

How do consumers attitudes and beliefs about the law affect their responses to legal problems? A quantitative analysis

Purpose

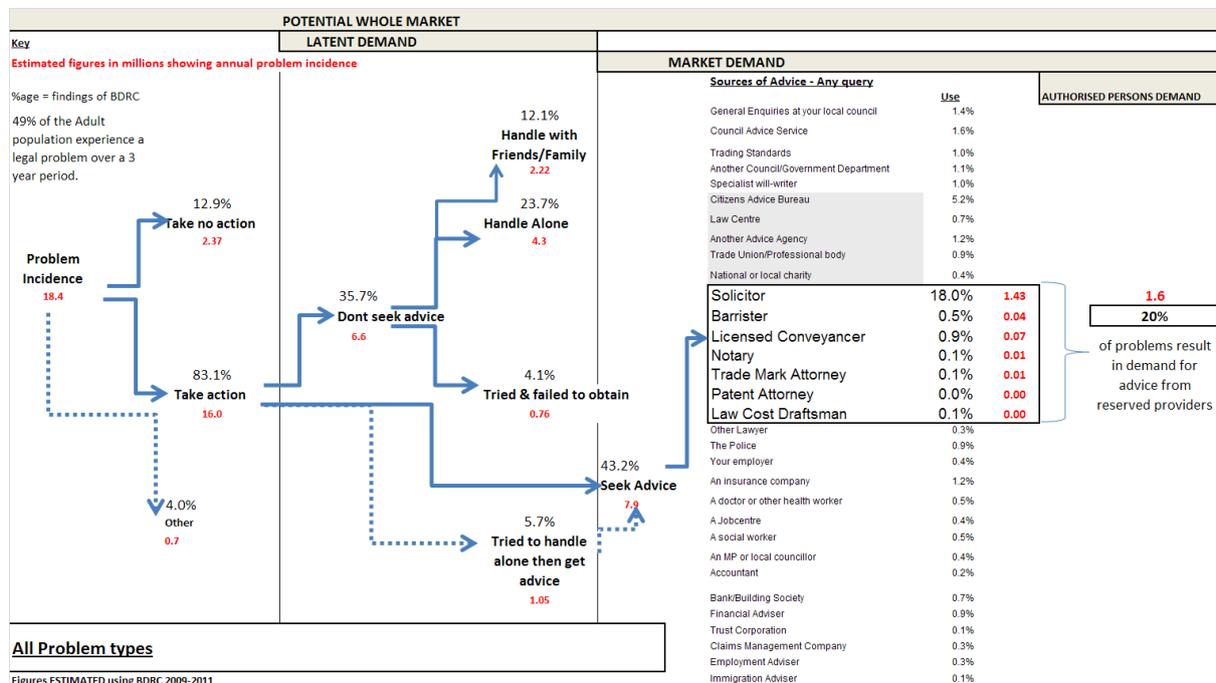
The purpose of this research is to analyse the findings of legal needs surveys to assess what relationship attitudes and beliefs have with responses to legal problems, what role they play in relation to the outcomes achieved when considering problem severity, and what scope there might be for regulators to address this.

Background

The legislation has given the legal regulators a duty to improve access to justice, protect and promote the consumer interest, and a duty to increase public understanding of citizen's legal rights and duties, among others.¹

Better understanding of the links between consumer attitudes and beliefs can support regulators in undertaken steps to better deliver against the regulatory objectives. In particular understanding this relationship will enhance the regulatory community's ability to improve access to justice. We take a broad view of access to justice, wider than access to courts.² We know from our own consumer benchmarking research³ that consumers respond to legal needs in range of ways. The breakdown of consumer response to legal problems is shown in the figure 1 below. Analysis shows that overall for individuals not taking action in response to a legal problem:

Figure 1: Individual consumers responses to legal problems



¹ See http://www.legalservicesboard.org.uk/news_publications/publications/pdf/regulatory_objectives.pdf

² See <https://research.legalservicesboard.org.uk/wp-content/media/Evaluation-measuring-A2J-11-09-12-Discussion-paper-FINAL-FORMATED.pdf>

³ See <http://research.legalservicesboard.org.uk/reports/consumers-unmet-legal-needs/>

- a. Overall 12% of these legal needs were not acted on. This was 25% for consumer problems.
- b. This was highest for legal needs involving young (Under 35) males (21%), single people (23%), and those living in London (25%).
- c. The research indicates that in general the reasons for inaction are related primarily to the legal need faced and less about the characteristics of the individual.
- d. However, the complexity of the need and previous experience of the legal need also has a bearing on the sort of action respondents take.
- e. The main reason given for their taking no action, by over a third of individuals, was the belief that nothing could be done about the legal need. (84% for consumer problems).

Other research looking at the legal needs of small businesses shows that 9% of small businesses take no action in response to a legal problem, and only 29% seek formal advice.⁴

Research exploring the reasons why individuals take this range of actions in response to a legal problem, shows that in some situations consumers appear to be taking reasoned and, some might argue, rational decisions on whether to ignore problems, handle them themselves or approach someone for formal legal advice.⁵ This means the issue cannot be simply stated as “*where an individual did not seek advice they were denied access to justice*”.

However, what is not clear is whether the best outcomes are being secured frequently and easily enough for regulators to not be concerned at all. In some frequently experienced low value problems such as issue with consumer good, a high level of acting alone has been encouraged by changes in public policy and incentivising organisations and individuals to deal with problems away from formal legal processes.⁶ However, this is more ambiguous in other areas – for example in relation to domestic violence where only 27% of problems resulted in advice being obtained.⁷

Data on the individuals attitudes, problem severity, and responses to legal problems has been captured in the legal needs surveys, most comprehensively in the Civil and Social Justice Panel Survey.⁸ However the survey reports do not isolate these issues specifically, meaning further work is required to analyse the survey data.

Aims and Objectives

This research is designed to complement the findings of other research looking specifically at the role regulators can play in supporting public legal education⁹, and how behavioural economics can be applied to legal services regulation.¹⁰

⁴ See <https://research.legalservicesboard.org.uk/wp-content/media/In-Need-of-Advice-report.pdf>

⁵ See <https://research.legalservicesboard.org.uk/wp-content/media/Understanding-Consumers-Final-Report.pdf>

⁶ For a discussion see Christine Parker, *Just Lawyers: Regulation and Access to Justice*, Oxford University Press 1999

⁷ See Table 28, <http://www.justice.gov.uk/downloads/publications/research-and-analysis/lsrc/2011/civil-justice-wave1-report.pdf>

⁸ See <http://www.justice.gov.uk/publications/research-and-analysis/lsrc/research-projects/english-and-welsh-civil-and-social-justice-survey>

⁹ Currently out for tender - <https://research.legalservicesboard.org.uk/wp-content/media/Effective-methods-for-supporting-consumers-research-specification.pdf>

We are particularly concerned to ensure that we seek to develop solutions to these challenges by working with engrained behavioural responses of individuals, using resources and organisations already working in this area. We're interested in the types of interventions most likely to help consumers recognise the nature of the problems they face, understand options for tackling them and support them in choosing support.

Issues and scope

The research project should analyse and report on the following specific areas:

- Based on the legal needs survey findings, what is the link is between individual attributes and attitudes and response to legal problems, accounting for problem severity? How does this vary by the different problem categories? This should consider areas such as - e.g. respondent characteristics – demographics, psychological factors; respondent beliefs – problem characterisation, attitudes to justice, knowledge of services, legal empowerment, knowledge of rights; problem factors - problem type, problem severity, adverse consequences.
- How do attitudes to the justice system drive responses to legal problems? How does this vary by the different problem categories?
- Specifically what role does knowledge, capacity, and problem severity play in peoples responses to legal problems? How does this vary by the different problem categories?
- Does an individual with the same attributes respond differently to different problems types? From available data, are there any factors that explain why this is or is not the case?
- Is there any evidence of any of these results changing over time? If so how and what might be the causes – what changes have had positive effects?

As a minimum the analysis should draw on the data collected in the Civil and Social Justice survey data¹¹, the LSB benchmarking survey data¹², and the Civil and Social Justice Panel surveys.

The analysis should use appropriate statistical techniques to provide answers to these questions, and highlight whether different attributes are significant or not.

We recognise limited sample sizes might necessitate aggregating different problem types. While we would be guided by what is practical our preference would be for the different problem types to be mapped in to the categories in our market segmentation framework.¹³

In light of the findings, we would expect the analysis to conclude with a short consideration on to what extent the LSB and legal service regulators should be concerned about problem resolution strategies , especially given our shared regulatory objectives.

¹⁰ See <https://research.legalservicesboard.org.uk/wp-content/media/Behavioural-Economics-Final.pdf>

¹¹ See <http://www.justice.gov.uk/publications/research-and-analysis/lsrc/research-projects/english-and-welsh-civil-and-social-justice-survey/key-facts>

¹² See <https://research.legalservicesboard.org.uk/news/data-sources/>

¹³ For an example of this please see annex1 - <https://research.legalservicesboard.org.uk/wp-content/media/Changes-in-competition-in-market-segments-ANNEX.pdf>

The analysis should also discuss practical steps for regulators to support better outcomes for consumers that are immediately obvious from the analysis.

Tender Evaluation Criteria

All projects commissioned by the LSB are subject to our standard terms of contract. Tenders will be evaluated on best value for money and will be assessed on the basis of:

1. Overall cost. Please include appropriate breakdowns
2. Proposed team composition, expertise and management and the organisation's diversity policy
3. The ability of the research team to write about complex technical issues in clear accessible language
4. Demonstration of understanding of the project.

Deliverables

Output

The key output will be a detailed report presenting the analysis of links between consumers attitudes and beliefs, problem severity, their responses to legal problems, and the outcomes they achieve. This should be broken down into different categories of law. The analysis should conclude with a summary of key messages for regulators and legal services business, and consider what step they might take to address this issue, where appropriate. As a minimum the analysis should utilise the CSJS panel survey data. Our expectation is that the researchers will draw on wider range of information to support their conclusions.

Project Plan

Tenders should include a project plan and time schedule for the work that identifies the main task and key milestones that will be used to monitor progress. The plan should be accompanied by a resource profile, giving a breakdown of the resources in person days allocated to each task. We would also expect the tenders to include a clear analysis of the potential risks and how they propose to mitigate them during the project. We value tenders that are short and concise.

Duration

The research will commence in December 2013 and should be ready to report no later than the end of March 2014.

Legal Services Board Contact details

We encourage any team considering bidding for this work to contact Robert Cross (020 7271 0091) for a discussion prior to submitting a tender.

Tenders must be submitted by 4.00pm 25th November 2013.