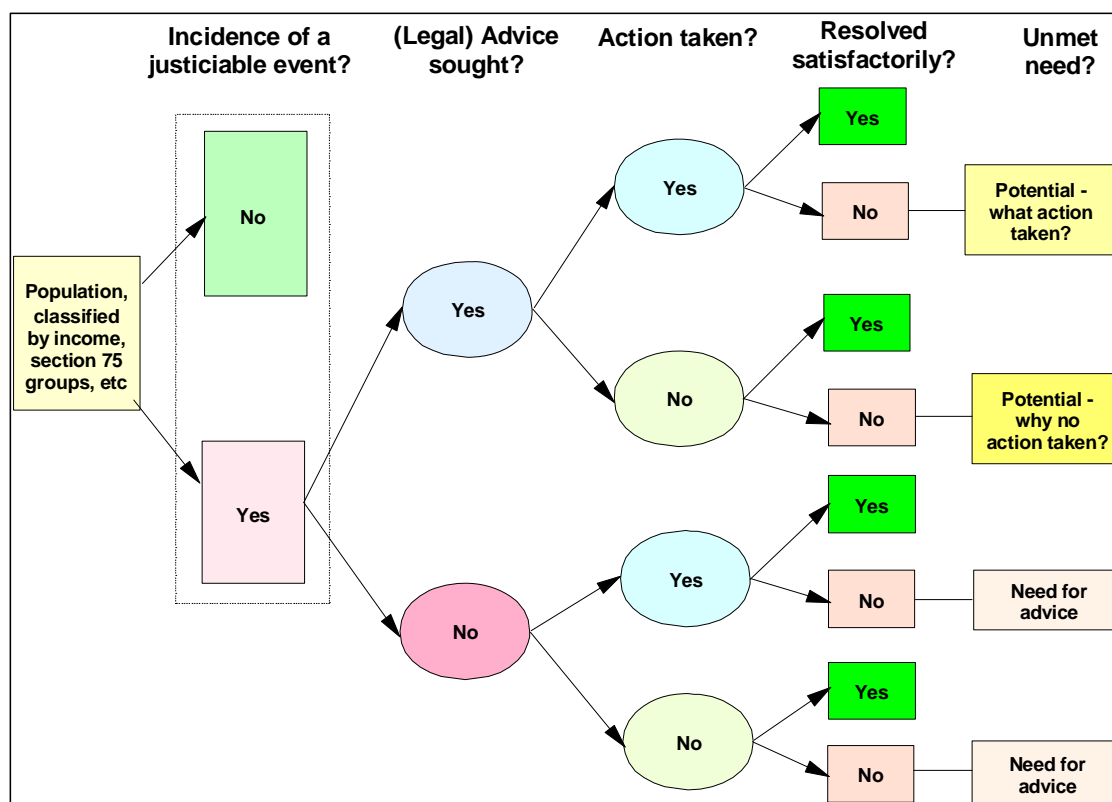
1.17 The justiciable problem concept has become an established element of legal needs surveys, both in the UK and more widely. Furthermore, the concept has proved amenable to measurement in a variety of survey contexts. For both of those reasons, the justiciable problem concept was adopted as a starting point for the measurement of the incidence of legal need in Northern Ireland. Though, it is important to recognise that a justiciable problem represents a measure of the *risk* of a 'legal' problem; its occurrence does not automatically signal that a legal need exists, or even that the problem is 'best' treated as a 'legal' problem. The matter should be important to the affected individual, such that the experience of the problem, or an unsatisfactory or no resolution, has a detrimental effect on the individual's welfare.

1.18 When justiciable problems become legal problems they generate a need for legal services. But, a justiciable problem does not necessarily equate to a 'legal problem':

- The person may themselves be capable of dealing effectively with the problem and bringing it to a satisfactory conclusion e.g. by talking or writing to a neighbour with whom they are in dispute, or a retailer in the case of faulty goods or services.
- Non-legal sources of advice and assistance may be available and adequate for the purpose of resolving the problem e.g. a visit to a CABx advisor may provide an efficient and effective means of dealing with a dispute over entitlement to a welfare benefit.

- 1.19 Justiciable problems can therefore become legal problems at the point where a person does not have the capacity to deal with the problem themselves, or they cannot obtain adequate advice on how to resolve the problem, or they cannot take appropriate action to deal with the problem e.g. because they lack financial resources to act on advice given.
- 1.20 The way in which the above framework is implemented in a survey context is illustrated in Figure 1.1. The first step is to identify the occurrence of a pre-specified set of problem types amongst the population e.g. divorce, children problems, discrimination, employment disputes, etc. At this juncture it is important to collect information on the characteristics of the population, to facilitate an assessment of the overlap between legal need and social needs, including the section 75 equality categories.
- 1.21 The next step is to determine the problem-solving strategies, if any, adopted by persons experiencing justiciable problems, including whether advice was sought and/or any action taken. Finally, information is sought on outcomes, and whether the problem was resolved satisfactorily or otherwise. As illustrated in Figure 1.1, it is then possible to examine the question of unmet legal need. For example, the extent to which persons who seek no advice and are unable to resolve their problems satisfactorily may signal an unmet need for advice, broadly considered.

Figure 1.1 Survey framework for measuring unmet legal need



Survey Design

1.22 Reflecting the research objectives, two fundamental design principles were adopted for the NI Legal Needs Survey:

- To replicate, so far as possible, the questionnaire used by the Legal Services Research Centre (LSRC) for its 2004 English and Welsh Civil and Social Justice Survey³.
- The use of a random probability method for sampling from the population.

1.23 These criteria were adopted for the following reasons:

- The 2004 English and Welsh Civil and Social Justice Survey is built around the justiciable problems concept and provides an appropriate framework for the NI LNS.
- The importance of achieving comparability with survey evidence from other parts of the UK, including especially Genn (1999), Genn and Paterson (2001) and Pleasence *et al* (2004, 2006)
- The need to obtain robust and reliable results that could be generalised to the population of Northern Ireland.

1.24 The LSRC's 2004 English and Welsh Civil and Social Justice Survey was large in scale and also very detailed. It was not, however, possible to fully replicate the LSRC Survey⁴. The design and implementation of the NI Legal Needs Survey therefore proceeded as follows:

- A modified shortened version of the *English and Welsh Civil and Social Justice Survey* was developed that could be used in conjunction with an existing survey.
- Making use of an existing survey vehicle for the purposes of data collection, that is, the Northern Ireland Omnibus Survey, which is a random probability sample of individuals living in private households.

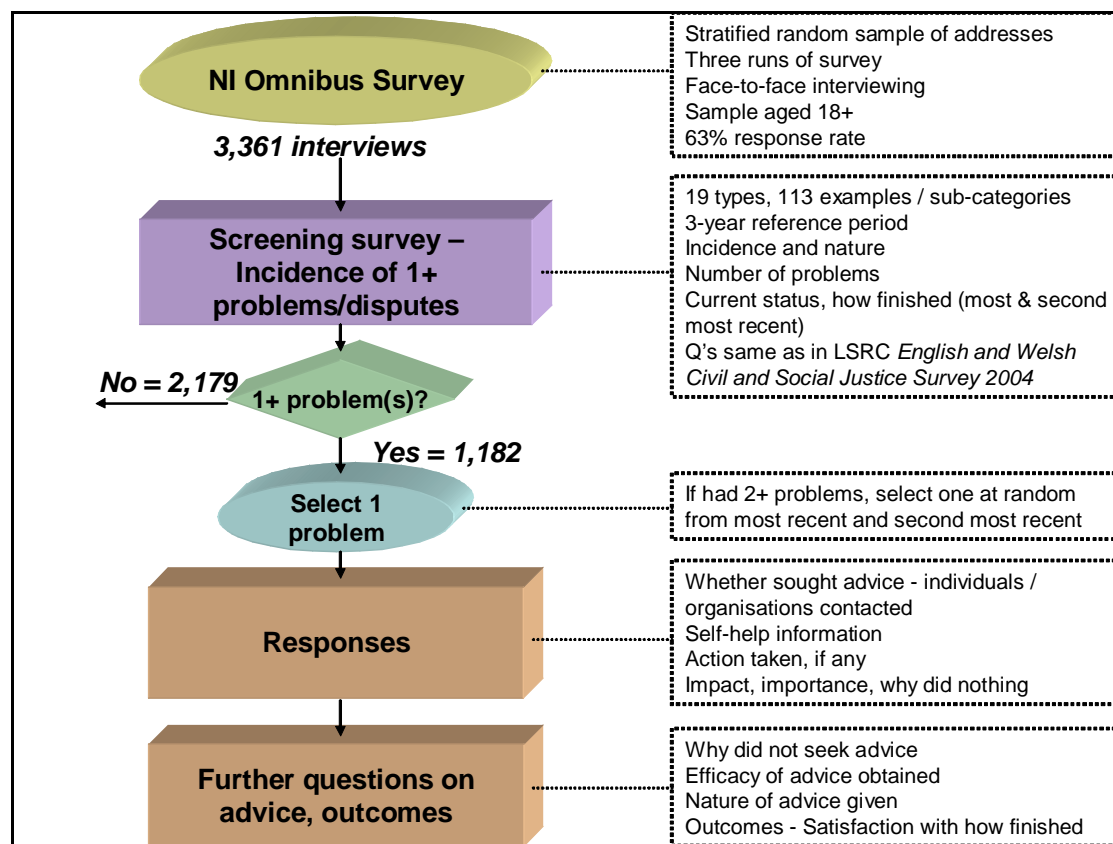
³ The co-operation of the LSRC in supplying a paper version of their questionnaire was very important in the design of the NI Legal Needs Survey. The assistance given by the LSRC is much appreciated.

⁴ As discussed in Dignan (2004), this was for reasons of survey and analysis costs and the timescales over which data would be available from a large-scale bespoke survey.

- 1.25 The NI Omnibus Survey is undertaken by the Northern Ireland Statistics and Research Agency (NISRA) on a periodic basis mainly to obtain snapshot data on attitudes to various issues of interest to Government. The Survey comprises a core set of questions plus bespoke modules containing questions of interest that are commissioned by public sector bodies. The core questions comprise details of individual respondents, such as age, sex, religion, etc, as well as information on household composition.
- 1.26 The sample size for the Omnibus Survey is typically in the region of 1,100-1,200. A single run of the Omnibus survey was considered to be too small in terms of statistical reliability, particularly for analysing the incidence of justiciable events amongst sub-groups of the population⁵. For that reason, it was decided to include the Legal Need questionnaire in each of three successive Omnibus surveys over the period January to April 2005. This strategy yielded a total of 3,361 interviews.
- 1.27 The broad structure of the NI Legal Needs Survey is shown in Figure 1.2. As can be seen, each respondent was asked whether or not they had experienced one or more of 19 problem types in the previous three years (see Table 1.A at the rear of this Section for a list of the problem types). The questions used in the screening module for identifying the incidence of different problem types replicated those used in the 2004 English and Welsh Civil and Social Justice Survey. The main difference was that the NI Survey included one additional problem type, that is, access to social services. As in the English and Welsh survey, the screening module also asked respondents to say, for the most recent and, where applicable, second most recent occurrence of each problem type, whether it was still ongoing or now over. If the problem had concluded, respondents were asked how the dispute had been resolved.
- 1.28 Of the 3,361 persons interviewed, 1,182 said that they had experienced one or more of the 19 problem types. Those who had experienced a problem were then asked a series of follow-up questions to determine what they had done in response to the problem, including whether they had sought advice, the sources used and what, if any, further action was taken. Where a respondent reported having two or more problems in the previous three years, one problem was selected at random for the follow-up questions. This marks an important point of contrast with the 2004 English and Welsh Survey. In the latter, respondents were asked about whether they had sought advice in relation to each of their most recent and second most recent problems.

⁵ Typically, in surveys undertaken in England and Wales, about 35 per cent of people report 1+ problems or disputes within a three-year reference period. For a single run of the Omnibus Survey, this would have yielded around 300-400 cases where a problem had occurred, which would have been too limiting for further more detailed analysis e.g. of advice-seeking behaviour.

Figure 1.2 The Northern Ireland Legal Needs Survey



- 1.29 Finally, the NI survey included a further set of questions on the nature of the advice given and level of satisfaction with the outcome. Again, this block did not include the same level of detail as in the English and Welsh survey, though the routing and specification of questions replicated the English and Welsh survey as far as possible in respect of the selected problem.
- 1.30 Overall, the NI Legal Needs Survey could be considered successful in meeting its stated objectives. Almost 3,400 persons were interviewed and, notwithstanding a degree of complexity and the inclusion of a number of sensitive topics (e.g. domestic violence, mental health, relationship problems), the Omnibus Survey response rates did not suffer. Indeed, feedback from the field interviewers was that the survey worked well.
- 1.31 The number of persons saying they had experienced one or more problems in the past three years was close to 1,200. This was well within the target sample size range originally specified as being required to facilitate statistical analysis of what people do when confronted with justiciable problems.

Structure of the Report

1.32 The structure of the report broadly follows that of the NI Legal Needs Survey (Figure 1.3), as follows:

- **Section 2** looks at the incidence, number and type of justiciable problems, over a three-year reference period.
- **Section 3** presents the survey findings for the profile of persons with 1+ problems in the three-year reference period.
- **Section 4** focuses on what people did in response to their justiciable problems, including advice and information seeking behaviour and actions taken.
- **Section 5** discusses the outcomes of different strategies for handling justiciable problems and whether people were satisfied with the outcome or how things were working out. This serves as a basis for examining the extent of unmet need, with a particular focus on the need for advice.
- **Section 6** presents the concluding remarks.

Figure 1.3 Structure of the Report

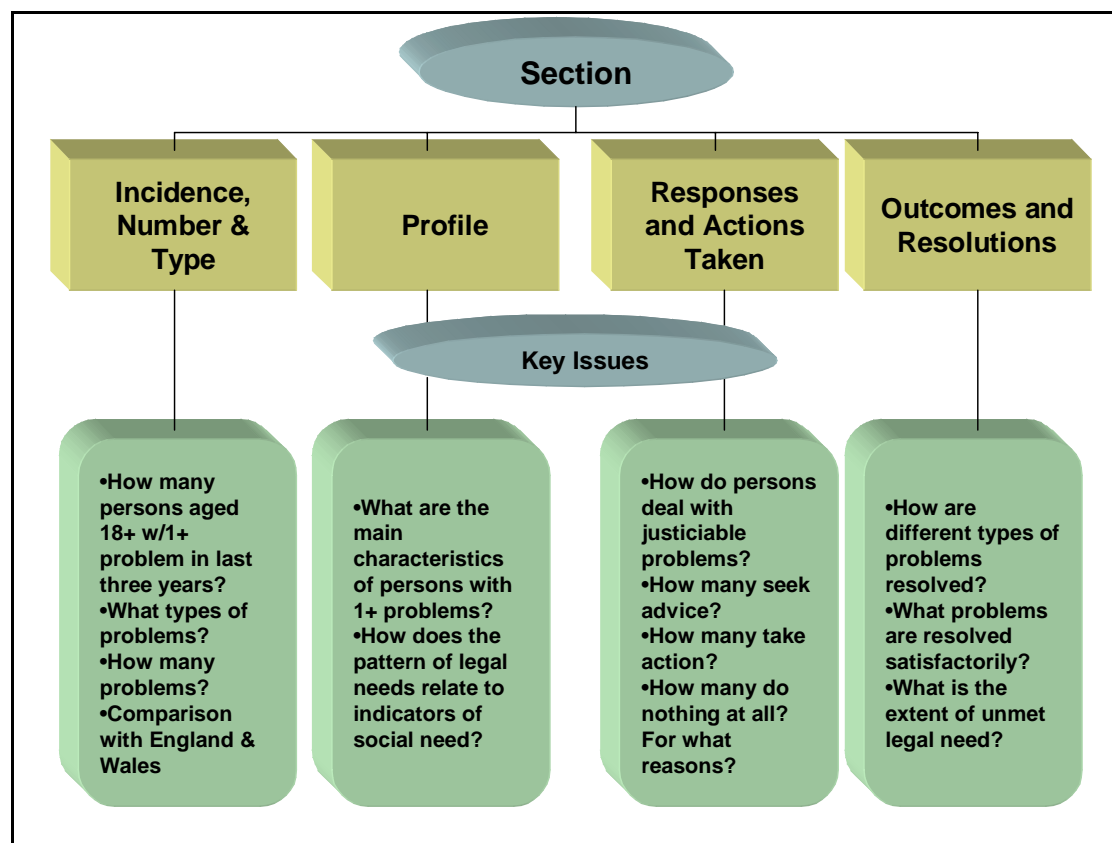


Table 1.A Problem types in the NI Legal Needs Survey

	Problem type	Illustrative examples
1	Consumer	Receiving faulty goods or services.
2	Employment	Getting pay or pension to which entitled, being sacked or made redundant, harassment
3	Noisy or anti-social neighbours	Regular or excessive noise, damage to property or garden
4	Owning or buying residential property	Planning permission or consent, selling or buying property, boundaries or rights of way
5	Living in rented accommodation	Dealing with landlord, condition of accommodation, getting a deposit back
6	Money/debt	Getting someone to pay money they owe, difficulty paying monies owed, poor financial advice
7	Welfare benefits	Entitlement to and/or amount of welfare benefits
8	Divorce proceedings	Involvement in divorce proceedings
9	Family/relationships	Disputes over division of money, maintenance payments, residence and/or contact arrangements for children
10	Domestic violence	Suffering violence or abuse
11	Children	School-related problems (e.g. educational needs, getting into a school, exclusion/suspension), care/fostering, abduction
12	Personal injury/negligence	Whether suffered an injury or health problem because of an accident and/or poor working conditions.
13	Mental health	Receipt of care relating to mental health, admission/discharge from hospital
14	Clinical negligence	Whether suffered from wrong medical or dental treatment
15	Social services	Access to disability aids for the home, appropriate health care, residential and/or domiciliary care
16	Immigration	Obtaining UK citizenship, entering/remaining in UK
17	Unfair treatment by the police	Unreasonably arrested, etc
18	Homelessness	Whether been homeless or threatened with this in previous three years
19	Discrimination	Nine categories, per the section 75 groups

2 Incidence, Number and Type of Problem

Legal needs surveys measure the occurrence of a range of problems that people encounter in their everyday lives and which have some form of legal 'content'. These are called 'justiciable problems'. This Section focuses on the incidence, number and type of justiciable problems, as reported by respondents to the NI legal needs survey. It answers the following questions:

- How many persons experienced one or more of 19 problem types in the three-year survey reference period?
- How frequently did different problem types arise?
- How many problems did people encounter?
- What were the differences by problem type in their relative importance to, and impact upon, individual 'problem-havers'?
- How does the Northern Ireland picture compare with other countries of the UK?

Key Findings

- 35.5 per cent of survey respondents said they had experienced one or more problems in the preceding three years, on a par with comparable estimates for England and Wales.
- Most of those with a problem (62 per cent) encountered one type of problem only. One in five experienced two problem types, while a further 17 per cent had three or more types of problems.
- The average number of problems reported was 1.94 per person with a problem. Applied to the NI population aged 18+, this equates to a grossed-up total number of problems in the three-year survey reference period of 875,000, equivalent to 688 per 1,000 persons aged 18+.
- The reported incidence of different problem types varied considerably, from 14 per cent for consumer problems to less than one per cent for problems such as domestic violence and homelessness.
- The types of problems reported by respondents to the NI LNS followed much the same patterns as in England and Wales
- Over two-thirds of those with a problem said that it was very important to resolve, while 40 per cent said that the impact on their lives was very severe. Importance and impact varied by problem type.
- The problems with the greatest impact on individuals' lives were those to do with divorce, family/relationship matters, children and/or domestic violence, followed closely by welfare benefits and access to social services. The severity of the impact was lowest for consumer problems.

Section 2 Justiciable Problems: Incidence, Number and Type – Key Facts Table

Problem type	Incidence ¹	Number of problems		
	% of persons 18+	Average	Per 1,000 persons aged 18+	Grossed-up
	%	No	No	No
Consumer	14.0	1.16	162	206,000
Employment	6.0	1.17	70	89,000
Neighbours	7.6	1.20	92	117,000
Owned housing	2.1	1.01	21	27,000
Rented accommodation	2.3	1.19	27	34,000
Money/debt	5.0	1.08	54	69,000
Welfare benefits	3.5	1.00	35	44,000
Divorce	1.6	1.00	16	21,000
Family	1.6	1.27	21	26,000
Domestic violence	0.9	1.02	9	12,000
Children	1.9	1.09	21	26,000
Personal injury	4.8	1.24	60	76,000
Mental health	0.9	1.00	9	12,000
Clinical negligence	1.8	1.23	22	28,000
Social services	1.6	1.14	18	23,000
Immigration	0.3	1.25	3	4,000
Treatment by police	1.0	1.42	15	19,000
Homelessness	0.5	1.03	5	6,000
Discrimination	1.6	1.79	29	37,000
All	35.5	1.94	688	875,000

1 The per cent of respondents saying that they had experienced one or more problems of this type within the previous three years.

Source: NI Legal Needs Survey 2005.

Incidence

- 2.1 Slightly over one in three of the respondents to the NI Legal Needs Survey (35.5 per cent) said that they had experienced at least one of the 19 types of problems or disputes that were discussed in the survey in the preceding three years.
- 2.2 When compared with similar findings from the 2001 and 2004 LSRC surveys, the main point of interest is that the reported incidence of justiciable problems in Northern Ireland is on a par with England and Wales. In the LSRC's 2001 survey of the English and Welsh population, 36.2 per cent of persons aged 18+ said they had experienced one or more problems in the preceding three years (Table 2.1). The comparable figure for Northern Ireland, based on the same set of problems as in the LSRC survey⁶, was 35.2 per cent, which is not significantly different from the result for England and Wales⁷.

Table 2.1 Incidence of 1+ problems: per cent of persons aged 18+

	N. Ireland	England & Wales	
	2005	2001	2004
	%	%	%
All with 1+ problems	35.5 ¹	-	-
LSRC problem set	35.2 ¹	36.2	33.4
<i>Difference compared to NI (pps)</i>	-	+1.0	-1.8

Sources: NI Legal Needs Survey 2005; Pleasence *et al*, 2004, 2006.

- 2.3 The LSRC's 2004 England and Wales Civil and Social Justice Survey reported a lower incidence of problems (33.4 per cent) than its predecessor. Again, this is not significantly different from the comparable Northern Ireland figure.

⁶ The NI LNS was based on all 18 of the problems in the LSRC survey; the additional problem type in the NI LNS concerned access to social services.

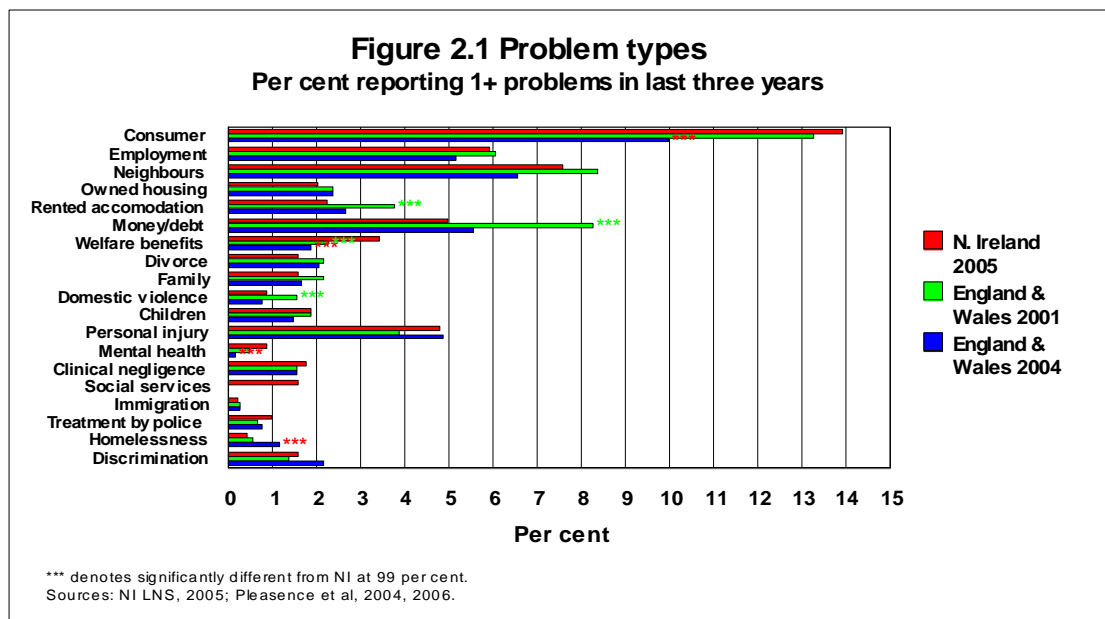
⁷ See Dignan (2006) for a more detailed comparison of the NI survey findings with those for England and Wales, as well as the Genn and Paterson results from a survey of the Scottish population undertaken in 1999.

- 2.4 It is also possible to compare the NI survey results and the 1998 results for Scotland published in Genn and Paterson's 2001 *Paths to Justice* study. In the Genn and Paterson study, the reported incidence of justiciable problems amongst the Scottish population was 26 per cent, significantly lower than the incidence estimates for any of the other UK countries (see also Dignan, 2006).
- 2.5 The contrasting result for Scotland compared to England and Wales has been remarked on in a number of other studies (e.g. Dignan, 2004; Pleasence *et al*, 2004, 2006). However, the reasons for the lower reporting of justiciable events in Scotland compared to England and Wales and Northern Ireland are not fully understood. Indeed, the Scottish result is perhaps even more difficult to explain in light of the finding that justiciable problems occur in Northern Ireland at about the same rate as in England and Wales.

Problem Types

- 2.6 As can be seen from the Key Facts Table, there was considerable variation in the reported occurrence of different problem types⁸. Consumer problems related to the supply of goods or services were the most frequently cited type of problem or dispute (14 per cent), followed by disputes with neighbours (eight per cent) and employment problems (six per cent).
- 2.7 By contrast, less than one per cent of survey respondents reported problems to do with, respectively, domestic violence, mental health, immigration or homelessness. Though, these are clearly sensitive topics and it is possible that there may have been a degree of under-reporting of such problems.
- 2.8 The pattern of problem types reported in the NI Legal Needs Survey is, broadly speaking, more alike than different from the pattern reported for England and Wales. As in Northern Ireland, consumer problems were the most prevalent in both the 2001 and 2004 England and Wales surveys, while immigration problems were also the least likely to be reported (Figure 2.1. See also Table A2.2 in the Statistical Annex for the actual percentages in the England and Wales surveys). Problems to do with employment and neighbours ranged between 5-8 per cent in each of the three surveys.

⁸ The Key Facts Table shows the estimated mean rates of occurrence of different problem types. These are subject to sampling variability and Table A2.1 in the accompanying Statistical Annex gives the 99 per cent confidence intervals for each problem type.



2.9 There were some significant differences. Problems related to welfare benefits were significantly higher in the NI survey than in either the 2001 or 2004 England and Wales surveys. Given the higher rate of receipt of benefits in Northern Ireland, this was not unexpected. But it was the only problem type where the difference between NI and England and Wales was significant in *both* the 2001 and 2004 surveys (Figure 2.1. See also Table A2.2).

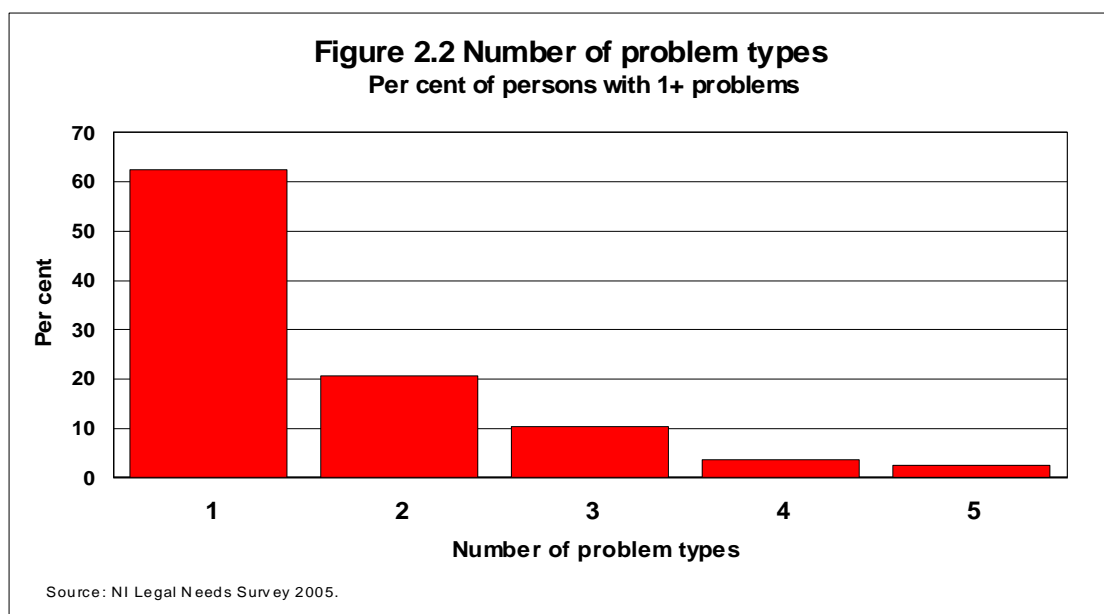
2.10 When compared with the 2001 England and Wales survey, the incidence of problems to do with rented accommodation, money/debt and domestic violence were all significantly lower in Northern Ireland⁹. By contrast, none of these problems were significantly different when compared with the 2004 England and Wales survey. Indeed, the largest difference was in relation to consumer problems, with a significantly higher reported incidence in Northern Ireland by comparison with the 2004 outturn for England and Wales.

2.11 Apart from the higher incidence of problems to do with welfare benefits in Northern Ireland, there was therefore no recurring and discernible pattern of differences by problem type when Northern Ireland is compared to the 2001 and 2004 England and Wales Surveys.

⁹ Some caution should be exercised for comparisons based on problem types such as domestic violence and mental health. These are reported relatively infrequently resulting in low sample sizes. They are also sensitive topics which may be subject to under-reporting and this could, in principle, vary from one survey to another.

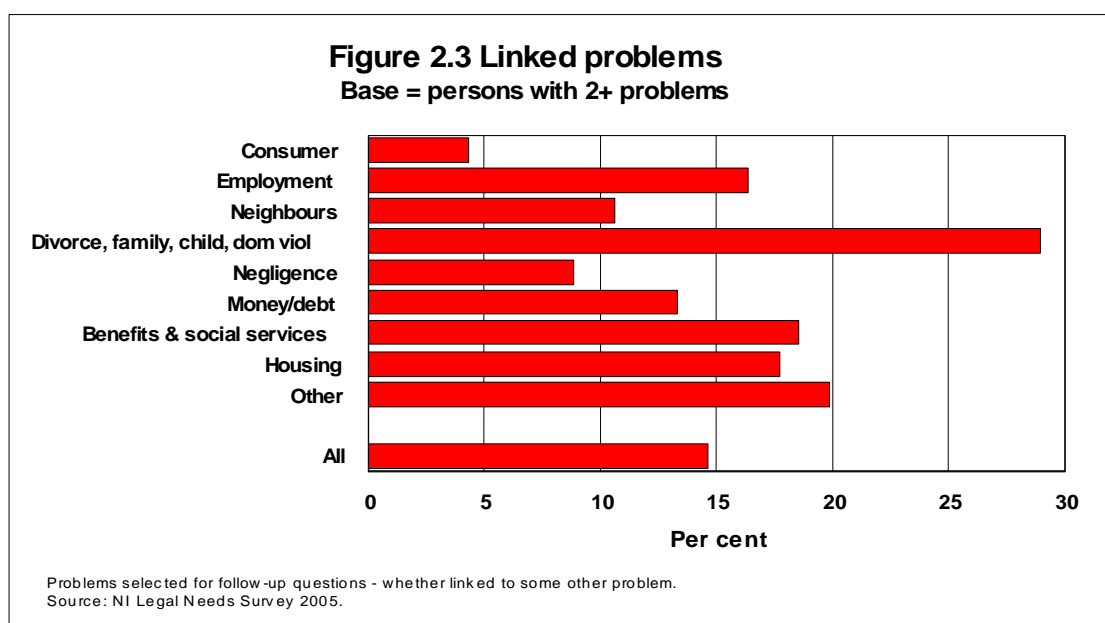
Number of Problem Types

- 2.12 Previous studies of the incidence and pattern of problems and disputes have pointed to the tendency for those with one problem type to also experience other problem types (Genn, 2000; Genn and Paterson, 2001; Pleasence *et al*, 2004).
- 2.13 A similar picture can be seen for Northern Ireland. While most of those reporting a problem only mentioned one such occurrence (62 per cent), a substantial proportion said that they had experienced more than one *type* of problem in the previous three years (Figure 2.2). One in five of those with 1+ problems said they had experienced two problem types with a further 11 per cent reporting three separate types of problems. One in twenty reported experiencing four or more different problem types in the reference period.



- 2.14 For example, amongst those who said they had a welfare benefit problem or dispute, 23 per cent also reported an employment problem with 14 per cent saying they had a money/debt problem. Overall, the mean number of problem types reported by those with 1+ problems in the reference period was 1.7.
- 2.15 The experience of multiple problem types has been discussed in some detail in the LSRC's *Causes of Action* (Pleasence *et al*, 2004) study, which documents the extent to which one problem type can act as a 'trigger' for other related problem types. The concept of clustering of problem types is also relevant, which can encompass problems that are related to each other as well as those that cluster as a function of the individual's circumstances.

- 2.16 Concepts such as clustering and trigger problems require quite detailed investigation and are beyond the scope of this report. Clearly there is an opportunity for further research in this area, though as problems are not dated in the NI LNS this would hamper the investigation of 'trigger' problems.
- 2.17 Nonetheless, an indication of the NI pattern can be gleaned from the relative occurrence of linked problems. As can be seen from Figure 2.3¹⁰, problems to do with divorce, relationships and family matters, children and domestic violence were the most likely to be linked to some other problem. Consumer problems were least likely to be linked to some other problem and were therefore most likely to arise as 'standalone' problems.

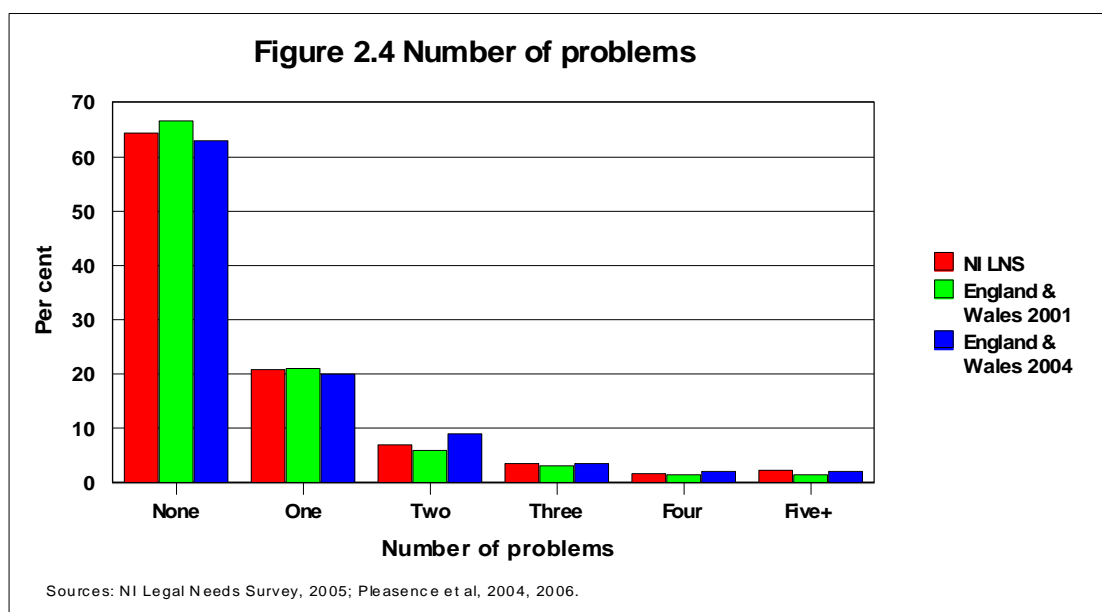


Number of Problems

- 2.18 In the NI Legal Needs Survey, the mean number of problems reported by persons with 1+ problems was 1.94. Primarily, this reflects the extent to which people experienced more than one problem *type*, as discussed above. For most problem types the mean number of problems of that sort was in the range 1-1.2 (see Key Facts Table). There are two further points of interest in respect of the mean number of problems.

¹⁰ Reflecting the constraint on interview length in the NI LNS, the question of whether a particular problem was linked to some other problem was posed only in relation to the problem selected for follow-up questions, after the initial screening questions to determine how many problems had been experienced in the previous three years (see Section 1 above). It is, therefore, possible that the reported *overall* incidence of linked problems is understated in the NI LNS.

2.19 First, the distribution of problems in the NI survey is very similar to that reported in the LSRC's *Causes of Action* reports for England and Wales, including both the 2001 and 2004 surveys. In the NI Legal Needs Survey, a little over twenty per cent of respondents said that they had experienced one problem only in the previous three years, about the same as in England and Wales, both in 2001 and 2004 (Figure 2.4). The proportions saying that they had two, three or more problems also did not vary greatly between the three surveys, apart from a slightly higher share of respondents in the 2001 England and Wales survey saying that they had two problems in the previous three years.

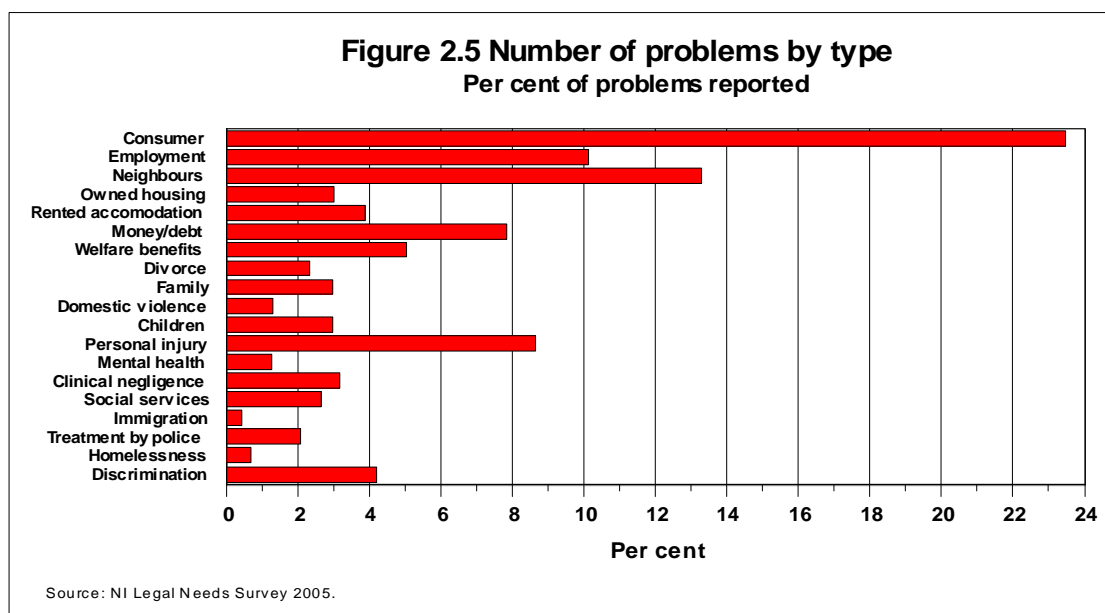


2.20 Second, the mean number of problems is an important determinant of the total grossed-up number of problems experienced by the population over a given period of time¹¹. Based on the results from the NI LNS, it is estimated that in the three-year survey reference period, the number of problems per 1,000 persons aged 18+ was 688¹². According to the NISRA Mid-year Population Estimates, the total population aged 18+ in mid-2004 was 1.273 million. Multiplying the rate per 1,000 population by the total population gives an estimated total number of problems in the reference period of 875,000 ($\pm 80,000$).

¹¹ The grossed-up number of problems can be derived by multiplying the total NI population aged 18+ by the estimated number of problems per 1,000 population. The rate per 1,000 is in turn computed as the product of the incidence of justiciable problems amongst the population (35.5 per cent) and the mean number of problems reported by those who said they had encountered a problem in the reference period (1.94), times 10.

¹² The 99 per cent confidence interval for the rate per 1,000 is ± 63 ; that is, a lower limit of 625 and an upper limit of 751 problems per 1,000 population.

- 2.21 Using the same approach, it is also possible to estimate rates per 1,000 population and grossed-up estimates for each of the 19 problem types in the NI LNS. The estimates by problem type based on the survey averages are shown in the Key Facts Tables. Tables A2.3 and A2.4 in the Statistical Annex present the 99 per cent confidence intervals for, respectively, the rate per 1,000 population and the grossed-up estimates; it should be borne in mind that, in proportional terms, the margins of error are larger for the problem types that occur with lower frequency.
- 2.22 Consumer problems account for the largest proportion of the grossed-up number of problems, an estimated 206,000 problems of this type representing 23.5 per cent of the total grossed-up number of problems of all types (Figure 2.5).



- 2.23 Clearly, the composition of problems by type closely follows the pattern shown in Figure 2.3 above for the incidence of different problem types; the problem types with the lowest reported incidence, such as immigration, homelessness and domestic violence, also comprise relatively small shares of the total number of problems. This does not, of course, mean that such problems are less important or should have a lower priority from a policy perspective. Nor should it be assumed that the 'weight' attached to a particular problem should be proportionate to its share of the grossed-up total number of problems. There are many other factors to consider in drawing policy implications, including the capacity of 'problem-havers' to obtain advice and information (Section 4 below) and/or to achieve a satisfactory resolution (Section 5 below). It is also necessary to take account of the importance and impact of different problems from the perspective of the problem-haver. Prior to discussing the survey findings in that regard, it is useful to first provide some detail on the nature of the problems experienced by survey respondents.

Nature of the Problem

2.24 In the screening section of the NI LNS, respondents were provided with a series of prompts for each problem type, indicating on a show-card the nature of problems that might arise in relation to employment, living in rented accommodation, and so on¹³. The show card for employment problems is reproduced in Box 2.A to illustrate the approach. A similar approach was used for the remaining problem types, apart from involvement in divorce proceedings, treatment by the police and homelessness. The total number of sub-categories across all problem types was 119.

Box 2.A Employment problems: Show card

Next, problems or disputes to do with EMPLOYMENT, including pensions from employment.

(Excluding anything you've already told me about), have you had any problems or disputes that were difficult to solve of the type shown on this card since (January 2002 / the age of 18)?

Being sacked or made redundant	1
Being threatened with the sack	2
Getting pay or a pension to which you were entitled	3
Other rights at work (e.g. maternity leave, sickness pay, holiday entitlement, working hours)	4
Changes to your terms and conditions of employment that made things worse	5
Unsatisfactory or dangerous working conditions	6
Unfair disciplinary procedures	7
Harassment at work	8

Source: NI Legal Needs Survey questionnaire.

¹³ The use of show-cards as prompts for respondents also provides a means of managing the effect of memory recall. In addition to the sensitivity of topics, memory recall is a second potential source of under-reporting when screening for the incidence of problems or disputes in a legal needs survey.

2.25 The use of prompt cards meant that the respondent could also be asked, in a structured fashion, to indicate the sub-category that best describes the nature of the problem or dispute. The following are some of the findings from the responses¹⁴:

- Consumer problems – when asked to place a value on the goods or services in dispute, the most frequent response was in the range £100-£499 (31 per cent of reported consumer problems). One in four gave a figure of less than £100, while a similar proportion (28 per cent) indicated a value in excess of £1,000.
- Employment problems – the responses showed a diffuse set of sub-categories; disputes around pay or a pension were the most frequently cited sub-category (21 per cent), followed by other rights at work and harassment (both 17 per cent).
- Neighbours – regular and excessive noise (38 per cent) was most often reported, followed by damage to property or garden (33 per cent).
- Owned housing – issues to do with planning permission accounted for 45 per cent of the problems reported under this heading, followed by selling or buying property (23 per cent).
- Living in rented accommodation – two in three problems of this type related to dealings with a landlord, mostly getting the landlord to do repairs or maintain the property.
- Money/debt – most often, respondents said their problem or dispute centred on difficulty in obtaining money (43 per cent) with one in four saying they had experienced difficulty themselves paying money.
- Benefits – the majority of those with a problem of this type said it was concerned with entitlement to welfare benefits (62 per cent), with a further 18 per cent saying they had problems or disputes regarding the amount of welfare benefits.
- Relationships and other family matters – a little over one in four of the reported disputes were to do with difficulties with contact or access arrangements for children. A further 12 per cent said

¹⁴ See Tables A2.5a to A2.5m in the Statistical Annex for the percentage breakdown by sub-categories for problem types where the incidence was in excess of 1.5 per cent. As base numbers are often relatively small, the breakdowns should be treated as indicative of the nature of the problem.

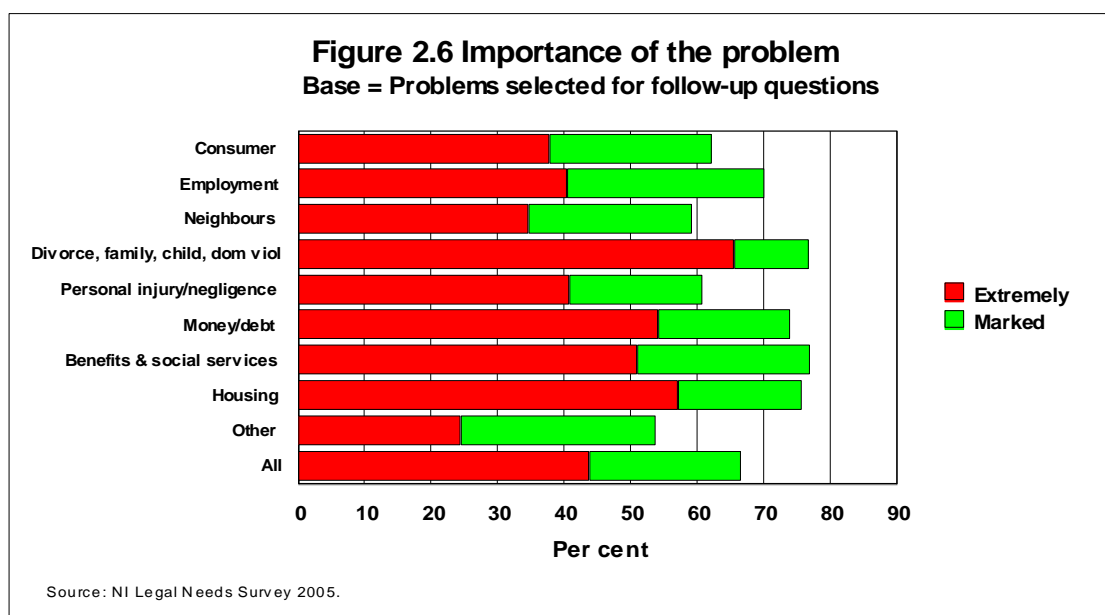
they had encountered difficulties with residence or custody arrangements.

- Children – the vast majority of problems under this heading (89 per cent) related to issues around schools, including difficulties with children receiving an appropriate education (e.g. special needs), concerns over safety of children on school trips, choice of school and exclusions/suspensions. Only one per cent of problems of this type were to do with care/fostering of children. Ten per cent of problems were said to be due to a parent or other family member abducting or threatening a child.
- Personal injury/negligence – 78 per cent of problems reported under this heading were to do with accidents, the remainder being attributed to poor working conditions. Though, in about one in three cases, the respondent did not think anybody else was responsible, which would suggest a degree of *over-reporting* in relation to this problem type.
- Mental health – while the base numbers are small, the problems reported in this category were overwhelmingly to do with receipt or care or treatment (90 per cent).
- Social services – issues around access to appropriate health care (36 per cent) and disability aids for the home (35 per cent) predominated under this heading.
- Discrimination – those reporting a problem to do with being discriminated against were most likely to say this was on account of their religion (44 per cent) followed by age (20 per cent). Though, again, the base numbers are small and the findings should be treated with caution.

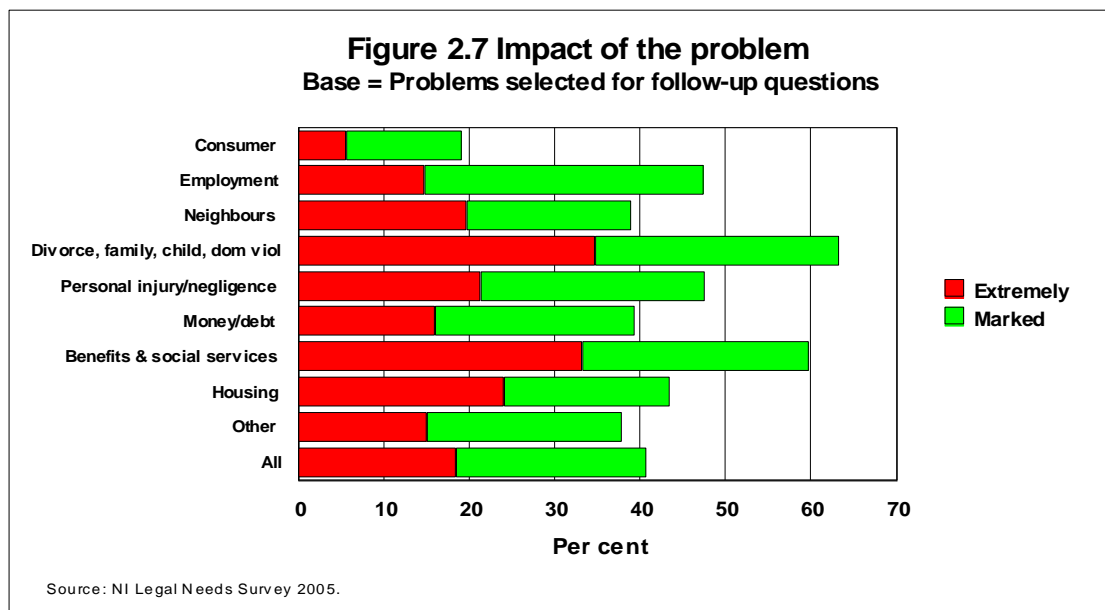
Importance, Impact and Consequences

2.26 In the NI LNS, those who said that they had experienced one or more problems in the preceding three years were asked a series of follow-up questions on a range of topics, including importance, impact and effects of the problem. For those who said they had encountered two or more problems, one problem only was selected at random for the follow-up questions (this was due to the constraint on interview length). Thus, the total (un-weighted) number of problems for which follow-up responses are available is a little under 1,200, compared to a total problem count of 2,330. Partly for that reason, but mainly reflecting the small sample bases for the less frequently occurring problems, the analysis by problem type of responses to the follow-up questions is based on the groupings shown in Figure 2.6. These same groupings are used throughout the remainder of the report for analyses by problem type based on problems selected for follow-up questions.

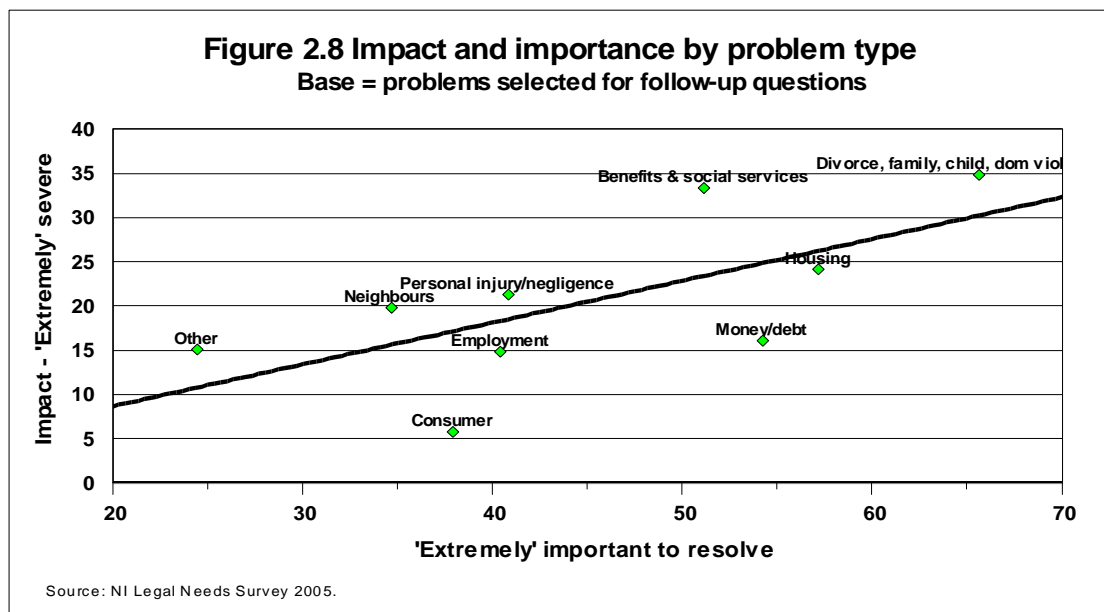
- 2.27 When asked to say how important it was for them to resolve their problem, 44 per cent of said that it was 'extremely' important. A further 23 per cent said that it had been 'markedly' important. Thus, two in three respondents felt that the selected problem was extremely or markedly important. Only four per cent described their problem as being of no importance with a further nine per cent saying it was only mildly important. The remaining 20 per cent said the problem was 'moderately' important.
- 2.28 The importance of the problem varied by problem type (Figure 2.6. See Table A2.6 in the Statistical Annex for the percentage breakdown by problem type). The grouping of problems to do with divorce, family/relationship matters, children and domestic violence elicited the highest proportion describing their problem as 'extremely' important (66 per cent), followed by housing (57 per cent), money/debt (54 per cent) and welfare benefits/access to social services (51 per cent). When the percentages for 'markedly' and 'extremely' important are combined it can be seen that five of the problem type groupings registered 70 per cent or more.



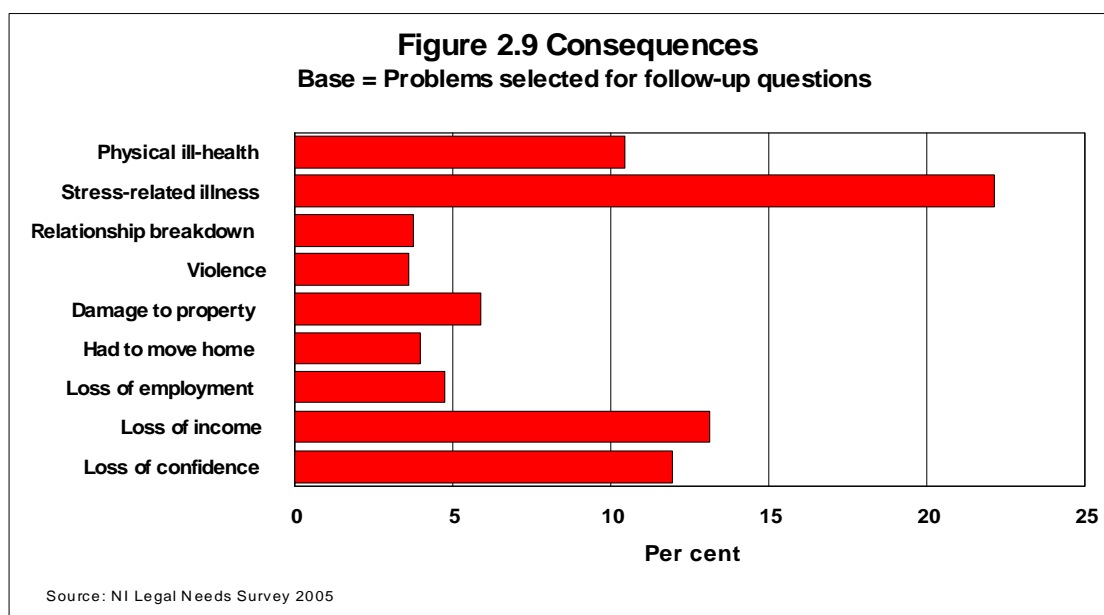
- 2.29 When asked about the impact of the problem on their lives, one in five said that it had been 'extremely' severe with a further 22 per cent characterising the impact as 'markedly' severe. One in four described the impact as 'moderately' severe with the same proportion saying the problem was 'mildly' severe. A little over one in ten (11 per cent) said that the impact of the problem was 'not at all' severe.
- 2.30 As with the importance of the problem, there were variations by problem type in the severity of the impact on respondents' lives. Sixty-four per cent of those with divorce, family/relationship matters, children and/or domestic violence problems described the impact as 'markedly' or 'extremely' severe (Figure 2.7 overleaf. See also Table A2.7).



- 2.31 The severity of the impact felt on the respondents' lives was also relatively high for those reporting problems related to welfare benefits and social services, with 60 per cent saying the problem had a 'markedly' or 'extremely' severe impact. For all other problem types, fewer than half of the respondents said the impact had been 'markedly' or 'extremely' severe. Most noticeably, less than one in five of those reporting a consumer problem felt that the impact was 'markedly' or 'extremely' severe.
- 2.32 Two points can be noted from the above. First, respondents expressed more pronounced views about the importance of the problem than about its impact; whereas a majority of respondents (67 per cent) felt that their reported problem had been 'markedly' or 'extremely' important, a little over four in ten described the severity of the impact in the same terms. Though, the findings in relation to the impact of the problem should also be interpreted in light of the estimated grossed-up number of problems i.e. 875,000.
- 2.33 Second, the greater the importance ascribed to a problem, the more likely was it to be seen as having a marked or extreme impact on the respondent's life. This can be seen from Figure 2.8, which cross-classifies importance and impact by the problem type groupings discussed above. On average, problems to do with divorce, family/relationship matters, children and/or domestic violence were most often viewed as being both extremely important and having an extremely severe impact. The impact of problems to do with benefits and social services tended to be more severely felt than might have been expected from their perceived importance (the problem type is located above the line of best fit). By contrast, the impact ascribed to consumer problems tended to be lower than might have been expected from their importance to the respondent (the problem type is located below the line of best fit).



2.34 Turning finally to the consequences of the selected problem, stress-related illnesses were the most commonly reported effect (Figure 2.9). Twenty-two per cent of respondents said they had suffered such an illness as a consequence of their problem, ranging from 41 per cent for persons with a problem to do with divorce, family/relationship matters, children and/or domestic violence to four per cent in the case of consumer problems (see Table A2.8 for the percentage breakdown of consequences by problem type).



2.35 Often, the reported consequences were directly related to the type of problem experienced; for example, 36 per cent of those with employment problems said they had suffered loss of income while 31 per cent of those with neighbour problems said they had suffered loss or damage to property.

Concluding Remarks

2.36 This Section has presented the main findings from the NI Legal Needs Survey in respect of the incidence, number and type of problems reported by respondents. The 'top-line' results are summarised in Table 2.2. Also shown are the lower and upper bounds to the 99 per cent confidence intervals, to re-emphasise the point that survey estimates necessarily have a margin of error and should be interpreted with that in mind.

Table 2.2 Incidence and number of problems: Summary statistics – Three year reference period

	Estimate	Confidence interval (99%)	Lower	Upper
Incidence				
% w/1+ problems	35.5	±2.1	33.4	37.6
Number of problem types				
Mean – persons reporting 1+ problems	1.66	±0.08	1.58	1.74
Number of problems				
Mean – persons reporting 1+ problems	1.94	±0.13	1.80	2.07
Per 1,000 aged 18+	688	±63	625	751
Grossed-up	875,000	±80,000	795,000	955,000

Source: NI Legal Needs Survey 2005.

2.37 The grossed-up total number of problems reported by the NI LNS is substantial, amounting to almost 300,000 per annum. The estimated total number of problems is comprised of a range of different problem types, which occur with widely differing frequencies. Consumer problems were the most often reported and account for almost one in four of the total. Other problems occurred much less often.

2.38 It is, however, also the case that there are variations by problem type in the importance of the problem to the respondent and the severity of its impact on life of the individual with a problem. While they occur more often than any other problem type, consumer problems also tend to rank lower in terms of the importance attached to solving the problem and, even more so, on the impact felt by individuals.

- 2.39 By contrast, the problems with the greatest impact on individuals' lives, where they occur, were those to do with divorce, family/relationship matters, children and/or domestic violence, followed closely by welfare benefits and access to social services. The former group of problems were also the most likely to be described as extremely important to the individual concerned. Importance and impact are clearly important dimensions to be considered in drawing policy implications from the survey findings, in addition to the more quantitative elements of frequency of occurrence and numbers of problems.
- 2.40 Comparing the NI LNS results with those for England and Wales, the most interesting finding is that the incidence and extent of justiciable problems in Northern Ireland is on a par with England and Wales. Furthermore, apart from the higher incidence of problems to do with welfare benefits, the types of problems reported by respondents to the NI LNS followed much the same pattern as in England and Wales. These findings would in turn suggest that problem-generating factors in Northern Ireland are not greatly different from the rest of the UK.

3 Socio-demographic Profile

The socio-demographic profile of persons reporting justiciable problems is critical in 'mapping' from legal needs to social needs. This is of singular importance in assessing the vulnerability of different social groups to justiciable problems, particularly the more disadvantaged sections of the population, as well as the extent to which needs differ within and across the various section 75 groups. This Section addresses the following topics:

- How does the incidence of justiciable problems vary among different segments of the population?
- What are the main patterns of vulnerability to justiciable problems?
- How do patterns of vulnerability vary by problem type?

Key Findings

- There are pronounced variations between and within different socio-demographic groups in the reported incidence of justiciable problems.
- The highest report rates were amongst lone parents (59 per cent), divorced persons (58 per cent), working age persons with a disability (55 per cent), working age persons in receipt of state benefits (50 per cent), those living in private rented accommodation (48 per cent) and persons with caring responsibilities for a disabled or dependent older person (46 per cent).
- Incidence was higher amongst sub-groups that are more directly linked to the 'defining circumstances' of a problem than are others; for example, living in rented accommodation and problems of that type. This same effect can lead to the clustering of problems due to a person's particular circumstances. For example, separated and divorced persons were more likely than other marital status sub-groups to report problems to do with divorce proceedings as well as families and relationships, children and domestic violence.
- In addition, some sub-groups possess other characteristics that serve to increase their vulnerability to a justiciable problem, over and above the direct effects associated with defining circumstances. For example, a high proportion of working age persons with a disability receives State benefits and they were more likely to report such problems than persons without a disability. In short, multiple sources of disadvantage interact to increase vulnerability to justiciable problems.
- The third main influence identified was the 'stages of life' effect, which is most clearly seen in the variations by age group in the incidence of justiciable problems. For both men and women, the incidence of problems was highest amongst those in the 25-34 and 35-44 age groups (45 per cent).

Section 3 Socio-demographic Profile (Per cent reporting 1+ problems in previous three years) – Key Facts Table

	%		%
All	35.5		
Age		Care of person with disability/older person	
18-24	39		
25-34	45	No	34
35-44	45	Yes	46
45-59	36	Receipt of benefit	
60+	18	Working age ¹	
Sex		None	36
Male	37	Child benefit only	38
Female	34	State benefit(s)	50
Marital status		Retirement age ²	
Single	38	Retirement pension only	17
Married	35	Other state benefit(s)	19
Separated	45	Tenure	
Divorced	58	Owned outright	25
Widowed	15	Owned w/mortgage	40
Family Type		Social rented	40
Pensioner couple	20	Private rented	48
Single pensioner	15	Religion	
Couple with children	43	Catholic	34
Couple without children	36	Protestant	35
Single with children	59	Other/none/refused/missing	47
Single without children	37	Location	
Disability		Belfast	41
Working-age ¹ with	55	Urban east	35
Working-age without	38	Urban west	37
Retirement age ² with	20	Rural east	32
Retirement age without	17	Rural west	34

1 Men aged 16-64, women aged 16-59.

2 Men aged 65+, women aged 60+.

Source: NISRA Omnibus Survey, Legal Need module

Introduction

- 3.1 As can be seen from the Key Facts Table, there are pronounced variations between and within different socio-demographic groups in the reported incidence of justiciable problems or disputes. This Section examines these variations, commencing with an overview on the main findings for each of the socio-demographic attributes for which survey data are available¹⁵.
- 3.2 As will be seen, the variations within any one socio-demographic grouping partly reflect differences in the exposure to particular problem types that can be directly associated with being in one sub-group rather than another. For example, problems to do with rented accommodation were much more prevalent amongst those who were renting their dwelling at the time of the survey, compared to owner-occupiers. That is, tenure type is directly linked to the 'defining circumstances'¹⁶ of problems to do with rented accommodation.
- 3.3 However, it will also become apparent that certain sub-groups have other characteristics that serve to increase their exposure to a range of justiciable problems, over and above the direct effects associated with defining circumstances. Again using housing tenure as an illustration, those who live in the rented sector were more likely to report problems to do with receipt of State benefits. But this may be due to the fact that persons in the rented sector, notably those in the social rented sector, are more likely to be in receipt of State benefits and hence more vulnerable to problems of that kind.
- 3.4 Reflecting the above, the second part of this Section seeks to identify the socio-demographic attributes that are most closely linked with the risk of experiencing a problem or dispute, after taking account of relationships between socio-demographic groupings such as tenure and receipt of benefit. Based on this analysis, it is then possible to provide an indication of the main patterns of vulnerability, with particular emphasis on the role of markers of social and economic disadvantage.
- 3.5 The remainder of the Section then discusses two themes, as follows:
- Problem types and patterns of vulnerability/disadvantage.
 - The relative concentration of problems amongst different socio-demographic groups.

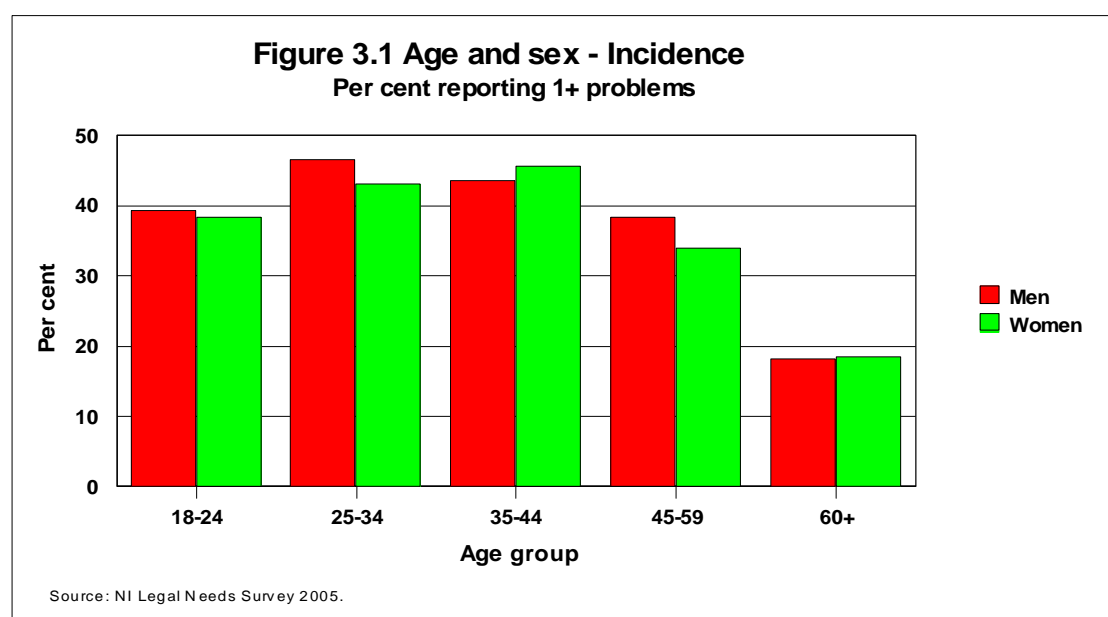
¹⁵ A list of the profile variables from the NI Omnibus Survey is provided in Appendix 3.A at the rear of this Section.

¹⁶ The phrase 'defining circumstances' is taken from Pleasence *et al* (2004).

Socio-demographic Variations

Age and Sex

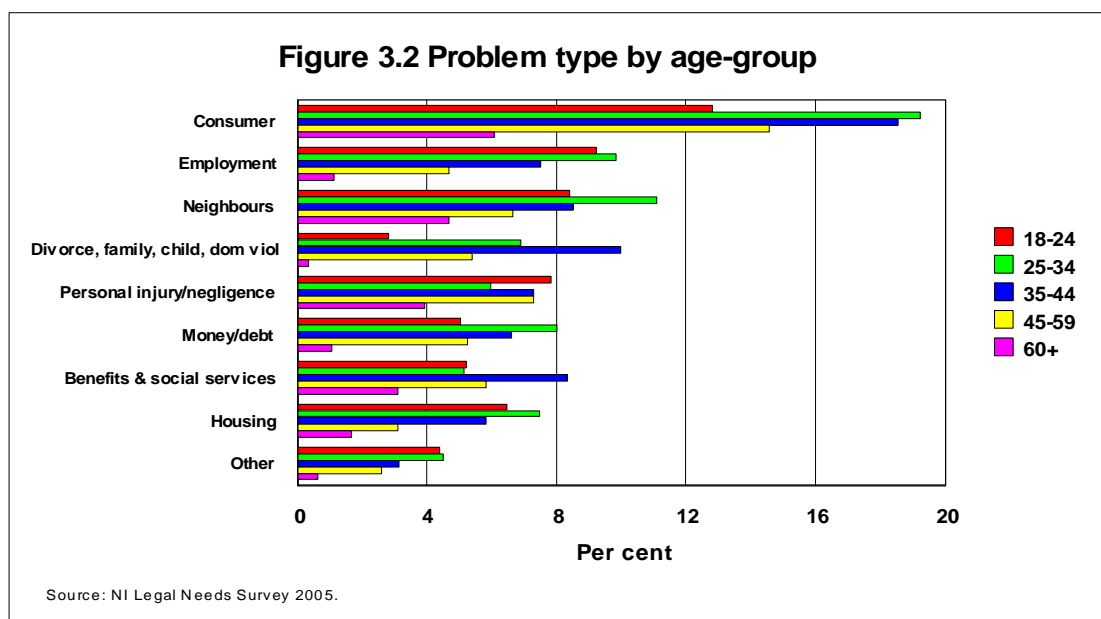
3.6 The contrasts by age in the NI Legal Needs Survey are very similar to those reported for England and Wales in the LSRC's *Causes of Action* report (Pleasence *et al*, 2004). For both men and women, the incidence of problems was highest amongst those in the 25-34 and 35-44 age groups (Figure 3.1). Furthermore, persons of working age (less than 65 for men and less than 60 for women) tended to have a higher incidence of problems or disputes and a higher mean number of problems (see also Table A3.2).



3.7 Reflecting the foregoing contrasts, the survey findings show a statistically significant association between age and the incidence of problems or disputes¹⁷. While men reported a higher incidence of problems or disputes than women (37 per cent compared to 34 per cent), there is not a statistically significant association between sex and the incidence of problems or disputes. The lower overall incidence for women partly reflects the fact that they are in a majority (57 per cent) amongst people aged 60+, who tend to have a significantly lower incidence of problems or disputes than do other age groups.

¹⁷ Based on a chi-squared test from a cross-classification of sex by whether reported 1+ problems. The results are summarised in Table A3.15, along with similar tests of association for the other socio-demographic characteristics discussed in this Section.

- 3.8 For people aged under-60, the pattern of problem types was broadly similar to the overall NI average, with consumer problems being the most frequently reported within each age group, typically followed by employment and/or neighbour problems (Figure 3.2. See also Table A3.2). Problems to do with divorce, family/relationships, children and domestic violence were most prevalent amongst those aged 35-44, pointing to the influence of the stages of life effect described by Pleasence *et al* (2004): “As people move through life, their circumstances change and expose them to different types of justiciable problem” (p. 30).



- 3.9 Amongst persons aged over 60, consumer problems also ranked highest (6 per cent), but only marginally above problems to do with noisy or anti-social neighbours (5 per cent). In contrast to working age persons, a number of problem types were only very rarely reported by people of retirement age, including employment, divorce, family/relationships problems, domestic violence and children.

- 3.10 In overall terms, therefore, age is an important predictor both of the incidence and pattern of problems or disputes. Thus, in examining other socio-economic and demographic factors, it is often necessary to include a control for age, notably the contrast between working age and retirement age persons

Marital status

- 3.11 The incidence of problems or disputes by marital status varied from 15 per cent for widowed persons to 58 per cent for divorced persons (Key Facts Table). Furthermore, the mean number of problems also varied significantly by marital status, from 2.5 for separated persons to 1.4 for widowed persons.

- 3.12 The contrasts by marital status also serve to illustrate the wider influence of age and the stages of life effect. Widowed persons in the Survey were overwhelmingly concentrated in the older age groups (95 per cent aged 50 or over); at 15 per cent, their reported occurrence of problems or disputes was less than half the average for all persons (35.5 per cent).
- 3.13 The marital status category would also appear to present an interesting example of the clustering of problems due to a person's particular circumstances. Problems to do with divorce proceedings were concentrated amongst separated and divorced persons (see Table A3.4). Albeit the sample sizes are relatively small¹⁸, these same sub-groups were also above average in the prevalence of problems to do with families and relationships (e.g. maintenance and child support payments), children problems and domestic violence.

Dependants

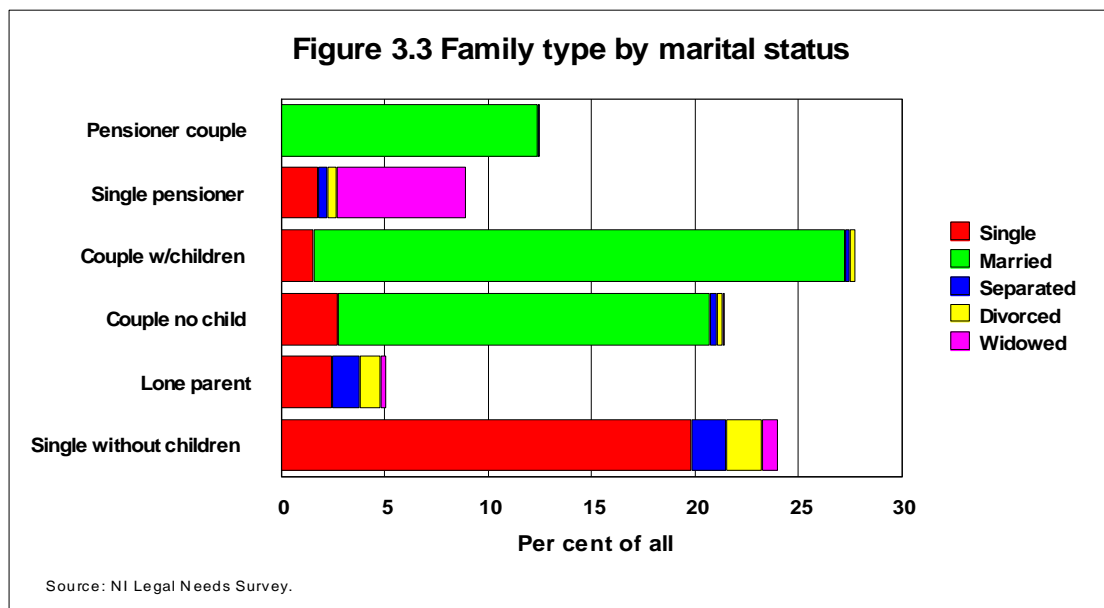
- 3.14 In the NI Omnibus Survey, a respondent is classified as having dependants if they have responsibility for the care of a child or the care of a person with a disability or a dependant elderly person. These two aspects can be analysed separately based on the profile variables in the NI Omnibus Survey. The effect of having a dependant child is best considered by looking at variations in problem incidence by family type.

Family Type

- 3.15 Family type is a derived variable¹⁹, based on the respondent's age (whether working age or pensionable age), living arrangements (whether living with another as a couple or not) and the presence or absence of dependant children.
- 3.16 As shown in the Key Facts Table, the incidence of problems or disputes varied widely by family type, from 15 per cent for single pensioners to 59 per cent amongst lone parents (single with children). The variations by family type partly reflect the association noted above between problem incidence and marital status. Almost half of the lone parents in the survey sample were divorced or separated (Figure 3.3); as discussed above, the incidence of problems amongst divorced and separated persons was well above average. Conversely, the majority of single pensioners said they were widowed, and their reported incidence of problems reflects that status.

¹⁸ Divorced and separated persons each comprise four per cent of the total sample.

¹⁹ The classification is described in more detail in Section 3 of the accompanying Statistical Annex.



3.17 The family type classification can also be seen to reflect the age effect discussed above, as evidenced by the pronounced differences between pensioner and other family types. Finally, the family type classification suggests that the incidence of problems varies according to the presence or absence of dependant children; 43 per cent of those living as couples with children reported 1+ problems compared to 36 per cent of persons living in couples without children.

3.18 For the same reasons, the *pattern* of problem types also varied markedly by family type (see Table A3.6). Most notably, problems to do with divorce, family/relationships, domestic violence and children were especially prevalent amongst lone parents. Lone parents were also more likely to cite a wider range of problems, notably to do with rented housing and/or welfare benefits. This points to inter-relationships between family status and attributes such as receipt of benefit and housing tenure which are further examined below.

Caring Responsibilities

3.19 Of those interviewed for the NI Legal Needs Survey, 11 per cent said they had responsibility for the care of a person with a disability or a dependant elderly person (Table A3.1). These individuals also reported a significantly higher occurrence of problems or disputes (46 per cent) compared to those without such caring responsibilities (34 per cent).

3.20 Partly, the higher incidence amongst those with caring responsibilities may have been observed because they exhibited other characteristics that are associated with the likelihood of having 1+ problems.

3.21 But persons with caring responsibilities were also more likely to encounter problems directly related to their circumstances. In particular, seven per cent of those with caring responsibilities said they had experienced a problem or dispute to do with access to social services, compared to just one per cent of other respondents (see Table A3.7).

Disability

3.22 The findings from the NI Legal Needs Survey suggest that working-age persons with a disability are significantly more likely to experience a problem or dispute than those without a disability (Key Facts Table). In addition, the mean number of problems reported by working age persons with a disability (2.5) was significantly in excess of the mean for those without a disability (1.9) (see Table A3.1).

3.23 When the pattern of problems experienced by working-age persons with a disability is examined (see Table A3.8), the main point of note is the higher incidence across a broad range of problems. The greater vulnerability of such persons to problems associated with low incomes and social exclusion can be illustrated by the following problem types:

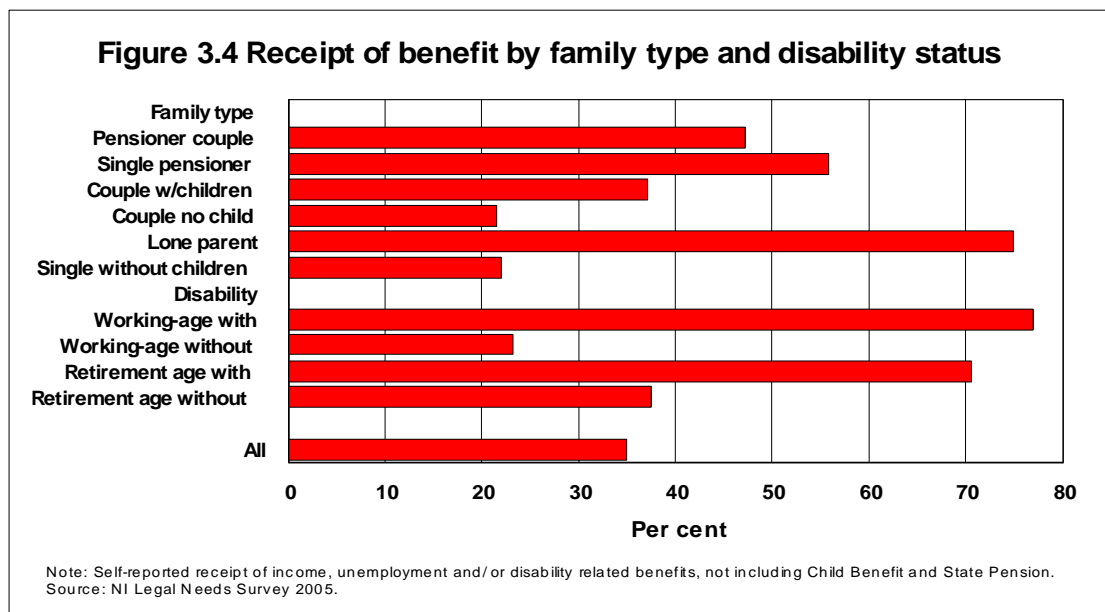
- Welfare/benefits – an incidence of eight per cent, compared to three per cent for those without a disability.
- Rented accommodation – six per cent, compared to two per cent for those without.
- Discrimination – six per cent, compared to one per cent for those without.

3.24 The higher incidence of problems to do with welfare benefits amongst working age persons with a disability may in turn be a reflection of their much higher reported receipt of benefits (77 per cent) compared to working age persons without a disability (23 per cent). Working age persons with a disability were also more likely to live in rented accommodation (37 per cent) compared to those without (18 per cent).

3.25 Finally, it is worth noting that working-age persons with a disability were significantly more likely to report a personal injury (nine per cent) or clinical negligence problem (five per cent) compared to those without a disability (five per cent and two per cent respectively). It is not, however, possible from the NI LNS to say whether a survey respondent's self-reported disability was itself a consequence of their personal injury/negligence problems.

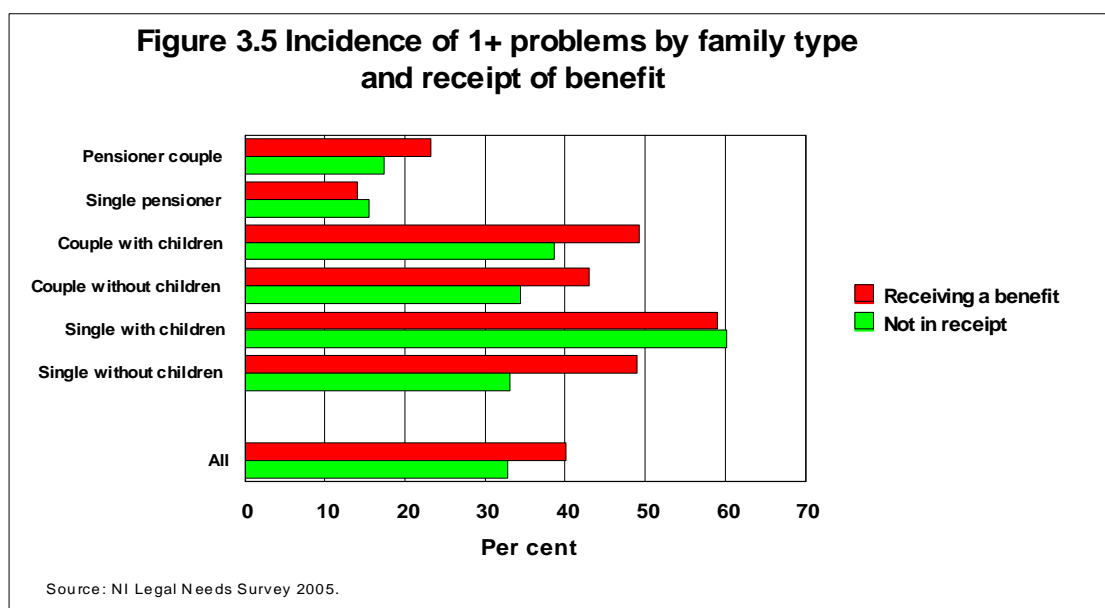
Receipt of benefits

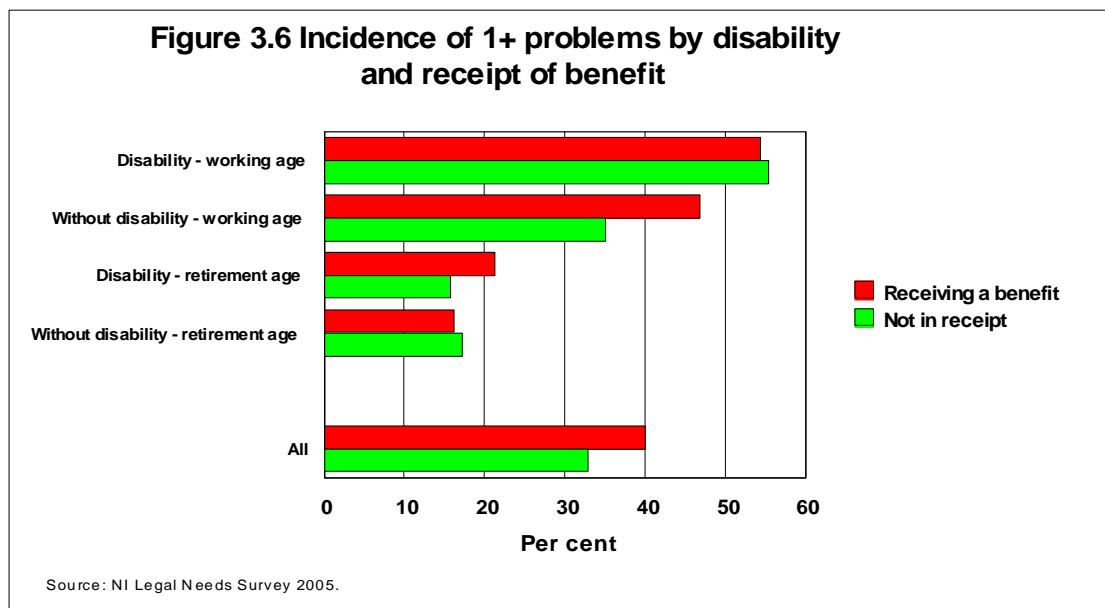
- 3.26 In this report, the experience of persons who are socially and/or economically disadvantaged is of particular interest. Hence, the analysis of welfare benefits and problem incidence focuses in particular on respondents' reported receipt of benefits related to lack of income, unemployment and/or having a disability. For that reason, the receipt of benefits separately identifies those who said the *only* state benefit they received was Child Benefit or State Pension. The former is a universal benefit and is not means-tested while almost all persons of pensionable age receive some State Pension. Receipt of such benefits is therefore not necessarily accompanied by a form of social or economic disadvantage due to, say, low income or disability. Thus, where this report refers to 'receipt of benefit', it should be understood that this does not include Child Benefit or the State Pension.
- 3.27 Turning to the survey results, the key finding is that, amongst the working-age population, individuals in receipt of State benefits reported a significantly higher incidence of problems or disputes than did persons not in receipt of any benefit as well as those receiving child benefit only (Key Facts Table). This was *not* the case for persons of pensionable age.
- 3.28 The higher overall incidence of problems amongst working-age people on benefits is in turn driven by the higher reported incidence across a broad range of problem types (Table A3.9). Not unexpectedly, the incidence of problems or disputes to do with welfare benefits was higher for working age persons in receipt of benefit (8 per cent) than for other persons. But so also were problems to do with neighbours, rented accommodation, family and relationship matters, domestic violence, mental health, treatment by the police, homelessness and discrimination.
- 3.29 Being in receipt of a State benefit can be directly linked to the higher incidence of problems to do with welfare benefits. But persons in receipt of benefits also exhibit other 'markers' of disadvantage that may in turn have affected the observed incidence of other problem types. For example, self-reported receipt of benefit in the Legal Needs Survey was particularly high amongst lone parents and persons with a disability (Figure 3.4). As discussed above, these two sub-groups also displayed a higher incidence of justiciable problems.
- 3.30 This does of course pose the question of whether the higher incidence of problems amongst those in receipt of benefit is more a reflection of other factors such as being a lone parent or having a disability. One way of examining this issue is to look at the incidence of problems within different family types and by disability separately for those in receipt of benefit compared to those who were not in receipt of benefit.



3.31 Regarding the contrasts by family type, lone parents who were in receipt of benefit were no more likely to report a problem than were those not in receipt of benefit (Figure A3.5). However, the incidence of problems was higher amongst couples (pensioner and working age) and also those classified as single without children, who are in receipt of benefit compared to those saying they are not in receipt of benefit.

3.32 A similar set of findings emerge from the analysis of problem incidence by disability status and receipt of benefit. The incidence of problems amongst persons of working age with a disability did not vary according to receipt of benefit (Figure A3.5). But working age persons without a disability *and* who were in receipt of a benefit were more likely to say that they had a problem than were those who were not in receipt of benefit.





3.33 The foregoing differences in problem incidence by receipt of benefit are statistically significant even after controlling for family type and disability status. This would suggest that receipt of benefit has the effect of raising the likelihood of a justiciable problem. But the association between receipt of benefit and problem incidence is clearly affected by inter-relationships with other characteristics such as family type and disability status. This in turn serves to highlight the possibility that multiple sources of disadvantage can and do interact to increase vulnerability to justiciable problems. The next part of this Section further examines this issue by seeking to unravel the separate effects of different sources of disadvantage.

Tenure

3.34 Previous research indicates that household tenure is another marker or indicator of social disadvantage. More specifically, those living in social rented accommodation (NI Housing Executive and Housing Association dwellings) tend to have a higher risk of being in a low income household (Dignan, 2003). Furthermore, housing tenure varies across different socio-demographic groups. For example, over half of lone parents in the NI LNS (54 per cent) said they lived in rented accommodation compared to less than one in five (19 per cent) of those in the remaining family types

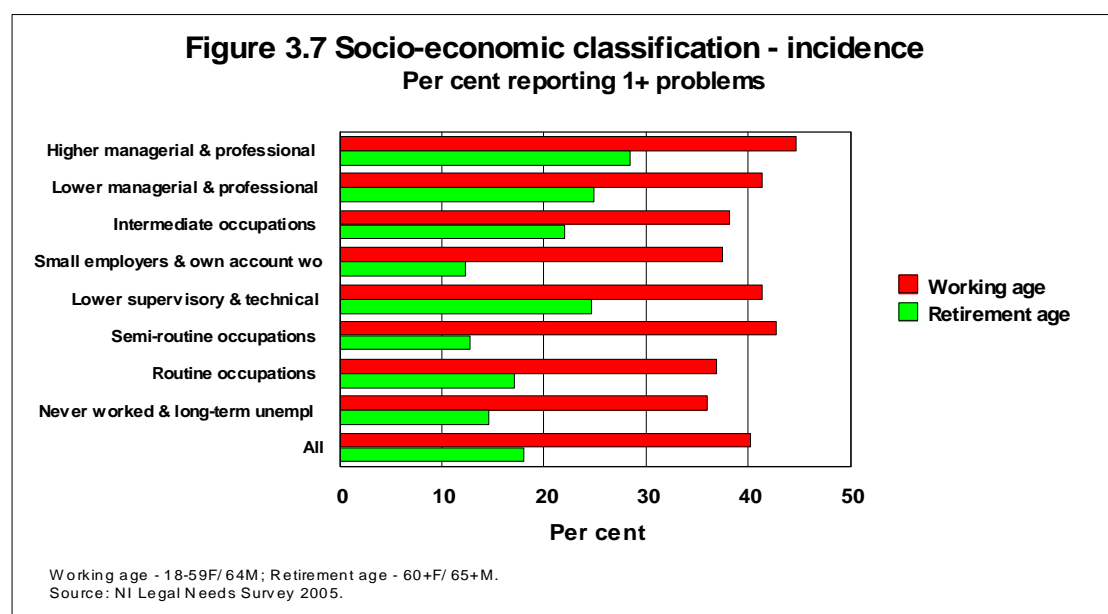
3.35 Based on the results of the NI LNS, the occurrence of justiciable problems is above average for persons in the social rented sector (Key Facts Table). As with a number of the indicators previously discussed, the incidence of problems or disputes amongst persons living in the social rented sector varies markedly by age group. One in two persons of working age in the social rented sector reported having had a problem or dispute in the last three years, compared to less than one in five retirement age persons.

3.36 The incidence of problems or disputes was also well above average amongst persons in the private rented sector (48 per cent). Nonetheless, the pattern of problem types differs between those in the social rented and private rented sectors (see Table A3.10). In the social rented sector, the most frequently mentioned problem was around disputes with neighbours (15 per cent), followed by living in rented accommodation (10 per cent). In the private rented sector, problems to do with rented accommodation also ranked highly (8 per cent), but consumer (11 per cent) and employment (10 per cent) problems were slightly more to the fore.

Social Class

3.37 Social class is interesting because the evidence from other research studies indicates that a person's social class position is strongly related to the income level of the household in which they live, even after adjusting for household size and composition. For example, Dignan (2003) shows that persons in the managerial and professional occupations are much less likely to live in low-income households than are those in routine and semi-routine occupations.

3.38 Interestingly, there is no clear social class 'gradient' in the incidence of problems or disputes (Figure 3.7). Whereas 40 per cent of those in managerial and professional occupations reported 1+ problems, this was only marginally in excess of the rate for persons in lower supervisory and technical occupations (39 per cent). Furthermore, there is no statistically significant association between social class and the incidence of 1+ problems when the sample is split into those of working age and those of retirement age.



Location

3.39 Those living in Belfast were more likely to report a problem than persons living elsewhere in Northern Ireland (Key Facts Table). Similarly, persons living in urban areas outside Belfast reported a higher incidence of problems or disputes than did those living in rural areas. Presumably reflecting the higher population density, urban dwellers appear to face a higher risk of encountering a problem to do with noisy or anti-social neighbours (see Table A3.11). It can also be noted that, after adjusting for the urban-rural contrast, outside Belfast the reported incidence of problems or disputes was the same in both the east and the west of Northern Ireland.

Religion

3.40 Variations by religion are interesting to consider in their own right, but also because religious belief is one of the nine categories listed in section 75 of the Northern Ireland Act. When the survey results are analysed by religion, two findings emerge (Key Facts Table):

- Religion is significantly associated with the incidence of problems or disputes solely due to the higher incidence amongst those saying they were of no religion or some religion other than Protestant or Catholic, as well as those for whom religion was not disclosed.
- There is no statistically significant difference in the incidence of problems or disputes between Catholics and Protestants.

Political opinion

3.41 Political opinion is also one of the nine categories in section 75 of the Northern Ireland Act. In the NI Omnibus Survey, political opinion is defined in terms of the unionist:nationalist divide; respondents are asked: "Generally speaking, do you regard yourself as a Nationalist, a Unionist or neither?". It is not therefore unexpected that the survey findings for political opinion should mirror those for religion (see Table A3.1).

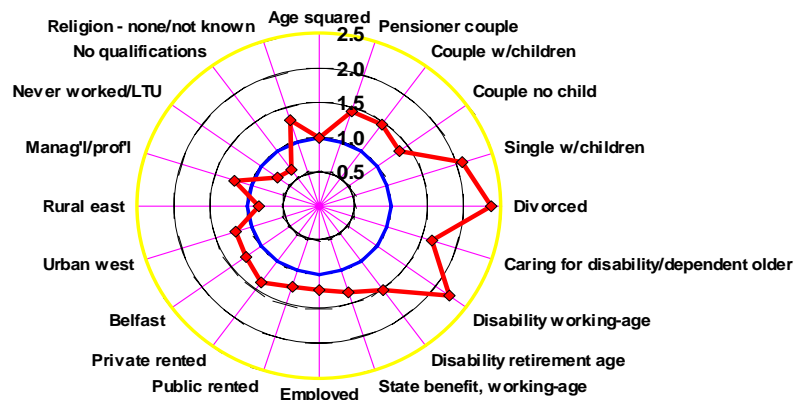
3.42 A further point of interest is that half of those surveyed said that they did not think of themselves as unionist or nationalist. Since the four main political parties in Northern Ireland typically garner in excess of 92 per cent of the vote at general and local elections, this would suggest an element of non-disclosure in the responses to the political opinion question in the Omnibus Survey.

Patterns of Vulnerability

- 3.43 Three key themes emerge from the foregoing review of socio-demographic variations in the incidence of justiciable problems. First, the association between problem incidence and attributes such as age and family type point to the role of the 'stages of life' effect or changes in an individual's circumstances over the course of their lifetime.
- 3.44 Second, some groups are more at risk of a problem or dispute because they possess attributes that are *directly* related to the defining circumstances of various problem types. For example, families with dependant children are clearly more likely to be affected by disputes to do with children. Similarly, those in receipt of benefit are more at risk of a dispute around welfare benefits, while housing tenure is associated with the likelihood of a problem to do with rented accommodation.
- 3.45 Third, some groups appear to be more vulnerable across a wide range of problem types, above and beyond those linked to their defining circumstances; for example, lone parents and those with a disability. At least partly, this is likely to reflect inter-relationships between the various socio-demographic groupings, as highlighted above in relation to receipt of benefit, family type and disability status.
- 3.46 There is clearly therefore a complex relationship between the incidence of problems or disputes and socio-demographic attributes. One way of unravelling the complexity is to estimate a statistical model aimed at isolating the separate effects of different attributes on the likelihood of a problem, after taking account of linkages between attributes such as disability status and receipt of benefit.
- 3.47 The statistical modelling exercise²⁰ facilitates the identification of the most significant influences on the likelihood of experiencing one or more justiciable problems, of whatever type. The main findings are shown in Figure 3.8. The effects shown in Figure 3.8 can be illustrated by focusing on working age persons with a disability. Comparing two working age individuals who share the exact same characteristics (e.g. age, tenure, family type, etc), except that one has a disability and the other does not, the model results suggest that having a disability more than doubles the chances of experiencing a justiciable problem, compared to not having a disability. This is the 'adjusted odds ratio effect' shown in Figure 3.8, which is labelled as 'adjusted' because it takes account of other factors that also influence the likelihood of a justiciable problem.

²⁰ The statistical modelling involved the estimation of a logistic regression model, in which the dependent variable is the occurrence or otherwise of 1+ justiciable problems. The predictor variables comprised the profile variables from the NI Omnibus Survey. The results are reported in Table A3.16 in the Statistical Annex. Only statistically significant effects are listed.

Figure 3.8 Incidence of 1+ problems and socio-demographic attributes - Adjusted odds ratio effects



Odds ratio effects highlighted by red markers. Greater than 1 implies group has above-average odds, lower than 1 implies below-average odds. Source: NI Legal Needs Survey.

3.48 The largest effects are estimated for the following characteristics:

- Marital status – the odds for divorced persons are 2.37 times greater than other marital status categories.
- Family type – being a lone parent doubles the likelihood of a justiciable problem, compared to being single without children.
- Disability – amongst working age persons, the odds are more than doubled for those with a disability. But even amongst those of retirement age, having a disability increases the odds by a factor of 1.5.
- Caring responsibilities – Caring for a dependent older person or one who has a disability increases the odds of a justiciable problem by 1.65, compared to those without such caring responsibilities.
- Receipt of benefit – for working age persons, the odds of a justiciable problem are 1.3 times greater than for those not in receipt of a State benefit.

3.49 Other significant affects that increase the odds of a justiciable problem include being employed, living in a rented dwelling, residing in Belfast or an urban area and a managerial/professional social class position.

3.50 Holding all other factors constant, the likelihood of a justiciable problem is significantly lower for those living in the rural east, the social class position never worked/long-term unemployed and persons with no qualifications.

- 3.51 The main finding to emerge from the statistical modelling exercise is that the patterns of vulnerability to justiciable problems are most strongly shaped by demographic/stages of life factors, such as age and family type, and factors that are correlated with social and economic disadvantage. The latter include being a lone parent, having a disability, being on a state benefit and living in public rented accommodation.

Problem Types

- 3.52 The patterns of vulnerability highlighted by the statistical modelling exercise are further reflected in the extent to which different combinations of problem types are more likely to be found amongst some socio-demographic groups than others.
- 3.53 For example, focusing on working age persons²¹, lone parents (single with children) were more likely than couples with children to report a combination of problems that are clearly linked to the defining circumstances of those problem types, that is, problems to do with divorce, family and relationships, domestic violence and children (Table 3.1). For lone parents, their proximate exposure to these problem types would appear to be compounded by aspects of socio-economic disadvantage which increase the risk of other problem types, notably rented housing and homelessness problems.
- 3.54 The compounding effects of 'proximity' to defining circumstances and socio-economic disadvantage are also evident in the combination of problem types that are significantly more likely to have been reported by working age persons with a disability compared to those without (see Table 3.1). For example, problems to do with discrimination were significantly more likely to be reported by those with a disability than those without.
- 3.55 Finally, the combination of problems that are most likely to be experienced by those on a low income is indicated by comparing those in receipt of an income-related benefit to all other working age persons.
- 3.56 The compounding effects of proximity to the defining circumstances of a problem and social and economic disadvantage is an issue that could usefully be subject to further research beyond what is possible in this report. However, from both a section 75 and policy development perspective, the survey findings clearly demonstrate that different socio-demographic groups exhibit different patterns of need in relation to their experience of justiciable problems.

²¹ The preceding statistical analysis indicates the need to control for differences between persons of pensionable and working age in analysing problem incidence.

Table 3.1 Problem types and patterns of vulnerability: Working-age persons – percentage points difference in problem incidence between risk factor and comparator

	Risk factor: Comparator:	Single with children Couple with children	With a disability Without	Income-related benefit All other working age
Consumer				
Employment				
Neighbours		+8	+6	+5
Owned housing			-2	
Rented accommodation		+9	+4	+6
Money/debt				
Welfare benefits			+5	+4
Divorce		+10		
Family		+10		+4
Domestic violence		+8	+3	+2
Children		+5		+3
Personal injury			+5	
Mental health			+4	+1
Clinical negligence			+3	
Social services			+2	
Immigration				
Treatment by police			+2	
Homelessness		+5		+2
Discrimination			+4	+2
1+ problems		+17	+17	+11

Key:

	Higher incidence of problems – significant at 99 per cent.
	Higher incidence of problems – significant at 95 per cent.
	Lower incidence of problems – significant at 99 per cent.

Source: NI Legal Needs Survey 2005.

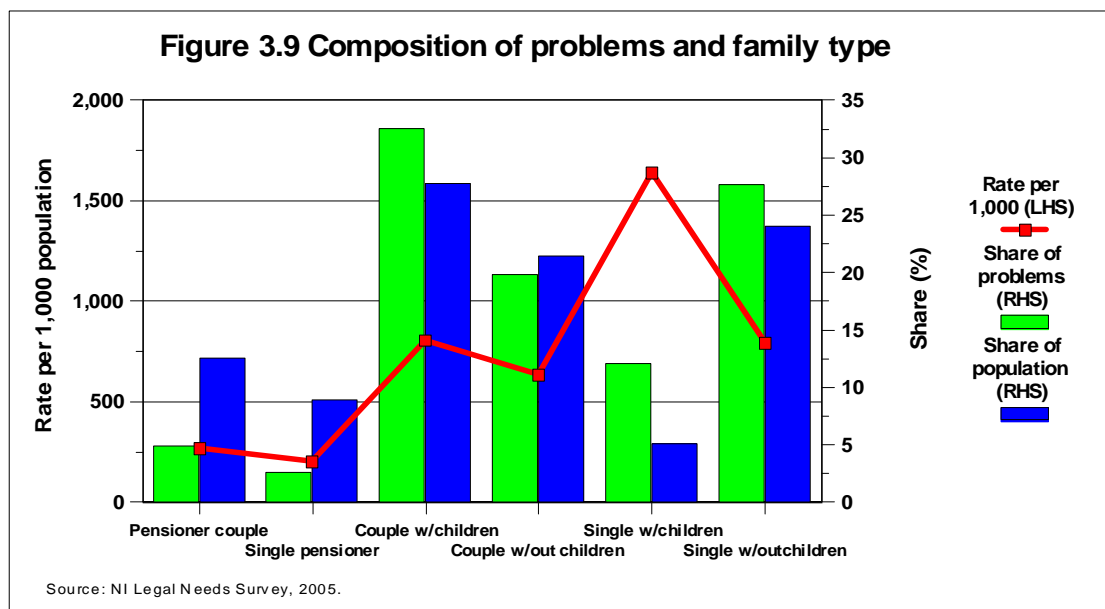
Composition

- 3.57 The preceding analysis in this Section has focused on how the risk of experiencing a problem varies according to an individual's social and economic circumstances, as measured by differences in the incidence of justiciable problems. The final topic addressed in this Section is the related composition effect, that is, the extent to which problems are more or less concentrated in different socio-economic and demographic groups²².
- 3.58 The extent to which problems are more or less concentrated in different socio-economic and demographic groups can be examined by looking at their *share of all problems reported in the reference period*, which can then be *compared with the group's population share*. If the group's share of all problems exceeds its population share²³, it can be concluded that justiciable problems are more highly concentrated in that group than in the population at large. The composition measure is useful to examine because it provides a picture of how the total level of need is distributed amongst different socio-demographic groups. For example, the composition measure can provide information on the *expected* distribution of take-up of services relative to the need.
- 3.59 As noted above, the risk and composition measures are related. Specifically, a group's *share of all problems* depends on:
- The group's population share.
 - The incidence of 1+ problems or disputes amongst those in the group relative to the average incidence of problems or disputes. The higher the incidence, the higher will be the group's share of all problems, when compared to their population share.
 - The mean (or average) number of problems reported in the reference period by those who had experienced 1+ problems or disputes, relative to the mean for all individuals with 1+ problems.
- 3.60 The incidence and the mean number of problems can be multiplied together to derive the number of problems per 1,000 population in a particular group, an indicator that was discussed for all persons aged 18+ in Section 2 above.

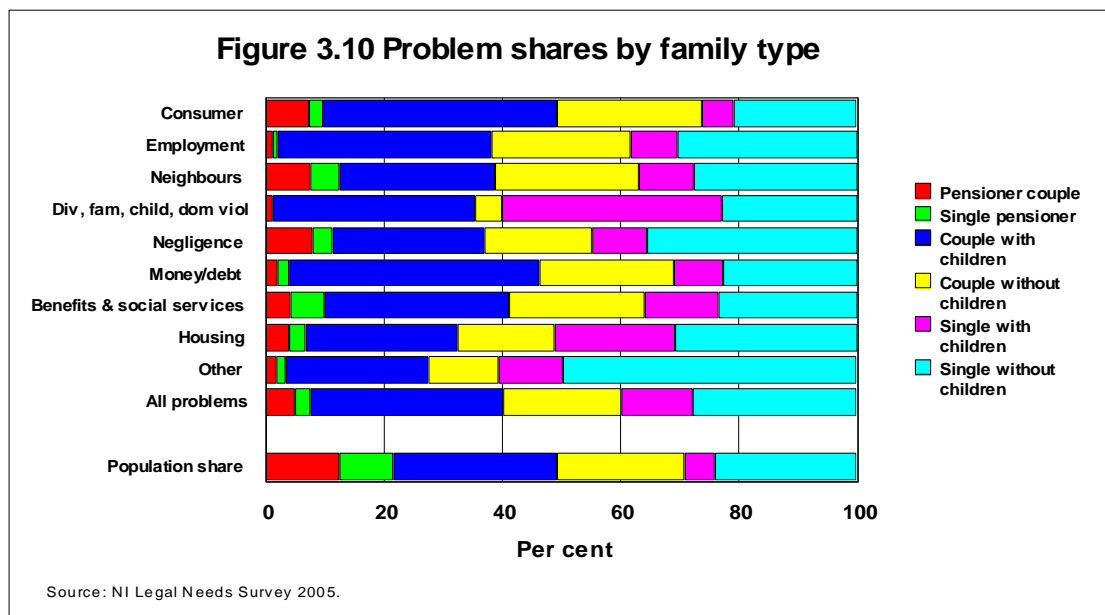
²² The relationship between the risk and composition effects is outlined in Section 3 of the accompanying Statistical Annex.

²³ Or some other appropriately specified benchmark. Depending on the policy context or problem type, this could, for example, be working-age persons, those in employment, and so on.

- 3.61 As the risk and composition measures are related, there is little to be gained from a detailed presentation for each of the different socio-demographic groups in the NI Legal Needs Survey. The components of the composition effect are instead presented by socio-demographic group in Table A3.1 in the Statistical Annex. It is, however, useful to illustrate the composition effect, by looking at variations by family type.
- 3.62 As shown in Figure 3.9, lone parents accounted for 12 per cent of all problems reported in the NI LNS, compared with a five per cent population share i.e. justiciable problems are disproportionately to be found amongst persons in that family type. This in turn reflects the fact that lone parents had a higher incidence of problems and a higher mean number of problems, so that the average number of problems per 1,000 lone parents exceeds that for other family types by a substantial margin (Figure 3.9). In general, the higher the rate per 1,000, the greater will be a group's share of problems relative to their population share, and vice versa.



- 3.63 But it is also important to appreciate the influence of the population share component; a group can have a large share of all problems, even with an average level of risk, depending on its population share. For example, the risk of a problem is much lower for couples without children than for lone parents, but the former account for over twice as many problems *in total* than the latter, because their population share is about four times greater.
- 3.64 Composition effects are also interesting to examine by problem type. As illustrated in Figure 3.10, some problem types are relatively concentrated in particular family type groups, such as divorce, family/relationships, children and domestic violence amongst lone parents. Other problem types, such as consumer problems and disputes with neighbours, are more evenly distributed.



Concluding Remarks

3.65 This Section has presented a socio-demographic profile of persons experiencing justiciable problems in Northern Ireland. Clearly, there are wide variations between different socio-demographic groups in the likelihood of encountering a justiciable problem. Three main sets of problem-generating factors emerge from the statistical analysis of these variations:

- The stages of life effect e.g. age and family type variations.
- Proximity to defining circumstances e.g. receipt of benefit and the likelihood of experiencing a problem to do with welfare benefits.
- Multiple sources of disadvantage, associated most strongly with being a lone parent, having a disability and receipt of benefits, interact to increase vulnerability to justiciable problems.

3.66 The findings can therefore be seen to underpin the relevance of legal and advice services to the Government's New Targeting Social Need (TSN) initiative for tackling poverty and social exclusion.

3.67 In addition, the Legal Needs Survey provides evidence that, from a section 75 equality perspective, different groups have different needs and experiences in relation to justiciable problems, both in terms of the frequency of occurrence and the patterns of problem types that different groups encounter. The survey findings therefore point to the need for section 75 screening in respect of new policies and programmes for publicly funded legal services. Though, the NI Legal Needs Survey also provides a resource for equality screening.

Appendix 3.A Socio-demographic Profile: Categories

The full list of profile variables in Table A3.1 in the Statistical Annex is as follows:

- Age.
- Sex.
- Marital status.
- Dependants.
- Family type.
- Care of a person with a disability/dependant older person.
- Disability status.
- Receipt of benefit.
- Economic activity.
- Socio-economic classification.
- Household income.
- Qualifications.
- Tenure.
- Location.
- Religion.
- Political opinion.

4 Responses and Actions Taken

One of the more important benefits of a legal needs survey is that it facilitates the collection of information on the actions taken by individuals in the face of justiciable problems, for example, whether they seek advice, or deal with the problem using their own means, or simply let it take its course. This Section focuses on responses to justiciable problems. It addresses the following issues:

- What problem handling strategies do people adopt when confronted with justiciable problems?
- To what sources do people turn for advice and how does this vary by problem type?
- How successful are advice-seekers in obtaining the advice and information that they need?
- What courses of action do people take?

Key Findings

- Problem handling strategies varied according to the nature of the problem as well as the importance of and impact upon the affected individual.
- Fourteen per cent did not take any action nor seek advice or information from any source. Most often, this was because they did not think it would make any difference (36 per cent of those who did nothing).
- A little over one in four (26 per cent) of those who reported a justiciable problem said that they had handled the problem on their own. Those with consumer problems were most likely to adopt this approach
- Sixty per cent of problem-havers sought advice, from a range of different sources. Those having a problem to do with divorce, family/relationships, children and/or domestic violence were the most likely (77 per cent) to seek advice.
- Of those who sought advice, 61 per cent said they got all of what they needed. A further 29 per cent said they got some of what they needed while one in ten said they got none of what they needed.
- The majority of problem-havers (65 per cent) sought to resolve their problem by talking with or writing to the other side. Eight per cent took a course of action involving a court or tribunal, while five per cent said they had used a mediation/conciliation service with three per cent mentioning the use of an ombudsman.
- Partly reflecting a different mix of problem types, advice-seekers were more likely than self-helpers to take courses of action involving more formal procedures.

Section 4 Responses and Actions Taken – Key Facts Table

	Problem handling strategy (% of base):			Base ¹
	Did nothing	Handled alone	Sought advice	
	%	%	%	No
All	14	26	60	1,191
Problem type				
Consumer	7	60	33	280
Employment	18	12	70	121
Neighbours	25	13	62	159
Divorce, family, children, domestic violence	7	16	77	116
Personal injury / negligence	21	11	68	142
Money/debt	3	27	70	94
Welfare benefits & social services	9	22	69	108
Housing	5	23	73	91
Other	35	8	56	81
Impact				
None	22	48	30	130
Mild	17	45	38	289
Moderate	18	20	62	283
Marked	8	13	80	265
Extremely	5	14	81	221

1 Problems selected for follow-up questions.

Source: NISRA Omnibus Legal Needs Survey 2005.

Introduction

- 4.1 In the NI Legal Needs Survey, respondents who said they had one or more justiciable problems in the previous three years were asked a series of follow-up questions on how they had responded to their problems and the actions that they had taken²⁴.
- 4.2 This Section of the report presents the main Survey findings under the following headings:
- **Problem handling strategies**, that is, whether people did nothing, handled the problem alone or sought advice.
 - **Advice and information-seeking behaviour**, including the organisations contacted and sources used, whether the respondent got the advice and information they felt they needed, type of advice given, etc.
 - **Actions taken**, for example, whether the respondent talked with or wrote to the other side, or took further action such as going to a court or tribunal.

Problem Handling Strategies

- 4.3 The evidence from legal needs surveys undertaken in other jurisdictions is that, when confronted with a justiciable problem, those affected respond in a variety of different ways, depending on factors such as the nature, importance and impact of the problem and their own capacity for seeking a resolution²⁵. Following the approach used in Genn's *Paths to Justice* studies, a useful way of classifying problem-handling strategies, in very broad terms, is to distinguish the following categories:
- **Handled alone** e.g. by talking with or writing to the other side. These are the 'self-helpers' in Genn's classification.
 - **Sought advice** from an organisation or another individual with some degree of knowledge, experience or expertise regarding the problem at hand.
 - **Did nothing**. These are the 'lumpers' in Genn's classification.

²⁴ Due to interviewing time constraints, those who said they had two or more problems were asked about one randomly selected problem.

²⁵ See, for example, Genn (1999), Genn and Paterson (2001), Pleasence *et al* (2004, 2006).

- 4.4 In the 2005 NI Legal Needs Survey, a little over one in four (26 per cent) of those who reported a justiciable problem said they had handled the problem on their own; that is, they took some form of action but did not seek advice (Table 4.1). A further 60 per cent said they had sought advice to help in dealing with their problem (Table 4.1). The remaining 14 per cent neither sought advice nor took any other form of action, such as talking with or writing to the other side.

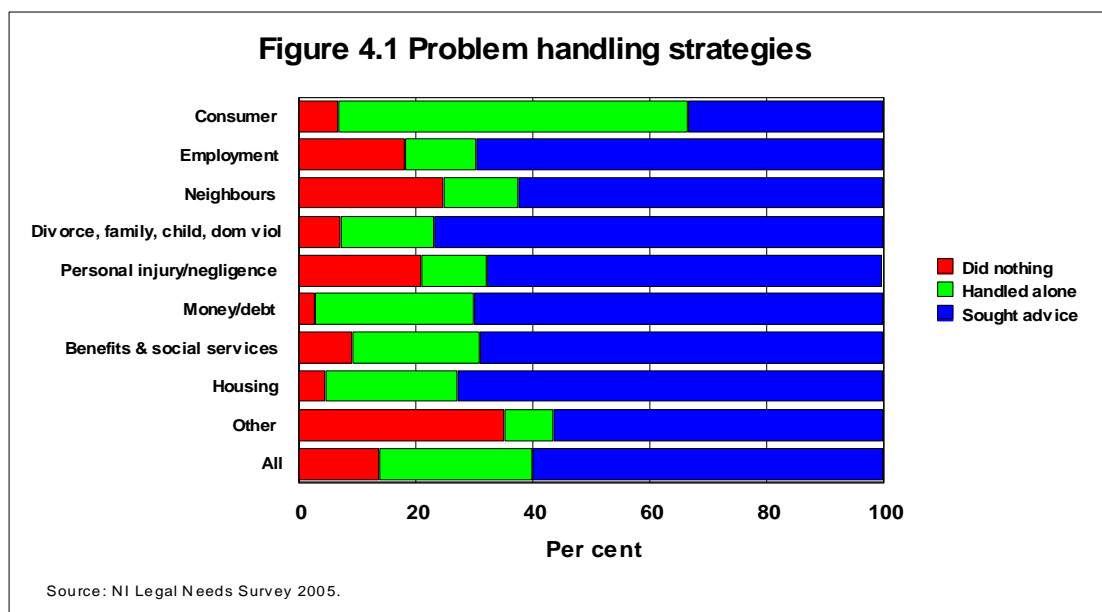
Table 4.1 Problem handling strategies

	N. Ireland	England and Wales	
	2005	2004	2001
	%	%	%
Handled alone	26	31	30
Sought advice	60	59	51
Did nothing	14	10	19
All	100	100	100

Sources: NI Legal Needs Survey 2005; Pleasence *et al*, 2006, p. 89.

- 4.5 When compared with the 2001 and 2004 England and Wales surveys, the NI Legal Needs Survey does not point to any great differences in the broad problem-handling approach adopted by persons with one or more justiciable problems²⁶. The proportion who sought advice was little different from the 2004 England and Wales survey, though somewhat higher than reported in the 2001 England and Wales survey (Table 4.1).
- 4.6 As in other legal needs studies, problem handling strategies were strongly influenced by the nature and type of the problem to be resolved. In contrast with other problem types, consumer problems were mostly handled alone (60 per cent) (Figure 4.1. See also Key Facts Table). One in three sought advice while only seven per cent did nothing. For all of the other problem types shown in Figure 4.1, the majority sought advice on how to deal with their problem.

²⁶ A similar conclusion can be drawn with respect to the 1997 England and Wales survey reported in Genn (2001). For example, in Genn's study, 16 per cent were categorised as having done nothing in response to their problem.



4.7 Those facing a problem to do with divorce, family/relationships, children or domestic violence were most likely to seek advice²⁷. But over two in three of those facing problems to do with employment, personal injury/negligence, money/debt, welfare benefits and social services and housing also sought advice.

4.8 Thus, most problems *and* problem types that were reported in the NI Legal Needs Survey would appear to have been serious enough as to warrant advice-seeking. Though, the way in which a problem type 'drives' the need for advice can vary. Some problem types require advice due to their very nature e.g. divorce is inherently a 'legal problem'. In other cases, the nature of the problem may be beyond the capacity of an individual to handle on their own e.g. the UK welfare benefits system is very complex with many different benefits and extensive use of 'passporting'²⁸.

4.9 Reflecting these different 'drivers', it will be seen later in this Section that the various problem types exhibited a number of contrasting patterns in the kinds of organisations and individuals contacted for advice, as well as the nature of actions taken, if any.

²⁷ Within this cluster of problem types, almost all of those with a divorce problem had sought advice at the time of the survey – 25 out of 28 (91 per cent). The proportion was lowest for family/relationships problems (25 out of 36, or 70 per cent), rising to 72 per cent (26 out of 36) for problems to do with children and 78 per cent for domestic violence problems (13 out of 16). Though, given the small sample bases, the differences in proportions should be treated with caution.

²⁸ That is, where receipt of one benefit automatically entitles the recipient to receive some other benefit, as is the case with Income Support and receipt of Housing Benefit.

- 4.10 The strategies adopted for handling justiciable problems were also significantly affected by the severity of the impact of the problem on the person's life. As shown in the Key Facts Table, very few (five per cent) of those who described the impact as 'extremely severe' did nothing about the problem that they faced. Compared to the average, this group of individuals were also more likely to seek advice (81 per cent) and less likely to handle the problem on their own (14 per cent). By contrast, where the problem was not seen as having any impact on the person's life, there was a greater tendency to do nothing (22 per cent) and almost one in two handled the problem on their own.
- 4.11 Partly, these contrasts reflect the variations by problem type in the severity of the impact on the person's life. But there were variations in the severity of the impact even within the same problem type (see Figure 2.7 above), so it is likely that severity of impact has an additional effect over and above problem type.
- 4.12 A similar picture emerges when problem handling strategies are considered in relation to the perceived importance of the problem. That is, where the problem was viewed as 'extremely important' the respondent was more likely to seek advice rather than doing nothing or handling the problem on their own (Table 4.2). Again, this partly reflects the relationship between problem type and the importance of the problem (see Figure 2.6 above).

Table 4.2 Perceived importance of the problem and problem handling strategies

	Did nothing	Handled alone	Sought advice	All
	%	%	%	%
None	57	24	20	100
Mild	22	50	28	100
Moderate	19	27	54	100
Marked	13	27	61	100
Extremely	6	21	73	100
All	14	26	60	100
<i>Base</i>	<i>165</i>	<i>313</i>	<i>713</i>	<i>1,191</i>

Source: NI Legal Needs Survey 2005.

- 4.13 A little over one in four of those who did nothing said this was because they were not in dispute with anybody and/or they did not think the matter was very important (Table 4.3 overleaf). The problems reported by these individuals amounted to four per cent of the total²⁹. Though nothing was done, this set of problems would not be considered to satisfy the definition of unmet legal need, as set out in Section 1 above. Notwithstanding the justiciable nature of the reported problems, the absence of a dispute takes such problems outside the parameters of the legal need definition underlying this report. Also, in order to qualify as a legal need within the definition used here, it is necessary to satisfy some threshold level of 'seriousness' so that the individual may potentially suffer loss or disadvantage as a consequence of the problem or dispute, if nothing is done³⁰.
- 4.14 From a legal needs perspective, the remaining reasons for doing nothing are of greater interest. Compared to England and Wales, a higher percentage of NI survey respondents did nothing because they did not think that advice or action would make any difference. Furthermore, as in England and Wales, this was also the single most important reason given for doing nothing³¹.
- 4.15 As noted by Genn (2001), people who decide to do nothing because they do not think it will make any difference make that choice without the benefit of advice. As a consequence, they would not have been aware of alternative courses of action for dealing with the problem they faced. In that context, doing nothing signals the risk of an unmet legal need.
- 4.16 With a population survey such as the NI LNS, it is not possible to make an assessment of the appropriateness or otherwise of an individual's decision to do nothing in the face of a justiciable problem. What can be done is to look at how the problem was resolved and whether or not the outcome was satisfactory or otherwise. This is the subject of Section 5 below. Though, even with the benefit of hindsight, 83 per cent of those who did nothing said they did not now wish they had gotten advice from any of a range of relevant organisations or individuals.

²⁹ Though the base number is relatively small (n=42), it is nonetheless interesting that personal injury problems comprised one in three of this set of problems, compared to eight per cent of all other problems. This reinforces the point made in Section 2 above that there may be an element of over-reporting in relation to the incidence of personal injury problems.

³⁰ This is based on the 'triviality criterion' used in Genn's *Paths to Justice* studies to screen for 'justiciable events'. See also the discussion in Dignan (2004, p. 80).

³¹ Though the base numbers are relatively small, the difference is statistically significant. This was, however, the only statistically significant difference among the various reasons given by respondents for doing nothing.

Table 4.3 Why took no action and did not seek advice (NI base=160)

	N. Ireland 2005		England & Wales 2004	
	Base:	All problems	Did nothing	
		%	%	
No dispute/not very important		4	26	n.a.
• No dispute with anybody - thought other side was right		2	12	10
• Did not think it was very important		2	15	7
Problem was over and done with/thought would resolve itself		3	24	18
• Thought it would resolve itself		1	11	n.a.
• Problem was over and done with		2	14	n.a.
Thought it would take too much time		1	4	6
Thought it would cost too much		0	2	2
Thought it would be too stressful to sort out		1	8	9
Thought it would damage relationship with other side.		1	7	3
Was scared to do anything		1	10	3
Did not know what to do/who to go to		1	9	8
Was uncertain of my rights		1	7	7
Did not think it would make any difference to the outcome		5	36	22
Other		2	13	n.a.
All		14	100	100

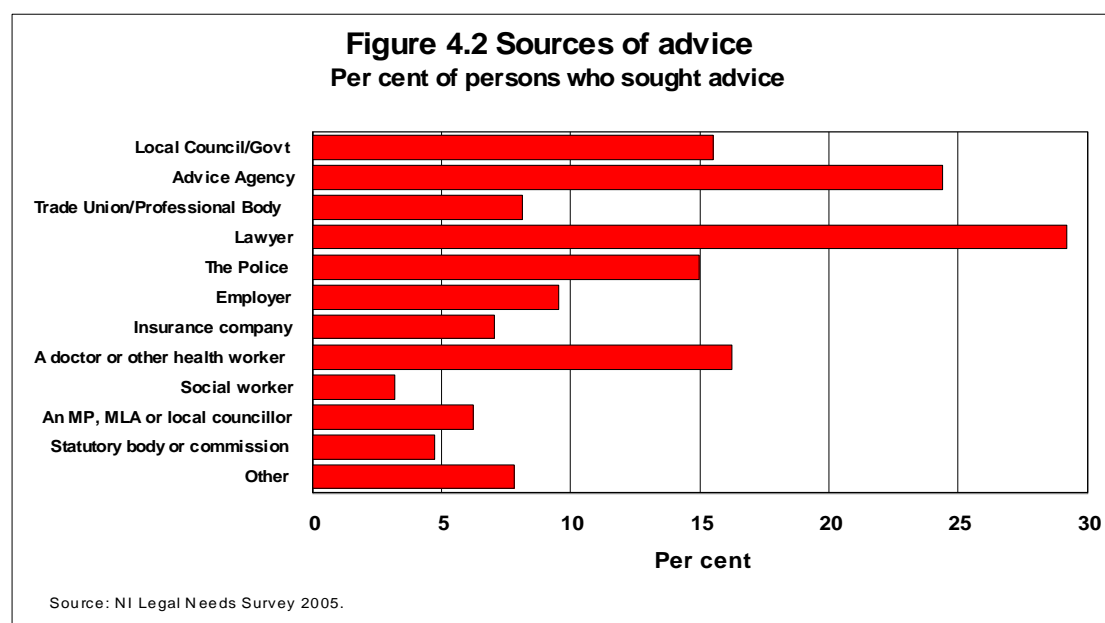
Note: Multiple responses allowed; percentages may not add to 100 per cent.

Sources: NI Legal Needs Survey 2005; Pleasence *et al*, 2006 (pp 82-83).

Advice

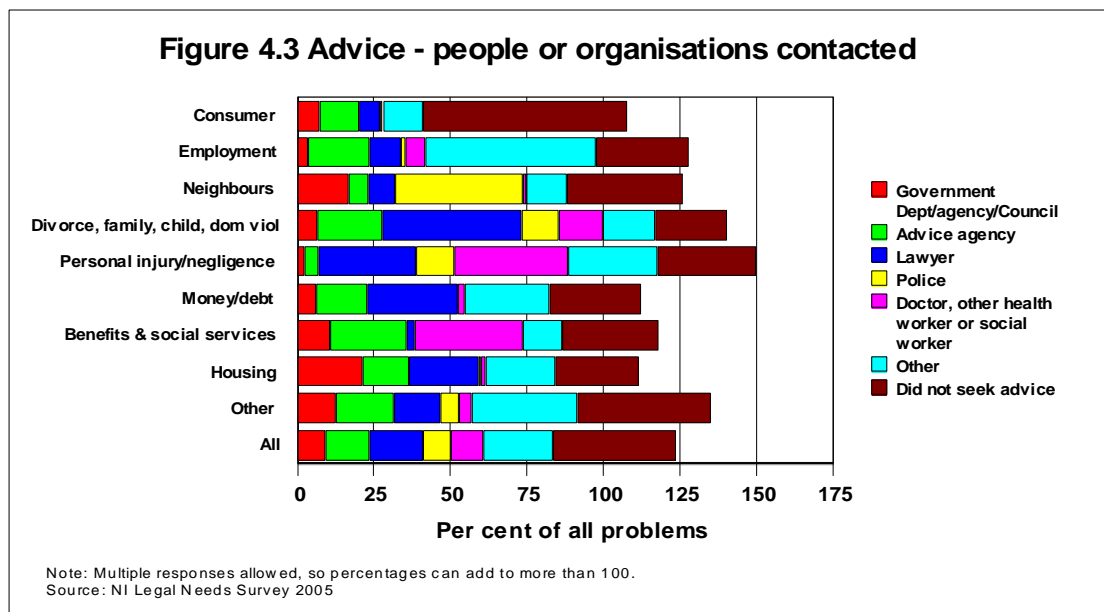
Sources contacted

4.17 Reflecting the range of problem types encompassed by the NI Legal Needs Survey, those who sought advice did so from an array of organisations and individuals (Figure 4.2. See also Table A4.1). Amongst those who sought advice, lawyers were the most frequently contacted source; 29 per cent of advice-seekers, representing 17 per cent of the problems selected for follow-up questions. Advice agencies were used by a little under one in four of those who sought advice. The broad range of other sources that problem-havers said they contacted for advice also included doctors or other health-workers (16 per cent), the police (15 per cent) and local councils/government³² (16 per cent).



4.18 Not unexpectedly, the mix of organisations from which people sought advice varied substantially between the different problem types (Figure 4.3 overleaf. See also Tables A4.2 and A4.2(a) in the Statistical Annex). Persons having problems to do with divorce, family/relationships, children and domestic violence were most likely to seek advice from solicitors (59 per cent of those seeking advice on problems of that type, representing 45 per cent of all those with problems of that type).

³² In Northern Ireland, local authorities perform a narrower range of functions by comparison with those in Great Britain. For example, the Northern Ireland Housing Executive (NIHE) performs the social housing functions that would be undertaken by local authorities in Great Britain. In order to facilitate comparability with surveys undertaken in the rest of the UK, this report refers to a composite local council/government source of advice.



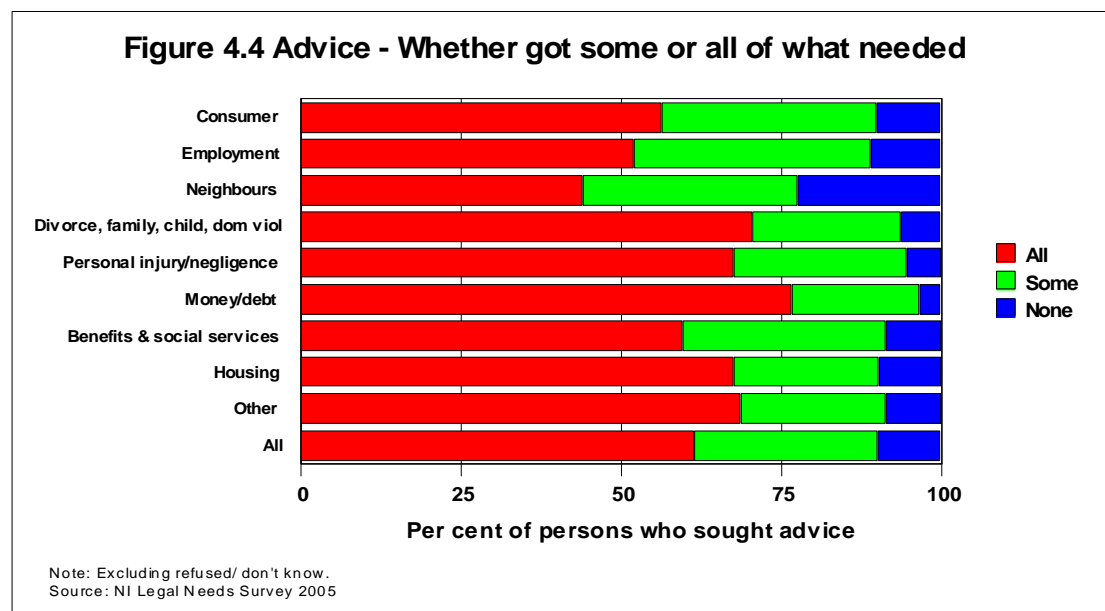
4.19 By contrast, persons experiencing problems to do with welfare benefits and social services very rarely consulted a solicitor (three per cent of persons with problems of that type). Rather, they contacted health professionals, social workers and/or advice agencies. This does, however, serve to re-emphasise that the NI LNS is concerned with the frequency of occurrence of *problems and disputes that are difficult to resolve*. It is *not* a survey of the use of lawyers' services. People may, or may not, use lawyers' services when they encounter a justiciable problem or dispute. But the use of lawyers' services also encompasses a range of more or less routine transactions that would not be considered to be a problem or dispute within the terms of the NI LNS e.g. a straightforward conveyancing matter that is concluded without a problem or dispute arising between any of the parties concerned.

4.20 There are two further points to note regarding sources contacted. First, persons experiencing one of the 19 problem types in the NI LNS may not perceive the problem as being *justiciable*. Thus, the organisations and individuals contacted for advice include, in the words of Pleasence *et al* (2006), a mix of formal rights based and personal sources of advice. The mix is perhaps most evident in the case of personal injury/negligence problems, where people seeking advice were almost equally likely to turn to a health professional or social worker as they were to a lawyer.

4.21 Second, due to the interviewing time constraints in the NI LNS, it was not possible to query people about each and every advisor that they contacted. This means that, for example, referral patterns can only be examined indirectly, such as by looking at the number of different sources that people used for various problem types. This is an avenue for further more detailed research on the advice module in the NI LNS. Nonetheless, it is interesting to observe that the mean number of sources contacted varied substantially, from 1.26 for money/debt problems to 1.87 for personal injury/negligence problems (Table A4.2).

Advice obtained

- 4.22 Those who sought advice were asked if they had obtained some or all of the advice that they felt they needed. Two points should be borne in mind when interpreting the findings in relation to advice obtained. First, the findings represent the survey respondents' perceptions on the extent to which the advice provided met their requirements. Second, as this is the first legal needs survey in Northern Ireland, the findings serve as a baseline to facilitate policy development and for comparison with future surveys of this kind.
- 4.23 Turning to the results, a little over six in ten advice-seekers (61 per cent) said they had obtained all of the advice they needed. A further 29 per cent replied that they had obtained some of what they needed while one in ten was unsuccessful in obtaining advice from the sources contacted.
- 4.24 Again, there were variations by problem type. Persons with money/debt problems were most likely to say they had gotten all of the advice they needed (77 per cent) (Figure 4.4. See also Table A4.3). By contrast, less than half (44 per cent) of those having a problem to do with neighbours said they had obtained all the advice they needed. Those with neighbours problems were also the most likely to say they had received none of the advice that they felt they needed, 22 per cent compared to an average of 10 per cent.



- 4.25 The advice obtained question in the NI Legal Needs Survey was posed on a 'global' basis, that is, with reference to *all* sources contacted *at some point* by the respondent. This makes it more difficult to examine variations by type of advisor in successfully obtaining the advice felt to be needed.

4.26 It is, nonetheless, of interest to cross-classify sources contacted at some point with survey respondents' reported success or otherwise in obtaining the advice felt to be needed. When this is done, it can be seen that those contacting lawyers at some point were most likely to say that they had received all of the advice they needed (69 per cent compared to a 61 per cent average) (Table 4.4). The profile for advice agencies was about in line with the average, albeit the use of advice agencies tends to cover a wider spectrum of problem types (see Table A4.2).

Table 4.4 Whether got some or all of advice sought, by sources mentioned as having been contacted at some point

	All of what needed	Some of what needed	None of what needed	Base
	%	%	%	No.
Lawyer	69	25	6	205
Advice agency	61	31	8	174
Govt Dept/Agency/Council	59	28	13	110
Union or professional body	59	36	5	58
Employer	49	41	10	69
Police	48	30	22	107
Insurance company	63	31	6	51
Health professional	64	29	7	116
Other	60	34	6	161
All	61	29	10	712

Source: NI Legal Needs Survey 2005.

4.27 The results for success in obtaining advice partly reflect the variations by problem type noted above. Most notably, those who mentioned having contacted the police at some point were most likely to say they had obtained none of the advice they needed. As noted above, those having problems to do with neighbours were least successful in obtaining the advice they needed and two in three advice-seekers with that type of problem mentioned having contacted the police.

4.28 The precise interaction between problem type and sources contacted in determining whether advice was successfully obtained, wholly or partially, would require more detailed research than is feasible in this report. Even within the same problem type, some problems may be more intractable than others.

- 4.29 A final point to note regarding sources of advice is the comparison with the findings from the LSRC's 2004 English and Welsh Civil and Social Justice Survey. The surveys are not wholly comparable regarding sources of advice obtained, as the English and Welsh Survey sought information on whether the respondent had obtained some or all of what they felt they needed in relation to each advisor contacted. For that reason, the comparisons shown in Table 4.5 should be interpreted with due caution.
- 4.30 As can be seen, it would appear that the propensity of advice-seekers in Northern Ireland to use lawyers is not greatly different than in England and Wales. A similar conclusion holds with regard to union or professional bodies, employers, the police, insurance companies and, to a lesser extent, health professionals.

Table 4.5 Sources of advice obtained at some point

	N. Ireland, 2005	England & Wales, 2004
	%	%
Lawyer	26	30
Advice agency	22	16
Govt Dept/Agency/Council	13	21
Union or professional body	7	7
Employer	9	7
Police	12	13
Insurance company	7	6
Health professional	15	11
Other	20	40

Sources: NI Legal Needs Survey 2005; Pleasence *et al*, 2006, p. 105.

- 4.31 By contrast, it would appear that advice-seekers in Northern Ireland are somewhat more likely to use advice agencies than are those in England and Wales. Though, it should be noted that the LSRC's 2001 England and Wales survey found that 22 per cent of advice-seekers had obtained assistance from an advice agency, which is identical to the NI Legal Needs Survey finding. At this point, therefore, it is not possible to draw a definitive conclusion on the comparative use of advice agencies in Northern Ireland as compared with England and Wales.

4.32 Finally, it can be noted that, whereas one in five advice-seekers in Northern Ireland said they obtained advice from advisors other than those specifically listed in Table 4.5, this was the case for 40 per cent of advice-seekers in the LSRC's survey. This would tend to suggest that advice-seekers in England and Wales make use of a wider array of sources compared to those in Northern Ireland.

Type of advice

4.33 Considering those who got some or all of the advice that they said they needed, the most frequently offered type of advice was to try and resolve the problem by talking to the other side³³ (Table 4.6). This type of advice was most often proffered in relation to money/debt (59 per cent) and consumer problems (56 per cent) (see Table A4.4).

Table 4.6 Type of advice given: Per cent of persons who got some or all of advice said they needed

	Advice obtained:		All
	All needed	Some	
	%	%	%
Try to resolve problem directly by talking to other side	43	45	44
Get advice/help from another organisation	18	17	18
Threaten the other side with legal action	12	10	11
Start formal legal proceedings	16	8	13
Try a professional mediation/conciliation service	6	5	6
Go to ombudsman	2	1	1
Advised that there was nothing that could be done	6	15	9
Other	6	8	7
None of these	20	19	19
<i>Base</i>	<i>424</i>	<i>198</i>	<i>622</i>

Note: Multiple responses allowed; percentages may add to more than 100 per cent.

Sources: NI Legal Needs Survey 2005.

³³ For those who sought advice from more than one source, the respondent was asked to discuss the source that he or she regarded as having been 'the most helpful'.

- 4.34 A little less than one in five of those who obtained advice were advised to contact some other organisation, most often those having problems to do with divorce, family/relationships, children or domestic violence (29 per cent) followed by employment (23 per cent) and welfare problems (20 per cent).
- 4.35 More formal actions were less frequently advised, with one in ten being advised to threaten the other side with legal action and 13 per cent to start formal legal proceedings. Legal proceedings were most often recommended to those having problems to do with divorce, family/relationships, children or domestic violence (38 per cent) followed by persons who had a personal injury/negligence problem (23 per cent). As discussed above, both of these sets of problem types were also the most likely to involve seeking advice from a lawyer. They also both encompass the subject matters that most often come within the ambit of civil legal aid. By contrast, recourse to formal legal proceedings was recommended to only one per cent of those with a welfare benefits problem who obtained advice and three per cent of those with neighbours problems.
- 4.36 Alternative dispute resolution mechanisms also featured in the range of actions recommended by advisors, albeit relatively infrequently. Six per cent said they were advised to use a mediation or conciliation service.
- 4.37 One in ten was advised that nothing could be done. The percentage did not vary greatly by problem type. The main exception in that regard was in respect of problems to do with divorce, family/relationships, children or domestic violence; in those circumstances, only two per cent were advised that nothing could be done.
- 4.38 Around one in five of those who obtained advice said that the advice they were given did not correspond to any of the paths listed above. Most often, this was in respect of welfare benefits problems (37 per cent), followed by personal injury/negligence (30 per cent) and neighbours problems (24 per cent). This serves to highlight once again that people who encounter the problems encompassed by the NI Legal Needs Survey do not necessarily regard these as *justiciable* problems, even if they may potentially have a remedy in civil law. As noted above, the sources of advice consulted were a mix of rights based and personal, and the type of advice that people say they were given does not always fit within the parameters of a justiciable event.
- 4.39 In general, however, it can be seen that the nature of the problem had a very strong influence on the type of advice that people were given, as would be expected from the diverse sources contacted by advice-seekers. Formal legal actions were most likely to be recommended in respect of problems where the defining circumstances most closely correspond to a 'legal problem', such as divorce, and least likely in areas which would not typically be viewed as 'legal problems' in the first instance e.g. problems to do with welfare benefits.

- 4.40 A similar pattern emerges from the responses to the question of what the advisor actually did. Most often, the advisor contacted or negotiated with the other side (Table 4.7). Relatively few problems entailed representation by the advisor at a formal setting such as a court or tribunal. Thus, even where people receive advice, their advisors rarely end up acting in a formal 'legal' setting. It is not possible to say if the 'mix' of actions shown in Table 4.7 represents an optimal set of responses by advisors. This is not the purpose of the NI LNS, though it is clearly useful to establish the baseline position.
- 4.41 Again, there were variations by problem type. One in five of those with a problem to do with divorce, family/relationships, children or domestic violence said that their advisor had spoken on their behalf in a formal setting, compared to an average of seven per cent (see Table A4.5).

Table 4.7 What advisor actually did: Per cent of persons who got some or all of advice said they needed

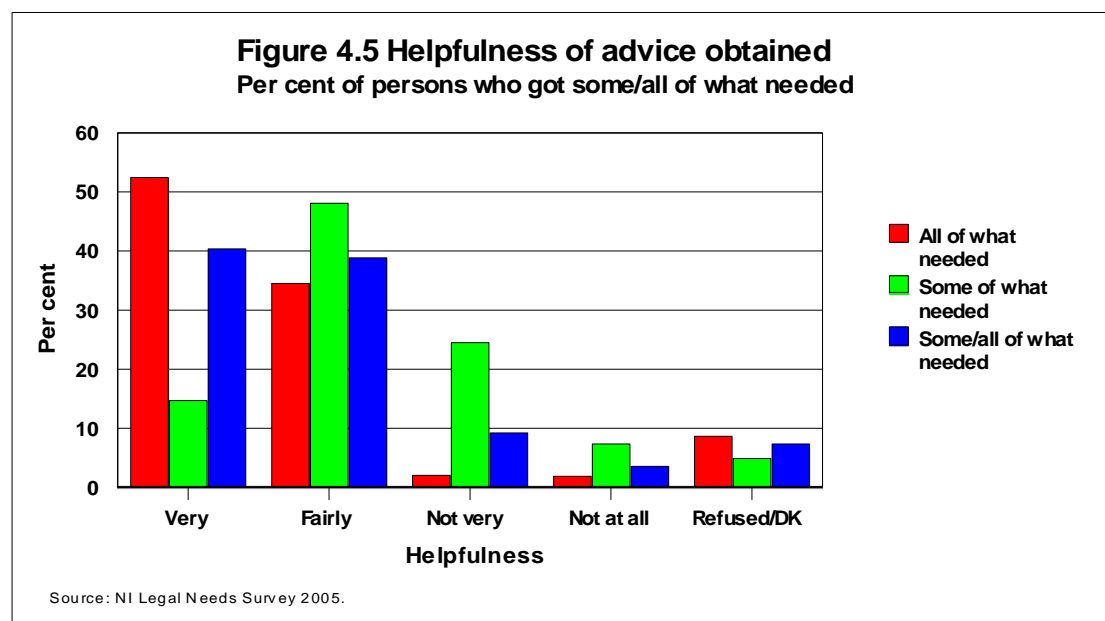
	Advice obtained:		All
	All needed	Some of what needed	
	%	%	%
Contacted the other side	38	33	37
Negotiated with the other side	23	17	21
Prepared paperwork	27	15	23
Contacted another person / organisation	13	15	14
Helped contact another person / organisation	9	7	8
Accompanied to court / tribunal / arbitration / mediation	5	3	4
Spoke at court / tribunal / arbitration / mediation	8	6	7
Told what to write or say	14	15	14
Other	4	5	4
None of these	31	38	34
<i>Base</i>	<i>424</i>	<i>198</i>	<i>622</i>

Note: Multiple responses allowed; percentages may add to more than 100 per cent.

Sources: NI Legal Needs Survey 2005.

Helpfulness

4.42 Those who said they had obtained some or all of the advice that they needed were also asked to say how helpful they had found the advice given, from all sources, in relation their problem or dispute. Four in ten said they found the advice given to have been 'very' helpful with a similar proportion saying the advice had been 'fairly' helpful (Figure 4.5). Thirteen per cent said the advice given had been 'not very' or 'not at all' helpful.



4.43 The perceived helpfulness of the advice given varied considerably according to whether the respondent viewed those contacted as having provided all or some of the advice needed. Whereas over half of those who felt they had gotten all of the advice that they needed found the advice very helpful, this was the case for only 15 per cent of those who said they had gotten only some of the advice needed.

Why did not seek advice

4.44 Finally, it is useful to look at the reasons why people did *not* seek advice. Most often, this was because people didn't think they needed advice or information (30 per cent) (Table 4.8 overleaf). One in four said they didn't think it would make any difference while a similar proportion said that it had not occurred to them to seek advice or information.

4.45 It cannot, of course, be presumed that a decision to not seek advice, whether rights based or personal, amounts to an unmet need. People who make decisions not to seek advice for these reasons may do so because they are capable of handling the problem using their own capacity and they may well achieve an outcome that they themselves view as satisfactory.

Table 4.8 Why did not look for advice (*Persons not contacting any people or organisations*)

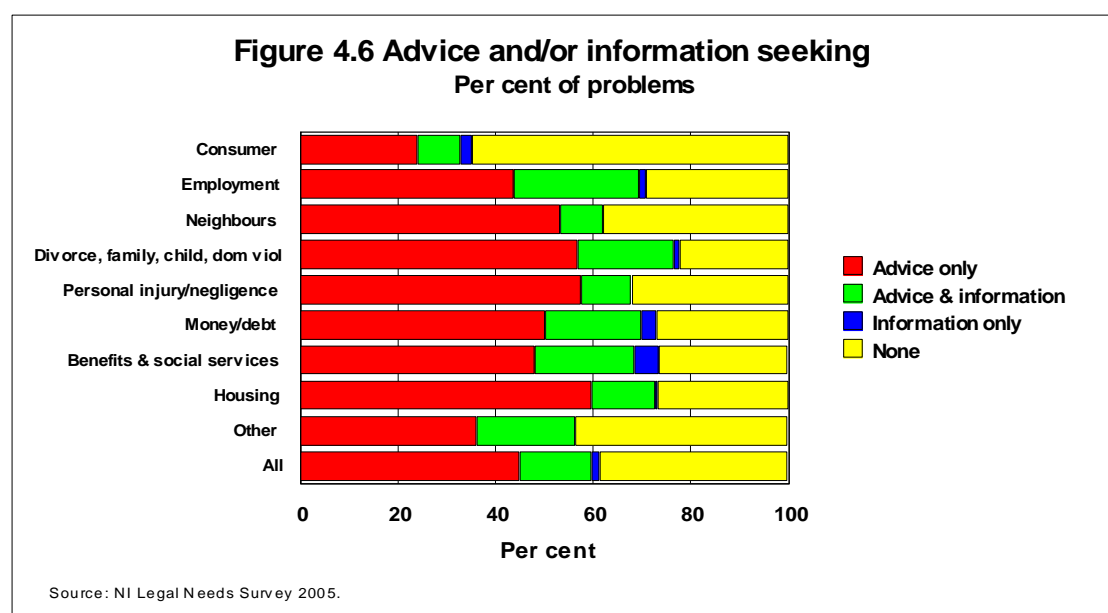
	Base:	Did not seek advice	All problems
		%	%
Didn't occur to them to seek advice or information		23	9
Didn't think they needed advice or information		30	11
Didn't think it would make a difference		25	9
Didn't think anybody would be able to help		6	2
Weren't sure where to go for advice or information		13	5
People/organizations were too far away		0	0
Opening hours were not convenient		0	0
Services were too difficult or complicated to use		1	0
Services were too expensive to use		1	0
Other		17	6
Don't know/Refused		2	1
<i>Base</i>		<i>451</i>	<i>1,191</i>

Sources: NI Legal Needs Survey 2005.

- 4.46 Nonetheless, an absence of advice may result in a lack of awareness of alternative courses of action for dealing with problems which may then have consequential effects on how the problem is resolved or otherwise. It is therefore possible that the decision to not seek advice may reflect an unmet need. This possibility is further explored in Section 5 below, which focuses on outcomes and resolutions relative to the problem handling strategies adopted by those saying they had one or more justiciable problems.
- 4.47 A little over one in eight of those who did not seek advice, representing five per cent of all problems, said they were not sure where to go for advice or information. This reason can be said to directly reflect a lack of *awareness* of advice-seeking possibilities, which would count as an unmet legal need in terms of the definition used in this report.
- 4.48 The findings would, however, suggest that the availability of and access to advice services played a very minor role in shaping the decision whether or not to seek advice. As can be seen from Table 4.8, hardly any of those who did not seek advice felt constrained by opening hours, costs and/or distance from providers.

Information

- 4.49 Persons with justiciable problems can obtain information on the subject matter not just from formal sources of advice, but can also obtain information via leaflets and, for those who have access, the internet³⁴. When asked if they had tried to obtain information from printed material and/or the internet, 17 per cent of problem-havers in the NI Legal Needs Survey replied in the affirmative.
- 4.50 Interestingly, advice-seekers were much more likely to use printed material and/or the internet than were those who said they handled the problem on their own. One in four of those who sought advice from organisations or individuals also tried to obtain information from sources such as leaflets and/or the internet. By contrast, only six per cent of those who handled the problem on their own used such secondary sources of information.
- 4.51 This pattern did not vary greatly by problem type. For example, 11 per cent of those with consumer problems tried to get information; of those who did so, four in five also contacted an individual or organisation seeking advice (Figure 4.6. See also Table A4.6). Similarly, one in four of those with a welfare benefits problem looked for information and, again, 80 per cent of those also sought advice.



³⁴ The Continuous Household Survey indicates that 54 per cent of individuals aged 16 and over had internet access (from whatever source, including both home and work) in 2004-05, up from 35 per cent in 2001-02. Access ranged from 81 per cent of 16-19 year olds to seven per cent among those aged 70+ (Source: NISRA, at <http://www.csu.nisra.gov.uk/surveys/survey.asp?id=1&details=3&topicId=33>).

4.52 It would, therefore, appear that information sources such as leaflets and the internet more often serve as complements to, rather than substitutes for, seeking advice on a more formal and direct basis from relevant organisations and individuals such as those discussed earlier in this Section.

4.53 When asked how successful they had been in obtaining information from sources such as leaflets and the internet, 41 per cent said they had gotten all that they felt they needed with a further 51 per cent saying they had obtained some of what they needed (Table 4.9).

Table 4.9 Persons who sought advice and/or information: Whether got all that said was needed¹

Source:	People /	Leaflets,	Either/or	
	Organisations	Internet, etc	Per cent of all seeking advice/info	Per cent of all problems
	%	%	%	%
All that said needed	61	41	62	37
Some of what needed	29	51	29	17
None of what needed	10	8	9	5
All	100	100	100	60
<i>Base</i>	<i>691</i>	<i>195</i>	<i>709</i>	<i>1,191</i>

1 Excluding refused/don't know.

Sources: NI Legal Needs Survey 2005.

4.54 Secondary sources of information were therefore less likely to provide all that was needed, compared to more direct formal sources of advice. This is, perhaps, unsurprising. Though, it is also interesting to note that persons saying they had obtained all the advice that they needed comprised 79 per cent of those who said they got all the information needed from secondary sources. This reinforces the point made earlier regarding the complementary role of secondary information sources.

4.55 The consequence is that the proportion saying they had obtained all of the advice and/or information they were seeking (62 per cent), *from whatever source*, was largely shaped by success or otherwise in seeking advice directly from individuals and/or organisations. Secondary sources helped in that regard, but for the most part they were not a substitute for direct advice.

Actions Taken

4.56 Almost all of those who handled the problem on their own did so by talking with or writing to the other side (Table 4.10). This was not much different from England and Wales where 95 per cent of what Genn terms the 'self-helpers' took the same approach. Similarly, in both jurisdictions, very few of these individuals went through more formal procedures. In Northern Ireland, only one per cent of those saying they had handled the problem on their own ultimately went to a court or tribunal. A slightly higher proportion (four per cent) took the same course of action in England and Wales.

Table 4.10 Action taken, by problem handling strategy

	No action	Talk / write to other side	Media- tion	Ombuds man	Court / tribunal
	%	%	%	%	%
Handled alone	0	98	2	1	1
Sought advice					
All advice seekers	28	66	8	4	14
• Got all needed	31	62	7	5	16
• Some of what needed	19	74	11	3	14
• None of what needed	28	67	2	5	4
All problems¹	30	65	5	3	8

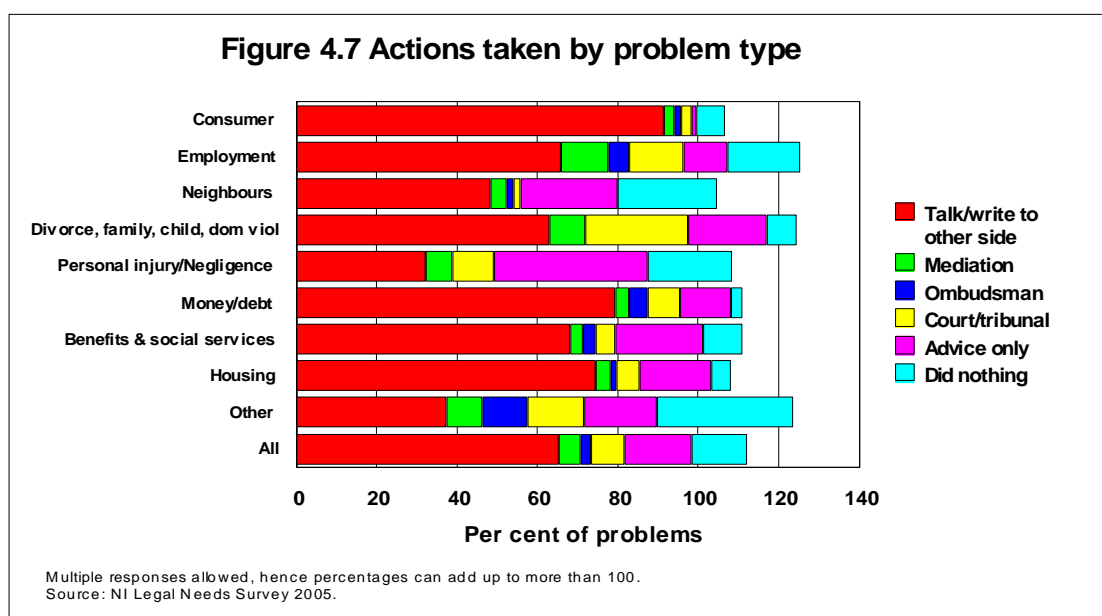
1 Including those who did not seek advice and took no action (see Table 2).

Multiple responses allowed; percentages may add to more than 100 per cent.

Sources: NI Legal Needs Survey 2005.

4.57 As in England and Wales, those who sought advice were more likely to pursue more formal avenues. In Northern Ireland, 14 per cent went to a court/tribunal, comparable to the 17 per cent saying they had taken this route in the 2004 England and Wales survey. At four per cent, the self-reported use of an ombudsman by advice-seekers was the same in Northern Ireland as in England and Wales. Interestingly, eight per cent of those who sought advice in Northern Ireland said that they had used some form of mediation to help in solving their problem, or that a mediation session was planned for the future, or that mediation sessions had been arranged, even if they had not attended. This would appear to represent a higher use of mediation than reported for England and Wales.

- 4.58 Compared to those who got all or some of what they said was needed, those who got none of the advice needed were about as likely to talk or write to the other side but less likely to pursue more formal avenues, such as courts or tribunals, or alternative mechanisms such as mediation. At least partly, this is likely to reflect the influence of problem type both on problem-handling strategies and courses of action.
- 4.59 The actions taken also varied by problem type (Figure 4.7. See also Table A4.7). Almost all of those with consumer problems (92 per cent) handled the problem by talking with or writing to the other side. Those with divorce/family/child/domestic violence problems were the most likely to take the matter to a court/tribunal (26 per cent). The use of mediation services was highest in the case of employment problems (12 per cent).



- 4.60 The contrasts by problem type shown in Figure 4.7 are not at all unusual when compared with similar surveys. They serve to reinforce the point made by researchers such as Curran (1977) and Genn (1999) that problem-handling strategies and the actions that people take to resolve their problems inevitably differ between problem types.
- 4.61 Again, it is not possible to say if the courses of action that people took were best suited to their problem and/or circumstances. The Legal Needs Survey does, however, provide a baseline picture of the mix of actions taken by those with justiciable problems.

Concluding Remarks

4.62 In the legal need definition underlying this report, unmet need can arise in situations where a person does not have the capacity to deal with the problem themselves or are otherwise constrained in seeking a resolution, for example, because they cannot obtain adequate advice.

4.63 The fact that a person does nothing or does not seek advice does not automatically equate to an unmet need, whether for advice or further more active assistance. Nonetheless, the responses that people are observed to make to their justiciable problems serves as the starting point for an assessment of unmet need. This Section has provided the framework for such an assessment by examining responses and actions in three respects:

- The broad problem-handling strategies adopted i.e. whether the person did nothing, handled the problem alone or sought advice.
- The efficacy of advice-seeking, as indicated by whether the person seeking advice got all, some or none of what they said they needed.
- The types of actions that people took to resolve their problems.

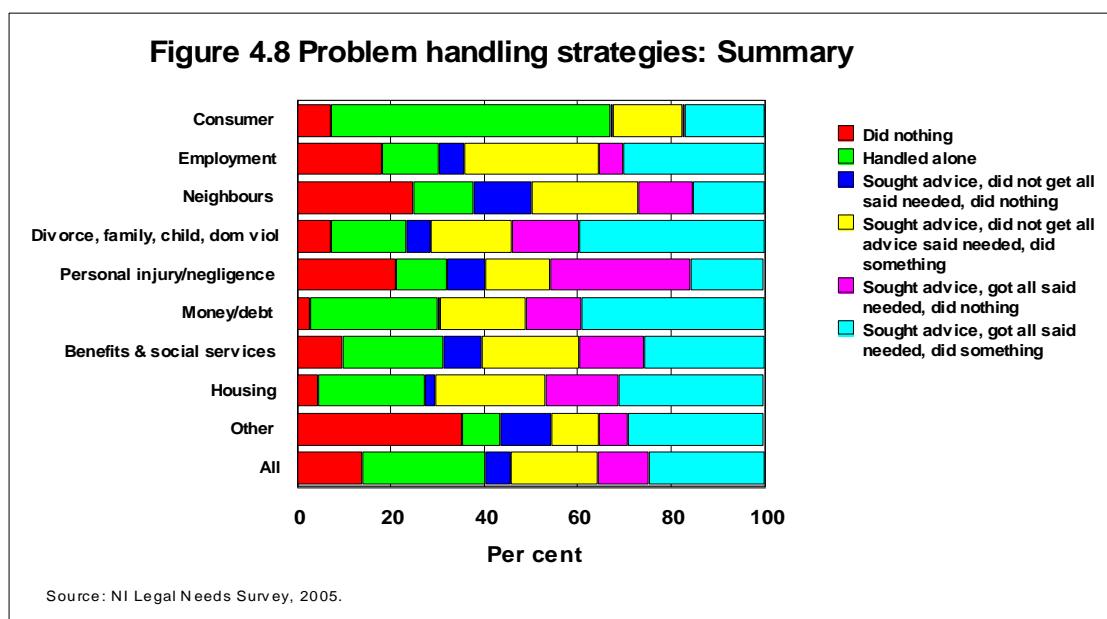
4.64 These three elements of the responses made by people to justiciable problems are summarised in Table 4.11. About one in four of those who sought advice did not take any of the courses of action discussed in this Section. This was the case regardless of whether the person received all of the advice that they said they needed.

Table 4.11 Problem handling strategies, advice and action: Summary

	%
Did nothing	14
Handled alone	26
Sought advice, did not get all said needed, did nothing	6
Sought advice, did not get all said needed, did something	19
Sought advice, got all said needed, did nothing	11
Sought advice, got all said needed, did something	25
All	100
<i>Base</i>	<i>1,191</i>

Sources: NISRA Omnibus Survey Legal Needs Module 2005.

4.65 Not unexpectedly, the propensity of advice-seekers to take action varied much more by problem type (Figure 4.8. See also Table A4.9). For example, advice-seekers with consumer problems almost always did something, regardless of whether they got some or all of the advice they said they needed. Conversely, more than half of advice-seekers with personal injury/negligence problems did nothing. Indeed, advice-seekers with that type of problem who said they received all of the advice they needed were considerably more likely to do nothing than to undertake some further course of action. This reinforces the point made earlier that doing nothing does not necessarily equate to an unmet need. But it also makes the more general point that, at least in some problem types, advice serves as a ‘filter’ mechanism in addition to signposting further courses of action.



5 Resolutions and Outcomes

A legal needs survey can help to illuminate the extent of unmet need by documenting the occurrence of problems where advice has not been sought and which the citizen has been unable to resolve satisfactorily. This Section provides a framework for assessing unmet need by examining how problems were resolved and satisfaction with outcomes, relative to the problem handling strategies adopted by those with justiciable problems. It addresses the following issues:

- In what ways were justiciable problems resolved?
- How did resolutions vary by type of problem?
- How satisfied were those surveyed with the way in which their problem was resolved or is working out?
- What can the above tell us about the extent of unmet legal need?

Key Findings

- The most common means of resolving disputes was by agreement (42 per cent). A further 18 per cent said the problem had 'sorted itself out'. Thirteen per cent of those whose problem had concluded said they had simply given up trying to sort the matter.
- Relatively few problems (six per cent) reached a court/tribunal. One per cent of problems ended via an ombudsman with five per cent saying their problem had been concluded through mediation/conciliation.
- Apart from the use of mediation, the NI survey findings are broadly similar to those reported for the LSRC's 2004 England and Wales survey.
- Resolutions varied by problem type. Two in three consumer problems ended by agreement. One in three problems to do with divorce, family/relationships, children and/or domestic violence concluded at a court/tribunal.
- Fifty-five per cent said that they were satisfied with how their problem had concluded or was working out. Satisfaction was higher for problems that are now over (69 per cent) compared to ongoing disputes (35 per cent).
- Satisfaction also varied according to problem-handling strategies, being higher where the respondent had handled the problem alone or had sought advice and obtained *all* of the advice felt to be needed.
- Based on situations where no advice was sought and the respondent was not satisfied with how things had worked out or were working out, the extent of unmet need for advice is indicatively estimated at 16 per cent of justiciable events.

Section 5 Resolutions and Outcomes – Key Facts Table

	Per cent of problems
	%
Status (% of reported problems)	
Ongoing	41
Over	59
Resolutions (% of problems said to be over)	
Court/tribunal	6
Mediation	5
Ombudsman	1
Agreement	42
Sorted itself	18
Gave up	13
Did nothing	8
Other	9
Satisfaction (how things have worked out/are working out) (% of selected problems)	
Very satisfied	26
Fairly satisfied	28
Neither/nor	19
Fairly dissatisfied	12
Very dissatisfied	14

Source: NISRA Omnibus Legal Needs Survey 2005.

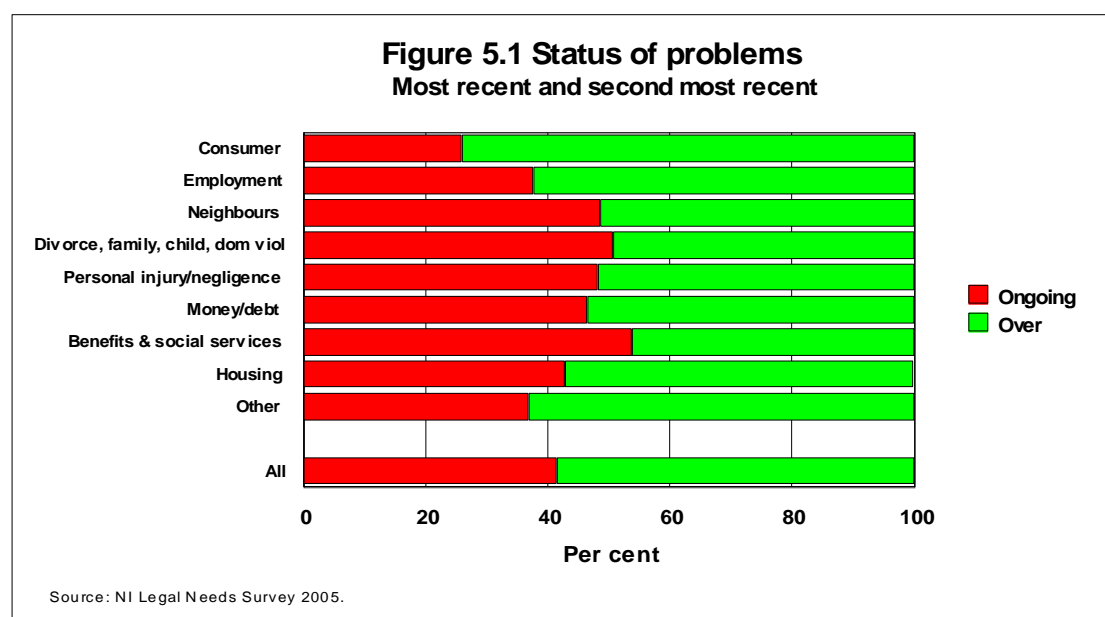
Introduction

5.1 This Section focuses on the outcomes of different strategies for handling justiciable problems. It commences by documenting the status of justiciable problems at the time of the Survey, that is, whether they were ongoing or now over. In the case of those problems that were over at the time of the Survey it is possible to examine the different ways through which problems were resolved. The Section then looks at whether people were satisfied or not with how their problem was concluded or, if ongoing at the time of the survey, how things were working out, cross-classified against the findings for problem-handling strategies and the efficacy of advice-seeking discussed in Section 4 above. This serves as a basis for examining the implications of the NI Legal Needs Survey findings regarding the extent of unmet need, with a particular focus on the need for advice.

Status of Problems

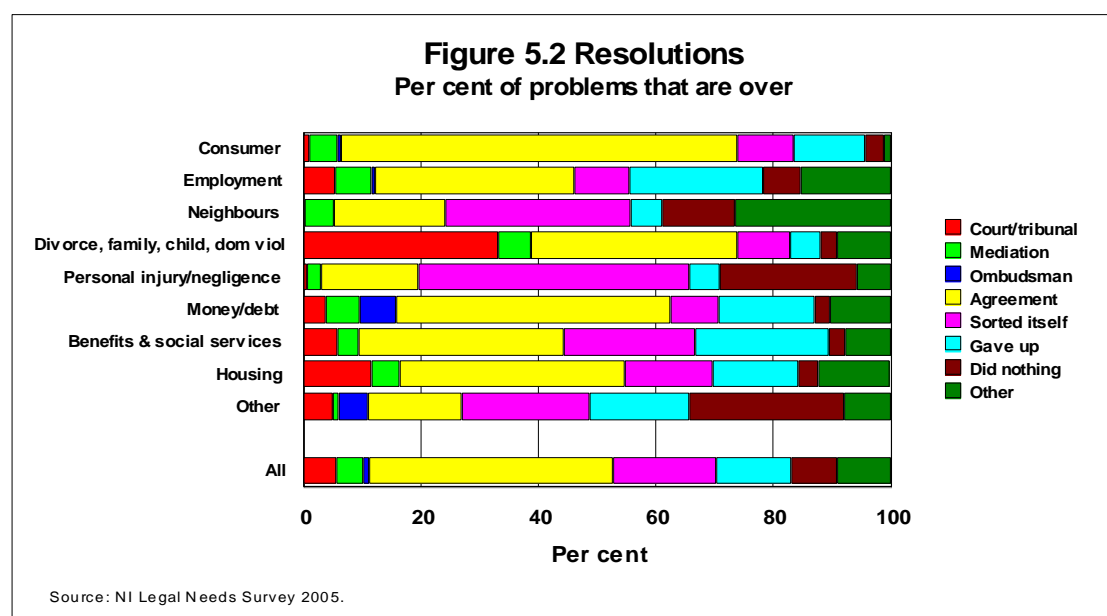
5.2 In the NI Legal Needs Survey, 59 per cent of respondents said that their problem/dispute was now over, with 41 per cent reporting that it was either ongoing or still too early to say if the problem had finished. This is very similar to the LSRC's 2004 England and Wales survey, where 61 per cent said their problem was over.

5.3 Consumer problems were the most likely to have concluded (74 per cent), followed by employment problems (62 per cent) (Figure 5.1. See also Table A5.1). For most other problem types there was relatively little variability in the split between problems that were ongoing and now over.



Resolutions

5.4 Amongst those who said the problem was now over, the manner in which the issue was resolved varied considerably from one problem type to another (Figure 5.2. See also Table A5.2). Reflecting the very high use of talking/writing to the other side, and the nature of the problem type, a large majority (67 per cent) of those with consumer problems said that they had reached an agreement. By contrast, one-third of divorce/family/child/domestic violence problems were said by respondents to have been concluded at a court/tribunal, with a further 35 per cent saying they had reached an agreement. Personal injury/negligence problems were most often said to have sorted themselves out (46 per cent) with a further 17 per cent concluding by agreement.



5.5 The most common means of resolving disputes was by agreement (42 per cent) (Key Facts Table). A further 18 per cent said that their problem had ‘sorted itself out’ while 13 per cent said they had given up trying to sort their problem.

5.6 The proportion bringing their problem to a conclusion by reaching an agreement was very similar to the LSRC’s 2004 England and Wales survey (39 per cent). The two jurisdictions were also broadly similar in respect of the proportion of disputes ending via an ombudsman (one per cent) or because the respondent did nothing (eight per cent in Northern Ireland and six per cent in England and Wales).

5.7 Relatively few problems reached a court/tribunal. In the NI Legal Needs Survey, six per cent said their problem had finished by this means (Key Facts Table). This was only slightly less than in the LSRC’s 2004 England and Wales survey, where eight per cent said their dispute had ended with a court/tribunal.

- 5.8 One in twenty problems in the NI Legal Needs Survey (five per cent) were said to have concluded via mediation compared to just one per cent in England and Wales. The reported incidence of problems ending through mediation in Northern Ireland did not vary greatly by problem type, being in the range 4-6 per cent for all but personal injury/negligence (two per cent) and the miscellaneous 'other' category (one per cent). However, it is not at all clear why there should be a higher reported rate of problems concluding through mediation in Northern Ireland as compared with England and Wales, particularly as the question was posed in the same manner in each of the surveys.
- 5.9 Almost one in ten problems were said to have finished via some other means. This was most likely to occur with neighbour problems (26 per cent). Though, with neighbour problems, it would appear that these 'other' solutions were often more akin to having given up trying to reach a resolution. Specifically, when asked to specify what the 'other' solution had been, 14 of 29 survey respondents indicated that they had moved house. This also serves to illustrate the impact that neighbour problems can have. Indeed, in a further seven problems, the survey respondent indicated that the other side had eventually been evicted.

Satisfaction with Outcomes

- 5.10 The follow-up questions in the NI Legal Needs Survey asked respondents to say how satisfied they were with how things had worked out in relation to the problem or dispute, or were working out in the case of problems that were still ongoing. A little over half (55 per cent) said they were 'very' or 'fairly' satisfied (Key Facts Table). About one in five said they were neither satisfied nor dissatisfied. The remaining 26 per cent indicated varying levels of dissatisfaction.
- 5.11 When analysed by the status of the problem, a significantly higher proportion of those whose problem was over said they were very or fairly satisfied with the outcome (69 per cent) compared to situations where the problem was ongoing (35 per cent) (Table 5.1).
- 5.12 The difference in satisfaction levels was not due to a different mix of problems by status; regardless of the problem type, situations where the problem had concluded were more likely to elicit a higher level of satisfaction with how things had worked out by comparison with ongoing problems (see Table A5.3).
- 5.13 At least partly, the variations by status of the problem reflect uncertainty about how or when matters might reach a conclusion in situations where the problem was ongoing at the time of the survey; 26 per cent of those with ongoing problems were neither satisfied nor dissatisfied with how things were working out compared to 14 per cent of those whose problem had reached a conclusion. Also, those with ongoing problems may not have exhausted all of the possibilities for reaching a conclusion.

Table 5.1 Satisfaction with how things have worked out/are working out, by status of problem

	Status of problem:		All
	Ongoing	Over	
	%	%	%
Very satisfied	10	37	26
Fairly satisfied	25	32	28
Neither/nor	26	14	19
Fairly dissatisfied	17	9	12
Very satisfied	22	9	14
All	100	100	100

Source: NI Legal Needs Survey 2005.

- 5.14 Finally, it may well be the case that people cannot view a problem as being in any way satisfactory until it has been resolved, regardless of the progress that is being made towards reaching a conclusion. To that extent, the findings for those whose problem is now over may represent a better indicator of how things eventually turn out for those with justiciable problems.
- 5.15 Nonetheless, it remains the case that the satisfaction indicator is sensitive to the context in which the survey interview took place, that is, whether the problem was ongoing or otherwise. This is an issue which needs to be borne in mind when interpreting the indicator.
- 5.16 Notwithstanding the question of context, the expressed level of satisfaction is interesting from a legal need perspective because this provides an indication, albeit very qualitative, of variations in the quality of outcomes from the perspective of the problem-haver. Viewed in those terms, it is interesting to find that whether a person was very or fairly satisfied varied according to their problem-handling strategy.
- 5.17 Amongst advice-seekers, two in three of those who said they got all that they felt they needed were satisfied with how their problem was resolved or, if still ongoing, how it was working out (Table 5.2). This was the case regardless of whether any action had been taken or not. The proportions saying they were satisfied were reversed in respect of advice-seekers who did not get all of the advice or information that they felt they needed. This illustrates that, for advice seekers, the likelihood of a satisfactory outcome would appear to vary according to the efficacy of their efforts.

Table 5.3 Type of action taken and whether very/fairly satisfied with how things have worked out/are working out

	Very/fairly satisfied		All
	No %	Yes %	%
Did nothing	60	40	100
Handled alone	38	62	100
Sought advice, did not get all said needed, did nothing	67	33	100
Sought advice, did not get all said needed, did something	66	34	100
Sought advice, got all said needed, did nothing	34	66	100
Sought advice, got all said needed, did something	35	65	100
All	46	54	100

Source: NI Legal Needs Survey 2005.

- 5.18 Considering those who did not seek advice, 62 per cent of those who handled the problem on their own said they were very or fairly satisfied with how it had worked out or was working out. Though advice was not sought, these problems would not count as instances of unmet legal need according to the definition in Section 1 above. To quote the Hughes Commission: “where a citizen finds a non-legal solution that satisfies him, we would not be justified in finding that he is deprived of legal services”. This category of problems illustrates the role that personal capacity can play in resolving justiciable problems, without a need for formal sources of advice.
- 5.19 By the same token, where a citizen encounters a justiciable problem and seeks to resolve it without taking advice and using their own capacity, but is unable to reach a satisfactory conclusion, this can be taken as indicating a risk of unmet legal need within the terms of the definitions set out in Section 1 above.
- 5.20 Turning to those who did nothing, 40 per cent declared themselves to have been very/fairly satisfied with how their problem had been resolved or was working out, even though they did not seek advice and took no action. Regardless of the reason, the fact that a satisfactory solution had been reached, or was in sight, means that problems in this category would not be considered to represent an unmet legal need.

- 5.21 Conversely, unmet need, at least for advice, can be imputed for those situations where people did not seek advice and took no action, but where things had not worked out, or were not working out, satisfactorily.

Unmet Need

- 5.22 This Section concludes by illustrating the use of the NI Legal Needs Survey for the measurement of unmet need for advice, based on the definition presented in Section 1 above. The methodology follows the discussion in Dignan (2004), which is summarised in Appendix 5.A at the end of this Section.
- 5.23 The first step in implementing the methodology is to exclude those problems where people did nothing on the ground that the matter was not important enough or they were not in dispute with anybody³⁵. These problems amounted to 3.6 per cent of the total. The remaining problems correspond to what Genn terms 'justiciable events', that is, situations which raise legal issues whether or not they are recognised by the problem-haver as being 'legal'. To that extent, it may be considered that persons experiencing justiciable events would benefit from the receipt of advice. For present purposes, and following the Hughes Commission formulation, advice is broadly defined, though it would be possible to adopt a narrower definition, for example, sources within the civil justice system. However, such sources are unlikely to encompass all the possibilities for advice on a person's rights.
- 5.24 The presumption that justiciable events would benefit from advice may or may not be true in practice; as discussed above, some individuals are able to satisfactorily handle problems on their own. Nonetheless, the incidence of justiciable events provides an empirical framework for measuring the risk of a legal need³⁶.
- 5.25 Unmet need can be defined as the difference between the *felt need* for advice and *expressed need*. Expressed need comprises the set of problems where people sought advice about how to deal with the situation. In addition to those problems where people sought advice, felt need includes situations where people did not seek advice but were unable to reach a satisfactory outcome or the situation was not working out satisfactorily. The measurement of unmet need using the NI Legal Needs Survey therefore encompasses all of the elements from the incidence of problems through the courses of action taken to outcomes and resolutions.

³⁵ This is based on the definition of a justiciable event in Genn's *Paths to Justice* studies. See para 4.13 above for a more detailed discussion.

³⁶ The implicit assumption is that people experiencing justiciable events 'ought' to do something, such as to seek advice; hence, this component is termed 'normative need'.

5.26 Felt need is derived by taking the set of all justiciable events and omitting those where the person said that they had not sought advice but had nonetheless reached a satisfactory conclusion, or were making satisfactory progress in that direction. As shown in Table 5.4, these situations amount to 21 per cent of all justiciable events in the NI Legal Needs Survey. Expressed need comprises all of these events where the person sought advice.

Table 5.4 Type of action taken and whether very/fairly satisfied with how things have worked out/are working out (Base=justiciable events i.e. excluding problems using triviality criteria)

	Very/fairly satisfied		All
	No	Yes	
	%	%	%
Did nothing	6	4	9
Handled alone	10	17	28
Sought advice, did not get all said needed, did nothing	4	2	6
Sought advice, did not get all said needed, did something	13	7	20
Sought advice, got all said needed, did nothing	4	8	12
Sought advice, got all said needed, did something	9	17	26
All	46	54	100
<i>Base</i>	521	611	1,132

Code:

	Felt need for advice/action
	Satisfactorily solved without advice
	Did not seek advice and not satisfied with outcome
	Did not get all advice said needed and not satisfied with outcome
	All events for which not satisfied with outcome

Source: NI Legal Needs Survey 2005.

5.27 Based on the matrix of events, advice-seeking behaviour and satisfaction with outcomes shown in Table 5.4, the accounting framework for the various components of need is set out in Table 5.5. As can be seen, the difference between felt need and expressed need amounts to 16 per cent of justiciable events in the NI Legal Needs Survey. These are the events where the individual did not seek advice and was not satisfied with the outcome or how things were progressing. In the measurement framework used here, this set of events corresponds to the definition of unmet legal need set out in Section 1 above. A number of points can be made in respect of the estimated extent of unmet need illustrated in Table 5.5.

Table 5.5 Justiciable events and the need for advice: Illustrative example from the NI Legal Needs Survey

	%	'000s
Justiciable events (normative need) (96.4% of total reported problems)	100	845
<i>Minus</i>		
Satisfactorily resolved without advice	21	175
<i>Equals</i>		
Felt need (for advice/action)	79	670
<i>Minus</i>		
Did not seek advice and not satisfied with outcome	16	140
<i>Equals</i>		
Expressed need (for advice/action)	63	530

Source: NI Legal Needs Survey 2005.

5.28 In the first instance, while it is based on a matrix that includes how people themselves feel about how well or otherwise their problem has turned out or is working out, the unmet need estimate presented in Table 5.5 can still be viewed in a normative fashion. That is, there is an underlying presumption that the people experiencing those events categorised as unmet needs *ought* to have sought advice. But when asked if they now wish they had sought advice, 70 per cent of these individuals said 'no'. This could reflect lack of awareness rather than a fully-informed assessment of the possibilities. Nonetheless, the implication is that the unmet need estimate should be viewed as a risk indicator, rather than a definitive measure *per se*.

- 5.29 On the other hand, the unmet need estimate based on the difference between felt need and expressed need could be viewed as representing a narrow definition. This is because it implicitly assumes that those who sought advice got all that they needed. But around 40 per cent of advice seekers did not get all of the advice or information that they said they needed.
- 5.30 Taking the survey respondents' assessments at face value points to a broader measure of unmet need that encompasses those events where people sought advice but did not get all that they said they needed and were not satisfied with the outcome or with how things were progressing. This has the effect of doubling the indicative estimate of unmet need, from 16 per cent to 32 per cent (Table 5.6).

Table 5.6 Justiciable events and unmet need for advice: Alternative illustrations from the NI Legal Needs Survey

	%	'000s
Narrow (Felt need minus expressed need)	16	140
Medium (Did not seek advice or did not get all that said needed and not satisfied with outcome)	32	280

Source: NI Legal Needs Survey 2005.

- 5.31 Clearly, it is difficult to construct a definitive measure of unmet need solely on the basis of survey responses. However, the approach set out above does serve to provide a framework for indicating the extent of unmet need. In particular, the measurement framework is flexible and capable of being modified depending on the particular policy context. The unmet need estimate can be refined in a variety of different ways, for example, by focusing on particular sources of advice or problem types or groups of individuals.
- 5.32 A final point is that the profile of unmet need by socio-demographic characteristics differs little from the profile for all justiciable problems, discussed in Section 3 above. This is shown in Table 5.7 overleaf for family type, disability status and receipt of benefit. As can be seen, the composition of unmet need problems for these three categories is very similar to the profile for all problems; the differences are not statistically significant. Partly, this is because the composition of unmet need by problem type does not vary greatly from the composition of all justiciable events (see Table A5.4). The finding should not, however, be considered to be a surprising one, given the extent to which the profile of those with justiciable problems in turn differs from the population profile. This in turn suggests that the socio-demographic composition of unmet need is primarily shaped by the patterns of vulnerability discussed in Section 3 above.

Table 5.7 Justiciable events and unmet need for advice: Composition by family type, disability status and receipt of benefit

	Narrow measure	All problems ¹	All persons
	%	%	%
All	100	100	100
Family type			
Pensioner couple	9	7	13
Single pensioner	4	4	9
Couple with children	32	33	28
Couple without children	19	22	21
Single with children	10	9	5
Single without children	26	26	24
Disability			
Working-age with	17	17	11
Working-age without	70	72	68
Retirement age with	6	5	9
Retirement age without	7	6	13
Receipt of benefit			
Working age			
None	39	45	45
Child benefit only	10	10	10
State benefit(s)	37	35	24
Retirement age			
Retirement pension only	8	5	11
Other state benefit(s)	5	6	11

1 Problems selected for follow-up questions.

Source: NI Legal Needs Survey 2005.

Appendix 5.A Measuring Unmet Need

The measurement of unmet need presented in this Section is based on the discussion in Dignan (2004). As set out in Box 5.A, the approach adopts Bradshaw's taxonomy for the components of need, incorporating normative need, felt need, expressed need and comparative need.

Normative need

Defined on the basis of a set of 'everyday' problems specified by the researcher, encompassing an appropriate threshold level of seriousness and a policy-relevant reference period. In a legal needs study, the combination of the problem set and the threshold of seriousness effectively represent the researcher's hypotheses regarding what might constitute 'legal need'. In this report, normative need is specified through the justiciable events concept, that is, the 19 problem types around which the NI Legal Needs Survey was framed. The occurrence of such an event is taken as an indicator of the risk of a legal need of some form or another, rather than a legal need *per se*.

Felt need

The incidence of justiciable events, adjusted for the capability of satisfactorily solving problems through the individual's own means. Incidence is discussed in detail in Section 2 above. In the framework presented in Box 5.A, the discrepancy between 'potential' legal need (the incidence of justiciable problems) and the 'actual' legal need is narrowed by netting out from the incidence measure those events that are satisfactorily resolved without advice.

Expressed need

Defined on the basis of actions taken, including advice-seeking. *Unmet need* is then the difference between felt need and expressed need. The specification for expressed need seeks to incorporate the two-stage process in the definition of the need for legal services, as set out in Section 1 above following the formulation proposed by the Hughes Commission. This then gives two definitions of unmet need, as set out in Box 5.A. In this report, advice-seeking is broadly defined, though it could be more narrowly defined as encompassing only those advisors who are located within the civil justice system. Responses and actions taken are the focus of Section 4 above.

Comparative need

Social need and equality indicators to facilitate a mapping from social need to legal need. The comparative need element in this report is set out in Section 3 above.

Box 5.B A framework for measuring legal need

Component	Definition	Specification
Normative need	A situation in which knowledge of, or use of legal services could be expected to lead to better outcomes and improved welfare for the citizen, compared to what would be expected to occur if such services were not used or the citizen lacked knowledge of his or her legal rights	Specification of: <ul style="list-style-type: none"> • A set of problems or 'fact situations' • A threshold level of seriousness • A reference period.
Felt need	A problem or dispute experienced by a citizen that is difficult to solve and that raises legal issues in the sense that a legal remedy is available under the civil justice system	The incidence of justiciable events, excluding those that are satisfactorily resolved without (legal) advice
Expressed need	Events for which (legal) advice was sought	Unmet need for advice - the difference between felt need and expressed need
	Events for which action was taken, following advice	Unmet need – potentially, all situations not resolved satisfactorily
Comparative need	Social need indicators	<ul style="list-style-type: none"> • Markers of disadvantage • Geographic • Section 75 equality groups

6 Concluding Remarks

Introduction

6.1 This concluding Section on the 2005 NI Legal Needs Survey offers a number of observations under the following headings:

- Themes emerging from the Survey findings.
- Utility and relevance of the survey.
- Further research possibilities.

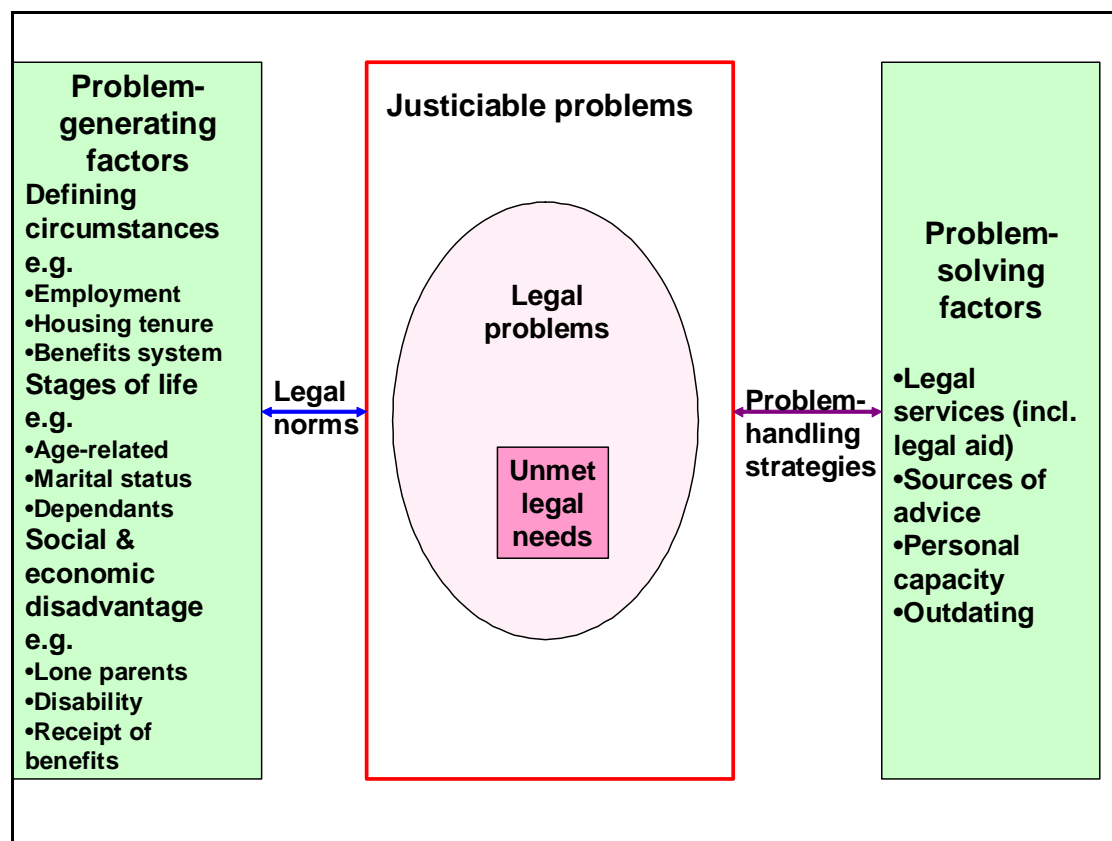
Themes

6.2 Legal needs studies are centrally concerned with:

- Measuring the incidence of justiciable events, that is, 'everyday' problems that people face and which have some form of legal 'content'.
- Socio-demographic variations in vulnerability to justiciable problems.
- The actions taken by individuals in the face of such problems, including whether they seek advice, or deal with the problem using their own means, or do nothing at all.
- How problems get resolved and how those with problems view the outcomes.

6.3 Unmet legal need exists somewhere in these core concerns, between the occurrence of a justiciable event and the options available to an individual for solving that problem, which would include his or her own capability and the availability of legal services of adequate supply and quality.

6.4 As illustrated in Figure 5.1 overleaf, unmet legal need can therefore be viewed as arising from the interplay between problem-generating factors, problem-solving factors and the types of justiciable problems that people encounter. The interplay between these factors can be more or less complex. To that extent, unmet legal need cannot be directly observed through a legal needs survey. But a legal needs survey does provide a framework within which the risk of unmet need can be quantified. Within that context, it is useful to reiterate a number of the key findings from the NI Legal Needs Survey.

Figure 5.1 Justiciable problems and unmet legal need

- 6.5 Considering first the picture of problem-generating factors painted by the Survey, three factors emerged as key influences upon the socio-demographic profile of those who said they had encountered a justiciable in the survey reference period. As shown in Figure 6.1, these are proximity to the defining circumstances of particular problem types, the stages of life effect and the compounding effect of multiple sources of disadvantage.
- 6.6 Of particular relevance, from both New TSN and section 75/equality perspectives, is the finding that multiple sources of disadvantage interact to increase vulnerability to justiciable problems. This was most evident in respect of lone parents, persons with a disability and persons in receipt of welfare benefits. Each of these groups was shown to have a higher incidence of justiciable problems both overall and across a broad spread of problem types.
- 6.7 For all of the above reasons, the socio-demographic profile of those with justiciable problems differs from the general population. The implication is that different socio-demographic groups have different needs and experiences in relation to justiciable problems, both in terms of the overall incidence of problems and different types of problems. Furthermore, the analysis in this report suggests that a similar conclusion emerges from the measurement of unmet need for advice.

- 6.8 On the problem-solving side, problem type emerged as an important determinant of what people do in response to justiciable problems. This is not an unexpected finding and is consistent with previous legal needs studies in the rest of the UK and beyond.
- 6.9 The extent to which the findings from the NI Legal Needs Survey are comparable with England and Wales is a further point of interest to emerge from the NI Legal Needs Survey. For example, when compared with the 2001 and 2004 LSRC Surveys, there were relatively few significant differences between Northern Ireland and England and Wales in the incidence and extent of justiciable problems. About one in three respondents to the NI Legal Needs Survey said that they had experienced one or more justiciable problems in the previous three years, on a par with the findings from the 2001 and 2004 LSRC surveys for England and Wales.
- 6.10 In addition, apart from the higher incidence of problems to do with welfare benefits in Northern Ireland, there was no recurring and discernible pattern of differences by problem type when Northern Ireland is compared to the 2001 and 2004 LSRC surveys for England and Wales.
- 6.11 These comparisons would suggest that the structure of problem-generating factors in Northern Ireland is not much different from the rest of the UK. This in turn means that there are benefits to be gained from the harmonised approach adopted for the NI Legal Needs Survey, including:
- Benchmarking, through comparisons of key indicators with the results from, for example, the LSRC's continuous survey of justiciable problems in England and Wales.
 - Sharing knowledge and experience.
 - More robust interpretation of results, thus laying a firmer foundation for policy development and policy learning

Relevance and Utility

- 6.12 The NI Legal Needs Survey provides, for the first time, a baseline for quantifying the incidence and extent of justiciable problems in Northern Ireland and the ways in which people go about tackling such problems, including sources of advice. In that regard, it enables the Commission to better inform itself about the need for civil legal services, including the importance and impact of different problem types.

- 6.13 The Survey also provides a resource for policy development, insofar as it contributes to building an evidence base for the development of new systems to administer publicly funded legal services that seek to ensure access to justice for those with legal needs. The patterns of vulnerability examined in Section 3 above are especially germane to the New TSN and section 75 policy contexts.
- 6.14 The Legal Needs Survey is already playing a role on the policy development front, as it has been used for modelling take-up in the review of financial eligibility for civil legal aid. Indeed, the Survey findings clearly illustrate the importance of taking account of socio-demographic variations in need and hence in the pattern of take-up of publicly funded legal services. In that vein, the Survey clearly has the potential to help further in other policy areas, such as:
- The development of voluntary advice services.
 - Associated with the above, the mapping of legal need, to the extent that the socio-demographic factors associated with justiciable problems have a geographical dimension.
 - Section 75 screening and equality impact assessment.

Further Research

- 6.15 In addition to playing a role in policy development, the NI Legal Needs Survey should also be seen as a resource for research and investigation into legal need in Northern Ireland. In that regard, it is strongly recommended that the Survey dataset should be made available to the academic community for further investigation and analysis. In preparing this report a considerable volume of work has already been done to process the survey data into a form that can be used for research purposes.
- 6.16 While this report has presented the main findings from the Survey, there is still scope to undertake additional research into a number of topics. In particular, the follow-up questions on advice-seeking behaviour provide a useful avenue for further research and statistical modelling work. Examples include the socio-economic factors associated with different problem-handling strategies and the more detailed suite of follow-up questions posed both to those who sought advice and those who did not look for advice. There is also further useful work to be done in relation to incidence and extent, including the question of problem clusters.
- 6.17 Finally, as the 2005 Survey represents a baseline, it is useful to consider periodic follow-up Surveys, to serve in tracking and updating the picture of need, to take account of new developments, and strengthening the evidence base through the accumulation of research findings. This could be done on a 3-4 year cycle.

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