



Analysis of legal consumers who faced discrimination problems/issues

Submission to EHRC inquiry on legal aid for discrimination cases

January 2019

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Summary

This analysis was provided to support the Equality and Human Rights Commission's statutory inquiry on whether legal aid for discrimination cases provides effective access to justice for people who have suffered discrimination. It uses data from 551 respondents who faced discrimination problems in our 2015 Individual Legal Needs Survey (ILNS).

Whether or not people consider their problem to be 'legal' in nature when it occurs is a key driver of advice-seeking behaviour. Around two-thirds of the discrimination sample did not consider their problem to be a legal one, while around half said they did not or just partly understood their legal position.

One-third of respondents took no action in response to their discrimination problem and only one-fifth sought formal advice from advisors or representatives. This level of inaction is much higher than in the ILNS sample as a whole. The main reasons why respondents who faced a discrimination problem did nothing were that they thought nothing could be done, considered they did not need help, or felt they knew enough about how to deal with it.

Respondents who sought formal advice were more likely to use trade unions and advice agencies, and less likely to use legal professionals, compared to the overall ILNS sample. This advice-seeking group reported lower levels of satisfaction with the service they received compared to the total sample. The aspect of service that respondents were most dissatisfied about was the time the matter took to deal with.

Around four-fifths of respondents who faced discrimination and sought formal advice did not have to directly pay for the service. Just seven of the 551 respondents who experienced a discrimination problem in the survey as a whole received legal aid.

Methodology

The analysis is based on data from the 2015 Individual Legal Needs Survey (ILNS) commissioned by the LSB and the Law Society of England and Wales. The ILNS research examines how individuals respond when experiencing legal issues, covering how often different types of issues are encountered, strategies to handle these issues, factors shaping individual choices, and satisfaction with processes chosen and the outcome obtained.

The sample included 551 respondents who faced discrimination problems/issues. The analysis compares these figures with the total sample, which had 8192 respondents and covered 29 different problem types. When differences against the total sample are highlighted in the narrative it means that they are statistically significant (using a 95% confidence interval). When the (△) symbol is shown, it means that the base size is below 100 respondents. These figures are indicative only and they are not compared against the total sample in this analysis.

While the EHRC covers the whole UK, our jurisdiction/data covers England and Wales only.

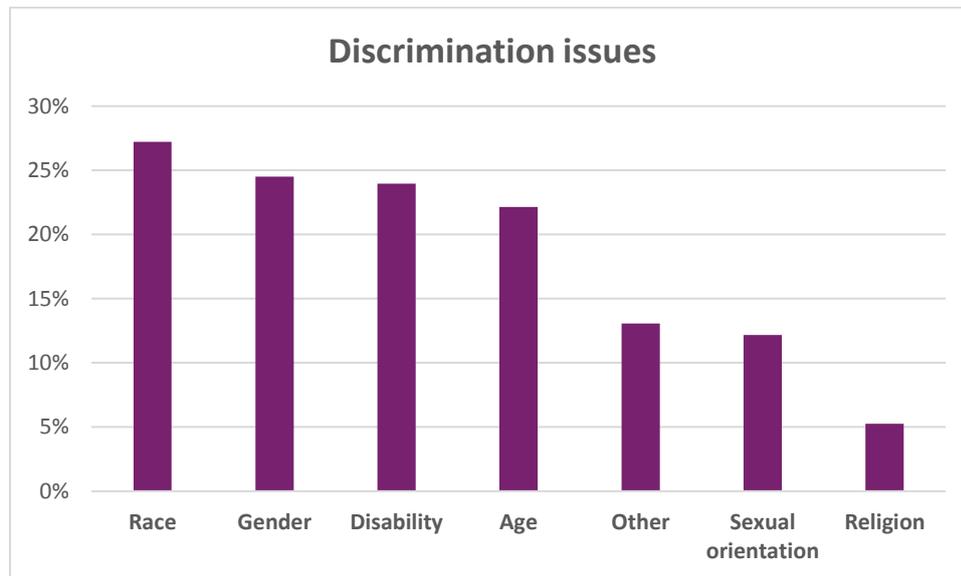
The LSB and Law Society are currently conducting a fresh wave of the ILNS and expect to publish the findings in summer 2019.

Analysis

1. Overview of respondents who faced discrimination

The survey included seven groups of discrimination problems. Due to the low base sizes these were jointly analysed as a single group for the purposes of this analysis¹.

Figure 1. Discrimination issues



A key insight from the overall ILNS report is that whether or not respondents think of their problem as legal in nature when it first arose is a key driver of advice-seeking behaviour. 25% of respondents who faced discrimination thought of their problem as legal – the same as in the total sample².

Further, 54% of respondents who faced discrimination either did not or just partly understood their legal position when the problem arose – 5% higher than in the total sample.

¹ The survey included 551 out of 8192 respondents who faced a discrimination problem/issue.

² If a figure from the discrimination analysis is not statistically significant compared to the total sample, the figure from the total sample will be used in the chart.

Figure 2. Recognising the problem as legal

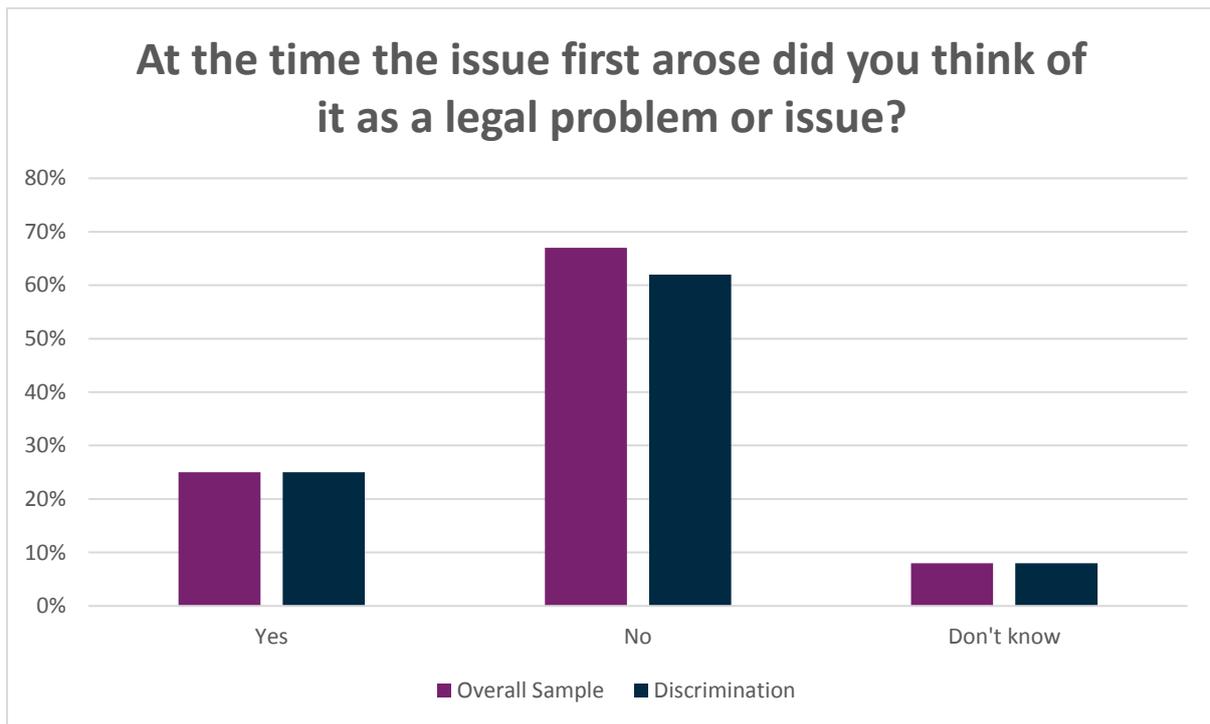
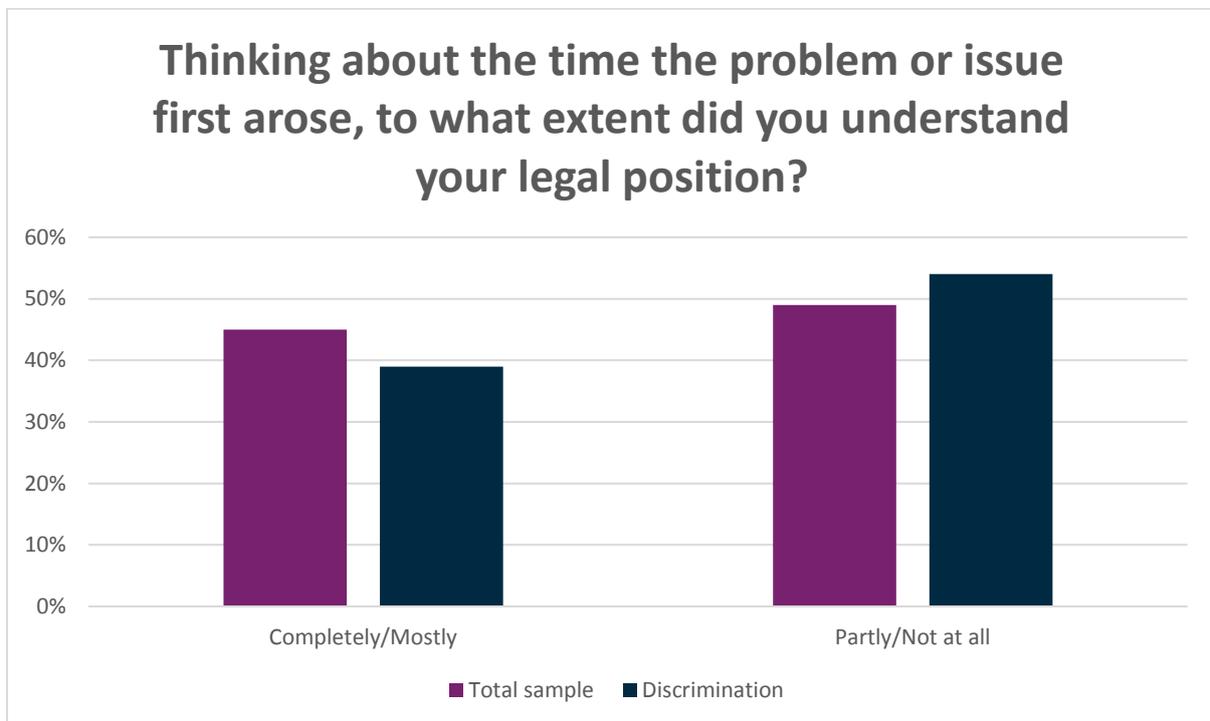


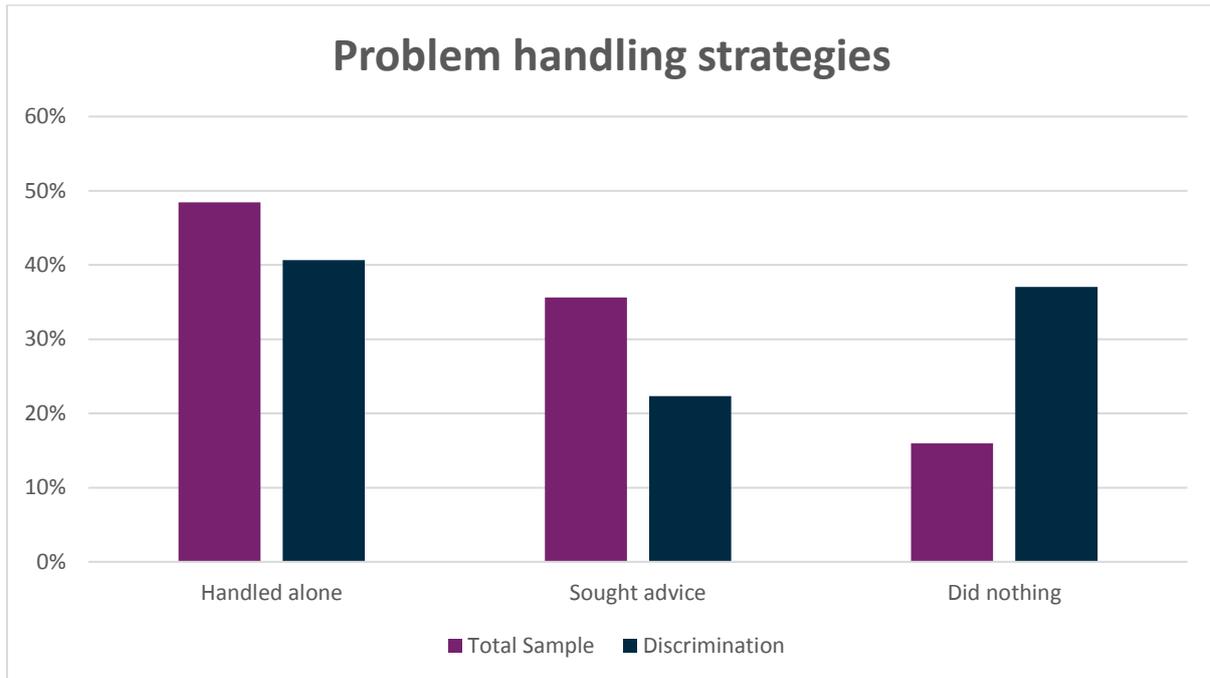
Figure 3. Understanding the legal position



2. Problem handling strategies

The ILNS explores seven different problem handling strategies. For analysis purposes we have grouped these into three categories: did nothing³, handled alone⁴ and sought advice.⁵ This reveals major differences between problem handling strategies in discrimination cases compared to other types of legal problems. 37% of respondents who faced discrimination took no action, which is considerably higher (by 21%) than the total sample. 22% of the discrimination sample sought formal advice (36% in the total sample), while 41% handled the problem alone (48% in the total sample).

Figure 4. Problem handling strategies



³ 'Did nothing' groups together did nothing and tried and failed to get advice then did nothing.

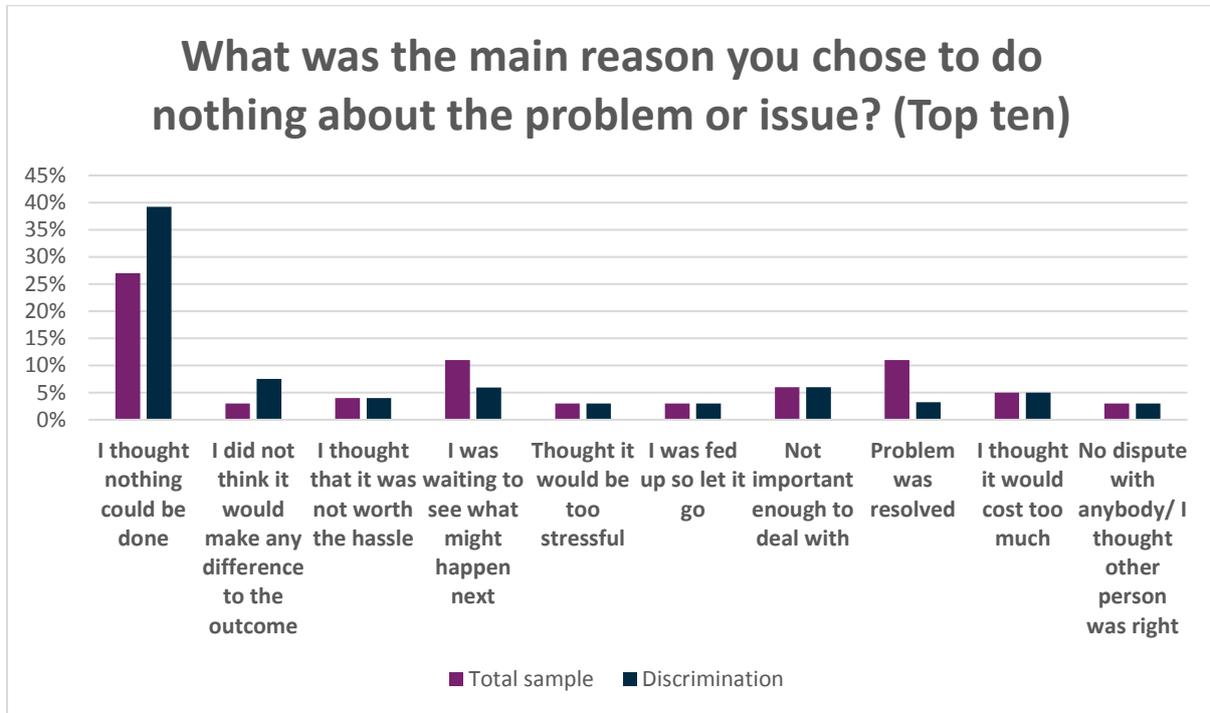
⁴ 'Handled alone' groups together dealt with it myself without help, dealt with it myself with the help of family and friends, and tried but failed to get advice then dealt with it myself.

⁵ 'Sought advice' groups together obtained advice/assistance/help and tried to handle alone then obtained help/advice/assistance.

3. Analysis of respondents in the did nothing group

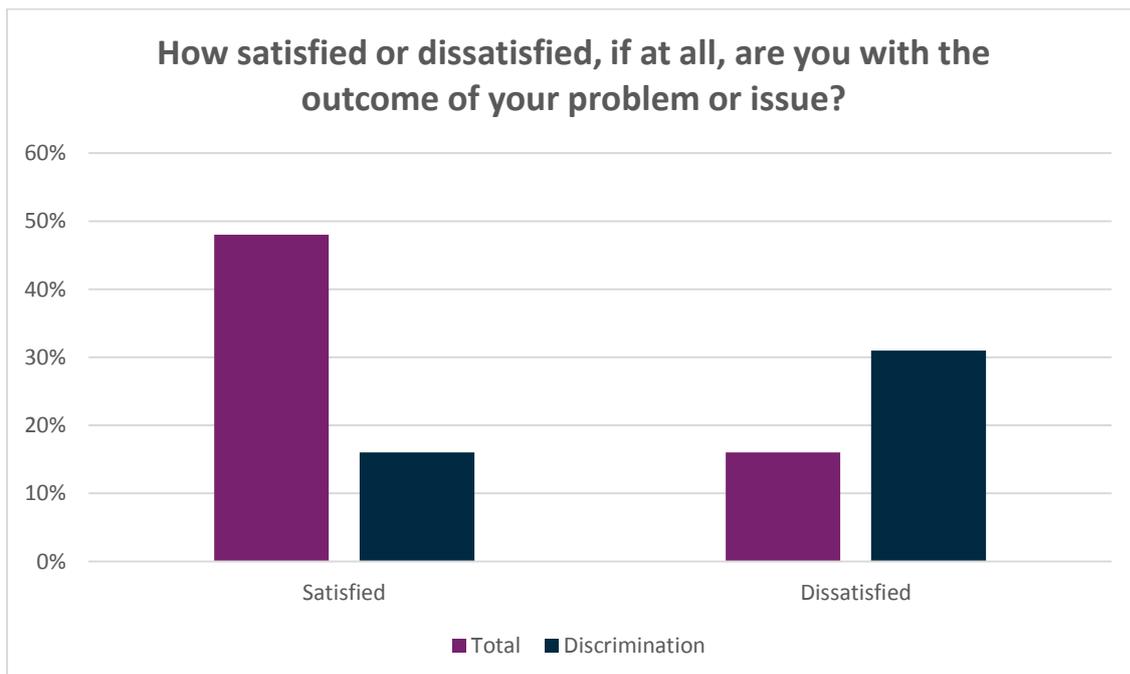
Of the 186 respondents who faced discrimination and did nothing, 39% said this was because they thought nothing could be done, 12% higher than in the total sample.

Figure 5. Reasons for doing nothing



Only 16% of respondents who did nothing and whose problem/issue is over/sorted were either very or fairly satisfied with the outcome of the issue; this is 32% lower than in the total sample. 31% of respondents were either fairly or very disappointed with the outcome, 16% higher than in the total sample.

Figure 6. Satisfaction with the outcome



23% of respondents in the did nothing group wished they had done things differently – the same as the total sample. 33% said there is nothing they wished they had done differently, 13% lower than in the total sample. Two thirds of those who wished they had done something differently said this was to get advice (△).

Figure 7. Handling the problem differently

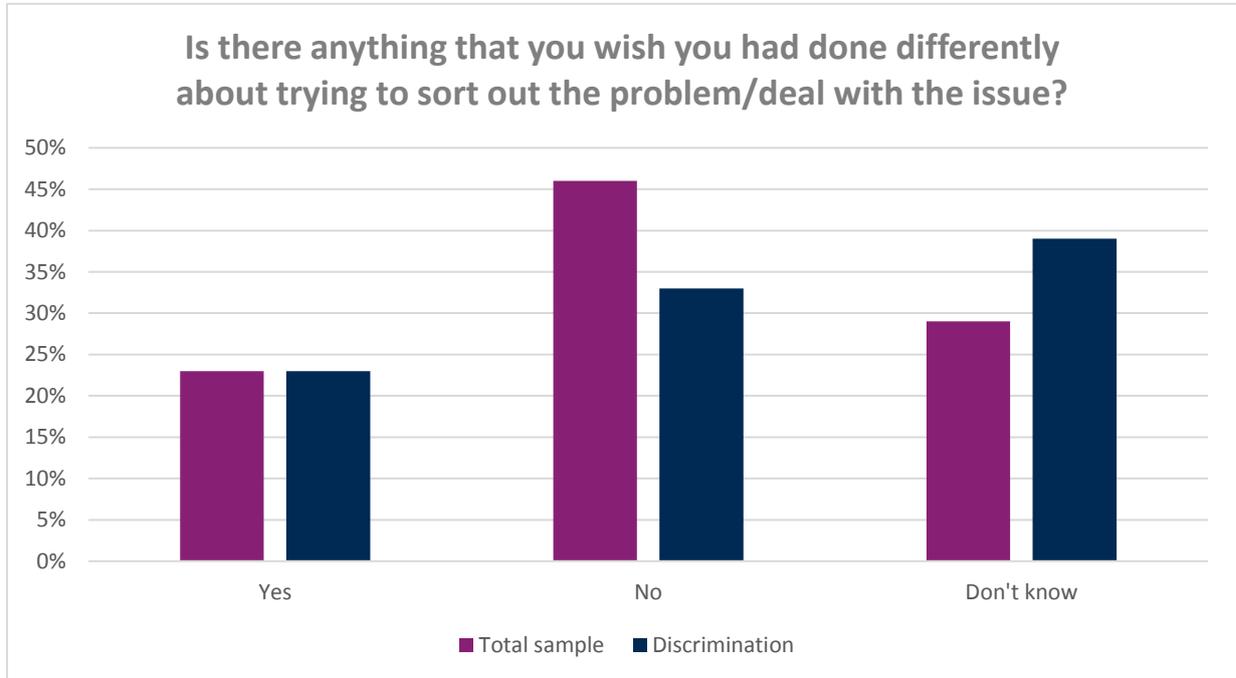
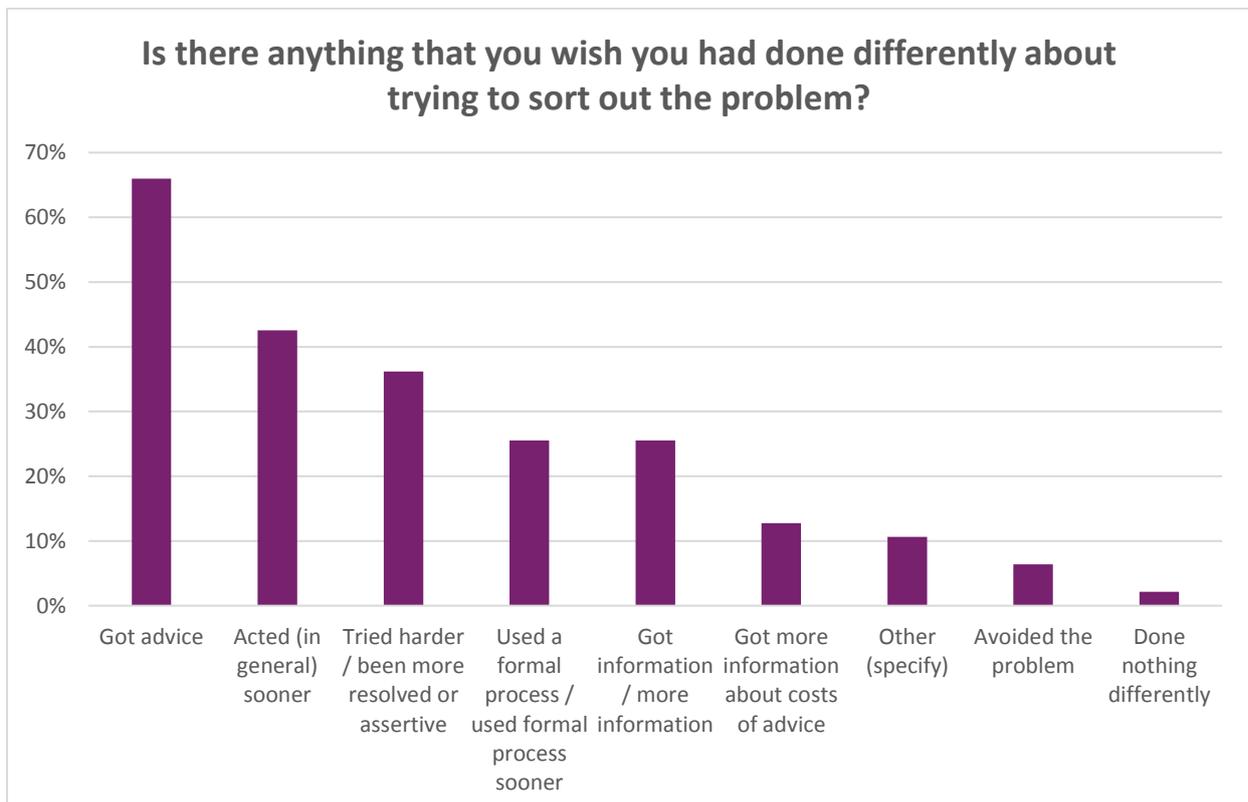


Figure 8. Things I would have done differently



4. Analysis of respondents in the handled alone group

Of the 197 respondents in the handled alone group, around half looked for information about their rights or on how to deal with the issue. One-third considered getting help from a professional independent advisor but did not do so, 13% higher than in the total sample. Around 25% of respondents said was because they knew how to deal with the issue themselves, 19% lower than in the total sample. Around 20% said it was because they assumed it would be too expensive, the same figure as in the total sample.

Figure 9. Actions undertaken before dealing with the problem

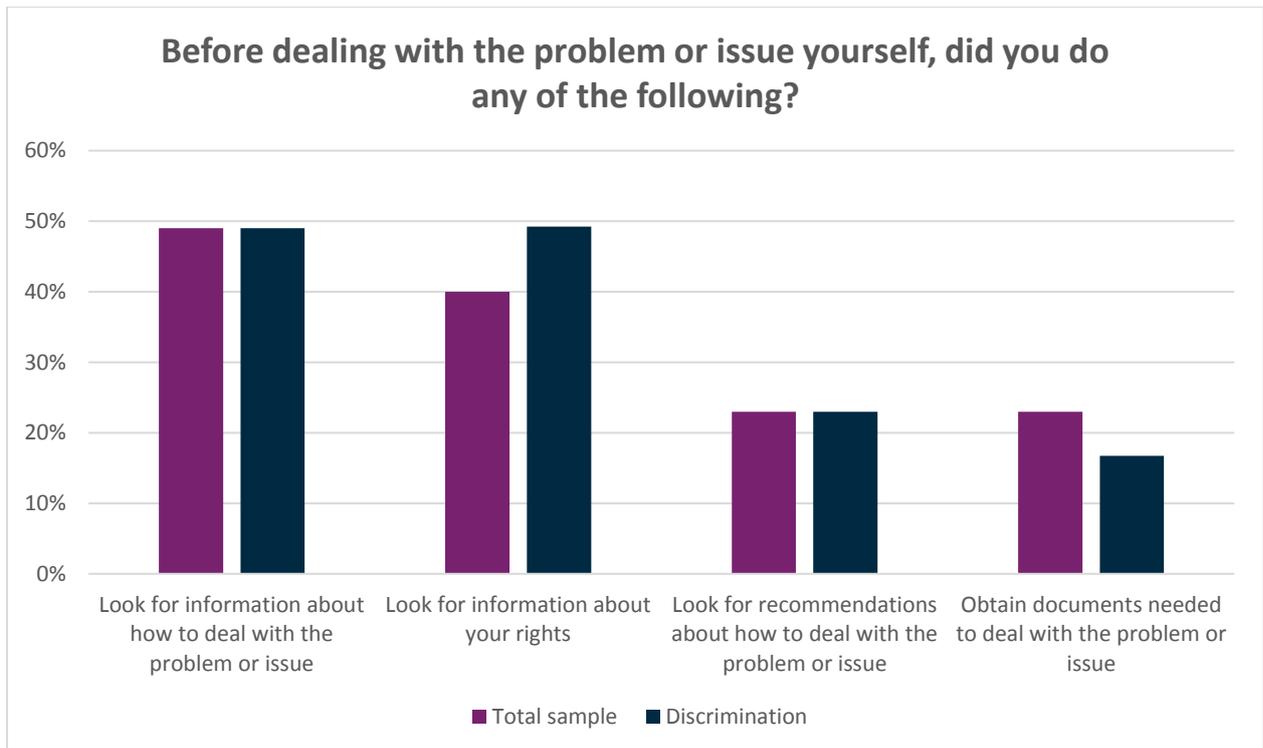


Figure 10. Considering getting formal advice

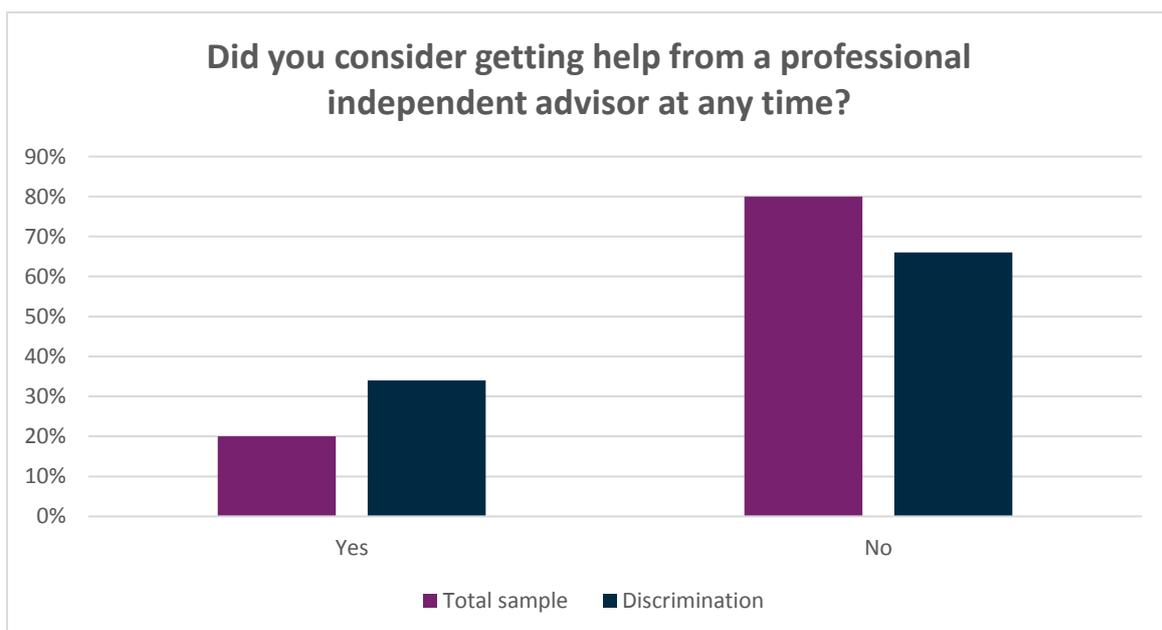
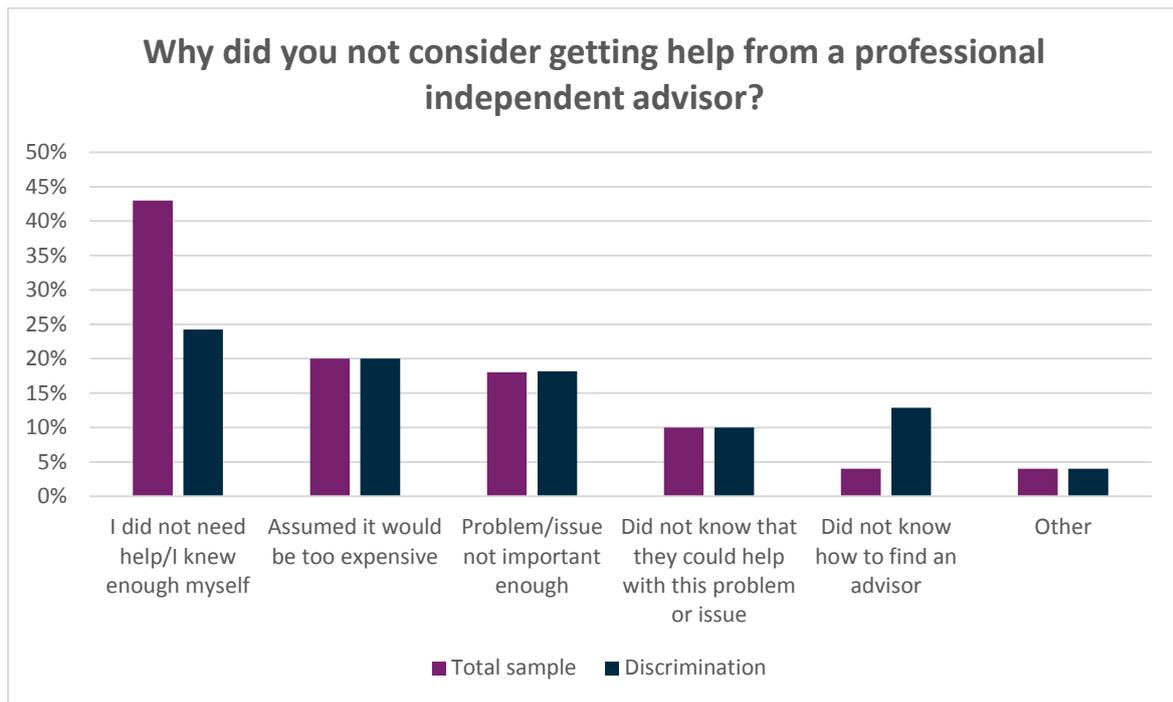
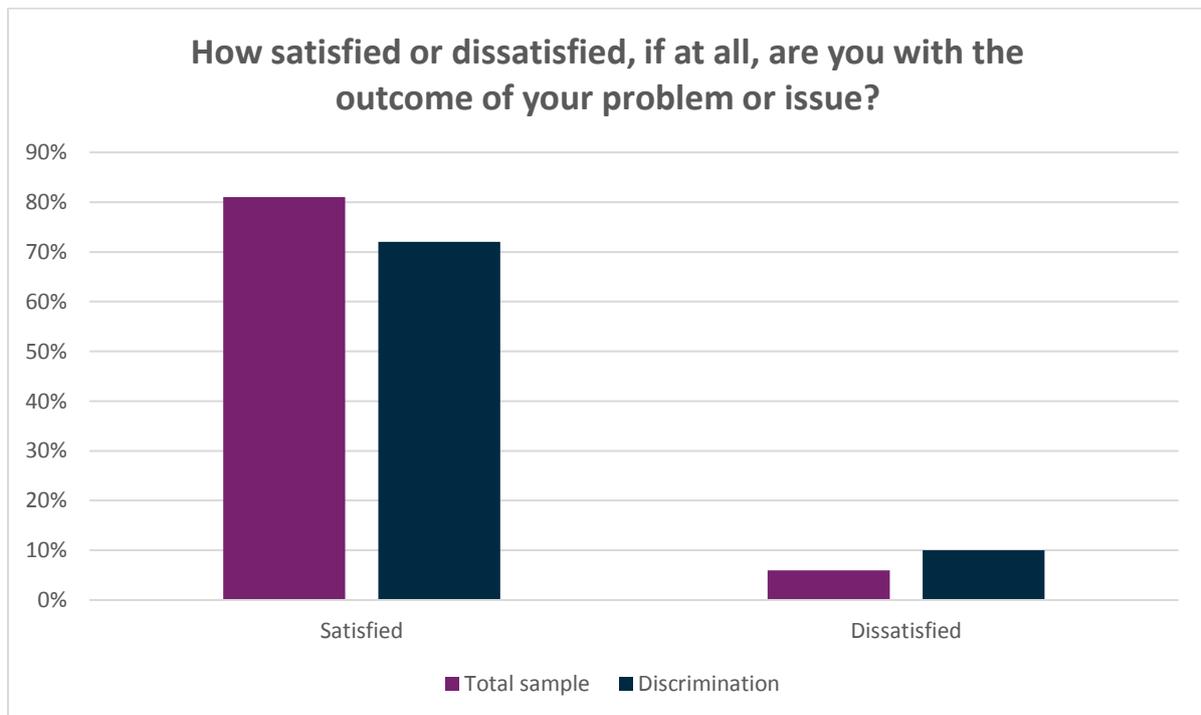


Figure 11. Reasons for not considering getting formal advice



72% of respondents in the handled alone group, and whose issue is now over/sorted, were either very or fairly satisfied with the outcome of the issue; this was 9% lower than in the total sample. 10% were either fairly or very dissatisfied with the outcome, 4% higher than in the total sample.

Figure 12. Satisfaction with the outcome of the problem



Still staying with the handled alone group, 23% wished they had done things differently, compared to 14% in the total sample. In contrast, 51% said there is nothing they wished they had done differently, 16% lower than in the total sample. The three main things people wished they had done differently were: trying harder/being more assertive; using a formal process, or doing so sooner; and acting sooner in general (△).

Figure 13. Handling the problem differently

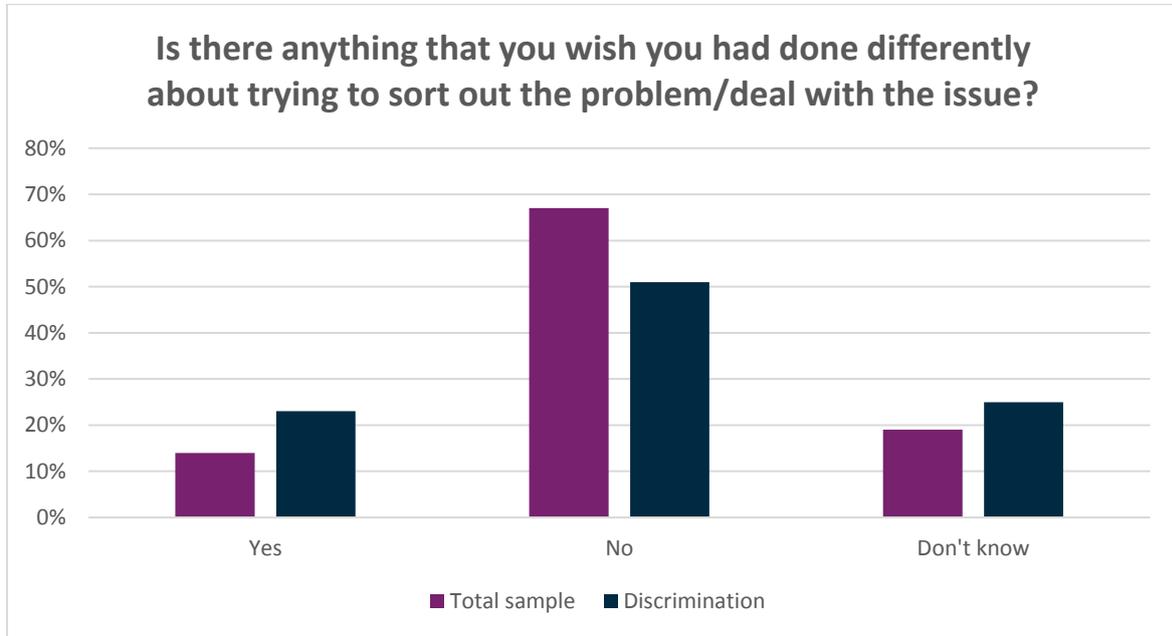
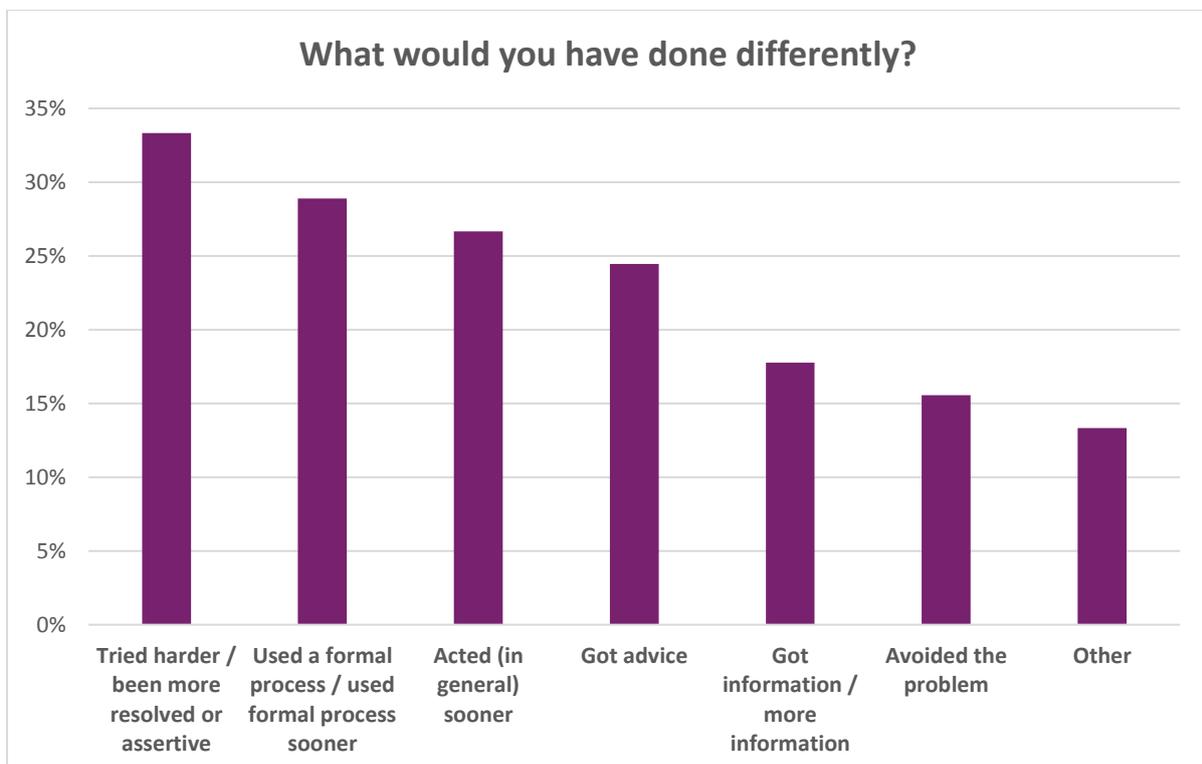


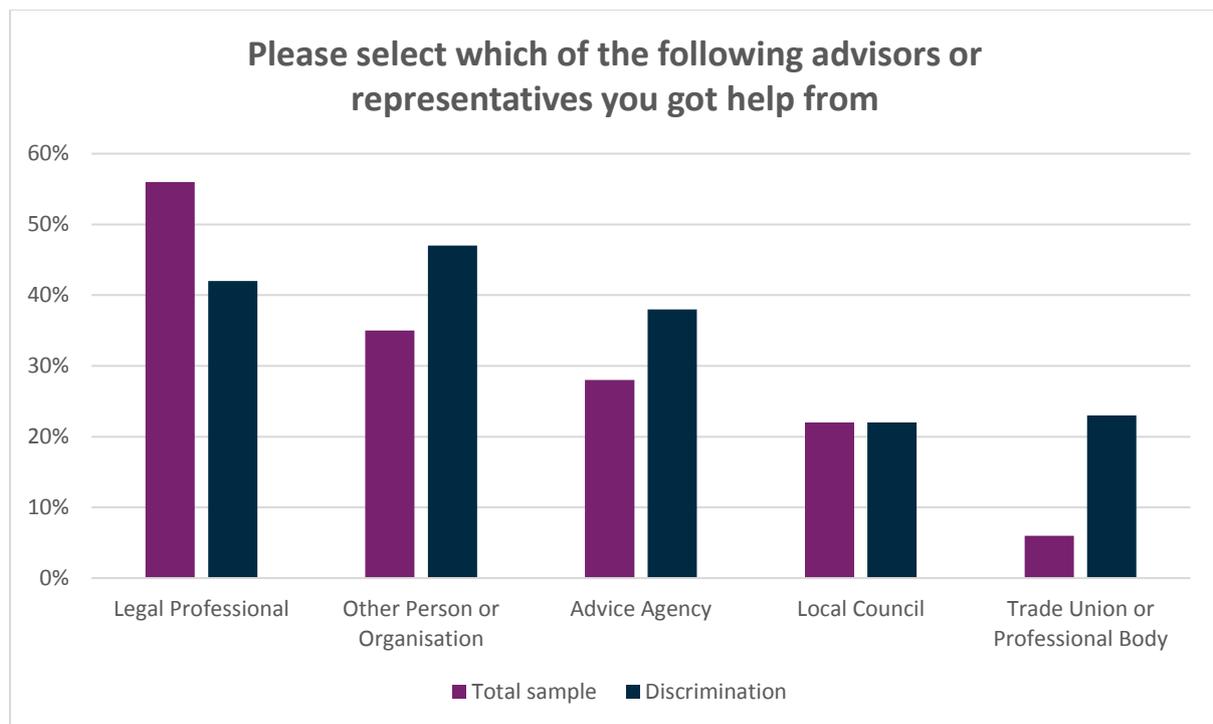
Figure 14. Things I would have done differently



5. Analysis of respondents in the advice-seeking group

123 respondents who faced discrimination got advice from advisors or representatives. In 42% of problems respondents used a regulated legal professional; this was 14% lower than in the total sample. In 23% of problems respondents used a trade union or professional body, 17% higher than in the total sample. Further, respondents who faced discrimination were more likely to use advice agencies and other people or organisations; this was 10% and 12% higher than in the total sample respectively.⁶

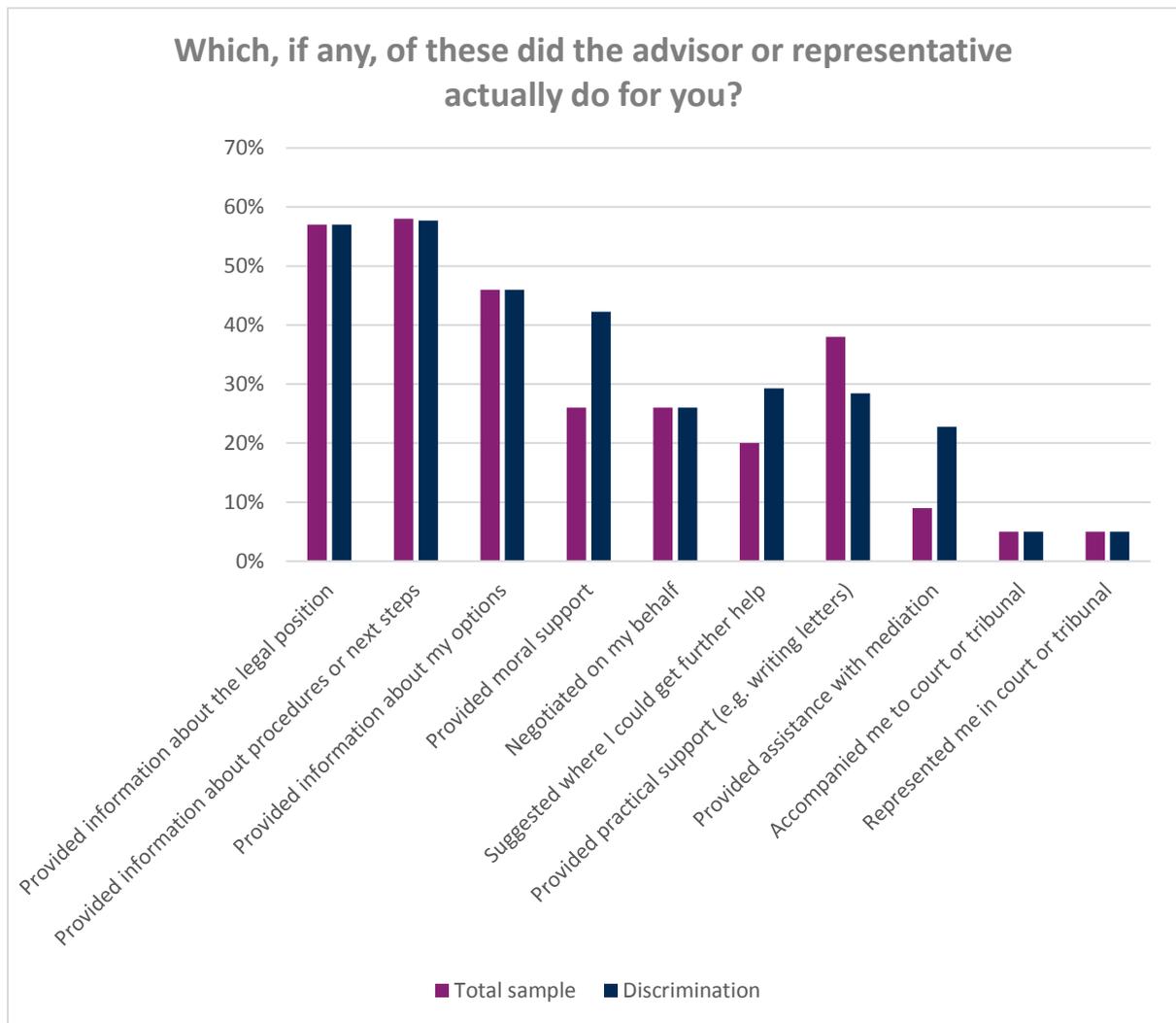
Figure 15. Advisors or representatives used



Around 60% of advice-seekers said that they were provided with either information about their legal position or about procedures or next steps. These figures were the same as in the total sample. Figure 16 shows the top ten types of help provided.

⁶ Figures from the total sample are used since there are no statistically significant differences between respondents who faced discrimination and the total sample.

Figure 16. Types of help provided by advisors or representatives



16% of advice-seekers had to pay directly for all or part of the help they received, 22% lower than in the total sample. Most used their savings or regular income/salary (Δ). Of these 20 individuals, 14 either fairly or strongly agreed that the service was value for money.

Figure 17. Funding the service

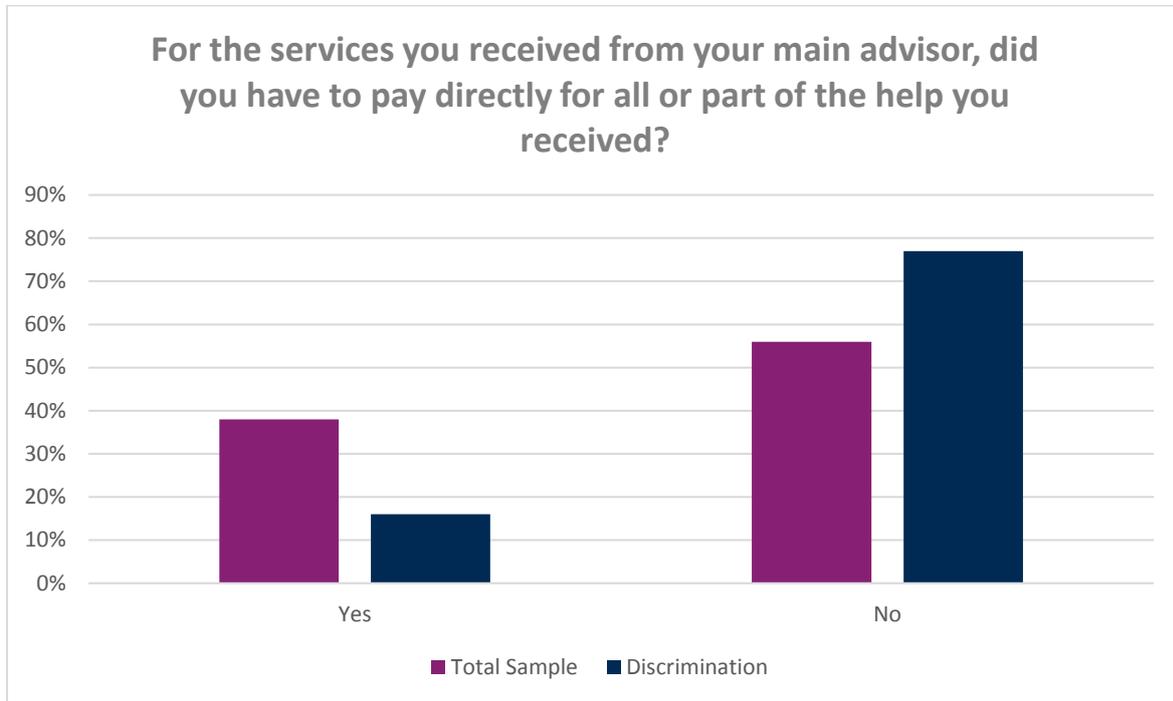
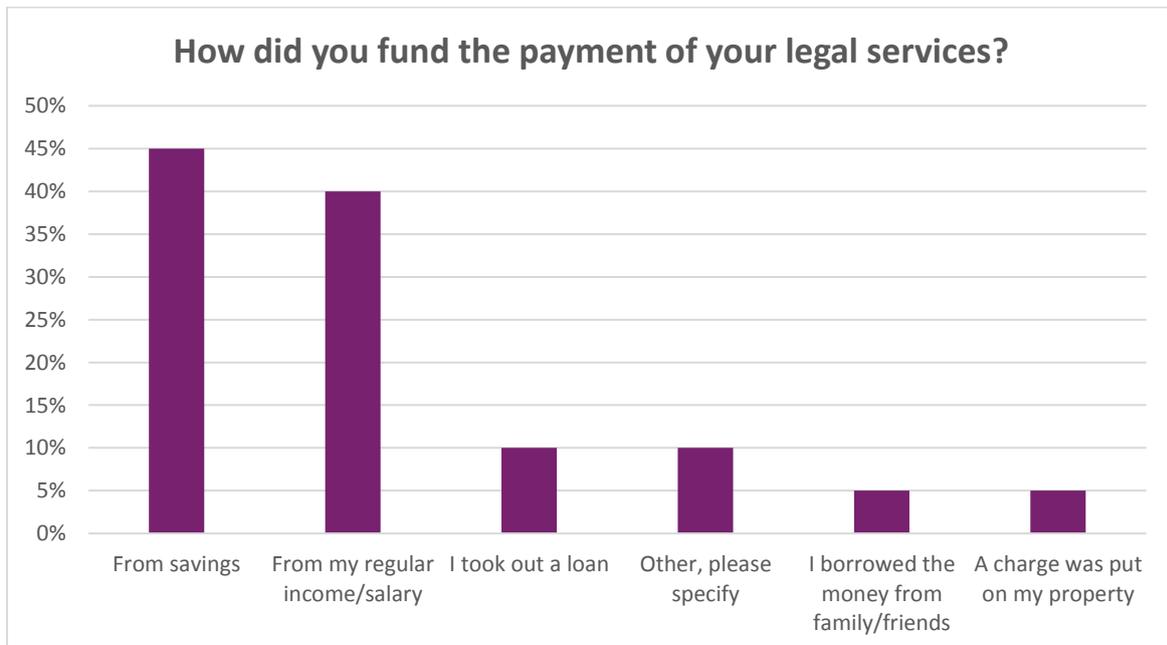


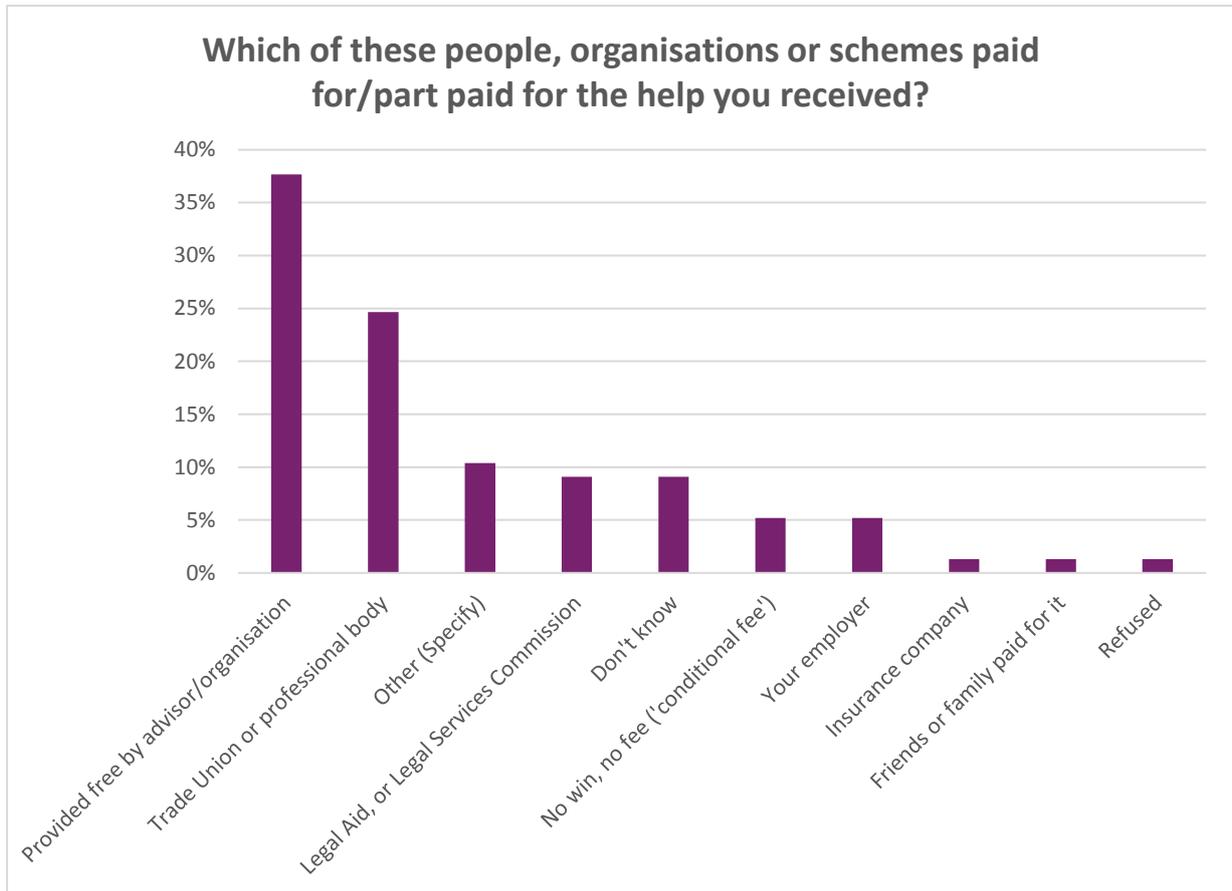
Figure 18. Methods used for funding the service



(△) The 77 respondents who did not have to pay for the legal services themselves were asked who funded the service. In most cases the organisation concerned provided the service free of charge, while trade unions also play an important role in these situations.

(△) 7 out of the 77 respondents received legal aid. Although the ILNS contains information about awareness of legal aid, this part of the survey did not cover discrimination cases due to the low anticipated sample sizes.

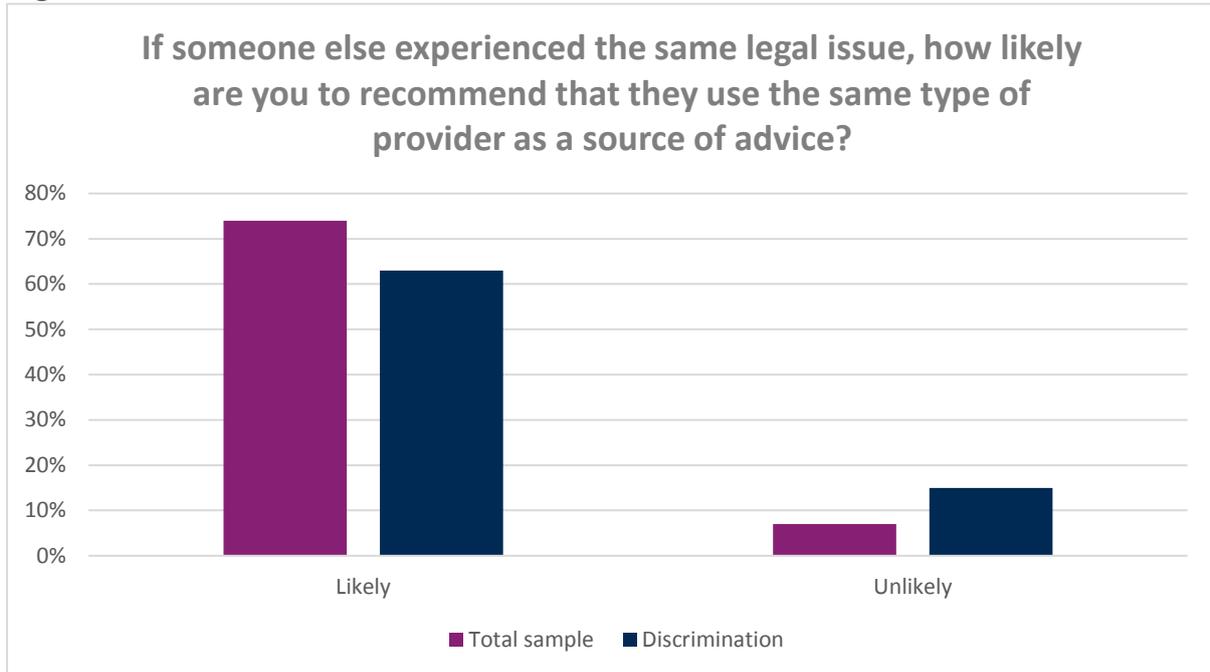
Figure 19. People/organisations paying for the service



The advice-seeking group were also asked if they would recommend the service to others, and about levels of satisfaction with different aspects of the service they received.

63% of respondents were either very or fairly likely to recommend the same type of provider as a source of advice, 11% lower than in the total sample. 15% were either very or fairly unlikely to recommend the same type of provider as a source of advice, 8% higher than in the total sample.

Figure 20. Provider recommendation



Looking at different aspects of service satisfaction, respondents were less satisfied with all the aspects included in the analysis compared to the total sample. The aspect of service that respondents were most dissatisfied about was the time the matter took to deal with. There is often a strong correlation between outcome satisfaction and service satisfaction, however outcome dissatisfaction for discrimination cases was lower than in the total sample (△).

Figure 21. Service satisfaction

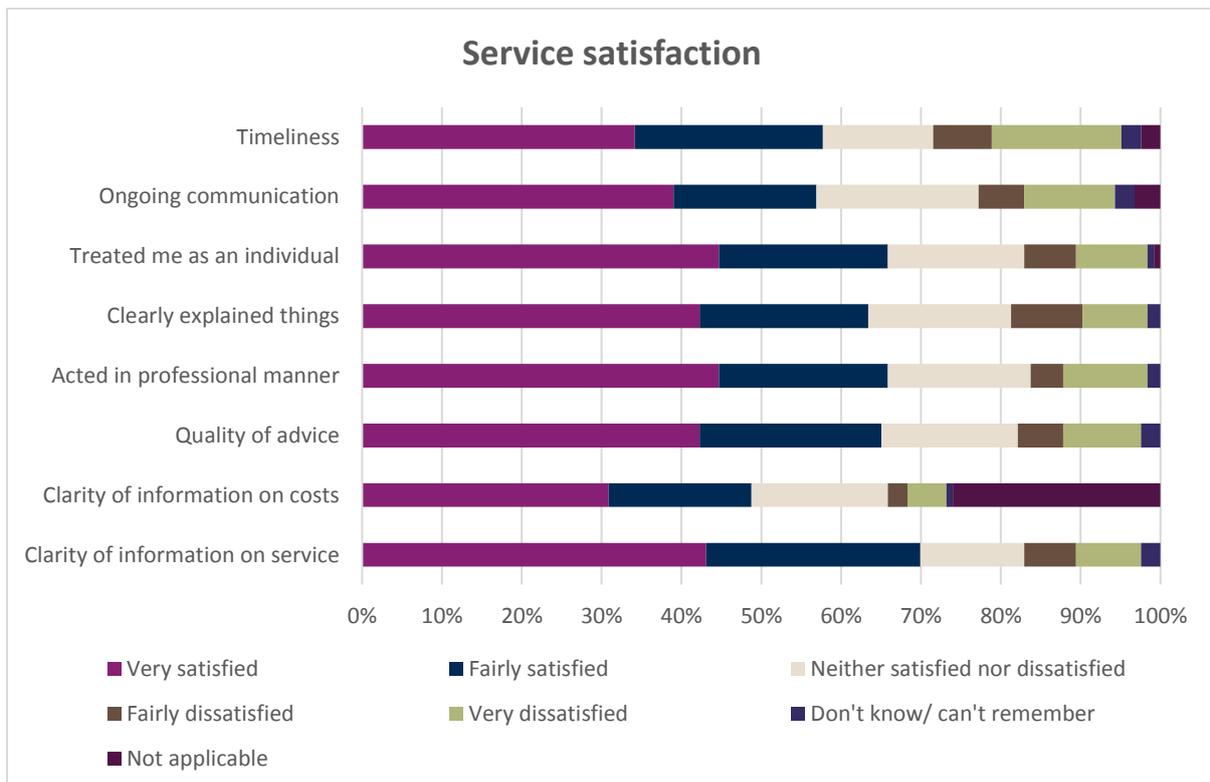
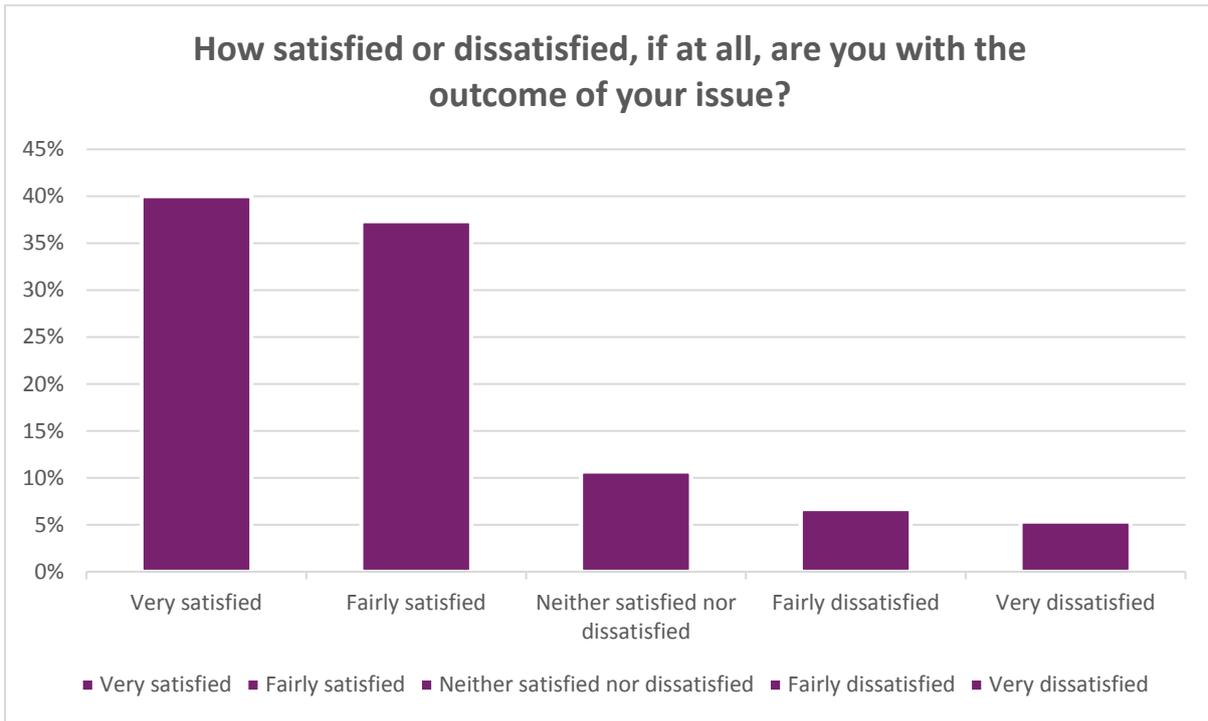


Figure 22. Satisfaction with the outcome of the problem



Respondents who faced discrimination and got advice were asked whether there was something they wished they had done differently when trying to sort the problem/issue out. 28% of them said yes, 14% higher than in the total sample (△). 37% of this group wished they had used a formal process /used a formal process sooner (△).

Figure 23. Handling the problem differently

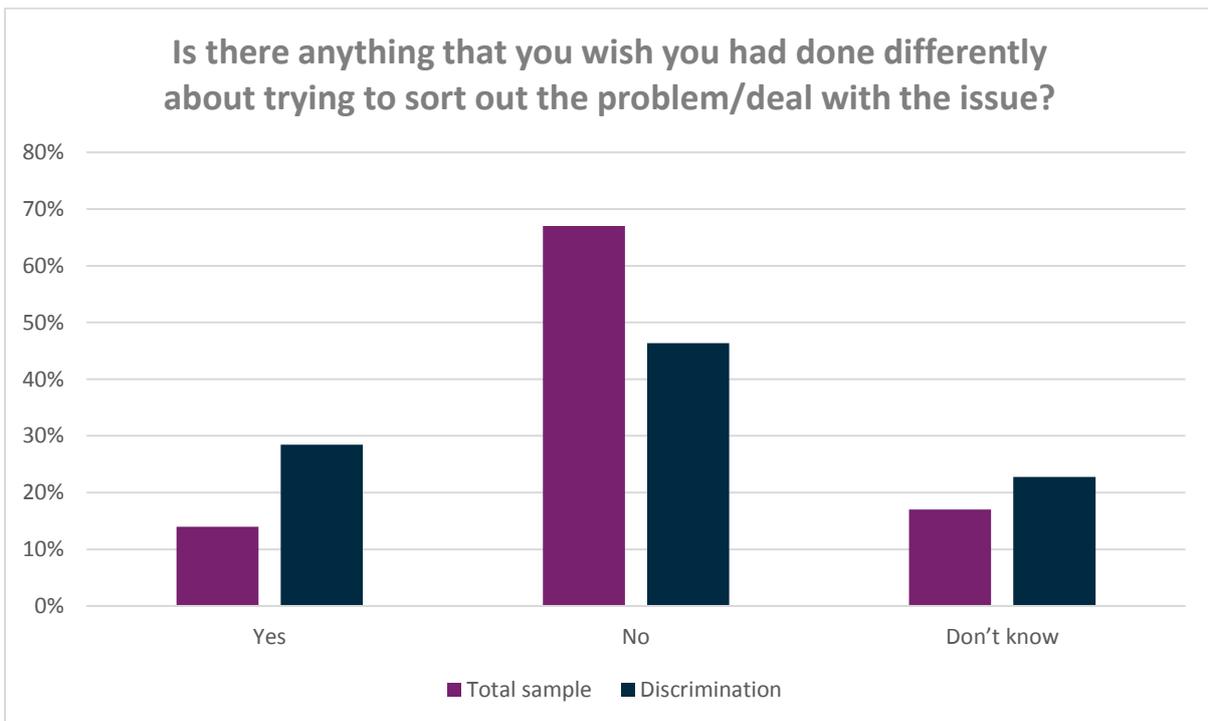


Figure 24. Things I would have done differently

