

Spot Survey summary report 2014 - 2016

May 2016

Introduction

- Most people in the legal community are acutely aware of the significant increase in litigants in person (LiPs) in the court system, since the implementation of the LASPO Act 2013.
- As a result, there is a common desire to understand the experiences of LiPs facing the court system, and various research has been conducted, including Law for Life's report *Legal Needs, Legal Capability and the Role of Public Legal Education*; CAB's reports *Responsive Justice (2015)* and *Standing Alone (2016)*; and numerous academic studies. The Civil Justice Council working group on LiPs also maintains a close interest.
- The PSU has limited resources to gather robust data, but we have conducted a number of small-scale surveys among our clients. The data reinforces other research, and supports a few common conclusions:
 - Litigants in person struggle with a complex system, designed for interpretation by professionals.
 - Access to legal help is limited by prohibitive costs and lack of affordable supply.
 - The majority of people representing themselves in court do so because they can't afford to pay for professional legal help.
 - Despite the introduction of self-help guides, and improved online resources, a majority of PSU clients still don't know where to seek help for legal issues.
 - Family, friends and charitable organisations – such as the CAB – are the most common sources of help for PSU clients, before they discover the PSU.
 - Court staff are also a valued source of help, where they are available to users. ***This supports our call for reception services to be replaced in all court premises.***
 - PSU clients do not make extensive use of the internet to research the help they need, nor of written guidance, which suggests that ***the PSU has a valuable role to play in supporting LiPs in a future digitised court service.***
- MoJ imperatives are to reduce the number of cases heard in court, and to develop mechanisms for pre-court resolution, including developing online court services in both civil and family courts. There is therefore a need to understand whether, and how, clients might access online services. Examples of current research include a questionnaire to family court users from the MoJ digital team and Justice's project, *What is a Court?*
- The PSU ran a survey in September 2015, about online usage, with a view to informing Lord Justice Michael Briggs' interim report on reforming the Civil Courts. The response rate was regrettably low (30 replies), and it seems timely to repeat this survey in 2016-17.

PSU routine data

- In the FY 2015-16, PSU volunteers helped litigants in person over 45,000 times. We routinely collect demographic client data, and aim to gather qualitative feedback from 25-30% of our clients.
- We also conducted a number of small-scale surveys between February 2014 and February 2016. Although the samples are small (ranging from 150 to 97 individual responses), and the respondents are largely self-selected, the repetition of certain questions has given some consistent findings, which are set out below.
- The surveys were: *Sources of help before coming to PSU* - February and November 2014 (100 and 101 responses respectively); *Referrals to and from the PSU* – September- October 2015 (97 responses); and the *LIPS Strategy Survey* - February 2016 (150 responses).
- The profile of PSU clients tends to indicate multiple disadvantage: our routine demographic data shows that 10% of PSU clients are disabled; 23% declare a health issue of some sort; 23% do not have English as a first language and 40% are unemployed. The samples do not therefore represent a random selection of LiPs, but the findings are relevant in terms of protecting access to justice for some of the most vulnerable court-users.
- In 2014, nearly two thirds of PSU survey respondents said they could not afford to pay for legal advice. This is reflected in the 2016 LiPSS survey, which indicated that 66% of respondents were living on a household income of less than the Joseph Rowntree minimum of £1,100 per month (after tax).

Sources of help

- PSU research has made some attempt to distinguish between where people looked for help, and which sources gave them the help they needed.
- In 2014, 14-16% of respondents said they hadn't known where to start looking for help, and in 2016, this appeared to have risen to 27.5% of respondents.
- In 2014, 57% of PSU respondents said the PSU was the first place they had come for help. In the LiPSS survey in February 2016, 60% of respondents felt that they had not known where to find reliable advice or information about legal issues, before coming to the PSU.

- The most consistent single source of help is the Citizens Advice Service, with 28% of 2014 respondents and 26% of 2016 respondents seeking help from a CAB. In 2014, 22% of 101 respondents stated they had received free advice from a CAB (though this is not identified as general or legal advice). In the 2015 referrals survey, 82% of 88 respondents were aware of CAB, and 40% of 75 respondents had used a CAB in relation to their case.
- Personal networks are a common source of help: in 2014, 15% of respondents had sought help from family or friends, with a further 9% seeking help by 'word of mouth', and 28 of 101 respondents saying they had received help from family or friends. In 2016, 23.5% of respondents had asked for help from family and friends, with a further 8.7% saying they'd had help through 'word of mouth'.
- In 2014, 27% of 101 respondents had spoken to a solicitor, and 9% had asked at a law centre - although only 6 clients said they had received free legal advice from solicitors, and only 4 from law centres. In the 2015 referrals survey, 38% were aware of solicitors, and 21% had received help from a solicitor, with only 4% having received help from a law centre. By 2016, 18% of respondents had spoken to a solicitor, and fewer than 3% had asked at a law centre.
- Court staff are also a consistent point of contact for LiPs, with 18% of 2014 respondents and 17.5% of 2016 respondents asking for their help. In a 2015 survey focussing on referrals to and from the PSU, 39% of 96 respondents said they had been referred to the PSU by court staff.
- In the 2014 and 2016 surveys, Cafcass was mentioned as a source of help by 3-4% of PSU respondents, while in the 2015 survey on referrals, 22% of respondents were aware of Cafcass before coming to the PSU, and 25% said they had used Cafcass in relation to their cases.
- In the 2014 and 2016 surveys, mediation is only mentioned by a few individuals as a source of help, whereas in the 2015 referrals survey, 28% of respondents were aware of mediation, and 22% had used some form of mediation in relation to their cases.
- Few PSU survey respondents (c. 4%) cite written materials as useful sources of help, with 3 individuals in the 2016 survey mentioning the CAB Going to Court guides, and 1 referring to a court information pack.
- A handful of other agencies or websites are mentioned by individual respondents, including Shelter for housing; Stepchange and Money Advice Trust for debt; Wikivorce, mediation services, Families Need Fathers, and domestic violence agencies for family matters; the Bar Pro Bono Unit and Manchester free legal help; and Trading Standards and the police. Three respondents in 2014 mentioned having help from McKenzie Friends (one paid, one unpaid, and one not recorded).

The client journey and developing LiP capacity

- Our routine feedback data indicates that PSU help can have a significant impact on clients' feelings about the court process: after receiving help from the PSU, 80% of clients giving feedback felt less anxious and 99% had more confidence.
- This finding is supported by the February 2016 LIPSS survey, where responses showed a significant shift in clients' sense of being able to manage their way through the legal process: before coming to the PSU, 82.5% of respondents scored their ability to manage the legal process between 1 and 5 (where 1 was 'not at all well' and 10 was 'very well'), with 17.45% scoring 6-10; after coming to the PSU, this became 90.6% scoring between 6 and 10, and only 9.39% between 1 and 5.
- In the same survey, only 30% of respondents (44 of 150) knew where to find reliable advice or information about legal issues before they came to the PSU. After coming to the PSU, 86% (129 of 150) felt that they knew where to find such advice or information.

Indications for online access

- In 2014, nearly 20% of respondents had looked for help online, while the 2016 survey recorded fewer than 10% of respondents searching online.
- In the survey of money claims online, in December 2015, 21 of 30 respondents said they had access to a computer at home, and 21 also had access to the internet.
- When asked if they would use a simpler form online, if it were available, 18 respondents said they would not; 9 said they would; 2 said maybe and 1 didn't answer.
- Of 20 respondents asked if they would use an app for a smart phone, 17 said 'no' and only 3 said 'yes'.

Conclusion

- Recent improvements to our routine data gathering have given us useful data sets which are reliable and credible, and we will continue to improve rates of qualitative client feedback across the network.
- As a growing organisation with an increasingly high profile, we are in demand as a voice for LiPS, but our resources for gathering robust evidence are limited. We will continue to develop our capacity to do so, in order to contribute persuasively to improvements in the legal system for LiPs.

Lizzie Iron, PSU Head of Service
May 2016